

HB 7141

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1 A bill to be entitled
2 An act relating to land acquisition and management;
3 amending s. 20.18, F.S.; providing for the appointment of
4 an executive director for the Florida Communities Trust
5 program; amending s. 20.255, F.S.; providing for
6 appointment of the director of the Division of State Lands
7 of the Department of Environmental Protection; amending s.
8 201.15, F.S., relating to the distribution of excise taxes
9 on documents; extending the deadline for retiring the
10 bonds issued under the Florida Forever Act; amending s.
11 215.618, F.S.; increasing the bonding authority for the
12 issuance of Florida Forever bonds for the acquisition of
13 conservation lands; directing the Legislature to complete
14 a debt analysis by a specified date prior to authorizing
15 the issuance of Florida Forever land acquisition bonds;
16 directing the Legislature to complete an analysis on
17 potential revenue sources for Florida Forever by a
18 specified date; amending s. 253.002, F.S.; designating the
19 Fish and Wildlife Conservation Commission and the
20 Department of Agriculture and Consumer Services as the
21 state's primary land managers; providing duties and
22 responsibilities; designating the Department of State and
23 the Department of Environmental Protection as the state's
24 specialty land managers; providing duties and
25 responsibilities; providing legislative intent; providing
26 procedures and requirements with respect to land
27 management evaluations and procurements; providing for a
28 report; amending s. 253.025, F.S., relating to acquisition

29 | of state lands for purposes other than preservation,
30 | conservation, and recreation; revising procedures and
31 | requirements with respect to appraisals required prior to
32 | acquisition; requiring the Board of Trustees of the
33 | Internal Improvement Trust Fund to adopt rules relating to
34 | selection of appraisers; deleting provisions that allow
35 | appraisers to reject an appraisal report under certain
36 | conditions; providing authority to the Board of Trustees
37 | of the Internal Improvement Trust Fund to waive sales
38 | history requirements under certain conditions; requiring
39 | the board of trustees to adopt relevant rule; revising
40 | provisions with respect to specified joint acquisitions;
41 | amending s. 253.03, F.S.; removing obsolete provisions;
42 | amending s. 253.0325, F.S.; requiring the Division of
43 | State Lands, rather than the Department of Environmental
44 | Protection, to initiate an ongoing computerized
45 | information systems program to modernize its state lands
46 | records and documents that relate to lands acquired under
47 | the Florida Preservation 2000 Act or the Florida Forever
48 | Act, and all lands to which title is vested in the Board
49 | of Trustees of the Internal Improvement Trust Fund;
50 | requiring all recipients of funds under the Florida
51 | Preservation 2000 Act or the Florida Forever Act to
52 | annually submit records for land acquired; requiring the
53 | Division of State Lands to initiate and maintain an
54 | information system that is the basis for land acquisition
55 | and land management decisionmaking and modeling; providing
56 | requirements with respect to the system; amending s.

57 | 253.034, F.S.; revising the definitions of "multiple use,"
58 | "single use," and "conservation lands"; defining
59 | "imperiled species" for purposes of chapters 253 and 259,
60 | F.S.; defining "public access" for purposes of chapters
61 | 253 and 259, F.S.; revising conditions under which a
62 | manager of conservation lands is required to update a land
63 | management plan; requiring that land management plans
64 | provide short-term and long-term management goals;
65 | specifying measurable objectives thereof; specifying
66 | required elements of a land management plan; providing
67 | procedures and requirements with respect to a land
68 | management plan; providing for biennial monitoring of land
69 | management activities on state lands with an approved land
70 | management plan; providing procedures and requirements
71 | with respect thereto; providing for modification and
72 | approval of the plan by the Acquisition and Restoration
73 | Council; providing for updating of land management plans;
74 | requiring public hearings; providing for expiration of
75 | provisions; revising requirements for determining which
76 | state-owned lands may be surplus lands; requiring
77 | additional appraisals under certain conditions; requiring
78 | the Department of Agriculture and Consumer Services and
79 | the Division of Forestry to contract with an organization
80 | for the purpose of determining the value of carbon capture
81 | and carbon sequestration with respect to state lands and
82 | to conduct a specified inventory; requiring the Fish and
83 | Wildlife Conservation Commission to submit an annual work
84 | plan for the use of all state lands to protect, manage, or

85 restore habitat for native or imperiled species; amending
86 s. 253.036, F.S.; revising provisions with respect to
87 preparation of an analysis of multiple-use potential in a
88 land management plan; amending s. 253.111, F.S.; extending
89 the period within which a board of county commissioners
90 must provide a resolution to the Board of Trustees of the
91 Internal Improvement Trust Fund before state-owned lands
92 are otherwise sold; amending s. 253.82, F.S.; revising
93 requirements of the sale of nonsovereign lands owned by
94 the board of trustees; deleting appraisal limitations;
95 amending s. 259.032, F.S., relating to the Conservation
96 and Recreation Lands Trust Fund; revising purposes for
97 which moneys from the fund may be allocated in any one
98 year; revising purposes for which a specified percentage
99 of moneys in the fund may be allocated; authorizing the
100 lead land managing agency to contract with the Fish and
101 Wildlife Conservation Commission for lands which contain
102 imperiled species habitat; revising requirements with
103 respect to lands managed under ch. 259, F.S., and s.
104 253.034, F.S.; providing for the designation of a primary
105 land manager for specified purposes; authorizing state
106 agencies designated to manage lands acquired under ch.
107 259, F.S., to contract with the Department of Agriculture
108 and Consumer Services, the Department of Environmental
109 Protection, the Fish and Wildlife Conservation Commission,
110 local governments, private entities, and soil and water
111 conservation districts to assist in restoration and
112 management activities; revising provisions with respect to

113 individual management plans; eliminating a specified
114 percentage distribution of acquisition funds; revising
115 required components of individual land management plans;
116 revising lands that are eligible for a specified
117 percentage of funding from the Florida Preservation 2000
118 Trust Fund and the Florida Forever Trust Fund; requiring a
119 report that provides an interim and long-term management
120 formula and associated methodologies which shall be used
121 to allocate land management; providing criteria for
122 methodology and formula for long-term management;
123 providing that, commencing on a specified date, no funds
124 shall be allocated, distributed, or expended until the
125 allocation formula for funding land management activities
126 has been adopted by the Legislature; providing for interim
127 allocation and disbursement; revising purposes for which a
128 specified percentage of funds are reserved; providing that
129 the Land Management Uniform Accounting Council shall set
130 long-range and annual goals for the control and removal of
131 nonnative, invasive plant species on public lands;
132 revising provisions with respect to payment in lieu of
133 taxes for property acquired by a tax-exempt entity for
134 ultimate conveyance to the state; removing obsolete
135 provisions; amending s. 259.0322, F. S.; revising
136 provisions with respect to reinstatement and continuation
137 of payments to a governmental entity by the Department of
138 Environmental Protection for tax losses; amending s.
139 259.035, F.S.; revising provisions with respect to the
140 Acquisition and Restoration Council; revising membership

141 and membership criteria; directing the council to develop
142 rules which define specific criteria and numeric
143 performance measures for the acquisition of land;
144 providing procedure with respect to the adoption of such
145 rules; requiring specified reports; amending s. 259.036,
146 F.S.; revising provisions with respect to land management
147 review teams; revising membership criteria; amending s.
148 259.037, F.S.; revising the categories used by the Land
149 Management Uniform Accounting Council to collect and
150 report the costs of land management activities; requiring
151 agencies to report additional information to the council;
152 requiring certain land management costs to be tied to the
153 land management plan by a specified date; requiring a
154 review and report; amending s. 259.04, F.S., relating to a
155 comprehensive, statewide 5-year plan to conserve, restore,
156 and protect environmentally endangered lands and
157 ecosystems, to conform; amending s. 259.041, F.S.,
158 relating to the acquisition of state-owned lands for
159 preservation, conservation, and recreation purposes;
160 requiring review and approval of specified land
161 acquisitions by the Division of State Lands; limiting the
162 state contribution in specified joint acquisitions;
163 requiring legislative approval for acquisitions by the
164 state exceeding a certain amount; revising provisions with
165 respect to appraisals of land to be acquired and the
166 selection of appraisers; requiring that specific language
167 be included on option contracts; amending s. 259.07, F.S.;
168 revising requirements with respect to public meetings on

169 the proposed purchase of land; amending s. 259.105, F.S.;
170 relating to the Florida Forever Act; revising legislative
171 intent; directing the state's primary land managers to
172 develop creative partnerships between governmental
173 agencies and private landowners for specified purposes;
174 revising and providing additional purposes of the Florida
175 Forever Act; revising the distribution of cash and bond
176 proceeds under the act by the Department of Environmental
177 Protection; revising specified uses of such proceeds;
178 revising goals of funded projects and acquisitions;
179 revising criteria for the development of rules by the
180 Acquisition and Restoration Council to competitively
181 evaluate, select, and rank projects eligible for Florida
182 Forever funds and for additions to the Conservation and
183 Recreation Lands list; revising the transfer of specified
184 funds within an annual distribution to the South Florida
185 Water Management District; revising requirements with
186 respect to an interim management budget included within a
187 report prepared by the Acquisition and Restoration
188 Council; requiring the Division of State Lands to prepare
189 an annual work plan; providing priorities and
190 specifications of the work plan; providing categories of
191 expenditure to be considered by the work plan; providing
192 for adoption of the work plan by the Acquisition and
193 Restoration Council; revising provisions with respect to
194 the management of lands listed as projects for
195 acquisition, restoration, or management under the Florida
196 Forever program; providing for deposit of specified funds

197 | in the Land Acquisition Trust Fund; amending s. 259.1051,
198 | F.S.; increasing the required deposit of specified
199 | proceeds from the sale of bonds into the Florida Forever
200 | Trust Fund; amending s. 373.503, F.S.; providing that a
201 | water management district's millage rate is subject to
202 | annual authorization by the Legislature; requiring the
203 | Legislature to annually review a district's millage rate;
204 | requiring the Legislature to annually set the amount of
205 | revenue authorized to be raised by a district from ad
206 | valorem taxes; providing for the amount of authorized
207 | revenue to be raised by a district if the Legislature does
208 | not set the amount by a specified date; amending s.
209 | 373.536, F.S.; revising the beginning and ending dates of
210 | a water management district's fiscal year; revising the
211 | date by which a district must submit a tentative budget to
212 | the Governor and the Legislature; eliminating the
213 | authorization for the Legislature to comment on such
214 | budgets; eliminating the requirement for districts to
215 | respond to such comments and to forward such responses to
216 | the Governor and Legislature; revising the date by which
217 | the Executive Office of the Governor must file a specified
218 | report with the Legislature; directing districts to
219 | implement conforming measures; amending s. 373.073, F.S.;
220 | revising provisions relating to nomination of members for
221 | appointment to the governing boards of water management
222 | districts; providing dates of commencement and termination
223 | of the terms of office of governing board members;
224 | providing for recommendations of the nominating council to

225 | be nonpartisan; providing procedures and requirements with
226 | respect to filling a vacancy on a governing board other
227 | than for expiration of a term; providing for the
228 | Department of Law Enforcement to conduct a background
229 | investigation of an applicant prior to appointment;
230 | providing for each appointment to the governing board to
231 | be subject to specified confirmation by the Senate;
232 | providing for reinitiation of the nominating process under
233 | specified circumstances; precluding service by an
234 | appointee on the governing board of a water management
235 | district without Senate confirmation; amending s.
236 | 373.1391, F.S.; requiring the Department of Environmental
237 | Protection to ensure that water management districts
238 | provide consistent levels of public access to district
239 | lands; amending s. 373.199, F.S.; revising project
240 | information required to be included within Florida Forever
241 | water management district work plans; amending s. 570.71,
242 | F.S., relating to conservation easements and agreements;
243 | authorizing the Department of Agriculture and Consumer
244 | Services to allocate funds to enter into working
245 | waterfront protection agreements for specified purposes;
246 | authorizing the department to accept applications for
247 | project proposals that fund working waterfront protection
248 | agreements and that fund fee simple acquisitions in
249 | working waterfronts; providing requirements with respect
250 | to working waterfront protection agreements; authorizing
251 | the department to acquire fee simple interest in working
252 | waterfront properties on behalf of the Board of Trustees

253 of the Internal Improvement Trust Fund; defining "working
 254 waterfronts"; providing that working waterfront
 255 acquisitions by fee simple acquisition may be completed by
 256 the department in whole or in partnership with other
 257 entities; providing that working waterfront acquisitions
 258 shall be managed by the department; authorizing the
 259 department to enter into management agreements with other
 260 entities for the management of such acquisitions;
 261 providing for transfer of all statutory powers, duties and
 262 functions, records, personnel, property, and unexpended
 263 balances of appropriations, allocations, or other funds
 264 for the administration of the Florida Communities Trust by
 265 a type two transfer from the Department of Community
 266 Affairs to the Department of Environmental Protection;
 267 providing for conforming legislation; providing for
 268 assistance to certain legislative substantive committees
 269 by the Division of Statutory Revision of the Office of
 270 Legislative Services for certain purposes; providing an
 271 effective date.

272
 273 Be It Enacted by the Legislature of the State of Florida:

274
 275 Section 1. Subsection (7) is added to section 20.18,
 276 Florida Statutes, to read:

277 20.18 Department of Community Affairs.--There is created a
 278 Department of Community Affairs.

279 (7) There is created within the Florida Communities Trust
 280 an executive director who shall administratively serve the

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281 Florida Communities Trust. The executive director shall have all
 282 the powers and duties necessary to carry out the purposes
 283 provided in ss. 380.504-380.515. The executive director is to be
 284 appointed by the Governor and Cabinet sitting as the Board of
 285 Trustees of the Internal Improvement Trust Fund from a
 286 recommendation by the secretary of the Department of Community
 287 Affairs, subject to confirmation by the Senate. The executive
 288 director shall report directly to the Board of Trustees on all
 289 matters and shall serve at the exclusive pleasure of the Board
 290 of Trustees.

291 Section 2. Paragraph (h) of subsection (3) of section
 292 20.255, Florida Statutes, is amended to read:

293 20.255 Department of Environmental Protection.--There is
 294 created a Department of Environmental Protection.

295 (3) The following divisions of the Department of
 296 Environmental Protection are established:

297 (h) Division of State Lands, the director of which is to
 298 be appointed by the Governor and Cabinet sitting as the Board of
 299 Trustees of the Internal Improvement Trust Fund from a
 300 recommendation by the secretary of the department, subject to
 301 confirmation by the ~~Senate~~ ~~Governor and Cabinet sitting as the~~
 302 ~~Board of Trustees of the Internal Improvement Trust Fund. The~~
 303 division director shall report directly to the Board of Trustees
 304 on all matters and shall serve at the exclusive pleasure of the
 305 Board of Trustees. The Florida Communities Trust program created
 306 pursuant to ss. 380.501-380.515 shall be located
 307 organizationally within the Division of State Lands.
 308

309 In order to ensure statewide and intradepartmental consistency,
 310 the department's divisions shall direct the district offices and
 311 bureaus on matters of interpretation and applicability of the
 312 department's rules and programs.

313 Section 3. Paragraph (a) of subsection (1) of section
 314 201.15, Florida Statutes, is amended to read:

315 201.15 Distribution of taxes collected.--All taxes
 316 collected under this chapter shall be distributed as follows and
 317 shall be subject to the service charge imposed in s. 215.20(1),
 318 except that such service charge shall not be levied against any
 319 portion of taxes pledged to debt service on bonds to the extent
 320 that the amount of the service charge is required to pay any
 321 amounts relating to the bonds:

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

325 (a) Amounts as shall be necessary to pay the debt service
 326 on, or fund debt service reserve funds, rebate obligations, or
 327 other amounts payable with respect to Preservation 2000 bonds
 328 issued pursuant to s. 375.051 and Florida Forever bonds issued
 329 pursuant to s. 215.618, shall be paid into the State Treasury to
 330 the credit of the Land Acquisition Trust Fund to be used for
 331 such purposes. The amount transferred to the Land Acquisition
 332 Trust Fund shall not exceed \$300 million in fiscal year 1999-
 333 2000 and thereafter for Preservation 2000 bonds and bonds issued
 334 to refund Preservation 2000 bonds, and \$300 million in fiscal
 335 year 2000-2001 and thereafter for Florida Forever bonds. The
 336 annual amount transferred to the Land Acquisition Trust Fund for

337 Florida Forever bonds shall not exceed \$30 million in the first
 338 fiscal year in which bonds are issued. The limitation on the
 339 amount transferred shall be increased by an additional \$30
 340 million in each subsequent fiscal year, but shall not exceed a
 341 total of \$300 million in any fiscal year for all bonds issued.
 342 It is the intent of the Legislature that all bonds issued to
 343 fund the Florida Forever Act be retired by December 31, 2040
 344 ~~2030~~. Except for bonds issued to refund previously issued bonds,
 345 no series of bonds may be issued pursuant to this paragraph
 346 unless such bonds are approved and the debt service for the
 347 remainder of the fiscal year in which the bonds are issued is
 348 specifically appropriated in the General Appropriations Act. For
 349 purposes of refunding Preservation 2000 bonds, amounts
 350 designated within this section for Preservation 2000 and Florida
 351 Forever bonds may be transferred between the two programs to the
 352 extent provided for in the documents authorizing the issuance of
 353 the bonds. The Preservation 2000 bonds and Florida Forever bonds
 354 shall be equally and ratably secured by moneys distributable to
 355 the Land Acquisition Trust Fund pursuant to this section, except
 356 to the extent specifically provided otherwise by the documents
 357 authorizing the issuance of the bonds. No moneys transferred to
 358 the Land Acquisition Trust Fund pursuant to this paragraph, or
 359 earnings thereon, shall be used or made available to pay debt
 360 service on the Save Our Coast revenue bonds.

361 Section 4. Subsection (1) of section 215.618, Florida
 362 Statutes, is amended to read:

363 215.618 Bonds for acquisition and improvement of land,
 364 water areas, and related property interests and resources.--

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365 (1) (a) The issuance of Florida Forever bonds, not to
366 exceed \$5.3 ~~\$3~~ billion, to finance or refinance the cost of
367 acquisition and improvement of land, water areas, and related
368 property interests and resources, in urban and rural settings,
369 for the purposes of restoration, conservation, recreation, water
370 resource development, or historical preservation, and for
371 capital improvements to lands and water areas that accomplish
372 environmental restoration, enhance public access and
373 recreational enjoyment, promote long-term management goals, and
374 facilitate water resource development is hereby authorized,
375 subject to the provisions of s. 259.105 and pursuant to s.
376 11(e), Art. VII of the State Constitution. Florida Forever bonds
377 may also be issued to refund Preservation 2000 bonds issued
378 pursuant to s. 375.051. The \$5.3 ~~\$3~~ billion limitation on the
379 issuance of Florida Forever bonds does not apply to refunding
380 bonds. The duration of each series of Florida Forever bonds
381 issued may not exceed 20 annual maturities. Preservation 2000
382 bonds and Florida Forever bonds shall be equally and ratably
383 secured by moneys distributable to the Land Acquisition Trust
384 Fund pursuant to s. 201.15(1)(a), except to the extent
385 specifically provided otherwise by the documents authorizing the
386 issuance of the bonds.

387 (b) Beginning July 1, 2010, the Legislature shall analyze
388 the state's debt ratio in relation to projected revenues prior
389 to the authorization to issue any bonds for Florida Forever land
390 acquisition.

391 (c) By February 1, 2010, the Legislature shall complete an
392 analysis of potential revenue sources for Florida Forever.

393 Section 5. Subsection (1) of section 253.002, Florida
 394 Statutes, is amended to read:

395 253.002 Department of Environmental Protection, water
 396 management districts, Department of State, Fish and Wildlife
 397 Conservation Commission, and Department of Agriculture and
 398 Consumer Services; duties with respect to state lands.--

399 (1) The Department of Environmental Protection shall
 400 perform all staff duties and functions related to the
 401 acquisition, administration, and disposition of state lands,
 402 title to which is or will be vested in the Board of Trustees of
 403 the Internal Improvement Trust Fund. The Fish and Wildlife
 404 Conservation Commission and the Department of Agriculture and
 405 Consumer Services are designated the state's primary land
 406 managers. The duties and responsibilities of the state's primary
 407 land managers include, but are not limited to, developing the
 408 land management plans required pursuant to s. 253.034,
 409 implementing the approved land management plans, and monitoring
 410 the results of land management activities conducted pursuant s.
 411 253.034. The Department of State and the Department of
 412 Environmental Protection are designated as the state's specialty
 413 land managers. Specialty land managers manage sites that focus
 414 on providing education, public access and recreation at sites
 415 that include, but are not limited to, parks, gardens, aquatic
 416 preserves, museums, and historical and cultural sites. The
 417 duties and responsibilities of the state's specialty land
 418 managers include, but are not limited to, developing the land
 419 management plans required pursuant to s. 253.034, implementing
 420 the approved land management plans, and monitoring the results

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421 of land management activities conducted pursuant s. 253.034
422 related to public access and recreation, and public-use
423 administration. It is the intent of the Legislature that the
424 agencies carry out these duties in a cost-effective manner by
425 exploring private-sector innovation, best land management
426 practices and, wherever cost-effective, partnering with private
427 entities to best accomplish these duties and responsibilities at
428 a cost savings to the taxpayers of Florida. Therefore, each
429 agency, in consultation with the Acquisition and Restoration
430 Council shall, no later than October 1, 2008, and biennially
431 thereafter, request information from private land managers, land
432 management consultation firms, and other interested parties
433 experienced in land management to evaluate whether private
434 contractors can accomplish these duties and responsibilities at
435 a lesser cost than those costs incurred by the agencies. Within
436 2 months after issuing this request, the agencies shall compile,
437 review and evaluate this information and may, either
438 individually or collectively, begin procurements consistent with
439 chapter 287 to contract with private land managers, land
440 management consulting firms, and other interested parties
441 experienced in land management to accomplish some or all of
442 these duties and responsibilities when cost-effective. When the
443 agencies choose not to procure or contract with a private
444 entity, the agencies shall provide an evaluation demonstrating
445 the savings to be attained by performing such services with
446 existing resources. The evaluation shall be provided to the
447 Acquisition and Restoration Council, the Executive Office of the
448 Governor, the Speaker of the House Representatives, and the

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449 President of the Senate. The agencies' evaluation shall include
450 an identification of all personnel assigned, all administrative
451 overhead, and all costs to carry out the duties and
452 responsibilities listed in this section related to land
453 management. However, upon the effective date of rules adopted
454 pursuant to s. 373.427, a water management district created
455 under s. 373.069 shall perform the staff duties and functions
456 related to the review of any application for authorization to
457 use board of trustees-owned submerged lands necessary for an
458 activity regulated under part IV of chapter 373 for which the
459 water management district has permitting responsibility as set
460 forth in an operating agreement adopted pursuant to s.
461 373.046(4); and the Department of Agriculture and Consumer
462 Services shall perform the staff duties and functions related to
463 the review of applications and compliance with conditions for
464 use of board of trustees-owned submerged lands under
465 authorizations or leases issued pursuant to ss. 253.67-253.75
466 and 597.010. Unless expressly prohibited by law, the board of
467 trustees may delegate to the department any statutory duty or
468 obligation relating to the acquisition, administration, or
469 disposition of lands, title to which is or will be vested in the
470 board of trustees. The board of trustees may also delegate to
471 any water management district created under s. 373.069 the
472 authority to take final agency action, without any action on
473 behalf of the board, on applications for authorization to use
474 board of trustees-owned submerged lands for any activity
475 regulated under part IV of chapter 373 for which the water
476 management district has permitting responsibility as set forth

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477 in an operating agreement adopted pursuant to s. 373.046(4).
 478 This water management district responsibility under this
 479 subsection shall be subject to the department's general
 480 supervisory authority pursuant to s. 373.026(7). The board of
 481 trustees may also delegate to the Department of Agriculture and
 482 Consumer Services the authority to take final agency action on
 483 behalf of the board on applications to use board of trustees-
 484 owned submerged lands for any activity for which that department
 485 has responsibility pursuant to ss. 253.67-253.75 and 597.010.
 486 However, the board of trustees shall retain the authority to
 487 take final agency action on establishing any areas for leasing,
 488 new leases, expanding existing lease areas, or changing the type
 489 of lease activity in existing leases. Upon issuance of an
 490 aquaculture lease or other real property transaction relating to
 491 aquaculture, the Department of Agriculture and Consumer Services
 492 must send a copy of the document and the accompanying survey to
 493 the Department of Environmental Protection.

494 Section 6. Subsections (6) and (7) of section 253.025,
 495 Florida Statutes, are amended to read:

496 253.025 Acquisition of state lands for purposes other than
 497 preservation, conservation, and recreation.--

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

502 (a) Each parcel to be acquired shall have at least one
 503 appraisal. Two appraisals are required when the estimated value
 504 of the parcel exceeds \$500,000 ~~\$1-million~~. When two appraisals

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505 are required, one appraiser shall be selected by the Department
506 of Agriculture and Consumer Services. When both appraisals
507 exceed \$500,000 and differ significantly, a third appraisal
508 shall be obtained, with the Department of Financial Services
509 selecting the third appraiser. Two appraisals shall be
510 considered to differ significantly if the higher of the two
511 values exceeds 120 percent of the lower value. When the
512 estimated value of a parcel exceeds \$500,000, the review
513 appraiser shall be selected by the Department of Financial
514 Services. An agency shall select appraisers from the list of
515 approved appraisers maintained by the Division of State Lands in
516 accordance with paragraph (b). To provide for payment by the
517 agency selecting the second and third appraiser and review
518 appraiser, as required by this section, the Department of
519 Environmental Protection shall enter into interagency agreements
520 with the Department of Agriculture and Consumer Services and the
521 Department of Financial Services, whereby funds will be
522 transferred to those agencies for that purpose upon direction of
523 the selecting agency. When a parcel is estimated to be worth
524 \$100,000 or less and the director of the Division of State Lands
525 finds that the cost of an outside appraisal is not justified, an
526 appraisal prepared by the division may be used ~~a comparable~~
527 ~~sales analysis or other reasonably prudent procedures may be~~
528 ~~used by the division to estimate the value of the parcel,~~
529 ~~provided the public's interest is reasonably protected. The~~
530 ~~state is not required to appraise the value of lands and~~
531 ~~appurtenances that are being donated to the state.~~

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532 (b) Appraisal fees shall be paid by the agency proposing
533 the acquisition. The board of trustees shall approve qualified
534 fee appraisal organizations. All appraisals used for the
535 acquisition of lands pursuant to this section shall be prepared
536 by a member of an approved appraisal organization or by a state-
537 certified appraiser. The board of trustees ~~Division of State~~
538 ~~Lands~~ shall adopt rules for selecting individuals to perform
539 appraisals pursuant to this section. Each fee appraiser selected
540 to appraise a particular parcel shall, prior to contracting with
541 the agency, submit to that agency an affidavit substantiating
542 that he or she has no vested or fiduciary interest in such
543 parcel.

544 (c) The board of trustees shall adopt by rule the minimum
545 criteria, techniques, and methods to be used in the preparation
546 of appraisal reports. Such rules shall incorporate, to the
547 extent practicable, generally accepted appraisal standards. Any
548 appraisal issued for acquisition of lands pursuant to this
549 section must comply with the rules adopted by the board of
550 trustees. A certified survey must be made which meets the
551 minimum requirements for upland parcels established in the
552 Minimum Technical Standards for Land Surveying in Florida
553 published by the Department of Business and Professional
554 Regulation and which accurately portrays, to the greatest extent
555 practicable, the condition of the parcel as it currently exists.
556 The requirement for a certified survey may, in part or in whole,
557 be waived by the board of trustees any time prior to submitting
558 the agreement for purchase to the Division of State Lands. When
559 an existing boundary map and description of a parcel are

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560 determined by the division to be sufficient for appraisal
561 purposes, the division director may temporarily waive the
562 requirement for a survey until any time prior to conveyance of
563 title to the parcel. The fee appraiser and the review appraiser
564 ~~for the agency~~ shall not act in any way that may be construed as
565 negotiating with the property owner.

566 (d) Appraisal reports are confidential and exempt from the
567 provisions of s. 119.07(1), for use by the agency and the board
568 of trustees, until an option contract is executed or, if no
569 option contract is executed, until 2 weeks before a contract or
570 agreement for purchase is considered for approval by the board
571 of trustees. However, the Division of State Lands may disclose
572 appraisal information to public agencies or nonprofit
573 organizations that agree to maintain the confidentiality of the
574 reports or information when joint acquisition of property is
575 contemplated, or when a public agency or nonprofit organization
576 enters into a written agreement with the division to purchase
577 and hold property for subsequent resale to the division. In
578 addition, the division may use, as its own, appraisals obtained
579 by a public agency or nonprofit organization, provided the
580 appraiser is selected from the division's list of appraisers and
581 the appraisal is reviewed and approved by the division. For the
582 purposes of this paragraph, "nonprofit organization" means an
583 organization whose purpose is the preservation of natural
584 resources, and which is exempt from federal income tax under s.
585 501(c)(3) of the Internal Revenue Code. The agency may release
586 an appraisal report when the passage of time has rendered the
587 conclusions of value in the report invalid.

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588 (e) Prior to acceptance of an appraisal, the agency shall
589 submit a copy of such report to the Division of State Lands. The
590 division shall review such report for compliance with the rules
591 of the board of trustees. ~~With respect to proposed purchases in~~
592 ~~excess of \$250,000, this review shall include a general field~~
593 ~~inspection of the subject property by the review appraiser. The~~
594 ~~review appraiser may reject an appraisal report following a desk~~
595 ~~review, but is prohibited from approving an appraisal report in~~
596 ~~excess of \$250,000 without a field review.~~ Any questions of
597 applicability of laws affecting an appraisal shall be addressed
598 by the legal office of the agency.

599 (f) The appraisal report shall be accompanied by the sales
600 history of the parcel for at least the prior 5 years. Such sales
601 history shall include all parties and considerations with the
602 amount of consideration verified, if possible. If a sales
603 history would not be useful, or its cost prohibitive compared to
604 the value of a parcel, the sales history may be waived by the
605 board of trustees ~~Secretary of Environmental Protection or the~~
606 ~~director of the Division of State Lands.~~ The board of trustees
607 ~~department~~ shall adopt a rule specifying guidelines for waiver
608 of a sales history.

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

614 (7) (a) When the owner is represented by an agent or
615 broker, negotiations may not be initiated or continued until a

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616 written statement verifying such agent's or broker's legal or
617 fiduciary relationship with the owner is on file with the
618 agency.

619 (b) The board of trustees or any state agency may contract
620 for real estate acquisition services, including, but not limited
621 to, contracts for real estate commission fees.

622 (c) Upon the initiation of negotiations, the state agency
623 shall inform the owner in writing that all agreements for
624 purchase are subject to approval by the board of trustees.

625 (d) All offers or counteroffers shall be documented in
626 writing and shall be confidential and exempt from the provisions
627 of s. 119.07(1) until an option contract is executed, or if no
628 option contract is executed, until 2 weeks before a contract or
629 agreement for purchase is considered for approval by the board
630 of trustees. The agency shall maintain complete and accurate
631 records of all offers and counteroffers for all projects.

632 (e)1. The board of trustees shall adopt by rule the method
633 for determining the value of parcels sought to be acquired by
634 state agencies pursuant to this section. No offer by a state
635 agency, except an offer by an agency acquiring lands pursuant to
636 s. 259.041, may exceed the value for that parcel as determined
637 pursuant to the highest approved appraisal or the value
638 determined pursuant to the rules of the board of trustees,
639 whichever value is less.

640 2. In the case of a joint acquisition by a state agency
641 and a local government or other entity apart from the state, the
642 joint purchase price may not exceed ~~150 percent of~~ the value for
643 a parcel as determined in accordance with the limits prescribed

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644 in subparagraph 1. The state agency share of a joint purchase
645 offer shall ~~may~~ not exceed the difference between the appraised
646 value, as determined by the state, and the sum of the
647 contributions of the other parties ~~what the agency may offer~~
648 ~~singly as prescribed by subparagraph 1.~~

649 3. The provisions of this paragraph do not apply to the
650 acquisition of historically unique or significant property as
651 determined by the Division of Historical Resources of the
652 Department of State.

653 (f) When making an offer to a landowner, a state agency
654 shall consider the desirability of a single cash payment in
655 relation to the maximum offer allowed by law.

656 (g) The state shall have the authority to reimburse the
657 owner for the cost of the survey when deemed appropriate. The
658 reimbursement shall not be considered a part of the purchase
659 price.

660 (h) A final offer shall be in the form of an option
661 contract or agreement for purchase and shall be signed and
662 attested to by the owner and the representative of the agency.
663 Before the agency executes the option contract or agreement for
664 purchase, the contract or agreement shall be reviewed for form
665 and legality by legal staff of the agency. Before the agency
666 signs the agreement for purchase or exercises the option
667 contract, the provisions of s. 286.23 shall be complied with.
668 Within 10 days after the signing of the agreement for purchase,
669 the state agency shall furnish the Division of State Lands with
670 the original of the agreement for purchase along with copies of
671 the disclosure notice, evidence of marketability, the accepted

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672 appraisal report, the fee appraiser's affidavit, a statement
 673 that the inventory of existing state-owned lands was examined
 674 and contained no available suitable land in the area, and a
 675 statement outlining the public purpose for which the acquisition
 676 is being made and the statutory authority therefor.

677 (i) Within 45 days of receipt by the Division of State
 678 Lands of the agreement for purchase and the required
 679 documentation, the board of trustees or, when the purchase price
 680 does not exceed \$100,000, its designee shall either reject or
 681 approve the agreement. An approved agreement for purchase is
 682 binding on both parties. Any agreement which has been
 683 disapproved shall be returned to the agency, along with a
 684 statement as to the deficiencies of the agreement or the
 685 supporting documentation. An agreement for purchase which has
 686 been disapproved by the board of trustees may be resubmitted
 687 when such deficiencies have been corrected.

688 Section 7. Subsection (17) of section 253.03, Florida
 689 Statutes, is amended to read:

690 253.03 Board of trustees to administer state lands; lands
 691 enumerated.--

692 ~~(17) Notwithstanding subsections (1) (16), for the 2007-~~
 693 ~~2008 fiscal year only, and upon approval of the Board of~~
 694 ~~Trustees of the Internal Improvement Trust Fund if necessary,~~
 695 ~~the Division of State Lands of the Department of Environmental~~
 696 ~~Protection shall lease the existing South Florida Evaluation and~~
 697 ~~Treatment Center complex in Miami Dade County, currently under~~
 698 ~~lease to the Department of Children and Family Services, to~~
 699 ~~Miami Dade County for the amount of \$1 per year for 99 years to~~

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700 ~~be used by the county for its expanded jail diversion program.~~
 701 ~~The lease of the property shall take place in the 2007-2008~~
 702 ~~fiscal year, and Miami-Dade County shall sublease the facility~~
 703 ~~to the existing lessee for \$1 per year until the new South~~
 704 ~~Florida Evaluation and Treatment Center is completed on or about~~
 705 ~~April 2008. This subsection expires July 1, 2008.~~

706 Section 8. Section 253.0325, Florida Statutes, is amended
 707 to read:

708 253.0325 Modernization of state lands records.--

709 (1) The Division of State Lands ~~Department of~~
 710 ~~Environmental Protection~~ shall initiate an ongoing computerized
 711 information systems program to modernize its state lands records
 712 and documents that relate to all lands that have been acquired
 713 under the Florida Preservation 2000 Act pursuant to s. 259.101
 714 or the Florida Forever Act pursuant to s. 259.105, and all lands
 715 to which title is vested in the Board of Trustees of the
 716 Internal Improvement Trust Fund. All recipients of funds
 717 pursuant to s. 259.101 or s. 259.105 shall annually submit their
 718 records for land acquired to facilitate the compilation of state
 719 lands inventory. The program shall include, at a minimum:

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

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

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

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

730 (e) The bond covenants related to each tract purchased
731 pursuant to s. 259.101 or s. 259.105 and the expiration of such
732 bond covenants.

733 (2) The Division of State Lands shall initiate and
734 maintain an information system that is the basis for land
735 acquisition and land management decisionmaking and modeling. The
736 information system shall be based on a uniform set of data. The
737 Department of Agriculture and Consumer Services and the Fish and
738 Wildlife Conservation Commission shall assist in the development
739 and standardization of the information system. The information
740 system shall be capable of mapping capital improvements,
741 ecosystem, and current and planned land uses. The information
742 system shall be utilized to map all current lands managed for
743 conservation purposes, infrastructure, and future land
744 acquisitions, both fee acquisitions and less-than-fee
745 acquisitions. Additionally, the information system shall be
746 utilized to demonstrate a comprehensive plan that protects,
747 restores and manages the integrity and function of ecological
748 systems, including waterways, springs and aquifers while
749 maintaining working landscapes, including agriculture, and
750 providing recreation space for urban and rural areas, including
751 water access for the public. The existence and use of such an
752 information system does not preclude the use of empirical data
753 and other observational records including, but not limited to,
754 cultural and historical records. The information system shall,

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755 at a minimum, map in an electronic format the natural
756 communities on each tract of state land and each proposed land
757 acquisition. "Natural community" is defined as a distinct and
758 recurring assemblage of populations of plants, animals, fungi
759 and microorganisms naturally associated with each other and
760 their physical environment. Each natural community shall be
761 partitioned into natural community categories. Each natural
762 community category shall be partitioned into natural community
763 groups, and each natural community group shall be partitioned
764 into natural community types. The Division of State Lands may
765 utilize a third party to develop or assist in developing,
766 manage, or maintain the information system and its data. The
767 information system and its data are to be the property of the
768 state. The Division of State Lands shall review the form and
769 content of the data utilized by the information system.

770 ~~(3)-(2)~~ At all stages of its records modernization program,
771 the department shall seek to ensure information systems
772 compatibility within the department and with other state, local,
773 and regional governmental agencies. The department also shall
774 seek to promote standardization in the collection of information
775 regarding state-owned lands by federal, state, regional, and
776 local agencies.

777 ~~(4)-(3)~~ The information collected and stored as a result of
778 the department's modernization of state lands records shall not
779 be considered a final or complete accounting of lands which the
780 state owns or to which the state may claim ownership.

781 Section 9. Section 253.034, Florida Statutes, is amended
782 to read:

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783 253.034 State-owned lands; uses.--

784 (1) All lands acquired pursuant to chapter 259 shall be

785 managed to serve the public interest by protecting and

786 conserving land, air, water, and the state's natural resources,

787 which contribute to the public health, welfare, and economy of

788 the state. These lands shall be managed to provide for areas of

789 ~~natural resource-based~~ recreation, and to ensure the survival of

790 plant and animal species and the conservation of finite and

791 renewable natural resources. The state's lands and natural

792 resources shall be managed using a stewardship ethic that

793 assures these resources will be available for the benefit and

794 enjoyment of all people of the state, both present and future.

795 It is the intent of the Legislature that, where feasible and

796 consistent with the goals of protection and conservation of

797 natural resources associated with lands held in the public trust

798 by the Board of Trustees of the Internal Improvement Trust Fund,

799 public land not designated for single-use purposes pursuant to

800 paragraph (2)(b) be managed for multiple-use purposes. All

801 multiple-use land management strategies shall address public

802 access and enjoyment, resource conservation and protection,

803 ecosystem maintenance and protection, and protection of

804 threatened and endangered species, and the degree to which

805 public-private partnerships or endowments may allow the entity

806 with management responsibility to enhance its ability to manage

807 these lands. The council created in s. 259.035 shall recommend

808 rules to the board of trustees, and the board shall adopt rules

809 necessary to carry out the purposes of this section.

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810 (2) As used in this section, the following phrases have
811 the following meanings:

812 (a) "Multiple use" means the harmonious and coordinated
813 management of public access, timber, recreation, conservation of
814 fish and wildlife, forage, archaeological and historic sites,
815 habitat and other biological resources, or water resources,
816 including alternative water supplies and water resource
817 development as defined in s. 373.019, so that they are utilized
818 in the combination that will best serve the people of the state,
819 making the most judicious use of the land for ~~some or~~ all of
820 these resources and giving consideration to the relative values
821 of the various resources. Where necessary and appropriate for
822 all state-owned lands that are ~~larger than 1,000 acres in~~
823 ~~project size and are~~ managed for multiple uses, buffers may be
824 formed around any areas that require special protection or have
825 special management needs. Such buffers shall not exceed more
826 than one-half of the total acreage. Multiple uses within a
827 buffer area may be restricted to provide the necessary buffering
828 effect desired. Multiple use in this context includes both uses
829 of land or resources by more than one management entity, which
830 may include private sector land managers. In any case, lands
831 identified as multiple-use lands in the land management plan
832 shall be managed to enhance public access and conserve the lands
833 and resources for the enjoyment of the people of the state.

834 (b) "Single use" means management for one particular
835 purpose to the exclusion of all other purposes, except that the
836 using entity shall have the option of including in its
837 management program compatible secondary purposes which will not

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838 detract from or interfere with the primary management purpose.
839 Such single uses may include, but are not necessarily restricted
840 to, the use of agricultural lands for production of food and
841 livestock, the use of improved sites and grounds for
842 institutional purposes, and the use of lands for parks,
843 preserves, wildlife management, archaeological or historic
844 sites, or wilderness areas where the maintenance of essentially
845 natural conditions is important. All submerged lands shall be
846 considered single-use lands and shall be managed primarily for
847 the maintenance of essentially natural conditions, the
848 propagation of fish and wildlife, and public recreation,
849 including hunting and fishing where deemed appropriate by the
850 managing entity, except where the public's access to state
851 waters is enhanced.

852 (c) "Conservation lands" means lands that are currently
853 managed for conservation, ~~outdoor resource-based~~ recreation, or
854 archaeological or historic preservation, ~~except those lands that~~
855 ~~were acquired solely to facilitate the acquisition of other~~
856 ~~conservation lands~~. Lands acquired for uses other than
857 conservation, ~~outdoor resource-based~~ recreation, or
858 archaeological or historic preservation shall not be designated
859 conservation lands except as otherwise authorized under this
860 section. These lands shall include, but not be limited to, the
861 following: correction and detention facilities, military
862 installations and facilities, state office buildings,
863 maintenance yards, state university or state community college
864 campuses, agricultural field stations or offices, tower sites,
865 law enforcement and license facilities, laboratories, hospitals,

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866 clinics, and other sites that possess no significant natural or
867 historical resources. However, lands acquired solely to
868 facilitate the acquisition of other conservation lands shall,
869 ~~and for which the land management plan has not yet been~~
870 ~~completed or updated,~~ may be evaluated by the Board of Trustees
871 of the Internal Improvement Trust Fund on a case-by-case basis
872 to determine if they will be designated conservation lands.
873 However, lands acquired solely to facilitate the acquisition of
874 other conservation lands shall be deemed conservation lands and
875 included in land management plans, if doing so provides an
876 increase in public access and recreation opportunities or
877 creates a more efficient land management plan.

878 (d) "Imperiled species," as used in this chapter and
879 chapter 259, shall mean plants and animals that are federally
880 listed under the Endangered Species Act or state-listed by
881 either the Fish and Wildlife Conservation Commission or the
882 Department of Agriculture and Consumer Services.

883 (e) "Public access," as used in this chapter and chapter
884 259, shall mean access by the general public to state lands and
885 waters, including vessel access made possible by boat ramps,
886 docks, associated parking, and appropriate amenities approved by
887 the board of trustees excluding marinas, fuel dispensing and
888 storage. The exclusions do not apply to existing facilities on
889 state lands, facilities existing at the time of acquisition by
890 the state and working waterfronts acquisitions purchased
891 pursuant to s. 570.71.

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893 Lands acquired by the state as a gift, through donation, or by
894 any other conveyance for which no consideration was paid, and
895 which are not managed for conservation, outdoor resource-based
896 recreation, or archaeological or historic preservation under a
897 land management plan approved by the board of trustees are not
898 conservation lands.

899 (3) In recognition that recreational trails purchased with
900 rails-to-trails funds pursuant to s. 259.101(3)(g) or s.
901 259.105(3)(h) have had historic transportation uses and that
902 their linear character may extend many miles, the Legislature
903 intends that when the necessity arises to serve public needs,
904 after balancing the need to protect trail users from collisions
905 with automobiles and a preference for the use of overpasses and
906 underpasses to the greatest extent feasible and practical,
907 transportation uses shall be allowed to cross recreational
908 trails purchased pursuant to s. 259.101(3)(g) or s.
909 259.105(3)(h). When these crossings are needed, the location and
910 design should consider and mitigate the impact on humans and
911 environmental resources, and the value of the land shall be paid
912 based on fair market value.

913 (4) No management agreement, lease, or other instrument
914 authorizing the use of lands owned by the Board of Trustees of
915 the Internal Improvement Trust Fund shall be executed for a
916 period greater than is necessary to provide for the reasonable
917 use of the land for the existing or planned life cycle or
918 amortization of the improvements, except that an easement in
919 perpetuity may be granted by the Board of Trustees of the
920 Internal Improvement Trust Fund if the improvement is a

921 transportation facility. An entity managing or leasing state-
 922 owned lands from the board may not sublease such lands without
 923 prior review by the division and, for conservation lands, by the
 924 Acquisition and Restoration Council created in s. 259.035. All
 925 management agreements, leases, or other instruments authorizing
 926 the use of lands owned by the board shall be reviewed for
 927 approval by the board or its designee. The council is not
 928 required to review subleases of parcels which are less than 160
 929 acres in size.

930 (5) Each manager of conservation lands shall submit to the
 931 Division of State Lands a land management plan at least every 10
 932 years in a form and manner prescribed by rule by the board and
 933 in accordance with the provisions of s. 259.032. Each manager of
 934 conservation lands shall also update a land management plan
 935 ~~whenever the manager proposes to add new facilities or make~~
 936 ~~substantive land use or management changes that were not~~
 937 ~~addressed in the approved plan, or within 1 year of the addition~~
 938 of significant new lands. Each manager of nonconservation lands
 939 shall submit to the Division of State Lands a land use plan at
 940 least every 10 years in a form and manner prescribed by rule by
 941 the board. The division shall review each plan for compliance
 942 with the requirements of this subsection and the requirements of
 943 the rules established by the board pursuant to this section. All
 944 land use plans, whether for single-use or multiple-use
 945 properties, shall include an analysis of the property to
 946 determine if any significant natural or cultural resources are
 947 located on the property. Such resources include archaeological
 948 and historic sites, state and federally listed plant and animal

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949 species, and imperiled natural communities and unique natural
950 features. If such resources occur on the property, the manager
951 shall consult with the ~~Division of State Lands and other~~
952 appropriate agencies to develop management strategies to protect
953 such resources. Land use plans shall also provide for the
954 control of invasive nonnative plants and conservation of soil
955 and water resources, including a description of how the manager
956 plans to control and prevent soil erosion and soil or water
957 contamination. Land use plans submitted by a manager shall
958 include reference to appropriate statutory authority for such
959 use or uses and shall conform to the appropriate policies and
960 guidelines of the state land management plan. Plans ~~for managed~~
961 ~~areas larger than 1,000 acres~~ shall contain an analysis of the
962 multiple-use potential of the property, which analysis shall
963 include the potential of the property to generate revenues to
964 enhance the management of the property. Additionally, the plan
965 shall contain an analysis of the potential use of private land
966 managers to facilitate the restoration or management of these
967 lands. In those cases where a newly acquired property has a
968 valid conservation plan that was developed by a soil and
969 conservation district, such plan shall be used to guide
970 management of the property until a formal land use plan is
971 completed.

972 (a) All state lands shall be managed to ensure the
973 conservation of the state's plant and animal species and to
974 ensure the accessibility of state lands for the benefit and
975 enjoyment of all people of the state, both present and future.
976 Each land management plan shall provide a desired future

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977 condition of the property, and shall describe both short-term
978 and long-term management goals and include measurable objectives
979 to achieve each goal. Short-term goals shall be achievable
980 within a 2-year planning period and long-term goals shall be
981 achievable within a 10-year planning period. These short-term
982 and long-term management goals shall be the basis for all
983 subsequent land management activities and are intended to be
984 financially sustainable in achieving the desired future
985 condition.

986 (b) Short-term and long-term management goals shall
987 include measurable objectives for the following:

988 1. Natural communities habitat maintenance, restoration,
989 and improvement.

990 2. Wildlife habitat maintenance, restoration, and
991 improvement.

992 3. Advancement of imperiled species, both plant and
993 animal.

994 4. Public access and recreational opportunities.

995 5. Hydrological preservation and restoration.

996 6. Sustainable forest management.

997 7. Exotic and invasive species maintenance and control.

998 8. Capital facilities and infrastructure.

999 9. Financial sustainability of land management activities.

1000 (c) The land management plan shall, at a minimum, contain
1001 the following elements:

1002 1. Physical description of the land.

1003 2. A quantitative data description of the land that
1004 includes an inventory of:

- 1005 a. Forest resources;
- 1006 b. Imperiled species and their habitats;
- 1007 c. Exotic and invasive plants;
- 1008 d. Hydrological features;
- 1009 e. Infrastructure and capital improvements, including
- 1010 recreational facilities; and
- 1011 f. Other significant land features.

1012

1013 The inventory under subparagraph 2. shall reflect the number of

1014 acres for each resource and feature, when appropriate. The

1015 inventory shall be included in the information system

1016 established pursuant to s. 253.0325(2). The inventory shall be

1017 of such detail that objective measures and benchmarks can be

1018 established for each tract of land and monitored during the

1019 lifetime of the plan. All quantitative data collected shall be

1020 aggregated, standardized, collected and presented in an

1021 electronic format to allow for uniform management reporting and

1022 analysis. The information collected by the Department of

1023 Environmental Protection pursuant to s. 253.0325(2) shall be

1024 available to the land manager and the land manager's assignee.

1025 3. A detailed description of each short-term and long-term

1026 land management goal, the associated measureable objectives, and

1027 the related activities that are to be performed to meet the land

1028 management objectives. Where habitat or potential habitat for

1029 imperiled species is located on state lands, the short-term and

1030 long-term management goals shall advance the goals and

1031 objectives of the Fish and Wildlife Conservation Commission

1032 management plan approved under commission rule. Each land

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1033 management objective must be addressed by the land management
1034 plan. No land management objective shall be performed to the
1035 detriment of the other land management objectives or contrary to
1036 the goals and objectives of the Fish and Wildlife Conservation
1037 Commission management plan approved under commission rule. Every
1038 land management objective must lead to the desired future
1039 condition of the property.

1040 4. A schedule of land management activities shall be
1041 prepared that contains short-term and long-term land management
1042 goals and the related measureable objectives and activities. The
1043 schedule shall include for each activity a timeline for
1044 completion and detailed cost estimates, including expense and
1045 personnel budgets. The schedule is to provide a management tool
1046 that facilitates development of performance measures.

1047 5. A summary budget for the scheduled land management
1048 activities of the land management plan. For state lands
1049 containing or anticipated to contain imperiled species habitat,
1050 the summary budget shall include the expected revenues from fees
1051 collected for adverse impact to imperiled species from public or
1052 private projects. The summary budget shall be prepared in such a
1053 manner that it facilitates computing an aggregate accounting of
1054 land management costs for all state-managed lands utilizing the
1055 categories described in s. 259.037(3).

1056 (d) Upon completion, the land management plan will be
1057 transmitted to the Acquisition and Restoration Council for
1058 review. The Acquisition and Restoration Council shall have 60
1059 days to review the plan and submit its recommendations to the
1060 board of trustees. During the review period, the land management

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1061 plan may be revised if agreed to by the primary land manager and
1062 the Acquisition and Restoration Council taking into
1063 consideration public input. If the Acquisition and Restoration
1064 Council fails to make a recommendation for a land management
1065 plan, the Secretary of the Department of Environmental
1066 Protection, Commissioner of Agriculture, or the Executive
1067 Director of the Fish and Wildlife Conservation Commission or
1068 their designees shall submit the land management plan to the
1069 board of trustees. The land management plan becomes operational
1070 upon approval by the board of trustees.

1071 (e) Beginning July 1, 2010, and biennially thereafter,
1072 state lands with an approved land management plan must be
1073 monitored for land management activities by a monitoring team
1074 and reviewed by a third party selected by Acquisition and
1075 Restoration Council. The Division of State Lands shall
1076 coordinate the activities of the review teams and third parties.
1077 The land management monitoring team shall consist of three
1078 members. One member shall be selected by the Secretary of
1079 Department of Environmental Protection, or his or her designee,
1080 and shall have experience with public recreation or public-use
1081 administration. One member shall be selected by the Commissioner
1082 of Agriculture, or his or her designee, and shall have
1083 experience with applied land management. One member shall be
1084 selected by the executive director of Fish and Wildlife
1085 Conservation Commission, or his or her designee, and shall have
1086 experience with applied habitat management. The monitoring team
1087 shall prepare a monitoring report that assesses the progress
1088 towards achieving short-term and long-term land management goals

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1089 and shall propose corrective actions for identified deficiencies
 1090 in management activities. The monitoring report shall be
 1091 submitted to the Acquisition and Restoration Council and the
 1092 managing agency. The third party reviewer selected by the
 1093 Acquisition and Restoration Council shall perform an audit of
 1094 selected land management activities based on a risk-based
 1095 approach and shall identify the progress toward achieving short-
 1096 term and long-term land management goals. The third party audit
 1097 is to be submitted to the Acquisition and Restoration Council
 1098 and the managing agency. The Acquisition and Restoration Council
 1099 shall review the monitoring report and the third party audit,
 1100 and determine whether the deficiencies warrant a corrective
 1101 action plan or revisions to the land management plan.
 1102 Significant and recurring deficiencies shall be brought before
 1103 the board of trustees, which shall determine whether the
 1104 corrective actions being proposed by the land manager and the
 1105 Acquisition and Restoration Council sufficiently address the
 1106 identified deficiencies. Corrective action plans shall be
 1107 prepared and submitted in the same manner as land management
 1108 plans.

1109 (f) Land management plans are to be updated every 10 years
 1110 on a rotating basis.

1111 (g) In developing land management plans, at least two
 1112 public hearings must be held within the county most affected by
 1113 the parcel or project.

1114 (h) ~~(a)~~ The Division of State Lands shall make available to
 1115 the public an electronic a copy of each land management plan ~~for~~
 1116 ~~parcels that exceed 160 acres in size.~~ The Division of State

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1117 Lands council shall review each plan for compliance with the
1118 requirements of this subsection, the requirements of chapter
1119 259, and the requirements of the rules established by the board
1120 pursuant to this section. The council shall also consider the
1121 propriety of the recommendations of the managing entity with
1122 regard to the future use of the property, the protection of
1123 fragile or nonrenewable resources, the potential for alternative
1124 or multiple uses not recognized by the managing entity, and the
1125 possibility of disposal of the property by the board. After its
1126 review, the council shall submit the plan, along with its
1127 recommendations and comments, to the board. The council shall
1128 specifically recommend to the board whether to approve the plan
1129 as submitted, ~~approve the plan with modifications,~~ or reject the
1130 plan. If the Acquisition and Restoration Council fails to make a
1131 recommendation for a land management plan, the Secretary of the
1132 Department of Environmental Protection, the Commissioner of
1133 Agriculture, or the Executive Director of the Fish and Wildlife
1134 Conservation Commission or their designees shall submit the land
1135 management plan to the board of trustees.

1136 (i) ~~(b)~~ The Board of Trustees of the Internal Improvement
1137 Trust Fund shall consider the land management plan submitted by
1138 each entity and the recommendations of the council ~~and the~~
1139 ~~Division of State Lands~~ and shall approve the plan ~~with or~~
1140 ~~without modification~~ or reject such plan. The use or possession
1141 of any such lands that is not in accordance with an approved
1142 land management plan is subject to termination by the board.

1143 (6) The Board of Trustees of the Internal Improvement
1144 Trust Fund shall determine which lands, the title to which is

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1145 | vested in the board, may be surplused. For conservation lands,
 1146 | the board shall make a determination that the lands are no
 1147 | longer needed for conservation purposes and may dispose of them
 1148 | by an affirmative vote of at least three members. In the case of
 1149 | a land exchange involving the disposition of conservation lands,
 1150 | the board must determine by an affirmative vote of at least
 1151 | three members that the exchange will result in a net positive
 1152 | conservation benefit. For all other lands, the board shall make
 1153 | a determination that the lands are no longer needed and may
 1154 | dispose of them by an affirmative vote of at least three
 1155 | members.

1156 | (a) For the purposes of this subsection, all lands
 1157 | acquired by the state prior to July 1, 1999, using proceeds from
 1158 | the Preservation 2000 bonds, the Conservation and Recreation
 1159 | Lands Trust Fund, the Water Management Lands Trust Fund,
 1160 | Environmentally Endangered Lands Program, and the Save Our Coast
 1161 | Program and titled to the board, which lands are identified as
 1162 | core parcels or within original project boundaries, shall be
 1163 | deemed to have been acquired for conservation purposes.

1164 | (b) ~~For any lands purchased by the state on or after July~~
 1165 | ~~1, 1999, a determination shall be made by the board prior to~~
 1166 | ~~acquisition as to those parcels that shall be designated as~~
 1167 | ~~having been acquired for conservation purposes.~~ No lands
 1168 | acquired for use by the Department of Corrections, the
 1169 | Department of Management Services for use as state offices, the
 1170 | Department of Transportation, except those specifically managed
 1171 | for conservation or recreation purposes, or the State University

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1172 System or the Florida Community College System shall be
1173 designated as having been purchased for conservation purposes.

1174 (c) At least every 10 years, ~~as a component of each land~~
1175 ~~management plan or land use plan and in a form and manner~~
1176 ~~prescribed by rule by the board,~~ each manager shall evaluate and
1177 indicate to the board those lands that are not being used for
1178 the state purposes ~~purpose for which they were originally~~
1179 ~~leased~~. For conservation lands, the council shall review and
1180 shall recommend to the board whether such lands should be
1181 retained in public ownership or disposed of by the board. For
1182 nonconservation lands, the division shall review such lands and
1183 shall recommend to the board whether such lands should be
1184 retained in public ownership or disposed of by the board.

1185 (d) Lands owned by the board which are not actively
1186 managed by any state agency or for which a land management plan
1187 has not been completed pursuant to subsection (5) shall be
1188 reviewed by the council or its successor for its recommendation
1189 as to whether such lands should be managed by a private
1190 contractor, leased, or disposed of by the board.

1191 (e) Prior to any decision by the board to surplus lands,
1192 the Acquisition and Restoration Council shall review and make
1193 recommendations to the board concerning the request for
1194 surplusings. The council shall determine whether the request for
1195 surplusings is compatible with the resource values of and
1196 management objectives for such lands.

1197 (f) ~~1-~~ In reviewing lands owned by the board, the council
1198 shall consider whether such lands would be more appropriately
1199 owned or managed by the county or other unit of local government

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1200 in which the land is located. The council shall recommend to the
 1201 board whether a sale, lease, or other conveyance to a local
 1202 government would be in the best interests of the state and local
 1203 government. The provisions of this paragraph in no way limit the
 1204 provisions of ss. 253.111 and 253.115. Such lands shall be
 1205 offered to the state, county, or local government for a period
 1206 of 45 ~~30~~ days. Permittable uses for such surplus lands may
 1207 include public schools; public libraries; fire or law
 1208 enforcement substations; governmental, judicial, or recreational
 1209 centers; and affordable housing meeting the criteria of s.
 1210 420.0004(3). County or local government requests for surplus
 1211 lands shall be expedited throughout the surplusing process. If
 1212 the county or local government does not elect to purchase such
 1213 lands in accordance with s. 253.111, then any surplusing
 1214 determination involving other governmental agencies shall be
 1215 made upon the board deciding the best public use of the lands.
 1216 Surplus properties in which governmental agencies have expressed
 1217 no interest shall then be available for sale on the private
 1218 market.

1219 ~~2. Notwithstanding subparagraph 1., any parcel of surplus~~
 1220 ~~lands less than 3 acres in size which was acquired by the state~~
 1221 ~~before 1955 by gift or other conveyance or for \$1 consideration~~
 1222 ~~from a fair association incorporated under chapter 616 for the~~
 1223 ~~purpose of conducting and operating public fairs or expositions,~~
 1224 ~~and concerning which the department has filed by July 1, 2008, a~~
 1225 ~~notice of intent to dispose of as surplus lands, shall be~~
 1226 ~~offered for reconveyance to such fair association for no~~
 1227 ~~consideration; however, the agency that last held the lease from~~

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1228 ~~the board for management of such lands may remove from the lands~~
 1229 ~~any improvements, fixtures, goods, wares, and merchandise within~~
 1230 ~~180 days after the effective date of the reconveyance. This~~
 1231 ~~subparagraph expires July 1, 2008.~~

1232 (g) The sale price of lands determined to be surplus
 1233 pursuant to this subsection and s. 253.82 shall be determined by
 1234 the division and shall take into consideration an appraisal of
 1235 the property, or, when the estimated value of the land is less
 1236 than \$100,000, a comparable sales analysis or a broker's opinion
 1237 of value. In the event that a single appraisal yields a value
 1238 equal to or greater than \$1 million, a second appraisal is
 1239 required. The individual or entity requesting the surplus shall
 1240 select and use appraisers from the list of approved appraisers
 1241 maintained by the Division of State Lands in accordance with s.
 1242 253.025(6)(b). The individual or entity requesting the surplus
 1243 is to incur all costs of the second appraisal, and the price
 1244 paid by the state to originally acquire the lands.

1245 1.a. A written valuation of land determined to be surplus
 1246 pursuant to this subsection and s. 253.82, and related documents
 1247 used to form the valuation or which pertain to the valuation,
 1248 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
 1249 I of the State Constitution until 2 weeks before the contract or
 1250 agreement regarding the purchase, exchange, or disposal of the
 1251 surplus land is first considered for approval by the board.
 1252 Notwithstanding the exemption provided under this subparagraph,
 1253 the division may disclose appraisals, valuations, or valuation
 1254 information regarding surplus land during negotiations for the
 1255 sale or exchange of the land, during the marketing effort or

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1256 bidding process associated with the sale, disposal, or exchange
 1257 of the land to facilitate closure of such effort or process,
 1258 when the passage of time has made the conclusions of value
 1259 invalid, or when negotiations or marketing efforts concerning
 1260 the land are concluded.

1261 b. This subparagraph is subject to the Open Government
 1262 Sunset Review Act of 1995 in accordance with s. 119.15, and
 1263 shall stand repealed on October 2, 2009, unless reviewed and
 1264 saved from repeal through reenactment by the Legislature.

1265 2. A unit of government that acquires title to lands
 1266 hereunder for less than appraised value may not sell or transfer
 1267 title to all or any portion of the lands to any private owner
 1268 for a period of 10 years. Any unit of government seeking to
 1269 transfer or sell lands pursuant to this paragraph shall first
 1270 allow the board of trustees to reacquire such lands for the
 1271 price at which the board sold such lands.

1272 ~~(h) Where a unit of government acquired land by gift,~~
 1273 ~~donation, grant, quitclaim deed, or other such conveyance where~~
 1274 ~~no monetary consideration was exchanged, the price of land sold~~
 1275 ~~as surplus may be based on one appraisal. In the event that a~~
 1276 ~~single appraisal yields a value equal to or greater than \$1~~
 1277 ~~million, a second appraisal is required. The individual or~~
 1278 ~~entity requesting the surplus shall select and use appraisers~~
 1279 ~~from the list of approved appraisers maintained by the Division~~
 1280 ~~of State Lands in accordance with s. 253.025(6)(b). The~~
 1281 ~~individual or entity requesting the surplus is to incur all~~
 1282 ~~costs of the appraisals.~~

1283 (h)~~(i)~~ After reviewing the recommendations of the council,
 1284 the board shall determine whether lands identified for surplus
 1285 are to be held for other public purposes or whether such lands
 1286 are no longer needed. The board may require an agency to release
 1287 its interest in such lands. For an agency that has requested the
 1288 use of a property that was to be declared as surplus, said
 1289 agency must have the property under lease within 6 months of the
 1290 date of expiration of the notice provisions required under this
 1291 subsection and s. 253.111.

1292 (i)~~(j)~~ Requests for surplusing may be made by any public
 1293 or private entity or person. All requests shall be submitted to
 1294 the lead managing agency for review and recommendation to the
 1295 council or its successor. Lead managing agencies shall have 90
 1296 days to review such requests and make recommendations. Any
 1297 surplusing requests that have not been acted upon within the 90-
 1298 day time period shall be immediately scheduled for hearing at
 1299 the next regularly scheduled meeting of the council or its
 1300 successor. Requests for surplusing pursuant to this paragraph
 1301 shall not be required to be offered to local or state
 1302 governments as provided in paragraph (f).

1303 (j)~~(k)~~ Proceeds from any sale of surplus lands pursuant to
 1304 this subsection shall be deposited into the fund from which such
 1305 lands were acquired. However, if the fund from which the lands
 1306 were originally acquired no longer exists, such proceeds shall
 1307 be deposited into an appropriate account to be used for land
 1308 management by the lead managing agency assigned the lands prior
 1309 to the lands being declared surplus. Funds received from the
 1310 sale of surplus nonconservation lands, or lands that were

1311 | acquired by gift, by donation, or for no consideration, shall be
 1312 | deposited into the Internal Improvement Trust Fund.

1313 | (k)~~(l)~~ Notwithstanding the provisions of this subsection,
 1314 | no such disposition of land shall be made if such disposition
 1315 | would have the effect of causing all or any portion of the
 1316 | interest on any revenue bonds issued to lose the exclusion from
 1317 | gross income for federal income tax purposes.

1318 | (l)~~(m)~~ The sale of filled, formerly submerged land that
 1319 | does not exceed 5 acres in area is not subject to review by the
 1320 | council or its successor.

1321 | (m)~~(n)~~ The board may adopt rules to implement the
 1322 | provisions of this section, which may include procedures for
 1323 | administering surplus land requests and criteria for when the
 1324 | division may approve requests to surplus nonconservation lands
 1325 | on behalf of the board.

1326 | (7) This section shall not be construed so as to affect:

1327 | (a) Other provisions of this chapter relating to oil, gas,
 1328 | or mineral resources.

1329 | (b) The exclusive use of state-owned land subject to a
 1330 | lease by the Board of Trustees of the Internal Improvement Trust
 1331 | Fund of state-owned land for private uses and purposes.

1332 | (c) Sovereignty lands not leased for private uses and
 1333 | purposes.

1334 | (8) (a) Notwithstanding other provisions of this section,
 1335 | the Division of State Lands is directed to prepare a state
 1336 | inventory of all federal lands and all lands titled in the name
 1337 | of the state, a state agency, a water management district, or a
 1338 | local government on a county-by-county basis. To facilitate the

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1339 development of the state inventory, each county shall direct the
 1340 appropriate county office with authority over the information to
 1341 provide the division with a county inventory of all lands
 1342 identified as federal lands and lands titled in the name of the
 1343 state, a state agency, a water management district, or a local
 1344 government. The Legislature recognizes the value of the state's
 1345 conservation lands as water recharge areas and air filters, and
 1346 in an effort to better understand the scientific underpinnings
 1347 of carbon sequestration, carbon capture, and greenhouse gas
 1348 mitigation, to inform policy and decisionmakers, and to provide
 1349 the infrastructure for land owners, the Department of
 1350 Agriculture and Consumer Services and the Division of Forestry
 1351 in consultation with the Department of Environmental Protection
 1352 shall contract with an organization experienced and specialized
 1353 in carbon sinks and emission budgets, to conduct an inventory of
 1354 all lands acquired pursuant to Preservation 2000 and Florida
 1355 Forever and that were titled in the name of the Board of
 1356 Trustees of the Internal Improvement Trust Fund. The inventory
 1357 shall determine the value of carbon capture and carbon
 1358 sequestration. Such inventory shall consider potential carbon
 1359 offset values of changes in land management practices including,
 1360 but not limited to, replanting of trees, routine prescribed
 1361 burns and land use conversion. Such an inventory shall be
 1362 completed and presented to the Board of Trustees by July 1,
 1363 2009.

1364 (b) The state inventory must distinguish between lands
 1365 purchased by the state or a water management district as part of
 1366 a core parcel or within original project boundaries, as those

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1367 terms are used to meet the surplus requirements of subsection
 1368 (6), and lands purchased by the state, a state agency, or a
 1369 water management district which are not essential or necessary
 1370 for conservation purposes.

1371 (c) In any county having a population of 75,000 or less,
 1372 or a county having a population of 100,000 or less that is
 1373 contiguous to a county having a population of 75,000 or less, in
 1374 which more than 50 percent of the lands within the county
 1375 boundary are federal lands and lands titled in the name of the
 1376 state, a state agency, a water management district, or a local
 1377 government, those lands titled in the name of the state or a
 1378 state agency which are not essential or necessary to meet
 1379 conservation purposes may, upon request of a public or private
 1380 entity, be made available for purchase through the state's
 1381 surplusing process. Rights-of-way for existing, proposed, or
 1382 anticipated transportation facilities are exempt from the
 1383 requirements of this paragraph. Priority consideration shall be
 1384 given to buyers, public or private, willing to return the
 1385 property to productive use so long as the property can be
 1386 reentered onto the county ad valorem tax roll. Property acquired
 1387 with matching funds from a local government shall not be made
 1388 available for purchase without the consent of the local
 1389 government.

1390 (9) Land management plans required to be submitted by the
 1391 Department of Corrections, the Department of Juvenile Justice,
 1392 the Department of Children and Family Services, or the
 1393 Department of Education are not subject to the provisions for
 1394 review by the council or its successor described in subsection

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1395 (5). Management plans filed by these agencies shall be made
 1396 available to the public electronically and for a period of 90
 1397 days at the administrative offices of the parcel or project
 1398 affected by the management plan and at the Tallahassee offices
 1399 of each agency. Any plans not objected to during the public
 1400 comment period shall be deemed approved. Any plans for which an
 1401 objection is filed shall be submitted to the Board of Trustees
 1402 of the Internal Improvement Trust Fund for consideration. The
 1403 Board of Trustees of the Internal Improvement Trust Fund shall
 1404 approve the plan with or without modification, or reject the
 1405 plan. The use or possession of any such lands which is not in
 1406 accordance with an approved land management plan is subject to
 1407 termination by the board.

1408 (10) The following additional uses of conservation lands
 1409 acquired pursuant to the Florida Forever program and other
 1410 state-funded conservation land purchase programs shall be
 1411 authorized, upon a finding by the board of trustees, if they
 1412 meet the criteria specified in paragraphs (a)-(e): water
 1413 resource development projects, water supply development
 1414 projects, stormwater management projects, linear facilities, and
 1415 sustainable agriculture and forestry. Such additional uses are
 1416 authorized where:

1417 (a) Not inconsistent with the management plan for such
 1418 lands;

1419 (b) Compatible with the natural ecosystem and resource
 1420 values of such lands;

1421 (c) The proposed use is appropriately located on such
 1422 lands and where due consideration is given to the use of other
 1423 available lands;

1424 (d) The using entity reasonably compensates the
 1425 titleholder for such use based upon an appropriate measure of
 1426 value; and

1427 (e) The use is consistent with the public interest.
 1428

1429 A decision by the board of trustees pursuant to this section
 1430 shall be given a presumption of correctness. Moneys received
 1431 from the use of state lands pursuant to this section shall be
 1432 returned to the lead managing entity in accordance with the
 1433 provisions of s. 259.032(11)(d).

1434 (11) Lands listed as projects for acquisition may be
 1435 managed for conservation pursuant to s. 259.032, on an interim
 1436 basis by a private party in anticipation of a state purchase in
 1437 accordance with a contractual arrangement between the acquiring
 1438 agency and the private party that may include management service
 1439 contracts, leases, cost-share arrangements or resource
 1440 conservation agreements. Lands designated as eligible under this
 1441 subsection shall be managed to maintain or enhance the resources
 1442 the state is seeking to protect by acquiring the land. Funding
 1443 for these contractual arrangements may originate from the
 1444 documentary stamp tax revenue deposited into the Conservation
 1445 and Recreation Lands Trust Fund and Water Management Lands Trust
 1446 Fund. No more than 5 percent of funds allocated under the trust
 1447 funds shall be expended for this purpose.

1448 (12) Any lands available to governmental employees,
 1449 including water management district employees, for hunting or
 1450 other recreational purposes shall also be made available to the
 1451 general public for such purposes.

1452 (13) (a) All state lands may be used to protect, manage, or
 1453 restore habitat for native or imperiled species. The commission
 1454 shall submit an annual work plan for such uses to the
 1455 Acquisition and Restoration Council and the council may, at its
 1456 discretion, modify the work plan prior to approval. Following
 1457 approval of the work plan by the council, the commission shall
 1458 submit the approved work plan to the Board of Trustees of the
 1459 Internal Improvement Trust Fund for adoption.

1460 (b) By February 1, 2010, the commission shall submit a
 1461 report to the Acquisition and Restoration Council and the board
 1462 of trustees on the efficacy of utilizing state-owned lands to
 1463 protect, manage, or restore habitat for native or imperiled
 1464 species. This subsection expires July 1, 2014. Notwithstanding
 1465 ~~the provisions of this section, funds from the sale of property~~
 1466 ~~by the Department of Highway Safety and Motor Vehicles located~~
 1467 ~~in Palm Beach County are authorized to be deposited into the~~
 1468 ~~Highway Safety Operating Trust Fund to facilitate the exchange~~
 1469 ~~as provided in the General Appropriations Act, provided that at~~
 1470 ~~the conclusion of both exchanges the values are equalized. This~~
 1471 ~~subsection expires July 1, 2008.~~

1472 Section 10. Section 253.036, Florida Statutes, is amended
 1473 to read:

1474 253.036 Forest management.--All land management plans
 1475 described in s. 253.034(5) ~~which are prepared for parcels larger~~

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1476 ~~than 1,000 acres~~ shall contain an analysis of the multiple-use
1477 potential of the parcel. ~~The, which~~ analysis shall include the
1478 potential of the parcel to generate revenues to enhance the
1479 management of the parcel. The Division of Forestry of the
1480 Department of Agriculture and Consumer Services or other
1481 qualified professional forester approved by the Division of
1482 Forestry of the Department of Agriculture and Consumer Services
1483 ~~lead agency~~ shall prepare the analysis, which shall contain a
1484 component or section prepared by a qualified professional
1485 forester which assesses the feasibility of managing timber
1486 resources on the parcel for resource conservation and revenue
1487 generation purposes through a stewardship ethic that embraces
1488 sustainable forest management practices if the lead management
1489 agency determines that the timber resource management is not in
1490 conflict with the primary management objectives of the parcel.
1491 For purposes of this section, practicing sustainable forest
1492 management means meeting the needs of the present without
1493 compromising the ability of future generations to meet their own
1494 needs by practicing a land stewardship ethic which integrates
1495 the reforestation, managing, growing, nurturing, and harvesting
1496 of trees for useful products with the conservation of soil, air
1497 and water quality, wildlife and fish habitat, and aesthetics.
1498 The Legislature intends that each lead management agency,
1499 whenever practicable and cost effective, use the services of the
1500 Division of Forestry of the Florida Department of Agriculture
1501 and Consumer Services or other qualified ~~private sector~~
1502 professional forester approved by Division of Forestry of the
1503 Department of Agriculture and Consumer Services in completing

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1504 such feasibility assessments and implementing timber resource
 1505 management. The Legislature further intends that the lead
 1506 management agency develop a memorandum of agreement with the
 1507 Division of Forestry to provide for full reimbursement for any
 1508 services provided for the feasibility assessments or timber
 1509 resource management. All additional revenues generated through
 1510 multiple-use management or compatible secondary use management
 1511 shall be returned to the lead agency responsible for such
 1512 management and shall be used to pay for management activities on
 1513 all conservation, preservation, and recreation lands under the
 1514 agency's jurisdiction. In addition, such revenue shall be
 1515 segregated in an agency trust fund and shall remain available to
 1516 the agency in subsequent fiscal years to support land management
 1517 appropriations.

1518 Section 11. Subsection (3) of section 253.111, Florida
 1519 Statutes, is amended to read:

1520 253.111 Notice to board of county commissioners before
 1521 sale.--The Board of Trustees of the Internal Improvement Trust
 1522 Fund of the state may not sell any land to which they hold title
 1523 unless and until they afford an opportunity to the county in
 1524 which such land is situated to receive such land on the
 1525 following terms and conditions:

1526 (3) If the board receives, within 45 ~~30~~ days after notice
 1527 is given to the board of county commissioners pursuant to
 1528 subsection (1), the certified copy of the resolution provided
 1529 for in subsection (2), the board shall forthwith convey to the
 1530 county such land at a price that is equal to its appraised
 1531 market value established by generally accepted professional

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1532 standards for real estate appraisal and subject to such other
 1533 terms and conditions as the board determines.

1534 Section 12. Paragraph (b) of subsection (2) of section
 1535 253.82, Florida Statutes, is amended to read:

1536 253.82 Title of state or private owners to Murphy Act
 1537 lands.--

1538 (2)

1539 (b) Land to which title is vested in the board of trustees
 1540 by paragraph (a) shall be treated in the same manner as other
 1541 nonsovereignty lands owned by the board. However, any parcel of
 1542 land the title to which is vested in the Board of Trustees of
 1543 the Internal Improvement Trust Fund pursuant to this section
 1544 which is 10 acres or less in size and has a ~~an appraised~~ market
 1545 value of \$250,000 or less is hereby declared surplus, except for
 1546 lands determined to be needed for state use, and may be sold in
 1547 any manner provided by law. ~~Only one appraisal shall be required~~
 1548 ~~for a sale of such land.~~ All proceeds from the sale of such land
 1549 shall be deposited into the Internal Improvement Trust Fund. The
 1550 Board of Trustees of the Internal Improvement Trust Fund is
 1551 authorized to adopt rules to implement the provisions of this
 1552 subsection.

1553 Section 13. Section 259.032, Florida Statutes, is amended
 1554 to read:

1555 259.032 Conservation and Recreation Lands Trust Fund;
 1556 purpose.--

1557 (1) It is the policy of the state that the citizens of
 1558 this state shall be assured public ownership of natural areas
 1559 for purposes of maintaining this state's unique natural

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1560 resources; protecting air, land, and water quality; promoting
 1561 water resource development to meet the needs of natural systems
 1562 and citizens of this state; promoting restoration activities on
 1563 public lands; and providing lands for ~~natural resource based~~
 1564 recreation. In recognition of this policy, it is the intent of
 1565 the Legislature to provide such public lands for the people
 1566 residing in urban and metropolitan areas of the state, as well
 1567 as those residing in less populated, rural areas. It is the
 1568 further intent of the Legislature, with regard to the lands
 1569 described in paragraph (3)(c), that a high priority be given to
 1570 the acquisition, restoration, and management of such lands in or
 1571 near counties exhibiting the greatest concentration of
 1572 population and, with regard to the lands described in subsection
 1573 (3), that a high priority be given to acquiring lands or rights
 1574 or interests in lands proposed for acquisition pursuant to s.
 1575 570.71, or lands within any area designated as an area of
 1576 critical state concern under s. 380.05 which, in the judgment of
 1577 the advisory council established pursuant to s. 259.035, or its
 1578 successor, cannot be adequately protected by application of land
 1579 development regulations adopted pursuant to s. 380.05. Finally,
 1580 it is the Legislature's intent that lands acquired through this
 1581 program and any successor programs be managed in such a way as
 1582 to protect or restore their natural resource values, and provide
 1583 the greatest benefit, including public access, to the citizens
 1584 of this state.

1585 (2) (a) The Conservation and Recreation Lands Trust Fund is
 1586 established within the Department of Environmental Protection.
 1587 The fund shall be used as a nonlapsing, revolving fund

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1588 exclusively for the purposes of this section. The fund shall be
 1589 credited with proceeds from the following excise taxes:

1590 1. The excise taxes on documents as provided in s. 201.15;
 1591 and

1592 2. The excise tax on the severance of phosphate rock as
 1593 provided in s. 211.3103.

1594
 1595 The Department of Revenue shall credit to the fund each month
 1596 the proceeds from such taxes as provided in this paragraph.

1597 (b) There shall annually be transferred from the
 1598 Conservation and Recreation Lands Trust Fund to the Land
 1599 Acquisition Trust Fund that amount, not to exceed \$20 million
 1600 annually, as shall be necessary to pay the debt service on, or
 1601 fund debt service reserve funds, rebate obligations, or other
 1602 amounts with respect to bonds issued pursuant to s. 375.051 to
 1603 acquire lands on the established priority list developed
 1604 pursuant to ss. 259.101(4) and 259.105; however, no moneys
 1605 transferred to the Land Acquisition Trust Fund pursuant to this
 1606 paragraph, or earnings thereon, shall be used or made available
 1607 to pay debt service on the Save Our Coast revenue bonds. Amounts
 1608 transferred annually from the Conservation and Recreation Lands
 1609 Trust Fund to the Land Acquisition Trust Fund pursuant to this
 1610 paragraph shall have the highest priority over other payments or
 1611 transfers from the Conservation and Recreation Lands Trust Fund,
 1612 and no other payments or transfers shall be made from the
 1613 Conservation and Recreation Lands Trust Fund until such
 1614 transfers to the Land Acquisition Trust Fund have been made.
 1615 Moneys in the Conservation and Recreation Lands Trust Fund also

1616 shall be used to manage lands and to pay for related costs,
 1617 activities, and functions pursuant to the provisions of this
 1618 section.

1619 (3) The Governor and Cabinet, sitting as the Board of
 1620 Trustees of the Internal Improvement Trust Fund, may allocate
 1621 moneys from the fund in any one year to acquire the fee or any
 1622 lesser interest in lands for the following public purposes:

1623 (a) To conserve and protect environmentally unique and
 1624 irreplaceable lands that contain native, relatively unaltered
 1625 flora and fauna representing a natural area unique to, or scarce
 1626 within, a region of this state or a larger geographic area;

1627 (b) To conserve and protect lands within designated areas
 1628 of critical state concern, if the proposed acquisition relates
 1629 to the natural resource protection purposes of the designation;

1630 (c) To conserve and protect native species habitat or
 1631 imperiled ~~endangered or threatened~~ species, emphasizing long-
 1632 term protection for imperiled ~~endangered or threatened~~ species
 1633 ~~designated G-1 or G-2 by the Florida Natural Areas Inventory,~~
 1634 ~~and~~ especially those areas that are special locations for
 1635 breeding and reproduction;

1636 (d) To conserve, protect, manage, or restore important
 1637 ecosystems, landscapes, and forests, if the protection and
 1638 conservation of such lands is necessary to enhance or protect
 1639 significant surface water, groundwater, coastal, recreational,
 1640 timber, or fish or wildlife resources which cannot otherwise be
 1641 accomplished through local and state regulatory programs;

1642 (e) To promote water resource development that benefits
 1643 natural systems and citizens of the state;

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1644 (f) To facilitate the restoration and subsequent health
 1645 and vitality of the Florida Everglades;

1646 (g) To provide areas, including recreational trails, for
 1647 natural resource based recreation and other outdoor recreation
 1648 on any part of any site compatible with conservation purposes;

1649 (h) To preserve significant archaeological or historic
 1650 sites; or

1651 (i) To conserve urban open spaces suitable for greenways
 1652 or outdoor recreation which are compatible with conservation
 1653 purposes.

1654 (j) To preserve agricultural lands and working waterfronts
 1655 under threat of conversion to development through fee simple and
 1656 less-than-fee acquisitions, including acquisition pursuant to s.
 1657 570.71.

1658 (4)~~(a)~~ Lands acquired under this section shall be for use
 1659 as state-designated parks, recreation areas, preserves,
 1660 reserves, historic or archaeological sites, geologic or
 1661 botanical sites, recreational trails, forests, wilderness areas,
 1662 wildlife management areas, urban open space, or other state-
 1663 designated recreation or conservation lands; or they shall
 1664 qualify for such state designation and use if they are to be
 1665 managed by other governmental agencies or nonstate entities as
 1666 provided for in this section.

1667 ~~(b) In addition to the uses allowed in paragraph (a),~~
 1668 ~~moneys may be transferred from the Conservation and Recreation~~
 1669 ~~Lands Trust Fund to the Florida Forever Trust Fund or the Land~~
 1670 ~~Acquisition Trust Fund. This paragraph expires July 1, 2007.~~

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1671 (5) The board of trustees may allocate, in any year, an
 1672 amount not to exceed 5 percent of the money credited to the fund
 1673 in that year, such allocation to be used for the purposes of
 1674 253.0325(2) initiation and maintenance of a natural areas
 1675 ~~inventory to aid in the identification of areas to be acquired~~
 1676 ~~pursuant to this section.~~

1677 (6) Moneys in the fund not needed to meet obligations
 1678 incurred under this section shall be deposited with the Chief
 1679 Financial Officer to the credit of the fund and may be invested
 1680 in the manner provided by law. Interest received on such
 1681 investments shall be credited to the Conservation and Recreation
 1682 Lands Trust Fund.

1683 (7) The board of trustees may enter into any contract
 1684 necessary to accomplish the purposes of this section. The lead
 1685 land managing agencies designated by the board of trustees also
 1686 are directed by the Legislature to enter into contracts or
 1687 interagency agreements with other governmental entities,
 1688 including local soil and water conservation districts, or
 1689 private land managers who have the expertise to perform specific
 1690 management activities ~~which a lead agency lacks, or~~ which would
 1691 cost more to provide in-house. Such activities shall include,
 1692 but not be limited to, controlled burning, road and ditch
 1693 maintenance, mowing, and wildlife assessments. The lead land
 1694 managing agency may contract with the Fish and Wildlife
 1695 Conservation Commission for those lands which contain imperiled
 1696 species habitat.

1697 (8) Lands to be considered for purchase under this section
 1698 are subject to the selection procedures of s. 259.035 and

1699 related rules and shall be acquired in accordance with
 1700 acquisition procedures for state lands provided for in s.
 1701 259.041, except for acquisition pursuant to s. 570.71 or as
 1702 otherwise provided by the Legislature. An inholding or an
 1703 addition to a project selected for purchase pursuant to this
 1704 chapter is not subject to the selection procedures of s. 259.035
 1705 if the estimated value of such inholding or addition does not
 1706 exceed \$500,000. When at least 90 percent of the acreage of a
 1707 project has been purchased pursuant to this chapter, the project
 1708 may be removed from the list and the remaining acreage may
 1709 continue to be purchased. Moneys from the fund may be used for
 1710 title work, appraisal fees, environmental audits, and survey
 1711 costs related to acquisition expenses for lands to be acquired,
 1712 donated, or exchanged which qualify under the categories of this
 1713 section, at the discretion of the board. When the Legislature
 1714 has authorized the Department of Environmental Protection to
 1715 condemn a specific parcel of land and such parcel has already
 1716 been approved for acquisition under this section, the land may
 1717 be acquired in accordance with the provisions of chapter 73 or
 1718 chapter 74, and the fund may be used to pay the condemnation
 1719 award and all costs, including a reasonable attorney's fee,
 1720 associated with condemnation.

1721 (9) All lands managed under this chapter and s. 253.034
 1722 shall be:

1723 (a) Managed in a manner that will provide the greatest
 1724 combination of benefits to the public and to the resources.

1725 (b) Managed for public ~~outdoor~~ recreation which is
 1726 compatible with the conservation and protection of public lands.

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1727 Such management may include, but not be limited to, the
 1728 following public recreational uses: fishing, hunting, camping,
 1729 bicycling, hiking, nature study, swimming, boating, canoeing,
 1730 horseback riding, diving, model hobbyist activities, birding,
 1731 sailing, jogging, and other related ~~outdoor~~ activities
 1732 compatible with the purposes for which the lands were acquired.

1733 (c) Managed for the purposes for which the lands were
 1734 acquired, consistent with paragraph (11)(a).

1735 (d) Concurrent with its adoption of the annual
 1736 Conservation and Recreation Lands list of acquisition projects
 1737 pursuant to s. 259.035, the board of trustees shall adopt a
 1738 management prospectus for each project. The management
 1739 prospectus shall delineate:

- 1740 1. The management goals for the property;
- 1741 2. The conditions that will affect the intensity of
 1742 management;
- 1743 3. An estimate of the revenue-generating potential of the
 1744 property, if appropriate;
- 1745 4. A timetable for implementing the various stages of
 1746 management and for providing access to the public, if
 1747 applicable;
- 1748 5. A description of potential multiple-use activities as
 1749 described in this section and s. 253.034;
- 1750 6. Provisions for protecting existing infrastructure and
 1751 for ensuring the security of the project upon acquisition;
- 1752 7. The anticipated costs of restoration and management and
 1753 projected sources of revenue, including legislative
 1754 appropriations, to fund management needs; and

1755 8. Recommendations as to how many employees will be needed
 1756 to manage the property, and recommendations as to whether local
 1757 governments, volunteer groups, the former landowner, or other
 1758 interested parties can be involved in the restoration and
 1759 management.

1760 (e) Concurrent with the approval of the acquisition
 1761 contract pursuant to s. 259.041(3)(c) for any interest in lands
 1762 except those lands being acquired under the provisions of s.
 1763 259.1052, the board of trustees shall designate a primary land
 1764 manager ~~an agency or agencies~~ to restore and manage such lands
 1765 as provided for in s. 253.002(1). The board shall evaluate and
 1766 amend, as appropriate, the management policy statement for the
 1767 project as provided by s. 259.035, consistent with the purposes
 1768 for which the lands are acquired. For any fee simple acquisition
 1769 of a parcel which is or will be leased back for agricultural
 1770 purposes, or any acquisition of a less-than-fee interest in land
 1771 that is or will be used for agricultural purposes, the Board of
 1772 Trustees of the Internal Improvement Trust Fund shall first
 1773 consider having a soil and water conservation district, created
 1774 pursuant to chapter 582, manage and monitor such interests.

1775 (f) State agencies designated to manage lands acquired
 1776 under this chapter except those lands acquired under s. 259.1052
 1777 may contract with the Department of Agriculture and Consumer
 1778 Services, the Department of Environmental Protection, the Fish
 1779 and Wildlife Conservation Commission, local governments, private
 1780 entities, and soil and water conservation districts to assist in
 1781 restoration and management activities, including the
 1782 responsibility of being the lead land manager. Such land

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1783 restoration and management contracts may include a provision for
 1784 the transfer of management funding to the local government or
 1785 soil and water conservation district from the Conservation and
 1786 Recreation Lands Trust Fund in an amount adequate for the local
 1787 government or soil and water conservation district to perform
 1788 its contractual land management responsibilities and
 1789 proportionate to its responsibilities, and which otherwise would
 1790 have been expended by the state agency to manage the property.

1791 (g) Immediately following the acquisition of any interest
 1792 in lands under this chapter, the Division of State Lands
 1793 ~~Department of Environmental Protection~~, acting on behalf of the
 1794 board of trustees, may issue to the lead managing entity an
 1795 interim assignment letter to be effective until the execution of
 1796 a formal lease.

1797 (10)(a) State, regional, or local governmental agencies or
 1798 private entities designated to manage lands under this section
 1799 shall develop and adopt, with the approval of the board of
 1800 trustees, an individual management plan for each project
 1801 designed to conserve and protect such lands and their associated
 1802 natural resources. Private sector involvement in management plan
 1803 development may be used to expedite the planning process.

1804 (b) Individual management plans required by s. 253.034(5),
 1805 ~~for parcels over 160 acres,~~ shall be developed with input from
 1806 an advisory group and the general public. Members of this
 1807 advisory group shall include, at a minimum, representatives of
 1808 the lead land managing agency, comanaging entities, local
 1809 private property owners, the appropriate soil and water
 1810 conservation district, a local conservation organization, and a

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1811 local elected official. The lead land manager and the advisory
 1812 group shall conduct at least two public hearings ~~one public~~
 1813 ~~hearing~~ within the county in which the parcel or project is
 1814 located. For those parcels or projects that are within more than
 1815 one county, at least one additional areawide public hearing
 1816 shall be acceptable and the lead managing agency shall invite a
 1817 local elected official from each county. The additional areawide
 1818 public hearing shall not be held in the county in which the core
 1819 parcels are located. Notice of such public hearing shall be
 1820 posted on the parcel or project designated for management,
 1821 advertised in a paper of general circulation, and announced at a
 1822 scheduled meeting of the local governing body before the actual
 1823 public hearing. The management prospectus required pursuant to
 1824 paragraph (9) (d) and any draft land management plans shall be
 1825 available to the public for a period of 30 days prior to each
 1826 ~~the~~ public hearing.

1827 (c) Once a plan is adopted, the managing agency or entity
 1828 shall update the plan at least every 10 years in a form and
 1829 manner prescribed by rule of the board of trustees. Such
 1830 updates, ~~for parcels over 160 acres,~~ shall be developed with
 1831 input from an advisory group in the same manner as described in
 1832 paragraph (b). Such plans may include transfers of leasehold
 1833 interests to appropriate conservation organizations or
 1834 governmental entities designated by the Acquisition and
 1835 Restoration Council ~~Land Acquisition and Management Advisory~~
 1836 ~~Council or its successor~~, for uses consistent with the purposes
 1837 of the organizations and the protection, preservation,
 1838 conservation, restoration, and proper management of the lands

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1839 and their resources. Volunteer management assistance is
1840 encouraged, including, but not limited to, assistance by youths
1841 participating in programs sponsored by state or local agencies,
1842 by volunteers sponsored by environmental or civic organizations,
1843 and by individuals participating in programs for committed
1844 delinquents and adults.

1845 (d)1. For each project for which lands are acquired after
1846 July 1, 1995, an individual management plan shall be adopted and
1847 in place no later than 1 year after the essential parcel or
1848 parcels identified in the priority list developed pursuant to
1849 ss. 259.101(4) and 259.105 have been acquired. ~~The Department of
1850 Environmental Protection shall distribute only 75 percent of the
1851 acquisition funds to which a budget entity or water management
1852 district would otherwise be entitled from the Preservation 2000
1853 Trust Fund to any budget entity or any water management district
1854 that has more than one third of its management plans overdue.~~

1855 2. The requirements of subparagraph 1. do not apply to the
1856 individual management plan for the Babcock Crescent B Ranch
1857 being acquired pursuant to s. 259.1052. The management plan for
1858 the ranch shall be adopted and in place no later than 2 years
1859 following the date of acquisition by the state.

1860 (e) Individual land management plans shall conform to the
1861 appropriate policies and guidelines of the state land management
1862 plan and shall include, but not be limited to:

1863 1. A statement of the purpose for which the lands were
1864 acquired, the projected use or uses as defined in s. 253.034,
1865 and the statutory authority for such use or uses.

1866 2. ~~Key~~ Management activities necessary to achieve the
 1867 desired future conditions, including, but not limited to,
 1868 providing public access, preserving and protecting natural
 1869 resources, protecting cultural and historical resources,
 1870 restoring and repopulating habitat, protecting imperiled
 1871 species, controlling the spread of nonnative plants and animals,
 1872 and performing prescribed fire activities and other appropriate
 1873 resource management ~~preserve and protect natural resources and~~
 1874 ~~restore habitat, and for controlling the spread of nonnative~~
 1875 ~~plants and animals, and for prescribed fire and other~~
 1876 ~~appropriate resource management~~ activities.

1877 3. A specific description of how the managing agency plans
 1878 to identify, locate, protect, and preserve, or otherwise use
 1879 fragile, nonrenewable natural and cultural resources.

1880 4. A ~~priority~~ schedule for conducting restoration and
 1881 management activities, based on the short-term, long-term, and
 1882 desired future condition provided in the land management plan
 1883 ~~purposes for which the lands were acquired.~~

1884 5. A cost estimate for conducting ~~priority~~ management
 1885 activities, including utilization of the private sector ~~to~~
 1886 ~~include recommendations for cost-effective methods of~~
 1887 ~~accomplishing those activities.~~

1888 6. A cost estimate for conducting other management
 1889 activities which would enhance the natural resource value or
 1890 public recreation value for which the lands were acquired. The
 1891 cost estimate shall include recommendations for cost-effective
 1892 methods of accomplishing those activities.

1893 7. A determination of the public uses and public access
 1894 that are to be provided ~~would be consistent with the purposes~~
 1895 ~~for which the lands were acquired.~~

1896 (f) The Division of State Lands shall submit a copy of
 1897 each individual management plan ~~for parcels which exceed 160~~
 1898 ~~acres in size~~ to each member of the Acquisition and Restoration
 1899 Council ~~Land Acquisition and Management Advisory Council or its~~
 1900 ~~successor~~, which shall:

1901 1. Within 60 days after receiving a plan from the
 1902 division, review each plan for compliance with the requirements
 1903 of chapter 253, this subsection and with the requirements of the
 1904 rules established by the board pursuant to this subsection.

1905 2. Consider the propriety of the recommendations of the
 1906 managing agency with regard to the future use or protection of
 1907 the property.

1908 3. After its review, submit the plan, along with its
 1909 recommendations and comments, to the board of trustees, with
 1910 recommendations as to whether to approve the plan as submitted,
 1911 ~~approve the plan with modifications~~, or reject the plan.

1912 (g) The board of trustees shall consider the individual
 1913 management plan submitted by each state agency and the
 1914 recommendations of the Acquisition and Restoration Council ~~Land~~
 1915 ~~Acquisition and Management Advisory Council, or its successor,~~
 1916 and the Division of State Lands and shall approve the plan ~~with~~
 1917 ~~or without modification~~ or reject such plan. The use or
 1918 possession of any lands owned by the board of trustees which is
 1919 not in accordance with an approved individual management plan is
 1920 subject to termination by the board of trustees.

1921
 1922 By July 1 of each year, each governmental agency and each
 1923 private entity designated to manage lands shall report to the
 1924 Division of State Lands ~~Secretary of Environmental Protection~~ on
 1925 the progress of funding, staffing, and resource management of
 1926 every project for which the agency or entity is responsible.

1927 (11) (a) The Legislature recognizes that acquiring lands
 1928 pursuant to this chapter serves the public interest by
 1929 protecting land, air, and water resources which contribute to
 1930 the public health and welfare, providing areas for natural
 1931 resource based recreation, and ensuring the survival of unique
 1932 and irreplaceable plant and animal species. The Legislature
 1933 intends for these lands to be managed and maintained for the
 1934 purposes for which they were acquired and for the public to have
 1935 access to and use of these lands if it will ~~where it is~~
 1936 ~~consistent with acquisition purposes and would~~ not harm the
 1937 resources the state is seeking to protect, restore, and manage
 1938 on the public's behalf.

1939 (b) An amount not less than ~~up to~~ 1.5 percent of the
 1940 cumulative total of funds ever deposited into the Florida
 1941 Preservation 2000 Trust Fund and the Florida Forever Trust Fund
 1942 shall be made available for the purposes of restoration,
 1943 management, maintenance, and capital improvements not eligible
 1944 for funding pursuant to s. 11(e), Art. VII of the State
 1945 Constitution, and for associated contractual services, for lands
 1946 managed ~~acquired~~ pursuant to this section, ~~s. 259.101, s.~~
 1947 ~~259.105, s. 259.1052,~~ or previous programs for the acquisition
 1948 of lands for conservation and recreation, including state

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1949 forests, to which title is vested in the board of trustees and
 1950 other conservation and recreation lands managed by a state
 1951 agency. Of this amount, \$250,000 shall be transferred annually
 1952 to the Plant Industry Trust Fund within the Department of
 1953 Agriculture and Consumer Services for the purpose of
 1954 implementing the Endangered or Threatened Native Flora
 1955 Conservation Grants Program pursuant to s. 581.185(11). Each
 1956 agency with management responsibilities shall annually request
 1957 from the Legislature funds sufficient to fulfill such
 1958 responsibilities to implement individual land management plans
 1959 developed under s. 253.034. For the purposes of this paragraph,
 1960 capital improvements shall include, but need not be limited to,
 1961 habitat restoration, perimeter fencing, signs, firelanes, access
 1962 roads and trails, and minimal public accommodations, such as
 1963 primitive campsites, garbage receptacles, and toilets. Any
 1964 equipment purchased with funds provided pursuant to this
 1965 paragraph may be used for appropriate land management activities
 1966 ~~the purposes described in this paragraph on any conservation and~~
 1967 ~~recreation lands managed by a state agency.~~

1968 (c) The Secretary of the Department of Environmental
 1969 Protection, the Executive Director of the Fish and Wildlife
 1970 Conservation Commission, and the Commissioner of Agriculture
 1971 shall prepare and deliver a report to the Board of Trustees of
 1972 the Internal Improvement Trust Fund, the President of the
 1973 Senate, and the Speaker of the House of Representatives no later
 1974 than December 31, 2008, that provides an interim management
 1975 formula and a long-term management formula, and the
 1976 methodologies used to develop the formulas, which shall be used

1977 to allocate land management ~~In requesting~~ funds provided for in
 1978 paragraph (b) for interim and long-term management of all
 1979 acquisitions pursuant to this chapter and for associated
 1980 contractual services. The methodology and formula for interim
 1981 management shall be based on the land acquisitions from the
 1982 prior year. The methodology and formula for long-term management
 1983 shall consider, but not be limited to, the following, ~~the~~
 1984 ~~managing agencies shall recognize the following categories of~~
 1985 ~~land management needs:~~

1986 1. The level and complexity of resource management
 1987 activities required for each of the natural community
 1988 categories, groups and types provided in s. 253.0325(2), and the
 1989 related management activities necessary to obtain the land
 1990 management goals provided in s. 253.034, including, but not
 1991 limited to, the acres of land that require:

1992 a. Minimal effort for resource preservation or
 1993 restoration.

1994 b. Moderate effort for resource preservation or
 1995 restoration.

1996 c. Significant effort for resource preservation or
 1997 restoration.

1998 2. The level and complexity of management intensity
 1999 required to provide public access, including, but not limited to
 2000 the acres of land that require:

2001 a. Minimal effort. Such lands generally are open to the
 2002 public but offer no more than minimally developed facilities.

2003 b. Moderate effort. Such lands typically have a high
 2004 degree of public use and offer highly developed facilities.

2005 c. Significant effort. Such lands generally are sites with
 2006 historic significance or unique natural features and a very high
 2007 degree of public use.

2008 3. The location, size, and nature of the tract.

2009 4. The monitoring activities required pursuant s. 253.034.

2010 5. The acres of land with a secondary manager contributing
 2011 to the overall management effort.

2012 6. The anticipated revenues generated from management,
 2013 restoration, and repopulation of the lands.

2014 7. The acres of land with infestations of nonnative or
 2015 invasive plants, animals, or fish.

2016 ~~1. Lands which are low need tracts, requiring basic~~
 2017 ~~resource management and protection, such as state reserves,~~
 2018 ~~state preserves, state forests, and wildlife management areas.~~
 2019 ~~These lands generally are open to the public but have no more~~
 2020 ~~than minimum facilities development.~~

2021 ~~2. Lands which are moderate need tracts, requiring more~~
 2022 ~~than basic resource management and protection, such as state~~
 2023 ~~parks and state recreation areas. These lands generally have~~
 2024 ~~extra restoration or protection needs, higher concentrations of~~
 2025 ~~public use, or more highly developed facilities.~~

2026 ~~3. Lands which are high need tracts, with identified needs~~
 2027 ~~requiring unique site specific resource management and~~
 2028 ~~protection. These lands generally are sites with historic~~
 2029 ~~significance, unique natural features, or very high intensity~~
 2030 ~~public use, or sites that require extra funds to stabilize or~~
 2031 ~~protect resources, such as lands with heavy infestations of~~
 2032 ~~nonnative, invasive plants.~~

2033
 2034 Any formula devised hereunder shall describe both the factors
 2035 used and the factors not used in the formula. Beginning July 1,
 2036 2010, no funds provided under paragraph (b) shall be allocated,
 2037 distributed, or expended until the allocation formula for
 2038 funding land management activities has been adopted by the
 2039 Legislature. Until the adoption of the formula described in this
 2040 paragraph, interim and long-term management dollars shall
 2041 continue to be allocated and disbursed under existing methods.
 2042 Upon adoption, the allocation formula shall be used in the
 2043 allocation and distribution of funds provided in paragraph (b).
 2044 ~~In evaluating the management funding needs of lands based on the~~
 2045 ~~above categories, the lead land managing agencies shall include~~
 2046 ~~in their considerations the impacts of, and needs created or~~
 2047 ~~addressed by, multiple use management strategies.~~

2048 (d) All revenues generated through multiple-use management
 2049 or compatible secondary-use management shall be returned to the
 2050 lead agency responsible for such management and shall be used to
 2051 pay for management activities on all conservation, preservation,
 2052 and recreation lands under the agency's jurisdiction. In
 2053 addition, such revenues shall be segregated in an agency trust
 2054 fund and shall remain available to the agency in subsequent
 2055 fiscal years to support land management appropriations. For the
 2056 purposes of this paragraph, compatible secondary-use management
 2057 shall be those activities described in subsection (9) undertaken
 2058 on parcels designated as single use pursuant to s.
 2059 253.034(2)(b).

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2060 (e) Up to one-fifth of the funds provided for in paragraph
2061 (b) shall be reserved by the board of trustees for initial
2062 restoration activities and interim management of acquisitions
2063 and for associated contractual services, to ensure the
2064 conservation and protection of natural resources on project
2065 sites and to allow limited public recreational use of lands.
2066 Interim management activities may include, but not be limited
2067 to, resource assessments, control of invasive, nonnative
2068 species, habitat restoration, fencing, law enforcement,
2069 controlled burning, and public access consistent with
2070 preliminary determinations made pursuant to paragraph (9)(g).
2071 The board of trustees shall make these interim funds available
2072 immediately upon purchase.

2073 (f) The Land Management Uniform Accounting Council
2074 ~~department~~ shall set long-range and annual goals for the control
2075 and removal of nonnative, invasive plant species on public
2076 lands. Such goals shall differentiate between aquatic plant
2077 species and upland plant species. In setting such goals, the
2078 department may rank, in order of adverse impact, species that
2079 impede or destroy the functioning of natural systems.
2080 Notwithstanding paragraph (a), up to one-fourth of the funds
2081 provided for in paragraph (b) may be used by the agencies
2082 receiving those funds for control and removal of nonnative,
2083 invasive species on public lands.

2084 ~~(g) In addition to the purposes specified in paragraph~~
2085 ~~(b), funds from the 1.5 percent of the cumulative total of funds~~
2086 ~~ever deposited into the Florida Preservation 2000 Trust Fund and~~
2087 ~~the Florida Forever Trust Fund may be appropriated for the 2006-~~

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2088 ~~2007 fiscal year for the construction of replacement museum~~
 2089 ~~facilities. This paragraph expires July 1, 2007.~~

2090 (12) (a) Beginning July 1, 1999, the Legislature shall make
 2091 available sufficient funds annually from the Conservation and
 2092 Recreation Lands Trust Fund to the department for payment in
 2093 lieu of taxes to qualifying counties and local governments as
 2094 defined in paragraph (b) for all actual tax losses incurred as a
 2095 result of board of trustees acquisitions for state agencies
 2096 under the Florida Forever program or the Florida Preservation
 2097 2000 program during any year. Reserved funds not used for
 2098 payments in lieu of taxes in any year shall revert to the fund
 2099 to be used for land management in accordance with the provisions
 2100 of this section.

2101 (b) Payment in lieu of taxes shall be available:

2102 1. To all counties that have a population of 150,000 or
 2103 fewer. Population levels shall be determined pursuant to s.
 2104 11.031.

2105 2. To all local governments located in eligible counties.

2106 3. To Glades County, where a privately owned and operated
 2107 prison leased to the state has recently been opened and where
 2108 privately owned and operated juvenile justice facilities leased
 2109 to the state have recently been constructed and opened, a
 2110 payment in lieu of taxes, in an amount that offsets the loss of
 2111 property tax revenue, which funds have already been appropriated
 2112 and allocated from the Department of Correction's budget for the
 2113 purpose of reimbursing amounts equal to lost ad valorem taxes.

2114 (c) If insufficient funds are available in any year to
 2115 make full payments to all qualifying counties and local

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2116 governments, such counties and local governments shall receive a
 2117 pro rata share of the moneys available.

2118 (d) The payment amount shall be based on the average
 2119 amount of actual taxes paid on the property for the 3 years
 2120 preceding acquisition. Applications for payment in lieu of taxes
 2121 shall be made no later than January 31 of the year following
 2122 acquisition. No payment in lieu of taxes shall be made for
 2123 properties which were exempt from ad valorem taxation for the
 2124 year immediately preceding acquisition.

2125 (e) If property which was subject to ad valorem taxation
 2126 was acquired by a tax-exempt entity for ultimate conveyance to
 2127 the state under this chapter, payment in lieu of taxes shall be
 2128 made for such property based upon the average amount of taxes
 2129 paid on the property for the 3 years prior to its being removed
 2130 from the tax rolls. The department shall certify to the
 2131 Department of Revenue those properties that may be eligible
 2132 under this provision. Once eligibility has been established, for
 2133 a county, and local governments within that county, whose
 2134 population is less than 150,000 residents, shall continue to
 2135 receive annual payments for each tax loss. Once a county has a
 2136 population of 150,000 or more, payments shall end. However, no
 2137 eligible ~~that~~ county or local government shall receive less than
 2138 10 consecutive annual payments for each tax loss, and no further
 2139 eligibility determination shall be made during that period.

2140 (f) Payment in lieu of taxes pursuant to this subsection
 2141 shall be made annually to qualifying counties and local
 2142 governments after certification by the Department of Revenue
 2143 that the amounts applied for are reasonably appropriate, based

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2144 on the amount of actual taxes paid on the eligible property.
 2145 With the assistance of the local government requesting payment
 2146 in lieu of taxes, the state agency that acquired the land is
 2147 responsible for preparing and submitting application requests
 2148 for payment to the Department of Revenue for certification.

2149 (g) If the board of trustees conveys to a local government
 2150 title to any land owned by the board, any payments in lieu of
 2151 taxes on the land made to the local government shall be
 2152 discontinued as of the date of the conveyance.

2153
 2154 For the purposes of this subsection, "local government" includes
 2155 municipalities, the county school board, mosquito control
 2156 districts, and any other local government entity which levies ad
 2157 valorem taxes, with the exception of a water management
 2158 district.

2159 (13) Moneys credited to the fund each year which are not
 2160 used for restoration, management, maintenance, or capital
 2161 improvements pursuant to subsection (11); for payment in lieu of
 2162 taxes pursuant to subsection (12); or for the purposes of
 2163 subsection (5), shall be available for the acquisition of land
 2164 pursuant to this section.

2165 (14) The board of trustees may adopt rules to further
 2166 define the categories of land for acquisition under this
 2167 chapter.

2168 (15) Within 90 days after receiving a certified letter
 2169 from the owner of a property on the Conservation and Recreation
 2170 Lands list or the priority list established pursuant to s.
 2171 259.105 objecting to the property being included in an

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2172 acquisition project, where such property is a project or part of
 2173 a project which has not been listed for purchase in the current
 2174 year's land acquisition work plan, the board of trustees shall
 2175 delete the property from the list or from the boundary of an
 2176 acquisition project on the list.

2177 Section 14. Section 259.0322, Florida Statutes, is amended
 2178 to read:

2179 259.0322 Reinstitution of payments in lieu of taxes;
 2180 duration.--If the Department of Environmental Protection has
 2181 made a payment in lieu of taxes to a governmental entity and
 2182 subsequently suspended such payment, the department shall
 2183 reinstitute appropriate payments and continue the payments for
 2184 each tax loss as long as the eligible county's population stays
 2185 below 150,000 residents. Once an eligible county has a
 2186 population that reaches or exceeds 150,000 residents, payments
 2187 to the county or local government for each tax loss shall cease.
 2188 However, no eligible county or local government shall receive
 2189 less than 10 consecutive annual payments for each tax loss in
 2190 ~~consecutive years until the governmental entity has received a~~
 2191 ~~total of 10 payments for each tax loss.~~

2192 Section 15. Section 259.035, Florida Statutes, is amended
 2193 to read:

2194 259.035 Acquisition and Restoration Council.--

2195 (1) There is created the Acquisition and Restoration
 2196 Council.

2197 (a) The council shall be composed of nine voting members,
 2198 two ~~four~~ of whom shall be appointed by the Governor. These two
 2199 ~~four~~ appointees shall be from ~~scientific~~ disciplines related to

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2200 public recreation, public land use administration ~~land, water,~~
 2201 or environmental sciences. One member shall be appointed by the
 2202 Commissioner of Agriculture and shall be from a discipline
 2203 related to agriculture, which may include silviculture. One
 2204 member shall be appointed by the Fish and Wildlife Conservation
 2205 Commission and shall be from a discipline related to wildlife
 2206 management or wildlife ecology. The appointed members They shall
 2207 serve 4-year terms, except that, initially, to provide for
 2208 staggered terms, two of the appointees shall serve 2-year terms.
 2209 All subsequent appointments shall be for 4-year terms. No
 2210 appointee shall serve more than 6 years. The Governor and the
 2211 Commissioner of Agriculture shall fill the first two vacancies
 2212 with one appointment each. The subsequent two vacancies shall be
 2213 filled by the Governor and the Fish and Wildlife Conservation
 2214 Commission. The Governor, the Commissioner of Agriculture, or
 2215 the Fish and Wildlife Conservation Commission may at any time
 2216 fill a vacancy for their respective appointment for the
 2217 unexpired term of a member appointed under this paragraph.

2218 (b) The five remaining appointees shall be composed of the
 2219 Secretary of Environmental Protection, the director of the
 2220 Division of Forestry of the Department of Agriculture and
 2221 Consumer Services, the executive director of the Fish and
 2222 Wildlife Conservation Commission, the director of the Division
 2223 of Historical Resources of the Department of State, and the
 2224 Director of Community Planning ~~secretary~~ of the Department of
 2225 Community Affairs, or their respective designees.

2226 (c) The Governor shall appoint the chair of the council,
 2227 and a vice chair shall be elected from among the members.

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2228 (d) The council shall hold periodic meetings at the
 2229 request of the chair.

2230 (e) The Department of Environmental Protection shall
 2231 provide primary staff support to the council and shall ensure
 2232 that council meetings are electronically recorded. Such
 2233 recording shall be preserved pursuant to chapters 119 and 257.

2234 (f) The board of trustees has authority to adopt rules
 2235 pursuant to ss. 120.536(1) and 120.54 to implement the
 2236 provisions of this section.

2237 (2) The four appointed members of the council shall
 2238 receive reimbursement for ~~appointed by the Governor shall~~
 2239 ~~receive \$75 per day while engaged in the business of the~~
 2240 ~~council, as well as~~ expenses and per diem for travel to attend
 2241 council, ~~including attendance at~~ meetings, as allowed state
 2242 officers and employees while in the performance of their duties,
 2243 pursuant to s. 112.061.

2244 (3) The council shall provide assistance to the board of
 2245 trustees in reviewing the recommendations and plans for state-
 2246 owned lands required under ss. 253.034 and 259.032. The council
 2247 shall, in reviewing such recommendations and plans, consider the
 2248 optimization of multiple-use and conservation strategies to
 2249 accomplish the provisions funded pursuant to ss. 259.101(3) (a)
 2250 and 259.105(3) (b) .

2251 (4) (a) The council may use existing rules adopted by the
 2252 board of trustees, until it develops and recommends amendments
 2253 to those rules, to competitively evaluate, select, and rank
 2254 projects eligible for the Conservation and Recreation Lands list
 2255 pursuant to ss. 259.032(3) and 259.101(4) ~~and, beginning ne~~

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2256 ~~later than May 1, 2001, for Florida Forever funds pursuant to s.~~
 2257 ~~259.105(3)(b).~~

2258 (b) By December 1, 2009, the Acquisition and Restoration
 2259 Council shall develop rules defining specific criteria and
 2260 numeric performance measures needed for lands that are to be
 2261 acquired for public purpose under the Florida Forever program
 2262 pursuant to s. 259.105. Each recipient of Florida Forever funds
 2263 shall assist the council in the development of such rules. These
 2264 rules shall be reviewed and adopted by the Board of Trustees
 2265 then submitted to the Legislature for consideration by February
 2266 1, 2010. The Legislature may reject, modify, or approve the
 2267 proposed rules. Each recipient of Florida Forever funds shall
 2268 annually report to the Division of State Lands on each of the
 2269 numeric performance measures accomplished during the previous
 2270 fiscal year.

2271 (c) In developing or amending the rules, the council shall
 2272 give weight to the criteria included in s. 259.105(10). The
 2273 board of trustees shall review the recommendations and shall
 2274 adopt rules necessary to administer this section.

2275 (5) An affirmative vote of five members of the council is
 2276 required in order to change a project boundary or to place a
 2277 proposed project on a list developed pursuant to subsection (4).
 2278 Any member of the council who by family or a business
 2279 relationship has a connection with all or a portion of any
 2280 proposed project shall declare the interest before voting on its
 2281 inclusion on a list.

2282 (6) The proposal for a project pursuant to this section or
 2283 s. 259.105(3)(b) may be implemented only if adopted by the

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2284 council and approved by the board of trustees. The council shall
 2285 consider and evaluate in writing the merits and demerits of each
 2286 project that is proposed for Conservation and Recreation Lands,
 2287 Florida Preservation 2000, or Florida Forever funding and shall
 2288 ensure that each proposed project will meet a stated public
 2289 purpose for the restoration, conservation, or preservation of
 2290 environmentally sensitive lands and water areas or for providing
 2291 ~~outdoor~~ recreational opportunities. The council also shall
 2292 determine whether the project conforms, where applicable, with
 2293 the comprehensive plan developed pursuant to s. 259.04(1)(a),
 2294 the comprehensive multipurpose outdoor recreation plan developed
 2295 pursuant to s. 375.021, the state lands management plan adopted
 2296 pursuant to s. 253.03(7), the water resources work plans
 2297 developed pursuant to s. 373.199, and the provisions of s.
 2298 259.032, s. 259.101, or s. 259.105, whichever is applicable.

2299 Section 16. Section 259.036, Florida Statutes, is amended
 2300 to read:

2301 259.036 Management review teams.--

2302 (1) To determine whether conservation, preservation, and
 2303 recreation lands titled in the name of the Board of Trustees of
 2304 the Internal Improvement Trust Fund are being managed to achieve
 2305 the long-term management goals of the land management plans
 2306 provided in s. 253.034, for the purposes for which they were
 2307 ~~acquired and in accordance with a land management plan adopted~~
 2308 ~~pursuant to s. 259.032,~~ the board of trustees, acting through
 2309 the Division of State Lands Department of Environmental
 2310 ~~Protection~~, shall cause periodic management reviews to be
 2311 conducted as follows:

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2312 (a) The Division of State Lands ~~department~~ shall establish
 2313 a regional land management review team composed of the following
 2314 members:

2315 1. One individual who is from the county or local
 2316 community in which the parcel or project is located and who is
 2317 selected by the county commission in the county which is most
 2318 impacted by the acquisition.

2319 2. One individual from the Division of Recreation and
 2320 Parks of the department or one individual from the department's
 2321 district office in which the parcel is located.

2322 3. One individual from the Division of Forestry of the
 2323 Department of Agriculture and Consumer Services with applied
 2324 land management experience.

2325 4. One individual from the Fish and Wildlife Conservation
 2326 Commission with applied wildlife habitat experience.

2327 5. A private land manager selected by the Commissioner of
 2328 Agriculture ~~One individual from the department's district office~~
 2329 ~~in which the parcel is located.~~

2330 6. A private land manager selected by the executive
 2331 director of the Fish and Wildlife Conservation Commission
 2332 ~~mutually agreeable to the state agency representatives.~~

2333 7. A member selected by ~~of~~ the local soil and water
 2334 conservation district board of supervisors.

2335 8. A member of a conservation organization selected by the
 2336 Division of State Lands.

2337 (b) The staff of the Division of State Lands shall act as
 2338 the review team coordinator for the purposes of establishing
 2339 schedules for the reviews and other staff functions. ~~The~~

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2340 ~~Legislature shall appropriate funds necessary to implement land~~
 2341 ~~management review team functions.~~

2342 (2) The land management review team shall review select
 2343 management areas prior to the date the manager is required to
 2344 submit a 10-year land management plan update. ~~For management~~
 2345 ~~areas that exceed 1,000 acres in size, the Division of State~~
 2346 ~~Lands shall schedule a land management review at least every 5~~
 2347 ~~years.~~ A copy of the review shall be provided to the land
 2348 manager, the Acquisition and Restoration Council, and the
 2349 Division of State Lands for incorporation into the land
 2350 management plan, ~~and the Acquisition and Restoration Council.~~
 2351 The land manager and the Acquisition and Restoration Council
 2352 shall consider the findings and recommendations of the land
 2353 management review team in finalizing the required 10-year update
 2354 of the land its management plan.

2355 (3) In conducting a review, the land management review
 2356 team shall evaluate the extent to which the existing management
 2357 plan provides sufficient protection to threatened or endangered
 2358 species, unique or important natural or physical features,
 2359 geological or hydrological functions, or archaeological
 2360 features. The review shall also evaluate the extent to which the
 2361 land is being managed to achieve the goals of the land
 2362 management plans provided in s. 253.034 ~~for the purposes for~~
 2363 ~~which it was acquired~~ and the degree to which actual management
 2364 practices, including public access, are in compliance with the
 2365 adopted management plan. As part of the review, the land
 2366 management review teams shall consider and review the biennial
 2367 reports and audits provided under s. 253.034.

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2368 (4) In the event a land management plan has not been
 2369 adopted within the timeframes specified in s. 259.032(10), the
 2370 Division of State Lands shall ~~department may~~ direct a management
 2371 review of the property, to be conducted by the land management
 2372 review team. The review shall consider the extent to which the
 2373 land is being managed for the purposes for which it was acquired
 2374 and the degree to which actual management practices are in
 2375 compliance with the management policy statement and management
 2376 prospectus for that property.

2377 (5) If the land management review team determines that
 2378 reviewed lands are not being managed to achieve the goals of the
 2379 land management plans provided in s. 253.034 ~~for the purposes~~
 2380 ~~for which they were acquired~~ or in compliance with the adopted
 2381 land management plan, management policy statement, or management
 2382 prospectus, or if the managing agency fails to address the
 2383 review findings in the updated management plan, the Division of
 2384 State Lands ~~department~~ shall provide the review findings to the
 2385 board, and the managing agency must report to the board ~~its~~
 2386 ~~reasons for managing the lands as it has.~~

2387 (6) No later than the second board meeting following the
 2388 submittal of the review in October of each year, the Division of
 2389 State Lands and the land manager shall ~~department shall~~ report
 2390 the annual review findings of the ~~its~~ land management review
 2391 team to the board of trustees.

2392 Section 17. Section 259.037, Florida Statutes, is amended
 2393 to read:

2394 259.037 Land Management Uniform Accounting Council.--

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2395 (1) The Land Management Uniform Accounting Council is
2396 created within the Department of Environmental Protection and
2397 shall consist of the director of the Division of State Lands,
2398 the director of the Division of Recreation and Parks, the
2399 director of the Office of Coastal and Aquatic Managed Areas, and
2400 the director of the Office of Greenways and Trails of the
2401 Department of Environmental Protection; the director of the
2402 Division of Forestry of the Department of Agriculture and
2403 Consumer Services; the executive director of the Fish and
2404 Wildlife Conservation Commission; and the director of the
2405 Division of Historical Resources of the Department of State, or
2406 their respective designees. Each state agency represented on the
2407 council shall have one vote. The chair of the council shall
2408 rotate annually in the foregoing order of state agencies. The
2409 agency of the representative serving as chair of the council
2410 shall provide staff support for the council. The Division of
2411 State Lands shall serve as the recipient of and repository for
2412 the council's documents. The council shall meet at the request
2413 of the chair.

2414 (2) The Auditor General and the director of the Office of
2415 Program Policy Analysis and Government Accountability, or their
2416 designees, shall advise the council to ensure that appropriate
2417 accounting procedures are utilized and that a uniform method of
2418 collecting and reporting accurate costs of land management
2419 activities are created and can be used by all agencies.

2420 (3) (a) All land management activities and costs must be
2421 assigned to a specific category, and any single activity or cost
2422 may not be assigned to more than one category. Administrative

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2423 costs, such as planning or training, shall be segregated from
 2424 other management activities. Specific management activities and
 2425 costs must initially be grouped, at a minimum, within the
 2426 following categories:

- 2427 1.(a) Resource management.
- 2428 2. Restoration.
- 2429 3. Visitor Services.
- 2430 4.(b) Administration.
- 2431 5. Support.
- 2432 6. Law Enforcement.
- 2433 7.(e) New capital improvement and infrastructure facility
 2434 construction.
- 2435 8.(d) Capital improvement and infrastructure Facility
 2436 maintenance.

2437 (b) Each reporting agency shall also:

2438 1. List the acres of land requiring minimal management
 2439 effort, moderate management effort, and significant management
 2440 effort pursuant to s. 259.032(11)(c). For each category the
 2441 reporting agency shall include the amount of funds requested,
 2442 the amount of funds received, and the amount of funds expended
 2443 for land management.

2444 2. Include a report of the available public use
 2445 opportunities for each tract of state land, the total management
 2446 cost for public access and public use, and the cost associated
 2447 with each use option.

2448 3. List the acres managed and the cost of management for
 2449 each park, preserve, forest, reserve, or management area.

2450 4. List the acres managed, the cost of management, and the

2451 lead manager for state lands tracts for which secondary
 2452 management activities were provided.

2453
 2454 Upon adoption of the initial list of land management categories
 2455 by the council, agencies assigned to manage conservation or
 2456 recreation lands shall, on July 1, 2000, begin to account for
 2457 land management costs in accordance with the category to which
 2458 an expenditure is assigned. Beginning July 1, 2010, all such
 2459 costs shall be tied to the land management plan.

2460 (4) The council shall report agencies' expenditures
 2461 pursuant to the adopted categories to the President of the
 2462 Senate and the Speaker of the House of Representatives annually,
 2463 beginning July 1, 2001. The council shall also provide this
 2464 report to the Acquisition and Restoration Council and the
 2465 Division of State Lands for inclusion in its annual report
 2466 required pursuant to s. ~~259.036~~ ~~259.105~~. Beginning July 1, 2010,
 2467 the council shall conduct a review every 5 years and report to
 2468 the Legislature the value added by the report and provide a
 2469 recommendation with respect to revising the reporting
 2470 requirements.

2471 (5) Should the council determine that the list of land
 2472 management categories needs to be revised, it shall meet upon
 2473 the call of the chair.

2474 Section 18. Paragraph (a) of subsection (1) of section
 2475 259.04, Florida Statutes, is amended to read:

2476 259.04 Board; powers and duties.--

2477 (1) For projects and acquisitions selected for purchase
 2478 pursuant to ss. 259.035, 259.101, and 259.105:

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2479 (a) The board is given the responsibility, authority, and
 2480 power to develop and execute a comprehensive, statewide 5-year
 2481 plan to conserve, restore, and protect environmentally
 2482 endangered lands, ecosystems, lands necessary for outdoor
 2483 recreational needs, and other lands as identified in ss.
 2484 259.032, 259.101, and 259.105. This plan shall be consistent
 2485 with the rules adopted pursuant to s. 259.035(4)(b) and kept
 2486 current through continual reevaluation and revision. The
 2487 advisory council or its successor shall assist the board in the
 2488 development, reevaluation, and revision of the plan.

2489 Section 19. Subsections (1), (2), (3), and (7) of section
 2490 259.041, Florida Statutes, are amended to read:

2491 259.041 Acquisition of state-owned lands for preservation,
 2492 conservation, and recreation purposes.--

2493 (1) Neither the Board of Trustees of the Internal
 2494 Improvement Trust Fund nor its duly authorized agent shall
 2495 commit the state, through any instrument of negotiated contract
 2496 or agreement for purchase, to the purchase of lands with or
 2497 without appurtenances unless the provisions of this section have
 2498 been fully complied with. Except for the requirements of
 2499 subsections (3), (7), (14), and (15), the board of trustees may
 2500 waive any requirements of this section, may waive any rules
 2501 adopted pursuant to this section, notwithstanding chapter 120,
 2502 or may substitute other reasonably prudent procedures, provided
 2503 the public's interest is reasonably protected. The title to
 2504 lands acquired pursuant to this section shall vest in the board
 2505 of trustees as provided in s. 253.03(1), unless otherwise

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2506 provided by law, and all such titled lands shall be administered
 2507 pursuant to the provisions of s. 253.03.

2508 (2) The board of trustees has authority to adopt rules
 2509 pursuant to ss. 120.536(1) and 120.54 to implement the
 2510 provisions of this section, including rules governing the terms
 2511 and conditions of land purchases. Such rules shall address with
 2512 specificity, but not be limited to:

2513 (a) The procedures to be followed in the acquisition
 2514 process, including selection of appraisers, surveyors, title
 2515 agents and closing agents, and the content of appraisal reports.

2516 (b) The determination of the value of parcels which the
 2517 state has an interest to acquire.

2518 (c) Special requirements when multiple landowners are
 2519 involved in an acquisition.

2520 (d) Requirements for obtaining written option agreements
 2521 so that the interests of the state are fully protected.

2522 (e) Special requirements when multiple purchasers are
 2523 involved in an acquisition.

2524 (3) No agreement to acquire real property for the purposes
 2525 described in this chapter, chapter 260, or chapter 375, title to
 2526 which will vest in the board of trustees, may bind the state
 2527 unless and until the agreement has been reviewed and approved by
 2528 the Division of State Lands ~~Department of Environmental~~
 2529 ~~Protection~~ as complying with the requirements of this section
 2530 and any rules adopted pursuant to this section. When the state
 2531 is a party to a joint acquisition in which another entity is
 2532 contributing to the agreed contract price, the state
 2533 contribution shall not exceed the difference between the

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2534 appraised value, as determined by the state, and the sum of the
 2535 contributions of the other parties. Where any of the following
 2536 conditions exist, the agreement shall be submitted to and
 2537 approved by the board of trustees:

2538 (a) The purchase price agreed to by the seller exceeds the
 2539 value as established pursuant to the rules of the board of
 2540 trustees;

2541 (b) The contract price agreed to by the seller and
 2542 acquiring agency exceeds \$1 million;

2543 (c) The acquisition is the initial purchase in a project;
 2544 or

2545 (d) Other conditions that the board of trustees may adopt
 2546 by rule. Such conditions may include, but not be limited to,
 2547 projects where title to the property being acquired is
 2548 considered nonmarketable or is encumbered in such a way as to
 2549 significantly affect its management.

2550
 2551 Where approval of the board of trustees is required pursuant to
 2552 this subsection, the acquiring agency must provide a
 2553 justification as to why it is in the public's interest to
 2554 acquire the parcel or project. Approval of the board of trustees
 2555 also is required for projects the department recommends
 2556 acquiring pursuant to subsections (14) and (15). Review and
 2557 approval of agreements for acquisitions for Florida Greenways
 2558 and Trails Program properties pursuant to chapter 260 may be
 2559 waived by the department in any contract with nonprofit
 2560 corporations that have agreed to assist the department with this
 2561 program. Where the contribution of the acquiring agency exceeds

2562 \$100 million in any one fiscal year, the agreement shall be
 2563 submitted to and approved by the Legislative Budget Commission.

2564 (7) Prior to approval by the board of trustees or, when
 2565 applicable, the Department of Environmental Protection, of any
 2566 agreement to purchase land pursuant to this chapter, chapter
 2567 260, or chapter 375, and prior to negotiations with the parcel
 2568 owner to purchase any other land, title to which will vest in
 2569 the board of trustees, an appraisal of the parcel shall be
 2570 required as follows:

2571 (a) The board of trustees shall adopt by rule the method
 2572 for determining the value of parcels sought to be acquired by
 2573 state agencies pursuant to this section.

2574 (b) Each parcel to be acquired shall have at least one
 2575 appraisal. Two appraisals are required when the estimated value
 2576 of the parcel exceeds \$500,000. When two appraisals are
 2577 required, one appraiser shall be selected by the Department of
 2578 Agriculture and Consumer Services. ~~However,~~ When both appraisals
 2579 exceed \$500,000 and differ significantly, a third appraisal
 2580 shall ~~may~~ be obtained, with the Department of Financial Services
 2581 selecting the third appraiser. Two appraisals shall be
 2582 considered to differ significantly if the higher of the two
 2583 values exceeds 120 percent of the lower value. When the
 2584 estimated value of the parcel exceeds \$500,000, the review
 2585 appraiser shall be selected by the Department of Financial
 2586 Services. To provide for payment by the agency selecting the
 2587 second and third appraiser and review appraiser, as required by
 2588 this section, the Department of Environmental Protection shall
 2589 enter into interagency agreements with the Department of

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2590 Agriculture and Consumer Services and Department of the
2591 Financial Services, whereby funds will be transferred to those
2592 agencies for that purpose upon direction of the selecting
2593 agency. All appraisers shall be selected from among the list of
2594 approved appraisers maintained by the Division of State Lands in
2595 accordance with s. 253.025(6)(b). When a parcel is estimated to
2596 be worth \$100,000 or less and the director of the Division of
2597 State Lands finds that the cost of obtaining an outside
2598 appraisal is not justified, an appraisal prepared by the
2599 division may be used. The state is not required to appraise the
2600 value of lands and appurtenances that are being donated to the
2601 state.

2602 (c) Appraisal fees and associated costs shall be paid by
2603 the agency proposing the acquisition. The board of trustees
2604 shall approve qualified fee appraisal organizations. All
2605 appraisals used for the acquisition of lands pursuant to this
2606 section shall be prepared by a member of an approved appraisal
2607 organization or by a state-certified appraiser who meets the
2608 standards and criteria established in rule by the board of
2609 trustees. Each fee appraiser selected to appraise a particular
2610 parcel shall, prior to contracting with the agency or a
2611 participant in a multiparty agreement, submit to that agency or
2612 participant an affidavit substantiating that he or she has no
2613 vested or fiduciary interest in such parcel.

2614 (d) The fee appraiser and the review appraiser ~~for the~~
2615 ~~agency~~ shall not act in any way that may be construed as
2616 negotiating with the property owner.

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2617 (e) Generally, appraisal reports are confidential and
2618 exempt from the provisions of s. 119.07(1), for use by the
2619 agency and the board of trustees, until an option contract is
2620 executed or, if no option contract is executed, until 2 weeks
2621 before a contract or agreement for purchase is considered for
2622 approval by the board of trustees. However, the department has
2623 the authority, at its discretion, to disclose appraisal reports
2624 to private landowners during negotiations for acquisitions using
2625 alternatives to fee simple techniques, if the department
2626 determines that disclosure of such reports will bring the
2627 proposed acquisition to closure. The Division of State Lands may
2628 also disclose appraisal information to public agencies or
2629 nonprofit organizations that agree to maintain the
2630 confidentiality of the reports or information when joint
2631 acquisition of property is contemplated, or when a public agency
2632 or nonprofit organization enters into a written multiparty
2633 agreement with the division to purchase and hold property for
2634 subsequent resale to the division. In addition, the division may
2635 use, as its own, appraisals obtained by a public agency or
2636 nonprofit organization, provided the appraiser is selected from
2637 the division's list of appraisers and the appraisal is reviewed
2638 and approved by the division. For the purposes of this chapter,
2639 "nonprofit organization" means an organization whose purposes
2640 include the preservation of natural resources, and which is
2641 exempt from federal income tax under s. 501(c)(3) of the
2642 Internal Revenue Code. The agency may release an appraisal
2643 report when the passage of time has rendered the conclusions of

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2644 value in the report invalid or when the acquiring agency has
 2645 terminated negotiations.

2646 (f) The Division of State Lands may use, as its own,
 2647 appraisals obtained by a public agency or nonprofit
 2648 organization, provided that the appraiser is selected from the
 2649 division's list of appraisers and the appraisal is reviewed and
 2650 approved by the division. For the purposes of this chapter, the
 2651 term "nonprofit organization" means an organization whose
 2652 purposes include the preservation of natural resources and which
 2653 is exempt from federal income tax under s. 501(c)(3) of the
 2654 Internal Revenue Code.

2655
 2656 Notwithstanding the provisions of this subsection, on behalf of
 2657 the board and before the appraisal of parcels approved for
 2658 purchase under this chapter, the Secretary of Environmental
 2659 Protection or the director of the Division of State Lands may
 2660 enter into option contracts to buy such parcels. Any such option
 2661 contract shall state that the final purchase price is subject to
 2662 approval by the board or, when applicable, the secretary and
 2663 that the final purchase price may not exceed the maximum offer
 2664 allowed by law. Any such option contract presented to the board
 2665 for final purchase price approval shall explicitly state that
 2666 payment of the final purchase price is subject to an
 2667 appropriation from the Legislature. The consideration for such
 2668 an option may not exceed \$1,000 or 0.01 percent of the estimate
 2669 by the department of the value of the parcel, whichever amount
 2670 is greater.

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2671 Section 20. Section 259.07, Florida Statutes, is amended
 2672 to read:

2673 259.07 Public meetings.--The council, before making
 2674 recommendations to the board for the purchase of any land
 2675 pursuant to s. 259.035, shall hold at least two ~~one or more~~
 2676 public meetings on the proposed purchase of such land in areas
 2677 of the state where major portions of such land are situated. At
 2678 least 30 days in advance of such public meeting, notice shall be
 2679 published in newspapers of general circulation in the areas
 2680 where such lands are located, indicating the date, time, and
 2681 place of such public meeting. A report of the public meeting
 2682 shall be submitted to the board along with the recommendation
 2683 for purchase of such land.

2684 Section 21. Section 259.105, Florida Statutes, is amended
 2685 to read:

2686 259.105 The Florida Forever Act.--

2687 (1) This section may be cited as the "Florida Forever
 2688 Act."

2689 (2)(a) The Legislature finds and declares that:

2690 1. Land acquisition programs have ~~The Preservation 2000~~
 2691 ~~program~~ provided tremendous financial resources for purchasing
 2692 environmentally significant lands to protect those lands from
 2693 imminent development or further alteration, and have the
 2694 potential to thwart the conversion of agricultural lands to
 2695 nonagricultural uses, thereby assuring present and future
 2696 generations access to important waterways, open spaces, and
 2697 recreation and conservation lands.

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2698 2. The continued alteration and development of Florida's
2699 natural and rural areas to accommodate the state's rapidly
2700 growing population have contributed to the degradation of water
2701 resources, the fragmentation and destruction of wildlife
2702 habitats, including imperiled species, the loss of outdoor
2703 recreation space, and the diminishment of wetlands, forests,
2704 agriculture, working water fronts, coastal open space, and
2705 public beaches.

2706 3. The potential development of Florida's remaining
2707 natural areas, agricultural lands, and escalation of land values
2708 require a continuation of government efforts to restore, bring
2709 under public protection, or acquire lands and water areas to
2710 preserve the state's invaluable quality of life.

2711 4. It is essential to protect the state's ecosystems by
2712 promoting a more efficient use of land, ensuring opportunities
2713 for viable agricultural activities on working lands, and
2714 promoting vital rural communities which support and produce
2715 development patterns consistent with natural resource protection
2716 and provide surrogate habitat for wildlife.

2717 ~~5.4.~~ Florida's groundwater, surface waters, and springs
2718 are under tremendous pressure due to population growth and
2719 economic expansion and require special protection and
2720 restoration efforts, including the protection of uplands and
2721 springsheds that provide vital recharge to aquifer systems and
2722 are critical to the protection of water quality and water
2723 quantity of the aquifers and springs. To ensure that sufficient
2724 quantities of water are available to meet the current and future
2725 needs of the natural systems, including springs and springsheds

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2726 that provide vital recharge to aquifer systems, and citizens of
 2727 the state, and assist in achieving the planning goals of the
 2728 department and the water management districts, water resource
 2729 development projects and alternative water supplies as defined
 2730 in s. 373.019 on public lands, where compatible with the
 2731 resource values of and management objectives for the lands, are
 2732 appropriate.

2733 ~~6.5-~~ The needs of urban suburban and small communities in
 2734 Florida for high-quality ~~outdoor~~ recreational opportunities,
 2735 greenways, trails, and open space have not been fully met by
 2736 previous acquisition programs. Through such programs as the
 2737 Florida Communities Trust and the Florida Recreation Development
 2738 Assistance Program, the state shall place additional emphasis on
 2739 acquiring, protecting, preserving, and restoring open space,
 2740 greenways, and recreation properties within urban, suburban, and
 2741 rural areas where pristine natural communities or water bodies
 2742 no longer exist because of the proximity of developed property.

2743 ~~7.6-~~ Many of Florida's unique ecosystems, such as the
 2744 Florida Everglades, are facing ecological collapse due to
 2745 Florida's burgeoning population growth and other economic
 2746 activities. To preserve these valuable ecosystems for future
 2747 generations, essential parcels of land must be acquired to
 2748 facilitate ecosystem restoration.

2749 ~~8.7-~~ Access to public lands to support a broad range of
 2750 ~~outdoor~~ recreational opportunities and the development of
 2751 necessary infrastructure, where compatible with the resource
 2752 values of and management objectives for such lands, promotes an

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2753 appreciation for Florida's natural assets and improves the
 2754 quality of life.

2755 9.8- Acquisition of lands, in fee simple or less-than-fee
 2756 simple interest, or through other techniques, ~~or in any lesser~~
 2757 interest, should be based on a comprehensive science-based
 2758 assessment of Florida's natural resources that targets essential
 2759 conservation lands by prioritizing all current and future
 2760 acquisitions based on a uniform set of data and planned so as to
 2761 protect the integrity and function of ecological systems and
 2762 working landscapes, and provide multiple benefits, including
 2763 preservation of fish and wildlife habitat, recreation space for
 2764 urban and ~~as well as~~ rural areas, and the restoration of water
 2765 storage, flow, and recharge. Such acquisition shall be based on
 2766 the rules adopted pursuant s. 259.035.

2767 10.9- The state has embraced performance-based program
 2768 budgeting as a tool to evaluate the achievements of publicly
 2769 funded agencies, build in accountability, and reward those
 2770 agencies which are able to consistently achieve quantifiable
 2771 goals. While previous and existing state environmental programs
 2772 have achieved varying degrees of success, few of these programs
 2773 can be evaluated as to the extent of their achievements,
 2774 primarily because performance measures, standards, outcomes, and
 2775 goals were not established at the outset. Therefore, the Florida
 2776 Forever program shall be developed and implemented in the
 2777 context of measurable state goals and objectives.

2778 11. The Legislature recognizes that the state must play a
 2779 major role in the recovery and management of its imperiled
 2780 species through the acquisition, restoration, enhancement, and

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2781 management of ecosystems which can or could support the major
2782 life functions of imperiled species. It is the intent of the
2783 Legislature to support local, state, and federal programs that
2784 provide public and private land owners meaningful incentives to
2785 restore, manage, and repopulate such imperiled species habitat
2786 on private lands. It is further the intent of the Legislature
2787 that public lands, both existing lands and those to be acquired
2788 in any fashion, be restored, managed, and repopulated as habitat
2789 for imperiled species to advance the goals and objectives of
2790 imperiled species management plans approved by the Florida Fish
2791 and Wildlife Conservation Commission under commission rules
2792 without unnecessarily restricting the use of such land for
2793 recreational and water supply uses. As part of the state's role,
2794 state lands which include imperiled species habitat shall
2795 include as a management activity the restoration, management,
2796 and repopulation of such habitats. In addition, the primary land
2797 managers of such state lands may use fees received for adverse
2798 impacts to imperiled species from private and public projects as
2799 a means to restore, manage, and repopulate such land, and such
2800 fees received shall be used as a revenue source to implement
2801 land management plans developed under s. 253.034 or land
2802 management prospectus developed and implemented under this
2803 chapter.

2804 12.10. It is the intent of the Legislature to change the
2805 focus and direction of the state's major land acquisition
2806 programs and to extend funding and bonding capabilities, so that
2807 the state fulfills its role in the recovery and management of
2808 Florida's imperiled species consistent with the goals and

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2809 objectives of the imperiled species management plans approved by
 2810 the Florida Fish and Wildlife Conservation Commission under
 2811 commission rules; provides ample access to Florida waterways
 2812 and; enhances adequate water supply to meet the needs of natural
 2813 systems as well as Florida citizens through the implementation
 2814 of alternative supplies and water resource development as
 2815 defined in s. 373.019; ensuring future generations may enjoy the
 2816 natural resources of Florida.

2817 (b) The Legislature recognizes that acquisition is only
 2818 one way to achieve the aforementioned goals and directs the
 2819 state's primary land managers to develop ~~encourages the~~
 2820 ~~development of~~ creative partnerships between governmental
 2821 agencies and private landowners. Such partnerships shall include
 2822 the restoration, repopulation and management of imperiled
 2823 species habitat on state lands as provided for subparagraph
 2824 (a)11. Easements acquired pursuant to s. 570.71(2)(a) and (b),
 2825 land protection agreements, rural land stewardship agreements,
 2826 sector planning, mitigation, and similar tools should be used,
 2827 where appropriate, to bring environmentally sensitive tracts
 2828 under an acceptable level of protection at a lower financial
 2829 cost to the public, and to provide private landowners with the
 2830 opportunity to enjoy and benefit from their property.

2831 (c) Public agencies or other entities that receive funds
 2832 under this section shall ~~are encouraged to better~~ coordinate
 2833 their expenditures so that project acquisitions, when combined
 2834 with acquisitions under Florida Forever, Preservation 2000, Save
 2835 Our Rivers, the Florida Communities Trust, and other public land
 2836 acquisition programs, will form more complete patterns of

2837 protection for and management of natural areas, habitat for
 2838 Florida's wildlife, including imperiled species, ecological
 2839 greenways, and functioning ecosystems, to better accomplish the
 2840 intent of this section. Sector planning, rural land stewardship
 2841 programs, and strategies referenced in subparagraph (a)11. are
 2842 also to be utilized to form a more complete pattern of restored,
 2843 managed, and protected ecosystem to accomplish the intent of
 2844 this section and to advance the goals and objectives of the
 2845 imperiled species management plans approved by the Florida Fish
 2846 and Wildlife Conservation Commission under commission rules.

2847 (d) A long-term financial commitment to managing Florida's
 2848 public lands to implement land management plans developed under
 2849 s. 253.034 or land management prospectus developed and
 2850 implemented under this chapter must accompany any new land
 2851 acquisition program to ensure that the natural resource values
 2852 of such lands are protected, that the public enjoys ~~has the~~
 2853 ~~opportunity to enjoy~~ the lands to their fullest potential, and
 2854 that the state achieves the full benefits of its investment of
 2855 public dollars. Innovative strategies such as public-private
 2856 partnerships and interagency planning and sharing of resources
 2857 shall be used to achieve the state's management goals.

2858 (e) With limited dollars available for restoration,
 2859 management, and acquisition of land and water areas and for
 2860 providing long-term management and capital improvements, a
 2861 competitive selection process shall ~~can~~ select those projects
 2862 best able to meet the goals of Florida Forever and maximize the
 2863 efficient use of the program's funding.

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2864 (f) To ensure success and provide accountability to the
2865 citizens of this state, it is the intent of the Legislature that
2866 any cash or bond proceeds used pursuant to this section be used
2867 to implement the goals and objectives recommended by
2868 comprehensive science-based assessment and the Florida Forever
2869 ~~Advisory Council~~ as approved by the Board of Trustees of the
2870 Internal Improvement Trust Fund and the Legislature.

2871 (g) As it has with previous land acquisition programs, the
2872 Legislature recognizes the desires of the citizens of this state
2873 to prosper through economic development and to preserve,
2874 restore, and manage the natural areas and recreational open
2875 space of Florida. The Legislature further recognizes the urgency
2876 of restoring the natural functions of public lands or water
2877 bodies before they are degraded to a point where recovery may
2878 never occur, yet acknowledges the difficulty of ensuring
2879 adequate funding for restoration and management efforts in light
2880 of other equally critical financial needs of the state. It is
2881 the Legislature's desire and intent to fund the implementation
2882 of this section and to do so in a fiscally responsible manner,
2883 by issuing bonds to be repaid with documentary stamp tax revenue
2884 sources, including those sources identified in subparagraph

2885 (a)11.

2886 (h) The Legislature further recognizes the important role
2887 that many of our state and federal military installations
2888 contribute to protecting and preserving Florida's natural
2889 resources as well as our economic prosperity. Where the state's
2890 land conservation plans overlap with the military's need to
2891 protect lands, waters, and habitat to ensure the sustainability

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2892 of military missions, it is the Legislature's intent that
 2893 agencies receiving funds under this program cooperate with our
 2894 military partners to protect and buffer military installations
 2895 and military airspace, by:

2896 1. Protecting and restoring habitat on nonmilitary land
 2897 for any species found on military land that is designated as
 2898 threatened or endangered, or is a candidate for such designation
 2899 under the Endangered Species Act, ~~or~~ any Florida statute, or any
 2900 rule of the Fish and Wildlife Conservation Commission;

2901 2. Providing the military with technical assistance to
 2902 restore, enhance, and manage military land as habitat for
 2903 imperiled species, species designated as a threatened or
 2904 endangered species, or species that are candidates for
 2905 designation as a threatened or endangered species, and for the
 2906 recovery or reestablishment of such species;

2907 ~~3.2.~~ Protecting areas underlying low-level military air
 2908 corridors or operating areas; and

2909 ~~4.3.~~ Protecting areas identified as clear zones, accident
 2910 potential zones, and air installation compatible use buffer
 2911 zones delineated by our military partners.

2912 (3) Less the costs of issuing and the costs of funding
 2913 reserve accounts and other costs associated with bonds, the
 2914 proceeds of cash payments or bonds issued pursuant to this
 2915 section shall be deposited into the Florida Forever Trust Fund
 2916 created by s. 259.1051. The proceeds shall be distributed by the
 2917 Department of Environmental Protection in the following manner:

2918 (a) Thirty ~~Thirty-five~~ percent to the Department of
 2919 Environmental Protection for the acquisition and restoration of

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2920 lands and capital project expenditures necessary to implement
 2921 the water management districts' priority lists developed
 2922 pursuant to s. 373.199. The funds are to be distributed to the
 2923 water management districts as provided in subsection (11). A
 2924 minimum of 50 percent of the total funds provided over the life
 2925 of the Florida Forever program pursuant to this paragraph shall
 2926 be used for the acquisition of lands.

2927 (b) Thirty-five percent to the Department of Environmental
 2928 Protection for the acquisition, restoration, and management of
 2929 lands and capital project expenditures described in this
 2930 section. Of the proceeds distributed pursuant to this paragraph,
 2931 it is the intent of the Legislature that an increased priority
 2932 be given to those acquisitions which achieve a combination of
 2933 conservation goals, including protecting Florida's water
 2934 resources, providing support for developing alternative water
 2935 supplies and water resource development as defined in s.
 2936 373.019, and natural groundwater recharge. At a minimum, 3
 2937 percent, and no more than 10 percent, of the funds allocated
 2938 pursuant to this paragraph, shall be spent on capital project
 2939 expenditures identified during the time of acquisition that meet
 2940 land management planning activities necessary for public access
 2941 ~~Capital project expenditures may not exceed 10 percent of the~~
 2942 ~~funds allocated pursuant to this paragraph.~~

2943 (c) Twenty-two percent to the Department of Environmental
 2944 Protection Community Affairs for use by the Florida Communities
 2945 Trust for the purposes of part III of chapter 380, as described
 2946 and limited by this subsection, and grants to local governments
 2947 or nonprofit environmental organizations that are tax-exempt

2948 | under s. 501(c)(3) of the United States Internal Revenue Code
 2949 | for the acquisition of community-based projects, urban open
 2950 | spaces, parks, and greenways to implement local government
 2951 | comprehensive plans. From funds available to the trust and used
 2952 | for land acquisition, 75 percent shall be matched by local
 2953 | governments on a dollar-for-dollar basis. The Legislature
 2954 | intends that the Florida Communities Trust emphasize funding
 2955 | projects in low-income or otherwise disadvantaged communities
 2956 | and projects that provide areas for public access and offer
 2957 | public access by vessels to waters of the state, including
 2958 | docks, boat ramps, associated parking, and other amenities. At
 2959 | least 30 percent of the total allocation provided to the trust
 2960 | shall be used in Standard Metropolitan Statistical Areas, but
 2961 | one-half of that amount shall be used in localities in which the
 2962 | project site is located in built-up commercial, industrial, or
 2963 | mixed-use areas and functions to intersperse open spaces within
 2964 | congested urban core areas. From funds allocated to the trust,
 2965 | no less than 5 percent shall be used to acquire lands for
 2966 | recreational trail systems, provided that in the event these
 2967 | funds are not needed for such projects, they will be available
 2968 | for other trust projects. Local governments may use federal
 2969 | grants or loans, private donations, or environmental mitigation
 2970 | funds, including environmental mitigation funds required
 2971 | pursuant to s. 338.250, for any part or all of any local match
 2972 | required for acquisitions funded through the Florida Communities
 2973 | Trust. Any lands purchased by nonprofit organizations using
 2974 | funds allocated under this paragraph must provide for such lands
 2975 | to remain permanently in public use through a reversion of title

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2976 to local or state government, conservation easement, or other
 2977 appropriate mechanism. Projects funded with funds allocated to
 2978 the Trust shall be selected in a competitive process measured
 2979 against criteria adopted in rule by the Trust.

2980 (d) Two percent to the Department of Environmental
 2981 Protection for grants pursuant to s. 375.075.

2982 (e) One and five-tenths percent to the Department of
 2983 Environmental Protection for the purchase of inholdings and
 2984 additions to state parks and for capital project expenditures as
 2985 described in this section. At a minimum, 1 percent, and no more
 2986 than 10 percent, of the funds allocated pursuant to this
 2987 paragraph shall be spent on capital project expenditures
 2988 identified during the time of acquisition that meets land
 2989 management planning activities necessary for public access
 2990 ~~Capital project expenditures may not exceed 10 percent of the~~
 2991 ~~funds allocated under this paragraph.~~ For the purposes of this
 2992 paragraph, "state park" means any real property in the state
 2993 which is under the jurisdiction of the Division of Recreation
 2994 and Parks of the department, or which may come under its
 2995 jurisdiction.

2996 (f) One and five-tenths percent to the Division of
 2997 Forestry of the Department of Agriculture and Consumer Services
 2998 to fund the acquisition of state forest inholdings and additions
 2999 pursuant to s. 589.07, the implementation of reforestation plans
 3000 or sustainable forestry management practices, restoration and
 3001 management of state lands, and for capital project expenditures
 3002 as described in this section. At a minimum, 1 percent, and no
 3003 more than 10 percent, of the funds allocated for the acquisition

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3004 of inholdings and additions pursuant to this paragraph shall be
 3005 spent on capital project expenditures identified during the time
 3006 of acquisition that meet land management planning activities
 3007 necessary for public access ~~Capital project expenditures may not~~
 3008 ~~exceed 10 percent of the funds allocated under this paragraph.~~

3009 (g) One and five-tenths percent to the Fish and Wildlife
 3010 Conservation Commission to fund the acquisition of inholdings
 3011 and additions to lands managed by the commission which are
 3012 important to the conservation of fish and wildlife, restoration
 3013 and management of state lands, and for capital project
 3014 expenditures as described in this section. At a minimum, 1
 3015 percent, and no more than 10 percent, of the funds allocated
 3016 pursuant to this paragraph shall be spent on capital projects
 3017 identified during the time of acquisition that meet land
 3018 management planning activities necessary for public access
 3019 ~~Capital project expenditures may not exceed 10 percent of the~~
 3020 ~~funds allocated under this paragraph.~~

3021 (h) One and five-tenths percent to the Department of
 3022 Environmental Protection for the Florida Greenways and Trails
 3023 Program, to acquire greenways and trails or greenways and trail
 3024 systems pursuant to chapter 260, including, but not limited to,
 3025 abandoned railroad rights-of-way and the Florida National Scenic
 3026 Trail and for capital project expenditures as described in this
 3027 section. At a minimum, 1 percent, and no more than 10 percent,
 3028 of the funds allocated pursuant to this paragraph shall be spent
 3029 on capital project expenditures identified during the time of
 3030 acquisition that meet land management planning activities

3031 necessary for public access ~~Capital project expenditures may not~~
 3032 ~~exceed 10 percent of the funds allocated under this paragraph.~~

3033 (i) It is the intent of the Legislature that proceeds of
 3034 Florida Forever bonds distributed under this section shall be
 3035 expended in an efficient and fiscally responsible manner. An
 3036 agency that receives proceeds from Florida Forever bonds under
 3037 this section may not maintain a balance of unencumbered funds in
 3038 its Florida Forever subaccount beyond 3 fiscal years from the
 3039 date of deposit of funds from each bond issue. Any funds that
 3040 have not been expended or encumbered after 3 fiscal years from
 3041 the date of deposit shall be distributed by the Legislature at
 3042 its next regular session for use in the Florida Forever program.

3043 (j) Five percent to the Conservation and Recreation Lands
 3044 Program Trust Fund within the Department of Agriculture and
 3045 Consumer Services to fund the acquisition of fee simple and
 3046 perpetual easements by the Board of Trustees of the Internal
 3047 Improvement Trust Fund pursuant to the provisions of s. 570.71.
 3048 Of the proceeds distributed pursuant to this paragraph, one-
 3049 third shall be used to fund working waterfront protection
 3050 agreements or acquisitions of fee simple interest in working
 3051 waterfronts. The Department of Agriculture and Consumer Services
 3052 and the Department of Environmental Protection shall coordinate
 3053 the development of annual workplans for proposed fee simple and
 3054 less-than-fee simple acquisition projects developed pursuant to
 3055 this paragraph and those developed pursuant to paragraph
 3056 (17) (e). Terms of easements proposed for acquisition under this
 3057 subsection shall be developed by the Department of Agriculture

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3058 and Consumer Services in coordination with the Division of State
 3059 Lands.

3060 (k)~~(j)~~ For the purposes of paragraphs (d), (e), (f), and
 3061 (g), the agencies which receive the funds shall develop their
 3062 individual acquisition or restoration lists. Proposed additions
 3063 may be acquired if they are identified within the original
 3064 project boundary, the management plan required pursuant to s.
 3065 253.034(5), or the management prospectus required pursuant to s.
 3066 259.032(9)(d), or pursuant to s. 570.71, or if they contain
 3067 lands that advance the goals and objectives of Florida Fish and
 3068 Wildlife Conservation Commission approved species or habitat
 3069 recovery plans. Proposed additions not meeting the requirements
 3070 of this paragraph shall be submitted to the Acquisition and
 3071 Restoration Council for approval. The council may only approve
 3072 the proposed addition if it meets two or more of the following
 3073 criteria: serves as a link or corridor to other publicly owned
 3074 property; enhances the protection or management of the property;
 3075 would add a desirable resource to the property; would create a
 3076 more manageable boundary configuration; has a high resource
 3077 value that otherwise would be unprotected; or can be acquired at
 3078 less than fair market value.

3079 (4) It is the intent of the Legislature that projects or
 3080 acquisitions funded pursuant to paragraphs (3)(a) and (b)
 3081 contribute to the achievement of the following goals, which
 3082 shall be evaluated in accordance with specific criteria and
 3083 numeric performance measures developed pursuant s. 259.035(4):

3084 (a) Enhance the coordination and completion of land
 3085 acquisition projects, as measured by:

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3086 1. The number of acres acquired, restored, and managed
 3087 through the state's land acquisition programs that contribute to
 3088 the enhancement of essential natural resources, ecosystem
 3089 service parcels, and connecting linkage corridors as identified
 3090 and developed by the best available scientific analysis
 3091 ~~completion of Florida Preservation 2000 projects or projects~~
 3092 ~~begun before Preservation 2000;~~

3093 2. The number of acres protected through the use of
 3094 alternatives to fee simple acquisition; or

3095 3. The number of shared acquisition projects among Florida
 3096 Forever funding partners and partners with other funding
 3097 sources, including local governments and the Federal Government.

3098 (b) Increase the protection of Florida's biodiversity at
 3099 the species, natural community, and landscape levels, as
 3100 measured by:

3101 1. The number of acres acquired of significant strategic
 3102 habitat conservation areas;

3103 2. The number of acres acquired of highest priority
 3104 conservation areas for Florida's rarest plant species and
 3105 imperiled species;

3106 3. The number of acres acquired of significant landscapes,
 3107 landscape linkages, and conservation corridors, giving priority
 3108 to completing linkages;

3109 4. The number of acres acquired of underrepresented native
 3110 ecosystems;

3111 5. The number of landscape-sized protection areas of at
 3112 least 50,000 acres that exhibit a mosaic of predominantly intact

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3113 or restorable natural communities established through new
 3114 acquisition projects or augmentations to previous projects; or
 3115 6. The percentage increase in the number of occurrences of
 3116 endangered species, threatened species, or species of special
 3117 concern on publicly managed conservation areas.
 3118 7. The number of acres which represent actual or potential
 3119 imperiled species habitat.
 3120 (c) Protect, restore, and maintain the quality and natural
 3121 functions of land, water, and wetland systems of the state, as
 3122 measured by:
 3123 1. The number of acres of publicly owned land identified
 3124 as needing restoration, acres undergoing restoration, and acres
 3125 with restoration activities completed;
 3126 2. The percentage of water segments that fully meet,
 3127 partially meet, or do not meet their designated uses as reported
 3128 in the Department of Environmental Protection's State Water
 3129 Quality Assessment 305(b) Report;
 3130 3. The percentage completion of targeted capital
 3131 improvements in surface water improvement and management plans
 3132 created under s. 373.453(2), regional or master stormwater
 3133 management system plans, or other adopted restoration plans;
 3134 4. The number of acres acquired that protect natural
 3135 floodplain functions;
 3136 5. The number of acres acquired that protect surface
 3137 waters of the state;
 3138 6. The number of acres identified for acquisition to
 3139 minimize damage from flooding and the percentage of those acres
 3140 acquired;

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3141 7. The number of acres acquired that protect fragile
3142 coastal resources;

3143 8. The number of acres of functional wetland systems
3144 protected;

3145 9. The percentage of miles of critically eroding beaches
3146 contiguous with public lands that are restored or protected from
3147 further erosion;

3148 10. The percentage of public lakes and rivers in which
3149 invasive, nonnative aquatic plants are under maintenance
3150 control; ~~or~~

3151 11. The number of acres of public conservation lands in
3152 which upland invasive, exotic plants are under maintenance
3153 control; or

3154 12. The number of acres restored or enhanced that serve as
3155 habitat for imperiled species which advance the goals and
3156 objectives of Florida Fish and Wildlife Conservation Commission
3157 approved species or habitat recovery plans.

3158 (d) Ensure that sufficient quantities of water are
3159 available to meet the current and future needs of natural
3160 systems and the citizens of the state, as measured by:

3161 1. The number of acres acquired which provide retention
3162 and storage of surface water in naturally occurring storage
3163 areas, such as lakes and wetlands, consistent with the
3164 maintenance of water resources or water supplies and consistent
3165 with district water supply plans;

3166 2. The quantity of water made available through the water
3167 resource development component of a district water supply plan
3168 for which a water management district is responsible; or

3169 3. The number of acres acquired of groundwater recharge
3170 areas critical to springs, sinks, aquifers, other natural
3171 systems, or water supply.

3172 4. The means in which support is provided for the
3173 development of alternative water supply projects and water
3174 resource development as defined in s. 373.019.

3175 (e) Increase natural resource-based public recreational
3176 and educational opportunities, as measured by:

3177 1. The number of acres acquired that are available for
3178 natural resource-based public recreation or education;

3179 2. The miles of trails that are available for public
3180 recreation, giving priority to those that provide significant
3181 connections including those that will assist in completing the
3182 Florida National Scenic Trail; or

3183 3. The number of new resource-based recreation facilities,
3184 by type, made available on public land.

3185 (f) Preserve significant archaeological or historic sites,
3186 as measured by:

3187 1. The increase in the number of and percentage of
3188 historic and archaeological properties listed in the Florida
3189 Master Site File or National Register of Historic Places which
3190 are protected or preserved for public use; or

3191 2. The increase in the number and percentage of historic
3192 and archaeological properties that are in state ownership.

3193 (g) Increase the amount of forestland available for
3194 sustainable management of natural resources, as measured by:

3195 1. The number of acres acquired that are available for
3196 sustainable forest management;

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3197 2. The number of acres of state-owned forestland managed
 3198 for economic return in accordance with current best management
 3199 practices;

3200 3. The number of acres of forestland acquired that will
 3201 serve to maintain natural groundwater recharge functions; ~~or~~

3202 4. The percentage and number of acres identified for
 3203 restoration actually restored by reforestation; or-

3204 5. The number of acres restored or enhanced that serve as
 3205 habitat for imperiled species which advance the goals and
 3206 objectives of the Florida Fish and Wildlife Conservation
 3207 Commission approved species or habitat recovery plans.

3208 (h) Increase the amount of open space available in urban
 3209 areas, as measured by:

3210 1. The percentage of local governments that participate in
 3211 land acquisition programs and acquire open space in urban cores;
 3212 or

3213 2. The percentage and number of acres of purchases of open
 3214 space within urban service areas.

3215 (i) Increase the amount of agricultural and working land
 3216 protected from conversion and development.

3217 1. The number of acres of agricultural and working lands
 3218 under perpetual rural land protection easement.

3219 2. The number of acres of agricultural and working lands
 3220 under time-certain conservation easement.

3221 3. The number of acres under conservation easement
 3222 providing surrogate habitat for wildlife as determined by the
 3223 Fish and Wildlife Conservation Commission.

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3225 Florida Forever projects and acquisitions funded pursuant to
 3226 paragraph (3)(c) shall be measured by goals developed by rule by
 3227 the Florida Communities Trust Governing Board created in s.
 3228 380.504.

3229 (5)(a) All lands acquired pursuant to this section shall
 3230 be managed for multiple-use purposes, where compatible with the
 3231 resource values of and management objectives for such lands. As
 3232 used in this section, "multiple-use" includes, but is not
 3233 limited to, ~~outdoor~~ recreational activities as described in ss.
 3234 253.034 and 259.032(9)(b), water resource development projects,
 3235 and sustainable forestry management.

3236 (b) Upon a decision by the entity in which title to lands
 3237 acquired pursuant to this section has vested, such lands may be
 3238 designated single use as defined in s. 253.034(2)(b).

3239 (6) As provided in this section, a water resource or water
 3240 supply development project may be allowed only if the following
 3241 conditions are met: minimum flows and levels have been
 3242 established for those waters, if any, which may reasonably be
 3243 expected to experience significant harm to water resources as a
 3244 result of the project; the project complies with all applicable
 3245 permitting requirements; and the project is consistent with the
 3246 regional water supply plan, if any, of the water management
 3247 district and with relevant recovery or prevention strategies if
 3248 required pursuant to s. 373.0421(2).

3249 (7)(a) Beginning no later than July 1, 2001, and every
 3250 year thereafter, the Acquisition and Restoration Council shall
 3251 accept applications from state agencies, local governments,
 3252 nonprofit and for-profit organizations, private land trusts, and

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3253 individuals for project proposals eligible for funding pursuant
3254 to paragraph (3)(b). The council shall evaluate the proposals
3255 received pursuant to this subsection to ensure that they meet at
3256 least one of the criteria under subsection (9).

3257 (b) Project applications shall contain, at a minimum, the
3258 following:

3259 1. A minimum of two numeric performance measures that
3260 directly relate to the overall goals adopted by the council.
3261 Each performance measure shall include a baseline measurement,
3262 which is the current situation; a performance standard which the
3263 project sponsor anticipates the project will achieve; and the
3264 performance measurement itself, which should reflect the
3265 incremental improvements the project accomplishes towards
3266 achieving the performance standard.

3267 2. Proof that property owners within any proposed
3268 acquisition have been notified of their inclusion in the
3269 proposed project. Any property owner may request the removal of
3270 such property from further consideration by submitting a request
3271 to the project sponsor or the Acquisition and Restoration
3272 Council by certified mail. Upon receiving this request, the
3273 council shall delete the property from the proposed project;
3274 however, the board of trustees, at the time it votes to approve
3275 the proposed project lists pursuant to subsection (16), may add
3276 the property back on to the project lists if it determines by a
3277 super majority of its members that such property is critical to
3278 achieve the purposes of the project.

3279 (c) The title to lands acquired under this section shall
3280 vest in the Board of Trustees of the Internal Improvement Trust

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3281 Fund, except that title to lands acquired by a water management
3282 district shall vest in the name of that district and lands
3283 acquired by a local government shall vest in the name of the
3284 purchasing local government.

3285 (8) The Acquisition and Restoration Council shall develop
3286 a project list that shall represent those projects submitted
3287 pursuant to subsection (7).

3288 (9) The Acquisition and Restoration Council shall
3289 recommend rules for adoption by the board of trustees to
3290 competitively evaluate, select, and rank projects eligible for
3291 Florida Forever funds pursuant to paragraph (3)(b) and for
3292 additions to the Conservation and Recreation Lands list pursuant
3293 to ss. 259.032 and 259.101(4). In developing these proposed
3294 rules, the Acquisition and Restoration Council shall give weight
3295 to the following criteria:

3296 (a) The project meets multiple goals described in
3297 subsection (4).

3298 (b) The project is part of an ongoing governmental effort
3299 to restore, protect, or develop land areas or water resources.

3300 (c) The project enhances or facilitates management of
3301 properties already under public ownership.

3302 (d) The project has significant archaeological or historic
3303 value.

3304 (e) The project has funding sources that are identified
3305 and assured through at least the first 2 years of the project.

3306 (f) The project includes the acquisition, restoration,
3307 repopulation, or management of habitat for imperiled species.

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3308 (g)~~(f)~~ The project contributes to the solution of water
 3309 resource problems on a regional basis.

3310 (h)~~(g)~~ The project has a significant portion of its land
 3311 area in imminent danger of development, in imminent danger of
 3312 losing its significant natural attributes or recreational open
 3313 space, or in imminent danger of subdivision which would result
 3314 in multiple ownership and make acquisition of the project costly
 3315 or less likely to be accomplished.

3316 (i)~~(h)~~ The project implements an element from a plan
 3317 developed by an ecosystem management team or advances the goals
 3318 and objectives of Florida Fish and Wildlife Conservation
 3319 Commission approved species or habitat recovery plans.

3320 (j)~~(i)~~ The project is one of the components of the
 3321 Everglades restoration effort.

3322 (k)~~(j)~~ The project may be purchased at 80 percent of
 3323 appraised value or prevents the conversion and development of
 3324 agricultural and working lands.

3325 (l)~~(k)~~ The project may be acquired, in whole or in part,
 3326 through tax incentives, mitigation funds, or other revenues, and
 3327 using alternatives to fee simple, including but not limited to,
 3328 purchase of development rights, hunting rights, agricultural or
 3329 silvicultural rights, or mineral rights or obtaining
 3330 conservation easements or flowage easements.

3331 (m)~~(l)~~ The project is a joint acquisition, either among
 3332 public agencies, nonprofit organizations, or private entities,
 3333 or by a public-private partnership.

3334 (10) The Acquisition and Restoration Council shall give
 3335 increased priority to those projects for which matching funds

3336 are available and to project elements previously identified on
 3337 an acquisition list pursuant to this section that can be
 3338 acquired at 80 percent or less of appraised value. The council
 3339 shall also give increased priority to those projects where the
 3340 state's land conservation plans overlap with the military's need
 3341 to protect lands, water, and habitat to ensure the
 3342 sustainability of military missions including:

3343 (a) Protecting habitat on nonmilitary land for any species
 3344 found on military land that is designated as threatened or
 3345 endangered, or is a candidate for such designation under the
 3346 Endangered Species Act or any Florida statute;

3347 (b) Protecting areas underlying low-level military air
 3348 corridors or operating areas; and

3349 (c) Protecting areas identified as clear zones, accident
 3350 potential zones, and air installation compatible use buffer
 3351 zones delineated by our military partners, and for which federal
 3352 or other funding is available to assist with the project.

3353 (11) For the purposes of funding projects pursuant to
 3354 paragraph (3)(a), the Secretary of Environmental Protection
 3355 shall ensure that each water management district receives the
 3356 following percentage of funds annually:

3357 (a) Thirty-five percent to the South Florida Water
 3358 Management District, ~~of which amount \$25 million for 2 years~~
 3359 ~~beginning in fiscal year 2000-2001 shall be transferred by the~~
 3360 ~~Department of Environmental Protection into the Save Our~~
 3361 ~~Everglades Trust Fund and shall be used exclusively to implement~~
 3362 ~~the comprehensive plan under s. 373.470.~~

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3363 (b) Twenty-five percent to the Southwest Florida Water
3364 Management District.

3365 (c) Twenty-five percent to the St. Johns River Water
3366 Management District.

3367 (d) Seven and one-half percent to the Suwannee River Water
3368 Management District.

3369 (e) Seven and one-half percent to the Northwest Florida
3370 Water Management District.

3371 (12) It is the intent of the Legislature that in
3372 developing the list of projects for funding pursuant to
3373 paragraph (3)(a), that these funds not be used to abrogate the
3374 financial responsibility of those point and nonpoint sources
3375 that have contributed to the degradation of water or land areas.
3376 Therefore, an increased priority shall be given by the water
3377 management district governing boards to those projects that have
3378 secured a cost-sharing agreement allocating responsibility for
3379 the cleanup of point and nonpoint sources.

3380 (13) An affirmative vote of five members of the
3381 Acquisition and Restoration Council shall be required in order
3382 to place a proposed project on the list developed pursuant to
3383 subsection (8). Any member of the council who by family or a
3384 business relationship has a connection with any project proposed
3385 to be ranked shall declare such interest prior to voting for a
3386 project's inclusion on the list.

3387 (14) Each year that cash disbursements or bonds are to be
3388 issued pursuant to this section, the Acquisition and Restoration
3389 Council shall review the most current approved project list and
3390 shall, by the first board meeting in May, present to the Board

3391 of Trustees of the Internal Improvement Trust Fund for approval
 3392 a listing of projects developed pursuant to subsection (8). The
 3393 board of trustees may remove projects from the list developed
 3394 pursuant to this subsection, but may not add projects or
 3395 rearrange project rankings.

3396 (15) The Acquisition and Restoration Council shall submit
 3397 to the board of trustees, with its list of projects, a report
 3398 that includes, but shall not be limited to, the following
 3399 information for each project listed:

3400 (a) The stated purpose for inclusion.

3401 (b) Projected costs to achieve the project goals.

3402 (c) An interim management budget developed in accordance
 3403 with s. 253.034 that includes all costs associated with
 3404 immediate public access.

3405 (d) Specific performance measures.

3406 (e) Plans for public access.

3407 (f) An identification of the essential parcel or parcels
 3408 within the project without which the project cannot be properly
 3409 managed.

3410 (g) Where applicable, an identification of those projects
 3411 or parcels within projects which should be acquired in fee
 3412 simple or in less than fee simple.

3413 (h) An identification of those lands being purchased for
 3414 conservation purposes.

3415 (i) A management policy statement for the project and a
 3416 management prospectus pursuant to s. 259.032(9)(d).

3417 (j) An estimate of land value based on county tax assessed
 3418 values.

3419 (k) A map delineating project boundaries.

3420 (l) An assessment of the project's ecological value,
 3421 ~~outdoor~~ recreational value, forest resources, wildlife
 3422 resources, ownership pattern, utilization, and location.

3423 (m) A discussion of whether alternative uses are proposed
 3424 for the property and what those uses are.

3425 (n) A designation of the management agency or agencies.

3426 (16) All proposals for projects pursuant to paragraph
 3427 (3)(b) ~~or subsection (20)~~ shall be implemented only if adopted
 3428 by the Acquisition and Restoration Council and approved by the
 3429 board of trustees. The council shall consider and evaluate in
 3430 writing the merits and demerits of each project that is proposed
 3431 for Florida Forever funding and each proposed addition to the
 3432 Conservation and Recreation Lands list program. The council
 3433 shall ensure that each proposed project will meet a stated
 3434 public purpose for the restoration, conservation, or
 3435 preservation of environmentally sensitive lands and water areas
 3436 or for providing outdoor recreational opportunities and that
 3437 each proposed addition to the Conservation and Recreation Lands
 3438 list will meet the public purposes under s. 259.032(3) and, when
 3439 applicable, s. 259.101(4). The council also shall determine
 3440 whether the project or addition conforms, where applicable, with
 3441 the comprehensive plan developed pursuant to s. 259.04(1)(a),
 3442 the comprehensive multipurpose outdoor recreation plan developed
 3443 pursuant to s. 375.021, the state lands management plan adopted
 3444 pursuant to s. 253.03(7), the water resources work plans
 3445 developed pursuant to s. 373.199, and the provisions of this
 3446 section.

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3447 (17) On an annual basis, the Division of State Lands shall
3448 prepare an annual work plan that prioritizes projects on the
3449 Florida Forever list and sets forth the funding available in the
3450 fiscal year for land acquisition. The work plan shall consider
3451 the following categories of expenditure for land conservation
3452 projects already selected for the Florida Forever list pursuant
3453 to subsection (8).

3454 (a) A critical natural lands category including functional
3455 landscape-scale natural systems, intact large hydrological
3456 systems, lands with significant imperiled natural communities,
3457 and corridors linking large landscapes as identified and
3458 developed by the best available scientific analysis.

3459 (b) A partnerships or regional incentive category,
3460 including:

3461 1. Projects where local and regional cost-share agreements
3462 provide a lower cost and greater conservation benefit to the
3463 people of the state. Additional consideration shall be provided
3464 under this category where parcels are identified as part of a
3465 local or regional visioning process and are supported by
3466 scientific analysis;

3467 2. Bargain and shared projects where the state will
3468 receive a significant reduction in price for public ownership of
3469 land as a result of the removal of development rights or other
3470 interests in lands, or receives alternative or matching funds.

3471 (c) A substantially complete category of projects where
3472 mainly inholdings, additions, and linkages between preserved
3473 areas will be acquired and where 85 percent of the project is
3474 complete.

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3475 (d) A climate change category list of lands where
3476 acquisition or other conservation measures will address the
3477 challenges of global climate change, such as through protection,
3478 restoration, mitigation, and strengthening of Florida's land,
3479 water, and coastal resources. This category includes lands which
3480 provide opportunities to sequester carbon, provide habitat,
3481 protect coastal lands or barrier islands, and otherwise mitigate
3482 and help adapt to the effects of sea level rise, and meet other
3483 objectives of the program.

3484 (e) A less-than-fee category for working agricultural
3485 lands that significantly contributes to resource protection
3486 through conservation easements and other less-than-fee
3487 techniques, tax incentives, life estates, landowner agreements,
3488 and other partnerships, including conservation easements
3489 acquired in partnership with federal conservation programs, that
3490 will achieve the objectives of Florida Forever while allowing
3491 the continuation of compatible agricultural uses on the land.
3492 Terms of easements proposed for acquisition under this category
3493 shall be developed by the Division of State lands in
3494 coordination with the Department of Agriculture and Consumer
3495 Services.

3496
3497 The workplan shall be adopted by the Acquisition and Restoration
3498 Council after at least one public hearing. A copy of the
3499 workplan shall be provided to the Board of Trustees of the
3500 Internal Improvement Trust Fund no later than October 1 of each
3501 year.

3502 (18)~~(17)~~ (a) The Board of Trustees of the Internal
 3503 Improvement Trust Fund, or, in the case of water management
 3504 district lands, the owning water management district, may
 3505 authorize the granting of a lease, easement, or license for the
 3506 use of certain lands acquired pursuant to this section, for
 3507 certain uses that are determined by the appropriate board to be
 3508 compatible with the resource values of and management objectives
 3509 for such lands.

3510 (b) Any existing lease, easement, or license acquired for
 3511 incidental public or private use on, under, or across any lands
 3512 acquired pursuant to this section shall be presumed to be
 3513 compatible with the purposes for which such lands were acquired.

3514 (c) Notwithstanding the provisions of paragraph (a), no
 3515 such lease, easement, or license shall be entered into by the
 3516 Department of Environmental Protection or other appropriate
 3517 state agency if the granting of such lease, easement, or license
 3518 would adversely affect the exclusion of the interest on any
 3519 revenue bonds issued to fund the acquisition of the affected
 3520 lands from gross income for federal income tax purposes,
 3521 pursuant to Internal Revenue Service regulations.

3522 (19)~~(18)~~ The Acquisition and Restoration Council shall
 3523 recommend adoption of rules by the board of trustees necessary
 3524 to implement the provisions of this section relating to:
 3525 solicitation, scoring, selecting, and ranking of Florida Forever
 3526 project proposals; disposing of or leasing lands or water areas
 3527 selected for funding through the Florida Forever program; and
 3528 the process of reviewing and recommending for approval or
 3529 rejection the land management plans associated with publicly

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3530 owned properties. Rules promulgated pursuant to this subsection
 3531 shall be submitted to the President of the Senate and the
 3532 Speaker of the House of Representatives, for review by the
 3533 Legislature, no later than 30 days prior to the 2001 Regular
 3534 Session and shall become effective only after legislative
 3535 review. In its review, the Legislature may reject, modify, or
 3536 take no action relative to such rules. The board of trustees
 3537 shall conform such rules to changes made by the Legislature, or,
 3538 if no action was taken by the Legislature, such rules shall
 3539 become effective.

3540 (20) ~~(19)~~ Lands listed as projects for acquisition,
 3541 restoration, or management under the Florida Forever program may
 3542 be managed for conservation pursuant to s. 259.032, on an
 3543 interim basis by a private party in anticipation of a state
 3544 purchase, or on a permanent basis after state purchase, in
 3545 accordance with a contractual arrangement between the acquiring
 3546 agency and the private party that may include management service
 3547 contracts, leases, cost-share arrangements, or resource
 3548 conservation agreements. Lands designated as eligible under this
 3549 subsection shall be managed to maintain or enhance the resources
 3550 the state is seeking to protect by acquiring the land and to
 3551 accelerate public access to the lands. Funding for these
 3552 contractual arrangements may originate from the documentary
 3553 stamp tax revenue deposited into the Conservation and Recreation
 3554 Lands Trust Fund and Water Management Lands Trust Fund. No more
 3555 than 5 percent of funds allocated under the trust funds shall be
 3556 expended for this purpose. In addition, funding obtained from

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3557 sources as provided in subparagraph (2)(a)11. shall be deposited
 3558 into the Land Acquisition Trust Fund.

3559 (21)-(20) The use of rural-lands-protection easements as
 3560 described in s. 570.71(3) and rural lands stewardship areas
 3561 described in s. 163.3177(11)(d) are encouraged as a way to
 3562 maintain working lands while furthering the goals of this
 3563 chapter. The Acquisition and Restoration Council, as successors
 3564 to the Land Acquisition and Management Advisory Council, may
 3565 amend existing Conservation and Recreation Lands projects and
 3566 add to or delete from the 2000 Conservation and Recreation Lands
 3567 list until funding for the Conservation and Recreation Lands
 3568 program has been expended. The amendments to the 2000
 3569 Conservation and Recreation Lands list will be reported to the
 3570 board of trustees in conjunction with the council's report
 3571 developed pursuant to subsection (15).

3572 Section 22. Subsection (1) of section 259.1051, Florida
 3573 Statutes, is amended to read:

3574 259.1051 Florida Forever Trust Fund.--

3575 (1) There is created the Florida Forever Trust Fund to
 3576 carry out the purposes of ss. 259.032, 259.105, 259.1052, and
 3577 375.031. The Florida Forever Trust Fund shall be held and
 3578 administered by the Department of Environmental Protection.
 3579 Proceeds from the sale of bonds, except proceeds of refunding
 3580 bonds, issued under s. 215.618 and payable from moneys
 3581 transferred to the Land Acquisition Trust Fund under s.
 3582 201.15(1)(a), not to exceed \$5.3 ~~\$3~~ billion, must be deposited
 3583 into this trust fund to be distributed and used as provided in
 3584 s. 259.105(3). The bond resolution adopted by the governing

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3585 board of the Division of Bond Finance of the State Board of
 3586 Administration may provide for additional provisions that govern
 3587 the disbursement of the bond proceeds.

3588 Section 23. Paragraph (a) of subsection (3) of section
 3589 373.503, Florida Statutes, is amended, subsection (5) is
 3590 renumbered as subsection (6), and a new subsection (5) is added
 3591 to that section, to read:

3592 373.503 Manner of taxation.--

3593 (3) (a) Subject to annual authorization by the Legislature
 3594 to levy ad valorem taxes under subsection (5), the districts may
 3595 levy ad valorem taxes on property within the district solely for
 3596 the purposes of this chapter and of chapter 25270, 1949, Laws of
 3597 Florida, as amended, and chapter 61-691, Laws of Florida, as
 3598 amended. The authority to levy ad valorem taxes as provided in
 3599 this act shall commence with the year 1977. However, the taxes
 3600 levied for 1977 by the governing boards pursuant to this section
 3601 shall be prorated to ensure that no such taxes will be levied
 3602 for the first 4 days of the tax year, which days will fall prior
 3603 to the effective date of the amendment to s. 9(b), Art. VII of
 3604 the State Constitution, which was approved March 9, 1976. When
 3605 appropriate, taxes levied by each governing board may be
 3606 separated by the governing board into a millage necessary for
 3607 the purposes of the district and a millage necessary for
 3608 financing basin functions specified in s. 373.0695. ~~Beginning~~
 3609 ~~with the taxing year 1977, and~~ Notwithstanding the provisions of
 3610 any other general or special law to the contrary and subject to
 3611 annual authorization by the Legislature to levy ad valorem taxes

3612 under subsection (5), the maximum total millage rate for
 3613 district and basin purposes shall be:
 3614 1. Northwest Florida Water Management District: 0.05 mill.
 3615 2. Suwannee River Water Management District: 0.75 mill.
 3616 3. St. Johns River Water Management District: 0.6 mill.
 3617 4. Southwest Florida Water Management District: 1.0 mill.
 3618 5. South Florida Water Management District: 0.80 mill.

3619 (5) To ensure that the taxes authorized by this chapter
 3620 continue to be in proportion to the benefits derived by the
 3621 several parcels of real estate within the districts, the
 3622 Legislature shall annually review the authorized millage rate
 3623 for each district and annually set the maximum amount of revenue
 3624 authorized to be raised by each district from the taxes
 3625 authorized by this chapter. However, if the annual maximum
 3626 amount of revenue authorized to be raised by each district is
 3627 not set by the Legislature on or before July 1 of each year,
 3628 each district is authorized to raise the amount of revenue
 3629 authorized by the Legislature in the preceding fiscal year and
 3630 adjusted by the percentage change in the Consumer Price Index
 3631 for the preceding fiscal year.

3632 Section 24. Subsections (1) and (2) and paragraphs (c),
 3633 (e), and (f) of subsection (5) of section 373.536, Florida
 3634 Statutes, are amended to read:

3635 373.536 District budget and hearing thereon.--

3636 (1) FISCAL YEAR.--The fiscal year of districts created
 3637 under the provisions of this chapter shall extend from July
 3638 ~~October~~ 1 of one year through June ~~September~~ 30 of the following
 3639 year.

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3640 (2) BUDGET SUBMITTAL.--The budget officer of the district
 3641 shall, ~~on or before July 15 of each year,~~ submit for
 3642 consideration by the governing board of the district a tentative
 3643 budget for the district covering its proposed operations and
 3644 funding requirements for the ensuing fiscal year.

3645 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
 3646 APPROVAL.--

3647 (c) Each water management district shall, by February
 3648 ~~August~~ 1 of each year, submit for review a tentative budget to
 3649 the Governor, the President of the Senate, the Speaker of the
 3650 House of Representatives, the chairs of all legislative
 3651 committees and subcommittees with substantive or fiscal
 3652 jurisdiction over water management districts, as determined by
 3653 the President of the Senate or the Speaker of the House of
 3654 Representatives as applicable, the secretary of the department,
 3655 and the governing body of each county in which the district has
 3656 jurisdiction or derives any funds for the operations of the
 3657 district.

3658 ~~(e) By September 5 of the year in which the budget is~~
 3659 ~~submitted, the House and Senate appropriations chairs may~~
 3660 ~~transmit to each district comments and objections to the~~
 3661 ~~proposed budgets. Each district governing board shall include a~~
 3662 ~~response to such comments and objections in the record of the~~
 3663 ~~governing board meeting where final adoption of the budget takes~~
 3664 ~~place, and the record of this meeting shall be transmitted to~~
 3665 ~~the Executive Office of the Governor, the department, and the~~
 3666 ~~chairs of the House and Senate appropriations committees.~~

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3667 (e)~~(f)~~ The Executive Office of the Governor shall
 3668 annually, on or before September ~~December~~ 15, file with the
 3669 Legislature a report that summarizes its review of the water
 3670 management districts' tentative budgets and displays the adopted
 3671 budget allocations by program area. The report must identify the
 3672 districts that are not in compliance with the reporting
 3673 requirements of this section. State funds shall be withheld from
 3674 a water management district that fails to comply with these
 3675 reporting requirements.

3676 Section 25. For the 2008-2009 and 2009-2010 fiscal years,
 3677 notwithstanding any law to the contrary, the water management
 3678 districts are directed to budget and plan for their fiscal
 3679 management to conform to the provisions of this act.

3680 Section 26. Section 373.073, Florida Statutes, is amended
 3681 to read:

3682 373.073 Governing board.--

3683 (1) (a) The governing board of each water management
 3684 district shall be composed of 9 members who shall reside within
 3685 the district, except that the Southwest Florida Water Management
 3686 District shall be composed of 13 members who shall reside within
 3687 the district. Members of the governing boards shall be nominated
 3688 by the nominating council created in s. 350.031 and appointed by
 3689 the Governor, subject to confirmation by the Senate pursuant to
 3690 subsection (5). ~~at the next regular session of the Legislature,~~
 3691 ~~and~~ The refusal or failure of the Senate to confirm an
 3692 appointment creates a vacancy in the office to which the
 3693 appointment was made. The term of office for a governing board
 3694 member is 4 years and commences on June ~~March~~ 2 of the year in

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3695 which the appointment is confirmed ~~made~~ and terminates on June
 3696 ~~March~~ 1 of the fourth calendar year of the term or may continue
 3697 until a successor is appointed, ~~but not more than 180 days.~~
 3698 Terms of office of governing board members shall be staggered to
 3699 help maintain consistency and continuity in the exercise of
 3700 governing board duties and to minimize disruption in district
 3701 operations.

3702 (b) Commencing January 1, 1999, the Governor shall appoint
 3703 the following number of governing board members in each year of
 3704 the Governor's 4-year term of office:

3705 1. In the first year of the Governor's term of office, the
 3706 Governor shall appoint three members to the governing board of
 3707 each district.

3708 2. In the second year of the Governor's term of office,
 3709 the Governor shall appoint three members to the governing board
 3710 of the Southwest Florida Water Management District and two
 3711 members to the governing board of each other district.

3712 3. In the third year of the Governor's term of office, the
 3713 Governor shall appoint three members to the governing board of
 3714 the Southwest Florida Water Management District and two members
 3715 to the governing board of each other district.

3716 4. In the fourth year of the Governor's term of office,
 3717 the Governor shall appoint two members to the governing board of
 3718 each district.

3719
 3720 For any governing board vacancy that occurs before the date
 3721 scheduled for the office to be filled under this paragraph, the
 3722 nominating council created in s. 350.031 shall nominate and the

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3723 Governor shall appoint a person meeting residency requirements
 3724 of subsection (2) for a term that will expire on the date
 3725 scheduled for the term of that office to terminate under this
 3726 subsection. In addition to the residency requirements for the
 3727 governing boards as provided by subsection (2), the Governor
 3728 shall consider appointing governing board members to represent
 3729 an equitable cross-section of regional interests and technical
 3730 expertise.

3731 (2) A person may not be nominated to serve as a member of
 3732 a water management district governing board until the nominating
 3733 council created in s. 350.031 has determined that the person has
 3734 ~~Membership on governing boards shall be selected from candidates~~
 3735 ~~who have~~ significant experience in one or more of the following
 3736 areas, including, but not limited to: agriculture, the
 3737 development industry, local government, government-owned or
 3738 privately owned water utilities, law, civil engineering,
 3739 environmental science, hydrology, accounting, or financial
 3740 businesses. The nominating council created in s. 350.031 shall
 3741 nominate appointees to represent an equitable cross-section of
 3742 regional interests and technical expertise. Recommendations of
 3743 the nominating council created in s. 350.031 shall be
 3744 nonpartisan. Notwithstanding the provisions of any other general
 3745 or special law to the contrary, vacancies in the governing
 3746 boards of the water management districts shall be filled
 3747 according to the following residency requirements, representing
 3748 areas designated by the United States Water Resources Council in
 3749 United States Geological Survey, River Basin and Hydrological
 3750 Unit Map of Florida--1975, Map Series No. 72:

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- 3751 (a) Northwest Florida Water Management District:
- 3752 1. One member shall reside in the area generally
- 3753 designated as the "Perdido River Basin-Perdido Bay Coastal Area-
- 3754 Lower Conecuh River-Escambia River Basin" hydrologic units and
- 3755 that portion of the "Escambia Bay Coastal Area" hydrologic unit
- 3756 which lies west of Pensacola Bay and Escambia Bay.
- 3757 2. One member shall reside in the area generally
- 3758 designated as the "Blackwater River Basin-Yellow River Basin-
- 3759 Choctawhatchee Bay Coastal Area" hydrologic units and that
- 3760 portion of the "Escambia Bay Coastal Area" hydrologic unit which
- 3761 lies east of Pensacola Bay and Escambia Bay.
- 3762 3. One member shall reside in the area generally
- 3763 designated as the "Choctawhatchee River Basin-St. Andrews Bay
- 3764 Coastal Area" hydrologic units.
- 3765 4. One member shall reside in the area generally
- 3766 designated as the "Lower Chattahoochee-Apalachicola River-
- 3767 Chipola River Basin-Coastal Area between Ochlockonee River
- 3768 Apalachicola Rivers-Apalachicola Bay coastal area and offshore
- 3769 islands" hydrologic units.
- 3770 5. One member shall reside in the area generally
- 3771 designated as the "Ochlockonee River Basin-St. Marks and Wakulla
- 3772 Rivers and coastal area between Aucilla and Ochlockonee River
- 3773 Basin" hydrologic units.
- 3774 6. Four members shall be appointed at large, except that
- 3775 no county shall have more than two members on the governing
- 3776 board.
- 3777 (b) Suwannee River Water Management District:

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- 3778 1. One member shall reside in the area generally
 3779 designated as the "Aucilla River Basin" hydrologic unit.
- 3780 2. One member shall reside in the area generally
 3781 designated as the "Coastal Area between Suwannee and Aucilla
 3782 Rivers" hydrologic unit.
- 3783 3. One member shall reside in the area generally
 3784 designated as the "Withlacoochee River Basin-Alapaha River
 3785 Basin-Suwannee River Basin above the Withlacoochee River"
 3786 hydrologic units.
- 3787 4. One member shall reside in the area generally
 3788 designated as the "Suwannee River Basin below the Withlacoochee
 3789 River excluding the Santa Fe River Basin" hydrologic unit.
- 3790 5. One member shall reside in the area generally
 3791 designated as the "Santa Fe Basin-Waccasassa River and coastal
 3792 area between Withlacoochee and Suwannee River" hydrologic units.
- 3793 6. Four members shall be appointed at large, except that
 3794 no county shall have more than two members on the governing
 3795 board.
- 3796 (c) St. Johns River Water Management District:
- 3797 1. One member shall reside in the area generally
 3798 designated as the "St. Marys River Basin-Coastal area between
 3799 St. Marys and St. Johns Rivers" hydrologic units.
- 3800 2. One member shall reside in the area generally
 3801 designated as the "St. Johns River Basin below Oklawaha River-
 3802 Coastal area between the St. Johns River and Ponce de Leon
 3803 Inlet" hydrologic units.
- 3804 3. One member shall reside in the area generally
 3805 designated as the "Oklawaha River Basin" hydrologic unit.

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3806 4. One member shall reside in the area generally
 3807 designated as the "St. Johns River Basin above the Oklawaha
 3808 River" hydrologic unit.

3809 5. One member shall reside in the area generally
 3810 designated as the "Coastal area between Ponce de Leon Inlet and
 3811 Sebastian Inlet-Coastal area Sebastian Inlet to St. Lucie River"
 3812 hydrologic units.

3813 6. Four members shall be appointed at large, except that
 3814 no county shall have more than two members on the governing
 3815 board.

3816 (d) South Florida Water Management District:

3817 1. Two members shall reside in Dade County.

3818 2. One member shall reside in Broward County.

3819 3. One member shall reside in Palm Beach County.

3820 4. One member shall reside in Collier County, Lee County,
 3821 Hendry County, or Charlotte County.

3822 5. One member shall reside in Glades County, Okeechobee
 3823 County, Highlands County, Polk County, Orange County, or Osceola
 3824 County.

3825 6. Two members, appointed at large, shall reside in an
 3826 area consisting of St. Lucie, Martin, Palm Beach, Broward, Dade,
 3827 and Monroe Counties.

3828 7. One member, appointed at large, shall reside in an area
 3829 consisting of Collier, Lee, Charlotte, Hendry, Glades, Osceola,
 3830 Okeechobee, Polk, Highlands, and Orange Counties.

3831 8. No county shall have more than three members on the
 3832 governing board.

3833 (e) Southwest Florida Water Management District:

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- 3834 1. Two members shall reside in Hillsborough County.
- 3835 2. One member shall reside in the area consisting of
- 3836 Hillsborough and Pinellas Counties.
- 3837 3. Two members shall reside in Pinellas County.
- 3838 4. One member shall reside in Manatee County.
- 3839 5. Two members shall reside in Polk County.
- 3840 6. One member shall reside in Pasco County.
- 3841 7. One member shall be appointed at large from Levy,
- 3842 Citrus, Sumter, and Lake Counties.
- 3843 8. One member shall be appointed at large from Hardee,
- 3844 DeSoto, and Highlands Counties.
- 3845 9. One member shall be appointed at large from Marion and
- 3846 Hernando Counties.
- 3847 10. One member shall be appointed at large from Sarasota
- 3848 and Charlotte Counties.
- 3849 (3) It is the responsibility of the nominating council
- 3850 created in s. 350.031 to nominate to the Governor three persons
- 3851 for each vacancy on the governing boards of any of the five
- 3852 water management districts. The nominating council created in s.
- 3853 350.031 shall submit the recommendations to the Governor by
- 3854 December 31 for the seats of those governing board members whose
- 3855 terms are to expire the following calendar year, or within 90
- 3856 days after a vacancy occurs for any reason other than the
- 3857 expiration of the term.
- 3858 (4) The Governor shall select from the list of nominees
- 3859 provided by the nominating council created in s. 350.031. The
- 3860 Governor shall fill a vacancy occurring on the governing board
- 3861 of a water management district by appointment of one of the

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3862 applicants nominated by the nominating council created in s.
 3863 350.031 only after a background investigation of such applicant
 3864 has been conducted by the Florida Department of Law Enforcement.
 3865 If the Governor does not made an appointment within 60
 3866 consecutive calendar days after the receipt of the
 3867 recommendations, the nominating council created in s. 350.031
 3868 shall initiate, in accordance with this section, the nominating
 3869 process within 30 days.

3870 (5) Each appointment to the governing board of a water
 3871 management district shall be subject to confirmation by the
 3872 Senate during the next regular session of the Legislature after
 3873 the vacancy occurs. If the Senate refuses to confirm or fails to
 3874 consider the appointment of the Governor, the nominating council
 3875 created in s. 350.031 shall, in accordance with this section,
 3876 initiate the nominating process in 30 days. Under no
 3877 circumstances may an appointee serve on the governing board of a
 3878 water management district until confirmed by the Senate.

3879 Section 27. Paragraph (b) of subsection (1) of section
 3880 373.1391, Florida Statutes, is amended to read:

3881 373.1391 Management of real property.--

3882 (1)

3883 (b) Whenever practicable, such lands shall be open to the
 3884 general public for recreational uses. General public
 3885 recreational purposes shall include, but not be limited to,
 3886 fishing, hunting, horseback riding, swimming, camping, hiking,
 3887 canoeing, boating, diving, birding, sailing, jogging, and other
 3888 related outdoor activities to the maximum extent possible
 3889 considering the environmental sensitivity and suitability of

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3890 those lands. These public lands shall be evaluated for their
 3891 resource value for the purpose of establishing which parcels, in
 3892 whole or in part, annually or seasonally, would be conducive to
 3893 general public recreational purposes. Such findings shall be
 3894 included in management plans which are developed for such public
 3895 lands. These lands shall be made available to the public for
 3896 these purposes, unless the district governing board can
 3897 demonstrate that such activities would be incompatible with the
 3898 purposes for which these lands were acquired. The department in
 3899 its supervisory capacity shall ensure that the districts provide
 3900 consistent levels of public access to district lands, consistent
 3901 with the purposes for which the lands were acquired.

3902 Section 28. Paragraph (h) of subsection (4) of section
 3903 373.199, Florida Statutes, is amended to read:

3904 373.199 Florida Forever Water Management District Work
 3905 Plan.--

3906 (4) The list submitted by the districts shall include,
 3907 where applicable, the following information for each project:

3908 (h) A clear and concise ~~An~~ estimate of the funding needed
 3909 to carry out the restoration, protection, or improvement
 3910 project, or the development of new water resources, where
 3911 applicable, and a clear and concise identification of the
 3912 projected sources of the funding for the uses of Florida Forever
 3913 funds.

3914 Section 29. Section 570.71, Florida Statutes, is amended
 3915 to read:

3916 570.71 Conservation easements and agreements.--

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3917 (1) The department, on behalf of the Board of Trustees of
 3918 the Internal Improvement Trust Fund, may allocate moneys to
 3919 acquire perpetual, less-than-fee interest in land, to enter into
 3920 agricultural protection agreements, ~~and~~ to enter into resource
 3921 conservation agreements, and to enter into working waterfront
 3922 protection agreements for the following public purposes:

- 3923 (a) Promotion and improvement of wildlife habitat;
- 3924 (b) Protection and enhancement of water bodies, aquifer
 3925 recharge areas, wetlands, and watersheds;
- 3926 (c) Perpetuation of open space on lands with significant
 3927 natural areas; or
- 3928 (d) Protection of agricultural lands threatened by
 3929 conversion to other uses.
- 3930 (e) Protection of working waterfronts.

3931 ~~(2) To achieve the purposes of this act, beginning no~~
 3932 ~~sooner than July 1, 2002, and every year thereafter,~~ The
 3933 department may accept applications for project proposals that:

- 3934 (a) Purchase conservation easements, as defined in s.
 3935 704.06.
- 3936 (b) Purchase rural-lands-protection easements pursuant to
 3937 this act.
- 3938 (c) Fund resource conservation agreements pursuant to this
 3939 act.
- 3940 (d) Fund agricultural protection agreements pursuant to
 3941 this act.
- 3942 (e) Fund working waterfront protection agreements pursuant
 3943 to this act.

3944 (f) Fund fee simple acquisitions in working waterfronts
 3945 pursuant to subsection (12).

3946 (3) Rural-lands-protection easements shall be a perpetual
 3947 right or interest in agricultural land which is appropriate to
 3948 retain such land in predominantly its current state and to
 3949 prevent the subdivision and conversion of such land into other
 3950 uses. This right or interest in property shall prohibit only the
 3951 following:

3952 (a) Construction or placing of buildings, roads,
 3953 billboards or other advertising, utilities, or structures,
 3954 except those structures and unpaved roads necessary for the
 3955 agricultural operations on the land or structures necessary for
 3956 other activities allowed under the easement, and except for
 3957 linear facilities described in s. 704.06(11);

3958 (b) Subdivision of the property;

3959 (c) Dumping or placing of trash, waste, or offensive
 3960 materials; and

3961 (d) Activities that affect the natural hydrology of the
 3962 land or that detrimentally affect water conservation, erosion
 3963 control, soil conservation, or fish or wildlife habitat, except
 3964 those required for environmental restoration; federal, state, or
 3965 local government regulatory programs; or best management
 3966 practices.

3967 (4) Resource conservation agreements will be contracts for
 3968 services which provide annual payments to landowners for
 3969 services that actively improve habitat and water restoration or
 3970 conservation on their lands over and above that which is already
 3971 required by law or which provide recreational opportunities.

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3972 They will be for a term of not less than 5 years and not more
 3973 than 10 years. Property owners will become eligible to enter
 3974 into a resource conservation agreement only upon entering into a
 3975 conservation easement or rural lands protection easement.

3976 (5) Agricultural protection agreements shall be for terms
 3977 of 30 years and will provide payments to landowners having
 3978 significant natural areas on their land. Public access and
 3979 public recreational opportunities may be negotiated at the
 3980 request of the landowner.

3981 (a) For the length of the agreement, the landowner shall
 3982 agree to prohibit:

3983 1. Construction or placing of buildings, roads, billboards
 3984 or other advertising, utilities, or structures, except those
 3985 structures and unpaved roads necessary for the agricultural
 3986 operations on the land or structures necessary for other
 3987 activities allowed under the easement, and except for linear
 3988 facilities described in s. 704.06(11);

3989 2. Subdivision of the property;

3990 3. Dumping or placing of trash, waste, or offensive
 3991 materials; and

3992 4. Activities that affect the natural hydrology of the
 3993 land, or that detrimentally affect water conservation, erosion
 3994 control, soil conservation, or fish or wildlife habitat.

3995 (b) As part of the agricultural protection agreement, the
 3996 parties shall agree that the state shall have a right to buy a
 3997 conservation easement or rural land protection easement at the
 3998 end of the 30-year term. If the landowner tenders the easement
 3999 for the purchase and the state does not timely exercise its

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4000 right to buy the easement, the landowner shall be released from
 4001 the agricultural agreement. The purchase price of the easement
 4002 shall be established in the agreement and shall be based on the
 4003 value of the easement at the time the agreement is entered into,
 4004 plus a reasonable escalator multiplied by the number of full
 4005 calendar years following the date of the commencement of the
 4006 agreement. The landowner may transfer or sell the property
 4007 before the expiration of the 30-year term, but only if the
 4008 property is sold subject to the agreement and the buyer becomes
 4009 the successor in interest to the agricultural protection
 4010 agreement. Upon mutual consent of the parties, a landowner may
 4011 enter into a perpetual easement at any time during the term of
 4012 an agricultural protection agreement.

4013 (6) Working waterfront protection agreements shall be
 4014 perpetual less-than-fee interest in lands that currently or
 4015 historically have been used as a working waterfront. The
 4016 agreements shall prevent the conversion of the land into other
 4017 inconsistent uses and shall maintain the use of the land in its
 4018 predominate historical or current state.

4019 (7)~~(6)~~ Payment for conservation easements, ~~and~~ rural land
 4020 protection easements, working waterfront protection agreements,
 4021 and working waterfront acquisitions shall be a lump-sum payment
 4022 at the time the easement or agreement is entered into.

4023 (8)~~(7)~~ Landowners entering into an agricultural protection
 4024 agreement may receive up to 50 percent of the purchase price at
 4025 the time the agreement is entered into, and remaining payments
 4026 on the balance shall be equal annual payments over the term of
 4027 the agreement.

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4028 (9)~~(8)~~ Payments for the resource conservation agreements
 4029 shall be equal annual payments over the term of the agreement.

4030 (10)~~(9)~~ Easements purchased pursuant to this act may not
 4031 prevent landowners from transferring the remaining fee value
 4032 with the easement.

4033 (11)~~(10)~~ The department, in consultation with the
 4034 Department of Environmental Protection, the water management
 4035 districts, the Department of Community Affairs, and the Florida
 4036 Fish and Wildlife Conservation Commission, shall adopt rules
 4037 that establish an application process, a process and criteria
 4038 for setting priorities for use of funds consistent with the
 4039 purposes specified in subsection (1) and giving preference to
 4040 ranch and timber lands managed using sustainable practices, an
 4041 appraisal process, and a process for title review and compliance
 4042 and approval of the rules by the Board of Trustees of the
 4043 Internal Improvement Trust Fund.

4044 (12) Notwithstanding any other provision of law, the
 4045 department, on behalf of the Board of Trustees of the Internal
 4046 Improvement Trust Fund, is authorized to acquire fee simple
 4047 interest in working waterfront properties. Such acquisitions are
 4048 to prevent further loss of Florida's cultural history and the
 4049 marine industries supported by working waterfronts. For purposes
 4050 of chapters 253 and 259 and this chapter, "working waterfronts"
 4051 means a parcel or parcels of real property that support water-
 4052 dependent commercial activities, including commercial fishing,
 4053 or that provide public access to state waters.

4054 (a) Working waterfront acquisitions by fee simple
 4055 acquisition may be completed by the department in whole or in

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4056 partnership with other entities.

4057 (b) Working waterfront acquisitions shall be managed by
 4058 the department. The department is authorized to enter into
 4059 management agreements with other entities for the management of
 4060 the acquisitions.

4061 (13)~~(11)~~ If a landowner objects to having his or her
 4062 property included in any lists or maps developed to implement
 4063 this act, the department shall remove the property from any such
 4064 lists or maps upon receipt of the landowner's written request to
 4065 do so.

4066 (14)~~(12)~~ The department is authorized to use funds from
 4067 the following sources to implement this act:

- 4068 (a) State funds;
- 4069 (b) Federal funds;
- 4070 (c) Other governmental entities;
- 4071 (d) Nongovernmental organizations; or
- 4072 (e) Private individuals.

4073
 4074 Any such funds provided shall be deposited into the Conservation
 4075 and Recreation Lands Program Trust Fund within the Department of
 4076 Agriculture and Consumer Services and used for the purposes of
 4077 this act.

4078 (15)~~(13)~~ No more than 10 percent of any funds made
 4079 available to implement this act shall be expended for resource
 4080 conservation agreements and agricultural protection agreements.

4081 Section 30. All of the statutory powers, duties and
 4082 functions, records, personnel, property, and unexpended balances
 4083 of appropriations, allocations, or other funds for the

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4084 administration of sections 380.501 through 380.515, Florida
4085 Statutes, relating to the Florida Communities Trust, shall be
4086 transferred by a type two transfer, as defined in s. 20.06(2),
4087 Florida Statutes, from the Department of Community Affairs to
4088 the Department of Environmental Protection.

4089 Section 31. The Legislature recognizes that there is a
4090 need to conform the Florida Statutes to the organizational
4091 changes in this act and that there may be a need to resolve
4092 apparent conflicts with any other legislation that has been or
4093 may be enacted during the 2008 Regular Session. Therefore, in
4094 the interim between this act becoming a law and the 2009 Regular
4095 Session of the Legislature or an earlier special session
4096 addressing this issue, the Division of Statutory Revision shall
4097 provide the relevant substantive committees of the Senate and
4098 the House of Representatives with assistance, upon request, to
4099 enable such committees to prepare draft legislation to conform
4100 the Florida Statutes and any legislation enacted during 2008 to
4101 the provisions of this act.

4102 Section 32. This act shall take effect July 1, 2008.