

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

29 | chapters 253 and 259, F.S.; requiring that land management
30 | plans provide short-term and long-term management goals;
31 | specifying measurable objectives; requiring that a land
32 | management plan contain certain elements; revising
33 | requirements for determining which state-owned lands may
34 | be surplus lands; requiring additional appraisals under
35 | certain conditions; requiring the Division of State Lands
36 | to contract with an organization for the purpose of
37 | determining the value of carbon capture and carbon
38 | sequestration with respect to state lands and provide an
39 | inventory to the board of trustees; authorizing to the
40 | Fish and Wildlife Conservation Commission to manage lands
41 | for imperiled species under certain conditions; requiring
42 | a report to the Legislature; providing for future
43 | expiration of such authority; amending s. 253.0341, F.S.;
44 | providing specific uses for state-surplused lands;
45 | amending s. 253.111, F.S.; extending the period within
46 | which a board of county commissioners must provide a
47 | resolution to the Board of Trustees of the Internal
48 | Improvement Trust Fund before state-owned lands are
49 | otherwise sold; amending s. 253.82, F.S.; revising
50 | requirements of the sale of nonsovereignty lands owned by
51 | the board of trustees; deleting appraisal limitations;
52 | amending s. 259.032, F.S.; requiring priority purchase of
53 | conservation and recreational lands that have high
54 | concentrations of population and certain agricultural
55 | lands; revising requirements for land management plans;
56 | establishing a minimum for funds expended for the

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

85 board of trustees under certain conditions; requiring an
86 annual work plan be developed by the Acquisition and
87 Restoration Council; authorizing alternatives to fee-
88 simple purchases; deleting obsolete provisions; amending
89 s. 259.1051, F.S., relating to the Florida Forever Trust
90 Fund; increasing bonding authority; amending s. 373.089,
91 F.S.; clarifying the process for disposing of surplus
92 lands; amending s. 373.1391, F.S.; providing additional
93 oversight authority to the department; amending s.
94 373.199, F.S.; clarifying work plan requirements; amending
95 s. 373.59, F.S., relating to the Water Management Lands
96 Trust Fund; revising provisions with respect to annual
97 payments to a governmental entity for tax losses; amending
98 s. 570.71, F.S., relating to conservation easements and
99 agreements; authorizing the Department of Agriculture and
100 Consumer Services to allocate funds to enter into working
101 waterfront protection agreements for specified purposes;
102 authorizing the department to accept applications for
103 project proposals that fund working waterfront protection
104 agreements and that fund fee simple acquisitions in
105 working waterfronts; providing requirements with respect
106 to working waterfront protection agreements; authorizing
107 the department to acquire fee simple interest in working
108 waterfront properties on behalf of the Board of Trustees
109 of the Internal Improvement Trust Fund; defining "working
110 waterfronts"; providing that working waterfront
111 acquisitions by fee simple acquisition may be completed by
112 the department in whole or in partnership with other

113 | entities; providing that working waterfront acquisitions
 114 | shall be managed by the department; authorizing the
 115 | department to enter into management agreements with other
 116 | entities for the management of such acquisitions;
 117 | providing an effective date.

118 |

119 | Be It Enacted by the Legislature of the State of Florida:

120 |

121 | Section 1. Subsection (7) is added to section 20.18,
 122 | Florida Statutes, to read:

123 | 20.18 Department of Community Affairs.--There is created a
 124 | Department of Community Affairs.

125 | (7) There is created within the Florida Communities Trust
 126 | an executive director who shall administratively serve the
 127 | Florida Communities Trust. The executive director shall have all
 128 | the powers and duties necessary to carry out the purposes
 129 | provided in ss. 380.504-380.515. The executive director is to be
 130 | appointed by the Governor and Cabinet sitting as the Board of
 131 | Trustees of the Internal Improvement Trust Fund from a
 132 | recommendation by the secretary of the Department of Community
 133 | Affairs, subject to confirmation by the Senate. The executive
 134 | director shall report directly to the Board of Trustees on all
 135 | matters and shall serve at the exclusive pleasure of the Board
 136 | of Trustees.

137 | Section 2. Paragraph (h) of subsection (3) of section
 138 | 20.255, Florida Statutes, is amended to read:

139 | 20.255 Department of Environmental Protection.--There is
 140 | created a Department of Environmental Protection.

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141 (3) The following divisions of the Department of
142 Environmental Protection are established:

143 (h) Division of State Lands, the director of which is to
144 be appointed by the Governor and Cabinet sitting as the Board of
145 Trustees of the Internal Improvement Trust Fund from a
146 recommendation by the secretary of the department, subject to
147 confirmation by the ~~Senate~~ Governor and Cabinet sitting as the
148 Board of Trustees of the Internal Improvement Trust Fund. The
149 division director shall report directly to the Board of Trustees
150 on all matters and shall serve at the exclusive pleasure of the
151 Board of Trustees.

152

153 In order to ensure statewide and intradepartmental consistency,
154 the department's divisions shall direct the district offices and
155 bureaus on matters of interpretation and applicability of the
156 department's rules and programs.

157 Section 3. Paragraph (a) of subsection (1) of section
158 201.15, Florida Statutes, is amended to read:

159 201.15 Distribution of taxes collected.--All taxes
160 collected under this chapter shall be distributed as follows and
161 shall be subject to the service charge imposed in s. 215.20(1),
162 except that such service charge shall not be levied against any
163 portion of taxes pledged to debt service on bonds to the extent
164 that the amount of the service charge is required to pay any
165 amounts relating to the bonds:

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

169 (a) Amounts as shall be necessary to pay the debt service
170 on, or fund debt service reserve funds, rebate obligations, or
171 other amounts payable with respect to Preservation 2000 bonds
172 issued pursuant to s. 375.051 and Florida Forever bonds issued
173 pursuant to s. 215.618, shall be paid into the State Treasury to
174 the credit of the Land Acquisition Trust Fund to be used for
175 such purposes. The amount transferred to the Land Acquisition
176 Trust Fund shall not exceed \$300 million in fiscal year 1999-
177 2000 and thereafter for Preservation 2000 bonds and bonds issued
178 to refund Preservation 2000 bonds, and \$300 million in fiscal
179 year 2000-2001 and thereafter for Florida Forever bonds. The
180 annual amount transferred to the Land Acquisition Trust Fund for
181 Florida Forever bonds shall not exceed \$30 million in the first
182 fiscal year in which bonds are issued. The limitation on the
183 amount transferred shall be increased by an additional \$30
184 million in each subsequent fiscal year, but shall not exceed a
185 total of \$300 million in any fiscal year for all bonds issued.
186 It is the intent of the Legislature that all bonds issued to
187 fund the Florida Forever Act be retired by December 31, 2040
188 ~~2030~~. Except for bonds issued to refund previously issued bonds,
189 no series of bonds may be issued pursuant to this paragraph
190 unless such bonds are approved and the debt service for the
191 remainder of the fiscal year in which the bonds are issued is
192 specifically appropriated in the General Appropriations Act. For
193 purposes of refunding Preservation 2000 bonds, amounts
194 designated within this section for Preservation 2000 and Florida
195 Forever bonds may be transferred between the two programs to the
196 extent provided for in the documents authorizing the issuance of

197 the bonds. The Preservation 2000 bonds and Florida Forever bonds
 198 shall be equally and ratably secured by moneys distributable to
 199 the Land Acquisition Trust Fund pursuant to this section, except
 200 to the extent specifically provided otherwise by the documents
 201 authorizing the issuance of the bonds. No moneys transferred to
 202 the Land Acquisition Trust Fund pursuant to this paragraph, or
 203 earnings thereon, shall be used or made available to pay debt
 204 service on the Save Our Coast revenue bonds.

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

207 215.618 Bonds for acquisition and improvement of land,
 208 water areas, and related property interests and resources.--

209 (1) (a) The issuance of Florida Forever bonds, not to
 210 exceed \$5.3 ~~\$3~~ billion, to finance or refinance the cost of
 211 acquisition and improvement of land, water areas, and related
 212 property interests and resources, in urban and rural settings,
 213 for the purposes of restoration, conservation, recreation, water
 214 resource development, or historical preservation, and for
 215 capital improvements to lands and water areas that accomplish
 216 environmental restoration, enhance public access and
 217 recreational enjoyment, promote long-term management goals, and
 218 facilitate water resource development is hereby authorized,
 219 subject to the provisions of s. 259.105 and pursuant to s.
 220 11(e), Art. VII of the State Constitution. Florida Forever bonds
 221 may also be issued to refund Preservation 2000 bonds issued
 222 pursuant to s. 375.051. The \$5.3 ~~\$3~~ billion limitation on the
 223 issuance of Florida Forever bonds does not apply to refunding
 224 bonds. The duration of each series of Florida Forever bonds

225 issued may not exceed 20 annual maturities. Preservation 2000
226 bonds and Florida Forever bonds shall be equally and ratably
227 secured by moneys distributable to the Land Acquisition Trust
228 Fund pursuant to s. 201.15(1)(a), except to the extent
229 specifically provided otherwise by the documents authorizing the
230 issuance of the bonds.

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

234 (c) By February 1, 2010, the Legislature shall complete an
235 analysis of potential revenue sources for the Florida Forever
236 program.

237 Section 5. Subsection (6) of section 253.025, Florida
238 Statutes, is amended to read:

239 253.025 Acquisition of state lands for purposes other than
240 preservation, conservation, and recreation.--

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

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

253 reasonably protected. The state is not required to appraise the
 254 value of lands and appurtenances that are being donated to the
 255 state.

256 (b) Appraisal fees shall be paid by the agency proposing
 257 the acquisition. The board of trustees shall approve qualified
 258 fee appraisal organizations. All appraisals used for the
 259 acquisition of lands pursuant to this section shall be prepared
 260 by a member of an approved appraisal organization or by a state-
 261 certified appraiser. The board of trustees ~~Division of State~~
 262 ~~Lands~~ shall adopt rules for selecting individuals to perform
 263 appraisals pursuant to this section. Each fee appraiser selected
 264 to appraise a particular parcel shall, prior to contracting with
 265 the agency, submit to that agency an affidavit substantiating
 266 that he or she has no vested or fiduciary interest in such
 267 parcel.

268 (c) The board of trustees shall adopt by rule the minimum
 269 criteria, techniques, and methods to be used in the preparation
 270 of appraisal reports. Such rules shall incorporate, to the
 271 extent practicable, generally accepted appraisal standards. Any
 272 appraisal issued for acquisition of lands pursuant to this
 273 section must comply with the rules adopted by the board of
 274 trustees. A certified survey must be made which meets the
 275 minimum requirements for upland parcels established in the
 276 Minimum Technical Standards for Land Surveying in Florida
 277 published by the Department of Business and Professional
 278 Regulation and which accurately portrays, to the greatest extent
 279 practicable, the condition of the parcel as it currently exists.
 280 The requirement for a certified survey may, in part or in whole,

281 be waived by the board of trustees any time prior to submitting
282 the agreement for purchase to the Division of State Lands. When
283 an existing boundary map and description of a parcel are
284 determined by the division to be sufficient for appraisal
285 purposes, the division director may temporarily waive the
286 requirement for a survey until any time prior to conveyance of
287 title to the parcel. The fee appraiser and the review appraiser
288 for the agency shall not act in any way that may be construed as
289 negotiating with the property owner.

290 (d) Appraisal reports are confidential and exempt from the
291 provisions of s. 119.07(1), for use by the agency and the board
292 of trustees, until an option contract is executed or, if no
293 option contract is executed, until 2 weeks before a contract or
294 agreement for purchase is considered for approval by the board
295 of trustees. However, the Division of State Lands may disclose
296 appraisal information to public agencies or nonprofit
297 organizations that agree to maintain the confidentiality of the
298 reports or information when joint acquisition of property is
299 contemplated, or when a public agency or nonprofit organization
300 enters into a written agreement with the division to purchase
301 and hold property for subsequent resale to the division. In
302 addition, the division may use, as its own, appraisals obtained
303 by a public agency or nonprofit organization, provided the
304 appraiser is selected from the division's list of appraisers and
305 the appraisal is reviewed and approved by the division. For the
306 purposes of this paragraph, "nonprofit organization" means an
307 organization whose purpose is the preservation of natural
308 resources, and which is exempt from federal income tax under s.

309 501(c)(3) of the Internal Revenue Code. The agency may release
 310 an appraisal report when the passage of time has rendered the
 311 conclusions of value in the report invalid.

312 (e) Prior to acceptance of an appraisal, the agency shall
 313 submit a copy of such report to the Division of State Lands. The
 314 division shall review such report for compliance with the rules
 315 of the board of trustees. ~~With respect to proposed purchases in~~
 316 ~~excess of \$250,000, this review shall include a general field~~
 317 ~~inspection of the subject property by the review appraiser. The~~
 318 ~~review appraiser may reject an appraisal report following a desk~~
 319 ~~review, but is prohibited from approving an appraisal report in~~
 320 ~~excess of \$250,000 without a field review.~~ Any questions of
 321 applicability of laws affecting an appraisal shall be addressed
 322 by the legal office of the agency.

323 (f) The appraisal report shall be accompanied by the sales
 324 history of the parcel for at least the prior 5 years. Such sales
 325 history shall include all parties and considerations with the
 326 amount of consideration verified, if possible. If a sales
 327 history would not be useful, or its cost prohibitive compared to
 328 the value of a parcel, the sales history may be waived by the
 329 board of trustees ~~Secretary of Environmental Protection or the~~
 330 ~~director of the Division of State Lands.~~ The board of trustees
 331 ~~department~~ shall adopt a rule specifying guidelines for waiver
 332 of a sales history.

333 (g) The board of trustees may consider an appraisal
 334 acquired by a seller, or any part thereof, in negotiating to
 335 purchase a parcel, but such appraisal may not be used in lieu of
 336 an appraisal required by this subsection or to determine the

337 maximum offer allowed by law.

338 Section 6. Section 253.0325, Florida Statutes, is amended
 339 to read:

340 253.0325 Modernization of state lands records.--

341 (1) The Department of Environmental Protection shall
 342 initiate an ongoing computerized information systems program to
 343 modernize its state lands records and documents that relate to
 344 all lands that have been acquired by all agencies under the
 345 Florida Preservation 2000 Act pursuant to s. 259.101 or the
 346 Florida Forever Act pursuant to s. 259.105. All recipients of
 347 Florida Forever funds shall annually submit its records for
 348 lands acquired for compilation of state lands records by the
 349 department to which title is vested in the Board of Trustees of
 350 ~~the Internal Improvement Trust Fund.~~ The program shall include,
 351 at a minimum:

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

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

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

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

362 (2) At all stages of its records modernization program,
 363 the department shall seek to ensure information systems
 364 compatibility within the department and with other state, local,

365 and regional governmental agencies. The department also shall
 366 seek to promote standardization in the collection of information
 367 regarding state-owned lands by federal, state, regional, and
 368 local agencies.

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

373 Section 7. Paragraph (d) is added to subsection (2) of
 374 section 253.034, Florida Statutes, subsections (5), (6), and (8)
 375 of that section are amended, and subsection (14) is added to
 376 that section, to read:

377 253.034 State-owned lands; uses.--

378 (2) As used in this section, the following phrases have
 379 the following meanings:

380 (d) "Public access," as used in this chapter and chapter
 381 259, means access by the general public to state lands and
 382 water, including vessel access made possible by boat ramps,
 383 docks, and associated support facilities, where compatible with
 384 conservation and recreation objectives.

385
 386 Lands acquired by the state as a gift, through donation, or by
 387 any other conveyance for which no consideration was paid, and
 388 which are not managed for conservation, outdoor resource-based
 389 recreation, or archaeological or historic preservation under a
 390 land management plan approved by the board of trustees are not
 391 conservation lands.

392 (5) Each manager of conservation lands shall submit to the

393 | Division of State Lands a land management plan at least every 10
394 | years in a form and manner prescribed by rule by the board and
395 | in accordance with the provisions of s. 259.032. Each manager of
396 | conservation lands shall also update a land management plan
397 | whenever the manager proposes to add new facilities or make
398 | substantive land use or management changes that were not
399 | addressed in the approved plan, or within 1 year of the addition
400 | of significant new lands. Each manager of nonconservation lands
401 | shall submit to the Division of State Lands a land use plan at
402 | least every 10 years in a form and manner prescribed by rule by
403 | the board. The division shall review each plan for compliance
404 | with the requirements of this subsection and the requirements of
405 | the rules established by the board pursuant to this section. All
406 | land use plans, whether for single-use or multiple-use
407 | properties, shall include an analysis of the property to
408 | determine if any significant natural or cultural resources are
409 | located on the property. Such resources include archaeological
410 | and historic sites, state and federally listed plant and animal
411 | species, and imperiled natural communities and unique natural
412 | features. If such resources occur on the property, the manager
413 | shall consult with the Division of State Lands and other
414 | appropriate agencies to develop management strategies to protect
415 | such resources. Land use plans shall also provide for the
416 | control of invasive nonnative plants and conservation of soil
417 | and water resources, including a description of how the manager
418 | plans to control and prevent soil erosion and soil or water
419 | contamination. Land use plans submitted by a manager shall
420 | include reference to appropriate statutory authority for such

421 use or uses and shall conform to the appropriate policies and
422 guidelines of the state land management plan. Plans for managed
423 areas larger than 1,000 acres shall contain an analysis of the
424 multiple-use potential of the property, which analysis shall
425 include the potential of the property to generate revenues to
426 enhance the management of the property. Additionally, the plan
427 shall contain an analysis of the potential use of private land
428 managers to facilitate the restoration or management of these
429 lands. In those cases where a newly acquired property has a
430 valid conservation plan that was developed by a soil and
431 conservation district, such plan shall be used to guide
432 management of the property until a formal land use plan is
433 completed.

434 (a) State lands shall be managed to ensure the
435 conservation of the state's plant and animal species and to
436 ensure the accessibility of state lands for the benefit and
437 enjoyment of all people of the state, both present and future.
438 Each land management plan shall provide a desired outcome,
439 describe both short-term and long-term management goals, and
440 include measurable objectives to achieve those goals. Short-term
441 goals shall be achievable within a 2-year planning period and
442 long-term goals shall be achievable within a 10-year planning
443 period. These short-term and long-term management goals shall be
444 the basis for all subsequent land management activities.

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

- 447 1. Habitat restoration and improvement.
448 2. Public access and recreational opportunities.

449 3. Hydrological preservation and restoration.

450 4. Sustainable forest management.

451 5. Exotic and invasive species maintenance and control.

452 6. Capital facilities and infrastructure.

453 7. Cultural and historical resources.

454 8. Imperiled species habitat maintenance, enhancement,
455 restoration, or population restoration.

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

458 1. A physical description of the land.

459 2. A quantitative data description of the land which
460 includes an inventory of forest and other natural resources;
461 exotic and invasive plants; hydrological features;
462 infrastructure, including recreational facilities; and other
463 significant land, cultural, or historical features. The
464 inventory shall reflect the number of acres for each resource
465 and feature, when appropriate. The inventory shall be of such
466 detail that objective measures and benchmarks can be established
467 for each tract of land and monitored during the lifetime of the
468 plan. All quantitative data collected shall be aggregated,
469 standardized, collected, and presented in an electronic format
470 to allow for uniform management reporting and analysis. The
471 information collected by the Department of Environmental
472 Protection pursuant to s. 253.0325(2) shall be available to the
473 land manager and his or her assignee.

474 3. A detailed description of each short-term and long-term
475 land management goal, the associated measurable objectives, and
476 the related activities that are to be performed to meet the land

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477 management objectives. Each land management objective must be
478 addressed by the land management plan and where practicable no
479 land management objective shall be performed to the detriment of
480 the other land management objectives.

481 4. A schedule of land management activities which contains
482 short-term and long-term land management goals and the related
483 measurable objective and activities. The schedule shall include
484 for each activity a timeline for completion, quantitative
485 measures, and detailed expense and manpower budgets. The
486 schedule shall provide a management tool that facilitates
487 development of performance measures.

488 5. A summary budget for the scheduled land management
489 activities of the land management plan. For state lands
490 containing or anticipated to contain imperiled species habitat,
491 the summary budget shall include any fees anticipated from
492 public or private entities for projects to offset adverse
493 impacts to imperiled species or such habitat, which fees shall
494 be used solely to restore, manage, enhance, repopulate, or
495 acquire imperiled species habitat. The summary budget shall be
496 prepared in such manner that it facilitates computing an
497 aggregate of land management costs for all state-managed lands
498 using the categories described in s. 259.037(3).

499 (d) Upon completion, the land management plan will be
500 transmitted to the Acquisition and Restoration Council for
501 review. The Acquisition and Restoration Council shall have 90
502 days to review the plan and submit its recommendations to the
503 Board of Trustees. During the review period, the land
504 management plan may be revised if agreed to by the primary land

505 manager and the Acquisition and Restoration Council taking into
506 consideration public input. If the Acquisition and Restoration
507 Council fails to make a recommendation for a land management
508 plan, the Secretary of the Department of Environmental
509 Protection, Commissioner of Agriculture, or Executive Director
510 of the Fish and Wildlife Conservation Commission or their
511 designees shall submit the land management plan to the Board of
512 Trustees. The land management plan becomes effective upon
513 approval by the Board of Trustees.

514 (e) Beginning July 1, 2010, and biennially thereafter,
515 state lands with an approved land management plan shall be
516 monitored for land management activities by a monitoring team.
517 The Division of State Lands shall coordinate the activities of
518 the review team which shall consist of three members. One
519 member shall be selected by the Secretary of the Department of
520 Environmental Protection, or their designee, and shall have
521 experience with public recreation or use administration. One
522 member shall be selected by the Commissioner of Agriculture, or
523 their designee, and shall have experience with applied land
524 management. One member shall be selected by the Executive
525 Director of the Fish and Wildlife Conservation Commission, or
526 their designee, and shall have experience with applied habitat
527 management. The monitoring team shall prepare a monitoring
528 report that assesses the progress towards achieving short-term
529 and long-term land management goals and shall propose corrective
530 actions for identified deficiencies in management activities.
531 The monitoring report shall be submitted to the Acquisition and
532 Restoration Council and the managing agency. The Acquisition and

533 Restoration Council shall review the monitoring report and
534 determine whether the deficiencies warrant a corrective action
535 plan or revisions to the management plan. Significant and
536 recurring deficiencies shall be brought to the Board of
537 Trustees, which shall determine whether the corrective actions
538 being proposed by the land manager and the Acquisition and
539 Restoration Council sufficiently address the deficiencies.
540 Corrective actions plans shall be prepared and submitted in the
541 same manner as land management plans.

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

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

546 (h) ~~(a)~~ The Division of State Lands shall make available to
547 the public an electronic a copy of each land management plan for
548 parcels that exceed 160 acres in size. The Division of State
549 Lands council shall review each plan for compliance with the
550 requirements of this subsection, the requirements of chapter
551 259, and the requirements of the rules established by the board
552 pursuant to this section. The council shall also consider the
553 propriety of the recommendations of the managing entity with
554 regard to the future use of the property, the protection of
555 fragile or nonrenewable resources, the potential for alternative
556 or multiple uses not recognized by the managing entity, and the
557 possibility of disposal of the property by the board. After its
558 review, the council shall submit the plan, along with its
559 recommendations and comments, to the board. The council shall
560 specifically recommend to the board whether to approve the plan

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561 as submitted, approve the plan with modifications, or reject the
562 plan. If the Acquisition and Restoration Council fails to make a
563 recommendation for a land management plan, the Secretary of the
564 Department of Environmental Protection, Commissioner of
565 Agriculture, or Executive Director of the Fish and Wildlife
566 Conservation Commission or their designees shall submit the land
567 management plan to the Board of Trustees.

568 (i) ~~(b)~~ The Board of Trustees of the Internal Improvement
569 Trust Fund shall consider the land management plan submitted by
570 each entity and the recommendations of the council and the
571 Division of State Lands and shall approve the plan with or
572 without modification or reject such plan. The use or possession
573 of any such lands that is not in accordance with an approved
574 land management plan is subject to termination by the board.

575 (6) The Board of Trustees of the Internal Improvement
576 Trust Fund shall determine which lands, the title to which is
577 vested in the board, may be surplus. For conservation lands,
578 the board shall make a determination that the lands are no
579 longer needed for conservation purposes and may dispose of them
580 by an affirmative vote of at least three members. In the case of
581 a land exchange involving the disposition of conservation lands,
582 the board must determine by an affirmative vote of at least
583 three members that the exchange will result in a net positive
584 conservation benefit. For all other lands, the board shall make
585 a determination that the lands are no longer needed and may
586 dispose of them by an affirmative vote of at least three
587 members.

588 (a) For the purposes of this subsection, all lands

589 | acquired by the state prior to July 1, 1999, using proceeds from
590 | the Preservation 2000 bonds, the Conservation and Recreation
591 | Lands Trust Fund, the Water Management Lands Trust Fund,
592 | Environmentally Endangered Lands Program, and the Save Our Coast
593 | Program and titled to the board, which lands are identified as
594 | core parcels or within original project boundaries, shall be
595 | deemed to have been acquired for conservation purposes.

596 | (b) For any lands purchased by the state on or after July
597 | 1, 1999, a determination shall be made by the board prior to
598 | acquisition as to those parcels that shall be designated as
599 | having been acquired for conservation purposes. No lands
600 | acquired for use by the Department of Corrections, the
601 | Department of Management Services for use as state offices, the
602 | Department of Transportation, except those specifically managed
603 | for conservation or recreation purposes, or the State University
604 | System or the Florida Community College System shall be
605 | designated as having been purchased for conservation purposes.

606 | (c) At least every 10 years, as a component of each land
607 | management plan or land use plan and in a form and manner
608 | prescribed by rule by the board, each manager shall evaluate and
609 | indicate to the board those lands that are not being used for
610 | the purpose for which they were originally leased. For
611 | conservation lands, the council shall review and shall recommend
612 | to the board whether such lands should be retained in public
613 | ownership or disposed of by the board. For nonconservation
614 | lands, the division shall review such lands and shall recommend
615 | to the board whether such lands should be retained in public
616 | ownership or disposed of by the board.

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

622 (e) Prior to any decision by the board to surplus lands,
623 the Acquisition and Restoration Council shall review and make
624 recommendations to the board concerning the request for
625 surplusing. The council shall determine whether the request for
626 surplusing is compatible with the resource values of and
627 management objectives for such lands.

628 (f)1. In reviewing lands owned by the board, the council
629 shall consider whether such lands would be more appropriately
630 owned or managed by the county or other unit of local government
631 in which the land is located. The council shall recommend to the
632 board whether a sale, lease, or other conveyance to a local
633 government would be in the best interests of the state and local
634 government. The provisions of this paragraph in no way limit the
635 provisions of ss. 253.111 and 253.115. Such lands shall be
636 offered to the state, county, or local government for a period
637 of 45 ~~30~~ days. Permittable uses for such surplus lands may
638 include public schools; public libraries; fire or law
639 enforcement substations; governmental, judicial, or recreational
640 centers; and affordable housing meeting the criteria of s.
641 420.0004(3). County or local government requests for surplus
642 lands shall be expedited throughout the surplusing process. If
643 the county or local government does not elect to purchase such
644 lands in accordance with s. 253.111, then any surplusing

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645 determination involving other governmental agencies shall be
646 made upon the board deciding the best public use of the lands.
647 Surplus properties in which governmental agencies have expressed
648 no interest shall then be available for sale on the private
649 market.

650 2. Notwithstanding subparagraph 1., any parcel of surplus
651 lands less than 3 acres in size which was acquired by the state
652 before 1955 by gift or other conveyance or for \$1 consideration
653 from a fair association incorporated under chapter 616 for the
654 purpose of conducting and operating public fairs or expositions,
655 and concerning which the department has filed by July 1, 2008, a
656 notice of intent to dispose of as surplus lands, shall be
657 offered for reconveyance to such fair association for no
658 consideration; however, the agency that last held the lease from
659 the board for management of such lands may remove from the lands
660 any improvements, fixtures, goods, wares, and merchandise within
661 180 days after the effective date of the reconveyance. This
662 subparagraph expires July 1, 2008.

663 (g) The sale price of lands determined to be surplus
664 pursuant to this subsection and s. 253.82 shall be determined by
665 the division and shall take into consideration an appraisal of
666 the property, or, when the estimated value of the land is less
667 than \$100,000, a comparable sales analysis or a broker's opinion
668 of value. If the appraisal referenced in this paragraph yields a
669 value equal to or greater than \$1 million, the division, in its
670 sole discretion, may require a second appraisal. The individual
671 or entity requesting to purchase the surplus parcel shall pay
672 all appraisal costs, and the price paid by the state to

673 ~~originally acquire the lands.~~

674 1.a. A written valuation of land determined to be surplus
675 pursuant to this subsection and s. 253.82, and related documents
676 used to form the valuation or which pertain to the valuation,
677 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
678 I of the State Constitution until 2 weeks before the contract or
679 agreement regarding the purchase, exchange, or disposal of the
680 surplus land is first considered for approval by the board.
681 Notwithstanding the exemption provided under this subparagraph,
682 the division may disclose appraisals, valuations, or valuation
683 information regarding surplus land during negotiations for the
684 sale or exchange of the land, during the marketing effort or
685 bidding process associated with the sale, disposal, or exchange
686 of the land to facilitate closure of such effort or process,
687 when the passage of time has made the conclusions of value
688 invalid, or when negotiations or marketing efforts concerning
689 the land are concluded.

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

694 2. A unit of government that acquires title to lands
695 hereunder for less than appraised value may not sell or transfer
696 title to all or any portion of the lands to any private owner
697 for a period of 10 years. Any unit of government seeking to
698 transfer or sell lands pursuant to this paragraph shall first
699 allow the board of trustees to reacquire such lands for the
700 price at which the board sold such lands.

701 ~~(h) Where a unit of government acquired land by gift,~~
702 ~~donation, grant, quitclaim deed, or other such conveyance where~~
703 ~~no monetary consideration was exchanged, the price of land sold~~
704 ~~as surplus may be based on one appraisal. In the event that a~~
705 ~~single appraisal yields a value equal to or greater than \$1~~
706 ~~million, a second appraisal is required. The individual or~~
707 ~~entity requesting the surplus shall select and use appraisers~~
708 ~~from the list of approved appraisers maintained by the Division~~
709 ~~of State Lands in accordance with s. 253.025(6)(b). The~~
710 ~~individual or entity requesting the surplus is to incur all~~
711 ~~costs of the appraisals.~~

712 (h)~~(i)~~ After reviewing the recommendations of the council,
713 the board shall determine whether lands identified for surplus
714 are to be held for other public purposes or whether such lands
715 are no longer needed. The board may require an agency to release
716 its interest in such lands. For an agency that has requested the
717 use of a property that was to be declared as surplus, said
718 agency must have the property under lease within 6 months of the
719 date of expiration of the notice provisions required under this
720 subsection and s. 253.111.

721 (i)~~(j)~~ Requests for surplus may be made by any public
722 or private entity or person. All requests shall be submitted to
723 the lead managing agency for review and recommendation to the
724 council or its successor. Lead managing agencies shall have 90
725 days to review such requests and make recommendations. Any
726 surplus requests that have not been acted upon within the 90-
727 day time period shall be immediately scheduled for hearing at
728 the next regularly scheduled meeting of the council or its

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729 successor. Requests for surplus pursuant to this paragraph
730 shall not be required to be offered to local or state
731 governments as provided in paragraph (f).

732 (j)~~(k)~~ Proceeds from any sale of surplus lands pursuant to
733 this subsection shall be deposited into the fund from which such
734 lands were acquired. However, if the fund from which the lands
735 were originally acquired no longer exists, such proceeds shall
736 be deposited into an appropriate account to be used for land
737 management by the lead managing agency assigned the lands prior
738 to the lands being declared surplus. Funds received from the
739 sale of surplus nonconservation lands, or lands that were
740 acquired by gift, by donation, or for no consideration, shall be
741 deposited into the Internal Improvement Trust Fund.

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

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

750 (m)~~(n)~~ The board may adopt rules to implement the
751 provisions of this section, which may include procedures for
752 administering surplus land requests and criteria for when the
753 division may approve requests to surplus nonconservation lands
754 on behalf of the board.

755 (8) (a) Notwithstanding other provisions of this section,
756 the Division of State Lands is directed to prepare a state

757 inventory of all federal lands and all lands titled in the name
758 of the state, a state agency, a water management district, or a
759 local government on a county-by-county basis. To facilitate the
760 development of the state inventory, each county shall direct the
761 appropriate county office with authority over the information to
762 provide the division with a county inventory of all lands
763 identified as federal lands and lands titled in the name of the
764 state, a state agency, a water management district, or a local
765 government. The Legislature recognizes the value of the state's
766 conservation lands as water recharge areas and air filters and,
767 in an effort to better understand the scientific underpinnings
768 of carbon sequestration, carbon capture, and greenhouse gas
769 mitigation, to inform policymakers and decisionmakers, and to
770 provide the infrastructure for land owners, the Division of
771 State Lands shall contract with an organization experienced and
772 specialized in carbon sinks and emission budgets to conduct an
773 inventory of all lands that were acquired pursuant to
774 Preservation 2000 and Florida Forever and that were titled in
775 the name of the Board of Trustees of the Internal Improvement
776 Trust Fund. The inventory shall determine the value of carbon
777 capture and carbon sequestration. Such inventory shall consider
778 potential carbon offset values of changes in land management
779 practices, including, but not limited to, replanting of trees,
780 routine prescribed burns, and land use conversion. Such an
781 inventory shall be completed and presented to the board of
782 trustees by July 1, 2009.

783 (b) The state inventory must distinguish between lands
784 purchased by the state or a water management district as part of

785 a core parcel or within original project boundaries, as those
 786 terms are used to meet the surplus requirements of subsection
 787 (6), and lands purchased by the state, a state agency, or a
 788 water management district which are not essential or necessary
 789 for conservation purposes.

790 (c) In any county having a population of 75,000 or fewer
 791 ~~less~~, or a county having a population of 100,000 or fewer which
 792 ~~less than~~ is contiguous to a county having a population of
 793 75,000 or fewer ~~less~~, in which more than 50 percent of the lands
 794 within the county boundary are federal lands and lands titled in
 795 the name of the state, a state agency, a water management
 796 district, or a local government, those lands titled in the name
 797 of the state or a state agency which are not essential or
 798 necessary to meet conservation purposes may, upon request of a
 799 public or private entity, be made available for purchase through
 800 the state's surplusing process. Rights-of-way for existing,
 801 proposed, or anticipated transportation facilities are exempt
 802 from the requirements of this paragraph. Priority consideration
 803 shall be given to buyers, public or private, willing to return
 804 the property to productive use so long as the property can be
 805 reentered onto the county ad valorem tax roll. Property acquired
 806 with matching funds from a local government shall not be made
 807 available for purchase without the consent of the local
 808 government.

809 (14) By February 1, 2010, the commission shall submit a
 810 report to the President of the Senate and the Speaker of the
 811 House of Representatives on the efficacy of using state-owned
 812 lands to protect, manage, or restore habitat for native or

813 imperiled species. This subsection expires July 1, 2014.

814 Section 8. Section 253.0341, Florida Statutes, is amended
815 to read:

816 253.0341 Surplus of state-owned lands to counties or local
817 governments.--Counties and local governments may submit
818 surplus requests for state-owned lands directly to the board
819 of trustees. County or local government requests for the state
820 to surplus conservation or nonconservation lands, whether for
821 purchase or exchange, shall be expedited throughout the
822 surplus process. Property jointly acquired by the state and
823 other entities shall not be surplus without the consent of all
824 joint owners.

825 (1) The decision to surplus state-owned nonconservation
826 lands may be made by the board without a review of, or a
827 recommendation on, the request from the Acquisition and
828 Restoration Council or the Division of State Lands. Such
829 requests for nonconservation lands shall be considered by the
830 board within 60 days of the board's receipt of the request.

831 (2) County or local government requests for the surplus of
832 state-owned conservation lands are subject to review of, and
833 recommendation on, the request to the board by the Acquisition
834 and Restoration Council. Requests to surplus conservation lands
835 shall be considered by the board within 120 days of the board's
836 receipt of the request.

837 (3) A local government may request that state lands be
838 specifically declared surplus lands for the purpose of providing
839 alternative water supply and water resource development projects
840 as defined in s 373.019, public facilities such as schools, fire

841 and police facilities, and affordable housing. The request shall
842 comply with the requirements of subsection (1) if the lands are
843 nonconservation lands or subsection (2) if the lands are
844 conservation lands. Surplus lands that are conveyed to a local
845 government for affordable housing shall be disposed of by the
846 local government under the provisions of s. 125.379 or s.
847 166.0451.

848 (4) Notwithstanding the requirements of this section and
849 the requirements of s. 253.034 which provides a surplus process
850 for the disposal of state lands, the board shall convey to
851 Miami-Dade County title to the property on which the Graham
852 Building, which houses the offices of the Miami-Dade State
853 Attorney, is located. By January 1, 2008, the board shall convey
854 fee simple title to the property to Miami-Dade County for a
855 consideration of one dollar. The deed conveying title to Miami-
856 Dade County must contain restrictions that limit the use of the
857 property for the purpose of providing workforce housing as
858 defined in s. 420.5095, and to house the offices of the Miami-
859 Dade State Attorney. Employees of the Miami-Dade State Attorney
860 and the Miami-Dade Public Defender who apply for and meet the
861 income qualifications for workforce housing shall receive
862 preference over other qualified applicants.

863 Section 9. Subsection (3) of section 253.111, Florida
864 Statutes, is amended to read:

865 253.111 Notice to board of county commissioners before
866 sale.--The Board of Trustees of the Internal Improvement Trust
867 Fund of the state may not sell any land to which they hold title
868 unless and until they afford an opportunity to the county in

869 | which such land is situated to receive such land on the
 870 | following terms and conditions:

871 | (3) If the board receives, within 45 ~~30~~ days after notice
 872 | is given to the board of county commissioners pursuant to
 873 | subsection (1), the certified copy of the resolution provided
 874 | for in subsection (2), the board shall forthwith convey to the
 875 | county such land at a price that is equal to its appraised
 876 | market value established by generally accepted professional
 877 | standards for real estate appraisal and subject to such other
 878 | terms and conditions as the board determines.

879 | Section 10. Paragraph (b) of subsection (2) of section
 880 | 253.82, Florida Statutes, is amended to read:

881 | 253.82 Title of state or private owners to Murphy Act
 882 | lands.--

883 | (2)(b) Land to which title is vested in the board of
 884 | trustees by paragraph (a) shall be treated in the same manner as
 885 | other nonsovereignty lands owned by the board. However, any
 886 | parcel of land the title to which is vested in the Board of
 887 | Trustees of the Internal Improvement Trust Fund pursuant to this
 888 | section which is 10 acres or less in size and has a ~~an~~ appraised
 889 | market value of \$250,000 or less is hereby declared surplus,
 890 | except for lands determined to be needed for state use, and may
 891 | be sold in any manner provided by law. ~~Only one appraisal shall~~
 892 | ~~be required for a sale of such land.~~ All proceeds from the sale
 893 | of such land shall be deposited into the Internal Improvement
 894 | Trust Fund. The Board of Trustees of the Internal Improvement
 895 | Trust Fund is authorized to adopt rules to implement the
 896 | provisions of this subsection.

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897 Section 11. Section 259.032, Florida Statutes, is amended
898 to read:

899 259.032 Conservation and Recreation Lands Trust Fund;
900 purpose.--

901 (1) It is the policy of the state that the citizens of
902 this state shall be assured public ownership of natural areas
903 for purposes of maintaining this state's unique natural
904 resources; protecting air, land, and water quality; promoting
905 water resource development to meet the needs of natural systems
906 and citizens of this state; promoting restoration activities on
907 public lands; and providing lands for natural resource based
908 recreation. In recognition of this policy, it is the intent of
909 the Legislature to provide such public lands for the people
910 residing in urban and metropolitan areas of the state, as well
911 as those residing in less populated, rural areas. It is the
912 further intent of the Legislature, with regard to the lands
913 described in paragraph (3)(c), that a high priority be given to
914 the acquisition, restoration, and management of such lands in or
915 near counties exhibiting the greatest concentration of
916 population and, with regard to the lands described in subsection
917 (3), that a high priority be given to acquiring lands or rights
918 or interests in lands that advance the goals and objectives of
919 the Fish and Wildlife Conservation Commission's approved species
920 or habitat recovery plans, or lands within any area designated
921 as an area of critical state concern under s. 380.05 which, in
922 the judgment of the advisory council established pursuant to s.
923 259.035, or its successor, cannot be adequately protected by
924 application of land development regulations adopted pursuant to

925 s. 380.05. Finally, it is the Legislature's intent that lands
 926 acquired through this program and any successor programs be
 927 managed in such a way as to protect or restore their natural
 928 resource values, and provide the greatest benefit, including
 929 public access, to the citizens of this state.

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

935 1. The excise taxes on documents as provided in s. 201.15;
 936 and

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

939
 940 The Department of Revenue shall credit to the fund each month
 941 the proceeds from such taxes as provided in this paragraph.

942 (b) There shall annually be transferred from the
 943 Conservation and Recreation Lands Trust Fund to the Land
 944 Acquisition Trust Fund that amount, not to exceed \$20 million
 945 annually, as shall be necessary to pay the debt service on, or
 946 fund debt service reserve funds, rebate obligations, or other
 947 amounts with respect to bonds issued pursuant to s. 375.051 to
 948 acquire lands on the established priority list developed
 949 pursuant to ss. 259.101(4) and 259.105; however, no moneys
 950 transferred to the Land Acquisition Trust Fund pursuant to this
 951 paragraph, or earnings thereon, shall be used or made available
 952 to pay debt service on the Save Our Coast revenue bonds. Amounts

953 transferred annually from the Conservation and Recreation Lands
954 Trust Fund to the Land Acquisition Trust Fund pursuant to this
955 paragraph shall have the highest priority over other payments or
956 transfers from the Conservation and Recreation Lands Trust Fund,
957 and no other payments or transfers shall be made from the
958 Conservation and Recreation Lands Trust Fund until such
959 transfers to the Land Acquisition Trust Fund have been made.
960 Moneys in the Conservation and Recreation Lands Trust Fund also
961 shall be used to manage lands and to pay for related costs,
962 activities, and functions pursuant to the provisions of this
963 section.

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

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

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

975 (c) To conserve and protect native species habitat or
976 endangered or threatened species, emphasizing long-term
977 protection for endangered or threatened species designated G-1
978 or G-2 by the Florida Natural Areas Inventory, and especially
979 those areas that are special locations for breeding and
980 reproduction;

981 (d) To conserve, protect, manage, or restore important
 982 ecosystems, landscapes, and forests, if the protection and
 983 conservation of such lands is necessary to enhance or protect
 984 significant surface water, groundwater, coastal, recreational,
 985 timber, or fish or wildlife resources which cannot otherwise be
 986 accomplished through local and state regulatory programs;

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

989 (f) To facilitate the restoration and subsequent health
 990 and vitality of the Florida Everglades;

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

994 (h) To preserve significant archaeological or historic
 995 sites; ~~or~~

996 (i) To conserve urban open spaces suitable for greenways
 997 or outdoor recreation which are compatible with conservation
 998 purposes; or-

999 (j) To preserve agricultural lands under threat of
 1000 conversion to development through less-than-fee acquisitions.

1001 (4) ~~(a)~~ Lands acquired under this section shall be for use
 1002 as state-designated parks, recreation areas, preserves,
 1003 reserves, historic or archaeological sites, geologic or
 1004 botanical sites, recreational trails, forests, wilderness areas,
 1005 wildlife management areas, urban open space, or other state-
 1006 designated recreation or conservation lands; or they shall
 1007 qualify for such state designation and use if they are to be
 1008 managed by other governmental agencies or nonstate entities as

1009 provided for in this section.

1010 ~~(b) In addition to the uses allowed in paragraph (a),~~
 1011 ~~moneys may be transferred from the Conservation and Recreation~~
 1012 ~~Lands Trust Fund to the Florida Forever Trust Fund or the Land~~
 1013 ~~Acquisition Trust Fund. This paragraph expires July 1, 2007.~~

1014 (5) The board of trustees may allocate, in any year, an
 1015 amount not to exceed 5 percent of the money credited to the fund
 1016 in that year, such allocation to be used for the initiation and
 1017 maintenance of a natural areas inventory to aid in the
 1018 identification of areas to be acquired pursuant to this section.

1019 (6) Moneys in the fund not needed to meet obligations
 1020 incurred under this section shall be deposited with the Chief
 1021 Financial Officer to the credit of the fund and may be invested
 1022 in the manner provided by law. Interest received on such
 1023 investments shall be credited to the Conservation and Recreation
 1024 Lands Trust Fund.

1025 (7) The board of trustees may enter into any contract
 1026 necessary to accomplish the purposes of this section. The lead
 1027 land managing agencies designated by the board of trustees also
 1028 are directed by the Legislature to enter into contracts or
 1029 interagency agreements with other governmental entities,
 1030 including local soil and water conservation districts, or
 1031 private land managers who have the expertise to perform specific
 1032 management activities which a lead agency lacks, or which would
 1033 cost more to provide in-house. Such activities shall include,
 1034 but not be limited to, controlled burning, road and ditch
 1035 maintenance, mowing, and wildlife assessments.

1036 (8) Lands to be considered for purchase under this section

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1037 are subject to the selection procedures of s. 259.035 and
1038 related rules and shall be acquired in accordance with
1039 acquisition procedures for state lands provided for in s.
1040 259.041, except as otherwise provided by the Legislature. An
1041 inholding or an addition to a project selected for purchase
1042 pursuant to this chapter is not subject to the selection
1043 procedures of s. 259.035 if the estimated value of such
1044 inholding or addition does not exceed \$500,000. When at least 90
1045 percent of the acreage of a project has been purchased pursuant
1046 to this chapter, the project may be removed from the list and
1047 the remaining acreage may continue to be purchased. Moneys from
1048 the fund may be used for title work, appraisal fees,
1049 environmental audits, and survey costs related to acquisition
1050 expenses for lands to be acquired, donated, or exchanged which
1051 qualify under the categories of this section, at the discretion
1052 of the board. When the Legislature has authorized the Department
1053 of Environmental Protection to condemn a specific parcel of land
1054 and such parcel has already been approved for acquisition under
1055 this section, the land may be acquired in accordance with the
1056 provisions of chapter 73 or chapter 74, and the fund may be used
1057 to pay the condemnation award and all costs, including a
1058 reasonable attorney's fee, associated with condemnation.

1059 (9) All lands managed under this chapter and s. 253.034
1060 shall be:

1061 (a) Managed in a manner that will provide the greatest
1062 combination of benefits to the public and to the resources.

1063 (b) Managed for public outdoor recreation which is
1064 compatible with the conservation and protection of public lands.

1065 Such management may include, but not be limited to, the
 1066 following public recreational uses: fishing, hunting, camping,
 1067 bicycling, hiking, nature study, swimming, boating, canoeing,
 1068 horseback riding, diving, model hobbyist activities, birding,
 1069 sailing, jogging, and other related outdoor activities
 1070 compatible with the purposes for which the lands were acquired.

1071 (c) Managed for the purposes for which the lands were
 1072 acquired, consistent with paragraph (11)(a).

1073 (d) Concurrent with its adoption of the annual
 1074 Conservation and Recreation Lands list of acquisition projects
 1075 pursuant to s. 259.035, the board of trustees shall adopt a
 1076 management prospectus for each project. The management
 1077 prospectus shall delineate:

- 1078 1. The management goals for the property;
- 1079 2. The conditions that will affect the intensity of
 1080 management;
- 1081 3. An estimate of the revenue-generating potential of the
 1082 property, if appropriate;
- 1083 4. A timetable for implementing the various stages of
 1084 management and for providing access to the public, if
 1085 applicable;
- 1086 5. A description of potential multiple-use activities as
 1087 described in this section and s. 253.034;
- 1088 6. Provisions for protecting existing infrastructure and
 1089 for ensuring the security of the project upon acquisition;
- 1090 7. The anticipated costs of management and projected
 1091 sources of revenue, including legislative appropriations, to
 1092 fund management needs; and

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1093 8. Recommendations as to how many employees will be needed
1094 to manage the property, and recommendations as to whether local
1095 governments, volunteer groups, the former landowner, or other
1096 interested parties can be involved in the management.

1097 (e) Concurrent with the approval of the acquisition
1098 contract pursuant to s. 259.041(3)(c) for any interest in lands
1099 except those lands being acquired under the provisions of s.
1100 259.1052, the board of trustees shall designate an agency or
1101 agencies to manage such lands. The board shall evaluate and
1102 amend, as appropriate, the management policy statement for the
1103 project as provided by s. 259.035, consistent with the purposes
1104 for which the lands are acquired. For any fee simple acquisition
1105 of a parcel which is or will be leased back for agricultural
1106 purposes, or any acquisition of a less-than-fee interest in land
1107 that is or will be used for agricultural purposes, the Board of
1108 Trustees of the Internal Improvement Trust Fund shall first
1109 consider having a soil and water conservation district, created
1110 pursuant to chapter 582, manage and monitor such interests.

1111 (f) State agencies designated to manage lands acquired
1112 under this chapter except those lands acquired under s. 259.1052
1113 may contract with local governments and soil and water
1114 conservation districts to assist in management activities,
1115 including the responsibility of being the lead land manager.
1116 Such land management contracts may include a provision for the
1117 transfer of management funding to the local government or soil
1118 and water conservation district from the Conservation and
1119 Recreation Lands Trust Fund in an amount adequate for the local
1120 government or soil and water conservation district to perform

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1121 its contractual land management responsibilities and
1122 proportionate to its responsibilities, and which otherwise would
1123 have been expended by the state agency to manage the property.

1124 (g) Immediately following the acquisition of any interest
1125 in lands under this chapter, the Department of Environmental
1126 Protection, acting on behalf of the board of trustees, may issue
1127 to the lead managing entity an interim assignment letter to be
1128 effective until the execution of a formal lease.

1129 (10)(a) State, regional, or local governmental agencies or
1130 private entities designated to manage lands under this section
1131 shall develop and adopt, with the approval of the board of
1132 trustees, an individual management plan for each project
1133 designed to conserve and protect such lands and their associated
1134 natural resources. Private sector involvement in management plan
1135 development may be used to expedite the planning process.

1136 (b) Individual management plans required by s. 253.034(5),
1137 for parcels over 160 acres, shall be developed with input from
1138 an advisory group. Members of this advisory group shall include,
1139 at a minimum, representatives of the lead land managing agency,
1140 comanaging entities, local private property owners, the
1141 appropriate soil and water conservation district, a local
1142 conservation organization, and a local elected official. The
1143 advisory group shall conduct at least one public hearing within
1144 the county in which the parcel or project is located. For those
1145 parcels or projects that are within more than one county, at
1146 least one areawide public hearing shall be acceptable and the
1147 lead managing agency shall invite a local elected official from
1148 each county. The areawide public hearing shall be held in the

1149 county in which the core parcels are located. Notice of such
1150 public hearing shall be posted on the parcel or project
1151 designated for management, advertised in a paper of general
1152 circulation, and announced at a scheduled meeting of the local
1153 governing body before the actual public hearing. The management
1154 prospectus required pursuant to paragraph (9) (d) shall be
1155 available to the public for a period of 30 days prior to the
1156 public hearing.

1157 (c) Once a plan is adopted, the managing agency or entity
1158 shall update the plan at least every 10 years in a form and
1159 manner prescribed by rule of the board of trustees. Such
1160 updates, for parcels over 160 acres, shall be developed with
1161 input from an advisory group. Such plans may include transfers
1162 of leasehold interests to appropriate conservation organizations
1163 or governmental entities designated by the Land Acquisition and
1164 Management Advisory Council or its successor, for uses
1165 consistent with the purposes of the organizations and the
1166 protection, preservation, conservation, restoration, and proper
1167 management of the lands and their resources. Volunteer
1168 management assistance is encouraged, including, but not limited
1169 to, assistance by youths participating in programs sponsored by
1170 state or local agencies, by volunteers sponsored by
1171 environmental or civic organizations, and by individuals
1172 participating in programs for committed delinquents and adults.

1173 (d)1. For each project for which lands are acquired after
1174 July 1, 1995, an individual management plan shall be adopted and
1175 in place no later than 1 year after the essential parcel or
1176 parcels identified in the priority list developed pursuant to

1177 ss. 259.101(4) and 259.105 have been acquired. The Department of
 1178 Environmental Protection shall distribute only 75 percent of the
 1179 acquisition funds to which a budget entity or water management
 1180 district would otherwise be entitled from the Preservation 2000
 1181 Trust Fund to any budget entity or any water management district
 1182 that has more than one-third of its management plans overdue.

1183 2. The requirements of subparagraph 1. do not apply to the
 1184 individual management plan for the Babcock Crescent B Ranch
 1185 being acquired pursuant to s. 259.1052. The management plan for
 1186 the ranch shall be adopted and in place no later than 2 years
 1187 following the date of acquisition by the state.

1188 (e) Individual management plans shall conform to the
 1189 appropriate policies and guidelines of the state land management
 1190 plan and shall include, but not be limited to:

1191 1. A statement of the purpose for which the lands were
 1192 acquired, the projected use or uses as defined in s. 253.034,
 1193 and the statutory authority for such use or uses.

1194 2. Key management activities necessary to achieve the
 1195 desired outcomes, including, but not limited to, providing
 1196 public access, preserving and protecting natural resources,
 1197 protecting cultural and historical resources, restoring habitat,
 1198 protecting threatened and endangered species, controlling the
 1199 spread of nonnative plants and animals, performing prescribed
 1200 fire activities, and other appropriate resource management. ~~to~~
 1201 ~~preserve and protect natural resources and restore habitat, and~~
 1202 ~~for controlling the spread of nonnative plants and animals, and~~
 1203 ~~for prescribed fire and other appropriate resource management~~
 1204 ~~activities.~~

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1205 3. A specific description of how the managing agency plans
1206 to identify, locate, protect, and preserve, or otherwise use
1207 fragile, nonrenewable natural and cultural resources.

1208 4. A priority schedule for conducting management
1209 activities, based on the purposes for which the lands were
1210 acquired.

1211 5. A cost estimate for conducting priority management
1212 activities, to include recommendations for cost-effective
1213 methods of accomplishing those activities.

1214 6. A cost estimate for conducting other management
1215 activities which would enhance the natural resource value or
1216 public recreation value for which the lands were acquired. The
1217 cost estimate shall include recommendations for cost-effective
1218 methods of accomplishing those activities.

1219 7. A determination of the public uses and public access
1220 that would be consistent with the purposes for which the lands
1221 were acquired.

1222 (f) The Division of State Lands shall submit a copy of
1223 each individual management plan for parcels which exceed 160
1224 acres in size to each member of the Acquisition and Restoration
1225 Council ~~Land Acquisition and Management Advisory Council or its~~
1226 ~~successor~~, which shall:

1227 1. Within 60 days after receiving a plan from the
1228 division, review each plan for compliance with the requirements
1229 of this subsection and with the requirements of the rules
1230 established by the board pursuant to this subsection.

1231 2. Consider the propriety of the recommendations of the
1232 managing agency with regard to the future use or protection of

1233 the property.

1234 3. After its review, submit the plan, along with its
 1235 recommendations and comments, to the board of trustees, with
 1236 recommendations as to whether to approve the plan as submitted,
 1237 approve the plan with modifications, or reject the plan.

1238 (g) The board of trustees shall consider the individual
 1239 management plan submitted by each state agency and the
 1240 recommendations of the Acquisition and Restoration Council ~~and~~
 1241 ~~Acquisition and Management Advisory Council, or its successor,~~
 1242 and the Division of State Lands and shall approve the plan with
 1243 or without modification or reject such plan. The use or
 1244 possession of any lands owned by the board of trustees which is
 1245 not in accordance with an approved individual management plan is
 1246 subject to termination by the board of trustees.

1247
 1248 By July 1 of each year, each governmental agency and each
 1249 private entity designated to manage lands shall report to the
 1250 Secretary of Environmental Protection on the progress of
 1251 funding, staffing, and resource management of every project for
 1252 which the agency or entity is responsible.

1253 (11) (a) The Legislature recognizes that acquiring lands
 1254 pursuant to this chapter serves the public interest by
 1255 protecting land, air, and water resources which contribute to
 1256 the public health and welfare, providing areas for natural
 1257 resource based recreation, and ensuring the survival of unique
 1258 and irreplaceable plant and animal species. The Legislature
 1259 intends for these lands to be managed and maintained for the
 1260 purposes for which they were acquired and for the public to have

1261 access to and use of these lands where it is consistent with
 1262 acquisition purposes and would not harm the resources the state
 1263 is seeking to protect on the public's behalf.

1264 (b) An amount of not less than ~~up to~~ 1.5 percent of the
 1265 cumulative total of funds ever deposited into the Florida
 1266 Preservation 2000 Trust Fund and the Florida Forever Trust Fund
 1267 shall be made available for the purposes of management,
 1268 maintenance, and capital improvements not eligible for funding
 1269 pursuant to s. 11(e), Art. VII of the State Constitution, and
 1270 for associated contractual services, for lands acquired pursuant
 1271 to this section, s. 259.101, s. 259.105, s. 259.1052, or
 1272 previous programs for the acquisition of lands for conservation
 1273 and recreation, including state forests, to which title is
 1274 vested in the board of trustees and other conservation and
 1275 recreation lands managed by a state agency. Of this amount,
 1276 \$250,000 shall be transferred annually to the Plant Industry
 1277 Trust Fund within the Department of Agriculture and Consumer
 1278 Services for the purpose of implementing the Endangered or
 1279 Threatened Native Flora Conservation Grants Program pursuant to
 1280 s. 581.185(11). Each agency with management responsibilities
 1281 shall annually request from the Legislature funds sufficient to
 1282 fulfill such responsibilities to implement individual management
 1283 plans. For the purposes of this paragraph, capital improvements
 1284 shall include, but need not be limited to, perimeter fencing,
 1285 signs, firelanes, access roads and trails, and minimal public
 1286 accommodations, such as primitive campsites, garbage
 1287 receptacles, and toilets. Any equipment purchased with funds
 1288 provided pursuant to this paragraph may be used for the purposes

1289 described in this paragraph on any conservation and recreation
 1290 lands managed by a state agency. The funding requirement created
 1291 in this paragraph is subject to an annual evaluation by the
 1292 Legislature in order to ensure that such requirement does not
 1293 impact the respective trust fund in a manner that would prevent
 1294 the trust fund from meeting other minimum requirements.

1295 (c) The Land Management Uniform Accounting Council shall
 1296 prepare and deliver a report on the methodology and formula for
 1297 allocating land management funds to the Acquisition and
 1298 Restoration Council. The Acquisition and Restoration Council
 1299 shall review, modify as appropriate, and submit the report to
 1300 the Board of Trustees of the Internal Improvement Trust Fund.
 1301 The board of trustees shall review, modify as appropriate, and
 1302 submit the report to the President of the Senate and the Speaker
 1303 of the House of Representatives no later than December 31, 2008,
 1304 which provides an interim management formula and a long-term
 1305 management formula, and the methodologies used to develop the
 1306 formulas, which shall be used to allocate land management ~~In~~
 1307 ~~requesting~~ funds provided for in paragraph (b) for interim and
 1308 long-term management of all lands managed ~~acquisitions~~ pursuant
 1309 to this chapter and for associated contractual services. The
 1310 methodology and formula for interim management shall be based on
 1311 the estimated land acquisitions for the fiscal year in which the
 1312 interim funds will be expended. The methodology and formula for
 1313 long-term management shall recognize, but not be limited to, the
 1314 following, ~~the managing agencies shall recognize the following~~
 1315 ~~categories of land management needs:~~

1316 1. The assignment of management intensity associated with

1317 managed habitats and natural communities and the related
1318 management activities to achieve land management goals provided
1319 in ss. 253.054(5) and subsection (10).

1320 a. The acres of land that require minimal effort for
1321 resource preservation or restoration.

1322 b. The acres of land that require moderate effort for
1323 resource preservation or restoration.

1324 c. The acres of land that require significant effort for
1325 resource preservation or restoration.

1326 2. The assignment of management intensity associated with
1327 public access, including, but not limited to:

1328 a. The acres of land that are open to the public but offer
1329 no more than minimally developed facilities;

1330 b. The acres of land that have a high degree of public use
1331 and offer highly developed facilities; and

1332 c. The acres of land that are sites that have historic
1333 significance, unique natural features, or a very high degree of
1334 public use.

1335 3. The acres of land that have a secondary manager
1336 contributing to the over-all management effort.

1337 4. The anticipated revenues generated from management of
1338 the lands.

1339 5. The impacts of, and needs created or addressed by,
1340 multiple-use management strategies.

1341 6. The acres of land that have infestations of nonnative
1342 or invasive plants, animals, or fish.

1343 ~~1. Lands which are low-need tracts, requiring basic~~
1344 ~~resource management and protection, such as state reserves,~~

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1345 ~~state preserves, state forests, and wildlife management areas.~~
1346 ~~These lands generally are open to the public but have no more~~
1347 ~~than minimum facilities development.~~

1348 ~~2. Lands which are moderate need tracts, requiring more~~
1349 ~~than basic resource management and protection, such as state~~
1350 ~~parks and state recreation areas. These lands generally have~~
1351 ~~extra restoration or protection needs, higher concentrations of~~
1352 ~~public use, or more highly developed facilities.~~

1353 ~~3. Lands which are high need tracts, with identified needs~~
1354 ~~requiring unique site specific resource management and~~
1355 ~~protection. These lands generally are sites with historic~~
1356 ~~significance, unique natural features, or very high intensity~~
1357 ~~public use, or sites that require extra funds to stabilize or~~
1358 ~~protect resources, such as lands with heavy infestations of~~
1359 ~~nonnative, invasive plants.~~

1360
1361 In evaluating the management funding needs of lands based on the
1362 above categories, the lead land managing agencies shall include
1363 in their considerations the impacts of, and needs created or
1364 addressed by, multiple-use management strategies. The funding
1365 formulas for interim and long-term management proposed by the
1366 agencies shall be reviewed by the Legislature during the 2009
1367 regular legislative session. The Legislature may reject, modify,
1368 or take no action relative to the proposed funding formulas. If
1369 no action is taken, the funding formulas shall be used in the
1370 allocation and distribution of funds provided in paragraph (b).

1371 (d) All revenues generated through multiple-use management
1372 or compatible secondary-use management shall be returned to the

1373 | lead agency responsible for such management and shall be used to
 1374 | pay for management activities on all conservation, preservation,
 1375 | and recreation lands under the agency's jurisdiction. In
 1376 | addition, such revenues shall be segregated in an agency trust
 1377 | fund and shall remain available to the agency in subsequent
 1378 | fiscal years to support land management appropriations. For the
 1379 | purposes of this paragraph, compatible secondary-use management
 1380 | shall be those activities described in subsection (9) undertaken
 1381 | on parcels designated as single use pursuant to s.
 1382 | 253.034(2)(b).

1383 | (e) Up to one-fifth of the funds provided for in paragraph
 1384 | (b) shall be reserved by the board of trustees for interim
 1385 | management of acquisitions and for associated contractual
 1386 | services, to ensure the conservation and protection of natural
 1387 | resources on project sites and to allow limited public
 1388 | recreational use of lands. Interim management activities may
 1389 | include, but not be limited to, resource assessments, control of
 1390 | invasive, nonnative species, habitat restoration, fencing, law
 1391 | enforcement, controlled burning, and public access consistent
 1392 | with preliminary determinations made pursuant to paragraph
 1393 | (9)(g). The board of trustees shall make these interim funds
 1394 | available immediately upon purchase.

1395 | (f) The department shall set long-range and annual goals
 1396 | for the control and removal of nonnative, invasive plant species
 1397 | on public lands. Such goals shall differentiate between aquatic
 1398 | plant species and upland plant species. In setting such goals,
 1399 | the department may rank, in order of adverse impact, species
 1400 | that impede or destroy the functioning of natural systems.

1401 Notwithstanding paragraph (a), up to one-fourth of the funds
 1402 provided for in paragraph (b) may be used by the agencies
 1403 receiving those funds for control and removal of nonnative,
 1404 invasive species on public lands.

1405 ~~(g) In addition to the purposes specified in paragraph~~
 1406 ~~(b), funds from the 1.5 percent of the cumulative total of funds~~
 1407 ~~ever deposited into the Florida Preservation 2000 Trust Fund and~~
 1408 ~~the Florida Forever Trust Fund may be appropriated for the 2006-~~
 1409 ~~2007 fiscal year for the construction of replacement museum~~
 1410 ~~facilities. This paragraph expires July 1, 2007.~~

1411 (12) (a) Beginning July 1, 1999, the Legislature shall make
 1412 available sufficient funds annually from the Conservation and
 1413 Recreation Lands Trust Fund to the department for payment in
 1414 lieu of taxes to qualifying counties and local governments as
 1415 defined in paragraph (b) for all actual tax losses incurred as a
 1416 result of board of trustees acquisitions for state agencies
 1417 under the Florida Forever program or the Florida Preservation
 1418 2000 program during any year. Reserved funds not used for
 1419 payments in lieu of taxes in any year shall revert to the fund
 1420 to be used for land management in accordance with the provisions
 1421 of this section.

1422 (b) Payment in lieu of taxes shall be available:

1423 1. To all counties that have a population of 150,000 or
 1424 fewer. Population levels shall be determined pursuant to s.
 1425 11.031.

1426 2. To all local governments located in eligible counties.

1427 3. To Glades County, where a privately owned and operated
 1428 prison leased to the state has recently been opened and where

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1429 | privately owned and operated juvenile justice facilities leased
 1430 | to the state have recently been constructed and opened, a
 1431 | payment in lieu of taxes, in an amount that offsets the loss of
 1432 | property tax revenue, which funds have already been appropriated
 1433 | and allocated from the Department of Correction's budget for the
 1434 | purpose of reimbursing amounts equal to lost ad valorem taxes.

1435 | (c) If insufficient funds are available in any year to
 1436 | make full payments to all qualifying counties and local
 1437 | governments, such counties and local governments shall receive a
 1438 | pro rata share of the moneys available.

1439 | (d) The payment amount shall be based on the average
 1440 | amount of actual taxes paid on the property for the 3 years
 1441 | preceding acquisition. Applications for payment in lieu of taxes
 1442 | shall be made no later than January 31 of the year following
 1443 | acquisition. No payment in lieu of taxes shall be made for
 1444 | properties which were exempt from ad valorem taxation for the
 1445 | year immediately preceding acquisition.

1446 | (e) If property which was subject to ad valorem taxation
 1447 | was acquired by a tax-exempt entity for ultimate conveyance to
 1448 | the state under this chapter, payment in lieu of taxes shall be
 1449 | made for such property based upon the average amount of taxes
 1450 | paid on the property for the 3 years prior to its being removed
 1451 | from the tax rolls. The department shall certify to the
 1452 | Department of Revenue those properties that may be eligible
 1453 | under this provision. Once eligibility has been established,
 1454 | that county or local government shall receive ~~10 consecutive~~
 1455 | annual payments for each tax loss until the qualifying county or
 1456 | local government exceeds the population threshold pursuant to

1457 this section, and no further eligibility determination shall be
 1458 made during that period.

1459 (f) Payment in lieu of taxes pursuant to this subsection
 1460 shall be made annually to qualifying counties and local
 1461 governments after certification by the Department of Revenue
 1462 that the amounts applied for are reasonably appropriate, based
 1463 on the amount of actual taxes paid on the eligible property.
 1464 With the assistance of the local government requesting payment
 1465 in lieu of taxes, the state agency that acquired the land is
 1466 responsible for preparing and submitting application requests
 1467 for payment to the Department of Revenue for certification.

1468 (g) If the board of trustees conveys to a local government
 1469 title to any land owned by the board, any payments in lieu of
 1470 taxes on the land made to the local government shall be
 1471 discontinued as of the date of the conveyance.

1472
 1473 For the purposes of this subsection, "local government" includes
 1474 municipalities, the county school board, mosquito control
 1475 districts, and any other local government entity which levies ad
 1476 valorem taxes, with the exception of a water management
 1477 district.

1478 (13) Moneys credited to the fund each year which are not
 1479 used for management, maintenance, or capital improvements
 1480 pursuant to subsection (11); for payment in lieu of taxes
 1481 pursuant to subsection (12); or for the purposes of subsection
 1482 (5), shall be available for the acquisition of land pursuant to
 1483 this section.

1484 (14) The board of trustees may adopt rules to further

1485 | define the categories of land for acquisition under this
 1486 | chapter.

1487 | (15) Within 90 days after receiving a certified letter
 1488 | from the owner of a property on the Conservation and Recreation
 1489 | Lands list or the priority list established pursuant to s.
 1490 | 259.105 objecting to the property being included in an
 1491 | acquisition project, where such property is a project or part of
 1492 | a project which has not been listed for purchase in the current
 1493 | year's land acquisition work plan, the board of trustees shall
 1494 | delete the property from the list or from the boundary of an
 1495 | acquisition project on the list.

1496 | Section 12. Section 259.035, Florida Statutes, is amended
 1497 | to read:

1498 | 259.035 Acquisition and Restoration Council.--

1499 | (1) There is created the Acquisition and Restoration
 1500 | Council.

1501 | (a) The council shall be composed of eleven ~~nine~~ voting
 1502 | members, four of whom shall be appointed by the Governor. Of
 1503 | these four appointees, three shall be from scientific
 1504 | disciplines related to land, water, or environmental sciences
 1505 | and the fourth shall have at least 5 years of experience in
 1506 | managing lands for both active and passive types of recreation.
 1507 | They shall serve 4-year terms, except that, initially, to
 1508 | provide for staggered terms, two of the appointees shall serve
 1509 | 2-year terms. All subsequent appointments shall be for 4-year
 1510 | terms. No appointee shall serve more than 6 years. The Governor
 1511 | may at any time fill a vacancy for the unexpired term of a
 1512 | member appointed under this paragraph.

1513 (b) The five remaining appointees shall be composed of the
 1514 Secretary of Environmental Protection, the director of the
 1515 Division of Forestry of the Department of Agriculture and
 1516 Consumer Services, the executive director of the Fish and
 1517 Wildlife Conservation Commission, the director of the Division
 1518 of Historical Resources of the Department of State, and the
 1519 secretary of the Department of Community Affairs, or their
 1520 respective designees.

1521 (c) One member shall be appointed by the Commissioner of
 1522 Agriculture with a discipline related to agriculture including
 1523 silviculture. One member shall be appointed by the Fish and
 1524 Wildlife Conservation Commission with a discipline related to
 1525 wildlife management or wildlife ecology.

1526 (d)~~(e)~~ The Governor shall appoint the chair of the
 1527 council, and a vice chair shall be elected from among the
 1528 members.

1529 (e)~~(d)~~ The council shall hold periodic meetings at the
 1530 request of the chair.

1531 (f)~~(e)~~ The Department of Environmental Protection shall
 1532 provide primary staff support to the council and shall ensure
 1533 that council meetings are electronically recorded. Such
 1534 recording shall be preserved pursuant to chapters 119 and 257.

1535 (g)~~(f)~~ The board of trustees has authority to adopt rules
 1536 pursuant to ss. 120.536(1) and 120.54 to implement the
 1537 provisions of this section.

1538 (2) The four members of the council appointed pursuant to
 1539 paragraph (1)(a) and the two members of the council appointed
 1540 pursuant to paragraph (1)(c) ~~by the Governor~~ shall receive

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1541 reimbursement for \$75 per day while engaged in the business of
1542 the council, as well as expenses and per diem for travel, to
1543 attend council including attendance at meetings, as allowed
1544 state officers and employees while in the performance of their
1545 duties, pursuant to s. 112.061.

1546 (3) The council shall provide assistance to the board of
1547 trustees in reviewing the recommendations and plans for state-
1548 owned lands required under ss. 253.034 and 259.032. The council
1549 shall, in reviewing such recommendations and plans, consider the
1550 optimization of multiple-use and conservation strategies to
1551 accomplish the provisions funded pursuant to ss. 259.101(3)(a)
1552 and 259.105(3)(b).

1553 (4) (a) The council may use existing rules adopted by the
1554 board of trustees, until it develops and recommends amendments
1555 to those rules, to competitively evaluate, select, and rank
1556 projects eligible for the Conservation and Recreation Lands list
1557 pursuant to ss. 259.032(3) and 259.101(4) ~~and, beginning no~~
1558 ~~later than May 1, 2001, for Florida Forever funds pursuant to s.~~
1559 ~~259.105(3)(b).~~

1560 (b) By December 1, 2009, the Acquisition and Restoration
1561 Council shall develop rules defining specific criteria and
1562 numeric performance measures needed for lands that are to be
1563 acquired for public purpose under the Florida Forever program
1564 pursuant to s. 259.105. Each recipient of Florida Forever funds
1565 shall assist the council in the development of such rules. These
1566 rules shall be reviewed and adopted by the board then submitted
1567 to the Legislature for consideration by February 1, 2010. The
1568 Legislature may reject, modify, or take no action relative to

1569 the proposed rules. If no action is taken, the rules shall be
 1570 implemented. Subsequent to their approval, each recipient of
 1571 Florida Forever funds shall annually report to the Division of
 1572 State Lands on each of the numeric performance measures
 1573 accomplished during the previous fiscal year.

1574 (c) In developing or amending ~~the~~ rules, the council shall
 1575 give weight to the criteria included in s. 259.105(10). The
 1576 board of trustees shall review the recommendations and shall
 1577 adopt rules necessary to administer this section.

1578 (5) An affirmative vote of five members of the council is
 1579 required in order to change a project boundary or to place a
 1580 proposed project on a list developed pursuant to subsection (4).
 1581 Any member of the council who by family or a business
 1582 relationship has a connection with all or a portion of any
 1583 proposed project shall declare the interest before voting on its
 1584 inclusion on a list.

1585 (6) The proposal for a project pursuant to this section or
 1586 s. 259.105(3)(b) may be implemented only if adopted by the
 1587 council and approved by the board of trustees. The council shall
 1588 consider and evaluate in writing the merits and demerits of each
 1589 project that is proposed for Conservation and Recreation Lands,
 1590 Florida Preservation 2000, or Florida Forever funding and shall
 1591 ensure that each proposed project will meet a stated public
 1592 purpose for the restoration, conservation, or preservation of
 1593 environmentally sensitive lands and water areas or for providing
 1594 outdoor recreational opportunities. The council also shall
 1595 determine whether the project conforms, where applicable, with
 1596 the comprehensive plan developed pursuant to s. 259.04(1)(a),

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1597 the comprehensive multipurpose outdoor recreation plan developed
 1598 pursuant to s. 375.021, the state lands management plan adopted
 1599 pursuant to s. 253.03(7), the water resources work plans
 1600 developed pursuant to s. 373.199, and the provisions of s.
 1601 259.032, s. 259.101, or s. 259.105, whichever is applicable.

1602 Section 13. Section 259.037, Florida Statutes, is amended
 1603 to read:

1604 259.037 Land Management Uniform Accounting Council.--

1605 (1) The Land Management Uniform Accounting Council is
 1606 created within the Department of Environmental Protection and
 1607 shall consist of the director of the Division of State Lands,
 1608 the director of the Division of Recreation and Parks, the
 1609 director of the Office of Coastal and Aquatic Managed Areas, and
 1610 the director of the Office of Greenways and Trails of the
 1611 Department of Environmental Protection; the director of the
 1612 Division of Forestry of the Department of Agriculture and
 1613 Consumer Services; the executive director of the Fish and
 1614 Wildlife Conservation Commission; and the director of the
 1615 Division of Historical Resources of the Department of State, or
 1616 their respective designees. Each state agency represented on the
 1617 council shall have one vote. The chair of the council shall
 1618 rotate annually in the foregoing order of state agencies. The
 1619 agency of the representative serving as chair of the council
 1620 shall provide staff support for the council. The Division of
 1621 State Lands shall serve as the recipient of and repository for
 1622 the council's documents. The council shall meet at the request
 1623 of the chair.

1624 (2) The Auditor General and the director of the Office of

1625 Program Policy Analysis and Government Accountability, or their
 1626 designees, shall advise the council to ensure that appropriate
 1627 accounting procedures are utilized and that a uniform method of
 1628 collecting and reporting accurate costs of land management
 1629 activities are created and can be used by all agencies.

1630 (3) (a) All land management activities and costs must be
 1631 assigned to a specific category, and any single activity or cost
 1632 may not be assigned to more than one category. Administrative
 1633 costs, such as planning or training, shall be segregated from
 1634 other management activities. Specific management activities and
 1635 costs must initially be grouped, at a minimum, within the
 1636 following categories:

- 1637 1. ~~(a)~~ Resource management.
- 1638 2. ~~(b)~~ Administration.
- 1639 3. Support.
- 1640 4. Capital improvements.
- 1641 5. Recreation visitor services.
- 1642 6. Law enforcement activities.
- 1643 ~~(c) New facility construction.~~
- 1644 ~~(d) Facility maintenance.~~

1645
 1646 Upon adoption of the initial list of land management categories
 1647 by the council, agencies assigned to manage conservation or
 1648 recreation lands shall, on July 1, 2000, begin to account for
 1649 land management costs in accordance with the category to which
 1650 an expenditure is assigned.

1651 (b) Each reporting agency shall also:

- 1652 1. Include a report of the available public use

1653 opportunities for each management unit of state land, the total
1654 management cost for public access and public use, and the cost
1655 associated with each use option.

1656 2. List the acres of land requiring minimal management
1657 effort, moderate management effort, and significant management
1658 effort pursuant to s. 259.032(11)(c). For each category created
1659 in paragraph (a), the reporting agency shall include the amount
1660 of funds requested, the amount of funds received, and the amount
1661 of funds expended for land management.

1662 3. List acres managed and cost of management for each
1663 park, preserve, forest, reserve, or management area.

1664 4. List acres managed, cost of management, and lead
1665 manager for each state lands management unit for which secondary
1666 management activities were provided.

1667 (4) The council shall report agencies' expenditures
1668 pursuant to the adopted categories to the President of the
1669 Senate and the Speaker of the House of Representatives annually,
1670 beginning July 1, 2001. The council shall also provide this
1671 report to the Acquisition and Restoration Council and the
1672 division for inclusion in its annual report required pursuant to
1673 s. 259.036 ~~s. 259.105~~.

1674 (5) Should the council determine that the list of land
1675 management categories needs to be revised, it shall meet upon
1676 the call of the chair.

1677 (6) Biennially, each reporting agency shall also submit an
1678 operational report for each management area along with an
1679 approved management plan. The report should assess the progress
1680 toward achieving short-term and long-term management goals of

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1681 the approved management plan, including all land management
1682 activities, and identify any deficiencies in management and
1683 corrective actions to address identified deficiencies as
1684 appropriate. This report shall be submitted to the Acquisition
1685 and Restoration Council and the division for inclusion in its
1686 annual report required pursuant to s. 259.036.

1687 Section 14. Subsections (3) and (7) of section 259.041,
1688 Florida Statutes, are amended to read:

1689 259.041 Acquisition of state-owned lands for preservation,
1690 conservation, and recreation purposes.--

1691 (3) No agreement to acquire real property for the purposes
1692 described in this chapter, chapter 260, or chapter 375, title to
1693 which will vest in the board of trustees, may bind the state
1694 unless and until the agreement has been reviewed and approved by
1695 the Department of Environmental Protection as complying with the
1696 requirements of this section and any rules adopted pursuant to
1697 this section. Where any of the following conditions exist, the
1698 agreement shall be submitted to and approved by the board of
1699 trustees:

1700 (a) The purchase price agreed to by the seller exceeds the
1701 value as established pursuant to the rules of the board of
1702 trustees;

1703 (b) The contract price agreed to by the seller and
1704 acquiring agency exceeds \$1 million;

1705 (c) The acquisition is the initial purchase in a project;
1706 or

1707 (d) Other conditions that the board of trustees may adopt
1708 by rule. Such conditions may include, but not be limited to,

1709 projects where title to the property being acquired is
 1710 considered nonmarketable or is encumbered in such a way as to
 1711 significantly affect its management.

1712
 1713 Where approval of the board of trustees is required pursuant to
 1714 this subsection, the acquiring agency must provide a
 1715 justification as to why it is in the public's interest to
 1716 acquire the parcel or project. Approval of the board of trustees
 1717 also is required for projects the department recommends
 1718 acquiring pursuant to subsections (14) and (15). Review and
 1719 approval of agreements for acquisitions for Florida Greenways
 1720 and Trails Program properties pursuant to chapter 260 may be
 1721 waived by the department in any contract with nonprofit
 1722 corporations that have agreed to assist the department with this
 1723 program. If the contribution of the acquiring agency exceeds
 1724 \$100 million in any one fiscal year, the agreement shall be
 1725 submitted to and approved by the Legislative Budget Commission.

1726 (7) Prior to approval by the board of trustees or, when
 1727 applicable, the Department of Environmental Protection, of any
 1728 agreement to purchase land pursuant to this chapter, chapter
 1729 260, or chapter 375, and prior to negotiations with the parcel
 1730 owner to purchase any other land, title to which will vest in
 1731 the board of trustees, an appraisal of the parcel shall be
 1732 required as follows:

1733 (a) The board of trustees shall adopt by rule the method
 1734 for determining the value of parcels sought to be acquired by
 1735 state agencies pursuant to this section.

1736 (b) Each parcel to be acquired shall have at least one

1737 appraisal. Two appraisals are required when the estimated value
 1738 of the parcel exceeds \$1 million ~~\$500,000~~. However, when both
 1739 appraisals exceed \$1 million ~~\$500,000~~ and differ significantly,
 1740 a third appraisal may be obtained. When a parcel is estimated to
 1741 be worth \$100,000 or less and the director of the Division of
 1742 State Lands finds that the cost of obtaining an outside
 1743 appraisal is not justified, an appraisal prepared by the
 1744 division may be used.

1745 (c) Appraisal fees and associated costs shall be paid by
 1746 the agency proposing the acquisition. The board of trustees
 1747 shall approve qualified fee appraisal organizations. All
 1748 appraisals used for the acquisition of lands pursuant to this
 1749 section shall be prepared by a member of an approved appraisal
 1750 organization or by a state-certified appraiser who meets the
 1751 standards and criteria established in rule by the board of
 1752 trustees. Each fee appraiser selected to appraise a particular
 1753 parcel shall, prior to contracting with the agency or a
 1754 participant in a multiparty agreement, submit to that agency or
 1755 participant an affidavit substantiating that he or she has no
 1756 vested or fiduciary interest in such parcel.

1757 (d) The fee appraiser and the review appraiser for the
 1758 agency shall not act in any way that may be construed as
 1759 negotiating with the property owner.

1760 (e) Generally, appraisal reports are confidential and
 1761 exempt from the provisions of s. 119.07(1), for use by the
 1762 agency and the board of trustees, until an option contract is
 1763 executed or, if no option contract is executed, until 2 weeks
 1764 before a contract or agreement for purchase is considered for

1765 approval by the board of trustees. However, the department has
 1766 the authority, at its discretion, to disclose appraisal reports
 1767 to private landowners during negotiations for acquisitions using
 1768 alternatives to fee simple techniques, if the department
 1769 determines that disclosure of such reports will bring the
 1770 proposed acquisition to closure. The Division of State Lands may
 1771 also disclose appraisal information to public agencies or
 1772 nonprofit organizations that agree to maintain the
 1773 confidentiality of the reports or information when joint
 1774 acquisition of property is contemplated, or when a public agency
 1775 or nonprofit organization enters into a written multiparty
 1776 agreement with the division to purchase and hold property for
 1777 subsequent resale to the division. In addition, the division may
 1778 use, as its own, appraisals obtained by a public agency or
 1779 nonprofit organization, provided the appraiser is selected from
 1780 the division's list of appraisers and the appraisal is reviewed
 1781 and approved by the division. For the purposes of this chapter,
 1782 "nonprofit organization" means an organization whose purposes
 1783 include the preservation of natural resources, and which is
 1784 exempt from federal income tax under s. 501(c)(3) of the
 1785 Internal Revenue Code. The agency may release an appraisal
 1786 report when the passage of time has rendered the conclusions of
 1787 value in the report invalid or when the acquiring agency has
 1788 terminated negotiations.

1789 (f) The Division of State Lands may use, as its own,
 1790 appraisals obtained by a public agency or nonprofit
 1791 organization, provided that the appraiser is selected from the
 1792 division's list of appraisers and the appraisal is reviewed and

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1793 approved by the division. For the purposes of this chapter, the
 1794 term "nonprofit organization" means an organization whose
 1795 purposes include the preservation of natural resources and which
 1796 is exempt from federal income tax under s. 501(c)(3) of the
 1797 Internal Revenue Code.

1798
 1799 Notwithstanding the provisions of this subsection, on behalf of
 1800 the board and before the appraisal of parcels approved for
 1801 purchase under this chapter, the Secretary of Environmental
 1802 Protection or the director of the Division of State Lands may
 1803 enter into option contracts to buy such parcels. Any such option
 1804 contract shall state that the final purchase price is subject to
 1805 approval by the board or, when applicable, the secretary and
 1806 that the final purchase price may not exceed the maximum offer
 1807 allowed by law. Any such option contract presented to the board
 1808 for final purchase price approval shall explicitly state that
 1809 payment of the final purchase price is subject to an
 1810 appropriation from the Legislature. The consideration for such
 1811 an option may not exceed \$1,000 or 0.01 percent of the estimate
 1812 by the department of the value of the parcel, whichever amount
 1813 is greater.

1814 Section 15. Section 259.105, Florida Statutes is amended
 1815 to read:

1816 259.105 The Florida Forever Act.--

1817 (1) This section may be cited as the "Florida Forever
 1818 Act."

1819 (2)(a) The Legislature finds and declares that:

1820 1. Land acquisition programs have ~~The Preservation 2000~~

1821 ~~program~~ provided tremendous financial resources for purchasing
 1822 environmentally significant lands to protect those lands from
 1823 imminent development or alteration, thereby ensuring ~~assuring~~
 1824 present and future generations' ~~generations~~ access to important
 1825 waterways, open spaces, and recreation and conservation lands.

1826 2. The continued alteration and development of Florida's
 1827 natural and rural areas to accommodate the state's ~~rapidly~~
 1828 growing population have contributed to the degradation of water
 1829 resources, the fragmentation and destruction of wildlife
 1830 habitats, the loss of outdoor recreation space, and the
 1831 diminishment of wetlands, forests, working landscapes, and
 1832 coastal open space and ~~public beaches~~.

1833 3. The potential development of Florida's remaining
 1834 natural areas and escalation of land values require a
 1835 ~~continuation of~~ government efforts to restore, bring under
 1836 public protection, or acquire lands and water areas to preserve
 1837 the state's essential ecological functions and invaluable
 1838 quality of life.

1839 4. It is essential to protect the state's ecosystems by
 1840 promoting a more efficient use of land, to ensure opportunities
 1841 for viable agricultural activities on working lands, and to
 1842 promote vital rural and urban communities that support and
 1843 produce development patterns consistent with natural resource
 1844 protection.

1845 ~~5.4.~~ Florida's groundwater, surface waters, and springs
 1846 are under tremendous pressure due to population growth and
 1847 economic expansion and require special protection and
 1848 restoration efforts, including the protection of uplands and

1849 springsheds that provide vital recharge to aquifer systems and
1850 are critical to the protection of water quality and water
1851 quantity of the aquifers and springs. To ensure that sufficient
1852 quantities of water are available to meet the current and future
1853 needs of the natural systems and citizens of the state, and
1854 assist in achieving the planning goals of the department and the
1855 water management districts, water resource development projects
1856 on public lands, where compatible with the resource values of
1857 and management objectives for the lands, are appropriate.

1858 ~~6.5-~~ The needs of urban, suburban, and small communities
1859 in Florida for high-quality outdoor recreational opportunities,
1860 greenways, trails, and open space have not been fully met by
1861 previous acquisition programs. Through such programs as the
1862 Florida Communities Trust and the Florida Recreation Development
1863 Assistance Program, the state shall place additional emphasis on
1864 acquiring, protecting, preserving, and restoring open space,
1865 ecological greenways, and recreation properties within urban,
1866 suburban, and rural areas where pristine natural communities or
1867 water bodies no longer exist because of the proximity of
1868 developed property.

1869 ~~7.6-~~ Many of Florida's unique ecosystems, such as the
1870 Florida Everglades, are facing ecological collapse due to
1871 Florida's burgeoning population growth and other economic
1872 activities. To preserve these valuable ecosystems for future
1873 generations, essential parcels of land must be acquired to
1874 facilitate ecosystem restoration.

1875 ~~8.7-~~ Access to public lands to support a broad range of
1876 outdoor recreational opportunities and the development of

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1877 necessary infrastructure, where compatible with the resource
1878 values of and management objectives for such lands, promotes an
1879 appreciation for Florida's natural assets and improves the
1880 quality of life.

1881 9.8. Acquisition of lands, in fee simple, less-than-fee
1882 interest, or other techniques shall in any lesser interest,
1883 ~~should~~ be based on a comprehensive science-based assessment of
1884 Florida's natural resources which targets essential conservation
1885 lands by prioritizing all current and future acquisitions based
1886 on a uniform set of data and planned so as to protect the
1887 integrity and function of ecological systems and working
1888 landscapes, and provide multiple benefits, including
1889 preservation of fish and wildlife habitat, recreation space for
1890 urban and as well as rural areas, and the restoration of natural
1891 water storage, flow, and recharge.

1892 10.9. The state has embraced performance-based program
1893 budgeting as a tool to evaluate the achievements of publicly
1894 funded agencies, build in accountability, and reward those
1895 agencies which are able to consistently achieve quantifiable
1896 goals. While previous and existing state environmental programs
1897 have achieved varying degrees of success, few of these programs
1898 can be evaluated as to the extent of their achievements,
1899 primarily because performance measures, standards, outcomes, and
1900 goals were not established at the outset. Therefore, the Florida
1901 Forever program shall be developed and implemented in the
1902 context of measurable state goals and objectives.

1903 11. The state must play a major role in the recovery and
1904 management of its imperiled species through the acquisition,

1905 restoration, enhancement, and management of ecosystems that can
 1906 support the major life functions of such species. It is the
 1907 intent of the Legislature to support local, state, and federal
 1908 programs that result in net benefit to imperiled species habitat
 1909 by providing public and private land owners meaningful
 1910 incentives for acquiring, restoring, managing, and repopulating
 1911 habitats for imperiled species. It is the further intent of the
 1912 Legislature that public lands, both existing and to be acquired,
 1913 identified by the lead land managing agency, in consultation
 1914 with the Florida Fish and Wildlife Conservation Commission for
 1915 animals or the Department of Agriculture and Consumer Services
 1916 for plants, as habitat or potentially restorable habitat for
 1917 imperiled species, be restored, enhanced, managed, and
 1918 repopulated as habitat for such species to advance the goals and
 1919 objectives of imperiled species management consistent with the
 1920 purposes for which such lands are acquired without restricting
 1921 other uses identified in the management plan. It is also the
 1922 intent of the Legislature that of the proceeds distributed
 1923 pursuant to subsection (3), additional consideration be given to
 1924 acquisitions that achieve a combination of conservation goals,
 1925 including the restoration, enhancement, management, or
 1926 repopulation of habitat for imperiled species. The Acquisition
 1927 and Restoration Council, in addition to the criteria in
 1928 subsection (9), shall give weight to projects that include
 1929 acquisition, restoration, management, or repopulation of habitat
 1930 for imperiled species. The term "imperiled species" as used in
 1931 this chapter and chapter 253, means plants and animals that are
 1932 federally listed under the Endangered Species Act, or state-

1933 listed by the Fish and Wildlife Conservation Commission or the
 1934 Department of Agriculture and Consumer Services.

1935 a. As part of the state's role, all state lands that have
 1936 imperiled species habitat shall include as a consideration in
 1937 management plan development the restoration, enhancement,
 1938 management, and repopulation of such habitats. In addition, the
 1939 lead land managing agency of such state lands may use fees
 1940 received from public or private entities for projects to offset
 1941 adverse impacts to imperiled species or their habitat in order
 1942 to restore, enhance, manage, repopulate, or acquire land and to
 1943 implement land management plans developed under s. 253.034 or
 1944 land management prospectus developed and implemented under this
 1945 chapter. Such fees shall be deposited into a foundation or fund
 1946 created by each land management agency under s. 372.0215, s.
 1947 589.012, or s. 259.032(11)(d), to be used solely to restore,
 1948 manage, enhance, repopulate, or acquire imperiled species
 1949 habitat.

1950 b. Where habitat or potentially restorable habitat for
 1951 imperiled species is located on state lands, the Fish and
 1952 Wildlife Conservation Commission and the Department of
 1953 Agriculture and Consumer Services shall be included on any
 1954 advisory group required under chapter 253, and the short-term
 1955 and long-term management goals required under chapter 253 must
 1956 advance the goals and objectives of imperiled species management
 1957 consistent with the purposes for which the land was acquired
 1958 without restricting other uses identified in the management
 1959 plan.

1960 12.10- There is a need ~~It is the intent of the Legislature~~

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1961 to change the focus and direction of the state's major land
 1962 acquisition programs and to extend funding and bonding
 1963 capabilities, so that future generations may enjoy the natural
 1964 resources of this state Florida.

1965 (b) The Legislature recognizes that acquisition of lands
 1966 in fee simple is only one way to achieve the aforementioned
 1967 goals and encourages the use of less-than-fee interests, other
 1968 techniques, and the development of creative partnerships between
 1969 governmental agencies and private landowners. Such partnerships
 1970 may include those that advance the restoration, enhancement,
 1971 management, or repopulation of imperiled species habitat on
 1972 state lands as provided for in subparagraph (a)11. Easements
 1973 acquired pursuant to s. 570.71(2) (a) and (b), land protection
 1974 agreements, rural land stewardship areas, sector planning,
 1975 mitigation, and similar tools should be used, where appropriate,
 1976 to bring environmentally sensitive tracts under an acceptable
 1977 level of protection at a lower financial cost to the public, and
 1978 to provide private landowners with the opportunity to enjoy and
 1979 benefit from their property.

1980 (c) Public agencies or other entities that receive funds
 1981 under this section shall ~~are encouraged to better~~ coordinate
 1982 their expenditures so that project acquisitions, when combined
 1983 with acquisitions under Florida Forever, Preservation 2000, Save
 1984 Our Rivers, the Florida Communities Trust, and other public land
 1985 acquisition programs, and the techniques, partnerships, and
 1986 tools referenced in subparagraph (a)11. and paragraph (b), are
 1987 used to ~~will~~ form more complete patterns of protection for
 1988 natural areas, ecological greenways, and functioning ecosystems,

1989 to better accomplish the intent of this section.

1990 (d) A long-term financial commitment to restoring,

1991 enhancing, and managing Florida's public lands in order to

1992 implement land management plans developed under s. 253.034 or a

1993 land management prospectus developed and implemented under this

1994 chapter must accompany any ~~new~~ land acquisition program to

1995 ensure that the natural resource values of such lands are

1996 restored, enhanced, managed, and protected, that the public

1997 enjoys ~~has the opportunity to enjoy~~ the lands to their fullest

1998 potential, and that the state achieves the full benefits of its

1999 investment of public dollars. Innovative strategies such as

2000 public-private partnerships and interagency planning and sharing

2001 of resources shall be used to achieve the state's management

2002 goals.

2003 (e) With limited dollars available for restoration,

2004 enhancement, management, and acquisition of land and water areas

2005 and for providing long-term management and capital improvements,

2006 a competitive selection process shall ~~can~~ select those projects

2007 best able to meet the goals of Florida Forever and maximize the

2008 efficient use of the program's funding.

2009 (f) To ensure success and provide accountability to the

2010 citizens of this state, it is the intent of the Legislature that

2011 any cash or bond proceeds used pursuant to this section be used

2012 to implement the goals and objectives recommended by a

2013 comprehensive science-based assessment and ~~the Florida Forever~~

2014 ~~Advisory Council~~ as approved by the Board of Trustees of the

2015 Internal Improvement Trust Fund and the Legislature.

2016 (g) As it has with previous land acquisition programs,

2017 the Legislature recognizes the desires of the residents
 2018 ~~citizens~~ of this state to prosper through economic development
 2019 and to preserve, restore, and manage the state's natural areas
 2020 and recreational open space ~~of Florida~~. The Legislature further
 2021 recognizes the urgency of restoring the natural functions,
 2022 including wildlife and imperiled species habitat functions, of
 2023 public lands or water bodies before they are degraded to a
 2024 point where recovery may never occur, yet acknowledges the
 2025 difficulty of ensuring adequate funding for restoration,
 2026 enhancement and management efforts in light of other equally
 2027 critical financial needs of the state. It is the Legislature's
 2028 desire and intent to fund the implementation of this section
 2029 and to do so in a fiscally responsible manner, by issuing bonds
 2030 to be repaid with documentary stamp tax or other revenue
 2031 sources, including those identified in subparagraph (a)11.

2032 (h) The Legislature further recognizes the important role
 2033 that many of our state and federal military installations
 2034 contribute to protecting and preserving Florida's natural
 2035 resources as well as our economic prosperity. Where the state's
 2036 land conservation plans overlap with the military's need to
 2037 protect lands, waters, and habitat to ensure the sustainability
 2038 of military missions, it is the Legislature's intent that
 2039 agencies receiving funds under this program cooperate with our
 2040 military partners to protect and buffer military installations
 2041 and military airspace, by:

2042 1. Protecting habitat on nonmilitary land for any species
 2043 found on military land that is designated as threatened or
 2044 endangered, or is a candidate for such designation under the

2045 Endangered Species Act or any Florida statute;

2046 2. Protecting areas underlying low-level military air

2047 corridors or operating areas; ~~and~~

2048 3. Protecting areas identified as clear zones, accident

2049 potential zones, and air installation compatible use buffer

2050 zones delineated by our military partners; and-

2051 4. Providing the military with technical assistance to

2052 restore, enhance, and manage military land as habitat for

2053 imperiled species or species designated as threatened or

2054 endangered, or a candidate for such designation, and for the

2055 recovery or reestablishment of such species.

2056 (3) Less the costs of issuing and the costs of funding

2057 reserve accounts and other costs associated with bonds, the

2058 proceeds of cash payments or bonds issued pursuant to this

2059 section shall be deposited into the Florida Forever Trust Fund

2060 created by s. 259.1051. The proceeds shall be distributed by the

2061 Department of Environmental Protection in the following manner:

2062 (a) Thirty ~~Thirty-five~~ percent to the Department of

2063 Environmental Protection for the acquisition of lands and

2064 capital project expenditures necessary to implement the water

2065 management districts' priority lists developed pursuant to s.

2066 373.199. The funds are to be distributed to the water management

2067 districts as provided in subsection (11). A minimum of 50

2068 percent of the total funds provided over the life of the Florida

2069 Forever program pursuant to this paragraph shall be used for the

2070 acquisition of lands.

2071 (b) Thirty-five percent to the Department of Environmental

2072 Protection for the acquisition of lands and capital project

2073 expenditures described in this section. Of the proceeds
 2074 distributed pursuant to this paragraph, it is the intent of the
 2075 Legislature that an increased priority be given to those
 2076 acquisitions which achieve a combination of conservation goals,
 2077 including protecting Florida's water resources and natural
 2078 groundwater recharge. At a minimum, 3 percent, and no more than
 2079 10 percent, of the funds allocated pursuant to this paragraph
 2080 shall be spent on capital project expenditures identified during
 2081 the time of acquisition which meet land management planning
 2082 activities necessary for public access ~~may not exceed 10 percent~~
 2083 ~~of the funds allocated pursuant to this paragraph.~~

2084 (c) Twenty-two percent to the Department of Community
 2085 Affairs for use by the Florida Communities Trust for the
 2086 purposes of part III of chapter 380, as described and limited by
 2087 this subsection, and grants to local governments or nonprofit
 2088 environmental organizations that are tax-exempt under s.
 2089 501(c)(3) of the United States Internal Revenue Code for the
 2090 acquisition of community-based projects, urban open spaces,
 2091 parks, and greenways to implement local government comprehensive
 2092 plans. From funds available to the trust and used for land
 2093 acquisition, 75 percent shall be matched by local governments on
 2094 a dollar-for-dollar basis. The Legislature intends that the
 2095 Florida Communities Trust emphasize funding projects in low-
 2096 income or otherwise disadvantaged communities and projects that
 2097 provide areas for direct water access and water-dependent
 2098 facilities that are open to the public and offer public access
 2099 by vessels to waters of the state, including boat ramps and
 2100 associated parking and other support facilities. At least 30

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2101 percent of the total allocation provided to the trust shall be
2102 used in Standard Metropolitan Statistical Areas, but one-half of
2103 that amount shall be used in localities in which the project
2104 site is located in built-up commercial, industrial, or mixed-use
2105 areas and functions to intersperse open spaces within congested
2106 urban core areas. From funds allocated to the trust, no less
2107 than 5 percent shall be used to acquire lands for recreational
2108 trail systems, provided that in the event these funds are not
2109 needed for such projects, they will be available for other trust
2110 projects. Local governments may use federal grants or loans,
2111 private donations, or environmental mitigation funds, including
2112 environmental mitigation funds required pursuant to s. 338.250,
2113 for any part or all of any local match required for acquisitions
2114 funded through the Florida Communities Trust. Any lands
2115 purchased by nonprofit organizations using funds allocated under
2116 this paragraph must provide for such lands to remain permanently
2117 in public use through a reversion of title to local or state
2118 government, conservation easement, or other appropriate
2119 mechanism. Projects funded with funds allocated to the Trust
2120 shall be selected in a competitive process measured against
2121 criteria adopted in rule by the Trust.

2122 (d) Two percent to the Department of Environmental
2123 Protection for grants pursuant to s. 375.075.

2124 (e) One and five-tenths percent to the Department of
2125 Environmental Protection for the purchase of inholdings and
2126 additions to state parks and for capital project expenditures as
2127 described in this section. At a minimum, 1 percent, and no more
2128 than 10 percent, of the funds allocated pursuant to this

2129 paragraph shall be spent on capital project expenditures
 2130 identified during the time of acquisition which meet land
 2131 management planning activities necessary for public access ~~may~~
 2132 ~~not exceed 10 percent of the funds allocated under this~~
 2133 ~~paragraph.~~ For the purposes of this paragraph, "state park"
 2134 means any real property in the state which is under the
 2135 jurisdiction of the Division of Recreation and Parks of the
 2136 department, or which may come under its jurisdiction.

2137 (f) One and five-tenths percent to the Division of
 2138 Forestry of the Department of Agriculture and Consumer Services
 2139 to fund the acquisition of state forest inholdings and additions
 2140 pursuant to s. 589.07, the implementation of reforestation plans
 2141 or sustainable forestry management practices, and for capital
 2142 project expenditures as described in this section. At a minimum,
 2143 1 percent, and no more than 10 percent, of the funds allocated
 2144 for the acquisition of inholdings and additions pursuant to this
 2145 paragraph shall be spent on capital project expenditures
 2146 identified during the time of acquisition which meet land
 2147 management planning activities necessary for public access ~~may~~
 2148 ~~not exceed 10 percent of the funds allocated under this~~
 2149 ~~paragraph.~~

2150 (g) One and five-tenths percent to the Fish and Wildlife
 2151 Conservation Commission to fund the acquisition of inholdings
 2152 and additions to lands managed by the commission which are
 2153 important to the conservation of fish and wildlife and for
 2154 capital project expenditures as described in this section. At a
 2155 minimum, 1 percent, and no more than 10 percent, of the funds
 2156 allocated pursuant to this paragraph shall be spent on capital

2157 project expenditures identified during the time of acquisition
 2158 which meet land management planning activities necessary for
 2159 public access ~~may not exceed 10 percent of the funds allocated~~
 2160 ~~under this paragraph.~~

2161 (h) One and five-tenths percent to the Department of
 2162 Environmental Protection for the Florida Greenways and Trails
 2163 Program, to acquire greenways and trails or greenways and trail
 2164 systems pursuant to chapter 260, including, but not limited to,
 2165 abandoned railroad rights-of-way and the Florida National Scenic
 2166 Trail and for capital project expenditures as described in this
 2167 section. At a minimum, 1 percent, and no more than 10 percent,
 2168 of the funds allocated pursuant to this paragraph shall be spent
 2169 on capital project expenditures identified during the time of
 2170 acquisition which meet land management planning activities
 2171 necessary for public access ~~may not exceed 10 percent of the~~
 2172 ~~funds allocated under this paragraph.~~

2173 (i) Five percent to the Conservation and Recreation Lands
 2174 Program Trust Fund within the Department of Agriculture and
 2175 Consumer Services to fund the acquisition of fee simple and
 2176 perpetual easements by the Board of Trustees of the Internal
 2177 Improvement Trust Fund pursuant to the provisions of s. 570.71.
 2178 Of the proceeds distributed pursuant to this paragraph, one
 2179 third shall be used to fund working waterfront protection
 2180 agreements or acquisitions of fee simple interest in working
 2181 waterfronts. The Department of Agriculture and Consumer Services
 2182 and the Department of Environmental Protection shall coordinate
 2183 the development of annual workplans for proposed fee simple and
 2184 less-than-fee simple acquisition projects developed pursuant to

2185 this paragraph and those developed pursuant to paragraph
 2186 (17) (e). Terms of easements proposed for acquisition under this
 2187 subsection shall be developed by the Department of Agriculture
 2188 and Consumer Services in coordination with the Division of State
 2189 Lands.

2190 (j)~~(i)~~ It is the intent of the Legislature that cash
 2191 payments or proceeds of Florida Forever bonds distributed under
 2192 this section shall be expended in an efficient and fiscally
 2193 responsible manner. An agency that receives proceeds from
 2194 Florida Forever bonds under this section may not maintain a
 2195 balance of unencumbered funds in its Florida Forever subaccount
 2196 beyond 3 fiscal years from the date of deposit of funds from
 2197 each bond issue. Any funds that have not been expended or
 2198 encumbered after 3 fiscal years from the date of deposit shall
 2199 be distributed by the Legislature at its next regular session
 2200 for use in the Florida Forever program.

2201 (k)~~(j)~~ For the purposes of paragraphs ~~(d)~~, (e), (f), ~~and~~
 2202 (g), and (h), the agencies that ~~which~~ receive the funds shall
 2203 develop their individual acquisition or restoration lists in
 2204 accordance with specific criteria and numeric performance
 2205 measures developed pursuant s. 259.035(4). Proposed additions
 2206 may be acquired if they are identified within the original
 2207 project boundary, the management plan required pursuant to s.
 2208 253.034(5), or the management prospectus required pursuant to s.
 2209 259.032(9)(d). Proposed additions not meeting the requirements
 2210 of this paragraph shall be submitted to the Acquisition and
 2211 Restoration Council for approval. The council may only approve
 2212 the proposed addition if it meets two or more of the following

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2213 criteria: serves as a link or corridor to other publicly owned
 2214 property; enhances the protection or management of the property;
 2215 would add a desirable resource to the property; would create a
 2216 more manageable boundary configuration; has a high resource
 2217 value that otherwise would be unprotected; or can be acquired at
 2218 less than fair market value.

2219 (4) It is the intent of the Legislature that projects or
 2220 acquisitions funded pursuant to paragraphs (3)(a) and (b)
 2221 contribute to the achievement of the following goals, which
 2222 shall be evaluated in accordance with specific criteria and
 2223 numeric performance measures developed pursuant s. 259.035(4):

2224 (a) Enhance the coordination and completion of land
 2225 acquisition projects, as measured by:

2226 1. The number of acres acquired through the state's land
 2227 acquisition programs that contribute to the enhancement of
 2228 essential natural resources, ecosystem service parcels, and
 2229 connecting linkage corridors as identified and developed by the
 2230 best available scientific analysis ~~completion of Florida~~
 2231 ~~Preservation 2000 projects or projects begun before Preservation~~
 2232 ~~2000;~~

2233 2. The number of acres protected through the use of
 2234 alternatives to fee simple acquisition; or

2235 3. The number of shared acquisition projects among Florida
 2236 Forever funding partners and partners with other funding
 2237 sources, including local governments and the Federal Government.

2238 (b) Increase the protection of Florida's biodiversity at
 2239 the species, natural community, and landscape levels, as
 2240 measured by:

- 2241 1. The number of acres acquired of significant strategic
 2242 habitat conservation areas;
- 2243 2. The number of acres acquired of highest priority
 2244 conservation areas for Florida's rarest species;
- 2245 3. The number of acres acquired of significant landscapes,
 2246 landscape linkages, and conservation corridors, giving priority
 2247 to completing linkages;
- 2248 4. The number of acres acquired of underrepresented native
 2249 ecosystems;
- 2250 5. The number of landscape-sized protection areas of at
 2251 least 50,000 acres that exhibit a mosaic of predominantly intact
 2252 or restorable natural communities established through new
 2253 acquisition projects or augmentations to previous projects; or
- 2254 6. The percentage increase in the number of occurrences of
 2255 imperiled species ~~endangered species, threatened species, or~~
 2256 ~~species of special concern~~ on publicly managed conservation
 2257 areas.
- 2258 (c) Protect, restore, and maintain the quality and natural
 2259 functions of land, water, and wetland systems of the state, as
 2260 measured by:
- 2261 1. The number of acres of publicly owned land identified
 2262 as needing restoration, enhancement, and management, acres
 2263 undergoing restoration or enhancement, ~~and~~ acres with
 2264 restoration activities completed, and acres managed to maintain
 2265 such restored or enhanced conditions; the number of acres which
 2266 represent actual or potential imperiled species habitat; the
 2267 number of acres which are available pursuant to a management
 2268 plan to restore, enhance, repopulate, and manage imperiled

2269 species habitat; and the number of acres of imperiled species
 2270 habitat managed, restored, enhanced, repopulated, or acquired;

2271 2. The percentage of water segments that fully meet,
 2272 partially meet, or do not meet their designated uses as reported
 2273 in the Department of Environmental Protection's State Water
 2274 Quality Assessment 305(b) Report;

2275 3. The percentage completion of targeted capital
 2276 improvements in surface water improvement and management plans
 2277 created under s. 373.453(2), regional or master stormwater
 2278 management system plans, or other adopted restoration plans;

2279 4. The number of acres acquired that protect natural
 2280 floodplain functions;

2281 5. The number of acres acquired that protect surface
 2282 waters of the state;

2283 6. The number of acres identified for acquisition to
 2284 minimize damage from flooding and the percentage of those acres
 2285 acquired;

2286 7. The number of acres acquired that protect fragile
 2287 coastal resources;

2288 8. The number of acres of functional wetland systems
 2289 protected;

2290 9. The percentage of miles of critically eroding beaches
 2291 contiguous with public lands that are restored or protected from
 2292 further erosion;

2293 10. The percentage of public lakes and rivers in which
 2294 invasive, nonnative aquatic plants are under maintenance
 2295 control; or

2296 11. The number of acres of public conservation lands in

2297 | which upland invasive, exotic plants are under maintenance
 2298 | control.

2299 | (d) Ensure that sufficient quantities of water are
 2300 | available to meet the current and future needs of natural
 2301 | systems and the citizens of the state, as measured by:

2302 | 1. The number of acres acquired which provide retention
 2303 | and storage of surface water in naturally occurring storage
 2304 | areas, such as lakes and wetlands, consistent with the
 2305 | maintenance of water resources or water supplies and consistent
 2306 | with district water supply plans;

2307 | 2. The quantity of water made available through the water
 2308 | resource development component of a district water supply plan
 2309 | for which a water management district is responsible; or

2310 | 3. The number of acres acquired of groundwater recharge
 2311 | areas critical to springs, sinks, aquifers, other natural
 2312 | systems, or water supply.

2313 | (e) Increase natural resource-based public recreational
 2314 | and educational opportunities, as measured by:

2315 | 1. The number of acres acquired that are available for
 2316 | natural resource-based public recreation or education;

2317 | 2. The miles of trails that are available for public
 2318 | recreation, giving priority to those that provide significant
 2319 | connections including those that will assist in completing the
 2320 | Florida National Scenic Trail; or

2321 | 3. The number of new resource-based recreation facilities,
 2322 | by type, made available on public land.

2323 | (f) Preserve significant archaeological or historic sites,
 2324 | as measured by:

2325 1. The increase in the number of and percentage of
 2326 historic and archaeological properties listed in the Florida
 2327 Master Site File or National Register of Historic Places which
 2328 are protected or preserved for public use; or

2329 2. The increase in the number and percentage of historic
 2330 and archaeological properties that are in state ownership.

2331 (g) Increase the amount of forestland available for
 2332 sustainable management of natural resources, as measured by:

2333 1. The number of acres acquired that are available for
 2334 sustainable forest management;

2335 2. The number of acres of state-owned forestland managed
 2336 for economic return in accordance with current best management
 2337 practices;

2338 3. The number of acres of forestland acquired that will
 2339 serve to maintain natural groundwater recharge functions; or

2340 4. The percentage and number of acres identified for
 2341 restoration actually restored by reforestation.

2342 (h) Increase the amount of open space available in urban
 2343 areas, as measured by:

2344 1. The percentage of local governments that participate in
 2345 land acquisition programs and acquire open space in urban cores;
 2346 or

2347 2. The percentage and number of acres of purchases of open
 2348 space within urban service areas.

2349
 2350 Florida Forever projects and acquisitions funded pursuant to
 2351 paragraph (3)(c) shall be measured by goals developed by rule by
 2352 the Florida Communities Trust Governing Board created in s.

2353 380.504.

2354 (5) (a) All lands acquired pursuant to this section shall
 2355 be managed for multiple-use purposes, where compatible with the
 2356 resource values of and management objectives for such lands. As
 2357 used in this section, "multiple-use" includes, but is not
 2358 limited to, outdoor recreational activities as described in ss.
 2359 253.034 and 259.032(9) (b), water resource development projects,
 2360 ~~and sustainable forestry management,~~ carbon sequestration,
 2361 carbon mitigation, or carbon offsets.

2362 (b) Upon a decision by the entity in which title to lands
 2363 acquired pursuant to this section has vested, such lands may be
 2364 designated single use as defined in s. 253.034(2) (b).

2365 (c) For purposes of this section, the Board of Trustees of
 2366 the Internal Improvement Trust Fund shall adopt rules that
 2367 pertain to the use of state lands for carbon sequestration,
 2368 carbon mitigation, or carbon offsets and that provide for
 2369 climate-change-related benefits.

2370 (6) As provided in this section, a water resource or water
 2371 supply development project may be allowed only if the following
 2372 conditions are met: minimum flows and levels have been
 2373 established for those waters, if any, which may reasonably be
 2374 expected to experience significant harm to water resources as a
 2375 result of the project; the project complies with all applicable
 2376 permitting requirements; and the project is consistent with the
 2377 regional water supply plan, if any, of the water management
 2378 district and with relevant recovery or prevention strategies if
 2379 required pursuant to s. 373.0421(2).

2380 (7) (a) Beginning no later than July 1, 2001, and every

2381 year thereafter, the Acquisition and Restoration Council shall
 2382 accept applications from state agencies, local governments,
 2383 nonprofit and for-profit organizations, private land trusts, and
 2384 individuals for project proposals eligible for funding pursuant
 2385 to paragraph (3)(b). The council shall evaluate the proposals
 2386 received pursuant to this subsection to ensure that they meet at
 2387 least one of the criteria under subsection (9).

2388 (b) Project applications shall contain, at a minimum, the
 2389 following:

2390 1. A minimum of two numeric performance measures that
 2391 directly relate to the overall goals adopted by the council.
 2392 Each performance measure shall include a baseline measurement,
 2393 which is the current situation; a performance standard which the
 2394 project sponsor anticipates the project will achieve; and the
 2395 performance measurement itself, which should reflect the
 2396 incremental improvements the project accomplishes towards
 2397 achieving the performance standard.

2398 2. Proof that property owners within any proposed
 2399 acquisition have been notified of their inclusion in the
 2400 proposed project. Any property owner may request the removal of
 2401 such property from further consideration by submitting a request
 2402 to the project sponsor or the Acquisition and Restoration
 2403 Council by certified mail. Upon receiving this request, the
 2404 council shall delete the property from the proposed project;
 2405 however, the board of trustees, at the time it votes to approve
 2406 the proposed project lists pursuant to subsection (16), may add
 2407 the property back on to the project lists if it determines by a
 2408 super majority of its members that such property is critical to

2409 | achieve the purposes of the project.

2410 | (c) The title to lands acquired under this section shall
 2411 | vest in the Board of Trustees of the Internal Improvement Trust
 2412 | Fund, except that title to lands acquired by a water management
 2413 | district shall vest in the name of that district and lands
 2414 | acquired by a local government shall vest in the name of the
 2415 | purchasing local government.

2416 | (8) The Acquisition and Restoration Council shall develop
 2417 | a project list that shall represent those projects submitted
 2418 | pursuant to subsection (7).

2419 | (9) The Acquisition and Restoration Council shall
 2420 | recommend rules for adoption by the board of trustees to
 2421 | competitively evaluate, select, and rank projects eligible for
 2422 | Florida Forever funds pursuant to paragraph (3)(b) and for
 2423 | additions to the Conservation and Recreation Lands list pursuant
 2424 | to ss. 259.032 and 259.101(4). In developing these proposed
 2425 | rules, the Acquisition and Restoration Council shall give weight
 2426 | to the following criteria:

2427 | (a) The project meets multiple goals described in
 2428 | subsection (4).

2429 | (b) The project is part of an ongoing governmental effort
 2430 | to restore, protect, or develop land areas or water resources.

2431 | (c) The project enhances or facilitates management of
 2432 | properties already under public ownership.

2433 | (d) The project has significant archaeological or historic
 2434 | value.

2435 | (e) The project has funding sources that are identified
 2436 | and assured through at least the first 2 years of the project.

2437 (f) The project contributes to the solution of water
 2438 resource problems on a regional basis.

2439 (g) The project has a significant portion of its land area
 2440 in imminent danger of development, in imminent danger of losing
 2441 its significant natural attributes or recreational open space,
 2442 or in imminent danger of subdivision which would result in
 2443 multiple ownership and make acquisition of the project costly or
 2444 less likely to be accomplished.

2445 (h) The project implements an element from a plan
 2446 developed by an ecosystem management team.

2447 (i) The project is one of the components of the Everglades
 2448 restoration effort.

2449 (j) The project may be purchased at 80 percent of
 2450 appraised value.

2451 (k) The project may be acquired, in whole or in part,
 2452 using alternatives to fee simple, including but not limited to,
 2453 tax incentives, mitigation funds, or other revenues, the
 2454 purchase of development rights, hunting rights, agricultural or
 2455 silvicultural rights, or mineral rights or obtaining
 2456 conservation easements or flowage easements.

2457 (l) The project is a joint acquisition, either among
 2458 public agencies, nonprofit organizations, or private entities,
 2459 or by a public-private partnership.

2460 (10) The Acquisition and Restoration Council shall give
 2461 increased priority to those projects for which matching funds
 2462 are available and to project elements previously identified on
 2463 an acquisition list pursuant to this section that can be
 2464 acquired at 80 percent or less of appraised value. The council

2465 shall also give increased priority to those projects where the
 2466 state's land conservation plans overlap with the military's need
 2467 to protect lands, water, and habitat to ensure the
 2468 sustainability of military missions including:

2469 (a) Protecting habitat on nonmilitary land for any species
 2470 found on military land that is designated as threatened or
 2471 endangered, or is a candidate for such designation under the
 2472 Endangered Species Act or any Florida statute;

2473 (b) Protecting areas underlying low-level military air
 2474 corridors or operating areas; and

2475 (c) Protecting areas identified as clear zones, accident
 2476 potential zones, and air installation compatible use buffer
 2477 zones delineated by our military partners, and for which federal
 2478 or other funding is available to assist with the project.

2479 (11) For the purposes of funding projects pursuant to
 2480 paragraph (3)(a), the Secretary of Environmental Protection
 2481 shall ensure that each water management district receives the
 2482 following percentage of funds annually:

2483 (a) Thirty-five percent to the South Florida Water
 2484 Management District, of which amount \$25 million for 2 years
 2485 beginning in fiscal year 2000-2001 shall be transferred by the
 2486 Department of Environmental Protection into the Save Our
 2487 Everglades Trust Fund and shall be used exclusively to implement
 2488 the comprehensive plan under s. 373.470.

2489 (b) Twenty-five percent to the Southwest Florida Water
 2490 Management District.

2491 (c) Twenty-five percent to the St. Johns River Water
 2492 Management District.

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2493 (d) Seven and one-half percent to the Suwannee River Water
2494 Management District.

2495 (e) Seven and one-half percent to the Northwest Florida
2496 Water Management District.

2497 (12) It is the intent of the Legislature that in
2498 developing the list of projects for funding pursuant to
2499 paragraph (3)(a), that these funds not be used to abrogate the
2500 financial responsibility of those point and nonpoint sources
2501 that have contributed to the degradation of water or land areas.
2502 Therefore, an increased priority shall be given by the water
2503 management district governing boards to those projects that have
2504 secured a cost-sharing agreement allocating responsibility for
2505 the cleanup of point and nonpoint sources.

2506 (13) An affirmative vote of five members of the
2507 Acquisition and Restoration Council shall be required in order
2508 to place a proposed project on the list developed pursuant to
2509 subsection (8). Any member of the council who by family or a
2510 business relationship has a connection with any project proposed
2511 to be ranked shall declare such interest prior to voting for a
2512 project's inclusion on the list.

2513 (14) Each year that cash disbursements or bonds are to be
2514 issued pursuant to this section, the Acquisition and Restoration
2515 Council shall review the most current approved project list and
2516 shall, by the first board meeting in May, present to the Board
2517 of Trustees of the Internal Improvement Trust Fund for approval
2518 a listing of projects developed pursuant to subsection (8). The
2519 board of trustees may remove projects from the list developed
2520 pursuant to this subsection, but may not add projects or

2521 rearrange project rankings.

2522 (15) The Acquisition and Restoration Council shall submit
 2523 to the board of trustees, with its list of projects, a report
 2524 that includes, but shall not be limited to, the following
 2525 information for each project listed:

2526 (a) The stated purpose for inclusion.

2527 (b) Projected costs to achieve the project goals.

2528 (c) An interim management budget that includes all costs
 2529 associated with immediate public access.

2530 (d) Specific performance measures.

2531 (e) Plans for public access.

2532 (f) An identification of the essential parcel or parcels
 2533 within the project without which the project cannot be properly
 2534 managed.

2535 (g) Where applicable, an identification of those projects
 2536 or parcels within projects which should be acquired in fee
 2537 simple or in less than fee simple.

2538 (h) An identification of those lands being purchased for
 2539 conservation purposes.

2540 (i) A management policy statement for the project and a
 2541 management prospectus pursuant to s. 259.032(9)(d).

2542 (j) An estimate of land value based on county tax assessed
 2543 values.

2544 (k) A map delineating project boundaries.

2545 (l) An assessment of the project's ecological value,
 2546 outdoor recreational value, forest resources, wildlife
 2547 resources, ownership pattern, utilization, and location.

2548 (m) A discussion of whether alternative uses are proposed

2549 | for the property and what those uses are.

2550 | (n) A designation of the management agency or agencies.

2551 | (16) All proposals for projects pursuant to paragraph

2552 | (3) (b) ~~or subsection (20)~~ shall be implemented only if adopted

2553 | by the Acquisition and Restoration Council and approved by the

2554 | board of trustees. The council shall consider and evaluate in

2555 | writing the merits and demerits of each project that is proposed

2556 | for Florida Forever funding and each proposed addition to the

2557 | Conservation and Recreation Lands list program. The council

2558 | shall ensure that each proposed project will meet a stated

2559 | public purpose for the restoration, conservation, or

2560 | preservation of environmentally sensitive lands and water areas

2561 | or for providing outdoor recreational opportunities and that

2562 | each proposed addition to the Conservation and Recreation Lands

2563 | list will meet the public purposes under s. 259.032(3) and, when

2564 | applicable, s. 259.101(4). The council also shall determine

2565 | whether the project or addition conforms, where applicable, with

2566 | the comprehensive plan developed pursuant to s. 259.04(1)(a),

2567 | the comprehensive multipurpose outdoor recreation plan developed

2568 | pursuant to s. 375.021, the state lands management plan adopted

2569 | pursuant to s. 253.03(7), the water resources work plans

2570 | developed pursuant to s. 373.199, and the provisions of this

2571 | section.

2572 | (17) On an annual basis, the Division of State Lands shall

2573 | prepare an annual work plan that prioritizes projects on the

2574 | Florida Forever list and sets forth the funding available in the

2575 | fiscal year for land acquisition. The work plan shall consider

2576 | the following categories of expenditure for land conservation

2577 projects already selected for the Florida Forever list pursuant
2578 to subsection (8):

2579 (a) A critical natural lands category, including
2580 functional landscape-scale natural systems, intact large
2581 hydrological systems, lands that have significant imperiled
2582 natural communities, and corridors linking large landscapes, as
2583 identified and developed by the best available scientific
2584 analysis.

2585 (b) A partnerships or regional incentive category,
2586 including:

2587 1. Projects where local and regional cost-share agreements
2588 provide a lower cost and greater conservation benefit to the
2589 people of the state. Additional consideration shall be provided
2590 under this category where parcels are identified as part of a
2591 local or regional visioning process and are supported by
2592 scientific analysis; and

2593 2. Bargain and shared projects where the state will
2594 receive a significant reduction in price for public ownership of
2595 land as a result of the removal of development rights or other
2596 interests in lands or receives alternative or matching funds.

2597 (c) A substantially complete category of projects where
2598 mainly inholdings, additions, and linkages between preserved
2599 areas will be acquired and where 85 percent of the project is
2600 complete.

2601 (d) A climate-change category list of lands where
2602 acquisition or other conservation measures will address the
2603 challenges of global climate change, such as through protection,
2604 restoration, mitigation, and strengthening of Florida's land,

2605 water, and coastal resources. This category includes lands that
 2606 provide opportunities to sequester carbon, provide habitat,
 2607 protect coastal lands or barrier islands, and otherwise mitigate
 2608 and help adapt to the effects of sea-level rise and meet other
 2609 objectives of the program.

2610 (e) A less-than-fee category for working agricultural
 2611 lands that significantly contribute to resource protection
 2612 through conservation easements and other less-than-fee
 2613 techniques, tax incentives, life estates, landowner agreements,
 2614 and other partnerships, including conservation easements
 2615 acquired in partnership with federal conservation programs,
 2616 which will achieve the objectives of Florida Forever while
 2617 allowing the continuation of compatible agricultural uses on the
 2618 land. Terms of easements proposed for acquisition under this
 2619 category shall be developed by the Division of State Lands in
 2620 coordination with the Department of Agriculture and Consumer
 2621 Services.

2622
 2623 Projects within each category shall be ranked by order of
 2624 priority. The work plan shall be adopted by the Acquisition and
 2625 Restoration Council after at least one public hearing. A copy of
 2626 the work plan shall be provided to the board of trustees of the
 2627 Internal Improvement Trust Fund no later than October 1 of each
 2628 year.

2629 (18)-(17)(a) The Board of Trustees of the Internal
 2630 Improvement Trust Fund, or, in the case of water management
 2631 district lands, the owning water management district, may
 2632 authorize the granting of a lease, easement, or license for the

2633 use of certain lands acquired pursuant to this section, for
 2634 certain uses that are determined by the appropriate board to be
 2635 compatible with the resource values of and management objectives
 2636 for such lands.

2637 (b) Any existing lease, easement, or license acquired for
 2638 incidental public or private use on, under, or across any lands
 2639 acquired pursuant to this section shall be presumed to be
 2640 compatible with the purposes for which such lands were acquired.

2641 (c) Notwithstanding the provisions of paragraph (a), no
 2642 such lease, easement, or license shall be entered into by the
 2643 Department of Environmental Protection or other appropriate
 2644 state agency if the granting of such lease, easement, or license
 2645 would adversely affect the exclusion of the interest on any
 2646 revenue bonds issued to fund the acquisition of the affected
 2647 lands from gross income for federal income tax purposes,
 2648 pursuant to Internal Revenue Service regulations.

2649 (19)~~(18)~~ The Acquisition and Restoration Council shall
 2650 recommend adoption of rules by the board of trustees necessary
 2651 to implement the provisions of this section relating to:
 2652 solicitation, scoring, selecting, and ranking of Florida Forever
 2653 project proposals; disposing of or leasing lands or water areas
 2654 selected for funding through the Florida Forever program; and
 2655 the process of reviewing and recommending for approval or
 2656 rejection the land management plans associated with publicly
 2657 owned properties. Rules promulgated pursuant to this subsection
 2658 shall be submitted to the President of the Senate and the
 2659 Speaker of the House of Representatives, for review by the
 2660 Legislature, no later than 30 days prior to the 2010 ~~2001~~

2661 Regular Session and shall become effective only after
 2662 legislative review. In its review, the Legislature may reject,
 2663 modify, or take no action relative to such rules. The board of
 2664 trustees shall conform such rules to changes made by the
 2665 Legislature, or, if no action was taken by the Legislature, such
 2666 rules shall become effective.

2667 (20)~~(19)~~ Lands listed as projects for acquisition under
 2668 the Florida Forever program may be managed for conservation
 2669 pursuant to s. 259.032, on an interim basis by a private party
 2670 in anticipation of a state purchase in accordance with a
 2671 contractual arrangement between the acquiring agency and the
 2672 private party that may include management service contracts,
 2673 leases, cost-share arrangements, or resource conservation
 2674 agreements. Lands designated as eligible under this subsection
 2675 shall be managed to maintain or enhance the resources the state
 2676 is seeking to protect by acquiring the land and to accelerate
 2677 public access to the lands as soon as practicable. Funding for
 2678 these contractual arrangements may originate from the
 2679 documentary stamp tax revenue deposited into the Conservation
 2680 and Recreation Lands Trust Fund and Water Management Lands Trust
 2681 Fund. No more than 5 percent of funds allocated under the trust
 2682 funds shall be expended for this purpose.

2683 ~~(20) The Acquisition and Restoration Council, as~~
 2684 ~~successors to the Land Acquisition and Management Advisory~~
 2685 ~~Council, may amend existing Conservation and Recreation Lands~~
 2686 ~~projects and add to or delete from the 2000 Conservation and~~
 2687 ~~Recreation Lands list until funding for the Conservation and~~
 2688 ~~Recreation Lands program has been expended. The amendments to~~

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2689 ~~the 2000 Conservation and Recreation Lands list will be reported~~
 2690 ~~to the board of trustees in conjunction with the council's~~
 2691 ~~report developed pursuant to subsection (15).~~

2692 Section 16. Subsection (1) of section 259.1051, Florida
 2693 Statutes, is amended to read:

2694 259.1051 Florida Forever Trust Fund.--

2695 (1) There is created the Florida Forever Trust Fund to
 2696 carry out the purposes of ss. 259.032, 259.105, 259.1052, and
 2697 375.031. The Florida Forever Trust Fund shall be held and
 2698 administered by the Department of Environmental Protection.
 2699 Proceeds from the sale of bonds, except proceeds of refunding
 2700 bonds, issued under s. 215.618 and payable from moneys
 2701 transferred to the Land Acquisition Trust Fund under s.
 2702 201.15(1)(a), not to exceed \$5.3 ~~\$3~~ billion, must be deposited
 2703 into this trust fund to be distributed and used as provided in
 2704 s. 259.105(3). The bond resolution adopted by the governing
 2705 board of the Division of Bond Finance of the State Board of
 2706 Administration may provide for additional provisions that govern
 2707 the disbursement of the bond proceeds.

2708 Section 17. Subsection (7) is added to section 373.089,
 2709 Florida Statutes, to read:

2710 373.089 Sale or exchange of lands, or interests or rights
 2711 in lands.--The governing board of the district may sell lands,
 2712 or interests or rights in lands, to which the district has
 2713 acquired title or to which it may hereafter acquire title in the
 2714 following manner:

2715 (7) Notwithstanding other provisions of this section, the
 2716 governing board shall first offer title to lands acquired in

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2717 whole or in part with Florida Forever funds which are determined
 2718 to be no longer needed for conservation purposes to the Board of
 2719 Trustees of the Internal Improvement Trust Fund unless the
 2720 disposition of those lands are for the following purposes:

2721 (a) Linear facilities, including electric transmission and
 2722 distribution facilities, telecommunication transmission and
 2723 distribution facilities, pipeline transmission and distribution
 2724 facilities, public transportation corridors, and related
 2725 appurtenances.

2726 (b) The disposition of the fee interest in the land where
 2727 a conservation easement is retained by the district to fulfill
 2728 the conservation objectives for which the land was acquired.

2729 (c) An exchange of the land for other lands that meet or
 2730 exceed the conservation objectives for which the original land
 2731 was acquired in accordance with subsection (4).

2732 (d) To be used by a governmental entity for a public
 2733 purpose.

2734
 2735 In the event the Board of Trustees of the Internal Improvement
 2736 Trust Fund declines to accept title to the lands offered under
 2737 this section, the land may be disposed of by the district under
 2738 the provisions of this section.

2739 Section 18. Subsection (1) of section 373.1391, Florida
 2740 Statutes, is amended to read:

2741 373.1391 Management of real property.--

2742 (1) (a) Lands titled to the governing boards of the
 2743 districts shall be managed and maintained, to the extent
 2744 practicable, in such a way as to ensure a balance between public

2745 access, general public recreational purposes, and restoration
 2746 and protection of their natural state and condition. Except when
 2747 prohibited by a covenant or condition described in s.
 2748 373.056(2), lands owned, managed, and controlled by the district
 2749 may be used for multiple purposes, including, but not limited
 2750 to, agriculture, silviculture, and water supply, as well as
 2751 boating and other recreational uses.

2752 (b) Whenever practicable, such lands shall be open to the
 2753 general public for recreational uses. General public
 2754 recreational purposes shall include, but not be limited to,
 2755 fishing, hunting, horseback riding, swimming, camping, hiking,
 2756 canoeing, boating, diving, birding, sailing, jogging, and other
 2757 related outdoor activities to the maximum extent possible
 2758 considering the environmental sensitivity and suitability of
 2759 those lands. These public lands shall be evaluated for their
 2760 resource value for the purpose of establishing which parcels, in
 2761 whole or in part, annually or seasonally, would be conducive to
 2762 general public recreational purposes. Such findings shall be
 2763 included in management plans which are developed for such public
 2764 lands. These lands shall be made available to the public for
 2765 these purposes, unless the district governing board can
 2766 demonstrate that such activities would be incompatible with the
 2767 purposes for which these lands were acquired. The department in
 2768 its supervisory capacity shall ensure that the districts provide
 2769 consistent levels of public access to district lands, consistent
 2770 with the purposes for which the lands were acquired.

2771 (c) In developing or reviewing land management plans when
 2772 a dispute arises that has not been resolved by a water

2773 management district's final agency action, that dispute must be
 2774 resolved under chapter 120.

2775 (d) For any fee simple acquisition of a parcel which is or
 2776 will be leased back for agricultural purposes, or for any
 2777 acquisition of a less-than-fee interest in lands that is or will
 2778 be used for agricultural purposes, the district governing board
 2779 shall first consider having a soil and water conservation
 2780 district created pursuant to chapter 582 manage and monitor such
 2781 interest.

2782 Section 19. Subsection (4) of section 373.199, Florida
 2783 Statutes, is amended to read:

2784 373.199 Florida Forever Water Management District Work
 2785 Plan.--

2786 (4) The list submitted by the districts shall include,
 2787 where applicable, the following information for each project:

2788 (a) A description of the water body system, its historical
 2789 and current uses, and its hydrology; a history of the conditions
 2790 which have led to the need for restoration or protection; and a
 2791 synopsis of restoration efforts that have occurred to date, if
 2792 applicable.

2793 (b) An identification of all governmental units that have
 2794 jurisdiction over the water body and its drainage basin within
 2795 the approved surface water improvement and management plan area,
 2796 including local, regional, state, and federal units.

2797 (c) A description of land uses within the project area's
 2798 drainage basin, and of important tributaries, point and nonpoint
 2799 sources of pollution, and permitted discharge activities
 2800 associated with that basin.

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2801 (d) A description of strategies and potential strategies,
2802 including improved stormwater management, for restoring or
2803 protecting the water body to Class III or better surface water
2804 quality status. Such strategies may utilize alternative
2805 technologies for pollutant reduction, such as cost-effective
2806 biologically based, hybrid wetlands/chemical and other
2807 innovative nutrient control technologies.

2808 (e) A listing and synopsis of studies that are being or
2809 have been prepared for the water body, stormwater management
2810 project, or water resource development project.

2811 (f) A description of the measures needed to manage and
2812 maintain the water body once it has been restored and to prevent
2813 future degradation, to manage and maintain the stormwater
2814 management system, or to manage and maintain the water resource
2815 development project.

2816 (g) A schedule for restoration and protection of the water
2817 body, implementation of the stormwater management project, or
2818 development of the water resource development project.

2819 (h) A clear and concise ~~An~~ estimate of the funding needed
2820 to carry out the restoration, protection, or improvement
2821 project, or the development of new water resources, where
2822 applicable, and a clear and concise identification of the
2823 projected sources and uses of Florida Forever funds ~~of the~~
2824 ~~funding.~~

2825 (i) Numeric performance measures for each project. Each
2826 performance measure shall include a baseline measurement, which
2827 is the current situation; a performance standard, which water
2828 management district staff anticipates the project will achieve;

2829 and the performance measurement itself, which should reflect the
 2830 incremental improvements the project accomplishes towards
 2831 achieving the performance standard. These measures shall reflect
 2832 the relevant goals detailed in s. 259.105(4).

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

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

2838 (l) An identification of those lands which require a full
 2839 fee simple interest to achieve water management goals and those
 2840 lands which can be acquired using alternatives to fee simple
 2841 acquisition techniques and still achieve such goals. In their
 2842 evaluation of which lands would be appropriate for acquisition
 2843 through alternatives to fee simple, district staff shall
 2844 consider criteria including, but not limited to, acquisition
 2845 costs, the net present value of future land management costs,
 2846 the net present value of ad valorem revenue loss to the local
 2847 government, and potential for revenue generated from activities
 2848 compatible with acquisition objectives.

2849 (m) An identification of lands needed to protect or
 2850 recharge groundwater and a plan for their acquisition as
 2851 necessary to protect potable water supplies. Lands which serve
 2852 to protect or recharge groundwater identified pursuant to this
 2853 paragraph shall also serve to protect other valuable natural
 2854 resources or provide space for natural resource based
 2855 recreation.

2856 Section 20. Paragraph (e) of subsection (10) of section

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2857 373.59, Florida Statutes, is amended to read:

2858 373.59 Water Management Lands Trust Fund.--

2859 (10)

2860 (e) If property that was subject to ad valorem taxation
 2861 was acquired by a tax-exempt entity for ultimate conveyance to
 2862 the state under this chapter, payment in lieu of taxes shall be
 2863 made for such property based upon the average amount of taxes
 2864 paid on the property for the 3 years prior to its being removed
 2865 from the tax rolls. The water management districts shall certify
 2866 to the Department of Revenue those properties that may be
 2867 eligible under this provision. Once eligibility has been
 2868 established, that governmental entity shall receive ~~10~~
 2869 ~~consecutive~~ annual payments for each tax loss until the
 2870 qualifying governmental entity exceeds the population threshold
 2871 pursuant to s. 259.032(12) (b), and no further eligibility
 2872 determination shall be made during that period.

2873 Section 21. Section 570.71, Florida Statutes, is amended
 2874 to read:

2875 570.71 Conservation easements and agreements.--

2876 (1) The department, on behalf of the Board of Trustees of
 2877 the Internal Improvement Trust Fund, may allocate moneys to
 2878 acquire perpetual, less-than-fee interest in land, to enter into
 2879 agricultural protection agreements, ~~and~~ to enter into resource
 2880 conservation agreements, and to enter into working waterfront
 2881 protection agreements for the following public purposes:

2882 (a) Promotion and improvement of wildlife habitat;

2883 (b) Protection and enhancement of water bodies, aquifer
 2884 recharge areas, wetlands, and watersheds;

2885 (c) Perpetuation of open space on lands with significant
 2886 natural areas; or

2887 (d) Protection of agricultural lands threatened by
 2888 conversion to other uses.

2889 (e) Protection of working waterfronts.

2890 (2) ~~To achieve the purposes of this act, beginning no~~
 2891 ~~sooner than July 1, 2002, and every year thereafter,~~ The
 2892 department may accept applications for project proposals that:

2893 (a) Purchase conservation easements, as defined in s.
 2894 704.06.

2895 (b) Purchase rural-lands-protection easements pursuant to
 2896 this act.

2897 (c) Fund resource conservation agreements pursuant to this
 2898 act.

2899 (d) Fund agricultural protection agreements pursuant to
 2900 this act.

2901 (e) Fund working waterfront protection agreements pursuant
 2902 to this act.

2903 (f) Fund fee simple acquisitions in working waterfronts
 2904 pursuant to subsection (12).

2905 (3) Rural-lands-protection easements shall be a perpetual
 2906 right or interest in agricultural land which is appropriate to
 2907 retain such land in predominantly its current state and to
 2908 prevent the subdivision and conversion of such land into other
 2909 uses. This right or interest in property shall prohibit only the
 2910 following:

2911 (a) Construction or placing of buildings, roads,
 2912 billboards or other advertising, utilities, or structures,

2913 | except those structures and unpaved roads necessary for the
 2914 | agricultural operations on the land or structures necessary for
 2915 | other activities allowed under the easement, and except for
 2916 | linear facilities described in s. 704.06(11);

2917 | (b) Subdivision of the property;

2918 | (c) Dumping or placing of trash, waste, or offensive
 2919 | materials; and

2920 | (d) Activities that affect the natural hydrology of the
 2921 | land or that detrimentally affect water conservation, erosion
 2922 | control, soil conservation, or fish or wildlife habitat, except
 2923 | those required for environmental restoration; federal, state, or
 2924 | local government regulatory programs; or best management
 2925 | practices.

2926 | (4) Resource conservation agreements will be contracts for
 2927 | services which provide annual payments to landowners for
 2928 | services that actively improve habitat and water restoration or
 2929 | conservation on their lands over and above that which is already
 2930 | required by law or which provide recreational opportunities.
 2931 | They will be for a term of not less than 5 years and not more
 2932 | than 10 years. Property owners will become eligible to enter
 2933 | into a resource conservation agreement only upon entering into a
 2934 | conservation easement or rural lands protection easement.

2935 | (5) Agricultural protection agreements shall be for terms
 2936 | of 30 years and will provide payments to landowners having
 2937 | significant natural areas on their land. Public access and
 2938 | public recreational opportunities may be negotiated at the
 2939 | request of the landowner.

2940 | (a) For the length of the agreement, the landowner shall

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2941 agree to prohibit:

2942 1. Construction or placing of buildings, roads, billboards
2943 or other advertising, utilities, or structures, except those
2944 structures and unpaved roads necessary for the agricultural
2945 operations on the land or structures necessary for other
2946 activities allowed under the easement, and except for linear
2947 facilities described in s. 704.06(11);

2948 2. Subdivision of the property;

2949 3. Dumping or placing of trash, waste, or offensive
2950 materials; and

2951 4. Activities that affect the natural hydrology of the
2952 land, or that detrimentally affect water conservation, erosion
2953 control, soil conservation, or fish or wildlife habitat.

2954 (b) As part of the agricultural protection agreement, the
2955 parties shall agree that the state shall have a right to buy a
2956 conservation easement or rural land protection easement at the
2957 end of the 30-year term. If the landowner tenders the easement
2958 for the purchase and the state does not timely exercise its
2959 right to buy the easement, the landowner shall be released from
2960 the agricultural agreement. The purchase price of the easement
2961 shall be established in the agreement and shall be based on the
2962 value of the easement at the time the agreement is entered into,
2963 plus a reasonable escalator multiplied by the number of full
2964 calendar years following the date of the commencement of the
2965 agreement. The landowner may transfer or sell the property
2966 before the expiration of the 30-year term, but only if the
2967 property is sold subject to the agreement and the buyer becomes
2968 the successor in interest to the agricultural protection

2969 agreement. Upon mutual consent of the parties, a landowner may
 2970 enter into a perpetual easement at any time during the term of
 2971 an agricultural protection agreement.

2972 (6) Working waterfront protection agreements shall be
 2973 perpetual less-than-fee interest in lands that currently or
 2974 historically have been used as a working waterfront. The
 2975 agreements shall prevent the conversion of the land into other
 2976 inconsistent uses and shall maintain the use of the land in its
 2977 predominate historical or current state.

2978 (7)-(6) Payment for conservation easements, and rural land
 2979 protection easements, working waterfront protection agreements,
 2980 and working waterfront acquisitions shall be a lump-sum payment
 2981 at the time the easement or agreement is entered into.

2982 (8)-(7) Landowners entering into an agricultural protection
 2983 agreement may receive up to 50 percent of the purchase price at
 2984 the time the agreement is entered into, and remaining payments
 2985 on the balance shall be equal annual payments over the term of
 2986 the agreement.

2987 (9)-(8) Payments for the resource conservation agreements
 2988 shall be equal annual payments over the term of the agreement.

2989 (10)-(9) Easements purchased pursuant to this act may not
 2990 prevent landowners from transferring the remaining fee value
 2991 with the easement.

2992 (11)-(10) The department, in consultation with the
 2993 Department of Environmental Protection, the water management
 2994 districts, the Department of Community Affairs, and the Florida
 2995 Fish and Wildlife Conservation Commission, shall adopt rules
 2996 that establish an application process, a process and criteria

2997 | for setting priorities for use of funds consistent with the
 2998 | purposes specified in subsection (1) and giving preference to
 2999 | ranch and timber lands managed using sustainable practices, an
 3000 | appraisal process, and a process for title review and compliance
 3001 | and approval of the rules by the Board of Trustees of the
 3002 | Internal Improvement Trust Fund.

3003 | (12) Notwithstanding any other provision of law, the
 3004 | department, on behalf of the Board of Trustees of the Internal
 3005 | Improvement Trust Fund, is authorized to acquire fee simple
 3006 | interest in working waterfront properties. Such acquisitions are
 3007 | to prevent further loss of Florida's cultural history and the
 3008 | marine industries supported by working waterfronts. For purposes
 3009 | of chapters 253 and 259 and this chapter, "working waterfronts"
 3010 | means a parcel or parcels of real property that support water-
 3011 | dependent commercial activities, including commercial fishing,
 3012 | or that provide public access to state waters.

3013 | (a) Working waterfront acquisitions by fee simple
 3014 | acquisition may be completed by the department in whole or in
 3015 | partnership with other entities.

3016 | (b) Working waterfront acquisitions shall be managed by
 3017 | the department. The department is authorized to enter into
 3018 | management agreements with other entities for the management of
 3019 | the acquisitions.

3020 | (13)~~(11)~~ If a landowner objects to having his or her
 3021 | property included in any lists or maps developed to implement
 3022 | this act, the department shall remove the property from any such
 3023 | lists or maps upon receipt of the landowner's written request to
 3024 | do so.

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3025 (14)~~(12)~~ The department is authorized to use funds from
 3026 the following sources to implement this act:

- 3027 (a) State funds;
- 3028 (b) Federal funds;
- 3029 (c) Other governmental entities;
- 3030 (d) Nongovernmental organizations; or
- 3031 (e) Private individuals.

3032
 3033 Any such funds provided shall be deposited into the Conservation
 3034 and Recreation Lands Program Trust Fund within the Department of
 3035 Agriculture and Consumer Services and used for the purposes of
 3036 this act.

3037 (15)~~(13)~~ No more than 10 percent of any funds made
 3038 available to implement this act shall be expended for resource
 3039 conservation agreements and agricultural protection agreements.

3040 Section 22. This act shall take effect July 1, 2008.