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CS/CS/HB 1075, Engrossed 2

2016 Legislature

1
2 An act relating to state areas; creating s. 327.45,
3 F.S.; defining a term; authorizing the Fish and
4 Wildlife Conservation Commission to establish certain
5 protection zones; requiring the commission to develop
6 such zones in consultation and coordination with
7 certain entities; requiring the commission to
8 coordinate with additional entities under certain
9 circumstances; providing penalties for certain
10 violations; providing applicability; amending s.
11 327.73, F.S.; providing penalties for violations
12 relating to protection zones for springs; amending s.
13 327.731, F.S.; conforming provisions to changes made
14 by the act; amending s. 253.025, F.S.; authorizing the
15 Board of Trustees of the Internal Improvement Trust
16 Fund to waive certain requirements and rules and
17 substitute procedures relating to the acquisition of
18 state lands under certain conditions; providing that
19 title to certain acquired lands are vested in the
20 board; providing for the administration of such lands;
21 authorizing the board to adopt specified rules;
22 revising requirements for the appraisal of lands
23 proposed for acquisition; requiring an agency
24 proposing an acquisition to pay the associated costs;
25 deleting provisions directing the board to approve
26 qualified fee appraisal organizations; requiring fee



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27 | appraisers to submit certain affidavits to an agency
28 | before contracting with a participant in a multiparty
29 | agreement; prohibiting fee appraisers from negotiating
30 | with property owners; revising the minimum survey
31 | standards incorporated by reference for conducting
32 | certified surveys; authorizing the disclosure of
33 | confidential appraisal reports under certain
34 | conditions; providing for public agencies and
35 | nonprofit organizations to enter into written
36 | agreements with the Department of Environmental
37 | Protection rather than the Division of State Lands to
38 | purchase and hold property for subsequent resale to
39 | the board rather than the division; revising the
40 | definition of the term "nonprofit organization";
41 | directing the board to adopt by rule the method for
42 | determining the value of parcels sought to be acquired
43 | by state agencies; providing requirements for such
44 | acquisitions; expanding the scope of real estate
45 | acquisition services for which the board and state
46 | agencies may contract; authorizing the Department of
47 | Environmental Protection to use outside counsel to
48 | review any agreements or documents or to perform
49 | acquisition closings under certain conditions;
50 | requiring state agencies to furnish the Department of
51 | Environmental Protection rather than the Division of
52 | State Lands with specified acquisition documents;



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53 providing that the purchase price of certain parcels
54 is not subject to an increase or decrease as a result
55 of certain circumstances; authorizing the board of
56 trustees to direct the Department of Environmental
57 Protection to exercise eminent domain for the
58 acquisition of certain conservation parcels under
59 certain circumstances; authorizing the Department of
60 Environmental Protection to exercise condemnation
61 authority directly or by contracting with the
62 Department of Transportation or a water management
63 district to provide such service; authorizing the
64 board of trustees to direct the Department of
65 Environmental Protection to purchase lands on an
66 immediate basis using specified funds; authorizing the
67 board of trustees to waive or modify all procedures
68 required for such land acquisition; providing that
69 title to certain lands held jointly by the board of
70 trustees and a water management district meet the
71 standards necessary for ownership by the board;
72 creating s. 253.0251, F.S.; providing for the use of
73 alternatives to fee simple acquisition for land
74 purchases by the Department of Environmental
75 Protection, the Department of Agriculture and Consumer
76 Services, and water management districts; amending s.
77 253.03, F.S.; deleting provisions directing the board
78 of trustees to adopt by rule an annual administrative



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79 fee for certain leases and similar instruments;
80 revising the criteria by which specified structures
81 have the right to continue submerged land leases;
82 directing the board of trustees to adopt by rule an
83 annual administrative fee for certain leases and
84 instruments; authorizing nonwater-dependent uses for
85 submerged lands; amending s. 253.031, F.S.; providing
86 for the Department of Environmental Protection to
87 maintain documents concerning all state lands;
88 deleting an obsolete provision; amending s. 253.034,
89 F.S.; authorizing the Department of Environmental
90 Protection to submit certain state-owned lands to the
91 Acquisition and Restoration Council or board of
92 trustees for review and consideration; requiring that
93 all nonconservation land use plans are managed to
94 provide the greatest benefit to the state; deleting
95 provisions requiring an analysis of natural or
96 cultural resources as part of a nonconservation land
97 use plan; specifying that certain management and
98 short-term and long-term goals for the conservation of
99 plant and animal species apply to conservation lands;
100 providing conditions under which the Secretary of
101 Environmental Protection, Commissioner of Agriculture,
102 or executive director of the Fish and Wildlife
103 Conservation Commission or their designees are
104 required to submit land management plans to the board



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105 | of trustees; requiring that updated land management
106 | plans identify conservation lands that are no longer
107 | needed for conservation purposes; deleting provisions
108 | directing the board of trustees to make certain
109 | determinations regarding the surplus and disposition
110 | of state lands; deleting provisions requiring that
111 | buildings and parcels of land be offered for lease to
112 | state agencies, state universities, and Florida
113 | College System institutions before being offered for
114 | lease or sale to a local or federal unit of government
115 | or a private party; amending s. 253.0341, F.S.;;
116 | deleting provisions authorizing counties and local
117 | governments to submit requests for the surplus of
118 | state-owned lands and requiring that such requests be
119 | expedited; directing the board of trustees to make
120 | certain determinations regarding the surplus and
121 | disposition of state lands; providing that lands
122 | acquired before a certain date using specified
123 | proceeds are deemed to have been acquired for
124 | conservation purposes; providing that certain lands
125 | used by the Department of Corrections, the Department
126 | of Management Services, and the Department of
127 | Transportation may not be designated as lands acquired
128 | for conservation purposes; requiring updated land
129 | management plans to identify conservation and
130 | nonconservation lands that are no longer used for the



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131 purposes for which they were originally leased and
132 that could be disposed of; deleting an obsolete
133 provision; requiring that facilities and
134 nonconservation parcels of land be offered for lease
135 to state agencies, state universities, or Florida
136 College System institutions before being offered for
137 lease or sale to a local or federal unit of government
138 or private party; providing priority for state
139 universities or Florida College System institutions;
140 providing for the valuation and disposition of surplus
141 lands; providing for the deposit of proceeds from the
142 sale of such lands; authorizing the board of trustees
143 to adopt rules; requiring surplus lands conveyed to a
144 local government for affordable housing to be disposed
145 of by the local government; amending s. 253.111, F.S.;
146 deleting provisions requiring the board of trustees to
147 afford an opportunity to local governments to purchase
148 certain state-owned lands; revising provisions
149 relating to the rights of riparian owners to secure
150 certain state-owned lands; amending s. 253.42, F.S.;
151 authorizing individuals or entities to submit requests
152 to the Division of State Lands to exchange state-owned
153 land for privately held land; requiring the state to
154 retain permanent conservation easements over the
155 state-owned land and all or a portion of the privately
156 held land; requiring the division to submit requests



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157 to the Acquisition and Restoration Council for review
158 and recommendation or to the board of trustees with
159 recommendations from the division and the council;
160 review requests and provide recommendations to the
161 Acquisition and Restoration Council; providing
162 applicability; directing the board of trustees to
163 consider a request if certain conditions are met;
164 providing special consideration for certain requests;
165 providing that such lands are subject to inspection;
166 amending s. 253.782, F.S.; deleting a provision
167 directing the Department of Environmental Protection
168 to retain ownership of and maintain lands or interests
169 in land owned by the board of trustees; amending s.
170 253.7821, F.S.; assigning the Cross Florida Greenways
171 State Recreation and Conservation Area to the
172 Department of Environmental Protection rather than the
173 Office of Greenways Management within the Office of
174 the Secretary; creating s. 253.87, F.S.; directing the
175 Department of Environmental Protection to include
176 certain county, municipal, state, and federal lands in
177 the Florida State-Owned Lands and Records Information
178 System (SOLARIS) database and to update the database
179 at specified intervals; requiring counties,
180 municipalities, and financially disadvantaged small
181 communities to submit a list of certain lands to the
182 department by a specified date and at specified



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183 intervals; directing the department to conduct a study
184 and submit a report to the Governor and the
185 Legislature on the technical and economic feasibility
186 of including certain lands in the database or a
187 similar public lands inventory; amending s. 259.01,
188 F.S.; renaming the "Land Conservation Act of 1972" as
189 the "Land Conservation Program"; repealing s. 259.02,
190 F.S., relating to issuance of state bonds for certain
191 land projects; amending s. 259.032, F.S.; conforming
192 cross-references; revising provisions relating to the
193 management of conservation and recreation lands to
194 conform with changes made by the act; revising duties
195 of the Acquisition and Restoration Council; amending
196 s. 259.035, F.S.; requiring recipients of funds from
197 the Land Acquisition Trust Fund to annually report
198 certain performance measures to the Department of
199 Environmental Protection rather than the Division of
200 State Lands; amending s. 259.036, F.S.; revising the
201 composition of the regional land management review
202 team; providing for the Department of Environmental
203 Protection rather than the Division of State Lands to
204 act as the review team coordinator; revising
205 requirements for conservation and recreation land
206 management reviews and plans; amending s. 259.037,
207 F.S.; removing the director of the Office of Greenways
208 and Trails from the Land Management Uniform Accounting



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209 Council; repealing s. 259.041(1)-(6) and (8)-(19),
210 F.S., relating to the acquisition of state-owned lands
211 for preservation, conservation, and recreation
212 purposes; amending s. 259.047, F.S.; revising
213 provisions relating to the acquisition of land on
214 which an agricultural lease exists to conform with
215 changes made by the act; amending s. 259.101, F.S.;
216 conforming cross-references; revising provisions
217 relating to alternate use of lands acquired under the
218 Florida Preservation 2000 Act to conform with changes
219 made by the act; deleting provisions for alternatives
220 to fee simple acquisition of such lands to conform
221 with changes made by the act; amending s. 259.105,
222 F.S.; deleting provisions requiring the advancement of
223 certain goals and objectives of imperiled species
224 management on state lands to conform with changes made
225 by the act; conforming cross-references; revising
226 provisions directing the Acquisition and Restoration
227 Council to give increased priority to certain projects
228 when developing proposed rules relating to Florida
229 Forever funding and additions to the Conservation and
230 Recreation Lands list; deleting provisions requiring
231 that such rules be submitted to the Legislature for
232 review; amending s. 259.1052, F.S.; deleting
233 provisions authorizing the Department of Environmental
234 Protection to distribute revenues from the Florida



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235 Forever Trust Fund for the acquisition of a portion of
 236 Babcock Crescent B Ranch; amending s. 373.089, F.S.;

237 extending the time within which a certified appraisal
 238 may be obtained for lands to be sold as surplus;

239 revising the procedures that a water management
 240 district must follow for publishing a notice of
 241 intention to sell surplus lands; authorizing the
 242 governing board of a water management district to sell
 243 certain lands acquired with Florida Forever funds
 244 without first offering title to the lands to the Board
 245 of Trustees of the Internal Improvement Trust Fund;

246 authorizing the governing board of a water management
 247 district to sell parcels of land no longer needed for
 248 conservation purposes and valued at or below a
 249 specified threshold as surplus; requiring certain
 250 notice before the sale of such parcels; providing
 251 procedures for the sale of such parcels; creating s.
 252 570.715, F.S., and transferring, renumbering, and
 253 amending s. 259.04(7), F.S.; providing procedures for
 254 the acquisition of conservation easements by the
 255 Department of Agriculture and Consumer Services;

256 amending ss. 73.015, 125.355, 166.045, 215.82,
 257 215.965, 253.027, 253.7824, 260.015, 260.016, 369.317,
 258 373.139, 375.031, 375.041, 380.05, 380.055, 380.508,
 259 589.07, 944.10, 957.04, 985.682, and 1013.14, F.S.;

260 conforming cross-references; providing an



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261 appropriation and authorizing positions; providing an
262 effective date.

263

264 Be It Enacted by the Legislature of the State of Florida:

265

266 Section 1. Section 327.45, Florida Statutes, is created to
267 read:

268 327.45 Protection zones for springs.-

269 (1) As used in this section, the term "navigable waters of
270 the United States" means the waters of the United States,
271 including the territorial seas, as referenced in the Clean Water
272 Act, 33 U.S.C. ss. 1251 et seq., and the federal rules and
273 regulations promulgated thereunder.

274 (2) The commission may establish by rule protection zones
275 that restrict the speed and operation of vessels to protect and
276 prevent harm to springs. This harm includes negative impacts to
277 water quality, water quantity, hydrology, wetlands, and aquatic
278 and wetland-dependent species.

279 (3) When developing a protection zone, the commission
280 shall do so in consultation and coordination with the water
281 management district, the Department of Environmental Protection,
282 and the governing bodies of the county and municipality, if
283 applicable, in which the zone is located. If the zone includes
284 navigable waters of the United States, the commission shall
285 additionally coordinate with the United States Coast Guard and
286 the United States Army Corps of Engineers.



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287 (4) Any individual who operates a vessel in violation of a
288 spring protection zone rule adopted pursuant to this section
289 shall be charged on a uniform boating citation as provided in s.
290 327.74 and is subject to the penalties provided in s.
291 327.73(1)(y).

292 (5) Restrictions in a protection zone do not apply:

293 (a) To law enforcement, firefighting, or rescue personnel
294 operating a vessel in the course of performing their official
295 duties; or

296 (b) In emergency situations. However, the emergency
297 operation of a vessel must be a reasonable response given the
298 circumstances.

299 (6) The commission is responsible for the posting and
300 maintenance of regulatory markers identifying protection zones.

301 (7) The commission may adopt rules to implement this
302 section.

303 Section 2. Paragraph (y) is added to subsection (1) of
304 section 327.73, Florida Statutes, to read:

305 327.73 Noncriminal infractions.—

306 (1) Violations of the following provisions of the vessel
307 laws of this state are noncriminal infractions:

308 (y) Section 327.45, relating to protection zones for
309 springs, for which the penalty is:

310 1. For a first offense, \$50.

311 2. For a second offense occurring within 12 months after a
312 prior conviction, \$250.



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313 3. For a third offense occurring within 36 months after a
314 prior conviction, \$500.

315 4. For a fourth or subsequent offense occurring within 72
316 months after a prior conviction, \$1,000.

317
318 Any person cited for a violation of any provision of this
319 subsection shall be deemed to be charged with a noncriminal
320 infraction, shall be cited for such an infraction, and shall be
321 cited to appear before the county court. The civil penalty for
322 any such infraction is \$50, except as otherwise provided in this
323 section. Any person who fails to appear or otherwise properly
324 respond to a uniform boating citation shall, in addition to the
325 charge relating to the violation of the boating laws of this
326 state, be charged with the offense of failing to respond to such
327 citation and, upon conviction, be guilty of a misdemeanor of the
328 second degree, punishable as provided in s. 775.082 or s.
329 775.083. A written warning to this effect shall be provided at
330 the time such uniform boating citation is issued.

331 Section 3. Subsection (1) of section 327.731, Florida
332 Statutes, is amended to read:

333 327.731 Mandatory education for violators.—

334 (1) A person convicted of a criminal violation under this
335 chapter, convicted of a noncriminal infraction under this
336 chapter if the infraction resulted in a reportable boating
337 accident, or convicted of two noncriminal infractions as
338 specified in s. 327.73(1)(h)-(k), (m), (o), (p), and (s)-(y)



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339 ~~(s)-(*)~~, said infractions occurring within a 12-month period,
340 must:

341 (a) Enroll in, attend, and successfully complete, at his
342 or her own expense, a classroom or online boating safety course
343 that is approved by and meets the minimum standards established
344 by commission rule;

345 (b) File with the commission within 90 days proof of
346 successful completion of the course; and

347 (c) Refrain from operating a vessel until he or she has
348 filed proof of successful completion of the course with the
349 commission.

350 Section 4. Section 253.025, Florida Statutes, is amended
351 to read:

352 253.025 Acquisition of state lands ~~for purposes other than~~
353 ~~preservation, conservation, and recreation.~~-

354 (1) (a) ~~Neither~~ The Board of Trustees of the Internal
355 Improvement Trust Fund or ~~nor~~ its duly authorized agent may not
356 ~~shall~~ commit the state, through any instrument of negotiated
357 contract or agreement for purchase, to the purchase of lands
358 with or without appurtenances unless ~~the provisions of~~ this
359 section has ~~have~~ been fully complied with.

360 (b) Except for the requirements of subsections (4), (11),
361 and (22), if the public's interest is reasonably protected, the
362 board of trustees may:

- 363 1. Waive any requirements of this section.
364 2. Waive any rules adopted pursuant to this section,



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365 notwithstanding chapter 120.

366 3. Substitute other reasonably prudent procedures.

367 (c) ~~However,~~ The board of trustees may also substitute
368 federally mandated acquisition procedures for the provisions of
369 this section if ~~when~~ federal funds are available and will be
370 used ~~utilized~~ for the purchase of lands, title to which will
371 vest in the board of trustees, and qualification for such
372 federal funds requires compliance with federally mandated
373 acquisition procedures.

374 (d) Notwithstanding ~~any provisions in~~ this section ~~to the~~
375 ~~contrary,~~ if lands are being acquired by the board of trustees
376 for the anticipated sale, conveyance, or transfer to the Federal
377 Government pursuant to a joint state and federal acquisition
378 project, the board of trustees may use appraisals obtained by
379 the Federal Government in the acquisition of such lands. The
380 board of trustees may waive any provision of this section when
381 land is being conveyed from a state agency to the board.

382 (e) The title to lands acquired pursuant to this section
383 shall vest in the board of trustees pursuant to s. 253.03(1)
384 unless otherwise provided by law, and all such titled lands
385 shall be administered pursuant to s. 253.03.

386 (2) Before ~~Prior to~~ any state agency initiates ~~initiating~~
387 any land acquisition, except for ~~as pertains to~~ the purchase of
388 property for transportation facilities and transportation
389 corridors and property for borrow pits for road building
390 purposes, the agency shall coordinate with the Division of State



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391 Lands to determine the availability of existing, suitable state-
392 owned lands in the area and the public purpose for which the
393 acquisition is being proposed. If the state agency determines
394 that no suitable state-owned lands exist, the state agency may
395 proceed to acquire such lands by employing all available
396 statutory authority for acquisition.

397 (3) The board of trustees is authorized to adopt rules to
398 implement this section, including rules governing the terms and
399 conditions of land purchases. The rules shall address, with
400 specificity, but need not be limited to:

401 (a) The procedures to be followed in the acquisition
402 process, including selection of appraisers, surveyors, title
403 agents, and closing agents, and the content of appraisal
404 reports.

405 (b) The determination of the value of parcels which the
406 state has an interest in acquiring.

407 (c) Special requirements when multiple landowners are
408 involved in an acquisition.

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

411 (4) An agreement to acquire real property for the purposes
412 described in this chapter, chapter 259, chapter 260, or chapter
413 375, title to which will vest in the board of trustees, may not
414 bind the state before the agreement is reviewed and approved by
415 the Department of Environmental Protection as complying with
416 this section and any rules adopted pursuant to this section. If



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417 any of the following conditions exist, the agreement shall be
418 submitted to and approved by the board of trustees:

419 (a) The purchase price agreed to by the seller exceeds the
420 value as established pursuant to the rules of the board of
421 trustees;

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

424 (c) The acquisition is the initial purchase in a Florida
425 Forever project; or

426 (d) Other conditions that the board of trustees may adopt
427 by rule. Such conditions may include, but are not limited to,
428 Florida Forever projects when title to the property being
429 acquired is considered nonmarketable or is encumbered in such a
430 way as to significantly affect its management.

431
432 If approval of the board of trustees is required pursuant to
433 this subsection, the acquiring agency must provide a
434 justification as to why it is in the public's interest to
435 acquire the parcel or Florida Forever project. Approval of the
436 board of trustees is also required for Florida Forever projects
437 the department recommends acquiring pursuant to subsections (11)
438 and (22). Review and approval of agreements for acquisitions for
439 Florida Greenways and Trails Program properties pursuant to
440 chapter 260 may be waived by the department in any contract with
441 nonprofit corporations that have agreed to assist the department
442 with this program. If the contribution of the acquiring agency



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443 exceeds \$100 million in any one fiscal year, the agreement shall
444 be submitted to and approved by the Legislative Budget
445 Commission.

446 (5)~~(3)~~ Land acquisition procedures provided for in this
447 section are for voluntary, negotiated acquisitions.

448 (6)~~(4)~~ For the purposes of this section, the term
449 "negotiations" does not include preliminary contacts with the
450 property owner to determine the availability of the property,
451 existing appraisal data, existing abstracts, and surveys.

452 (7)~~(5)~~ Evidence of marketable title shall be provided by
453 the landowner before ~~prior to~~ the conveyance of title, as
454 provided in the final agreement for purchase. Such evidence of
455 marketability shall be in the form of title insurance or an
456 abstract of title with a title opinion. The board of trustees
457 may waive the requirement that the landowner provide evidence of
458 marketable title, and, in such case, the acquiring agency shall
459 provide evidence of marketable title. The board of trustees or
460 its designee may waive the requirement of evidence of
461 marketability for acquisitions of property assessed by the
462 county property appraiser at \$10,000 or less, if ~~where~~ the
463 Division of State Lands finds, based upon such review of the
464 title records as is reasonable under the circumstances, that
465 there is no apparent impediment to marketability, or to
466 management of the property by the state.

467 (8)~~(6)~~ Before approval by the board of trustees, or, when
468 applicable, the Department of Environmental Protection, of any



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469 agreement to purchase land pursuant to this chapter, chapter
470 259, chapter 260, or chapter 375, and before ~~Prior to~~
471 negotiations with the parcel owner to purchase any other land
472 ~~pursuant to this section~~, title to which will vest in the board
473 of trustees, an appraisal of the parcel shall be required as
474 follows:

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

478 (b) ~~(a)~~ Each parcel to be acquired shall have at least one
479 appraisal. Two appraisals are required when the estimated value
480 of the parcel exceeds \$1 million. However, if both appraisals
481 exceed \$1 million and differ significantly, a third appraisal
482 may be obtained. If ~~When~~ a parcel is estimated to be worth
483 \$100,000 or less and the director of the Division of State Lands
484 finds that the cost of an outside appraisal is not justified, a
485 comparable sales analysis, an appraisal prepared by the
486 division, or other reasonably prudent procedures may be used by
487 the division to estimate the value of the parcel, provided the
488 public's interest is reasonably protected. The state is not
489 required to appraise the value of lands and appurtenances that
490 are being donated to the state.

491 (c) ~~(b)~~ Appraisal fees and associated costs shall be paid
492 by the agency proposing the acquisition. ~~The board of trustees~~
493 ~~shall approve qualified fee appraisal organizations.~~ All
494 appraisals used for the acquisition of lands pursuant to this



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495 section shall be prepared by a ~~member of an approved appraisal~~
 496 ~~organization or by a~~ state-certified appraiser. The board of
 497 trustees shall adopt rules for selecting individuals to perform
 498 appraisals pursuant to this section. Each fee appraiser selected
 499 to appraise a particular parcel shall, before ~~prior to~~
 500 contracting with the agency or a participant in a multiparty
 501 agreement, submit to the ~~that~~ agency an affidavit substantiating
 502 that he or she has no vested or fiduciary interest in such
 503 parcel.

504 (d) The fee appraiser and the review appraiser for the
 505 agency may not act in any manner that may be construed as
 506 negotiating with the owner of a parcel proposed for acquisition.

507 (e) ~~(e)~~ The board of trustees shall adopt by rule the
 508 minimum criteria, techniques, and methods to be used in the
 509 preparation of appraisal reports. Such rules shall incorporate,
 510 to the extent practicable, generally accepted appraisal
 511 standards. Any appraisal issued for acquisition of lands
 512 pursuant to this section must comply with the rules adopted by
 513 the board of trustees. A certified survey must be made which
 514 meets the minimum requirements for upland parcels established in
 515 the ~~Minimum Technical~~ Standards of Practice for Land Surveying
 516 in Florida published by the Department of Agriculture and
 517 Consumer Services ~~Business and Professional Regulation~~ and which
 518 accurately portrays, to the greatest extent practicable, the
 519 condition of the parcel as it currently exists. The requirement
 520 for a certified survey may, in part or in whole, be waived by



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521 the board of trustees any time before ~~prior to~~ submitting the
522 agreement for purchase to the Division of State Lands. When an
523 existing boundary map and description of a parcel are determined
524 by the division to be sufficient for appraisal purposes, the
525 division director may temporarily waive the requirement for a
526 survey until any time before ~~prior to~~ conveyance of title to the
527 parcel. ~~The fee appraiser and the review appraiser for the~~
528 ~~agency shall not act in any way that may be construed as~~
529 ~~negotiating with the property owner.~~

530 (f) ~~(d)~~ Appraisal reports are confidential and exempt from
531 ~~the provisions of s. 119.07(1), for use by the agency and the~~
532 ~~board of trustees, until an option contract is executed or, if~~
533 ~~no option contract is executed, until 2 weeks before a contract~~
534 ~~or agreement for purchase is considered for approval by the~~
535 ~~board of trustees. The Department of Environmental Protection~~
536 ~~may disclose appraisal reports to private landowners during~~
537 ~~negotiations for acquisitions using alternatives to fee simple~~
538 ~~techniques, if the department determines that disclosure of such~~
539 ~~reports will bring the proposed acquisition to closure. However,~~
540 ~~the private landowner must agree to maintain the confidentiality~~
541 ~~of the reports or information. However, The department ~~Division~~
542 ~~of State Lands~~ may also disclose appraisal information to public
543 agencies or nonprofit organizations that agree to maintain the
544 confidentiality of the reports or information when joint
545 acquisition of property is contemplated, or when a public agency
546 or nonprofit organization enters into a written agreement with~~



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547 the department ~~division~~ to purchase and hold property for
548 subsequent resale to the board of trustees ~~division~~. In
549 addition, the department ~~division~~ may use, as its own,
550 appraisals obtained by a public agency or nonprofit
551 organization, if provided the appraiser is selected from the
552 department's ~~division's~~ list of appraisers and the appraisal is
553 reviewed and approved by the department ~~division~~. For the
554 purposes of this paragraph, the term "nonprofit organization"
555 means an organization that ~~whose purpose is the preservation of~~
556 ~~natural resources, and which~~ is exempt from federal income tax
557 under s. 501(c) (3) of the Internal Revenue Code and, for
558 purposes of the acquisition of conservation lands, an
559 organization whose purpose must include the preservation of
560 natural resources. The agency may release an appraisal report
561 when the passage of time has rendered the conclusions of value
562 in the report invalid or when the acquiring agency has
563 terminated negotiations.

564 (g) (e) ~~Before~~ Prior to acceptance of an appraisal, the
565 agency shall submit a copy of such report to the division ~~of~~
566 ~~State Lands~~. The division shall review such report for
567 compliance with the rules of the board ~~of trustees~~. Any
568 questions of applicability of laws affecting an appraisal shall
569 be addressed by the legal office of the agency.

570 (h) (f) The appraisal report shall be accompanied by the
571 sales history of the parcel for at least the previous ~~prior~~ 5
572 years. Such sales history shall include all parties and



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573 considerations with the amount of consideration verified, if
574 possible. If a sales history would not be useful, or it is its
575 cost prohibitive compared to the value of a parcel, the sales
576 history may be waived by the board of trustees. The board of
577 trustees shall adopt a rule specifying guidelines for waiver of
578 a sales history.

579 (i)~~(g)~~ The board of trustees may consider an appraisal
580 acquired by a seller, or any part thereof, in negotiating to
581 purchase a parcel, but such appraisal may not be used in lieu of
582 an appraisal required by this subsection or to determine the
583 maximum offer allowed by law.

584 (j)1. The board of trustees shall adopt by rule the method
585 for determining the value of parcels sought to be acquired by
586 state agencies pursuant to this section. An offer by a state
587 agency may not exceed the value for that parcel as determined
588 pursuant to the highest approved appraisal or the value
589 determined pursuant to the rules of the board of trustees,
590 whichever value is less.

591 2. For a joint acquisition by a state agency and a local
592 government or other entity apart from the state, the joint
593 purchase price may not exceed 150 percent of the value for a
594 parcel as determined in accordance with the limits in
595 subparagraph 1. The state agency share of a joint purchase offer
596 may not exceed what the agency may offer singly pursuant to
597 subparagraph 1.

598 3. This paragraph does not apply to the acquisition of



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599 historically unique or significant property as determined by the
600 Division of Historical Resources of the Department of State.

601
602 Notwithstanding this subsection, on behalf of the board of
603 trustees and before the appraisal of parcels approved for
604 purchase under this chapter or chapter 259, the Secretary of
605 Environmental Protection or the director of the Division of
606 State Lands may enter into option contracts to buy such parcels.
607 Any such option contract shall state that the final purchase
608 price is subject to approval by the board of trustees or, if
609 applicable, the Secretary of Environmental Protection, and that
610 the final purchase price may not exceed the maximum offer
611 allowed by law. Any such option contract presented to the board
612 of trustees for final purchase price approval shall explicitly
613 state that payment of the final purchase price is subject to an
614 appropriation from the Legislature. The consideration for such
615 an option may not exceed \$1,000 or 0.01 percent of the estimate
616 by the department of the value of the parcel, whichever amount
617 is greater.

618 (9)~~(7)~~(a) When the owner is represented by an agent or
619 broker, negotiations may not be initiated or continued until a
620 written statement verifying such agent's or broker's legal or
621 fiduciary relationship with the owner is on file with the
622 agency.

623 (b) The board of trustees or any state agency may contract
624 for real estate acquisition services, including, but not limited



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625 to, contracts for real estate commission fees, surveying,
626 mapping, environmental audits, title work, and legal and other
627 professional assistance to review acquisition agreements and
628 other documents and to perform acquisition closings. However,
629 the Department of Environmental Protection may use outside
630 counsel to review any agreements or documents or to perform
631 acquisition closings unless department staff can conduct the
632 same activity in 15 days or less.

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

636 (d) All offers or counteroffers shall be documented in
637 writing and shall be confidential and exempt from ~~the provisions~~
638 ~~of~~ s. 119.07(1) until an option contract is executed, or if no
639 option contract is executed, until 2 weeks before a contract or
640 agreement for purchase is considered for approval by the board
641 of trustees. The agency shall maintain complete and accurate
642 records of all offers and counteroffers for all projects.

643 ~~(e)1. The board of trustees shall adopt by rule the method~~
644 ~~for determining the value of parcels sought to be acquired by~~
645 ~~state agencies pursuant to this section. No offer by a state~~
646 ~~agency, except an offer by an agency acquiring lands pursuant to~~
647 ~~s. 259.041, may exceed the value for that parcel as determined~~
648 ~~pursuant to the highest approved appraisal or the value~~
649 ~~determined pursuant to the rules of the board of trustees,~~
650 ~~whichever value is less.~~



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651 ~~2. In the case of a joint acquisition by a state agency~~
652 ~~and a local government or other entity apart from the state, the~~
653 ~~joint purchase price may not exceed 150 percent of the value for~~
654 ~~a parcel as determined in accordance with the limits prescribed~~
655 ~~in subparagraph 1. The state agency share of a joint purchase~~
656 ~~offer may not exceed what the agency may offer singly as~~
657 ~~prescribed by subparagraph 1.~~

658 ~~3. The provisions of this paragraph do not apply to the~~
659 ~~acquisition of historically unique or significant property as~~
660 ~~determined by the Division of Historical Resources of the~~
661 ~~Department of State.~~

662 ~~(e)~~(f) When making an offer to a landowner, a state agency
663 shall consider the desirability of a single cash payment in
664 relation to the maximum offer allowed by law.

665 ~~(f)~~(g) The state shall have the authority to reimburse the
666 owner for the cost of the survey when deemed appropriate. The
667 reimbursement is ~~shall~~ not be considered a part of the purchase
668 price.

669 ~~(g)~~(h) A final offer shall be in the form of an option
670 contract or agreement for purchase and shall be signed and
671 attested to by the owner and the representative of the agency.
672 Before the agency executes the option contract or agreement for
673 purchase, the contract or agreement shall be reviewed for form
674 and legality by legal staff of the agency. Before the agency
675 signs the agreement for purchase or exercises the option
676 contract, the provisions of s. 286.23 shall be complied with.



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677 Within 10 days after the signing of the agreement for purchase,
678 the state agency shall furnish the Department of Environmental
679 Protection Division ~~Division of State Lands~~ with the original of the
680 agreement for purchase along with copies of the disclosure
681 notice, evidence of marketability, the accepted appraisal
682 report, the fee appraiser's affidavit, a statement that the
683 inventory of existing state-owned lands was examined and
684 contained no available suitable land in the area, and a
685 statement outlining the public purpose for which the acquisition
686 is being made and the statutory authority therefor.

687 (h) ~~(i)~~ Within 45 days after ~~of~~ receipt by the Department
688 of Environmental Protection Division ~~Division of State Lands~~ of the
689 agreement for purchase and the required documentation, the board
690 of trustees or, if ~~when~~ the purchase price does not exceed
691 \$100,000, its designee shall ~~either~~ reject or approve the
692 agreement. An approved agreement for purchase is binding on both
693 parties. Any agreement which has been disapproved shall be
694 returned to the agency, along with a statement as to the
695 deficiencies of the agreement or the supporting documentation.
696 An agreement for purchase which has been disapproved by the
697 board of trustees may be resubmitted when such deficiencies have
698 been corrected.

699 (10) ~~(8)~~ (a) A ~~No~~ dedication, gift, grant, or bequest of
700 lands and appurtenances may not be accepted by the board of
701 trustees until the receiving state agency supplies sufficient
702 evidence of marketability of title. The board of trustees may



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703 not accept by dedication, gift, grant, or bequest any lands and
704 appurtenances that are determined as being owned by the state
705 ~~either~~ in fee or by virtue of the state's sovereignty or which
706 are so encumbered so as to preclude the use of such lands and
707 appurtenances for any reasonable public purpose. The board of
708 trustees may accept a dedication, gift, grant, or bequest of
709 lands and appurtenances without formal evidence of
710 marketability, or when the title is nonmarketable, if the board
711 or its designee determines that such lands and appurtenances
712 have value and are reasonably manageable by the state, and that
713 their acceptance would serve the public interest. The state is
714 not required to appraise the value of such donated lands and
715 appurtenances as a condition of receipt.

716 (b) A ~~No~~ deed filed in the public records to donate lands
717 to the board of trustees does not ~~of the Internal Improvement~~
718 ~~Trust Fund shall be construed to~~ transfer title to or vest title
719 in the board of trustees unless ~~there shall also be filed in the~~
720 ~~public records,~~ a document indicating that the board of trustees
721 has agreed to accept the transfer of title to such donated lands
722 is also filed in the public records.

723 (c) Notwithstanding any other provision of law, the
724 maximum value of a parcel to be purchased by the board of
725 trustees as determined by the highest approved appraisal or as
726 determined pursuant to the rules of the board of trustees may
727 not be increased or decreased as a result of a change in zoning
728 or permitted land uses, or changes in market forces or prices



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729 that occur within 1 year after the date the Department of
730 Environmental Protection or the board of trustees approves a
731 contract to purchase the parcel.

732 (11) Notwithstanding this section, the board of trustees,
733 by an affirmative vote of at least three members, voting at a
734 regularly scheduled and advertised meeting, may direct the
735 Department of Environmental Protection to exercise the power of
736 eminent domain pursuant to chapters 73 and 74 to acquire any
737 conservation parcel identified on the acquisition list
738 established by the Acquisition and Restoration Council and
739 approved by the board of trustees pursuant to chapter 259.
740 However, the board of trustees may only make such a vote under
741 the following circumstances:

742 (a) The state has made at least two bona fide offers to
743 purchase the land through negotiation and, notwithstanding those
744 offers, an impasse between the state and the landowner was
745 reached.

746 (b) The land is of special importance to the state because
747 of one or more of the following reasons:

748 1. It involves an endangered or natural resource and is in
749 imminent danger of development.

750 2. It is of unique value to the state and the failure to
751 acquire it will result in irreparable loss to the state.

752 3. The failure of the state to acquire it will seriously
753 impair the state's ability to manage or protect other state-
754 owned lands.



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755
756 Pursuant to this subsection, the department may exercise
757 condemnation authority directly or by contracting with the
758 Department of Transportation or a water management district to
759 provide that service. If the Department of Transportation or a
760 water management district enters into such a contract with the
761 department, the Department of Transportation or a water
762 management district may use statutorily approved methods and
763 procedures ordinarily used by the agency for condemnation
764 purposes.

765 (12)~~(9)~~ Any conveyance to the board of trustees of fee
766 title shall be made by no less than a special warranty deed,
767 unless the conveyance is from the Federal Government, the county
768 government, or another state agency or, in the event of a gift
769 or donation by quitclaim deed, if the board of trustees, or its
770 designee, determines that the acceptance of such quitclaim deed
771 is in the best interest of the public. A quitclaim deed may also
772 be accepted to aid in clearing title or boundary questions. ~~The~~
773 ~~title to lands acquired pursuant to this section shall vest in~~
774 ~~the board of trustees as provided in s. 253.03(1). All such~~
775 ~~lands, title to which is vested in the board pursuant to this~~
776 ~~section, shall be administered pursuant to the provisions of s.~~
777 ~~253.03.~~

778 (13)~~(10)~~ The board of trustees may purchase tax
779 certificates or tax deeds issued in accordance with chapter 197
780 relating to property eligible for purchase under this section.



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781 (14)~~(11)~~ The Auditor General shall conduct audits of
 782 acquisitions and divestitures which, according to his or her
 783 preliminary assessments of board-approved acquisitions and
 784 divestitures, he or she deems necessary. These preliminary
 785 assessments shall be initiated not later than 60 days after
 786 ~~following~~ the board of trustees' final approval ~~by the board~~ of
 787 land acquisitions under this section. If an audit is conducted,
 788 the Auditor General shall submit an audit report to the board of
 789 trustees, the President of the Senate, the Speaker of the House
 790 of Representatives, and their designees.

791 (15)~~(12)~~ The board of trustees and all affected agencies
 792 shall adopt and may modify or repeal such rules and regulations
 793 as are necessary to carry out ~~the purposes of~~ this section,
 794 including rules governing the terms and conditions of land
 795 purchases. Such rules shall address the procedures to be
 796 followed, when multiple landowners are involved in an
 797 acquisition, in obtaining written option agreements so that the
 798 interests of the state are fully protected.

799 (16)~~(13)~~ (a) The board of trustees ~~of the Internal~~
 800 ~~Improvement Trust Fund~~ may deed property to the Department of
 801 Agriculture and Consumer Services, so that the Department of
 802 Agriculture and Consumer Services is ~~department shall be~~ able to
 803 sell, convey, transfer, exchange, trade, or purchase land on
 804 which a forestry facility resides for money or other more
 805 suitable property on which to relocate the facility. Any sale or
 806 purchase of property by the Department of Agriculture and



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807 Consumer Services shall follow the requirements of subsections
808 (7)-(10) and (12) ~~(5)-(9)~~. Any sale shall be at fair market
809 value, and any trade shall ensure that the state is getting at
810 least an equal value for the property. Except as provided in
811 subsections (7)-(10) and (12) ~~(5)-(9)~~, the Department of
812 Agriculture and Consumer Services is excluded from following the
813 provisions of this chapter and chapters 259 and 375. This
814 exclusion does ~~shall~~ not apply to lands acquired for
815 conservation purposes in accordance with s. 253.0341(1) or (2)
816 ~~253.034(6) (a) or (b)~~.

817 (b) In the case of a sale by the Department of Agriculture
818 and Consumer Services of a forestry facility, the proceeds of
819 the sale shall be deposited ~~go~~ into the Department of
820 Agriculture and Consumer Services Incidental Trust Fund. The
821 Legislature may, at the request of the Department of Agriculture
822 and Consumer Services ~~department~~, appropriate such money within
823 the trust fund to the Department of Agriculture and Consumer
824 Services ~~department~~ for purchase of land and construction of a
825 facility to replace the disposed facility. All proceeds other
826 than land from any sale, conveyance, exchange, trade, or
827 transfer conducted pursuant to ~~as provided for in~~ this
828 subsection shall be deposited into ~~placed within~~ the Department
829 of Agriculture and Consumer Services ~~department's~~ Incidental
830 Trust Fund.

831 (c) Additional funds may be added from time to time by the
832 Legislature to further the relocation and construction of



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833 forestry facilities. ~~If In the instance where~~ an equal trade of
834 land occurs, money from the trust fund may be appropriated for
835 building construction even though no money was received from the
836 trade.

837 (17)~~(14)~~ Any agency that acquires land on behalf of the
838 board of trustees is authorized to request disbursement of
839 payments for real estate closings in accordance with a written
840 authorization from an ultimate beneficiary to allow a third
841 party authorized by law to receive such payment provided the
842 Chief Financial Officer determines that such disbursement is
843 consistent with good business practices and can be completed in
844 a manner minimizing costs and risks to the state.

845 (18)~~(15)~~ Pursuant to s. 944.10, the Department of
846 Corrections is responsible for obtaining appraisals and entering
847 into option agreements and agreements for the purchase of state
848 correctional facility sites. An option agreement or agreement
849 for purchase is not binding upon the state until it is approved
850 by the board of trustees ~~of the Internal Improvement Trust Fund~~.
851 The provisions of paragraphs (8) (c), (e), and (f) and (9) (b),
852 (c), and (d) ~~(6) (b), (c), and (d) and (7) (b), (c), and (d)~~ apply
853 to all appraisals, offers, and counteroffers of the Department
854 of Corrections for state correctional facility sites.

855 (19)~~(16)~~ Many parcels of land acquired pursuant to this
856 section may contain cattle-dipping vats as defined in s.
857 376.301. The state is encouraged to continue with the
858 acquisition of such lands, including any ~~the~~ cattle-dipping vats



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859 ~~vat.~~

860 (20)~~(17)~~ Pursuant to s. 985.682, the Department of
861 Juvenile Justice is responsible for obtaining appraisals and
862 entering into option agreements and agreements for the purchase
863 of state juvenile justice facility sites. An option agreement or
864 agreement for purchase is not binding upon the state until it is
865 approved by the board of trustees ~~of the Internal Improvement~~
866 ~~Trust Fund~~. The provisions of paragraphs (8) (c), (e), and (f)
867 and (9) (b), (c), and (d) ~~(6) (b), (c), and (d) and (7) (b), (c),~~
868 ~~and (d)~~ apply to all appraisals, offers, and counteroffers of
869 the Department of Juvenile Justice for state juvenile justice
870 facility sites.

871 (21)~~(18)~~ The board of trustees may acquire, pursuant to s.
872 288.980(2) (b), nonconservation lands from the annual list
873 submitted by the Department of Economic Opportunity for the
874 purpose of buffering a military installation against
875 encroachment.

876 (22) The board of trustees, by an affirmative vote of at
877 least three members, may direct the department to purchase lands
878 on an immediate basis using up to 15 percent of the funds
879 allocated to the department pursuant to s. 259.105 for the
880 acquisition of lands that:

881 (a) Are listed or placed at auction by the Federal
882 Government as part of the Resolution Trust Corporation sale of
883 lands from failed savings and loan associations;

884 (b) Are listed or placed at auction by the Federal



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885 Government as part of the Federal Deposit Insurance Corporation
886 sale of lands from failed banks; or

887 (c) Will be developed or otherwise lost to potential
888 public ownership, or for which federal matching funds will be
889 lost, by the time the land can be purchased under the program
890 within which the land is listed for acquisition.

891
892 For such acquisitions, the board of trustees may waive or modify
893 all procedures required for land acquisition pursuant to this
894 chapter and all competitive bid procedures required pursuant to
895 chapters 255 and 287. Lands acquired pursuant to this subsection
896 must, at the time of purchase, be on one of the acquisition
897 lists established pursuant to chapter 259, or be essential for
898 water resource development, protection, or restoration, or a
899 significant portion of the lands must contain natural
900 communities or plant or animal species that are listed by the
901 Florida Natural Areas Inventory as critically imperiled,
902 imperiled, or rare, or as excellent quality occurrences of
903 natural communities.

904 (23) Title to lands to be held jointly by the board of
905 trustees and a water management district and acquired pursuant
906 to s. 373.139 may be deemed to meet the standards necessary for
907 ownership by the board of trustees, notwithstanding this section
908 or related rules.

909 Section 5. Section 253.0251, Florida Statutes, is created
910 to read:



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911 | 253.0251 Alternatives to fee simple acquisition.—
912 | (1) The Legislature finds that:
913 | (a) With the increasing pressures on the natural areas of
914 | this state and on open space suitable for recreational use, the
915 | state must develop creative techniques to maximize the use of
916 | acquisition and management funds.
917 | (b) The state's conservation and recreational land
918 | acquisition agencies should be encouraged to augment their
919 | traditional, fee simple acquisition programs with the use of
920 | alternatives to fee simple acquisition techniques. In addition,
921 | the Legislature finds that generations of private landowners
922 | have been good stewards of their land, protecting or restoring
923 | native habitats and ecosystems to the benefit of the natural
924 | resources of this state, its heritage, and its citizens. The
925 | Legislature also finds that using alternatives to fee simple
926 | acquisition by public land acquisition agencies will achieve the
927 | following public policy goals:
928 | 1. Allow more lands to be brought under public protection
929 | for preservation, conservation, and recreational purposes with
930 | less expenditure of public funds.
931 | 2. Retain, on local government tax rolls, some portion of
932 | or interest in lands which are under public protection.
933 | 3. Reduce long-term management costs by allowing private
934 | property owners to continue acting as stewards of their land,
935 | when appropriate.
936 |



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937 Therefore, it is the intent of the Legislature that public land
938 acquisition agencies develop programs to pursue alternatives to
939 fee simple acquisition and to educate private landowners about
940 such alternatives and the benefits of such alternatives. It is
941 also the intent of the Legislature that a portion of the shares
942 of Florida Forever bond proceeds be used to purchase eligible
943 properties using alternatives to fee simple acquisition.

944 (2) All applications for alternatives to fee simple
945 acquisition projects shall identify, within their acquisition
946 plans, projects that require a full fee simple interest to
947 achieve the public policy goals, together with the reasons full
948 title is determined to be necessary. The state agencies and the
949 water management districts may use alternatives to fee simple
950 acquisition to bring the remaining projects in their acquisition
951 plans under public protection. For purposes of this section, the
952 phrase "alternatives to fee simple acquisition" includes, but is
953 not limited to, purchase of development rights; obtaining
954 conservation easements; obtaining flowage easements; purchase of
955 timber rights, mineral rights, or hunting rights; purchase of
956 agricultural interests or silvicultural interests; fee simple
957 acquisitions with reservations; creating life estates; or any
958 other acquisition technique that achieves the public policy
959 goals listed in subsection (1). It is presumed that a private
960 landowner retains the full range of uses for all the rights or
961 interests in the landowner's land which are not specifically
962 acquired by the public agency. The lands upon which hunting



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963 rights are specifically acquired pursuant to this section shall
964 be available for hunting in accordance with the management plan
965 or hunting regulations adopted by the Fish and Wildlife
966 Conservation Commission, unless the hunting rights are purchased
967 specifically to protect activities on adjacent lands.

968 (3) When developing the acquisition plan pursuant to s.
969 259.105, the Acquisition and Restoration Council may give
970 preference to those less than fee simple acquisitions that
971 provide any public access. However, the Legislature recognizes
972 that public access is not always appropriate for certain less
973 than fee simple acquisitions. Therefore, any proposed less than
974 fee simple acquisition may not be rejected simply because public
975 access would be limited.

976 (4) The Department of Environmental Protection, the
977 Department of Agriculture and Consumer Services, and each water
978 management district shall implement initiatives for using
979 alternatives to fee simple acquisition and to educate private
980 landowners about such alternatives. The Department of
981 Environmental Protection, the Department of Agriculture and
982 Consumer Services, and the water management districts may enter
983 into joint acquisition agreements to jointly fund the purchase
984 of lands using alternatives to fee simple techniques.

985 (5) The Legislature finds that the lack of direct sales
986 comparison information has served as an impediment to successful
987 implementation of alternatives to fee simple acquisition. It is
988 the intent of the Legislature that, in the absence of direct



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989 comparable sales information, appraisals of alternatives to fee
 990 simple acquisitions be based on the difference between the full
 991 fee simple valuation and the value of the interests remaining
 992 with the seller after acquisition.

993 (6) The public agency that has been assigned management
 994 responsibility shall inspect and monitor any less than fee
 995 simple interest according to the terms of the purchase agreement
 996 relating to such interest.

997 (7) For less than fee simple acquisitions pursuant to s.
 998 570.71, the Department of Agriculture and Consumer Services
 999 shall comply with the acquisition procedures set forth in s.
 1000 570.715.

1001 Section 6. Subsection (2), paragraph (c) of subsection
 1002 (7), and subsections (11) and (15) of section 253.03, Florida
 1003 Statutes, are amended to read:

1004 253.03 Board of trustees to administer state lands; lands
 1005 enumerated.—

1006 (2) It is the intent of the Legislature that the board of
 1007 trustees ~~of the Internal Improvement Trust Fund~~ continue to
 1008 receive proceeds from the sale or disposition of the products of
 1009 lands and the sale of lands of which the use and possession are
 1010 not subsequently transferred by appropriate lease or similar
 1011 instrument from the board of trustees to the proper using
 1012 agency. Such using agency shall be entitled to the proceeds from
 1013 the sale of products on, under, growing out of, or connected
 1014 with lands which such using agency holds under lease or similar



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1015 | instrument from the board of trustees. The board of trustees ~~of~~
 1016 | ~~the Internal Improvement Trust Fund~~ is directed and authorized
 1017 | to enter into leases or similar instruments for the use,
 1018 | benefit, and possession of public lands by agencies which may
 1019 | properly use and possess them for the benefit of the state. ~~The~~
 1020 | ~~board of trustees shall adopt by rule an annual administrative~~
 1021 | ~~fee for all existing and future leases or similar instruments,~~
 1022 | ~~to be charged agencies that are leasing land from it. This~~
 1023 | ~~annual administrative fee assessed for all leases or similar~~
 1024 | ~~instruments is to compensate the board for costs incurred in the~~
 1025 | ~~administration and management of such leases or similar~~
 1026 | ~~instruments.~~

1027 | (7)

1028 | (c) Structures which are listed in or are eligible for the
 1029 | National Register of Historic Places or the State Inventory of
 1030 | Historic Places which are over the waters of the state ~~of~~
 1031 | ~~Florida~~ and which have a submerged land lease, or have been
 1032 | grandfathered-in to use sovereignty submerged lands until
 1033 | January 1, 1998, pursuant to former rule 18-21.00405, Florida
 1034 | Administrative Code, as it existed in rule on March 15, 1990,
 1035 | shall have the right to continue such submerged land leases,
 1036 | regardless of the fact that the present landholder is not an
 1037 | adjacent riparian landowner, so long as the lessee maintains the
 1038 | structure in a good state of repair consistent with the
 1039 | guidelines for listing. If the structure is damaged or
 1040 | destroyed, the lessee may ~~shall be allowed to~~ reconstruct, so



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1041 long as the reconstruction is consistent with the integrity of
 1042 the listed structure and does not increase the footprint of the
 1043 structure. If a listed structure ~~so-listed~~ falls into disrepair
 1044 and the lessee is not willing to repair and maintain it
 1045 consistent with its listing, the state may cancel the submerged
 1046 lease and ~~either~~ repair and maintain the property or require
 1047 that the structure be removed from sovereignty submerged lands.

1048 (11) The board of trustees ~~of the Internal Improvement~~
 1049 ~~Trust Fund~~ may adopt rules to provide for the assessment and
 1050 collection of reasonable fees, commensurate with the actual cost
 1051 to the board, for disclaimers, easements, exchanges, gifts,
 1052 leases, releases, or sales of any interest in lands or any
 1053 applications therefor and for reproduction of documents. All
 1054 revenues received from the application fees charged by a water
 1055 management district to process applications that include a
 1056 request to use state lands are to be retained by the water
 1057 management district. The board of trustees shall adopt by rule
 1058 an annual administrative fee for all existing and future leases
 1059 or similar instruments to be charged to agencies that are
 1060 leasing land from the board of trustees. This annual
 1061 administrative fee assessed for all leases or similar
 1062 instruments is to compensate the board of trustees for costs
 1063 incurred in the administration and management of such leases or
 1064 similar instruments.

1065 (15) The board of trustees ~~of the Internal Improvement~~
 1066 ~~Trust Fund~~ shall encourage the use of sovereign submerged lands



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1067 | for public access and water-dependent uses which may include
1068 | related minimal secondary nonwater-dependent uses and public
1069 | access.

1070 | Section 7. Subsections (8) and (9) of section 253.031,
1071 | Florida Statutes, are renumbered as subsections (7) and (8),
1072 | respectively, and present subsections (2) and (7) of that
1073 | section are amended, to read:

1074 | 253.031 Land office; custody of documents concerning land;
1075 | moneys; plats.—

1076 | (2) The board ~~of trustees of the Internal Improvement~~
1077 | ~~Trust Fund~~ shall have custody of, and the department shall
1078 | maintain, all the records, surveys, plats, maps, field notes,
1079 | and patents and all other evidence touching the title and
1080 | description of the public domain.

1081 | ~~(7) The board shall receive all of the tract books, plats,~~
1082 | ~~and such records and papers heretofore kept in the United States~~
1083 | ~~Land Office at Gainesville, Alachua County, as may be~~
1084 | ~~surrendered by the Secretary of the Interior; and the board~~
1085 | ~~shall carefully and safely keep and preserve all of said tract~~
1086 | ~~books, plats, records, and papers as part of the public records~~
1087 | ~~of its office, and at any time allow any duly accredited~~
1088 | ~~authority of the United States, full and free access to any and~~
1089 | ~~all of such tract books, plats, records, and papers, and shall~~
1090 | ~~furnish any duly accredited authority of the United States with~~
1091 | ~~copies of any such records without charge.~~

1092 | Section 8. Section 253.034, Florida Statutes, is amended



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1093 | to read:

1094 | 253.034 State-owned lands; uses.—

1095 | (1) All lands acquired pursuant to chapter 259 shall be

1096 | managed to serve the public interest by protecting and

1097 | conserving land, air, water, and the state's natural resources,

1098 | which contribute to the public health, welfare, and economy of

1099 | the state. These lands shall be managed to provide for areas of

1100 | natural resource based recreation, and to ensure the survival of

1101 | plant and animal species and the conservation of finite and

1102 | renewable natural resources. The state's lands and natural

1103 | resources shall be managed using a stewardship ethic that

1104 | assures these resources will be available for the benefit and

1105 | enjoyment of all people of the state, both present and future.

1106 | It is the intent of the Legislature that, where feasible and

1107 | consistent with the goals of protection and conservation of

1108 | natural resources associated with lands held in the public trust

1109 | by the Board of Trustees of the Internal Improvement Trust Fund,

1110 | public land not designated for single-use purposes pursuant to

1111 | paragraph (2) (b) be managed for multiple-use purposes. All

1112 | multiple-use land management strategies shall address public

1113 | access and enjoyment, resource conservation and protection,

1114 | ecosystem maintenance and protection, and protection of

1115 | threatened and endangered species, and the degree to which

1116 | public-private partnerships or endowments may allow the entity

1117 | with management responsibility to enhance its ability to manage

1118 | these lands. The Acquisition and Restoration Council ~~created in~~



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1119 s. ~~259.035~~ shall recommend rules to the board of trustees, and
1120 the board of trustees shall adopt rules necessary to carry out
1121 the purposes of this section.

1122 (2) As used in this section, the term ~~following phrases~~
1123 ~~have the following meanings:~~

1124 (a) "Multiple use" means the harmonious and coordinated
1125 management of timber, recreation, conservation of fish and
1126 wildlife, forage, archaeological and historic sites, habitat and
1127 other biological resources, or water resources so that they are
1128 used ~~utilized~~ in the combination that will best serve the people
1129 of the state, making the most judicious use of the land for some
1130 or all of these resources and giving consideration to the
1131 relative values of the various resources. Where necessary and
1132 appropriate for all state-owned lands that are larger than 1,000
1133 acres in project size and are managed for multiple uses, buffers
1134 may be formed around any areas that require special protection
1135 or have special management needs. Such buffers may ~~shall~~ not
1136 exceed more than one-half of the total acreage. Multiple uses
1137 within a buffer area may be restricted to provide the necessary
1138 buffering effect desired. Multiple use in this context includes
1139 both uses of land or resources by more than one management
1140 entity, which may include private sector land managers. In any
1141 case, lands identified as multiple-use lands in the land
1142 management plan shall be managed to enhance and conserve the
1143 lands and resources for the enjoyment of the people of the
1144 state.



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1145 (b) "Single use" means management for one particular
1146 purpose to the exclusion of all other purposes, except that the
1147 using entity shall have the option of including in its
1148 management program compatible secondary purposes which will not
1149 detract from or interfere with the primary management purpose.
1150 Such single uses may include, but are not necessarily restricted
1151 to, the use of agricultural lands for production of food and
1152 livestock, the use of improved sites and grounds for
1153 institutional purposes, and the use of lands for parks,
1154 preserves, wildlife management, archaeological or historic
1155 sites, or wilderness areas where the maintenance of essentially
1156 natural conditions is important. All submerged lands shall be
1157 considered single-use lands and shall be managed primarily for
1158 the maintenance of essentially natural conditions, the
1159 propagation of fish and wildlife, and public recreation,
1160 including hunting and fishing where deemed appropriate by the
1161 managing entity.

1162 (c) "Conservation lands" means lands that are currently
1163 managed for conservation, outdoor resource-based recreation, or
1164 archaeological or historic preservation, except those lands that
1165 were acquired solely to facilitate the acquisition of other
1166 conservation lands. Lands acquired for uses other than
1167 conservation, outdoor resource-based recreation, or
1168 archaeological or historic preservation may ~~shall~~ not be
1169 designated conservation lands except as otherwise authorized
1170 under this section. These lands shall include, but not be



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1171 limited to, the following: correction and detention facilities,
1172 military installations and facilities, state office buildings,
1173 maintenance yards, state university or Florida College System
1174 institution campuses, agricultural field stations or offices,
1175 tower sites, law enforcement and license facilities,
1176 laboratories, hospitals, clinics, and other sites that do not
1177 possess ~~ne~~ significant natural or historical resources. However,
1178 lands acquired solely to facilitate the acquisition of other
1179 conservation lands, and for which the land management plan has
1180 not yet been completed or updated, may be evaluated by the Board
1181 of Trustees of the Internal Improvement Trust Fund on a case-by-
1182 case basis to determine if they will be designated conservation
1183 lands.

1184 (d) "Public access," as used in this chapter and chapter
1185 259, means access by the general public to state lands and
1186 water, including vessel access made possible by boat ramps,
1187 docks, and associated support facilities, where compatible with
1188 conservation and recreation objectives.

1189
1190 Lands acquired by the state as a gift, through donation, or by
1191 any other conveyance for which no consideration was paid, and
1192 which are not managed for conservation, outdoor resource-based
1193 recreation, or archaeological or historic preservation under a
1194 land management plan approved by the board of trustees are not
1195 conservation lands.

1196 (3) Recognizing that recreational trails purchased with



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1197 rails-to-trails funds pursuant to former s. 259.101(3)(g),
1198 Florida Statutes 2014, or s. 259.105(3)(h) have had historic
1199 transportation uses and that their linear character may extend
1200 many miles, the Legislature intends that if the necessity arises
1201 to serve public needs, after balancing the need to protect trail
1202 users from collisions with automobiles and a preference for the
1203 use of overpasses and underpasses to the greatest extent
1204 feasible and practical, transportation uses shall be allowed to
1205 cross recreational trails purchased pursuant to former s.
1206 259.101(3)(g), Florida Statutes 2014, or s. 259.105(3)(h). When
1207 these crossings are needed, the location and design should
1208 consider and mitigate the impact on humans and environmental
1209 resources, and the value of the land shall be paid based on fair
1210 market value.

1211 (4) A ~~No~~ management agreement, lease, or other instrument
1212 authorizing the use of lands owned by the board of trustees may
1213 not ~~of the Internal Improvement Trust Fund shall~~ be executed for
1214 a period greater than is necessary to provide for the reasonable
1215 use of the land for the existing or planned life cycle or
1216 amortization of the improvements, except that an easement in
1217 perpetuity may be granted by the board of trustees ~~of the~~
1218 ~~Internal Improvement Trust Fund~~ if the improvement is a
1219 transportation facility. If an entity managing or leasing state-
1220 owned lands from the board of trustees does not meet the short-
1221 term goals under paragraph (5)(b) for conservation lands, the
1222 Department of Environmental Protection may submit the lands to



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1223 the Acquisition and Restoration Council to review whether the
 1224 short-term goals should be modified, consider whether the lands
 1225 should be offered to another entity for management or leasing,
 1226 or recommend to the board of trustees whether to surplus the
 1227 lands. If an entity managing or leasing state-owned lands from
 1228 the board of trustees does not meet the short-term goals under
 1229 paragraph (5)(i) for nonconservation lands, the department may
 1230 submit the lands to the board of trustees to consider whether to
 1231 require the managing or leasing entity to release its interest
 1232 in the lands and to consider whether to surplus the lands. If
 1233 the state-owned lands are determined to be surplus, the board of
 1234 trustees may require an entity to release its interest in the
 1235 lands. An entity managing or leasing state-owned lands from the
 1236 board of trustees may not sublease such lands without prior
 1237 review by the Division of State Lands and, for conservation
 1238 lands, by the Acquisition and Restoration Council ~~created in s.~~
 1239 ~~259.035~~. All management agreements, leases, or other instruments
 1240 authorizing the use of lands owned by the board of trustees
 1241 shall be reviewed for approval by the board of trustees or its
 1242 designee. The council is not required to review subleases of
 1243 parcels which are less than 160 acres in size.

1244 (5) Each manager of conservation lands shall submit to the
 1245 Division of State Lands a land management plan at least every 10
 1246 years in a form and manner adopted ~~prescribed~~ by rule of ~~by~~ the
 1247 board of trustees and in accordance with ~~the provisions of s.~~
 1248 ~~259.032~~. Each manager of conservation lands shall also update a



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1249 land management plan whenever the manager proposes to add new
 1250 facilities or make substantive land use or management changes
 1251 that were not addressed in the approved plan, or within 1 year
 1252 after ~~of~~ the addition of significant new lands. Each manager of
 1253 nonconservation lands shall submit to the Division of State
 1254 Lands a land use plan at least every 10 years in a form and
 1255 manner adopted ~~prescribed~~ by rule of ~~by~~ the board of trustees.
 1256 The division shall review each plan for compliance with the
 1257 requirements of this subsection and the requirements of the
 1258 rules adopted ~~established~~ by the board of trustees pursuant to
 1259 this section. All nonconservation land use plans, whether for
 1260 single-use or multiple-use properties, shall be managed to
 1261 provide the greatest benefit to the state ~~include an analysis of~~
 1262 ~~the property to determine if any significant natural or cultural~~
 1263 ~~resources are located on the property. Such resources include~~
 1264 ~~archaeological and historic sites, state and federally listed~~
 1265 ~~plant and animal species, and imperiled natural communities and~~
 1266 ~~unique natural features. If such resources occur on the~~
 1267 ~~property, the manager shall consult with the Division of State~~
 1268 ~~Lands and other appropriate agencies to develop management~~
 1269 ~~strategies to protect such resources. Land use plans shall also~~
 1270 ~~provide for the control of invasive nonnative plants and~~
 1271 ~~conservation of soil and water resources, including a~~
 1272 ~~description of how the manager plans to control and prevent soil~~
 1273 ~~erosion and soil or water contamination. Land use plans~~
 1274 ~~submitted by a manager shall include reference to appropriate~~



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1275 ~~statutory authority for such use or uses and shall conform to~~
1276 ~~the appropriate policies and guidelines of the state land~~
1277 ~~management plan.~~ Plans for managed areas larger than 1,000 acres
1278 shall contain an analysis of the multiple-use potential of the
1279 property, which includes analysis ~~shall include~~ the potential of
1280 the property to generate revenues to enhance the management of
1281 the property. In addition ~~Additionally~~, the plan shall contain
1282 an analysis of the potential use of private land managers to
1283 facilitate the restoration or management of these lands. If ~~In~~
1284 ~~those cases where~~ a newly acquired property has a valid
1285 conservation plan that was developed by a soil and conservation
1286 district, such plan shall be used to guide management of the
1287 property until a formal land use plan is completed.

1288 (a) State conservation lands shall be managed to ensure
1289 the conservation of the state's plant and animal species and to
1290 ensure the accessibility of state lands for the benefit and
1291 enjoyment of all people of the state, both present and future.
1292 Each land management plan for state conservation lands shall
1293 provide a desired outcome, describe both short-term and long-
1294 term management goals, and include measurable objectives to
1295 achieve those goals. Short-term goals shall be achievable within
1296 a 2-year planning period, and long-term goals shall be
1297 achievable within a 10-year planning period. These short-term
1298 and long-term management goals shall be the basis for all
1299 subsequent land management activities.

1300 (b) Short-term and long-term management goals for state



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1301 conservation lands shall include measurable objectives for the
1302 following, as appropriate:

- 1303 1. Habitat restoration and improvement.
- 1304 2. Public access and recreational opportunities.
- 1305 3. Hydrological preservation and restoration.
- 1306 4. Sustainable forest management.
- 1307 5. Exotic and invasive species maintenance and control.
- 1308 6. Capital facilities and infrastructure.
- 1309 7. Cultural and historical resources.
- 1310 8. Imperiled species habitat maintenance, enhancement,
1311 restoration, or population restoration.

1312 (c) The land management plan shall, at a minimum, contain
1313 the following elements:

- 1314 1. A physical description of the land.
- 1315 2. A quantitative data description of the land which
1316 includes an inventory of forest and other natural resources;
1317 exotic and invasive plants; hydrological features;
1318 infrastructure, including recreational facilities; and other
1319 significant land, cultural, or historical features. The
1320 inventory shall reflect the number of acres for each resource
1321 and feature, when appropriate. The inventory shall be of such
1322 detail that objective measures and benchmarks can be established
1323 for each tract of land and monitored during the lifetime of the
1324 plan. All quantitative data collected shall be aggregated,
1325 standardized, collected, and presented in an electronic format
1326 to allow for uniform management reporting and analysis. The



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1327 information collected by the Department of Environmental
1328 Protection pursuant to s. 253.0325(2) shall be available to the
1329 land manager and his or her assignee.

1330 3. A detailed description of each short-term and long-term
1331 land management goal, the associated measurable objectives, and
1332 the related activities that are to be performed to meet the land
1333 management objectives. Each land management objective must be
1334 addressed by the land management plan, and if ~~where~~ practicable,
1335 a ~~no~~ land management objective may not ~~shall~~ be performed to the
1336 detriment of the other land management objectives.

1337 4. A schedule of land management activities which contains
1338 short-term and long-term land management goals and the related
1339 measurable objective and activities. The schedule shall include
1340 for each activity a timeline for completion, quantitative
1341 measures, and detailed expense and manpower budgets. The
1342 schedule shall provide a management tool that facilitates
1343 development of performance measures.

1344 5. A summary budget for the scheduled land management
1345 activities of the land management plan. For state lands
1346 containing or anticipated to contain imperiled species habitat,
1347 the summary budget shall include any fees anticipated from
1348 public or private entities for projects to offset adverse
1349 impacts to imperiled species or such habitat, which fees shall
1350 be used solely to restore, manage, enhance, repopulate, or
1351 acquire imperiled species habitat. The summary budget shall be
1352 prepared in such manner that it facilitates computing an



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1353 aggregate of land management costs for all state-managed lands
1354 using the categories described in s. 259.037(3).

1355 (d) Upon completion, the land management plan must ~~will~~ be
1356 transmitted to the Acquisition and Restoration Council for
1357 review. The ~~Acquisition and Restoration~~ council shall have 90
1358 days after receipt of the plan to review the plan and submit its
1359 recommendations to the board of trustees. During the review
1360 period, the land management plan may be revised if agreed to by
1361 the primary land manager and the ~~Acquisition and Restoration~~
1362 council taking into consideration public input. ~~If the~~
1363 ~~Acquisition and Restoration Council fails to make a~~
1364 ~~recommendation for a land management plan, the secretary of the~~
1365 ~~Department of Environmental Protection, Commissioner of~~
1366 ~~Agriculture, or Executive Director of the Fish and Wildlife~~
1367 ~~Conservation Commission or their designees shall submit the land~~
1368 ~~management plan to the board of trustees.~~ The land management
1369 plan becomes effective upon approval by the board of trustees.

1370 (e) Land management plans are to be updated every 10 years
1371 on a rotating basis. Each updated land management plan must
1372 identify any conservation lands under the plan, in part or in
1373 whole, that are no longer needed for conservation purposes and
1374 could be disposed of in fee simple or with the state retaining a
1375 permanent conservation easement.

1376 (f) In developing land management plans, at least one
1377 public hearing shall be held in any one affected county.

1378 (g) The Division of State Lands shall make available to



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1379 | the public an electronic copy of each land management plan for
1380 | parcels that exceed 160 acres in size. The division ~~of State~~
1381 | ~~Lands~~ shall review each plan for compliance with the
1382 | requirements of this subsection, the requirements of chapter
1383 | 259, and the requirements of the rules adopted ~~established~~ by
1384 | the board of trustees pursuant to this section. The Acquisition
1385 | and Restoration Council shall also consider the propriety of the
1386 | recommendations of the managing entity with regard to the future
1387 | use of the property, the protection of fragile or nonrenewable
1388 | resources, the potential for alternative or multiple uses not
1389 | recognized by the managing entity, and the possibility of
1390 | disposal of the property by the board of trustees. After its
1391 | review, the council shall submit the plan, along with its
1392 | recommendations and comments, to the board of trustees. The
1393 | council shall specifically recommend to the board of trustees
1394 | whether to approve the plan as submitted, approve the plan with
1395 | modifications, or reject the plan. If the ~~Acquisition and~~
1396 | ~~Restoration~~ council fails to make a recommendation for a land
1397 | management plan, the Secretary ~~of the Department~~ of
1398 | Environmental Protection, Commissioner of Agriculture, or
1399 | executive director of the Fish and Wildlife Conservation
1400 | Commission or their designees shall submit the land management
1401 | plan to the board of trustees.

1402 | (h) The board of trustees ~~of the Internal Improvement~~
1403 | ~~Trust Fund~~ shall consider the land management plan submitted by
1404 | each entity and the recommendations of the Acquisition and



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1405 Restoration Council and the Division of State Lands and shall
1406 approve the plan with or without modification or reject such
1407 plan. The use or possession of any such lands that is not in
1408 accordance with an approved land management plan is subject to
1409 termination by the board of trustees.

1410 (i)1. State nonconservation lands shall be managed to
1411 provide the greatest benefit to the state. State nonconservation
1412 lands may be grouped by similar land use types under one land
1413 use plan. Each land use plan shall, at a minimum, contain the
1414 following elements:

1415 a. A physical description of the land to include any
1416 significant natural or cultural resources as well as management
1417 strategies developed by the land manager to protect such
1418 resources.

1419 b. A desired development outcome.

1420 c. A schedule for achieving the desired development
1421 outcome.

1422 d. A description of both short-term and long-term
1423 development goals.

1424 e. A management and control plan for invasive nonnative
1425 plants.

1426 f. A management and control plan for soil erosion and soil
1427 and water contamination.

1428 g. Measureable objectives to achieve the goals identified
1429 in the land use plan.

1430 2. Short-term goals shall be achievable within a 5-year



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1431 planning period and long-term goals shall be achievable within a
1432 10-year planning period.

1433 3. The use or possession of any such lands that is not in
1434 accordance with an approved land use plan is subject to
1435 termination by the board of trustees.

1436 4. Land use plans submitted by a manager shall include
1437 reference to appropriate statutory authority for such use or
1438 uses and shall conform to the appropriate policies and
1439 guidelines of the state land management plan.

1440 ~~(6) The Board of Trustees of the Internal Improvement~~
1441 ~~Trust Fund shall determine which lands, the title to which is~~
1442 ~~vested in the board, may be surplusd. For conservation lands,~~
1443 ~~the board shall determine whether the lands are no longer needed~~
1444 ~~for conservation purposes and may dispose of them by an~~
1445 ~~affirmative vote of at least three members. In the case of a~~
1446 ~~land exchange involving the disposition of conservation lands,~~
1447 ~~the board must determine by an affirmative vote of at least~~
1448 ~~three members that the exchange will result in a net positive~~
1449 ~~conservation benefit. For all other lands, the board shall~~
1450 ~~determine whether the lands are no longer needed and may dispose~~
1451 ~~of them by an affirmative vote of at least three members.~~

1452 ~~(a) For the purposes of this subsection, all lands~~
1453 ~~acquired by the state before July 1, 1999, using proceeds from~~
1454 ~~Preservation 2000 bonds, the former Conservation and Recreation~~
1455 ~~Lands Trust Fund, the former Water Management Lands Trust Fund,~~
1456 ~~Environmentally Endangered Lands Program, and the Save Our Coast~~



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1457 ~~Program and titled to the board which are identified as core~~
1458 ~~parcels or within original project boundaries are deemed to have~~
1459 ~~been acquired for conservation purposes.~~

1460 ~~(b) For any lands purchased by the state on or after July~~
1461 ~~1, 1999, before acquisition, the board must determine which~~
1462 ~~parcels must be designated as having been acquired for~~
1463 ~~conservation purposes. Lands acquired for use by the Department~~
1464 ~~of Corrections, the Department of Management Services for use as~~
1465 ~~state offices, the Department of Transportation, except those~~
1466 ~~specifically managed for conservation or recreation purposes, or~~
1467 ~~the State University System or the Florida College System may~~
1468 ~~not be designated as having been purchased for conservation~~
1469 ~~purposes.~~

1470 ~~(c) At least every 10 years, as a component of each land~~
1471 ~~management plan or land use plan and in a form and manner~~
1472 ~~prescribed by rule by the board, each manager shall evaluate and~~
1473 ~~indicate to the board those lands that are not being used for~~
1474 ~~the purpose for which they were originally leased. For~~
1475 ~~conservation lands, the council shall review and recommend to~~
1476 ~~the board whether such lands should be retained in public~~
1477 ~~ownership or disposed of by the board. For nonconservation~~
1478 ~~lands, the division shall review such lands and recommend to the~~
1479 ~~board whether such lands should be retained in public ownership~~
1480 ~~or disposed of by the board.~~

1481 ~~(d) Lands owned by the board which are not actively~~
1482 ~~managed by any state agency or for which a land management plan~~



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1483 ~~has not been completed pursuant to subsection (5) must be~~
1484 ~~reviewed by the council or its successor for its recommendation~~
1485 ~~as to whether such lands should be disposed of by the board.~~

1486 ~~(c) Before any decision by the board to surplus lands, the~~
1487 ~~Acquisition and Restoration Council shall review and make~~
1488 ~~recommendations to the board concerning the request for~~
1489 ~~surplusing. The council shall determine whether the request for~~
1490 ~~surplusing is compatible with the resource values of and~~
1491 ~~management objectives for such lands.~~

1492 ~~(f) In reviewing lands owned by the board, the council~~
1493 ~~shall consider whether such lands would be more appropriately~~
1494 ~~owned or managed by the county or other unit of local government~~
1495 ~~in which the land is located. The council shall recommend to the~~
1496 ~~board whether a sale, lease, or other conveyance to a local~~
1497 ~~government would be in the best interests of the state and local~~
1498 ~~government. The provisions of this paragraph in no way limit the~~
1499 ~~provisions of ss. 253.111 and 253.115. Such lands shall be~~
1500 ~~offered to the state, county, or local government for a period~~
1501 ~~of 45 days. Permittable uses for such surplus lands may include~~
1502 ~~public schools; public libraries; fire or law enforcement~~
1503 ~~substations; governmental, judicial, or recreational centers;~~
1504 ~~and affordable housing meeting the criteria of s. 420.0004(3).~~
1505 ~~County or local government requests for surplus lands shall be~~
1506 ~~expedited throughout the surplusing process. If the county or~~
1507 ~~local government does not elect to purchase such lands in~~
1508 ~~accordance with s. 253.111, any surplusing determination~~



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1509 ~~involving other governmental agencies shall be made when the~~
1510 ~~board decides the best public use of the lands. Surplus~~
1511 ~~properties in which governmental agencies have expressed no~~
1512 ~~interest must then be available for sale on the private market.~~

1513 ~~(g) The sale price of lands determined to be surplus~~
1514 ~~pursuant to this subsection and s. 253.82 shall be determined by~~
1515 ~~the division, which shall consider an appraisal of the property,~~
1516 ~~or, if the estimated value of the land is \$500,000 or less, a~~
1517 ~~comparable sales analysis or a broker's opinion of value. The~~
1518 ~~division may require a second appraisal. The individual or~~
1519 ~~entity that requests to purchase the surplus parcel shall pay~~
1520 ~~all costs associated with determining the property's value, if~~
1521 ~~any.~~

1522 ~~1. A written valuation of land determined to be surplus~~
1523 ~~pursuant to this subsection and s. 253.82, and related documents~~
1524 ~~used to form the valuation or which pertain to the valuation,~~
1525 ~~are confidential and exempt from s. 119.07(1) and s. 24(a), Art.~~
1526 ~~I of the State Constitution.~~

1527 ~~a. The exemption expires 2 weeks before the contract or~~
1528 ~~agreement regarding the purchase, exchange, or disposal of the~~
1529 ~~surplus land is first considered for approval by the board.~~

1530 ~~b. Before expiration of the exemption, the division may~~
1531 ~~disclose confidential and exempt appraisals, valuations, or~~
1532 ~~valuation information regarding surplus land:~~

1533 ~~(I) During negotiations for the sale or exchange of the~~
1534 ~~land.~~



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1535 ~~(II) During the marketing effort or bidding process~~
 1536 ~~associated with the sale, disposal, or exchange of the land to~~
 1537 ~~facilitate closure of such effort or process.~~

1538 ~~(III) When the passage of time has made the conclusions of~~
 1539 ~~value invalid.~~

1540 ~~(IV) When negotiations or marketing efforts concerning the~~
 1541 ~~land are concluded.~~

1542 ~~2. A unit of government that acquires title to lands~~
 1543 ~~hereunder for less than appraised value may not sell or transfer~~
 1544 ~~title to all or any portion of the lands to any private owner~~
 1545 ~~for 10 years. Any unit of government seeking to transfer or sell~~
 1546 ~~lands pursuant to this paragraph must first allow the board of~~
 1547 ~~trustees to reacquire such lands for the price at which the~~
 1548 ~~board sold such lands.~~

1549 ~~(h) Parcels with a market value over \$500,000 must be~~
 1550 ~~initially offered for sale by competitive bid. The division may~~
 1551 ~~use agents, as authorized by s. 253.431, for this process. Any~~
 1552 ~~parcels unsuccessfully offered for sale by competitive bid, and~~
 1553 ~~parcels with a market value of \$500,000 or less, may be sold by~~
 1554 ~~any reasonable means, including procuring real estate services,~~
 1555 ~~open or exclusive listings, competitive bid, auction, negotiated~~
 1556 ~~direct sales, or other appropriate services, to facilitate the~~
 1557 ~~sale.~~

1558 ~~(i) After reviewing the recommendations of the council,~~
 1559 ~~the board shall determine whether lands identified for surplus~~
 1560 ~~are to be held for other public purposes or are no longer~~



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1561 ~~needed. The board may require an agency to release its interest~~
1562 ~~in such lands. A state agency, county, or local government that~~
1563 ~~has requested the use of a property that was to be declared as~~
1564 ~~surplus must secure the property under lease within 90 days~~
1565 ~~after being notified that it may use such property.~~

1566 ~~(j) Requests for surplusizing may be made by any public or~~
1567 ~~private entity or person. All requests shall be submitted to the~~
1568 ~~lead managing agency for review and recommendation to the~~
1569 ~~council or its successor. Lead managing agencies have 90 days to~~
1570 ~~review such requests and make recommendations. Any surplusizing~~
1571 ~~requests that have not been acted upon within the 90-day time~~
1572 ~~period shall be immediately scheduled for hearing at the next~~
1573 ~~regularly scheduled meeting of the council or its successor.~~
1574 ~~Requests for surplusizing pursuant to this paragraph are not~~
1575 ~~required to be offered to local or state governments as provided~~
1576 ~~in paragraph (f).~~

1577 ~~(k) Proceeds from the sale of surplus conservation lands~~
1578 ~~purchased before July 1, 2015, shall be deposited into the~~
1579 ~~Florida Forever Trust Fund.~~

1580 ~~(l) Proceeds from the sale of surplus conservation lands~~
1581 ~~purchased on or after July 1, 2015, shall be deposited into the~~
1582 ~~Land Acquisition Trust Fund, except when such lands were~~
1583 ~~purchased with funds other than those from the Land Acquisition~~
1584 ~~Trust Fund or a land acquisition trust fund created to implement~~
1585 ~~s. 28, Art. X of the State Constitution, the proceeds shall be~~
1586 ~~deposited into the fund from which the lands were purchased.~~



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1587 ~~(m) Funds received from the sale of surplus~~
 1588 ~~nonconservation lands or lands that were acquired by gift, by~~
 1589 ~~donation, or for no consideration shall be deposited into the~~
 1590 ~~Internal Improvement Trust Fund.~~

1591 ~~(n) Notwithstanding this subsection, such disposition of~~
 1592 ~~land may not be made if it would have the effect of causing all~~
 1593 ~~or any portion of the interest on any revenue bonds issued to~~
 1594 ~~lose the exclusion from gross income for federal income tax~~
 1595 ~~purposes.~~

1596 ~~(o) The sale of filled, formerly submerged land that does~~
 1597 ~~not exceed 5 acres in area is not subject to review by the~~
 1598 ~~council or its successor.~~

1599 ~~(p) The board may adopt rules to administer this section~~
 1600 ~~which may include procedures for administering surplus land~~
 1601 ~~requests and criteria for when the division may approve requests~~
 1602 ~~to surplus nonconservation lands on behalf of the board.~~

1603 ~~(6)-(7)~~ This section does shall not be construed so as to
 1604 affect:

1605 (a) Other provisions of this chapter relating to oil, gas,
 1606 or mineral resources.

1607 (b) The exclusive use of state-owned land subject to a
 1608 lease by the board of trustees ~~of the Internal Improvement Trust~~
 1609 ~~Fund~~ of state-owned land for private uses and purposes.

1610 (c) Sovereignty lands not leased for private uses and
 1611 purposes.

1612 ~~(7)-(8)~~ (a) The Legislature recognizes the value of the



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1613 state's conservation lands as water recharge areas and air
1614 filters.

1615 (b) If state-owned lands are subject to annexation
1616 procedures, the Division of State Lands must notify the county
1617 legislative delegation of the county in which the land is
1618 located.

1619 (8)~~(9)~~ Land management plans required to be submitted by
1620 the Department of Corrections, the Department of Juvenile
1621 Justice, the Department of Children and Families, or the
1622 Department of Education are not subject to ~~the provisions for~~
1623 review by the Acquisition and Restoration Council ~~or its~~
1624 ~~successor described in subsection (5)~~. Management plans filed by
1625 these agencies shall be made available to the public for a
1626 period of 90 days at the administrative offices of the parcel or
1627 project affected by the management plan and at the Tallahassee
1628 offices of each agency. Any plans not objected to during the
1629 public comment period shall be deemed approved. Any plans for
1630 which an objection is filed shall be submitted to the board of
1631 trustees ~~of the Internal Improvement Trust Fund~~ for
1632 consideration. The board of trustees ~~of the Internal Improvement~~
1633 ~~Trust Fund~~ shall approve the plan with or without modification,
1634 or reject the plan. The use or possession of any such lands
1635 which is not in accordance with an approved land management plan
1636 is subject to termination by the board of trustees.

1637 (9)~~(10)~~ The following additional uses of conservation
1638 lands acquired pursuant to the Florida Forever program and other



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1639 state-funded conservation land purchase programs shall be
1640 authorized, upon a finding by the board of trustees, if they
1641 meet the criteria specified in paragraphs (a)-(e): water
1642 resource development projects, water supply development
1643 projects, stormwater management projects, linear facilities, and
1644 sustainable agriculture and forestry. Such additional uses are
1645 authorized if ~~where~~:

1646 (a) The use is not inconsistent with the management plan
1647 for such lands;

1648 (b) The use is compatible with the natural ecosystem and
1649 resource values of such lands;

1650 (c) The ~~proposed~~ use is appropriately located on such
1651 lands and if ~~where~~ due consideration is given to the use of
1652 other available lands;

1653 (d) The using entity reasonably compensates the
1654 titleholder for such use based upon an appropriate measure of
1655 value; and

1656 (e) The use is consistent with the public interest.

1657

1658 A decision by the board of trustees pursuant to this section
1659 shall be given a presumption of correctness. Moneys received
1660 from the use of state lands pursuant to this section shall be
1661 returned to the lead managing entity in accordance with s.
1662 259.032 (9) (c).

1663 (10) ~~(11)~~ Lands listed as projects for acquisition may be
1664 managed for conservation pursuant to s. 259.032, on an interim



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1665 basis by a private party in anticipation of a state purchase in
1666 accordance with a contractual arrangement between the acquiring
1667 agency and the private party that may include management service
1668 contracts, leases, cost-share arrangements or resource
1669 conservation agreements. Lands designated as eligible under this
1670 subsection shall be managed to maintain or enhance the resources
1671 the state is seeking to protect by acquiring the land. Funding
1672 for these contractual arrangements may originate from the
1673 documentary stamp tax revenue deposited into the Land
1674 Acquisition Trust Fund. No more than \$6.2 million may be
1675 expended from the Land Acquisition Trust Fund for this purpose.

1676 (11)~~(12)~~ Any lands available to governmental employees,
1677 including water management district employees, for hunting or
1678 other recreational purposes shall also be made available to the
1679 general public for such purposes.

1680 ~~(13) Before a building or parcel of land is offered for~~
1681 ~~lease or sale to a local or federal unit of government or a~~
1682 ~~private party, it shall first be offered for lease to state~~
1683 ~~agencies, state universities, and Florida College System~~
1684 ~~institutions, with priority consideration given to state~~
1685 ~~universities and Florida College System institutions. Within 60~~
1686 ~~days after the offer for lease of a surplus building or parcel,~~
1687 ~~a state university or Florida College System institution that~~
1688 ~~requests the lease must submit a plan for review and approval by~~
1689 ~~the Board of Trustees of the Internal Improvement Trust Fund~~
1690 ~~regarding the intended use, including future use, of the~~



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1691 ~~building or parcel of land before approval of a lease. Within 60~~
1692 ~~days after the offer for lease of a surplus building or parcel,~~
1693 ~~a state agency that requests the lease of such facility or~~
1694 ~~parcel must submit a plan for review and approval by the board~~
1695 ~~of trustees regarding the intended use. The state agency plan~~
1696 ~~must, at a minimum, include the proposed use of the facility or~~
1697 ~~parcel, the estimated cost of renovation, a capital improvement~~
1698 ~~plan for the building, evidence that the building or parcel~~
1699 ~~meets an existing need that cannot otherwise be met, and other~~
1700 ~~criteria developed by rule by the board of trustees. The board~~
1701 ~~or its designee shall compare the estimated value of the~~
1702 ~~building or parcel to any submitted business plan to determine~~
1703 ~~if the lease or sale is in the best interest of the state. The~~
1704 ~~board of trustees shall adopt rules pursuant to chapter 120 for~~
1705 ~~the implementation of this section.~~

1706 Section 9. Section 253.0341, Florida Statutes, is amended
1707 to read:

1708 253.0341 Surplus of state-owned lands ~~to counties or local~~
1709 ~~governments. Counties and local governments may submit~~
1710 ~~surplus requests for state-owned lands directly to the board~~
1711 ~~of trustees. County or local government requests for the state~~
1712 ~~to surplus conservation or nonconservation lands, whether for~~
1713 ~~purchase or exchange, shall be expedited throughout the~~
1714 ~~surplus process. Property jointly acquired by the state and~~
1715 ~~other entities shall not be surplus without the consent of all~~
1716 ~~joint owners.~~



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1717 (1) The board of trustees shall determine which lands, the
1718 title to which is vested in the board, may be surplusd. For all
1719 conservation lands, the Acquisition and Restoration Council
1720 shall make a recommendation to the board of trustees, and the
1721 board of trustees shall determine whether the lands are no
1722 longer needed for conservation purposes. If the board of
1723 trustees determines the lands are no longer needed for
1724 conservation purposes, it may dispose of such lands by an
1725 affirmative vote of at least three members. In the case of a
1726 land exchange involving the disposition of conservation lands,
1727 the board of trustees must determine by an affirmative vote of
1728 at least three members that the exchange will result in a net
1729 positive conservation benefit. For all nonconservation lands,
1730 the board of trustees shall determine whether the lands are no
1731 longer needed. If the board of trustees determines the lands are
1732 no longer needed, it may dispose of such lands by an affirmative
1733 vote of at least three members. Local government requests for
1734 the state to surplus conservation or nonconservation lands,
1735 whether for purchase or exchange, shall be expedited throughout
1736 the surplusing process. Property jointly acquired by the state
1737 and other entities may not be surplusd without the consent of
1738 all joint owners ~~The decision to surplus state-owned~~
1739 ~~nonconservation lands may be made by the board without a review~~
1740 ~~of, or a recommendation on, the request from the Acquisition and~~
1741 ~~Restoration Council or the Division of State Lands. Such~~
1742 ~~requests for nonconservation lands shall be considered by the~~



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1743 ~~board within 60 days of the board's receipt of the request.~~

1744 (2) For purposes of this section, all lands acquired by
1745 the state before July 1, 1999, using proceeds from Preservation
1746 2000 bonds, the former Conservation and Recreation Lands Trust
1747 Fund, the former Water Management Lands Trust Fund,
1748 Environmentally Endangered Lands Program, and the Save Our Coast
1749 Program and titled to the board of trustees which are identified
1750 as core parcels or within original project boundaries are deemed
1751 to have been acquired for conservation purposes ~~County or local~~
1752 ~~government requests for the surplus of state-owned~~
1753 ~~conservation lands are subject to review of, and recommendation~~
1754 ~~on, the request to the board by the Acquisition and Restoration~~
1755 ~~Council. Requests to surplus conservation lands shall be~~
1756 ~~considered by the board within 120 days of the board's receipt~~
1757 ~~of the request.~~

1758 (3) For any lands purchased by the state on or after July
1759 1, 1999, before acquisition, the board of trustees must
1760 determine which parcels must be designated as having been
1761 acquired for conservation purposes. Lands acquired for use by
1762 the Department of Corrections; the Department of Management
1763 Services for use as state offices; the Department of
1764 Transportation, except those lands specifically managed for
1765 conservation or recreation purposes; the State University
1766 System; or the Florida College System may not be designated as
1767 having been acquired for conservation purposes ~~A local~~
1768 ~~government may request that state lands be specifically declared~~



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1769 ~~surplus lands for the purpose of providing alternative water~~
1770 ~~supply and water resource development projects as defined in s.~~
1771 ~~373.019, public facilities such as schools, fire and police~~
1772 ~~facilities, and affordable housing. The request shall comply~~
1773 ~~with the requirements of subsection (1) if the lands are~~
1774 ~~nonconservation lands or subsection (2) if the lands are~~
1775 ~~conservation lands. Surplus lands that are conveyed to a local~~
1776 ~~government for affordable housing shall be disposed of by the~~
1777 ~~local government under the provisions of s. 125.379 or s.~~
1778 ~~166.0451.~~

1779 (4) At least every 10 years, as a component of each land
1780 management plan or land use plan and in a form and manner
1781 adopted by rule of the board of trustees, each manager shall
1782 evaluate and indicate to the board of trustees those lands that
1783 are not being used for the purpose for which they were
1784 originally leased. For conservation lands, the Acquisition and
1785 Restoration Council shall review and recommend to the board of
1786 trustees whether such lands should be retained in public
1787 ownership or disposed of by the board of trustees. For
1788 nonconservation lands, the Division of State Lands shall review
1789 and recommend to the board of trustees whether such lands should
1790 be retained in public ownership or disposed of by the board of
1791 trustees ~~Notwithstanding the requirements of this section and~~
1792 ~~the requirements of s. 253.034 which provides a surplus process~~
1793 ~~for the disposal of state lands, the board shall convey to~~
1794 ~~Miami Dade County title to the property on which the Graham~~



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1795 ~~Building, which houses the offices of the Miami-Dade State~~
1796 ~~Attorney, is located. By January 1, 2008, the board shall convey~~
1797 ~~fee simple title to the property to Miami-Dade County for a~~
1798 ~~consideration of one dollar. The deed conveying title to Miami-~~
1799 ~~Dade County must contain restrictions that limit the use of the~~
1800 ~~property for the purpose of providing workforce housing as~~
1801 ~~defined in s. 420.5095, and to house the offices of the Miami-~~
1802 ~~Dade State Attorney. Employees of the Miami-Dade State Attorney~~
1803 ~~and the Miami-Dade Public Defender who apply for and meet the~~
1804 ~~income qualifications for workforce housing shall receive~~
1805 ~~preference over other qualified applicants.~~

1806 (5) Conservation lands owned by the board of trustees
1807 which are not actively managed by any state agency or for which
1808 a land management plan has not been completed pursuant to s.
1809 253.034(5) must be reviewed by the Acquisition and Restoration
1810 Council for its recommendation as to whether such lands should
1811 be disposed of by the board of trustees.

1812 (6) Before any decision by the board of trustees to
1813 surplus conservation lands, the Acquisition and Restoration
1814 Council shall review and make recommendations to the board of
1815 trustees concerning the request for surplusings. The council
1816 shall determine whether the request for surplusings is compatible
1817 with the resource values of and management objectives for such
1818 lands.

1819 (7) Before a building or parcel of land is offered for
1820 lease or sale to a local or federal unit of government or a



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1821 private party, it shall first be offered for lease to state
1822 agencies, state universities, and Florida College System
1823 institutions, with priority consideration given to state
1824 universities and Florida College System institutions. Within 60
1825 days after the offer for lease of a surplus building or parcel,
1826 a state university or Florida College System institution that
1827 requests the lease must submit a plan for review and approval by
1828 the Board of Trustees of the Internal Improvement Trust Fund
1829 regarding the intended use, including future use, of the
1830 building or parcel of land before approval of a lease. Within 60
1831 days after the offer for lease of a surplus building or parcel,
1832 a state agency that requests the lease of such facility or
1833 parcel must submit a plan for review and approval by the board
1834 of trustees regarding the intended use. The state agency plan
1835 must, at a minimum, include the proposed use of the facility or
1836 parcel, the estimated cost of renovation, a capital improvement
1837 plan for the building, evidence that the building or parcel
1838 meets an existing need that cannot otherwise be met, and other
1839 criteria developed by rule by the board of trustees. The board
1840 or its designee shall compare the estimated value of the
1841 building or parcel to any submitted business plan to determine
1842 if the lease or sale is in the best interest of the state. The
1843 board of trustees shall adopt rules pursuant to chapter 120 for
1844 the implementation of this section.

1845 (8) The sale price of lands determined to be surplus
1846 pursuant to this section and s. 253.82 shall be determined by



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1847 the Division of State Lands, which shall consider an appraisal
1848 of the property or, if the estimated value of the land is
1849 \$500,000 or less, a comparable sales analysis or a broker's
1850 opinion of value. The division may require a second appraisal.
1851 The individual or entity that requests to purchase the surplus
1852 parcel shall pay all costs associated with determining the
1853 property's value, if any.

1854 (a) A written valuation of land determined to be surplus
1855 pursuant to this section and s. 253.82, and related documents
1856 used to form the valuation or which pertain to the valuation,
1857 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
1858 I of the State Constitution.

1859 1. The exemption expires 2 weeks before the contract or
1860 agreement regarding the purchase, exchange, or disposal of the
1861 surplus land is first considered for approval by the board of
1862 trustees.

1863 2. Before expiration of the exemption, the Division of
1864 State Lands may disclose confidential and exempt appraisals,
1865 valuations, or valuation information regarding surplus land:

1866 a. During negotiations for the sale or exchange of the
1867 land;

1868 b. During the marketing effort or bidding process
1869 associated with the sale, disposal, or exchange of the land to
1870 facilitate closure of such effort or process;

1871 c. When the passage of time has made the conclusions of
1872 value invalid; or



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1873 | d. When negotiations or marketing efforts concerning the
 1874 | land are concluded.

1875 | (b) A unit of government that acquires title to lands
 1876 | pursuant to this section for less than appraised value may not
 1877 | sell or transfer title to all or any portion of the lands to any
 1878 | private owner for 10 years. A unit of government seeking to
 1879 | transfer or sell lands pursuant to this paragraph must first
 1880 | allow the board of trustees to reacquire such lands for the
 1881 | price at which the board of trustees sold such lands.

1882 | (9) Parcels with a market value over \$500,000 must be
 1883 | initially offered for sale by competitive bid. Any parcels
 1884 | unsuccessfully offered for sale by competitive bid, and parcels
 1885 | with a market value of \$500,000 or less, may be sold by any
 1886 | reasonable means, including procuring real estate services, open
 1887 | or exclusive listings, competitive bid, auction, negotiated
 1888 | direct sales, or other appropriate services, to facilitate the
 1889 | sale.

1890 | (10) After reviewing the recommendations of the
 1891 | Acquisition and Restoration Council, the board of trustees shall
 1892 | determine whether conservation lands identified for surplus
 1893 | should be held for other public purposes or are no longer
 1894 | needed. The board of trustees may require an agency to release
 1895 | its interest in such lands. An entity approved to use
 1896 | conservation lands by the board of trustees must secure the
 1897 | property under a fully executed lease within 90 days after being
 1898 | notified that it may use such property or the request is



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1899 | voidable.

1900 | (11) Requests to surplus lands may be made by any public

1901 | or private entity or person and shall be determined by the board

1902 | of trustees. All requests to surplus conservation lands shall be

1903 | submitted to the lead managing agency for review and

1904 | recommendation to the Acquisition and Restoration Council, and

1905 | all requests to surplus nonconservation lands shall be submitted

1906 | to the Division of State Lands for review and recommendation to

1907 | the board of trustees. The lead managing agencies shall review

1908 | such requests and make recommendations to the council within 90

1909 | days after receipt of the requests. Any requests to surplus

1910 | conservation lands that are not acted upon within the 90-day

1911 | period shall be immediately scheduled for hearing at the next

1912 | regularly scheduled meeting of the council. Requests to surplus

1913 | lands shall be considered by the board of trustees within 60

1914 | days after receipt of the requests from the council or division.

1915 | Requests to surplus lands pursuant to this subsection are not

1916 | required to be offered to state agencies as provided in

1917 | subsection (7).

1918 | (12) Proceeds from the sale of surplus conservation lands

1919 | purchased before July 1, 2015, shall be deposited into the

1920 | Florida Forever Trust Fund.

1921 | (13) Proceeds from the sale of surplus conservation lands

1922 | purchased on or after July 1, 2015, shall be deposited into the

1923 | Land Acquisition Trust Fund, except when such lands were

1924 | purchased with funds other than those from the Land Acquisition



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1925 Trust Fund or a land acquisition trust fund created to implement
 1926 s. 28, Art. X of the State Constitution, the proceeds shall be
 1927 deposited into the fund from which the lands were purchased.

1928 (14) Funds received from the sale of surplus
 1929 nonconservation lands or lands that were acquired by gift, by
 1930 donation, or for no consideration shall be deposited into the
 1931 Internal Improvement Trust Fund.

1932 (15) Notwithstanding this section, such disposition of
 1933 land may not be made if it would have the effect of causing all
 1934 or any portion of the interest on any revenue bonds issued to
 1935 lose the exclusion from gross income for federal income tax
 1936 purposes.

1937 (16) The sale of filled, formerly submerged land that does
 1938 not exceed 5 acres in area is not subject to review by the
 1939 Acquisition and Restoration Council.

1940 (17) The board of trustees may adopt rules to administer
 1941 this section, including procedures for administering surplus
 1942 land requests and criteria for when the Division of State Lands
 1943 may approve requests to surplus nonconservation lands on behalf
 1944 of the board of trustees.

1945 (18) Surplus lands that are conveyed to a local government
 1946 for affordable housing shall be disposed of by the local
 1947 government under s. 125.379 or s. 166.0451.

1948 Section 10. Section 253.111, Florida Statutes, is amended
 1949 to read:

1950 253.111 Riparian owners of land ~~Notice to board of county~~



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1951 ~~commissioners before sale. The Board of Trustees of the Internal~~
 1952 ~~Improvement Trust Fund of the state may not sell any land to~~
 1953 ~~which they hold title unless and until they afford an~~
 1954 ~~opportunity to the county in which such land is situated to~~
 1955 ~~receive such land on the following terms and conditions:~~

1956 ~~(1) If an application is filed with the board requesting~~
 1957 ~~that they sell certain land to which they hold title and the~~
 1958 ~~board decides to sell such land or if the board, without such~~
 1959 ~~application, decides to sell such land, the board shall, before~~
 1960 ~~consideration of any private offers, notify the board of county~~
 1961 ~~commissioners of the county in which such land is situated that~~
 1962 ~~such land is available to such county. Such notification shall~~
 1963 ~~be given by registered mail, return receipt requested.~~

1964 ~~(2) The board of county commissioners of the county in~~
 1965 ~~which such land is situated shall, within 40 days after receipt~~
 1966 ~~of such notification from the board, determine by resolution~~
 1967 ~~whether or not it proposes to acquire such land.~~

1968 ~~(3) If the board receives, within 45 days after notice is~~
 1969 ~~given to the board of county commissioners pursuant to~~
 1970 ~~subsection (1), the certified copy of the resolution provided~~
 1971 ~~for in subsection (2), the board shall forthwith convey to the~~
 1972 ~~county such land at a price that is equal to its appraised~~
 1973 ~~market value established by generally accepted professional~~
 1974 ~~standards for real estate appraisal and subject to such other~~
 1975 ~~terms and conditions as the board determines.~~

1976 ~~(4) Nothing in This section restricts any right otherwise~~



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1977 ~~granted to the board by this chapter to convey land to which~~
 1978 ~~they hold title to the state or any department, office,~~
 1979 ~~authority, board, bureau, commission, institution, court,~~
 1980 ~~tribunal, agency, or other instrumentality of or under the~~
 1981 ~~state. The word "land" as used in this act means all lands~~
 1982 ~~vested in the Board of Trustees of the Internal Improvement~~
 1983 ~~Trust Fund.~~

1984 (1)~~(5)~~ If a ~~any~~ riparian owner exists with respect to any
 1985 land to be sold by the board of trustees, such riparian owner
 1986 shall have a right to secure such land, ~~which right is prior in~~
 1987 ~~interest to the right in the county created by this section,~~
 1988 provided that such riparian owner shall be required to pay for
 1989 such land upon such prices, terms, and conditions as determined
 1990 by the board of trustees. Such riparian owner may waive this
 1991 ~~prior right, in which case this section shall apply.~~

1992 (2)~~(6)~~ This section does not apply to:

- 1993 (a) Any land exchange approved by the board of trustees;
- 1994 (b) The conveyance of any lands located within the
- 1995 Everglades Agricultural Area; or
- 1996 (c) Lands managed pursuant to ss. 253.781-253.785.

1997 Section 11. Section 253.42, Florida Statutes, is amended
 1998 to read:

1999 253.42 Board of trustees may exchange lands. ~~The~~
 2000 ~~provisions of~~ This section applies ~~apply~~ to all lands owned by,
 2001 vested in, or titled in the name of the board of trustees
 2002 whether the lands were acquired by the state as a purchase, or



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2003 through gift, donation, or any other conveyance for which no
 2004 consideration was paid.

2005 (1) The board of trustees may exchange any lands owned by,
 2006 vested in, or titled in its ~~the name of the board~~ for other
 2007 lands in the state owned by counties, local governments,
 2008 individuals, or private or public corporations, and may fix the
 2009 terms and conditions of any such exchange. ~~Any nonconservation~~
 2010 ~~lands that were acquired by the state through gift, donation, or~~
 2011 ~~any other conveyance for which no consideration was paid must~~
 2012 ~~first be offered at no cost to a county or local government~~
 2013 ~~unless otherwise provided in a deed restriction of record or~~
 2014 ~~other legal impediment, and so long as the use proposed by the~~
 2015 ~~county or local government is for a public purpose.~~ For
 2016 conservation lands acquired by the state through gift, donation,
 2017 or any other conveyance for which no consideration was paid, the
 2018 state may request land of equal conservation value from the
 2019 county or local government but no other consideration.

2020 (2) In exchanging state-owned lands not acquired by the
 2021 state through gift, donation, or any other conveyance for which
 2022 no consideration was paid, with counties or local governments,
 2023 the board of trustees shall require an exchange of equal value.
 2024 Equal value is defined as the conservation benefit of the lands
 2025 being offered for exchange by a county or local government being
 2026 equal or greater in conservation benefit than the state-owned
 2027 lands. Such exchanges may include cash transactions if based on
 2028 an appropriate measure of value of the state-owned land, but



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2029 must also include the determination of a net-positive
2030 conservation benefit by the Acquisition and Restoration Council,
2031 irrespective of appraised value.

2032 (3) The board of trustees shall select and agree upon the
2033 state lands to be exchanged and the lands to be conveyed to the
2034 state and shall pay or receive any sum of money the board of
2035 trustees deems ~~deemed~~ necessary ~~by the board~~ for the purpose of
2036 equalizing the value of the exchanged property. The board of
2037 trustees is authorized to make and enter into contracts or
2038 agreements for such purpose or purposes.

2039 (4) (a) A person who owns land contiguous to state-owned
2040 land titled to the board of trustees may submit a request to the
2041 Division of State Lands to exchange all or a portion of the
2042 privately owned land for all or a portion of the state-owned
2043 land, whereby the state retains a permanent conservation
2044 easement over all or a portion of the exchanged state-owned land
2045 and a permanent conservation easement over all or a portion of
2046 the exchanged privately owned land. State-owned land exchanged
2047 pursuant to this subsection shall be contiguous to the privately
2048 owned land upon which the state retains a permanent conservation
2049 easement. If the division elects to proceed with a request, the
2050 division must submit the request to the Acquisition and
2051 Restoration Council for review and the council must provide
2052 recommendations to the division. If the division elects to
2053 forward a request to the board of trustees, the division must
2054 provide its recommendations and the recommendations of the



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2055 council to the board. This subsection does not apply to state-
 2056 owned sovereign submerged land.

2057 (b) After receiving a request and the division's
 2058 recommendations, the board of trustees shall consider such
 2059 request and recommendations and may approve the request if:

2060 1. At least 30 percent of the perimeter of the privately
 2061 owned land is bordered by state-owned land and the exchange does
 2062 not create an inholding.

2063 2. The approval does not result in a violation of the
 2064 terms of a preexisting lease or agreement by the board of
 2065 trustees, the Department of Environmental Protection, the
 2066 Department of Agriculture and Consumer Services, or the Fish and
 2067 Wildlife Conservation Commission.

2068 3. For state-owned land purchased for conservation
 2069 purposes, the board of trustees makes a determination that the
 2070 exchange of land under this subsection will result in a net
 2071 positive conservation benefit.

2072 4. The approval does not conflict with any existing
 2073 flowage easement.

2074 5. The request is approved by three or more members of the
 2075 board of trustees.

2076 (c) Special consideration shall be given to a request that
 2077 maintains public access for any recreational purpose allowed on
 2078 the state-owned land at the time the request is submitted to the
 2079 board of trustees. A person who maintains public access pursuant
 2080 to this paragraph is entitled to the limitation on liability



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2081 provided in s. 375.251.

2082 (d) Land subject to a permanent conservation easement
 2083 granted pursuant to this subsection is subject to inspection by
 2084 the Department of Environmental Protection to ensure compliance
 2085 with the terms of the permanent conservation easement.

2086 Section 12. Subsection (2) of section 253.782, Florida
 2087 Statutes, is amended to read:

2088 253.782 Retention of state-owned lands in and around Lake
 2089 Rousseau and the Cross Florida Barge Canal right-of-way from
 2090 Lake Rousseau west to the Withlacoochee River.—

2091 (2) The Department of Environmental Protection is
 2092 authorized ~~and directed~~ to retain ownership of and maintain all
 2093 lands or interests in land owned by the Board of Trustees of the
 2094 Internal Improvement Trust Fund, including all fee and less than
 2095 fee less than fee interests in lands previously owned by the
 2096 canal authority in Lake Rousseau and the Cross Florida Barge
 2097 Canal right-of-way from Lake Rousseau at U.S. Highway 41 west to
 2098 and including the Withlacoochee River.

2099 Section 13. Section 253.7821, Florida Statutes, is amended
 2100 to read:

2101 253.7821 Cross Florida Greenways State Recreation and
 2102 Conservation Area assigned to the Department of Environmental
 2103 Protection ~~Office of the Executive Director~~.—The Cross Florida
 2104 Greenways State Recreation and Conservation Area is hereby
 2105 established and ~~is initially~~ assigned to the department ~~Office~~
 2106 ~~of Greenways Management within the Office of the Secretary~~. The



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2107 department ~~office~~ shall manage the greenways pursuant to the
2108 department's existing statutory authority until administrative
2109 rules are adopted by the department. However, the provisions of
2110 this act shall control in any conflict between this act and any
2111 other authority of the department.

2112 Section 14. Section 253.87, Florida Statutes, is created
2113 to read:

2114 253.87 Inventory of state, federal, and local government
2115 conservation lands by the Department of Environmental
2116 Protection.-

2117 (1) By July 1, 2018, the department shall include in the
2118 Florida State-Owned Lands and Records Information System (FL-
2119 SOLARIS) database all federally owned conservation lands in the
2120 state, all lands on which the Federal Government retains a
2121 permanent conservation easement in the state, and all lands on
2122 which the state retains a permanent conservation easement. The
2123 department shall update the database at least every 5 years.

2124 (2) By July 1, 2018, for counties and municipalities, and
2125 by July 1, 2019, for financially disadvantaged small
2126 communities, as defined in s. 403.1838, and at least every 5
2127 years thereafter, respectively, each county, municipality, and
2128 financially disadvantaged small community shall identify all
2129 conservation lands that it owns in fee simple and all lands on
2130 which it retains a permanent conservation easement and submit,
2131 in a manner determined by the department, a list of such lands
2132 to the department. Within 6 months after receiving such list,



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2133 | the department shall add such lands to the FL-SOLARIS database.

2134 | (3) By January 1, 2018, the department shall conduct a
2135 | study and submit a report to the Governor, the President of the
2136 | Senate, and the Speaker of the House of Representatives on the
2137 | technical and economic feasibility of including the following
2138 | lands in the FL-SOLARIS database or a similar public lands
2139 | inventory:

2140 | (a) All lands on which local comprehensive plans, land use
2141 | restrictions, zoning ordinances, or land development regulations
2142 | prohibit the land from being developed or limit the amount of
2143 | development to one unit per 40 or more acres.

2144 | (b) All publicly and privately owned lands for which
2145 | development rights have been transferred.

2146 | (c) All privately owned lands under a permanent
2147 | conservation easement.

2148 | (d) All lands owned by a nonprofit or nongovernmental
2149 | organization for conservation purposes.

2150 | (e) All lands that are part of a mitigation bank.

2151 | Section 15. Section 259.01, Florida Statutes, is amended
2152 | to read:

2153 | 259.01 Short title.—This chapter shall be known and may be
2154 | cited as the "Land Conservation Program Act ~~of 1972.~~"

2155 | Section 16. Section 259.02, Florida Statutes, is repealed.

2156 | Section 17. Subsections (6), (7), and (8) and paragraphs
2157 | (a) and (d) of section (9) of section 259.032, Florida Statutes,
2158 | are amended to read:



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2159 259.032 Conservation and recreation lands.—
 2160 (6) Conservation and recreation lands are subject to the
 2161 selection procedures of s. 259.035 and related rules and shall
 2162 be acquired in accordance with acquisition procedures for state
 2163 lands provided for in s. 253.025 ~~259.041~~, except as otherwise
 2164 provided by the Legislature. An inholding or an addition to
 2165 conservation and recreation lands is not subject to the
 2166 selection procedures of s. 259.035 if the estimated value of
 2167 such inholding or addition does not exceed \$500,000. When at
 2168 least 90 percent of the acreage of a project has been purchased
 2169 for conservation and recreation purposes, the project may be
 2170 removed from the list and the remaining acreage may continue to
 2171 be purchased. Funds appropriated to acquire conservation and
 2172 recreation lands may be used for title work, appraisal fees,
 2173 environmental audits, and survey costs related to acquisition
 2174 expenses for lands to be acquired, donated, or exchanged which
 2175 qualify under the categories of this section, at the discretion
 2176 of the board. When the Legislature has authorized the department
 2177 ~~of Environmental Protection~~ to condemn a specific parcel of land
 2178 and such parcel has already been approved for acquisition, the
 2179 land may be acquired in accordance with ~~the provisions of~~
 2180 chapter 73 or chapter 74, and the funds appropriated to acquire
 2181 conservation and recreation lands may be used to pay the
 2182 condemnation award and all costs, including reasonable attorney
 2183 fees, associated with condemnation.
 2184 (7) All lands managed under this chapter and s. 253.034



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2185 shall be:

2186 (a) Managed in a manner that will provide the greatest
2187 combination of benefits to the public and to the resources.

2188 (b) Managed for public outdoor recreation which is
2189 compatible with the conservation and protection of public lands.
2190 Such management may include, but not be limited to, the
2191 following public recreational uses: fishing, hunting, camping,
2192 bicycling, hiking, nature study, swimming, boating, canoeing,
2193 horseback riding, diving, model hobbyist activities, birding,
2194 sailing, jogging, and other related outdoor activities
2195 ~~compatible with the purposes for which the lands were acquired.~~

2196 ~~(c) Managed for the purposes for which the lands were~~
2197 ~~acquired, consistent with paragraph (9) (a).~~

2198 (c) ~~(d)~~ Concurrent with its adoption of the annual list of
2199 acquisition projects pursuant to s. 259.035, the board ~~of~~
2200 ~~trustees~~ shall adopt a management prospectus for each project.
2201 The management prospectus shall delineate:

- 2202 1. The management goals for the property;
- 2203 2. The conditions that will affect the intensity of
2204 management;
- 2205 3. An estimate of the revenue-generating potential of the
2206 property, if appropriate;
- 2207 4. A timetable for implementing the various stages of
2208 management and for providing access to the public, if
2209 applicable;
- 2210 5. A description of potential multiple-use activities as



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2211 described in this section and s. 253.034;

2212 6. Provisions for protecting existing infrastructure and

2213 for ensuring the security of the project upon acquisition;

2214 7. The anticipated costs of management and projected

2215 sources of revenue, including legislative appropriations, to

2216 fund management needs; and

2217 8. Recommendations as to how many employees will be needed

2218 to manage the property, and recommendations as to whether local

2219 governments, volunteer groups, the former landowner, or other

2220 interested parties can be involved in the management.

2221 ~~(d)-(e)~~ Concurrent with the approval of the acquisition

2222 contract pursuant to s. 253.025(4)(c) ~~259.041(3)(e)~~ for any

2223 interest in lands except those lands ~~being~~ acquired pursuant to

2224 ~~under the provisions of~~ s. 259.1052, the board ~~of trustees~~ shall

2225 designate an agency or agencies to manage such lands. The board

2226 shall evaluate and amend, as appropriate, the management policy

2227 statement for the project as provided by s. 259.035 to ensure

2228 that the policy statement is compatible with conservation,

2229 recreation, or both, ~~consistent with the purposes for which the~~

2230 ~~lands are acquired.~~ For any fee simple acquisition of a parcel

2231 which is or will be leased back for agricultural purposes, or

2232 any acquisition of a less than fee ~~less than fee~~ interest in

2233 land that is or will be used for agricultural purposes, the

2234 board ~~of trustees of the Internal Improvement Trust Fund~~ shall

2235 first consider having a soil and water conservation district,

2236 created pursuant to chapter 582, manage and monitor such



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2237 interests.

2238 (e)~~(f)~~ State agencies designated to manage lands acquired
2239 under this chapter or with funds deposited into the Land
2240 Acquisition Trust Fund, except those lands acquired under s.
2241 259.1052, may contract with local governments and soil and water
2242 conservation districts to assist in management activities,
2243 including the responsibility of being the lead land manager.
2244 Such land management contracts may include a provision for the
2245 transfer of management funding to the local government or soil
2246 and water conservation district from the land acquisition trust
2247 fund of the lead land managing agency in an amount adequate for
2248 the local government or soil and water conservation district to
2249 perform its contractual land management responsibilities and
2250 proportionate to its responsibilities, and which otherwise would
2251 have been expended by the state agency to manage the property.

2252 (f)~~(g)~~ Immediately following the acquisition of any
2253 interest in conservation and recreation lands, the department ~~of~~
2254 ~~Environmental Protection~~, acting on behalf of the board ~~of~~
2255 ~~trustees~~, may issue to the lead managing entity an interim
2256 assignment letter to be effective until the execution of a
2257 formal lease.

2258 (8) (a) State, regional, or local governmental agencies or
2259 private entities designated to manage lands under this section
2260 shall develop and adopt, with the approval of the board ~~of~~
2261 ~~trustees~~, an individual management plan for each project
2262 designed to conserve and protect such lands and their associated



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2263 natural resources. Private sector involvement in management plan
2264 development may be used to expedite the planning process.

2265 (b) Individual management plans required by s. 253.034(5),
2266 for parcels over 160 acres, shall be developed with input from
2267 an advisory group. Members of this advisory group shall include,
2268 at a minimum, representatives of the lead land managing agency,
2269 comanaging entities, local private property owners, the
2270 appropriate soil and water conservation district, a local
2271 conservation organization, and a local elected official. If
2272 habitat or potentially restorable habitat for imperiled species
2273 is located on state lands, the Fish and Wildlife Conservation
2274 Commission and the Department of Agriculture and Consumer
2275 Services shall be included on any advisory group required under
2276 chapter 253, and the short-term and long-term management goals
2277 required under chapter 253 must advance the goals and objectives
2278 of imperiled species management without restricting other uses
2279 identified in the management plan. The advisory group shall
2280 conduct at least one public hearing within the county in which
2281 the parcel or project is located. For those parcels or projects
2282 that are within more than one county, at least one areawide
2283 public hearing shall be acceptable and the lead managing agency
2284 shall invite a local elected official from each county. The
2285 areawide public hearing shall be held in the county in which the
2286 core parcels are located. Notice of such public hearing shall be
2287 posted on the parcel or project designated for management,
2288 advertised in a paper of general circulation, and announced at a



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2289 | scheduled meeting of the local governing body before the actual
 2290 | public hearing. The management prospectus required pursuant to
 2291 | paragraph (7) (c) ~~(7) (d)~~ shall be available to the public for a
 2292 | period of 30 days before ~~prior to~~ the public hearing.

2293 | (c) Once a plan is adopted, the managing agency or entity
 2294 | shall update the plan at least every 10 years in a form and
 2295 | manner adopted ~~prescribed~~ by rule of the board ~~of trustees~~. Such
 2296 | updates, for parcels over 160 acres, shall be developed with
 2297 | input from an advisory group. Such plans may include transfers
 2298 | of leasehold interests to appropriate conservation organizations
 2299 | or governmental entities designated by the ~~Land Acquisition and~~
 2300 | ~~Management Advisory~~ council ~~or its successor~~, for uses
 2301 | consistent with the purposes of the organizations and the
 2302 | protection, preservation, conservation, restoration, and proper
 2303 | management of the lands and their resources. Volunteer
 2304 | management assistance is encouraged, including, but not limited
 2305 | to, assistance by youths participating in programs sponsored by
 2306 | state or local agencies, by volunteers sponsored by
 2307 | environmental or civic organizations, and by individuals
 2308 | participating in programs for committed delinquents and adults.

2309 | ~~(d)1.~~ For each project for which lands are acquired after
 2310 | July 1, 1995, an individual management plan shall be adopted and
 2311 | in place no later than 1 year after the essential parcel or
 2312 | parcels identified in the priority list developed pursuant to s.
 2313 | 259.105 have been acquired. The department ~~of Environmental~~
 2314 | ~~Protection~~ shall distribute only 75 percent of the acquisition



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2315 funds to which a budget entity or water management district
2316 would otherwise be entitled to any budget entity or any water
2317 management district that has more than one-third of its
2318 management plans overdue.

2319 ~~2. The requirements of subparagraph 1. do not apply to the~~
2320 ~~individual management plan for the Babcock Crescent B Ranch~~
2321 ~~being acquired pursuant to s. 259.1052. The management plan for~~
2322 ~~the ranch shall be adopted and in place no later than 2 years~~
2323 ~~following the date of acquisition by the state.~~

2324 (e) Individual management plans shall conform to the
2325 appropriate policies and guidelines of the state land management
2326 plan and shall include, but not be limited to:

2327 1. A statement of the purpose for which the lands were
2328 acquired, the projected use or uses as defined in s. 253.034,
2329 and the statutory authority for such use or uses.

2330 2. Key management activities necessary to achieve the
2331 desired outcomes, including, but not limited to, providing
2332 public access, preserving and protecting natural resources,
2333 protecting cultural and historical resources, restoring habitat,
2334 protecting threatened and endangered species, controlling the
2335 spread of nonnative plants and animals, performing prescribed
2336 fire activities, and other appropriate resource management.

2337 3. A specific description of how the managing agency plans
2338 to identify, locate, protect, and preserve, or otherwise use
2339 fragile, nonrenewable natural and cultural resources.

2340 4. A priority schedule for conducting management



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2341 activities, ~~based on the purposes for which the lands were~~
2342 ~~acquired.~~

2343 5. A cost estimate for conducting priority management
2344 activities, to include recommendations for cost-effective
2345 methods of accomplishing those activities.

2346 6. A cost estimate for conducting other management
2347 activities which would enhance the natural resource value or
2348 public recreation value ~~for which the lands were acquired.~~ The
2349 cost estimate shall include recommendations for cost-effective
2350 methods of accomplishing those activities.

2351 7. A determination of the public uses and public access
2352 that would be compatible with conservation, recreation, or both
2353 ~~that would be consistent with the purposes for which the lands~~
2354 ~~were acquired.~~

2355 (f) The Division of State Lands shall submit a copy of
2356 each individual management plan for parcels which exceed 160
2357 acres in size to each member of the ~~Acquisition and Restoration~~
2358 council, which shall:

2359 1. Within 60 days after receiving a plan from the Division
2360 of State Lands, review each plan for compliance with the
2361 requirements of this subsection and with the requirements of the
2362 rules adopted ~~established~~ by the board pursuant to this
2363 subsection.

2364 2. Consider the propriety of the recommendations of the
2365 managing agency with regard to the future use or protection of
2366 the property.



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2367 3. After its review, submit the plan, along with its
2368 recommendations and comments, to the board ~~of trustees~~, with
2369 recommendations as to whether to approve the plan as submitted,
2370 approve the plan with modifications, or reject the plan.

2371 (g) The board ~~of trustees~~ shall consider the individual
2372 management plan submitted by each state agency and the
2373 recommendations of the ~~Acquisition and Restoration~~ council and
2374 the department ~~Division of State Lands~~ and shall approve the
2375 plan with or without modification or reject such plan. The use
2376 or possession of any lands owned by the board ~~of trustees~~ which
2377 is not in accordance with an approved individual management plan
2378 is subject to termination by the board ~~of trustees~~.

2379
2380 By July 1 of each year, each governmental agency and each
2381 private entity designated to manage lands shall report to the
2382 Secretary of Environmental Protection on the progress of
2383 funding, staffing, and resource management of every project for
2384 which the agency or entity is responsible.

2385 (9) (a) The Legislature recognizes that acquiring lands
2386 pursuant to this chapter serves the public interest by
2387 protecting land, air, and water resources which contribute to
2388 the public health and welfare, providing areas for natural
2389 resource based recreation, and ensuring the survival of unique
2390 and irreplaceable plant and animal species. The Legislature
2391 intends for these lands to be managed and maintained in a manner
2392 that is compatible with conservation, recreation, or both,



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2393 consistent with the land management plan ~~for the purposes for~~
2394 ~~which they were acquired~~ and for the public to have access to
2395 and use of these lands if public access ~~where it is consistent~~
2396 ~~with acquisition purposes~~ and would not harm the resources the
2397 state is seeking to protect on the public's behalf.

2398 (d) Up to one-fifth of the funds appropriated for the
2399 purposes identified in paragraph (b) shall be reserved by the
2400 board ~~of trustees~~ for interim management of acquisitions and for
2401 associated contractual services, to ensure the conservation and
2402 protection of natural resources on project sites and to allow
2403 limited public recreational use of lands. Interim management
2404 activities may include, but not be limited to, resource
2405 assessments, control of invasive, nonnative species, habitat
2406 restoration, fencing, law enforcement, controlled burning, and
2407 public access consistent with preliminary determinations made
2408 pursuant to paragraph (7)(f) ~~(7)(g)~~. The board ~~of trustees~~ shall
2409 make these interim funds available immediately upon purchase.

2410 Section 18. Subsection (3) and paragraph (a) of subsection
2411 (4) of section 259.035, Florida Statutes, are amended to read:

2412 259.035 Acquisition and Restoration Council.—

2413 (3) The council shall provide assistance to the board ~~of~~
2414 ~~trustees~~ in reviewing the recommendations and plans for state-
2415 owned conservation lands required under s. 253.034 and this
2416 chapter. The council shall, in reviewing such ~~recommendations~~
2417 ~~and plans~~, consider the optimization of multiple-use and
2418 conservation strategies to accomplish the provisions funded



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2419 pursuant to former s. 259.101(3)(a), Florida Statutes 2014, and
 2420 to s. 259.105(3)(b).

2421 (4)(a) By December 1, 2016, the ~~Acquisition and~~
 2422 ~~Restoration~~ council shall develop rules defining specific
 2423 criteria and numeric performance measures needed for lands that
 2424 are to be acquired for public purpose under the Florida Forever
 2425 program pursuant to s. 259.105 or with funds deposited into the
 2426 Land Acquisition Trust Fund pursuant to s. 28(a), Art. X of the
 2427 State Constitution. These rules shall be reviewed and adopted by
 2428 the board, then submitted to the Legislature for consideration
 2429 by February 1, 2017. The Legislature may reject, modify, or take
 2430 no action relative to the proposed rules. If no action is taken,
 2431 the rules shall be implemented. Subsequent to their approval,
 2432 each recipient of funds from the Land Acquisition Trust Fund
 2433 shall annually report to the department ~~Division of State Lands~~
 2434 on each of the numeric performance measures accomplished during
 2435 the previous fiscal year.

2436 Section 19. Subsections (1), (2), (4), and (5) of section
 2437 259.036, Florida Statutes, are amended to read:

2438 259.036 Management review teams.—

2439 (1) To determine whether conservation, preservation, and
 2440 recreation lands titled in the name of the board ~~of Trustees of~~
 2441 ~~the Internal Improvement Trust Fund~~ are being managed for ~~the~~
 2442 purposes that are compatible with conservation, preservation, or
 2443 recreation ~~for which they were acquired~~ and in accordance with a
 2444 land management plan adopted pursuant to s. 259.032, the board



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2445 ~~of trustees,~~ acting through the department ~~of Environmental~~
2446 ~~Protection,~~ shall cause periodic management reviews to be
2447 conducted as follows:

2448 (a) The department shall establish a regional land
2449 management review team composed of the following members:

2450 1. One individual who is from the county or local
2451 community in which the parcel or project is located and who is
2452 selected by the county commission in the county which is most
2453 impacted by the acquisition.

2454 2. One individual from the Division of Recreation and
2455 Parks of the department.

2456 3. One individual from the Florida Forest Service of the
2457 Department of Agriculture and Consumer Services.

2458 4. One individual from the Fish and Wildlife Conservation
2459 Commission.

2460 5. One individual from the department's district office in
2461 which the parcel is located.

2462 6. A private land manager, preferably from the local
2463 community, mutually agreeable to the state agency
2464 representatives.

2465 7. A member or staff from the jurisdictional water
2466 management district or ~~of the~~ local soil and water conservation
2467 district board of supervisors.

2468 8. A member of a conservation organization.

2469 (b) The department ~~staff of the Division of State Lands~~
2470 shall act as the review team coordinator for the purposes of



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2471 establishing schedules for the reviews and other staff
2472 functions. The Legislature shall appropriate funds necessary to
2473 implement land management review team functions.

2474 (2) The land management review team shall review select
2475 management areas before ~~prior to~~ the date the manager is
2476 required to submit a 10-year land management plan update. For
2477 management areas that exceed 1,000 acres in size, the department
2478 ~~Division of State Lands~~ shall schedule a land management review
2479 at least every 5 years. A copy of the review shall be provided
2480 to the manager, the department ~~Division of State Lands~~, and the
2481 ~~Acquisition and Restoration~~ council. The manager shall consider
2482 the findings and recommendations of the land management review
2483 team in finalizing the required 10-year update of its management
2484 plan.

2485 (4) In the event a land management plan has not been
2486 adopted within the timeframes specified in s. 259.032(8), the
2487 department may direct a management review of the property, to be
2488 conducted by the land management review team. The review shall
2489 consider the extent to which the land is being managed in a
2490 manner that is compatible with conservation, recreation, or both
2491 ~~for the purposes for which it was acquired~~ and the degree to
2492 which actual management practices are in compliance with the
2493 management policy statement and management prospectus for that
2494 property.

2495 (5) If the land management review team determines that
2496 reviewed lands are not being managed in a manner that is



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2497 compatible with conservation, recreation, or both, consistent
 2498 ~~for the purposes for which they were acquired or in compliance~~
 2499 with the adopted land management plan, management policy
 2500 statement, or management prospectus, or if the managing agency
 2501 fails to address the review findings in the updated management
 2502 plan, the department shall provide the review findings to the
 2503 board, and the managing agency must report to the board its
 2504 reasons for managing the lands as it has.

2505 Section 20. Section 259.037, Florida Statutes, is amended
 2506 to read:

2507 259.037 Land Management Uniform Accounting Council.—

2508 (1) The Land Management Uniform Accounting Council (LMUAC)
 2509 is created within the Department of Environmental Protection and
 2510 shall consist of the director of the Division of State Lands,
 2511 the director of the Division of Recreation and Parks, and the
 2512 director of the Office of Coastal and Aquatic Managed Areas, ~~and~~
 2513 ~~the director of the Office of Greenways and Trails of the~~
 2514 ~~department of Environmental Protection;~~ the director of the
 2515 Florida Forest Service of the Department of Agriculture and
 2516 Consumer Services; the executive director of the Fish and
 2517 Wildlife Conservation Commission; and the director of the
 2518 Division of Historical Resources of the Department of State, or
 2519 their respective designees. Each state agency represented on the
 2520 LMUAC ~~council~~ shall have one vote. The chair of the LMUAC
 2521 ~~council~~ shall rotate annually in the foregoing order of state
 2522 agencies. The agency of the representative serving as chair ~~of~~



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2523 ~~the council~~ shall provide staff support for the LMUAC ~~council~~.
2524 The Division of State Lands shall serve as the recipient of and
2525 repository for the LMUAC's ~~council's~~ documents. The LMUAC
2526 ~~council~~ shall meet at the request of the chair.

2527 (2) The Auditor General and the director of the Office of
2528 Program Policy Analysis and Government Accountability, or their
2529 designees, shall advise the LMUAC ~~council~~ to ensure that
2530 appropriate accounting procedures are used ~~utilized~~ and that a
2531 uniform method of collecting and reporting accurate costs of
2532 land management activities are created and can be used by all
2533 agencies.

2534 (3) (a) All land management activities and costs must be
2535 assigned to a specific category, and any single activity or cost
2536 may not be assigned to more than one category. Administrative
2537 costs, such as planning or training, shall be segregated from
2538 other management activities. Specific management activities and
2539 costs must initially be grouped, at a minimum, within the
2540 following categories:

- 2541 1. Resource management.
- 2542 2. Administration.
- 2543 3. Support.
- 2544 4. Capital improvements.
- 2545 5. Recreation visitor services.
- 2546 6. Law enforcement activities.

2547
2548 Upon adoption of the initial list of land management categories



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2549 | by the LMUAC ~~council~~, agencies assigned to manage conservation
 2550 | or recreation lands shall, ~~on July 1, 2000, begin to~~ account for
 2551 | land management costs in accordance with the category to which
 2552 | an expenditure is assigned.

2553 | (b) Each reporting agency shall also:

2554 | 1. Include a report of the available public use
 2555 | opportunities for each management unit of state land, the total
 2556 | management cost for public access and public use, and the cost
 2557 | associated with each use option.

2558 | 2. List the acres of land requiring minimal management
 2559 | effort, moderate management effort, and significant management
 2560 | effort pursuant to s. 259.032(9)(c). For each category created
 2561 | in paragraph (a), the reporting agency shall include the amount
 2562 | of funds requested, the amount of funds received, and the amount
 2563 | of funds expended for land management.

2564 | 3. List acres managed and cost of management for each
 2565 | park, preserve, forest, reserve, or management area.

2566 | 4. List acres managed, cost of management, and lead
 2567 | manager for each state lands management unit for which secondary
 2568 | management activities were provided.

2569 | 5. Include a report of the estimated calculable financial
 2570 | benefits to the public for the ecosystem services provided by
 2571 | conservation lands, based on the best readily available
 2572 | information or science that provides a standard measurement
 2573 | methodology to be consistently applied by the land managing
 2574 | agencies. Such information may include, but need not be limited



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2575 | to, the value of natural lands for protecting the quality and
2576 | quantity of drinking water through natural water filtration and
2577 | recharge, contributions to protecting and improving air quality,
2578 | benefits to agriculture through increased soil productivity and
2579 | preservation of biodiversity, and savings to property and lives
2580 | through flood control.

2581 | (4) The LMUAC ~~council~~ shall provide a report of the
2582 | agencies' expenditures pursuant to the adopted categories to the
2583 | Acquisition and Restoration Council and the Division of State
2584 | Lands for inclusion in its annual report required pursuant to s.
2585 | 259.036.

2586 | (5) Should the LMUAC ~~council~~ determine that the list of
2587 | land management categories needs to be revised, it shall meet
2588 | upon the call of the chair.

2589 | (6) Biennially, each reporting agency shall also submit an
2590 | operational report for each management area along with an
2591 | approved management plan. The report should assess the progress
2592 | toward achieving short-term and long-term management goals of
2593 | the approved management plan, including all land management
2594 | activities, and identify any deficiencies in management and
2595 | corrective actions to address identified deficiencies as
2596 | appropriate. This report shall be submitted to the Acquisition
2597 | and Restoration Council and the Division of State Lands for
2598 | inclusion in its annual report required pursuant to s. 259.036.

2599 | Section 21. Subsections (1) through (6) and (8) through
2600 | (19) of section 259.041, Florida Statutes, are repealed.



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2601 Section 22. Subsection (2) of section 259.047, Florida
 2602 Statutes, is amended to read:

2603 259.047 Acquisition of land on which an agricultural lease
 2604 exists.—

2605 (2) If ~~where~~ consistent with the purposes of conservation
 2606 and recreation ~~for which the property was acquired~~, the state or
 2607 acquiring entity shall make reasonable efforts to keep lands in
 2608 agricultural production which are in agricultural production at
 2609 the time of acquisition.

2610 Section 23. Subsection (8) of section 259.101, Florida
 2611 Statutes, is renumbered as subsection (7), and subsection (5),
 2612 paragraph (a) of subsection (6), and present subsection (7) of
 2613 that section are amended, to read:

2614 259.101 Florida Preservation 2000 Act.—

2615 (5) DISPOSITION OF LANDS.—

2616 (a) Any lands acquired pursuant to former paragraphs
 2617 (3) (a), (3) (c), (3) (d), (3) (e), (3) (f), or (3) (g) of this
 2618 section, Florida Statutes 2014, if title to such lands is vested
 2619 in the board ~~of Trustees of the Internal Improvement Trust Fund~~,
 2620 may be disposed of by the board ~~of Trustees of the Internal~~
 2621 ~~Improvement Trust Fund~~ in accordance with the provisions and
 2622 procedures set forth in s. 253.0341 ~~253.034(6)~~, and lands
 2623 acquired pursuant to former paragraph (3) (b) of this section,
 2624 Florida Statutes 2014, may be disposed of by the owning water
 2625 management district in accordance with the procedures and
 2626 provisions set forth in ss. 373.056 and 373.089 provided such



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2627 disposition also shall satisfy the requirements of paragraphs
2628 (b) and (c).

2629 (b) Before land acquired with Preservation 2000 funds may
2630 be surplusd as required by s. 253.0341 ~~253.034(6)~~ or determined
2631 to be no longer required for its purposes under s. 373.056(4),
2632 as applicable, there shall first be a determination by the board
2633 ~~of Trustees of the Internal Improvement Trust Fund~~, or, in the
2634 case of water management district lands, by the owning water
2635 management district, that such land no longer needs to be
2636 preserved in furtherance of the intent of the Florida
2637 Preservation 2000 Act. Any lands eligible to be disposed of
2638 under this procedure also may be used to acquire other lands
2639 through an exchange of lands if such lands obtained in an
2640 exchange are described in the same paragraph of former
2641 subsection (3) of this section, Florida Statutes 2014, as the
2642 lands disposed.

2643 (c) Revenue derived from the disposal of lands acquired
2644 with Preservation 2000 funds may not be used for any purpose
2645 except for deposit into the Florida Forever Trust Fund within
2646 the department ~~of Environmental Protection~~, for recredit to the
2647 share held under former subsection (3) of this section, Florida
2648 Statutes 2014, in which such disposed land is described.

2649 (6) ALTERNATE USES OF ACQUIRED LANDS.—

2650 (a) The board ~~of Trustees of the Internal Improvement~~
2651 ~~Trust Fund~~, or, in the case of water management district lands,
2652 the owning water management district, may authorize the granting



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2653 of a lease, easement, or license for the use of any lands
2654 acquired pursuant to former subsection (3) of this section,
2655 Florida Statutes 2014, for any governmental use permitted by s.
2656 17, Art. IX of the State Constitution of 1885, as adopted by s.
2657 9(a), Art. XII of the State Constitution, and any other
2658 incidental public or private use that is determined by the board
2659 or the owning water management district to be compatible with
2660 conservation, preservation, or recreation ~~the purposes for which~~
2661 ~~such lands were acquired.~~

2662 ~~(7) ALTERNATIVES TO FEE SIMPLE ACQUISITION.—~~

2663 ~~(a) The Legislature finds that, with the increasing~~
2664 ~~pressures on the natural areas of this state, the state must~~
2665 ~~develop creative techniques to maximize the use of acquisition~~
2666 ~~and management moneys. The Legislature finds that the state's~~
2667 ~~environmental land buying agencies should be encouraged to~~
2668 ~~augment their traditional, fee simple acquisition programs with~~
2669 ~~the use of alternatives to fee simple acquisition techniques.~~
2670 ~~The Legislature also finds that using alternatives to fee simple~~
2671 ~~acquisition by public land-buying agencies will achieve the~~
2672 ~~following public policy goals:~~

2673 ~~1. Allow more lands to be brought under public protection~~
2674 ~~for preservation, conservation, and recreational purposes at~~
2675 ~~less expense using public funds.~~

2676 ~~2. Retain, on local government tax rolls, some portion of~~
2677 ~~or interest in lands that are under public protection.~~

2678 ~~3. Reduce long term management costs by allowing private~~



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2679 ~~property owners to continue acting as stewards of the land, as~~
2680 ~~appropriate.~~

2681
2682 ~~Therefore, it is the intent of the Legislature that public land-~~
2683 ~~buying agencies develop programs to pursue alternatives to fee~~
2684 ~~simple acquisition and to educate private landowners about such~~
2685 ~~alternatives and the benefits of such alternatives. It also is~~
2686 ~~the intent of the Legislature that the department and the water~~
2687 ~~management districts spend a portion of their shares of~~
2688 ~~Preservation 2000 bond proceeds to purchase eligible properties~~
2689 ~~using alternatives to fee simple acquisition. Finally, it is the~~
2690 ~~intent of the Legislature that public agencies acquire lands in~~
2691 ~~fee simple for public access and recreational activities. Lands~~
2692 ~~protected using alternatives to fee simple acquisition~~
2693 ~~techniques may not be accessible to the public unless such~~
2694 ~~access is negotiated with and agreed to by the private~~
2695 ~~landowners who retain interests in such lands.~~

2696 ~~(b) The Land Acquisition Advisory Council and the water~~
2697 ~~management districts shall identify, within their 1997~~
2698 ~~acquisition plans, those projects that require a full fee simple~~
2699 ~~interest to achieve the public policy goals, along with the~~
2700 ~~reasons why full title is determined to be necessary. The~~
2701 ~~council and the water management districts may use alternatives~~
2702 ~~to fee simple acquisition to bring the remaining projects in~~
2703 ~~their acquisition plans under public protection. For the~~
2704 ~~purposes of this subsection, the term "alternatives to fee~~



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2705 ~~simple acquisition" includes the purchase of development rights;~~
2706 ~~conservation easements; flowage easements; the purchase of~~
2707 ~~timber rights, mineral rights, or hunting rights; the purchase~~
2708 ~~of agricultural interests or silvicultural interests; land~~
2709 ~~protection agreements; fee simple acquisitions with~~
2710 ~~reservations; or any other acquisition technique that achieves~~
2711 ~~the public policy goals identified in paragraph (a). It is~~
2712 ~~presumed that a private landowner retains the full range of uses~~
2713 ~~for all the rights or interests in the landowner's land which~~
2714 ~~are not specifically acquired by the public agency. Life estates~~
2715 ~~and fee simple acquisitions with leaseback provisions do not~~
2716 ~~qualify as an alternative to fee simple acquisition under this~~
2717 ~~subsection, although the department and the districts are~~
2718 ~~encouraged to use such techniques if appropriate.~~

2719 ~~(c) The department and each water management district~~
2720 ~~shall implement initiatives to use alternatives to fee simple~~
2721 ~~acquisition and to educate private landowners about such~~
2722 ~~alternatives. These initiatives must include at least two~~
2723 ~~acquisitions a year by the department and each water management~~
2724 ~~district utilizing alternatives to fee simple.~~

2725 ~~(d) The Legislature finds that the lack of direct sales~~
2726 ~~comparison information has served as an impediment to successful~~
2727 ~~implementation of alternatives to fee simple acquisition. It is~~
2728 ~~the intent of the Legislature that, in the absence of direct~~
2729 ~~comparable sales information, appraisals of alternatives to fee~~
2730 ~~simple acquisitions be based on the difference between the full~~



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2731 ~~fee simple valuation and the value of the interests remaining~~
 2732 ~~with the seller after acquisition.~~

2733 ~~(e) The public agency that has been assigned management~~
 2734 ~~responsibility shall inspect and monitor any less-than-fee-~~
 2735 ~~simple interest according to the terms of the purchase agreement~~
 2736 ~~relating to such interest.~~

2737 ~~(f) The department and the water management districts may~~
 2738 ~~enter into joint acquisition agreements to jointly fund the~~
 2739 ~~purchase of lands using alternatives to fee simple techniques.~~

2740 Section 24. Paragraph (a) of subsection (2), paragraphs
 2741 (i) and (l) of subsection (3), subsections (10) and (13),
 2742 paragraph (i) of subsection (15), and subsection (19) of section
 2743 259.105, Florida Statutes, are amended to read:

2744 259.105 The Florida Forever Act.—

2745 (2) (a) The Legislature finds and declares that:

2746 1. Land acquisition programs have provided tremendous
 2747 financial resources for purchasing environmentally significant
 2748 lands to protect those lands from imminent development or
 2749 alteration, thereby ensuring present and future generations'
 2750 access to important waterways, open spaces, and recreation and
 2751 conservation lands.

2752 2. The continued alteration and development of the state's
 2753 ~~Florida's~~ natural and rural areas to accommodate the state's
 2754 growing population have contributed to the degradation of water
 2755 resources, the fragmentation and destruction of wildlife
 2756 habitats, the loss of outdoor recreation space, and the



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2757 | diminishment of wetlands, forests, working landscapes, and
2758 | coastal open space.

2759 | 3. The potential development of the state's ~~Florida's~~
2760 | remaining natural areas and escalation of land values require
2761 | government efforts to restore, bring under public protection, or
2762 | acquire lands and water areas to preserve the state's essential
2763 | ecological functions and invaluable quality of life.

2764 | 4. It is essential to protect the state's ecosystems by
2765 | promoting a more efficient use of land, to ensure opportunities
2766 | for viable agricultural activities on working lands, and to
2767 | promote vital rural and urban communities that support and
2768 | produce development patterns consistent with natural resource
2769 | protection.

2770 | 5. The state's ~~Florida's~~ groundwater, surface waters, and
2771 | springs are under tremendous pressure due to population growth
2772 | and economic expansion and require special protection and
2773 | restoration efforts, including the protection of uplands and
2774 | springsheds that provide vital recharge to aquifer systems and
2775 | are critical to the protection of water quality and water
2776 | quantity of the aquifers and springs. To ensure that sufficient
2777 | quantities of water are available to meet the current and future
2778 | needs of the natural systems and citizens of the state, and
2779 | assist in achieving the planning goals of the department and the
2780 | water management districts, water resource development projects
2781 | on public lands, if ~~where~~ compatible with the resource values of
2782 | and management objectives for the lands, are appropriate.



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2783 6. The needs of urban, suburban, and small communities in
2784 the state Florida for high-quality outdoor recreational
2785 opportunities, greenways, trails, and open space have not been
2786 fully met by previous acquisition programs. Through such
2787 programs as the Florida Communities Trust and the Florida
2788 Recreation Development Assistance Program, the state shall place
2789 additional emphasis on acquiring, protecting, preserving, and
2790 restoring open space, ecological greenways, and recreation
2791 properties within urban, suburban, and rural areas where
2792 pristine natural communities or water bodies no longer exist
2793 because of the proximity of developed property.

2794 7. Many of the state's Florida's unique ecosystems, such
2795 as the Florida Everglades, are facing ecological collapse due to
2796 the state's Florida's burgeoning population growth and other
2797 economic activities. To preserve these valuable ecosystems for
2798 future generations, essential parcels of land must be acquired
2799 to facilitate ecosystem restoration.

2800 8. Access to public lands to support a broad range of
2801 outdoor recreational opportunities and the development of
2802 necessary infrastructure, if where compatible with the resource
2803 values of and management objectives for such lands, promotes an
2804 appreciation for the state's Florida's natural assets and
2805 improves the quality of life.

2806 9. Acquisition of lands, in fee simple, less than fee
2807 ~~less than fee~~ interest, or other techniques shall be based on a
2808 comprehensive science-based assessment of the state's Florida's



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2809 | natural resources which targets essential conservation lands by
2810 | prioritizing all current and future acquisitions based on a
2811 | uniform set of data and planned so as to protect the integrity
2812 | and function of ecological systems and working landscapes, and
2813 | provide multiple benefits, including preservation of fish and
2814 | wildlife habitat, recreation space for urban and rural areas,
2815 | and the restoration of natural water storage, flow, and
2816 | recharge.

2817 | 10. The state has embraced performance-based program
2818 | budgeting as a tool to evaluate the achievements of publicly
2819 | funded agencies, build in accountability, and reward those
2820 | agencies which are able to consistently achieve quantifiable
2821 | goals. While previous and existing state environmental programs
2822 | have achieved varying degrees of success, few of these programs
2823 | can be evaluated as to the extent of their achievements,
2824 | primarily because performance measures, standards, outcomes, and
2825 | goals were not established at the outset. Therefore, the Florida
2826 | Forever program shall be developed and implemented in the
2827 | context of measurable state goals and objectives.

2828 | 11. The state must play a major role in the recovery and
2829 | management of its imperiled species through the acquisition,
2830 | restoration, enhancement, and management of ecosystems that can
2831 | support the major life functions of such species. It is the
2832 | intent of the Legislature to support local, state, and federal
2833 | programs that result in net benefit to imperiled species habitat
2834 | by providing public and private land owners meaningful



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2835 incentives for acquiring, restoring, managing, and repopulating
2836 habitats for imperiled species. It is the further intent of the
2837 Legislature that public lands, both existing and to be acquired,
2838 identified by the lead land managing agency, in consultation
2839 with the ~~Florida~~ Fish and Wildlife Conservation Commission for
2840 animals or the Department of Agriculture and Consumer Services
2841 for plants, as habitat or potentially restorable habitat for
2842 imperiled species, be restored, enhanced, managed, and
2843 repopulated as habitat for such species to advance the goals and
2844 objectives of imperiled species management for conservation,
2845 recreation, or both, consistent with the land management plan
2846 ~~purposes for which such lands are acquired~~ without restricting
2847 other uses identified in the management plan. It is also the
2848 intent of the Legislature that of the proceeds distributed
2849 pursuant to subsection (3), additional consideration be given to
2850 acquisitions that achieve a combination of conservation goals,
2851 including the restoration, enhancement, management, or
2852 repopulation of habitat for imperiled species. The ~~Acquisition~~
2853 ~~and Restoration~~ council, in addition to the criteria in
2854 subsection (9), shall give weight to projects that include
2855 acquisition, restoration, management, or repopulation of habitat
2856 for imperiled species. The term "imperiled species" as used in
2857 this chapter and chapter 253, means plants and animals that are
2858 federally listed under the Endangered Species Act, or state-
2859 listed by the Fish and Wildlife Conservation Commission or the
2860 Department of Agriculture and Consumer Services.



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2861 a. As part of the state's role, all state lands that have
2862 imperiled species habitat shall include as a consideration in
2863 management plan development the restoration, enhancement,
2864 management, and repopulation of such habitats. In addition, the
2865 lead land managing agency of such state lands may use fees
2866 received from public or private entities for projects to offset
2867 adverse impacts to imperiled species or their habitat in order
2868 to restore, enhance, manage, repopulate, or acquire land and to
2869 implement land management plans developed under s. 253.034 or a
2870 land management prospectus developed and implemented under this
2871 chapter. Such fees shall be deposited into a foundation or fund
2872 created by each land management agency under s. 379.223, s.
2873 589.012, or s. 259.032(9)(c), to be used solely to restore,
2874 manage, enhance, repopulate, or acquire imperiled species
2875 habitat.

2876 ~~b. Where habitat or potentially restorable habitat for~~
2877 ~~imperiled species is located on state lands, the Fish and~~
2878 ~~Wildlife Conservation Commission and the Department of~~
2879 ~~Agriculture and Consumer Services shall be included on any~~
2880 ~~advisory group required under chapter 253, and the short-term~~
2881 ~~and long-term management goals required under chapter 253 must~~
2882 ~~advance the goals and objectives of imperiled species management~~
2883 ~~consistent with the purposes for which the land was acquired~~
2884 ~~without restricting other uses identified in the management~~
2885 ~~plan.~~

2886 12. There is a need to change the focus and direction of



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2887 the state's major land acquisition programs and to extend
 2888 funding and bonding capabilities, so that future generations may
 2889 enjoy the natural resources of this state.

2890 (3) Less the costs of issuing and the costs of funding
 2891 reserve accounts and other costs associated with bonds, the
 2892 proceeds of cash payments or bonds issued pursuant to this
 2893 section shall be deposited into the Florida Forever Trust Fund
 2894 created by s. 259.1051. The proceeds shall be distributed by the
 2895 department of Environmental Protection in the following manner:

2896 (i) Three and five-tenths percent to the Department of
 2897 Agriculture and Consumer Services for the acquisition of
 2898 agricultural lands, through perpetual conservation easements and
 2899 other perpetual less than fee ~~less than fee~~ techniques, which
 2900 will achieve the objectives of Florida Forever and s. 570.71.
 2901 Rules concerning the application, acquisition, and priority
 2902 ranking process for such easements shall be developed pursuant
 2903 to s. 570.71(10) and as provided by this paragraph. The board
 2904 shall ensure that such rules are consistent with the acquisition
 2905 process provided for in s. 570.715 ~~259.041~~. ~~Provisions of~~ The
 2906 rules developed pursuant to s. 570.71(10), shall also provide
 2907 for the following:

2908 1. An annual priority list shall be developed pursuant to
 2909 s. 570.71(10), submitted to the ~~Acquisition and Restoration~~
 2910 council for review, and approved by the board pursuant to s.
 2911 259.04.

2912 2. Terms of easements and acquisitions proposed pursuant



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2913 | to this paragraph shall be approved by the board and may ~~shall~~
 2914 | not be delegated by the board to any other entity receiving
 2915 | funds under this section.

2916 | 3. All acquisitions pursuant to this paragraph shall
 2917 | contain a clear statement that they are subject to legislative
 2918 | appropriation.

2919 |
 2920 | ~~No~~ Funds provided under this paragraph may not ~~shall~~ be expended
 2921 | until final adoption of rules by the board pursuant to s.
 2922 | 570.71.

2923 | (1) For the purposes of paragraphs (e), (f), (g), and (h),
 2924 | the agencies that receive the funds shall develop their
 2925 | individual acquisition or restoration lists in accordance with
 2926 | specific criteria and numeric performance measures developed
 2927 | pursuant to s. 259.035(4). Proposed additions may be acquired if
 2928 | they are identified within the original project boundary, the
 2929 | management plan required pursuant to s. 253.034(5), or the
 2930 | management prospectus required pursuant to s. 259.032(7)(c)
 2931 | ~~259.032(7)(d)~~. Proposed additions not meeting the requirements
 2932 | of this paragraph shall be submitted to the ~~Acquisition and~~
 2933 | ~~Restoration~~ council for approval. The council may only approve
 2934 | the proposed addition if it meets two or more of the following
 2935 | criteria: serves as a link or corridor to other publicly owned
 2936 | property; enhances the protection or management of the property;
 2937 | would add a desirable resource to the property; would create a
 2938 | more manageable boundary configuration; has a high resource



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2939 value that otherwise would be unprotected; or can be acquired at
 2940 less than fair market value.

2941 (10) The ~~Acquisition and Restoration~~ council shall give
 2942 increased priority to:

2943 (a) these Projects for which matching funds are available.

2944 (b) and to Project elements previously identified on an
 2945 acquisition list pursuant to this section that can be acquired
 2946 at 80 percent or less of appraised value.

2947 (c) Projects that can be acquired in less than fee
 2948 ownership, such as a permanent conservation easement.

2949 (d) Projects that contribute to improving the quality and
 2950 quantity of surface water and groundwater.

2951 (e) Projects that contribute to improving the water
 2952 quality and flow of springs.

2953 (f) The council shall also give increased priority to
 2954 these Projects for which where the state's land conservation
 2955 plans overlap with the military's need to protect lands, water,
 2956 and habitat to ensure the sustainability of military missions
 2957 including:

2958 1.(a) Protecting habitat on nonmilitary land for any
 2959 species found on military land that is designated as threatened
 2960 or endangered, or is a candidate for such designation under the
 2961 Endangered Species Act or any Florida statute;

2962 2.(b) Protecting areas underlying low-level military air
 2963 corridors or operating areas; and

2964 3.(c) Protecting areas identified as clear zones, accident



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2965 potential zones, and air installation compatible use buffer
 2966 zones delineated by our military partners, and for which federal
 2967 or other funding is available to assist with the project.

2968 (13) An affirmative vote of at least five members of the
 2969 ~~Acquisition and Restoration~~ council shall be required in order
 2970 to place a ~~proposed~~ project submitted pursuant to subsection (7)
 2971 on the proposed project list developed pursuant to subsection
 2972 (8). Any member of the council who by family or a business
 2973 relationship has a connection with any project proposed to be
 2974 ranked shall declare such interest before ~~prior to~~ voting for a
 2975 project's inclusion on the list.

2976 (15) The ~~Acquisition and Restoration~~ council shall submit
 2977 to the board ~~of trustees~~, with its list of projects, a report
 2978 that includes, but need shall not be limited to, the following
 2979 information for each project listed:

2980 (i) A management policy statement for the project and a
 2981 management prospectus pursuant to s. 259.032(7)(c)
 2982 ~~259.032(7)(d)~~.

2983 (19) The ~~Acquisition and Restoration~~ council shall
 2984 recommend adoption of rules by the board ~~of trustees~~ necessary
 2985 to implement ~~the provisions of~~ this section relating to:
 2986 solicitation, scoring, selecting, and ranking of Florida Forever
 2987 project proposals; disposing of or leasing lands or water areas
 2988 selected for funding through the Florida Forever program; and
 2989 the process of reviewing and recommending for approval or
 2990 rejection the land management plans associated with publicly



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2991 | owned properties. ~~Rules promulgated pursuant to this subsection~~
 2992 | ~~shall be submitted to the President of the Senate and the~~
 2993 | ~~Speaker of the House of Representatives, for review by the~~
 2994 | ~~Legislature, no later than 30 days prior to the 2010 Regular~~
 2995 | ~~Session and shall become effective only after legislative~~
 2996 | ~~review. In its review, the Legislature may reject, modify, or~~
 2997 | ~~take no action relative to such rules. The board of trustees~~
 2998 | ~~shall conform such rules to changes made by the Legislature, or,~~
 2999 | ~~if no action was taken by the Legislature, such rules shall~~
 3000 | ~~become effective.~~

3001 | Section 25. Subsections (6) and (7) of section 259.1052,
 3002 | Florida Statutes, are amended to read:

3003 | 259.1052 Babcock Crescent B Ranch Florida Forever
 3004 | acquisition; conditions for purchase.—

3005 | ~~(6) In addition to distributions authorized under s.~~
 3006 | ~~259.105(3), the Department of Environmental Protection is~~
 3007 | ~~authorized to distribute \$310 million in revenues from the~~
 3008 | ~~Florida Forever Trust Fund. This distribution shall represent~~
 3009 | ~~payment in full for the portion of the Babcock Crescent B Ranch~~
 3010 | ~~to be acquired by the state under this section.~~

3011 | ~~(7) As used in this section, the term "state's portion of~~
 3012 | ~~the Babcock Crescent B Ranch" comprises those lands to be~~
 3013 | ~~conveyed by special warranty deed to the Board of Trustees of~~
 3014 | ~~the Internal Improvement Trust Fund under the provisions of the~~
 3015 | ~~agreement for sale and purchase executed by the Board of~~
 3016 | ~~Trustees of the Internal Improvement Trust Fund, the Fish and~~



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3017 ~~Wildlife Conservation Commission, the Department of Agriculture~~
 3018 ~~and Consumer Services, and the participating local government,~~
 3019 ~~as purchaser, and MSKP, III, a Florida corporation, as seller.~~

3020 Section 26. Subsections (1), (3), and (7) of section
 3021 373.089, Florida Statutes, are amended, and subsection (8) is
 3022 added to that section, to read:

3023 373.089 Sale or exchange of lands, or interests or rights
 3024 in lands.—The governing board of the district may sell lands, or
 3025 interests or rights in lands, to which the district has acquired
 3026 title or to which it may hereafter acquire title in the
 3027 following manner:

3028 (1) Any lands, or interests or rights in lands, determined
 3029 by the governing board to be surplus may be sold by the
 3030 district, at any time, for the highest price obtainable;
 3031 however, in no case shall the selling price be less than the
 3032 appraised value of the lands, or interests or rights in lands,
 3033 as determined by a certified appraisal obtained within 360 ~~120~~
 3034 days before the effective date of a contract for sale.

3035 (3) Before selling any surplus land, or interests or
 3036 rights in land, ~~it shall be the duty of the district shall~~
 3037 publish ~~to cause~~ a notice of intention to sell ~~to be published~~
 3038 in a newspaper published in the county in which the land, or
 3039 interests or rights in the land, is situated once each week for
 3040 3 successive weeks, ~~(three insertions being sufficient.)~~, The
 3041 first publication of the required notice must occur at least
 3042 ~~which shall be not less than~~ 30 days, but not ~~nor~~ more than 360



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3043 | ~~45 days, before~~ prior to any sale and must include, ~~which notice~~
 3044 | ~~shall set forth~~ a description of lands, or interests or rights
 3045 | in lands, to be offered for sale.

3046 | (7) Notwithstanding other provisions of this section, the
 3047 | governing board shall first offer title to lands acquired in
 3048 | whole or in part with Florida Forever funds which are determined
 3049 | to be no longer needed for conservation purposes to the Board of
 3050 | Trustees of the Internal Improvement Trust Fund unless the
 3051 | disposition of those lands is for the following purposes:

3052 | (a) Linear facilities, including electric transmission and
 3053 | distribution facilities, telecommunication transmission and
 3054 | distribution facilities, pipeline transmission and distribution
 3055 | facilities, public transportation corridors, and related
 3056 | appurtenances.

3057 | (b) The disposition of the fee interest in the land where
 3058 | a conservation easement is retained by the district to fulfill
 3059 | the conservation objectives for which the land was acquired.

3060 | (c) An exchange of the land for other lands that meet or
 3061 | exceed the conservation objectives for which the original land
 3062 | was acquired in accordance with subsection (4).

3063 | (d) To be used by a governmental entity for a public
 3064 | purpose.

3065 | (e) The portion of an overall purchase deemed surplus at
 3066 | the time of the acquisition.

3067 | (8) (a) If a parcel of land is no longer essential or
 3068 | necessary for conservation purposes and is valued at \$25,000 or



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3069 less as determined by a certified appraisal obtained within 360
 3070 days before the effective date of a contract for the sale, the
 3071 governing board may determine that the parcel of land is
 3072 surplus. The notice of intention to sell must be published as
 3073 required under subsection (3), one time only. The governing
 3074 board shall send the notice of intention to sell the parcel to
 3075 adjacent property owners by certified mail and publish the
 3076 notice on its website.

3077 (b) Fourteen days after publication of such notice, the
 3078 district may sell the parcel to an adjacent property owner or,
 3079 if there are two or more owners of adjacent property, accept
 3080 sealed bids and sell the parcel to the highest bidder or reject
 3081 all offers.

3082 (c) Thirty days after publication of such notice, the
 3083 district shall accept sealed bids and may sell the parcel to the
 3084 highest bidder or reject all offers.

3085
 3086 If ~~In the event~~ the Board of Trustees of the Internal
 3087 Improvement Trust Fund declines to accept title to the lands
 3088 offered under this section, the land may be disposed of by the
 3089 district under the provisions of this section.

3090 Section 27. Section 570.715, Florida Statutes, is created,
 3091 and subsection (7) of section 259.041, Florida Statutes, is
 3092 transferred, renumbered as subsection (5) of section 570.715,
 3093 Florida Statutes, and amended, to read:

3094 570.715 Conservation easement acquisition procedures.—



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3095 (1) For less than fee simple acquisitions pursuant to s.
3096 570.71, the Department of Agriculture and Consumer Services
3097 shall comply with the following acquisition procedures:

3098 (a) Before conveyance of title by the department, evidence
3099 of marketable title in the form of a commitment for title
3100 insurance or an abstract of title with a title opinion shall be
3101 obtained.

3102 (b) Before approval by the board of trustees of an
3103 agreement to purchase less than fee simple title to land
3104 pursuant to s. 570.71, an appraisal of the parcel shall be
3105 required as follows:

3106 1. Each parcel to be acquired shall have at least one
3107 appraisal. Two appraisals are required when the estimated value
3108 of the parcel exceeds \$1 million. However, when both appraisals
3109 exceed \$1 million and differ significantly, a third appraisal
3110 may be obtained.

3111 2. Appraisal fees and associated costs shall be paid by
3112 the department. All appraisals used for the acquisition of less
3113 than fee simple interest in lands pursuant to this section shall
3114 be prepared by a state-certified appraiser who meets the
3115 standards and criteria established by rule of the board of
3116 trustees. Each appraiser selected to appraise a particular
3117 parcel shall, before contracting with the department or a
3118 participant in a multiparty agreement, submit to the department
3119 or participant an affidavit substantiating that he or she has no
3120 vested or fiduciary interest in such parcel.



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3121 (c) A certified survey must be made that meets the minimum
3122 requirements for upland parcels established in the Standards of
3123 Practice for Land Surveying in Florida published by the
3124 department and that accurately portrays, to the greatest extent
3125 practicable, the condition of the parcel as it currently exists.
3126 The requirement for a certified survey may, in whole or in part,
3127 be waived by the board of trustees any time before acquisition
3128 of the less than fee simple interest. If an existing boundary
3129 map and description of a parcel are determined by the department
3130 to be sufficient for appraisal purposes, the department may
3131 temporarily waive the requirement for a survey until any time
3132 before conveyance of title to the parcel.

3133 (d) On behalf of the board of trustees and before the
3134 appraisal of parcels approved for purchase under s.
3135 259.105(3)(i) and s. 570.71, the department may enter into
3136 option contracts to buy less than fee simple interest in such
3137 parcels. Any such option contract shall state that the final
3138 purchase price is subject to approval by the board of trustees
3139 and that the final purchase price may not exceed the maximum
3140 offer authorized by law. Any such option contract presented to
3141 the board of trustees for final purchase price approval shall
3142 explicitly state that payment of the final purchase price is
3143 subject to an appropriation by the Legislature. The
3144 consideration for any such option contract may not exceed \$1,000
3145 or 0.01 percent of the estimate by the department of the value
3146 of the parcel, whichever amount is greater.



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3147 (e) A final offer shall be in the form of an option
3148 contract or agreement for purchase of the less than fee simple
3149 interest and shall be signed and attested to by the owner and
3150 the department. Before the department signs the agreement for
3151 purchase of the less than fee simple interest or exercises the
3152 option contract, the requirements of s. 286.23 shall be complied
3153 with.

3154 (f) The procedures provided in s. 253.025(9)(a)-(d) and
3155 (10) shall be followed.

3156 (2) If the public's interest is reasonably protected, the
3157 board of trustees may:

3158 (a) Waive any requirement of this section.

3159 (b) Waive any rules adopted pursuant to s. 570.71,
3160 notwithstanding chapter 120.

3161 (c) Substitute any other reasonably prudent procedures,
3162 including federally mandated acquisition procedures, for the
3163 procedures in this section, if federal funds are available and
3164 will be used for the purchase of a less than fee simple interest
3165 in lands, title to which will vest in the board of trustees, and
3166 qualification for such federal funds requires compliance with
3167 federally mandated acquisition procedures.

3168 (3) The less than fee simple land acquisition procedures
3169 provided in this section are for voluntary, negotiated
3170 acquisitions.

3171 (4) For purposes of this section, the term "negotiations"
3172 does not include preliminary contacts with the property owner to



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3173 determine availability or eligibility of the property, existing
3174 appraisal data, existing abstracts, and surveys.

3175 ~~(5)-(7) Prior to approval by the board of trustees or, when~~
3176 ~~applicable, the Department of Environmental Protection, of any~~
3177 ~~agreement to purchase land pursuant to this chapter, chapter~~
3178 ~~260, or chapter 375, and prior to negotiations with the parcel~~
3179 ~~owner to purchase any other land, title to which will vest in~~
3180 ~~the board of trustees, an appraisal of the parcel shall be~~
3181 ~~required as follows:~~

3182 ~~(a) The board of trustees shall adopt by rule the method~~
3183 ~~for determining the value of parcels sought to be acquired by~~
3184 ~~state agencies pursuant to this section.~~

3185 ~~(b) Each parcel to be acquired shall have at least one~~
3186 ~~appraisal. Two appraisals are required when the estimated value~~
3187 ~~of the parcel exceeds \$1 million. However, when both appraisals~~
3188 ~~exceed \$1 million and differ significantly, a third appraisal~~
3189 ~~may be obtained. When a parcel is estimated to be worth \$100,000~~
3190 ~~or less and the director of the Division of State Lands finds~~
3191 ~~that the cost of obtaining an outside appraisal is not~~
3192 ~~justified, an appraisal prepared by the division may be used.~~

3193 ~~(c) Appraisal fees and associated costs shall be paid by~~
3194 ~~the agency proposing the acquisition. The board of trustees~~
3195 ~~shall approve qualified fee appraisal organizations. All~~
3196 ~~appraisals used for the acquisition of lands pursuant to this~~
3197 ~~section shall be prepared by a member of an approved appraisal~~
3198 ~~organization or by a state-certified appraiser who meets the~~



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3199 ~~standards and criteria established in rule by the board of~~
 3200 ~~trustees. Each fee appraiser selected to appraise a particular~~
 3201 ~~parcel shall, prior to contracting with the agency or a~~
 3202 ~~participant in a multiparty agreement, submit to that agency or~~
 3203 ~~participant an affidavit substantiating that he or she has no~~
 3204 ~~vested or fiduciary interest in such parcel.~~

3205 ~~(d) The fee appraiser and the review appraiser for the~~
 3206 ~~agency shall not act in any way that may be construed as~~
 3207 ~~negotiating with the property owner.~~

3208 ~~(e) Generally,~~ Appraisal reports are confidential and
 3209 exempt from ~~the provisions of~~ s. 119.07(1), for use by the
 3210 department agency and the board of trustees, until an option
 3211 contract is executed or, if an ~~no~~ option contract is not
 3212 executed, until 2 weeks before a contract or agreement for
 3213 purchase is considered for approval by the board of trustees.
 3214 However, the department has the authority, at its discretion, to
 3215 disclose appraisal reports to private landowners during
 3216 negotiations for acquisitions using alternatives to fee simple
 3217 techniques, if the department determines that disclosure of such
 3218 reports will bring the proposed acquisition to closure. The
 3219 department ~~Division of State Lands~~ may also disclose appraisal
 3220 information to public agencies or nonprofit organizations that
 3221 agree to maintain the confidentiality of the reports or
 3222 information when joint acquisition of property is contemplated,
 3223 or when a public agency or nonprofit organization enters into a
 3224 written multiparty agreement with the department ~~division to~~



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3225 ~~purchase and hold property for subsequent resale to the~~
3226 ~~division. In addition, the division may use, as its own,~~
3227 ~~appraisals obtained by a public agency or nonprofit~~
3228 ~~organization, provided the appraiser is selected from the~~
3229 ~~division's list of appraisers and the appraisal is reviewed and~~
3230 ~~approved by the division. For the purposes of this subsection~~
3231 ~~chapter, the term "nonprofit organization" means an organization~~
3232 ~~whose purposes include the preservation of natural resources,~~
3233 ~~and which is exempt from federal income tax under s. 501(c)(3)~~
3234 ~~of the Internal Revenue Code. The department ~~agency~~ may release~~
3235 ~~an appraisal report when the passage of time has rendered the~~
3236 ~~conclusions of value in the report invalid or when the~~
3237 ~~department ~~acquiring~~ agency has terminated negotiations.~~

3238 ~~(f) The Division of State Lands may use, as its own,~~
3239 ~~appraisals obtained by a public agency or nonprofit~~
3240 ~~organization, provided that the appraiser is selected from the~~
3241 ~~division's list of appraisers and the appraisal is reviewed and~~
3242 ~~approved by the division. For the purposes of this chapter, the~~
3243 ~~term "nonprofit organization" means an organization whose~~
3244 ~~purposes include the preservation of natural resources and which~~
3245 ~~is exempt from federal income tax under s. 501(c)(3) of the~~
3246 ~~Internal Revenue Code.~~

3247
3248 ~~Notwithstanding the provisions of this subsection, on behalf of~~
3249 ~~the board and before the appraisal of parcels approved for~~
3250 ~~purchase under this chapter, the Secretary of Environmental~~



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3251 ~~Protection or the director of the Division of State Lands may~~
3252 ~~enter into option contracts to buy such parcels. Any such option~~
3253 ~~contract shall state that the final purchase price is subject to~~
3254 ~~approval by the board or, when applicable, the secretary and~~
3255 ~~that the final purchase price may not exceed the maximum offer~~
3256 ~~allowed by law. Any such option contract presented to the board~~
3257 ~~for final purchase price approval shall explicitly state that~~
3258 ~~payment of the final purchase price is subject to an~~
3259 ~~appropriation from the Legislature. The consideration for such~~
3260 ~~an option may not exceed \$1,000 or 0.01 percent of the estimate~~
3261 ~~by the department of the value of the parcel, whichever amount~~
3262 ~~is greater.~~

3263 Section 28. Paragraph (d) of subsection (1) of section
3264 73.015, Florida Statutes, is amended to read:

3265 73.015 Presuit negotiation.—

3266 (1) Effective July 1, 2000, before an eminent domain
3267 proceeding is brought under this chapter or chapter 74, the
3268 condemning authority must attempt to negotiate in good faith
3269 with the fee owner of the parcel to be acquired, must provide
3270 the fee owner with a written offer and, if requested, a copy of
3271 the appraisal upon which the offer is based, and must attempt to
3272 reach an agreement regarding the amount of compensation to be
3273 paid for the parcel.

3274 (d) Notwithstanding this subsection, with respect to lands
3275 acquired under s. 253.025 ~~259.041~~, the condemning authority is
3276 not required to give the fee owner the current appraisal before



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3277 | executing an option contract.

3278 | Section 29. Paragraph (b) of subsection (1) of section
3279 | 125.355, Florida Statutes, is amended to read:

3280 | 125.355 Proposed purchase of real property by county;
3281 | confidentiality of records; procedure.—

3282 | (1)

3283 | (b) If the exemptions provided in this section are
3284 | utilized, the governing body shall obtain at least one appraisal
3285 | by an appraiser approved pursuant to s. 253.025 ~~253.025(6)(b)~~
3286 | for each purchase in an amount of not more than \$500,000. For
3287 | each purchase in an amount in excess of \$500,000, the governing
3288 | body shall obtain at least two appraisals by appraisers approved
3289 | pursuant to s. 253.025 ~~253.025(6)(b)~~. If the agreed purchase
3290 | price exceeds the average appraised price of the two appraisals,
3291 | the governing body is required to approve the purchase by an
3292 | extraordinary vote. The governing body may, by ordinary vote,
3293 | exempt a purchase in an amount of \$100,000 or less from the
3294 | requirement for an appraisal.

3295 | Section 30. Paragraph (b) of subsection (1) of section
3296 | 166.045, Florida Statutes, is amended to read:

3297 | 166.045 Proposed purchase of real property by
3298 | municipality; confidentiality of records; procedure.—

3299 | (1)

3300 | (b) If the exemptions provided in this section are
3301 | utilized, the governing body shall obtain at least one appraisal
3302 | by an appraiser approved pursuant to s. 253.025 ~~253.025(6)(b)~~



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3303 for each purchase in an amount of not more than \$500,000. For
3304 each purchase in an amount in excess of \$500,000, the governing
3305 body shall obtain at least two appraisals by appraisers approved
3306 pursuant to s. 253.025 ~~253.025(6)(b)~~. If the agreed purchase
3307 price exceeds the average appraised price of the two appraisals,
3308 the governing body is required to approve the purchase by an
3309 extraordinary vote. The governing body may, by ordinary vote,
3310 exempt a purchase in an amount of \$100,000 or less from the
3311 requirement for an appraisal.

3312 Section 31. Subsection (2) of section 215.82, Florida
3313 Statutes, is amended to read:

3314 215.82 Validation; when required.—

3315 (2) Any bonds issued pursuant to this act which are
3316 validated shall be validated in the manner provided by chapter
3317 75. In actions to validate bonds to be issued in the name of the
3318 State Board of Education under s. 9(a) and (d), Art. XII of the
3319 State Constitution and bonds to be issued pursuant to chapter
3320 259, the Land Conservation Program Act of 1972, the complaint
3321 shall be filed in the circuit court of the county where the seat
3322 of state government is situated, the notice required to be
3323 published by s. 75.06 shall be published only in the county
3324 where the complaint is filed, and the complaint and order of the
3325 circuit court shall be served only on the state attorney of the
3326 circuit in which the action is pending. In any action to
3327 validate bonds issued pursuant to s. 1010.62 or issued pursuant
3328 to s. 9(a)(1), Art. XII of the State Constitution or issued



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3329 | pursuant to s. 215.605 or s. 338.227, the complaint shall be
 3330 | filed in the circuit court of the county where the seat of state
 3331 | government is situated, the notice required to be published by
 3332 | s. 75.06 shall be published in a newspaper of general
 3333 | circulation in the county where the complaint is filed and in
 3334 | two other newspapers of general circulation in the state, and
 3335 | the complaint and order of the circuit court shall be served
 3336 | only on the state attorney of the circuit in which the action is
 3337 | pending; provided, however, that if publication of notice
 3338 | pursuant to this section would require publication in more
 3339 | newspapers than would publication pursuant to s. 75.06, such
 3340 | publication shall be made pursuant to s. 75.06.

3341 | Section 32. Section 215.965, Florida Statutes, is amended
 3342 | to read:

3343 | 215.965 Disbursement of state moneys.—Except as provided
 3344 | in s. 17.076, s. 253.025(17) ~~253.025(14)~~, ~~s. 259.041(18)~~, s.
 3345 | 717.124(4)(b) and (c), s. 732.107(5), or s. 733.816(5), all
 3346 | moneys in the State Treasury shall be disbursed by state
 3347 | warrant, drawn by the Chief Financial Officer upon the State
 3348 | Treasury and payable to the ultimate beneficiary. This
 3349 | authorization shall include electronic disbursement.

3350 | Section 33. Subsection (8) of section 253.027, Florida
 3351 | Statutes, is amended to read:

3352 | 253.027 Emergency archaeological property acquisition.—
 3353 | (8) WAIVER OF APPRAISALS OR SURVEYS.—The Board of Trustees
 3354 | of the Internal Improvement Trust Fund may waive or limit any



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3355 appraisal or survey requirements in s. 253.025 ~~259.041~~, if
 3356 necessary to effectuate the purposes of this section. Fee simple
 3357 title is not required to be conveyed if some lesser interest
 3358 will allow the preservation of the archaeological resource.
 3359 Properties purchased pursuant to this section shall be
 3360 considered archaeologically unique or significant properties and
 3361 may be purchased under the provisions of s. 253.025(9)
 3362 ~~253.025(7)~~.

3363 Section 34. Section 253.7824, Florida Statutes, is amended
 3364 to read:

3365 253.7824 Sale of products; proceeds.—The Department of of
 3366 Environmental Protection may authorize the removal and sale of
 3367 products from the land where environmentally appropriate, the
 3368 proceeds from which shall be deposited into the appropriate
 3369 trust fund in accordance with the same disposition provided
 3370 under s. 253.0341 ~~253.034(6)(k), (l), or (m)~~ applicable to the
 3371 sale of land.

3372 Section 35. Paragraphs (b) and (c) of subsection (2) of
 3373 section 260.015, Florida Statutes, are amended to read:

3374 260.015 Acquisition of land.—

3375 (2) For purposes of the Florida Greenways and Trails
 3376 Program, the board may:

3377 (b) Accept title to abandoned railroad rights-of-way which
 3378 is conveyed by quitclaim deed through purchase, dedication,
 3379 gift, grant, or settlement, notwithstanding s. 253.025
 3380 ~~259.041(1)~~.



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3381 (c) Enter into an agreement or, upon delegation, the
 3382 department may enter into an agreement, with a nonprofit
 3383 corporation, as defined in s. 253.025 ~~259.041(7)(e)~~, to assume
 3384 responsibility for acquisition of lands pursuant to this
 3385 section. The agreement may transfer responsibility for all
 3386 matters which may be delegated or waived pursuant to s. 253.025
 3387 ~~259.041(1)~~.

3388 Section 36. Paragraph (b) of subsection (3) of section
 3389 260.016, Florida Statutes, is amended to read:

3390 260.016 General powers of the department.—

3391 (3) The department or its designee is authorized to
 3392 negotiate with potentially affected private landowners as to the
 3393 terms under which such landowners would consent to the public
 3394 use of their lands as part of the greenways and trails system.
 3395 The department shall be authorized to agree to incentives for a
 3396 private landowner who consents to this public use of his or her
 3397 lands for conservation or recreational purposes, including, but
 3398 not limited to, the following:

3399 (b) Agreement to exchange, subject to the approval of the
 3400 board ~~of Trustees of the Internal Improvement Trust Fund~~ or
 3401 other applicable unit of government, ownership or other rights
 3402 of use of public lands for the ownership or other rights of use
 3403 of privately owned lands. Any exchange of state-owned lands,
 3404 title to which is vested in the board ~~of Trustees of the~~
 3405 ~~Internal Improvement Trust Fund~~, for privately owned lands shall
 3406 be subject to the requirements of s. 253.025 ~~259.041~~.



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3407 Section 37. Subsections (6) and (7) of section 369.317,
 3408 Florida Statutes, are amended to read:
 3409 369.317 Wekiva Parkway.—
 3410 (6) The Central Florida Expressway Authority is hereby
 3411 granted the authority to act as a third-party acquisition agent,
 3412 pursuant to s. 253.025 ~~259.041~~ on behalf of the Board of
 3413 Trustees of the Internal Improvement Trust Fund or chapter 373
 3414 on behalf of the governing board of the St. Johns River Water
 3415 Management District, for the acquisition of all necessary lands,
 3416 property and all interests in property identified herein,
 3417 including fee simple or less than fee ~~less than fee~~ simple
 3418 interests. The lands subject to this authority are identified in
 3419 paragraph 10.a., State of Florida, Office of the Governor,
 3420 Executive Order 03-112 of July 1, 2003, and in Recommendation 16
 3421 of the Wekiva Basin Area Task Force created by Executive Order
 3422 2002-259, such lands otherwise known as Neighborhood Lakes, a
 3423 1,587+/-acre parcel located in Orange and Lake Counties within
 3424 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,
 3425 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;
 3426 Seminole Woods/Swamp, a 5,353+/-acre parcel located in Lake
 3427 County within Section 37, Township 19 South, Range 28 East; New
 3428 Garden Coal; a 1,605+/-acre parcel in Lake County within
 3429 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28
 3430 East; Pine Plantation, a 617+/-acre tract consisting of eight
 3431 individual parcels within the Apopka City limits. The Department
 3432 of Transportation, the Department of Environmental Protection,



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3433 the St. Johns River Water Management District, and other land
3434 acquisition entities shall participate and cooperate in
3435 providing information and support to the third-party acquisition
3436 agent. The land acquisition process authorized by this paragraph
3437 shall begin no later than December 31, 2004. Acquisition of the
3438 properties identified as Neighborhood Lakes, Pine Plantation,
3439 and New Garden Coal, or approval as a mitigation bank shall be
3440 concluded no later than December 31, 2010. Department of
3441 Transportation and Central Florida Expressway Authority funds
3442 expended to purchase an interest in those lands identified in
3443 this subsection shall be eligible as environmental mitigation
3444 for road construction related impacts in the Wekiva Study Area.
3445 If any of the lands identified in this subsection are used as
3446 environmental mitigation for road-construction-related impacts
3447 incurred by the Department of Transportation or Central Florida
3448 Expressway Authority, or for other impacts incurred by other
3449 entities, within the Wekiva Study Area or within the Wekiva
3450 parkway alignment corridor, and if the mitigation offsets these
3451 impacts, the St. Johns River Water Management District and the
3452 Department of Environmental Protection shall consider the
3453 activity regulated under part IV of chapter 373 to meet the
3454 cumulative impact requirements of s. 373.414(8)(a).

3455 (a) Acquisition of the land described in this section is
3456 required to provide right-of-way for the Wekiva Parkway, a
3457 limited access roadway linking State Road 429 to Interstate 4,
3458 an essential component in meeting regional transportation needs



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3459 | to provide regional connectivity, improve safety, accommodate
3460 | projected population and economic growth, and satisfy critical
3461 | transportation requirements caused by increased traffic volume
3462 | growth and travel demands.

3463 | (b) Acquisition of the lands described in this section is
3464 | also required to protect the surface water and groundwater
3465 | resources of Lake, Orange, and Seminole counties, otherwise
3466 | known as the Wekiva Study Area, including recharge within the
3467 | springshed that provides for the Wekiva River system. Protection
3468 | of this area is crucial to the long term viability of the Wekiva
3469 | River and springs and the central Florida region's water supply.
3470 | Acquisition of the lands described in this section is also
3471 | necessary to alleviate pressure from growth and development
3472 | affecting the surface and groundwater resources within the
3473 | recharge area.

3474 | (c) Lands acquired pursuant to this section that are
3475 | needed for transportation facilities for the Wekiva Parkway
3476 | shall be determined not necessary for conservation purposes
3477 | pursuant to ss. 253.0341 ~~253.034(6)~~ and 373.089(5) and shall be
3478 | transferred to or retained by the Central Florida Expressway
3479 | Authority or the Department of Transportation upon reimbursement
3480 | of the full purchase price and acquisition costs.

3481 | (7) The Department of Transportation, the Department of
3482 | Environmental Protection, the St. Johns River Water Management
3483 | District, Central Florida Expressway Authority, and other land
3484 | acquisition entities shall cooperate and establish funding



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3485 responsibilities and partnerships by agreement to the extent
 3486 funds are available to the various entities. Properties acquired
 3487 with Florida Forever funds shall be in accordance with s.
 3488 253.025 ~~259.041~~ or chapter 373. The Central Florida Expressway
 3489 Authority shall acquire land in accordance with this section ~~of~~
 3490 ~~law~~ to the extent funds are available from the various funding
 3491 partners; however, the authority is, ~~but shall not be~~ required
 3492 or not assumed to fund the land acquisition beyond the agreement
 3493 and funding provided by the various land acquisition entities.

3494 Section 38. Paragraph (a) of subsection (3) of section
 3495 373.139, Florida Statutes, is amended to read:

3496 373.139 Acquisition of real property.—

3497 (3) The initial 5-year work plan and any subsequent
 3498 modifications or additions thereto shall be adopted by each
 3499 water management district after a public hearing. Each water
 3500 management district shall provide at least 14 days' advance
 3501 notice of the hearing date and shall separately notify each
 3502 county commission within which a proposed work plan project or
 3503 project modification or addition is located of the hearing date.

3504 (a) Appraisal reports, offers, and counteroffers are
 3505 confidential and exempt from ~~the provisions of~~ s. 119.07(1)
 3506 until an option contract is executed or, if no option contract
 3507 is executed, until 30 days before a contract or agreement for
 3508 purchase is considered for approval by the governing board.
 3509 However, each district may, at its discretion, disclose
 3510 appraisal reports to private landowners during negotiations for



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3511 acquisitions using alternatives to fee simple techniques, if the
3512 district determines that disclosure of such reports will bring
3513 the proposed acquisition to closure. If ~~In the event that~~
3514 negotiation is terminated by the district, the appraisal report,
3515 offers, and counteroffers shall become available pursuant to s.
3516 119.07(1). Notwithstanding ~~the provisions of~~ this section and s.
3517 253.025 ~~259.041~~, a district and the Division of State Lands may
3518 share and disclose appraisal reports, appraisal information,
3519 offers, and counteroffers when joint acquisition of property is
3520 contemplated. A district and the Division of State Lands shall
3521 maintain the confidentiality of such appraisal reports,
3522 appraisal information, offers, and counteroffers in conformance
3523 with this section and s. 253.025 ~~259.041~~, except in those cases
3524 in which a district and the division have exercised discretion
3525 to disclose such information. A district may disclose appraisal
3526 information, offers, and counteroffers to a third party who has
3527 entered into a contractual agreement with the district to work
3528 with or on the behalf of or to assist the district in connection
3529 with land acquisitions. The third party shall maintain the
3530 confidentiality of such information in conformance with this
3531 section. In addition, a district may use, as its own, appraisals
3532 obtained by a third party provided the appraiser is selected
3533 from the district's list of approved appraisers and the
3534 appraisal is reviewed and approved by the district.

3535 Section 39. Subsection (8) of section 375.031, Florida
3536 Statutes, is amended to read:



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3537 375.031 Acquisition of land; procedures.—
 3538 (8) The department may, if it deems it desirable and in
 3539 the best interest of the program, request the board of trustees
 3540 to sell or otherwise dispose of any lands or water storage areas
 3541 acquired under this act. The board of trustees, when so
 3542 requested, shall offer the lands or water storage areas, on such
 3543 terms as the department may determine, first to other state
 3544 agencies and then, if still available, to the county or
 3545 municipality in which the lands or water storage areas lie. If
 3546 not acquired by another state agency or local governmental body
 3547 for beneficial public purposes, the lands or water storage areas
 3548 shall then be offered by the board of trustees at public sale,
 3549 after first giving notice of such sale by publication in a
 3550 newspaper published in the county or counties in which such
 3551 lands or water storage areas lie not less than once a week for 3
 3552 consecutive weeks. All proceeds from the sale or disposition of
 3553 any lands or water storage areas pursuant to this section shall
 3554 be deposited into the appropriate trust fund pursuant to s.
 3555 253.0341 ~~253.034(6)(k), (l), or (m)~~.

3556 Section 40. Subsection (2) of section 375.041, Florida
 3557 Statutes, is amended to read:

3558 375.041 Land Acquisition Trust Fund.—

3559 (2) All moneys and revenue from the sale or other
 3560 disposition of land, water areas, or related resources acquired
 3561 on or after July 1, 2015, for the purposes of s. 28, Art. X of
 3562 the State Constitution shall be deposited into or credited to



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3563 the Land Acquisition Trust Fund, except as otherwise provided
3564 pursuant to s. 253.0341 ~~253.034(6)(1)~~.

3565 Section 41. Paragraph (a) of subsection (1) of section
3566 380.05, Florida Statutes, is amended to read:

3567 380.05 Areas of critical state concern.—

3568 (1) (a) The state land planning agency may from time to
3569 time recommend to the Administration Commission specific areas
3570 of critical state concern. In its recommendation, the agency
3571 shall include recommendations with respect to the purchase of
3572 lands situated within the boundaries of the proposed area as
3573 environmentally endangered lands and outdoor recreation lands
3574 under the Land Conservation Program Act ~~of 1972~~. The agency also
3575 shall include any report or recommendation of a resource
3576 planning and management committee appointed pursuant to s.
3577 380.045; the dangers that would result from uncontrolled or
3578 inadequate development of the area and the advantages that would
3579 be achieved from the development of the area in a coordinated
3580 manner; a detailed boundary description of the proposed area;
3581 specific principles for guiding development within the area; an
3582 inventory of lands owned by the state, federal, county, and
3583 municipal governments within the proposed area; and a list of
3584 the state agencies with programs that affect the purpose of the
3585 designation. The agency shall recommend actions which the local
3586 government and state and regional agencies must accomplish in
3587 order to implement the principles for guiding development. These
3588 actions may include, but need ~~shall~~ not be limited to, revisions



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3589 of the local comprehensive plan and adoption of land development
 3590 regulations, density requirements, and special permitting
 3591 requirements.

3592 Section 42. Paragraph (b) of subsection (5) of section
 3593 380.055, Florida Statutes, is amended to read:

3594 380.055 Big Cypress Area.—

3595 (5) ACQUISITION OF BIG CYPRESS NATIONAL PRESERVE.—

3596 (b) The Board of Trustees of the Internal Improvement
 3597 Trust Fund shall set aside from the proceeds of the full faith
 3598 and credit bonds authorized by the Land Conservation Program Act
 3599 ~~of 1972~~, or from other funds authorized, appropriated, or
 3600 allocated for the acquisition of environmentally endangered
 3601 lands, or from both sources, \$40 million for acquisition of the
 3602 area proposed as the Federal Big Cypress National Preserve,
 3603 Florida, or portions thereof.

3604 Section 43. Paragraph (f) of subsection (4) of section
 3605 380.508, Florida Statutes, is amended to read:

3606 380.508 Projects; development, review, and approval.—

3607 (4) Projects or activities which the trust undertakes,
 3608 coordinates, or funds in any manner shall comply with the
 3609 following guidelines:

3610 (f) The trust shall cooperate with local governments,
 3611 state agencies, federal agencies, and nonprofit organizations in
 3612 ensuring the reservation of lands for parks, recreation, fish
 3613 and wildlife habitat, historical preservation, or scientific
 3614 study. If any local government, state agency, federal agency, or



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3615 nonprofit organization is unable, due to limited financial
3616 resources or other circumstances of a temporary nature, to
3617 acquire a site for the purposes described in this paragraph, the
3618 trust may acquire and hold the site for subsequent conveyance to
3619 the appropriate governmental agency or nonprofit organization.
3620 The trust may provide such technical assistance as required to
3621 aid local governments, state and federal agencies, and nonprofit
3622 organizations in completing acquisition and related functions.
3623 The trust may not reserve lands acquired in accordance with this
3624 paragraph for more than 5 years from the time of acquisition. A
3625 local government, federal or state agency, or nonprofit
3626 organization may acquire the land at any time during this period
3627 for public purposes. The purchase price shall be based upon the
3628 trust's cost of acquisition, plus administrative and management
3629 costs in reserving the land. The payment of the purchase price
3630 shall be by money, trust-approved property of an equivalent
3631 value, or a combination of money and trust-approved property.
3632 If, after the 5-year period, the trust has not sold to a
3633 governmental agency or nonprofit organization land acquired for
3634 site reservation, the trust shall dispose of such land at fair
3635 market value or shall trade it for other land of comparable
3636 value which will serve to accomplish the purposes of this part.
3637 Any proceeds from the sale of such land received by the
3638 department shall be deposited into the appropriate trust fund
3639 pursuant to s. 253.0341 ~~253.034(6)(k), (l), or (m)~~.

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3641 Project costs may include costs of providing parks, open space,
3642 public access sites, scenic easements, and other areas and
3643 facilities serving the public where such features are part of a
3644 project plan approved according to this part. In undertaking or
3645 coordinating projects or activities authorized by this part, the
3646 trust shall, when appropriate, use and promote the use of
3647 creative land acquisition methods, including the acquisition of
3648 less than fee interest through, among other methods,
3649 conservation easements, transfer of development rights, leases,
3650 and leaseback arrangements. The trust shall assist local
3651 governments in the use of sound alternative methods of financing
3652 for funding projects and activities authorized under this part.
3653 Any funds over and above eligible project costs, which remain
3654 after completion of a project approved according to this part,
3655 shall be transmitted to the state and deposited into the Florida
3656 Forever Trust Fund.

3657 Section 44. Section 589.07, Florida Statutes, is amended
3658 to read:

3659 589.07 Florida Forest Service may acquire lands for forest
3660 purposes.—The Florida Forest Service, on behalf of the state and
3661 subject to the restrictions mentioned in s. 589.08, may acquire
3662 lands, suitable for state forest purposes, by gift, donation,
3663 contribution, purchase, or otherwise and may enter into
3664 agreements with the Federal Government, or other agency, for
3665 acquiring by gift, purchase, or otherwise, such lands as are, in
3666 the judgment of the Florida Forest Service, suitable and



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3667 desirable for state forests. The acquisition procedures for
 3668 state lands provided in s. 253.025 ~~259.041~~ do not apply to
 3669 acquisition of land by the Florida Forest Service.

3670 Section 45. Paragraphs (a) and (b) of subsection (4) of
 3671 section 944.10, Florida Statutes, are amended to read:

3672 944.10 Department of Corrections to provide buildings;
 3673 sale and purchase of land; contracts to provide services and
 3674 inmate labor.—

3675 (4) (a) Notwithstanding s. 253.025 or s. 287.057, whenever
 3676 the department finds it to be necessary for timely site
 3677 acquisition, it may contract without the need for competitive
 3678 selection with one or more appraisers whose names are contained
 3679 on the list of approved appraisers maintained by the Division of
 3680 State Lands of the Department of Environmental Protection in
 3681 accordance with s. 253.025(8) ~~253.025(6)(b)~~. In those instances
 3682 in which the department directly contracts for appraisal
 3683 services, it must also contract with an approved appraiser who
 3684 is not employed by the same appraisal firm for review services.

3685 (b) Notwithstanding s. 253.025(8) ~~253.025(6)~~, the
 3686 department may negotiate and enter into an option contract
 3687 before an appraisal is obtained. The option contract must state
 3688 that the final purchase price cannot exceed the maximum value
 3689 allowed by law. The consideration for such an option contract
 3690 may not exceed 10 percent of the estimate obtained by the
 3691 department or 10 percent of the value of the parcel, whichever
 3692 amount is greater.



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3693 Section 46. Subsections (6) and (7) of section 957.04,
3694 Florida Statutes, are amended to read:

3695 957.04 Contract requirements.—

3696 (6) Notwithstanding s. 253.025(9) ~~253.025(7)~~, the Board of
3697 Trustees of the Internal Improvement Trust Fund need not approve
3698 a lease-purchase agreement negotiated by the Department of
3699 Management Services if the Department of Management Services
3700 finds that there is a need to expedite the lease-purchase.

3701 (7) (a) Notwithstanding s. 253.025 or s. 287.057, whenever
3702 the Department of Management Services finds it to be in the best
3703 interest of timely site acquisition, it may contract without the
3704 need for competitive selection with one or more appraisers whose
3705 names are contained on the list of approved appraisers
3706 maintained by the Division of State Lands of the Department of
3707 Environmental Protection in accordance with s. 253.025(8)
3708 ~~253.025(6)(b)~~. In those instances when the Department of
3709 Management Services directly contracts for appraisal services,
3710 it shall also contract with an approved appraiser who is not
3711 employed by the same appraisal firm for review services.

3712 (b) Notwithstanding s. 253.025(8) ~~253.025(6)~~, the
3713 Department of Management Services may negotiate and enter into
3714 lease-purchase agreements before an appraisal is obtained. Any
3715 such agreement must state that the final purchase price cannot
3716 exceed the maximum value allowed by law.

3717 Section 47. Paragraphs (a) and (b) of subsection (12) of
3718 section 985.682, Florida Statutes, are amended to read:



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3719 985.682 Siting of facilities; criteria.—
3720 (12) (a) Notwithstanding s. 253.025 or s. 287.057, when the
3721 department finds it necessary for timely site acquisition, it
3722 may contract, without using the competitive selection procedure,
3723 with an appraiser whose name is on the list of approved
3724 appraisers maintained by the Division of State Lands of the
3725 Department of Environmental Protection under s. 253.025(8)
3726 ~~253.025(6)(b)~~. When the department directly contracts for
3727 appraisal services, it must contract with an approved appraiser
3728 who is not employed by the same appraisal firm for review
3729 services.

3730 (b) Notwithstanding s. 253.025(8) ~~253.025(6)~~, the
3731 department may negotiate and enter into an option contract
3732 before an appraisal is obtained. The option contract must state
3733 that the final purchase price may not exceed the maximum value
3734 allowed by law. The consideration for such an option contract
3735 may not exceed 10 percent of the estimate obtained by the
3736 department or 10 percent of the value of the parcel, whichever
3737 amount is greater.

3738 Section 48. Paragraph (b) of subsection (1) of section
3739 1013.14, Florida Statutes, is amended to read:

3740 1013.14 Proposed purchase of real property by a board;
3741 confidentiality of records; procedure.—

3742 (1)

3743 (b) Before ~~Prior to~~ acquisition of the property, the board
3744 shall obtain at least one appraisal by an appraiser approved



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3745 | pursuant to s. 253.025(8) ~~253.025(6)(b)~~ for each purchase in an
 3746 | amount greater than \$100,000 and not more than \$500,000. For
 3747 | each purchase in an amount in excess of \$500,000, the board
 3748 | shall obtain at least two appraisals by appraisers approved
 3749 | pursuant to s. 253.025(8) ~~253.025(6)(b)~~. If the agreed to
 3750 | purchase price exceeds the average appraised value, the board is
 3751 | required to approve the purchase by an extraordinary vote.

3752 | Section 49. For the 2016-2017 fiscal year, the sums of
 3753 | \$396,040 in recurring funds and \$1,370,528 in nonrecurring funds
 3754 | from the General Revenue Fund are appropriated to the Department
 3755 | of Environmental Protection, and four full-time equivalent
 3756 | positions with associated salary rate of 182,968 are authorized,
 3757 | for the purpose of implementing the amendments made by this act
 3758 | to ss. 253.034 and 253.0341, Florida Statutes, and the
 3759 | provisions of s. 253.87, Florida Statutes, as created by this
 3760 | act.

3761 | Section 50. This act shall take effect July 1, 2016.