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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/24/2016	.	
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	.	

Appropriations Subcommittee on General Government (Simpson)
recommended the following:

1 **Senate Substitute for Amendment (647570) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Section 253.025, Florida Statutes, is amended to
7 read:

8 253.025 Acquisition of state lands ~~for purposes other than~~
9 ~~preservation, conservation, and recreation.~~-

10 (1) (a) ~~Neither~~ The Board of Trustees of the Internal



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11 Improvement Trust Fund or ~~not~~ its duly authorized agent may not
12 ~~shall~~ commit the state, through any instrument of negotiated
13 contract or agreement for purchase, to the purchase of lands
14 with or without appurtenances unless ~~the provisions of this~~
15 section has ~~have~~ been fully complied with.

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

19 1. Waive any requirements of this section.

20 2. Waive any rules adopted pursuant to this section,
21 notwithstanding chapter 120.

22 3. Substitute other reasonably prudent procedures.

23 (c) ~~However,~~ The board of trustees may also substitute
24 federally mandated acquisition procedures for the provisions of
25 this section ~~if when~~ federal funds are available and will be
26 ~~used~~ ~~utilized~~ for the purchase of lands, title to which will
27 vest in the board of trustees, and qualification for such
28 federal funds requires compliance with federally mandated
29 acquisition procedures.

30 (d) Notwithstanding ~~any provisions in~~ this section ~~to the~~
31 ~~contrary,~~ if lands are being acquired by the board of trustees
32 for the anticipated sale, conveyance, or transfer to the Federal
33 Government pursuant to a joint state and federal acquisition
34 project, the board of trustees may use appraisals obtained by
35 the Federal Government in the acquisition of such lands. The
36 board of trustees may waive any provision of this section when
37 land is being conveyed from a state agency to the board.

38 (e) The title to lands acquired pursuant to this section
39 shall vest in the board of trustees pursuant to s. 253.03(1)



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40 unless otherwise provided by law, and all such titled lands
41 shall be administered pursuant to s. 253.03.

42 (2) Before ~~Prior to~~ any state agency initiates ~~initiating~~
43 any land acquisition, except for ~~as pertains to~~ the purchase of
44 property for transportation facilities and transportation
45 corridors and property for borrow pits for road building
46 purposes, the agency shall coordinate with the Division of State
47 Lands to determine the availability of existing, suitable state-
48 owned lands in the area and the public purpose for which the
49 acquisition is being proposed. If the state agency determines
50 that no suitable state-owned lands exist, the state agency may
51 proceed to acquire such lands by employing all available
52 statutory authority for acquisition.

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

57 (a) The procedures to be followed in the acquisition
58 process, including selection of appraisers, surveyors, title
59 agents, and closing agents, and the content of appraisal
60 reports.

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

63 (c) Special requirements when multiple landowners are
64 involved in an acquisition.

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

67 (4) An agreement to acquire real property for the purposes
68 described in this chapter, chapter 259, chapter 260, or chapter



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69 375, title to which will vest in the board of trustees, may not
70 bind the state before the agreement is reviewed and approved by
71 the Department of Environmental Protection as complying with
72 this section and any rules adopted pursuant to this section. If
73 any of the following conditions exist, the agreement shall be
74 submitted to and approved by the board of trustees:

75 (a) The purchase price agreed to by the seller exceeds the
76 value as established pursuant to the rules of the board of
77 trustees;

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

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

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

87
88 If approval of the board of trustees is required pursuant to
89 this subsection, the acquiring agency must provide a
90 justification as to why it is in the public's interest to
91 acquire the parcel or Florida Forever project. Approval of the
92 board of trustees is also required for Florida Forever projects
93 the department recommends acquiring pursuant to subsections (11)
94 and (22). Review and approval of agreements for acquisitions for
95 Florida Greenways and Trails Program properties pursuant to
96 chapter 260 may be waived by the department in any contract with
97 nonprofit corporations that have agreed to assist the department



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98 with this program. If the contribution of the acquiring agency
99 exceeds \$100 million in any one fiscal year, the agreement shall
100 be submitted to and approved by the Legislative Budget
101 Commission.

102 (5)-(3) Land acquisition procedures provided for in this
103 section are for voluntary, negotiated acquisitions.

104 (6)-(4) For the purposes of this section, the term
105 "negotiations" does not include preliminary contacts with the
106 property owner to determine the availability of the property,
107 existing appraisal data, existing abstracts, and surveys.

108 (7)-(5) Evidence of marketable title shall be provided by
109 the landowner before ~~prior to~~ the conveyance of title, as
110 provided in the final agreement for purchase. Such evidence of
111 marketability shall be in the form of title insurance or an
112 abstract of title with a title opinion. The board of trustees
113 may waive the requirement that the landowner provide evidence of
114 marketable title, and, in such case, the acquiring agency shall
115 provide evidence of marketable title. The board of trustees or
116 its designee may waive the requirement of evidence of
117 marketability for acquisitions of property assessed by the
118 county property appraiser at \$10,000 or less, if ~~where~~ the
119 Division of State Lands finds, based upon such review of the
120 title records as is reasonable under the circumstances, that
121 there is no apparent impediment to marketability, or to
122 management of the property by the state.

123 (8)-(6) Before approval by the board of trustees, or, when
124 applicable, the Department of Environmental Protection, of any
125 agreement to purchase land pursuant to this chapter, chapter
126 259, chapter 260, or chapter 375, and before ~~Prior to~~



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127 negotiations with the parcel owner to purchase any other land
128 ~~pursuant to this section~~, title to which will vest in the board
129 of trustees, an appraisal of the parcel shall be required as
130 follows:

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

134 (b) ~~(a)~~ Each parcel to be acquired shall have at least one
135 appraisal. Two appraisals are required when the estimated value
136 of the parcel exceeds \$1 million. However, if both appraisals
137 exceed \$1 million and differ significantly, a third appraisal
138 may be obtained. If ~~when~~ a parcel is estimated to be worth
139 \$100,000 or less and the director of the Division of State Lands
140 finds that the cost of an outside appraisal is not justified, a
141 comparable sales analysis, an appraisal prepared by the
142 division, or other reasonably prudent procedures may be used by
143 the division to estimate the value of the parcel, provided the
144 public's interest is reasonably protected. The state is not
145 required to appraise the value of lands and appurtenances that
146 are being donated to the state.

147 (c) ~~(b)~~ Appraisal fees and associated costs shall be paid by
148 the agency proposing the acquisition. ~~The board of trustees~~
149 ~~shall approve qualified fee appraisal organizations.~~ All
150 appraisals used for the acquisition of lands pursuant to this
151 section shall be prepared by a ~~member of an approved appraisal~~
152 ~~organization or by a state-certified appraiser.~~ The board of
153 trustees shall adopt rules for selecting individuals to perform
154 appraisals pursuant to this section. Each fee appraiser selected
155 to appraise a particular parcel shall, before ~~prior to~~



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156 contracting with the agency or a participant in a multiparty
157 agreement, submit to the ~~that~~ agency an affidavit substantiating
158 that he or she has no vested or fiduciary interest in such
159 parcel.

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

163 (e) ~~(e)~~ The board of trustees shall adopt by rule the
164 minimum criteria, techniques, and methods to be used in the
165 preparation of appraisal reports. Such rules shall incorporate,
166 to the extent practicable, generally accepted appraisal
167 standards. Any appraisal issued for acquisition of lands
168 pursuant to this section must comply with the rules adopted by
169 the board of trustees. A certified survey must be made which
170 meets the minimum requirements for upland parcels established in
171 the ~~Minimum Technical~~ Standards of Practice for Land Surveying
172 in Florida published by the Department of Agriculture and
173 Consumer Services ~~Business and Professional Regulation~~ and which
174 accurately portrays, to the greatest extent practicable, the
175 condition of the parcel as it currently exists. The requirement
176 for a certified survey may, in part or in whole, be waived by
177 the board of trustees any time before ~~prior to~~ submitting the
178 agreement for purchase to the Division of State Lands. When an
179 existing boundary map and description of a parcel are determined
180 by the division to be sufficient for appraisal purposes, the
181 division director may temporarily waive the requirement for a
182 survey until any time before ~~prior to~~ conveyance of title to the
183 parcel. ~~The fee appraiser and the review appraiser for the~~
184 ~~agency shall not act in any way that may be construed as~~



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185 ~~negotiating with the property owner.~~
186 (f)~~(d)~~ Appraisal reports are confidential and exempt from
187 ~~the provisions of s. 119.07(1), for use by the agency and the~~
188 ~~board of trustees, until an option contract is executed or, if~~
189 ~~no option contract is executed, until 2 weeks before a contract~~
190 ~~or agreement for purchase is considered for approval by the~~
191 ~~board of trustees. The Department of Environmental Protection~~
192 ~~may disclose appraisal reports to private landowners during~~
193 ~~negotiations for acquisitions using alternatives to fee simple~~
194 ~~techniques, if the department determines that disclosure of such~~
195 ~~reports will bring the proposed acquisition to closure. However,~~
196 ~~the private landowner must agree to maintain the confidentiality~~
197 ~~of the reports or information. However, The department Division
198 ~~of State Lands may also disclose appraisal information to public~~
199 ~~agencies or nonprofit organizations that agree to maintain the~~
200 ~~confidentiality of the reports or information when joint~~
201 ~~acquisition of property is contemplated, or when a public agency~~
202 ~~or nonprofit organization enters into a written agreement with~~
203 ~~the department division to purchase and hold property for~~
204 ~~subsequent resale to the board of trustees division. In~~
205 ~~addition, the department division may use, as its own,~~
206 ~~appraisals obtained by a public agency or nonprofit~~
207 ~~organization, if provided the appraiser is selected from the~~
208 ~~department's division's list of appraisers and the appraisal is~~
209 ~~reviewed and approved by the department division. For the~~
210 ~~purposes of this paragraph, the term "nonprofit organization"~~
211 ~~means an organization that ~~whose purpose is the preservation of~~
212 ~~natural resources, and which~~ is exempt from federal income tax
213 ~~under s. 501(c)(3) of the Internal Revenue Code and, for~~~~~~



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214 purposes of the acquisition of conservation lands, an
215 organization whose purpose must include the preservation of
216 natural resources. The agency may release an appraisal report
217 when the passage of time has rendered the conclusions of value
218 in the report invalid or when the acquiring agency has
219 terminated negotiations.

220 (g) ~~(e)~~ Before ~~Prior to~~ acceptance of an appraisal, the
221 agency shall submit a copy of such report to the division ~~of~~
222 ~~State Lands.~~ The division shall review such report for
223 compliance with the rules of the board ~~of trustees.~~ Any
224 questions of applicability of laws affecting an appraisal shall
225 be addressed by the legal office of the agency.

226 (h) ~~(f)~~ The appraisal report shall be accompanied by the
227 sales history of the parcel for at least the previous ~~prior~~ 5
228 years. Such sales history shall include all parties and
229 considerations with the amount of consideration verified, if
230 possible. If a sales history would not be useful, or it is its
231 cost prohibitive compared to the value of a parcel, the sales
232 history may be waived by the board of trustees. The board of
233 trustees shall adopt a rule specifying guidelines for waiver of
234 a sales history.

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

240 (j)1. The board of trustees shall adopt by rule the method
241 for determining the value of parcels sought to be acquired by
242 state agencies pursuant to this section. An offer by a state



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243 agency may not exceed the value for that parcel as determined
244 pursuant to the highest approved appraisal or the value
245 determined pursuant to the rules of the board of trustees,
246 whichever value is less.

247 2. For a joint acquisition by a state agency and a local
248 government or other entity apart from the state, the joint
249 purchase price may not exceed 150 percent of the value for a
250 parcel as determined in accordance with the limits in
251 subparagraph 1. The state agency share of a joint purchase offer
252 may not exceed what the agency may offer singly pursuant to
253 subparagraph 1.

254 3. This paragraph does not apply to the acquisition of
255 historically unique or significant property as determined by the
256 Division of Historical Resources of the Department of State.

257
258 Notwithstanding this subsection, on behalf of the board of
259 trustees and before the appraisal of parcels approved for
260 purchase under this chapter or chapter 259, the Secretary of
261 Environmental Protection or the director of the Division of
262 State Lands may enter into option contracts to buy such parcels.
263 Any such option contract shall state that the final purchase
264 price is subject to approval by the board of trustees or, if
265 applicable, the Secretary of Environmental Protection, and that
266 the final purchase price may not exceed the maximum offer
267 allowed by law. Any such option contract presented to the board
268 of trustees for final purchase price approval shall explicitly
269 state that payment of the final purchase price is subject to an
270 appropriation from the Legislature. The consideration for such
271 an option may not exceed \$1,000 or 0.01 percent of the estimate



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272 by the department of the value of the parcel, whichever amount
273 is greater.

274 (9)(7)(a) When the owner is represented by an agent or
275 broker, negotiations may not be initiated or continued until a
276 written statement verifying such agent's or broker's legal or
277 fiduciary relationship with the owner is on file with the
278 agency.

279 (b) The board of trustees or any state agency may contract
280 for real estate acquisition services, including, but not limited
281 to, contracts for real estate commission fees, surveying,
282 mapping, environmental audits, title work, and legal and other
283 professional assistance to review acquisition agreements and
284 other documents and to perform acquisition closings. However,
285 the Department of Environmental Protection may use outside
286 counsel to review any agreements or documents or to perform
287 acquisition closings unless department staff can conduct the
288 same activity in 15 days or less.

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

292 (d) All offers or counteroffers shall be documented in
293 writing and shall be confidential and exempt from ~~the provisions~~
294 ~~of~~ s. 119.07(1) until an option contract is executed, or if no
295 option contract is executed, until 2 weeks before a contract or
296 agreement for purchase is considered for approval by the board
297 of trustees. The agency shall maintain complete and accurate
298 records of all offers and counteroffers for all projects.

299 ~~(e)1. The board of trustees shall adopt by rule the method~~
300 ~~for determining the value of parcels sought to be acquired by~~



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301 ~~state agencies pursuant to this section. No offer by a state~~
302 ~~agency, except an offer by an agency acquiring lands pursuant to~~
303 ~~s. 259.041, may exceed the value for that parcel as determined~~
304 ~~pursuant to the highest approved appraisal or the value~~
305 ~~determined pursuant to the rules of the board of trustees,~~
306 ~~whichever value is less.~~

307 ~~2. In the case of a joint acquisition by a state agency and~~
308 ~~a local government or other entity apart from the state, the~~
309 ~~joint purchase price may not exceed 150 percent of the value for~~
310 ~~a parcel as determined in accordance with the limits prescribed~~
311 ~~in subparagraph 1. The state agency share of a joint purchase~~
312 ~~offer may not exceed what the agency may offer singly as~~
313 ~~prescribed by subparagraph 1.~~

314 ~~3. The provisions of this paragraph do not apply to the~~
315 ~~acquisition of historically unique or significant property as~~
316 ~~determined by the Division of Historical Resources of the~~
317 ~~Department of State.~~

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

321 ~~(f)-(g)~~ The state shall have the authority to reimburse the
322 owner for the cost of the survey when deemed appropriate. The
323 reimbursement is ~~shall~~ not be considered a part of the purchase
324 price.

325 ~~(g)-(h)~~ A final offer shall be in the form of an option
326 contract or agreement for purchase and shall be signed and
327 attested to by the owner and the representative of the agency.
328 Before the agency executes the option contract or agreement for
329 purchase, the contract or agreement shall be reviewed for form



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330 and legality by legal staff of the agency. Before the agency
331 signs the agreement for purchase or exercises the option
332 contract, the provisions of s. 286.23 shall be complied with.
333 Within 10 days after the signing of the agreement for purchase,
334 the state agency shall furnish the Department of Environmental
335 Protection Division of State Lands with the original of the
336 agreement for purchase along with copies of the disclosure
337 notice, evidence of marketability, the accepted appraisal
338 report, the fee appraiser's affidavit, a statement that the
339 inventory of existing state-owned lands was examined and
340 contained no available suitable land in the area, and a
341 statement outlining the public purpose for which the acquisition
342 is being made and the statutory authority therefor.

343 (h)-(i) Within 45 days after ~~of~~ receipt by the Department of
344 Environmental Protection Division of State Lands of the
345 agreement for purchase and the required documentation, the board
346 of trustees or, if ~~when~~ the purchase price does not exceed
347 \$100,000, its designee shall ~~either~~ reject or approve the
348 agreement. An approved agreement for purchase is binding on both
349 parties. Any agreement which has been disapproved shall be
350 returned to the agency, along with a statement as to the
351 deficiencies of the agreement or the supporting documentation.
352 An agreement for purchase which has been disapproved by the
353 board of trustees may be resubmitted when such deficiencies have
354 been corrected.

355 (10)-(8) (a) A ~~No~~ dedication, gift, grant, or bequest of
356 lands and appurtenances may not be accepted by the board of
357 trustees until the receiving state agency supplies sufficient
358 evidence of marketability of title. The board of trustees may



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359 not accept by dedication, gift, grant, or bequest any lands and
360 appurtenances that are determined as being owned by the state
361 ~~either~~ in fee or by virtue of the state's sovereignty or which
362 are so encumbered so as to preclude the use of such lands and
363 appurtenances for any reasonable public purpose. The board of
364 trustees may accept a dedication, gift, grant, or bequest of
365 lands and appurtenances without formal evidence of
366 marketability, or when the title is nonmarketable, if the board
367 or its designee determines that such lands and appurtenances
368 have value and are reasonably manageable by the state, and that
369 their acceptance would serve the public interest. The state is
370 not required to appraise the value of such donated lands and
371 appurtenances as a condition of receipt.

372 (b) A ~~Ne~~ deed filed in the public records to donate lands
373 to the board of trustees ~~does not~~ of the Internal Improvement
374 ~~Trust Fund shall be construed to~~ transfer title to or vest title
375 in the board of trustees unless ~~there shall also be filed in the~~
376 ~~public records,~~ a document indicating that the board of trustees
377 has agreed to accept the transfer of title to such donated lands
378 is also filed in the public records.

379 (c) Notwithstanding any other provision of law, the maximum
380 value of a parcel to be purchased by the board of trustees as
381 determined by the highest approved appraisal or as determined
382 pursuant to the rules of the board of trustees may not be
383 increased or decreased as a result of a change in zoning or
384 permitted land uses, or changes in market forces or prices that
385 occur within 1 year after the date the Department of
386 Environmental Protection or the board of trustees approves a
387 contract to purchase the parcel.



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388 (11) Notwithstanding this section, the board of trustees,
389 by an affirmative vote of at least three members, voting at a
390 regularly scheduled and advertised meeting, may direct the
391 Department of Environmental Protection to exercise the power of
392 eminent domain pursuant to chapters 73 and 74 to acquire any
393 conservation parcel identified on the acquisition list
394 established by the Acquisition and Restoration Council and
395 approved by the board of trustees pursuant to chapter 259.
396 However, the board of trustees may only make such a vote under
397 the following circumstances:

398 (a) The state has made at least two bona fide offers to
399 purchase the land through negotiation and, notwithstanding those
400 offers, an impasse between the state and the landowner was
401 reached.

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

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

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

408 3. The failure of the state to acquire it will seriously
409 impair the state's ability to manage or protect other state-
410 owned lands.

411
412 Pursuant to this subsection, the department may exercise
413 condemnation authority directly or by contracting with the
414 Department of Transportation or a water management district to
415 provide that service. If the Department of Transportation or a
416 water management district enters into such a contract with the



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417 department, the Department of Transportation or a water
418 management district may use statutorily approved methods and
419 procedures ordinarily used by the agency for condemnation
420 purposes.

421 (12)~~(9)~~ Any conveyance to the board of trustees of fee
422 title shall be made by no less than a special warranty deed,
423 unless the conveyance is from the Federal Government, the county
424 government, or another state agency or, in the event of a gift
425 or donation by quitclaim deed, if the board of trustees, or its
426 designee, determines that the acceptance of such quitclaim deed
427 is in the best interest of the public. A quitclaim deed may also
428 be accepted to aid in clearing title or boundary questions. ~~The~~
429 ~~title to lands acquired pursuant to this section shall vest in~~
430 ~~the board of trustees as provided in s. 253.03(1). All such~~
431 ~~lands, title to which is vested in the board pursuant to this~~
432 ~~section, shall be administered pursuant to the provisions of s.~~
433 ~~253.03.~~

434 (13)~~(10)~~ The board of trustees may purchase tax
435 certificates or tax deeds issued in accordance with chapter 197
436 relating to property eligible for purchase under this section.

437 (14)~~(11)~~ The Auditor General shall conduct audits of
438 acquisitions and divestitures which, according to his or her
439 preliminary assessments of board-approved acquisitions and
440 divestitures, he or she deems necessary. These preliminary
441 assessments shall be initiated not later than 60 days after
442 ~~following~~ the board of trustees' final approval ~~by the board~~ of
443 land acquisitions under this section. If an audit is conducted,
444 the Auditor General shall submit an audit report to the board of
445 trustees, the President of the Senate, the Speaker of the House



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446 of Representatives, and their designees.

447 (15)~~(12)~~ The board of trustees and all affected agencies
448 shall adopt and may modify or repeal such rules and regulations
449 as are necessary to carry out ~~the purposes of~~ this section,
450 including rules governing the terms and conditions of land
451 purchases. Such rules shall address the procedures to be
452 followed, when multiple landowners are involved in an
453 acquisition, in obtaining written option agreements so that the
454 interests of the state are fully protected.

455 (16)~~(13)~~ (a) The board of trustees ~~of the Internal~~
456 ~~Improvement Trust Fund~~ may deed property to the Department of
457 Agriculture and Consumer Services, so that the Department of
458 Agriculture and Consumer Services is ~~department shall be~~ able to
459 sell, convey, transfer, exchange, trade, or purchase land on
460 which a forestry facility resides for money or other more
461 suitable property on which to relocate the facility. Any sale or
462 purchase of property by the Department of Agriculture and
463 Consumer Services shall follow the requirements of subsections
464 (7)-(10) and (12) ~~(5)-(9)~~. Any sale shall be at fair market
465 value, and any trade shall ensure that the state is getting at
466 least an equal value for the property. Except as provided in
467 subsections (7)-(10) and (12) ~~(5)-(9)~~, the Department of
468 Agriculture and Consumer Services is excluded from following the
469 provisions of this chapter and chapters 259 and 375. This
470 exclusion does ~~shall~~ not apply to lands acquired for
471 conservation purposes in accordance with s. 253.0341(1) or (2)
472 ~~253.034(6)(a) or (b)~~.

473 (b) In the case of a sale by the Department of Agriculture
474 and Consumer Services of a forestry facility, the proceeds of



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475 the sale shall be deposited ~~go~~ into the Department of
476 Agriculture and Consumer Services Incidental Trust Fund. The
477 Legislature may, at the request of the Department of Agriculture
478 and Consumer Services ~~department~~, appropriate such money within
479 the trust fund to the Department of Agriculture and Consumer
480 Services ~~department~~ for purchase of land and construction of a
481 facility to replace the disposed facility. All proceeds other
482 than land from any sale, conveyance, exchange, trade, or
483 transfer conducted pursuant to ~~as provided for in~~ this
484 subsection shall be deposited into ~~placed within~~ the Department
485 of Agriculture and Consumer Services ~~department's~~ Incidental
486 Trust Fund.

487 (c) Additional funds may be added from time to time by the
488 Legislature to further the relocation and construction of
489 forestry facilities. ~~If in the instance where~~ an equal trade of
490 land occurs, money from the trust fund may be appropriated for
491 building construction even though no money was received from the
492 trade.

493 ~~(17)-(14)~~ (17) Any agency that acquires land on behalf of the
494 board of trustees is authorized to request disbursement of
495 payments for real estate closings in accordance with a written
496 authorization from an ultimate beneficiary to allow a third
497 party authorized by law to receive such payment provided the
498 Chief Financial Officer determines that such disbursement is
499 consistent with good business practices and can be completed in
500 a manner minimizing costs and risks to the state.

501 ~~(18)-(15)~~ (18) Pursuant to s. 944.10, the Department of
502 Corrections is responsible for obtaining appraisals and entering
503 into option agreements and agreements for the purchase of state



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504 correctional facility sites. An option agreement or agreement
505 for purchase is not binding upon the state until it is approved
506 by the board of trustees ~~of the Internal Improvement Trust Fund.~~
507 The provisions of paragraphs (8) (c), (e), and (f) and (9) (b),
508 (c), and (d) ~~(6) (b), (c), and (d) and (7) (b), (c), and (d)~~ apply
509 to all appraisals, offers, and counteroffers of the Department
510 of Corrections for state correctional facility sites.

511 (19) ~~(16)~~ Many parcels of land acquired pursuant to this
512 section may contain cattle-dipping vats as defined in s.
513 376.301. The state is encouraged to continue with the
514 acquisition of such lands, including any the cattle-dipping vats
515 vat.

516 (20) ~~(17)~~ Pursuant to s. 985.682, the Department of Juvenile
517 Justice is responsible for obtaining appraisals and entering
518 into option agreements and agreements for the purchase of state
519 juvenile justice facility sites. An option agreement or
520 agreement for purchase is not binding upon the state until it is
521 approved by the board of trustees ~~of the Internal Improvement~~
522 ~~Trust Fund.~~ The provisions of paragraphs (8) (c), (e), and (f)
523 and (9) (b), (c), and (d) ~~(6) (b), (c), and (d) and (7) (b), (c),~~
524 ~~and (d)~~ apply to all appraisals, offers, and counteroffers of
525 the Department of Juvenile Justice for state juvenile justice
526 facility sites.

527 (21) ~~(18)~~ The board of trustees may acquire, pursuant to s.
528 288.980 (2) (b), nonconservation lands from the annual list
529 submitted by the Department of Economic Opportunity for the
530 purpose of buffering a military installation against
531 encroachment.

532 (22) The board of trustees, by an affirmative vote of at



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533 least three members, may direct the department to purchase lands
534 on an immediate basis using up to 15 percent of the funds
535 allocated to the department pursuant to s. 259.105 for the
536 acquisition of lands that:

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

540 (b) Are listed or placed at auction by the Federal
541 Government as part of the Federal Deposit Insurance Corporation
542 sale of lands from failed banks; or

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

547
548 For such acquisitions, the board of trustees may waive or modify
549 all procedures required for land acquisition pursuant to this
550 chapter and all competitive bid procedures required pursuant to
551 chapters 255 and 287. Lands acquired pursuant to this subsection
552 must, at the time of purchase, be on one of the acquisition
553 lists established pursuant to chapter 259, or be essential for
554 water resource development, protection, or restoration, or a
555 significant portion of the lands must contain natural
556 communities or plant or animal species that are listed by the
557 Florida Natural Areas Inventory as critically imperiled,
558 imperiled, or rare, or as excellent quality occurrences of
559 natural communities.

560 (23) Title to lands to be held jointly by the board of
561 trustees and a water management district and acquired pursuant



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562 to s. 373.139 may be deemed to meet the standards necessary for
563 ownership by the board of trustees, notwithstanding this section
564 or related rules.

565 Section 2. Section 253.0251, Florida Statutes, is created
566 to read:

567 253.0251 Alternatives to fee simple acquisition.—

568 (1) The Legislature finds that:

569 (a) With the increasing pressures on the natural areas of
570 this state and on open space suitable for recreational use, the
571 state must develop creative techniques to maximize the use of
572 acquisition and management funds.

573 (b) The state's conservation and recreational land
574 acquisition agencies should be encouraged to augment their
575 traditional, fee simple acquisition programs with the use of
576 alternatives to fee simple acquisition techniques. In addition,
577 the Legislature finds that generations of private landowners
578 have been good stewards of their land, protecting or restoring
579 native habitats and ecosystems to the benefit of the natural
580 resources of this state, its heritage, and its citizens. The
581 Legislature also finds that using alternatives to fee simple
582 acquisition by public land acquisition agencies will achieve the
583 following public policy goals:

584 1. Allow more lands to be brought under public protection
585 for preservation, conservation, and recreational purposes with
586 less expenditure of public funds.

587 2. Retain, on local government tax rolls, some portion of
588 or interest in lands which are under public protection.

589 3. Reduce long-term management costs by allowing private
590 property owners to continue acting as stewards of their land,



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591 when appropriate.

592

593 Therefore, it is the intent of the Legislature that public land
594 acquisition agencies develop programs to pursue alternatives to
595 fee simple acquisition and to educate private landowners about
596 such alternatives and the benefits of such alternatives. It is
597 also the intent of the Legislature that a portion of the shares
598 of Florida Forever bond proceeds be used to purchase eligible
599 properties using alternatives to fee simple acquisition.

600 (2) All applications for alternatives to fee simple
601 acquisition projects shall identify, within their acquisition
602 plans, projects that require a full fee simple interest to
603 achieve the public policy goals, together with the reasons full
604 title is determined to be necessary. The state agencies and the
605 water management districts may use alternatives to fee simple
606 acquisition to bring the remaining projects in their acquisition
607 plans under public protection. For purposes of this section, the
608 phrase "alternatives to fee simple acquisition" includes, but is
609 not limited to, purchase of development rights; obtaining
610 conservation easements; obtaining flowage easements; purchase of
611 timber rights, mineral rights, or hunting rights; purchase of
612 agricultural interests or silvicultural interests; fee simple
613 acquisitions with reservations; creating life estates; or any
614 other acquisition technique that achieves the public policy
615 goals listed in subsection (1). It is presumed that a private
616 landowner retains the full range of uses for all the rights or
617 interests in the landowner's land which are not specifically
618 acquired by the public agency. The lands upon which hunting
619 rights are specifically acquired pursuant to this section shall



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620 be available for hunting in accordance with the management plan
621 or hunting regulations adopted by the Fish and Wildlife
622 Conservation Commission, unless the hunting rights are purchased
623 specifically to protect activities on adjacent lands.

624 (3) When developing the acquisition plan pursuant to s.
625 259.105, the Acquisition and Restoration Council may give
626 preference to those less than fee simple acquisitions that
627 provide any public access. However, the Legislature recognizes
628 that public access is not always appropriate for certain less
629 than fee simple acquisitions. Therefore, any proposed less than
630 fee simple acquisition may not be rejected simply because public
631 access would be limited.

632 (4) The Department of Environmental Protection, the
633 Department of Agriculture and Consumer Services, and each water
634 management district shall implement initiatives for using
635 alternatives to fee simple acquisition and to educate private
636 landowners about such alternatives. The Department of
637 Environmental Protection, the Department of Agriculture and
638 Consumer Services, and the water management districts may enter
639 into joint acquisition agreements to jointly fund the purchase
640 of lands using alternatives to fee simple techniques.

641 (5) The Legislature finds that the lack of direct sales
642 comparison information has served as an impediment to successful
643 implementation of alternatives to fee simple acquisition. It is
644 the intent of the Legislature that, in the absence of direct
645 comparable sales information, appraisals of alternatives to fee
646 simple acquisitions be based on the difference between the full
647 fee simple valuation and the value of the interests remaining
648 with the seller after acquisition.



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

653 (7) For less than fee simple acquisitions pursuant to s.
654 570.71, the Department of Agriculture and Consumer Services
655 shall comply with the acquisition procedures set forth in s.
656 570.715.

657 Section 3. Subsection (2), paragraph (c) of subsection (7),
658 and subsections (11) and (15) of section 253.03, Florida
659 Statutes, are amended to read:

660 253.03 Board of trustees to administer state lands; lands
661 enumerated.-

662 (2) It is the intent of the Legislature that the board of
663 ~~trustees of the Internal Improvement Trust Fund~~ continue to
664 receive proceeds from the sale or disposition of the products of
665 lands and the sale of lands of which the use and possession are
666 not subsequently transferred by appropriate lease or similar
667 instrument from the board of trustees to the proper using
668 agency. Such using agency shall be entitled to the proceeds from
669 the sale of products on, under, growing out of, or connected
670 with lands which such using agency holds under lease or similar
671 instrument from the board of trustees. The board of trustees ~~of~~
672 ~~the Internal Improvement Trust Fund~~ is directed and authorized
673 to enter into leases or similar instruments for the use,
674 benefit, and possession of public lands by agencies which may
675 properly use and possess them for the benefit of the state. ~~The~~
676 ~~board of trustees shall adopt by rule an annual administrative~~
677 ~~fee for all existing and future leases or similar instruments,~~



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678 ~~to be charged agencies that are leasing land from it. This~~
679 ~~annual administrative fee assessed for all leases or similar~~
680 ~~instruments is to compensate the board for costs incurred in the~~
681 ~~administration and management of such leases or similar~~
682 ~~instruments.~~

683 (7)

684 (c) Structures which are listed in or are eligible for the
685 National Register of Historic Places or the State Inventory of
686 Historic Places which are over the waters of the state ~~of~~
687 ~~Florida~~ and which have a submerged land lease, or have been
688 grandfathered-in to use sovereignty submerged lands until
689 January 1, 1998, pursuant to former rule 18-21.00405, Florida
690 Administrative Code, as it existed in rule on March 15, 1990,
691 shall have the right to continue such submerged land leases,
692 regardless of the fact that the present landholder is not an
693 adjacent riparian landowner, so long as the lessee maintains the
694 structure in a good state of repair consistent with the
695 guidelines for listing. If the structure is damaged or
696 destroyed, the lessee may ~~shall be allowed to~~ reconstruct, so
697 long as the reconstruction is consistent with the integrity of
698 the listed structure and does not increase the footprint of the
699 structure. If a listed structure ~~so listed~~ falls into disrepair
700 and the lessee is not willing to repair and maintain it
701 consistent with its listing, the state may cancel the submerged
702 lease and ~~either~~ repair and maintain the property or require
703 that the structure be removed from sovereignty submerged lands.

704 (11) The board of trustees ~~of the Internal Improvement~~
705 ~~Trust Fund~~ may adopt rules to provide for the assessment and
706 collection of reasonable fees, commensurate with the actual cost



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707 to the board, for disclaimers, easements, exchanges, gifts,
708 leases, releases, or sales of any interest in lands or any
709 applications therefor and for reproduction of documents. All
710 revenues received from the application fees charged by a water
711 management district to process applications that include a
712 request to use state lands are to be retained by the water
713 management district. The board of trustees shall adopt by rule
714 an annual administrative fee for all existing and future leases
715 or similar instruments to be charged to agencies that are
716 leasing land from the board of trustees. This annual
717 administrative fee assessed for all leases or similar
718 instruments is to compensate the board of trustees for costs
719 incurred in the administration and management of such leases or
720 similar instruments.

721 (15) The board of trustees ~~of the Internal Improvement~~
722 ~~Trust Fund~~ shall encourage the use of sovereign submerged lands
723 for public access and water-dependent uses which may include
724 related minimal secondary nonwater-dependent uses and public
725 access.

726 Section 4. Subsections (8) and (9) of section 253.031,
727 Florida Statutes, are renumbered as subsections (7) and (8),
728 respectively, and present subsections (2) and (7) of that
729 section are amended, to read:

730 253.031 Land office; custody of documents concerning land;
731 moneys; plats.-

732 (2) The board ~~of trustees of the Internal Improvement Trust~~
733 ~~Fund~~ shall have custody of, and the department shall maintain,
734 all the records, surveys, plats, maps, field notes, and patents
735 and all other evidence touching the title and description of the



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736 public domain.

737 ~~(7) The board shall receive all of the tract books, plats,~~
738 ~~and such records and papers heretofore kept in the United States~~
739 ~~Land Office at Gainesville, Alachua County, as may be~~
740 ~~surrendered by the Secretary of the Interior; and the board~~
741 ~~shall carefully and safely keep and preserve all of said tract~~
742 ~~books, plats, records, and papers as part of the public records~~
743 ~~of its office, and at any time allow any duly accredited~~
744 ~~authority of the United States, full and free access to any and~~
745 ~~all of such tract books, plats, records, and papers, and shall~~
746 ~~furnish any duly accredited authority of the United States with~~
747 ~~copies of any such records without charge.~~

748 Section 5. Section 253.034, Florida Statutes, is amended to
749 read:

750 253.034 State-owned lands; uses.—

751 (1) All lands acquired pursuant to chapter 259 shall be
752 managed to serve the public interest by protecting and
753 conserving land, air, water, and the state's natural resources,
754 which contribute to the public health, welfare, and economy of
755 the state. These lands shall be managed to provide for areas of
756 natural resource based recreation, and to ensure the survival of
757 plant and animal species and the conservation of finite and
758 renewable natural resources. The state's lands and natural
759 resources shall be managed using a stewardship ethic that
760 assures these resources will be available for the benefit and
761 enjoyment of all people of the state, both present and future.
762 It is the intent of the Legislature that, where feasible and
763 consistent with the goals of protection and conservation of
764 natural resources associated with lands held in the public trust



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765 by the Board of Trustees of the Internal Improvement Trust Fund,
766 public land not designated for single-use purposes pursuant to
767 paragraph (2)(b) be managed for multiple-use purposes. All
768 multiple-use land management strategies shall address public
769 access and enjoyment, resource conservation and protection,
770 ecosystem maintenance and protection, and protection of
771 threatened and endangered species, and the degree to which
772 public-private partnerships or endowments may allow the entity
773 with management responsibility to enhance its ability to manage
774 these lands. The Acquisition and Restoration Council ~~created in~~
775 ~~s. 259.035~~ shall recommend rules to the board of trustees, and
776 the board of trustees shall adopt rules necessary to carry out
777 the purposes of this section.

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

780 (a) "Multiple use" means the harmonious and coordinated
781 management of timber, recreation, conservation of fish and
782 wildlife, forage, archaeological and historic sites, habitat and
783 other biological resources, or water resources so that they are
784 used ~~utilized~~ in the combination that will best serve the people
785 of the state, making the most judicious use of the land for some
786 or all of these resources and giving consideration to the
787 relative values of the various resources. Where necessary and
788 appropriate for all state-owned lands that are larger than 1,000
789 acres in project size and are managed for multiple uses, buffers
790 may be formed around any areas that require special protection
791 or have special management needs. Such buffers may ~~shall~~ not
792 exceed more than one-half of the total acreage. Multiple uses
793 within a buffer area may be restricted to provide the necessary



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794 buffering effect desired. Multiple use in this context includes
795 both uses of land or resources by more than one management
796 entity, which may include private sector land managers. In any
797 case, lands identified as multiple-use lands in the land
798 management plan shall be managed to enhance and conserve the
799 lands and resources for the enjoyment of the people of the
800 state.

801 (b) "Single use" means management for one particular
802 purpose to the exclusion of all other purposes, except that the
803 using entity shall have the option of including in its
804 management program compatible secondary purposes which will not
805 detract from or interfere with the primary management purpose.
806 Such single uses may include, but are not necessarily restricted
807 to, the use of agricultural lands for production of food and
808 livestock, the use of improved sites and grounds for
809 institutional purposes, and the use of lands for parks,
810 preserves, wildlife management, archaeological or historic
811 sites, or wilderness areas where the maintenance of essentially
812 natural conditions is important. All submerged lands shall be
813 considered single-use lands and shall be managed primarily for
814 the maintenance of essentially natural conditions, the
815 propagation of fish and wildlife, and public recreation,
816 including hunting and fishing where deemed appropriate by the
817 managing entity.

818 (c) "Conservation lands" means lands that are currently
819 managed for conservation, outdoor resource-based recreation, or
820 archaeological or historic preservation, except those lands that
821 were acquired solely to facilitate the acquisition of other
822 conservation lands. Lands acquired for uses other than



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823 conservation, outdoor resource-based recreation, or
824 archaeological or historic preservation may ~~shall~~ not be
825 designated conservation lands except as otherwise authorized
826 under this section. These lands shall include, but not be
827 limited to, the following: correction and detention facilities,
828 military installations and facilities, state office buildings,
829 maintenance yards, state university or Florida College System
830 institution campuses, agricultural field stations or offices,
831 tower sites, law enforcement and license facilities,
832 laboratories, hospitals, clinics, and other sites that do not
833 possess ~~ne~~ significant natural or historical resources. However,
834 lands acquired solely to facilitate the acquisition of other
835 conservation lands, and for which the land management plan has
836 not yet been completed or updated, may be evaluated by the Board
837 of Trustees of the Internal Improvement Trust Fund on a case-by-
838 case basis to determine if they will be designated conservation
839 lands.

840 (d) "Public access," as used in this chapter and chapter
841 259, means access by the general public to state lands and
842 water, including vessel access made possible by boat ramps,
843 docks, and associated support facilities, where compatible with
844 conservation and recreation objectives.

845
846 Lands acquired by the state as a gift, through donation, or by
847 any other conveyance for which no consideration was paid, and
848 which are not managed for conservation, outdoor resource-based
849 recreation, or archaeological or historic preservation under a
850 land management plan approved by the board of trustees are not
851 conservation lands.



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852 (3) Recognizing that recreational trails purchased with
853 rails-to-trails funds pursuant to former s. 259.101(3)(g),
854 Florida Statutes 2014, or s. 259.105(3)(h) have had historic
855 transportation uses and that their linear character may extend
856 many miles, the Legislature intends that if the necessity arises
857 to serve public needs, after balancing the need to protect trail
858 users from collisions with automobiles and a preference for the
859 use of overpasses and underpasses to the greatest extent
860 feasible and practical, transportation uses shall be allowed to
861 cross recreational trails purchased pursuant to former s.
862 259.101(3)(g), Florida Statutes 2014, or s. 259.105(3)(h). When
863 these crossings are needed, the location and design should
864 consider and mitigate the impact on humans and environmental
865 resources, and the value of the land shall be paid based on fair
866 market value.

867 (4) A ~~No~~ management agreement, lease, or other instrument
868 authorizing the use of lands owned by the board of trustees may
869 not of the Internal Improvement Trust Fund shall be executed for
870 a period greater than is necessary to provide for the reasonable
871 use of the land for the existing or planned life cycle or
872 amortization of the improvements, except that an easement in
873 perpetuity may be granted by the board of trustees ~~of the~~
874 ~~Internal Improvement Trust Fund~~ if the improvement is a
875 transportation facility. If an entity managing or leasing state-
876 owned lands from the board of trustees does not meet the short-
877 term goals under paragraph (5)(b) for conservation lands, the
878 Department of Environmental Protection may submit the lands to
879 the Acquisition and Restoration Council to review whether the
880 short-term goals should be modified, consider whether the lands



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881 should be offered to another entity for management or leasing,
882 or recommend to the board of trustees whether to surplus the
883 lands. If an entity managing or leasing state-owned lands from
884 the board of trustees does not meet the short-term goals under
885 paragraph (5) (i) for nonconservation lands, the department may
886 submit the lands to the board of trustees to consider whether to
887 require the managing or leasing entity to release its interest
888 in the lands and to consider whether to surplus the lands. If
889 the state-owned lands are determined to be surplus, the board of
890 trustees may require an entity to release its interest in the
891 lands. An entity managing or leasing state-owned lands from the
892 board of trustees may not sublease such lands without prior
893 review by the Division of State Lands and, for conservation
894 lands, by the Acquisition and Restoration Council ~~created in s.~~
895 ~~259.035.~~ All management agreements, leases, or other instruments
896 authorizing the use of lands owned by the board of trustees
897 shall be reviewed for approval by the board of trustees or its
898 designee. The council is not required to review subleases of
899 parcels which are less than 160 acres in size.

900 (5) Each manager of conservation lands shall submit to the
901 Division of State Lands a land management plan at least every 10
902 years in a form and manner adopted ~~prescribed~~ by rule of ~~by~~ the
903 board of trustees and in accordance with ~~the provisions of~~ s.
904 259.032. Each manager of conservation lands shall also update a
905 land management plan whenever the manager proposes to add new
906 facilities or make substantive land use or management changes
907 that were not addressed in the approved plan, or within 1 year
908 after ~~of~~ the addition of significant new lands. Each manager of
909 nonconservation lands shall submit to the Division of State



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910 Lands a land use plan at least every 10 years in a form and
911 manner adopted ~~prescribed~~ by rule of ~~by~~ the board of trustees.
912 The division shall review each plan for compliance with the
913 requirements of this subsection and the requirements of the
914 rules adopted ~~established~~ by the board of trustees pursuant to
915 this section. All nonconservation land use plans, whether for
916 single-use or multiple-use properties, shall be managed to
917 provide the greatest benefit to the state ~~include an analysis of~~
918 ~~the property to determine if any significant natural or cultural~~
919 ~~resources are located on the property. Such resources include~~
920 ~~archaeological and historic sites, state and federally listed~~
921 ~~plant and animal species, and imperiled natural communities and~~
922 ~~unique natural features. If such resources occur on the~~
923 ~~property, the manager shall consult with the Division of State~~
924 ~~Lands and other appropriate agencies to develop management~~
925 ~~strategies to protect such resources. Land use plans shall also~~
926 ~~provide for the control of invasive nonnative plants and~~
927 ~~conservation of soil and water resources, including a~~
928 ~~description of how the manager plans to control and prevent soil~~
929 ~~erosion and soil or water contamination. Land use plans~~
930 ~~submitted by a manager shall include reference to appropriate~~
931 ~~statutory authority for such use or uses and shall conform to~~
932 ~~the appropriate policies and guidelines of the state land~~
933 ~~management plan. Plans for managed areas larger than 1,000 acres~~
934 shall contain an analysis of the multiple-use potential of the
935 property, which includes ~~analysis shall include~~ the potential of
936 the property to generate revenues to enhance the management of
937 the property. In addition ~~Additionally~~, the plan shall contain
938 an analysis of the potential use of private land managers to



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939 facilitate the restoration or management of these lands. If ~~in~~
940 ~~these cases where~~ a newly acquired property has a valid
941 conservation plan that was developed by a soil and conservation
942 district, such plan shall be used to guide management of the
943 property until a formal land use plan is completed.

944 (a) State conservation lands shall be managed to ensure the
945 conservation of the state's plant and animal species and to
946 ensure the accessibility of state lands for the benefit and
947 enjoyment of all people of the state, both present and future.
948 Each land management plan for state conservation lands shall
949 provide a desired outcome, describe both short-term and long-
950 term management goals, and include measurable objectives to
951 achieve those goals. Short-term goals shall be achievable within
952 a 2-year planning period, and long-term goals shall be
953 achievable within a 10-year planning period. These short-term
954 and long-term management goals shall be the basis for all
955 subsequent land management activities.

956 (b) Short-term and long-term management goals for state
957 conservation lands shall include measurable objectives for the
958 following, as appropriate:

- 959 1. Habitat restoration and improvement.
- 960 2. Public access and recreational opportunities.
- 961 3. Hydrological preservation and restoration.
- 962 4. Sustainable forest management.
- 963 5. Exotic and invasive species maintenance and control.
- 964 6. Capital facilities and infrastructure.
- 965 7. Cultural and historical resources.
- 966 8. Imperiled species habitat maintenance, enhancement,
967 restoration, or population restoration.



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

970 1. A physical description of the land.

971 2. A quantitative data description of the land which
972 includes an inventory of forest and other natural resources;
973 exotic and invasive plants; hydrological features;
974 infrastructure, including recreational facilities; and other
975 significant land, cultural, or historical features. The
976 inventory shall reflect the number of acres for each resource
977 and feature, when appropriate. The inventory shall be of such
978 detail that objective measures and benchmarks can be established
979 for each tract of land and monitored during the lifetime of the
980 plan. All quantitative data collected shall be aggregated,
981 standardized, collected, and presented in an electronic format
982 to allow for uniform management reporting and analysis. The
983 information collected by the Department of Environmental
984 Protection pursuant to s. 253.0325(2) shall be available to the
985 land manager and his or her assignee.

986 3. A detailed description of each short-term and long-term
987 land management goal, the associated measurable objectives, and
988 the related activities that are to be performed to meet the land
989 management objectives. Each land management objective must be
990 addressed by the land management plan, and if where practicable,
991 a ~~no~~ land management objective may not shall be performed to the
992 detriment of the other land management objectives.

993 4. A schedule of land management activities which contains
994 short-term and long-term land management goals and the related
995 measurable objective and activities. The schedule shall include
996 for each activity a timeline for completion, quantitative



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997 measures, and detailed expense and manpower budgets. The
998 schedule shall provide a management tool that facilitates
999 development of performance measures.

1000 5. A summary budget for the scheduled land management
1001 activities of the land management plan. For state lands
1002 containing or anticipated to contain imperiled species habitat,
1003 the summary budget shall include any fees anticipated from
1004 public or private entities for projects to offset adverse
1005 impacts to imperiled species or such habitat, which fees shall
1006 be used solely to restore, manage, enhance, repopulate, or
1007 acquire imperiled species habitat. The summary budget shall be
1008 prepared in such manner that it facilitates computing an
1009 aggregate of land management costs for all state-managed lands
1010 using the categories described in s. 259.037(3).

1011 (d) Upon completion, the land management plan must ~~will~~ be
1012 transmitted to the Acquisition and Restoration Council for
1013 review. The ~~Acquisition and Restoration~~ council shall have 90
1014 days after receipt of the plan to review the plan and submit its
1015 recommendations to the board of trustees. During the review
1016 period, the land management plan may be revised if agreed to by
1017 the primary land manager and the ~~Acquisition and Restoration~~
1018 council taking into consideration public input. ~~If the~~
1019 ~~Acquisition and Restoration Council fails to make a~~
1020 ~~recommendation for a land management plan, the secretary of the~~
1021 ~~Department of Environmental Protection, Commissioner of~~
1022 ~~Agriculture, or Executive Director of the Fish and Wildlife~~
1023 ~~Conservation Commission or their designees shall submit the land~~
1024 ~~management plan to the board of trustees.~~ The land management
1025 plan becomes effective upon approval by the board of trustees.



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1026 (e) Land management plans are to be updated every 10 years
1027 on a rotating basis. Each updated land management plan must
1028 identify any conservation lands under the plan, in part or in
1029 whole, that are no longer needed for conservation purposes and
1030 could be disposed of in fee simple or with the state retaining a
1031 permanent conservation easement.

1032 (f) In developing land management plans, at least one
1033 public hearing shall be held in any one affected county.

1034 (g) The Division of State Lands shall make available to the
1035 public an electronic copy of each land management plan for
1036 parcels that exceed 160 acres in size. The division ~~of State~~
1037 ~~Lands~~ shall review each plan for compliance with the
1038 requirements of this subsection, the requirements of chapter
1039 259, and the requirements of the rules adopted ~~established~~ by
1040 the board of trustees pursuant to this section. The Acquisition
1041 and Restoration Council shall also consider the propriety of the
1042 recommendations of the managing entity with regard to the future
1043 use of the property, the protection of fragile or nonrenewable
1044 resources, the potential for alternative or multiple uses not
1045 recognized by the managing entity, and the possibility of
1046 disposal of the property by the board of trustees. After its
1047 review, the council shall submit the plan, along with its
1048 recommendations and comments, to the board of trustees. The
1049 council shall specifically recommend to the board of trustees
1050 whether to approve the plan as submitted, approve the plan with
1051 modifications, or reject the plan. If the ~~Acquisition and~~
1052 ~~Restoration~~ council fails to make a recommendation for a land
1053 management plan, the Secretary ~~of the Department~~ of
1054 Environmental Protection, Commissioner of Agriculture, or



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1055 executive director of the Fish and Wildlife Conservation
1056 Commission or their designees shall submit the land management
1057 plan to the board of trustees.

1058 (h) The board of trustees ~~of the Internal Improvement Trust~~
1059 ~~Fund~~ shall consider the land management plan submitted by each
1060 entity and the recommendations of the Acquisition and
1061 Restoration Council and the Division of State Lands and shall
1062 approve the plan with or without modification or reject such
1063 plan. The use or possession of any such lands that is not in
1064 accordance with an approved land management plan is subject to
1065 termination by the board of trustees.

1066 (i) 1. State nonconservation lands shall be managed to
1067 provide the greatest benefit to the state. State nonconservation
1068 lands may be grouped by similar land use types under one land
1069 use plan. Each land use plan shall, at a minimum, contain the
1070 following elements:

1071 a. A physical description of the land to include any
1072 significant natural or cultural resources as well as management
1073 strategies developed by the land manager to protect such
1074 resources.

1075 b. A desired development outcome.

1076 c. A schedule for achieving the desired development
1077 outcome.

1078 d. A description of both short-term and long-term
1079 development goals.

1080 e. A management and control plan for invasive nonnative
1081 plants.

1082 f. A management and control plan for soil erosion and soil
1083 and water contamination.



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1084 g. Measureable objectives to achieve the goals identified
1085 in the land use plan.

1086 2. Short-term goals shall be achievable within a 5-year
1087 planning period and long-term goals shall be achievable within a
1088 10-year planning period.

1089 3. The use or possession of any such lands that is not in
1090 accordance with an approved land use plan is subject to
1091 termination by the board of trustees.

1092 4. Land use plans submitted by a manager shall include
1093 reference to appropriate statutory authority for such use or
1094 uses and shall conform to the appropriate policies and
1095 guidelines of the state land management plan.

1096 ~~(6) The Board of Trustees of the Internal Improvement Trust~~
1097 ~~Fund shall determine which lands, the title to which is vested~~
1098 ~~in the board, may be surplusued. For conservation lands, the~~
1099 ~~board shall determine whether the lands are no longer needed for~~
1100 ~~conservation purposes and may dispose of them by an affirmative~~
1101 ~~vote of at least three members. In the case of a land exchange~~
1102 ~~involving the disposition of conservation lands, the board must~~
1103 ~~determine by an affirmative vote of at least three members that~~
1104 ~~the exchange will result in a net positive conservation benefit.~~
1105 ~~For all other lands, the board shall determine whether the lands~~
1106 ~~are no longer needed and may dispose of them by an affirmative~~
1107 ~~vote of at least three members.~~

1108 ~~(a) For the purposes of this subsection, all lands acquired~~
1109 ~~by the state before July 1, 1999, using proceeds from~~
1110 ~~Preservation 2000 bonds, the former Conservation and Recreation~~
1111 ~~Lands Trust Fund, the former Water Management Lands Trust Fund,~~
1112 ~~Environmentally Endangered Lands Program, and the Save Our Coast~~



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1113 ~~Program and titled to the board which are identified as core~~
1114 ~~parcels or within original project boundaries are deemed to have~~
1115 ~~been acquired for conservation purposes.~~

1116 ~~(b) For any lands purchased by the state on or after July~~
1117 ~~1, 1999, before acquisition, the board must determine which~~
1118 ~~parcels must be designated as having been acquired for~~
1119 ~~conservation purposes. Lands acquired for use by the Department~~
1120 ~~of Corrections, the Department of Management Services for use as~~
1121 ~~state offices, the Department of Transportation, except those~~
1122 ~~specifically managed for conservation or recreation purposes, or~~
1123 ~~the State University System or the Florida College System may~~
1124 ~~not be designated as having been purchased for conservation~~
1125 ~~purposes.~~

1126 ~~(c) At least every 10 years, as a component of each land~~
1127 ~~management plan or land use plan and in a form and manner~~
1128 ~~prescribed by rule by the board, each manager shall evaluate and~~
1129 ~~indicate to the board those lands that are not being used for~~
1130 ~~the purpose for which they were originally leased. For~~
1131 ~~conservation lands, the council shall review and recommend to~~
1132 ~~the board whether such lands should be retained in public~~
1133 ~~ownership or disposed of by the board. For nonconservation~~
1134 ~~lands, the division shall review such lands and recommend to the~~
1135 ~~board whether such lands should be retained in public ownership~~
1136 ~~or disposed of by the board.~~

1137 ~~(d) Lands owned by the board which are not actively managed~~
1138 ~~by any state agency or for which a land management plan has not~~
1139 ~~been completed pursuant to subsection (5) must be reviewed by~~
1140 ~~the council or its successor for its recommendation as to~~
1141 ~~whether such lands should be disposed of by the board.~~



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1142 ~~(e) Before any decision by the board to surplus lands, the~~
1143 ~~Acquisition and Restoration Council shall review and make~~
1144 ~~recommendations to the board concerning the request for~~
1145 ~~surplusing. The council shall determine whether the request for~~
1146 ~~surplusing is compatible with the resource values of and~~
1147 ~~management objectives for such lands.~~

1148 ~~(f) In reviewing lands owned by the board, the council~~
1149 ~~shall consider whether such lands would be more appropriately~~
1150 ~~owned or managed by the county or other unit of local government~~
1151 ~~in which the land is located. The council shall recommend to the~~
1152 ~~board whether a sale, lease, or other conveyance to a local~~
1153 ~~government would be in the best interests of the state and local~~
1154 ~~government. The provisions of this paragraph in no way limit the~~
1155 ~~provisions of ss. 253.111 and 253.115. Such lands shall be~~
1156 ~~offered to the state, county, or local government for a period~~
1157 ~~of 45 days. Permittable uses for such surplus lands may include~~
1158 ~~public schools; public libraries; fire or law enforcement~~
1159 ~~substations; governmental, judicial, or recreational centers;~~
1160 ~~and affordable housing meeting the criteria of s. 420.0004(3).~~
1161 ~~County or local government requests for surplus lands shall be~~
1162 ~~expedited throughout the surplusing process. If the county or~~
1163 ~~local government does not elect to purchase such lands in~~
1164 ~~accordance with s. 253.111, any surplusing determination~~
1165 ~~involving other governmental agencies shall be made when the~~
1166 ~~board decides the best public use of the lands. Surplus~~
1167 ~~properties in which governmental agencies have expressed no~~
1168 ~~interest must then be available for sale on the private market.~~

1169 ~~(g) The sale price of lands determined to be surplus~~
1170 ~~pursuant to this subsection and s. 253.82 shall be determined by~~



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1171 ~~the division, which shall consider an appraisal of the property,~~
1172 ~~or, if the estimated value of the land is \$500,000 or less, a~~
1173 ~~comparable sales analysis or a broker's opinion of value. The~~
1174 ~~division may require a second appraisal. The individual or~~
1175 ~~entity that requests to purchase the surplus parcel shall pay~~
1176 ~~all costs associated with determining the property's value, if~~
1177 ~~any.~~

1178 ~~1. A written valuation of land determined to be surplus~~
1179 ~~pursuant to this subsection and s. 253.82, and related documents~~
1180 ~~used to form the valuation or which pertain to the valuation,~~
1181 ~~are confidential and exempt from s. 119.07(1) and s. 24(a), Art.~~
1182 ~~I of the State Constitution.~~

1183 ~~a. The exemption expires 2 weeks before the contract or~~
1184 ~~agreement regarding the purchase, exchange, or disposal of the~~
1185 ~~surplus land is first considered for approval by the board.~~

1186 ~~b. Before expiration of the exemption, the division may~~
1187 ~~disclose confidential and exempt appraisals, valuations, or~~
1188 ~~valuation information regarding surplus land:~~

1189 ~~(I) During negotiations for the sale or exchange of the~~
1190 ~~land.~~

1191 ~~(II) During the marketing effort or bidding process~~
1192 ~~associated with the sale, disposal, or exchange of the land to~~
1193 ~~facilitate closure of such effort or process.~~

1194 ~~(III) When the passage of time has made the conclusions of~~
1195 ~~value invalid.~~

1196 ~~(IV) When negotiations or marketing efforts concerning the~~
1197 ~~land are concluded.~~

1198 ~~2. A unit of government that acquires title to lands~~
1199 ~~hereunder for less than appraised value may not sell or transfer~~



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1200 ~~title to all or any portion of the lands to any private owner~~
1201 ~~for 10 years. Any unit of government seeking to transfer or sell~~
1202 ~~lands pursuant to this paragraph must first allow the board of~~
1203 ~~trustees to reacquire such lands for the price at which the~~
1204 ~~board sold such lands.~~

1205 ~~(h) Parcels with a market value over \$500,000 must be~~
1206 ~~initially offered for sale by competitive bid. The division may~~
1207 ~~use agents, as authorized by s. 253.431, for this process. Any~~
1208 ~~parcels unsuccessfully offered for sale by competitive bid, and~~
1209 ~~parcels with a market value of \$500,000 or less, may be sold by~~
1210 ~~any reasonable means, including procuring real estate services,~~
1211 ~~open or exclusive listings, competitive bid, auction, negotiated~~
1212 ~~direct sales, or other appropriate services, to facilitate the~~
1213 ~~sale.~~

1214 ~~(i) After reviewing the recommendations of the council, the~~
1215 ~~board shall determine whether lands identified for surplus are~~
1216 ~~to be held for other public purposes or are no longer needed.~~
1217 ~~The board may require an agency to release its interest in such~~
1218 ~~lands. A state agency, county, or local government that has~~
1219 ~~requested the use of a property that was to be declared as~~
1220 ~~surplus must secure the property under lease within 90 days~~
1221 ~~after being notified that it may use such property.~~

1222 ~~(j) Requests for surplusing may be made by any public or~~
1223 ~~private entity or person. All requests shall be submitted to the~~
1224 ~~lead managing agency for review and recommendation to the~~
1225 ~~council or its successor. Lead managing agencies have 90 days to~~
1226 ~~review such requests and make recommendations. Any surplusing~~
1227 ~~requests that have not been acted upon within the 90-day time~~
1228 ~~period shall be immediately scheduled for hearing at the next~~



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1229 ~~regularly scheduled meeting of the council or its successor.~~
1230 ~~Requests for surplusings pursuant to this paragraph are not~~
1231 ~~required to be offered to local or state governments as provided~~
1232 ~~in paragraph (f).~~

1233 ~~(k) Proceeds from the sale of surplus conservation lands~~
1234 ~~purchased before July 1, 2015, shall be deposited into the~~
1235 ~~Florida Forever Trust Fund.~~

1236 ~~(l) Proceeds from the sale of surplus conservation lands~~
1237 ~~purchased on or after July 1, 2015, shall be deposited into the~~
1238 ~~Land Acquisition Trust Fund, except when such lands were~~
1239 ~~purchased with funds other than those from the Land Acquisition~~
1240 ~~Trust Fund or a land acquisition trust fund created to implement~~
1241 ~~s. 28, Art. X of the State Constitution, the proceeds shall be~~
1242 ~~deposited into the fund from which the lands were purchased.~~

1243 ~~(m) Funds received from the sale of surplus nonconservation~~
1244 ~~lands or lands that were acquired by gift, by donation, or for~~
1245 ~~no consideration shall be deposited into the Internal~~
1246 ~~Improvement Trust Fund.~~

1247 ~~(n) Notwithstanding this subsection, such disposition of~~
1248 ~~land may not be made if it would have the effect of causing all~~
1249 ~~or any portion of the interest on any revenue bonds issued to~~
1250 ~~lose the exclusion from gross income for federal income tax~~
1251 ~~purposes.~~

1252 ~~(o) The sale of filled, formerly submerged land that does~~
1253 ~~not exceed 5 acres in area is not subject to review by the~~
1254 ~~council or its successor.~~

1255 ~~(p) The board may adopt rules to administer this section~~
1256 ~~which may include procedures for administering surplus land~~
1257 ~~requests and criteria for when the division may approve requests~~



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1258 ~~to surplus nonconservation lands on behalf of the board.~~

1259 ~~(6)-(7)~~ This section does ~~shall~~ not be construed so as to
1260 affect:

1261 (a) Other provisions of this chapter relating to oil, gas,
1262 or mineral resources.

1263 (b) The exclusive use of state-owned land subject to a
1264 lease by the board of trustees ~~of the Internal Improvement Trust~~
1265 ~~Fund~~ of state-owned land for private uses and purposes.

1266 (c) Sovereignty lands not leased for private uses and
1267 purposes.

1268 ~~(7)-(8)~~ (a) The Legislature recognizes the value of the
1269 state's conservation lands as water recharge areas and air
1270 filters.

1271 (b) If state-owned lands are subject to annexation
1272 procedures, the Division of State Lands must notify the county
1273 legislative delegation of the county in which the land is
1274 located.

1275 ~~(8)-(9)~~ Land management plans required to be submitted by
1276 the Department of Corrections, the Department of Juvenile
1277 Justice, the Department of Children and Families, or the
1278 Department of Education are not subject to ~~the provisions for~~
1279 review by the Acquisition and Restoration Council ~~or its~~
1280 ~~successor described in subsection (5)~~. Management plans filed by
1281 these agencies shall be made available to the public for a
1282 period of 90 days at the administrative offices of the parcel or
1283 project affected by the management plan and at the Tallahassee
1284 offices of each agency. Any plans not objected to during the
1285 public comment period shall be deemed approved. Any plans for
1286 which an objection is filed shall be submitted to the board of



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1287 trustees ~~of the Internal Improvement Trust Fund~~ for
1288 consideration. The board of trustees ~~of the Internal Improvement~~
1289 ~~Trust Fund~~ shall approve the plan with or without modification,
1290 or reject the plan. The use or possession of any such lands
1291 which is not in accordance with an approved land management plan
1292 is subject to termination by the board of trustees.

1293 (9) ~~(10)~~ The following additional uses of conservation lands
1294 acquired pursuant to the Florida Forever program and other
1295 state-funded conservation land purchase programs shall be
1296 authorized, upon a finding by the board of trustees, if they
1297 meet the criteria specified in paragraphs (a)-(e): water
1298 resource development projects, water supply development
1299 projects, stormwater management projects, linear facilities, and
1300 sustainable agriculture and forestry. Such additional uses are
1301 authorized if ~~where~~:

1302 (a) The use is not inconsistent with the management plan
1303 for such lands;

1304 (b) The use is compatible with the natural ecosystem and
1305 resource values of such lands;

1306 (c) The ~~proposed~~ use is appropriately located on such lands
1307 and if ~~where~~ due consideration is given to the use of other
1308 available lands;

1309 (d) The using entity reasonably compensates the titleholder
1310 for such use based upon an appropriate measure of value; and

1311 (e) The use is consistent with the public interest.

1312

1313 A decision by the board of trustees pursuant to this section
1314 shall be given a presumption of correctness. Moneys received
1315 from the use of state lands pursuant to this section shall be



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1316 returned to the lead managing entity in accordance with s.
1317 259.032 (9) (c) .

1318 (10)~~(11)~~ Lands listed as projects for acquisition may be
1319 managed for conservation pursuant to s. 259.032, on an interim
1320 basis by a private party in anticipation of a state purchase in
1321 accordance with a contractual arrangement between the acquiring
1322 agency and the private party that may include management service
1323 contracts, leases, cost-share arrangements or resource
1324 conservation agreements. Lands designated as eligible under this
1325 subsection shall be managed to maintain or enhance the resources
1326 the state is seeking to protect by acquiring the land. Funding
1327 for these contractual arrangements may originate from the
1328 documentary stamp tax revenue deposited into the Land
1329 Acquisition Trust Fund. No more than \$6.2 million may be
1330 expended from the Land Acquisition Trust Fund for this purpose.

1331 (11)~~(12)~~ Any lands available to governmental employees,
1332 including water management district employees, for hunting or
1333 other recreational purposes shall also be made available to the
1334 general public for such purposes.

1335 ~~(13) Before a building or parcel of land is offered for~~
1336 ~~lease or sale to a local or federal unit of government or a~~
1337 ~~private party, it shall first be offered for lease to state~~
1338 ~~agencies, state universities, and Florida College System~~
1339 ~~institutions, with priority consideration given to state~~
1340 ~~universities and Florida College System institutions. Within 60~~
1341 ~~days after the offer for lease of a surplus building or parcel,~~
1342 ~~a state university or Florida College System institution that~~
1343 ~~requests the lease must submit a plan for review and approval by~~
1344 ~~the Board of Trustees of the Internal Improvement Trust Fund~~



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1345 ~~regarding the intended use, including future use, of the~~
1346 ~~building or parcel of land before approval of a lease. Within 60~~
1347 ~~days after the offer for lease of a surplus building or parcel,~~
1348 ~~a state agency that requests the lease of such facility or~~
1349 ~~parcel must submit a plan for review and approval by the board~~
1350 ~~of trustees regarding the intended use. The state agency plan~~
1351 ~~must, at a minimum, include the proposed use of the facility or~~
1352 ~~parcel, the estimated cost of renovation, a capital improvement~~
1353 ~~plan for the building, evidence that the building or parcel~~
1354 ~~meets an existing need that cannot otherwise be met, and other~~
1355 ~~criteria developed by rule by the board of trustees. The board~~
1356 ~~or its designee shall compare the estimated value of the~~
1357 ~~building or parcel to any submitted business plan to determine~~
1358 ~~if the lease or sale is in the best interest of the state. The~~
1359 ~~board of trustees shall adopt rules pursuant to chapter 120 for~~
1360 ~~the implementation of this section.~~

1361 Section 6. Section 253.0341, Florida Statutes, is amended
1362 to read:

1363 253.0341 Surplus of state-owned lands ~~to counties or local~~
1364 ~~governments. Counties and local governments may submit~~
1365 ~~surplus requests for state-owned lands directly to the board~~
1366 ~~of trustees. County or local government requests for the state~~
1367 ~~to surplus conservation or nonconservation lands, whether for~~
1368 ~~purchase or exchange, shall be expedited throughout the~~
1369 ~~surplus process. Property jointly acquired by the state and~~
1370 ~~other entities shall not be surplus without the consent of all~~
1371 ~~joint owners.~~

1372 (1) The board of trustees shall determine which lands, the
1373 title to which is vested in the board, may be surplus. For all



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1374 conservation lands, the Acquisition and Restoration Council
1375 shall make a recommendation to the board of trustees, and the
1376 board of trustees shall determine whether the lands are no
1377 longer needed for conservation purposes. If the board of
1378 trustees determines the lands are no longer needed for
1379 conservation purposes, it may dispose of such lands by an
1380 affirmative vote of at least three members. In the case of a
1381 land exchange involving the disposition of conservation lands,
1382 the board of trustees must determine by an affirmative vote of
1383 at least three members that the exchange will result in a net
1384 positive conservation benefit. For all nonconservation lands,
1385 the board of trustees shall determine whether the lands are no
1386 longer needed. If the board of trustees determines the lands are
1387 no longer needed, it may dispose of such lands by an affirmative
1388 vote of at least three members. Local government requests for
1389 the state to surplus conservation or nonconservation lands,
1390 whether for purchase or exchange, shall be expedited throughout
1391 the surplus process. Property jointly acquired by the state
1392 and other entities may not be surplus without the consent of
1393 all joint owners ~~The decision to surplus state-owned~~
1394 ~~nonconservation lands may be made by the board without a review~~
1395 ~~of, or a recommendation on, the request from the Acquisition and~~
1396 ~~Restoration Council or the Division of State Lands. Such~~
1397 ~~requests for nonconservation lands shall be considered by the~~
1398 ~~board within 60 days of the board's receipt of the request.~~
1399 (2) For purposes of this section, all lands acquired by the
1400 state before July 1, 1999, using proceeds from Preservation 2000
1401 bonds, the former Conservation and Recreation Lands Trust Fund,
1402 the former Water Management Lands Trust Fund, Environmentally



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1403 Endangered Lands Program, and the Save Our Coast Program and
1404 titled to the board of trustees which are identified as core
1405 parcels or within original project boundaries are deemed to have
1406 been acquired for conservation purposes ~~County or local~~
1407 ~~government requests for the surplus of state-owned~~
1408 ~~conservation lands are subject to review of, and recommendation~~
1409 ~~on, the request to the board by the Acquisition and Restoration~~
1410 ~~Council. Requests to surplus conservation lands shall be~~
1411 ~~considered by the board within 120 days of the board's receipt~~
1412 ~~of the request.~~

1413 (3) For any lands purchased by the state on or after July
1414 1, 1999, before acquisition, the board of trustees must
1415 determine which parcels must be designated as having been
1416 acquired for conservation purposes. Lands acquired for use by
1417 the Department of Corrections; the Department of Management
1418 Services for use as state offices; the Department of
1419 Transportation, except those lands specifically managed for
1420 conservation or recreation purposes; the State University
1421 System; or the Florida College System may not be designated as
1422 having been acquired for conservation purposes ~~A local~~
1423 ~~government may request that state lands be specifically declared~~
1424 ~~surplus lands for the purpose of providing alternative water~~
1425 ~~supply and water resource development projects as defined in s.~~
1426 ~~373.019, public facilities such as schools, fire and police~~
1427 ~~facilities, and affordable housing. The request shall comply~~
1428 ~~with the requirements of subsection (1) if the lands are~~
1429 ~~nonconservation lands or subsection (2) if the lands are~~
1430 ~~conservation lands. Surplus lands that are conveyed to a local~~
1431 ~~government for affordable housing shall be disposed of by the~~



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1432 ~~local government under the provisions of s. 125.379 or s.~~
1433 ~~166.0451.~~

1434 (4) At least every 10 years, as a component of each land
1435 management plan or land use plan and in a form and manner
1436 adopted by rule of the board of trustees, each manager shall
1437 evaluate and indicate to the board of trustees those lands that
1438 are not being used for the purpose for which they were
1439 originally leased. For conservation lands, the Acquisition and
1440 Restoration Council shall review and recommend to the board of
1441 trustees whether such lands should be retained in public
1442 ownership or disposed of by the board of trustees. For
1443 nonconservation lands, the Division of State Lands shall review
1444 and recommend to the board of trustees whether such lands should
1445 be retained in public ownership or disposed of by the board of
1446 trustees ~~Notwithstanding the requirements of this section and~~
1447 ~~the requirements of s. 253.034 which provides a surplus process~~
1448 ~~for the disposal of state lands, the board shall convey to~~
1449 ~~Miami-Dade County title to the property on which the Graham~~
1450 ~~Building, which houses the offices of the Miami-Dade State~~
1451 ~~Attorney, is located. By January 1, 2008, the board shall convey~~
1452 ~~fee simple title to the property to Miami-Dade County for a~~
1453 ~~consideration of one dollar. The deed conveying title to Miami-~~
1454 ~~Dade County must contain restrictions that limit the use of the~~
1455 ~~property for the purpose of providing workforce housing as~~
1456 ~~defined in s. 420.5095, and to house the offices of the Miami-~~
1457 ~~Dade State Attorney. Employees of the Miami-Dade State Attorney~~
1458 ~~and the Miami-Dade Public Defender who apply for and meet the~~
1459 ~~income qualifications for workforce housing shall receive~~
1460 ~~preference over other qualified applicants.~~



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1461 (5) Conservation lands owned by the board of trustees which
1462 are not actively managed by any state agency or for which a land
1463 management plan has not been completed pursuant to s. 253.034(5)
1464 must be reviewed by the Acquisition and Restoration Council for
1465 its recommendation as to whether such lands should be disposed
1466 of by the board of trustees.

1467 (6) Before any decision by the board of trustees to surplus
1468 conservation lands, the Acquisition and Restoration Council
1469 shall review and make recommendations to the board of trustees
1470 concerning the request for surplusage. The council shall
1471 determine whether the request for surplusage is compatible with
1472 the resource values of and management objectives for such lands.

1473 (7) Before a facility or parcel of nonconservation land is
1474 offered for lease to a local or federal unit of government,
1475 state university, Florida College System institution, or private
1476 party, it shall first be offered for lease to state agencies.
1477 Within 45 days after the offer for lease of a facility or
1478 parcel, a state agency that requests the lease must submit a
1479 plan to the board of trustees that includes a description of the
1480 proposed use, including future use, of the facility or parcel.
1481 The board of trustees must review and approve the plan before
1482 approving the lease. The state agency plan must, at a minimum,
1483 include the proposed use of the facility or parcel, the
1484 estimated cost of renovation, a capital improvement plan for the
1485 building, evidence that the facility or parcel meets an existing
1486 need that cannot otherwise be met, and other criteria adopted by
1487 rule of the board of trustees. The board of trustees or its
1488 designee shall compare the estimated value of the facility or
1489 parcel to any submitted business plan to determine if the lease



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1490 or sale is in the best interest of the state. The board of
1491 trustees shall adopt rules pursuant to chapter 120 to implement
1492 this section. A state agency that has requested the use of a
1493 facility or parcel must secure the facility or parcel with a
1494 fully executed lease within 90 days after being notified that it
1495 may use such facility or parcel or the request is voidable.

1496 (8) The sale price of lands determined to be surplus
1497 pursuant to this section and s. 253.82 shall be determined by
1498 the Division of State Lands, which shall consider an appraisal
1499 of the property or, if the estimated value of the land is
1500 \$500,000 or less, a comparable sales analysis or a broker's
1501 opinion of value. The division may require a second appraisal.
1502 The individual or entity that requests to purchase the surplus
1503 parcel shall pay all costs associated with determining the
1504 property's value, if any.

1505 (a) A written valuation of land determined to be surplus
1506 pursuant to this section and s. 253.82, and related documents
1507 used to form the valuation or which pertain to the valuation,
1508 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
1509 I of the State Constitution.

1510 1. The exemption expires 2 weeks before the contract or
1511 agreement regarding the purchase, exchange, or disposal of the
1512 surplus land is first considered for approval by the board of
1513 trustees.

1514 2. Before expiration of the exemption, the Division of
1515 State Lands may disclose confidential and exempt appraisals,
1516 valuations, or valuation information regarding surplus land:

1517 a. During negotiations for the sale or exchange of the
1518 land;



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1519 b. During the marketing effort or bidding process
1520 associated with the sale, disposal, or exchange of the land to
1521 facilitate closure of such effort or process;

1522 c. When the passage of time has made the conclusions of
1523 value invalid; or

1524 d. When negotiations or marketing efforts concerning the
1525 land are concluded.

1526 (b) A unit of government that acquires title to lands
1527 pursuant to this section for less than appraised value may not
1528 sell or transfer title to all or any portion of the lands to any
1529 private owner for 10 years. A unit of government seeking to
1530 transfer or sell lands pursuant to this paragraph must first
1531 allow the board of trustees to reacquire such lands for the
1532 price at which the board of trustees sold such lands.

1533 (9) Parcels with a market value over \$500,000 must be
1534 initially offered for sale by competitive bid. Any parcels
1535 unsuccessfully offered for sale by competitive bid, and parcels
1536 with a market value of \$500,000 or less, may be sold by any
1537 reasonable means, including procuring real estate services, open
1538 or exclusive listings, competitive bid, auction, negotiated
1539 direct sales, or other appropriate services, to facilitate the
1540 sale.

1541 (10) After reviewing the recommendations of the Acquisition
1542 and Restoration Council, the board of trustees shall determine
1543 whether conservation lands identified for surplus should be held
1544 for other public purposes or are no longer needed. The board of
1545 trustees may require an agency to release its interest in such
1546 lands. An entity approved to use conservation lands by the board
1547 of trustees must secure the property under a fully executed



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1548 lease within 90 days after being notified that it may use such
1549 property or the request is voidable.

1550 (11) Requests to surplus lands may be made by any public or
1551 private entity or person and shall be determined by the board of
1552 trustees. All requests to surplus conservation lands shall be
1553 submitted to the lead managing agency for review and
1554 recommendation to the Acquisition and Restoration Council, and
1555 all requests to surplus nonconservation lands shall be submitted
1556 to the Division of State Lands for review and recommendation to
1557 the board of trustees. The lead managing agencies shall review
1558 such requests and make recommendations to the council within 90
1559 days after receipt of the requests. Any requests to surplus
1560 conservation lands that are not acted upon within the 90-day
1561 period shall be immediately scheduled for hearing at the next
1562 regularly scheduled meeting of the council. Requests to surplus
1563 lands shall be considered by the board of trustees within 60
1564 days after receipt of the requests from the council or division.
1565 Requests to surplus lands pursuant to this subsection are not
1566 required to be offered to state agencies as provided in
1567 subsection (7).

1568 (12) Proceeds from the sale of surplus conservation lands
1569 purchased before July 1, 2015, shall be deposited into the
1570 Florida Forever Trust Fund.

1571 (13) Proceeds from the sale of surplus conservation lands
1572 purchased on or after July 1, 2015, shall be deposited into the
1573 Land Acquisition Trust Fund, except when such lands were
1574 purchased with funds other than those from the Land Acquisition
1575 Trust Fund or a land acquisition trust fund created to implement
1576 s. 28, Art. X of the State Constitution, the proceeds shall be



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1577 deposited into the fund from which the lands were purchased.

1578 (14) Funds received from the sale of surplus
1579 nonconservation lands or lands that were acquired by gift, by
1580 donation, or for no consideration shall be deposited into the
1581 Internal Improvement Trust Fund.

1582 (15) Notwithstanding this section, such disposition of land
1583 may not be made if it would have the effect of causing all or
1584 any portion of the interest on any revenue bonds issued to lose
1585 the exclusion from gross income for federal income tax purposes.

1586 (16) The sale of filled, formerly submerged land that does
1587 not exceed 5 acres in area is not subject to review by the
1588 Acquisition and Restoration Council.

1589 (17) The board of trustees may adopt rules to administer
1590 this section, including procedures for administering surplus
1591 land requests and criteria for when the Division of State Lands
1592 may approve requests to surplus nonconservation lands on behalf
1593 of the board of trustees.

1594 (18) Surplus lands that are conveyed to a local government
1595 for affordable housing shall be disposed of by the local
1596 government under s. 125.379 or s. 166.0451.

1597 Section 7. Section 253.111, Florida Statutes, is amended to
1598 read:

1599 253.111 Riparian owners of land ~~Notice to board of county~~
1600 ~~commissioners before sale. The Board of Trustees of the Internal~~
1601 ~~Improvement Trust Fund of the state may not sell any land to~~
1602 ~~which they hold title unless and until they afford an~~
1603 ~~opportunity to the county in which such land is situated to~~
1604 ~~receive such land on the following terms and conditions:~~

1605 ~~(1) If an application is filed with the board requesting~~



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1606 ~~that they sell certain land to which they hold title and the~~
1607 ~~board decides to sell such land or if the board, without such~~
1608 ~~application, decides to sell such land, the board shall, before~~
1609 ~~consideration of any private offers, notify the board of county~~
1610 ~~commissioners of the county in which such land is situated that~~
1611 ~~such land is available to such county. Such notification shall~~
1612 ~~be given by registered mail, return receipt requested.~~

1613 ~~(2) The board of county commissioners of the county in~~
1614 ~~which such land is situated shall, within 40 days after receipt~~
1615 ~~of such notification from the board, determine by resolution~~
1616 ~~whether or not it proposes to acquire such land.~~

1617 ~~(3) If the board receives, within 45 days after notice is~~
1618 ~~given to the board of county commissioners pursuant to~~
1619 ~~subsection (1), the certified copy of the resolution provided~~
1620 ~~for in subsection (2), the board shall forthwith convey to the~~
1621 ~~county such land at a price that is equal to its appraised~~
1622 ~~market value established by generally accepted professional~~
1623 ~~standards for real estate appraisal and subject to such other~~
1624 ~~terms and conditions as the board determines.~~

1625 ~~(4) Nothing in This section restricts any right otherwise~~
1626 ~~granted to the board by this chapter to convey land to which~~
1627 ~~they hold title to the state or any department, office,~~
1628 ~~authority, board, bureau, commission, institution, court,~~
1629 ~~tribunal, agency, or other instrumentality of or under the~~
1630 ~~state. The word "land" as used in this act means all lands~~
1631 ~~vested in the Board of Trustees of the Internal Improvement~~
1632 ~~Trust Fund.~~

1633 ~~(1)(5) If a any riparian owner exists with respect to any~~
1634 ~~land to be sold by the board of trustees, such riparian owner~~



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1635 shall have a right to secure such land, ~~which right is prior in~~
1636 ~~interest to the right in the county created by this section,~~
1637 provided that such riparian owner shall be required to pay for
1638 such land upon such prices, terms, and conditions as determined
1639 by the board of trustees. Such riparian owner may waive this
1640 ~~prior right, in which case this section shall apply.~~

1641 (2) ~~(6)~~ This section does not apply to:

1642 (a) Any land exchange approved by the board of trustees;

1643 (b) The conveyance of any lands located within the
1644 Everglades Agricultural Area; or

1645 (c) Lands managed pursuant to ss. 253.781-253.785.

1646 Section 8. Section 253.42, Florida Statutes, is amended to
1647 read:

1648 253.42 Board of trustees may exchange lands. ~~The provisions~~
1649 ~~of~~ This section applies ~~apply~~ to all lands owned by, vested in,
1650 or titled in the name of the board of trustees whether the lands
1651 were acquired by the state as a purchase, or through gift,
1652 donation, or any other conveyance for which no consideration was
1653 paid.

1654 (1) The board of trustees may exchange any lands owned by,
1655 vested in, or titled in its ~~the~~ name ~~of the board~~ for other
1656 lands in the state owned by counties, local governments,
1657 individuals, or private or public corporations, and may fix the
1658 terms and conditions of any such exchange. ~~Any nonconservation~~
1659 ~~lands that were acquired by the state through gift, donation, or~~
1660 ~~any other conveyance for which no consideration was paid must~~
1661 ~~first be offered at no cost to a county or local government~~
1662 ~~unless otherwise provided in a deed restriction of record or~~
1663 ~~other legal impediment, and so long as the use proposed by the~~



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1664 ~~county or local government is for a public purpose.~~ For
1665 conservation lands acquired by the state through gift, donation,
1666 or any other conveyance for which no consideration was paid, the
1667 state may request land of equal conservation value from the
1668 county or local government but no other consideration.

1669 (2) In exchanging state-owned lands not acquired by the
1670 state through gift, donation, or any other conveyance for which
1671 no consideration was paid, with counties or local governments,
1672 the board of trustees shall require an exchange of equal value.
1673 Equal value is defined as the conservation benefit of the lands
1674 being offered for exchange by a county or local government being
1675 equal or greater in conservation benefit than the state-owned
1676 lands. Such exchanges may include cash transactions if based on
1677 an appropriate measure of value of the state-owned land, but
1678 must also include the determination of a net-positive
1679 conservation benefit by the Acquisition and Restoration Council,
1680 irrespective of appraised value.

1681 (3) The board of trustees shall select and agree upon the
1682 state lands to be exchanged and the lands to be conveyed to the
1683 state and shall pay or receive any sum of money the board of
1684 trustees deems ~~deemed~~ necessary ~~by the board~~ for the purpose of
1685 equalizing the value of the exchanged property. The board of
1686 trustees is authorized to make and enter into contracts or
1687 agreements for such purpose or purposes.

1688 (4) (a) A person who owns land contiguous to state-owned
1689 land titled to the board of trustees may submit a request to the
1690 Division of State Lands to exchange all or a portion of the
1691 privately owned land for all or a portion of the state-owned
1692 land, whereby the state retains a permanent conservation



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1693 easement over all or a portion of the exchanged state-owned land
1694 and a permanent conservation easement over all or a portion of
1695 the exchanged privately owned land. State-owned land exchanged
1696 pursuant to this subsection shall be contiguous to the privately
1697 owned land upon which the state retains a permanent conservation
1698 easement. If the division elects to proceed with a request, the
1699 division must submit the request to the Acquisition and
1700 Restoration Council for review and the council must provide
1701 recommendations to the division. If the division elects to
1702 forward a request to the board of trustees, the division must
1703 provide its recommendations and the recommendations of the
1704 council to the board. This subsection does not apply to state-
1705 owned sovereign submerged land.

1706 (b) After receiving a request and the division's
1707 recommendations, the board of trustees shall consider such
1708 request and recommendations and may approve the request if:

1709 1. At least 30 percent of the perimeter of the privately
1710 owned land is bordered by state-owned land and the exchange does
1711 not create an inholding.

1712 2. The approval does not result in a violation of the terms
1713 of a preexisting lease or agreement by the board of trustees,
1714 the Department of Environmental Protection, the Department of
1715 Agriculture and Consumer Services, or the Fish and Wildlife
1716 Conservation Commission.

1717 3. For state-owned land purchased for conservation
1718 purposes, the board of trustees makes a determination that the
1719 exchange of land under this subsection will result in a net
1720 positive conservation benefit.

1721 4. The approval does not conflict with any existing flowage



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1722 easement.

1723 5. The request is approved by three or more members of the
1724 board of trustees.

1725 (c) Special consideration shall be given to a request that
1726 maintains public access for any recreational purpose allowed on
1727 the state-owned land at the time the request is submitted to the
1728 board of trustees. A person who maintains public access pursuant
1729 to this paragraph is entitled to the limitation on liability
1730 provided in s. 375.251.

1731 (d) Land subject to a permanent conservation easement
1732 granted pursuant to this subsection is subject to inspection by
1733 the Department of Environmental Protection to ensure compliance
1734 with the terms of the permanent conservation easement.

1735 Section 9. Subsection (2) of section 253.782, Florida
1736 Statutes, is amended to read:

1737 253.782 Retention of state-owned lands in and around Lake
1738 Rousseau and the Cross Florida Barge Canal right-of-way from
1739 Lake Rousseau west to the Withlacoochee River.-

1740 (2) The Department of Environmental Protection is
1741 authorized ~~and directed~~ to retain ownership of and maintain all
1742 lands or interests in land owned by the Board of Trustees of the
1743 Internal Improvement Trust Fund, including all fee and less than
1744 fee less-than-fee interests in lands previously owned by the
1745 canal authority in Lake Rousseau and the Cross Florida Barge
1746 Canal right-of-way from Lake Rousseau at U.S. Highway 41 west to
1747 and including the Withlacoochee River.

1748 Section 10. Section 253.7821, Florida Statutes, is amended
1749 to read:

1750 253.7821 Cross Florida Greenways State Recreation and



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1751 Conservation Area assigned to the Department of Environmental
1752 Protection Office of the Executive Director.—The Cross Florida
1753 Greenways State Recreation and Conservation Area is hereby
1754 established and ~~is initially~~ assigned to the department Office
1755 ~~of Greenways Management within the Office of the Secretary.~~ The
1756 department office shall manage the greenways pursuant to the
1757 department's existing statutory authority until administrative
1758 rules are adopted by the department. However, the provisions of
1759 this act shall control in any conflict between this act and any
1760 other authority of the department.

1761 Section 11. Section 253.87, Florida Statutes, is created to
1762 read:

1763 253.87 Inventory of state, federal, and local government
1764 conservation lands by the Department of Environmental
1765 Protection.—

1766 (1) By July 1, 2018, the department shall include in the
1767 Florida State-Owned Lands and Records Information System (FL-
1768 SOLARIS) database all federally owned conservation lands in the
1769 state, all lands on which the Federal Government retains a
1770 permanent conservation easement in the state, and all lands on
1771 which the state retains a permanent conservation easement. The
1772 department shall update the database at least every 5 years.

1773 (2) By July 1, 2018, for counties and municipalities, and
1774 by July 1, 2019, for financially disadvantaged small
1775 communities, as defined in s. 403.1838, and at least every 5
1776 years thereafter, respectively, each county, municipality, and
1777 financially disadvantaged small community shall identify all
1778 conservation lands that it owns in fee simple and all lands on
1779 which it retains a permanent conservation easement and submit,



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1780 in a manner determined by the department, a list of such lands
1781 to the department. Within 6 months after receiving such list,
1782 the department shall add such lands to the FL-SOLARIS database.

1783 (3) By January 1, 2018, the department shall conduct a
1784 study and submit a report to the Governor, the President of the
1785 Senate, and the Speaker of the House of Representatives on the
1786 technical and economic feasibility of including the following
1787 lands in the FL-SOLARIS database or a similar public lands
1788 inventory:

1789 (a) All lands on which local comprehensive plans, land use
1790 restrictions, zoning ordinances, or land development regulations
1791 prohibit the land from being developed or limit the amount of
1792 development to one unit per 40 or more acres.

1793 (b) All publicly and privately owned lands for which
1794 development rights have been transferred.

1795 (c) All privately owned lands under a permanent
1796 conservation easement.

1797 (d) All lands owned by a nonprofit or nongovernmental
1798 organization for conservation purposes.

1799 (e) All lands that are part of a mitigation bank.

1800 Section 12. Section 259.01, Florida Statutes, is amended to
1801 read:

1802 259.01 Short title.—This chapter shall be known and may be
1803 cited as the “Land Conservation Program Act ~~of 1972.~~”

1804 Section 13. Section 259.02, Florida Statutes, is repealed.

1805 Section 14. Subsection (6) of section 259.03, Florida
1806 Statutes, is amended to read:

1807 259.03 Definitions.—The following terms and phrases when
1808 used in this chapter shall have the meanings ascribed to them in



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1809 this section, except where the context clearly indicates a
1810 different meaning:

1811 (6) "Water resource development project" means a project
1812 eligible for funding pursuant to s. 259.105 that increases the
1813 amount of water available to meet the needs of natural systems
1814 and the citizens of the state by enhancing or restoring aquifer
1815 recharge, facilitating the capture and storage of excess flows
1816 in surface waters, or promoting reuse. The implementation of
1817 eligible projects under s. 259.105 includes land acquisition,
1818 land and water body restoration, aquifer storage and recovery
1819 facilities, surface water reservoirs, and other capital
1820 improvements within a Florida Forever project boundary. ~~The term~~
1821 ~~does not include construction of treatment, transmission, or~~
1822 ~~distribution facilities.~~

1823 Section 15. Subsections (6), (7), and (8) and paragraphs
1824 (a) and (d) of section (9) of section 259.032, Florida Statutes,
1825 are amended to read:

1826 259.032 Conservation and recreation lands.-

1827 (6) Conservation and recreation lands are subject to the
1828 selection procedures of s. 259.035 and related rules and shall
1829 be acquired in accordance with acquisition procedures for state
1830 lands provided for in s. 253.025 ~~259.041~~, except as otherwise
1831 provided by the Legislature. An inholding or an addition to
1832 conservation and recreation lands is not subject to the
1833 selection procedures of s. 259.035 if the estimated value of
1834 such inholding or addition does not exceed \$500,000. When at
1835 least 90 percent of the acreage of a project has been purchased
1836 for conservation and recreation purposes, the project may be
1837 removed from the list and the remaining acreage may continue to



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1838 be purchased. Funds appropriated to acquire conservation and
1839 recreation lands may be used for title work, appraisal fees,
1840 environmental audits, and survey costs related to acquisition
1841 expenses for lands to be acquired, donated, or exchanged which
1842 qualify under the categories of this section, at the discretion
1843 of the board. When the Legislature has authorized the department
1844 ~~of Environmental Protection~~ to condemn a specific parcel of land
1845 and such parcel has already been approved for acquisition, the
1846 land may be acquired in accordance with ~~the provisions of~~
1847 chapter 73 or chapter 74, and the funds appropriated to acquire
1848 conservation and recreation lands may be used to pay the
1849 condemnation award and all costs, including reasonable attorney
1850 fees, associated with condemnation.

1851 (7) All lands managed under this chapter and s. 253.034
1852 shall be:

1853 (a) Managed in a manner that will provide the greatest
1854 combination of benefits to the public and to the resources.

1855 (b) Managed for public outdoor recreation which is
1856 compatible with the conservation and protection of public lands.
1857 Such management may include, but not be limited to, the
1858 following public recreational uses: fishing, hunting, camping,
1859 bicycling, hiking, nature study, swimming, boating, canoeing,
1860 horseback riding, diving, model hobbyist activities, birding,
1861 sailing, jogging, and other related outdoor activities
1862 ~~compatible with the purposes for which the lands were acquired.~~

1863 ~~(c) Managed for the purposes for which the lands were~~
1864 ~~acquired, consistent with paragraph (9) (a).~~

1865 (c) ~~(d)~~ Concurrent with its adoption of the annual list of
1866 acquisition projects pursuant to s. 259.035, the board ~~of~~



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1867 ~~trustees~~ shall adopt a management prospectus for each project.
1868 The management prospectus shall delineate:
1869 1. The management goals for the property;
1870 2. The conditions that will affect the intensity of
1871 management;
1872 3. An estimate of the revenue-generating potential of the
1873 property, if appropriate;
1874 4. A timetable for implementing the various stages of
1875 management and for providing access to the public, if
1876 applicable;
1877 5. A description of potential multiple-use activities as
1878 described in this section and s. 253.034;
1879 6. Provisions for protecting existing infrastructure and
1880 for ensuring the security of the project upon acquisition;
1881 7. The anticipated costs of management and projected
1882 sources of revenue, including legislative appropriations, to
1883 fund management needs; and
1884 8. Recommendations as to how many employees will be needed
1885 to manage the property, and recommendations as to whether local
1886 governments, volunteer groups, the former landowner, or other
1887 interested parties can be involved in the management.
1888 (d) ~~(e)~~ Concurrent with the approval of the acquisition
1889 contract pursuant to s. 253.025(4)(c) ~~259.041(3)(e)~~ for any
1890 interest in lands except those lands ~~being~~ acquired pursuant to
1891 ~~under the provisions of~~ s. 259.1052, the board ~~of trustees~~ shall
1892 designate an agency or agencies to manage such lands. The board
1893 shall evaluate and amend, as appropriate, the management policy
1894 statement for the project as provided by s. 259.035 to ensure
1895 that the policy statement is compatible with conservation,



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1896 ~~recreation, or both, consistent with the purposes for which the~~
1897 ~~lands are acquired.~~ For any fee simple acquisition of a parcel
1898 which is or will be leased back for agricultural purposes, or
1899 any acquisition of a less than fee ~~less than fee~~ interest in
1900 land that is or will be used for agricultural purposes, the
1901 ~~board of trustees of the Internal Improvement Trust Fund~~ shall
1902 first consider having a soil and water conservation district,
1903 created pursuant to chapter 582, manage and monitor such
1904 interests.

1905 (e) ~~(f)~~ State agencies designated to manage lands acquired
1906 under this chapter or with funds deposited into the Land
1907 Acquisition Trust Fund, except those lands acquired under s.
1908 259.1052, may contract with local governments and soil and water
1909 conservation districts to assist in management activities,
1910 including the responsibility of being the lead land manager.
1911 Such land management contracts may include a provision for the
1912 transfer of management funding to the local government or soil
1913 and water conservation district from the land acquisition trust
1914 fund of the lead land managing agency in an amount adequate for
1915 the local government or soil and water conservation district to
1916 perform its contractual land management responsibilities and
1917 proportionate to its responsibilities, and which otherwise would
1918 have been expended by the state agency to manage the property.

1919 (f) ~~(g)~~ Immediately following the acquisition of any
1920 interest in conservation and recreation lands, the department ~~of~~
1921 ~~Environmental Protection~~, acting on behalf of the board ~~of~~
1922 ~~trustees~~, may issue to the lead managing entity an interim
1923 assignment letter to be effective until the execution of a
1924 formal lease.



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1925 (8) (a) State, regional, or local governmental agencies or
1926 private entities designated to manage lands under this section
1927 shall develop and adopt, with the approval of the board ~~of~~
1928 ~~trustees~~, an individual management plan for each project
1929 designed to conserve and protect such lands and their associated
1930 natural resources. Private sector involvement in management plan
1931 development may be used to expedite the planning process.

1932 (b) Individual management plans required by s. 253.034(5),
1933 for parcels over 160 acres, shall be developed with input from
1934 an advisory group. Members of this advisory group shall include,
1935 at a minimum, representatives of the lead land managing agency,
1936 comanaging entities, local private property owners, the
1937 appropriate soil and water conservation district, a local
1938 conservation organization, and a local elected official. If
1939 habitat or potentially restorable habitat for imperiled species
1940 is located on state lands, the Fish and Wildlife Conservation
1941 Commission and the Department of Agriculture and Consumer
1942 Services shall be included on any advisory group required under
1943 chapter 253, and the short-term and long-term management goals
1944 required under chapter 253 must advance the goals and objectives
1945 of imperiled species management without restricting other uses
1946 identified in the management plan. The advisory group shall
1947 conduct at least one public hearing within the county in which
1948 the parcel or project is located. For those parcels or projects
1949 that are within more than one county, at least one areawide
1950 public hearing shall be acceptable and the lead managing agency
1951 shall invite a local elected official from each county. The
1952 areawide public hearing shall be held in the county in which the
1953 core parcels are located. Notice of such public hearing shall be



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1954 posted on the parcel or project designated for management,
1955 advertised in a paper of general circulation, and announced at a
1956 scheduled meeting of the local governing body before the actual
1957 public hearing. The management prospectus required pursuant to
1958 paragraph (7)(c) ~~(7)(d)~~ shall be available to the public for a
1959 period of 30 days before ~~prior to~~ the public hearing.

1960 (c) Once a plan is adopted, the managing agency or entity
1961 shall update the plan at least every 10 years in a form and
1962 manner adopted ~~prescribed~~ by rule of the board ~~of trustees~~. Such
1963 updates, for parcels over 160 acres, shall be developed with
1964 input from an advisory group. Such plans may include transfers
1965 of leasehold interests to appropriate conservation organizations
1966 or governmental entities designated by the ~~Land Acquisition and~~
1967 ~~Management Advisory~~ council ~~or its successor~~, for uses
1968 consistent with the purposes of the organizations and the
1969 protection, preservation, conservation, restoration, and proper
1970 management of the lands and their resources. Volunteer
1971 management assistance is encouraged, including, but not limited
1972 to, assistance by youths participating in programs sponsored by
1973 state or local agencies, by volunteers sponsored by
1974 environmental or civic organizations, and by individuals
1975 participating in programs for committed delinquents and adults.

1976 ~~(d)1-~~ For each project for which lands are acquired after
1977 July 1, 1995, an individual management plan shall be adopted and
1978 in place no later than 1 year after the essential parcel or
1979 parcels identified in the priority list developed pursuant to s.
1980 259.105 have been acquired. The department ~~of Environmental~~
1981 ~~Protection~~ shall distribute only 75 percent of the acquisition
1982 funds to which a budget entity or water management district



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1983 would otherwise be entitled to any budget entity or any water
1984 management district that has more than one-third of its
1985 management plans overdue.

1986 ~~2. The requirements of subparagraph 1. do not apply to the~~
1987 ~~individual management plan for the Babcock Crescent B Ranch~~
1988 ~~being acquired pursuant to s. 259.1052. The management plan for~~
1989 ~~the ranch shall be adopted and in place no later than 2 years~~
1990 ~~following the date of acquisition by the state.~~

1991 (e) Individual management plans shall conform to the
1992 appropriate policies and guidelines of the state land management
1993 plan and shall include, but not be limited to:

1994 1. A statement of the purpose for which the lands were
1995 acquired, the projected use or uses as defined in s. 253.034,
1996 and the statutory authority for such use or uses.

1997 2. Key management activities necessary to achieve the
1998 desired outcomes, including, but not limited to, providing
1999 public access, preserving and protecting natural resources,
2000 protecting cultural and historical resources, restoring habitat,
2001 protecting threatened and endangered species, controlling the
2002 spread of nonnative plants and animals, performing prescribed
2003 fire activities, and other appropriate resource management.

2004 3. A specific description of how the managing agency plans
2005 to identify, locate, protect, and preserve, or otherwise use
2006 fragile, nonrenewable natural and cultural resources.

2007 4. A priority schedule for conducting management
2008 activities, ~~based on the purposes for which the lands were~~
2009 ~~acquired.~~

2010 5. A cost estimate for conducting priority management
2011 activities, to include recommendations for cost-effective



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2012 methods of accomplishing those activities.

2013 6. A cost estimate for conducting other management
2014 activities which would enhance the natural resource value or
2015 public recreation value ~~for which the lands were acquired~~. The
2016 cost estimate shall include recommendations for cost-effective
2017 methods of accomplishing those activities.

2018 7. A determination of the public uses and public access
2019 that would be compatible with conservation, recreation, or both
2020 ~~that would be consistent with the purposes for which the lands~~
2021 ~~were acquired~~.

2022 (f) The Division of State Lands shall submit a copy of each
2023 individual management plan for parcels which exceed 160 acres in
2024 size to each member of the ~~Acquisition and Restoration~~ council,
2025 which shall:

2026 1. Within 60 days after receiving a plan from the Division
2027 of State Lands, review each plan for compliance with the
2028 requirements of this subsection and with the requirements of the
2029 rules adopted ~~established~~ by the board pursuant to this
2030 subsection.

2031 2. Consider the propriety of the recommendations of the
2032 managing agency with regard to the future use or protection of
2033 the property.

2034 3. After its review, submit the plan, along with its
2035 recommendations and comments, to the board ~~of trustees~~, with
2036 recommendations as to whether to approve the plan as submitted,
2037 approve the plan with modifications, or reject the plan.

2038 (g) The board ~~of trustees~~ shall consider the individual
2039 management plan submitted by each state agency and the
2040 recommendations of the ~~Acquisition and Restoration~~ council and



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2041 the department ~~Division of State Lands~~ and shall approve the
2042 plan with or without modification or reject such plan. The use
2043 or possession of any lands owned by the board ~~of trustees~~ which
2044 is not in accordance with an approved individual management plan
2045 is subject to termination by the board ~~of trustees~~.

2046

2047 By July 1 of each year, each governmental agency and each
2048 private entity designated to manage lands shall report to the
2049 Secretary of Environmental Protection on the progress of
2050 funding, staffing, and resource management of every project for
2051 which the agency or entity is responsible.

2052 (9) (a) The Legislature recognizes that acquiring lands
2053 pursuant to this chapter serves the public interest by
2054 protecting land, air, and water resources which contribute to
2055 the public health and welfare, providing areas for natural
2056 resource based recreation, and ensuring the survival of unique
2057 and irreplaceable plant and animal species. The Legislature
2058 intends for these lands to be managed and maintained in a manner
2059 that is compatible with conservation, recreation, or both,
2060 consistent with the land management plan ~~for the purposes for~~
2061 ~~which they were acquired~~ and for the public to have access to
2062 and use of these lands if public access ~~where it is consistent~~
2063 ~~with acquisition purposes and~~ would not harm the resources the
2064 state is seeking to protect on the public's behalf.

2065 (d) Up to one-fifth of the funds appropriated for the
2066 purposes identified in paragraph (b) shall be reserved by the
2067 board ~~of trustees~~ for interim management of acquisitions and for
2068 associated contractual services, to ensure the conservation and
2069 protection of natural resources on project sites and to allow



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2070 limited public recreational use of lands. Interim management
2071 activities may include, but not be limited to, resource
2072 assessments, control of invasive, nonnative species, habitat
2073 restoration, fencing, law enforcement, controlled burning, and
2074 public access consistent with preliminary determinations made
2075 pursuant to paragraph (7) (f) ~~(7) (g)~~. The board ~~of trustees~~ shall
2076 make these interim funds available immediately upon purchase.

2077 Section 16. Subsection (3) and paragraph (a) of subsection
2078 (4) of section 259.035, Florida Statutes, are amended to read:

2079 259.035 Acquisition and Restoration Council.—

2080 (3) The council shall provide assistance to the board ~~of~~
2081 ~~trustees~~ in reviewing the recommendations and plans for state-
2082 owned conservation lands required under s. 253.034 and this
2083 chapter. The council shall, in reviewing such ~~recommendations~~
2084 ~~and~~ plans, consider the optimization of multiple-use and
2085 conservation strategies to accomplish the provisions funded
2086 pursuant to former s. 259.101(3) (a), Florida Statutes 2014, and
2087 to s. 259.105(3) (b).

2088 (4) (a) By December 1, 2016, the ~~Acquisition and Restoration~~
2089 council shall develop rules defining specific criteria and
2090 numeric performance measures needed for lands that are to be
2091 acquired for public purpose under the Florida Forever program
2092 pursuant to s. 259.105 or with funds deposited into the Land
2093 Acquisition Trust Fund pursuant to s. 28(a), Art. X of the State
2094 Constitution. These rules shall be reviewed and adopted by the
2095 board, then submitted to the Legislature for consideration by
2096 February 1, 2017. The Legislature may reject, modify, or take no
2097 action relative to the proposed rules. If no action is taken,
2098 the rules shall be implemented. Subsequent to their approval,



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2099 each recipient of funds from the Land Acquisition Trust Fund
2100 shall annually report to the department ~~Division of State Lands~~
2101 on each of the numeric performance measures accomplished during
2102 the previous fiscal year.

2103 Section 17. Subsections (1), (2), (4), and (5) of section
2104 259.036, Florida Statutes, are amended to read:

2105 259.036 Management review teams.-

2106 (1) To determine whether conservation, preservation, and
2107 recreation lands titled in the name of the board ~~of Trustees of~~
2108 ~~the Internal Improvement Trust Fund~~ are being managed for the
2109 purposes that are compatible with conservation, preservation, or
2110 recreation for which they were acquired and in accordance with a
2111 land management plan adopted pursuant to s. 259.032, the board
2112 ~~of trustees~~, acting through the department ~~of Environmental~~
2113 ~~Protection~~, shall cause periodic management reviews to be
2114 conducted as follows:

2115 (a) The department shall establish a regional land
2116 management review team composed of the following members:

2117 1. One individual who is from the county or local community
2118 in which the parcel or project is located and who is selected by
2119 the county commission in the county which is most impacted by
2120 the acquisition.

2121 2. One individual from the Division of Recreation and Parks
2122 of the department.

2123 3. One individual from the Florida Forest Service of the
2124 Department of Agriculture and Consumer Services.

2125 4. One individual from the Fish and Wildlife Conservation
2126 Commission.

2127 5. One individual from the department's district office in



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2128 which the parcel is located.

2129 6. A private land manager, preferably from the local
2130 community, mutually agreeable to the state agency
2131 representatives.

2132 7. A member or staff from the jurisdictional water
2133 management district or ~~of the~~ local soil and water conservation
2134 district board of supervisors.

2135 8. A member of a conservation organization.

2136 (b) The department ~~staff of the Division of State Lands~~
2137 shall act as the review team coordinator for the purposes of
2138 establishing schedules for the reviews and other staff
2139 functions. The Legislature shall appropriate funds necessary to
2140 implement land management review team functions.

2141 (2) The land management review team shall review select
2142 management areas before ~~prior to~~ the date the manager is
2143 required to submit a 10-year land management plan update. For
2144 management areas that exceed 1,000 acres in size, the department
2145 ~~Division of State Lands~~ shall schedule a land management review
2146 at least every 5 years. A copy of the review shall be provided
2147 to the manager, the department ~~Division of State Lands~~, and the
2148 ~~Acquisition and Restoration~~ council. The manager shall consider
2149 the findings and recommendations of the land management review
2150 team in finalizing the required 10-year update of its management
2151 plan.

2152 (4) In the event a land management plan has not been
2153 adopted within the timeframes specified in s. 259.032(8), the
2154 department may direct a management review of the property, to be
2155 conducted by the land management review team. The review shall
2156 consider the extent to which the land is being managed in a



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2157 manner that is compatible with conservation, recreation, or both
2158 ~~for the purposes for which it was acquired~~ and the degree to
2159 which actual management practices are in compliance with the
2160 management policy statement and management prospectus for that
2161 property.

2162 (5) If the land management review team determines that
2163 reviewed lands are not being managed in a manner that is
2164 compatible with conservation, recreation, or both, consistent
2165 ~~for the purposes for which they were acquired or in compliance~~
2166 with the adopted land management plan, management policy
2167 statement, or management prospectus, or if the managing agency
2168 fails to address the review findings in the updated management
2169 plan, the department shall provide the review findings to the
2170 board, and the managing agency must report to the board its
2171 reasons for managing the lands as it has.

2172 Section 18. Section 259.037, Florida Statutes, is amended
2173 to read:

2174 259.037 Land Management Uniform Accounting Council.—

2175 (1) The Land Management Uniform Accounting Council (LMUAC)
2176 is created within the Department of Environmental Protection and
2177 shall consist of the director of the Division of State Lands,
2178 the director of the Division of Recreation and Parks, and the
2179 director of the Office of Coastal and Aquatic Managed Areas, ~~and~~
2180 ~~the director of the Office of Greenways and Trails~~ of the
2181 department ~~of Environmental Protection~~; the director of the
2182 Florida Forest Service of the Department of Agriculture and
2183 Consumer Services; the executive director of the Fish and
2184 Wildlife Conservation Commission; and the director of the
2185 Division of Historical Resources of the Department of State, or



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2186 their respective designees. Each state agency represented on the
2187 LMUAC council shall have one vote. The chair of the LMUAC
2188 ~~council~~ shall rotate annually in the foregoing order of state
2189 agencies. The agency of the representative serving as chair ~~of~~
2190 ~~the council~~ shall provide staff support for the LMUAC council.
2191 The Division of State Lands shall serve as the recipient of and
2192 repository for the LMUAC's council's documents. The LMUAC
2193 ~~council~~ shall meet at the request of the chair.

2194 (2) The Auditor General and the director of the Office of
2195 Program Policy Analysis and Government Accountability, or their
2196 designees, shall advise the LMUAC council to ensure that
2197 appropriate accounting procedures are used ~~utilized~~ and that a
2198 uniform method of collecting and reporting accurate costs of
2199 land management activities are created and can be used by all
2200 agencies.

2201 (3) (a) All land management activities and costs must be
2202 assigned to a specific category, and any single activity or cost
2203 may not be assigned to more than one category. Administrative
2204 costs, such as planning or training, shall be segregated from
2205 other management activities. Specific management activities and
2206 costs must initially be grouped, at a minimum, within the
2207 following categories:

- 2208 1. Resource management.
- 2209 2. Administration.
- 2210 3. Support.
- 2211 4. Capital improvements.
- 2212 5. Recreation visitor services.
- 2213 6. Law enforcement activities.

2214



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2215 Upon adoption of the initial list of land management categories
2216 by the LMUAC council, agencies assigned to manage conservation
2217 or recreation lands shall, ~~on July 1, 2000, begin to~~ account for
2218 land management costs in accordance with the category to which
2219 an expenditure is assigned.

2220 (b) Each reporting agency shall also:

2221 1. Include a report of the available public use
2222 opportunities for each management unit of state land, the total
2223 management cost for public access and public use, and the cost
2224 associated with each use option.

2225 2. List the acres of land requiring minimal management
2226 effort, moderate management effort, and significant management
2227 effort pursuant to s. 259.032(9)(c). For each category created
2228 in paragraph (a), the reporting agency shall include the amount
2229 of funds requested, the amount of funds received, and the amount
2230 of funds expended for land management.

2231 3. List acres managed and cost of management for each park,
2232 preserve, forest, reserve, or management area.

2233 4. List acres managed, cost of management, and lead manager
2234 for each state lands management unit for which secondary
2235 management activities were provided.

2236 5. Include a report of the estimated calculable financial
2237 benefits to the public for the ecosystem services provided by
2238 conservation lands, based on the best readily available
2239 information or science that provides a standard measurement
2240 methodology to be consistently applied by the land managing
2241 agencies. Such information may include, but need not be limited
2242 to, the value of natural lands for protecting the quality and
2243 quantity of drinking water through natural water filtration and



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2244 recharge, contributions to protecting and improving air quality,
2245 benefits to agriculture through increased soil productivity and
2246 preservation of biodiversity, and savings to property and lives
2247 through flood control.

2248 (4) The LMUAC ~~council~~ shall provide a report of the
2249 agencies' expenditures pursuant to the adopted categories to the
2250 Acquisition and Restoration Council and the Division of State
2251 Lands for inclusion in its annual report required pursuant to s.
2252 259.036.

2253 (5) Should the LMUAC ~~council~~ determine that the list of
2254 land management categories needs to be revised, it shall meet
2255 upon the call of the chair.

2256 (6) Biennially, each reporting agency shall also submit an
2257 operational report for each management area along with an
2258 approved management plan. The report should assess the progress
2259 toward achieving short-term and long-term management goals of
2260 the approved management plan, including all land management
2261 activities, and identify any deficiencies in management and
2262 corrective actions to address identified deficiencies as
2263 appropriate. This report shall be submitted to the Acquisition
2264 and Restoration Council and the Division of State Lands for
2265 inclusion in its annual report required pursuant to s. 259.036.

2266 Section 19. Subsections (1) through (6) and (8) through
2267 (19) of section 259.041, Florida Statutes, are repealed.

2268 Section 20. Subsection (2) of section 259.047, Florida
2269 Statutes, is amended to read:

2270 259.047 Acquisition of land on which an agricultural lease
2271 exists.-

2272 (2) If ~~Where~~ consistent with the purposes of conservation



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2273 ~~and recreation for which the property was acquired~~, the state or
2274 acquiring entity shall make reasonable efforts to keep lands in
2275 agricultural production which are in agricultural production at
2276 the time of acquisition.

2277 Section 21. Subsection (8) of section 259.101, Florida
2278 Statutes, is renumbered as subsection (7), and subsection (5),
2279 paragraph (a) of subsection (6), and present subsection (7) of
2280 that section are amended, to read:

2281 259.101 Florida Preservation 2000 Act.—

2282 (5) DISPOSITION OF LANDS.—

2283 (a) Any lands acquired pursuant to former paragraphs
2284 (3) (a), (3) (c), (3) (d), (3) (e), (3) (f), or (3) (g) of this
2285 section, Florida Statutes 2014, if title to such lands is vested
2286 in the board ~~of Trustees of the Internal Improvement Trust Fund~~,
2287 may be disposed of by the board ~~of Trustees of the Internal~~
2288 ~~Improvement Trust Fund~~ in accordance with the provisions and
2289 procedures set forth in s. 253.0341 ~~253.034(6)~~, and lands
2290 acquired pursuant to former paragraph (3) (b) of this section,
2291 Florida Statutes 2014, may be disposed of by the owning water
2292 management district in accordance with the procedures and
2293 provisions set forth in ss. 373.056 and 373.089 provided such
2294 disposition also shall satisfy the requirements of paragraphs
2295 (b) and (c).

2296 (b) Before land acquired with Preservation 2000 funds may
2297 be surplusd as required by s. 253.0341 ~~253.034(6)~~ or determined
2298 to be no longer required for its purposes under s. 373.056(4),
2299 as applicable, there shall first be a determination by the board
2300 ~~of Trustees of the Internal Improvement Trust Fund~~, or, in the
2301 case of water management district lands, by the owning water



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2302 management district, that such land no longer needs to be
2303 preserved in furtherance of the intent of the Florida
2304 Preservation 2000 Act. Any lands eligible to be disposed of
2305 under this procedure also may be used to acquire other lands
2306 through an exchange of lands if such lands obtained in an
2307 exchange are described in the same paragraph of former
2308 subsection (3) of this section, Florida Statutes 2014, as the
2309 lands disposed.

2310 (c) Revenue derived from the disposal of lands acquired
2311 with Preservation 2000 funds may not be used for any purpose
2312 except for deposit into the Florida Forever Trust Fund within
2313 the department ~~of Environmental Protection~~, for recredit to the
2314 share held under former subsection (3) of this section, Florida
2315 Statutes 2014, in which such disposed land is described.

2316 (6) ALTERNATE USES OF ACQUIRED LANDS.—

2317 (a) The board ~~of Trustees of the Internal Improvement Trust~~
2318 ~~Fund~~, or, in the case of water management district lands, the
2319 owning water management district, may authorize the granting of
2320 a lease, easement, or license for the use of any lands acquired
2321 pursuant to former subsection (3) of this section, Florida
2322 Statutes 2014, for any governmental use permitted by s. 17, Art.
2323 IX of the State Constitution of 1885, as adopted by s. 9(a),
2324 Art. XII of the State Constitution, and any other incidental
2325 public or private use that is determined by the board or the
2326 owning water management district to be compatible with
2327 conservation, preservation, or recreation ~~the purposes for which~~
2328 ~~such lands were acquired.~~

2329 ~~(7) ALTERNATIVES TO FEE SIMPLE ACQUISITION.—~~

2330 ~~(a) The Legislature finds that, with the increasing~~



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2331 ~~pressures on the natural areas of this state, the state must~~
2332 ~~develop creative techniques to maximize the use of acquisition~~
2333 ~~and management moneys. The Legislature finds that the state's~~
2334 ~~environmental land-buying agencies should be encouraged to~~
2335 ~~augment their traditional, fee simple acquisition programs with~~
2336 ~~the use of alternatives to fee simple acquisition techniques.~~
2337 ~~The Legislature also finds that using alternatives to fee simple~~
2338 ~~acquisition by public land-buying agencies will achieve the~~
2339 ~~following public policy goals:~~

2340 ~~1. Allow more lands to be brought under public protection~~
2341 ~~for preservation, conservation, and recreational purposes at~~
2342 ~~less expense using public funds.~~

2343 ~~2. Retain, on local government tax rolls, some portion of~~
2344 ~~or interest in lands that are under public protection.~~

2345 ~~3. Reduce long-term management costs by allowing private~~
2346 ~~property owners to continue acting as stewards of the land, as~~
2347 ~~appropriate.~~

2348
2349 ~~Therefore, it is the intent of the Legislature that public land-~~
2350 ~~buying agencies develop programs to pursue alternatives to fee~~
2351 ~~simple acquisition and to educate private landowners about such~~
2352 ~~alternatives and the benefits of such alternatives. It also is~~
2353 ~~the intent of the Legislature that the department and the water~~
2354 ~~management districts spend a portion of their shares of~~
2355 ~~Preservation 2000 bond proceeds to purchase eligible properties~~
2356 ~~using alternatives to fee simple acquisition. Finally, it is the~~
2357 ~~intent of the Legislature that public agencies acquire lands in~~
2358 ~~fee simple for public access and recreational activities. Lands~~
2359 ~~protected using alternatives to fee simple acquisition~~



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2360 ~~techniques may not be accessible to the public unless such~~
2361 ~~access is negotiated with and agreed to by the private~~
2362 ~~landowners who retain interests in such lands.~~

2363 ~~(b) The Land Acquisition Advisory Council and the water~~
2364 ~~management districts shall identify, within their 1997~~
2365 ~~acquisition plans, those projects that require a full fee simple~~
2366 ~~interest to achieve the public policy goals, along with the~~
2367 ~~reasons why full title is determined to be necessary. The~~
2368 ~~council and the water management districts may use alternatives~~
2369 ~~to fee simple acquisition to bring the remaining projects in~~
2370 ~~their acquisition plans under public protection. For the~~
2371 ~~purposes of this subsection, the term "alternatives to fee~~
2372 ~~simple acquisition" includes the purchase of development rights;~~
2373 ~~conservation easements; flowage easements; the purchase of~~
2374 ~~timber rights, mineral rights, or hunting rights; the purchase~~
2375 ~~of agricultural interests or silvicultural interests; land~~
2376 ~~protection agreements; fee simple acquisitions with~~
2377 ~~reservations; or any other acquisition technique that achieves~~
2378 ~~the public policy goals identified in paragraph (a). It is~~
2379 ~~presumed that a private landowner retains the full range of uses~~
2380 ~~for all the rights or interests in the landowner's land which~~
2381 ~~are not specifically acquired by the public agency. Life estates~~
2382 ~~and fee simple acquisitions with leaseback provisions do not~~
2383 ~~qualify as an alternative to fee simple acquisition under this~~
2384 ~~subsection, although the department and the districts are~~
2385 ~~encouraged to use such techniques if appropriate.~~

2386 ~~(c) The department and each water management district shall~~
2387 ~~implement initiatives to use alternatives to fee simple~~
2388 ~~acquisition and to educate private landowners about such~~



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2389 ~~alternatives. These initiatives must include at least two~~
2390 ~~acquisitions a year by the department and each water management~~
2391 ~~district utilizing alternatives to fee simple.~~

2392 ~~(d) The Legislature finds that the lack of direct sales~~
2393 ~~comparison information has served as an impediment to successful~~
2394 ~~implementation of alternatives to fee simple acquisition. It is~~
2395 ~~the intent of the Legislature that, in the absence of direct~~
2396 ~~comparable sales information, appraisals of alternatives to fee~~
2397 ~~simple acquisitions be based on the difference between the full~~
2398 ~~fee simple valuation and the value of the interests remaining~~
2399 ~~with the seller after acquisition.~~

2400 ~~(e) The public agency that has been assigned management~~
2401 ~~responsibility shall inspect and monitor any less than fee-~~
2402 ~~simple interest according to the terms of the purchase agreement~~
2403 ~~relating to such interest.~~

2404 ~~(f) The department and the water management districts may~~
2405 ~~enter into joint acquisition agreements to jointly fund the~~
2406 ~~purchase of lands using alternatives to fee simple techniques.~~

2407 Section 22. Paragraph (a) of subsection (2), paragraphs (i)
2408 and (l) of subsection (3), subsections (10) and (13), paragraph
2409 (i) of subsection (15), and subsection (19) of section 259.105,
2410 Florida Statutes, are amended to read:

2411 259.105 The Florida Forever Act.—

2412 (2) (a) The Legislature finds and declares that:

2413 1. Land acquisition programs have provided tremendous
2414 financial resources for purchasing environmentally significant
2415 lands to protect those lands from imminent development or
2416 alteration, thereby ensuring present and future generations'
2417 access to important waterways, open spaces, and recreation and



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2418 conservation lands.

2419 2. The continued alteration and development of the state's
2420 ~~Florida's~~ natural and rural areas to accommodate the state's
2421 growing population have contributed to the degradation of water
2422 resources, the fragmentation and destruction of wildlife
2423 habitats, the loss of outdoor recreation space, and the
2424 diminishment of wetlands, forests, working landscapes, and
2425 coastal open space.

2426 3. The potential development of the state's ~~Florida's~~
2427 remaining natural areas and escalation of land values require
2428 government efforts to restore, bring under public protection, or
2429 acquire lands and water areas to preserve the state's essential
2430 ecological functions and invaluable quality of life.

2431 4. It is essential to protect the state's ecosystems by
2432 promoting a more efficient use of land, to ensure opportunities
2433 for viable agricultural activities on working lands, and to
2434 promote vital rural and urban communities that support and
2435 produce development patterns consistent with natural resource
2436 protection.

2437 5. The state's ~~Florida's~~ groundwater, surface waters, and
2438 springs are under tremendous pressure due to population growth
2439 and economic expansion and require special protection and
2440 restoration efforts, including the protection of uplands and
2441 springsheds that provide vital recharge to aquifer systems and
2442 are critical to the protection of water quality and water
2443 quantity of the aquifers and springs. To ensure that sufficient
2444 quantities of water are available to meet the current and future
2445 needs of the natural systems and citizens of the state, and
2446 assist in achieving the planning goals of the department and the



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2447 water management districts, water resource development projects
2448 on public lands, if ~~where~~ compatible with the resource values of
2449 and management objectives for the lands, are appropriate.

2450 6. The needs of urban, suburban, and small communities in
2451 the state Florida for high-quality outdoor recreational
2452 opportunities, greenways, trails, and open space have not been
2453 fully met by previous acquisition programs. Through such
2454 programs as the Florida Communities Trust and the Florida
2455 Recreation Development Assistance Program, the state shall place
2456 additional emphasis on acquiring, protecting, preserving, and
2457 restoring open space, ecological greenways, and recreation
2458 properties within urban, suburban, and rural areas where
2459 pristine natural communities or water bodies no longer exist
2460 because of the proximity of developed property.

2461 7. Many of the state's Florida's unique ecosystems, such as
2462 the Florida Everglades, are facing ecological collapse due to
2463 the state's Florida's burgeoning population growth and other
2464 economic activities. To preserve these valuable ecosystems for
2465 future generations, essential parcels of land must be acquired
2466 to facilitate ecosystem restoration.

2467 8. Access to public lands to support a broad range of
2468 outdoor recreational opportunities and the development of
2469 necessary infrastructure, if ~~where~~ compatible with the resource
2470 values of and management objectives for such lands, promotes an
2471 appreciation for the state's Florida's natural assets and
2472 improves the quality of life.

2473 9. Acquisition of lands, in fee simple, less than fee less-
2474 ~~than-fee~~ interest, or other techniques shall be based on a
2475 comprehensive science-based assessment of the state's Florida's



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2476 natural resources which targets essential conservation lands by
2477 prioritizing all current and future acquisitions based on a
2478 uniform set of data and planned so as to protect the integrity
2479 and function of ecological systems and working landscapes, and
2480 provide multiple benefits, including preservation of fish and
2481 wildlife habitat, recreation space for urban and rural areas,
2482 and the restoration of natural water storage, flow, and
2483 recharge.

2484 10. The state has embraced performance-based program
2485 budgeting as a tool to evaluate the achievements of publicly
2486 funded agencies, build in accountability, and reward those
2487 agencies which are able to consistently achieve quantifiable
2488 goals. While previous and existing state environmental programs
2489 have achieved varying degrees of success, few of these programs
2490 can be evaluated as to the extent of their achievements,
2491 primarily because performance measures, standards, outcomes, and
2492 goals were not established at the outset. Therefore, the Florida
2493 Forever program shall be developed and implemented in the
2494 context of measurable state goals and objectives.

2495 11. The state must play a major role in the recovery and
2496 management of its imperiled species through the acquisition,
2497 restoration, enhancement, and management of ecosystems that can
2498 support the major life functions of such species. It is the
2499 intent of the Legislature to support local, state, and federal
2500 programs that result in net benefit to imperiled species habitat
2501 by providing public and private land owners meaningful
2502 incentives for acquiring, restoring, managing, and repopulating
2503 habitats for imperiled species. It is the further intent of the
2504 Legislature that public lands, both existing and to be acquired,



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2505 identified by the lead land managing agency, in consultation
2506 with the ~~Florida~~ Fish and Wildlife Conservation Commission for
2507 animals or the Department of Agriculture and Consumer Services
2508 for plants, as habitat or potentially restorable habitat for
2509 imperiled species, be restored, enhanced, managed, and
2510 repopulated as habitat for such species to advance the goals and
2511 objectives of imperiled species management for conservation,
2512 recreation, or both, consistent with the land management plan
2513 ~~purposes for which such lands are acquired~~ without restricting
2514 other uses identified in the management plan. It is also the
2515 intent of the Legislature that of the proceeds distributed
2516 pursuant to subsection (3), additional consideration be given to
2517 acquisitions that achieve a combination of conservation goals,
2518 including the restoration, enhancement, management, or
2519 repopulation of habitat for imperiled species. The ~~Acquisition~~
2520 ~~and Restoration~~ council, in addition to the criteria in
2521 subsection (9), shall give weight to projects that include
2522 acquisition, restoration, management, or repopulation of habitat
2523 for imperiled species. The term "imperiled species" as used in
2524 this chapter and chapter 253, means plants and animals that are
2525 federally listed under the Endangered Species Act, or state-
2526 listed by the Fish and Wildlife Conservation Commission or the
2527 Department of Agriculture and Consumer Services.

2528 ~~a.~~ As part of the state's role, all state lands that have
2529 imperiled species habitat shall include as a consideration in
2530 management plan development the restoration, enhancement,
2531 management, and repopulation of such habitats. In addition, the
2532 lead land managing agency of such state lands may use fees
2533 received from public or private entities for projects to offset



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2534 adverse impacts to imperiled species or their habitat in order
2535 to restore, enhance, manage, repopulate, or acquire land and to
2536 implement land management plans developed under s. 253.034 or a
2537 land management prospectus developed and implemented under this
2538 chapter. Such fees shall be deposited into a foundation or fund
2539 created by each land management agency under s. 379.223, s.
2540 589.012, or s. 259.032(9)(c), to be used solely to restore,
2541 manage, enhance, repopulate, or acquire imperiled species
2542 habitat.

2543 ~~b. Where habitat or potentially restorable habitat for~~
2544 ~~imperiled species is located on state lands, the Fish and~~
2545 ~~Wildlife Conservation Commission and the Department of~~
2546 ~~Agriculture and Consumer Services shall be included on any~~
2547 ~~advisory group required under chapter 253, and the short-term~~
2548 ~~and long-term management goals required under chapter 253 must~~
2549 ~~advance the goals and objectives of imperiled species management~~
2550 ~~consistent with the purposes for which the land was acquired~~
2551 ~~without restricting other uses identified in the management~~
2552 ~~plan.~~

2553 12. There is a need to change the focus and direction of
2554 the state's major land acquisition programs and to extend
2555 funding and bonding capabilities, so that future generations may
2556 enjoy the natural resources of this state.

2557 (3) Less the costs of issuing and the costs of funding
2558 reserve accounts and other costs associated with bonds, the
2559 proceeds of cash payments or bonds issued pursuant to this
2560 section shall be deposited into the Florida Forever Trust Fund
2561 created by s. 259.1051. The proceeds shall be distributed by the
2562 department of Environmental Protection in the following manner:



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2563 (i) Three and five-tenths percent to the Department of
2564 Agriculture and Consumer Services for the acquisition of
2565 agricultural lands, through perpetual conservation easements and
2566 other perpetual less than fee ~~less than fee~~ techniques, which
2567 will achieve the objectives of Florida Forever and s. 570.71.
2568 Rules concerning the application, acquisition, and priority
2569 ranking process for such easements shall be developed pursuant
2570 to s. 570.71(10) and as provided by this paragraph. The board
2571 shall ensure that such rules are consistent with the acquisition
2572 process provided for in s. 570.715 ~~259.041~~. Provisions of The
2573 rules developed pursuant to s. 570.71(10), shall also provide
2574 for the following:

2575 1. An annual priority list shall be developed pursuant to
2576 s. 570.71(10), submitted to the ~~Acquisition and Restoration~~
2577 council for review, and approved by the board pursuant to s.
2578 259.04.

2579 2. Terms of easements and acquisitions proposed pursuant to
2580 this paragraph shall be approved by the board and may ~~shall~~ not
2581 be delegated by the board to any other entity receiving funds
2582 under this section.

2583 3. All acquisitions pursuant to this paragraph shall
2584 contain a clear statement that they are subject to legislative
2585 appropriation.

2586
2587 ~~No~~ Funds provided under this paragraph may not ~~shall~~ be expended
2588 until final adoption of rules by the board pursuant to s.
2589 570.71.

2590 (1) For the purposes of paragraphs (e), (f), (g), and (h),
2591 the agencies that receive the funds shall develop their



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2592 individual acquisition or restoration lists in accordance with
2593 specific criteria and numeric performance measures developed
2594 pursuant to s. 259.035(4). Proposed additions may be acquired if
2595 they are identified within the original project boundary, the
2596 management plan required pursuant to s. 253.034(5), or the
2597 management prospectus required pursuant to s. 259.032(7)(c)
2598 ~~259.032(7)(d)~~. Proposed additions not meeting the requirements
2599 of this paragraph shall be submitted to the ~~Acquisition and~~
2600 ~~Restoration~~ council for approval. The council may only approve
2601 the proposed addition if it meets two or more of the following
2602 criteria: serves as a link or corridor to other publicly owned
2603 property; enhances the protection or management of the property;
2604 would add a desirable resource to the property; would create a
2605 more manageable boundary configuration; has a high resource
2606 value that otherwise would be unprotected; or can be acquired at
2607 less than fair market value.

2608 (10) The ~~Acquisition and Restoration~~ council shall give
2609 increased priority to:

2610 (a) ~~those~~ Projects for which matching funds are available.

2611 (b) ~~and to~~ Project elements previously identified on an
2612 acquisition list pursuant to this section that can be acquired
2613 at 80 percent or less of appraised value.

2614 (c) Projects that can be acquired in less than fee
2615 ownership, such as a permanent conservation easement.

2616 (d) Projects that contribute to improving the quality and
2617 quantity of surface water and groundwater.

2618 (e) Projects that contribute to improving the water quality
2619 and flow of springs.

2620 (f) ~~The council shall also give increased priority to those~~



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2621 Projects for which ~~where~~ the state's land conservation plans
2622 overlap with the military's need to protect lands, water, and
2623 habitat to ensure the sustainability of military missions
2624 including:

2625 1.~~(a)~~ Protecting habitat on nonmilitary land for any
2626 species found on military land that is designated as threatened
2627 or endangered, or is a candidate for such designation under the
2628 Endangered Species Act or any Florida statute;

2629 2.~~(b)~~ Protecting areas underlying low-level military air
2630 corridors or operating areas; and

2631 3.~~(c)~~ Protecting areas identified as clear zones, accident
2632 potential zones, and air installation compatible use buffer
2633 zones delineated by our military partners, and for which federal
2634 or other funding is available to assist with the project.

2635 (13) An affirmative vote of at least five members of the
2636 ~~Acquisition and Restoration~~ council shall be required in order
2637 to place a ~~proposed~~ project submitted pursuant to subsection (7)
2638 on the proposed project list developed pursuant to subsection
2639 (8). Any member of the council who by family or a business
2640 relationship has a connection with any project proposed to be
2641 ranked shall declare such interest before ~~prior to~~ voting for a
2642 project's inclusion on the list.

2643 (15) The ~~Acquisition and Restoration~~ council shall submit
2644 to the board ~~of trustees~~, with its list of projects, a report
2645 that includes, but need shall not be limited to, the following
2646 information for each project listed:

2647 (i) A management policy statement for the project and a
2648 management prospectus pursuant to s. 259.032(7)(c)
2649 ~~259.032(7)(d)~~.



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2650 (19) The ~~Acquisition and Restoration~~ council shall
2651 recommend adoption of rules by the board ~~of trustees~~ necessary
2652 to implement ~~the provisions of~~ this section relating to:
2653 solicitation, scoring, selecting, and ranking of Florida Forever
2654 project proposals; disposing of or leasing lands or water areas
2655 selected for funding through the Florida Forever program; and
2656 the process of reviewing and recommending for approval or
2657 rejection the land management plans associated with publicly
2658 owned properties. ~~Rules promulgated pursuant to this subsection~~
2659 ~~shall be submitted to the President of the Senate and the~~
2660 ~~Speaker of the House of Representatives, for review by the~~
2661 ~~Legislature, no later than 30 days prior to the 2010 Regular~~
2662 ~~Session and shall become effective only after legislative~~
2663 ~~review. In its review, the Legislature may reject, modify, or~~
2664 ~~take no action relative to such rules. The board of trustees~~
2665 ~~shall conform such rules to changes made by the Legislature, or,~~
2666 ~~if no action was taken by the Legislature, such rules shall~~
2667 ~~become effective.~~

2668 Section 23. Subsections (6) and (7) of section 259.1052,
2669 Florida Statutes, are amended to read:

2670 259.1052 Babcock Crescent B Ranch Florida Forever
2671 acquisition; conditions for purchase.-

2672 ~~(6) In addition to distributions authorized under s.~~
2673 ~~259.105(3), the Department of Environmental Protection is~~
2674 ~~authorized to distribute \$310 million in revenues from the~~
2675 ~~Florida Forever Trust Fund. This distribution shall represent~~
2676 ~~payment in full for the portion of the Babcock Crescent B Ranch~~
2677 ~~to be acquired by the state under this section.~~

2678 ~~(7) As used in this section, the term "state's portion of~~



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2679 ~~the Babcock Crescent B Ranch" comprises those lands to be~~
2680 ~~conveyed by special warranty deed to the Board of Trustees of~~
2681 ~~the Internal Improvement Trust Fund under the provisions of the~~
2682 ~~agreement for sale and purchase executed by the Board of~~
2683 ~~Trustees of the Internal Improvement Trust Fund, the Fish and~~
2684 ~~Wildlife Conservation Commission, the Department of Agriculture~~
2685 ~~and Consumer Services, and the participating local government,~~
2686 ~~as purchaser, and MSKP, III, a Florida corporation, as seller.~~

2687 Section 24. Section 570.715, Florida Statutes, is created,
2688 and subsection (7) of section 259.041, Florida Statutes, is
2689 transferred, renumbered as subsection (5) of section 570.715,
2690 Florida Statutes, and amended, to read:

2691 570.715 Conservation easement acquisition procedures.-

2692 (1) For less than fee simple acquisitions pursuant to s.
2693 570.71, the Department of Agriculture and Consumer Services
2694 shall comply with the following acquisition procedures:

2695 (a) Before conveyance of title by the department, evidence
2696 of marketable title in the form of a commitment for title
2697 insurance or an abstract of title with a title opinion shall be
2698 obtained.

2699 (b) Before approval by the board of trustees of an
2700 agreement to purchase less than fee simple title to land
2701 pursuant to s. 570.71, an appraisal of the parcel shall be
2702 required as follows:

2703 1. Each parcel to be acquired shall have at least one
2704 appraisal. Two appraisals are required when the estimated value
2705 of the parcel exceeds \$1 million. However, when both appraisals
2706 exceed \$1 million and differ significantly, a third appraisal
2707 may be obtained.



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2708 2. Appraisal fees and associated costs shall be paid by the
2709 department. All appraisals used for the acquisition of less than
2710 fee simple interest in lands pursuant to this section shall be
2711 prepared by a state-certified appraiser who meets the standards
2712 and criteria established by rule of the board of trustees. Each
2713 appraiser selected to appraise a particular parcel shall, before
2714 contracting with the department or a participant in a multiparty
2715 agreement, submit to the department or participant an affidavit
2716 substantiating that he or she has no vested or fiduciary
2717 interest in such parcel.

2718 (c) A certified survey must be made that meets the minimum
2719 requirements for upland parcels established in the Standards of
2720 Practice for Land Surveying in Florida published by the
2721 department and that accurately portrays, to the greatest extent
2722 practicable, the condition of the parcel as it currently exists.
2723 The requirement for a certified survey may, in whole or in part,
2724 be waived by the board of trustees any time before acquisition
2725 of the less than fee simple interest. If an existing boundary
2726 map and description of a parcel are determined by the department
2727 to be sufficient for appraisal purposes, the department may
2728 temporarily waive the requirement for a survey until any time
2729 before conveyance of title to the parcel.

2730 (d) On behalf of the board of trustees and before the
2731 appraisal of parcels approved for purchase under ss.
2732 259.105(3)(i) and 570.71, the department may enter into option
2733 contracts to buy less than fee simple interest in such parcels.
2734 Any such option contract shall state that the final purchase
2735 price is subject to approval by the board of trustees and that
2736 the final purchase price may not exceed the maximum offer



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2737 authorized by law. Any such option contract presented to the
2738 board of trustees for final purchase price approval shall
2739 explicitly state that payment of the final purchase price is
2740 subject to an appropriation by the Legislature. The
2741 consideration for any such option contract may not exceed \$1,000
2742 or 0.01 percent of the estimate by the department of the value
2743 of the parcel, whichever amount is greater.

2744 (e) A final offer shall be in the form of an option
2745 contract or agreement for purchase of the less than fee simple
2746 interest and shall be signed and attested to by the owner and
2747 the department. Before the department signs the agreement for
2748 purchase of the less than fee simple interest or exercises the
2749 option contract, the requirements of s. 286.23 shall be complied
2750 with.

2751 (f) The procedures provided in s. 253.025(9)(a)-(d) and
2752 (10) shall be followed.

2753 (2) If the public's interest is reasonably protected, the
2754 board of trustees may:

2755 (a) Waive any requirement of this section.

2756 (b) Waive any rules adopted pursuant to s. 570.71,
2757 notwithstanding chapter 120.

2758 (c) Substitute any other reasonably prudent procedures,
2759 including federally mandated acquisition procedures, for the
2760 procedures in this section, if federal funds are available and
2761 will be used for the purchase of a less than fee simple interest
2762 in lands, title to which will vest in the board of trustees, and
2763 qualification for such federal funds requires compliance with
2764 federally mandated acquisition procedures.

2765 (3) The less than fee simple land acquisition procedures



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2766 provided in this section are for voluntary, negotiated
2767 acquisitions.

2768 (4) For purposes of this section, the term "negotiations"
2769 does not include preliminary contacts with the property owner to
2770 determine availability or eligibility of the property, existing
2771 appraisal data, existing abstracts, and surveys.

2772 ~~(5) (7) Prior to approval by the board of trustees or, when~~
2773 ~~applicable, the Department of Environmental Protection, of any~~
2774 ~~agreement to purchase land pursuant to this chapter, chapter~~
2775 ~~260, or chapter 375, and prior to negotiations with the parcel~~
2776 ~~owner to purchase any other land, title to which will vest in~~
2777 ~~the board of trustees, an appraisal of the parcel shall be~~
2778 ~~required as follows:~~

2779 ~~(a) The board of trustees shall adopt by rule the method~~
2780 ~~for determining the value of parcels sought to be acquired by~~
2781 ~~state agencies pursuant to this section.~~

2782 ~~(b) Each parcel to be acquired shall have at least one~~
2783 ~~appraisal. Two appraisals are required when the estimated value~~
2784 ~~of the parcel exceeds \$1 million. However, when both appraisals~~
2785 ~~exceed \$1 million and differ significantly, a third appraisal~~
2786 ~~may be obtained. When a parcel is estimated to be worth \$100,000~~
2787 ~~or less and the director of the Division of State Lands finds~~
2788 ~~that the cost of obtaining an outside appraisal is not~~
2789 ~~justified, an appraisal prepared by the division may be used.~~

2790 ~~(c) Appraisal fees and associated costs shall be paid by~~
2791 ~~the agency proposing the acquisition. The board of trustees~~
2792 ~~shall approve qualified fee appraisal organizations. All~~
2793 ~~appraisals used for the acquisition of lands pursuant to this~~
2794 ~~section shall be prepared by a member of an approved appraisal~~



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2795 ~~organization or by a state-certified appraiser who meets the~~
2796 ~~standards and criteria established in rule by the board of~~
2797 ~~trustees. Each fee appraiser selected to appraise a particular~~
2798 ~~parcel shall, prior to contracting with the agency or a~~
2799 ~~participant in a multiparty agreement, submit to that agency or~~
2800 ~~participant an affidavit substantiating that he or she has no~~
2801 ~~vested or fiduciary interest in such parcel.~~

2802 ~~(d) The fee appraiser and the review appraiser for the~~
2803 ~~agency shall not act in any way that may be construed as~~
2804 ~~negotiating with the property owner.~~

2805 ~~(e) Generally,~~ Appraisal reports are confidential and
2806 exempt from ~~the provisions of s. 119.07(1),~~ for use by the
2807 department agency and the board of trustees, until an option
2808 contract is executed or, if an ~~no~~ option contract is not
2809 executed, until 2 weeks before a contract or agreement for
2810 purchase is considered for approval by the board of trustees.
2811 However, the department has the authority, at its discretion, to
2812 disclose appraisal reports to private landowners during
2813 negotiations for acquisitions using alternatives to fee simple
2814 techniques, if the department determines that disclosure of such
2815 reports will bring the proposed acquisition to closure. The
2816 department ~~Division of State Lands~~ may also disclose appraisal
2817 information to public agencies or nonprofit organizations that
2818 agree to maintain the confidentiality of the reports or
2819 information when joint acquisition of property is contemplated,
2820 or when a public agency or nonprofit organization enters into a
2821 written multiparty agreement with the department ~~division to~~
2822 ~~purchase and hold property for subsequent resale to the~~
2823 ~~division. In addition, the division may use, as its own,~~



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2824 ~~appraisals obtained by a public agency or nonprofit~~
2825 ~~organization, provided the appraiser is selected from the~~
2826 ~~division's list of appraisers and the appraisal is reviewed and~~
2827 ~~approved by the division. For the purposes of this subsection~~
2828 ~~chapter, the term "nonprofit organization" means an organization~~
2829 ~~whose purposes include the preservation of natural resources,~~
2830 ~~and which is exempt from federal income tax under s. 501(c)(3)~~
2831 ~~of the Internal Revenue Code. The department agency may release~~
2832 ~~an appraisal report when the passage of time has rendered the~~
2833 ~~conclusions of value in the report invalid or when the~~
2834 ~~department acquiring agency has terminated negotiations.~~

2835 ~~(f) The Division of State Lands may use, as its own,~~
2836 ~~appraisals obtained by a public agency or nonprofit~~
2837 ~~organization, provided that the appraiser is selected from the~~
2838 ~~division's list of appraisers and the appraisal is reviewed and~~
2839 ~~approved by the division. For the purposes of this chapter, the~~
2840 ~~term "nonprofit organization" means an organization whose~~
2841 ~~purposes include the preservation of natural resources and which~~
2842 ~~is exempt from federal income tax under s. 501(c)(3) of the~~
2843 ~~Internal Revenue Code.~~

2844
2845 ~~Notwithstanding the provisions of this subsection, on behalf of~~
2846 ~~the board and before the appraisal of parcels approved for~~
2847 ~~purchase under this chapter, the Secretary of Environmental~~
2848 ~~Protection or the director of the Division of State Lands may~~
2849 ~~enter into option contracts to buy such parcels. Any such option~~
2850 ~~contract shall state that the final purchase price is subject to~~
2851 ~~approval by the board or, when applicable, the secretary and~~
2852 ~~that the final purchase price may not exceed the maximum offer~~



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2853 ~~allowed by law. Any such option contract presented to the board~~
2854 ~~for final purchase price approval shall explicitly state that~~
2855 ~~payment of the final purchase price is subject to an~~
2856 ~~appropriation from the Legislature. The consideration for such~~
2857 ~~an option may not exceed \$1,000 or 0.01 percent of the estimate~~
2858 ~~by the department of the value of the parcel, whichever amount~~
2859 ~~is greater.~~

2860 Section 25. Subsections (1), (3), and (7) of section
2861 373.089, Florida Statutes, are amended, and subsection (8) is
2862 added to that section, to read:

2863 373.089 Sale or exchange of lands, or interests or rights
2864 in lands.—The governing board of the district may sell lands, or
2865 interests or rights in lands, to which the district has acquired
2866 title or to which it may hereafter acquire title in the
2867 following manner:

2868 (1) Any lands, or interests or rights in lands, determined
2869 by the governing board to be surplus may be sold by the
2870 district, at any time, for the highest price obtainable;
2871 however, in no case shall the selling price be less than the
2872 appraised value of the lands, or interests or rights in lands,
2873 as determined by a certified appraisal obtained within 360 ~~120~~
2874 days before the effective date of a contract for sale.

2875 (3) Before selling any surplus land, or interests or rights
2876 in land, it shall be the duty of the district to cause a notice
2877 of intention to sell to be published in a newspaper published in
2878 the county in which the land, or interests or rights in the
2879 land, is situated once each week for 3 successive weeks, three
2880 insertions being sufficient. ~~),~~ The first publication of the
2881 required notice must occur at least ~~which shall be not less than~~



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2882 30 days, but not ~~nor~~ more than 360 45 days, before ~~prior to~~ any
2883 sale and must include, ~~which notice shall set forth~~ a
2884 description of lands, or interests or rights in lands, to be
2885 offered for sale.

2886 (7) Notwithstanding other provisions of this section, the
2887 governing board shall first offer title to lands acquired in
2888 whole or in part with Florida Forever funds which are determined
2889 to be no longer needed for conservation purposes to the Board of
2890 Trustees of the Internal Improvement Trust Fund unless the
2891 disposition of those lands is for the following purposes:

2892 (a) Linear facilities, including electric transmission and
2893 distribution facilities, telecommunication transmission and
2894 distribution facilities, pipeline transmission and distribution
2895 facilities, public transportation corridors, and related
2896 appurtenances.

2897 (b) The disposition of the fee interest in the land where a
2898 conservation easement is retained by the district to fulfill the
2899 conservation objectives for which the land was acquired.

2900 (c) An exchange of the land for other lands that meet or
2901 exceed the conservation objectives for which the original land
2902 was acquired in accordance with subsection (4).

2903 (d) To be used by a governmental entity for a public
2904 purpose.

2905 (e) The portion of an overall purchase deemed surplus at
2906 the time of the acquisition.

2907 (8) If a parcel of land is no longer essential or necessary
2908 for conservation purposes and is valued at \$25,000 or less as
2909 determined by a certified appraisal obtained within 360 days
2910 before the effective date of a contract for the sale, the



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2911 governing board may determine that the parcel of land is
2912 surplus. The notice of intention to sell must be published as
2913 required under subsection (3), one time only. The governing
2914 board shall send the notice of intention to sell the parcel to
2915 adjacent property owners by certified mail and publish the
2916 notice on its website.

2917 (a) Fourteen days after publication of such notice, the
2918 district may sell the parcel to an adjacent property owner or,
2919 if there are two or more owners of adjacent property, accept
2920 sealed bids and sell the parcel to the highest bidder or reject
2921 all offers.

2922 (b) Thirty days after publication of such notice, the
2923 district shall accept sealed bids and may sell the parcel to the
2924 highest bidder or reject all offers.

2925
2926 If ~~In the event~~ the Board of Trustees of the Internal
2927 Improvement Trust Fund declines to accept title to the lands
2928 offered under this section, the land may be disposed of by the
2929 district under the provisions of this section.

2930 Section 26. Paragraph (d) of subsection (1) of section
2931 73.015, Florida Statutes, is amended to read:

2932 73.015 Presuit negotiation.—

2933 (1) Effective July 1, 2000, before an eminent domain
2934 proceeding is brought under this chapter or chapter 74, the
2935 condemning authority must attempt to negotiate in good faith
2936 with the fee owner of the parcel to be acquired, must provide
2937 the fee owner with a written offer and, if requested, a copy of
2938 the appraisal upon which the offer is based, and must attempt to
2939 reach an agreement regarding the amount of compensation to be



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2940 paid for the parcel.

2941 (d) Notwithstanding this subsection, with respect to lands
2942 acquired under s. 253.025 ~~259.041~~, the condemning authority is
2943 not required to give the fee owner the current appraisal before
2944 executing an option contract.

2945 Section 27. Paragraph (b) of subsection (1) of section
2946 125.355, Florida Statutes, is amended to read:

2947 125.355 Proposed purchase of real property by county;
2948 confidentiality of records; procedure.—

2949 (1)

2950 (b) If the exemptions provided in this section are
2951 utilized, the governing body shall obtain at least one appraisal
2952 by an appraiser approved pursuant to s. 253.025 ~~253.025(6)(b)~~
2953 for each purchase in an amount of not more than \$500,000. For
2954 each purchase in an amount in excess of \$500,000, the governing
2955 body shall obtain at least two appraisals by appraisers approved
2956 pursuant to s. 253.025 ~~253.025(6)(b)~~. If the agreed purchase
2957 price exceeds the average appraised price of the two appraisals,
2958 the governing body is required to approve the purchase by an
2959 extraordinary vote. The governing body may, by ordinary vote,
2960 exempt a purchase in an amount of \$100,000 or less from the
2961 requirement for an appraisal.

2962 Section 28. Paragraph (b) of subsection (1) of section
2963 166.045, Florida Statutes, is amended to read:

2964 166.045 Proposed purchase of real property by municipality;
2965 confidentiality of records; procedure.—

2966 (1)

2967 (b) If the exemptions provided in this section are
2968 utilized, the governing body shall obtain at least one appraisal



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2969 by an appraiser approved pursuant to s. 253.025 ~~253.025(6)(b)~~
2970 for each purchase in an amount of not more than \$500,000. For
2971 each purchase in an amount in excess of \$500,000, the governing
2972 body shall obtain at least two appraisals by appraisers approved
2973 pursuant to s. 253.025 ~~253.025(6)(b)~~. If the agreed purchase
2974 price exceeds the average appraised price of the two appraisals,
2975 the governing body is required to approve the purchase by an
2976 extraordinary vote. The governing body may, by ordinary vote,
2977 exempt a purchase in an amount of \$100,000 or less from the
2978 requirement for an appraisal.

2979 Section 29. Subsection (2) of section 215.82, Florida
2980 Statutes, is amended to read:

2981 215.82 Validation; when required.—

2982 (2) Any bonds issued pursuant to this act which are
2983 validated shall be validated in the manner provided by chapter
2984 75. In actions to validate bonds to be issued in the name of the
2985 State Board of Education under s. 9(a) and (d), Art. XII of the
2986 State Constitution and bonds to be issued pursuant to chapter
2987 259, the Land Conservation Program Act of 1972, the complaint
2988 shall be filed in the circuit court of the county where the seat
2989 of state government is situated, the notice required to be
2990 published by s. 75.06 shall be published only in the county
2991 where the complaint is filed, and the complaint and order of the
2992 circuit court shall be served only on the state attorney of the
2993 circuit in which the action is pending. In any action to
2994 validate bonds issued pursuant to s. 1010.62 or issued pursuant
2995 to s. 9(a)(1), Art. XII of the State Constitution or issued
2996 pursuant to s. 215.605 or s. 338.227, the complaint shall be
2997 filed in the circuit court of the county where the seat of state



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2998 government is situated, the notice required to be published by
2999 s. 75.06 shall be published in a newspaper of general
3000 circulation in the county where the complaint is filed and in
3001 two other newspapers of general circulation in the state, and
3002 the complaint and order of the circuit court shall be served
3003 only on the state attorney of the circuit in which the action is
3004 pending; provided, however, that if publication of notice
3005 pursuant to this section would require publication in more
3006 newspapers than would publication pursuant to s. 75.06, such
3007 publication shall be made pursuant to s. 75.06.

3008 Section 30. Section 215.965, Florida Statutes, is amended
3009 to read:

3010 215.965 Disbursement of state moneys.—Except as provided in
3011 s. 17.076, s. 253.025(17) ~~253.025(14)~~, ~~s. 259.041(18)~~, s.
3012 717.124(4)(b) and (c), s. 732.107(5), or s. 733.816(5), all
3013 moneys in the State Treasury shall be disbursed by state
3014 warrant, drawn by the Chief Financial Officer upon the State
3015 Treasury and payable to the ultimate beneficiary. This
3016 authorization shall include electronic disbursement.

3017 Section 31. Subsection (8) of section 253.027, Florida
3018 Statutes, is amended to read:

3019 253.027 Emergency archaeological property acquisition.—

3020 (8) WAIVER OF APPRAISALS OR SURVEYS.—The Board of Trustees
3021 of the Internal Improvement Trust Fund may waive or limit any
3022 appraisal or survey requirements in s. 253.025 ~~259.041~~, if
3023 necessary to effectuate the purposes of this section. Fee simple
3024 title is not required to be conveyed if some lesser interest
3025 will allow the preservation of the archaeological resource.
3026 Properties purchased pursuant to this section shall be



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3027 considered archaeologically unique or significant properties and
3028 may be purchased under the provisions of s. 253.025(9)
3029 ~~253.025(7)~~.

3030 Section 32. Section 253.7824, Florida Statutes, is amended
3031 to read:

3032 253.7824 Sale of products; proceeds.—The Department of of
3033 Environmental Protection may authorize the removal and sale of
3034 products from the land where environmentally appropriate, the
3035 proceeds from which shall be deposited into the appropriate
3036 trust fund in accordance with the same disposition provided
3037 under s. 253.0341 ~~253.034(6)(k), (l), or (m)~~ applicable to the
3038 sale of land.

3039 Section 33. Paragraphs (b) and (c) of subsection (2) of
3040 section 260.015, Florida Statutes, are amended to read:

3041 260.015 Acquisition of land.—

3042 (2) For purposes of the Florida Greenways and Trails
3043 Program, the board may:

3044 (b) Accept title to abandoned railroad rights-of-way which
3045 is conveyed by quitclaim deed through purchase, dedication,
3046 gift, grant, or settlement, notwithstanding s. 253.025
3047 ~~259.041(1)~~.

3048 (c) Enter into an agreement or, upon delegation, the
3049 department may enter into an agreement, with a nonprofit
3050 corporation, as defined in s. 253.025 ~~259.041(7)(e)~~, to assume
3051 responsibility for acquisition of lands pursuant to this
3052 section. The agreement may transfer responsibility for all
3053 matters which may be delegated or waived pursuant to s. 253.025
3054 ~~259.041(1)~~.

3055 Section 34. Paragraph (b) of subsection (3) of section



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3056 260.016, Florida Statutes, is amended to read:

3057 260.016 General powers of the department.—

3058 (3) The department or its designee is authorized to
3059 negotiate with potentially affected private landowners as to the
3060 terms under which such landowners would consent to the public
3061 use of their lands as part of the greenways and trails system.
3062 The department shall be authorized to agree to incentives for a
3063 private landowner who consents to this public use of his or her
3064 lands for conservation or recreational purposes, including, but
3065 not limited to, the following:

3066 (b) Agreement to exchange, subject to the approval of the
3067 board ~~of Trustees of the Internal Improvement Trust Fund~~ or
3068 other applicable unit of government, ownership or other rights
3069 of use of public lands for the ownership or other rights of use
3070 of privately owned lands. Any exchange of state-owned lands,
3071 title to which is vested in the board ~~of Trustees of the~~
3072 ~~Internal Improvement Trust Fund~~, for privately owned lands shall
3073 be subject to the requirements of s. 253.025 ~~259.041~~.

3074 Section 35. Subsections (6) and (7) of section 369.317,
3075 Florida Statutes, are amended to read:

3076 369.317 Wekiva Parkway.—

3077 (6) The Central Florida Expressway Authority is hereby
3078 granted the authority to act as a third-party acquisition agent,
3079 pursuant to s. 253.025 ~~259.041~~ on behalf of the Board of
3080 Trustees of the Internal Improvement Trust Fund or chapter 373
3081 on behalf of the governing board of the St. Johns River Water
3082 Management District, for the acquisition of all necessary lands,
3083 property and all interests in property identified herein,
3084 including fee simple or less than fee ~~less-than-fee~~ simple



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3085 interests. The lands subject to this authority are identified in
3086 paragraph 10.a., State of Florida, Office of the Governor,
3087 Executive Order 03-112 of July 1, 2003, and in Recommendation 16
3088 of the Wekiva Basin Area Task Force created by Executive Order
3089 2002-259, such lands otherwise known as Neighborhood Lakes, a
3090 1,587+/-acre parcel located in Orange and Lake Counties within
3091 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,
3092 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;
3093 Seminole Woods/Swamp, a 5,353+/-acre parcel located in Lake
3094 County within Section 37, Township 19 South, Range 28 East; New
3095 Garden Coal; a 1,605+/-acre parcel in Lake County within
3096 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28
3097 East; Pine Plantation, a 617+/-acre tract consisting of eight
3098 individual parcels within the Apopka City limits. The Department
3099 of Transportation, the Department of Environmental Protection,
3100 the St. Johns River Water Management District, and other land
3101 acquisition entities shall participate and cooperate in
3102 providing information and support to the third-party acquisition
3103 agent. The land acquisition process authorized by this paragraph
3104 shall begin no later than December 31, 2004. Acquisition of the
3105 properties identified as Neighborhood Lakes, Pine Plantation,
3106 and New Garden Coal, or approval as a mitigation bank shall be
3107 concluded no later than December 31, 2010. Department of
3108 Transportation and Central Florida Expressway Authority funds
3109 expended to purchase an interest in those lands identified in
3110 this subsection shall be eligible as environmental mitigation
3111 for road construction related impacts in the Wekiva Study Area.
3112 If any of the lands identified in this subsection are used as
3113 environmental mitigation for road-construction-related impacts



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3114 incurred by the Department of Transportation or Central Florida
3115 Expressway Authority, or for other impacts incurred by other
3116 entities, within the Wekiva Study Area or within the Wekiva
3117 parkway alignment corridor, and if the mitigation offsets these
3118 impacts, the St. Johns River Water Management District and the
3119 Department of Environmental Protection shall consider the
3120 activity regulated under part IV of chapter 373 to meet the
3121 cumulative impact requirements of s. 373.414(8) (a).

3122 (a) Acquisition of the land described in this section is
3123 required to provide right-of-way for the Wekiva Parkway, a
3124 limited access roadway linking State Road 429 to Interstate 4,
3125 an essential component in meeting regional transportation needs
3126 to provide regional connectivity, improve safety, accommodate
3127 projected population and economic growth, and satisfy critical
3128 transportation requirements caused by increased traffic volume
3129 growth and travel demands.

3130 (b) Acquisition of the lands described in this section is
3131 also required to protect the surface water and groundwater
3132 resources of Lake, Orange, and Seminole counties, otherwise
3133 known as the Wekiva Study Area, including recharge within the
3134 springshed that provides for the Wekiva River system. Protection
3135 of this area is crucial to the long term viability of the Wekiva
3136 River and springs and the central Florida region's water supply.
3137 Acquisition of the lands described in this section is also
3138 necessary to alleviate pressure from growth and development
3139 affecting the surface and groundwater resources within the
3140 recharge area.

3141 (c) Lands acquired pursuant to this section that are needed
3142 for transportation facilities for the Wekiva Parkway shall be



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3143 determined not necessary for conservation purposes pursuant to
3144 ss. 253.0341 ~~253.034(6)~~ and 373.089(5) and shall be transferred
3145 to or retained by the Central Florida Expressway Authority or
3146 the Department of Transportation upon reimbursement of the full
3147 purchase price and acquisition costs.

3148 (7) The Department of Transportation, the Department of
3149 Environmental Protection, the St. Johns River Water Management
3150 District, Central Florida Expressway Authority, and other land
3151 acquisition entities shall cooperate and establish funding
3152 responsibilities and partnerships by agreement to the extent
3153 funds are available to the various entities. Properties acquired
3154 with Florida Forever funds shall be in accordance with s.
3155 253.025 ~~259.041~~ or chapter 373. The Central Florida Expressway
3156 Authority shall acquire land in accordance with this section ~~of~~
3157 ~~law~~ to the extent funds are available from the various funding
3158 partners; however, the authority is, but shall not be required
3159 or not assumed to fund the land acquisition beyond the agreement
3160 and funding provided by the various land acquisition entities.

3161 Section 36. Paragraph (a) of subsection (3) of section
3162 373.139, Florida Statutes, is amended to read:

3163 373.139 Acquisition of real property.—

3164 (3) The initial 5-year work plan and any subsequent
3165 modifications or additions thereto shall be adopted by each
3166 water management district after a public hearing. Each water
3167 management district shall provide at least 14 days' advance
3168 notice of the hearing date and shall separately notify each
3169 county commission within which a proposed work plan project or
3170 project modification or addition is located of the hearing date.

3171 (a) Appraisal reports, offers, and counteroffers are



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3172 confidential and exempt from ~~the provisions of~~ s. 119.07(1)
3173 until an option contract is executed or, if no option contract
3174 is executed, until 30 days before a contract or agreement for
3175 purchase is considered for approval by the governing board.
3176 However, each district may, at its discretion, disclose
3177 appraisal reports to private landowners during negotiations for
3178 acquisitions using alternatives to fee simple techniques, if the
3179 district determines that disclosure of such reports will bring
3180 the proposed acquisition to closure. If ~~In the event that~~
3181 negotiation is terminated by the district, the appraisal report,
3182 offers, and counteroffers shall become available pursuant to s.
3183 119.07(1). Notwithstanding ~~the provisions of~~ this section and s.
3184 253.025 ~~259.041~~, a district and the Division of State Lands may
3185 share and disclose appraisal reports, appraisal information,
3186 offers, and counteroffers when joint acquisition of property is
3187 contemplated. A district and the Division of State Lands shall
3188 maintain the confidentiality of such appraisal reports,
3189 appraisal information, offers, and counteroffers in conformance
3190 with this section and s. 253.025 ~~259.041~~, except in those cases
3191 in which a district and the division have exercised discretion
3192 to disclose such information. A district may disclose appraisal
3193 information, offers, and counteroffers to a third party who has
3194 entered into a contractual agreement with the district to work
3195 with or on the behalf of or to assist the district in connection
3196 with land acquisitions. The third party shall maintain the
3197 confidentiality of such information in conformance with this
3198 section. In addition, a district may use, as its own, appraisals
3199 obtained by a third party provided the appraiser is selected
3200 from the district's list of approved appraisers and the



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3201 appraisal is reviewed and approved by the district.

3202 Section 37. Subsection (8) of section 375.031, Florida
3203 Statutes, is amended to read:

3204 375.031 Acquisition of land; procedures.—

3205 (8) The department may, if it deems it desirable and in the
3206 best interest of the program, request the board of trustees to
3207 sell or otherwise dispose of any lands or water storage areas
3208 acquired under this act. The board of trustees, when so
3209 requested, shall offer the lands or water storage areas, on such
3210 terms as the department may determine, first to other state
3211 agencies and then, if still available, to the county or
3212 municipality in which the lands or water storage areas lie. If
3213 not acquired by another state agency or local governmental body
3214 for beneficial public purposes, the lands or water storage areas
3215 shall then be offered by the board of trustees at public sale,
3216 after first giving notice of such sale by publication in a
3217 newspaper published in the county or counties in which such
3218 lands or water storage areas lie not less than once a week for 3
3219 consecutive weeks. All proceeds from the sale or disposition of
3220 any lands or water storage areas pursuant to this section shall
3221 be deposited into the appropriate trust fund pursuant to s.
3222 253.0341 ~~253.034(6)(k), (l), or (m)~~.

3223 Section 38. Subsection (2) of section 375.041, Florida
3224 Statutes, is amended to read:

3225 375.041 Land Acquisition Trust Fund.—

3226 (2) All moneys and revenue from the sale or other
3227 disposition of land, water areas, or related resources acquired
3228 on or after July 1, 2015, for the purposes of s. 28, Art. X of
3229 the State Constitution shall be deposited into or credited to



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3230 the Land Acquisition Trust Fund, except as otherwise provided
3231 pursuant to s. 253.0341 ~~253.034(6)(1)~~.

3232 Section 39. Paragraph (a) of subsection (1) of section
3233 380.05, Florida Statutes, is amended to read:

3234 380.05 Areas of critical state concern.—

3235 (1) (a) The state land planning agency may from time to time
3236 recommend to the Administration Commission specific areas of
3237 critical state concern. In its recommendation, the agency shall
3238 include recommendations with respect to the purchase of lands
3239 situated within the boundaries of the proposed area as
3240 environmentally endangered lands and outdoor recreation lands
3241 under the Land Conservation Program Act of 1972. The agency also
3242 shall include any report or recommendation of a resource
3243 planning and management committee appointed pursuant to s.
3244 380.045; the dangers that would result from uncontrolled or
3245 inadequate development of the area and the advantages that would
3246 be achieved from the development of the area in a coordinated
3247 manner; a detailed boundary description of the proposed area;
3248 specific principles for guiding development within the area; an
3249 inventory of lands owned by the state, federal, county, and
3250 municipal governments within the proposed area; and a list of
3251 the state agencies with programs that affect the purpose of the
3252 designation. The agency shall recommend actions which the local
3253 government and state and regional agencies must accomplish in
3254 order to implement the principles for guiding development. These
3255 actions may include, but need ~~shall~~ not be limited to, revisions
3256 of the local comprehensive plan and adoption of land development
3257 regulations, density requirements, and special permitting
3258 requirements.



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3259 Section 40. Paragraph (b) of subsection (5) of section
3260 380.055, Florida Statutes, is amended to read:

3261 380.055 Big Cypress Area.—

3262 (5) ACQUISITION OF BIG CYPRESS NATIONAL PRESERVE.—

3263 (b) The Board of Trustees of the Internal Improvement Trust
3264 Fund shall set aside from the proceeds of the full faith and
3265 credit bonds authorized by the Land Conservation Program Act of
3266 ~~1972~~, or from other funds authorized, appropriated, or allocated
3267 for the acquisition of environmentally endangered lands, or from
3268 both sources, \$40 million for acquisition of the area proposed
3269 as the Federal Big Cypress National Preserve, Florida, or
3270 portions thereof.

3271 Section 41. Paragraph (f) of subsection (4) of section
3272 380.508, Florida Statutes, is amended to read:

3273 380.508 Projects; development, review, and approval.—

3274 (4) Projects or activities which the trust undertakes,
3275 coordinates, or funds in any manner shall comply with the
3276 following guidelines:

3277 (f) The trust shall cooperate with local governments, state
3278 agencies, federal agencies, and nonprofit organizations in
3279 ensuring the reservation of lands for parks, recreation, fish
3280 and wildlife habitat, historical preservation, or scientific
3281 study. If any local government, state agency, federal agency, or
3282 nonprofit organization is unable, due to limited financial
3283 resources or other circumstances of a temporary nature, to
3284 acquire a site for the purposes described in this paragraph, the
3285 trust may acquire and hold the site for subsequent conveyance to
3286 the appropriate governmental agency or nonprofit organization.
3287 The trust may provide such technical assistance as required to



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3288 aid local governments, state and federal agencies, and nonprofit
3289 organizations in completing acquisition and related functions.
3290 The trust may not reserve lands acquired in accordance with this
3291 paragraph for more than 5 years from the time of acquisition. A
3292 local government, federal or state agency, or nonprofit
3293 organization may acquire the land at any time during this period
3294 for public purposes. The purchase price shall be based upon the
3295 trust's cost of acquisition, plus administrative and management
3296 costs in reserving the land. The payment of the purchase price
3297 shall be by money, trust-approved property of an equivalent
3298 value, or a combination of money and trust-approved property.
3299 If, after the 5-year period, the trust has not sold to a
3300 governmental agency or nonprofit organization land acquired for
3301 site reservation, the trust shall dispose of such land at fair
3302 market value or shall trade it for other land of comparable
3303 value which will serve to accomplish the purposes of this part.
3304 Any proceeds from the sale of such land received by the
3305 department shall be deposited into the appropriate trust fund
3306 pursuant to s. 253.0341 ~~253.034(6)(k), (l), or (m)~~.
3307
3308 Project costs may include costs of providing parks, open space,
3309 public access sites, scenic easements, and other areas and
3310 facilities serving the public where such features are part of a
3311 project plan approved according to this part. In undertaking or
3312 coordinating projects or activities authorized by this part, the
3313 trust shall, when appropriate, use and promote the use of
3314 creative land acquisition methods, including the acquisition of
3315 less than fee interest through, among other methods,
3316 conservation easements, transfer of development rights, leases,



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3317 and leaseback arrangements. The trust shall assist local
3318 governments in the use of sound alternative methods of financing
3319 for funding projects and activities authorized under this part.
3320 Any funds over and above eligible project costs, which remain
3321 after completion of a project approved according to this part,
3322 shall be transmitted to the state and deposited into the Florida
3323 Forever Trust Fund.

3324 Section 42. Section 589.07, Florida Statutes, is amended to
3325 read:

3326 589.07 Florida Forest Service may acquire lands for forest
3327 purposes.—The Florida Forest Service, on behalf of the state and
3328 subject to the restrictions mentioned in s. 589.08, may acquire
3329 lands, suitable for state forest purposes, by gift, donation,
3330 contribution, purchase, or otherwise and may enter into
3331 agreements with the Federal Government, or other agency, for
3332 acquiring by gift, purchase, or otherwise, such lands as are, in
3333 the judgment of the Florida Forest Service, suitable and
3334 desirable for state forests. The acquisition procedures for
3335 state lands provided in s. 253.025 ~~259.041~~ do not apply to
3336 acquisition of land by the Florida Forest Service.

3337 Section 43. Paragraphs (a) and (b) of subsection (4) of
3338 section 944.10, Florida Statutes, are amended to read:

3339 944.10 Department of Corrections to provide buildings; sale
3340 and purchase of land; contracts to provide services and inmate
3341 labor.—

3342 (4) (a) Notwithstanding s. 253.025 or s. 287.057, whenever
3343 the department finds it to be necessary for timely site
3344 acquisition, it may contract without the need for competitive
3345 selection with one or more appraisers whose names are contained



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3346 on the list of approved appraisers maintained by the Division of
3347 State Lands of the Department of Environmental Protection in
3348 accordance with s. 253.025(8) ~~253.025(6)(b)~~. In those instances
3349 in which the department directly contracts for appraisal
3350 services, it must also contract with an approved appraiser who
3351 is not employed by the same appraisal firm for review services.

3352 (b) Notwithstanding s. 253.025(8) ~~253.025(6)~~, the
3353 department may negotiate and enter into an option contract
3354 before an appraisal is obtained. The option contract must state
3355 that the final purchase price cannot exceed the maximum value
3356 allowed by law. The consideration for such an option contract
3357 may not exceed 10 percent of the estimate obtained by the
3358 department or 10 percent of the value of the parcel, whichever
3359 amount is greater.

3360 Section 44. Subsections (6) and (7) of section 957.04,
3361 Florida Statutes, are amended to read:

3362 957.04 Contract requirements.—

3363 (6) Notwithstanding s. 253.025(9) ~~253.025(7)~~, the Board of
3364 Trustees of the Internal Improvement Trust Fund need not approve
3365 a lease-purchase agreement negotiated by the Department of
3366 Management Services if the Department of Management Services
3367 finds that there is a need to expedite the lease-purchase.

3368 (7) (a) Notwithstanding s. 253.025 or s. 287.057, whenever
3369 the Department of Management Services finds it to be in the best
3370 interest of timely site acquisition, it may contract without the
3371 need for competitive selection with one or more appraisers whose
3372 names are contained on the list of approved appraisers
3373 maintained by the Division of State Lands of the Department of
3374 Environmental Protection in accordance with s. 253.025(8)



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3375 ~~253.025(6)(b)~~. In those instances when the Department of
3376 Management Services directly contracts for appraisal services,
3377 it shall also contract with an approved appraiser who is not
3378 employed by the same appraisal firm for review services.

3379 (b) Notwithstanding s. 253.025(8) ~~253.025(6)~~, the
3380 Department of Management Services may negotiate and enter into
3381 lease-purchase agreements before an appraisal is obtained. Any
3382 such agreement must state that the final purchase price cannot
3383 exceed the maximum value allowed by law.

3384 Section 45. Paragraphs (a) and (b) of subsection (12) of
3385 section 985.682, Florida Statutes, are amended to read:

3386 985.682 Siting of facilities; criteria.—

3387 (12) (a) Notwithstanding s. 253.025 or s. 287.057, when the
3388 department finds it necessary for timely site acquisition, it
3389 may contract, without using the competitive selection procedure,
3390 with an appraiser whose name is on the list of approved
3391 appraisers maintained by the Division of State Lands of the
3392 Department of Environmental Protection under s. 253.025(8)
3393 ~~253.025(6)(b)~~. When the department directly contracts for
3394 appraisal services, it must contract with an approved appraiser
3395 who is not employed by the same appraisal firm for review
3396 services.

3397 (b) Notwithstanding s. 253.025(8) ~~253.025(6)~~, the
3398 department may negotiate and enter into an option contract
3399 before an appraisal is obtained. The option contract must state
3400 that the final purchase price may not exceed the maximum value
3401 allowed by law. The consideration for such an option contract
3402 may not exceed 10 percent of the estimate obtained by the
3403 department or 10 percent of the value of the parcel, whichever



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3404 amount is greater.

3405 Section 46. Paragraph (b) of subsection (1) of section
3406 1013.14, Florida Statutes, is amended to read:

3407 1013.14 Proposed purchase of real property by a board;
3408 confidentiality of records; procedure.-

3409 (1)

3410 (b) Before ~~Prior to~~ acquisition of the property, the board
3411 shall obtain at least one appraisal by an appraiser approved
3412 pursuant to s. 253.025(8) ~~253.025(6)(b)~~ for each purchase in an
3413 amount greater than \$100,000 and not more than \$500,000. For
3414 each purchase in an amount in excess of \$500,000, the board
3415 shall obtain at least two appraisals by appraisers approved
3416 pursuant to s. 253.025(8) ~~253.025(6)(b)~~. If the agreed to
3417 purchase price exceeds the average appraised value, the board is
3418 required to approve the purchase by an extraordinary vote.

3419 Section 47. For the 2016-2017 fiscal year, the sums of
3420 \$396,040 in recurring funds and \$1,370,528 in nonrecurring funds
3421 from the General Revenue Fund are appropriated to the Department
3422 of Environmental Protection, and four full-time equivalent
3423 positions with associated salary rate of 182,968 are authorized,
3424 for the purpose of implementing the amendments made by this act
3425 to ss. 253.034 and 253.0341, Florida Statutes, and the
3426 provisions of s. 253.87, Florida Statutes, as created by this
3427 act.

3428 Section 48. This act shall take effect July 1, 2016.

3429
3430 ===== T I T L E A M E N D M E N T =====

3431 And the title is amended as follows:

3432 Delete everything before the enacting clause



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3433 and insert:

3434 A bill to be entitled
3435 An act relating to state lands; amending s. 253.025,
3436 F.S.; authorizing the Board of Trustees of the
3437 Internal Improvement Trust Fund to waive certain
3438 requirements and rules and substitute procedures
3439 relating to the acquisition of state lands under
3440 certain conditions; providing that title to certain
3441 acquired lands are vested in the board; providing for
3442 the administration of such lands; authorizing the
3443 board to adopt specified rules; revising requirements
3444 for the appraisal of lands proposed for acquisition;
3445 requiring an agency proposing an acquisition to pay
3446 the associated costs; deleting provisions directing
3447 the board to approve qualified fee appraisal
3448 organizations; requiring fee appraisers to submit
3449 certain affidavits to an agency before contracting
3450 with a participant in a multiparty agreement;
3451 prohibiting fee appraisers from negotiating with
3452 property owners; revising the minimum survey standards
3453 incorporated by reference for conducting certified
3454 surveys; authorizing the disclosure of confidential
3455 appraisal reports under certain conditions; providing
3456 for public agencies and nonprofit organizations to
3457 enter into written agreements with the Department of
3458 Environmental Protection rather than the Division of
3459 State Lands to purchase and hold property for
3460 subsequent resale to the board rather than the
3461 division; revising the definition of the term



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3462 "nonprofit organization"; directing the board to adopt
3463 by rule the method for determining the value of
3464 parcels sought to be acquired by state agencies;
3465 providing requirements for such acquisitions;
3466 expanding the scope of real estate acquisition
3467 services for which the board and state agencies may
3468 contract; authorizing the Department of Environmental
3469 Protection to use outside counsel to review any
3470 agreements or documents or to perform acquisition
3471 closings under certain conditions; requiring state
3472 agencies to furnish the Department of Environmental
3473 Protection rather than the Division of State Lands
3474 with specified acquisition documents; providing that
3475 the purchase price of certain parcels is not subject
3476 to an increase or decrease as a result of certain
3477 circumstances; authorizing the board of trustees to
3478 direct the Department of Environmental Protection to
3479 exercise eminent domain for the acquisition of certain
3480 conservation parcels under certain circumstances;
3481 authorizing the Department of Environmental Protection
3482 to exercise condemnation authority directly or by
3483 contracting with the Department of Transportation or a
3484 water management district to provide such service;
3485 authorizing the board of trustees to direct the
3486 Department of Environmental Protection to purchase
3487 lands on an immediate basis using specified funds;
3488 authorizing the board of trustees to waive or modify
3489 all procedures required for such land acquisition;
3490 providing that title to certain lands held jointly by



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3491 the board of trustees and a water management district
3492 meet the standards necessary for ownership by the
3493 board; creating s. 253.0251, F.S.; providing for the
3494 use of alternatives to fee simple acquisition for land
3495 purchases by the Department of Environmental
3496 Protection, the Department of Agriculture and Consumer
3497 Services, and water management districts; amending s.
3498 253.03, F.S.; deleting provisions directing the board
3499 of trustees to adopt by rule an annual administrative
3500 fee for certain leases and similar instruments;
3501 revising the criteria by which specified structures
3502 have the right to continue submerged land leases;
3503 directing the board of trustees to adopt by rule an
3504 annual administrative fee for certain leases and
3505 instruments; authorizing nonwater-dependent uses for
3506 submerged lands; amending s. 253.031, F.S.; providing
3507 for the Department of Environmental Protection to
3508 maintain documents concerning all state lands;
3509 deleting an obsolete provision; amending s. 253.034,
3510 F.S.; authorizing the Department of Environmental
3511 Protection to submit certain state-owned lands to the
3512 Acquisition and Restoration Council or board of
3513 trustees for review and consideration; requiring that
3514 all nonconservation land use plans are managed to
3515 provide the greatest benefit to the state; deleting
3516 provisions requiring an analysis of natural or
3517 cultural resources as part of a nonconservation land
3518 use plan; specifying that certain management and
3519 short-term and long-term goals for the conservation of



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3520 plant and animal species apply to conservation lands;
3521 providing conditions under which the Secretary of
3522 Environmental Protection, Commissioner of Agriculture,
3523 or executive director of the Fish and Wildlife
3524 Conservation Commission or their designees are
3525 required to submit land management plans to the board
3526 of trustees; requiring that updated land management
3527 plans identify conservation lands that are no longer
3528 needed for conservation purposes; deleting provisions
3529 directing the board of trustees to make certain
3530 determinations regarding the surplus and disposition
3531 of state lands; deleting provisions requiring that
3532 buildings and parcels of land be offered for lease to
3533 state agencies, state universities, and Florida
3534 College System institutions before being offered for
3535 lease or sale to a local or federal unit of government
3536 or a private party; amending s. 253.0341, F.S.;;
3537 deleting provisions authorizing counties and local
3538 governments to submit requests for the surplus of
3539 state-owned lands and requiring that such requests be
3540 expedited; directing the board of trustees to make
3541 certain determinations regarding the surplus and
3542 disposition of state lands; providing that lands
3543 acquired before a certain date using specified
3544 proceeds are deemed to have been acquired for
3545 conservation purposes; providing that certain lands
3546 used by the Department of Corrections, the Department
3547 of Management Services, and the Department of
3548 Transportation may not be designated as lands acquired



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3549 for conservation purposes; requiring updated land
3550 management plans to identify conservation and
3551 nonconservation lands that are no longer used for the
3552 purposes for which they were originally leased and
3553 that could be disposed of; deleting an obsolete
3554 provision; requiring that facilities and
3555 nonconservation parcels of land be offered for lease
3556 to state agencies before being offered for lease to a
3557 local or federal unit of government, state university,
3558 Florida College System institution, or private party;
3559 providing for the valuation and disposition of surplus
3560 lands; providing for the deposit of proceeds from the
3561 sale of such lands; authorizing the board of trustees
3562 to adopt rules; requiring surplus lands conveyed to a
3563 local government for affordable housing to be disposed
3564 of by the local government; amending s. 253.111, F.S.;
3565 deleting provisions requiring the board of trustees to
3566 afford an opportunity to local governments to purchase
3567 certain state-owned lands; revising provisions
3568 relating to the rights of riparian owners to secure
3569 certain state-owned lands; amending s. 253.42, F.S.;
3570 authorizing individuals or entities to submit requests
3571 to the Division of State Lands to exchange state-owned
3572 land for privately held land; requiring the state to
3573 retain permanent conservation easements over the
3574 state-owned land and all or a portion of the privately
3575 held land; requiring the division to submit requests
3576 to the Acquisition and Restoration Council for review
3577 and recommendation or to the board of trustees with



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3578 recommendations from the division and the council;
3579 review requests and provide recommendations to the
3580 Acquisition and Restoration Council; providing
3581 applicability; directing the board of trustees to
3582 consider a request if certain conditions are met;
3583 providing special consideration for certain requests;
3584 providing that such lands are subject to inspection;
3585 amending s. 253.782, F.S.; deleting a provision
3586 directing the Department of Environmental Protection
3587 to retain ownership of and maintain lands or interests
3588 in land owned by the board of trustees; amending s.
3589 253.7821, F.S.; assigning the Cross Florida Greenways
3590 State Recreation and Conservation Area to the
3591 Department of Environmental Protection rather than the
3592 Office of Greenways Management within the Office of
3593 the Secretary; creating s. 253.87, F.S.; directing the
3594 Department of Environmental Protection to include
3595 certain county, municipal, state, and federal lands in
3596 the Florida State-Owned Lands and Records Information
3597 System (FL-SOLARIS) database and to update the
3598 database at specified intervals; requiring counties,
3599 municipalities, and financially disadvantaged small
3600 communities to submit a list of certain lands to the
3601 department by a specified date and at specified
3602 intervals; directing the department to conduct a study
3603 and submit a report to the Governor and the
3604 Legislature on the technical and economic feasibility
3605 of including certain lands in the database or a
3606 similar public lands inventory; amending s. 259.01,



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3607 F.S.; renaming the "Land Conservation Act of 1972" as
3608 the "Land Conservation Program"; repealing s. 259.02,
3609 F.S., relating to issuance of state bonds for certain
3610 land projects; amending 259.03, F.S.; revising the
3611 definition of "water resource development project";
3612 amending s. 259.032, F.S.; conforming cross-
3613 references; revising provisions relating to the
3614 management of conservation and recreation lands to
3615 conform with changes made by the act; revising duties
3616 of the Acquisition and Restoration Council; amending
3617 s. 259.035, F.S.; requiring recipients of funds from
3618 the Land Acquisition Trust Fund to annually report
3619 certain performance measures to the Department of
3620 Environmental Protection rather than the Division of
3621 State Lands; amending s. 259.036, F.S.; revising the
3622 composition of the regional land management review
3623 team; providing for the Department of Environmental
3624 Protection rather than the Division of State Lands to
3625 act as the review team coordinator; revising
3626 requirements for conservation and recreation land
3627 management reviews and plans; amending s. 259.037,
3628 F.S.; removing the director of the Office of Greenways
3629 and Trails from the Land Management Uniform Accounting
3630 Council; repealing s. 259.041(1)-(6) and (8)-(19),
3631 F.S., relating to the acquisition of state-owned lands
3632 for preservation, conservation, and recreation
3633 purposes; amending s. 259.047, F.S.; revising
3634 provisions relating to the acquisition of land on
3635 which an agricultural lease exists to conform with



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3636 changes made by the act; amending s. 259.101, F.S.;

3637 conforming cross-references; revising provisions

3638 relating to alternate use of lands acquired under the

3639 Florida Preservation 2000 Act to conform with changes

3640 made by the act; deleting provisions for alternatives

3641 to fee simple acquisition of such lands to conform

3642 with changes made by the act; amending s. 259.105,

3643 F.S.; deleting provisions requiring the advancement of

3644 certain goals and objectives of imperiled species

3645 management on state lands to conform with changes made

3646 by the act; conforming cross-references; revising

3647 provisions directing the Acquisition and Restoration

3648 Council to give increased priority to certain projects

3649 when developing proposed rules relating to Florida

3650 Forever funding and additions to the Conservation and

3651 Recreation Lands list; deleting provisions requiring

3652 that such rules be submitted to the Legislature for

3653 review; amending s. 259.1052, F.S.; deleting

3654 provisions authorizing the Department of Environmental

3655 Protection to distribute revenues from the Florida

3656 Forever Trust Fund for the acquisition of a portion of

3657 Babcock Crescent B Ranch; creating s. 570.715, F.S.,

3658 and transferring, renumbering, and amending s.

3659 259.04(7), F.S.; providing procedures for the

3660 acquisition of conservation easements by the

3661 Department of Agriculture and Consumer Services;

3662 amending s. 373.089, F.S.; extending the timeframe

3663 within which a certified appraisal may be obtained for

3664 parcels of land to be sold as surplus; providing an



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3665 additional exception to the requirement that the
3666 governing board first offer title to certain lands;
3667 revising the procedures a water management district
3668 must follow for publishing a notice of intention to
3669 sell surplus lands; providing an exception from such
3670 notice requirements if a parcel of land is valued
3671 below a certain threshold; authorizing such parcels to
3672 be sold directly to the highest bidder; amending ss.
3673 73.015, 125.355, 166.045, 215.82, 215.965, 253.027,
3674 253.7824, 260.015, 260.016, 369.317, 373.139, 375.031,
3675 375.041, 380.05, 380.055, 380.508, 589.07, 944.10,
3676 957.04, 985.682, and 1013.14, F.S.; conforming cross-
3677 references; providing an appropriation and authorizing
3678 positions; providing an effective date.