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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to state lands; amending s. 253.025,
F.S.; authorizing the Board of Trustees of the
Internal Improvement Trust Fund to waive certain
requirements and rules and substitute procedures
relating to the acquisition of state lands under
certain conditions; providing that title to certain
acquired lands are vested in the board; providing for
the administration of such lands; authorizing the
board to adopt specified rules; revising requirements
for the appraisal of lands proposed for acquisition;
requiring an agency proposing an acquisition to pay
the associated costs; deleting provisions directing
the board to approve qualified fee appraisal
organizations; requiring fee appraisers to submit
certain affidavits to an agency before contracting
with a participant in a multiparty agreement;
prohibiting fee appraisers from negotiating with
property owners; revising the minimum survey standards
incorporated by reference for conducting certified
surveys; authorizing the disclosure of confidential
appraisal reports under certain conditions; providing
for public agencies and nonprofit organizations to
enter into written agreements with the Department of
Environmental Protection rather than the Division of
State Lands to purchase and hold property for
subsequent resale to the board rather than the



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28 division; revising the definition of the term
29 "nonprofit organization"; directing the board to adopt
30 by rule the method for determining the value of
31 parcels sought to be acquired by state agencies;
32 providing requirements for such acquisitions;
33 expanding the scope of real estate acquisition
34 services for which the board and state agencies may
35 contract; authorizing the Department of Environmental
36 Protection to use outside counsel to review any
37 agreements or documents or to perform acquisition
38 closings under certain conditions; requiring state
39 agencies to furnish the Department of Environmental
40 Protection rather than the Division of State Lands
41 with specified acquisition documents; providing that
42 the purchase price of certain parcels is not subject
43 to an increase or decrease as a result of certain
44 circumstances; authorizing the board of trustees to
45 direct the Department of Environmental Protection to
46 exercise eminent domain for the acquisition of certain
47 conservation parcels under certain circumstances;
48 authorizing the Department of Environmental Protection
49 to exercise condemnation authority directly or by
50 contracting with the Department of Transportation or a
51 water management district to provide such service;
52 authorizing the board of trustees to direct the
53 Department of Environmental Protection to purchase
54 lands on an immediate basis using specified funds;
55 authorizing the board of trustees to waive or modify
56 all procedures required for such land acquisition;



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57 providing that title to certain lands held jointly by
58 the board of trustees and a water management district
59 meet the standards necessary for ownership by the
60 board; creating s. 253.0251, F.S.; providing for the
61 use of alternatives to fee simple acquisition for land
62 purchases by the Department of Environmental
63 Protection, the Department of Agriculture and Consumer
64 Services, and water management districts; amending s.
65 253.03, F.S.; deleting provisions directing the board
66 of trustees to adopt by rule an annual administrative
67 fee for certain leases and similar instruments;
68 revising the criteria by which specified structures
69 have the right to continue submerged land leases;
70 directing the board of trustees to adopt by rule an
71 annual administrative fee for certain leases and
72 instruments; authorizing nonwater-dependent uses for
73 submerged lands; amending s. 253.031, F.S.; providing
74 for the Department of Environmental Protection to
75 maintain documents concerning all state lands;
76 deleting an obsolete provision; amending s. 253.034,
77 F.S.; authorizing the Department of Environmental
78 Protection to submit certain state-owned lands to the
79 Acquisition and Restoration Council or board of
80 trustees for review and consideration; requiring that
81 all nonconservation land use plans are managed to
82 provide the greatest benefit to the state; deleting
83 provisions requiring an analysis of natural or
84 cultural resources as part of a nonconservation land
85 use plan; specifying that certain management and



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86 short-term and long-term goals for the conservation of
87 plant and animal species apply to conservation lands;
88 providing conditions under which the Secretary of
89 Environmental Protection, Commissioner of Agriculture,
90 or executive director of the Fish and Wildlife
91 Conservation Commission or their designees are
92 required to submit land management plans to the board
93 of trustees; requiring that updated land management
94 plans identify conservation lands that are no longer
95 needed for conservation purposes; deleting provisions
96 directing the board of trustees to make certain
97 determinations regarding the surplus and disposition
98 of state lands; deleting provisions requiring that
99 buildings and parcels of land be offered for lease to
100 state agencies, state universities, and Florida
101 College System institutions before being offered for
102 lease or sale to a local or federal unit of government
103 or a private party; amending s. 253.0341, F.S.;
104 deleting provisions authorizing counties and local
105 governments to submit requests for the surplus of
106 state-owned lands and requiring that such requests be
107 expedited; directing the board of trustees to make
108 certain determinations regarding the surplus and
109 disposition of state lands; providing that lands
110 acquired before a certain date using specified
111 proceeds are deemed to have been acquired for
112 conservation purposes; providing that certain lands
113 used by the Department of Corrections, the Department
114 of Management Services, and the Department of



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115 Transportation may not be designated as lands acquired
116 for conservation purposes; requiring updated land
117 management plans to identify conservation and
118 nonconservation lands that are no longer used for the
119 purposes for which they were originally leased and
120 that could be disposed of; deleting an obsolete
121 provision; requiring that facilities and
122 nonconservation parcels of land be offered for lease
123 to state agencies before being offered for lease to a
124 local or federal unit of government, state university,
125 Florida College System institution, or private party;
126 providing for the valuation and disposition of surplus
127 lands; providing for the deposit of proceeds from the
128 sale of such lands; authorizing the board of trustees
129 to adopt rules; requiring surplus lands conveyed to a
130 local government for affordable housing to be disposed
131 of by the local government; amending s. 253.111, F.S.;
132 deleting provisions requiring the board of trustees to
133 afford an opportunity to local governments to purchase
134 certain state-owned lands; revising provisions
135 relating to the rights of riparian owners to secure
136 certain state-owned lands; amending s. 253.42, F.S.;
137 authorizing individuals or entities to submit requests
138 to the Division of State Lands to exchange state-owned
139 land for privately held land; requiring the state to
140 retain permanent conservation easements over the
141 state-owned land and all or a portion of the privately
142 held land; requiring the division, under certain
143 circumstances, to submit requests to the Acquisition



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144 and Restoration Council for review and recommendation
145 and to the board of trustees with recommendations from
146 the division and the council; providing applicability;
147 directing the board of trustees to consider a request
148 if certain conditions are met; providing special
149 consideration for certain requests; providing that
150 such lands are subject to inspection; amending s.
151 253.782, F.S.; deleting a provision directing the
152 Department of Environmental Protection to retain
153 ownership of and maintain lands or interests in land
154 owned by the board of trustees; amending s. 253.7821,
155 F.S.; assigning the Cross Florida Greenways State
156 Recreation and Conservation Area to the Department of
157 Environmental Protection rather than the Office of
158 Greenways Management within the Office of the
159 Secretary; creating s. 253.87, F.S.; directing the
160 Department of Environmental Protection to include
161 certain county, municipal, state, and federal lands in
162 the Florida State-Owned Lands and Records Information
163 System (FL-SOLARIS) database and to update the
164 database at specified intervals; requiring counties,
165 municipalities, and financially disadvantaged small
166 communities to submit a list of certain lands to the
167 department by a specified date and at specified
168 intervals; directing the department to conduct a study
169 and submit a report to the Governor and the
170 Legislature on the technical and economic feasibility
171 of including certain lands in the database or a
172 similar public lands inventory; amending s. 259.01,



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173 F.S.; renaming the "Land Conservation Act of 1972" as
174 the "Land Conservation Program"; repealing s. 259.02,
175 F.S., relating to issuance of state bonds for certain
176 land projects; amending s. 259.032, F.S.; conforming
177 cross-references; revising provisions relating to the
178 management of conservation and recreation lands to
179 conform with changes made by the act; revising duties
180 of the Acquisition and Restoration Council; amending
181 s. 259.035, F.S.; requiring recipients of funds from
182 the Land Acquisition Trust Fund to annually report
183 certain performance measures to the Department of
184 Environmental Protection rather than the Division of
185 State Lands; amending s. 259.036, F.S.; revising the
186 composition of the regional land management review
187 team; providing for the Department of Environmental
188 Protection rather than the Division of State Lands to
189 act as the review team coordinator; revising
190 requirements for conservation and recreation land
191 management reviews and plans; amending s. 259.037,
192 F.S.; removing the director of the Office of Greenways
193 and Trails from the Land Management Uniform Accounting
194 Council; repealing s. 259.041(1)-(6) and (8)-(19),
195 F.S., relating to the acquisition of state-owned lands
196 for preservation, conservation, and recreation
197 purposes; amending s. 259.047, F.S.; revising
198 provisions relating to the acquisition of land on
199 which an agricultural lease exists to conform with
200 changes made by the act; amending s. 259.101, F.S.;
201 conforming cross-references; revising provisions



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202 relating to alternate use of lands acquired under the
203 Florida Preservation 2000 Act to conform with changes
204 made by the act; deleting provisions for alternatives
205 to fee simple acquisition of such lands to conform
206 with changes made by the act; amending s. 259.105,
207 F.S.; deleting provisions requiring the advancement of
208 certain goals and objectives of imperiled species
209 management on state lands to conform with changes made
210 by the act; conforming cross-references; revising
211 provisions directing the Acquisition and Restoration
212 Council to give increased priority to certain projects
213 when developing proposed rules relating to Florida
214 Forever funding and additions to the Conservation and
215 Recreation Lands list; deleting provisions requiring
216 that such rules be submitted to the Legislature for
217 review; amending s. 259.1052, F.S.; deleting
218 provisions authorizing the Department of Environmental
219 Protection to distribute revenues from the Florida
220 Forever Trust Fund for the acquisition of a portion of
221 Babcock Crescent B Ranch; creating s. 570.715, F.S.,
222 and transferring, renumbering, and amending s.
223 259.04(7), F.S.; providing procedures for the
224 acquisition of conservation easements by the
225 Department of Agriculture and Consumer Services;
226 amending s. 373.089, F.S.; extending the timeframe
227 within which a certified appraisal may be obtained for
228 parcels of land to be sold as surplus; providing an
229 additional exception to the requirement that the
230 governing board first offer title to certain lands;



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231 revising the procedures a water management district
232 must follow for publishing a notice of intention to
233 sell surplus lands; providing an exception from such
234 notice requirements if a parcel of land is valued
235 below a certain threshold; authorizing such parcels to
236 be sold directly to the highest bidder; amending ss.
237 73.015, 125.355, 166.045, 215.82, 215.965, 253.027,
238 253.7824, 260.015, 260.016, 369.317, 373.139, 375.031,
239 375.041, 380.05, 380.055, 380.508, 589.07, 944.10,
240 957.04, 985.682, and 1013.14, F.S.; conforming cross-
241 references; providing an appropriation and authorizing
242 positions; providing an effective date.

243

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

245

246 Section 1. Section 253.025, Florida Statutes, is amended to
247 read:

248 253.025 Acquisition of state lands ~~for purposes other than~~
249 ~~preservation, conservation, and recreation.~~-

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

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

259 1. Waive any requirements of this section.



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260 2. Waive any rules adopted pursuant to this section,
261 notwithstanding chapter 120.

262 3. Substitute other reasonably prudent procedures.

263 (c) ~~However,~~ The board of trustees may also substitute
264 federally mandated acquisition procedures for the provisions of
265 this section ~~if when~~ federal funds are available and will be
266 used ~~utilized~~ for the purchase of lands, title to which will
267 vest in the board of trustees, and qualification for such
268 federal funds requires compliance with federally mandated
269 acquisition procedures.

270 (d) Notwithstanding ~~any provisions in~~ this section ~~to the~~
271 ~~contrary,~~ if lands are being acquired by the board of trustees
272 for the anticipated sale, conveyance, or transfer to the Federal
273 Government pursuant to a joint state and federal acquisition
274 project, the board of trustees may use appraisals obtained by
275 the Federal Government in the acquisition of such lands. The
276 board of trustees may waive any provision of this section when
277 land is being conveyed from a state agency to the board.

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

282 (2) ~~Before Prior to~~ any state agency initiates ~~initiating~~
283 any land acquisition, ~~except for as pertains to~~ the purchase of
284 property for transportation facilities and transportation
285 corridors and property for borrow pits for road building
286 purposes, the agency shall coordinate with the Division of State
287 Lands to determine the availability of existing, suitable state-
288 owned lands in the area and the public purpose for which the



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289 acquisition is being proposed. If the state agency determines
290 that no suitable state-owned lands exist, the state agency may
291 proceed to acquire such lands by employing all available
292 statutory authority for acquisition.

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

297 (a) The procedures to be followed in the acquisition
298 process, including selection of appraisers, surveyors, title
299 agents, and closing agents, and the content of appraisal
300 reports.

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

303 (c) Special requirements when multiple landowners are
304 involved in an acquisition.

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

307 (4) An agreement to acquire real property for the purposes
308 described in this chapter, chapter 259, chapter 260, or chapter
309 375, title to which will vest in the board of trustees, may not
310 bind the state before the agreement is reviewed and approved by
311 the Department of Environmental Protection as complying with
312 this section and any rules adopted pursuant to this section. If
313 any of the following conditions exist, the agreement shall be
314 submitted to and approved by the board of trustees:

315 (a) The purchase price agreed to by the seller exceeds the
316 value as established pursuant to the rules of the board of
317 trustees;



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

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

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

327
328 If approval of the board of trustees is required pursuant to
329 this subsection, the acquiring agency must provide a
330 justification as to why it is in the public's interest to
331 acquire the parcel or Florida Forever project. Approval of the
332 board of trustees is also required for Florida Forever projects
333 the department recommends acquiring pursuant to subsections (11)
334 and (22). Review and approval of agreements for acquisitions for
335 Florida Greenways and Trails Program properties pursuant to
336 chapter 260 may be waived by the department in any contract with
337 nonprofit corporations that have agreed to assist the department
338 with this program. If the contribution of the acquiring agency
339 exceeds \$100 million in any one fiscal year, the agreement shall
340 be submitted to and approved by the Legislative Budget
341 Commission.

342 (5)-(3) Land acquisition procedures provided for in this
343 section are for voluntary, negotiated acquisitions.

344 (6)-(4) For the purposes of this section, the term
345 "negotiations" does not include preliminary contacts with the
346 property owner to determine the availability of the property,



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347 existing appraisal data, existing abstracts, and surveys.

348 (7)~~(5)~~ Evidence of marketable title shall be provided by
349 the landowner before ~~prior to~~ the conveyance of title, as
350 provided in the final agreement for purchase. Such evidence of
351 marketability shall be in the form of title insurance or an
352 abstract of title with a title opinion. The board of trustees
353 may waive the requirement that the landowner provide evidence of
354 marketable title, and, in such case, the acquiring agency shall
355 provide evidence of marketable title. The board of trustees or
356 its designee may waive the requirement of evidence of
357 marketability for acquisitions of property assessed by the
358 county property appraiser at \$10,000 or less, if ~~where~~ the
359 Division of State Lands finds, based upon such review of the
360 title records as is reasonable under the circumstances, that
361 there is no apparent impediment to marketability, or to
362 management of the property by the state.

363 (8)~~(6)~~ Before approval by the board of trustees, or, when
364 applicable, the Department of Environmental Protection, of any
365 agreement to purchase land pursuant to this chapter, chapter
366 259, chapter 260, or chapter 375, and before ~~Prior to~~
367 negotiations with the parcel owner to purchase any other land
368 ~~pursuant to this section~~, title to which will vest in the board
369 of trustees, an appraisal of the parcel shall be required as
370 follows:

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

374 (b)~~(a)~~ Each parcel to be acquired shall have at least one
375 appraisal. Two appraisals are required when the estimated value



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376 of the parcel exceeds \$1 million. However, if both appraisals
377 exceed \$1 million and differ significantly, a third appraisal
378 may be obtained. If ~~When~~ a parcel is estimated to be worth
379 \$100,000 or less and the director of the Division of State Lands
380 finds that the cost of an outside appraisal is not justified, a
381 comparable sales analysis, an appraisal prepared by the
382 division, or other reasonably prudent procedures may be used by
383 the division to estimate the value of the parcel, provided the
384 public's interest is reasonably protected. The state is not
385 required to appraise the value of lands and appurtenances that
386 are being donated to the state.

387 ~~(c)~~ (b) Appraisal fees and associated costs shall be paid by
388 the agency proposing the acquisition. ~~The board of trustees~~
389 ~~shall approve qualified fee appraisal organizations.~~ All
390 appraisals used for the acquisition of lands pursuant to this
391 section shall be prepared by a ~~member of an approved appraisal~~
392 ~~organization or by a~~ state-certified appraiser. The board of
393 trustees shall adopt rules for selecting individuals to perform
394 appraisals pursuant to this section. Each fee appraiser selected
395 to appraise a particular parcel shall, before ~~prior to~~
396 contracting with the agency or a participant in a multiparty
397 agreement, submit to the ~~that~~ agency an affidavit substantiating
398 that he or she has no vested or fiduciary interest in such
399 parcel.

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

403 (e) ~~(e)~~ The board of trustees shall adopt by rule the
404 minimum criteria, techniques, and methods to be used in the



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405 preparation of appraisal reports. Such rules shall incorporate,
406 to the extent practicable, generally accepted appraisal
407 standards. Any appraisal issued for acquisition of lands
408 pursuant to this section must comply with the rules adopted by
409 the board of trustees. A certified survey must be made which
410 meets the minimum requirements for upland parcels established in
411 the ~~Minimum Technical~~ Standards of Practice for Land Surveying
412 in Florida published by the Department of Agriculture and
413 Consumer Services ~~Business and Professional Regulation~~ and which
414 accurately portrays, to the greatest extent practicable, the
415 condition of the parcel as it currently exists. The requirement
416 for a certified survey may, in part or in whole, be waived by
417 the board of trustees any time before ~~prior to~~ submitting the
418 agreement for purchase to the Division of State Lands. When an
419 existing boundary map and description of a parcel are determined
420 by the division to be sufficient for appraisal purposes, the
421 division director may temporarily waive the requirement for a
422 survey until any time before ~~prior to~~ conveyance of title to the
423 parcel. ~~The fee appraiser and the review appraiser for the~~
424 ~~agency shall not act in any way that may be construed as~~
425 ~~negotiating with the property owner.~~

426 (f) ~~(d)~~ Appraisal reports are confidential and exempt from
427 ~~the provisions of s. 119.07(1),~~ for use by the agency and the
428 board of trustees, until an option contract is executed or, if
429 no option contract is executed, until 2 weeks before a contract
430 or agreement for purchase is considered for approval by the
431 board of trustees. The Department of Environmental Protection
432 may disclose appraisal reports to private landowners during
433 negotiations for acquisitions using alternatives to fee simple



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434 techniques, if the department determines that disclosure of such
435 reports will bring the proposed acquisition to closure. However,
436 the private landowner must agree to maintain the confidentiality
437 of the reports or information. However, The department Division
438 of State Lands may also disclose appraisal information to public
439 agencies or nonprofit organizations that agree to maintain the
440 confidentiality of the reports or information when joint
441 acquisition of property is contemplated, or when a public agency
442 or nonprofit organization enters into a written agreement with
443 the department division to purchase and hold property for
444 subsequent resale to the board of trustees division. In
445 addition, the department division may use, as its own,
446 appraisals obtained by a public agency or nonprofit
447 organization, if provided the appraiser is selected from the
448 department's division's list of appraisers and the appraisal is
449 reviewed and approved by the department division. For the
450 purposes of this paragraph, the term "nonprofit organization"
451 means an organization that whose purpose is the preservation of
452 natural resources, and which is exempt from federal income tax
453 under s. 501(c) (3) of the Internal Revenue Code and, for
454 purposes of the acquisition of conservation lands, an
455 organization whose purpose must include the preservation of
456 natural resources. The agency may release an appraisal report
457 when the passage of time has rendered the conclusions of value
458 in the report invalid or when the acquiring agency has
459 terminated negotiations.

460 (g)(e) Before Prior to acceptance of an appraisal, the
461 agency shall submit a copy of such report to the division of
462 State Lands. The division shall review such report for



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463 compliance with the rules of the board ~~of trustees~~. Any
464 questions of applicability of laws affecting an appraisal shall
465 be addressed by the legal office of the agency.

466 (h)~~(f)~~ The appraisal report shall be accompanied by the
467 sales history of the parcel for at least the previous ~~prior~~ 5
468 years. Such sales history shall include all parties and
469 considerations with the amount of consideration verified, if
470 possible. If a sales history would not be useful, or it is its
471 cost prohibitive compared to the value of a parcel, the sales
472 history may be waived by the board of trustees. The board of
473 trustees shall adopt a rule specifying guidelines for waiver of
474 a sales history.

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

480 (j)1. The board of trustees shall adopt by rule the method
481 for determining the value of parcels sought to be acquired by
482 state agencies pursuant to this section. An offer by a state
483 agency may not exceed the value for that parcel as determined
484 pursuant to the highest approved appraisal or the value
485 determined pursuant to the rules of the board of trustees,
486 whichever value is less.

487 2. For a joint acquisition by a state agency and a local
488 government or other entity apart from the state, the joint
489 purchase price may not exceed 150 percent of the value for a
490 parcel as determined in accordance with the limits in
491 subparagraph 1. The state agency share of a joint purchase offer



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492 may not exceed what the agency may offer singly pursuant to
493 subparagraph 1.

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

497
498 Notwithstanding this subsection, on behalf of the board of
499 trustees and before the appraisal of parcels approved for
500 purchase under this chapter or chapter 259, the Secretary of
501 Environmental Protection or the director of the Division of
502 State Lands may enter into option contracts to buy such parcels.
503 Any such option contract shall state that the final purchase
504 price is subject to approval by the board of trustees or, if
505 applicable, the Secretary of Environmental Protection, and that
506 the final purchase price may not exceed the maximum offer
507 allowed by law. Any such option contract presented to the board
508 of trustees for final purchase price approval shall explicitly
509 state that payment of the final purchase price is subject to an
510 appropriation from the Legislature. The consideration for such
511 an option may not exceed \$1,000 or 0.01 percent of the estimate
512 by the department of the value of the parcel, whichever amount
513 is greater.

514 (9)(7)(a) When the owner is represented by an agent or
515 broker, negotiations may not be initiated or continued until a
516 written statement verifying such agent's or broker's legal or
517 fiduciary relationship with the owner is on file with the
518 agency.

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



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521 to, contracts for real estate commission fees, surveying,
522 mapping, environmental audits, title work, and legal and other
523 professional assistance to review acquisition agreements and
524 other documents and to perform acquisition closings. However,
525 the Department of Environmental Protection may use outside
526 counsel to review any agreements or documents or to perform
527 acquisition closings unless department staff can conduct the
528 same activity in 15 days or less.

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

532 (d) All offers or counteroffers shall be documented in
533 writing and shall be confidential and exempt from ~~the provisions~~
534 ~~of s. 119.07(1)~~ until an option contract is executed, or if no
535 option contract is executed, until 2 weeks before a contract or
536 agreement for purchase is considered for approval by the board
537 of trustees. The agency shall maintain complete and accurate
538 records of all offers and counteroffers for all projects.

539 ~~(e)1. The board of trustees shall adopt by rule the method~~
540 ~~for determining the value of parcels sought to be acquired by~~
541 ~~state agencies pursuant to this section. No offer by a state~~
542 ~~agency, except an offer by an agency acquiring lands pursuant to~~
543 ~~s. 259.041, may exceed the value for that parcel as determined~~
544 ~~pursuant to the highest approved appraisal or the value~~
545 ~~determined pursuant to the rules of the board of trustees,~~
546 ~~whichever value is less.~~

547 ~~2. In the case of a joint acquisition by a state agency and~~
548 ~~a local government or other entity apart from the state, the~~
549 ~~joint purchase price may not exceed 150 percent of the value for~~



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550 ~~a parcel as determined in accordance with the limits prescribed~~
551 ~~in subparagraph 1. The state agency share of a joint purchase~~
552 ~~offer may not exceed what the agency may offer singly as~~
553 ~~prescribed by subparagraph 1.~~

554 ~~3. The provisions of this paragraph do not apply to the~~
555 ~~acquisition of historically unique or significant property as~~
556 ~~determined by the Division of Historical Resources of the~~
557 ~~Department of State.~~

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

561 ~~(f)(g)~~ The state shall have the authority to reimburse the
562 owner for the cost of the survey when deemed appropriate. The
563 reimbursement is ~~shall~~ not be considered a part of the purchase
564 price.

565 ~~(g)(h)~~ A final offer shall be in the form of an option
566 contract or agreement for purchase and shall be signed and
567 attested to by the owner and the representative of the agency.
568 Before the agency executes the option contract or agreement for
569 purchase, the contract or agreement shall be reviewed for form
570 and legality by legal staff of the agency. Before the agency
571 signs the agreement for purchase or exercises the option
572 contract, the provisions of s. 286.23 shall be complied with.
573 Within 10 days after the signing of the agreement for purchase,
574 the state agency shall furnish the Department of Environmental
575 Protection ~~Division of State Lands~~ with the original of the
576 agreement for purchase along with copies of the disclosure
577 notice, evidence of marketability, the accepted appraisal
578 report, the fee appraiser's affidavit, a statement that the



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579 inventory of existing state-owned lands was examined and
580 contained no available suitable land in the area, and a
581 statement outlining the public purpose for which the acquisition
582 is being made and the statutory authority therefor.

583 ~~(h)-(i)~~ Within 45 days after ~~of~~ receipt by the Department of
584 Environmental Protection Division ~~Division of State Lands~~ of the
585 agreement for purchase and the required documentation, the board
586 of trustees or, if ~~when~~ the purchase price does not exceed
587 \$100,000, its designee shall ~~either~~ reject or approve the
588 agreement. An approved agreement for purchase is binding on both
589 parties. Any agreement which has been disapproved shall be
590 returned to the agency, along with a statement as to the
591 deficiencies of the agreement or the supporting documentation.
592 An agreement for purchase which has been disapproved by the
593 board of trustees may be resubmitted when such deficiencies have
594 been corrected.

595 ~~(10)-(8)~~ (a) A ~~No~~ dedication, gift, grant, or bequest of
596 lands and appurtenances may not be accepted by the board of
597 trustees until the receiving state agency supplies sufficient
598 evidence of marketability of title. The board of trustees may
599 not accept by dedication, gift, grant, or bequest any lands and
600 appurtenances that are determined as being owned by the state
601 ~~either~~ in fee or by virtue of the state's sovereignty or which
602 are so encumbered so as to preclude the use of such lands and
603 appurtenances for any reasonable public purpose. The board of
604 trustees may accept a dedication, gift, grant, or bequest of
605 lands and appurtenances without formal evidence of
606 marketability, or when the title is nonmarketable, if the board
607 or its designee determines that such lands and appurtenances



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608 have value and are reasonably manageable by the state, and that
609 their acceptance would serve the public interest. The state is
610 not required to appraise the value of such donated lands and
611 appurtenances as a condition of receipt.

612 (b) A ~~Ne~~ deed filed in the public records to donate lands
613 to the board of trustees ~~does not of the Internal Improvement~~
614 ~~Trust Fund shall be construed to~~ transfer title to or vest title
615 in the board of trustees unless ~~there shall also be filed in the~~
616 ~~public records,~~ a document indicating that the board of trustees
617 has agreed to accept the transfer of title to such donated lands
618 is also filed in the public records.

619 (c) Notwithstanding any other provision of law, the maximum
620 value of a parcel to be purchased by the board of trustees as
621 determined by the highest approved appraisal or as determined
622 pursuant to the rules of the board of trustees may not be
623 increased or decreased as a result of a change in zoning or
624 permitted land uses, or changes in market forces or prices that
625 occur within 1 year after the date the Department of
626 Environmental Protection or the board of trustees approves a
627 contract to purchase the parcel.

628 (11) Notwithstanding this section, the board of trustees,
629 by an affirmative vote of at least three members, voting at a
630 regularly scheduled and advertised meeting, may direct the
631 Department of Environmental Protection to exercise the power of
632 eminent domain pursuant to chapters 73 and 74 to acquire any
633 conservation parcel identified on the acquisition list
634 established by the Acquisition and Restoration Council and
635 approved by the board of trustees pursuant to chapter 259.
636 However, the board of trustees may only make such a vote under



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637 the following circumstances:

638 (a) The state has made at least two bona fide offers to
639 purchase the land through negotiation and, notwithstanding those
640 offers, an impasse between the state and the landowner was
641 reached.

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

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

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

648 3. The failure of the state to acquire it will seriously
649 impair the state's ability to manage or protect other state-
650 owned lands.

651
652 Pursuant to this subsection, the department may exercise
653 condemnation authority directly or by contracting with the
654 Department of Transportation or a water management district to
655 provide that service. If the Department of Transportation or a
656 water management district enters into such a contract with the
657 department, the Department of Transportation or a water
658 management district may use statutorily approved methods and
659 procedures ordinarily used by the agency for condemnation
660 purposes.

661 (12)~~(9)~~ Any conveyance to the board of trustees of fee
662 title shall be made by no less than a special warranty deed,
663 unless the conveyance is from the Federal Government, the county
664 government, or another state agency or, in the event of a gift
665 or donation by quitclaim deed, if the board of trustees, or its



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666 designee, determines that the acceptance of such quitclaim deed
667 is in the best interest of the public. A quitclaim deed may also
668 be accepted to aid in clearing title or boundary questions. ~~The~~
669 ~~title to lands acquired pursuant to this section shall vest in~~
670 ~~the board of trustees as provided in s. 253.03(1). All such~~
671 ~~lands, title to which is vested in the board pursuant to this~~
672 ~~section, shall be administered pursuant to the provisions of s.~~
673 ~~253.03.~~

674 (13) ~~(10)~~ The board of trustees may purchase tax
675 certificates or tax deeds issued in accordance with chapter 197
676 relating to property eligible for purchase under this section.

677 (14) ~~(11)~~ The Auditor General shall conduct audits of
678 acquisitions and divestitures which, according to his or her
679 preliminary assessments of board-approved acquisitions and
680 divestitures, he or she deems necessary. These preliminary
681 assessments shall be initiated not later than 60 days after
682 ~~following~~ the board of trustees' final approval ~~by the board~~ of
683 land acquisitions under this section. If an audit is conducted,
684 the Auditor General shall submit an audit report to the board of
685 trustees, the President of the Senate, the Speaker of the House
686 of Representatives, and their designees.

687 (15) ~~(12)~~ The board of trustees and all affected agencies
688 shall adopt and may modify or repeal such rules and regulations
689 as are necessary to carry out ~~the purposes of~~ this section,
690 including rules governing the terms and conditions of land
691 purchases. Such rules shall address the procedures to be
692 followed, when multiple landowners are involved in an
693 acquisition, in obtaining written option agreements so that the
694 interests of the state are fully protected.



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695 ~~(16)-(13)~~ (a) The board of trustees ~~of the Internal~~
696 ~~Improvement Trust Fund~~ may deed property to the Department of
697 Agriculture and Consumer Services, so that the Department of
698 Agriculture and Consumer Services ~~is department shall be~~ able to
699 sell, convey, transfer, exchange, trade, or purchase land on
700 which a forestry facility resides for money or other more
701 suitable property on which to relocate the facility. Any sale or
702 purchase of property by the Department of Agriculture and
703 Consumer Services shall follow the requirements of subsections
704 (7)-(10) and (12) ~~(5)-(9)~~. Any sale shall be at fair market
705 value, and any trade shall ensure that the state is getting at
706 least an equal value for the property. Except as provided in
707 subsections (7)-(10) and (12) ~~(5)-(9)~~, the Department of
708 Agriculture and Consumer Services is excluded from following the
709 provisions of this chapter and chapters 259 and 375. This
710 exclusion does ~~shall~~ not apply to lands acquired for
711 conservation purposes in accordance with s. 253.0341(1) or (2)
712 ~~253.034(6) (a) or (b)~~.

713 (b) In the case of a sale by the Department of Agriculture
714 and Consumer Services of a forestry facility, the proceeds of
715 the sale shall be deposited ~~go~~ into the Department of
716 Agriculture and Consumer Services Incidental Trust Fund. The
717 Legislature may, at the request of the Department of Agriculture
718 and Consumer Services ~~department~~, appropriate such money within
719 the trust fund to the Department of Agriculture and Consumer
720 Services ~~department~~ for purchase of land and construction of a
721 facility to replace the disposed facility. All proceeds other
722 than land from any sale, conveyance, exchange, trade, or
723 transfer conducted pursuant to ~~as provided for in~~ this



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724 subsection shall be deposited into ~~placed within~~ the Department
725 of Agriculture and Consumer Services ~~department's~~ Incidental
726 Trust Fund.

727 (c) Additional funds may be added from time to time by the
728 Legislature to further the relocation and construction of
729 forestry facilities. If ~~In the instance where~~ an equal trade of
730 land occurs, money from the trust fund may be appropriated for
731 building construction even though no money was received from the
732 trade.

733 (17) ~~(14)~~ Any agency that acquires land on behalf of the
734 board of trustees is authorized to request disbursement of
735 payments for real estate closings in accordance with a written
736 authorization from an ultimate beneficiary to allow a third
737 party authorized by law to receive such payment provided the
738 Chief Financial Officer determines that such disbursement is
739 consistent with good business practices and can be completed in
740 a manner minimizing costs and risks to the state.

741 (18) ~~(15)~~ Pursuant to s. 944.10, the Department of
742 Corrections is responsible for obtaining appraisals and entering
743 into option agreements and agreements for the purchase of state
744 correctional facility sites. An option agreement or agreement
745 for purchase is not binding upon the state until it is approved
746 by the board of trustees ~~of the Internal Improvement Trust Fund~~.
747 The provisions of paragraphs (8) (c), (e), and (f) and (9) (b),
748 (c), and (d) ~~(6) (b), (c), and (d) and (7) (b), (c), and (d)~~ apply
749 to all appraisals, offers, and counteroffers of the Department
750 of Corrections for state correctional facility sites.

751 (19) ~~(16)~~ Many parcels of land acquired pursuant to this
752 section may contain cattle-dipping vats as defined in s.



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753 376.301. The state is encouraged to continue with the
754 acquisition of such lands, including any ~~the~~ cattle-dipping vats
755 ~~vats~~.

756 (20) ~~(17)~~ Pursuant to s. 985.682, the Department of Juvenile
757 Justice is responsible for obtaining appraisals and entering
758 into option agreements and agreements for the purchase of state
759 juvenile justice facility sites. An option agreement or
760 agreement for purchase is not binding upon the state until it is
761 approved by the board of trustees ~~of the Internal Improvement~~
762 ~~Trust Fund~~. The provisions of paragraphs (8) (c), (e), and (f)
763 and (9) (b), (c), and (d) ~~(6) (b), (c), and (d) and (7) (b), (c),~~
764 ~~and (d)~~ apply to all appraisals, offers, and counteroffers of
765 the Department of Juvenile Justice for state juvenile justice
766 facility sites.

767 (21) ~~(18)~~ The board of trustees may acquire, pursuant to s.
768 288.980(2) (b), nonconservation lands from the annual list
769 submitted by the Department of Economic Opportunity for the
770 purpose of buffering a military installation against
771 encroachment.

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

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

780 (b) Are listed or placed at auction by the Federal
781 Government as part of the Federal Deposit Insurance Corporation



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782 sale of lands from failed banks; or

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

787
788 For such acquisitions, the board of trustees may waive or modify
789 all procedures required for land acquisition pursuant to this
790 chapter and all competitive bid procedures required pursuant to
791 chapters 255 and 287. Lands acquired pursuant to this subsection
792 must, at the time of purchase, be on one of the acquisition
793 lists established pursuant to chapter 259, or be essential for
794 water resource development, protection, or restoration, or a
795 significant portion of the lands must contain natural
796 communities or plant or animal species that are listed by the
797 Florida Natural Areas Inventory as critically imperiled,
798 imperiled, or rare, or as excellent quality occurrences of
799 natural communities.

800 (23) Title to lands to be held jointly by the board of
801 trustees and a water management district and acquired pursuant
802 to s. 373.139 may be deemed to meet the standards necessary for
803 ownership by the board of trustees, notwithstanding this section
804 or related rules.

805 Section 2. Section 253.0251, Florida Statutes, is created
806 to read:

807 253.0251 Alternatives to fee simple acquisition.—

808 (1) The Legislature finds that:

809 (a) With the increasing pressures on the natural areas of
810 this state and on open space suitable for recreational use, the



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811 state must develop creative techniques to maximize the use of
812 acquisition and management funds.

813 (b) The state's conservation and recreational land
814 acquisition agencies should be encouraged to augment their
815 traditional, fee simple acquisition programs with the use of
816 alternatives to fee simple acquisition techniques. In addition,
817 the Legislature finds that generations of private landowners
818 have been good stewards of their land, protecting or restoring
819 native habitats and ecosystems to the benefit of the natural
820 resources of this state, its heritage, and its citizens. The
821 Legislature also finds that using alternatives to fee simple
822 acquisition by public land acquisition agencies will achieve the
823 following public policy goals:

824 1. Allow more lands to be brought under public protection
825 for preservation, conservation, and recreational purposes with
826 less expenditure of public funds.

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

829 3. Reduce long-term management costs by allowing private
830 property owners to continue acting as stewards of their land,
831 when appropriate.

832
833 Therefore, it is the intent of the Legislature that public land
834 acquisition agencies develop programs to pursue alternatives to
835 fee simple acquisition and to educate private landowners about
836 such alternatives and the benefits of such alternatives. It is
837 also the intent of the Legislature that a portion of the shares
838 of Florida Forever bond proceeds be used to purchase eligible
839 properties using alternatives to fee simple acquisition.



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840 (2) All applications for alternatives to fee simple
841 acquisition projects shall identify, within their acquisition
842 plans, projects that require a full fee simple interest to
843 achieve the public policy goals, together with the reasons full
844 title is determined to be necessary. The state agencies and the
845 water management districts may use alternatives to fee simple
846 acquisition to bring the remaining projects in their acquisition
847 plans under public protection. For purposes of this section, the
848 phrase "alternatives to fee simple acquisition" includes, but is
849 not limited to, purchase of development rights; obtaining
850 conservation easements; obtaining flowage easements; purchase of
851 timber rights, mineral rights, or hunting rights; purchase of
852 agricultural interests or silvicultural interests; fee simple
853 acquisitions with reservations; creating life estates; or any
854 other acquisition technique that achieves the public policy
855 goals listed in subsection (1). It is presumed that a private
856 landowner retains the full range of uses for all the rights or
857 interests in the landowner's land which are not specifically
858 acquired by the public agency. The lands upon which hunting
859 rights are specifically acquired pursuant to this section shall
860 be available for hunting in accordance with the management plan
861 or hunting regulations adopted by the Fish and Wildlife
862 Conservation Commission, unless the hunting rights are purchased
863 specifically to protect activities on adjacent lands.

864 (3) When developing the acquisition plan pursuant to s.
865 259.105, the Acquisition and Restoration Council may give
866 preference to those less than fee simple acquisitions that
867 provide any public access. However, the Legislature recognizes
868 that public access is not always appropriate for certain less



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869 than fee simple acquisitions. Therefore, any proposed less than
870 fee simple acquisition may not be rejected simply because public
871 access would be limited.

872 (4) The Department of Environmental Protection, the
873 Department of Agriculture and Consumer Services, and each water
874 management district shall implement initiatives for using
875 alternatives to fee simple acquisition and to educate private
876 landowners about such alternatives. The Department of
877 Environmental Protection, the Department of Agriculture and
878 Consumer Services, and the water management districts may enter
879 into joint acquisition agreements to jointly fund the purchase
880 of lands using alternatives to fee simple techniques.

881 (5) The Legislature finds that the lack of direct sales
882 comparison information has served as an impediment to successful
883 implementation of alternatives to fee simple acquisition. It is
884 the intent of the Legislature that, in the absence of direct
885 comparable sales information, appraisals of alternatives to fee
886 simple acquisitions be based on the difference between the full
887 fee simple valuation and the value of the interests remaining
888 with the seller after acquisition.

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

893 (7) For less than fee simple acquisitions pursuant to s.
894 570.71, the Department of Agriculture and Consumer Services
895 shall comply with the acquisition procedures set forth in s.
896 570.715.

897 Section 3. Subsection (2), paragraph (c) of subsection (7),



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898 and subsections (11) and (15) of section 253.03, Florida
899 Statutes, are amended to read:

900 253.03 Board of trustees to administer state lands; lands
901 enumerated.—

902 (2) It is the intent of the Legislature that the board of
903 trustees ~~of the Internal Improvement Trust Fund~~ continue to
904 receive proceeds from the sale or disposition of the products of
905 lands and the sale of lands of which the use and possession are
906 not subsequently transferred by appropriate lease or similar
907 instrument from the board of trustees to the proper using
908 agency. Such using agency shall be entitled to the proceeds from
909 the sale of products on, under, growing out of, or connected
910 with lands which such using agency holds under lease or similar
911 instrument from the board of trustees. The board of trustees ~~of~~
912 ~~the Internal Improvement Trust Fund~~ is directed and authorized
913 to enter into leases or similar instruments for the use,
914 benefit, and possession of public lands by agencies which may
915 properly use and possess them for the benefit of the state. ~~The~~
916 ~~board of trustees shall adopt by rule an annual administrative~~
917 ~~fee for all existing and future leases or similar instruments,~~
918 ~~to be charged agencies that are leasing land from it. This~~
919 ~~annual administrative fee assessed for all leases or similar~~
920 ~~instruments is to compensate the board for costs incurred in the~~
921 ~~administration and management of such leases or similar~~
922 ~~instruments.~~

923 (7)

924 (c) Structures which are listed in or are eligible for the
925 National Register of Historic Places or the State Inventory of
926 Historic Places which are over the waters of the state ~~of~~



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927 ~~Florida~~ and which have a submerged land lease, or have been
928 grandfathered-in to use sovereignty submerged lands until
929 January 1, 1998, pursuant to former rule 18-21.00405, Florida
930 Administrative Code, as it existed in rule on March 15, 1990,
931 shall have the right to continue such submerged land leases,
932 regardless of the fact that the present landholder is not an
933 adjacent riparian landowner, so long as the lessee maintains the
934 structure in a good state of repair consistent with the
935 guidelines for listing. If the structure is damaged or
936 destroyed, the lessee may ~~shall be allowed to~~ reconstruct, so
937 long as the reconstruction is consistent with the integrity of
938 the listed structure and does not increase the footprint of the
939 structure. If a listed structure ~~so listed~~ falls into disrepair
940 and the lessee is not willing to repair and maintain it
941 consistent with its listing, the state may cancel the submerged
942 lease and ~~either~~ repair and maintain the property or require
943 that the structure be removed from sovereignty submerged lands.

944 (11) The board of trustees ~~of the Internal Improvement~~
945 ~~Trust Fund~~ may adopt rules to provide for the assessment and
946 collection of reasonable fees, commensurate with the actual cost
947 to the board, for disclaimers, easements, exchanges, gifts,
948 leases, releases, or sales of any interest in lands or any
949 applications therefor and for reproduction of documents. All
950 revenues received from the application fees charged by a water
951 management district to process applications that include a
952 request to use state lands are to be retained by the water
953 management district. The board of trustees shall adopt by rule
954 an annual administrative fee for all existing and future leases
955 or similar instruments to be charged to agencies that are



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956 leasing land from the board of trustees. This annual
957 administrative fee assessed for all leases or similar
958 instruments is to compensate the board of trustees for costs
959 incurred in the administration and management of such leases or
960 similar instruments.

961 (15) The board of trustees ~~of the Internal Improvement~~
962 ~~Trust Fund~~ shall encourage the use of sovereign submerged lands
963 for public access and water-dependent uses which may include
964 related minimal secondary nonwater-dependent uses and public
965 access.

966 Section 4. Subsections (8) and (9) of section 253.031,
967 Florida Statutes, are renumbered as subsections (7) and (8),
968 respectively, and present subsections (2) and (7) of that
969 section are amended, to read:

970 253.031 Land office; custody of documents concerning land;
971 moneys; plats.—

972 (2) The board ~~of trustees of the Internal Improvement Trust~~
973 ~~Fund~~ shall have custody of, and the department shall maintain,
974 all the records, surveys, plats, maps, field notes, and patents
975 and all other evidence touching the title and description of the
976 public domain.

977 ~~(7) The board shall receive all of the tract books, plats,~~
978 ~~and such records and papers heretofore kept in the United States~~
979 ~~Land Office at Gainesville, Alachua County, as may be~~
980 ~~surrendered by the Secretary of the Interior; and the board~~
981 ~~shall carefully and safely keep and preserve all of said tract~~
982 ~~books, plats, records, and papers as part of the public records~~
983 ~~of its office, and at any time allow any duly accredited~~
984 ~~authority of the United States, full and free access to any and~~



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985 ~~all of such tract books, plats, records, and papers, and shall~~
986 ~~furnish any duly accredited authority of the United States with~~
987 ~~copies of any such records without charge.~~

988 Section 5. Section 253.034, Florida Statutes, is amended to
989 read:

990 253.034 State-owned lands; uses.—

991 (1) All lands acquired pursuant to chapter 259 shall be
992 managed to serve the public interest by protecting and
993 conserving land, air, water, and the state's natural resources,
994 which contribute to the public health, welfare, and economy of
995 the state. These lands shall be managed to provide for areas of
996 natural resource based recreation, and to ensure the survival of
997 plant and animal species and the conservation of finite and
998 renewable natural resources. The state's lands and natural
999 resources shall be managed using a stewardship ethic that
1000 assures these resources will be available for the benefit and
1001 enjoyment of all people of the state, both present and future.
1002 It is the intent of the Legislature that, where feasible and
1003 consistent with the goals of protection and conservation of
1004 natural resources associated with lands held in the public trust
1005 by the Board of Trustees of the Internal Improvement Trust Fund,
1006 public land not designated for single-use purposes pursuant to
1007 paragraph (2) (b) be managed for multiple-use purposes. All
1008 multiple-use land management strategies shall address public
1009 access and enjoyment, resource conservation and protection,
1010 ecosystem maintenance and protection, and protection of
1011 threatened and endangered species, and the degree to which
1012 public-private partnerships or endowments may allow the entity
1013 with management responsibility to enhance its ability to manage



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1014 these lands. The Acquisition and Restoration Council ~~created in~~
1015 ~~s. 259.035~~ shall recommend rules to the board of trustees, and
1016 the board of trustees shall adopt rules necessary to carry out
1017 the purposes of this section.

1018 (2) As used in this section, the term ~~following phrases~~
1019 ~~have the following meanings:~~

1020 (a) "Multiple use" means the harmonious and coordinated
1021 management of timber, recreation, conservation of fish and
1022 wildlife, forage, archaeological and historic sites, habitat and
1023 other biological resources, or water resources so that they are
1024 used ~~utilized~~ in the combination that will best serve the people
1025 of the state, making the most judicious use of the land for some
1026 or all of these resources and giving consideration to the
1027 relative values of the various resources. Where necessary and
1028 appropriate for all state-owned lands that are larger than 1,000
1029 acres in project size and are managed for multiple uses, buffers
1030 may be formed around any areas that require special protection
1031 or have special management needs. Such buffers may ~~shall~~ not
1032 exceed more than one-half of the total acreage. Multiple uses
1033 within a buffer area may be restricted to provide the necessary
1034 buffering effect desired. Multiple use in this context includes
1035 both uses of land or resources by more than one management
1036 entity, which may include private sector land managers. In any
1037 case, lands identified as multiple-use lands in the land
1038 management plan shall be managed to enhance and conserve the
1039 lands and resources for the enjoyment of the people of the
1040 state.

1041 (b) "Single use" means management for one particular
1042 purpose to the exclusion of all other purposes, except that the



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1043 using entity shall have the option of including in its
1044 management program compatible secondary purposes which will not
1045 detract from or interfere with the primary management purpose.
1046 Such single uses may include, but are not necessarily restricted
1047 to, the use of agricultural lands for production of food and
1048 livestock, the use of improved sites and grounds for
1049 institutional purposes, and the use of lands for parks,
1050 preserves, wildlife management, archaeological or historic
1051 sites, or wilderness areas where the maintenance of essentially
1052 natural conditions is important. All submerged lands shall be
1053 considered single-use lands and shall be managed primarily for
1054 the maintenance of essentially natural conditions, the
1055 propagation of fish and wildlife, and public recreation,
1056 including hunting and fishing where deemed appropriate by the
1057 managing entity.

1058 (c) "Conservation lands" means lands that are currently
1059 managed for conservation, outdoor resource-based recreation, or
1060 archaeological or historic preservation, except those lands that
1061 were acquired solely to facilitate the acquisition of other
1062 conservation lands. Lands acquired for uses other than
1063 conservation, outdoor resource-based recreation, or
1064 archaeological or historic preservation may ~~shall~~ not be
1065 designated conservation lands except as otherwise authorized
1066 under this section. These lands shall include, but not be
1067 limited to, the following: correction and detention facilities,
1068 military installations and facilities, state office buildings,
1069 maintenance yards, state university or Florida College System
1070 institution campuses, agricultural field stations or offices,
1071 tower sites, law enforcement and license facilities,



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1072 laboratories, hospitals, clinics, and other sites that do not
1073 possess ~~ne~~ significant natural or historical resources. However,
1074 lands acquired solely to facilitate the acquisition of other
1075 conservation lands, and for which the land management plan has
1076 not yet been completed or updated, may be evaluated by the Board
1077 of Trustees of the Internal Improvement Trust Fund on a case-by-
1078 case basis to determine if they will be designated conservation
1079 lands.

1080 (d) "Public access," as used in this chapter and chapter
1081 259, means access by the general public to state lands and
1082 water, including vessel access made possible by boat ramps,
1083 docks, and associated support facilities, where compatible with
1084 conservation and recreation objectives.

1085
1086 Lands acquired by the state as a gift, through donation, or by
1087 any other conveyance for which no consideration was paid, and
1088 which are not managed for conservation, outdoor resource-based
1089 recreation, or archaeological or historic preservation under a
1090 land management plan approved by the board of trustees are not
1091 conservation lands.

1092 (3) Recognizing that recreational trails purchased with
1093 rails-to-trails funds pursuant to former s. 259.101(3)(g),
1094 Florida Statutes 2014, or s. 259.105(3)(h) have had historic
1095 transportation uses and that their linear character may extend
1096 many miles, the Legislature intends that if the necessity arises
1097 to serve public needs, after balancing the need to protect trail
1098 users from collisions with automobiles and a preference for the
1099 use of overpasses and underpasses to the greatest extent
1100 feasible and practical, transportation uses shall be allowed to



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1101 cross recreational trails purchased pursuant to former s.
1102 259.101(3)(g), Florida Statutes 2014, or s. 259.105(3)(h). When
1103 these crossings are needed, the location and design should
1104 consider and mitigate the impact on humans and environmental
1105 resources, and the value of the land shall be paid based on fair
1106 market value.

1107 (4) A ~~No~~ management agreement, lease, or other instrument
1108 authorizing the use of lands owned by the board of trustees ~~may~~
1109 ~~not of the Internal Improvement Trust Fund shall~~ be executed for
1110 a period greater than is necessary to provide for the reasonable
1111 use of the land for the existing or planned life cycle or
1112 amortization of the improvements, except that an easement in
1113 perpetuity may be granted by the board of trustees ~~of the~~
1114 ~~Internal Improvement Trust Fund~~ if the improvement is a
1115 transportation facility. If an entity managing or leasing state-
1116 owned lands from the board of trustees does not meet the short-
1117 term goals under paragraph (5)(b) for conservation lands, the
1118 Department of Environmental Protection may submit the lands to
1119 the Acquisition and Restoration Council to review whether the
1120 short-term goals should be modified, consider whether the lands
1121 should be offered to another entity for management or leasing,
1122 or recommend to the board of trustees whether to surplus the
1123 lands. If an entity managing or leasing state-owned lands from
1124 the board of trustees does not meet the short-term goals under
1125 paragraph (5)(i) for nonconservation lands, the department may
1126 submit the lands to the board of trustees to consider whether to
1127 require the managing or leasing entity to release its interest
1128 in the lands and to consider whether to surplus the lands. If
1129 the state-owned lands are determined to be surplus, the board of



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1130 trustees may require an entity to release its interest in the
1131 lands. An entity managing or leasing state-owned lands from the
1132 board of trustees may not sublease such lands without prior
1133 review by the Division of State Lands and, for conservation
1134 lands, by the Acquisition and Restoration Council ~~created in s.~~
1135 ~~259.035.~~ All management agreements, leases, or other instruments
1136 authorizing the use of lands owned by the board of trustees
1137 shall be reviewed for approval by the board of trustees or its
1138 designee. The council is not required to review subleases of
1139 parcels which are less than 160 acres in size.

1140 (5) Each manager of conservation lands shall submit to the
1141 Division of State Lands a land management plan at least every 10
1142 years in a form and manner adopted ~~prescribed~~ by rule of ~~by~~ the
1143 board of trustees and in accordance with ~~the provisions of s.~~
1144 259.032. Each manager of conservation lands shall also update a
1145 land management plan whenever the manager proposes to add new
1146 facilities or make substantive land use or management changes
1147 that were not addressed in the approved plan, or within 1 year
1148 after ~~of~~ the addition of significant new lands. Each manager of
1149 nonconservation lands shall submit to the Division of State
1150 Lands a land use plan at least every 10 years in a form and
1151 manner adopted ~~prescribed~~ by rule of ~~by~~ the board of trustees.
1152 The division shall review each plan for compliance with the
1153 requirements of this subsection and the requirements of the
1154 rules adopted ~~established~~ by the board of trustees pursuant to
1155 this section. All nonconservation land use plans, whether for
1156 single-use or multiple-use properties, shall be managed to
1157 provide the greatest benefit to the state ~~include an analysis of~~
1158 ~~the property to determine if any significant natural or cultural~~



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1159 ~~resources are located on the property. Such resources include~~
1160 ~~archaeological and historic sites, state and federally listed~~
1161 ~~plant and animal species, and imperiled natural communities and~~
1162 ~~unique natural features. If such resources occur on the~~
1163 ~~property, the manager shall consult with the Division of State~~
1164 ~~Lands and other appropriate agencies to develop management~~
1165 ~~strategies to protect such resources. Land use plans shall also~~
1166 ~~provide for the control of invasive nonnative plants and~~
1167 ~~conservation of soil and water resources, including a~~
1168 ~~description of how the manager plans to control and prevent soil~~
1169 ~~erosion and soil or water contamination. Land use plans~~
1170 ~~submitted by a manager shall include reference to appropriate~~
1171 ~~statutory authority for such use or uses and shall conform to~~
1172 ~~the appropriate policies and guidelines of the state land~~
1173 ~~management plan. Plans for managed areas larger than 1,000 acres~~
1174 ~~shall contain an analysis of the multiple-use potential of the~~
1175 ~~property, which includes analysis shall include the potential of~~
1176 ~~the property to generate revenues to enhance the management of~~
1177 ~~the property. In addition ~~Additionally~~, the plan shall contain~~
1178 ~~an analysis of the potential use of private land managers to~~
1179 ~~facilitate the restoration or management of these lands. If ~~In~~~~
1180 ~~those cases where a newly acquired property has a valid~~
1181 ~~conservation plan that was developed by a soil and conservation~~
1182 ~~district, such plan shall be used to guide management of the~~
1183 ~~property until a formal land use plan is completed.~~

1184 (a) State conservation lands shall be managed to ensure the
1185 conservation of the state's plant and animal species and to
1186 ensure the accessibility of state lands for the benefit and
1187 enjoyment of all people of the state, both present and future.



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1188 Each land management plan for state conservation lands shall
1189 provide a desired outcome, describe both short-term and long-
1190 term management goals, and include measurable objectives to
1191 achieve those goals. Short-term goals shall be achievable within
1192 a 2-year planning period, and long-term goals shall be
1193 achievable within a 10-year planning period. These short-term
1194 and long-term management goals shall be the basis for all
1195 subsequent land management activities.

1196 (b) Short-term and long-term management goals for state
1197 conservation lands shall include measurable objectives for the
1198 following, as appropriate:

- 1199 1. Habitat restoration and improvement.
- 1200 2. Public access and recreational opportunities.
- 1201 3. Hydrological preservation and restoration.
- 1202 4. Sustainable forest management.
- 1203 5. Exotic and invasive species maintenance and control.
- 1204 6. Capital facilities and infrastructure.
- 1205 7. Cultural and historical resources.
- 1206 8. Imperiled species habitat maintenance, enhancement,
1207 restoration, or population restoration.

1208 (c) The land management plan shall, at a minimum, contain
1209 the following elements:

- 1210 1. A physical description of the land.
- 1211 2. A quantitative data description of the land which
1212 includes an inventory of forest and other natural resources;
1213 exotic and invasive plants; hydrological features;
1214 infrastructure, including recreational facilities; and other
1215 significant land, cultural, or historical features. The
1216 inventory shall reflect the number of acres for each resource



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1217 and feature, when appropriate. The inventory shall be of such
1218 detail that objective measures and benchmarks can be established
1219 for each tract of land and monitored during the lifetime of the
1220 plan. All quantitative data collected shall be aggregated,
1221 standardized, collected, and presented in an electronic format
1222 to allow for uniform management reporting and analysis. The
1223 information collected by the Department of Environmental
1224 Protection pursuant to s. 253.0325(2) shall be available to the
1225 land manager and his or her assignee.

1226 3. A detailed description of each short-term and long-term
1227 land management goal, the associated measurable objectives, and
1228 the related activities that are to be performed to meet the land
1229 management objectives. Each land management objective must be
1230 addressed by the land management plan, and if where practicable,
1231 a no land management objective may not shall be performed to the
1232 detriment of the other land management objectives.

1233 4. A schedule of land management activities which contains
1234 short-term and long-term land management goals and the related
1235 measurable objective and activities. The schedule shall include
1236 for each activity a timeline for completion, quantitative
1237 measures, and detailed expense and manpower budgets. The
1238 schedule shall provide a management tool that facilitates
1239 development of performance measures.

1240 5. A summary budget for the scheduled land management
1241 activities of the land management plan. For state lands
1242 containing or anticipated to contain imperiled species habitat,
1243 the summary budget shall include any fees anticipated from
1244 public or private entities for projects to offset adverse
1245 impacts to imperiled species or such habitat, which fees shall



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1246 be used solely to restore, manage, enhance, repopulate, or
1247 acquire imperiled species habitat. The summary budget shall be
1248 prepared in such manner that it facilitates computing an
1249 aggregate of land management costs for all state-managed lands
1250 using the categories described in s. 259.037(3).

1251 (d) Upon completion, the land management plan must ~~will~~ be
1252 transmitted to the Acquisition and Restoration Council for
1253 review. The ~~Acquisition and Restoration~~ council shall have 90
1254 days after receipt of the plan to review the plan and submit its
1255 recommendations to the board of trustees. During the review
1256 period, the land management plan may be revised if agreed to by
1257 the primary land manager and the ~~Acquisition and Restoration~~
1258 council taking into consideration public input. ~~If the~~
1259 ~~Acquisition and Restoration Council fails to make a~~
1260 ~~recommendation for a land management plan, the secretary of the~~
1261 ~~Department of Environmental Protection, Commissioner of~~
1262 ~~Agriculture, or Executive Director of the Fish and Wildlife~~
1263 ~~Conservation Commission or their designees shall submit the land~~
1264 ~~management plan to the board of trustees.~~ The land management
1265 plan becomes effective upon approval by the board of trustees.

1266 (e) Land management plans are to be updated every 10 years
1267 on a rotating basis. Each updated land management plan must
1268 identify any conservation lands under the plan, in part or in
1269 whole, that are no longer needed for conservation purposes and
1270 could be disposed of in fee simple or with the state retaining a
1271 permanent conservation easement.

1272 (f) In developing land management plans, at least one
1273 public hearing shall be held in any one affected county.

1274 (g) The Division of State Lands shall make available to the



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1275 public an electronic copy of each land management plan for
1276 parcels that exceed 160 acres in size. The division ~~of State~~
1277 ~~Lands~~ shall review each plan for compliance with the
1278 requirements of this subsection, the requirements of chapter
1279 259, and the requirements of the rules adopted ~~established~~ by
1280 the board of trustees pursuant to this section. The Acquisition
1281 and Restoration Council shall also consider the propriety of the
1282 recommendations of the managing entity with regard to the future
1283 use of the property, the protection of fragile or nonrenewable
1284 resources, the potential for alternative or multiple uses not
1285 recognized by the managing entity, and the possibility of
1286 disposal of the property by the board of trustees. After its
1287 review, the council shall submit the plan, along with its
1288 recommendations and comments, to the board of trustees. The
1289 council shall specifically recommend to the board of trustees
1290 whether to approve the plan as submitted, approve the plan with
1291 modifications, or reject the plan. If the ~~Acquisition and~~
1292 ~~Restoration~~ council fails to make a recommendation for a land
1293 management plan, the Secretary ~~of the Department~~ of
1294 Environmental Protection, Commissioner of Agriculture, or
1295 executive director of the Fish and Wildlife Conservation
1296 Commission or their designees shall submit the land management
1297 plan to the board of trustees.

1298 (h) The board of trustees ~~of the Internal Improvement Trust~~
1299 ~~Fund~~ shall consider the land management plan submitted by each
1300 entity and the recommendations of the Acquisition and
1301 Restoration Council and the Division of State Lands and shall
1302 approve the plan with or without modification or reject such
1303 plan. The use or possession of any such lands that is not in



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1304 accordance with an approved land management plan is subject to
1305 termination by the board of trustees.

1306 (i)1. State nonconservation lands shall be managed to
1307 provide the greatest benefit to the state. State nonconservation
1308 lands may be grouped by similar land use types under one land
1309 use plan. Each land use plan shall, at a minimum, contain the
1310 following elements:

1311 a. A physical description of the land to include any
1312 significant natural or cultural resources as well as management
1313 strategies developed by the land manager to protect such
1314 resources.

1315 b. A desired development outcome.

1316 c. A schedule for achieving the desired development
1317 outcome.

1318 d. A description of both short-term and long-term
1319 development goals.

1320 e. A management and control plan for invasive nonnative
1321 plants.

1322 f. A management and control plan for soil erosion and soil
1323 and water contamination.

1324 g. Measureable objectives to achieve the goals identified
1325 in the land use plan.

1326 2. Short-term goals shall be achievable within a 5-year
1327 planning period and long-term goals shall be achievable within a
1328 10-year planning period.

1329 3. The use or possession of any such lands that is not in
1330 accordance with an approved land use plan is subject to
1331 termination by the board of trustees.

1332 4. Land use plans submitted by a manager shall include



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1333 reference to appropriate statutory authority for such use or
1334 uses and shall conform to the appropriate policies and
1335 guidelines of the state land management plan.

1336 ~~(6) The Board of Trustees of the Internal Improvement Trust~~
1337 ~~Fund shall determine which lands, the title to which is vested~~
1338 ~~in the board, may be surplusd. For conservation lands, the~~
1339 ~~board shall determine whether the lands are no longer needed for~~
1340 ~~conservation purposes and may dispose of them by an affirmative~~
1341 ~~vote of at least three members. In the case of a land exchange~~
1342 ~~involving the disposition of conservation lands, the board must~~
1343 ~~determine by an affirmative vote of at least three members that~~
1344 ~~the exchange will result in a net positive conservation benefit.~~
1345 ~~For all other lands, the board shall determine whether the lands~~
1346 ~~are no longer needed and may dispose of them by an affirmative~~
1347 ~~vote of at least three members.~~

1348 ~~(a) For the purposes of this subsection, all lands acquired~~
1349 ~~by the state before July 1, 1999, using proceeds from~~
1350 ~~Preservation 2000 bonds, the former Conservation and Recreation~~
1351 ~~Lands Trust Fund, the former Water Management Lands Trust Fund,~~
1352 ~~Environmentally Endangered Lands Program, and the Save Our Coast~~
1353 ~~Program and titled to the board which are identified as core~~
1354 ~~parcels or within original project boundaries are deemed to have~~
1355 ~~been acquired for conservation purposes.~~

1356 ~~(b) For any lands purchased by the state on or after July~~
1357 ~~1, 1999, before acquisition, the board must determine which~~
1358 ~~parcels must be designated as having been acquired for~~
1359 ~~conservation purposes. Lands acquired for use by the Department~~
1360 ~~of Corrections, the Department of Management Services for use as~~
1361 ~~state offices, the Department of Transportation, except those~~



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1362 ~~specifically managed for conservation or recreation purposes, or~~
1363 ~~the State University System or the Florida College System may~~
1364 ~~not be designated as having been purchased for conservation~~
1365 ~~purposes.~~

1366 ~~(c) At least every 10 years, as a component of each land~~
1367 ~~management plan or land use plan and in a form and manner~~
1368 ~~prescribed by rule by the board, each manager shall evaluate and~~
1369 ~~indicate to the board those lands that are not being used for~~
1370 ~~the purpose for which they were originally leased. For~~
1371 ~~conservation lands, the council shall review and recommend to~~
1372 ~~the board whether such lands should be retained in public~~
1373 ~~ownership or disposed of by the board. For nonconservation~~
1374 ~~lands, the division shall review such lands and recommend to the~~
1375 ~~board whether such lands should be retained in public ownership~~
1376 ~~or disposed of by the board.~~

1377 ~~(d) Lands owned by the board which are not actively managed~~
1378 ~~by any state agency or for which a land management plan has not~~
1379 ~~been completed pursuant to subsection (5) must be reviewed by~~
1380 ~~the council or its successor for its recommendation as to~~
1381 ~~whether such lands should be disposed of by the board.~~

1382 ~~(e) Before any decision by the board to surplus lands, the~~
1383 ~~Acquisition and Restoration Council shall review and make~~
1384 ~~recommendations to the board concerning the request for~~
1385 ~~surplusing. The council shall determine whether the request for~~
1386 ~~surplusing is compatible with the resource values of and~~
1387 ~~management objectives for such lands.~~

1388 ~~(f) In reviewing lands owned by the board, the council~~
1389 ~~shall consider whether such lands would be more appropriately~~
1390 ~~owned or managed by the county or other unit of local government~~



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1391 ~~in which the land is located. The council shall recommend to the~~
1392 ~~board whether a sale, lease, or other conveyance to a local~~
1393 ~~government would be in the best interests of the state and local~~
1394 ~~government. The provisions of this paragraph in no way limit the~~
1395 ~~provisions of ss. 253.111 and 253.115. Such lands shall be~~
1396 ~~offered to the state, county, or local government for a period~~
1397 ~~of 45 days. Permittable uses for such surplus lands may include~~
1398 ~~public schools; public libraries; fire or law enforcement~~
1399 ~~substations; governmental, judicial, or recreational centers;~~
1400 ~~and affordable housing meeting the criteria of s. 420.0004(3).~~
1401 ~~County or local government requests for surplus lands shall be~~
1402 ~~expedited throughout the surplus process. If the county or~~
1403 ~~local government does not elect to purchase such lands in~~
1404 ~~accordance with s. 253.111, any surplus determination~~
1405 ~~involving other governmental agencies shall be made when the~~
1406 ~~board decides the best public use of the lands. Surplus~~
1407 ~~properties in which governmental agencies have expressed no~~
1408 ~~interest must then be available for sale on the private market.~~

1409 ~~(g) The sale price of lands determined to be surplus~~
1410 ~~pursuant to this subsection and s. 253.82 shall be determined by~~
1411 ~~the division, which shall consider an appraisal of the property,~~
1412 ~~or, if the estimated value of the land is \$500,000 or less, a~~
1413 ~~comparable sales analysis or a broker's opinion of value. The~~
1414 ~~division may require a second appraisal. The individual or~~
1415 ~~entity that requests to purchase the surplus parcel shall pay~~
1416 ~~all costs associated with determining the property's value, if~~
1417 ~~any.~~

1418 ~~1. A written valuation of land determined to be surplus~~
1419 ~~pursuant to this subsection and s. 253.82, and related documents~~



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1420 ~~used to form the valuation or which pertain to the valuation,~~
1421 ~~are confidential and exempt from s. 119.07(1) and s. 24(a), Art.~~
1422 ~~I of the State Constitution.~~

1423 ~~a. The exemption expires 2 weeks before the contract or~~
1424 ~~agreement regarding the purchase, exchange, or disposal of the~~
1425 ~~surplus land is first considered for approval by the board.~~

1426 ~~b. Before expiration of the exemption, the division may~~
1427 ~~disclose confidential and exempt appraisals, valuations, or~~
1428 ~~valuation information regarding surplus land:~~

1429 ~~(I) During negotiations for the sale or exchange of the~~
1430 ~~land.~~

1431 ~~(II) During the marketing effort or bidding process~~
1432 ~~associated with the sale, disposal, or exchange of the land to~~
1433 ~~facilitate closure of such effort or process.~~

1434 ~~(III) When the passage of time has made the conclusions of~~
1435 ~~value invalid.~~

1436 ~~(IV) When negotiations or marketing efforts concerning the~~
1437 ~~land are concluded.~~

1438 ~~2. A unit of government that acquires title to lands~~
1439 ~~hereunder for less than appraised value may not sell or transfer~~
1440 ~~title to all or any portion of the lands to any private owner~~
1441 ~~for 10 years. Any unit of government seeking to transfer or sell~~
1442 ~~lands pursuant to this paragraph must first allow the board of~~
1443 ~~trustees to reacquire such lands for the price at which the~~
1444 ~~board sold such lands.~~

1445 ~~(h) Parcels with a market value over \$500,000 must be~~
1446 ~~initially offered for sale by competitive bid. The division may~~
1447 ~~use agents, as authorized by s. 253.431, for this process. Any~~
1448 ~~parcels unsuccessfully offered for sale by competitive bid, and~~



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1449 ~~parcels with a market value of \$500,000 or less, may be sold by~~
1450 ~~any reasonable means, including procuring real estate services,~~
1451 ~~open or exclusive listings, competitive bid, auction, negotiated~~
1452 ~~direct sales, or other appropriate services, to facilitate the~~
1453 ~~sale.~~

1454 ~~(i) After reviewing the recommendations of the council, the~~
1455 ~~board shall determine whether lands identified for surplus are~~
1456 ~~to be held for other public purposes or are no longer needed.~~
1457 ~~The board may require an agency to release its interest in such~~
1458 ~~lands. A state agency, county, or local government that has~~
1459 ~~requested the use of a property that was to be declared as~~
1460 ~~surplus must secure the property under lease within 90 days~~
1461 ~~after being notified that it may use such property.~~

1462 ~~(j) Requests for surplusizing may be made by any public or~~
1463 ~~private entity or person. All requests shall be submitted to the~~
1464 ~~lead managing agency for review and recommendation to the~~
1465 ~~council or its successor. Lead managing agencies have 90 days to~~
1466 ~~review such requests and make recommendations. Any surplusizing~~
1467 ~~requests that have not been acted upon within the 90-day time~~
1468 ~~period shall be immediately scheduled for hearing at the next~~
1469 ~~regularly scheduled meeting of the council or its successor.~~
1470 ~~Requests for surplusizing pursuant to this paragraph are not~~
1471 ~~required to be offered to local or state governments as provided~~
1472 ~~in paragraph (f).~~

1473 ~~(k) Proceeds from the sale of surplus conservation lands~~
1474 ~~purchased before July 1, 2015, shall be deposited into the~~
1475 ~~Florida Forever Trust Fund.~~

1476 ~~(l) Proceeds from the sale of surplus conservation lands~~
1477 ~~purchased on or after July 1, 2015, shall be deposited into the~~



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1478 ~~Land Acquisition Trust Fund, except when such lands were~~
1479 ~~purchased with funds other than those from the Land Acquisition~~
1480 ~~Trust Fund or a land acquisition trust fund created to implement~~
1481 ~~s. 28, Art. X of the State Constitution, the proceeds shall be~~
1482 ~~deposited into the fund from which the lands were purchased.~~

1483 ~~(m) Funds received from the sale of surplus nonconservation~~
1484 ~~lands or lands that were acquired by gift, by donation, or for~~
1485 ~~no consideration shall be deposited into the Internal~~
1486 ~~Improvement Trust Fund.~~

1487 ~~(n) Notwithstanding this subsection, such disposition of~~
1488 ~~land may not be made if it would have the effect of causing all~~
1489 ~~or any portion of the interest on any revenue bonds issued to~~
1490 ~~lose the exclusion from gross income for federal income tax~~
1491 ~~purposes.~~

1492 ~~(o) The sale of filled, formerly submerged land that does~~
1493 ~~not exceed 5 acres in area is not subject to review by the~~
1494 ~~council or its successor.~~

1495 ~~(p) The board may adopt rules to administer this section~~
1496 ~~which may include procedures for administering surplus land~~
1497 ~~requests and criteria for when the division may approve requests~~
1498 ~~to surplus nonconservation lands on behalf of the board.~~

1499 ~~(6)(7) This section does shall not be construed so as to~~
1500 ~~affect:~~

1501 ~~(a) Other provisions of this chapter relating to oil, gas,~~
1502 ~~or mineral resources.~~

1503 ~~(b) The exclusive use of state-owned land subject to a~~
1504 ~~lease by the board of trustees of the Internal Improvement Trust~~
1505 ~~Fund of state-owned land for private uses and purposes.~~

1506 ~~(c) Sovereignty lands not leased for private uses and~~



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1507 purposes.

1508 ~~(7)-(8)~~ (a) The Legislature recognizes the value of the
1509 state's conservation lands as water recharge areas and air
1510 filters.

1511 (b) If state-owned lands are subject to annexation
1512 procedures, the Division of State Lands must notify the county
1513 legislative delegation of the county in which the land is
1514 located.

1515 ~~(8)-(9)~~ Land management plans required to be submitted by
1516 the Department of Corrections, the Department of Juvenile
1517 Justice, the Department of Children and Families, or the
1518 Department of Education are not subject to ~~the provisions for~~
1519 review by the Acquisition and Restoration Council ~~or its~~
1520 ~~successor described in subsection (5)~~. Management plans filed by
1521 these agencies shall be made available to the public for a
1522 period of 90 days at the administrative offices of the parcel or
1523 project affected by the management plan and at the Tallahassee
1524 offices of each agency. Any plans not objected to during the
1525 public comment period shall be deemed approved. Any plans for
1526 which an objection is filed shall be submitted to the board of
1527 trustees ~~of the Internal Improvement Trust Fund~~ for
1528 consideration. The board of trustees ~~of the Internal Improvement~~
1529 ~~Trust Fund~~ shall approve the plan with or without modification,
1530 or reject the plan. The use or possession of any such lands
1531 which is not in accordance with an approved land management plan
1532 is subject to termination by the board of trustees.

1533 ~~(9)-(10)~~ The following additional uses of conservation lands
1534 acquired pursuant to the Florida Forever program and other
1535 state-funded conservation land purchase programs shall be



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1536 authorized, upon a finding by the board of trustees, if they
1537 meet the criteria specified in paragraphs (a)-(e): water
1538 resource development projects, water supply development
1539 projects, stormwater management projects, linear facilities, and
1540 sustainable agriculture and forestry. Such additional uses are
1541 authorized if ~~where~~:

1542 (a) The use is not inconsistent with the management plan
1543 for such lands;

1544 (b) The use is compatible with the natural ecosystem and
1545 resource values of such lands;

1546 (c) The ~~proposed~~ use is appropriately located on such lands
1547 and if ~~where~~ due consideration is given to the use of other
1548 available lands;

1549 (d) The using entity reasonably compensates the titleholder
1550 for such use based upon an appropriate measure of value; and

1551 (e) The use is consistent with the public interest.

1552

1553 A decision by the board of trustees pursuant to this section
1554 shall be given a presumption of correctness. Moneys received
1555 from the use of state lands pursuant to this section shall be
1556 returned to the lead managing entity in accordance with s.
1557 259.032(9)(c).

1558 (10) ~~(11)~~ Lands listed as projects for acquisition may be
1559 managed for conservation pursuant to s. 259.032, on an interim
1560 basis by a private party in anticipation of a state purchase in
1561 accordance with a contractual arrangement between the acquiring
1562 agency and the private party that may include management service
1563 contracts, leases, cost-share arrangements or resource
1564 conservation agreements. Lands designated as eligible under this



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1565 subsection shall be managed to maintain or enhance the resources
1566 the state is seeking to protect by acquiring the land. Funding
1567 for these contractual arrangements may originate from the
1568 documentary stamp tax revenue deposited into the Land
1569 Acquisition Trust Fund. No more than \$6.2 million may be
1570 expended from the Land Acquisition Trust Fund for this purpose.

1571 ~~(11)-(12)~~ Any lands available to governmental employees,
1572 including water management district employees, for hunting or
1573 other recreational purposes shall also be made available to the
1574 general public for such purposes.

1575 ~~(13) Before a building or parcel of land is offered for~~
1576 ~~lease or sale to a local or federal unit of government or a~~
1577 ~~private party, it shall first be offered for lease to state~~
1578 ~~agencies, state universities, and Florida College System~~
1579 ~~institutions, with priority consideration given to state~~
1580 ~~universities and Florida College System institutions. Within 60~~
1581 ~~days after the offer for lease of a surplus building or parcel,~~
1582 ~~a state university or Florida College System institution that~~
1583 ~~requests the lease must submit a plan for review and approval by~~
1584 ~~the Board of Trustees of the Internal Improvement Trust Fund~~
1585 ~~regarding the intended use, including future use, of the~~
1586 ~~building or parcel of land before approval of a lease. Within 60~~
1587 ~~days after the offer for lease of a surplus building or parcel,~~
1588 ~~a state agency that requests the lease of such facility or~~
1589 ~~parcel must submit a plan for review and approval by the board~~
1590 ~~of trustees regarding the intended use. The state agency plan~~
1591 ~~must, at a minimum, include the proposed use of the facility or~~
1592 ~~parcel, the estimated cost of renovation, a capital improvement~~
1593 ~~plan for the building, evidence that the building or parcel~~



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1594 ~~meets an existing need that cannot otherwise be met, and other~~
1595 ~~criteria developed by rule by the board of trustees. The board~~
1596 ~~or its designee shall compare the estimated value of the~~
1597 ~~building or parcel to any submitted business plan to determine~~
1598 ~~if the lease or sale is in the best interest of the state. The~~
1599 ~~board of trustees shall adopt rules pursuant to chapter 120 for~~
1600 ~~the implementation of this section.~~

1601 Section 6. Section 253.0341, Florida Statutes, is amended
1602 to read:

1603 253.0341 Surplus of state-owned lands ~~to counties or local~~
1604 ~~governments. Counties and local governments may submit~~
1605 ~~surplusing requests for state-owned lands directly to the board~~
1606 ~~of trustees. County or local government requests for the state~~
1607 ~~to surplus conservation or nonconservation lands, whether for~~
1608 ~~purchase or exchange, shall be expedited throughout the~~
1609 ~~surplusing process. Property jointly acquired by the state and~~
1610 ~~other entities shall not be surplused without the consent of all~~
1611 ~~joint owners.~~

1612 (1) The board of trustees shall determine which lands, the
1613 title to which is vested in the board, may be surplused. For all
1614 conservation lands, the Acquisition and Restoration Council
1615 shall make a recommendation to the board of trustees, and the
1616 board of trustees shall determine whether the lands are no
1617 longer needed for conservation purposes. If the board of
1618 trustees determines the lands are no longer needed for
1619 conservation purposes, it may dispose of such lands by an
1620 affirmative vote of at least three members. In the case of a
1621 land exchange involving the disposition of conservation lands,
1622 the board of trustees must determine by an affirmative vote of



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1623 at least three members that the exchange will result in a net
1624 positive conservation benefit. For all nonconservation lands,
1625 the board of trustees shall determine whether the lands are no
1626 longer needed. If the board of trustees determines the lands are
1627 no longer needed, it may dispose of such lands by an affirmative
1628 vote of at least three members. Local government requests for
1629 the state to surplus conservation or nonconservation lands,
1630 whether for purchase or exchange, shall be expedited throughout
1631 the surplusing process. Property jointly acquired by the state
1632 and other entities may not be surplusd without the consent of
1633 all joint owners ~~The decision to surplus state-owned~~
1634 ~~nonconservation lands may be made by the board without a review~~
1635 ~~of, or a recommendation on, the request from the Acquisition and~~
1636 ~~Restoration Council or the Division of State Lands. Such~~
1637 ~~requests for nonconservation lands shall be considered by the~~
1638 ~~board within 60 days of the board's receipt of the request.~~

1639 (2) For purposes of this section, all lands acquired by the
1640 state before July 1, 1999, using proceeds from Preservation 2000
1641 bonds, the former Conservation and Recreation Lands Trust Fund,
1642 the former Water Management Lands Trust Fund, Environmentally
1643 Endangered Lands Program, and the Save Our Coast Program and
1644 titled to the board of trustees which are identified as core
1645 parcels or within original project boundaries are deemed to have
1646 been acquired for conservation purposes ~~County or local~~
1647 ~~government requests for the surplusing of state-owned~~
1648 ~~conservation lands are subject to review of, and recommendation~~
1649 ~~on, the request to the board by the Acquisition and Restoration~~
1650 ~~Council. Requests to surplus conservation lands shall be~~
1651 ~~considered by the board within 120 days of the board's receipt~~



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1652 ~~of the request.~~

1653 (3) For any lands purchased by the state on or after July
1654 1, 1999, before acquisition, the board of trustees must
1655 determine which parcels must be designated as having been
1656 acquired for conservation purposes. Lands acquired for use by
1657 the Department of Corrections; the Department of Management
1658 Services for use as state offices; the Department of
1659 Transportation, except those lands specifically managed for
1660 conservation or recreation purposes; the State University
1661 System; or the Florida College System may not be designated as
1662 having been acquired for conservation purposes ~~A local~~
1663 ~~government may request that state lands be specifically declared~~
1664 ~~surplus lands for the purpose of providing alternative water~~
1665 ~~supply and water resource development projects as defined in s.~~
1666 ~~373.019, public facilities such as schools, fire and police~~
1667 ~~facilities, and affordable housing. The request shall comply~~
1668 ~~with the requirements of subsection (1) if the lands are~~
1669 ~~nonconservation lands or subsection (2) if the lands are~~
1670 ~~conservation lands. Surplus lands that are conveyed to a local~~
1671 ~~government for affordable housing shall be disposed of by the~~
1672 ~~local government under the provisions of s. 125.379 or s.~~
1673 ~~166.0451.~~

1674 (4) At least every 10 years, as a component of each land
1675 management plan or land use plan and in a form and manner
1676 adopted by rule of the board of trustees, each manager shall
1677 evaluate and indicate to the board of trustees those lands that
1678 are not being used for the purpose for which they were
1679 originally leased. For conservation lands, the Acquisition and
1680 Restoration Council shall review and recommend to the board of



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1681 trustees whether such lands should be retained in public
1682 ownership or disposed of by the board of trustees. For
1683 nonconservation lands, the Division of State Lands shall review
1684 and recommend to the board of trustees whether such lands should
1685 be retained in public ownership or disposed of by the board of
1686 trustees ~~Notwithstanding the requirements of this section and~~
1687 ~~the requirements of s. 253.034 which provides a surplus process~~
1688 ~~for the disposal of state lands, the board shall convey to~~
1689 ~~Miami-Dade County title to the property on which the Graham~~
1690 ~~Building, which houses the offices of the Miami-Dade State~~
1691 ~~Attorney, is located. By January 1, 2008, the board shall convey~~
1692 ~~fee simple title to the property to Miami-Dade County for a~~
1693 ~~consideration of one dollar. The deed conveying title to Miami-~~
1694 ~~Dade County must contain restrictions that limit the use of the~~
1695 ~~property for the purpose of providing workforce housing as~~
1696 ~~defined in s. 420.5095, and to house the offices of the Miami-~~
1697 ~~Dade State Attorney. Employees of the Miami-Dade State Attorney~~
1698 ~~and the Miami-Dade Public Defender who apply for and meet the~~
1699 ~~income qualifications for workforce housing shall receive~~
1700 ~~preference over other qualified applicants.~~

1701 (5) Conservation lands owned by the board of trustees which
1702 are not actively managed by any state agency or for which a land
1703 management plan has not been completed pursuant to s. 253.034(5)
1704 must be reviewed by the Acquisition and Restoration Council for
1705 its recommendation as to whether such lands should be disposed
1706 of by the board of trustees.

1707 (6) Before any decision by the board of trustees to surplus
1708 conservation lands, the Acquisition and Restoration Council
1709 shall review and make recommendations to the board of trustees



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1710 concerning the request for surplusing. The council shall
1711 determine whether the request for surplusing is compatible with
1712 the resource values of and management objectives for such lands.

1713 (7) Before a facility or parcel of nonconservation land is
1714 offered for lease to a local or federal unit of government,
1715 state university, Florida College System institution, or private
1716 party, it shall first be offered for lease to state agencies.
1717 Within 45 days after the offer for lease of a facility or
1718 parcel, a state agency that requests the lease must submit a
1719 plan to the board of trustees that includes a description of the
1720 proposed use, including future use, of the facility or parcel.
1721 The board of trustees must review and approve the plan before
1722 approving the lease. The state agency plan must, at a minimum,
1723 include the proposed use of the facility or parcel, the
1724 estimated cost of renovation, a capital improvement plan for the
1725 building, evidence that the facility or parcel meets an existing
1726 need that cannot otherwise be met, and other criteria adopted by
1727 rule of the board of trustees. The board of trustees or its
1728 designee shall compare the estimated value of the facility or
1729 parcel to any submitted business plan to determine if the lease
1730 or sale is in the best interest of the state. The board of
1731 trustees shall adopt rules pursuant to chapter 120 to implement
1732 this section. A state agency that has requested the use of a
1733 facility or parcel must secure the facility or parcel with a
1734 fully executed lease within 90 days after being notified that it
1735 may use such facility or parcel or the request is voidable.

1736 (8) The sale price of lands determined to be surplus
1737 pursuant to this section and s. 253.82 shall be determined by
1738 the Division of State Lands, which shall consider an appraisal



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1739 of the property or, if the estimated value of the land is
1740 \$500,000 or less, a comparable sales analysis or a broker's
1741 opinion of value. The division may require a second appraisal.
1742 The individual or entity that requests to purchase the surplus
1743 parcel shall pay all costs associated with determining the
1744 property's value, if any.

1745 (a) A written valuation of land determined to be surplus
1746 pursuant to this section and s. 253.82, and related documents
1747 used to form the valuation or which pertain to the valuation,
1748 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
1749 I of the State Constitution.

1750 1. The exemption expires 2 weeks before the contract or
1751 agreement regarding the purchase, exchange, or disposal of the
1752 surplus land is first considered for approval by the board of
1753 trustees.

1754 2. Before expiration of the exemption, the Division of
1755 State Lands may disclose confidential and exempt appraisals,
1756 valuations, or valuation information regarding surplus land:

1757 a. During negotiations for the sale or exchange of the
1758 land;

1759 b. During the marketing effort or bidding process
1760 associated with the sale, disposal, or exchange of the land to
1761 facilitate closure of such effort or process;

1762 c. When the passage of time has made the conclusions of
1763 value invalid; or

1764 d. When negotiations or marketing efforts concerning the
1765 land are concluded.

1766 (b) A unit of government that acquires title to lands
1767 pursuant to this section for less than appraised value may not



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1768 sell or transfer title to all or any portion of the lands to any
1769 private owner for 10 years. A unit of government seeking to
1770 transfer or sell lands pursuant to this paragraph must first
1771 allow the board of trustees to reacquire such lands for the
1772 price at which the board of trustees sold such lands.

1773 (9) Parcels with a market value over \$500,000 must be
1774 initially offered for sale by competitive bid. Any parcels
1775 unsuccessfully offered for sale by competitive bid, and parcels
1776 with a market value of \$500,000 or less, may be sold by any
1777 reasonable means, including procuring real estate services, open
1778 or exclusive listings, competitive bid, auction, negotiated
1779 direct sales, or other appropriate services, to facilitate the
1780 sale.

1781 (10) After reviewing the recommendations of the Acquisition
1782 and Restoration Council, the board of trustees shall determine
1783 whether conservation lands identified for surplus should be held
1784 for other public purposes or are no longer needed. The board of
1785 trustees may require an agency to release its interest in such
1786 lands. An entity approved to use conservation lands by the board
1787 of trustees must secure the property under a fully executed
1788 lease within 90 days after being notified that it may use such
1789 property or the request is voidable.

1790 (11) Requests to surplus lands may be made by any public or
1791 private entity or person and shall be determined by the board of
1792 trustees. All requests to surplus conservation lands shall be
1793 submitted to the lead managing agency for review and
1794 recommendation to the Acquisition and Restoration Council, and
1795 all requests to surplus nonconservation lands shall be submitted
1796 to the Division of State Lands for review and recommendation to



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1797 the board of trustees. The lead managing agencies shall review
1798 such requests and make recommendations to the council within 90
1799 days after receipt of the requests. Any requests to surplus
1800 conservation lands that are not acted upon within the 90-day
1801 period shall be immediately scheduled for hearing at the next
1802 regularly scheduled meeting of the council. Requests to surplus
1803 lands shall be considered by the board of trustees within 60
1804 days after receipt of the requests from the council or division.
1805 Requests to surplus lands pursuant to this subsection are not
1806 required to be offered to state agencies as provided in
1807 subsection (7).

1808 (12) Proceeds from the sale of surplus conservation lands
1809 purchased before July 1, 2015, shall be deposited into the
1810 Florida Forever Trust Fund.

1811 (13) Proceeds from the sale of surplus conservation lands
1812 purchased on or after July 1, 2015, shall be deposited into the
1813 Land Acquisition Trust Fund, except when such lands were
1814 purchased with funds other than those from the Land Acquisition
1815 Trust Fund or a land acquisition trust fund created to implement
1816 s. 28, Art. X of the State Constitution, the proceeds shall be
1817 deposited into the fund from which the lands were purchased.

1818 (14) Funds received from the sale of surplus
1819 nonconservation lands or lands that were acquired by gift, by
1820 donation, or for no consideration shall be deposited into the
1821 Internal Improvement Trust Fund.

1822 (15) Notwithstanding this section, such disposition of land
1823 may not be made if it would have the effect of causing all or
1824 any portion of the interest on any revenue bonds issued to lose
1825 the exclusion from gross income for federal income tax purposes.



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1826 (16) The sale of filled, formerly submerged land that does
1827 not exceed 5 acres in area is not subject to review by the
1828 Acquisition and Restoration Council.

1829 (17) The board of trustees may adopt rules to administer
1830 this section, including procedures for administering surplus
1831 land requests and criteria for when the Division of State Lands
1832 may approve requests to surplus nonconservation lands on behalf
1833 of the board of trustees.

1834 (18) Surplus lands that are conveyed to a local government
1835 for affordable housing shall be disposed of by the local
1836 government under s. 125.379 or s. 166.0451.

1837 Section 7. Section 253.111, Florida Statutes, is amended to
1838 read:

1839 253.111 Riparian owners of land ~~Notice to board of county~~
1840 ~~commissioners before sale. The Board of Trustees of the Internal~~
1841 ~~Improvement Trust Fund of the state may not sell any land to~~
1842 ~~which they hold title unless and until they afford an~~
1843 ~~opportunity to the county in which such land is situated to~~
1844 ~~receive such land on the following terms and conditions:~~

1845 ~~(1) If an application is filed with the board requesting~~
1846 ~~that they sell certain land to which they hold title and the~~
1847 ~~board decides to sell such land or if the board, without such~~
1848 ~~application, decides to sell such land, the board shall, before~~
1849 ~~consideration of any private offers, notify the board of county~~
1850 ~~commissioners of the county in which such land is situated that~~
1851 ~~such land is available to such county. Such notification shall~~
1852 ~~be given by registered mail, return receipt requested.~~

1853 ~~(2) The board of county commissioners of the county in~~
1854 ~~which such land is situated shall, within 40 days after receipt~~



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1855 ~~of such notification from the board, determine by resolution~~
1856 ~~whether or not it proposes to acquire such land.~~

1857 ~~(3) If the board receives, within 45 days after notice is~~
1858 ~~given to the board of county commissioners pursuant to~~
1859 ~~subsection (1), the certified copy of the resolution provided~~
1860 ~~for in subsection (2), the board shall forthwith convey to the~~
1861 ~~county such land at a price that is equal to its appraised~~
1862 ~~market value established by generally accepted professional~~
1863 ~~standards for real estate appraisal and subject to such other~~
1864 ~~terms and conditions as the board determines.~~

1865 ~~(4) Nothing in this section restricts any right otherwise~~
1866 ~~granted to the board by this chapter to convey land to which~~
1867 ~~they hold title to the state or any department, office,~~
1868 ~~authority, board, bureau, commission, institution, court,~~
1869 ~~tribunal, agency, or other instrumentality of or under the~~
1870 ~~state. The word "land" as used in this act means all lands~~
1871 ~~vested in the Board of Trustees of the Internal Improvement~~
1872 ~~Trust Fund.~~

1873 ~~(1)-(5)~~ If a any riparian owner exists with respect to any
1874 land to be sold by the board of trustees, such riparian owner
1875 shall have a right to secure such land, ~~which right is prior in~~
1876 ~~interest to the right in the county created by this section,~~
1877 provided that such riparian owner shall be required to pay for
1878 such land upon such prices, terms, and conditions as determined
1879 by the board of trustees. Such riparian owner may waive this
1880 ~~prior right, in which case this section shall apply.~~

1881 ~~(2)-(6)~~ This section does not apply to:

- 1882 (a) Any land exchange approved by the board of trustees;
- 1883 (b) The conveyance of any lands located within the



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1884 Everglades Agricultural Area; or

1885 (c) Lands managed pursuant to ss. 253.781-253.785.

1886 Section 8. Section 253.42, Florida Statutes, is amended to
1887 read:

1888 253.42 Board of trustees may exchange lands. ~~The provisions~~
1889 ~~of~~ This section applies ~~apply~~ to all lands owned by, vested in,
1890 or titled in the name of the board of trustees whether the lands
1891 were acquired by the state as a purchase, or through gift,
1892 donation, or any other conveyance for which no consideration was
1893 paid.

1894 (1) The board of trustees may exchange any lands owned by,
1895 vested in, or titled in its ~~the~~ name ~~of the board~~ for other
1896 lands in the state owned by counties, local governments,
1897 individuals, or private or public corporations, and may fix the
1898 terms and conditions of any such exchange. ~~Any nonconservation~~
1899 ~~lands that were acquired by the state through gift, donation, or~~
1900 ~~any other conveyance for which no consideration was paid must~~
1901 ~~first be offered at no cost to a county or local government~~
1902 ~~unless otherwise provided in a deed restriction of record or~~
1903 ~~other legal impediment, and so long as the use proposed by the~~
1904 ~~county or local government is for a public purpose. For~~
1905 conservation lands acquired by the state through gift, donation,
1906 or any other conveyance for which no consideration was paid, the
1907 state may request land of equal conservation value from the
1908 county or local government but no other consideration.

1909 (2) In exchanging state-owned lands not acquired by the
1910 state through gift, donation, or any other conveyance for which
1911 no consideration was paid, with counties or local governments,
1912 the board of trustees shall require an exchange of equal value.



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1913 Equal value is defined as the conservation benefit of the lands
1914 being offered for exchange by a county or local government being
1915 equal or greater in conservation benefit than the state-owned
1916 lands. Such exchanges may include cash transactions if based on
1917 an appropriate measure of value of the state-owned land, but
1918 must also include the determination of a net-positive
1919 conservation benefit by the Acquisition and Restoration Council,
1920 irrespective of appraised value.

1921 (3) The board of trustees shall select and agree upon the
1922 state lands to be exchanged and the lands to be conveyed to the
1923 state and shall pay or receive any sum of money the board of
1924 trustees deems ~~deemed~~ ~~necessary by the board~~ for the purpose of
1925 equalizing the value of the exchanged property. The board of
1926 trustees is authorized to make and enter into contracts or
1927 agreements for such purpose or purposes.

1928 (4) (a) A person who owns land contiguous to state-owned
1929 land titled to the board of trustees may submit a request to the
1930 Division of State Lands to exchange all or a portion of the
1931 privately owned land for all or a portion of the state-owned
1932 land, whereby the state retains a permanent conservation
1933 easement over all or a portion of the exchanged state-owned land
1934 and a permanent conservation easement over all or a portion of
1935 the exchanged privately owned land. State-owned land exchanged
1936 pursuant to this subsection shall be contiguous to the privately
1937 owned land upon which the state retains a permanent conservation
1938 easement. If the division elects to proceed with a request, the
1939 division must submit the request to the Acquisition and
1940 Restoration Council for review and the council must provide
1941 recommendations to the division. If the division elects to



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1942 forward a request to the board of trustees, the division must
1943 provide its recommendations and the recommendations of the
1944 council to the board. This subsection does not apply to state-
1945 owned sovereign submerged land.

1946 (b) After receiving a request and the division's
1947 recommendations, the board of trustees shall consider such
1948 request and recommendations and may approve the request if:

1949 1. At least 30 percent of the perimeter of the privately
1950 owned land is bordered by state-owned land and the exchange does
1951 not create an inholding.

1952 2. The approval does not result in a violation of the terms
1953 of a preexisting lease or agreement by the board of trustees,
1954 the Department of Environmental Protection, the Department of
1955 Agriculture and Consumer Services, or the Fish and Wildlife
1956 Conservation Commission.

1957 3. For state-owned land purchased for conservation
1958 purposes, the board of trustees makes a determination that the
1959 exchange of land under this subsection will result in a net
1960 positive conservation benefit.

1961 4. The approval does not conflict with any existing flowage
1962 easement.

1963 5. The request is approved by three or more members of the
1964 board of trustees.

1965 (c) Special consideration shall be given to a request that
1966 maintains public access for any recreational purpose allowed on
1967 the state-owned land at the time the request is submitted to the
1968 board of trustees. A person who maintains public access pursuant
1969 to this paragraph is entitled to the limitation on liability
1970 provided in s. 375.251.



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1971 (d) Land subject to a permanent conservation easement
1972 granted pursuant to this subsection is subject to inspection by
1973 the Department of Environmental Protection to ensure compliance
1974 with the terms of the permanent conservation easement.

1975 Section 9. Subsection (2) of section 253.782, Florida
1976 Statutes, is amended to read:

1977 253.782 Retention of state-owned lands in and around Lake
1978 Rousseau and the Cross Florida Barge Canal right-of-way from
1979 Lake Rousseau west to the Withlacoochee River.—

1980 (2) The Department of Environmental Protection is
1981 authorized ~~and directed~~ to retain ownership of and maintain all
1982 lands or interests in land owned by the Board of Trustees of the
1983 Internal Improvement Trust Fund, including all fee and less than
1984 fee less than fee interests in lands previously owned by the
1985 canal authority in Lake Rousseau and the Cross Florida Barge
1986 Canal right-of-way from Lake Rousseau at U.S. Highway 41 west to
1987 and including the Withlacoochee River.

1988 Section 10. Section 253.7821, Florida Statutes, is amended
1989 to read:

1990 253.7821 Cross Florida Greenways State Recreation and
1991 Conservation Area assigned to the Department of Environmental
1992 Protection ~~Office of the Executive Director.~~—The Cross Florida
1993 Greenways State Recreation and Conservation Area is ~~hereby~~
1994 established and ~~is initially~~ assigned to the department ~~Office~~
1995 ~~of Greenways Management within the Office of the Secretary.~~ The
1996 department ~~office~~ shall manage the greenways pursuant to the
1997 department's existing statutory authority until administrative
1998 rules are adopted by the department. However, the provisions of
1999 this act shall control in any conflict between this act and any



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2000 other authority of the department.

2001 Section 11. Section 253.87, Florida Statutes, is created to
2002 read:

2003 253.87 Inventory of state, federal, and local government
2004 conservation lands by the Department of Environmental
2005 Protection.-

2006 (1) By July 1, 2018, the department shall include in the
2007 Florida State-Owned Lands and Records Information System (FL-
2008 SOLARIS) database all federally owned conservation lands in the
2009 state, all lands on which the Federal Government retains a
2010 permanent conservation easement in the state, and all lands on
2011 which the state retains a permanent conservation easement. The
2012 department shall update the database at least every 5 years.

2013 (2) By July 1, 2018, for counties and municipalities, and
2014 by July 1, 2019, for financially disadvantaged small
2015 communities, as defined in s. 403.1838, and at least every 5
2016 years thereafter, respectively, each county, municipality, and
2017 financially disadvantaged small community shall identify all
2018 conservation lands that it owns in fee simple and all lands on
2019 which it retains a permanent conservation easement and submit,
2020 in a manner determined by the department, a list of such lands
2021 to the department. Within 6 months after receiving such list,
2022 the department shall add such lands to the FL-SOLARIS database.

2023 (3) By January 1, 2018, the department shall conduct a
2024 study and submit a report to the Governor, the President of the
2025 Senate, and the Speaker of the House of Representatives on the
2026 technical and economic feasibility of including the following
2027 lands in the FL-SOLARIS database or a similar public lands
2028 inventory:



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2029 (a) All lands on which local comprehensive plans, land use
2030 restrictions, zoning ordinances, or land development regulations
2031 prohibit the land from being developed or limit the amount of
2032 development to one unit per 40 or more acres.

2033 (b) All publicly and privately owned lands for which
2034 development rights have been transferred.

2035 (c) All privately owned lands under a permanent
2036 conservation easement.

2037 (d) All lands owned by a nonprofit or nongovernmental
2038 organization for conservation purposes.

2039 (e) All lands that are part of a mitigation bank.

2040 Section 12. Section 259.01, Florida Statutes, is amended to
2041 read:

2042 259.01 Short title.—This chapter shall be known and may be
2043 cited as the "Land Conservation Program Act ~~of 1972.~~"

2044 Section 13. Section 259.02, Florida Statutes, is repealed.

2045 Section 14. Subsections (6), (7), and (8) and paragraphs
2046 (a) and (d) of section (9) of section 259.032, Florida Statutes,
2047 are amended to read:

2048 259.032 Conservation and recreation lands.—

2049 (6) Conservation and recreation lands are subject to the
2050 selection procedures of s. 259.035 and related rules and shall
2051 be acquired in accordance with acquisition procedures for state
2052 lands provided for in s. 253.025 ~~259.041~~, except as otherwise
2053 provided by the Legislature. An inholding or an addition to
2054 conservation and recreation lands is not subject to the
2055 selection procedures of s. 259.035 if the estimated value of
2056 such inholding or addition does not exceed \$500,000. When at
2057 least 90 percent of the acreage of a project has been purchased



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2058 for conservation and recreation purposes, the project may be
2059 removed from the list and the remaining acreage may continue to
2060 be purchased. Funds appropriated to acquire conservation and
2061 recreation lands may be used for title work, appraisal fees,
2062 environmental audits, and survey costs related to acquisition
2063 expenses for lands to be acquired, donated, or exchanged which
2064 qualify under the categories of this section, at the discretion
2065 of the board. When the Legislature has authorized the department
2066 ~~of Environmental Protection~~ to condemn a specific parcel of land
2067 and such parcel has already been approved for acquisition, the
2068 land may be acquired in accordance with ~~the provisions of~~
2069 chapter 73 or chapter 74, and the funds appropriated to acquire
2070 conservation and recreation lands may be used to pay the
2071 condemnation award and all costs, including reasonable attorney
2072 fees, associated with condemnation.

2073 (7) All lands managed under this chapter and s. 253.034
2074 shall be:

2075 (a) Managed in a manner that will provide the greatest
2076 combination of benefits to the public and to the resources.

2077 (b) Managed for public outdoor recreation which is
2078 compatible with the conservation and protection of public lands.
2079 Such management may include, but not be limited to, the
2080 following public recreational uses: fishing, hunting, camping,
2081 bicycling, hiking, nature study, swimming, boating, canoeing,
2082 horseback riding, diving, model hobbyist activities, birding,
2083 sailing, jogging, and other related outdoor activities
2084 ~~compatible with the purposes for which the lands were acquired.~~

2085 ~~(c) Managed for the purposes for which the lands were~~
2086 ~~acquired, consistent with paragraph (9)(a).~~



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2087 (c)~~(d)~~ Concurrent with its adoption of the annual list of
2088 acquisition projects pursuant to s. 259.035, the board ~~of~~
2089 ~~trustees~~ shall adopt a management prospectus for each project.
2090 The management prospectus shall delineate:

- 2091 1. The management goals for the property;
- 2092 2. The conditions that will affect the intensity of
2093 management;
- 2094 3. An estimate of the revenue-generating potential of the
2095 property, if appropriate;
- 2096 4. A timetable for implementing the various stages of
2097 management and for providing access to the public, if
2098 applicable;
- 2099 5. A description of potential multiple-use activities as
2100 described in this section and s. 253.034;
- 2101 6. Provisions for protecting existing infrastructure and
2102 for ensuring the security of the project upon acquisition;
- 2103 7. The anticipated costs of management and projected
2104 sources of revenue, including legislative appropriations, to
2105 fund management needs; and
- 2106 8. Recommendations as to how many employees will be needed
2107 to manage the property, and recommendations as to whether local
2108 governments, volunteer groups, the former landowner, or other
2109 interested parties can be involved in the management.

2110 (d)~~(e)~~ Concurrent with the approval of the acquisition
2111 contract pursuant to s. 253.025(4)(c) ~~259.041(3)(e)~~ for any
2112 interest in lands except those lands ~~being~~ acquired pursuant to
2113 ~~under the provisions of~~ s. 259.1052, the board ~~of trustees~~ shall
2114 designate an agency or agencies to manage such lands. The board
2115 shall evaluate and amend, as appropriate, the management policy



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2116 statement for the project as provided by s. 259.035 to ensure
2117 that the policy statement is compatible with conservation,
2118 recreation, or both, ~~consistent with the purposes for which the~~
2119 ~~lands are acquired.~~ For any fee simple acquisition of a parcel
2120 which is or will be leased back for agricultural purposes, or
2121 any acquisition of a less than fee ~~less than fee~~ interest in
2122 land that is or will be used for agricultural purposes, the
2123 board ~~of trustees of the Internal Improvement Trust Fund~~ shall
2124 first consider having a soil and water conservation district,
2125 created pursuant to chapter 582, manage and monitor such
2126 interests.

2127 (e) ~~(f)~~ State agencies designated to manage lands acquired
2128 under this chapter or with funds deposited into the Land
2129 Acquisition Trust Fund, except those lands acquired under s.
2130 259.1052, may contract with local governments and soil and water
2131 conservation districts to assist in management activities,
2132 including the responsibility of being the lead land manager.
2133 Such land management contracts may include a provision for the
2134 transfer of management funding to the local government or soil
2135 and water conservation district from the land acquisition trust
2136 fund of the lead land managing agency in an amount adequate for
2137 the local government or soil and water conservation district to
2138 perform its contractual land management responsibilities and
2139 proportionate to its responsibilities, and which otherwise would
2140 have been expended by the state agency to manage the property.

2141 (f) ~~(g)~~ Immediately following the acquisition of any
2142 interest in conservation and recreation lands, the department ~~of~~
2143 ~~Environmental Protection,~~ acting on behalf of the board ~~of~~
2144 ~~trustees,~~ may issue to the lead managing entity an interim



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2145 assignment letter to be effective until the execution of a
2146 formal lease.

2147 (8) (a) State, regional, or local governmental agencies or
2148 private entities designated to manage lands under this section
2149 shall develop and adopt, with the approval of the board ~~of~~
2150 ~~trustees~~, an individual management plan for each project
2151 designed to conserve and protect such lands and their associated
2152 natural resources. Private sector involvement in management plan
2153 development may be used to expedite the planning process.

2154 (b) Individual management plans required by s. 253.034(5),
2155 for parcels over 160 acres, shall be developed with input from
2156 an advisory group. Members of this advisory group shall include,
2157 at a minimum, representatives of the lead land managing agency,
2158 comanaging entities, local private property owners, the
2159 appropriate soil and water conservation district, a local
2160 conservation organization, and a local elected official. If
2161 habitat or potentially restorable habitat for imperiled species
2162 is located on state lands, the Fish and Wildlife Conservation
2163 Commission and the Department of Agriculture and Consumer
2164 Services shall be included on any advisory group required under
2165 chapter 253, and the short-term and long-term management goals
2166 required under chapter 253 must advance the goals and objectives
2167 of imperiled species management without restricting other uses
2168 identified in the management plan. The advisory group shall
2169 conduct at least one public hearing within the county in which
2170 the parcel or project is located. For those parcels or projects
2171 that are within more than one county, at least one areawide
2172 public hearing shall be acceptable and the lead managing agency
2173 shall invite a local elected official from each county. The



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2174 areawide public hearing shall be held in the county in which the
2175 core parcels are located. Notice of such public hearing shall be
2176 posted on the parcel or project designated for management,
2177 advertised in a paper of general circulation, and announced at a
2178 scheduled meeting of the local governing body before the actual
2179 public hearing. The management prospectus required pursuant to
2180 paragraph (7) (c) ~~(7) (d)~~ shall be available to the public for a
2181 period of 30 days before ~~prior to~~ the public hearing.

2182 (c) Once a plan is adopted, the managing agency or entity
2183 shall update the plan at least every 10 years in a form and
2184 manner adopted ~~prescribed~~ by rule of the board ~~of trustees~~. Such
2185 updates, for parcels over 160 acres, shall be developed with
2186 input from an advisory group. Such plans may include transfers
2187 of leasehold interests to appropriate conservation organizations
2188 or governmental entities designated by the ~~Land Acquisition and~~
2189 ~~Management Advisory~~ council ~~or its successor~~, for uses
2190 consistent with the purposes of the organizations and the
2191 protection, preservation, conservation, restoration, and proper
2192 management of the lands and their resources. Volunteer
2193 management assistance is encouraged, including, but not limited
2194 to, assistance by youths participating in programs sponsored by
2195 state or local agencies, by volunteers sponsored by
2196 environmental or civic organizations, and by individuals
2197 participating in programs for committed delinquents and adults.

2198 ~~(d)1-~~ For each project for which lands are acquired after
2199 July 1, 1995, an individual management plan shall be adopted and
2200 in place no later than 1 year after the essential parcel or
2201 parcels identified in the priority list developed pursuant to s.
2202 259.105 have been acquired. The department ~~of Environmental~~



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2203 ~~Protection~~ shall distribute only 75 percent of the acquisition
2204 funds to which a budget entity or water management district
2205 would otherwise be entitled to any budget entity or any water
2206 management district that has more than one-third of its
2207 management plans overdue.

2208 ~~2. The requirements of subparagraph 1. do not apply to the~~
2209 ~~individual management plan for the Babcock Crescent B Ranch~~
2210 ~~being acquired pursuant to s. 259.1052. The management plan for~~
2211 ~~the ranch shall be adopted and in place no later than 2 years~~
2212 ~~following the date of acquisition by the state.~~

2213 (e) Individual management plans shall conform to the
2214 appropriate policies and guidelines of the state land management
2215 plan and shall include, but not be limited to:

2216 1. A statement of the purpose for which the lands were
2217 acquired, the projected use or uses as defined in s. 253.034,
2218 and the statutory authority for such use or uses.

2219 2. Key management activities necessary to achieve the
2220 desired outcomes, including, but not limited to, providing
2221 public access, preserving and protecting natural resources,
2222 protecting cultural and historical resources, restoring habitat,
2223 protecting threatened and endangered species, controlling the
2224 spread of nonnative plants and animals, performing prescribed
2225 fire activities, and other appropriate resource management.

2226 3. A specific description of how the managing agency plans
2227 to identify, locate, protect, and preserve, or otherwise use
2228 fragile, nonrenewable natural and cultural resources.

2229 4. A priority schedule for conducting management
2230 activities, ~~based on the purposes for which the lands were~~
2231 ~~acquired.~~



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2232 5. A cost estimate for conducting priority management
2233 activities, to include recommendations for cost-effective
2234 methods of accomplishing those activities.

2235 6. A cost estimate for conducting other management
2236 activities which would enhance the natural resource value or
2237 public recreation value ~~for which the lands were acquired~~. The
2238 cost estimate shall include recommendations for cost-effective
2239 methods of accomplishing those activities.

2240 7. A determination of the public uses and public access
2241 that would be compatible with conservation, recreation, or both
2242 ~~that would be consistent with the purposes for which the lands~~
2243 ~~were acquired~~.

2244 (f) The Division of State Lands shall submit a copy of each
2245 individual management plan for parcels which exceed 160 acres in
2246 size to each member of the ~~Acquisition and Restoration~~ council,
2247 which shall:

2248 1. Within 60 days after receiving a plan from the Division
2249 of State Lands, review each plan for compliance with the
2250 requirements of this subsection and with the requirements of the
2251 rules adopted ~~established~~ by the board pursuant to this
2252 subsection.

2253 2. Consider the propriety of the recommendations of the
2254 managing agency with regard to the future use or protection of
2255 the property.

2256 3. After its review, submit the plan, along with its
2257 recommendations and comments, to the board ~~of trustees~~, with
2258 recommendations as to whether to approve the plan as submitted,
2259 approve the plan with modifications, or reject the plan.

2260 (g) The board ~~of trustees~~ shall consider the individual



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2261 management plan submitted by each state agency and the
2262 recommendations of the ~~Acquisition and Restoration~~ council and
2263 the department ~~Division of State Lands~~ and shall approve the
2264 plan with or without modification or reject such plan. The use
2265 or possession of any lands owned by the board ~~of trustees~~ which
2266 is not in accordance with an approved individual management plan
2267 is subject to termination by the board ~~of trustees~~.

2268
2269 By July 1 of each year, each governmental agency and each
2270 private entity designated to manage lands shall report to the
2271 Secretary of Environmental Protection on the progress of
2272 funding, staffing, and resource management of every project for
2273 which the agency or entity is responsible.

2274 (9) (a) The Legislature recognizes that acquiring lands
2275 pursuant to this chapter serves the public interest by
2276 protecting land, air, and water resources which contribute to
2277 the public health and welfare, providing areas for natural
2278 resource based recreation, and ensuring the survival of unique
2279 and irreplaceable plant and animal species. The Legislature
2280 intends for these lands to be managed and maintained in a manner
2281 that is compatible with conservation, recreation, or both,
2282 consistent with the land management plan ~~for the purposes for~~
2283 ~~which they were acquired~~ and for the public to have access to
2284 and use of these lands if public access ~~where it is consistent~~
2285 ~~with acquisition purposes~~ and would not harm the resources the
2286 state is seeking to protect on the public's behalf.

2287 (d) Up to one-fifth of the funds appropriated for the
2288 purposes identified in paragraph (b) shall be reserved by the
2289 board ~~of trustees~~ for interim management of acquisitions and for



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2290 associated contractual services, to ensure the conservation and
2291 protection of natural resources on project sites and to allow
2292 limited public recreational use of lands. Interim management
2293 activities may include, but not be limited to, resource
2294 assessments, control of invasive, nonnative species, habitat
2295 restoration, fencing, law enforcement, controlled burning, and
2296 public access consistent with preliminary determinations made
2297 pursuant to paragraph (7) (f) ~~(7) (g)~~. The board ~~of trustees~~ shall
2298 make these interim funds available immediately upon purchase.

2299 Section 15. Subsection (3) and paragraph (a) of subsection
2300 (4) of section 259.035, Florida Statutes, are amended to read:

2301 259.035 Acquisition and Restoration Council.—

2302 (3) The council shall provide assistance to the board ~~of~~
2303 ~~trustees~~ in reviewing the recommendations and plans for state-
2304 owned conservation lands required under s. 253.034 and this
2305 chapter. The council shall, in reviewing such ~~recommendations~~
2306 ~~and~~ plans, consider the optimization of multiple-use and
2307 conservation strategies to accomplish the provisions funded
2308 pursuant to former s. 259.101(3) (a), Florida Statutes 2014, and
2309 to s. 259.105(3) (b).

2310 (4) (a) By December 1, 2016, the ~~Acquisition and Restoration~~
2311 council shall develop rules defining specific criteria and
2312 numeric performance measures needed for lands that are to be
2313 acquired for public purpose under the Florida Forever program
2314 pursuant to s. 259.105 or with funds deposited into the Land
2315 Acquisition Trust Fund pursuant to s. 28(a), Art. X of the State
2316 Constitution. These rules shall be reviewed and adopted by the
2317 board, then submitted to the Legislature for consideration by
2318 February 1, 2017. The Legislature may reject, modify, or take no



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2319 action relative to the proposed rules. If no action is taken,
2320 the rules shall be implemented. Subsequent to their approval,
2321 each recipient of funds from the Land Acquisition Trust Fund
2322 shall annually report to the department ~~Division of State Lands~~
2323 on each of the numeric performance measures accomplished during
2324 the previous fiscal year.

2325 Section 16. Subsections (1), (2), (4), and (5) of section
2326 259.036, Florida Statutes, are amended to read:

2327 259.036 Management review teams.—

2328 (1) To determine whether conservation, preservation, and
2329 recreation lands titled in the name of the board ~~of Trustees of~~
2330 ~~the Internal Improvement Trust Fund~~ are being managed for ~~the~~
2331 purposes that are compatible with conservation, preservation, or
2332 recreation for which they were acquired and in accordance with a
2333 land management plan adopted pursuant to s. 259.032, the board
2334 ~~of trustees~~, acting through the department ~~of Environmental~~
2335 ~~Protection~~, shall cause periodic management reviews to be
2336 conducted as follows:

2337 (a) The department shall establish a regional land
2338 management review team composed of the following members:

2339 1. One individual who is from the county or local community
2340 in which the parcel or project is located and who is selected by
2341 the county commission in the county which is most impacted by
2342 the acquisition.

2343 2. One individual from the Division of Recreation and Parks
2344 of the department.

2345 3. One individual from the Florida Forest Service of the
2346 Department of Agriculture and Consumer Services.

2347 4. One individual from the Fish and Wildlife Conservation



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Commission.

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

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

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

8. A member of a conservation organization.

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

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

(4) In the event a land management plan has not been adopted within the timeframes specified in s. 259.032(8), the department may direct a management review of the property, to be



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2377 conducted by the land management review team. The review shall
2378 consider the extent to which the land is being managed in a
2379 manner that is compatible with conservation, recreation, or both
2380 ~~for the purposes for which it was acquired~~ and the degree to
2381 which actual management practices are in compliance with the
2382 management policy statement and management prospectus for that
2383 property.

2384 (5) If the land management review team determines that
2385 reviewed lands are not being managed in a manner that is
2386 compatible with conservation, recreation, or both, consistent
2387 ~~for the purposes for which they were acquired or in compliance~~
2388 with the adopted land management plan, management policy
2389 statement, or management prospectus, or if the managing agency
2390 fails to address the review findings in the updated management
2391 plan, the department shall provide the review findings to the
2392 board, and the managing agency must report to the board its
2393 reasons for managing the lands as it has.

2394 Section 17. Section 259.037, Florida Statutes, is amended
2395 to read:

2396 259.037 Land Management Uniform Accounting Council.—

2397 (1) The Land Management Uniform Accounting Council (LMUAC)
2398 is created within the Department of Environmental Protection and
2399 shall consist of the director of the Division of State Lands,
2400 the director of the Division of Recreation and Parks, and the
2401 director of the Office of Coastal and Aquatic Managed Areas, ~~and~~
2402 ~~the director of the Office of Greenways and Trails~~ of the
2403 department ~~of Environmental Protection~~; the director of the
2404 Florida Forest Service of the Department of Agriculture and
2405 Consumer Services; the executive director of the Fish and



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2406 Wildlife Conservation Commission; and the director of the
2407 Division of Historical Resources of the Department of State, or
2408 their respective designees. Each state agency represented on the
2409 LMUAC ~~council~~ shall have one vote. The chair of the LMUAC
2410 ~~council~~ shall rotate annually in the foregoing order of state
2411 agencies. The agency of the representative serving as chair ~~of~~
2412 ~~the council~~ shall provide staff support for the LMUAC ~~council~~.
2413 The Division of State Lands shall serve as the recipient of and
2414 repository for the LMUAC's ~~council's~~ documents. The LMUAC
2415 ~~council~~ shall meet at the request of the chair.

2416 (2) The Auditor General and the director of the Office of
2417 Program Policy Analysis and Government Accountability, or their
2418 designees, shall advise the LMUAC ~~council~~ to ensure that
2419 appropriate accounting procedures are used ~~utilized~~ and that a
2420 uniform method of collecting and reporting accurate costs of
2421 land management activities are created and can be used by all
2422 agencies.

2423 (3) (a) All land management activities and costs must be
2424 assigned to a specific category, and any single activity or cost
2425 may not be assigned to more than one category. Administrative
2426 costs, such as planning or training, shall be segregated from
2427 other management activities. Specific management activities and
2428 costs must initially be grouped, at a minimum, within the
2429 following categories:

- 2430 1. Resource management.
- 2431 2. Administration.
- 2432 3. Support.
- 2433 4. Capital improvements.
- 2434 5. Recreation visitor services.



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2435 6. Law enforcement activities.

2436

2437 Upon adoption of the initial list of land management categories
2438 by the LMUAC ~~council~~, agencies assigned to manage conservation
2439 or recreation lands shall, ~~on July 1, 2000, begin to~~ account for
2440 land management costs in accordance with the category to which
2441 an expenditure is assigned.

2442 (b) Each reporting agency shall also:

2443 1. Include a report of the available public use
2444 opportunities for each management unit of state land, the total
2445 management cost for public access and public use, and the cost
2446 associated with each use option.

2447 2. List the acres of land requiring minimal management
2448 effort, moderate management effort, and significant management
2449 effort pursuant to s. 259.032(9)(c). For each category created
2450 in paragraph (a), the reporting agency shall include the amount
2451 of funds requested, the amount of funds received, and the amount
2452 of funds expended for land management.

2453 3. List acres managed and cost of management for each park,
2454 preserve, forest, reserve, or management area.

2455 4. List acres managed, cost of management, and lead manager
2456 for each state lands management unit for which secondary
2457 management activities were provided.

2458 5. Include a report of the estimated calculable financial
2459 benefits to the public for the ecosystem services provided by
2460 conservation lands, based on the best readily available
2461 information or science that provides a standard measurement
2462 methodology to be consistently applied by the land managing
2463 agencies. Such information may include, but need not be limited



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2464 to, the value of natural lands for protecting the quality and
2465 quantity of drinking water through natural water filtration and
2466 recharge, contributions to protecting and improving air quality,
2467 benefits to agriculture through increased soil productivity and
2468 preservation of biodiversity, and savings to property and lives
2469 through flood control.

2470 (4) The LMUAC council shall provide a report of the
2471 agencies' expenditures pursuant to the adopted categories to the
2472 Acquisition and Restoration Council and the Division of State
2473 Lands for inclusion in its annual report required pursuant to s.
2474 259.036.

2475 (5) Should the LMUAC council determine that the list of
2476 land management categories needs to be revised, it shall meet
2477 upon the call of the chair.

2478 (6) Biennially, each reporting agency shall also submit an
2479 operational report for each management area along with an
2480 approved management plan. The report should assess the progress
2481 toward achieving short-term and long-term management goals of
2482 the approved management plan, including all land management
2483 activities, and identify any deficiencies in management and
2484 corrective actions to address identified deficiencies as
2485 appropriate. This report shall be submitted to the Acquisition
2486 and Restoration Council and the Division of State Lands for
2487 inclusion in its annual report required pursuant to s. 259.036.

2488 Section 18. Subsections (1) through (6) and subsections (8)
2489 through (19) of section 259.041, Florida Statutes, are repealed.

2490 Section 19. Subsection (2) of section 259.047, Florida
2491 Statutes, is amended to read:

2492 259.047 Acquisition of land on which an agricultural lease



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2493 exists.-

2494 (2) If ~~Where~~ consistent with the purposes of conservation
2495 and recreation ~~for which the property was acquired~~, the state or
2496 acquiring entity shall make reasonable efforts to keep lands in
2497 agricultural production which are in agricultural production at
2498 the time of acquisition.

2499 Section 20. Subsection (8) of section 259.101, Florida
2500 Statutes, is renumbered as subsection (7), and subsection (5),
2501 paragraph (a) of subsection (6), and present subsection (7) of
2502 that section are amended, to read:

2503 259.101 Florida Preservation 2000 Act.-

2504 (5) DISPOSITION OF LANDS.-

2505 (a) Any lands acquired pursuant to former paragraphs
2506 (3) (a), (3) (c), (3) (d), (3) (e), (3) (f), or (3) (g) of this
2507 section, Florida Statutes 2014, if title to such lands is vested
2508 in the board ~~of Trustees of the Internal Improvement Trust Fund~~,
2509 may be disposed of by the board ~~of Trustees of the Internal~~
2510 ~~Improvement Trust Fund~~ in accordance with the provisions and
2511 procedures set forth in s. 253.0341 ~~253.034(6)~~, and lands
2512 acquired pursuant to former paragraph (3) (b) of this section,
2513 Florida Statutes 2014, may be disposed of by the owning water
2514 management district in accordance with the procedures and
2515 provisions set forth in ss. 373.056 and 373.089 provided such
2516 disposition also shall satisfy the requirements of paragraphs
2517 (b) and (c).

2518 (b) Before land acquired with Preservation 2000 funds may
2519 be surplused as required by s. 253.0341 ~~253.034(6)~~ or determined
2520 to be no longer required for its purposes under s. 373.056(4),
2521 as applicable, there shall first be a determination by the board



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2522 ~~of Trustees of the Internal Improvement Trust Fund~~, or, in the
2523 case of water management district lands, by the owning water
2524 management district, that such land no longer needs to be
2525 preserved in furtherance of the intent of the Florida
2526 Preservation 2000 Act. Any lands eligible to be disposed of
2527 under this procedure also may be used to acquire other lands
2528 through an exchange of lands if such lands obtained in an
2529 exchange are described in the same paragraph of former
2530 subsection (3) of this section, Florida Statutes 2014, as the
2531 lands disposed.

2532 (c) Revenue derived from the disposal of lands acquired
2533 with Preservation 2000 funds may not be used for any purpose
2534 except for deposit into the Florida Forever Trust Fund within
2535 the department ~~of Environmental Protection~~, for recredit to the
2536 share held under former subsection (3) of this section, Florida
2537 Statutes 2014, in which such disposed land is described.

2538 (6) ALTERNATE USES OF ACQUIRED LANDS.—

2539 (a) The board ~~of Trustees of the Internal Improvement Trust~~
2540 ~~Fund~~, or, in the case of water management district lands, the
2541 owning water management district, may authorize the granting of
2542 a lease, easement, or license for the use of any lands acquired
2543 pursuant to former subsection (3) of this section, Florida
2544 Statutes 2014, for any governmental use permitted by s. 17, Art.
2545 IX of the State Constitution of 1885, as adopted by s. 9(a),
2546 Art. XII of the State Constitution, and any other incidental
2547 public or private use that is determined by the board or the
2548 owning water management district to be compatible with
2549 conservation, preservation, or recreation ~~the purposes for which~~
2550 ~~such lands were acquired.~~



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2551 ~~(7) ALTERNATIVES TO FEE SIMPLE ACQUISITION.—~~
2552 ~~(a) The Legislature finds that, with the increasing~~
2553 ~~pressures on the natural areas of this state, the state must~~
2554 ~~develop creative techniques to maximize the use of acquisition~~
2555 ~~and management moneys. The Legislature finds that the state's~~
2556 ~~environmental land-buying agencies should be encouraged to~~
2557 ~~augment their traditional, fee simple acquisition programs with~~
2558 ~~the use of alternatives to fee simple acquisition techniques.~~
2559 ~~The Legislature also finds that using alternatives to fee simple~~
2560 ~~acquisition by public land-buying agencies will achieve the~~
2561 ~~following public policy goals:~~
2562 ~~1. Allow more lands to be brought under public protection~~
2563 ~~for preservation, conservation, and recreational purposes at~~
2564 ~~less expense using public funds.~~
2565 ~~2. Retain, on local government tax rolls, some portion of~~
2566 ~~or interest in lands that are under public protection.~~
2567 ~~3. Reduce long-term management costs by allowing private~~
2568 ~~property owners to continue acting as stewards of the land, as~~
2569 ~~appropriate.~~
2570
2571 ~~Therefore, it is the intent of the Legislature that public land-~~
2572 ~~buying agencies develop programs to pursue alternatives to fee~~
2573 ~~simple acquisition and to educate private landowners about such~~
2574 ~~alternatives and the benefits of such alternatives. It also is~~
2575 ~~the intent of the Legislature that the department and the water~~
2576 ~~management districts spend a portion of their shares of~~
2577 ~~Preservation 2000 bond proceeds to purchase eligible properties~~
2578 ~~using alternatives to fee simple acquisition. Finally, it is the~~
2579 ~~intent of the Legislature that public agencies acquire lands in~~



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2580 ~~fee simple for public access and recreational activities. Lands~~
2581 ~~protected using alternatives to fee simple acquisition~~
2582 ~~techniques may not be accessible to the public unless such~~
2583 ~~access is negotiated with and agreed to by the private~~
2584 ~~landowners who retain interests in such lands.~~

2585 ~~(b) The Land Acquisition Advisory Council and the water~~
2586 ~~management districts shall identify, within their 1997~~
2587 ~~acquisition plans, those projects that require a full fee simple~~
2588 ~~interest to achieve the public policy goals, along with the~~
2589 ~~reasons why full title is determined to be necessary. The~~
2590 ~~council and the water management districts may use alternatives~~
2591 ~~to fee simple acquisition to bring the remaining projects in~~
2592 ~~their acquisition plans under public protection. For the~~
2593 ~~purposes of this subsection, the term "alternatives to fee~~
2594 ~~simple acquisition" includes the purchase of development rights;~~
2595 ~~conservation easements; flowage easements; the purchase of~~
2596 ~~timber rights, mineral rights, or hunting rights; the purchase~~
2597 ~~of agricultural interests or silvicultural interests; land~~
2598 ~~protection agreements; fee simple acquisitions with~~
2599 ~~reservations; or any other acquisition technique that achieves~~
2600 ~~the public policy goals identified in paragraph (a). It is~~
2601 ~~presumed that a private landowner retains the full range of uses~~
2602 ~~for all the rights or interests in the landowner's land which~~
2603 ~~are not specifically acquired by the public agency. Life estates~~
2604 ~~and fee simple acquisitions with leaseback provisions do not~~
2605 ~~qualify as an alternative to fee simple acquisition under this~~
2606 ~~subsection, although the department and the districts are~~
2607 ~~encouraged to use such techniques if appropriate.~~

2608 ~~(c) The department and each water management district shall~~



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2609 ~~implement initiatives to use alternatives to fee simple~~
2610 ~~acquisition and to educate private landowners about such~~
2611 ~~alternatives. These initiatives must include at least two~~
2612 ~~acquisitions a year by the department and each water management~~
2613 ~~district utilizing alternatives to fee simple.~~

2614 ~~(d) The Legislature finds that the lack of direct sales~~
2615 ~~comparison information has served as an impediment to successful~~
2616 ~~implementation of alternatives to fee simple acquisition. It is~~
2617 ~~the intent of the Legislature that, in the absence of direct~~
2618 ~~comparable sales information, appraisals of alternatives to fee~~
2619 ~~simple acquisitions be based on the difference between the full~~
2620 ~~fee simple valuation and the value of the interests remaining~~
2621 ~~with the seller after acquisition.~~

2622 ~~(e) The public agency that has been assigned management~~
2623 ~~responsibility shall inspect and monitor any less-than-fee-~~
2624 ~~simple interest according to the terms of the purchase agreement~~
2625 ~~relating to such interest.~~

2626 ~~(f) The department and the water management districts may~~
2627 ~~enter into joint acquisition agreements to jointly fund the~~
2628 ~~purchase of lands using alternatives to fee simple techniques.~~

2629 Section 21. Paragraph (a) of subsection (2), paragraphs (i)
2630 and (l) of subsection (3), subsections (10) and (13), paragraph
2631 (i) of subsection (15), and subsection (19) of section 259.105,
2632 Florida Statutes, are amended to read:

2633 259.105 The Florida Forever Act.—

2634 (2) (a) The Legislature finds and declares that:

2635 1. Land acquisition programs have provided tremendous
2636 financial resources for purchasing environmentally significant
2637 lands to protect those lands from imminent development or



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2638 alteration, thereby ensuring present and future generations'
2639 access to important waterways, open spaces, and recreation and
2640 conservation lands.

2641 2. The continued alteration and development of the state's
2642 ~~Florida's~~ natural and rural areas to accommodate the state's
2643 growing population have contributed to the degradation of water
2644 resources, the fragmentation and destruction of wildlife
2645 habitats, the loss of outdoor recreation space, and the
2646 diminishment of wetlands, forests, working landscapes, and
2647 coastal open space.

2648 3. The potential development of the state's ~~Florida's~~
2649 remaining natural areas and escalation of land values require
2650 government efforts to restore, bring under public protection, or
2651 acquire lands and water areas to preserve the state's essential
2652 ecological functions and invaluable quality of life.

2653 4. It is essential to protect the state's ecosystems by
2654 promoting a more efficient use of land, to ensure opportunities
2655 for viable agricultural activities on working lands, and to
2656 promote vital rural and urban communities that support and
2657 produce development patterns consistent with natural resource
2658 protection.

2659 5. The state's ~~Florida's~~ groundwater, surface waters, and
2660 springs are under tremendous pressure due to population growth
2661 and economic expansion and require special protection and
2662 restoration efforts, including the protection of uplands and
2663 springsheds that provide vital recharge to aquifer systems and
2664 are critical to the protection of water quality and water
2665 quantity of the aquifers and springs. To ensure that sufficient
2666 quantities of water are available to meet the current and future



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2667 needs of the natural systems and citizens of the state, and
2668 assist in achieving the planning goals of the department and the
2669 water management districts, water resource development projects
2670 on public lands, if where compatible with the resource values of
2671 and management objectives for the lands, are appropriate.

2672 6. The needs of urban, suburban, and small communities in
2673 the state Florida for high-quality outdoor recreational
2674 opportunities, greenways, trails, and open space have not been
2675 fully met by previous acquisition programs. Through such
2676 programs as the Florida Communities Trust and the Florida
2677 Recreation Development Assistance Program, the state shall place
2678 additional emphasis on acquiring, protecting, preserving, and
2679 restoring open space, ecological greenways, and recreation
2680 properties within urban, suburban, and rural areas where
2681 pristine natural communities or water bodies no longer exist
2682 because of the proximity of developed property.

2683 7. Many of the state's Florida's unique ecosystems, such as
2684 the Florida Everglades, are facing ecological collapse due to
2685 the state's Florida's burgeoning population growth and other
2686 economic activities. To preserve these valuable ecosystems for
2687 future generations, essential parcels of land must be acquired
2688 to facilitate ecosystem restoration.

2689 8. Access to public lands to support a broad range of
2690 outdoor recreational opportunities and the development of
2691 necessary infrastructure, if where compatible with the resource
2692 values of and management objectives for such lands, promotes an
2693 appreciation for the state's Florida's natural assets and
2694 improves the quality of life.

2695 9. Acquisition of lands, in fee simple, less than fee less-



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2696 ~~than fee~~ interest, or other techniques shall be based on a
2697 comprehensive science-based assessment of the state's ~~Florida's~~
2698 natural resources which targets essential conservation lands by
2699 prioritizing all current and future acquisitions based on a
2700 uniform set of data and planned so as to protect the integrity
2701 and function of ecological systems and working landscapes, and
2702 provide multiple benefits, including preservation of fish and
2703 wildlife habitat, recreation space for urban and rural areas,
2704 and the restoration of natural water storage, flow, and
2705 recharge.

2706 10. The state has embraced performance-based program
2707 budgeting as a tool to evaluate the achievements of publicly
2708 funded agencies, build in accountability, and reward those
2709 agencies which are able to consistently achieve quantifiable
2710 goals. While previous and existing state environmental programs
2711 have achieved varying degrees of success, few of these programs
2712 can be evaluated as to the extent of their achievements,
2713 primarily because performance measures, standards, outcomes, and
2714 goals were not established at the outset. Therefore, the Florida
2715 Forever program shall be developed and implemented in the
2716 context of measurable state goals and objectives.

2717 11. The state must play a major role in the recovery and
2718 management of its imperiled species through the acquisition,
2719 restoration, enhancement, and management of ecosystems that can
2720 support the major life functions of such species. It is the
2721 intent of the Legislature to support local, state, and federal
2722 programs that result in net benefit to imperiled species habitat
2723 by providing public and private land owners meaningful
2724 incentives for acquiring, restoring, managing, and repopulating



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2725 habitats for imperiled species. It is the further intent of the
2726 Legislature that public lands, both existing and to be acquired,
2727 identified by the lead land managing agency, in consultation
2728 with the ~~Florida~~ Fish and Wildlife Conservation Commission for
2729 animals or the Department of Agriculture and Consumer Services
2730 for plants, as habitat or potentially restorable habitat for
2731 imperiled species, be restored, enhanced, managed, and
2732 repopulated as habitat for such species to advance the goals and
2733 objectives of imperiled species management for conservation,
2734 recreation, or both, consistent with the land management plan
2735 ~~purposes for which such lands are acquired~~ without restricting
2736 other uses identified in the management plan. It is also the
2737 intent of the Legislature that of the proceeds distributed
2738 pursuant to subsection (3), additional consideration be given to
2739 acquisitions that achieve a combination of conservation goals,
2740 including the restoration, enhancement, management, or
2741 repopulation of habitat for imperiled species. The ~~Acquisition~~
2742 ~~and Restoration~~ council, in addition to the criteria in
2743 subsection (9), shall give weight to projects that include
2744 acquisition, restoration, management, or repopulation of habitat
2745 for imperiled species. The term "imperiled species" as used in
2746 this chapter and chapter 253, means plants and animals that are
2747 federally listed under the Endangered Species Act, or state-
2748 listed by the Fish and Wildlife Conservation Commission or the
2749 Department of Agriculture and Consumer Services.

2750 a. As part of the state's role, all state lands that have
2751 imperiled species habitat shall include as a consideration in
2752 management plan development the restoration, enhancement,
2753 management, and repopulation of such habitats. In addition, the



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2754 lead land managing agency of such state lands may use fees
2755 received from public or private entities for projects to offset
2756 adverse impacts to imperiled species or their habitat in order
2757 to restore, enhance, manage, repopulate, or acquire land and to
2758 implement land management plans developed under s. 253.034 or a
2759 land management prospectus developed and implemented under this
2760 chapter. Such fees shall be deposited into a foundation or fund
2761 created by each land management agency under s. 379.223, s.
2762 589.012, or s. 259.032(9)(c), to be used solely to restore,
2763 manage, enhance, repopulate, or acquire imperiled species
2764 habitat.

2765 ~~b. Where habitat or potentially restorable habitat for~~
2766 ~~imperiled species is located on state lands, the Fish and~~
2767 ~~Wildlife Conservation Commission and the Department of~~
2768 ~~Agriculture and Consumer Services shall be included on any~~
2769 ~~advisory group required under chapter 253, and the short-term~~
2770 ~~and long-term management goals required under chapter 253 must~~
2771 ~~advance the goals and objectives of imperiled species management~~
2772 ~~consistent with the purposes for which the land was acquired~~
2773 ~~without restricting other uses identified in the management~~
2774 ~~plan.~~

2775 12. There is a need to change the focus and direction of
2776 the state's major land acquisition programs and to extend
2777 funding and bonding capabilities, so that future generations may
2778 enjoy the natural resources of this state.

2779 (3) Less the costs of issuing and the costs of funding
2780 reserve accounts and other costs associated with bonds, the
2781 proceeds of cash payments or bonds issued pursuant to this
2782 section shall be deposited into the Florida Forever Trust Fund



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2783 created by s. 259.1051. The proceeds shall be distributed by the
2784 department of Environmental Protection in the following manner:

2785 (i) Three and five-tenths percent to the Department of
2786 Agriculture and Consumer Services for the acquisition of
2787 agricultural lands, through perpetual conservation easements and
2788 other perpetual less than fee ~~less than fee~~ techniques, which
2789 will achieve the objectives of Florida Forever and s. 570.71.
2790 Rules concerning the application, acquisition, and priority
2791 ranking process for such easements shall be developed pursuant
2792 to s. 570.71(10) and as provided by this paragraph. The board
2793 shall ensure that such rules are consistent with the acquisition
2794 process provided for in s. 570.715 ~~259.041~~. ~~Provisions of~~ The
2795 rules developed pursuant to s. 570.71(10), shall also provide
2796 for the following:

2797 1. An annual priority list shall be developed pursuant to
2798 s. 570.71(10), submitted to the ~~Acquisition and Restoration~~
2799 council for review, and approved by the board pursuant to s.
2800 259.04.

2801 2. Terms of easements and acquisitions proposed pursuant to
2802 this paragraph shall be approved by the board and may ~~shall~~ not
2803 be delegated by the board to any other entity receiving funds
2804 under this section.

2805 3. All acquisitions pursuant to this paragraph shall
2806 contain a clear statement that they are subject to legislative
2807 appropriation.

2808
2809 ~~No~~ Funds provided under this paragraph may not ~~shall~~ be expended
2810 until final adoption of rules by the board pursuant to s.
2811 570.71.



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2812 (l) For the purposes of paragraphs (e), (f), (g), and (h),
2813 the agencies that receive the funds shall develop their
2814 individual acquisition or restoration lists in accordance with
2815 specific criteria and numeric performance measures developed
2816 pursuant to s. 259.035(4). Proposed additions may be acquired if
2817 they are identified within the original project boundary, the
2818 management plan required pursuant to s. 253.034(5), or the
2819 management prospectus required pursuant to s. 259.032(7)(c)
2820 ~~259.032(7)(d)~~. Proposed additions not meeting the requirements
2821 of this paragraph shall be submitted to the ~~Acquisition and~~
2822 ~~Restoration~~ council for approval. The council may only approve
2823 the proposed addition if it meets two or more of the following
2824 criteria: serves as a link or corridor to other publicly owned
2825 property; enhances the protection or management of the property;
2826 would add a desirable resource to the property; would create a
2827 more manageable boundary configuration; has a high resource
2828 value that otherwise would be unprotected; or can be acquired at
2829 less than fair market value.

2830 (10) The ~~Acquisition and Restoration~~ council shall give
2831 increased priority to:

2832 (a) those Projects for which matching funds are available.

2833 (b) and to Project elements previously identified on an
2834 acquisition list pursuant to this section that can be acquired
2835 at 80 percent or less of appraised value.

2836 (c) Projects that can be acquired in less than fee
2837 ownership, such as a permanent conservation easement.

2838 (d) Projects that contribute to improving the quality and
2839 quantity of surface water and groundwater.

2840 (e) Projects that contribute to improving the water quality



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2841 and flow of springs.

2842 ~~(f) The council shall also give increased priority to those~~
2843 Projects for which ~~where~~ the state's land conservation plans
2844 overlap with the military's need to protect lands, water, and
2845 habitat to ensure the sustainability of military missions
2846 including:

2847 ~~1.(a)~~ Protecting habitat on nonmilitary land for any
2848 species found on military land that is designated as threatened
2849 or endangered, or is a candidate for such designation under the
2850 Endangered Species Act or any Florida statute;

2851 ~~2.(b)~~ Protecting areas underlying low-level military air
2852 corridors or operating areas; and

2853 ~~3.(c)~~ Protecting areas identified as clear zones, accident
2854 potential zones, and air installation compatible use buffer
2855 zones delineated by our military partners, and for which federal
2856 or other funding is available to assist with the project.

2857 (13) An affirmative vote of at least five members of the
2858 ~~Acquisition and Restoration~~ council shall be required in order
2859 to place a ~~proposed~~ project submitted pursuant to subsection (7)
2860 on the proposed project list developed pursuant to subsection
2861 (8). Any member of the council who by family or a business
2862 relationship has a connection with any project proposed to be
2863 ranked shall declare such interest before ~~prior to~~ voting for a
2864 project's inclusion on the list.

2865 (15) The ~~Acquisition and Restoration~~ council shall submit
2866 to the board ~~of trustees~~, with its list of projects, a report
2867 that includes, but need ~~shall~~ not be limited to, the following
2868 information for each project listed:

2869 (i) A management policy statement for the project and a



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2870 management prospectus pursuant to s. 259.032(7)(c)
2871 ~~259.032(7)(d)~~.

2872 (19) The ~~Acquisition and Restoration~~ council shall
2873 recommend adoption of rules by the board ~~of trustees~~ necessary
2874 to implement ~~the provisions of~~ this section relating to:
2875 solicitation, scoring, selecting, and ranking of Florida Forever
2876 project proposals; disposing of or leasing lands or water areas
2877 selected for funding through the Florida Forever program; and
2878 the process of reviewing and recommending for approval or
2879 rejection the land management plans associated with publicly
2880 owned properties. ~~Rules promulgated pursuant to this subsection~~
2881 ~~shall be submitted to the President of the Senate and the~~
2882 ~~Speaker of the House of Representatives, for review by the~~
2883 ~~Legislature, no later than 30 days prior to the 2010 Regular~~
2884 ~~Session and shall become effective only after legislative~~
2885 ~~review. In its review, the Legislature may reject, modify, or~~
2886 ~~take no action relative to such rules. The board of trustees~~
2887 ~~shall conform such rules to changes made by the Legislature, or,~~
2888 ~~if no action was taken by the Legislature, such rules shall~~
2889 ~~become effective.~~

2890 Section 22. Subsections (6) and (7) of section 259.1052,
2891 Florida Statutes, are amended to read:

2892 259.1052 Babcock Crescent B Ranch Florida Forever
2893 acquisition; conditions for purchase.-

2894 ~~(6) In addition to distributions authorized under s.~~
2895 ~~259.105(3), the Department of Environmental Protection is~~
2896 ~~authorized to distribute \$310 million in revenues from the~~
2897 ~~Florida Forever Trust Fund. This distribution shall represent~~
2898 ~~payment in full for the portion of the Babcock Crescent B Ranch~~



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2899 ~~to be acquired by the state under this section.~~

2900 ~~(7) As used in this section, the term "state's portion of~~
2901 ~~the Babcock Crescent B Ranch" comprises those lands to be~~
2902 ~~conveyed by special warranty deed to the Board of Trustees of~~
2903 ~~the Internal Improvement Trust Fund under the provisions of the~~
2904 ~~agreement for sale and purchase executed by the Board of~~
2905 ~~Trustees of the Internal Improvement Trust Fund, the Fish and~~
2906 ~~Wildlife Conservation Commission, the Department of Agriculture~~
2907 ~~and Consumer Services, and the participating local government,~~
2908 ~~as purchaser, and MSKP, III, a Florida corporation, as seller.~~

2909 Section 23. Section 570.715, Florida Statutes, is created,
2910 and subsection (7) of section 259.041, Florida Statutes, is
2911 transferred, renumbered as subsection (5) of section 570.715,
2912 Florida Statutes, and amended, to read:

2913 570.715 Conservation easement acquisition procedures.—

2914 (1) For less than fee simple acquisitions pursuant to s.
2915 570.71, the Department of Agriculture and Consumer Services
2916 shall comply with the following acquisition procedures:

2917 (a) Before conveyance of title by the department, evidence
2918 of marketable title in the form of a commitment for title
2919 insurance or an abstract of title with a title opinion shall be
2920 obtained.

2921 (b) Before approval by the board of trustees of an
2922 agreement to purchase less than fee simple title to land
2923 pursuant to s. 570.71, an appraisal of the parcel shall be
2924 required as follows:

2925 1. Each parcel to be acquired shall have at least one
2926 appraisal. Two appraisals are required when the estimated value
2927 of the parcel exceeds \$1 million. However, when both appraisals



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2928 exceed \$1 million and differ significantly, a third appraisal
2929 may be obtained.

2930 2. Appraisal fees and associated costs shall be paid by the
2931 department. All appraisals used for the acquisition of less than
2932 fee simple interest in lands pursuant to this section shall be
2933 prepared by a state-certified appraiser who meets the standards
2934 and criteria established by rule of the board of trustees. Each
2935 appraiser selected to appraise a particular parcel shall, before
2936 contracting with the department or a participant in a multiparty
2937 agreement, submit to the department or participant an affidavit
2938 substantiating that he or she has no vested or fiduciary
2939 interest in such parcel.

2940 (c) A certified survey must be made that meets the minimum
2941 requirements for upland parcels established in the Standards of
2942 Practice for Land Surveying in Florida published by the
2943 department and that accurately portrays, to the greatest extent
2944 practicable, the condition of the parcel as it currently exists.
2945 The requirement for a certified survey may, in whole or in part,
2946 be waived by the board of trustees any time before acquisition
2947 of the less than fee simple interest. If an existing boundary
2948 map and description of a parcel are determined by the department
2949 to be sufficient for appraisal purposes, the department may
2950 temporarily waive the requirement for a survey until any time
2951 before conveyance of title to the parcel.

2952 (d) On behalf of the board of trustees and before the
2953 appraisal of parcels approved for purchase under ss.
2954 259.105(3)(i) and 570.71, the department may enter into option
2955 contracts to buy less than fee simple interest in such parcels.
2956 Any such option contract shall state that the final purchase



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2957 price is subject to approval by the board of trustees and that
2958 the final purchase price may not exceed the maximum offer
2959 authorized by law. Any such option contract presented to the
2960 board of trustees for final purchase price approval shall
2961 explicitly state that payment of the final purchase price is
2962 subject to an appropriation by the Legislature. The
2963 consideration for any such option contract may not exceed \$1,000
2964 or 0.01 percent of the estimate by the department of the value
2965 of the parcel, whichever amount is greater.

2966 (e) A final offer shall be in the form of an option
2967 contract or agreement for purchase of the less than fee simple
2968 interest and shall be signed and attested to by the owner and
2969 the department. Before the department signs the agreement for
2970 purchase of the less than fee simple interest or exercises the
2971 option contract, the requirements of s. 286.23 shall be complied
2972 with.

2973 (f) The procedures provided in s. 253.025(9)(a)-(d) and
2974 (10) shall be followed.

2975 (2) If the public's interest is reasonably protected, the
2976 board of trustees may:

2977 (a) Waive any requirement of this section.

2978 (b) Waive any rules adopted pursuant to s. 570.71,
2979 notwithstanding chapter 120.

2980 (c) Substitute any other reasonably prudent procedures,
2981 including federally mandated acquisition procedures, for the
2982 procedures in this section, if federal funds are available and
2983 will be used for the purchase of a less than fee simple interest
2984 in lands, title to which will vest in the board of trustees, and
2985 qualification for such federal funds requires compliance with



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2986 federally mandated acquisition procedures.

2987 (3) The less than fee simple land acquisition procedures
2988 provided in this section are for voluntary, negotiated
2989 acquisitions.

2990 (4) For purposes of this section, the term "negotiations"
2991 does not include preliminary contacts with the property owner to
2992 determine availability or eligibility of the property, existing
2993 appraisal data, existing abstracts, and surveys.

2994 ~~(5) (7) Prior to approval by the board of trustees or, when~~
2995 ~~applicable, the Department of Environmental Protection, of any~~
2996 ~~agreement to purchase land pursuant to this chapter, chapter~~
2997 ~~260, or chapter 375, and prior to negotiations with the parcel~~
2998 ~~owner to purchase any other land, title to which will vest in~~
2999 ~~the board of trustees, an appraisal of the parcel shall be~~
3000 ~~required as follows:~~

3001 ~~(a) The board of trustees shall adopt by rule the method~~
3002 ~~for determining the value of parcels sought to be acquired by~~
3003 ~~state agencies pursuant to this section.~~

3004 ~~(b) Each parcel to be acquired shall have at least one~~
3005 ~~appraisal. Two appraisals are required when the estimated value~~
3006 ~~of the parcel exceeds \$1 million. However, when both appraisals~~
3007 ~~exceed \$1 million and differ significantly, a third appraisal~~
3008 ~~may be obtained. When a parcel is estimated to be worth \$100,000~~
3009 ~~or less and the director of the Division of State Lands finds~~
3010 ~~that the cost of obtaining an outside appraisal is not~~
3011 ~~justified, an appraisal prepared by the division may be used.~~

3012 ~~(c) Appraisal fees and associated costs shall be paid by~~
3013 ~~the agency proposing the acquisition. The board of trustees~~
3014 ~~shall approve qualified fee appraisal organizations. All~~



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3015 ~~appraisals used for the acquisition of lands pursuant to this~~
3016 ~~section shall be prepared by a member of an approved appraisal~~
3017 ~~organization or by a state-certified appraiser who meets the~~
3018 ~~standards and criteria established in rule by the board of~~
3019 ~~trustees. Each fee appraiser selected to appraise a particular~~
3020 ~~parcel shall, prior to contracting with the agency or a~~
3021 ~~participant in a multiparty agreement, submit to that agency or~~
3022 ~~participant an affidavit substantiating that he or she has no~~
3023 ~~vested or fiduciary interest in such parcel.~~

3024 ~~(d) The fee appraiser and the review appraiser for the~~
3025 ~~agency shall not act in any way that may be construed as~~
3026 ~~negotiating with the property owner.~~

3027 ~~(e) Generally,~~ Appraisal reports are confidential and
3028 exempt from ~~the provisions of~~ s. 119.07(1), for use by the
3029 department agency and the board of trustees, until an option
3030 contract is executed or, if an ~~no~~ option contract is not
3031 executed, until 2 weeks before a contract or agreement for
3032 purchase is considered for approval by the board of trustees.
3033 However, the department has the authority, at its discretion, to
3034 disclose appraisal reports to private landowners during
3035 negotiations for acquisitions using alternatives to fee simple
3036 techniques, if the department determines that disclosure of such
3037 reports will bring the proposed acquisition to closure. The
3038 department ~~Division of State Lands~~ may also disclose appraisal
3039 information to public agencies or nonprofit organizations that
3040 agree to maintain the confidentiality of the reports or
3041 information when joint acquisition of property is contemplated,
3042 or when a public agency or nonprofit organization enters into a
3043 written multiparty agreement with the department ~~division~~ to



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3044 ~~purchase and hold property for subsequent resale to the~~
3045 ~~division. In addition, the division may use, as its own,~~
3046 ~~appraisals obtained by a public agency or nonprofit~~
3047 ~~organization, provided the appraiser is selected from the~~
3048 ~~division's list of appraisers and the appraisal is reviewed and~~
3049 ~~approved by the division. For the purposes of this subsection~~
3050 ~~chapter, the term "nonprofit organization" means an organization~~
3051 ~~whose purposes include the preservation of natural resources,~~
3052 ~~and which is exempt from federal income tax under s. 501(c)(3)~~
3053 ~~of the Internal Revenue Code. The department agency may release~~
3054 ~~an appraisal report when the passage of time has rendered the~~
3055 ~~conclusions of value in the report invalid or when the~~
3056 ~~department acquiring agency has terminated negotiations.~~

3057 ~~(f) The Division of State Lands may use, as its own,~~
3058 ~~appraisals obtained by a public agency or nonprofit~~
3059 ~~organization, provided that the appraiser is selected from the~~
3060 ~~division's list of appraisers and the appraisal is reviewed and~~
3061 ~~approved by the division. For the purposes of this chapter, the~~
3062 ~~term "nonprofit organization" means an organization whose~~
3063 ~~purposes include the preservation of natural resources and which~~
3064 ~~is exempt from federal income tax under s. 501(c)(3) of the~~
3065 ~~Internal Revenue Code.~~

3066
3067 ~~Notwithstanding the provisions of this subsection, on behalf of~~
3068 ~~the board and before the appraisal of parcels approved for~~
3069 ~~purchase under this chapter, the Secretary of Environmental~~
3070 ~~Protection or the director of the Division of State Lands may~~
3071 ~~enter into option contracts to buy such parcels. Any such option~~
3072 ~~contract shall state that the final purchase price is subject to~~



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3073 ~~approval by the board or, when applicable, the secretary and~~
3074 ~~that the final purchase price may not exceed the maximum offer~~
3075 ~~allowed by law. Any such option contract presented to the board~~
3076 ~~for final purchase price approval shall explicitly state that~~
3077 ~~payment of the final purchase price is subject to an~~
3078 ~~appropriation from the Legislature. The consideration for such~~
3079 ~~an option may not exceed \$1,000 or 0.01 percent of the estimate~~
3080 ~~by the department of the value of the parcel, whichever amount~~
3081 ~~is greater.~~

3082 Section 24. Subsections (1), (3), and (7) of section
3083 373.089, Florida Statutes, are amended, and subsection (8) is
3084 added to that section, to read:

3085 373.089 Sale or exchange of lands, or interests or rights
3086 in lands.—The governing board of the district may sell lands, or
3087 interests or rights in lands, to which the district has acquired
3088 title or to which it may hereafter acquire title in the
3089 following manner:

3090 (1) Any lands, or interests or rights in lands, determined
3091 by the governing board to be surplus may be sold by the
3092 district, at any time, for the highest price obtainable;
3093 however, in no case shall the selling price be less than the
3094 appraised value of the lands, or interests or rights in lands,
3095 as determined by a certified appraisal obtained within 360 ~~120~~
3096 days before the effective date of a contract for sale.

3097 (3) Before selling any surplus land, or interests or rights
3098 in land, it shall be the duty of the district to cause a notice
3099 of intention to sell to be published in a newspaper published in
3100 the county in which the land, or interests or rights in the
3101 land, is situated once each week for 3 successive weeks, three ~~three~~



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3102 insertions being sufficient.)~~),~~ The first publication of the
3103 required notice must occur at least ~~which shall be not less than~~
3104 30 days, but not ~~nor~~ more than 360 ~~45~~ days, before ~~prior to~~ any
3105 sale and must include, ~~which notice shall set forth~~ a
3106 description of lands, or interests or rights in lands, to be
3107 offered for sale.

3108 (7) Notwithstanding other provisions of this section, the
3109 governing board shall first offer title to lands acquired in
3110 whole or in part with Florida Forever funds which are determined
3111 to be no longer needed for conservation purposes to the Board of
3112 Trustees of the Internal Improvement Trust Fund unless the
3113 disposition of those lands is for the following purposes:

3114 (a) Linear facilities, including electric transmission and
3115 distribution facilities, telecommunication transmission and
3116 distribution facilities, pipeline transmission and distribution
3117 facilities, public transportation corridors, and related
3118 appurtenances.

3119 (b) The disposition of the fee interest in the land where a
3120 conservation easement is retained by the district to fulfill the
3121 conservation objectives for which the land was acquired.

3122 (c) An exchange of the land for other lands that meet or
3123 exceed the conservation objectives for which the original land
3124 was acquired in accordance with subsection (4).

3125 (d) To be used by a governmental entity for a public
3126 purpose.

3127 (e) The portion of an overall purchase deemed surplus at
3128 the time of the acquisition.

3129 (8) If a parcel of land is no longer essential or necessary
3130 for conservation purposes and is valued at \$25,000 or less as



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3131 determined by a certified appraisal obtained within 360 days
3132 before the effective date of a contract for the sale, the
3133 governing board may determine that the parcel of land is
3134 surplus. The notice of intention to sell must be published as
3135 required under subsection (3), one time only. The governing
3136 board shall send the notice of intention to sell the parcel to
3137 adjacent property owners by certified mail and publish the
3138 notice on its website.

3139 (a) Fourteen days after publication of such notice, the
3140 district may sell the parcel to an adjacent property owner or,
3141 if there are two or more owners of adjacent property, accept
3142 sealed bids and sell the parcel to the highest bidder or reject
3143 all offers.

3144 (b) Thirty days after publication of such notice, the
3145 district shall accept sealed bids and may sell the parcel to the
3146 highest bidder or reject all offers.

3147
3148 If ~~In the event~~ the Board of Trustees of the Internal
3149 Improvement Trust Fund declines to accept title to the lands
3150 offered under this section, the land may be disposed of by the
3151 district under the provisions of this section.

3152 Section 25. Paragraph (d) of subsection (1) of section
3153 73.015, Florida Statutes, is amended to read:

3154 73.015 Presuit negotiation.-

3155 (1) Effective July 1, 2000, before an eminent domain
3156 proceeding is brought under this chapter or chapter 74, the
3157 condemning authority must attempt to negotiate in good faith
3158 with the fee owner of the parcel to be acquired, must provide
3159 the fee owner with a written offer and, if requested, a copy of



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3160 the appraisal upon which the offer is based, and must attempt to
3161 reach an agreement regarding the amount of compensation to be
3162 paid for the parcel.

3163 (d) Notwithstanding this subsection, with respect to lands
3164 acquired under s. 253.025 ~~259.041~~, the condemning authority is
3165 not required to give the fee owner the current appraisal before
3166 executing an option contract.

3167 Section 26. Paragraph (b) of subsection (1) of section
3168 125.355, Florida Statutes, is amended to read:

3169 125.355 Proposed purchase of real property by county;
3170 confidentiality of records; procedure.-

3171 (1)

3172 (b) If the exemptions provided in this section are
3173 utilized, the governing body shall obtain at least one appraisal
3174 by an appraiser approved pursuant to s. 253.025 ~~253.025(6)(b)~~
3175 for each purchase in an amount of not more than \$500,000. For
3176 each purchase in an amount in excess of \$500,000, the governing
3177 body shall obtain at least two appraisals by appraisers approved
3178 pursuant to s. 253.025 ~~253.025(6)(b)~~. If the agreed purchase
3179 price exceeds the average appraised price of the two appraisals,
3180 the governing body is required to approve the purchase by an
3181 extraordinary vote. The governing body may, by ordinary vote,
3182 exempt a purchase in an amount of \$100,000 or less from the
3183 requirement for an appraisal.

3184 Section 27. Paragraph (b) of subsection (1) of section
3185 166.045, Florida Statutes, is amended to read:

3186 166.045 Proposed purchase of real property by municipality;
3187 confidentiality of records; procedure.-

3188 (1)



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3189 (b) If the exemptions provided in this section are
3190 utilized, the governing body shall obtain at least one appraisal
3191 by an appraiser approved pursuant to s. 253.025 ~~253.025(6)(b)~~
3192 for each purchase in an amount of not more than \$500,000. For
3193 each purchase in an amount in excess of \$500,000, the governing
3194 body shall obtain at least two appraisals by appraisers approved
3195 pursuant to s. 253.025 ~~253.025(6)(b)~~. If the agreed purchase
3196 price exceeds the average appraised price of the two appraisals,
3197 the governing body is required to approve the purchase by an
3198 extraordinary vote. The governing body may, by ordinary vote,
3199 exempt a purchase in an amount of \$100,000 or less from the
3200 requirement for an appraisal.

3201 Section 28. Subsection (2) of section 215.82, Florida
3202 Statutes, is amended to read:

3203 215.82 Validation; when required.—

3204 (2) Any bonds issued pursuant to this act which are
3205 validated shall be validated in the manner provided by chapter
3206 75. In actions to validate bonds to be issued in the name of the
3207 State Board of Education under s. 9(a) and (d), Art. XII of the
3208 State Constitution and bonds to be issued pursuant to chapter
3209 259, the Land Conservation Program Act of 1972, the complaint
3210 shall be filed in the circuit court of the county where the seat
3211 of state government is situated, the notice required to be
3212 published by s. 75.06 shall be published only in the county
3213 where the complaint is filed, and the complaint and order of the
3214 circuit court shall be served only on the state attorney of the
3215 circuit in which the action is pending. In any action to
3216 validate bonds issued pursuant to s. 1010.62 or issued pursuant
3217 to s. 9(a)(1), Art. XII of the State Constitution or issued



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3218 pursuant to s. 215.605 or s. 338.227, the complaint shall be
3219 filed in the circuit court of the county where the seat of state
3220 government is situated, the notice required to be published by
3221 s. 75.06 shall be published in a newspaper of general
3222 circulation in the county where the complaint is filed and in
3223 two other newspapers of general circulation in the state, and
3224 the complaint and order of the circuit court shall be served
3225 only on the state attorney of the circuit in which the action is
3226 pending; provided, however, that if publication of notice
3227 pursuant to this section would require publication in more
3228 newspapers than would publication pursuant to s. 75.06, such
3229 publication shall be made pursuant to s. 75.06.

3230 Section 29. Section 215.965, Florida Statutes, is amended
3231 to read:

3232 215.965 Disbursement of state moneys.—Except as provided in
3233 s. 17.076, s. 253.025(17) ~~253.025(14)~~, ~~s. 259.041(18)~~, s.
3234 717.124(4)(b) and (c), s. 732.107(5), or s. 733.816(5), all
3235 moneys in the State Treasury shall be disbursed by state
3236 warrant, drawn by the Chief Financial Officer upon the State
3237 Treasury and payable to the ultimate beneficiary. This
3238 authorization shall include electronic disbursement.

3239 Section 30. Subsection (8) of section 253.027, Florida
3240 Statutes, is amended to read:

3241 253.027 Emergency archaeological property acquisition.—

3242 (8) WAIVER OF APPRAISALS OR SURVEYS.—The Board of Trustees
3243 of the Internal Improvement Trust Fund may waive or limit any
3244 appraisal or survey requirements in s. 253.025 ~~259.041~~, if
3245 necessary to effectuate the purposes of this section. Fee simple
3246 title is not required to be conveyed if some lesser interest



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3247 will allow the preservation of the archaeological resource.
3248 Properties purchased pursuant to this section shall be
3249 considered archaeologically unique or significant properties and
3250 may be purchased under the provisions of s. 253.025(9)
3251 ~~253.025(7)~~.

3252 Section 31. Section 253.7824, Florida Statutes, is amended
3253 to read:

3254 253.7824 Sale of products; proceeds.—The Department of of
3255 Environmental Protection may authorize the removal and sale of
3256 products from the land where environmentally appropriate, the
3257 proceeds from which shall be deposited into the appropriate
3258 trust fund in accordance with the same disposition provided
3259 under s. 253.0341 ~~253.034(6)(k), (l), or (m)~~ applicable to the
3260 sale of land.

3261 Section 32. Paragraphs (b) and (c) of subsection (2) of
3262 section 260.015, Florida Statutes, are amended to read:

3263 260.015 Acquisition of land.—

3264 (2) For purposes of the Florida Greenways and Trails
3265 Program, the board may:

3266 (b) Accept title to abandoned railroad rights-of-way which
3267 is conveyed by quitclaim deed through purchase, dedication,
3268 gift, grant, or settlement, notwithstanding s. 253.025
3269 ~~259.041(1)~~.

3270 (c) Enter into an agreement or, upon delegation, the
3271 department may enter into an agreement, with a nonprofit
3272 corporation, as defined in s. 253.025 ~~259.041(7)(e)~~, to assume
3273 responsibility for acquisition of lands pursuant to this
3274 section. The agreement may transfer responsibility for all
3275 matters which may be delegated or waived pursuant to s. 253.025



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3276 ~~259.041(1).~~

3277 Section 33. Paragraph (b) of subsection (3) of section
3278 260.016, Florida Statutes, is amended to read:

3279 260.016 General powers of the department.—

3280 (3) The department or its designee is authorized to
3281 negotiate with potentially affected private landowners as to the
3282 terms under which such landowners would consent to the public
3283 use of their lands as part of the greenways and trails system.
3284 The department shall be authorized to agree to incentives for a
3285 private landowner who consents to this public use of his or her
3286 lands for conservation or recreational purposes, including, but
3287 not limited to, the following:

3288 (b) Agreement to exchange, subject to the approval of the
3289 board ~~of Trustees of the Internal Improvement Trust Fund~~ or
3290 other applicable unit of government, ownership or other rights
3291 of use of public lands for the ownership or other rights of use
3292 of privately owned lands. Any exchange of state-owned lands,
3293 title to which is vested in the board ~~of Trustees of the~~
3294 ~~Internal Improvement Trust Fund~~, for privately owned lands shall
3295 be subject to the requirements of s. 253.025 ~~259.041~~.

3296 Section 34. Subsections (6) and (7) of section 369.317,
3297 Florida Statutes, are amended to read:

3298 369.317 Wekiva Parkway.—

3299 (6) The Central Florida Expressway Authority is hereby
3300 granted the authority to act as a third-party acquisition agent,
3301 pursuant to s. 253.025 ~~259.041~~ on behalf of the Board of
3302 Trustees of the Internal Improvement Trust Fund or chapter 373
3303 on behalf of the governing board of the St. Johns River Water
3304 Management District, for the acquisition of all necessary lands,



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3305 property and all interests in property identified herein,
3306 including fee simple or less than fee ~~less than fee~~ simple
3307 interests. The lands subject to this authority are identified in
3308 paragraph 10.a., State of Florida, Office of the Governor,
3309 Executive Order 03-112 of July 1, 2003, and in Recommendation 16
3310 of the Wekiva Basin Area Task Force created by Executive Order
3311 2002-259, such lands otherwise known as Neighborhood Lakes, a
3312 1,587+/-acre parcel located in Orange and Lake Counties within
3313 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,
3314 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;
3315 Seminole Woods/Swamp, a 5,353+/-acre parcel located in Lake
3316 County within Section 37, Township 19 South, Range 28 East; New
3317 Garden Coal; a 1,605+/-acre parcel in Lake County within
3318 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28
3319 East; Pine Plantation, a 617+/-acre tract consisting of eight
3320 individual parcels within the Apopka City limits. The Department
3321 of Transportation, the Department of Environmental Protection,
3322 the St. Johns River Water Management District, and other land
3323 acquisition entities shall participate and cooperate in
3324 providing information and support to the third-party acquisition
3325 agent. The land acquisition process authorized by this paragraph
3326 shall begin no later than December 31, 2004. Acquisition of the
3327 properties identified as Neighborhood Lakes, Pine Plantation,
3328 and New Garden Coal, or approval as a mitigation bank shall be
3329 concluded no later than December 31, 2010. Department of
3330 Transportation and Central Florida Expressway Authority funds
3331 expended to purchase an interest in those lands identified in
3332 this subsection shall be eligible as environmental mitigation
3333 for road construction related impacts in the Wekiva Study Area.



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3334 If any of the lands identified in this subsection are used as
3335 environmental mitigation for road-construction-related impacts
3336 incurred by the Department of Transportation or Central Florida
3337 Expressway Authority, or for other impacts incurred by other
3338 entities, within the Wekiva Study Area or within the Wekiva
3339 parkway alignment corridor, and if the mitigation offsets these
3340 impacts, the St. Johns River Water Management District and the
3341 Department of Environmental Protection shall consider the
3342 activity regulated under part IV of chapter 373 to meet the
3343 cumulative impact requirements of s. 373.414(8)(a).

3344 (a) Acquisition of the land described in this section is
3345 required to provide right-of-way for the Wekiva Parkway, a
3346 limited access roadway linking State Road 429 to Interstate 4,
3347 an essential component in meeting regional transportation needs
3348 to provide regional connectivity, improve safety, accommodate
3349 projected population and economic growth, and satisfy critical
3350 transportation requirements caused by increased traffic volume
3351 growth and travel demands.

3352 (b) Acquisition of the lands described in this section is
3353 also required to protect the surface water and groundwater
3354 resources of Lake, Orange, and Seminole counties, otherwise
3355 known as the Wekiva Study Area, including recharge within the
3356 springshed that provides for the Wekiva River system. Protection
3357 of this area is crucial to the long term viability of the Wekiva
3358 River and springs and the central Florida region's water supply.
3359 Acquisition of the lands described in this section is also
3360 necessary to alleviate pressure from growth and development
3361 affecting the surface and groundwater resources within the
3362 recharge area.



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3363 (c) Lands acquired pursuant to this section that are needed
3364 for transportation facilities for the Wekiva Parkway shall be
3365 determined not necessary for conservation purposes pursuant to
3366 ss. 253.0341 ~~253.034(6)~~ and 373.089(5) and shall be transferred
3367 to or retained by the Central Florida Expressway Authority or
3368 the Department of Transportation upon reimbursement of the full
3369 purchase price and acquisition costs.

3370 (7) The Department of Transportation, the Department of
3371 Environmental Protection, the St. Johns River Water Management
3372 District, Central Florida Expressway Authority, and other land
3373 acquisition entities shall cooperate and establish funding
3374 responsibilities and partnerships by agreement to the extent
3375 funds are available to the various entities. Properties acquired
3376 with Florida Forever funds shall be in accordance with s.
3377 253.025 ~~259.041~~ or chapter 373. The Central Florida Expressway
3378 Authority shall acquire land in accordance with this section ~~of~~
3379 ~~law~~ to the extent funds are available from the various funding
3380 partners; however, the authority is, but shall not be required
3381 or not assumed to fund the land acquisition beyond the agreement
3382 and funding provided by the various land acquisition entities.

3383 Section 35. Paragraph (a) of subsection (3) of section
3384 373.139, Florida Statutes, is amended to read:

3385 373.139 Acquisition of real property.-

3386 (3) The initial 5-year work plan and any subsequent
3387 modifications or additions thereto shall be adopted by each
3388 water management district after a public hearing. Each water
3389 management district shall provide at least 14 days' advance
3390 notice of the hearing date and shall separately notify each
3391 county commission within which a proposed work plan project or



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3392 project modification or addition is located of the hearing date.

3393 (a) Appraisal reports, offers, and counteroffers are
3394 confidential and exempt from ~~the provisions of~~ s. 119.07(1)
3395 until an option contract is executed or, if no option contract
3396 is executed, until 30 days before a contract or agreement for
3397 purchase is considered for approval by the governing board.

3398 However, each district may, at its discretion, disclose
3399 appraisal reports to private landowners during negotiations for
3400 acquisitions using alternatives to fee simple techniques, if the
3401 district determines that disclosure of such reports will bring
3402 the proposed acquisition to closure. If ~~In the event that~~

3403 negotiation is terminated by the district, the appraisal report,
3404 offers, and counteroffers shall become available pursuant to s.
3405 119.07(1). Notwithstanding ~~the provisions of~~ this section and s.
3406 253.025 ~~259.041~~, a district and the Division of State Lands may

3407 share and disclose appraisal reports, appraisal information,
3408 offers, and counteroffers when joint acquisition of property is
3409 contemplated. A district and the Division of State Lands shall
3410 maintain the confidentiality of such appraisal reports,

3411 appraisal information, offers, and counteroffers in conformance
3412 with this section and s. 253.025 ~~259.041~~, except in those cases
3413 in which a district and the division have exercised discretion
3414 to disclose such information. A district may disclose appraisal

3415 information, offers, and counteroffers to a third party who has
3416 entered into a contractual agreement with the district to work
3417 with or on the behalf of or to assist the district in connection
3418 with land acquisitions. The third party shall maintain the
3419 confidentiality of such information in conformance with this
3420 section. In addition, a district may use, as its own, appraisals



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3421 obtained by a third party provided the appraiser is selected
3422 from the district's list of approved appraisers and the
3423 appraisal is reviewed and approved by the district.

3424 Section 36. Subsection (8) of section 375.031, Florida
3425 Statutes, is amended to read:

3426 375.031 Acquisition of land; procedures.—

3427 (8) The department may, if it deems it desirable and in the
3428 best interest of the program, request the board of trustees to
3429 sell or otherwise dispose of any lands or water storage areas
3430 acquired under this act. The board of trustees, when so
3431 requested, shall offer the lands or water storage areas, on such
3432 terms as the department may determine, first to other state
3433 agencies and then, if still available, to the county or
3434 municipality in which the lands or water storage areas lie. If
3435 not acquired by another state agency or local governmental body
3436 for beneficial public purposes, the lands or water storage areas
3437 shall then be offered by the board of trustees at public sale,
3438 after first giving notice of such sale by publication in a
3439 newspaper published in the county or counties in which such
3440 lands or water storage areas lie not less than once a week for 3
3441 consecutive weeks. All proceeds from the sale or disposition of
3442 any lands or water storage areas pursuant to this section shall
3443 be deposited into the appropriate trust fund pursuant to s.
3444 253.0341 ~~253.034(6)(k), (l), or (m)~~.

3445 Section 37. Subsection (2) of section 375.041, Florida
3446 Statutes, is amended to read:

3447 375.041 Land Acquisition Trust Fund.—

3448 (2) All moneys and revenue from the sale or other
3449 disposition of land, water areas, or related resources acquired



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3450 on or after July 1, 2015, for the purposes of s. 28, Art. X of
3451 the State Constitution shall be deposited into or credited to
3452 the Land Acquisition Trust Fund, except as otherwise provided
3453 pursuant to s. 253.0341 ~~253.034(6)(1)~~.

3454 Section 38. Paragraph (a) of subsection (1) of section
3455 380.05, Florida Statutes, is amended to read:

3456 380.05 Areas of critical state concern.—

3457 (1) (a) The state land planning agency may from time to time
3458 recommend to the Administration Commission specific areas of
3459 critical state concern. In its recommendation, the agency shall
3460 include recommendations with respect to the purchase of lands
3461 situated within the boundaries of the proposed area as
3462 environmentally endangered lands and outdoor recreation lands
3463 under the Land Conservation Program Act of 1972. The agency also
3464 shall include any report or recommendation of a resource
3465 planning and management committee appointed pursuant to s.
3466 380.045; the dangers that would result from uncontrolled or
3467 inadequate development of the area and the advantages that would
3468 be achieved from the development of the area in a coordinated
3469 manner; a detailed boundary description of the proposed area;
3470 specific principles for guiding development within the area; an
3471 inventory of lands owned by the state, federal, county, and
3472 municipal governments within the proposed area; and a list of
3473 the state agencies with programs that affect the purpose of the
3474 designation. The agency shall recommend actions which the local
3475 government and state and regional agencies must accomplish in
3476 order to implement the principles for guiding development. These
3477 actions may include, but need ~~shall~~ not be limited to, revisions
3478 of the local comprehensive plan and adoption of land development



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3479 regulations, density requirements, and special permitting
3480 requirements.

3481 Section 39. Paragraph (b) of subsection (5) of section
3482 380.055, Florida Statutes, is amended to read:

3483 380.055 Big Cypress Area.—

3484 (5) ACQUISITION OF BIG CYPRESS NATIONAL PRESERVE.—

3485 (b) The Board of Trustees of the Internal Improvement Trust
3486 Fund shall set aside from the proceeds of the full faith and
3487 credit bonds authorized by the Land Conservation Program Act of
3488 ~~1972~~, or from other funds authorized, appropriated, or allocated
3489 for the acquisition of environmentally endangered lands, or from
3490 both sources, \$40 million for acquisition of the area proposed
3491 as the Federal Big Cypress National Preserve, Florida, or
3492 portions thereof.

3493 Section 40. Paragraph (f) of subsection (4) of section
3494 380.508, Florida Statutes, is amended to read:

3495 380.508 Projects; development, review, and approval.—

3496 (4) Projects or activities which the trust undertakes,
3497 coordinates, or funds in any manner shall comply with the
3498 following guidelines:

3499 (f) The trust shall cooperate with local governments, state
3500 agencies, federal agencies, and nonprofit organizations in
3501 ensuring the reservation of lands for parks, recreation, fish
3502 and wildlife habitat, historical preservation, or scientific
3503 study. If any local government, state agency, federal agency, or
3504 nonprofit organization is unable, due to limited financial
3505 resources or other circumstances of a temporary nature, to
3506 acquire a site for the purposes described in this paragraph, the
3507 trust may acquire and hold the site for subsequent conveyance to



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3508 the appropriate governmental agency or nonprofit organization.
3509 The trust may provide such technical assistance as required to
3510 aid local governments, state and federal agencies, and nonprofit
3511 organizations in completing acquisition and related functions.
3512 The trust may not reserve lands acquired in accordance with this
3513 paragraph for more than 5 years from the time of acquisition. A
3514 local government, federal or state agency, or nonprofit
3515 organization may acquire the land at any time during this period
3516 for public purposes. The purchase price shall be based upon the
3517 trust's cost of acquisition, plus administrative and management
3518 costs in reserving the land. The payment of the purchase price
3519 shall be by money, trust-approved property of an equivalent
3520 value, or a combination of money and trust-approved property.
3521 If, after the 5-year period, the trust has not sold to a
3522 governmental agency or nonprofit organization land acquired for
3523 site reservation, the trust shall dispose of such land at fair
3524 market value or shall trade it for other land of comparable
3525 value which will serve to accomplish the purposes of this part.
3526 Any proceeds from the sale of such land received by the
3527 department shall be deposited into the appropriate trust fund
3528 pursuant to s. 253.0341 ~~253.034(6)(k), (l), or (m)~~.

3529
3530 Project costs may include costs of providing parks, open space,
3531 public access sites, scenic easements, and other areas and
3532 facilities serving the public where such features are part of a
3533 project plan approved according to this part. In undertaking or
3534 coordinating projects or activities authorized by this part, the
3535 trust shall, when appropriate, use and promote the use of
3536 creative land acquisition methods, including the acquisition of



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3537 less than fee interest through, among other methods,
3538 conservation easements, transfer of development rights, leases,
3539 and leaseback arrangements. The trust shall assist local
3540 governments in the use of sound alternative methods of financing
3541 for funding projects and activities authorized under this part.
3542 Any funds over and above eligible project costs, which remain
3543 after completion of a project approved according to this part,
3544 shall be transmitted to the state and deposited into the Florida
3545 Forever Trust Fund.

3546 Section 41. Section 589.07, Florida Statutes, is amended to
3547 read:

3548 589.07 Florida Forest Service may acquire lands for forest
3549 purposes.—The Florida Forest Service, on behalf of the state and
3550 subject to the restrictions mentioned in s. 589.08, may acquire
3551 lands, suitable for state forest purposes, by gift, donation,
3552 contribution, purchase, or otherwise and may enter into
3553 agreements with the Federal Government, or other agency, for
3554 acquiring by gift, purchase, or otherwise, such lands as are, in
3555 the judgment of the Florida Forest Service, suitable and
3556 desirable for state forests. The acquisition procedures for
3557 state lands provided in s. 253.025 ~~259.041~~ do not apply to
3558 acquisition of land by the Florida Forest Service.

3559 Section 42. Paragraphs (a) and (b) of subsection (4) of
3560 section 944.10, Florida Statutes, are amended to read:

3561 944.10 Department of Corrections to provide buildings; sale
3562 and purchase of land; contracts to provide services and inmate
3563 labor.—

3564 (4) (a) Notwithstanding s. 253.025 or s. 287.057, whenever
3565 the department finds it to be necessary for timely site



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3566 acquisition, it may contract without the need for competitive
3567 selection with one or more appraisers whose names are contained
3568 on the list of approved appraisers maintained by the Division of
3569 State Lands of the Department of Environmental Protection in
3570 accordance with s. 253.025(8) ~~253.025(6)(b)~~. In those instances
3571 in which the department directly contracts for appraisal
3572 services, it must also contract with an approved appraiser who
3573 is not employed by the same appraisal firm for review services.

3574 (b) Notwithstanding s. 253.025(8) ~~253.025(6)~~, the
3575 department may negotiate and enter into an option contract
3576 before an appraisal is obtained. The option contract must state
3577 that the final purchase price cannot exceed the maximum value
3578 allowed by law. The consideration for such an option contract
3579 may not exceed 10 percent of the estimate obtained by the
3580 department or 10 percent of the value of the parcel, whichever
3581 amount is greater.

3582 Section 43. Subsections (6) and (7) of section 957.04,
3583 Florida Statutes, are amended to read:

3584 957.04 Contract requirements.—

3585 (6) Notwithstanding s. 253.025(9) ~~253.025(7)~~, the Board of
3586 Trustees of the Internal Improvement Trust Fund need not approve
3587 a lease-purchase agreement negotiated by the Department of
3588 Management Services if the Department of Management Services
3589 finds that there is a need to expedite the lease-purchase.

3590 (7) (a) Notwithstanding s. 253.025 or s. 287.057, whenever
3591 the Department of Management Services finds it to be in the best
3592 interest of timely site acquisition, it may contract without the
3593 need for competitive selection with one or more appraisers whose
3594 names are contained on the list of approved appraisers



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3595 maintained by the Division of State Lands of the Department of
3596 Environmental Protection in accordance with s. 253.025(8)
3597 ~~253.025(6)(b)~~. In those instances when the Department of
3598 Management Services directly contracts for appraisal services,
3599 it shall also contract with an approved appraiser who is not
3600 employed by the same appraisal firm for review services.

3601 (b) Notwithstanding s. 253.025(8) ~~253.025(6)~~, the
3602 Department of Management Services may negotiate and enter into
3603 lease-purchase agreements before an appraisal is obtained. Any
3604 such agreement must state that the final purchase price cannot
3605 exceed the maximum value allowed by law.

3606 Section 44. Paragraphs (a) and (b) of subsection (12) of
3607 section 985.682, Florida Statutes, are amended to read:

3608 985.682 Siting of facilities; criteria.—

3609 (12) (a) Notwithstanding s. 253.025 or s. 287.057, when the
3610 department finds it necessary for timely site acquisition, it
3611 may contract, without using the competitive selection procedure,
3612 with an appraiser whose name is on the list of approved
3613 appraisers maintained by the Division of State Lands of the
3614 Department of Environmental Protection under s. 253.025(8)
3615 ~~253.025(6)(b)~~. When the department directly contracts for
3616 appraisal services, it must contract with an approved appraiser
3617 who is not employed by the same appraisal firm for review
3618 services.

3619 (b) Notwithstanding s. 253.025(8) ~~253.025(6)~~, the
3620 department may negotiate and enter into an option contract
3621 before an appraisal is obtained. The option contract must state
3622 that the final purchase price may not exceed the maximum value
3623 allowed by law. The consideration for such an option contract



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3624 may not exceed 10 percent of the estimate obtained by the
3625 department or 10 percent of the value of the parcel, whichever
3626 amount is greater.

3627 Section 45. Paragraph (b) of subsection (1) of section
3628 1013.14, Florida Statutes, is amended to read:

3629 1013.14 Proposed purchase of real property by a board;
3630 confidentiality of records; procedure.-

3631 (1)

3632 (b) Before ~~Prior to~~ acquisition of the property, the board
3633 shall obtain at least one appraisal by an appraiser approved
3634 pursuant to s. 253.025(8) ~~253.025(6)(b)~~ for each purchase in an
3635 amount greater than \$100,000 and not more than \$500,000. For
3636 each purchase in an amount in excess of \$500,000, the board
3637 shall obtain at least two appraisals by appraisers approved
3638 pursuant to s. 253.025(8) ~~253.025(6)(b)~~. If the agreed to
3639 purchase price exceeds the average appraised value, the board is
3640 required to approve the purchase by an extraordinary vote.

3641 Section 46. For the 2016-2017 fiscal year, the sums of
3642 \$396,040 in recurring funds and \$1,370,528 in nonrecurring funds
3643 from the General Revenue Fund are appropriated to the Department
3644 of Environmental Protection, and four full-time equivalent
3645 positions with associated salary rate of 182,968 are authorized,
3646 for the purpose of implementing the amendments made by this act
3647 to ss. 253.034 and 253.0341, Florida Statutes, and the
3648 provisions of s. 253.87, Florida Statutes, as created by this
3649 act.

3650 Section 47. This act shall take effect July 1, 2016.