

By Senator Simpson

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1                   A bill to be entitled  
2           An act relating to state lands; amending s. 253.025,  
3           F.S.; authorizing the Board of Trustees of the  
4           Internal Improvement Trust Fund to waive certain  
5           requirements and rules and substitute procedures  
6           relating to the acquisition of state lands under  
7           certain conditions; providing that title to certain  
8           acquired lands are vested in the board; providing for  
9           the administration of such lands; authorizing the  
10          board to adopt specified rules; revising requirements  
11          for the appraisal of lands proposed for acquisition;  
12          requiring an agency proposing an acquisition to pay  
13          the associated costs; deleting provisions directing  
14          the board to approve qualified fee appraisal  
15          organizations; requiring fee appraisers to submit  
16          certain affidavits to an agency before contracting  
17          with a participant in a multiparty agreement;  
18          prohibiting fee appraisers from negotiating with  
19          property owners; providing for the Minimum Technical  
20          Standards for Land Surveying in Florida to be  
21          published by the Department of Agriculture and  
22          Consumer Services rather than the Department of  
23          Business and Professional Regulation; authorizing the  
24          disclosure of confidential appraisal reports under  
25          certain conditions; providing for public agencies and  
26          nonprofit organizations to enter into written  
27          agreements with the Department of Environmental  
28          Protection rather than the Division of State Lands to  
29          purchase and hold property for subsequent resale to  
30          the board rather than the division; revising the  
31          definition of the term "nonprofit organization";  
32          directing the board to adopt by rule the method for

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

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62 ownership by the board; defining the term "projects"  
63 for purposes of land acquisition; creating s.  
64 253.0251, F.S.; providing for the use of alternatives  
65 to fee simple acquisition by public land acquisition  
66 agencies; amending s. 253.03, F.S.; deleting  
67 provisions directing the board to adopt by rule an  
68 annual administrative fee for certain leases and  
69 similar instruments; revising the criteria by which  
70 specified structures have the right to continue  
71 submerged land leases; directing the board to adopt by  
72 rule an annual administrative fee for certain leases  
73 and instruments; authorizing nonwater-dependent uses  
74 for submerged lands; amending s. 253.031, F.S.;;  
75 providing for the Department of Environmental  
76 Protection to maintain documents concerning all state  
77 lands; deleting an obsolete provision; amending s.  
78 253.034, F.S.; authorizing the department to submit  
79 certain state-owned lands to the board for  
80 consideration; requiring that all nonconservation land  
81 use plans are managed to provide the greatest benefit  
82 to the state; deleting provisions requiring an  
83 analysis of natural or cultural resources as part of a  
84 nonconservation land use plan; specifying that certain  
85 management and short-term and long-term goals for the  
86 conservation of plant and animal species apply to  
87 conservation lands; providing conditions under which  
88 the Secretary of Environmental Protection,  
89 Commissioner of Agriculture, or executive director of  
90 the Fish and Wildlife Conservation Commission or their

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91 designees are required to submit land management plans  
92 to the board; requiring that updated land management  
93 plans identify conservation lands that are no longer  
94 needed for conservation purposes; deleting provisions  
95 directing the board to make certain determinations  
96 regarding the surplus and disposition of state lands;  
97 deleting provisions requiring that buildings and  
98 parcels of land be offered for lease to state  
99 agencies, state universities, and Florida College  
100 System institutions before being offered for lease or  
101 sale to a local or federal unit of government or a  
102 private party; amending s. 253.0341, F.S.; deleting  
103 provisions requiring that county or local government  
104 requests for the state to surplus conservation or  
105 nonconservation lands be expedited; directing the  
106 board to make certain determinations regarding the  
107 surplus and disposition of state lands; providing that  
108 lands acquired before a certain date using specified  
109 proceeds are deemed to have been acquired for  
110 conservation purposes; providing that certain lands  
111 used by the Department of Corrections, the Department  
112 of Management Services, and the Department of  
113 Transportation may not be designated as lands acquired  
114 for conservation purposes; requiring updated land  
115 management plans to identify conservation lands that  
116 are no longer needed and could be disposed of;  
117 requiring the Division of State Lands to review state-  
118 owned conservation lands and determine if such lands  
119 are no longer needed and could be disposed of and to

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120 submit a list of such lands to the Acquisition and  
121 Restoration Council; requiring the council to provide  
122 certain recommendations to the board regarding  
123 conservation lands; requiring the division to review  
124 certain nonconservation lands and make recommendations  
125 to the board as to whether such lands should be  
126 retained in public ownership or disposed of; deleting  
127 an obsolete provision; requiring that buildings and  
128 parcels of land be offered for lease to state  
129 agencies, state universities, and Florida College  
130 System institutions before being offered for lease or  
131 sale to a local or federal unit of government or a  
132 private party; providing for the valuation and  
133 disposition of surplus lands; providing for the  
134 deposit of proceeds from the sale of such lands;  
135 authorizing the board to adopt rules; amending s.  
136 253.111, F.S.; revising provisions requiring the board  
137 to afford an opportunity to local governments to  
138 purchase certain lands; amending s. 253.42, F.S.;

139 authorizing individuals or entities to submit requests  
140 to the Division of State Lands to exchange state-owned  
141 land for privately held land; requiring the state to  
142 retain permanent conservation easements over the  
143 state-owned land and all or a portion of the privately  
144 held land; requiring the division to review requests  
145 and provide recommendations to the Acquisition and  
146 Restoration Council; providing applicability;  
147 directing the board to consider a request if certain  
148 conditions are met; providing special consideration

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149 for certain requests; providing that such lands are  
150 subject to inspection; amending s. 253.782, F.S.;  
151 deleting a provision directing the Department of  
152 Environmental Protection to retain ownership of and  
153 maintain lands or interests in land owned by the  
154 board; amending s. 253.7821, F.S.; assigning the Cross  
155 Florida Greenways State Recreation and Conservation  
156 Area to the Department of Environmental Protection  
157 rather than the Office of Greenways Management within  
158 the Office of the Secretary; creating s. 253.87, F.S.;  
159 directing the Department of Environmental Protection  
160 to include certain county, municipal, state, and  
161 federal lands in the Florida State-Owned Lands and  
162 Records Information System (FL-SOLARIS) database and  
163 to update the database at specified intervals;  
164 requiring counties, municipalities, and financially  
165 disadvantaged small communities to submit a list of  
166 certain lands to the department by a specified date  
167 and at specified intervals; directing the department  
168 to conduct a study and submit a report to the Governor  
169 and the Legislature on the technical and economic  
170 feasibility of including certain lands in the database  
171 or a similar public lands inventory; amending s.  
172 259.01, F.S.; renaming the "Land Conservation Act of  
173 1972" as the "Land Conservation Program"; repealing s.  
174 259.02, F.S., relating to issuance of state bonds for  
175 certain land projects; amending s. 259.03, F.S.;  
176 revising the definition of the term "water resource  
177 development project" to include construction of

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178 treatment, transmission, and distribution facilities;  
179 amending s. 259.032, F.S.; conforming cross-  
180 references; revising provisions relating to the  
181 management of conservation and recreation lands to  
182 conform with changes made by the act; revising duties  
183 of the Acquisition and Restoration Council; amending  
184 s. 259.035, F.S.; requiring recipients of funds from  
185 the Land Acquisition Trust Fund to annually report  
186 certain performance measures to the Department of  
187 Environmental Protection rather than the Division of  
188 State Lands; amending s. 259.036, F.S.; revising the  
189 composition of the regional land management review  
190 team; providing for the Department of Environmental  
191 Protection rather than the Division of State Lands to  
192 act as the review team coordinator; revising  
193 requirements for conservation and recreation land  
194 management reviews and plans; amending s. 259.037,  
195 F.S.; removing the director of the Office of Greenways  
196 and Trails from the Land Management Uniform Accounting  
197 Council; repealing s. 259.041, F.S., relating to the  
198 acquisition of state-owned lands for preservation,  
199 conservation, and recreation purposes; amending s.  
200 259.047, F.S.; revising provisions relating to the  
201 acquisition of land on which an agricultural lease  
202 exists to conform with changes made by the act;  
203 amending s. 259.101, F.S.; conforming cross-  
204 references; revising provisions relating to alternate  
205 use of lands acquired under the Florida Preservation  
206 2000 Act to conform with changes made by the act;

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207 deleting provisions for alternatives to fee simple  
208 acquisition of such lands to conform with changes made  
209 by the act; amending s. 259.105, F.S.; deleting  
210 provisions requiring the advancement of certain goals  
211 and objectives of imperiled species management on  
212 state lands to conform with changes made by the act;  
213 conforming cross-references; revising provisions  
214 directing the Acquisition and Restoration Council to  
215 give increased priority to certain projects when  
216 developing proposed rules relating to Florida Forever  
217 funding and additions to the Conservation and  
218 Recreation Lands list; deleting provisions requiring  
219 that such rules be submitted to the Legislature for  
220 review; amending s. 259.1052, F.S.; deleting  
221 provisions authorizing the Department of Environmental  
222 Protection to distribute revenues from the Florida  
223 Forever Trust Fund for the acquisition of a portion of  
224 Babcock Crescent B Ranch; amending ss. 73.015,  
225 125.355, 166.045, 215.82, 215.965, 253.027, 253.7824,  
226 260.015, 260.016, 369.317, 373.139, 375.031, 375.041,  
227 380.05, 380.055, 380.508, 589.07, 944.10, 957.04,  
228 985.682, and 1013.14, F.S.; conforming cross-  
229 references; providing an effective date.

230

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

232

233 Section 1. Section 253.025, Florida Statutes, is amended to  
234 read:

235 253.025 Acquisition of state lands ~~for purposes other than~~



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236 ~~preservation, conservation, and recreation.~~

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

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

246 1. Waive any requirements of this section.

247 2. Waive any rules adopted pursuant to this section,  
248 notwithstanding chapter 120.

249 3. Substitute other reasonably prudent procedures.

250 (c) ~~However,~~ The board of trustees may also substitute  
251 federally mandated acquisition procedures for the provisions of  
252 this section if ~~when~~ federal funds are available and will be  
253 used ~~utilized~~ for the purchase of lands, title to which will  
254 vest in the board of trustees, and qualification for such  
255 federal funds requires compliance with federally mandated  
256 acquisition procedures.

257 (d) Notwithstanding ~~any provisions in this section to the~~  
258 ~~contrary,~~ if lands are being acquired by the board of trustees  
259 for the anticipated sale, conveyance, or transfer to the Federal  
260 Government pursuant to a joint state and federal acquisition  
261 project, the board of trustees may use appraisals obtained by  
262 the Federal Government in the acquisition of such lands. The  
263 board of trustees may waive any provision of this section when  
264 land is being conveyed from a state agency to the board.

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

269 (2) Before ~~Prior to~~ any state agency initiates ~~initiating~~  
270 any land acquisition, except for ~~as pertains to~~ the purchase of  
271 property for transportation facilities and transportation  
272 corridors and property for borrow pits for road building  
273 purposes, the agency shall coordinate with the Division of State  
274 Lands to determine the availability of existing, suitable state-  
275 owned lands in the area and the public purpose for which the  
276 acquisition is being proposed. If the state agency determines  
277 that no suitable state-owned lands exist, the state agency may  
278 proceed to acquire such lands by employing all available  
279 statutory authority for acquisition.

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

284 (a) The procedures to be followed in the acquisition  
285 process, including selection of appraisers, surveyors, title  
286 agents, and closing agents, and the content of appraisal  
287 reports.

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

290 (c) Special requirements when multiple landowners are  
291 involved in an acquisition.

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

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294 (4) An agreement to acquire real property for the purposes  
295 described in this chapter, chapter 260, or chapter 375, title to  
296 which will vest in the board of trustees, may not bind the state  
297 before the agreement is reviewed and approved by the Department  
298 of Environmental Protection as complying with this section and  
299 any rules adopted pursuant to this section. If any of the  
300 following conditions exist, the agreement shall be submitted to  
301 and approved by the board of trustees:

302 (a) The purchase price agreed to by the seller exceeds the  
303 value as established pursuant to the rules of the board of  
304 trustees;

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

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

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

314  
315 If approval of the board of trustees is required pursuant to  
316 this subsection, the acquiring agency must provide a  
317 justification as to why it is in the public's interest to  
318 acquire the parcel or Florida Forever project. Approval of the  
319 board of trustees is also required for Florida Forever projects  
320 the department recommends acquiring pursuant to subsections (11)  
321 and (22). Review and approval of agreements for acquisitions for  
322 Florida Greenways and Trails Program properties pursuant to

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323 chapter 260 may be waived by the department in any contract with  
324 nonprofit corporations that have agreed to assist the department  
325 with this program. If the contribution of the acquiring agency  
326 exceeds \$100 million in any one fiscal year, the agreement shall  
327 be submitted to and approved by the Legislative Budget  
328 Commission.

329 (5)~~(3)~~ Land acquisition procedures provided for in this  
330 section are for voluntary, negotiated acquisitions.

331 (6)~~(4)~~ For the purposes of this section, the term  
332 "negotiations" does not include preliminary contacts with the  
333 property owner to determine the availability of the property,  
334 existing appraisal data, existing abstracts, and surveys.

335 (7)~~(5)~~ Evidence of marketable title shall be provided by  
336 the landowner before ~~prior to~~ the conveyance of title, as  
337 provided in the final agreement for purchase. Such evidence of  
338 marketability shall be in the form of title insurance or an  
339 abstract of title with a title opinion. The board of trustees  
340 may waive the requirement that the landowner provide evidence of  
341 marketable title, and, in such case, the acquiring agency shall  
342 provide evidence of marketable title. The board of trustees or  
343 its designee may waive the requirement of evidence of  
344 marketability for acquisitions of property assessed by the  
345 county property appraiser at \$10,000 or less, if ~~where~~ the  
346 Division of State Lands finds, based upon such review of the  
347 title records as is reasonable under the circumstances, that  
348 there is no apparent impediment to marketability, or to  
349 management of the property by the state.

350 (8)~~(6)~~ Before approval by the board of trustees, or, when  
351 applicable, the Department of Environmental Protection, of any

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352 agreement to purchase land pursuant to this chapter, chapter  
353 259, chapter 260, or chapter 375, and before ~~Prior to~~  
354 negotiations with the parcel owner to purchase any other land  
355 ~~pursuant to this section~~, title to which will vest in the board  
356 of trustees, an appraisal of the parcel shall be required as  
357 follows:

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

361 (b) ~~(a)~~ Each parcel to be acquired shall have at least one  
362 appraisal. Two appraisals are required when the estimated value  
363 of the parcel exceeds \$1 million. However, if both appraisals  
364 exceed \$1 million and differ significantly, a third appraisal  
365 may be obtained. If ~~When~~ a parcel is estimated to be worth  
366 \$100,000 or less and the director of the Division of State Lands  
367 finds that the cost of an outside appraisal is not justified, a  
368 comparable sales analysis, an appraisal prepared by the  
369 division, or other reasonably prudent procedures may be used by  
370 the division to estimate the value of the parcel, provided the  
371 public's interest is reasonably protected. The state is not  
372 required to appraise the value of lands and appurtenances that  
373 are being donated to the state.

374 (c) ~~(b)~~ Appraisal fees and associated costs shall be paid by  
375 the agency proposing the acquisition. ~~The board of trustees~~  
376 ~~shall approve qualified fee appraisal organizations.~~ All  
377 appraisals used for the acquisition of lands pursuant to this  
378 section shall be prepared by a ~~member of an approved appraisal~~  
379 ~~organization or by~~ a state-certified appraiser. The board of  
380 trustees shall adopt rules for selecting individuals to perform

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381 appraisals pursuant to this section. Each fee appraiser selected  
382 to appraise a particular parcel shall, before ~~prior to~~  
383 contracting with the agency or a participant in a multiparty  
384 agreement, submit to the ~~that~~ agency an affidavit substantiating  
385 that he or she has no vested or fiduciary interest in such  
386 parcel.

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

390 (e)-(e) The board of trustees shall adopt by rule the  
391 minimum criteria, techniques, and methods to be used in the  
392 preparation of appraisal reports. Such rules shall incorporate,  
393 to the extent practicable, generally accepted appraisal  
394 standards. Any appraisal issued for acquisition of lands  
395 pursuant to this section must comply with the rules adopted by  
396 the board of trustees. A certified survey must be made which  
397 meets the minimum requirements for upland parcels established in  
398 the Minimum Technical Standards for Land Surveying in Florida  
399 published by the Department of Agriculture and Consumer Services  
400 ~~Business and Professional Regulation~~ and which accurately  
401 portrays, to the greatest extent practicable, the condition of  
402 the parcel as it currently exists. The requirement for a  
403 certified survey may, in part or in whole, be waived by the  
404 board of trustees any time before ~~prior to~~ submitting the  
405 agreement for purchase to the Division of State Lands. When an  
406 existing boundary map and description of a parcel are determined  
407 by the division to be sufficient for appraisal purposes, the  
408 division director may temporarily waive the requirement for a  
409 survey until any time before ~~prior to~~ conveyance of title to the

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410 parcel. ~~The fee appraiser and the review appraiser for the~~  
411 ~~agency shall not act in any way that may be construed as~~  
412 ~~negotiating with the property owner.~~

413 (f)~~(d)~~ Appraisal reports are confidential and exempt from  
414 ~~the provisions of s. 119.07(1), for use by the agency and the~~  
415 ~~board of trustees, until an option contract is executed or, if~~  
416 ~~no option contract is executed, until 2 weeks before a contract~~  
417 ~~or agreement for purchase is considered for approval by the~~  
418 ~~board of trustees. The Department of Environmental Protection~~  
419 ~~may disclose appraisal reports to private landowners during~~  
420 ~~negotiations for acquisitions using alternatives to fee simple~~  
421 ~~techniques, if the department determines that disclosure of such~~  
422 ~~reports will bring the proposed acquisition to closure. However,~~  
423 ~~the private landowner must agree to maintain the confidentiality~~  
424 ~~of the reports or information. However, The department Division~~  
425 ~~of State Lands may also disclose appraisal information to public~~  
426 ~~agencies or nonprofit organizations that agree to maintain the~~  
427 ~~confidentiality of the reports or information when joint~~  
428 ~~acquisition of property is contemplated, or when a public agency~~  
429 ~~or nonprofit organization enters into a written agreement with~~  
430 ~~the department division to purchase and hold property for~~  
431 ~~subsequent resale to the board of trustees division. In~~  
432 ~~addition, the department division may use, as its own,~~  
433 ~~appraisals obtained by a public agency or nonprofit~~  
434 ~~organization, if provided the appraiser is selected from the~~  
435 ~~department's division's list of appraisers and the appraisal is~~  
436 ~~reviewed and approved by the department division. For ~~the~~~~  
437 ~~purposes of this paragraph, the term "nonprofit organization"~~  
438 ~~means an organization that ~~whose purpose is the preservation of~~~~

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439 ~~natural resources, and which~~ is exempt from federal income tax  
440 under s. 501(c)(3) of the Internal Revenue Code and, for  
441 purposes of the acquisition of conservation lands, an  
442 organization whose purpose must include the preservation of  
443 natural resources. The agency may release an appraisal report  
444 when the passage of time has rendered the conclusions of value  
445 in the report invalid or when the acquiring agency has  
446 terminated negotiations.

447 (g) ~~(e)~~ Before ~~Prior to~~ acceptance of an appraisal, the  
448 agency shall submit a copy of such report to the division ~~of~~  
449 ~~State Lands~~. The division shall review such report for  
450 compliance with the rules of the board ~~of trustees~~. Any  
451 questions of applicability of laws affecting an appraisal shall  
452 be addressed by the legal office of the agency.

453 (h) ~~(f)~~ The appraisal report shall be accompanied by the  
454 sales history of the parcel for at least the previous ~~prior~~ 5  
455 years. Such sales history shall include all parties and  
456 considerations with the amount of consideration verified, if  
457 possible. If a sales history would not be useful, or it is its  
458 cost prohibitive compared to the value of a parcel, the sales  
459 history may be waived by the board of trustees. The board of  
460 trustees shall adopt a rule specifying guidelines for waiver of  
461 a sales history.

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

467 (j)1. The board of trustees shall adopt by rule the method



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468 for determining the value of parcels sought to be acquired by  
469 state agencies pursuant to this section. An offer by a state  
470 agency may not exceed the value for that parcel as determined  
471 pursuant to the highest approved appraisal or the value  
472 determined pursuant to the rules of the board of trustees,  
473 whichever value is less.

474 2. For a joint acquisition by a state agency and a local  
475 government or other entity apart from the state, the joint  
476 purchase price may not exceed 150 percent of the value for a  
477 parcel as determined in accordance with the limits in  
478 subparagraph 1. The state agency share of a joint purchase offer  
479 may not exceed what the agency may offer singly pursuant to  
480 subparagraph 1.

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

484  
485 Notwithstanding this subsection, on behalf of the board of  
486 trustees and before the appraisal of parcels approved for  
487 purchase under this chapter or chapter 259, the Secretary of  
488 Environmental Protection or the director of the Division of  
489 State Lands may enter into option contracts to buy such parcels.  
490 Any such option contract shall state that the final purchase  
491 price is subject to approval by the board of trustees or, if  
492 applicable, the Secretary of Environmental Protection, and that  
493 the final purchase price may not exceed the maximum offer  
494 allowed by law. Any such option contract presented to the board  
495 of trustees for final purchase price approval shall explicitly  
496 state that payment of the final purchase price is subject to an

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497 appropriation from the Legislature. The consideration for such  
498 an option may not exceed \$1,000 or 0.01 percent of the estimate  
499 by the department of the value of the parcel, whichever amount  
500 is greater.

501 (9) ~~(7)~~ (a) When the owner is represented by an agent or  
502 broker, negotiations may not be initiated or continued until a  
503 written statement verifying such agent's or broker's legal or  
504 fiduciary relationship with the owner is on file with the  
505 agency.

506 (b) The board of trustees or any state agency may contract  
507 for real estate acquisition services, including, but not limited  
508 to, contracts for real estate commission fees, surveying,  
509 mapping, environmental audits, title work, and legal and other  
510 professional assistance to review acquisition agreements and  
511 other documents and to perform acquisition closings. However,  
512 the Department of Environmental Protection may use outside  
513 counsel to review any agreements or documents or to perform  
514 acquisition closings unless department staff can conduct the  
515 same activity in 15 days or less.

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

519 (d) All offers or counteroffers shall be documented in  
520 writing and shall be confidential and exempt from ~~the provisions~~  
521 ~~of~~ s. 119.07(1) until an option contract is executed, or if no  
522 option contract is executed, until 2 weeks before a contract or  
523 agreement for purchase is considered for approval by the board  
524 of trustees. The agency shall maintain complete and accurate  
525 records of all offers and counteroffers for all projects.

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526 ~~(e)1. The board of trustees shall adopt by rule the method~~  
527 ~~for determining the value of parcels sought to be acquired by~~  
528 ~~state agencies pursuant to this section. No offer by a state~~  
529 ~~agency, except an offer by an agency acquiring lands pursuant to~~  
530 ~~s. 259.041, may exceed the value for that parcel as determined~~  
531 ~~pursuant to the highest approved appraisal or the value~~  
532 ~~determined pursuant to the rules of the board of trustees,~~  
533 ~~whichever value is less.~~

534 ~~2. In the case of a joint acquisition by a state agency and~~  
535 ~~a local government or other entity apart from the state, the~~  
536 ~~joint purchase price may not exceed 150 percent of the value for~~  
537 ~~a parcel as determined in accordance with the limits prescribed~~  
538 ~~in subparagraph 1. The state agency share of a joint purchase~~  
539 ~~offer may not exceed what the agency may offer singly as~~  
540 ~~prescribed by subparagraph 1.~~

541 ~~3. The provisions of this paragraph do not apply to the~~  
542 ~~acquisition of historically unique or significant property as~~  
543 ~~determined by the Division of Historical Resources of the~~  
544 ~~Department of State.~~

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

548 (f)~~(g)~~ The state shall have the authority to reimburse the  
549 owner for the cost of the survey when deemed appropriate. The  
550 reimbursement is ~~shall~~ not be considered a part of the purchase  
551 price.

552 (g)~~(h)~~ A final offer shall be in the form of an option  
553 contract or agreement for purchase and shall be signed and  
554 attested to by the owner and the representative of the agency.

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555 Before the agency executes the option contract or agreement for  
556 purchase, the contract or agreement shall be reviewed for form  
557 and legality by legal staff of the agency. Before the agency  
558 signs the agreement for purchase or exercises the option  
559 contract, the provisions of s. 286.23 shall be complied with.  
560 Within 10 days after the signing of the agreement for purchase,  
561 the state agency shall furnish the Department of Environmental  
562 Protection ~~Division of State Lands~~ with the original of the  
563 agreement for purchase along with copies of the disclosure  
564 notice, evidence of marketability, the accepted appraisal  
565 report, the fee appraiser's affidavit, a statement that the  
566 inventory of existing state-owned lands was examined and  
567 contained no available suitable land in the area, and a  
568 statement outlining the public purpose for which the acquisition  
569 is being made and the statutory authority therefor.

570 (h) ~~(i)~~ Within 45 days after ~~of~~ receipt by the Department of  
571 Environmental Protection ~~Division of State Lands~~ of the  
572 agreement for purchase and the required documentation, the board  
573 of trustees or, if ~~when~~ the purchase price does not exceed  
574 \$100,000, its designee shall ~~either~~ reject or approve the  
575 agreement. An approved agreement for purchase is binding on both  
576 parties. Any agreement which has been disapproved shall be  
577 returned to the agency, along with a statement as to the  
578 deficiencies of the agreement or the supporting documentation.  
579 An agreement for purchase which has been disapproved by the  
580 board of trustees may be resubmitted when such deficiencies have  
581 been corrected.

582 (10) ~~(8)~~ (a) A ~~No~~ dedication, gift, grant, or bequest of  
583 lands and appurtenances may not be accepted by the board of

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584 trustees until the receiving state agency supplies sufficient  
585 evidence of marketability of title. The board of trustees may  
586 not accept by dedication, gift, grant, or bequest any lands and  
587 appurtenances that are determined as being owned by the state  
588 ~~either~~ in fee or by virtue of the state's sovereignty or which  
589 are so encumbered so as to preclude the use of such lands and  
590 appurtenances for any reasonable public purpose. The board of  
591 trustees may accept a dedication, gift, grant, or bequest of  
592 lands and appurtenances without formal evidence of  
593 marketability, or when the title is nonmarketable, if the board  
594 or its designee determines that such lands and appurtenances  
595 have value and are reasonably manageable by the state, and that  
596 their acceptance would serve the public interest. The state is  
597 not required to appraise the value of such donated lands and  
598 appurtenances as a condition of receipt.

599 (b) A ~~No~~ deed filed in the public records to donate lands  
600 to the board of trustees does not of the Internal Improvement  
601 ~~Trust Fund shall be construed to~~ transfer title to or vest title  
602 in the board of trustees unless ~~there shall also be filed in the~~  
603 ~~public records,~~ a document indicating that the board of trustees  
604 has agreed to accept the transfer of title to such donated lands  
605 is also filed in the public records.

606 (c) Notwithstanding any other provision of law, the maximum  
607 value of a parcel to be purchased by the board of trustees as  
608 determined by the highest approved appraisal or as determined  
609 pursuant to the rules of the board of trustees may not be  
610 increased or decreased as a result of a change in zoning or  
611 permitted land uses, or changes in market forces or prices that  
612 occur within 1 year after the date the Department of

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613 Environmental Protection or the board of trustees approves a  
614 contract to purchase the parcel.

615 (11) Notwithstanding this section, the board of trustees,  
616 by an affirmative vote of at least three members, voting at a  
617 regularly scheduled and advertised meeting, may direct the  
618 Department of Environmental Protection to exercise the power of  
619 eminent domain pursuant to chapters 73 and 74 to acquire any  
620 conservation parcel identified on the acquisition list  
621 established by the Acquisition and Restoration Council and  
622 approved by the board of trustees pursuant to chapter 259.  
623 However, the board of trustees may only make such a vote under  
624 the following circumstances:

625 (a) The state has made at least two bona fide offers to  
626 purchase the land through negotiation and, notwithstanding those  
627 offers, an impasse between the state and the landowner was  
628 reached.

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

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

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

635 3. The failure of the state to acquire it will seriously  
636 impair the state's ability to manage or protect other state-  
637 owned lands.

638  
639 Pursuant to this subsection, the department may exercise  
640 condemnation authority directly or by contracting with the  
641 Department of Transportation or a water management district to

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642 provide that service. If the Department of Transportation or a  
643 water management district enters into such a contract with the  
644 department, the Department of Transportation or a water  
645 management district may use statutorily approved methods and  
646 procedures ordinarily used by the agency for condemnation  
647 purposes.

648 (12)~~(9)~~ Any conveyance to the board of trustees of fee  
649 title shall be made by no less than a special warranty deed,  
650 unless the conveyance is from the Federal Government, the county  
651 government, or another state agency or, in the event of a gift  
652 or donation by quitclaim deed, if the board of trustees, or its  
653 designee, determines that the acceptance of such quitclaim deed  
654 is in the best interest of the public. A quitclaim deed may also  
655 be accepted to aid in clearing title or boundary questions. ~~The~~  
656 ~~title to lands acquired pursuant to this section shall vest in~~  
657 ~~the board of trustees as provided in s. 253.03(1). All such~~  
658 ~~lands, title to which is vested in the board pursuant to this~~  
659 ~~section, shall be administered pursuant to the provisions of s.~~  
660 ~~253.03.~~

661 (13)~~(10)~~ The board of trustees may purchase tax  
662 certificates or tax deeds issued in accordance with chapter 197  
663 relating to property eligible for purchase under this section.

664 (14)~~(11)~~ The Auditor General shall conduct audits of  
665 acquisitions and divestitures which, according to his or her  
666 preliminary assessments of board-approved acquisitions and  
667 divestitures, he or she deems necessary. These preliminary  
668 assessments shall be initiated not later than 60 days after  
669 ~~following~~ the board of trustees' final approval ~~by the board~~ of  
670 land acquisitions under this section. If an audit is conducted,

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671 the Auditor General shall submit an audit report to the board of  
672 trustees, the President of the Senate, the Speaker of the House  
673 of Representatives, and their designees.

674 (15)~~(12)~~ The board of trustees and all affected agencies  
675 shall adopt and may modify or repeal such rules and regulations  
676 as are necessary to carry out ~~the purposes of~~ this section,  
677 including rules governing the terms and conditions of land  
678 purchases. Such rules shall address the procedures to be  
679 followed, when multiple landowners are involved in an  
680 acquisition, in obtaining written option agreements so that the  
681 interests of the state are fully protected.

682 (16)~~(13)~~ (a) The board of trustees ~~of the Internal~~  
683 ~~Improvement Trust Fund~~ may deed property to the Department of  
684 Agriculture and Consumer Services, so that the Department of  
685 Agriculture and Consumer Services is ~~department shall be~~ able to  
686 sell, convey, transfer, exchange, trade, or purchase land on  
687 which a forestry facility resides for money or other more  
688 suitable property on which to relocate the facility. Any sale or  
689 purchase of property by the Department of Agriculture and  
690 Consumer Services shall follow the requirements of subsections  
691 (7)-(10) and (12) ~~(5)-(9)~~. Any sale shall be at fair market  
692 value, and any trade shall ensure that the state is getting at  
693 least an equal value for the property. Except as provided in  
694 subsections (7)-(10) and (12) ~~(5)-(9)~~, the Department of  
695 Agriculture and Consumer Services is excluded from following the  
696 provisions of this chapter and chapters 259 and 375. This  
697 exclusion does ~~shall~~ not apply to lands acquired for  
698 conservation purposes in accordance with s. 253.0341(1) or (2)  
699 ~~253.034(6) (a) or (b)~~.



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700 (b) In the case of a sale by the Department of Agriculture  
701 and Consumer Services of a forestry facility, the proceeds of  
702 the sale shall be deposited ~~go~~ into the Department of  
703 Agriculture and Consumer Services Incidental Trust Fund. The  
704 Legislature may, at the request of the Department of Agriculture  
705 and Consumer Services ~~department~~, appropriate such money within  
706 the trust fund to the Department of Agriculture and Consumer  
707 Services ~~department~~ for purchase of land and construction of a  
708 facility to replace the disposed facility. All proceeds other  
709 than land from any sale, conveyance, exchange, trade, or  
710 transfer conducted pursuant to ~~as provided for in~~ this  
711 subsection shall be deposited into ~~placed within~~ the Department  
712 of Agriculture and Consumer Services ~~department's~~ Incidental  
713 Trust Fund.

714 (c) Additional funds may be added from time to time by the  
715 Legislature to further the relocation and construction of  
716 forestry facilities. If ~~In the instance where~~ an equal trade of  
717 land occurs, money from the trust fund may be appropriated for  
718 building construction even though no money was received from the  
719 trade.

720 (17) ~~(14)~~ Any agency that acquires land on behalf of the  
721 board of trustees is authorized to request disbursement of  
722 payments for real estate closings in accordance with a written  
723 authorization from an ultimate beneficiary to allow a third  
724 party authorized by law to receive such payment provided the  
725 Chief Financial Officer determines that such disbursement is  
726 consistent with good business practices and can be completed in  
727 a manner minimizing costs and risks to the state.

728 (18) ~~(15)~~ Pursuant to s. 944.10, the Department of

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729 Corrections is responsible for obtaining appraisals and entering  
730 into option agreements and agreements for the purchase of state  
731 correctional facility sites. An option agreement or agreement  
732 for purchase is not binding upon the state until it is approved  
733 by the board of trustees ~~of the Internal Improvement Trust Fund~~.  
734 The provisions of paragraphs (8) (c), (e), and (f) and (9) (b),  
735 (c), and (d) ~~(6) (b), (c), and (d) and (7) (b), (c), and (d)~~ apply  
736 to all appraisals, offers, and counteroffers of the Department  
737 of Corrections for state correctional facility sites.

738 (19) ~~(16)~~ Many parcels of land acquired pursuant to this  
739 section may contain cattle-dipping vats as defined in s.  
740 376.301. The state is encouraged to continue with the  
741 acquisition of such lands, including any ~~the~~ cattle-dipping vats  
742 ~~vat~~.

743 (20) ~~(17)~~ Pursuant to s. 985.682, the Department of Juvenile  
744 Justice is responsible for obtaining appraisals and entering  
745 into option agreements and agreements for the purchase of state  
746 juvenile justice facility sites. An option agreement or  
747 agreement for purchase is not binding upon the state until it is  
748 approved by the board of trustees ~~of the Internal Improvement~~  
749 ~~Trust Fund~~. The provisions of paragraphs (8) (c), (e), and (f)  
750 and (9) (b), (c), and (d) ~~(6) (b), (c), and (d) and (7) (b), (c),~~  
751 ~~and (d)~~ apply to all appraisals, offers, and counteroffers of  
752 the Department of Juvenile Justice for state juvenile justice  
753 facility sites.

754 (21) ~~(18)~~ The board of trustees may acquire, pursuant to s.  
755 288.980 (2) (b), nonconservation lands from the annual list  
756 submitted by the Department of Economic Opportunity for the  
757 purpose of buffering a military installation against

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758 encroachment.

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

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

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

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

774

775 For such acquisitions, the board of trustees may waive or modify  
776 all procedures required for land acquisition pursuant to this  
777 chapter and all competitive bid procedures required pursuant to  
778 chapters 255 and 287. Lands acquired pursuant to this subsection  
779 must, at the time of purchase, be on one of the acquisition  
780 lists established pursuant to chapter 259, or be essential for  
781 water resource development, protection, or restoration, or a  
782 significant portion of the lands must contain natural  
783 communities or plant or animal species that are listed by the  
784 Florida Natural Areas Inventory as critically imperiled,  
785 imperiled, or rare, or as excellent quality occurrences of  
786 natural communities.

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787       (23) Title to lands to be held jointly by the board of  
788 trustees and a water management district and acquired pursuant  
789 to s. 373.139 may be deemed to meet the standards necessary for  
790 ownership by the board of trustees, notwithstanding this section  
791 or related rules.

792       (24) For purposes of this section, the term "projects"  
793 means those Florida Forever projects selected pursuant to  
794 chapter 259.

795       Section 2. Section 253.0251, Florida Statutes, is created  
796 to read:

797       253.0251 Alternatives to fee simple acquisition.-

798       (1) The Legislature finds that:

799       (a) With the increasing pressures on the natural areas of  
800 this state and on open space suitable for recreational use, the  
801 state must develop creative techniques to maximize the use of  
802 acquisition and management funds.

803       (b) The state's conservation and recreational land  
804 acquisition agencies should be encouraged to augment their  
805 traditional, fee simple acquisition programs with the use of  
806 alternatives to fee simple acquisition techniques. In addition,  
807 the Legislature finds that generations of private landowners  
808 have been good stewards of their land, protecting or restoring  
809 native habitats and ecosystems to the benefit of the natural  
810 resources of this state, its heritage, and its citizens. The  
811 Legislature also finds that using alternatives to fee simple  
812 acquisition by public land acquisition agencies will achieve the  
813 following public policy goals:

814       1. Allow more lands to be brought under public protection  
815 for preservation, conservation, and recreational purposes with

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816 less expenditure of public funds.

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

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

822  
823 Therefore, it is the intent of the Legislature that public land  
824 acquisition agencies develop programs to pursue alternatives to  
825 fee simple acquisition and to educate private landowners about  
826 such alternatives and the benefits of such alternatives. It is  
827 also the intent of the Legislature that a portion of the shares  
828 of Florida Forever bond proceeds be used to purchase eligible  
829 properties using alternatives to fee simple acquisition.

830 (2) All applications for alternatives to fee simple  
831 acquisition projects shall identify, within their acquisition  
832 plans, projects that require a full fee simple interest to  
833 achieve the public policy goals, together with the reasons full  
834 title is determined to be necessary. The state agencies and the  
835 water management districts may use alternatives to fee simple  
836 acquisition to bring the remaining projects in their acquisition  
837 plans under public protection. For purposes of this section, the  
838 phrase "alternatives to fee simple acquisition" includes, but is  
839 not limited to, purchase of development rights; obtaining  
840 conservation easements; obtaining flowage easements; purchase of  
841 timber rights, mineral rights, or hunting rights; purchase of  
842 agricultural interests or silvicultural interests; fee simple  
843 acquisitions with reservations; creating life estates; or any  
844 other acquisition technique that achieves the public policy

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845 goals listed in subsection (1). It is presumed that a private  
846 landowner retains the full range of uses for all the rights or  
847 interests in the landowner's land which are not specifically  
848 acquired by the public agency. The lands upon which hunting  
849 rights are specifically acquired pursuant to this section shall  
850 be available for hunting in accordance with the management plan  
851 or hunting regulations adopted by the Fish and Wildlife  
852 Conservation Commission, unless the hunting rights are purchased  
853 specifically to protect activities on adjacent lands.

854 (3) When developing the acquisition plan pursuant to s.  
855 259.105, the Acquisition and Restoration Council may give  
856 preference to those less than fee simple acquisitions that  
857 provide any public access. However, the Legislature recognizes  
858 that public access is not always appropriate for certain less  
859 than fee simple acquisitions. Therefore, any proposed less than  
860 fee simple acquisition may not be rejected simply because public  
861 access would be limited.

862 (4) The Department of Environmental Protection and each  
863 water management district shall implement initiatives to use  
864 alternatives to fee simple acquisition and to educate private  
865 landowners about such alternatives. The department and the water  
866 management districts may enter into joint acquisition agreements  
867 to jointly fund the purchase of lands using alternatives to fee  
868 simple techniques.

869 (5) The Legislature finds that the lack of direct sales  
870 comparison information has served as an impediment to successful  
871 implementation of alternatives to fee simple acquisition. It is  
872 the intent of the Legislature that, in the absence of direct  
873 comparable sales information, appraisals of alternatives to fee

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874 simple acquisitions be based on the difference between the full  
875 fee simple valuation and the value of the interests remaining  
876 with the seller after acquisition.

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

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

884 253.03 Board of trustees to administer state lands; lands  
885 enumerated.—

886 (2) It is the intent of the Legislature that the board of  
887 trustees ~~of the Internal Improvement Trust Fund~~ continue to  
888 receive proceeds from the sale or disposition of the products of  
889 lands and the sale of lands of which the use and possession are  
890 not subsequently transferred by appropriate lease or similar  
891 instrument from the board of trustees to the proper using  
892 agency. Such using agency shall be entitled to the proceeds from  
893 the sale of products on, under, growing out of, or connected  
894 with lands which such using agency holds under lease or similar  
895 instrument from the board of trustees. The board of trustees ~~of~~  
896 ~~the Internal Improvement Trust Fund~~ is directed and authorized  
897 to enter into leases or similar instruments for the use,  
898 benefit, and possession of public lands by agencies which may  
899 properly use and possess them for the benefit of the state. ~~The~~  
900 ~~board of trustees shall adopt by rule an annual administrative~~  
901 ~~fee for all existing and future leases or similar instruments,~~  
902 ~~to be charged agencies that are leasing land from it. This~~

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903 ~~annual administrative fee assessed for all leases or similar~~  
904 ~~instruments is to compensate the board for costs incurred in the~~  
905 ~~administration and management of such leases or similar~~  
906 ~~instruments.~~

907 (7)

908 (c) Structures which are listed in or are eligible for the  
909 National Register of Historic Places or the State Inventory of  
910 Historic Places which are over the waters of the state ~~of~~  
911 ~~Florida~~ and which have a submerged land lease, or have been  
912 grandfathered-in to use sovereignty submerged lands until  
913 January 1, 1998, pursuant to former rule 18-21.00405, Florida  
914 Administrative Code, as it existed in rule on March 15, 1990,  
915 shall have the right to continue such submerged land leases,  
916 regardless of the fact that the present landholder is not an  
917 adjacent riparian landowner, so long as the lessee maintains the  
918 structure in a good state of repair consistent with the  
919 guidelines for listing. If the structure is damaged or  
920 destroyed, the lessee may ~~shall be allowed to~~ reconstruct, so  
921 long as the reconstruction is consistent with the integrity of  
922 the listed structure and does not increase the footprint of the  
923 structure. If a listed structure ~~so listed~~ falls into disrepair  
924 and the lessee is not willing to repair and maintain it  
925 consistent with its listing, the state may cancel the submerged  
926 lease and ~~either~~ repair and maintain the property or require  
927 that the structure be removed from sovereignty submerged lands.

928 (11) The board of trustees ~~of the Internal Improvement~~  
929 ~~Trust Fund~~ may adopt rules to provide for the assessment and  
930 collection of reasonable fees, commensurate with the actual cost  
931 to the board, for disclaimers, easements, exchanges, gifts,



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932 leases, releases, or sales of any interest in lands or any  
933 applications therefor and for reproduction of documents. All  
934 revenues received from the application fees charged by a water  
935 management district to process applications that include a  
936 request to use state lands are to be retained by the water  
937 management district. The board of trustees shall adopt by rule  
938 an annual administrative fee for all existing and future leases  
939 or similar instruments to be charged to agencies that are  
940 leasing land from the board of trustees. This annual  
941 administrative fee assessed for all leases or similar  
942 instruments is to compensate the board of trustees for costs  
943 incurred in the administration and management of such leases or  
944 similar instruments.

945 (15) The board of trustees ~~of the Internal Improvement~~  
946 ~~Trust Fund~~ shall encourage the use of sovereign submerged lands  
947 for public access and water-dependent uses which may include  
948 related minimal secondary nonwater-dependent uses and public  
949 ~~access.~~

950 Section 4. Subsections (8) and (9) of section 253.031,  
951 Florida Statutes, are renumbered as subsections (7) and (8),  
952 respectively, and present subsections (2) and (7) of that  
953 section are amended, to read:

954 253.031 Land office; custody of documents concerning land;  
955 moneys; plats.—

956 (2) The board ~~of trustees of the Internal Improvement Trust~~  
957 ~~Fund~~ shall have custody of, and the department shall maintain,  
958 all the records, surveys, plats, maps, field notes, and patents  
959 and all other evidence touching the title and description of the  
960 public domain.

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961       ~~(7) The board shall receive all of the tract books, plats,~~  
962 ~~and such records and papers heretofore kept in the United States~~  
963 ~~Land Office at Gainesville, Alachua County, as may be~~  
964 ~~surrendered by the Secretary of the Interior; and the board~~  
965 ~~shall carefully and safely keep and preserve all of said tract~~  
966 ~~books, plats, records, and papers as part of the public records~~  
967 ~~of its office, and at any time allow any duly accredited~~  
968 ~~authority of the United States, full and free access to any and~~  
969 ~~all of such tract books, plats, records, and papers, and shall~~  
970 ~~furnish any duly accredited authority of the United States with~~  
971 ~~copies of any such records without charge.~~

972       Section 5. Section 253.034, Florida Statutes, is amended to  
973 read:

974       253.034 State-owned lands; uses.-

975       (1) All lands acquired pursuant to chapter 259 shall be  
976 managed to serve the public interest by protecting and  
977 conserving land, air, water, and the state's natural resources,  
978 which contribute to the public health, welfare, and economy of  
979 the state. These lands shall be managed to provide for areas of  
980 natural resource based recreation, and to ensure the survival of  
981 plant and animal species and the conservation of finite and  
982 renewable natural resources. The state's lands and natural  
983 resources shall be managed using a stewardship ethic that  
984 assures these resources will be available for the benefit and  
985 enjoyment of all people of the state, both present and future.  
986 It is the intent of the Legislature that, where feasible and  
987 consistent with the goals of protection and conservation of  
988 natural resources associated with lands held in the public trust  
989 by the Board of Trustees of the Internal Improvement Trust Fund,

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990 public land not designated for single-use purposes pursuant to  
991 paragraph (2)(b) be managed for multiple-use purposes. All  
992 multiple-use land management strategies shall address public  
993 access and enjoyment, resource conservation and protection,  
994 ecosystem maintenance and protection, and protection of  
995 threatened and endangered species, and the degree to which  
996 public-private partnerships or endowments may allow the entity  
997 with management responsibility to enhance its ability to manage  
998 these lands. The Acquisition and Restoration Council ~~created in~~  
999 ~~s. 259.035~~ shall recommend rules to the board of trustees, and  
1000 the board of trustees shall adopt rules necessary to carry out  
1001 the purposes of this section.

1002 (2) As used in this section, the term ~~following phrases~~  
1003 ~~have the following meanings:~~

1004 (a) "Multiple use" means the harmonious and coordinated  
1005 management of timber, recreation, conservation of fish and  
1006 wildlife, forage, archaeological and historic sites, habitat and  
1007 other biological resources, or water resources so that they are  
1008 used ~~utilized~~ in the combination that will best serve the people  
1009 of the state, making the most judicious use of the land for some  
1010 or all of these resources and giving consideration to the  
1011 relative values of the various resources. Where necessary and  
1012 appropriate for all state-owned lands that are larger than 1,000  
1013 acres in project size and are managed for multiple uses, buffers  
1014 may be formed around any areas that require special protection  
1015 or have special management needs. Such buffers may ~~shall~~ not  
1016 exceed more than one-half of the total acreage. Multiple uses  
1017 within a buffer area may be restricted to provide the necessary  
1018 buffering effect desired. Multiple use in this context includes

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1019 both uses of land or resources by more than one management  
1020 entity, which may include private sector land managers. In any  
1021 case, lands identified as multiple-use lands in the land  
1022 management plan shall be managed to enhance and conserve the  
1023 lands and resources for the enjoyment of the people of the  
1024 state.

1025 (b) "Single use" means management for one particular  
1026 purpose to the exclusion of all other purposes, except that the  
1027 using entity shall have the option of including in its  
1028 management program compatible secondary purposes which will not  
1029 detract from or interfere with the primary management purpose.  
1030 Such single uses may include, but are not necessarily restricted  
1031 to, the use of agricultural lands for production of food and  
1032 livestock, the use of improved sites and grounds for  
1033 institutional purposes, and the use of lands for parks,  
1034 preserves, wildlife management, archaeological or historic  
1035 sites, or wilderness areas where the maintenance of essentially  
1036 natural conditions is important. All submerged lands shall be  
1037 considered single-use lands and shall be managed primarily for  
1038 the maintenance of essentially natural conditions, the  
1039 propagation of fish and wildlife, and public recreation,  
1040 including hunting and fishing where deemed appropriate by the  
1041 managing entity.

1042 (c) "Conservation lands" means lands that are currently  
1043 managed for conservation, outdoor resource-based recreation, or  
1044 archaeological or historic preservation, except those lands that  
1045 were acquired solely to facilitate the acquisition of other  
1046 conservation lands. Lands acquired for uses other than  
1047 conservation, outdoor resource-based recreation, or

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1048 archaeological or historic preservation may ~~shall~~ not be  
1049 designated conservation lands except as otherwise authorized  
1050 under this section. These lands shall include, but not be  
1051 limited to, the following: correction and detention facilities,  
1052 military installations and facilities, state office buildings,  
1053 maintenance yards, state university or Florida College System  
1054 institution campuses, agricultural field stations or offices,  
1055 tower sites, law enforcement and license facilities,  
1056 laboratories, hospitals, clinics, and other sites that do not  
1057 possess ~~ne~~ significant natural or historical resources. However,  
1058 lands acquired solely to facilitate the acquisition of other  
1059 conservation lands, and for which the land management plan has  
1060 not yet been completed or updated, may be evaluated by the Board  
1061 of Trustees of the Internal Improvement Trust Fund on a case-by-  
1062 case basis to determine if they will be designated conservation  
1063 lands.

1064 (d) "Public access," as used in this chapter and chapter  
1065 259, means access by the general public to state lands and  
1066 water, including vessel access made possible by boat ramps,  
1067 docks, and associated support facilities, where compatible with  
1068 conservation and recreation objectives.

1069  
1070 Lands acquired by the state as a gift, through donation, or by  
1071 any other conveyance for which no consideration was paid, and  
1072 which are not managed for conservation, outdoor resource-based  
1073 recreation, or archaeological or historic preservation under a  
1074 land management plan approved by the board of trustees are not  
1075 conservation lands.

1076 (3) Recognizing that recreational trails purchased with

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1077 rails-to-trails funds pursuant to former s. 259.101(3)(g),  
1078 Florida Statutes 2014, or s. 259.105(3)(h) have had historic  
1079 transportation uses and that their linear character may extend  
1080 many miles, the Legislature intends that if the necessity arises  
1081 to serve public needs, after balancing the need to protect trail  
1082 users from collisions with automobiles and a preference for the  
1083 use of overpasses and underpasses to the greatest extent  
1084 feasible and practical, transportation uses shall be allowed to  
1085 cross recreational trails purchased pursuant to former s.  
1086 259.101(3)(g), Florida Statutes 2014, or s. 259.105(3)(h). When  
1087 these crossings are needed, the location and design should  
1088 consider and mitigate the impact on humans and environmental  
1089 resources, and the value of the land shall be paid based on fair  
1090 market value.

1091 (4) A ~~No~~ management agreement, lease, or other instrument  
1092 authorizing the use of lands owned by the board of trustees may  
1093 not of the Internal Improvement Trust Fund shall be executed for  
1094 a period greater than is necessary to provide for the reasonable  
1095 use of the land for the existing or planned life cycle or  
1096 amortization of the improvements, except that an easement in  
1097 perpetuity may be granted by the board of trustees ~~of the~~  
1098 ~~Internal Improvement Trust Fund~~ if the improvement is a  
1099 transportation facility. If an entity managing or leasing state-  
1100 owned lands from the board of trustees does not meet the short-  
1101 term goals under paragraph (5)(b) for conservation lands or  
1102 under paragraph (5)(i) for nonconservation lands, the Department  
1103 of Environmental Protection may submit the lands to the board of  
1104 trustees to consider whether to require the managing or leasing  
1105 entity to release its interest in the lands and to consider

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1106 whether to surplus the lands. If the state-owned land is  
1107 determined to be surplus, the board of trustees may require an  
1108 entity to release its interest in the lands. An entity managing  
1109 or leasing state-owned lands from the board of trustees may not  
1110 sublease such lands without prior review by the Division of  
1111 State Lands and, for conservation lands, by the Acquisition and  
1112 Restoration Council ~~created in s. 259.035~~. All management  
1113 agreements, leases, or other instruments authorizing the use of  
1114 lands owned by the board of trustees shall be reviewed for  
1115 approval by the board of trustees or its designee. The council  
1116 is not required to review subleases of parcels which are less  
1117 than 160 acres in size.

1118 (5) Each manager of conservation lands shall submit to the  
1119 Division of State Lands a land management plan at least every 10  
1120 years in a form and manner adopted ~~prescribed~~ by rule of ~~by~~ the  
1121 board of trustees and in accordance with ~~the provisions of~~ s.  
1122 259.032. Each manager of conservation lands shall also update a  
1123 land management plan whenever the manager proposes to add new  
1124 facilities or make substantive land use or management changes  
1125 that were not addressed in the approved plan, or within 1 year  
1126 after ~~of~~ the addition of significant new lands. Each manager of  
1127 nonconservation lands shall submit to the Division of State  
1128 Lands a land use plan at least every 10 years in a form and  
1129 manner adopted ~~prescribed~~ by rule of ~~by~~ the board of trustees.  
1130 The division shall review each plan for compliance with the  
1131 requirements of this subsection and the requirements of the  
1132 rules adopted ~~established~~ by the board of trustees pursuant to  
1133 this section. All nonconservation land use plans, whether for  
1134 single-use or multiple-use properties, shall be managed to

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1135 ~~provide the greatest benefit to the state include an analysis of~~  
1136 ~~the property to determine if any significant natural or cultural~~  
1137 ~~resources are located on the property. Such resources include~~  
1138 ~~archaeological and historic sites, state and federally listed~~  
1139 ~~plant and animal species, and imperiled natural communities and~~  
1140 ~~unique natural features. If such resources occur on the~~  
1141 ~~property, the manager shall consult with the Division of State~~  
1142 ~~Lands and other appropriate agencies to develop management~~  
1143 ~~strategies to protect such resources. Land use plans shall also~~  
1144 ~~provide for the control of invasive nonnative plants and~~  
1145 ~~conservation of soil and water resources, including a~~  
1146 ~~description of how the manager plans to control and prevent soil~~  
1147 ~~erosion and soil or water contamination. Land use plans~~  
1148 ~~submitted by a manager shall include reference to appropriate~~  
1149 ~~statutory authority for such use or uses and shall conform to~~  
1150 ~~the appropriate policies and guidelines of the state land~~  
1151 ~~management plan. Plans for managed areas larger than 1,000 acres~~  
1152 ~~shall contain an analysis of the multiple-use potential of the~~  
1153 ~~property, which includes analysis shall include the potential of~~  
1154 ~~the property to generate revenues to enhance the management of~~  
1155 ~~the property. In addition ~~Additionally~~, the plan shall contain~~  
1156 ~~an analysis of the potential use of private land managers to~~  
1157 ~~facilitate the restoration or management of these lands. If ~~If~~~~  
1158 ~~those cases where~~ a newly acquired property has a valid  
1159 conservation plan that was developed by a soil and conservation  
1160 district, such plan shall be used to guide management of the  
1161 property until a formal land use plan is completed.

1162 (a) State conservation lands shall be managed to ensure the  
1163 conservation of the state's plant and animal species and to



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1164 ensure the accessibility of state lands for the benefit and  
1165 enjoyment of all people of the state, both present and future.  
1166 Each land management plan for state conservation lands shall  
1167 provide a desired outcome, describe both short-term and long-  
1168 term management goals, and include measurable objectives to  
1169 achieve those goals. Short-term goals shall be achievable within  
1170 a 2-year planning period, and long-term goals shall be  
1171 achievable within a 10-year planning period. These short-term  
1172 and long-term management goals shall be the basis for all  
1173 subsequent land management activities.

1174 (b) Short-term and long-term management goals for state  
1175 conservation lands shall include measurable objectives for the  
1176 following, as appropriate:

- 1177 1. Habitat restoration and improvement.
- 1178 2. Public access and recreational opportunities.
- 1179 3. Hydrological preservation and restoration.
- 1180 4. Sustainable forest management.
- 1181 5. Exotic and invasive species maintenance and control.
- 1182 6. Capital facilities and infrastructure.
- 1183 7. Cultural and historical resources.
- 1184 8. Imperiled species habitat maintenance, enhancement,  
1185 restoration, or population restoration.

1186 (c) The land management plan shall, at a minimum, contain  
1187 the following elements:

- 1188 1. A physical description of the land.
- 1189 2. A quantitative data description of the land which  
1190 includes an inventory of forest and other natural resources;  
1191 exotic and invasive plants; hydrological features;  
1192 infrastructure, including recreational facilities; and other

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1193 significant land, cultural, or historical features. The  
1194 inventory shall reflect the number of acres for each resource  
1195 and feature, when appropriate. The inventory shall be of such  
1196 detail that objective measures and benchmarks can be established  
1197 for each tract of land and monitored during the lifetime of the  
1198 plan. All quantitative data collected shall be aggregated,  
1199 standardized, collected, and presented in an electronic format  
1200 to allow for uniform management reporting and analysis. The  
1201 information collected by the Department of Environmental  
1202 Protection pursuant to s. 253.0325(2) shall be available to the  
1203 land manager and his or her assignee.

1204 3. A detailed description of each short-term and long-term  
1205 land management goal, the associated measurable objectives, and  
1206 the related activities that are to be performed to meet the land  
1207 management objectives. Each land management objective must be  
1208 addressed by the land management plan, and if where practicable,  
1209 a ~~no~~ land management objective may not shall be performed to the  
1210 detriment of the other land management objectives.

1211 4. A schedule of land management activities which contains  
1212 short-term and long-term land management goals and the related  
1213 measurable objective and activities. The schedule shall include  
1214 for each activity a timeline for completion, quantitative  
1215 measures, and detailed expense and manpower budgets. The  
1216 schedule shall provide a management tool that facilitates  
1217 development of performance measures.

1218 5. A summary budget for the scheduled land management  
1219 activities of the land management plan. For state lands  
1220 containing or anticipated to contain imperiled species habitat,  
1221 the summary budget shall include any fees anticipated from

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1222 public or private entities for projects to offset adverse  
1223 impacts to imperiled species or such habitat, which fees shall  
1224 be used solely to restore, manage, enhance, repopulate, or  
1225 acquire imperiled species habitat. The summary budget shall be  
1226 prepared in such manner that it facilitates computing an  
1227 aggregate of land management costs for all state-managed lands  
1228 using the categories described in s. 259.037(3).

1229 (d) Upon completion, the land management plan must ~~will~~ be  
1230 transmitted to the Acquisition and Restoration Council for  
1231 review. The ~~Acquisition and Restoration~~ council shall have 90  
1232 days after receipt of the plan to review the plan and submit its  
1233 recommendations to the board of trustees. During the review  
1234 period, the land management plan may be revised if agreed to by  
1235 the primary land manager and the ~~Acquisition and Restoration~~  
1236 council taking into consideration public input. ~~If the~~  
1237 ~~Acquisition and Restoration Council fails to make a~~  
1238 ~~recommendation for a land management plan, the secretary of the~~  
1239 ~~Department of Environmental Protection, Commissioner of~~  
1240 ~~Agriculture, or Executive Director of the Fish and Wildlife~~  
1241 ~~Conservation Commission or their designees shall submit the land~~  
1242 ~~management plan to the board of trustees.~~ The land management  
1243 plan becomes effective upon approval by the board of trustees.

1244 (e) Land management plans are to be updated every 10 years  
1245 on a rotating basis. Each updated land management plan must  
1246 identify conservation lands under the plan, in part or in whole,  
1247 that are no longer needed for conservation purposes and could be  
1248 disposed of in fee simple or with the state retaining a  
1249 permanent conservation easement.

1250 (f) In developing land management plans, at least one

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1251 public hearing shall be held in any one affected county.

1252 (g) The Division of State Lands shall make available to the  
1253 public an electronic copy of each land management plan for  
1254 parcels that exceed 160 acres in size. The division ~~of State~~  
1255 ~~Lands~~ shall review each plan for compliance with the  
1256 requirements of this subsection, the requirements of chapter  
1257 259, and the requirements of the rules adopted ~~established~~ by  
1258 the board of trustees pursuant to this section. The Acquisition  
1259 and Restoration Council shall also consider the propriety of the  
1260 recommendations of the managing entity with regard to the future  
1261 use of the property, the protection of fragile or nonrenewable  
1262 resources, the potential for alternative or multiple uses not  
1263 recognized by the managing entity, and the possibility of  
1264 disposal of the property by the board of trustees. After its  
1265 review, the council shall submit the plan, along with its  
1266 recommendations and comments, to the board of trustees. The  
1267 council shall specifically recommend to the board of trustees  
1268 whether to approve the plan as submitted, approve the plan with  
1269 modifications, or reject the plan. If the ~~Acquisition and~~  
1270 ~~Restoration~~ council fails to make a recommendation for a land  
1271 management plan, the Secretary ~~of the Department~~ of  
1272 Environmental Protection, Commissioner of Agriculture, or  
1273 executive director of the Fish and Wildlife Conservation  
1274 Commission or their designees shall submit the land management  
1275 plan to the board of trustees.

1276 (h) The board of trustees ~~of the Internal Improvement Trust~~  
1277 ~~Fund~~ shall consider the land management plan submitted by each  
1278 entity and the recommendations of the Acquisition and  
1279 Restoration Council and the Division of State Lands and shall

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1280 approve the plan with or without modification or reject such  
1281 plan. The use or possession of any such lands that is not in  
1282 accordance with an approved land management plan is subject to  
1283 termination by the board of trustees.

1284 (i)1. State nonconservation lands shall be managed to  
1285 provide the greatest benefit to the state. Each land use plan  
1286 shall, at a minimum, contain the following elements:

1287 a. A physical description of the land to include any  
1288 significant natural or cultural resources as well as management  
1289 strategies developed by the land manager to protect such  
1290 resources.

1291 b. A desired development outcome.

1292 c. A schedule for achieving the desired development  
1293 outcome.

1294 d. A description of both short-term and long-term  
1295 development goals.

1296 e. A management and control plan for invasive nonnative  
1297 plants.

1298 f. A management and control plan for soil erosion and soil  
1299 and water contamination.

1300 g. Measureable objectives to achieve the goals identified  
1301 in the land use plan.

1302 2. Short-term goals shall be achievable within a 5-year  
1303 planning period and long-term goals shall be achievable within a  
1304 10-year planning period.

1305 3. The use or possession of any such lands that is not in  
1306 accordance with an approved land use plan is subject to  
1307 termination by the board of trustees.

1308 4. Land use plans submitted by a manager shall include

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1309 reference to appropriate statutory authority for such use or  
1310 uses and shall conform to the appropriate policies and  
1311 guidelines of the state land management plan.

1312 ~~(6) The Board of Trustees of the Internal Improvement Trust~~  
1313 ~~Fund shall determine which lands, the title to which is vested~~  
1314 ~~in the board, may be surplused. For conservation lands, the~~  
1315 ~~board shall determine whether the lands are no longer needed for~~  
1316 ~~conservation purposes and may dispose of them by an affirmative~~  
1317 ~~vote of at least three members. In the case of a land exchange~~  
1318 ~~involving the disposition of conservation lands, the board must~~  
1319 ~~determine by an affirmative vote of at least three members that~~  
1320 ~~the exchange will result in a net positive conservation benefit.~~  
1321 ~~For all other lands, the board shall determine whether the lands~~  
1322 ~~are no longer needed and may dispose of them by an affirmative~~  
1323 ~~vote of at least three members.~~

1324 ~~(a) For the purposes of this subsection, all lands acquired~~  
1325 ~~by the state before July 1, 1999, using proceeds from~~  
1326 ~~Preservation 2000 bonds, the former Conservation and Recreation~~  
1327 ~~Lands Trust Fund, the former Water Management Lands Trust Fund,~~  
1328 ~~Environmentally Endangered Lands Program, and the Save Our Coast~~  
1329 ~~Program and titled to the board which are identified as core~~  
1330 ~~parcels or within original project boundaries are deemed to have~~  
1331 ~~been acquired for conservation purposes.~~

1332 ~~(b) For any lands purchased by the state on or after July~~  
1333 ~~1, 1999, before acquisition, the board must determine which~~  
1334 ~~parcels must be designated as having been acquired for~~  
1335 ~~conservation purposes. Lands acquired for use by the Department~~  
1336 ~~of Corrections, the Department of Management Services for use as~~  
1337 ~~state offices, the Department of Transportation, except those~~

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1338 ~~specifically managed for conservation or recreation purposes, or~~  
1339 ~~the State University System or the Florida College System may~~  
1340 ~~not be designated as having been purchased for conservation~~  
1341 ~~purposes.~~

1342 ~~(c) At least every 10 years, as a component of each land~~  
1343 ~~management plan or land use plan and in a form and manner~~  
1344 ~~prescribed by rule by the board, each manager shall evaluate and~~  
1345 ~~indicate to the board those lands that are not being used for~~  
1346 ~~the purpose for which they were originally leased. For~~  
1347 ~~conservation lands, the council shall review and recommend to~~  
1348 ~~the board whether such lands should be retained in public~~  
1349 ~~ownership or disposed of by the board. For nonconservation~~  
1350 ~~lands, the division shall review such lands and recommend to the~~  
1351 ~~board whether such lands should be retained in public ownership~~  
1352 ~~or disposed of by the board.~~

1353 ~~(d) Lands owned by the board which are not actively managed~~  
1354 ~~by any state agency or for which a land management plan has not~~  
1355 ~~been completed pursuant to subsection (5) must be reviewed by~~  
1356 ~~the council or its successor for its recommendation as to~~  
1357 ~~whether such lands should be disposed of by the board.~~

1358 ~~(e) Before any decision by the board to surplus lands, the~~  
1359 ~~Acquisition and Restoration Council shall review and make~~  
1360 ~~recommendations to the board concerning the request for~~  
1361 ~~surplusing. The council shall determine whether the request for~~  
1362 ~~surplusing is compatible with the resource values of and~~  
1363 ~~management objectives for such lands.~~

1364 ~~(f) In reviewing lands owned by the board, the council~~  
1365 ~~shall consider whether such lands would be more appropriately~~  
1366 ~~owned or managed by the county or other unit of local government~~

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1367 ~~in which the land is located. The council shall recommend to the~~  
1368 ~~board whether a sale, lease, or other conveyance to a local~~  
1369 ~~government would be in the best interests of the state and local~~  
1370 ~~government. The provisions of this paragraph in no way limit the~~  
1371 ~~provisions of ss. 253.111 and 253.115. Such lands shall be~~  
1372 ~~offered to the state, county, or local government for a period~~  
1373 ~~of 45 days. Permittable uses for such surplus lands may include~~  
1374 ~~public schools; public libraries; fire or law enforcement~~  
1375 ~~substations; governmental, judicial, or recreational centers;~~  
1376 ~~and affordable housing meeting the criteria of s. 420.0004(3).~~  
1377 ~~County or local government requests for surplus lands shall be~~  
1378 ~~expedited throughout the surplusing process. If the county or~~  
1379 ~~local government does not elect to purchase such lands in~~  
1380 ~~accordance with s. 253.111, any surplusing determination~~  
1381 ~~involving other governmental agencies shall be made when the~~  
1382 ~~board decides the best public use of the lands. Surplus~~  
1383 ~~properties in which governmental agencies have expressed no~~  
1384 ~~interest must then be available for sale on the private market.~~

1385 ~~(g) The sale price of lands determined to be surplus~~  
1386 ~~pursuant to this subsection and s. 253.82 shall be determined by~~  
1387 ~~the division, which shall consider an appraisal of the property,~~  
1388 ~~or, if the estimated value of the land is \$500,000 or less, a~~  
1389 ~~comparable sales analysis or a broker's opinion of value. The~~  
1390 ~~division may require a second appraisal. The individual or~~  
1391 ~~entity that requests to purchase the surplus parcel shall pay~~  
1392 ~~all costs associated with determining the property's value, if~~  
1393 ~~any.~~

1394 ~~1. A written valuation of land determined to be surplus~~  
1395 ~~pursuant to this subsection and s. 253.82, and related documents~~



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1396 ~~used to form the valuation or which pertain to the valuation,~~  
1397 ~~are confidential and exempt from s. 119.07(1) and s. 24(a), Art.~~  
1398 ~~I of the State Constitution.~~

1399 ~~a. The exemption expires 2 weeks before the contract or~~  
1400 ~~agreement regarding the purchase, exchange, or disposal of the~~  
1401 ~~surplus land is first considered for approval by the board.~~

1402 ~~b. Before expiration of the exemption, the division may~~  
1403 ~~disclose confidential and exempt appraisals, valuations, or~~  
1404 ~~valuation information regarding surplus land:~~

1405 ~~(I) During negotiations for the sale or exchange of the~~  
1406 ~~land.~~

1407 ~~(II) During the marketing effort or bidding process~~  
1408 ~~associated with the sale, disposal, or exchange of the land to~~  
1409 ~~facilitate closure of such effort or process.~~

1410 ~~(III) When the passage of time has made the conclusions of~~  
1411 ~~value invalid.~~

1412 ~~(IV) When negotiations or marketing efforts concerning the~~  
1413 ~~land are concluded.~~

1414 ~~2. A unit of government that acquires title to lands~~  
1415 ~~hereunder for less than appraised value may not sell or transfer~~  
1416 ~~title to all or any portion of the lands to any private owner~~  
1417 ~~for 10 years. Any unit of government seeking to transfer or sell~~  
1418 ~~lands pursuant to this paragraph must first allow the board of~~  
1419 ~~trustees to reacquire such lands for the price at which the~~  
1420 ~~board sold such lands.~~

1421 ~~(h) Parcels with a market value over \$500,000 must be~~  
1422 ~~initially offered for sale by competitive bid. The division may~~  
1423 ~~use agents, as authorized by s. 253.431, for this process. Any~~  
1424 ~~parcels unsuccessfully offered for sale by competitive bid, and~~

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1425 ~~parcels with a market value of \$500,000 or less, may be sold by~~  
1426 ~~any reasonable means, including procuring real estate services,~~  
1427 ~~open or exclusive listings, competitive bid, auction, negotiated~~  
1428 ~~direct sales, or other appropriate services, to facilitate the~~  
1429 ~~sale.~~

1430 ~~(i) After reviewing the recommendations of the council, the~~  
1431 ~~board shall determine whether lands identified for surplus are~~  
1432 ~~to be held for other public purposes or are no longer needed.~~  
1433 ~~The board may require an agency to release its interest in such~~  
1434 ~~lands. A state agency, county, or local government that has~~  
1435 ~~requested the use of a property that was to be declared as~~  
1436 ~~surplus must secure the property under lease within 90 days~~  
1437 ~~after being notified that it may use such property.~~

1438 ~~(j) Requests for surplusizing may be made by any public or~~  
1439 ~~private entity or person. All requests shall be submitted to the~~  
1440 ~~lead managing agency for review and recommendation to the~~  
1441 ~~council or its successor. Lead managing agencies have 90 days to~~  
1442 ~~review such requests and make recommendations. Any surplusizing~~  
1443 ~~requests that have not been acted upon within the 90-day time~~  
1444 ~~period shall be immediately scheduled for hearing at the next~~  
1445 ~~regularly scheduled meeting of the council or its successor.~~  
1446 ~~Requests for surplusizing pursuant to this paragraph are not~~  
1447 ~~required to be offered to local or state governments as provided~~  
1448 ~~in paragraph (f).~~

1449 ~~(k) Proceeds from the sale of surplus conservation lands~~  
1450 ~~purchased before July 1, 2015, shall be deposited into the~~  
1451 ~~Florida Forever Trust Fund.~~

1452 ~~(l) Proceeds from the sale of surplus conservation lands~~  
1453 ~~purchased on or after July 1, 2015, shall be deposited into the~~

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1454 ~~Land Acquisition Trust Fund, except when such lands were~~  
1455 ~~purchased with funds other than those from the Land Acquisition~~  
1456 ~~Trust Fund or a land acquisition trust fund created to implement~~  
1457 ~~s. 28, Art. X of the State Constitution, the proceeds shall be~~  
1458 ~~deposited into the fund from which the lands were purchased.~~

1459 ~~(m) Funds received from the sale of surplus nonconservation~~  
1460 ~~lands or lands that were acquired by gift, by donation, or for~~  
1461 ~~no consideration shall be deposited into the Internal~~  
1462 ~~Improvement Trust Fund.~~

1463 ~~(n) Notwithstanding this subsection, such disposition of~~  
1464 ~~land may not be made if it would have the effect of causing all~~  
1465 ~~or any portion of the interest on any revenue bonds issued to~~  
1466 ~~lose the exclusion from gross income for federal income tax~~  
1467 ~~purposes.~~

1468 ~~(o) The sale of filled, formerly submerged land that does~~  
1469 ~~not exceed 5 acres in area is not subject to review by the~~  
1470 ~~council or its successor.~~

1471 ~~(p) The board may adopt rules to administer this section~~  
1472 ~~which may include procedures for administering surplus land~~  
1473 ~~requests and criteria for when the division may approve requests~~  
1474 ~~to surplus nonconservation lands on behalf of the board.~~

1475 ~~(6)(7) This section does shall not be construed so as to~~  
1476 ~~affect:~~

1477 ~~(a) Other provisions of this chapter relating to oil, gas,~~  
1478 ~~or mineral resources.~~

1479 ~~(b) The exclusive use of state-owned land subject to a~~  
1480 ~~lease by the board of trustees of the Internal Improvement Trust~~  
1481 ~~Fund of state-owned land for private uses and purposes.~~

1482 ~~(c) Sovereignty lands not leased for private uses and~~

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1483 purposes.

1484 (7)~~(8)~~ (a) The Legislature recognizes the value of the  
1485 state's conservation lands as water recharge areas and air  
1486 filters.

1487 (b) If state-owned lands are subject to annexation  
1488 procedures, the Division of State Lands must notify the county  
1489 legislative delegation of the county in which the land is  
1490 located.

1491 (8)~~(9)~~ Land management plans required to be submitted by  
1492 the Department of Corrections, the Department of Juvenile  
1493 Justice, the Department of Children and Families, or the  
1494 Department of Education are not subject to ~~the provisions for~~  
1495 review by the Acquisition and Restoration Council ~~or its~~  
1496 ~~successor described in subsection (5)~~. Management plans filed by  
1497 these agencies shall be made available to the public for a  
1498 period of 90 days at the administrative offices of the parcel or  
1499 project affected by the management plan and at the Tallahassee  
1500 offices of each agency. Any plans not objected to during the  
1501 public comment period shall be deemed approved. Any plans for  
1502 which an objection is filed shall be submitted to the board of  
1503 trustees ~~of the Internal Improvement Trust Fund~~ for  
1504 consideration. The board of trustees ~~of the Internal Improvement~~  
1505 ~~Trust Fund~~ shall approve the plan with or without modification,  
1506 or reject the plan. The use or possession of any such lands  
1507 which is not in accordance with an approved land management plan  
1508 is subject to termination by the board of trustees.

1509 (9)~~(10)~~ The following additional uses of conservation lands  
1510 acquired pursuant to the Florida Forever program and other  
1511 state-funded conservation land purchase programs shall be

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1512 authorized, upon a finding by the board of trustees, if they  
1513 meet the criteria specified in paragraphs (a)-(e): water  
1514 resource development projects, water supply development  
1515 projects, stormwater management projects, linear facilities, and  
1516 sustainable agriculture and forestry. Such additional uses are  
1517 authorized if ~~where~~:

1518 (a) The use is not inconsistent with the management plan  
1519 for such lands;

1520 (b) The use is compatible with the natural ecosystem and  
1521 resource values of such lands;

1522 (c) The ~~proposed~~ use is appropriately located on such lands  
1523 and if ~~where~~ due consideration is given to the use of other  
1524 available lands;

1525 (d) The using entity reasonably compensates the titleholder  
1526 for such use based upon an appropriate measure of value; and

1527 (e) The use is consistent with the public interest.

1528

1529 A decision by the board of trustees pursuant to this section  
1530 shall be given a presumption of correctness. Moneys received  
1531 from the use of state lands pursuant to this section shall be  
1532 returned to the lead managing entity in accordance with s.  
1533 259.032 (9) (c).

1534 (10) ~~(11)~~ Lands listed as projects for acquisition may be  
1535 managed for conservation pursuant to s. 259.032, on an interim  
1536 basis by a private party in anticipation of a state purchase in  
1537 accordance with a contractual arrangement between the acquiring  
1538 agency and the private party that may include management service  
1539 contracts, leases, cost-share arrangements or resource  
1540 conservation agreements. Lands designated as eligible under this

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1541 subsection shall be managed to maintain or enhance the resources  
1542 the state is seeking to protect by acquiring the land. Funding  
1543 for these contractual arrangements may originate from the  
1544 documentary stamp tax revenue deposited into the Land  
1545 Acquisition Trust Fund. No more than \$6.2 million may be  
1546 expended from the Land Acquisition Trust Fund for this purpose.

1547 (11)~~(12)~~ Any lands available to governmental employees,  
1548 including water management district employees, for hunting or  
1549 other recreational purposes shall also be made available to the  
1550 general public for such purposes.

1551 ~~(13) Before a building or parcel of land is offered for~~  
1552 ~~lease or sale to a local or federal unit of government or a~~  
1553 ~~private party, it shall first be offered for lease to state~~  
1554 ~~agencies, state universities, and Florida College System~~  
1555 ~~institutions, with priority consideration given to state~~  
1556 ~~universities and Florida College System institutions. Within 60~~  
1557 ~~days after the offer for lease of a surplus building or parcel,~~  
1558 ~~a state university or Florida College System institution that~~  
1559 ~~requests the lease must submit a plan for review and approval by~~  
1560 ~~the Board of Trustees of the Internal Improvement Trust Fund~~  
1561 ~~regarding the intended use, including future use, of the~~  
1562 ~~building or parcel of land before approval of a lease. Within 60~~  
1563 ~~days after the offer for lease of a surplus building or parcel,~~  
1564 ~~a state agency that requests the lease of such facility or~~  
1565 ~~parcel must submit a plan for review and approval by the board~~  
1566 ~~of trustees regarding the intended use. The state agency plan~~  
1567 ~~must, at a minimum, include the proposed use of the facility or~~  
1568 ~~parcel, the estimated cost of renovation, a capital improvement~~  
1569 ~~plan for the building, evidence that the building or parcel~~

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1570 ~~meets an existing need that cannot otherwise be met, and other~~  
1571 ~~criteria developed by rule by the board of trustees. The board~~  
1572 ~~or its designee shall compare the estimated value of the~~  
1573 ~~building or parcel to any submitted business plan to determine~~  
1574 ~~if the lease or sale is in the best interest of the state. The~~  
1575 ~~board of trustees shall adopt rules pursuant to chapter 120 for~~  
1576 ~~the implementation of this section.~~

1577 Section 6. Section 253.0341, Florida Statutes, is amended  
1578 to read:

1579 253.0341 Surplus of state-owned lands ~~to counties or local~~  
1580 ~~governments. Counties and local governments may submit~~  
1581 ~~surplusing requests for state-owned lands directly to the board~~  
1582 ~~of trustees. County or local government requests for the state~~  
1583 ~~to surplus conservation or nonconservation lands, whether for~~  
1584 ~~purchase or exchange, shall be expedited throughout the~~  
1585 ~~surplusing process. Property jointly acquired by the state and~~  
1586 ~~other entities shall not be surplused without the consent of all~~  
1587 ~~joint owners.~~

1588 (1) The board of trustees shall determine which lands, the  
1589 title to which is vested in the board, may be surplused. For all  
1590 conservation lands, the Acquisition and Restoration Council  
1591 shall make a recommendation to the board of trustees, and the  
1592 board of trustees shall determine whether the lands are no  
1593 longer needed for conservation purposes. If the board of  
1594 trustees determines the lands are no longer needed for  
1595 conservation purposes, it may dispose of such lands by an  
1596 affirmative vote of at least three members. In the case of a  
1597 land exchange involving the disposition of conservation lands,  
1598 the board of trustees must determine by an affirmative vote of

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1599 at least three members that the exchange will result in a net  
1600 positive conservation benefit. For all nonconservation lands,  
1601 the board of trustees shall determine whether the lands are no  
1602 longer needed. If the board of trustees determines the lands are  
1603 no longer needed, it may dispose of such lands by an affirmative  
1604 vote of at least three members. Local government requests for  
1605 the state to surplus conservation or nonconservation lands,  
1606 whether for purchase or exchange, shall be expedited throughout  
1607 the surplus process. Property jointly acquired by the state  
1608 and other entities may not be surplus without the consent of  
1609 all joint owners ~~The decision to surplus state-owned~~  
1610 ~~nonconservation lands may be made by the board without a review~~  
1611 ~~of, or a recommendation on, the request from the Acquisition and~~  
1612 ~~Restoration Council or the Division of State Lands. Such~~  
1613 ~~requests for nonconservation lands shall be considered by the~~  
1614 ~~board within 60 days of the board's receipt of the request.~~

1615 (2) For purposes of this section, all lands acquired by the  
1616 state before July 1, 1999, using proceeds from Preservation 2000  
1617 bonds, the former Conservation and Recreation Lands Trust Fund,  
1618 the former Water Management Lands Trust Fund, Environmentally  
1619 Endangered Lands Program, and the Save Our Coast Program and  
1620 titled to the board of trustees which are identified as core  
1621 parcels or within original project boundaries are deemed to have  
1622 been acquired for conservation purposes ~~County or local~~  
1623 ~~government requests for the surplus of state-owned~~  
1624 ~~conservation lands are subject to review of, and recommendation~~  
1625 ~~on, the request to the board by the Acquisition and Restoration~~  
1626 ~~Council. Requests to surplus conservation lands shall be~~  
1627 ~~considered by the board within 120 days of the board's receipt~~



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1628 ~~of the request.~~

1629 (3) For any lands purchased by the state on or after July  
1630 1, 1999, before acquisition, the board of trustees must  
1631 determine which parcels must be designated as having been  
1632 acquired for conservation purposes. Lands acquired for use by  
1633 the Department of Corrections; the Department of Management  
1634 Services for use as state offices; the Department of  
1635 Transportation, except those lands specifically managed for  
1636 conservation or recreation purposes; the State University  
1637 System; or the Florida College System may not be designated as  
1638 having been acquired for conservation purposes ~~A local~~  
1639 ~~government may request that state lands be specifically declared~~  
1640 ~~surplus lands for the purpose of providing alternative water~~  
1641 ~~supply and water resource development projects as defined in s.~~  
1642 ~~373.019, public facilities such as schools, fire and police~~  
1643 ~~facilities, and affordable housing. The request shall comply~~  
1644 ~~with the requirements of subsection (1) if the lands are~~  
1645 ~~nonconservation lands or subsection (2) if the lands are~~  
1646 ~~conservation lands. Surplus lands that are conveyed to a local~~  
1647 ~~government for affordable housing shall be disposed of by the~~  
1648 ~~local government under the provisions of s. 125.379 or s.~~  
1649 ~~166.0451.~~

1650 (4) (a) At least every 10 years, as a component of each land  
1651 management plan or land use plan and in a form and manner  
1652 adopted by rule of the board of trustees, each manager shall  
1653 evaluate and indicate to the board of trustees those lands that  
1654 are not being used for the purpose for which they were  
1655 originally leased. For conservation lands, the Acquisition and  
1656 Restoration Council shall review and recommend to the board of

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1657 trustees whether such lands should be retained in public  
1658 ownership or disposed of by the board of trustees. For  
1659 nonconservation lands, the Division of State Lands shall review  
1660 and recommend to the board of trustees whether such lands should  
1661 be retained in public ownership or disposed of by the board of  
1662 trustees ~~Notwithstanding the requirements of this section and~~  
1663 ~~the requirements of s. 253.034 which provides a surplus process~~  
1664 ~~for the disposal of state lands, the board shall convey to~~  
1665 ~~Miami Dade County title to the property on which the Graham~~  
1666 ~~Building, which houses the offices of the Miami Dade State~~  
1667 ~~Attorney, is located. By January 1, 2008, the board shall convey~~  
1668 ~~fee simple title to the property to Miami Dade County for a~~  
1669 ~~consideration of one dollar. The deed conveying title to Miami-~~  
1670 ~~Dade County must contain restrictions that limit the use of the~~  
1671 ~~property for the purpose of providing workforce housing as~~  
1672 ~~defined in s. 420.5095, and to house the offices of the Miami-~~  
1673 ~~Dade State Attorney. Employees of the Miami Dade State Attorney~~  
1674 ~~and the Miami Dade Public Defender who apply for and meet the~~  
1675 ~~income qualifications for workforce housing shall receive~~  
1676 ~~preference over other qualified applicants.~~

1677 (b) At least every 10 years, the Division of State Lands  
1678 shall review all state-owned conservation lands titled to the  
1679 board of trustees to determine whether any such lands are no  
1680 longer needed for conservation purposes and could be disposed of  
1681 in fee simple or with the state retaining a permanent  
1682 conservation easement. After such review, the division shall  
1683 submit a list of such lands, including additional conservation  
1684 lands identified in an updated land management plan pursuant to  
1685 s. 253.034(5), to the Acquisition and Restoration Council.

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1686 Within 9 months after receiving the list, the council shall  
1687 provide recommendations to the board of trustees as to whether  
1688 any such lands are no longer needed for conservation purposes  
1689 and could be disposed of in fee simple or with the state  
1690 retaining a permanent conservation easement. After reviewing  
1691 such list and considering such recommendations, if the board of  
1692 trustees determines by an affirmative vote of at least three  
1693 members that any such lands are no longer needed for  
1694 conservation purposes, the board of trustees shall dispose of  
1695 the lands in fee simple or with the state retaining a permanent  
1696 conservation easement.

1697 (c) At least every 10 years, the Division of State Lands  
1698 shall review all encumbered and unencumbered nonconservation  
1699 lands titled to the board of trustees and recommend to the board  
1700 of trustees whether any such lands should be retained in public  
1701 ownership or disposed of by the board of trustees. The board of  
1702 trustees may dispose of nonconservation lands under this  
1703 paragraph by a majority vote of the members.

1704 (5) Conservation lands owned by the board of trustees which  
1705 are not actively managed by any state agency or for which a land  
1706 management plan has not been completed pursuant to s. 253.034(5)  
1707 must be reviewed by the Acquisition and Restoration Council for  
1708 its recommendation as to whether such lands should be disposed  
1709 of by the board of trustees.

1710 (6) Before any decision by the board of trustees to surplus  
1711 conservation lands, the Acquisition and Restoration Council  
1712 shall review and make recommendations to the board of trustees  
1713 concerning the request for surplusings. The council shall  
1714 determine whether the request for surplusings is compatible with

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1715 the resource values of and management objectives for such lands.

1716 (7) In reviewing conservation lands owned by the board of  
1717 trustees, the Acquisition and Restoration Council shall consider  
1718 whether such lands would be more appropriately owned or managed  
1719 by the county or other unit of local government in which the  
1720 land is located. The council shall recommend to the board of  
1721 trustees whether a sale, lease, or other conveyance to a local  
1722 government would be in the best interests of the state and local  
1723 government. This subsection does not limit the provisions of ss.  
1724 253.111 and 253.115. If the county or local government does not  
1725 elect to purchase such lands in accordance with s. 253.111, any  
1726 surplus determination involving other governmental agencies  
1727 shall be made when the board of trustees decides the best public  
1728 use of the lands. Surplus properties in which governmental  
1729 agencies have not expressed interest must then be available for  
1730 sale on the private market.

1731 (8) Before a facility or parcel of nonconservation land is  
1732 offered for lease or sale to a local or federal unit of  
1733 government or a private party, it shall first be offered for  
1734 lease to state agencies, state universities, and Florida College  
1735 System institutions, with priority consideration given to state  
1736 universities and Florida College System institutions. Within 45  
1737 days after the offer for lease of a surplus building or parcel,  
1738 a state agency, state university, or Florida College System  
1739 institution that requests the lease must submit a plan to the  
1740 board of trustees that includes a description of the proposed  
1741 use, including future use, of the building or parcel of land.  
1742 The board of trustees must review and approve the plan before  
1743 approving the lease. The state agency plan must, at a minimum,

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1744 include the proposed use of the facility or parcel, the  
1745 estimated cost of renovation, a capital improvement plan for the  
1746 building, evidence that the building or parcel meets an existing  
1747 need that cannot otherwise be met, and other criteria adopted by  
1748 rule of the board of trustees. The board of trustees or its  
1749 designee shall compare the estimated value of the facility or  
1750 parcel to any submitted business plan to determine if the lease  
1751 or sale is in the best interest of the state. The board of  
1752 trustees shall adopt rules pursuant to chapter 120 to implement  
1753 this section. A state agency or local government that has  
1754 requested the use of a property that was to be declared as  
1755 surplus must secure the property with a fully executed lease  
1756 within 90 days after being notified that it may use such  
1757 property or the request is voidable.

1758 (9) The sale price of lands determined to be surplus  
1759 pursuant to this section and s. 253.82 shall be determined by  
1760 the Division of State Lands, which shall consider an appraisal  
1761 of the property or, if the estimated value of the land is  
1762 \$500,000 or less, a comparable sales analysis or a broker's  
1763 opinion of value. The division may require a second appraisal.  
1764 The individual or entity that requests to purchase the surplus  
1765 parcel shall pay all costs associated with determining the  
1766 property's value, if any.

1767 (a) A written valuation of land determined to be surplus  
1768 pursuant to this section and s. 253.82, and related documents  
1769 used to form the valuation or which pertain to the valuation,  
1770 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
1771 I of the State Constitution.

1772 1. The exemption expires 2 weeks before the contract or

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1773 agreement regarding the purchase, exchange, or disposal of the  
1774 surplus land is first considered for approval by the board of  
1775 trustees.

1776 2. Before expiration of the exemption, the Division of  
1777 State Lands may disclose confidential and exempt appraisals,  
1778 valuations, or valuation information regarding surplus land:

1779 a. During negotiations for the sale or exchange of the  
1780 land;

1781 b. During the marketing effort or bidding process  
1782 associated with the sale, disposal, or exchange of the land to  
1783 facilitate closure of such effort or process;

1784 c. When the passage of time has made the conclusions of  
1785 value invalid; or

1786 d. When negotiations or marketing efforts concerning the  
1787 land are concluded.

1788 (b) A unit of government that acquires title to lands  
1789 pursuant to this section for less than appraised value may not  
1790 sell or transfer title to all or any portion of the lands to any  
1791 private owner for 10 years. A unit of government seeking to  
1792 transfer or sell lands pursuant to this paragraph must first  
1793 allow the board of trustees to reacquire such lands for the  
1794 price at which the board of trustees sold such lands.

1795 (10) Parcels with a market value over \$500,000 must be  
1796 initially offered for sale by competitive bid. Any parcels  
1797 unsuccessfully offered for sale by competitive bid, and parcels  
1798 with a market value of \$500,000 or less, may be sold by any  
1799 reasonable means, including procuring real estate services, open  
1800 or exclusive listings, competitive bid, auction, negotiated  
1801 direct sales, or other appropriate services, to facilitate the

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1802 sale.

1803 (11) After reviewing the recommendations of the Acquisition  
1804 and Restoration Council, the board of trustees shall determine  
1805 whether conservation lands identified for surplus should be held  
1806 for other public purposes or are no longer needed. The board of  
1807 trustees may require an agency to release its interest in such  
1808 lands. A state entity, state agency, local government, or state  
1809 university or Florida College System institution that has  
1810 requested the use of a property that was to be declared as  
1811 surplus must secure the property under a fully executed lease  
1812 within 90 days after being notified that it may use such  
1813 property or the request is voidable.

1814 (12) Requests to surplus lands may be made by any public or  
1815 private entity or person and shall be determined by the board of  
1816 trustees. All requests to surplus conservation lands shall be  
1817 submitted to the lead managing agency for review and  
1818 recommendation to the Acquisition and Restoration Council, and  
1819 all requests to surplus nonconservation lands shall be submitted  
1820 to the Division of State Lands for review and recommendation to  
1821 the board of trustees. The lead managing agencies shall review  
1822 such requests and make recommendations to the council within 90  
1823 days after receipt of the requests. Any requests to surplus  
1824 conservation lands that are not acted upon within the 90-day  
1825 period shall be immediately scheduled for hearing at the next  
1826 regularly scheduled meeting of the council. Requests to surplus  
1827 lands shall be considered by the board of trustees within 60  
1828 days after receipt of the requests from the council or division.  
1829 Requests to surplus lands pursuant to this subsection are not  
1830 required to be offered to local or state governments as provided

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1831 in subsection (7) or subsection (8).

1832 (13) Proceeds from the sale of surplus conservation lands  
1833 purchased before July 1, 2015, shall be deposited into the  
1834 Florida Forever Trust Fund.

1835 (14) Proceeds from the sale of surplus conservation lands  
1836 purchased on or after July 1, 2015, shall be deposited into the  
1837 Land Acquisition Trust Fund, except when such lands were  
1838 purchased with funds other than those from the Land Acquisition  
1839 Trust Fund or a land acquisition trust fund created to implement  
1840 s. 28, Art. X of the State Constitution, the proceeds shall be  
1841 deposited into the fund from which the lands were purchased.

1842 (15) Funds received from the sale of surplus  
1843 nonconservation lands or lands that were acquired by gift, by  
1844 donation, or for no consideration shall be deposited into the  
1845 Internal Improvement Trust Fund.

1846 (16) Notwithstanding this section, such disposition of land  
1847 may not be made if it would have the effect of causing all or  
1848 any portion of the interest on any revenue bonds issued to lose  
1849 the exclusion from gross income for federal income tax purposes.

1850 (17) The sale of filled, formerly submerged land that does  
1851 not exceed 5 acres in area is not subject to review by the  
1852 Acquisition and Restoration Council.

1853 (18) The board of trustees may adopt rules to administer  
1854 this section, including procedures for administering surplus  
1855 land requests and criteria for when the Division of State Lands  
1856 may approve requests to surplus nonconservation lands on behalf  
1857 of the board of trustees.

1858 (19) Surplus lands that are conveyed to a local government  
1859 for affordable housing shall be disposed of by the local



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1860 government under s. 125.379 or s. 166.0451.

1861 Section 7. Section 253.111, Florida Statutes, is amended to  
1862 read:

1863 253.111 Notice to county and municipality ~~board of county~~  
1864 ~~commissioners~~ before sale.—The Board of Trustees of the Internal  
1865 Improvement Trust Fund ~~of the state~~ may not sell any land to  
1866 which it holds ~~they hold~~ title unless and until it affords ~~they~~  
1867 ~~afford~~ an opportunity to the county and municipality in which  
1868 such land is situated to receive such land on the following  
1869 terms and conditions:

1870 (1) If a request ~~an application~~ is filed with the Division  
1871 of State Lands ~~board~~ requesting that the board of trustees ~~they~~  
1872 sell certain land to which it holds ~~they hold~~ title and the  
1873 board of trustees decides to sell such land or if the board of  
1874 trustees, without such request ~~application~~, decides to sell such  
1875 land, the board of trustees shall, before consideration of any  
1876 private offers, notify the governing body ~~board of county~~  
1877 ~~commissioners~~ of the county and municipality in which such land  
1878 is situated that such land is available to such county and  
1879 municipality. Such notification shall be given by registered or  
1880 express mail, return receipt requested, any commercial delivery  
1881 service requiring a signed receipt, or electronic notification  
1882 with return receipt.

1883 (2) The governing bodies ~~board of county commissioners~~ of  
1884 the county and municipality in which such land is situated shall  
1885 each, ~~within 40 days after receipt of such notification from the~~  
1886 ~~board~~, determine by resolution whether ~~or not~~ it proposes to  
1887 acquire such land.

1888 (3) If the board of trustees receives, within 45 days after

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1889 notice is given to the governing bodies of the county and  
1890 municipality ~~board of county commissioners~~ pursuant to  
1891 subsection (1), the certified copy of the resolution provided  
1892 for in subsection (2), the board of trustees shall ~~forthwith~~  
1893 convey to the county or municipality such land at a price that  
1894 is equal to its ~~appraised~~ market value based on, at the  
1895 discretion of the Division of State Lands, an appraisal, a  
1896 comparable sales analysis, or a broker's opinion of value  
1897 ~~established by generally accepted professional standards for~~  
1898 ~~real estate appraisal~~ and subject to such other terms and  
1899 conditions as the board of trustees determines. If a parcel is  
1900 located within a municipality, priority consideration shall be  
1901 given to the municipality over the county.

1902 (4) ~~Nothing in~~ This section does not restrict ~~restricts~~ any  
1903 right otherwise granted to the board of trustees by this chapter  
1904 to convey land to which it holds ~~they hold~~ title to the state or  
1905 any department, office, authority, board, bureau, commission,  
1906 institution, court, tribunal, agency, or other instrumentality  
1907 of or under the state. For purposes of this section, the term  
1908 ~~word "land" as used in this act~~ means all lands vested in the  
1909 Board of Trustees of the Internal Improvement Trust Fund.

1910 (5) If any riparian owner exists with respect to any land  
1911 to be sold by the board of trustees, such riparian owner shall  
1912 have a right to secure such land, which right is prior in  
1913 interest to the right in the county and municipality created by  
1914 this section, provided that such riparian owner shall be  
1915 required to pay for such land upon such prices, terms, and  
1916 conditions as determined by the board of trustees. Such riparian  
1917 owner may waive this prior right, in which case this section

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1918 shall apply.

1919 (6) This section does not apply to:

1920 (a) Any land exchange approved by the board of trustees;

1921 (b) The conveyance of any lands located within the  
1922 Everglades Agricultural Area; or

1923 (c) Lands managed pursuant to ss. 253.781-253.785.

1924 Section 8. Section 253.42, Florida Statutes, is amended to  
1925 read:

1926 253.42 Board of trustees may exchange lands. ~~The provisions~~  
1927 ~~of~~ This section applies ~~apply~~ to all lands owned by, vested in,  
1928 or titled in the name of the board of trustees whether the lands  
1929 were acquired by the state as a purchase, or through gift,  
1930 donation, or any other conveyance for which no consideration was  
1931 paid.

1932 (1) The board of trustees may exchange any lands owned by,  
1933 vested in, or titled in its ~~the name of the board~~ for other  
1934 lands in the state owned by counties, local governments,  
1935 individuals, or private or public corporations, and may fix the  
1936 terms and conditions of any such exchange. Any nonconservation  
1937 lands that were acquired by the state through gift, donation, or  
1938 any other conveyance for which no consideration was paid must  
1939 first be offered at no cost to a county or local government  
1940 unless otherwise provided in a deed restriction of record or  
1941 other legal impediment, and so long as the use proposed by the  
1942 county or local government is for a public purpose. For  
1943 conservation lands acquired by the state through gift, donation,  
1944 or any other conveyance for which no consideration was paid, the  
1945 state may request land of equal conservation value from the  
1946 county or local government but no other consideration.

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1947 (2) In exchanging state-owned lands not acquired by the  
1948 state through gift, donation, or any other conveyance for which  
1949 no consideration was paid, with counties or local governments,  
1950 the board of trustees shall require an exchange of equal value.  
1951 Equal value is defined as the conservation benefit of the lands  
1952 being offered for exchange by a county or local government being  
1953 equal or greater in conservation benefit than the state-owned  
1954 lands. Such exchanges may include cash transactions if based on  
1955 an appropriate measure of value of the state-owned land, but  
1956 must also include the determination of a net-positive  
1957 conservation benefit by the Acquisition and Restoration Council,  
1958 irrespective of appraised value.

1959 (3) The board of trustees shall select and agree upon the  
1960 state lands to be exchanged and the lands to be conveyed to the  
1961 state and shall pay or receive any sum of money the board of  
1962 trustees deems ~~deemed~~ necessary ~~by the board~~ for the purpose of  
1963 equalizing the value of the exchanged property. The board of  
1964 trustees is authorized to make and enter into contracts or  
1965 agreements for such purpose or purposes.

1966 (4) (a) A person who owns land contiguous to state-owned  
1967 land titled to the board of trustees may submit a request to the  
1968 Division of State Lands to exchange all or a portion of the  
1969 privately owned land for all or a portion of the state-owned  
1970 land, whereby the state retains a permanent conservation  
1971 easement over all or a portion of the exchanged state-owned land  
1972 and a permanent conservation easement over all or a portion of  
1973 the exchanged privately owned land. State-owned land exchanged  
1974 pursuant to this subsection shall be contiguous to the privately  
1975 owned land upon which the state retains a permanent conservation

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1976 easement. The division may submit such request to the  
1977 Acquisition and Restoration Council for review. If the division  
1978 submits a request to the council, the council shall provide  
1979 recommendations to the division. After receiving the council's  
1980 recommendations, the division shall review the request and the  
1981 council's recommendations and may provide recommendations to the  
1982 board of trustees. This subsection does not apply to state-owned  
1983 sovereign submerged land.

1984 (b) After receiving a request and the division's  
1985 recommendations, the board of trustees shall consider such  
1986 request and recommendations and may approve the request if:

1987 1. At least 30 percent of the perimeter of the privately  
1988 owned land is bordered by state-owned land and the exchange does  
1989 not create an inholding.

1990 2. The approval does not result in a violation of the terms  
1991 of a preexisting lease or agreement by the board of trustees,  
1992 the Department of Environmental Protection, the Department of  
1993 Agriculture and Consumer Services, or the Fish and Wildlife  
1994 Conservation Commission.

1995 3. For state-owned land purchased for conservation  
1996 purposes, the board of trustees makes a determination that the  
1997 exchange of land under this subsection will result in a positive  
1998 conservation benefit.

1999 4. The approval does not conflict with any existing flowage  
2000 easement.

2001 5. The request is approved by three or more members of the  
2002 board of trustees.

2003 (c) Special consideration shall be given to a request that  
2004 maintains public access for any recreational purpose allowed on

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2005 the state-owned land at the time the request is submitted to the  
2006 board of trustees. A person who maintains public access pursuant  
2007 to this paragraph is entitled to the limitation on liability  
2008 provided in s. 375.251.

2009 (d) Land subject to a permanent conservation easement  
2010 granted pursuant to this subsection is subject to inspection by  
2011 the Department of Environmental Protection to ensure compliance  
2012 with the terms of the permanent conservation easement.

2013 Section 9. Subsection (2) of section 253.782, Florida  
2014 Statutes, is amended to read:

2015 253.782 Retention of state-owned lands in and around Lake  
2016 Rousseau and the Cross Florida Barge Canal right-of-way from  
2017 Lake Rousseau west to the Withlacoochee River.—

2018 (2) The Department of Environmental Protection is  
2019 authorized ~~and directed~~ to retain ownership of and maintain all  
2020 lands or interests in land owned by the Board of Trustees of the  
2021 Internal Improvement Trust Fund, including all fee and less-  
2022 than-fee interests in lands previously owned by the canal  
2023 authority in Lake Rousseau and the Cross Florida Barge Canal  
2024 right-of-way from Lake Rousseau at U.S. Highway 41 west to and  
2025 including the Withlacoochee River.

2026 Section 10. Section 253.7821, Florida Statutes, is amended  
2027 to read:

2028 253.7821 Cross Florida Greenways State Recreation and  
2029 Conservation Area assigned to the Department of Environmental  
2030 Protection ~~Office of the Executive Director.~~—The Cross Florida  
2031 Greenways State Recreation and Conservation Area is ~~hereby~~  
2032 established and ~~is initially~~ assigned to the department ~~Office~~  
2033 ~~of Greenways Management within the Office of the Secretary.~~ The

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2034 ~~department office~~ shall manage the greenways pursuant to the  
2035 department's existing statutory authority until administrative  
2036 rules are adopted by the department. However, the provisions of  
2037 this act shall control in any conflict between this act and any  
2038 other authority of the department.

2039 Section 11. Section 253.87, Florida Statutes, is created to  
2040 read:

2041 253.87 Inventory of state, federal, and local government  
2042 conservation lands by the Department of Environmental  
2043 Protection.-

2044 (1) By July 1, 2018, the department shall include in the  
2045 Florida State-Owned Lands and Records Information System (FL-  
2046 SOLARIS) database all federally owned conservation lands, all  
2047 lands on which the Federal Government retains a permanent  
2048 conservation easement, and all lands on which the state retains  
2049 a permanent conservation easement. The department shall update  
2050 the database at least every 5 years.

2051 (2) By July 1, 2018, for counties and municipalities, and  
2052 by July 1, 2019, for financially disadvantaged small  
2053 communities, as defined in s. 403.1838, and at least every 5  
2054 years thereafter, respectively, each county, municipality, and  
2055 financially disadvantaged small community shall identify all  
2056 conservation lands that it owns in fee simple and all lands on  
2057 which it retains a permanent conservation easement and submit,  
2058 in a manner determined by the department, a list of such lands  
2059 to the department. Within 6 months after receiving such list,  
2060 the department shall add such lands to the FL-SOLARIS database.

2061 (3) By January 1, 2018, the department shall conduct a  
2062 study and submit a report to the Governor, the President of the

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2063 Senate, and the Speaker of the House of Representatives on the  
 2064 technical and economic feasibility of including the following  
 2065 lands in the FL-SOLARIS database or a similar public lands  
 2066 inventory:

2067 (a) All lands on which local comprehensive plans, land use  
 2068 restrictions, zoning ordinances, or land development regulations  
 2069 prohibit the land from being developed or limit the amount of  
 2070 development to one unit per 40 or more acres.

2071 (b) All publicly and privately owned lands for which  
 2072 development rights have been transferred.

2073 (c) All privately owned lands under a permanent  
 2074 conservation easement.

2075 (d) All lands owned by a nonprofit or nongovernmental  
 2076 organization for conservation purposes.

2077 (e) All lands that are part of a mitigation bank.

2078 Section 12. Section 259.01, Florida Statutes, is amended to  
 2079 read:

2080 259.01 Short title.—This chapter shall be known and may be  
 2081 cited as the "Land Conservation Program Act of 1972."

2082 Section 13. Section 259.02, Florida Statutes, is repealed.

2083 Section 14. Section 259.03, Florida Statutes, is amended to  
 2084 read:

2085 259.03 Definitions.—~~As The following terms and phrases when~~  
 2086 ~~used in this chapter, the term shall have the meanings ascribed~~  
 2087 ~~to them in this section, except where the context clearly~~  
 2088 ~~indicates a different meaning:~~

2089 (1) "Council" means the Acquisition and Restoration that  
 2090 Council established pursuant to s. 259.035.

2091 (2) "Board" means the Governor and Cabinet, sitting as the



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2092 Board of Trustees of the Internal Improvement Trust Fund.

2093 (3) "Capital improvement" or "capital project expenditure"  
2094 means those activities relating to the acquisition, restoration,  
2095 public access, and recreational uses of such lands, water areas,  
2096 and related resources deemed necessary to accomplish the  
2097 purposes of this chapter. Eligible activities include, but are  
2098 not limited to: the initial removal of invasive plants; the  
2099 construction, improvement, enlargement or extension of  
2100 facilities' signs, firelanes, access roads, and trails; or any  
2101 other activities that serve to restore, conserve, protect, or  
2102 provide public access, recreational opportunities, or necessary  
2103 services for land or water areas. Such activities shall be  
2104 identified before ~~prior to~~ the acquisition of a parcel or the  
2105 approval of a project. The continued expenditures necessary for  
2106 a capital improvement approved under this subsection are ~~shall~~  
2107 not ~~be~~ eligible for funding provided in this chapter.

2108 (4) "Department" means the Department of Environmental  
2109 Protection.

2110 (5) "Division" means the Division of Bond Finance of the  
2111 State Board of Administration.

2112 (6) "Water resource development project" means a project  
2113 eligible for funding pursuant to s. 259.105 that increases the  
2114 amount of water available to meet the needs of natural systems  
2115 and the citizens of the state by enhancing or restoring aquifer  
2116 recharge, facilitating the capture and storage of excess flows  
2117 in surface waters, or promoting reuse. The implementation of  
2118 eligible projects under s. 259.105 includes land acquisition,  
2119 land and water body restoration, aquifer storage and recovery  
2120 facilities, surface water reservoirs, and other capital

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2121 improvements. ~~The term does not include construction of~~  
2122 ~~treatment, transmission, or distribution facilities.~~

2123 Section 15. Subsections (6), (7), and (8) and paragraphs  
2124 (a) and (d) of section (9) of section 259.032, Florida Statutes,  
2125 are amended to read:

2126 259.032 Conservation and recreation lands.—

2127 (6) Conservation and recreation lands are subject to the  
2128 selection procedures of s. 259.035 and related rules and shall  
2129 be acquired in accordance with acquisition procedures for state  
2130 lands provided for in s. 253.025 ~~259.041~~, except as otherwise  
2131 provided by the Legislature. An inholding or an addition to  
2132 conservation and recreation lands is not subject to the  
2133 selection procedures of s. 259.035 if the estimated value of  
2134 such inholding or addition does not exceed \$500,000. When at  
2135 least 90 percent of the acreage of a project has been purchased  
2136 for conservation and recreation purposes, the project may be  
2137 removed from the list and the remaining acreage may continue to  
2138 be purchased. Funds appropriated to acquire conservation and  
2139 recreation lands may be used for title work, appraisal fees,  
2140 environmental audits, and survey costs related to acquisition  
2141 expenses for lands to be acquired, donated, or exchanged which  
2142 qualify under the categories of this section, at the discretion  
2143 of the board. When the Legislature has authorized the department  
2144 ~~of Environmental Protection~~ to condemn a specific parcel of land  
2145 and such parcel has already been approved for acquisition, the  
2146 land may be acquired in accordance with ~~the provisions of~~  
2147 chapter 73 or chapter 74, and the funds appropriated to acquire  
2148 conservation and recreation lands may be used to pay the  
2149 condemnation award and all costs, including reasonable attorney

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2150 fees, associated with condemnation.

2151 (7) All lands managed under this chapter and s. 253.034  
2152 shall be:

2153 (a) Managed in a manner that will provide the greatest  
2154 combination of benefits to the public and to the resources.

2155 (b) Managed for public outdoor recreation which is  
2156 compatible with the conservation and protection of public lands.  
2157 Such management may include, but not be limited to, the  
2158 following public recreational uses: fishing, hunting, camping,  
2159 bicycling, hiking, nature study, swimming, boating, canoeing,  
2160 horseback riding, diving, model hobbyist activities, birding,  
2161 sailing, jogging, and other related outdoor activities  
2162 ~~compatible with the purposes for which the lands were acquired.~~

2163 ~~(c) Managed for the purposes for which the lands were~~  
2164 ~~acquired, consistent with paragraph (9)(a).~~

2165 (c) ~~(d)~~ Concurrent with its adoption of the annual list of  
2166 acquisition projects pursuant to s. 259.035, the board ~~of~~  
2167 ~~trustees~~ shall adopt a management prospectus for each project.  
2168 The management prospectus shall delineate:

2169 1. The management goals for the property;

2170 2. The conditions that will affect the intensity of  
2171 management;

2172 3. An estimate of the revenue-generating potential of the  
2173 property, if appropriate;

2174 4. A timetable for implementing the various stages of  
2175 management and for providing access to the public, if  
2176 applicable;

2177 5. A description of potential multiple-use activities as  
2178 described in this section and s. 253.034;

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2179 6. Provisions for protecting existing infrastructure and  
2180 for ensuring the security of the project upon acquisition;

2181 7. The anticipated costs of management and projected  
2182 sources of revenue, including legislative appropriations, to  
2183 fund management needs; and

2184 8. Recommendations as to how many employees will be needed  
2185 to manage the property, and recommendations as to whether local  
2186 governments, volunteer groups, the former landowner, or other  
2187 interested parties can be involved in the management.

2188 (d)~~(e)~~ Concurrent with the approval of the acquisition  
2189 contract pursuant to s. 253.025(4)(c) ~~259.041(3)(e)~~ for any  
2190 interest in lands except those lands ~~being~~ acquired pursuant to  
2191 ~~under the provisions of~~ s. 259.1052, the board ~~of trustees~~ shall  
2192 designate an agency or agencies to manage such lands. The board  
2193 shall evaluate and amend, as appropriate, the management policy  
2194 statement for the project as provided by s. 259.035 to ensure  
2195 the policy is compatible with conservation or recreation  
2196 purposes, consistent with the purposes for which the lands are  
2197 ~~acquired~~. For any fee simple acquisition of a parcel which is or  
2198 will be leased back for agricultural purposes, or any  
2199 acquisition of a less-than-fee interest in land that is or will  
2200 be used for agricultural purposes, the board ~~of trustees of the~~  
2201 ~~Internal Improvement Trust Fund~~ shall first consider having a  
2202 soil and water conservation district, created pursuant to  
2203 chapter 582, manage and monitor such interests.

2204 (e)~~(f)~~ State agencies designated to manage lands acquired  
2205 under this chapter or with funds deposited into the Land  
2206 Acquisition Trust Fund, except those lands acquired under s.  
2207 259.1052, may contract with local governments and soil and water

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2208 conservation districts to assist in management activities,  
2209 including the responsibility of being the lead land manager.  
2210 Such land management contracts may include a provision for the  
2211 transfer of management funding to the local government or soil  
2212 and water conservation district from the land acquisition trust  
2213 fund of the lead land managing agency in an amount adequate for  
2214 the local government or soil and water conservation district to  
2215 perform its contractual land management responsibilities and  
2216 proportionate to its responsibilities, and which otherwise would  
2217 have been expended by the state agency to manage the property.

2218 (f) ~~(g)~~ Immediately following the acquisition of any  
2219 interest in conservation and recreation lands, the department ~~of~~  
2220 ~~Environmental Protection~~, acting on behalf of the board ~~of~~  
2221 ~~trustees~~, may issue to the lead managing entity an interim  
2222 assignment letter to be effective until the execution of a  
2223 formal lease.

2224 (8) (a) State, regional, or local governmental agencies or  
2225 private entities designated to manage lands under this section  
2226 shall develop and adopt, with the approval of the board ~~of~~  
2227 ~~trustees~~, an individual management plan for each project  
2228 designed to conserve and protect such lands and their associated  
2229 natural resources. Private sector involvement in management plan  
2230 development may be used to expedite the planning process.

2231 (b) Individual management plans required by s. 253.034(5),  
2232 for parcels over 160 acres, shall be developed with input from  
2233 an advisory group. Members of this advisory group shall include,  
2234 at a minimum, representatives of the lead land managing agency,  
2235 comanaging entities, local private property owners, the  
2236 appropriate soil and water conservation district, a local

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2237 conservation organization, and a local elected official. If  
2238 habitat or potentially restorable habitat for imperiled species  
2239 is located on state lands, the Fish and Wildlife Conservation  
2240 Commission and the Department of Agriculture and Consumer  
2241 Services shall be included on any advisory group required under  
2242 chapter 253, and the short-term and long-term management goals  
2243 required under chapter 253 must advance the goals and objectives  
2244 of imperiled species management without restricting other uses  
2245 identified in the management plan. The advisory group shall  
2246 conduct at least one public hearing within the county in which  
2247 the parcel or project is located. For those parcels or projects  
2248 that are within more than one county, at least one areawide  
2249 public hearing shall be acceptable and the lead managing agency  
2250 shall invite a local elected official from each county. The  
2251 areawide public hearing shall be held in the county in which the  
2252 core parcels are located. Notice of such public hearing shall be  
2253 posted on the parcel or project designated for management,  
2254 advertised in a paper of general circulation, and announced at a  
2255 scheduled meeting of the local governing body before the actual  
2256 public hearing. The management prospectus required pursuant to  
2257 paragraph (7) (c) ~~(7) (d)~~ shall be available to the public for a  
2258 period of 30 days before ~~prior to~~ the public hearing.

2259 (c) Once a plan is adopted, the managing agency or entity  
2260 shall update the plan at least every 10 years in a form and  
2261 manner adopted ~~prescribed~~ by rule of the board ~~of trustees~~. Such  
2262 updates, for parcels over 160 acres, shall be developed with  
2263 input from an advisory group. Such plans may include transfers  
2264 of leasehold interests to appropriate conservation organizations  
2265 or governmental entities designated by the ~~Land Acquisition and~~

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2266 ~~Management Advisory council or its successor,~~ for uses  
2267 consistent with the purposes of the organizations and the  
2268 protection, preservation, conservation, restoration, and proper  
2269 management of the lands and their resources. Volunteer  
2270 management assistance is encouraged, including, but not limited  
2271 to, assistance by youths participating in programs sponsored by  
2272 state or local agencies, by volunteers sponsored by  
2273 environmental or civic organizations, and by individuals  
2274 participating in programs for committed delinquents and adults.

2275 (d)~~1.~~ For each project for which lands are acquired after  
2276 July 1, 1995, an individual management plan shall be adopted and  
2277 in place no later than 1 year after the essential parcel or  
2278 parcels identified in the priority list developed pursuant to s.  
2279 259.105 have been acquired. The department ~~of Environmental~~  
2280 ~~Protection~~ shall distribute only 75 percent of the acquisition  
2281 funds to which a budget entity or water management district  
2282 would otherwise be entitled to any budget entity or any water  
2283 management district that has more than one-third of its  
2284 management plans overdue.

2285 ~~2. The requirements of subparagraph 1. do not apply to the~~  
2286 ~~individual management plan for the Babcock Crescent B Ranch~~  
2287 ~~being acquired pursuant to s. 259.1052. The management plan for~~  
2288 ~~the ranch shall be adopted and in place no later than 2 years~~  
2289 ~~following the date of acquisition by the state.~~

2290 (e) Individual management plans shall conform to the  
2291 appropriate policies and guidelines of the state land management  
2292 plan and shall include, but not be limited to:

2293 1. A statement of the purpose for which the lands were  
2294 acquired, the projected use or uses as defined in s. 253.034,

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2295 and the statutory authority for such use or uses.

2296 2. Key management activities necessary to achieve the  
2297 desired outcomes, including, but not limited to, providing  
2298 public access, preserving and protecting natural resources,  
2299 protecting cultural and historical resources, restoring habitat,  
2300 protecting threatened and endangered species, controlling the  
2301 spread of nonnative plants and animals, performing prescribed  
2302 fire activities, and other appropriate resource management.

2303 3. A specific description of how the managing agency plans  
2304 to identify, locate, protect, and preserve, or otherwise use  
2305 fragile, nonrenewable natural and cultural resources.

2306 4. A priority schedule for conducting management  
2307 activities, ~~based on the purposes for which the lands were~~  
2308 ~~acquired.~~

2309 5. A cost estimate for conducting priority management  
2310 activities, to include recommendations for cost-effective  
2311 methods of accomplishing those activities.

2312 6. A cost estimate for conducting other management  
2313 activities which would enhance the natural resource value or  
2314 public recreation value ~~for which the lands were acquired.~~ The  
2315 cost estimate shall include recommendations for cost-effective  
2316 methods of accomplishing those activities.

2317 7. A determination of the public uses and public access  
2318 that would be compatible with conservation or recreation  
2319 purposes ~~that would be consistent with the purposes for which~~  
2320 ~~the lands were acquired.~~

2321 (f) The Division of State Lands shall submit a copy of each  
2322 individual management plan for parcels which exceed 160 acres in  
2323 size to each member of the ~~Acquisition and Restoration~~ council,



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2324 which shall:

2325 1. Within 60 days after receiving a plan from the Division  
2326 of State Lands, review each plan for compliance with the  
2327 requirements of this subsection and with the requirements of the  
2328 rules adopted ~~established~~ by the board pursuant to this  
2329 subsection.

2330 2. Consider the propriety of the recommendations of the  
2331 managing agency with regard to the future use or protection of  
2332 the property.

2333 3. After its review, submit the plan, along with its  
2334 recommendations and comments, to the board ~~of trustees~~, with  
2335 recommendations as to whether to approve the plan as submitted,  
2336 approve the plan with modifications, or reject the plan.

2337 (g) The board ~~of trustees~~ shall consider the individual  
2338 management plan submitted by each state agency and the  
2339 recommendations of the ~~Acquisition and Restoration~~ council and  
2340 the department ~~Division of State Lands~~ and shall approve the  
2341 plan with or without modification or reject such plan. The use  
2342 or possession of any lands owned by the board ~~of trustees~~ which  
2343 is not in accordance with an approved individual management plan  
2344 is subject to termination by the board ~~of trustees~~.

2345  
2346 By July 1 of each year, each governmental agency and each  
2347 private entity designated to manage lands shall report to the  
2348 Secretary of Environmental Protection on the progress of  
2349 funding, staffing, and resource management of every project for  
2350 which the agency or entity is responsible.

2351 (9) (a) The Legislature recognizes that acquiring lands  
2352 pursuant to this chapter serves the public interest by

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2353 protecting land, air, and water resources which contribute to  
2354 the public health and welfare, providing areas for natural  
2355 resource based recreation, and ensuring the survival of unique  
2356 and irreplaceable plant and animal species. The Legislature  
2357 intends for these lands to be managed and maintained in a manner  
2358 that is compatible with conservation or recreation purposes ~~for~~  
2359 ~~the purposes for which they were acquired~~ and for the public to  
2360 have access to and use of these lands if public access ~~where it~~  
2361 ~~is consistent with acquisition purposes~~ and would not harm the  
2362 resources the state is seeking to protect on the public's  
2363 behalf.

2364 (d) Up to one-fifth of the funds appropriated for the  
2365 purposes identified in paragraph (b) shall be reserved by the  
2366 board ~~of trustees~~ for interim management of acquisitions and for  
2367 associated contractual services, to ensure the conservation and  
2368 protection of natural resources on project sites and to allow  
2369 limited public recreational use of lands. Interim management  
2370 activities may include, but not be limited to, resource  
2371 assessments, control of invasive, nonnative species, habitat  
2372 restoration, fencing, law enforcement, controlled burning, and  
2373 public access consistent with preliminary determinations made  
2374 pursuant to paragraph (7) (f) ~~(7) (g)~~. The board ~~of trustees~~ shall  
2375 make these interim funds available immediately upon purchase.

2376 Section 16. Subsection (3) and paragraph (a) of subsection  
2377 (4) of section 259.035, Florida Statutes, are amended to read:

2378 259.035 Acquisition and Restoration Council.—

2379 (3) The council shall provide assistance to the board ~~of~~  
2380 ~~trustees~~ in reviewing the recommendations and plans for state-  
2381 owned conservation lands required under s. 253.034 and this

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2382 chapter. The council shall, in reviewing such ~~recommendations~~  
2383 ~~and~~ plans, consider the optimization of multiple-use and  
2384 conservation strategies to accomplish the provisions funded  
2385 pursuant to former s. 259.101(3)(a), Florida Statutes 2014, and  
2386 to s. 259.105(3)(b).

2387 (4)(a) By December 1, 2016, the ~~Acquisition and Restoration~~  
2388 council shall develop rules defining specific criteria and  
2389 numeric performance measures needed for lands that are to be  
2390 acquired for public purpose under the Florida Forever program  
2391 pursuant to s. 259.105 or with funds deposited into the Land  
2392 Acquisition Trust Fund pursuant to s. 28(a), Art. X of the State  
2393 Constitution. These rules shall be reviewed and adopted by the  
2394 board, then submitted to the Legislature for consideration by  
2395 February 1, 2017. The Legislature may reject, modify, or take no  
2396 action relative to the proposed rules. If no action is taken,  
2397 the rules shall be implemented. Subsequent to their approval,  
2398 each recipient of funds from the Land Acquisition Trust Fund  
2399 shall annually report to the department ~~Division of State Lands~~  
2400 on each of the numeric performance measures accomplished during  
2401 the previous fiscal year.

2402 Section 17. Subsections (1), (2), (4), and (5) of section  
2403 259.036, Florida Statutes, are amended to read:

2404 259.036 Management review teams.—

2405 (1) To determine whether conservation, preservation, and  
2406 recreation lands titled in the name of the board ~~of Trustees of~~  
2407 ~~the Internal Improvement Trust Fund~~ are being managed for the  
2408 purposes that are compatible with conservation, preservation, or  
2409 recreation ~~for which they were acquired and~~ in accordance with a  
2410 land management plan adopted pursuant to s. 259.032, the board

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2411 ~~of trustees,~~ acting through the department ~~of Environmental~~  
2412 ~~Protection,~~ shall cause periodic management reviews to be  
2413 conducted as follows:

2414 (a) The department shall establish a regional land  
2415 management review team composed of the following members:

2416 1. One individual who is from the county or local community  
2417 in which the parcel or project is located and who is selected by  
2418 the county commission in the county which is most impacted by  
2419 the acquisition.

2420 2. One individual from the Division of Recreation and Parks  
2421 of the department.

2422 3. One individual from the Florida Forest Service of the  
2423 Department of Agriculture and Consumer Services.

2424 4. One individual from the Fish and Wildlife Conservation  
2425 Commission.

2426 5. One individual from the department's district office in  
2427 which the parcel is located.

2428 6. A private land manager, preferably from the local  
2429 community, mutually agreeable to the state agency  
2430 representatives.

2431 7. A member or staff from the jurisdictional water  
2432 management district or ~~of the~~ local soil and water conservation  
2433 district board of supervisors.

2434 8. A member of a conservation organization.

2435 (b) The department ~~staff of the Division of State Lands~~  
2436 shall act as the review team coordinator for the purposes of  
2437 establishing schedules for the reviews and other staff  
2438 functions. The Legislature shall appropriate funds necessary to  
2439 implement land management review team functions.

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2440 (2) The land management review team shall review select  
2441 management areas before ~~prior to~~ the date the manager is  
2442 required to submit a 10-year land management plan update. For  
2443 management areas that exceed 1,000 acres in size, the department  
2444 ~~Division of State Lands~~ shall schedule a land management review  
2445 at least every 5 years. A copy of the review shall be provided  
2446 to the manager, the department ~~Division of State Lands~~, and the  
2447 ~~Acquisition and Restoration~~ council. The manager shall consider  
2448 the findings and recommendations of the land management review  
2449 team in finalizing the required 10-year update of its management  
2450 plan.

2451 (4) In the event a land management plan has not been  
2452 adopted within the timeframes specified in s. 259.032(8), the  
2453 department may direct a management review of the property, to be  
2454 conducted by the land management review team. The review shall  
2455 consider the extent to which the land is being managed in a  
2456 manner that is compatible with conservation or recreation  
2457 purposes ~~for the purposes for which it was acquired~~ and the  
2458 degree to which actual management practices are in compliance  
2459 with the management policy statement and management prospectus  
2460 for that property.

2461 (5) If the land management review team determines that  
2462 reviewed lands are not being managed in a manner that is  
2463 compatible with conservation or recreation purposes ~~for the~~  
2464 ~~purposes for which they were acquired~~ or in compliance with the  
2465 adopted land management plan, management policy statement, or  
2466 management prospectus, or if the managing agency fails to  
2467 address the review findings in the updated management plan, the  
2468 department shall provide the review findings to the board, and

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2469 the managing agency must report to the board its reasons for  
2470 managing the lands as it has.

2471 Section 18. Section 259.037, Florida Statutes, is amended  
2472 to read:

2473 259.037 Land Management Uniform Accounting Council.—

2474 (1) The Land Management Uniform Accounting Council (LMUAC)  
2475 is created within the Department of Environmental Protection and  
2476 shall consist of the director of the Division of State Lands,  
2477 the director of the Division of Recreation and Parks, and the  
2478 director of the Office of Coastal and Aquatic Managed Areas, ~~and~~  
2479 ~~the director of the Office of Greenways and Trails~~ of the  
2480 department ~~of Environmental Protection~~; the director of the  
2481 Florida Forest Service of the Department of Agriculture and  
2482 Consumer Services; the executive director of the Fish and  
2483 Wildlife Conservation Commission; and the director of the  
2484 Division of Historical Resources of the Department of State, or  
2485 their respective designees. Each state agency represented on the  
2486 LMUAC ~~council~~ shall have one vote. The chair of the LMUAC  
2487 ~~council~~ shall rotate annually in the foregoing order of state  
2488 agencies. The agency of the representative serving as chair ~~of~~  
2489 ~~the council~~ shall provide staff support for the LMUAC ~~council~~.  
2490 The Division of State Lands shall serve as the recipient of and  
2491 repository for the LMUAC's ~~council's~~ documents. The LMUAC  
2492 ~~council~~ shall meet at the request of the chair.

2493 (2) The Auditor General and the director of the Office of  
2494 Program Policy Analysis and Government Accountability, or their  
2495 designees, shall advise the LMUAC ~~council~~ to ensure that  
2496 appropriate accounting procedures are used ~~utilized~~ and that a  
2497 uniform method of collecting and reporting accurate costs of

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2498 land management activities are created and can be used by all  
2499 agencies.

2500 (3) (a) All land management activities and costs must be  
2501 assigned to a specific category, and any single activity or cost  
2502 may not be assigned to more than one category. Administrative  
2503 costs, such as planning or training, shall be segregated from  
2504 other management activities. Specific management activities and  
2505 costs must initially be grouped, at a minimum, within the  
2506 following categories:

- 2507 1. Resource management.
- 2508 2. Administration.
- 2509 3. Support.
- 2510 4. Capital improvements.
- 2511 5. Recreation visitor services.
- 2512 6. Law enforcement activities.

2513

2514 Upon adoption of the initial list of land management categories  
2515 by the LMUAC council, agencies assigned to manage conservation  
2516 or recreation lands shall, ~~on July 1, 2000, begin to~~ account for  
2517 land management costs in accordance with the category to which  
2518 an expenditure is assigned.

2519 (b) Each reporting agency shall also:

2520 1. Include a report of the available public use  
2521 opportunities for each management unit of state land, the total  
2522 management cost for public access and public use, and the cost  
2523 associated with each use option.

2524 2. List the acres of land requiring minimal management  
2525 effort, moderate management effort, and significant management  
2526 effort pursuant to s. 259.032(9)(c). For each category created

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2527 in paragraph (a), the reporting agency shall include the amount  
2528 of funds requested, the amount of funds received, and the amount  
2529 of funds expended for land management.

2530 3. List acres managed and cost of management for each park,  
2531 preserve, forest, reserve, or management area.

2532 4. List acres managed, cost of management, and lead manager  
2533 for each state lands management unit for which secondary  
2534 management activities were provided.

2535 5. Include a report of the estimated calculable financial  
2536 benefits to the public for the ecosystem services provided by  
2537 conservation lands, based on the best readily available  
2538 information or science that provides a standard measurement  
2539 methodology to be consistently applied by the land managing  
2540 agencies. Such information may include, but need not be limited  
2541 to, the value of natural lands for protecting the quality and  
2542 quantity of drinking water through natural water filtration and  
2543 recharge, contributions to protecting and improving air quality,  
2544 benefits to agriculture through increased soil productivity and  
2545 preservation of biodiversity, and savings to property and lives  
2546 through flood control.

2547 (4) The LMUAC ~~council~~ shall provide a report of the  
2548 agencies' expenditures pursuant to the adopted categories to the  
2549 Acquisition and Restoration Council and the Division of State  
2550 Lands for inclusion in its annual report required pursuant to s.  
2551 259.036.

2552 (5) Should the LMUAC ~~council~~ determine that the list of  
2553 land management categories needs to be revised, it shall meet  
2554 upon the call of the chair.

2555 (6) Biennially, each reporting agency shall also submit an



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operational report for each management area along with an approved management plan. The report should assess the progress toward achieving short-term and long-term management goals of the approved management plan, including all land management activities, and identify any deficiencies in management and corrective actions to address identified deficiencies as appropriate. This report shall be submitted to the Acquisition and Restoration Council and the Division of State Lands for inclusion in its annual report required pursuant to s. 259.036.

Section 19. Section 259.041, Florida Statutes, is repealed.

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

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

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

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

259.101 Florida Preservation 2000 Act.—

(5) DISPOSITION OF LANDS.—

(a) Any lands acquired pursuant to former paragraphs (3) (a), (3) (c), (3) (d), (3) (e), (3) (f), or (3) (g) of this section, Florida Statutes 2014, if title to such lands is vested in the board ~~of Trustees of the Internal Improvement Trust Fund,~~

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2585 may be disposed of by the board ~~of Trustees of the Internal~~  
2586 ~~Improvement Trust Fund~~ in accordance with the provisions and  
2587 procedures set forth in s. 253.0341 ~~253.034(6)~~, and lands  
2588 acquired pursuant to former paragraph (3)(b) of this section,  
2589 Florida Statutes 2014, may be disposed of by the owning water  
2590 management district in accordance with the procedures and  
2591 provisions set forth in ss. 373.056 and 373.089 provided such  
2592 disposition also shall satisfy the requirements of paragraphs  
2593 (b) and (c).

2594 (b) Before land acquired with Preservation 2000 funds may  
2595 be surplused as required by s. 253.0341 ~~253.034(6)~~ or determined  
2596 to be no longer required for its purposes under s. 373.056(4),  
2597 as applicable, there shall first be a determination by the board  
2598 ~~of Trustees of the Internal Improvement Trust Fund~~, or, in the  
2599 case of water management district lands, by the owning water  
2600 management district, that such land no longer needs to be  
2601 preserved in furtherance of the intent of the Florida  
2602 Preservation 2000 Act. Any lands eligible to be disposed of  
2603 under this procedure also may be used to acquire other lands  
2604 through an exchange of lands if such lands obtained in an  
2605 exchange are described in the same paragraph of former  
2606 subsection (3) of this section, Florida Statutes 2014, as the  
2607 lands disposed.

2608 (c) Revenue derived from the disposal of lands acquired  
2609 with Preservation 2000 funds may not be used for any purpose  
2610 except for deposit into the Florida Forever Trust Fund within  
2611 the department ~~of Environmental Protection~~, for recredit to the  
2612 share held under former subsection (3) of this section, Florida  
2613 Statutes 2014, in which such disposed land is described.

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2614 (6) ALTERNATE USES OF ACQUIRED LANDS.—

2615 (a) ~~The board of Trustees of the Internal Improvement Trust~~  
2616 ~~Fund, or, in the case of water management district lands, the~~  
2617 ~~owning water management district, may authorize the granting of~~  
2618 ~~a lease, easement, or license for the use of any lands acquired~~  
2619 ~~pursuant to former subsection (3) of this section, Florida~~  
2620 ~~Statutes 2014, for any governmental use permitted by s. 17, Art.~~  
2621 ~~IX of the State Constitution of 1885, as adopted by s. 9(a),~~  
2622 ~~Art. XII of the State Constitution, and any other incidental~~  
2623 ~~public or private use that is determined by the board or the~~  
2624 ~~owning water management district to be compatible with~~  
2625 conservation, preservation, or recreation ~~the purposes for which~~  
2626 ~~such lands were acquired.~~

2627 (7) ~~ALTERNATIVES TO FEE SIMPLE ACQUISITION.—~~

2628 (a) ~~The Legislature finds that, with the increasing~~  
2629 ~~pressures on the natural areas of this state, the state must~~  
2630 ~~develop creative techniques to maximize the use of acquisition~~  
2631 ~~and management moneys. The Legislature finds that the state's~~  
2632 ~~environmental land-buying agencies should be encouraged to~~  
2633 ~~augment their traditional, fee simple acquisition programs with~~  
2634 ~~the use of alternatives to fee simple acquisition techniques.~~  
2635 ~~The Legislature also finds that using alternatives to fee simple~~  
2636 ~~acquisition by public land-buying agencies will achieve the~~  
2637 ~~following public policy goals:~~

2638 1. ~~Allow more lands to be brought under public protection~~  
2639 ~~for preservation, conservation, and recreational purposes at~~  
2640 ~~less expense using public funds.~~

2641 2. ~~Retain, on local government tax rolls, some portion of~~  
2642 ~~or interest in lands that are under public protection.~~

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2643           ~~3. Reduce long term management costs by allowing private~~  
2644 ~~property owners to continue acting as stewards of the land, as~~  
2645 ~~appropriate.~~

2646  
2647 ~~Therefore, it is the intent of the Legislature that public land-~~  
2648 ~~buying agencies develop programs to pursue alternatives to fee~~  
2649 ~~simple acquisition and to educate private landowners about such~~  
2650 ~~alternatives and the benefits of such alternatives. It also is~~  
2651 ~~the intent of the Legislature that the department and the water~~  
2652 ~~management districts spend a portion of their shares of~~  
2653 ~~Preservation 2000 bond proceeds to purchase eligible properties~~  
2654 ~~using alternatives to fee simple acquisition. Finally, it is the~~  
2655 ~~intent of the Legislature that public agencies acquire lands in~~  
2656 ~~fee simple for public access and recreational activities. Lands~~  
2657 ~~protected using alternatives to fee simple acquisition~~  
2658 ~~techniques may not be accessible to the public unless such~~  
2659 ~~access is negotiated with and agreed to by the private~~  
2660 ~~landowners who retain interests in such lands.~~

2661           ~~(b) The Land Acquisition Advisory Council and the water~~  
2662 ~~management districts shall identify, within their 1997~~  
2663 ~~acquisition plans, those projects that require a full fee simple~~  
2664 ~~interest to achieve the public policy goals, along with the~~  
2665 ~~reasons why full title is determined to be necessary. The~~  
2666 ~~council and the water management districts may use alternatives~~  
2667 ~~to fee simple acquisition to bring the remaining projects in~~  
2668 ~~their acquisition plans under public protection. For the~~  
2669 ~~purposes of this subsection, the term "alternatives to fee~~  
2670 ~~simple acquisition" includes the purchase of development rights;~~  
2671 ~~conservation easements; flowage easements; the purchase of~~

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2672 ~~timber rights, mineral rights, or hunting rights; the purchase~~  
2673 ~~of agricultural interests or silvicultural interests; land~~  
2674 ~~protection agreements; fee simple acquisitions with~~  
2675 ~~reservations; or any other acquisition technique that achieves~~  
2676 ~~the public policy goals identified in paragraph (a). It is~~  
2677 ~~presumed that a private landowner retains the full range of uses~~  
2678 ~~for all the rights or interests in the landowner's land which~~  
2679 ~~are not specifically acquired by the public agency. Life estates~~  
2680 ~~and fee simple acquisitions with leaseback provisions do not~~  
2681 ~~qualify as an alternative to fee simple acquisition under this~~  
2682 ~~subsection, although the department and the districts are~~  
2683 ~~encouraged to use such techniques if appropriate.~~

2684 ~~(c) The department and each water management district shall~~  
2685 ~~implement initiatives to use alternatives to fee simple~~  
2686 ~~acquisition and to educate private landowners about such~~  
2687 ~~alternatives. These initiatives must include at least two~~  
2688 ~~acquisitions a year by the department and each water management~~  
2689 ~~district utilizing alternatives to fee simple.~~

2690 ~~(d) The Legislature finds that the lack of direct sales~~  
2691 ~~comparison information has served as an impediment to successful~~  
2692 ~~implementation of alternatives to fee simple acquisition. It is~~  
2693 ~~the intent of the Legislature that, in the absence of direct~~  
2694 ~~comparable sales information, appraisals of alternatives to fee~~  
2695 ~~simple acquisitions be based on the difference between the full~~  
2696 ~~fee simple valuation and the value of the interests remaining~~  
2697 ~~with the seller after acquisition.~~

2698 ~~(e) The public agency that has been assigned management~~  
2699 ~~responsibility shall inspect and monitor any less-than-fee-~~  
2700 ~~simple interest according to the terms of the purchase agreement~~

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2701 ~~relating to such interest.~~

2702 ~~(f) The department and the water management districts may~~  
2703 ~~enter into joint acquisition agreements to jointly fund the~~  
2704 ~~purchase of lands using alternatives to fee simple techniques.~~

2705 Section 22. Paragraph (a) of subsection (2), paragraphs (i)  
2706 and (l) of subsection (3), subsections (10) and (13), paragraph  
2707 (i) of subsection (15), and subsection (19) of section 259.105,  
2708 Florida Statutes, are amended to read:

2709 259.105 The Florida Forever Act.—

2710 (2) (a) The Legislature finds and declares that:

2711 1. Land acquisition programs have provided tremendous  
2712 financial resources for purchasing environmentally significant  
2713 lands to protect those lands from imminent development or  
2714 alteration, thereby ensuring present and future generations'  
2715 access to important waterways, open spaces, and recreation and  
2716 conservation lands.

2717 2. The continued alteration and development of the state's  
2718 ~~Florida's~~ natural and rural areas to accommodate the state's  
2719 growing population have contributed to the degradation of water  
2720 resources, the fragmentation and destruction of wildlife  
2721 habitats, the loss of outdoor recreation space, and the  
2722 diminishment of wetlands, forests, working landscapes, and  
2723 coastal open space.

2724 3. The potential development of the state's ~~Florida's~~  
2725 remaining natural areas and escalation of land values require  
2726 government efforts to restore, bring under public protection, or  
2727 acquire lands and water areas to preserve the state's essential  
2728 ecological functions and invaluable quality of life.

2729 4. It is essential to protect the state's ecosystems by

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2730 promoting a more efficient use of land, to ensure opportunities  
2731 for viable agricultural activities on working lands, and to  
2732 promote vital rural and urban communities that support and  
2733 produce development patterns consistent with natural resource  
2734 protection.

2735       5. The state's ~~Florida's~~ groundwater, surface waters, and  
2736 springs are under tremendous pressure due to population growth  
2737 and economic expansion and require special protection and  
2738 restoration efforts, including the protection of uplands and  
2739 springsheds that provide vital recharge to aquifer systems and  
2740 are critical to the protection of water quality and water  
2741 quantity of the aquifers and springs. To ensure that sufficient  
2742 quantities of water are available to meet the current and future  
2743 needs of the natural systems and citizens of the state, and  
2744 assist in achieving the planning goals of the department and the  
2745 water management districts, water resource development projects  
2746 on public lands, if where ~~where~~ compatible with the resource values of  
2747 and management objectives for the lands, are appropriate.

2748       6. The needs of urban, suburban, and small communities in  
2749 the state ~~Florida~~ for high-quality outdoor recreational  
2750 opportunities, greenways, trails, and open space have not been  
2751 fully met by previous acquisition programs. Through such  
2752 programs as the Florida Communities Trust and the Florida  
2753 Recreation Development Assistance Program, the state shall place  
2754 additional emphasis on acquiring, protecting, preserving, and  
2755 restoring open space, ecological greenways, and recreation  
2756 properties within urban, suburban, and rural areas where  
2757 pristine natural communities or water bodies no longer exist  
2758 because of the proximity of developed property.

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2759           7. Many of the state's ~~Florida's~~ unique ecosystems, such as  
2760 the Florida Everglades, are facing ecological collapse due to  
2761 the state's ~~Florida's~~ burgeoning population growth and other  
2762 economic activities. To preserve these valuable ecosystems for  
2763 future generations, essential parcels of land must be acquired  
2764 to facilitate ecosystem restoration.

2765           8. Access to public lands to support a broad range of  
2766 outdoor recreational opportunities and the development of  
2767 necessary infrastructure, if ~~where~~ compatible with the resource  
2768 values of and management objectives for such lands, promotes an  
2769 appreciation for the state's ~~Florida's~~ natural assets and  
2770 improves the quality of life.

2771           9. Acquisition of lands, in fee simple, less-than-fee  
2772 interest, or other techniques shall be based on a comprehensive  
2773 science-based assessment of the state's ~~Florida's~~ natural  
2774 resources which targets essential conservation lands by  
2775 prioritizing all current and future acquisitions based on a  
2776 uniform set of data and planned so as to protect the integrity  
2777 and function of ecological systems and working landscapes, and  
2778 provide multiple benefits, including preservation of fish and  
2779 wildlife habitat, recreation space for urban and rural areas,  
2780 and the restoration of natural water storage, flow, and  
2781 recharge.

2782           10. The state has embraced performance-based program  
2783 budgeting as a tool to evaluate the achievements of publicly  
2784 funded agencies, build in accountability, and reward those  
2785 agencies which are able to consistently achieve quantifiable  
2786 goals. While previous and existing state environmental programs  
2787 have achieved varying degrees of success, few of these programs



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2788 can be evaluated as to the extent of their achievements,  
2789 primarily because performance measures, standards, outcomes, and  
2790 goals were not established at the outset. Therefore, the Florida  
2791 Forever program shall be developed and implemented in the  
2792 context of measurable state goals and objectives.

2793 11. The state must play a major role in the recovery and  
2794 management of its imperiled species through the acquisition,  
2795 restoration, enhancement, and management of ecosystems that can  
2796 support the major life functions of such species. It is the  
2797 intent of the Legislature to support local, state, and federal  
2798 programs that result in net benefit to imperiled species habitat  
2799 by providing public and private land owners meaningful  
2800 incentives for acquiring, restoring, managing, and repopulating  
2801 habitats for imperiled species. It is the further intent of the  
2802 Legislature that public lands, both existing and to be acquired,  
2803 identified by the lead land managing agency, in consultation  
2804 with the ~~Florida~~ Fish and Wildlife Conservation Commission for  
2805 animals or the Department of Agriculture and Consumer Services  
2806 for plants, as habitat or potentially restorable habitat for  
2807 imperiled species, be restored, enhanced, managed, and  
2808 repopulated as habitat for such species to advance the goals and  
2809 objectives of imperiled species management in a manner that is  
2810 compatible with conservation or recreation purposes ~~consistent~~  
2811 ~~with the purposes for which such lands are acquired~~ without  
2812 restricting other uses identified in the management plan. It is  
2813 also the intent of the Legislature that of the proceeds  
2814 distributed pursuant to subsection (3), additional consideration  
2815 be given to acquisitions that achieve a combination of  
2816 conservation goals, including the restoration, enhancement,

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2817 management, or repopulation of habitat for imperiled species.  
2818 The ~~Acquisition and Restoration~~ council, in addition to the  
2819 criteria in subsection (9), shall give weight to projects that  
2820 include acquisition, restoration, management, or repopulation of  
2821 habitat for imperiled species. The term "imperiled species" as  
2822 used in this chapter and chapter 253, means plants and animals  
2823 that are federally listed under the Endangered Species Act, or  
2824 state-listed by the Fish and Wildlife Conservation Commission or  
2825 the Department of Agriculture and Consumer Services.

2826       ~~a.~~ As part of the state's role, all state lands that have  
2827 imperiled species habitat shall include as a consideration in  
2828 management plan development the restoration, enhancement,  
2829 management, and repopulation of such habitats. In addition, the  
2830 lead land managing agency of such state lands may use fees  
2831 received from public or private entities for projects to offset  
2832 adverse impacts to imperiled species or their habitat in order  
2833 to restore, enhance, manage, repopulate, or acquire land and to  
2834 implement land management plans developed under s. 253.034 or a  
2835 land management prospectus developed and implemented under this  
2836 chapter. Such fees shall be deposited into a foundation or fund  
2837 created by each land management agency under s. 379.223, s.  
2838 589.012, or s. 259.032(9)(c), to be used solely to restore,  
2839 manage, enhance, repopulate, or acquire imperiled species  
2840 habitat.

2841       ~~b.~~ Where ~~habitat or potentially restorable habitat for~~  
2842 ~~imperiled species is located on state lands, the Fish and~~  
2843 ~~Wildlife Conservation Commission and the Department of~~  
2844 ~~Agriculture and Consumer Services shall be included on any~~  
2845 ~~advisory group required under chapter 253, and the short-term~~

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2846 ~~and long term management goals required under chapter 253 must~~  
2847 ~~advance the goals and objectives of imperiled species management~~  
2848 ~~consistent with the purposes for which the land was acquired~~  
2849 ~~without restricting other uses identified in the management~~  
2850 ~~plan.~~

2851 12. There is a need to change the focus and direction of  
2852 the state's major land acquisition programs and to extend  
2853 funding and bonding capabilities, so that future generations may  
2854 enjoy the natural resources of this state.

2855 (3) Less the costs of issuing and the costs of funding  
2856 reserve accounts and other costs associated with bonds, the  
2857 proceeds of cash payments or bonds issued pursuant to this  
2858 section shall be deposited into the Florida Forever Trust Fund  
2859 created by s. 259.1051. The proceeds shall be distributed by the  
2860 department of Environmental Protection in the following manner:

2861 (i) Three and five-tenths percent to the Department of  
2862 Agriculture and Consumer Services for the acquisition of  
2863 agricultural lands, through perpetual conservation easements and  
2864 other perpetual less-than-fee techniques, which will achieve the  
2865 objectives of Florida Forever and s. 570.71. Rules concerning  
2866 the application, acquisition, and priority ranking process for  
2867 such easements shall be developed pursuant to s. 570.71(10) and  
2868 as provided by this paragraph. The board shall ensure that such  
2869 rules are consistent with the acquisition process provided for  
2870 in s. 253.025 ~~259.041~~. ~~Provisions of~~ The rules developed  
2871 pursuant to s. 570.71(10), shall also provide for the following:

2872 1. An annual priority list shall be developed pursuant to  
2873 s. 570.71(10), submitted to the ~~Acquisition and Restoration~~  
2874 council for review, and approved by the board pursuant to s.

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2875 259.04.

2876 2. Terms of easements and acquisitions proposed pursuant to  
2877 this paragraph shall be approved by the board and may ~~shall~~ not  
2878 be delegated by the board to any other entity receiving funds  
2879 under this section.

2880 3. All acquisitions pursuant to this paragraph shall  
2881 contain a clear statement that they are subject to legislative  
2882 appropriation.

2883  
2884 ~~No~~ Funds provided under this paragraph may not ~~shall~~ be expended  
2885 until final adoption of rules by the board pursuant to s.  
2886 570.71.

2887 (1) For the purposes of paragraphs (e), (f), (g), and (h),  
2888 the agencies that receive the funds shall develop their  
2889 individual acquisition or restoration lists in accordance with  
2890 specific criteria and numeric performance measures developed  
2891 pursuant to s. 259.035(4). Proposed additions may be acquired if  
2892 they are identified within the original project boundary, the  
2893 management plan required pursuant to s. 253.034(5), or the  
2894 management prospectus required pursuant to s. 259.032(7)(c)  
2895 ~~259.032(7)(d)~~. Proposed additions not meeting the requirements  
2896 of this paragraph shall be submitted to the ~~Acquisition and~~  
2897 ~~Restoration~~ council for approval. The council may only approve  
2898 the proposed addition if it meets two or more of the following  
2899 criteria: serves as a link or corridor to other publicly owned  
2900 property; enhances the protection or management of the property;  
2901 would add a desirable resource to the property; would create a  
2902 more manageable boundary configuration; has a high resource  
2903 value that otherwise would be unprotected; or can be acquired at

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2904 less than fair market value.

2905 (10) The ~~Acquisition and Restoration~~ council shall give  
2906 increased priority to:

2907 (a) those Projects for which matching funds are available.

2908 (b) and to Project elements previously identified on an  
2909 acquisition list pursuant to this section that can be acquired  
2910 at 80 percent or less of appraised value.

2911 (c) Projects that can be acquired in less than fee  
2912 ownership, such as a permanent conservation easement.

2913 (d) Projects that contribute to improving the quality and  
2914 quantity of surface water and groundwater.

2915 (e) Projects that contribute to improving the water quality  
2916 and flow of springs.

2917 ~~(f) The council shall also give increased priority to those~~  
2918 ~~Projects for which where~~ the state's land conservation plans  
2919 overlap with the military's need to protect lands, water, and  
2920 habitat to ensure the sustainability of military missions  
2921 including:

2922 1. (a) Protecting habitat on nonmilitary land for any  
2923 species found on military land that is designated as threatened  
2924 or endangered, or is a candidate for such designation under the  
2925 Endangered Species Act or any Florida statute;

2926 2. (b) Protecting areas underlying low-level military air  
2927 corridors or operating areas; and

2928 3. (c) Protecting areas identified as clear zones, accident  
2929 potential zones, and air installation compatible use buffer  
2930 zones delineated by our military partners, and for which federal  
2931 or other funding is available to assist with the project.

2932 (13) An affirmative vote of at least five members of the

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2933 ~~Acquisition and Restoration~~ council shall be required in order  
2934 to place a ~~proposed~~ project submitted pursuant to subsection (7)  
2935 on the proposed project list developed pursuant to subsection  
2936 (8). Any member of the council who by family or a business  
2937 relationship has a connection with any project proposed to be  
2938 ranked shall declare such interest before ~~prior to~~ voting for a  
2939 project's inclusion on the list.

2940 (15) The ~~Acquisition and Restoration~~ council shall submit  
2941 to the board ~~of trustees~~, with its list of projects, a report  
2942 that includes, but need shall not be limited to, the following  
2943 information for each project listed:

2944 (i) A management policy statement for the project and a  
2945 management prospectus pursuant to s. 259.032(7)(c)  
2946 ~~259.032(7)(d)~~.

2947 (19) The ~~Acquisition and Restoration~~ council shall  
2948 recommend adoption of rules by the board ~~of trustees~~ necessary  
2949 to implement ~~the provisions of~~ this section relating to:  
2950 solicitation, scoring, selecting, and ranking of Florida Forever  
2951 project proposals; disposing of or leasing lands or water areas  
2952 selected for funding through the Florida Forever program; and  
2953 the process of reviewing and recommending for approval or  
2954 rejection the land management plans associated with publicly  
2955 owned properties. ~~Rules promulgated pursuant to this subsection~~  
2956 ~~shall be submitted to the President of the Senate and the~~  
2957 ~~Speaker of the House of Representatives, for review by the~~  
2958 ~~Legislature, no later than 30 days prior to the 2010 Regular~~  
2959 ~~Session and shall become effective only after legislative~~  
2960 ~~review. In its review, the Legislature may reject, modify, or~~  
2961 ~~take no action relative to such rules. The board of trustees~~

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2962 ~~shall conform such rules to changes made by the Legislature, or,~~  
2963 ~~if no action was taken by the Legislature, such rules shall~~  
2964 ~~become effective.~~

2965 Section 23. Subsections (6) and (7) of section 259.1052,  
2966 Florida Statutes, are amended to read:

2967 259.1052 Babcock Crescent B Ranch Florida Forever  
2968 acquisition; conditions for purchase.-

2969 ~~(6) In addition to distributions authorized under s.~~  
2970 ~~259.105(3), the Department of Environmental Protection is~~  
2971 ~~authorized to distribute \$310 million in revenues from the~~  
2972 ~~Florida Forever Trust Fund. This distribution shall represent~~  
2973 ~~payment in full for the portion of the Babcock Crescent B Ranch~~  
2974 ~~to be acquired by the state under this section.~~

2975 ~~(7) As used in this section, the term "state's portion of~~  
2976 ~~the Babcock Crescent B Ranch" comprises those lands to be~~  
2977 ~~conveyed by special warranty deed to the Board of Trustees of~~  
2978 ~~the Internal Improvement Trust Fund under the provisions of the~~  
2979 ~~agreement for sale and purchase executed by the Board of~~  
2980 ~~Trustees of the Internal Improvement Trust Fund, the Fish and~~  
2981 ~~Wildlife Conservation Commission, the Department of Agriculture~~  
2982 ~~and Consumer Services, and the participating local government,~~  
2983 ~~as purchaser, and MSKP, III, a Florida corporation, as seller.~~

2984 Section 24. Paragraph (d) of subsection (1) of section  
2985 73.015, Florida Statutes, is amended to read:

2986 73.015 Presuit negotiation.-

2987 (1) Effective July 1, 2000, before an eminent domain  
2988 proceeding is brought under this chapter or chapter 74, the  
2989 condemning authority must attempt to negotiate in good faith  
2990 with the fee owner of the parcel to be acquired, must provide

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2991 the fee owner with a written offer and, if requested, a copy of  
2992 the appraisal upon which the offer is based, and must attempt to  
2993 reach an agreement regarding the amount of compensation to be  
2994 paid for the parcel.

2995 (d) Notwithstanding this subsection, with respect to lands  
2996 acquired under s. 253.025 ~~259.041~~, the condemning authority is  
2997 not required to give the fee owner the current appraisal before  
2998 executing an option contract.

2999 Section 25. Paragraph (b) of subsection (1) of section  
3000 125.355, Florida Statutes, is amended to read:

3001 125.355 Proposed purchase of real property by county;  
3002 confidentiality of records; procedure.—

3003 (1)

3004 (b) If the exemptions provided in this section are  
3005 utilized, the governing body shall obtain at least one appraisal  
3006 by an appraiser approved pursuant to s. 253.025 ~~253.025(6)(b)~~  
3007 for each purchase in an amount of not more than \$500,000. For  
3008 each purchase in an amount in excess of \$500,000, the governing  
3009 body shall obtain at least two appraisals by appraisers approved  
3010 pursuant to s. 253.025 ~~253.025(6)(b)~~. If the agreed purchase  
3011 price exceeds the average appraised price of the two appraisals,  
3012 the governing body is required to approve the purchase by an  
3013 extraordinary vote. The governing body may, by ordinary vote,  
3014 exempt a purchase in an amount of \$100,000 or less from the  
3015 requirement for an appraisal.

3016 Section 26. Paragraph (b) of subsection (1) of section  
3017 166.045, Florida Statutes, is amended to read:

3018 166.045 Proposed purchase of real property by municipality;  
3019 confidentiality of records; procedure.—



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3020 (1)

3021 (b) If the exemptions provided in this section are  
3022 utilized, the governing body shall obtain at least one appraisal  
3023 by an appraiser approved pursuant to s. 253.025 ~~253.025(6)(b)~~  
3024 for each purchase in an amount of not more than \$500,000. For  
3025 each purchase in an amount in excess of \$500,000, the governing  
3026 body shall obtain at least two appraisals by appraisers approved  
3027 pursuant to s. 253.025 ~~253.025(6)(b)~~. If the agreed purchase  
3028 price exceeds the average appraised price of the two appraisals,  
3029 the governing body is required to approve the purchase by an  
3030 extraordinary vote. The governing body may, by ordinary vote,  
3031 exempt a purchase in an amount of \$100,000 or less from the  
3032 requirement for an appraisal.

3033 Section 27. Subsection (2) of section 215.82, Florida  
3034 Statutes, is amended to read:

3035 215.82 Validation; when required.—

3036 (2) Any bonds issued pursuant to this act which are  
3037 validated shall be validated in the manner provided by chapter  
3038 75. In actions to validate bonds to be issued in the name of the  
3039 State Board of Education under s. 9(a) and (d), Art. XII of the  
3040 State Constitution and bonds to be issued pursuant to chapter  
3041 259, the Land Conservation Program Act of 1972, the complaint  
3042 shall be filed in the circuit court of the county where the seat  
3043 of state government is situated, the notice required to be  
3044 published by s. 75.06 shall be published only in the county  
3045 where the complaint is filed, and the complaint and order of the  
3046 circuit court shall be served only on the state attorney of the  
3047 circuit in which the action is pending. In any action to  
3048 validate bonds issued pursuant to s. 1010.62 or issued pursuant

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3049 to s. 9(a)(1), Art. XII of the State Constitution or issued  
3050 pursuant to s. 215.605 or s. 338.227, the complaint shall be  
3051 filed in the circuit court of the county where the seat of state  
3052 government is situated, the notice required to be published by  
3053 s. 75.06 shall be published in a newspaper of general  
3054 circulation in the county where the complaint is filed and in  
3055 two other newspapers of general circulation in the state, and  
3056 the complaint and order of the circuit court shall be served  
3057 only on the state attorney of the circuit in which the action is  
3058 pending; provided, however, that if publication of notice  
3059 pursuant to this section would require publication in more  
3060 newspapers than would publication pursuant to s. 75.06, such  
3061 publication shall be made pursuant to s. 75.06.

3062 Section 28. Section 215.965, Florida Statutes, is amended  
3063 to read:

3064 215.965 Disbursement of state moneys.—Except as provided in  
3065 s. 17.076, s. 253.025(17) ~~253.025(14)~~, ~~s. 259.041(18)~~, s.  
3066 717.124(4)(b) and (c), s. 732.107(5), or s. 733.816(5), all  
3067 moneys in the State Treasury shall be disbursed by state  
3068 warrant, drawn by the Chief Financial Officer upon the State  
3069 Treasury and payable to the ultimate beneficiary. This  
3070 authorization shall include electronic disbursement.

3071 Section 29. Subsection (8) of section 253.027, Florida  
3072 Statutes, is amended to read:

3073 253.027 Emergency archaeological property acquisition.—

3074 (8) WAIVER OF APPRAISALS OR SURVEYS.—The Board of Trustees  
3075 of the Internal Improvement Trust Fund may waive or limit any  
3076 appraisal or survey requirements in s. 253.025 ~~259.041~~, if  
3077 necessary to effectuate the purposes of this section. Fee simple

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3078 title is not required to be conveyed if some lesser interest  
3079 will allow the preservation of the archaeological resource.  
3080 Properties purchased pursuant to this section shall be  
3081 considered archaeologically unique or significant properties and  
3082 may be purchased under the provisions of s. 253.025(9)  
3083 ~~253.025(7)~~.

3084 Section 30. Section 253.7824, Florida Statutes, is amended  
3085 to read:

3086 253.7824 Sale of products; proceeds.—The Department of of  
3087 Environmental Protection may authorize the removal and sale of  
3088 products from the land where environmentally appropriate, the  
3089 proceeds from which shall be deposited into the appropriate  
3090 trust fund in accordance with the same disposition provided  
3091 under s. 253.0341 ~~253.034(6)(k), (l), or (m)~~ applicable to the  
3092 sale of land.

3093 Section 31. Paragraphs (b) and (c) of subsection (2) of  
3094 section 260.015, Florida Statutes, are amended to read:

3095 260.015 Acquisition of land.—

3096 (2) For purposes of the Florida Greenways and Trails  
3097 Program, the board may:

3098 (b) Accept title to abandoned railroad rights-of-way which  
3099 is conveyed by quitclaim deed through purchase, dedication,  
3100 gift, grant, or settlement, notwithstanding s. 253.025  
3101 ~~259.041(1)~~.

3102 (c) Enter into an agreement or, upon delegation, the  
3103 department may enter into an agreement, with a nonprofit  
3104 corporation, as defined in s. 253.025 ~~259.041(7)(e)~~, to assume  
3105 responsibility for acquisition of lands pursuant to this  
3106 section. The agreement may transfer responsibility for all

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3107 matters which may be delegated or waived pursuant to s. 253.025  
3108 ~~259.041(1)~~.

3109 Section 32. Paragraph (b) of subsection (3) of section  
3110 260.016, Florida Statutes, is amended to read:

3111 260.016 General powers of the department.—

3112 (3) The department or its designee is authorized to  
3113 negotiate with potentially affected private landowners as to the  
3114 terms under which such landowners would consent to the public  
3115 use of their lands as part of the greenways and trails system.  
3116 The department shall be authorized to agree to incentives for a  
3117 private landowner who consents to this public use of his or her  
3118 lands for conservation or recreational purposes, including, but  
3119 not limited to, the following:

3120 (b) Agreement to exchange, subject to the approval of the  
3121 board ~~of Trustees of the Internal Improvement Trust Fund~~ or  
3122 other applicable unit of government, ownership or other rights  
3123 of use of public lands for the ownership or other rights of use  
3124 of privately owned lands. Any exchange of state-owned lands,  
3125 title to which is vested in the board ~~of Trustees of the~~  
3126 ~~Internal Improvement Trust Fund~~, for privately owned lands shall  
3127 be subject to the requirements of s. 253.025 ~~259.041~~.

3128 Section 33. Subsections (6) and (7) of section 369.317,  
3129 Florida Statutes, are amended to read:

3130 369.317 Wekiva Parkway.—

3131 (6) The Central Florida Expressway Authority is hereby  
3132 granted the authority to act as a third-party acquisition agent,  
3133 pursuant to s. 253.025 ~~259.041~~ on behalf of the Board of  
3134 Trustees of the Internal Improvement Trust Fund or chapter 373  
3135 on behalf of the governing board of the St. Johns River Water

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3136 Management District, for the acquisition of all necessary lands,  
3137 property and all interests in property identified herein,  
3138 including fee simple or less-than-fee simple interests. The  
3139 lands subject to this authority are identified in paragraph  
3140 10.a., State of Florida, Office of the Governor, Executive Order  
3141 03-112 of July 1, 2003, and in Recommendation 16 of the Wekiva  
3142 Basin Area Task Force created by Executive Order 2002-259, such  
3143 lands otherwise known as Neighborhood Lakes, a 1,587+/-acre  
3144 parcel located in Orange and Lake Counties within Sections 27,  
3145 28, 33, and 34 of Township 19 South, Range 28 East, and Sections  
3146 3, 4, 5, and 9 of Township 20 South, Range 28 East; Seminole  
3147 Woods/Swamp, a 5,353+/-acre parcel located in Lake County within  
3148 Section 37, Township 19 South, Range 28 East; New Garden Coal; a  
3149 1,605+/-acre parcel in Lake County within Sections 23, 25, 26,  
3150 35, and 36, Township 19 South, Range 28 East; Pine Plantation, a  
3151 617+/-acre tract consisting of eight individual parcels within  
3152 the Apopka City limits. The Department of Transportation, the  
3153 Department of Environmental Protection, the St. Johns River  
3154 Water Management District, and other land acquisition entities  
3155 shall participate and cooperate in providing information and  
3156 support to the third-party acquisition agent. The land  
3157 acquisition process authorized by this paragraph shall begin no  
3158 later than December 31, 2004. Acquisition of the properties  
3159 identified as Neighborhood Lakes, Pine Plantation, and New  
3160 Garden Coal, or approval as a mitigation bank shall be concluded  
3161 no later than December 31, 2010. Department of Transportation  
3162 and Central Florida Expressway Authority funds expended to  
3163 purchase an interest in those lands identified in this  
3164 subsection shall be eligible as environmental mitigation for

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3165 road construction related impacts in the Wekiva Study Area. If  
3166 any of the lands identified in this subsection are used as  
3167 environmental mitigation for road-construction-related impacts  
3168 incurred by the Department of Transportation or Central Florida  
3169 Expressway Authority, or for other impacts incurred by other  
3170 entities, within the Wekiva Study Area or within the Wekiva  
3171 parkway alignment corridor, and if the mitigation offsets these  
3172 impacts, the St. Johns River Water Management District and the  
3173 Department of Environmental Protection shall consider the  
3174 activity regulated under part IV of chapter 373 to meet the  
3175 cumulative impact requirements of s. 373.414(8)(a).

3176 (a) Acquisition of the land described in this section is  
3177 required to provide right-of-way for the Wekiva Parkway, a  
3178 limited access roadway linking State Road 429 to Interstate 4,  
3179 an essential component in meeting regional transportation needs  
3180 to provide regional connectivity, improve safety, accommodate  
3181 projected population and economic growth, and satisfy critical  
3182 transportation requirements caused by increased traffic volume  
3183 growth and travel demands.

3184 (b) Acquisition of the lands described in this section is  
3185 also required to protect the surface water and groundwater  
3186 resources of Lake, Orange, and Seminole counties, otherwise  
3187 known as the Wekiva Study Area, including recharge within the  
3188 springshed that provides for the Wekiva River system. Protection  
3189 of this area is crucial to the long term viability of the Wekiva  
3190 River and springs and the central Florida region's water supply.  
3191 Acquisition of the lands described in this section is also  
3192 necessary to alleviate pressure from growth and development  
3193 affecting the surface and groundwater resources within the

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3194 recharge area.

3195 (c) Lands acquired pursuant to this section that are needed  
3196 for transportation facilities for the Wekiva Parkway shall be  
3197 determined not necessary for conservation purposes pursuant to  
3198 ss. 253.0341 ~~253.034(6)~~ and 373.089(5) and shall be transferred  
3199 to or retained by the Central Florida Expressway Authority or  
3200 the Department of Transportation upon reimbursement of the full  
3201 purchase price and acquisition costs.

3202 (7) The Department of Transportation, the Department of  
3203 Environmental Protection, the St. Johns River Water Management  
3204 District, Central Florida Expressway Authority, and other land  
3205 acquisition entities shall cooperate and establish funding  
3206 responsibilities and partnerships by agreement to the extent  
3207 funds are available to the various entities. Properties acquired  
3208 with Florida Forever funds shall be in accordance with s.  
3209 253.025 ~~259.041~~ or chapter 373. The Central Florida Expressway  
3210 Authority shall acquire land in accordance with this section ~~of~~  
3211 ~~law~~ to the extent funds are available from the various funding  
3212 partners; however, the authority is, ~~but shall not be required~~  
3213 or nor assumed to fund the land acquisition beyond the agreement  
3214 and funding provided by the various land acquisition entities.

3215 Section 34. Paragraph (a) of subsection (3) of section  
3216 373.139, Florida Statutes, is amended to read:

3217 373.139 Acquisition of real property.—

3218 (3) The initial 5-year work plan and any subsequent  
3219 modifications or additions thereto shall be adopted by each  
3220 water management district after a public hearing. Each water  
3221 management district shall provide at least 14 days' advance  
3222 notice of the hearing date and shall separately notify each

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3223 county commission within which a proposed work plan project or  
3224 project modification or addition is located of the hearing date.

3225 (a) Appraisal reports, offers, and counteroffers are  
3226 confidential and exempt from ~~the provisions of~~ s. 119.07(1)  
3227 until an option contract is executed or, if no option contract  
3228 is executed, until 30 days before a contract or agreement for  
3229 purchase is considered for approval by the governing board.  
3230 However, each district may, at its discretion, disclose  
3231 appraisal reports to private landowners during negotiations for  
3232 acquisitions using alternatives to fee simple techniques, if the  
3233 district determines that disclosure of such reports will bring  
3234 the proposed acquisition to closure. If ~~In the event that~~  
3235 negotiation is terminated by the district, the appraisal report,  
3236 offers, and counteroffers shall become available pursuant to s.  
3237 119.07(1). Notwithstanding ~~the provisions of~~ this section and s.  
3238 253.025 ~~259.041~~, a district and the Division of State Lands may  
3239 share and disclose appraisal reports, appraisal information,  
3240 offers, and counteroffers when joint acquisition of property is  
3241 contemplated. A district and the Division of State Lands shall  
3242 maintain the confidentiality of such appraisal reports,  
3243 appraisal information, offers, and counteroffers in conformance  
3244 with this section and s. 253.025 ~~259.041~~, except in those cases  
3245 in which a district and the division have exercised discretion  
3246 to disclose such information. A district may disclose appraisal  
3247 information, offers, and counteroffers to a third party who has  
3248 entered into a contractual agreement with the district to work  
3249 with or on the behalf of or to assist the district in connection  
3250 with land acquisitions. The third party shall maintain the  
3251 confidentiality of such information in conformance with this



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3252 section. In addition, a district may use, as its own, appraisals  
3253 obtained by a third party provided the appraiser is selected  
3254 from the district's list of approved appraisers and the  
3255 appraisal is reviewed and approved by the district.

3256 Section 35. Subsection (8) of section 375.031, Florida  
3257 Statutes, is amended to read:

3258 375.031 Acquisition of land; procedures.—

3259 (8) The department may, if it deems it desirable and in the  
3260 best interest of the program, request the board of trustees to  
3261 sell or otherwise dispose of any lands or water storage areas  
3262 acquired under this act. The board of trustees, when so  
3263 requested, shall offer the lands or water storage areas, on such  
3264 terms as the department may determine, first to other state  
3265 agencies and then, if still available, to the county or  
3266 municipality in which the lands or water storage areas lie. If  
3267 not acquired by another state agency or local governmental body  
3268 for beneficial public purposes, the lands or water storage areas  
3269 shall then be offered by the board of trustees at public sale,  
3270 after first giving notice of such sale by publication in a  
3271 newspaper published in the county or counties in which such  
3272 lands or water storage areas lie not less than once a week for 3  
3273 consecutive weeks. All proceeds from the sale or disposition of  
3274 any lands or water storage areas pursuant to this section shall  
3275 be deposited into the appropriate trust fund pursuant to s.  
3276 253.0341 ~~253.034(6)(k), (l), or (m)~~.

3277 Section 36. Subsection (2) of section 375.041, Florida  
3278 Statutes, is amended to read:

3279 375.041 Land Acquisition Trust Fund.—

3280 (2) All moneys and revenue from the sale or other

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3281 disposition of land, water areas, or related resources acquired  
3282 on or after July 1, 2015, for the purposes of s. 28, Art. X of  
3283 the State Constitution shall be deposited into or credited to  
3284 the Land Acquisition Trust Fund, except as otherwise provided  
3285 pursuant to s. 253.0341 ~~253.034(6)(1)~~.

3286 Section 37. Paragraph (a) of subsection (1) of section  
3287 380.05, Florida Statutes, is amended to read:

3288 380.05 Areas of critical state concern.—

3289 (1) (a) The state land planning agency may from time to time  
3290 recommend to the Administration Commission specific areas of  
3291 critical state concern. In its recommendation, the agency shall  
3292 include recommendations with respect to the purchase of lands  
3293 situated within the boundaries of the proposed area as  
3294 environmentally endangered lands and outdoor recreation lands  
3295 under the Land Conservation Program Act ~~of 1972~~. The agency also  
3296 shall include any report or recommendation of a resource  
3297 planning and management committee appointed pursuant to s.  
3298 380.045; the dangers that would result from uncontrolled or  
3299 inadequate development of the area and the advantages that would  
3300 be achieved from the development of the area in a coordinated  
3301 manner; a detailed boundary description of the proposed area;  
3302 specific principles for guiding development within the area; an  
3303 inventory of lands owned by the state, federal, county, and  
3304 municipal governments within the proposed area; and a list of  
3305 the state agencies with programs that affect the purpose of the  
3306 designation. The agency shall recommend actions which the local  
3307 government and state and regional agencies must accomplish in  
3308 order to implement the principles for guiding development. These  
3309 actions may include, but need ~~shall~~ not be limited to, revisions

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3310 of the local comprehensive plan and adoption of land development  
3311 regulations, density requirements, and special permitting  
3312 requirements.

3313 Section 38. Paragraph (b) of subsection (5) of section  
3314 380.055, Florida Statutes, is amended to read:

3315 380.055 Big Cypress Area.—

3316 (5) ACQUISITION OF BIG CYPRESS NATIONAL PRESERVE.—

3317 (b) The Board of Trustees of the Internal Improvement Trust  
3318 Fund shall set aside from the proceeds of the full faith and  
3319 credit bonds authorized by the Land Conservation Program Act of  
3320 ~~1972~~, or from other funds authorized, appropriated, or allocated  
3321 for the acquisition of environmentally endangered lands, or from  
3322 both sources, \$40 million for acquisition of the area proposed  
3323 as the Federal Big Cypress National Preserve, Florida, or  
3324 portions thereof.

3325 Section 39. Paragraph (f) of subsection (4) of section  
3326 380.508, Florida Statutes, is amended to read:

3327 380.508 Projects; development, review, and approval.—

3328 (4) Projects or activities which the trust undertakes,  
3329 coordinates, or funds in any manner shall comply with the  
3330 following guidelines:

3331 (f) The trust shall cooperate with local governments, state  
3332 agencies, federal agencies, and nonprofit organizations in  
3333 ensuring the reservation of lands for parks, recreation, fish  
3334 and wildlife habitat, historical preservation, or scientific  
3335 study. If any local government, state agency, federal agency, or  
3336 nonprofit organization is unable, due to limited financial  
3337 resources or other circumstances of a temporary nature, to  
3338 acquire a site for the purposes described in this paragraph, the

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3339 trust may acquire and hold the site for subsequent conveyance to  
3340 the appropriate governmental agency or nonprofit organization.  
3341 The trust may provide such technical assistance as required to  
3342 aid local governments, state and federal agencies, and nonprofit  
3343 organizations in completing acquisition and related functions.  
3344 The trust may not reserve lands acquired in accordance with this  
3345 paragraph for more than 5 years from the time of acquisition. A  
3346 local government, federal or state agency, or nonprofit  
3347 organization may acquire the land at any time during this period  
3348 for public purposes. The purchase price shall be based upon the  
3349 trust's cost of acquisition, plus administrative and management  
3350 costs in reserving the land. The payment of the purchase price  
3351 shall be by money, trust-approved property of an equivalent  
3352 value, or a combination of money and trust-approved property.  
3353 If, after the 5-year period, the trust has not sold to a  
3354 governmental agency or nonprofit organization land acquired for  
3355 site reservation, the trust shall dispose of such land at fair  
3356 market value or shall trade it for other land of comparable  
3357 value which will serve to accomplish the purposes of this part.  
3358 Any proceeds from the sale of such land received by the  
3359 department shall be deposited into the appropriate trust fund  
3360 pursuant to s. 253.0341 ~~253.034(6)(k), (l), or (m)~~.

3361  
3362 Project costs may include costs of providing parks, open space,  
3363 public access sites, scenic easements, and other areas and  
3364 facilities serving the public where such features are part of a  
3365 project plan approved according to this part. In undertaking or  
3366 coordinating projects or activities authorized by this part, the  
3367 trust shall, when appropriate, use and promote the use of

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3368 creative land acquisition methods, including the acquisition of  
3369 less than fee interest through, among other methods,  
3370 conservation easements, transfer of development rights, leases,  
3371 and leaseback arrangements. The trust shall assist local  
3372 governments in the use of sound alternative methods of financing  
3373 for funding projects and activities authorized under this part.  
3374 Any funds over and above eligible project costs, which remain  
3375 after completion of a project approved according to this part,  
3376 shall be transmitted to the state and deposited into the Florida  
3377 Forever Trust Fund.

3378 Section 40. Section 589.07, Florida Statutes, is amended to  
3379 read:

3380 589.07 Florida Forest Service may acquire lands for forest  
3381 purposes.—The Florida Forest Service, on behalf of the state and  
3382 subject to the restrictions mentioned in s. 589.08, may acquire  
3383 lands, suitable for state forest purposes, by gift, donation,  
3384 contribution, purchase, or otherwise and may enter into  
3385 agreements with the Federal Government, or other agency, for  
3386 acquiring by gift, purchase, or otherwise, such lands as are, in  
3387 the judgment of the Florida Forest Service, suitable and  
3388 desirable for state forests. The acquisition procedures for  
3389 state lands provided in s. 253.025 ~~259.041~~ do not apply to  
3390 acquisition of land by the Florida Forest Service.

3391 Section 41. Paragraphs (a) and (b) of subsection (4) of  
3392 section 944.10, Florida Statutes, are amended to read:

3393 944.10 Department of Corrections to provide buildings; sale  
3394 and purchase of land; contracts to provide services and inmate  
3395 labor.—

3396 (4) (a) Notwithstanding s. 253.025 or s. 287.057, whenever

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3397 the department finds it to be necessary for timely site  
3398 acquisition, it may contract without the need for competitive  
3399 selection with one or more appraisers whose names are contained  
3400 on the list of approved appraisers maintained by the Division of  
3401 State Lands of the Department of Environmental Protection in  
3402 accordance with s. 253.025(8) ~~253.025(6)(b)~~. In those instances  
3403 in which the department directly contracts for appraisal  
3404 services, it must also contract with an approved appraiser who  
3405 is not employed by the same appraisal firm for review services.

3406 (b) Notwithstanding s. 253.025(8) ~~253.025(6)~~, the  
3407 department may negotiate and enter into an option contract  
3408 before an appraisal is obtained. The option contract must state  
3409 that the final purchase price cannot exceed the maximum value  
3410 allowed by law. The consideration for such an option contract  
3411 may not exceed 10 percent of the estimate obtained by the  
3412 department or 10 percent of the value of the parcel, whichever  
3413 amount is greater.

3414 Section 42. Subsections (6) and (7) of section 957.04,  
3415 Florida Statutes, are amended to read:

3416 957.04 Contract requirements.—

3417 (6) Notwithstanding s. 253.025(9) ~~253.025(7)~~, the Board of  
3418 Trustees of the Internal Improvement Trust Fund need not approve  
3419 a lease-purchase agreement negotiated by the Department of  
3420 Management Services if the Department of Management Services  
3421 finds that there is a need to expedite the lease-purchase.

3422 (7) (a) Notwithstanding s. 253.025 or s. 287.057, whenever  
3423 the Department of Management Services finds it to be in the best  
3424 interest of timely site acquisition, it may contract without the  
3425 need for competitive selection with one or more appraisers whose

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3426 names are contained on the list of approved appraisers  
3427 maintained by the Division of State Lands of the Department of  
3428 Environmental Protection in accordance with s. 253.025(8)  
3429 ~~253.025(6)(b)~~. In those instances when the Department of  
3430 Management Services directly contracts for appraisal services,  
3431 it shall also contract with an approved appraiser who is not  
3432 employed by the same appraisal firm for review services.

3433 (b) Notwithstanding s. 253.025(8) ~~253.025(6)~~, the  
3434 Department of Management Services may negotiate and enter into  
3435 lease-purchase agreements before an appraisal is obtained. Any  
3436 such agreement must state that the final purchase price cannot  
3437 exceed the maximum value allowed by law.

3438 Section 43. Paragraphs (a) and (b) of subsection (12) of  
3439 section 985.682, Florida Statutes, are amended to read:

3440 985.682 Siting of facilities; criteria.—

3441 (12) (a) Notwithstanding s. 253.025 or s. 287.057, when the  
3442 department finds it necessary for timely site acquisition, it  
3443 may contract, without using the competitive selection procedure,  
3444 with an appraiser whose name is on the list of approved  
3445 appraisers maintained by the Division of State Lands of the  
3446 Department of Environmental Protection under s. 253.025(8)  
3447 ~~253.025(6)(b)~~. When the department directly contracts for  
3448 appraisal services, it must contract with an approved appraiser  
3449 who is not employed by the same appraisal firm for review  
3450 services.

3451 (b) Notwithstanding s. 253.025(8) ~~253.025(6)~~, the  
3452 department may negotiate and enter into an option contract  
3453 before an appraisal is obtained. The option contract must state  
3454 that the final purchase price may not exceed the maximum value

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3455 allowed by law. The consideration for such an option contract  
3456 may not exceed 10 percent of the estimate obtained by the  
3457 department or 10 percent of the value of the parcel, whichever  
3458 amount is greater.

3459 Section 44. Paragraph (b) of subsection (1) of section  
3460 1013.14, Florida Statutes, is amended to read:

3461 1013.14 Proposed purchase of real property by a board;  
3462 confidentiality of records; procedure.-

3463 (1)

3464 (b) Before ~~Prior to~~ acquisition of the property, the board  
3465 shall obtain at least one appraisal by an appraiser approved  
3466 pursuant to s. 253.025(8) ~~253.025(6)(b)~~ for each purchase in an  
3467 amount greater than \$100,000 and not more than \$500,000. For  
3468 each purchase in an amount in excess of \$500,000, the board  
3469 shall obtain at least two appraisals by appraisers approved  
3470 pursuant to s. 253.025(8) ~~253.025(6)(b)~~. If the agreed to  
3471 purchase price exceeds the average appraised value, the board is  
3472 required to approve the purchase by an extraordinary vote.

3473 Section 45. This act shall take effect July 1, 2016.