

By the Committee on Appropriations

576-02885-22

20222508__

1 A bill to be entitled
2 An act relating to environmental resources; amending
3 s. 253.025, F.S.; providing that certain land
4 acquisitions are not required to meet specified
5 valuation procedures; authorizing the Board of
6 Trustees of the Internal Improvement Trust Fund to
7 direct the Department of Agriculture and Consumer
8 Services to purchase lands according to certain
9 provisions; amending s. 373.026, F.S.; providing
10 requirements for budget amendments requesting the
11 release of state funds for specified water project
12 components; conforming provisions to changes made by
13 the act; amending s. 373.036, F.S.; requiring
14 modifications to water management district annual work
15 plans to be submitted to the Secretary of
16 Environmental Protection for review and approval;
17 amending s. 373.1501, F.S.; requiring the South
18 Florida Water Management District to make a specified
19 certification to the Legislature regarding its
20 recommendations to the United States Army Corps of
21 Engineers for new or modified Lake Okeechobee
22 provisions; requiring water shortages within the Lake
23 Okeechobee Region to be managed in accordance with
24 certain provisions; amending s. 373.4141, F.S.;
25 authorizing the Department of Environmental Protection
26 to enter into agreements or contracts with certain
27 entities to expedite the evaluation of certain
28 environmental permits; providing requirements for such
29 agreements or contracts; authorizing the department to

576-02885-22

20222508__

30 receive funds received pursuant to such an agreement
31 or contract; requiring such funds to be deposited into
32 the Grants and Donations Trust Fund; amending s.
33 373.4598, F.S.; revising the goals of the water
34 management district in reevaluating the Lake
35 Okeechobee Regulation Schedule; amending s. 570.71,
36 F.S.; specifying that the Department of Agriculture
37 and Consumer Services may acquire land or certain
38 related interests in land for specified public
39 purposes; revising the types of project proposals for
40 which the department may accept applications; revising
41 the activities prohibited under certain easements;
42 removing a requirement that certain department rules
43 give preference to certain types of lands; amending s.
44 570.715, F.S.; revising the procedures the department
45 must comply with for certain land acquisitions;
46 providing for a type two transfer of the William J.
47 "Billy Joe" Rish Recreational Park within the Agency
48 for Persons with Disabilities to the Department of
49 Environmental Protection; providing for the
50 continuation of certain contracts and interagency
51 agreements; reenacting ss. 253.0251(7) and
52 259.105(3)(i), F.S., relating to alternatives to fee
53 simple acquisition and the Florida Forever Act,
54 respectively, to incorporate the amendment made to s.
55 570.715, F.S., in references thereto; reenacting s.
56 570.93, F.S., relating to an agricultural water
57 conservation program; providing effective dates.
58

576-02885-22

20222508__

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

60
61 Section 1. Effective January 1, 2023, paragraph (j) of
62 subsection (8) and subsection (22) of section 253.025, Florida
63 Statutes, are amended to read:

64 253.025 Acquisition of state lands.—

65 (8) Before approval by the board of trustees, or, when
66 applicable, the Department of Environmental Protection, of any
67 agreement to purchase land pursuant to this chapter, chapter
68 259, chapter 260, or chapter 375, and before negotiations with
69 the parcel owner to purchase any other land, title to which will
70 vest in the board of trustees, an appraisal of the parcel shall
71 be required as follows:

72 (j)1. The board of trustees shall adopt by rule the method
73 for determining the value of parcels sought to be acquired by
74 state agencies pursuant to this section. An offer by a state
75 agency may not exceed the value for that parcel as determined
76 pursuant to the highest approved appraisal or the value
77 determined pursuant to the rules of the board of trustees,
78 whichever value is less.

79 2. For a joint acquisition by a state agency and a local
80 government or other entity apart from the state, the joint
81 purchase price may not exceed 150 percent of the value for a
82 parcel as determined in accordance with the limits in
83 subparagraph 1. The state agency share of a joint purchase offer
84 may not exceed what the agency may offer singly pursuant to
85 subparagraph 1.

86 3. This paragraph does not apply to the acquisition of
87 historically unique or significant property as determined by the

576-02885-22

20222508__

88 Division of Historical Resources of the Department of State or
89 to land, including interests in land, acquired pursuant to
90 chapter 570.

91
92 Notwithstanding this subsection, on behalf of the board of
93 trustees and before the appraisal of parcels approved for
94 purchase under this chapter or chapter 259, the Secretary of
95 Environmental Protection or the director of the Division of
96 State Lands may enter into option contracts to buy such parcels.
97 Any such option contract shall state that the final purchase
98 price is subject to approval by the board of trustees or, if
99 applicable, the Secretary of Environmental Protection, and that
100 the final purchase price may not exceed the maximum offer
101 allowed by law. Any such option contract presented to the board
102 of trustees for final purchase price approval shall explicitly
103 state that payment of the final purchase price is subject to an
104 appropriation from the Legislature. The consideration for such
105 an option may not exceed \$1,000 or 0.01 percent of the estimate
106 by the department of the value of the parcel, whichever amount
107 is greater.

108 (22) The board of trustees, by an affirmative vote of at
109 least three members, may direct the Department of Agriculture
110 and Consumer Services to purchase lands pursuant to chapter 570
111 or the Department of Environmental Protection to purchase lands
112 on an immediate basis using up to 15 percent of the funds
113 allocated to the department pursuant to s. 259.105 for the
114 acquisition of lands that:

115 (a) Are listed or placed at auction by the Federal
116 Government as part of the Resolution Trust Corporation sale of

576-02885-22

20222508__

117 lands from failed savings and loan associations;

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

121 (c) Will be developed or otherwise lost to potential public
122 ownership, or for which federal ~~matching~~ funds will be lost, by
123 the time the land can be purchased under the program within
124 which the land is listed for acquisition; or

125 (d) Will prevent or satisfy private property rights claims
126 resulting from limitations imposed by the designation of an area
127 of critical state concern pursuant to chapter 380.

128

129 Lands acquired pursuant to this subsection must, at the time of
130 purchase, be on one of the acquisition lists established
131 pursuant to chapter 259 or chapter 570, or be essential for
132 water resource development, protection, or restoration, or a
133 significant portion of the lands must contain natural
134 communities or plant or animal species that are listed by the
135 Florida Natural Areas Inventory as critically imperiled,
136 imperiled, or rare, or as excellent quality occurrences of
137 natural communities.

138 Section 2. Effective upon becoming a law, paragraph (b) of
139 subsection (8) of section 373.026, Florida Statutes, is amended
140 to read:

141 373.026 General powers and duties of the department.—The
142 department, or its successor agency, shall be responsible for
143 the administration of this chapter at the state level. However,
144 it is the policy of the state that, to the greatest extent
145 possible, the department may enter into interagency or

576-02885-22

20222508__

146 interlocal agreements with any other state agency, any water
147 management district, or any local government conducting programs
148 related to or materially affecting the water resources of the
149 state. All such agreements shall be subject to the provisions of
150 s. 373.046. In addition to its other powers and duties, the
151 department shall, to the greatest extent possible:

152 (8)

153 (b) To ensure to the greatest extent possible that project
154 components will go forward as planned, the department shall
155 collaborate with the South Florida Water Management District in
156 implementing the comprehensive plan as defined in s.
157 373.470(2)(b), the Lake Okeechobee Watershed Protection Plan as
158 defined in s. 373.4595(2), and the River Watershed Protection
159 Plans as defined in s. 373.4595(2). Before any project component
160 is submitted to Congress for authorization or receives an
161 appropriation of state funds, the department must approve, or
162 approve with amendments, each project component within 60 days
163 following formal submittal of the project component to the
164 department. Prior to the release of state funds for the
165 implementation of the comprehensive plan, department approval
166 shall be based upon a determination of the South Florida Water
167 Management District's compliance with s. 373.1501(5) and (7).
168 Additionally, each budget amendment requesting the release of
169 state funds for the implementation of a project component or a
170 water control plan or regulation schedule required for the
171 operation of the project shall be contingent on the submission
172 of the certification required in s. 373.1501(7). Once a project
173 component is approved, the South Florida Water Management
174 District shall provide to the President of the Senate and the

576-02885-22

20222508__

175 Speaker of the House of Representatives a schedule for
176 implementing the project component, the estimated total cost of
177 the project component, any existing federal or nonfederal
178 credits, the estimated remaining federal and nonfederal share of
179 costs, and an estimate of the amount of state funds that will be
180 needed to implement the project component. All requests for an
181 appropriation of state funds needed to implement the project
182 component shall be submitted to the department, and such
183 requests shall be included in the department's annual request to
184 the Governor. Prior to the release of state funds for the
185 implementation of the Lake Okeechobee Watershed Protection Plan
186 or the River Watershed Protection Plans, on an annual basis, the
187 South Florida Water Management District shall prepare an annual
188 work plan as part of the consolidated annual report required in
189 s. 373.036(7). Upon a determination by the secretary of the
190 annual work plan's consistency with the goals and objectives of
191 ss. 373.1501(7) and 373.4595 ~~s. 373.4595~~, the secretary may
192 approve the release of state funds. Any modifications to the
193 annual work plan shall be submitted to the secretary for review
194 and approval.

195 Section 3. Effective upon becoming a law, paragraph (a) of
196 subsection (7) of section 373.036, Florida Statutes, is amended
197 to read:

198 373.036 Florida water plan; district water management
199 plans.—

200 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

201 (a) By March 1, annually, each water management district
202 shall prepare and submit to the Office of Economic and
203 Demographic Research, the department, the Governor, the

576-02885-22

20222508__

204 President of the Senate, and the Speaker of the House of
205 Representatives a consolidated water management district annual
206 report on the management of water resources. In addition, copies
207 must be provided by the water management districts to the chairs
208 of all legislative committees having substantive or fiscal
209 jurisdiction over the districts and the governing board of each
210 county in the district having jurisdiction or deriving any funds
211 for operations of the district. Copies of the consolidated
212 annual report must be made available to the public, either in
213 printed or electronic format. Any modifications to the annual
214 work plan shall be submitted to the secretary for review and
215 approval.

216 Section 4. Effective upon becoming a law, subsection (7) of
217 section 373.1501, Florida Statutes, is amended, subsection (10)
218 is added to that section, and subsection (4) of that section is
219 reenacted, to read:

220 373.1501 South Florida Water Management District as local
221 sponsor.—

222 (4) The district is authorized to act as local sponsor of
223 the project for those project features within the district as
224 provided in this subsection and subject to the oversight of the
225 department as further provided in s. 373.026. The district shall
226 exercise the authority of the state to allocate quantities of
227 water within its jurisdiction, including the water supply in
228 relation to the project, and be responsible for allocating water
229 and assigning priorities among the other water uses served by
230 the project pursuant to state law. The district may:

231 (a) Act as local sponsor for all project features
232 previously authorized by Congress.

576-02885-22

20222508__

233 (b) Continue data gathering, analysis, research, and design
234 of project components, participate in preconstruction
235 engineering and design documents for project components, and
236 further refine the Comprehensive Plan of the restudy as a guide
237 and framework for identifying other project components.

238 (c) Construct pilot projects that will assist in
239 determining the feasibility of technology included in the
240 Comprehensive Plan of the restudy.

241 (d) Act as local sponsor for project components.

242 (7) When developing or implementing water control plans or
243 regulation schedules required for the operation of the project,
244 the district shall provide recommendations to the United States
245 Army Corps of Engineers which are consistent with all district
246 programs and plans. To ensure that the district's
247 recommendations to the United States Army Corps of Engineers
248 regarding proposed changes to the Lake Okeechobee Regulation
249 Schedule, the Lake Okeechobee System Operating Manual, or any
250 other water control plans or regulation schedules required for
251 the operation of the project and related project components
252 comply with the requirements of this subsection, s. 373.026(8),
253 and s. 373.470, the district shall certify to the President of
254 the Senate and the Speaker of the House of Representatives, with
255 a copy to the department, that its recommendations to the United
256 States Army Corps of Engineers on any proposed new or modified
257 Lake Okeechobee Regulation Schedule, Lake Okeechobee System
258 Operating Manual, or deviation, and related project components,
259 comply with s. 373.4598(11) and:

260 (a) Do not diminish the quantity of water available to
261 existing legal users;

576-02885-22

20222508__

262 (b) Do not otherwise adversely impact existing legal users;

263 (c) Do not diminish the existing levels of service for
264 flood protection within or outside the geographic area of the
265 project component;

266 (d) Do not adversely affect adopted minimum flows and
267 levels and associated prevention and recovery strategies; and

268 (e) Will continue to adapt to meet the needs of the
269 restored natural environment.

270 (10) Water shortages within the Lake Okeechobee Region
271 shall be managed in accordance with Chapters 40E-21 and 40E-22,
272 Florida Administrative Code, in effect as of January 1, 2022, as
273 such region is set forth therein.

274 Section 5. Effective upon becoming a law, section 373.4141,
275 Florida Statutes, is amended to read:

276 373.4141 Permits; processing.—

277 (1) GENERAL PROCESSING; TIME LIMITATIONS.—

278 (a) Within 30 days after receipt of an application for a
279 permit under this part, the department or the water management
280 district shall review the application and shall request
281 submittal of all additional information the department or the
282 water management district is permitted by law to require. If the
283 applicant believes any request for additional information is not
284 authorized by law or rule, the applicant may request a hearing
285 pursuant to s. 120.57. Within 30 days after receipt of such
286 additional information, the department or water management
287 district shall review it and may request only that information
288 needed to clarify such additional information or to answer new
289 questions raised by or directly related to such additional
290 information. If the applicant believes the request of the

576-02885-22

20222508__

291 department or water management district for such additional
292 information is not authorized by law or rule, the department or
293 water management district, at the applicant's request, must
294 ~~shall~~ proceed to process the permit application.

295 (b) (2) A permit must ~~shall~~ be approved, denied, or subject
296 to a notice of proposed agency action within 60 days after
297 receipt of the original application, the last item of timely
298 requested additional material, or the applicant's written
299 request to begin processing the permit application.

300 (c) (3) Processing of applications for permits for
301 affordable housing projects must ~~shall~~ be expedited to a greater
302 degree than other projects.

303 (d) (4) A state agency or an agency of the state may not
304 require as a condition of approval for a permit or as an item to
305 complete a pending permit application that an applicant obtain a
306 permit or approval from any other local, state, or federal
307 agency without explicit statutory authority to require such
308 permit or approval.

309 (2) AGREEMENTS TO PROCESS PERMITS.—

310 (a) The department may enter into an agreement or a
311 contract with a public entity, which includes a utility
312 regulated under chapter 366, to expedite the evaluation of
313 environmental resource permits or section 404 permits related to
314 a project or an activity that serves a public purpose. Any
315 agreement or contract entered into pursuant to this subsection
316 must be effective for at least 3 years.

317 (b) The department must ensure that any agreement or
318 contract entered into by the department does not affect
319 impartial decisionmaking, either substantively or procedurally.

576-02885-22

20222508__

320 The department must use the same procedures for decisions that
321 would otherwise be required for the evaluation of permits for
322 similar projects or activities not carried out under an
323 agreement or contract authorized under this subsection.

324 (c) The department must make all active agreements or
325 contracts entered into under this subsection available on its
326 website.

327 (d) The department may receive funds pursuant to an
328 agreement or contract entered into under this subsection. Any
329 funds received pursuant to this subsection must be deposited
330 into the Grants and Donations Trust Fund and used in accordance
331 with the agreement or contract.

332 Section 6. Effective upon becoming a law, paragraph (c) of
333 subsection (10) and subsection (11) of section 373.4598, Florida
334 Statutes, are amended to read:

335 373.4598 Water storage reservoirs.—

336 (10) FUNDING.—

337 (c) Notwithstanding s. 373.026(8)(b) or any other provision
338 of law, the use of state funds is authorized for projects
339 referenced in paragraph (1)(b) ~~the EAA reservoir project.~~

340 (11) LAKE OKEECHOBEE REGULATION SCHEDULE.—The district
341 shall request that the corps pursue the reevaluation of the Lake
342 Okeechobee Regulation Schedule as expeditiously as possible,
343 taking into consideration the repairs made to the Herbert Hoover
344 Dike and implementation of projects designed to reduce high-
345 volume freshwater discharges from the lake, in order to
346 optimally utilize the added water storage capacity to reduce the
347 high-volume freshwater discharges to the St. Lucie and
348 Caloosahatchee estuaries while returning the lake to a minimum

576-02885-22

20222508__

349 flow and level prevention status and returning the level of
350 certainty for existing legal users to a 1-in-10-year level of
351 certainty.

352 Section 7. Effective January 1, 2023, section 570.71,
353 Florida Statutes, is amended to read:

354 570.71 Land acquisition; conservation easements and
355 agreements.—

356 (1) The department, on behalf of the Board of Trustees of
357 the Internal Improvement Trust Fund, may allocate moneys to
358 acquire land or related interests in land, such as perpetual,
359 less-than-fee acquisitions ~~interest in land~~, to enter into
360 agricultural protection agreements, and to enter into resource
361 conservation agreements for any of the following public
362 purposes:

363 (a) Promotion and improvement of wildlife habitat. ~~†~~

364 (b) Protection and enhancement of water bodies, aquifer
365 recharge areas, wetlands, and watersheds. ~~†~~

366 (c) Perpetuation of open space on lands with significant
367 natural areas. ~~† or~~

368 (d) Protection of agricultural lands threatened by
369 conversion to other uses.

370 (e) Preservation and protection of natural and working
371 landscapes.

372 (f) Preservation, protection, and enhancement of wildlife
373 corridors and linkages.

374 (2) To achieve the purposes of this section, the department
375 may accept applications for project proposals that:

376 (a) Purchase land or interests in land, such as
377 conservation easements, as defined in s. 704.06.

576-02885-22

20222508__

378 (b) Purchase rural-lands-protection easements pursuant to
379 this section.

380 (c) Fund resource conservation agreements pursuant to this
381 section.

382 (d) Fund agricultural protection agreements pursuant to
383 this section.

384 (3) Rural-lands-protection easements are ~~shall be~~ a
385 perpetual right or interest in agricultural land which is
386 appropriate to retain such land in predominantly its current
387 state and to prevent the subdivision and conversion of such land
388 into other uses. This right or interest in property shall
389 prohibit only the following:

390 (a) Construction or placing of buildings, roads, billboards
391 or other advertising, utilities, or structures, except those
392 structures and unpaved roads necessary for the agricultural
393 operations on the land or structures necessary for other
394 activities allowed under the easement, and except for linear
395 facilities described in s. 704.06(11).~~†~~

396 (b) Subdivision of the property.~~†~~

397 (c) Dumping or placing of trash, waste, or offensive
398 materials.~~† and~~

399 (d) Activities that detrimentally affect the natural
400 hydrology of the land or that detrimentally affect water
401 conservation, erosion control, soil conservation, or fish or
402 wildlife habitat, except those required for environmental
403 restoration; federal, state, or local government regulatory
404 programs; or best management practices.

405 (4) Resource conservation agreements will be contracts for
406 services which provide annual payments to landowners for

576-02885-22

20222508__

407 services that actively improve habitat and water restoration or
408 conservation on their lands over and above that which is already
409 required by law or which provide recreational opportunities.
410 They will be for a term of not less than 5 years and not more
411 than 10 years. Property owners will become eligible to enter
412 into a resource conservation agreement only upon entering into a
413 conservation easement or rural lands protection easement.

414 (5) Agricultural protection agreements shall be for terms
415 of 30 years and will provide payments to landowners having
416 significant natural areas on their land. Public access and
417 public recreational opportunities may be negotiated at the
418 request of the landowner.

419 (a) For the length of the agreement, the landowner shall
420 agree to prohibit:

421 1. Construction or placing of buildings, roads, billboards
422 or other advertising, utilities, or structures, except those
423 structures and unpaved roads necessary for the agricultural
424 operations on the land or structures necessary for other
425 activities allowed under the easement, and except for linear
426 facilities described in s. 704.06(11);

427 2. Subdivision of the property;

428 3. Dumping or placing of trash, waste, or offensive
429 materials; and

430 4. Activities that affect the natural hydrology of the
431 land, or that detrimentally affect water conservation, erosion
432 control, soil conservation, or fish or wildlife habitat.

433 (b) As part of the agricultural protection agreement, the
434 parties shall agree that the state shall have a right to buy a
435 conservation easement or rural land protection easement at the

576-02885-22

20222508__

436 end of the 30-year term. If the landowner tenders the easement
437 for the purchase and the state does not timely exercise its
438 right to buy the easement, the landowner shall be released from
439 the agricultural agreement. The purchase price of the easement
440 shall be established in the agreement and shall be based on the
441 value of the easement at the time the agreement is entered into,
442 plus a reasonable escalator multiplied by the number of full
443 calendar years following the date of the commencement of the
444 agreement. The landowner may transfer or sell the property
445 before the expiration of the 30-year term, but only if the
446 property is sold subject to the agreement and the buyer becomes
447 the successor in interest to the agricultural protection
448 agreement. Upon mutual consent of the parties, a landowner may
449 enter into a perpetual easement at any time during the term of
450 an agricultural protection agreement.

451 (6) Payment for conservation easements and rural land
452 protection easements shall be a lump-sum payment at the time the
453 easement is entered into.

454 (7) Landowners entering into an agricultural protection
455 agreement may receive up to 50 percent of the purchase price at
456 the time the agreement is entered into, and remaining payments
457 on the balance shall be equal annual payments over the term of
458 the agreement.

459 (8) Payments for the resource conservation agreements shall
460 be equal annual payments over the term of the agreement.

461 (9) Easements purchased pursuant to this act may not:

462 (a) Prevent landowners from transferring the remaining fee
463 value with the easement; or

464 (b) At the request of the landowner, restrict a landowner's

576-02885-22

20222508__

465 ability to use, or authorize the use of by third parties,
466 specific parcels of land within a conservation easement for
467 conservation banking or recipient sites for imperiled species as
468 defined in s. 259.105(2)(a)11. or wetlands mitigation banking
469 pursuant to chapter 373, provided the specific parcels of land
470 include wetland or upland areas that may be enhanced, restored,
471 or created under the conditions of a wetlands mitigation bank
472 permit.

473 (10) The department, in consultation with the Department of
474 Environmental Protection, the water management districts, the
475 Department of Economic Opportunity, and the Florida Fish and
476 Wildlife Conservation Commission, shall adopt rules that
477 establish an application process, a process and criteria for
478 setting priorities for use of funds consistent with the purposes
479 specified in subsection (1) and giving preference to ~~ranch and~~
480 ~~timber~~ lands managed using sustainable practices, an appraisal
481 process, and a process for title review and compliance and
482 approval of the rules by the Board of Trustees of the Internal
483 Improvement Trust Fund.

484 (11) If a landowner objects to having his or her property
485 included in any lists or maps developed to implement this act,
486 the department must ~~shall~~ remove the property from any such
487 lists or maps upon receipt of the landowner's written request to
488 do so.

489 (12) The department may use appropriated funds from the
490 following sources to implement this section:

- 491 (a) State funds;
492 (b) Federal funds;
493 (c) Other governmental entities;

576-02885-22

20222508__

494 (d) Nongovernmental organizations; or
495 (e) Private individuals.

496

497 Any such funds provided, other than from the Land Acquisition
498 Trust Fund, shall be deposited into the Incidental Trust Fund
499 within the Department of Agriculture and Consumer Services and
500 used for the purposes of this section, including administrative
501 and operating expenses related to appraisals, mapping, title
502 process, personnel, and other real estate expenses.

503 (13) No more than 10 percent of any funds made available to
504 implement this act may ~~shall~~ be expended for resource
505 conservation agreements and agricultural protection agreements.

506 Section 8. Effective January 1, 2023, section 570.715,
507 Florida Statutes, is amended to read:

508 570.715 Land ~~Conservation easement~~ acquisition procedures.-

509 (1) For land acquisitions, including less than fee simple
510 acquisitions, pursuant to s. 570.71, the Department of
511 Agriculture and Consumer Services shall comply with the
512 following acquisition procedures:

513 (a) Before conveyance of title by the department, evidence
514 of marketable title in the form of a commitment for title
515 insurance or an abstract of title with a title opinion must
516 ~~shall~~ be obtained.

517 (b) Before approval by the board of trustees of an
518 agreement to purchase ~~less than fee simple title to~~ land
519 pursuant to s. 570.71, an appraisal of the parcel is ~~shall be~~
520 required as follows:

521 1. Each parcel to be acquired must ~~shall~~ have at least one
522 appraisal. Two appraisals are required when the estimated value

576-02885-22

20222508__

523 of the parcel exceeds \$1 million. However, when both appraisals
524 exceed \$1 million and differ significantly, a third appraisal
525 may be obtained.

526 2. Appraisal fees and associated costs must ~~shall~~ be paid
527 by the department. All appraisals used for the acquisition of
528 ~~less than fee simple interest in~~ lands pursuant to this section
529 must ~~shall~~ be prepared by a state-certified appraiser who meets
530 the standards and criteria established by rule of the board of
531 trustees. Each appraiser selected to appraise a particular
532 parcel shall, before contracting with the department or a
533 participant in a multiparty agreement, submit to the department
534 or participant an affidavit substantiating that he or she has no
535 vested or fiduciary interest in such parcel.

536 (c) A certified survey must be made that meets the minimum
537 requirements for upland parcels established in the Standards of
538 Practice for Land Surveying in Florida published by the
539 department and that accurately portrays, to the greatest extent
540 practicable, the condition of the parcel as it currently exists.
541 The requirement for a certified survey may, in whole or in part,
542 be waived by the board of trustees any time before the land
543 ~~acquisition of the less than fee simple interest~~. If an existing
544 boundary map and description of a parcel are determined by the
545 department to be sufficient for appraisal purposes, the
546 department may temporarily waive the requirement for a survey
547 until any time before conveyance of title to the parcel.

548 (d) On behalf of the board of trustees and before the
549 appraisal of parcels approved for purchase under ss.
550 259.105(3)(i) and 570.71, the department may enter into option
551 contracts to buy ~~less than fee simple interest in~~ such parcels.

576-02885-22

20222508__

552 Any such option contract must ~~shall~~ state that the final
553 purchase price is subject to approval by the board of trustees
554 and that the final purchase price may not exceed a fair market
555 value as determined by the department, so long as the public's
556 interest is reasonably protected ~~the maximum offer authorized by~~
557 ~~law~~. Any such option contract presented to the board of trustees
558 for final purchase price approval must ~~shall~~ explicitly state
559 that payment of the final purchase price is subject to an
560 appropriation by the Legislature. The consideration for any such
561 option contract may not exceed \$1,000 or 0.01 percent of the
562 estimate by the department of the value of the parcel, whichever
563 amount is greater.

564 (e) A final offer must ~~shall~~ be in the form of an option
565 contract or agreement for purchase of the land ~~less than fee~~
566 ~~simple interest~~ and must ~~shall~~ be signed and attested to by the
567 owner and the department. Before the department signs the
568 agreement for purchase of the land ~~less than fee simple interest~~
569 or exercises the option contract, the requirements of s. 286.23
570 must ~~shall~~ be complied with.

571 (f) The procedures provided in s. 253.025(9)(a)-(d) and
572 (10) must ~~shall~~ be followed.

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

575 (a) Waive any requirement of this section.

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

578 (c) Substitute any other reasonably prudent procedures,
579 including federally mandated acquisition procedures, for the
580 procedures in this section, if federal funds are available and

576-02885-22

20222508__

581 will be used for the purchase of land ~~a less than fee simple~~
582 ~~interest in lands~~, title to which will vest in the board of
583 trustees, and qualification for such federal funds requires
584 compliance with federally mandated acquisition procedures.

585 (3) The ~~less than fee simple~~ land acquisition procedures
586 provided in this section are for voluntary, negotiated
587 acquisitions.

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

592 (5) Appraisal reports are confidential and exempt from s.
593 119.07(1), for use by the department and the board of trustees,
594 until an option contract is executed or, if an option contract
595 is not executed, until 2 weeks before a contract or agreement
596 for purchase is considered for approval by the board of
597 trustees. However, the department has the authority, at its
598 discretion, to disclose appraisal reports to private landowners
599 during negotiations for acquisitions using alternatives to fee
600 simple techniques, if the department determines that disclosure
601 of such reports will bring the proposed acquisition to closure.
602 The department may also disclose appraisal information to public
603 agencies or nonprofit organizations that agree to maintain the
604 confidentiality of the reports or information when joint
605 acquisition of property is contemplated, or when a public agency
606 or nonprofit organization enters into a written multiparty
607 agreement with the department. For purposes of this subsection,
608 the term "nonprofit organization" means an organization whose
609 purposes include the preservation of natural resources, and

576-02885-22

20222508__

610 which is exempt from federal income tax under s. 501(c)(3) of
611 the Internal Revenue Code. The department may release an
612 appraisal report when the passage of time has rendered the
613 conclusions of value in the report invalid or when the
614 department has terminated negotiations.

615 Section 9. Type two transfer from the Agency for Persons
616 with Disabilities.—

617 (1) All powers, duties, functions, records, offices,
618 personnel, associated administrative support positions,
619 property, pending issues, existing contracts, administrative
620 authority, administrative rules, and unexpended balances of
621 appropriations, allocations, and other funds relating to the
622 William J. "Billy Joe" Rish Recreational Park within the Agency
623 for Persons with Disabilities are transferred by a type two
624 transfer, as defined in s. 20.06(2), Florida Statutes, to the
625 Department of Environmental Protection.

626 (2) Any binding contract or interagency agreement existing
627 before July 1, 2022, between the Agency for Persons with
628 Disabilities, or an entity or agency of the department, and any
629 other agency, entity, or person relating to the William J.
630 "Billy Joe" Rish Recreational Park shall continue as a binding
631 contract or agreement for the remainder of the term of the
632 contract or agreement on the successor entity responsible for
633 the program, activity, or functions relative to the contract or
634 agreement.

635 Section 10. Effective January 1, 2023, for the purpose of
636 incorporating the amendment made by this act to section 570.715,
637 Florida Statutes, in a reference thereto, subsection (7) of
638 section 253.0251, Florida Statutes, is reenacted to read:

576-02885-22

20222508__

639 253.0251 Alternatives to fee simple acquisition.-

640 (7) For less than fee simple acquisitions pursuant to s.
641 570.71, the Department of Agriculture and Consumer Services
642 shall comply with the acquisition procedures set forth in s.
643 570.715.

644 Section 11. Effective January 1, 2023, for the purpose of
645 incorporating the amendment made by this act to section 570.715,
646 Florida Statutes, in a reference thereto, paragraph (i) of
647 subsection (3) of section 259.105, Florida Statutes, is
648 reenacted to read:

649 259.105 The Florida Forever Act.-

650 (3) Less the costs of issuing and the costs of funding
651 reserve accounts and other costs associated with bonds, the
652 proceeds of cash payments or bonds issued pursuant to this
653 section shall be deposited into the Florida Forever Trust Fund
654 created by s. 259.1051. The proceeds shall be distributed by the
655 Department of Environmental Protection in the following manner:

656 (i) Three and five-tenths percent to the Department of
657 Agriculture and Consumer Services for the acquisition of
658 agricultural lands, through perpetual conservation easements and
659 other perpetual less than fee techniques, which will achieve the
660 objectives of Florida Forever and s. 570.71. Rules concerning
661 the application, acquisition, and priority ranking process for
662 such easements shall be developed pursuant to s. 570.71(10) and
663 as provided by this paragraph. The board shall ensure that such
664 rules are consistent with the acquisition process provided for
665 in s. 570.715. The rules developed pursuant to s. 570.71(10),
666 shall also provide for the following:

667 1. An annual priority list shall be developed pursuant to

576-02885-22

20222508__

668 s. 570.71(10), submitted to the council for review, and approved
669 by the board pursuant to s. 259.04.

670 2. Terms of easements and acquisitions proposed pursuant to
671 this paragraph shall be approved by the board and may not be
672 delegated by the board to any other entity receiving funds under
673 this section.

674 3. All acquisitions pursuant to this paragraph shall
675 contain a clear statement that they are subject to legislative
676 appropriation.

677
678 Funds provided under this paragraph may not be expended until
679 final adoption of rules by the board pursuant to s. 570.71.

680 Section 12. Notwithstanding the reversion and expiration of
681 paragraph (a) of subsection (1) of section 570.93, Florida
682 Statutes, by section 44 of chapter 2021-37, Laws of Florida,
683 that paragraph is not amended as provided by that act, but is
684 reenacted to read:

685 570.93 Department of Agriculture and Consumer Services;
686 agricultural water conservation and agricultural water supply
687 planning.—

688 (1) The department shall establish an agricultural water
689 conservation program that includes the following:

690 (a) A cost-share program, coordinated with the United
691 States Department of Agriculture and other federal, state,
692 regional, and local agencies when appropriate, for irrigation
693 system retrofit and application of mobile irrigation laboratory
694 evaluations, and for water conservation and water quality
695 improvement pursuant to s. 403.067(7)(c).

696 Section 13. Except as otherwise expressly provided in this

576-02885-22

20222508__

697 act and except for this section, which shall take effect upon
698 this act becoming a law, this act shall take effect July 1,
699 2022.