

By the Committee on Environment and Natural Resources; and
Senator Gruters

592-02836-25

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1 A bill to be entitled
2 An act relating to dry sandy beaches; reenacting and
3 amending s. 196.26, F.S.; revising the definition of
4 the term "conservation purposes"; revising
5 requirements for tax exemptions for certain real
6 property; reenacting and amending s. 259.032, F.S.;
7 revising purposes for which the Governor and Cabinet
8 may expend moneys appropriated by the Legislature to
9 acquire the fee or any lesser interest in lands;
10 amending s. 259.035, F.S.; revising the composition of
11 the Acquisition and Restoration Council; amending s.
12 259.036, F.S.; revising the composition of the
13 regional land management review team; amending s.
14 259.04, F.S.; revising the goal of a comprehensive,
15 statewide 5-year plan to conserve, restore, and
16 protect certain lands; amending s. 259.105, F.S.;
17 providing legislative findings; requiring the Division
18 of State Lands and the Office of Coastal and Aquatic
19 Managed Areas to establish a pilot program to conduct
20 an inventory of dry sandy beaches in preparation for a
21 specified application; providing requirements for such
22 inventory; reenacting s. 196.011(7)(b) and (10)(c),
23 F.S., relating to the annual application required for
24 exemption, to incorporate the amendment made to s.
25 196.26, F.S., in a reference thereto; reenacting ss.
26 259.03(1), 369.307(5), and 380.0666(12), F.S.,
27 relating to definitions, developments of regional
28 impact in the Wekiva River Protection Area and land
29 acquisition, and powers of the land authority,

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30 respectively, to incorporate the amendment made to s.
31 259.035, F.S., in references thereto; providing an
32 effective date.

33
34 Be It Enacted by the Legislature of the State of Florida:

35
36 Section 1. Paragraph (c) of subsection (1) and subsection
37 (4) of section 196.26, Florida Statutes, are amended, and
38 subsection (9) of that section is reenacted, to read:

39 196.26 Exemption for real property dedicated in perpetuity
40 for conservation purposes.—

41 (1) As used in this section:

42 (c) "Conservation purposes" means:

43 1. Serving a conservation purpose, as defined in 26 U.S.C.
44 s. 170(h)(4)(A)(i)-(iii), for land which serves as the basis of
45 a qualified conservation contribution under 26 U.S.C. s. 170(h);
46 or

47 2.a. Retention of the substantial natural value of land,
48 including woodlands, wetlands, watercourses, ponds, streams, dry
49 sandy beaches, and natural open spaces;

50 b. Retention of such lands as suitable habitat for fish,
51 plants, or wildlife; or

52 c. Retention of such lands' natural value for water quality
53 enhancement or water recharge.

54 (4) Land that comprises less than 40 contiguous acres,
55 excluding dry sandy beach parcels, does not qualify for the
56 exemption provided in this section unless, in addition to
57 meeting the other requirements of this section, the use of the
58 land for conservation purposes is determined by the Acquisition

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59 and Restoration Council created in s. 259.035 to fulfill a
60 clearly delineated state conservation policy and yield a
61 significant public benefit. In making its determination of
62 public benefit, the Acquisition and Restoration Council must
63 give particular consideration to land that:

64 (a) Contains a natural sinkhole or natural spring that
65 serves a water recharge or production function;

66 (b) Contains a unique geological feature;

67 (c) Provides habitat for endangered or threatened species;

68 (d) Provides nursery habitat for marine and estuarine
69 species;

70 (e) Provides protection or restoration of vulnerable
71 coastal areas;

72 (f) Preserves natural shoreline habitat; or

73 (g) Provides retention of natural open space in otherwise
74 densely built-up areas.

75
76 Any land approved by the Acquisition and Restoration Council
77 under this subsection must have a management plan and a
78 designated manager who will be responsible for implementing the
79 management plan.

80 (9) The Acquisition and Restoration Council, created in s.
81 259.035, shall maintain a list of nonprofit entities that are
82 qualified to enforce the provisions of a conservation easement.

83 Section 2. Paragraph (1) is added to subsection (2) of
84 section 259.032, Florida Statutes, and subsection (1) of that
85 section is reenacted, to read:

86 259.032 Conservation and recreation lands.—

87 (1) It is the policy of the state that the citizens of this

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88 state shall be assured public ownership of natural areas for
89 purposes of maintaining this state's unique natural resources;
90 protecting air, land, and water quality; promoting water
91 resource development to meet the needs of natural systems and
92 citizens of this state; promoting restoration activities on
93 public lands; and providing lands for natural resource-based
94 recreation. In recognition of this policy, it is the intent of
95 the Legislature to provide such public lands for the people
96 residing in urban and metropolitan areas of the state, as well
97 as those residing in less populated, rural areas. It is the
98 further intent of the Legislature, with regard to the lands
99 described in paragraph (2)(c), that a high priority be given to
100 the acquisition, restoration, and management of such lands in or
101 near counties exhibiting the greatest concentration of
102 population and, with regard to the lands described in subsection
103 (2), that a high priority be given to acquiring lands or rights
104 or interests in lands that advance the goals and objectives of
105 the Fish and Wildlife Conservation Commission's approved species
106 or habitat recovery plans, or lands within any area designated
107 as an area of critical state concern under s. 380.05 which, in
108 the judgment of the advisory council established pursuant to s.
109 259.035, or its successor, cannot be adequately protected by
110 application of land development regulations adopted pursuant to
111 s. 380.05. Finally, it is the Legislature's intent that lands
112 acquired for conservation and recreation purposes be managed in
113 such a way as to protect or restore their natural resource
114 values, and provide the greatest benefit, including public
115 access, to the citizens of this state.

116 (2) The Governor and Cabinet, sitting as the Board of

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117 Trustees of the Internal Improvement Trust Fund, may expend
118 moneys appropriated by the Legislature to acquire the fee or any
119 lesser interest in lands for any of the following public
120 purposes:

121 (a) To conserve and protect environmentally unique and
122 irreplaceable lands that contain native, relatively unaltered
123 flora and fauna representing a natural area unique to, or scarce
124 within, a region of this state or a larger geographic area;

125 (b) To conserve and protect lands within designated areas
126 of critical state concern, if the proposed acquisition relates
127 to the natural resource protection purposes of the designation;

128 (c) To conserve and protect native species habitat or
129 endangered or threatened species, emphasizing long-term
130 protection for endangered or threatened species designated G-1
131 or G-2 by the Florida Natural Areas Inventory, and especially
132 those areas that are special locations for breeding and
133 reproduction;

134 (d) To conserve, protect, manage, or restore important
135 ecosystems, landscapes, and forests, if the protection and
136 conservation of such lands is necessary to enhance or protect
137 significant surface water, groundwater, coastal, recreational,
138 timber, or fish or wildlife resources which cannot otherwise be
139 accomplished through local and state regulatory programs;

140 (e) To promote water resource development that benefits
141 natural systems and citizens of the state;

142 (f) To facilitate the restoration and subsequent health and
143 vitality of the Florida Everglades;

144 (g) To provide areas, including recreational trails, for
145 natural resource-based recreation and other outdoor recreation

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146 on any part of any site compatible with conservation purposes;

147 (h) To preserve significant archaeological or historic
148 sites;

149 (i) To conserve urban open spaces suitable for greenways or
150 outdoor recreation which are compatible with conservation
151 purposes;

152 (j) To preserve agricultural lands under threat of
153 conversion to development through less-than-fee acquisitions; ~~or~~

154 (k) To complete critical linkages through fee or less-than-
155 fee acquisitions that will help preserve and protect the green
156 and blue infrastructure and vital habitat for wide-ranging
157 wildlife, such as the Florida panther, within the Florida
158 wildlife corridor as defined in s. 259.1055(4); or

159 (l) To protect dry sandy beaches and provide areas,
160 including public parking and ancillary facilities, related to
161 public dry sandy beach access.

162 Section 3. Paragraphs (a) and (b) of subsection (1) of
163 section 259.035, Florida Statutes, are amended to read:

164 259.035 Acquisition and Restoration Council.—

165 (1) There is created the Acquisition and Restoration
166 Council.

167 (a) The council shall consist ~~be composed~~ of 12 ~~10~~ voting
168 members, 5 ~~4~~ of whom shall be appointed by the Governor. Of
169 these five ~~four~~ appointees, three must ~~shall~~ be from scientific
170 disciplines related to land, water, or environmental sciences,
171 ~~and~~ the fourth must ~~shall~~ have at least 5 years of experience in
172 managing lands for both active and passive types of recreation,
173 and the fifth must be a specialist in beach and shore
174 preservation or the management of public dry sandy beaches. They

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175 shall serve 4-year terms, except that, initially, to provide for
176 staggered terms, two of the appointees shall serve 2-year terms.
177 All subsequent appointments shall be for 4-year terms. An
178 appointee may not serve more than 6 years. The Governor may at
179 any time fill a vacancy for the unexpired term of a member
180 appointed under this paragraph.

181 (b) The five ~~four~~ remaining appointees shall consist ~~be~~
182 ~~composed~~ of the Secretary of Environmental Protection, the
183 director of the Florida Forest Service of the Department of
184 Agriculture and Consumer Services, the executive director of the
185 Fish and Wildlife Conservation Commission, ~~and~~ the director of
186 the Division of Historical Resources of the Department of State,
187 and the director of the Office of Coastal and Aquatic Managed
188 Areas, or their respective designees.

189 Section 4. Paragraph (a) of subsection (1) of section
190 259.036, Florida Statutes, is amended to read:

191 259.036 Management review teams.—

192 (1) To determine whether conservation, preservation, and
193 recreation lands titled in the name of the board are being
194 managed for purposes that are compatible with conservation,
195 preservation, or recreation in accordance with a land management
196 plan adopted pursuant to s. 259.032, the board, acting through
197 the department, shall cause periodic management reviews to be
198 conducted as follows:

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

201 1. One individual who is from the county or local community
202 in which the parcel or project is located and who is selected by
203 the county commission in the county which is most impacted by

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204 the acquisition.

205 2. One individual from the Division of Recreation and Parks
206 of the department.

207 3. One individual from the Florida Forest Service of the
208 Department of Agriculture and Consumer Services.

209 4. One individual from the Fish and Wildlife Conservation
210 Commission.

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

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

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

219 8. A member of a conservation organization.

220 9. One individual from the Office of Coastal and Aquatic
221 Managed Areas.

222 Section 5. Paragraph (a) of subsection (1) of section
223 259.04, Florida Statutes, is amended to read:

224 259.04 Board; powers and duties.—

225 (1) For projects and acquisitions selected for purchase
226 pursuant to ss. 259.035 and 259.105:

227 (a) The board is given the responsibility, authority, and
228 power to develop and execute a comprehensive, statewide 5-year
229 plan to conserve, restore, and protect environmentally
230 endangered lands, ecosystems, lands necessary for outdoor
231 recreational needs, dry sandy beaches, and other lands as
232 identified in ss. 259.032 and 259.105. This plan shall be kept

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233 current through continual reevaluation and revision. The
234 advisory council or its successor shall assist the board in the
235 development, reevaluation, and revision of the plan.

236 Section 6. Subsection (21) is added to section 259.105,
237 Florida Statutes, to read:

238 259.105 The Florida Forever Act.—

239 (21) (a) The Legislature finds that Florida beaches are an
240 extremely valuable economic and recreational resource. If this
241 state fails to adequately prioritize the acquisition and
242 management of public beaches, adequate provisions for such
243 beaches will not be made to ensure public access. Therefore, the
244 Division of State Lands and the Office of Coastal and Aquatic
245 Managed Areas shall establish a pilot program to conduct an
246 inventory of existing dry sandy beaches in preparation for an
247 application to the Acquisition and Restoration Council pursuant
248 to subsection (7). The inventory must do all of the following:

249 1. Determine the number of dry sandy beaches in this state.

250 2. Investigate the adequacy of existing public dry sandy
251 beaches.

252 3. Identify deficiencies in existing public dry sandy
253 beaches relating to public access and ancillary facilities.

254 4. Determine criteria for selecting and prioritizing the
255 acquisition of privately owned beach parcels. Such selection
256 criteria must prioritize acquiring suitable contiguous dry sandy
257 beach parcels and expanding the acreage of existing dry sandy
258 beaches in heavily populated counties.

259 5. Determine specific criteria and numeric performance
260 standards pursuant to subsection (7).

261 (b) The Division of State Lands and the Office of Coastal

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262 and Aquatic Managed Areas shall use the inventory to prepare
263 their application to the Acquisition and Restoration Council
264 pursuant to subsection (7).

265 Section 7. For the purpose of incorporating the amendment
266 made by this act to section 196.26, Florida Statutes, in
267 references thereto, paragraph (b) of subsection (7) and
268 paragraph (c) of subsection (10) of section 196.011, Florida
269 Statutes, are reenacted to read:

270 196.011 Annual application required for exemption.—

271 (7)

272 (b) Once an original application for tax exemption has been
273 granted under s. 196.26, the property owner is not required to
274 file a renewal application until the use of the property no
275 longer complies with the restrictions and requirements of the
276 conservation easement.

277 (10)

278 (c) The owner of any property granted an exemption under s.
279 196.26 shall notify the property appraiser promptly whenever the
280 use of the property no longer complies with the restrictions and
281 requirements of the conservation easement. If the property owner
282 fails to so notify the property appraiser and the property
283 appraiser determines that for any year within the preceding 10
284 years the owner was not entitled to receive the exemption, the
285 owner of the property is subject to taxes exempted as a result
286 of the failure plus 18 percent interest per annum and a penalty
287 of 100 percent of the taxes exempted. The provisions for tax
288 liens in paragraph (a) apply to property granted an exemption
289 under s. 196.26.

290 Section 8. For the purpose of incorporating the amendment

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291 made by this act to section 259.035, Florida Statutes, in a
292 reference thereto, subsection (1) of section 259.03, Florida
293 Statutes, is reenacted to read:

294 259.03 Definitions.—The following terms and phrases when
295 used in this chapter shall have the meanings ascribed to them in
296 this section, except where the context clearly indicates a
297 different meaning:

298 (1) "Council" means that council established pursuant to s.
299 259.035.

300 Section 9. For the purpose of incorporating the amendment
301 made by this act to section 259.035, Florida Statutes, in a
302 reference thereto, subsection (5) of section 369.307, Florida
303 Statutes, is reenacted to read:

304 369.307 Developments of regional impact in the Wekiva River
305 Protection Area; land acquisition.—

306 (5) The Department of Environmental Protection is directed
307 to proceed to negotiate for acquisition of conservation and
308 recreation lands projects within the Wekiva River Protection
309 Area provided that such projects have been deemed qualified
310 under statutory and rule criteria for purchase and have been
311 placed on the priority list for acquisition by the advisory
312 council created in s. 259.035 or its successor.

313 Section 10. For the purpose of incorporating the amendment
314 made by this act to section 259.035, Florida Statutes, in a
315 reference thereto, subsection (12) of section 380.0666, Florida
316 Statutes, is reenacted to read:

317 380.0666 Powers of land authority.—The land authority shall
318 have all the powers necessary or convenient to carry out and
319 effectuate the purposes and provisions of this act, including

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320 the following powers, which are in addition to all other powers
321 granted by other provisions of this act:

322 (12) To identify parcels of land within the area or areas
323 of critical state concern that would be appropriate acquisitions
324 by the state and recommend such acquisitions to the advisory
325 council established pursuant to s. 259.035 or its successor.

326 Section 11. This act shall take effect July 1, 2025.