

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 Standards of Practice
20 for Land Surveying in Florida to be published by the
21 Department of Agriculture and Consumer Services rather
22 than the Department of Business and Professional
23 Regulation; authorizing the disclosure of confidential
24 appraisal reports under certain conditions; providing
25 for public agencies and nonprofit organizations to
26 enter into written agreements with the Department of

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

53 water management district to provide such service;
54 authorizing the board to direct the Department of
55 Environmental Protection to purchase lands on an
56 immediate basis using specified funds; authorizing the
57 board of trustees to waive or modify all procedures
58 required for such land acquisition; providing that
59 title to certain lands held jointly by the board and a
60 water management district meet the standards necessary
61 for ownership by the board; creating s. 253.0251,
62 F.S.; providing for the use of alternatives to fee
63 simple acquisition by public land acquisition
64 agencies; amending s. 253.03, F.S.; deleting
65 provisions directing the board to adopt by rule an
66 annual administrative fee for certain leases and
67 similar instruments; revising the criteria by which
68 specified structures have the right to continue
69 submerged land leases; directing the board to adopt by
70 rule an annual administrative fee for certain leases
71 and instruments; authorizing nonwater-dependent uses
72 for submerged lands; amending s. 253.031, F.S.;
73 providing for the Department of Environmental
74 Protection to maintain documents concerning all state
75 lands; deleting an obsolete provision; amending s.
76 253.034, F.S.; authorizing the department to submit
77 certain state-owned lands to the Acquisition and
78 Restoration Council or board for consideration;

79 requiring that all nonconservation land use plans are
80 managed to provide the greatest benefit to the state;
81 deleting provisions requiring an analysis of natural
82 or cultural resources as part of a nonconservation
83 land use plan; specifying that certain management and
84 short-term and long-term goals for the conservation of
85 plant and animal species apply to conservation lands;
86 providing conditions under which the Secretary of
87 Environmental Protection, Commissioner of Agriculture,
88 or executive director of the Fish and Wildlife
89 Conservation Commission or their designees are
90 required to submit land management plans to the board;
91 requiring that updated land management plans identify
92 any conservation lands that are no longer needed for
93 conservation purposes; deleting provisions directing
94 the board to make certain determinations regarding the
95 surplus and disposition of state lands; deleting
96 provisions requiring that buildings and parcels of
97 land be offered for lease to state agencies, state
98 universities, and Florida College System institutions
99 before being offered for lease or sale to a local or
100 federal unit of government or a private party;
101 amending s. 253.0341, F.S.; deleting provisions
102 requiring that county or local government requests for
103 the state to surplus conservation or nonconservation
104 lands be expedited; directing the board to make

105 certain determinations regarding the surplus and
 106 disposition of state lands; providing that lands
 107 acquired before a certain date using specified
 108 proceeds are deemed to have been acquired for
 109 conservation purposes; providing that certain lands
 110 used by the Department of Corrections, the Department
 111 of Management Services, and the Department of
 112 Transportation may not be designated as lands acquired
 113 for conservation purposes; requiring updated land
 114 management plans to identify conservation lands that
 115 are no longer needed and could be disposed of;
 116 deleting an obsolete provision; requiring that
 117 facilities and parcels of land be offered for lease to
 118 state agencies before being offered for lease or sale
 119 to a local or federal unit of government, state
 120 university, Florida College System institution, or a
 121 private party; providing for the valuation and
 122 disposition of surplus lands; providing for the
 123 deposit of proceeds from the sale of such lands;
 124 authorizing the board to adopt rules; amending s.
 125 253.111, F.S.; deleting provisions requiring the board
 126 to afford an opportunity to local governments to
 127 purchase certain lands; amending s. 253.42, F.S.;
 128 authorizing individuals or entities to submit requests
 129 to the Division of State Lands to exchange state-owned
 130 land for privately held land; requiring the state to

131 retain permanent conservation easements over the
132 state-owned land and all or a portion of the privately
133 held land; requiring the division to review requests
134 and provide recommendations to the Acquisition and
135 Restoration Council; providing applicability;
136 directing the board to consider a request if certain
137 conditions are met; providing special consideration
138 for certain requests; providing that such lands are
139 subject to inspection; amending s. 253.782, F.S.;
140 deleting a provision directing the Department of
141 Environmental Protection to retain ownership of and
142 maintain lands or interests in land owned by the
143 board; amending s. 253.7821, F.S.; assigning the Cross
144 Florida Greenways State Recreation and Conservation
145 Area to the Department of Environmental Protection
146 rather than the Office of Greenways Management within
147 the Office of the Secretary; creating s. 253.87, F.S.;
148 directing the Department of Environmental Protection
149 to include certain county, municipal, state, and
150 federal lands in the Florida State-Owned Lands and
151 Records Information System (SOLARIS) database and to
152 update the database at specified intervals; requiring
153 counties, municipalities, and financially
154 disadvantaged small communities to submit a list of
155 certain lands to the department by a specified date
156 and at specified intervals; directing the department

157 to conduct a study and submit a report to the Governor
 158 and the Legislature on the technical and economic
 159 feasibility of including certain lands in the database
 160 or a similar public lands inventory; amending s.
 161 259.01, F.S.; renaming the "Land Conservation Act of
 162 1972" as the "Land Conservation Program"; repealing s.
 163 259.02, F.S., relating to issuance of state bonds for
 164 certain land projects; amending s. 259.032, F.S.;
 165 conforming cross-references; revising provisions
 166 relating to the management of conservation and
 167 recreation lands to conform with changes made by the
 168 act; revising duties of the Acquisition and
 169 Restoration Council; amending s. 259.035, F.S.;
 170 requiring recipients of funds from the Land
 171 Acquisition Trust Fund to annually report certain
 172 performance measures to the Department of
 173 Environmental Protection rather than the Division of
 174 State Lands; amending s. 259.036, F.S.; revising the
 175 composition of the regional land management review
 176 team; providing for the Department of Environmental
 177 Protection rather than the Division of State Lands to
 178 act as the review team coordinator; revising
 179 requirements for conservation and recreation land
 180 management reviews and plans; amending s. 259.037,
 181 F.S.; removing the director of the Office of Greenways
 182 and Trails from the Land Management Uniform Accounting

183 Council; amending s. 259.041, F.S.; deleting
184 provisions relating to the acquisition of state-owned
185 lands for preservation, conservation, and recreation
186 purposes; transferring and redesignating the public
187 records exemption to s. 570.715; limiting application
188 of the public records exemption; amending s. 259.047,
189 F.S.; revising provisions relating to the acquisition
190 of land on which an agricultural lease exists to
191 conform with changes made by the act; amending s.
192 259.101, F.S.; conforming cross-references; revising
193 provisions relating to alternate use of lands acquired
194 under the Florida Preservation 2000 Act to conform
195 with changes made by the act; deleting provisions for
196 alternatives to fee simple acquisition of such lands
197 to conform with changes made by the act; amending s.
198 259.105, F.S.; deleting provisions requiring the
199 advancement of certain goals and objectives of
200 imperiled species management on state lands to conform
201 with changes made by the act; conforming cross-
202 references; revising provisions directing the
203 Acquisition and Restoration Council to give increased
204 priority to certain projects when developing proposed
205 rules relating to Florida Forever funding and
206 additions to the Conservation and Recreation Lands
207 list; deleting provisions requiring that such rules be
208 submitted to the Legislature for review; amending s.

209 259.1052, F.S.; deleting provisions authorizing the
 210 Department of Environmental Protection to distribute
 211 revenues from the Florida Forever Trust Fund for the
 212 acquisition of a portion of Babcock Crescent B Ranch;
 213 amending ss. 73.015, 125.355, 166.045, 215.82,
 214 215.965, 253.027, 253.7824, 260.015, 260.016, 369.317,
 215 373.139, 375.031, 375.041, 380.05, 380.055, 380.508,
 216 conforming cross-references; creating s. 570.715,
 217 F.S.; providing conservation easement acquisition
 218 procedures for the Department of Agriculture and
 219 Consumer Services; amending ss. 589.07, 944.10,
 220 957.04, 985.682, and 1013.14, F.S.; conforming cross-
 221 references; providing an appropriation and authorizing
 222 positions; providing an effective date.

223

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

225

226 Section 1. Section 253.025, Florida Statutes, is amended
 227 to read:

228 253.025 Acquisition of state lands ~~for purposes other than~~
 229 ~~preservation, conservation, and recreation.~~—

230 (1) (a) ~~Neither~~ The Board of Trustees of the Internal
 231 Improvement Trust Fund or ~~nor~~ its duly authorized agent may not
 232 ~~shall~~ commit the state, through any instrument of negotiated
 233 contract or agreement for purchase, to the purchase of lands
 234 with or without appurtenances unless ~~the provisions of this~~

235 section has ~~have~~ been fully complied with.

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

239 1. Waive any requirements of this section.

240 2. Waive any rules adopted pursuant to this section,
 241 notwithstanding chapter 120.

242 3. Substitute other reasonably prudent procedures.

243 (c) However, The board of trustees may also substitute
 244 federally mandated acquisition procedures for the provisions of
 245 this section if ~~when~~ federal funds are available and will be
 246 used ~~utilized~~ for the purchase of lands, title to which will
 247 vest in the board of trustees, and qualification for such
 248 federal funds requires compliance with federally mandated
 249 acquisition procedures.

250 (d) Notwithstanding ~~any provisions in~~ this section ~~to the~~
 251 ~~contrary,~~ if lands are being acquired by the board of trustees
 252 for the anticipated sale, conveyance, or transfer to the Federal
 253 Government pursuant to a joint state and federal acquisition
 254 project, the board of trustees may use appraisals obtained by
 255 the Federal Government in the acquisition of such lands. The
 256 board of trustees may waive any provision of this section when
 257 land is being conveyed from a state agency to the board.

258 (e) The title to lands acquired pursuant to this section
 259 shall vest in the board of trustees pursuant to s. 253.03(1)
 260 unless otherwise provided by law, and all such titled lands

261 shall be administered pursuant to s. 253.03.

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

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

277 (a) The procedures to be followed in the acquisition
 278 process, including selection of appraisers, surveyors, title
 279 agents, and closing agents, and the content of appraisal
 280 reports.

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

283 (c) Special requirements when multiple landowners are
 284 involved in an acquisition.

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

287 (4) An agreement to acquire real property for the purposes
 288 described in this chapter, chapter 259, chapter 260, or chapter
 289 375, title to which will vest in the board of trustees, may not
 290 bind the state before the agreement is reviewed and approved by
 291 the Department of Environmental Protection as complying with
 292 this section and any rules adopted pursuant to this section. If
 293 any of the following conditions exist, the agreement shall be
 294 submitted to and approved by the board of trustees:

295 (a) The purchase price agreed to by the seller exceeds the
 296 value as established pursuant to the rules of the board of
 297 trustees;

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

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

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

307
 308 If approval of the board of trustees is required pursuant to
 309 this subsection, the acquiring agency must provide a
 310 justification as to why it is in the public's interest to
 311 acquire the parcel or Florida Forever project. Approval of the
 312 board of trustees is also required for Florida Forever projects

313 the department recommends acquiring pursuant to subsections (11)
314 and (22). Review and approval of agreements for acquisitions for
315 Florida Greenways and Trails Program properties pursuant to
316 chapter 260 may be waived by the department in any contract with
317 nonprofit corporations that have agreed to assist the department
318 with this program. If the contribution of the acquiring agency
319 exceeds \$100 million in any one fiscal year, the agreement shall
320 be submitted to and approved by the Legislative Budget
321 Commission.

322 (5)~~(3)~~ Land acquisition procedures provided for in this
323 section are for voluntary, negotiated acquisitions.

324 (6)~~(4)~~ For the purposes of this section, the term
325 "negotiations" does not include preliminary contacts with the
326 property owner to determine the availability of the property,
327 existing appraisal data, existing abstracts, and surveys.

328 (7)~~(5)~~ Evidence of marketable title shall be provided by
329 the landowner before ~~prior to~~ the conveyance of title, as
330 provided in the final agreement for purchase. Such evidence of
331 marketability shall be in the form of title insurance or an
332 abstract of title with a title opinion. The board of trustees
333 may waive the requirement that the landowner provide evidence of
334 marketable title, and, in such case, the acquiring agency shall
335 provide evidence of marketable title. The board of trustees or
336 its designee may waive the requirement of evidence of
337 marketability for acquisitions of property assessed by the
338 county property appraiser at \$10,000 or less, if ~~where~~ the

339 Division of State Lands finds, based upon such review of the
 340 title records as is reasonable under the circumstances, that
 341 there is no apparent impediment to marketability, or to
 342 management of the property by the state.

343 (8)-(6) Before approval by the board of trustees, or, when
 344 applicable, the Department of Environmental Protection, of any
 345 agreement to purchase land pursuant to this chapter, chapter
 346 259, chapter 260, or chapter 375, and before ~~Prior to~~
 347 negotiations with the parcel owner to purchase any other land
 348 ~~pursuant to this section~~, title to which will vest in the board
 349 of trustees, an appraisal of the parcel shall be required as
 350 follows:

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

354 (b)-(a) Each parcel to be acquired shall have at least one
 355 appraisal. Two appraisals are required when the estimated value
 356 of the parcel exceeds \$1 million. However, if both appraisals
 357 exceed \$1 million and differ significantly, a third appraisal
 358 may be obtained. If ~~When~~ a parcel is estimated to be worth
 359 \$100,000 or less and the director of the Division of State Lands
 360 finds that the cost of an outside appraisal is not justified, a
 361 comparable sales analysis, an appraisal prepared by the
 362 division, or other reasonably prudent procedures may be used by
 363 the division to estimate the value of the parcel, provided the
 364 public's interest is reasonably protected. The state is not

365 required to appraise the value of lands and appurtenances that
 366 are being donated to the state.

367 (c)~~(b)~~ Appraisal fees and associated costs shall be paid
 368 by the agency proposing the acquisition. ~~The board of trustees~~
 369 ~~shall approve qualified fee appraisal organizations.~~ All
 370 appraisals used for the acquisition of lands pursuant to this
 371 section shall be prepared by a ~~member of an approved appraisal~~
 372 ~~organization or by a state-certified appraiser.~~ The board of
 373 trustees shall adopt rules for selecting individuals to perform
 374 appraisals pursuant to this section. Each fee appraiser selected
 375 to appraise a particular parcel shall, before ~~prior to~~
 376 contracting with the agency or a participant in a multiparty
 377 agreement, submit to the ~~that~~ agency an affidavit substantiating
 378 that he or she has no vested or fiduciary interest in such
 379 parcel.

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

383 (e)~~(e)~~ The board of trustees shall adopt by rule the
 384 minimum criteria, techniques, and methods to be used in the
 385 preparation of appraisal reports. Such rules shall incorporate,
 386 to the extent practicable, generally accepted appraisal
 387 standards. Any appraisal issued for acquisition of lands
 388 pursuant to this section must comply with the rules adopted by
 389 the board of trustees. A certified survey must be made which
 390 meets the minimum requirements for upland parcels established in

391 the Standards of Practice ~~Minimum Technical Standards~~ for Land
 392 Surveying in Florida published by the Department of Agriculture
 393 and Consumer Services ~~Business and Professional Regulation~~ and
 394 which accurately portrays, to the greatest extent practicable,
 395 the condition of the parcel as it currently exists. The
 396 requirement for a certified survey may, in part or in whole, be
 397 waived by the board of trustees any time before ~~prior to~~
 398 submitting the agreement for purchase to the Division of State
 399 Lands. When an existing boundary map and description of a parcel
 400 are determined by the division to be sufficient for appraisal
 401 purposes, the division director may temporarily waive the
 402 requirement for a survey until any time before ~~prior to~~
 403 conveyance of title to the parcel. ~~The fee appraiser and the~~
 404 ~~review appraiser for the agency shall not act in any way that~~
 405 ~~may be construed as negotiating with the property owner.~~

406 (f) ~~(d)~~ Appraisal reports are confidential and exempt from
 407 ~~the provisions of~~ s. 119.07(1), for use by the agency and the
 408 board of trustees, until an option contract is executed or, if
 409 no option contract is executed, until 2 weeks before a contract
 410 or agreement for purchase is considered for approval by the
 411 board of trustees. The Department of Environmental Protection
 412 may disclose appraisal reports to private landowners during
 413 negotiations for acquisitions using alternatives to fee simple
 414 techniques, if the department determines that disclosure of such
 415 reports will bring the proposed acquisition to closure. However,
 416 the private landowner must agree to maintain the confidentiality

417 of the reports or information. ~~However,~~ The department ~~Division~~
 418 ~~of State Lands~~ may also disclose appraisal information to public
 419 agencies or nonprofit organizations that agree to maintain the
 420 confidentiality of the reports or information when joint
 421 acquisition of property is contemplated, or when a public agency
 422 or nonprofit organization enters into a written agreement with
 423 the department ~~division~~ to purchase and hold property for
 424 subsequent resale to the board of trustees ~~division~~. In
 425 addition, the department ~~division~~ may use, as its own,
 426 appraisals obtained by a public agency or nonprofit
 427 organization, if provided the appraiser is selected from the
 428 department's ~~division's~~ list of appraisers and the appraisal is
 429 reviewed and approved by the department ~~division~~. For the
 430 purposes of this paragraph, the term "nonprofit organization"
 431 means an organization that ~~whose purpose is the preservation of~~
 432 ~~natural resources, and which~~ is exempt from federal income tax
 433 under s. 501(c)(3) of the Internal Revenue Code and, for
 434 purposes of the acquisition of conservation lands, an
 435 organization whose purpose must include the preservation of
 436 natural resources. The agency may release an appraisal report
 437 when the passage of time has rendered the conclusions of value
 438 in the report invalid or when the acquiring agency has
 439 terminated negotiations.

440 (g)(e) ~~Before~~ Prior to acceptance of an appraisal, the
 441 agency shall submit a copy of such report to the division ~~of~~
 442 ~~State Lands~~. The division shall review such report for

443 compliance with the rules of the board ~~of trustees~~. Any
444 questions of applicability of laws affecting an appraisal shall
445 be addressed by the legal office of the agency.

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

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

460 (j)1. The board of trustees shall adopt by rule the method
461 for determining the value of parcels sought to be acquired by
462 state agencies pursuant to this section. An offer by a state
463 agency may not exceed the value for that parcel as determined
464 pursuant to the highest approved appraisal or the value
465 determined pursuant to the rules of the board of trustees,
466 whichever value is less.

467 2. For a joint acquisition by a state agency and a local
468 government or other entity apart from the state, the joint

469 purchase price may not exceed 150 percent of the value for a
470 parcel as determined in accordance with the limits in
471 subparagraph 1. The state agency share of a joint purchase offer
472 may not exceed what the agency may offer singly pursuant to
473 subparagraph 1.

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

477
478 Notwithstanding this subsection, on behalf of the board of
479 trustees and before the appraisal of parcels approved for
480 purchase under this chapter or chapter 259, the Secretary of
481 Environmental Protection or the director of the Division of
482 State Lands may enter into option contracts to buy such parcels.
483 Any such option contract shall state that the final purchase
484 price is subject to approval by the board of trustees or, if
485 applicable, the Secretary of Environmental Protection, and that
486 the final purchase price may not exceed the maximum offer
487 allowed by law. Any such option contract presented to the board
488 of trustees for final purchase price approval shall explicitly
489 state that payment of the final purchase price is subject to an
490 appropriation from the Legislature. The consideration for such
491 an option may not exceed \$1,000 or 0.01 percent of the estimate
492 by the department of the value of the parcel, whichever amount
493 is greater.

494 (9)-(7)(a) When the owner is represented by an agent or

495 broker, negotiations may not be initiated or continued until a
496 written statement verifying such agent's or broker's legal or
497 fiduciary relationship with the owner is on file with the
498 agency.

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

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

512 (d) All offers or counteroffers shall be documented in
513 writing and shall be confidential and exempt from ~~the provisions~~
514 ~~of~~ s. 119.07(1) until an option contract is executed, or if no
515 option contract is executed, until 2 weeks before a contract or
516 agreement for purchase is considered for approval by the board
517 of trustees. The agency shall maintain complete and accurate
518 records of all offers and counteroffers for all projects.

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

521 ~~state agencies pursuant to this section. No offer by a state~~
522 ~~agency, except an offer by an agency acquiring lands pursuant to~~
523 ~~s. 259.041, may exceed the value for that parcel as determined~~
524 ~~pursuant to the highest approved appraisal or the value~~
525 ~~determined pursuant to the rules of the board of trustees,~~
526 ~~whichever value is less.~~

527 ~~2. In the case of a joint acquisition by a state agency~~
528 ~~and a local government or other entity apart from the state, the~~
529 ~~joint purchase price may not exceed 150 percent of the value for~~
530 ~~a parcel as determined in accordance with the limits prescribed~~
531 ~~in subparagraph 1. The state agency share of a joint purchase~~
532 ~~offer may not exceed what the agency may offer singly as~~
533 ~~prescribed by subparagraph 1.~~

534 ~~3. The provisions of this paragraph do not apply to the~~
535 ~~acquisition of historically unique or significant property as~~
536 ~~determined by the Division of Historical Resources of the~~
537 ~~Department of State.~~

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

541 ~~(f)~~ (g) The state shall have the authority to reimburse the
542 owner for the cost of the survey when deemed appropriate. The
543 reimbursement is ~~shall~~ not ~~be~~ considered a part of the purchase
544 price.

545 ~~(g)~~ (h) A final offer shall be in the form of an option
546 contract or agreement for purchase and shall be signed and

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

563 (h) ~~(i)~~ Within 45 days after ~~of~~ receipt by the Department
 564 of Environmental Protection ~~Division of State Lands~~ of the
 565 agreement for purchase and the required documentation, the board
 566 of trustees or, if ~~when~~ the purchase price does not exceed
 567 \$100,000, its designee shall ~~either~~ reject or approve the
 568 agreement. An approved agreement for purchase is binding on both
 569 parties. Any agreement which has been disapproved shall be
 570 returned to the agency, along with a statement as to the
 571 deficiencies of the agreement or the supporting documentation.
 572 An agreement for purchase which has been disapproved by the

573 board of trustees may be resubmitted when such deficiencies have
 574 been corrected.

575 (10)~~(8)~~(a) A ~~No~~ dedication, gift, grant, or bequest of
 576 lands and appurtenances may not be accepted by the board of
 577 trustees until the receiving state agency supplies sufficient
 578 evidence of marketability of title. The board of trustees may
 579 not accept by dedication, gift, grant, or bequest any lands and
 580 appurtenances that are determined as being owned by the state
 581 ~~either~~ in fee or by virtue of the state's sovereignty or which
 582 are so encumbered so as to preclude the use of such lands and
 583 appurtenances for any reasonable public purpose. The board of
 584 trustees may accept a dedication, gift, grant, or bequest of
 585 lands and appurtenances without formal evidence of
 586 marketability, or when the title is nonmarketable, if the board
 587 or its designee determines that such lands and appurtenances
 588 have value and are reasonably manageable by the state, and that
 589 their acceptance would serve the public interest. The state is
 590 not required to appraise the value of such donated lands and
 591 appurtenances as a condition of receipt.

592 (b) A ~~No~~ deed filed in the public records to donate lands
 593 to the board of trustees does not ~~of the Internal Improvement~~
 594 ~~Trust Fund shall be construed to~~ transfer title to or vest title
 595 in the board of trustees unless ~~there shall also be filed in the~~
 596 ~~public records,~~ a document indicating that the board of trustees
 597 has agreed to accept the transfer of title to such donated lands
 598 is also filed in the public records.

599 (c) Notwithstanding any other provision of law, the
 600 maximum value of a parcel to be purchased by the board of
 601 trustees as determined by the highest approved appraisal or as
 602 determined pursuant to the rules of the board of trustees may
 603 not be increased or decreased as a result of a change in zoning
 604 or permitted land uses, or changes in market forces or prices
 605 that occur within 1 year after the date the Department of
 606 Environmental Protection or the board of trustees approves a
 607 contract to purchase the parcel.

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

618 (a) The state has made at least two bona fide offers to
 619 purchase the land through negotiation and, notwithstanding those
 620 offers, an impasse between the state and the landowner was
 621 reached.

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

624 1. It involves an endangered or natural resource and is in

625 imminent danger of development.

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

628 3. The failure of the state to acquire it will seriously
 629 impair the state's ability to manage or protect other state-
 630 owned lands.

631
 632 Pursuant to this subsection, the department may exercise
 633 condemnation authority directly or by contracting with the
 634 Department of Transportation or a water management district to
 635 provide that service. If the Department of Transportation or a
 636 water management district enters into such a contract with the
 637 department, the Department of Transportation or a water
 638 management district may use statutorily approved methods and
 639 procedures ordinarily used by the agency for condemnation
 640 purposes.

641 (12) ~~(9)~~ Any conveyance to the board of trustees of fee
 642 title shall be made by no less than a special warranty deed,
 643 unless the conveyance is from the Federal Government, the county
 644 government, or another state agency or, in the event of a gift
 645 or donation by quitclaim deed, if the board of trustees, or its
 646 designee, determines that the acceptance of such quitclaim deed
 647 is in the best interest of the public. A quitclaim deed may also
 648 be accepted to aid in clearing title or boundary questions. ~~The~~
 649 ~~title to lands acquired pursuant to this section shall vest in~~
 650 ~~the board of trustees as provided in s. 253.03(1). All such~~

651 ~~lands, title to which is vested in the board pursuant to this~~
 652 ~~section, shall be administered pursuant to the provisions of s.~~
 653 ~~253.03.~~

654 (13)~~(10)~~ The board of trustees may purchase tax
 655 certificates or tax deeds issued in accordance with chapter 197
 656 relating to property eligible for purchase under this section.

657 (14)~~(11)~~ The Auditor General shall conduct audits of
 658 acquisitions and divestitures which, according to his or her
 659 preliminary assessments of board-approved acquisitions and
 660 divestitures, he or she deems necessary. These preliminary
 661 assessments shall be initiated not later than 60 days after
 662 ~~following~~ the board of trustees' final approval ~~by the board~~ of
 663 land acquisitions under this section. If an audit is conducted,
 664 the Auditor General shall submit an audit report to the board of
 665 trustees, the President of the Senate, the Speaker of the House
 666 of Representatives, and their designees.

667 (15)~~(12)~~ The board of trustees and all affected agencies
 668 shall adopt and may modify or repeal such rules and regulations
 669 as are necessary to carry out ~~the purposes of~~ this section,
 670 including rules governing the terms and conditions of land
 671 purchases. Such rules shall address the procedures to be
 672 followed, when multiple landowners are involved in an
 673 acquisition, in obtaining written option agreements so that the
 674 interests of the state are fully protected.

675 (16)~~(13)~~ (a) The board of trustees ~~of the Internal~~
 676 ~~Improvement Trust Fund~~ may deed property to the Department of

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

693 | (b) In the case of a sale by the Department of Agriculture
 694 | and Consumer Services of a forestry facility, the proceeds of
 695 | the sale shall be deposited ~~go~~ into the Department of
 696 | Agriculture and Consumer Services Incidental Trust Fund. The
 697 | Legislature may, at the request of the Department of Agriculture
 698 | and Consumer Services ~~department~~, appropriate such money within
 699 | the trust fund to the Department of Agriculture and Consumer
 700 | Services ~~department~~ for purchase of land and construction of a
 701 | facility to replace the disposed facility. All proceeds other
 702 | than land from any sale, conveyance, exchange, trade, or

703 transfer conducted pursuant to ~~as provided for in~~ this
 704 subsection shall be deposited into ~~placed within~~ the Department
 705 of Agriculture and Consumer Services ~~department's~~ Incidental
 706 Trust Fund.

707 (c) Additional funds may be added from time to time by the
 708 Legislature to further the relocation and construction of
 709 forestry facilities. If ~~In the instance where~~ an equal trade of
 710 land occurs, money from the trust fund may be appropriated for
 711 building construction even though no money was received from the
 712 trade.

713 (17) ~~(14)~~ Any agency that acquires land on behalf of the
 714 board of trustees is authorized to request disbursement of
 715 payments for real estate closings in accordance with a written
 716 authorization from an ultimate beneficiary to allow a third
 717 party authorized by law to receive such payment provided the
 718 Chief Financial Officer determines that such disbursement is
 719 consistent with good business practices and can be completed in
 720 a manner minimizing costs and risks to the state.

721 (18) ~~(15)~~ Pursuant to s. 944.10, the Department of
 722 Corrections is responsible for obtaining appraisals and entering
 723 into option agreements and agreements for the purchase of state
 724 correctional facility sites. An option agreement or agreement
 725 for purchase is not binding upon the state until it is approved
 726 by the board of trustees ~~of the Internal Improvement Trust Fund~~.
 727 The provisions of paragraphs (8) (c), (e), and (f) and (9) (b),
 728 (c), and (d) ~~(6) (b), (c), and (d) and (7) (b), (c), and (d)~~ apply

729 to all appraisals, offers, and counteroffers of the Department
 730 of Corrections for state correctional facility sites.

731 (19)~~(16)~~ Many parcels of land acquired pursuant to this
 732 section may contain cattle-dipping vats as defined in s.
 733 376.301. The state is encouraged to continue with the
 734 acquisition of such lands, including any ~~the~~ cattle-dipping vats
 735 ~~vat~~.

736 (20)~~(17)~~ Pursuant to s. 985.682, the Department of
 737 Juvenile Justice is responsible for obtaining appraisals and
 738 entering into option agreements and agreements for the purchase
 739 of state juvenile justice facility sites. An option agreement or
 740 agreement for purchase is not binding upon the state until it is
 741 approved by the board of trustees ~~of the Internal Improvement~~
 742 ~~Trust Fund~~. The provisions of paragraphs (8) (c), (e), and (f)
 743 and (9) (b), (c), and (d) ~~(6) (b), (e), and (d) and (7) (b), (e),~~
 744 ~~and (d)~~ apply to all appraisals, offers, and counteroffers of
 745 the Department of Juvenile Justice for state juvenile justice
 746 facility sites.

747 (21)~~(18)~~ The board of trustees may acquire, pursuant to s.
 748 288.980(2) (b), nonconservation lands from the annual list
 749 submitted by the Department of Economic Opportunity for the
 750 purpose of buffering a military installation against
 751 encroachment.

752 (22) The board of trustees, by an affirmative vote of at
 753 least three members, may direct the department to purchase lands
 754 on an immediate basis using up to 15 percent of the funds

755 allocated to the department pursuant to s. 259.105 for the
 756 acquisition of lands that:

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

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

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

767
 768 For such acquisitions, the board of trustees may waive or modify
 769 all procedures required for land acquisition pursuant to this
 770 chapter and all competitive bid procedures required pursuant to
 771 chapters 255 and 287. Lands acquired pursuant to this subsection
 772 must, at the time of purchase, be on one of the acquisition
 773 lists established pursuant to chapter 259, or be essential for
 774 water resource development, protection, or restoration, or a
 775 significant portion of the lands must contain natural
 776 communities or plant or animal species that are listed by the
 777 Florida Natural Areas Inventory as critically imperiled,
 778 imperiled, or rare, or as excellent quality occurrences of
 779 natural communities.

780 (23) Title to lands to be held jointly by the board of

781 trustees and a water management district and acquired pursuant
782 to s. 373.139 may be deemed to meet the standards necessary for
783 ownership by the board of trustees, notwithstanding this section
784 or related rules.

785 Section 2. Section 253.0251, Florida Statutes, is created
786 to read:

787 253.0251 Alternatives to fee simple acquisition.—

788 (1) The Legislature finds that:

789 (a) With the increasing pressures on the natural areas of
790 this state and on open space suitable for recreational use, the
791 state must develop creative techniques to maximize the use of
792 acquisition and management funds.

793 (b) The state's conservation and recreational land
794 acquisition agencies should be encouraged to augment their
795 traditional, fee simple acquisition programs with the use of
796 alternatives to fee simple acquisition techniques. In addition,
797 the Legislature finds that generations of private landowners
798 have been good stewards of their land, protecting or restoring
799 native habitats and ecosystems to the benefit of the natural
800 resources of this state, its heritage, and its citizens. The
801 Legislature also finds that using alternatives to fee simple
802 acquisition by public land acquisition agencies will achieve the
803 following public policy goals:

804 1. Allow more lands to be brought under public protection
805 for preservation, conservation, and recreational purposes with
806 less expenditure of public funds.

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

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

812
813 Therefore, it is the intent of the Legislature that public land
814 acquisition agencies develop programs to pursue alternatives to
815 fee simple acquisition and to educate private landowners about
816 such alternatives and the benefits of such alternatives. It is
817 also the intent of the Legislature that a portion of the shares
818 of Florida Forever bond proceeds be used to purchase eligible
819 properties using alternatives to fee simple acquisition.

820 (2) All applications for alternatives to fee simple
821 acquisition projects shall identify, within their acquisition
822 plans, projects that require a full fee simple interest to
823 achieve the public policy goals, together with the reasons full
824 title is determined to be necessary. The state agencies and the
825 water management districts may use alternatives to fee simple
826 acquisition to bring the remaining projects in their acquisition
827 plans under public protection. For purposes of this section, the
828 phrase "alternatives to fee simple acquisition" includes, but is
829 not limited to, purchase of development rights; obtaining
830 conservation easements; obtaining flowage easements; purchase of
831 timber rights, mineral rights, or hunting rights; purchase of
832 agricultural interests or silvicultural interests; fee simple

833 acquisitions with reservations; creating life estates; or any
834 other acquisition technique that achieves the public policy
835 goals listed in subsection (1). It is presumed that a private
836 landowner retains the full range of uses for all the rights or
837 interests in the landowner's land which are not specifically
838 acquired by the public agency. The lands upon which hunting
839 rights are specifically acquired pursuant to this section shall
840 be available for hunting in accordance with the management plan
841 or hunting regulations adopted by the Fish and Wildlife
842 Conservation Commission, unless the hunting rights are purchased
843 specifically to protect activities on adjacent lands.

844 (3) When developing the acquisition plan pursuant to s.
845 259.105, the Acquisition and Restoration Council may give
846 preference to those less than fee simple acquisitions that
847 provide any public access. However, the Legislature recognizes
848 that public access is not always appropriate for certain less
849 than fee simple acquisitions. Therefore, any proposed less than
850 fee simple acquisition may not be rejected simply because public
851 access would be limited.

852 (4) The Department of Environmental Protection, the
853 Department of Agriculture and Consumer Services, and each water
854 management district shall implement initiatives to use
855 alternatives to fee simple acquisition and to educate private
856 landowners about such alternatives. The Department of
857 Environmental Protection, the Department of Agriculture and
858 Consumer Services, and the water management districts may enter

859 into joint acquisition agreements to jointly fund the purchase
860 of lands using alternatives to fee simple techniques.

861 (5) The Legislature finds that the lack of direct sales
862 comparison information has served as an impediment to successful
863 implementation of alternatives to fee simple acquisition. It is
864 the intent of the Legislature that, in the absence of direct
865 comparable sales information, appraisals of alternatives to fee
866 simple acquisitions be based on the difference between the full
867 fee simple valuation and the value of the interests remaining
868 with the seller after acquisition.

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

873 (7) For less than fee simple acquisitions pursuant to s.
874 570.71, the Department of Agriculture and Consumer Services
875 shall comply with the acquisition procedures set forth in s.
876 570.715.

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

880 253.03 Board of trustees to administer state lands; lands
881 enumerated.—

882 (2) It is the intent of the Legislature that the board of
883 trustees ~~of the Internal Improvement Trust Fund~~ continue to
884 receive proceeds from the sale or disposition of the products of

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

903 (7)

904 (c) Structures which are listed in or are eligible for the
 905 National Register of Historic Places or the State Inventory of
 906 Historic Places which are over the waters of the state ~~of~~
 907 ~~Florida~~ and which have a submerged land lease, or have been
 908 grandfathered-in to use sovereignty submerged lands until
 909 January 1, 1998, pursuant to former rule 18-21.00405, Florida
 910 Administrative Code, as it existed in rule on March 15, 1990,

911 shall have the right to continue such submerged land leases,
 912 regardless of the fact that the present landholder is not an
 913 adjacent riparian landowner, so long as the lessee maintains the
 914 structure in a good state of repair consistent with the
 915 guidelines for listing. If the structure is damaged or
 916 destroyed, the lessee may ~~shall be allowed to~~ reconstruct, so
 917 long as the reconstruction is consistent with the integrity of
 918 the listed structure and does not increase the footprint of the
 919 structure. If a listed structure ~~so listed~~ falls into disrepair
 920 and the lessee is not willing to repair and maintain it
 921 consistent with its listing, the state may cancel the submerged
 922 lease and ~~either~~ repair and maintain the property or require
 923 that the structure be removed from sovereignty submerged lands.

924 (11) The board of trustees ~~of the Internal Improvement~~
 925 ~~Trust Fund~~ may adopt rules to provide for the assessment and
 926 collection of reasonable fees, commensurate with the actual cost
 927 to the board, for disclaimers, easements, exchanges, gifts,
 928 leases, releases, or sales of any interest in lands or any
 929 applications therefor and for reproduction of documents. All
 930 revenues received from the application fees charged by a water
 931 management district to process applications that include a
 932 request to use state lands are to be retained by the water
 933 management district. The board of trustees shall adopt by rule
 934 an annual administrative fee for all existing and future leases
 935 or similar instruments to be charged to agencies that are
 936 leasing land from the board of trustees. This annual

937 administrative fee assessed for all leases or similar
 938 instruments is to compensate the board of trustees for costs
 939 incurred in the administration and management of such leases or
 940 similar instruments.

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

946 Section 4. Subsections (8) and (9) of section 253.031,
 947 Florida Statutes, are renumbered as subsections (7) and (8),
 948 respectively, and present subsections (2) and (7) of that
 949 section are amended, to read:

950 253.031 Land office; custody of documents concerning land;
 951 moneys; plats.—

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

957 ~~(7) The board shall receive all of the tract books, plats,~~
 958 ~~and such records and papers heretofore kept in the United States~~
 959 ~~Land Office at Gainesville, Alachua County, as may be~~
 960 ~~surrendered by the Secretary of the Interior; and the board~~
 961 ~~shall carefully and safely keep and preserve all of said tract~~
 962 ~~books, plats, records, and papers as part of the public records~~

963 ~~of its office, and at any time allow any duly accredited~~
964 ~~authority of the United States, full and free access to any and~~
965 ~~all of such tract books, plats, records, and papers, and shall~~
966 ~~furnish any duly accredited authority of the United States with~~
967 ~~copies of any such records without charge.~~

968 Section 5. Section 253.034, Florida Statutes, is amended
969 to read:

970 253.034 State-owned lands; uses.—

971 (1) All lands acquired pursuant to chapter 259 shall be
972 managed to serve the public interest by protecting and
973 conserving land, air, water, and the state's natural resources,
974 which contribute to the public health, welfare, and economy of
975 the state. These lands shall be managed to provide for areas of
976 natural resource based recreation, and to ensure the survival of
977 plant and animal species and the conservation of finite and
978 renewable natural resources. The state's lands and natural
979 resources shall be managed using a stewardship ethic that
980 assures these resources will be available for the benefit and
981 enjoyment of all people of the state, both present and future.
982 It is the intent of the Legislature that, where feasible and
983 consistent with the goals of protection and conservation of
984 natural resources associated with lands held in the public trust
985 by the Board of Trustees of the Internal Improvement Trust Fund,
986 public land not designated for single-use purposes pursuant to
987 paragraph (2) (b) be managed for multiple-use purposes. All
988 multiple-use land management strategies shall address public

989 access and enjoyment, resource conservation and protection,
 990 ecosystem maintenance and protection, and protection of
 991 threatened and endangered species, and the degree to which
 992 public-private partnerships or endowments may allow the entity
 993 with management responsibility to enhance its ability to manage
 994 these lands. The Acquisition and Restoration Council ~~created in~~
 995 ~~s. 259.035~~ shall recommend rules to the board of trustees, and
 996 the board of trustees shall adopt rules necessary to carry out
 997 the purposes of this section.

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

1000 (a) "Multiple use" means the harmonious and coordinated
 1001 management of timber, recreation, conservation of fish and
 1002 wildlife, forage, archaeological and historic sites, habitat and
 1003 other biological resources, or water resources so that they are
 1004 used ~~utilized~~ in the combination that will best serve the people
 1005 of the state, making the most judicious use of the land for some
 1006 or all of these resources and giving consideration to the
 1007 relative values of the various resources. Where necessary and
 1008 appropriate for all state-owned lands that are larger than 1,000
 1009 acres in project size and are managed for multiple uses, buffers
 1010 may be formed around any areas that require special protection
 1011 or have special management needs. Such buffers may ~~shall~~ not
 1012 exceed more than one-half of the total acreage. Multiple uses
 1013 within a buffer area may be restricted to provide the necessary
 1014 buffering effect desired. Multiple use in this context includes

1015 both uses of land or resources by more than one management
1016 entity, which may include private sector land managers. In any
1017 case, lands identified as multiple-use lands in the land
1018 management plan shall be managed to enhance and conserve the
1019 lands and resources for the enjoyment of the people of the
1020 state.

1021 (b) "Single use" means management for one particular
1022 purpose to the exclusion of all other purposes, except that the
1023 using entity shall have the option of including in its
1024 management program compatible secondary purposes which will not
1025 detract from or interfere with the primary management purpose.
1026 Such single uses may include, but are not necessarily restricted
1027 to, the use of agricultural lands for production of food and
1028 livestock, the use of improved sites and grounds for
1029 institutional purposes, and the use of lands for parks,
1030 preserves, wildlife management, archaeological or historic
1031 sites, or wilderness areas where the maintenance of essentially
1032 natural conditions is important. All submerged lands shall be
1033 considered single-use lands and shall be managed primarily for
1034 the maintenance of essentially natural conditions, the
1035 propagation of fish and wildlife, and public recreation,
1036 including hunting and fishing where deemed appropriate by the
1037 managing entity.

1038 (c) "Conservation lands" means lands that are currently
1039 managed for conservation, outdoor resource-based recreation, or
1040 archaeological or historic preservation, except those lands that

1041 were acquired solely to facilitate the acquisition of other
 1042 conservation lands. Lands acquired for uses other than
 1043 conservation, outdoor resource-based recreation, or
 1044 archaeological or historic preservation may ~~shall~~ not be
 1045 designated conservation lands except as otherwise authorized
 1046 under this section. These lands shall include, but not be
 1047 limited to, the following: correction and detention facilities,
 1048 military installations and facilities, state office buildings,
 1049 maintenance yards, state university or Florida College System
 1050 institution campuses, agricultural field stations or offices,
 1051 tower sites, law enforcement and license facilities,
 1052 laboratories, hospitals, clinics, and other sites that do not
 1053 possess ~~ne~~ significant natural or historical resources. However,
 1054 lands acquired solely to facilitate the acquisition of other
 1055 conservation lands, and for which the land management plan has
 1056 not yet been completed or updated, may be evaluated by the Board
 1057 of Trustees of the Internal Improvement Trust Fund on a case-by-
 1058 case basis to determine if they will be designated conservation
 1059 lands.

1060 (d) "Public access," as used in this chapter and chapter
 1061 259, means access by the general public to state lands and
 1062 water, including vessel access made possible by boat ramps,
 1063 docks, and associated support facilities, where compatible with
 1064 conservation and recreation objectives.

1065
 1066 Lands acquired by the state as a gift, through donation, or by

1067 any other conveyance for which no consideration was paid, and
 1068 which are not managed for conservation, outdoor resource-based
 1069 recreation, or archaeological or historic preservation under a
 1070 land management plan approved by the board of trustees are not
 1071 conservation lands.

1072 (3) Recognizing that recreational trails purchased with
 1073 rails-to-trails funds pursuant to former s. 259.101(3)(g),
 1074 Florida Statutes 2014, or s. 259.105(3)(h) have had historic
 1075 transportation uses and that their linear character may extend
 1076 many miles, the Legislature intends that if the necessity arises
 1077 to serve public needs, after balancing the need to protect trail
 1078 users from collisions with automobiles and a preference for the
 1079 use of overpasses and underpasses to the greatest extent
 1080 feasible and practical, transportation uses shall be allowed to
 1081 cross recreational trails purchased pursuant to former s.
 1082 259.101(3)(g), Florida Statutes 2014, or s. 259.105(3)(h). When
 1083 these crossings are needed, the location and design should
 1084 consider and mitigate the impact on humans and environmental
 1085 resources, and the value of the land shall be paid based on fair
 1086 market value.

1087 (4) A ~~No~~ management agreement, lease, or other instrument
 1088 authorizing the use of lands owned by the board of trustees may
 1089 not ~~of the Internal Improvement Trust Fund shall~~ be executed for
 1090 a period greater than is necessary to provide for the reasonable
 1091 use of the land for the existing or planned life cycle or
 1092 amortization of the improvements, except that an easement in

1093 | perpetuity may be granted by the board of trustees ~~of the~~
 1094 | ~~Internal Improvement Trust Fund~~ if the improvement is a
 1095 | transportation facility. If an entity managing or leasing state-
 1096 | owned lands from the board of trustees does not meet the short-
 1097 | term goals under paragraph (5) (b) for conservation lands, the
 1098 | Department of Environmental Protection may submit the lands to
 1099 | the Acquisition and Restoration Council to review whether the
 1100 | short term goals should be modified, consider whether the lands
 1101 | should be offered to another entity for management or leasing,
 1102 | or recommend to the board of trustees whether to surplus the
 1103 | lands. If an entity managing or leasing state-owned lands from
 1104 | the board of trustees does not meet the short-term goals under
 1105 | paragraph (5) (i) for nonconservation lands, the department may
 1106 | submit the lands to the board of trustees to consider whether to
 1107 | require the managing or leasing entity to release its interest
 1108 | in the lands and to consider whether to surplus the lands. If
 1109 | the state-owned land is determined to be surplus, the board of
 1110 | trustees may require an entity to release its interest in the
 1111 | lands. An entity managing or leasing state-owned lands from the
 1112 | board of trustees may not sublease such lands without prior
 1113 | review by the Division of State Lands and, for conservation
 1114 | lands, by the Acquisition and Restoration Council ~~created in s.~~
 1115 | ~~259.035~~. All management agreements, leases, or other instruments
 1116 | authorizing the use of lands owned by the board of trustees
 1117 | shall be reviewed for approval by the board of trustees or its
 1118 | designee. The council is not required to review subleases of

1119 parcels which are less than 160 acres in size.

1120 (5) Each manager of conservation lands shall submit to the

1121 Division of State Lands a land management plan at least every 10

1122 years in a form and manner adopted ~~prescribed~~ by rule of ~~by~~ the

1123 board of trustees and in accordance with ~~the provisions of s.~~

1124 259.032. Each manager of conservation lands shall also update a

1125 land management plan whenever the manager proposes to add new

1126 facilities or make substantive land use or management changes

1127 that were not addressed in the approved plan, or within 1 year

1128 after ~~of~~ the addition of significant new lands. Each manager of

1129 nonconservation lands shall submit to the Division of State

1130 Lands a land use plan at least every 10 years in a form and

1131 manner adopted ~~prescribed~~ by rule of ~~by~~ the board of trustees.

1132 The division shall review each plan for compliance with the

1133 requirements of this subsection and the requirements of the

1134 rules adopted ~~established~~ by the board of trustees pursuant to

1135 this section. All nonconservation land use plans, whether for

1136 single-use or multiple-use properties, shall be managed to

1137 provide the greatest benefit to the state ~~include an analysis of~~

1138 ~~the property to determine if any significant natural or cultural~~

1139 ~~resources are located on the property. Such resources include~~

1140 ~~archaeological and historic sites, state and federally listed~~

1141 ~~plant and animal species, and imperiled natural communities and~~

1142 ~~unique natural features. If such resources occur on the~~

1143 ~~property, the manager shall consult with the Division of State~~

1144 ~~Lands and other appropriate agencies to develop management~~

1145 ~~strategies to protect such resources. Land use plans shall also~~
1146 ~~provide for the control of invasive nonnative plants and~~
1147 ~~conservation of soil and water resources, including a~~
1148 ~~description of how the manager plans to control and prevent soil~~
1149 ~~erosion and soil or water contamination. Land use plans~~
1150 ~~submitted by a manager shall include reference to appropriate~~
1151 ~~statutory authority for such use or uses and shall conform to~~
1152 ~~the appropriate policies and guidelines of the state land~~
1153 ~~management plan.~~ Plans for managed areas larger than 1,000 acres
1154 shall contain an analysis of the multiple-use potential of the
1155 property, which includes analysis ~~shall include~~ the potential of
1156 the property to generate revenues to enhance the management of
1157 the property. In addition ~~Additionally~~, the plan shall contain
1158 an analysis of the potential use of private land managers to
1159 facilitate the restoration or management of these lands. If ~~If~~
1160 ~~those cases where~~ a newly acquired property has a valid
1161 conservation plan that was developed by a soil and conservation
1162 district, such plan shall be used to guide management of the
1163 property until a formal land use plan is completed.

1164 (a) State conservation lands shall be managed to ensure
1165 the conservation of the state's plant and animal species and to
1166 ensure the accessibility of state lands for the benefit and
1167 enjoyment of all people of the state, both present and future.
1168 Each land management plan for state conservation lands shall
1169 provide a desired outcome, describe both short-term and long-
1170 term management goals, and include measurable objectives to

1171 achieve those goals. Short-term goals shall be achievable within
1172 a 2-year planning period, and long-term goals shall be
1173 achievable within a 10-year planning period. These short-term
1174 and long-term management goals shall be the basis for all
1175 subsequent land management activities.

1176 (b) Short-term and long-term management goals for state
1177 conservation lands shall include measurable objectives for the
1178 following, as appropriate:

- 1179 1. Habitat restoration and improvement.
- 1180 2. Public access and recreational opportunities.
- 1181 3. Hydrological preservation and restoration.
- 1182 4. Sustainable forest management.
- 1183 5. Exotic and invasive species maintenance and control.
- 1184 6. Capital facilities and infrastructure.
- 1185 7. Cultural and historical resources.
- 1186 8. Imperiled species habitat maintenance, enhancement,
1187 restoration, or population restoration.

1188 (c) The land management plan shall, at a minimum, contain
1189 the following elements:

- 1190 1. A physical description of the land.
- 1191 2. A quantitative data description of the land which
1192 includes an inventory of forest and other natural resources;
1193 exotic and invasive plants; hydrological features;
1194 infrastructure, including recreational facilities; and other
1195 significant land, cultural, or historical features. The
1196 inventory shall reflect the number of acres for each resource

1197 and feature, when appropriate. The inventory shall be of such
1198 detail that objective measures and benchmarks can be established
1199 for each tract of land and monitored during the lifetime of the
1200 plan. All quantitative data collected shall be aggregated,
1201 standardized, collected, and presented in an electronic format
1202 to allow for uniform management reporting and analysis. The
1203 information collected by the Department of Environmental
1204 Protection pursuant to s. 253.0325(2) shall be available to the
1205 land manager and his or her assignee.

1206 3. A detailed description of each short-term and long-term
1207 land management goal, the associated measurable objectives, and
1208 the related activities that are to be performed to meet the land
1209 management objectives. Each land management objective must be
1210 addressed by the land management plan, and if ~~where~~ practicable,
1211 a ~~no~~ land management objective may not ~~shall~~ be performed to the
1212 detriment of the other land management objectives.

1213 4. A schedule of land management activities which contains
1214 short-term and long-term land management goals and the related
1215 measurable objective and activities. The schedule shall include
1216 for each activity a timeline for completion, quantitative
1217 measures, and detailed expense and manpower budgets. The
1218 schedule shall provide a management tool that facilitates
1219 development of performance measures.

1220 5. A summary budget for the scheduled land management
1221 activities of the land management plan. For state lands
1222 containing or anticipated to contain imperiled species habitat,

1223 the summary budget shall include any fees anticipated from
1224 public or private entities for projects to offset adverse
1225 impacts to imperiled species or such habitat, which fees shall
1226 be used solely to restore, manage, enhance, repopulate, or
1227 acquire imperiled species habitat. The summary budget shall be
1228 prepared in such manner that it facilitates computing an
1229 aggregate of land management costs for all state-managed lands
1230 using the categories described in s. 259.037(3).

1231 (d) Upon completion, the land management plan must ~~will~~ be
1232 transmitted to the Acquisition and Restoration Council for
1233 review. The ~~Acquisition and Restoration~~ council shall have 90
1234 days after receipt of the plan to review the plan and submit its
1235 recommendations to the board of trustees. During the review
1236 period, the land management plan may be revised if agreed to by
1237 the primary land manager and the ~~Acquisition and Restoration~~
1238 council taking into consideration public input. ~~If the~~
1239 ~~Acquisition and Restoration Council fails to make a~~
1240 ~~recommendation for a land management plan, the secretary of the~~
1241 ~~Department of Environmental Protection, Commissioner of~~
1242 ~~Agriculture, or Executive Director of the Fish and Wildlife~~
1243 ~~Conservation Commission or their designees shall submit the land~~
1244 ~~management plan to the board of trustees.~~ The land management
1245 plan becomes effective upon approval by the board of trustees.

1246 (e) Land management plans are to be updated every 10 years
1247 on a rotating basis. Each updated land management plan must
1248 identify any conservation lands under the plan, in part or in

1249 whole, that are no longer needed for conservation purposes and
 1250 could be disposed of in fee simple or with the state retaining a
 1251 permanent conservation easement.

1252 (f) In developing land management plans, at least one
 1253 public hearing shall be held in any one affected county.

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

1275 executive director of the Fish and Wildlife Conservation
 1276 Commission or their designees shall submit the land management
 1277 plan to the board of trustees.

1278 (h) The board of trustees ~~of the Internal Improvement~~
 1279 ~~Trust Fund~~ shall consider the land management plan submitted by
 1280 each entity and the recommendations of the Acquisition and
 1281 Restoration Council and the Division of State Lands and shall
 1282 approve the plan with or without modification or reject such
 1283 plan. The use or possession of any such lands that is not in
 1284 accordance with an approved land management plan is subject to
 1285 termination by the board of trustees.

1286 (i)1. State nonconservation lands shall be managed to
 1287 provide the greatest benefit to the state. State nonconservation
 1288 lands can be grouped by similar land use types under one land
 1289 use plan. Each land use plan shall, at a minimum, contain the
 1290 following elements:

1291 a. A physical description of the land to include any
 1292 significant natural or cultural resources as well as management
 1293 strategies developed by the land manager to protect such
 1294 resources.

1295 b. A desired development outcome.

1296 c. A schedule for achieving the desired development
 1297 outcome.

1298 d. A description of both short-term and long-term
 1299 development goals.

1300 e. A management and control plan for invasive nonnative

1301 plants.

1302 f. A management and control plan for soil erosion and soil

1303 and water contamination.

1304 g. Measureable objectives to achieve the goals identified

1305 in the land use plan.

1306 2. Short-term goals shall be achievable within a 5-year

1307 planning period and long-term goals shall be achievable within a

1308 10-year planning period.

1309 3. The use or possession of any such lands that is not in

1310 accordance with an approved land use plan is subject to

1311 termination by the board of trustees.

1312 4. Land use plans submitted by a manager shall include

1313 reference to appropriate statutory authority for such use or

1314 uses and shall conform to the appropriate policies and

1315 guidelines of the state land management plan.

1316 ~~(6) The Board of Trustees of the Internal Improvement~~

1317 ~~Trust Fund shall determine which lands, the title to which is~~

1318 ~~vested in the board, may be surplus. For conservation lands,~~

1319 ~~the board shall determine whether the lands are no longer needed~~

1320 ~~for conservation purposes and may dispose of them by an~~

1321 ~~affirmative vote of at least three members. In the case of a~~

1322 ~~land exchange involving the disposition of conservation lands,~~

1323 ~~the board must determine by an affirmative vote of at least~~

1324 ~~three members that the exchange will result in a net positive~~

1325 ~~conservation benefit. For all other lands, the board shall~~

1326 ~~determine whether the lands are no longer needed and may dispose~~

1327 ~~of them by an affirmative vote of at least three members.~~

1328 ~~(a) For the purposes of this subsection, all lands~~
 1329 ~~acquired by the state before July 1, 1999, using proceeds from~~
 1330 ~~Preservation 2000 bonds, the former Conservation and Recreation~~
 1331 ~~Lands Trust Fund, the former Water Management Lands Trust Fund,~~
 1332 ~~Environmentally Endangered Lands Program, and the Save Our Coast~~
 1333 ~~Program and titled to the board which are identified as core~~
 1334 ~~parcels or within original project boundaries are deemed to have~~
 1335 ~~been acquired for conservation purposes.~~

1336 ~~(b) For any lands purchased by the state on or after July~~
 1337 ~~1, 1999, before acquisition, the board must determine which~~
 1338 ~~parcels must be designated as having been acquired for~~
 1339 ~~conservation purposes. Lands acquired for use by the Department~~
 1340 ~~of Corrections, the Department of Management Services for use as~~
 1341 ~~state offices, the Department of Transportation, except those~~
 1342 ~~specifically managed for conservation or recreation purposes, or~~
 1343 ~~the State University System or the Florida College System may~~
 1344 ~~not be designated as having been purchased for conservation~~
 1345 ~~purposes.~~

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

1353 ~~ownership or disposed of by the board. For nonconservation~~
 1354 ~~lands, the division shall review such lands and recommend to the~~
 1355 ~~board whether such lands should be retained in public ownership~~
 1356 ~~or disposed of by the board.~~

1357 ~~(d) Lands owned by the board which are not actively~~
 1358 ~~managed by any state agency or for which a land management plan~~
 1359 ~~has not been completed pursuant to subsection (5) must be~~
 1360 ~~reviewed by the council or its successor for its recommendation~~
 1361 ~~as to whether such lands should be disposed of by the board.~~

1362 ~~(e) Before any decision by the board to surplus lands, the~~
 1363 ~~Acquisition and Restoration Council shall review and make~~
 1364 ~~recommendations to the board concerning the request for~~
 1365 ~~surplusing. The council shall determine whether the request for~~
 1366 ~~surplusing is compatible with the resource values of and~~
 1367 ~~management objectives for such lands.~~

1368 ~~(f) In reviewing lands owned by the board, the council~~
 1369 ~~shall consider whether such lands would be more appropriately~~
 1370 ~~owned or managed by the county or other unit of local government~~
 1371 ~~in which the land is located. The council shall recommend to the~~
 1372 ~~board whether a sale, lease, or other conveyance to a local~~
 1373 ~~government would be in the best interests of the state and local~~
 1374 ~~government. The provisions of this paragraph in no way limit the~~
 1375 ~~provisions of ss. 253.111 and 253.115. Such lands shall be~~
 1376 ~~offered to the state, county, or local government for a period~~
 1377 ~~of 45 days. Permittable uses for such surplus lands may include~~
 1378 ~~public schools; public libraries; fire or law enforcement~~

1379 ~~substations; governmental, judicial, or recreational centers;~~
1380 ~~and affordable housing meeting the criteria of s. 420.0004(3).~~
1381 ~~County or local government requests for surplus lands shall be~~
1382 ~~expedited throughout the surplus process. If the county or~~
1383 ~~local government does not elect to purchase such lands in~~
1384 ~~accordance with s. 253.111, any surplus determination~~
1385 ~~involving other governmental agencies shall be made when the~~
1386 ~~board decides the best public use of the lands. Surplus~~
1387 ~~properties in which governmental agencies have expressed no~~
1388 ~~interest must then be available for sale on the private market.~~

1389 ~~(g) The sale price of lands determined to be surplus~~
1390 ~~pursuant to this subsection and s. 253.82 shall be determined by~~
1391 ~~the division, which shall consider an appraisal of the property,~~
1392 ~~or, if the estimated value of the land is \$500,000 or less, a~~
1393 ~~comparable sales analysis or a broker's opinion of value. The~~
1394 ~~division may require a second appraisal. The individual or~~
1395 ~~entity that requests to purchase the surplus parcel shall pay~~
1396 ~~all costs associated with determining the property's value, if~~
1397 ~~any.~~

1398 ~~1. A written valuation of land determined to be surplus~~
1399 ~~pursuant to this subsection and s. 253.82, and related documents~~
1400 ~~used to form the valuation or which pertain to the valuation,~~
1401 ~~are confidential and exempt from s. 119.07(1) and s. 24(a), Art.~~
1402 ~~I of the State Constitution.~~

1403 ~~a. The exemption expires 2 weeks before the contract or~~
1404 ~~agreement regarding the purchase, exchange, or disposal of the~~

1405 ~~surplus land is first considered for approval by the board.~~

1406 ~~b. Before expiration of the exemption, the division may~~

1407 ~~disclose confidential and exempt appraisals, valuations, or~~

1408 ~~valuation information regarding surplus land:~~

1409 ~~(I) During negotiations for the sale or exchange of the~~

1410 ~~land.~~

1411 ~~(II) During the marketing effort or bidding process~~

1412 ~~associated with the sale, disposal, or exchange of the land to~~

1413 ~~facilitate closure of such effort or process.~~

1414 ~~(III) When the passage of time has made the conclusions of~~

1415 ~~value invalid.~~

1416 ~~(IV) When negotiations or marketing efforts concerning the~~

1417 ~~land are concluded.~~

1418 ~~2. A unit of government that acquires title to lands~~

1419 ~~hereunder for less than appraised value may not sell or transfer~~

1420 ~~title to all or any portion of the lands to any private owner~~

1421 ~~for 10 years. Any unit of government seeking to transfer or sell~~

1422 ~~lands pursuant to this paragraph must first allow the board of~~

1423 ~~trustees to reacquire such lands for the price at which the~~

1424 ~~board sold such lands.~~

1425 ~~(h) Parcels with a market value over \$500,000 must be~~

1426 ~~initially offered for sale by competitive bid. The division may~~

1427 ~~use agents, as authorized by s. 253.431, for this process. Any~~

1428 ~~parcels unsuccessfully offered for sale by competitive bid, and~~

1429 ~~parcels with a market value of \$500,000 or less, may be sold by~~

1430 ~~any reasonable means, including procuring real estate services,~~

1431 ~~open or exclusive listings, competitive bid, auction, negotiated~~
1432 ~~direct sales, or other appropriate services, to facilitate the~~
1433 ~~sale.~~

1434 ~~(i) After reviewing the recommendations of the council,~~
1435 ~~the board shall determine whether lands identified for surplus~~
1436 ~~are to be held for other public purposes or are no longer~~
1437 ~~needed. The board may require an agency to release its interest~~
1438 ~~in such lands. A state agency, county, or local government that~~
1439 ~~has requested the use of a property that was to be declared as~~
1440 ~~surplus must secure the property under lease within 90 days~~
1441 ~~after being notified that it may use such property.~~

1442 ~~(j) Requests for surplusizing may be made by any public or~~
1443 ~~private entity or person. All requests shall be submitted to the~~
1444 ~~lead managing agency for review and recommendation to the~~
1445 ~~council or its successor. Lead managing agencies have 90 days to~~
1446 ~~review such requests and make recommendations. Any surplusizing~~
1447 ~~requests that have not been acted upon within the 90-day time~~
1448 ~~period shall be immediately scheduled for hearing at the next~~
1449 ~~regularly scheduled meeting of the council or its successor.~~
1450 ~~Requests for surplusizing pursuant to this paragraph are not~~
1451 ~~required to be offered to local or state governments as provided~~
1452 ~~in paragraph (f).~~

1453 ~~(k) Proceeds from the sale of surplus conservation lands~~
1454 ~~purchased before July 1, 2015, shall be deposited into the~~
1455 ~~Florida Forever Trust Fund.~~

1456 ~~(l) Proceeds from the sale of surplus conservation lands~~

1457 ~~purchased on or after July 1, 2015, shall be deposited into the~~
 1458 ~~Land Acquisition Trust Fund, except when such lands were~~
 1459 ~~purchased with funds other than those from the Land Acquisition~~
 1460 ~~Trust Fund or a land acquisition trust fund created to implement~~
 1461 ~~s. 28, Art. X of the State Constitution, the proceeds shall be~~
 1462 ~~deposited into the fund from which the lands were purchased.~~

1463 ~~(m) Funds received from the sale of surplus~~
 1464 ~~nonconservation lands or lands that were acquired by gift, by~~
 1465 ~~donation, or for no consideration shall be deposited into the~~
 1466 ~~Internal Improvement Trust Fund.~~

1467 ~~(n) Notwithstanding this subsection, such disposition of~~
 1468 ~~land may not be made if it would have the effect of causing all~~
 1469 ~~or any portion of the interest on any revenue bonds issued to~~
 1470 ~~lose the exclusion from gross income for federal income tax~~
 1471 ~~purposes.~~

1472 ~~(o) The sale of filled, formerly submerged land that does~~
 1473 ~~not exceed 5 acres in area is not subject to review by the~~
 1474 ~~council or its successor.~~

1475 ~~(p) The board may adopt rules to administer this section~~
 1476 ~~which may include procedures for administering surplus land~~
 1477 ~~requests and criteria for when the division may approve requests~~
 1478 ~~to surplus nonconservation lands on behalf of the board.~~

1479 ~~(6)(7) This section does shall not be construed so as to~~
 1480 ~~affect:~~

1481 ~~(a) Other provisions of this chapter relating to oil, gas,~~
 1482 ~~or mineral resources.~~

1483 (b) The exclusive use of state-owned land subject to a
 1484 lease by the board of trustees ~~of the Internal Improvement Trust~~
 1485 ~~Fund~~ of state-owned land for private uses and purposes.

1486 (c) Sovereignty lands not leased for private uses and
 1487 purposes.

1488 (7)~~(8)~~(a) The Legislature recognizes the value of the
 1489 state's conservation lands as water recharge areas and air
 1490 filters.

1491 (b) If state-owned lands are subject to annexation
 1492 procedures, the Division of State Lands must notify the county
 1493 legislative delegation of the county in which the land is
 1494 located.

1495 (8)~~(9)~~ Land management plans required to be submitted by
 1496 the Department of Corrections, the Department of Juvenile
 1497 Justice, the Department of Children and Families, or the
 1498 Department of Education are not subject to ~~the provisions for~~
 1499 review by the Acquisition and Restoration Council ~~or its~~
 1500 ~~successor described in subsection (5)~~. Management plans filed by
 1501 these agencies shall be made available to the public for a
 1502 period of 90 days at the administrative offices of the parcel or
 1503 project affected by the management plan and at the Tallahassee
 1504 offices of each agency. Any plans not objected to during the
 1505 public comment period shall be deemed approved. Any plans for
 1506 which an objection is filed shall be submitted to the board of
 1507 trustees ~~of the Internal Improvement Trust Fund~~ for
 1508 consideration. The board of trustees ~~of the Internal Improvement~~

1509 ~~Trust Fund~~ shall approve the plan with or without modification,
 1510 or reject the plan. The use or possession of any such lands
 1511 which is not in accordance with an approved land management plan
 1512 is subject to termination by the board of trustees.

1513 (9) ~~(10)~~ The following additional uses of conservation
 1514 lands acquired pursuant to the Florida Forever program and other
 1515 state-funded conservation land purchase programs shall be
 1516 authorized, upon a finding by the board of trustees, if they
 1517 meet the criteria specified in paragraphs (a)-(e): water
 1518 resource development projects, water supply development
 1519 projects, stormwater management projects, linear facilities, and
 1520 sustainable agriculture and forestry. Such additional uses are
 1521 authorized if ~~where~~:

1522 (a) The use is not inconsistent with the management plan
 1523 for such lands;

1524 (b) The use is compatible with the natural ecosystem and
 1525 resource values of such lands;

1526 (c) The ~~proposed~~ use is appropriately located on such
 1527 lands and if ~~where~~ due consideration is given to the use of
 1528 other available lands;

1529 (d) The using entity reasonably compensates the
 1530 titleholder for such use based upon an appropriate measure of
 1531 value; and

1532 (e) The use is consistent with the public interest.

1533
 1534 A decision by the board of trustees pursuant to this section

1535 shall be given a presumption of correctness. Moneys received
 1536 from the use of state lands pursuant to this section shall be
 1537 returned to the lead managing entity in accordance with s.
 1538 259.032 (9) (c) .

1539 (10)~~(11)~~ Lands listed as projects for acquisition may be
 1540 managed for conservation pursuant to s. 259.032, on an interim
 1541 basis by a private party in anticipation of a state purchase in
 1542 accordance with a contractual arrangement between the acquiring
 1543 agency and the private party that may include management service
 1544 contracts, leases, cost-share arrangements or resource
 1545 conservation agreements. Lands designated as eligible under this
 1546 subsection shall be managed to maintain or enhance the resources
 1547 the state is seeking to protect by acquiring the land. Funding
 1548 for these contractual arrangements may originate from the
 1549 documentary stamp tax revenue deposited into the Land
 1550 Acquisition Trust Fund. No more than \$6.2 million may be
 1551 expended from the Land Acquisition Trust Fund for this purpose.

1552 (11)~~(12)~~ Any lands available to governmental employees,
 1553 including water management district employees, for hunting or
 1554 other recreational purposes shall also be made available to the
 1555 general public for such purposes.

1556 ~~(13) Before a building or parcel of land is offered for~~
 1557 ~~lease or sale to a local or federal unit of government or a~~
 1558 ~~private party, it shall first be offered for lease to state~~
 1559 ~~agencies, state universities, and Florida College System~~
 1560 ~~institutions, with priority consideration given to state~~

1561 ~~universities and Florida College System institutions. Within 60~~
 1562 ~~days after the offer for lease of a surplus building or parcel,~~
 1563 ~~a state university or Florida College System institution that~~
 1564 ~~requests the lease must submit a plan for review and approval by~~
 1565 ~~the Board of Trustees of the Internal Improvement Trust Fund~~
 1566 ~~regarding the intended use, including future use, of the~~
 1567 ~~building or parcel of land before approval of a lease. Within 60~~
 1568 ~~days after the offer for lease of a surplus building or parcel,~~
 1569 ~~a state agency that requests the lease of such facility or~~
 1570 ~~parcel must submit a plan for review and approval by the board~~
 1571 ~~of trustees regarding the intended use. The state agency plan~~
 1572 ~~must, at a minimum, include the proposed use of the facility or~~
 1573 ~~parcel, the estimated cost of renovation, a capital improvement~~
 1574 ~~plan for the building, evidence that the building or parcel~~
 1575 ~~meets an existing need that cannot otherwise be met, and other~~
 1576 ~~criteria developed by rule by the board of trustees. The board~~
 1577 ~~or its designee shall compare the estimated value of the~~
 1578 ~~building or parcel to any submitted business plan to determine~~
 1579 ~~if the lease or sale is in the best interest of the state. The~~
 1580 ~~board of trustees shall adopt rules pursuant to chapter 120 for~~
 1581 ~~the implementation of this section.~~

1582 Section 6. Section 253.0341, Florida Statutes, is amended
 1583 to read:

1584 253.0341 Surplus of state-owned lands ~~to counties or local~~
 1585 ~~governments. Counties and local governments may submit~~
 1586 ~~surplusing requests for state-owned lands directly to the board~~

1587 ~~of trustees. County or local government requests for the state~~
 1588 ~~to surplus conservation or nonconservation lands, whether for~~
 1589 ~~purchase or exchange, shall be expedited throughout the~~
 1590 ~~surplusing process. Property jointly acquired by the state and~~
 1591 ~~other entities shall not be surplused without the consent of all~~
 1592 ~~joint owners.~~

1593 (1) The board of trustees shall determine which lands, the
 1594 title to which is vested in the board, may be surplused. For all
 1595 conservation lands, the Acquisition and Restoration Council
 1596 shall make a recommendation to the board of trustees, and the
 1597 board of trustees shall determine whether the lands are no
 1598 longer needed for conservation purposes. If the board of
 1599 trustees determines the lands are no longer needed for
 1600 conservation purposes, it may dispose of such lands by an
 1601 affirmative vote of at least three members. In the case of a
 1602 land exchange involving the disposition of conservation lands,
 1603 the board of trustees must determine by an affirmative vote of
 1604 at least three members that the exchange will result in a net
 1605 positive conservation benefit. For all nonconservation lands,
 1606 the board of trustees shall determine whether the lands are no
 1607 longer needed. If the board of trustees determines the lands are
 1608 no longer needed, it may dispose of such lands by an affirmative
 1609 vote of at least three members. Local government requests for
 1610 the state to surplus conservation or nonconservation lands,
 1611 whether for purchase or exchange, shall be expedited throughout
 1612 the surplusing process. Property jointly acquired by the state

1613 and other entities may not be surplusd without the consent of
 1614 all joint owners ~~The decision to surplus state-owned~~
 1615 ~~nonconservation lands may be made by the board without a review~~
 1616 ~~of, or a recommendation on, the request from the Acquisition and~~
 1617 ~~Restoration Council or the Division of State Lands. Such~~
 1618 ~~requests for nonconservation lands shall be considered by the~~
 1619 ~~board within 60 days of the board's receipt of the request.~~

1620 (2) For purposes of this section, all lands acquired by
 1621 the state before July 1, 1999, using proceeds from Preservation
 1622 2000 bonds, the former Conservation and Recreation Lands Trust
 1623 Fund, the former Water Management Lands Trust Fund,
 1624 Environmentally Endangered Lands Program, and the Save Our Coast
 1625 Program and titled to the board of trustees which are identified
 1626 as core parcels or within original project boundaries are deemed
 1627 to have been acquired for conservation purposes ~~County or local~~
 1628 ~~government requests for the surplusng of state-owned~~
 1629 ~~conservation lands are subject to review of, and recommendation~~
 1630 ~~on, the request to the board by the Acquisition and Restoration~~
 1631 ~~Council. Requests to surplus conservation lands shall be~~
 1632 ~~considered by the board within 120 days of the board's receipt~~
 1633 ~~of the request.~~

1634 (3) For any lands purchased by the state on or after July
 1635 1, 1999, before acquisition, the board of trustees must
 1636 determine which parcels must be designated as having been
 1637 acquired for conservation purposes. Lands acquired for use by
 1638 the Department of Corrections; the Department of Management

1639 Services for use as state offices; the Department of
 1640 Transportation, except those lands specifically managed for
 1641 conservation or recreation purposes; the State University
 1642 System; or the Florida College System may not be designated as
 1643 having been acquired for conservation purposes ~~A local~~
 1644 ~~government may request that state lands be specifically declared~~
 1645 ~~surplus lands for the purpose of providing alternative water~~
 1646 ~~supply and water resource development projects as defined in s.~~
 1647 ~~373.019, public facilities such as schools, fire and police~~
 1648 ~~facilities, and affordable housing. The request shall comply~~
 1649 ~~with the requirements of subsection (1) if the lands are~~
 1650 ~~nonconservation lands or subsection (2) if the lands are~~
 1651 ~~conservation lands. Surplus lands that are conveyed to a local~~
 1652 ~~government for affordable housing shall be disposed of by the~~
 1653 ~~local government under the provisions of s. 125.379 or s.~~
 1654 ~~166.0451.~~

1655 (4) At least every 10 years, as a component of each land
 1656 management plan or land use plan and in a form and manner
 1657 adopted by rule of the board of trustees, each manager shall
 1658 evaluate and indicate to the board of trustees those lands that
 1659 are not being used for the purpose for which they were
 1660 originally leased. For conservation lands, the Acquisition and
 1661 Restoration Council shall review and recommend to the board of
 1662 trustees whether such lands should be retained in public
 1663 ownership or disposed of by the board of trustees. For
 1664 nonconservation lands, the Division of State Lands shall review

1665 and recommend to the board of trustees whether such lands should
1666 be retained in public ownership or disposed of by the board of
1667 trustees ~~Notwithstanding the requirements of this section and~~
1668 ~~the requirements of s. 253.034 which provides a surplus process~~
1669 ~~for the disposal of state lands, the board shall convey to~~
1670 ~~Miami-Dade County title to the property on which the Graham~~
1671 ~~Building, which houses the offices of the Miami-Dade State~~
1672 ~~Attorney, is located. By January 1, 2008, the board shall convey~~
1673 ~~fee simple title to the property to Miami-Dade County for a~~
1674 ~~consideration of one dollar. The deed conveying title to Miami-~~
1675 ~~Dade County must contain restrictions that limit the use of the~~
1676 ~~property for the purpose of providing workforce housing as~~
1677 ~~defined in s. 420.5095, and to house the offices of the Miami-~~
1678 ~~Dade State Attorney. Employees of the Miami-Dade State Attorney~~
1679 ~~and the Miami-Dade Public Defender who apply for and meet the~~
1680 ~~income qualifications for workforce housing shall receive~~
1681 ~~preference over other qualified applicants.~~

1682 (5) Conservation lands owned by the board of trustees
1683 which are not actively managed by any state agency or for which
1684 a land management plan has not been completed pursuant to s.
1685 253.034(5) must be reviewed by the Acquisition and Restoration
1686 Council for its recommendation as to whether such lands should
1687 be disposed of by the board of trustees.

1688 (6) Before any decision by the board of trustees to
1689 surplus conservation lands, the Acquisition and Restoration
1690 Council shall review and make recommendations to the board of

1691 trustees concerning the request for surplusings. The council
 1692 shall determine whether the request for surplusings is compatible
 1693 with the resource values of and management objectives for such
 1694 lands.

1695 (7) Before a facility or parcel of nonconservation land is
 1696 offered for lease to a local or federal unit of government,
 1697 state university, Florida College System institution, or a
 1698 private party, it shall first be offered for lease to state
 1699 agencies. Within 45 days after the offer for lease of a surplus
 1700 facility or parcel, a state agency that requests the lease must
 1701 submit a plan to the board of trustees that includes a
 1702 description of the proposed use, including future use, of the
 1703 facility or parcel of land. The board of trustees must review
 1704 and approve the plan before approving the lease. The state
 1705 agency plan must, at a minimum, include the proposed use of the
 1706 facility or parcel, the estimated cost of renovation, a capital
 1707 improvement plan for the building, evidence that the building or
 1708 parcel meets an existing need that cannot otherwise be met, and
 1709 other criteria adopted by rule of the board of trustees. The
 1710 board of trustees or its designee shall compare the estimated
 1711 value of the facility or parcel to any submitted business plan
 1712 to determine if the lease or sale is in the best interest of the
 1713 state. The board of trustees shall adopt rules pursuant to
 1714 chapter 120 to implement this section. A state agency that has
 1715 requested the use of a property must secure the property with a
 1716 fully executed lease within 90 days after being notified that it

1717 may use such property or the request is voidable.

1718 (8) The sale price of lands determined to be surplus
 1719 pursuant to this section and s. 253.82 shall be determined by
 1720 the Division of State Lands, which shall consider an appraisal
 1721 of the property or, if the estimated value of the land is
 1722 \$500,000 or less, a comparable sales analysis or a broker's
 1723 opinion of value. The division may require a second appraisal.
 1724 The individual or entity that requests to purchase the surplus
 1725 parcel shall pay all costs associated with determining the
 1726 property's value, if any.

1727 (a) A written valuation of land determined to be surplus
 1728 pursuant to this section and s. 253.82, and related documents
 1729 used to form the valuation or which pertain to the valuation,
 1730 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
 1731 I of the State Constitution.

1732 1. The exemption expires 2 weeks before the contract or
 1733 agreement regarding the purchase, exchange, or disposal of the
 1734 surplus land is first considered for approval by the board of
 1735 trustees.

1736 2. Before expiration of the exemption, the Division of
 1737 State Lands may disclose confidential and exempt appraisals,
 1738 valuations, or valuation information regarding surplus land:

1739 a. During negotiations for the sale or exchange of the
 1740 land;

1741 b. During the marketing effort or bidding process
 1742 associated with the sale, disposal, or exchange of the land to

1743 facilitate closure of such effort or process;
 1744 c. When the passage of time has made the conclusions of
 1745 value invalid; or
 1746 d. When negotiations or marketing efforts concerning the
 1747 land are concluded.
 1748 (b) A unit of government that acquires title to lands
 1749 pursuant to this section for less than appraised value may not
 1750 sell or transfer title to all or any portion of the lands to any
 1751 private owner for 10 years. A unit of government seeking to
 1752 transfer or sell lands pursuant to this paragraph must first
 1753 allow the board of trustees to reacquire such lands for the
 1754 price at which the board of trustees sold such lands.
 1755 (9) Parcels with a market value over \$500,000 must be
 1756 initially offered for sale by competitive bid. Any parcels
 1757 unsuccessfully offered for sale by competitive bid, and parcels
 1758 with a market value of \$500,000 or less, may be sold by any
 1759 reasonable means, including procuring real estate services, open
 1760 or exclusive listings, competitive bid, auction, negotiated
 1761 direct sales, or other appropriate services, to facilitate the
 1762 sale.
 1763 (10) After reviewing the recommendations of the
 1764 Acquisition and Restoration Council, the board of trustees shall
 1765 determine whether conservation lands identified for surplus
 1766 should be held for other public purposes or are no longer
 1767 needed. The board of trustees may require an agency to release
 1768 its interest in such lands. An entity approved to use

1769 conservation lands by the board of trustees must secure the
 1770 property under a fully executed lease within 90 days after being
 1771 notified that it may use such property or the request is
 1772 voidable.

1773 (11) Requests to surplus lands may be made by any public
 1774 or private entity or person and shall be determined by the board
 1775 of trustees. All requests to surplus conservation lands shall be
 1776 submitted to the lead managing agency for review and
 1777 recommendation to the Acquisition and Restoration Council, and
 1778 all requests to surplus nonconservation lands shall be submitted
 1779 to the Division of State Lands for review and recommendation to
 1780 the board of trustees. The lead managing agencies shall review
 1781 such requests and make recommendations to the council within 90
 1782 days after receipt of the requests. Any requests to surplus
 1783 conservation lands that are not acted upon within the 90-day
 1784 period shall be immediately scheduled for hearing at the next
 1785 regularly scheduled meeting of the council. Requests to surplus
 1786 lands shall be considered by the board of trustees within 60
 1787 days after receipt of the requests from the council or division.
 1788 Requests to surplus lands pursuant to this subsection are not
 1789 required to be offered to state agencies as provided in
 1790 subsection (7).

1791 (12) Proceeds from the sale of surplus conservation lands
 1792 purchased before July 1, 2015, shall be deposited into the
 1793 Florida Forever Trust Fund.

1794 (13) Proceeds from the sale of surplus conservation lands

1795 purchased on or after July 1, 2015, shall be deposited into the
 1796 Land Acquisition Trust Fund, except when such lands were
 1797 purchased with funds other than those from the Land Acquisition
 1798 Trust Fund or a land acquisition trust fund created to implement
 1799 s. 28, Art. X of the State Constitution, the proceeds shall be
 1800 deposited into the fund from which the lands were purchased.

1801 (14) Funds received from the sale of surplus
 1802 nonconservation lands or lands that were acquired by gift, by
 1803 donation, or for no consideration shall be deposited into the
 1804 Internal Improvement Trust Fund.

1805 (15) Notwithstanding this section, such disposition of
 1806 land may not be made if it would have the effect of causing all
 1807 or any portion of the interest on any revenue bonds issued to
 1808 lose the exclusion from gross income for federal income tax
 1809 purposes.

1810 (16) The sale of filled, formerly submerged land that does
 1811 not exceed 5 acres in area is not subject to review by the
 1812 Acquisition and Restoration Council.

1813 (17) The board of trustees may adopt rules to administer
 1814 this section, including procedures for administering surplus
 1815 land requests and criteria for when the Division of State Lands
 1816 may approve requests to surplus nonconservation lands on behalf
 1817 of the board of trustees.

1818 (18) Surplus lands that are conveyed to a local government
 1819 for affordable housing shall be disposed of by the local
 1820 government under s. 125.379 or s. 166.0451.

1821 Section 7. Section 253.111, Florida Statutes, is amended
 1822 to read:

1823 253.111 Riparian Owners of Land ~~Notice to board of county~~
 1824 ~~commissioners before sale. The Board of Trustees of the Internal~~
 1825 ~~Improvement Trust Fund of the state may not sell any land to~~
 1826 ~~which they hold title unless and until they afford an~~
 1827 ~~opportunity to the county in which such land is situated to~~
 1828 ~~receive such land on the following terms and conditions:~~

1829 ~~(1) If an application is filed with the board requesting~~
 1830 ~~that they sell certain land to which they hold title and the~~
 1831 ~~board decides to sell such land or if the board, without such~~
 1832 ~~application, decides to sell such land, the board shall, before~~
 1833 ~~consideration of any private offers, notify the board of county~~
 1834 ~~commissioners of the county in which such land is situated that~~
 1835 ~~such land is available to such county. Such notification shall~~
 1836 ~~be given by registered mail, return receipt requested.~~

1837 ~~(2) The board of county commissioners of the county in~~
 1838 ~~which such land is situated shall, within 40 days after receipt~~
 1839 ~~of such notification from the board, determine by resolution~~
 1840 ~~whether or not it proposes to acquire such land.~~

1841 ~~(3) If the board receives, within 45 days after notice is~~
 1842 ~~given to the board of county commissioners pursuant to~~
 1843 ~~subsection (1), the certified copy of the resolution provided~~
 1844 ~~for in subsection (2), the board shall forthwith convey to the~~
 1845 ~~county such land at a price that is equal to its appraised~~
 1846 ~~market value established by generally accepted professional~~

1847 ~~standards for real estate appraisal and subject to such other~~
 1848 ~~terms and conditions as the board determines.~~

1849 ~~(4) Nothing in This section restricts any right otherwise~~
 1850 ~~granted to the board by this chapter to convey land to which~~
 1851 ~~they hold title to the state or any department, office,~~
 1852 ~~authority, board, bureau, commission, institution, court,~~
 1853 ~~tribunal, agency, or other instrumentality of or under the~~
 1854 ~~state. The word "land" as used in this act means all lands~~
 1855 ~~vested in the Board of Trustees of the Internal Improvement~~
 1856 ~~Trust Fund.~~

1857 (1)~~(5)~~ If any riparian owner exists with respect to any
 1858 land to be sold by the board of trustees, such riparian owner
 1859 shall have a right to secure such land, ~~which right is prior in~~
 1860 ~~interest to the right in the county created by this section,~~
 1861 provided that such riparian owner shall be required to pay for
 1862 such land upon such prices, terms, and conditions as determined
 1863 by the board of trustees. Such riparian owner may waive this
 1864 prior right, ~~in which case this section shall apply.~~

1865 (2)~~(6)~~ This section does not apply to:

1866 (a) Any land exchange approved by the board of trustees;

1867 (b) The conveyance of any lands located within the
 1868 Everglades Agricultural Area; or

1869 (c) Lands managed pursuant to ss. 253.781-253.785.

1870 Section 8. Section 253.42, Florida Statutes, is amended to
 1871 read:

1872 253.42 Board of trustees may exchange lands.—~~The~~

1873 ~~provisions of~~ This section applies ~~apply~~ to all lands owned by,
 1874 vested in, or titled in the name of the board of trustees
 1875 whether the lands were acquired by the state as a purchase, or
 1876 through gift, donation, or any other conveyance for which no
 1877 consideration was paid.

1878 (1) The board of trustees may exchange any lands owned by,
 1879 vested in, or titled in its ~~the~~ name ~~of the board~~ for other
 1880 lands in the state owned by counties, local governments,
 1881 individuals, or private or public corporations, and may fix the
 1882 terms and conditions of any such exchange. ~~Any nonconservation~~
 1883 ~~lands that were acquired by the state through gift, donation, or~~
 1884 ~~any other conveyance for which no consideration was paid must~~
 1885 ~~first be offered at no cost to a county or local government~~
 1886 ~~unless otherwise provided in a deed restriction of record or~~
 1887 ~~other legal impediment, and so long as the use proposed by the~~
 1888 ~~county or local government is for a public purpose. For~~
 1889 conservation lands acquired by the state through gift, donation,
 1890 or any other conveyance for which no consideration was paid, the
 1891 state may request land of equal conservation value from the
 1892 county or local government but no other consideration.

1893 (2) In exchanging state-owned lands not acquired by the
 1894 state through gift, donation, or any other conveyance for which
 1895 no consideration was paid, with counties or local governments,
 1896 the board of trustees shall require an exchange of equal value.
 1897 Equal value is defined as the conservation benefit of the lands
 1898 being offered for exchange by a county or local government being

1899 equal or greater in conservation benefit than the state-owned
 1900 lands. Such exchanges may include cash transactions if based on
 1901 an appropriate measure of value of the state-owned land, but
 1902 must also include the determination of a net-positive
 1903 conservation benefit by the Acquisition and Restoration Council,
 1904 irrespective of appraised value.

1905 (3) The board of trustees shall select and agree upon the
 1906 state lands to be exchanged and the lands to be conveyed to the
 1907 state and shall pay or receive any sum of money the board of
 1908 trustees deems ~~deemed~~ necessary ~~by the board~~ for the purpose of
 1909 equalizing the value of the exchanged property. The board of
 1910 trustees is authorized to make and enter into contracts or
 1911 agreements for such purpose or purposes.

1912 (4) (a) A person who owns land contiguous to state-owned
 1913 land titled to the board of trustees may submit a request to the
 1914 Division of State Lands to exchange all or a portion of the
 1915 privately owned land for all or a portion of the state-owned
 1916 land, whereby the state retains a permanent conservation
 1917 easement over all or a portion of the exchanged state-owned land
 1918 and a permanent conservation easement over all or a portion of
 1919 the exchanged privately owned land. State-owned land exchanged
 1920 pursuant to this subsection shall be contiguous to the privately
 1921 owned land upon which the state retains a permanent conservation
 1922 easement. The division may submit such request to the
 1923 Acquisition and Restoration Council for review. If the division
 1924 submits a request to the council, the council shall provide

1925 recommendations to the division. After receiving the council's
 1926 recommendations, the division shall review the request and the
 1927 council's recommendations and may provide recommendations to the
 1928 board of trustees. This subsection does not apply to state-owned
 1929 sovereign submerged land.

1930 (b) After receiving a request and the division's
 1931 recommendations, the board of trustees shall consider such
 1932 request and recommendations and may approve the request if:

1933 1. At least 30 percent of the perimeter of the privately
 1934 owned land is bordered by state-owned land and the exchange does
 1935 not create an inholding.

1936 2. The approval does not result in a violation of the
 1937 terms of a preexisting lease or agreement by the board of
 1938 trustees, the Department of Environmental Protection, the
 1939 Department of Agriculture and Consumer Services, or the Fish and
 1940 Wildlife Conservation Commission.

1941 3. For state-owned land purchased for conservation
 1942 purposes, the board of trustees makes a determination that the
 1943 exchange of land under this subsection will result in a net
 1944 positive conservation benefit.

1945 4. The approval does not conflict with any existing
 1946 flowage easement.

1947 5. The request is approved by three or more members of the
 1948 board of trustees.

1949 (c) Special consideration shall be given to a request that
 1950 maintains public access for any recreational purpose allowed on

1951 the state-owned land at the time the request is submitted to the
 1952 board of trustees. A person who maintains public access pursuant
 1953 to this paragraph is entitled to the limitation on liability
 1954 provided in s. 375.251.

1955 (d) Land subject to a permanent conservation easement
 1956 granted pursuant to this subsection is subject to inspection by
 1957 the Department of Environmental Protection to ensure compliance
 1958 with the terms of the permanent conservation easement.

1959 Section 9. Subsection (2) of section 253.782, Florida
 1960 Statutes, is amended to read:

1961 253.782 Retention of state-owned lands in and around Lake
 1962 Rousseau and the Cross Florida Barge Canal right-of-way from
 1963 Lake Rousseau west to the Withlacoochee River.—

1964 (2) The Department of Environmental Protection is
 1965 authorized ~~and directed~~ to retain ownership of and maintain all
 1966 lands or interests in land owned by the Board of Trustees of the
 1967 Internal Improvement Trust Fund, including all fee and less-
 1968 than-fee interests in lands previously owned by the canal
 1969 authority in Lake Rousseau and the Cross Florida Barge Canal
 1970 right-of-way from Lake Rousseau at U.S. Highway 41 west to and
 1971 including the Withlacoochee River.

1972 Section 10. Section 253.7821, Florida Statutes, is amended
 1973 to read:

1974 253.7821 Cross Florida Greenways State Recreation and
 1975 Conservation Area assigned to the Department of Environmental
 1976 Protection ~~Office of the Executive Director.~~—The Cross Florida

1977 Greenways State Recreation and Conservation Area is hereby
 1978 established and ~~is initially~~ assigned to the department Office
 1979 ~~of Greenways Management within the Office of the Secretary~~. The
 1980 department office shall manage the greenways pursuant to the
 1981 department's existing statutory authority until administrative
 1982 rules are adopted by the department. However, the provisions of
 1983 this act shall control in any conflict between this act and any
 1984 other authority of the department.

1985 Section 11. Section 253.87, Florida Statutes, is created
 1986 to read:

1987 253.87 Inventory of state, federal, and local government
 1988 conservation lands by the Department of Environmental
 1989 Protection.-

1990 (1) By July 1, 2018, the department shall include in the
 1991 Florida State-Owned Lands and Records Information System (FL-
 1992 SOLARIS) database all federally owned conservation lands in the
 1993 state, all lands on which the Federal Government retains a
 1994 permanent conservation easement in the state, and all lands on
 1995 which the state retains a permanent conservation easement. The
 1996 department shall update the database at least every 5 years.

1997 (2) By July 1, 2018, for counties and municipalities, and
 1998 by July 1, 2019, for financially disadvantaged small
 1999 communities, as defined in s. 403.1838, and at least every 5
 2000 years thereafter, respectively, each county, municipality, and
 2001 financially disadvantaged small community shall identify all
 2002 conservation lands that it owns in fee simple and all lands on

2003 which it retains a permanent conservation easement and submit,
 2004 in a manner determined by the department, a list of such lands
 2005 to the department. Within 6 months after receiving such list,
 2006 the department shall add such lands to the FL-SOLARIS database.

2007 (3) By January 1, 2018, the department shall conduct a
 2008 study and submit a report to the Governor, the President of the
 2009 Senate, and the Speaker of the House of Representatives on the
 2010 technical and economic feasibility of including the following
 2011 lands in the FL-SOLARIS database or a similar public lands
 2012 inventory:

2013 (a) All lands on which local comprehensive plans, land use
 2014 restrictions, zoning ordinances, or land development regulations
 2015 prohibit the land from being developed or limit the amount of
 2016 development to one unit per 40 or more acres.

2017 (b) All publicly and privately owned lands for which
 2018 development rights have been transferred.

2019 (c) All privately owned lands under a permanent
 2020 conservation easement.

2021 (d) All lands owned by a nonprofit or nongovernmental
 2022 organization for conservation purposes.

2023 (e) All lands that are part of a mitigation bank.

2024 Section 12. Section 259.01, Florida Statutes, is amended
 2025 to read:

2026 259.01 Short title.—This chapter shall be known and may be
 2027 cited as the "Land Conservation Program Act ~~of 1972.~~"

2028 Section 13. Section 259.02, Florida Statutes, is repealed.

2029 Section 14. Subsections (6), (7), and (8) and paragraphs
 2030 (a) and (d) of section (9) of section 259.032, Florida Statutes,
 2031 are amended to read:

2032 259.032 Conservation and recreation lands.—

2033 (6) Conservation and recreation lands are subject to the
 2034 selection procedures of s. 259.035 and related rules and shall
 2035 be acquired in accordance with acquisition procedures for state
 2036 lands provided for in s. 253.025 ~~259.041~~, except as otherwise
 2037 provided by the Legislature. An inholding or an addition to
 2038 conservation and recreation lands is not subject to the
 2039 selection procedures of s. 259.035 if the estimated value of
 2040 such inholding or addition does not exceed \$500,000. When at
 2041 least 90 percent of the acreage of a project has been purchased
 2042 for conservation and recreation purposes, the project may be
 2043 removed from the list and the remaining acreage may continue to
 2044 be purchased. Funds appropriated to acquire conservation and
 2045 recreation lands may be used for title work, appraisal fees,
 2046 environmental audits, and survey costs related to acquisition
 2047 expenses for lands to be acquired, donated, or exchanged which
 2048 qualify under the categories of this section, at the discretion
 2049 of the board. When the Legislature has authorized the department
 2050 ~~of Environmental Protection~~ to condemn a specific parcel of land
 2051 and such parcel has already been approved for acquisition, the
 2052 land may be acquired in accordance with ~~the provisions of~~
 2053 chapter 73 or chapter 74, and the funds appropriated to acquire
 2054 conservation and recreation lands may be used to pay the

2055 condemnation award and all costs, including reasonable attorney
 2056 fees, associated with condemnation.

2057 (7) All lands managed under this chapter and s. 253.034
 2058 shall be:

2059 (a) Managed in a manner that will provide the greatest
 2060 combination of benefits to the public and to the resources.

2061 (b) Managed for public outdoor recreation which is
 2062 compatible with the conservation and protection of public lands.
 2063 Such management may include, but not be limited to, the
 2064 following public recreational uses: fishing, hunting, camping,
 2065 bicycling, hiking, nature study, swimming, boating, canoeing,
 2066 horseback riding, diving, model hobbyist activities, birding,
 2067 sailing, jogging, and other related outdoor activities
 2068 ~~compatible with the purposes for which the lands were acquired.~~

2069 ~~(c) Managed for the purposes for which the lands were~~
 2070 ~~acquired, consistent with paragraph (9)(a).~~

2071 (c) ~~(d)~~ Concurrent with its adoption of the annual list of
 2072 acquisition projects pursuant to s. 259.035, the board ~~of~~
 2073 ~~trustees~~ shall adopt a management prospectus for each project.
 2074 The management prospectus shall delineate:

- 2075 1. The management goals for the property;
- 2076 2. The conditions that will affect the intensity of
 2077 management;
- 2078 3. An estimate of the revenue-generating potential of the
 2079 property, if appropriate;
- 2080 4. A timetable for implementing the various stages of

2081 management and for providing access to the public, if
 2082 applicable;

2083 5. A description of potential multiple-use activities as
 2084 described in this section and s. 253.034;

2085 6. Provisions for protecting existing infrastructure and
 2086 for ensuring the security of the project upon acquisition;

2087 7. The anticipated costs of management and projected
 2088 sources of revenue, including legislative appropriations, to
 2089 fund management needs; and

2090 8. Recommendations as to how many employees will be needed
 2091 to manage the property, and recommendations as to whether local
 2092 governments, volunteer groups, the former landowner, or other
 2093 interested parties can be involved in the management.

2094 (d)~~(e)~~ Concurrent with the approval of the acquisition
 2095 contract pursuant to s. 253.025(4)(c) ~~259.041(3)(e)~~ for any
 2096 interest in lands except those lands ~~being~~ acquired pursuant to
 2097 ~~under the provisions of~~ s. 259.1052, the board ~~of trustees~~ shall
 2098 designate an agency or agencies to manage such lands. The board
 2099 shall evaluate and amend, as appropriate, the management policy
 2100 statement for the project as provided by s. 259.035 to ensure
 2101 the policy statement is compatible with conservation,
 2102 recreation, or both, ~~consistent with the purposes for which the~~
 2103 ~~lands are acquired.~~ For any fee simple acquisition of a parcel
 2104 which is or will be leased back for agricultural purposes, or
 2105 any acquisition of a less-than-fee interest in land that is or
 2106 will be used for agricultural purposes, the board ~~of trustees of~~

2107 ~~the Internal Improvement Trust Fund~~ shall first consider having
 2108 a soil and water conservation district, created pursuant to
 2109 chapter 582, manage and monitor such interests.

2110 (e)~~(f)~~ State agencies designated to manage lands acquired
 2111 under this chapter or with funds deposited into the Land
 2112 Acquisition Trust Fund, except those lands acquired under s.
 2113 259.1052, may contract with local governments and soil and water
 2114 conservation districts to assist in management activities,
 2115 including the responsibility of being the lead land manager.
 2116 Such land management contracts may include a provision for the
 2117 transfer of management funding to the local government or soil
 2118 and water conservation district from the land acquisition trust
 2119 fund of the lead land managing agency in an amount adequate for
 2120 the local government or soil and water conservation district to
 2121 perform its contractual land management responsibilities and
 2122 proportionate to its responsibilities, and which otherwise would
 2123 have been expended by the state agency to manage the property.

2124 (f)~~(g)~~ Immediately following the acquisition of any
 2125 interest in conservation and recreation lands, the department ~~of~~
 2126 ~~Environmental Protection~~, acting on behalf of the board ~~of~~
 2127 ~~trustees~~, may issue to the lead managing entity an interim
 2128 assignment letter to be effective until the execution of a
 2129 formal lease.

2130 (8) (a) State, regional, or local governmental agencies or
 2131 private entities designated to manage lands under this section
 2132 shall develop and adopt, with the approval of the board ~~of~~

2133 ~~trustees~~, an individual management plan for each project
 2134 designed to conserve and protect such lands and their associated
 2135 natural resources. Private sector involvement in management plan
 2136 development may be used to expedite the planning process.

2137 (b) Individual management plans required by s. 253.034(5),
 2138 for parcels over 160 acres, shall be developed with input from
 2139 an advisory group. Members of this advisory group shall include,
 2140 at a minimum, representatives of the lead land managing agency,
 2141 comanaging entities, local private property owners, the
 2142 appropriate soil and water conservation district, a local
 2143 conservation organization, and a local elected official. If
 2144 habitat or potentially restorable habitat for imperiled species
 2145 is located on state lands, the Fish and Wildlife Conservation
 2146 Commission and the Department of Agriculture and Consumer
 2147 Services shall be included on any advisory group required under
 2148 chapter 253, and the short-term and long-term management goals
 2149 required under chapter 253 must advance the goals and objectives
 2150 of imperiled species management without restricting other uses
 2151 identified in the management plan. The advisory group shall
 2152 conduct at least one public hearing within the county in which
 2153 the parcel or project is located. For those parcels or projects
 2154 that are within more than one county, at least one areawide
 2155 public hearing shall be acceptable and the lead managing agency
 2156 shall invite a local elected official from each county. The
 2157 areawide public hearing shall be held in the county in which the
 2158 core parcels are located. Notice of such public hearing shall be

2159 | posted on the parcel or project designated for management,
 2160 | advertised in a paper of general circulation, and announced at a
 2161 | scheduled meeting of the local governing body before the actual
 2162 | public hearing. The management prospectus required pursuant to
 2163 | paragraph (7) (c) ~~(7) (d)~~ shall be available to the public for a
 2164 | period of 30 days before ~~prior to~~ the public hearing.

2165 | (c) Once a plan is adopted, the managing agency or entity
 2166 | shall update the plan at least every 10 years in a form and
 2167 | manner adopted ~~prescribed~~ by rule of the board ~~of trustees~~. Such
 2168 | updates, for parcels over 160 acres, shall be developed with
 2169 | input from an advisory group. Such plans may include transfers
 2170 | of leasehold interests to appropriate conservation organizations
 2171 | or governmental entities designated by the ~~Land Acquisition and~~
 2172 | ~~Management Advisory~~ council ~~or its successor~~, for uses
 2173 | consistent with the purposes of the organizations and the
 2174 | protection, preservation, conservation, restoration, and proper
 2175 | management of the lands and their resources. Volunteer
 2176 | management assistance is encouraged, including, but not limited
 2177 | to, assistance by youths participating in programs sponsored by
 2178 | state or local agencies, by volunteers sponsored by
 2179 | environmental or civic organizations, and by individuals
 2180 | participating in programs for committed delinquents and adults.

2181 | ~~(d)1-~~ For each project for which lands are acquired after
 2182 | July 1, 1995, an individual management plan shall be adopted and
 2183 | in place no later than 1 year after the essential parcel or
 2184 | parcels identified in the priority list developed pursuant to s.

2185 259.105 have been acquired. The department of ~~Environmental~~
 2186 ~~Protection~~ shall distribute only 75 percent of the acquisition
 2187 funds to which a budget entity or water management district
 2188 would otherwise be entitled to any budget entity or any water
 2189 management district that has more than one-third of its
 2190 management plans overdue.

2191 ~~2. The requirements of subparagraph 1. do not apply to the~~
 2192 ~~individual management plan for the Babcock Crescent B Ranch~~
 2193 ~~being acquired pursuant to s. 259.1052. The management plan for~~
 2194 ~~the ranch shall be adopted and in place no later than 2 years~~
 2195 ~~following the date of acquisition by the state.~~

2196 (e) Individual management plans shall conform to the
 2197 appropriate policies and guidelines of the state land management
 2198 plan and shall include, but not be limited to:

2199 1. A statement of the purpose for which the lands were
 2200 acquired, the projected use or uses as defined in s. 253.034,
 2201 and the statutory authority for such use or uses.

2202 2. Key management activities necessary to achieve the
 2203 desired outcomes, including, but not limited to, providing
 2204 public access, preserving and protecting natural resources,
 2205 protecting cultural and historical resources, restoring habitat,
 2206 protecting threatened and endangered species, controlling the
 2207 spread of nonnative plants and animals, performing prescribed
 2208 fire activities, and other appropriate resource management.

2209 3. A specific description of how the managing agency plans
 2210 to identify, locate, protect, and preserve, or otherwise use

2211 fragile, nonrenewable natural and cultural resources.

2212 4. A priority schedule for conducting management
 2213 activities, ~~based on the purposes for which the lands were~~
 2214 ~~acquired.~~

2215 5. A cost estimate for conducting priority management
 2216 activities, to include recommendations for cost-effective
 2217 methods of accomplishing those activities.

2218 6. A cost estimate for conducting other management
 2219 activities which would enhance the natural resource value or
 2220 public recreation value ~~for which the lands were acquired.~~ The
 2221 cost estimate shall include recommendations for cost-effective
 2222 methods of accomplishing those activities.

2223 7. A determination of the public uses and public access
 2224 that would be compatible with conservation, recreation, or both
 2225 ~~that would be consistent with the purposes for which the lands~~
 2226 ~~were acquired.~~

2227 (f) The Division of State Lands shall submit a copy of
 2228 each individual management plan for parcels which exceed 160
 2229 acres in size to each member of the ~~Acquisition and Restoration~~
 2230 council, which shall:

2231 1. Within 60 days after receiving a plan from the Division
 2232 of State Lands, review each plan for compliance with the
 2233 requirements of this subsection and with the requirements of the
 2234 rules adopted ~~established~~ by the board pursuant to this
 2235 subsection.

2236 2. Consider the propriety of the recommendations of the

2237 managing agency with regard to the future use or protection of
 2238 the property.

2239 3. After its review, submit the plan, along with its
 2240 recommendations and comments, to the board ~~of trustees~~, with
 2241 recommendations as to whether to approve the plan as submitted,
 2242 approve the plan with modifications, or reject the plan.

2243 (g) The board ~~of trustees~~ shall consider the individual
 2244 management plan submitted by each state agency and the
 2245 recommendations of the ~~Acquisition and Restoration~~ council and
 2246 the department ~~Division of State Lands~~ and shall approve the
 2247 plan with or without modification or reject such plan. The use
 2248 or possession of any lands owned by the board ~~of trustees~~ which
 2249 is not in accordance with an approved individual management plan
 2250 is subject to termination by the board ~~of trustees~~.

2251
 2252 By July 1 of each year, each governmental agency and each
 2253 private entity designated to manage lands shall report to the
 2254 Secretary of Environmental Protection on the progress of
 2255 funding, staffing, and resource management of every project for
 2256 which the agency or entity is responsible.

2257 (9) (a) The Legislature recognizes that acquiring lands
 2258 pursuant to this chapter serves the public interest by
 2259 protecting land, air, and water resources which contribute to
 2260 the public health and welfare, providing areas for natural
 2261 resource based recreation, and ensuring the survival of unique
 2262 and irreplaceable plant and animal species. The Legislature

2263 intends for these lands to be managed and maintained in a manner
 2264 that is compatible with conservation, recreation, or both,
 2265 consistent with the land management plan ~~for the purposes for~~
 2266 ~~which they were acquired~~ and for the public to have access to
 2267 and use of these lands if public access ~~where it is consistent~~
 2268 ~~with acquisition purposes~~ and would not harm the resources the
 2269 state is seeking to protect on the public's behalf.

2270 (d) Up to one-fifth of the funds appropriated for the
 2271 purposes identified in paragraph (b) shall be reserved by the
 2272 board ~~of trustees~~ for interim management of acquisitions and for
 2273 associated contractual services, to ensure the conservation and
 2274 protection of natural resources on project sites and to allow
 2275 limited public recreational use of lands. Interim management
 2276 activities may include, but not be limited to, resource
 2277 assessments, control of invasive, nonnative species, habitat
 2278 restoration, fencing, law enforcement, controlled burning, and
 2279 public access consistent with preliminary determinations made
 2280 pursuant to paragraph (7) (f) ~~(7) (g)~~. The board ~~of trustees~~ shall
 2281 make these interim funds available immediately upon purchase.

2282 Section 15. Subsection (3) and paragraph (a) of subsection
 2283 (4) of section 259.035, Florida Statutes, are amended to read:

2284 259.035 Acquisition and Restoration Council.—

2285 (3) The council shall provide assistance to the board ~~of~~
 2286 ~~trustees~~ in reviewing the recommendations and plans for state-
 2287 owned conservation lands required under s. 253.034 and this
 2288 chapter. The council shall, in reviewing such ~~recommendations~~

2289 ~~and~~ plans, consider the optimization of multiple-use and
 2290 conservation strategies to accomplish the provisions funded
 2291 pursuant to former s. 259.101(3)(a), Florida Statutes 2014, and
 2292 to s. 259.105(3)(b).

2293 (4)(a) By December 1, 2016, the ~~Acquisition and~~
 2294 ~~Restoration~~ council shall develop rules defining specific
 2295 criteria and numeric performance measures needed for lands that
 2296 are to be acquired for public purpose under the Florida Forever
 2297 program pursuant to s. 259.105 or with funds deposited into the
 2298 Land Acquisition Trust Fund pursuant to s. 28(a), Art. X of the
 2299 State Constitution. These rules shall be reviewed and adopted by
 2300 the board, then submitted to the Legislature for consideration
 2301 by February 1, 2017. The Legislature may reject, modify, or take
 2302 no action relative to the proposed rules. If no action is taken,
 2303 the rules shall be implemented. Subsequent to their approval,
 2304 each recipient of funds from the Land Acquisition Trust Fund
 2305 shall annually report to the department ~~Division of State Lands~~
 2306 on each of the numeric performance measures accomplished during
 2307 the previous fiscal year.

2308 Section 16. Subsections (1), (2), (4), and (5) of section
 2309 259.036, Florida Statutes, are amended to read:

2310 259.036 Management review teams.—

2311 (1) To determine whether conservation, preservation, and
 2312 recreation lands titled in the name of the board ~~of Trustees of~~
 2313 ~~the Internal Improvement Trust Fund~~ are being managed for the
 2314 purposes that are compatible with conservation, preservation, or

2315 recreation ~~for which they were acquired and~~ in accordance with a
 2316 land management plan adopted pursuant to s. 259.032, the board
 2317 ~~of trustees,~~ acting through the department ~~of Environmental~~
 2318 ~~Protection,~~ shall cause periodic management reviews to be
 2319 conducted as follows:

2320 (a) The department shall establish a regional land
 2321 management review team composed of the following members:

2322 1. One individual who is from the county or local
 2323 community in which the parcel or project is located and who is
 2324 selected by the county commission in the county which is most
 2325 impacted by the acquisition.

2326 2. One individual from the Division of Recreation and
 2327 Parks of the department.

2328 3. One individual from the Florida Forest Service of the
 2329 Department of Agriculture and Consumer Services.

2330 4. One individual from the Fish and Wildlife Conservation
 2331 Commission.

2332 5. One individual from the department's district office in
 2333 which the parcel is located.

2334 6. A private land manager, preferably from the local
 2335 community, mutually agreeable to the state agency
 2336 representatives.

2337 7. A member or staff from the jurisdictional water
 2338 management district or ~~of the~~ local soil and water conservation
 2339 district board of supervisors.

2340 8. A member of a conservation organization.

2341 (b) The department ~~staff of the Division of State Lands~~
 2342 shall act as the review team coordinator for the purposes of
 2343 establishing schedules for the reviews and other staff
 2344 functions. The Legislature shall appropriate funds necessary to
 2345 implement land management review team functions.

2346 (2) The land management review team shall review select
 2347 management areas before ~~prior to~~ the date the manager is
 2348 required to submit a 10-year land management plan update. For
 2349 management areas that exceed 1,000 acres in size, the department
 2350 ~~Division of State Lands~~ shall schedule a land management review
 2351 at least every 5 years. A copy of the review shall be provided
 2352 to the manager, the department ~~Division of State Lands~~, and the
 2353 ~~Acquisition and Restoration~~ council. The manager shall consider
 2354 the findings and recommendations of the land management review
 2355 team in finalizing the required 10-year update of its management
 2356 plan.

2357 (4) In the event a land management plan has not been
 2358 adopted within the timeframes specified in s. 259.032(8), the
 2359 department may direct a management review of the property, to be
 2360 conducted by the land management review team. The review shall
 2361 consider the extent to which the land is being managed in a
 2362 manner that is compatible with conservation, recreation, or both
 2363 ~~for the purposes for which it was acquired~~ and the degree to
 2364 which actual management practices are in compliance with the
 2365 management policy statement and management prospectus for that
 2366 property.

2367 (5) If the land management review team determines that
 2368 reviewed lands are not being managed in a manner that is
 2369 compatible with conservation, recreation, or both, consistent
 2370 ~~for the purposes for which they were acquired or in compliance~~
 2371 with the adopted land management plan, management policy
 2372 statement, or management prospectus, or if the managing agency
 2373 fails to address the review findings in the updated management
 2374 plan, the department shall provide the review findings to the
 2375 board, and the managing agency must report to the board its
 2376 reasons for managing the lands as it has.

2377 Section 17. Section 259.037, Florida Statutes, is amended
 2378 to read:

2379 259.037 Land Management Uniform Accounting Council.—

2380 (1) The Land Management Uniform Accounting Council (LMUAC)
 2381 is created within the Department of Environmental Protection and
 2382 shall consist of the director of the Division of State Lands,
 2383 the director of the Division of Recreation and Parks, and the
 2384 director of the Office of Coastal and Aquatic Managed Areas, ~~and~~
 2385 ~~the director of the Office of Greenways and Trails of the~~
 2386 ~~department of Environmental Protection;~~ the director of the
 2387 Florida Forest Service of the Department of Agriculture and
 2388 Consumer Services; the executive director of the Fish and
 2389 Wildlife Conservation Commission; and the director of the
 2390 Division of Historical Resources of the Department of State, or
 2391 their respective designees. Each state agency represented on the
 2392 LMUAC ~~council~~ shall have one vote. The chair of the LMUAC

2393 ~~council~~ shall rotate annually in the foregoing order of state
 2394 agencies. The agency of the representative serving as chair ~~of~~
 2395 ~~the council~~ shall provide staff support for the LMUAC ~~council~~.
 2396 The Division of State Lands shall serve as the recipient of and
 2397 repository for the LMUAC's ~~council's~~ documents. The LMUAC
 2398 ~~council~~ shall meet at the request of the chair.

2399 (2) The Auditor General and the director of the Office of
 2400 Program Policy Analysis and Government Accountability, or their
 2401 designees, shall advise the LMUAC ~~council~~ to ensure that
 2402 appropriate accounting procedures are used ~~utilized~~ and that a
 2403 uniform method of collecting and reporting accurate costs of
 2404 land management activities are created and can be used by all
 2405 agencies.

2406 (3) (a) All land management activities and costs must be
 2407 assigned to a specific category, and any single activity or cost
 2408 may not be assigned to more than one category. Administrative
 2409 costs, such as planning or training, shall be segregated from
 2410 other management activities. Specific management activities and
 2411 costs must initially be grouped, at a minimum, within the
 2412 following categories:

- 2413 1. Resource management.
- 2414 2. Administration.
- 2415 3. Support.
- 2416 4. Capital improvements.
- 2417 5. Recreation visitor services.
- 2418 6. Law enforcement activities.

2419
 2420 Upon adoption of the initial list of land management categories
 2421 by the LMUAC ~~council~~, agencies assigned to manage conservation
 2422 or recreation lands shall, ~~on July 1, 2000, begin to~~ account for
 2423 land management costs in accordance with the category to which
 2424 an expenditure is assigned.

2425 (b) Each reporting agency shall also:

2426 1. Include a report of the available public use
 2427 opportunities for each management unit of state land, the total
 2428 management cost for public access and public use, and the cost
 2429 associated with each use option.

2430 2. List the acres of land requiring minimal management
 2431 effort, moderate management effort, and significant management
 2432 effort pursuant to s. 259.032(9)(c). For each category created
 2433 in paragraph (a), the reporting agency shall include the amount
 2434 of funds requested, the amount of funds received, and the amount
 2435 of funds expended for land management.

2436 3. List acres managed and cost of management for each
 2437 park, preserve, forest, reserve, or management area.

2438 4. List acres managed, cost of management, and lead
 2439 manager for each state lands management unit for which secondary
 2440 management activities were provided.

2441 5. Include a report of the estimated calculable financial
 2442 benefits to the public for the ecosystem services provided by
 2443 conservation lands, based on the best readily available
 2444 information or science that provides a standard measurement

2445 methodology to be consistently applied by the land managing
 2446 agencies. Such information may include, but need not be limited
 2447 to, the value of natural lands for protecting the quality and
 2448 quantity of drinking water through natural water filtration and
 2449 recharge, contributions to protecting and improving air quality,
 2450 benefits to agriculture through increased soil productivity and
 2451 preservation of biodiversity, and savings to property and lives
 2452 through flood control.

2453 (4) The LMUAC ~~council~~ shall provide a report of the
 2454 agencies' expenditures pursuant to the adopted categories to the
 2455 Acquisition and Restoration Council and the Division of State
 2456 Lands for inclusion in its annual report required pursuant to s.
 2457 259.036.

2458 (5) Should the LMUAC ~~council~~ determine that the list of
 2459 land management categories needs to be revised, it shall meet
 2460 upon the call of the chair.

2461 (6) Biennially, each reporting agency shall also submit an
 2462 operational report for each management area along with an
 2463 approved management plan. The report should assess the progress
 2464 toward achieving short-term and long-term management goals of
 2465 the approved management plan, including all land management
 2466 activities, and identify any deficiencies in management and
 2467 corrective actions to address identified deficiencies as
 2468 appropriate. This report shall be submitted to the Acquisition
 2469 and Restoration Council and the Division of State Lands for
 2470 inclusion in its annual report required pursuant to s. 259.036.

2471 Section 18. Subsections (1) through (6), paragraphs (a)
2472 through (d) and (f) of subsection (7), and subsections (8)
2473 through (19) of section 259.041, Florida Statutes, are amended,
2474 and paragraph (e) of subsection (7) is transferred and
2475 redesignated as subsection (5) of section 570.715, Florida
2476 Statutes, and amended to read:

2477 ~~259.041 Acquisition of state owned lands for preservation,~~
2478 ~~conservation, and recreation purposes.—~~

2479 ~~(1) Neither the Board of Trustees of the Internal~~
2480 ~~Improvement Trust Fund nor its duly authorized agent shall~~
2481 ~~commit the state, through any instrument of negotiated contract~~
2482 ~~or agreement for purchase, to the purchase of lands with or~~
2483 ~~without appurtenances unless the provisions of this section have~~
2484 ~~been fully complied with. Except for the requirements of~~
2485 ~~subsections (3), (14), and (15), the board of trustees may waive~~
2486 ~~any requirements of this section, may waive any rules adopted~~
2487 ~~pursuant to this section, notwithstanding chapter 120, or may~~
2488 ~~substitute other reasonably prudent procedures, provided the~~
2489 ~~public's interest is reasonably protected. The title to lands~~
2490 ~~acquired pursuant to this section shall vest in the board of~~
2491 ~~trustees as provided in s. 253.03(1), unless otherwise provided~~
2492 ~~by law, and all such titled lands shall be administered pursuant~~
2493 ~~to the provisions of s. 253.03.~~

2494 ~~(2) The board of trustees has authority to adopt rules~~
2495 ~~pursuant to ss. 120.536(1) and 120.54 to implement the~~
2496 ~~provisions of this section, including rules governing the terms~~

2497 ~~and conditions of land purchases. Such rules shall address with~~
 2498 ~~specificity, but not be limited to:~~

2499 ~~(a) The procedures to be followed in the acquisition~~
 2500 ~~process, including selection of appraisers, surveyors, title~~
 2501 ~~agents and closing agents, and the content of appraisal reports.~~

2502 ~~(b) The determination of the value of parcels which the~~
 2503 ~~state has an interest to acquire.~~

2504 ~~(c) Special requirements when multiple landowners are~~
 2505 ~~involved in an acquisition.~~

2506 ~~(d) Requirements for obtaining written option agreements~~
 2507 ~~so that the interests of the state are fully protected.~~

2508 ~~(3) No agreement to acquire real property for the purposes~~
 2509 ~~described in this chapter, chapter 260, or chapter 375, title to~~
 2510 ~~which will vest in the board of trustees, may bind the state~~
 2511 ~~unless and until the agreement has been reviewed and approved by~~
 2512 ~~the Department of Environmental Protection as complying with the~~
 2513 ~~requirements of this section and any rules adopted pursuant to~~
 2514 ~~this section. Where any of the following conditions exist, the~~
 2515 ~~agreement shall be submitted to and approved by the board of~~
 2516 ~~trustees:~~

2517 ~~(a) The purchase price agreed to by the seller exceeds the~~
 2518 ~~value as established pursuant to the rules of the board of~~
 2519 ~~trustees;~~

2520 ~~(b) The contract price agreed to by the seller and~~
 2521 ~~acquiring agency exceeds \$1 million;~~

2522 ~~(c) The acquisition is the initial purchase in a project;~~

2523 ~~or~~

2524 ~~(d) Other conditions that the board of trustees may adopt~~
 2525 ~~by rule. Such conditions may include, but not be limited to,~~
 2526 ~~projects where title to the property being acquired is~~
 2527 ~~considered nonmarketable or is encumbered in such a way as to~~
 2528 ~~significantly affect its management.~~

2529

2530 ~~Where approval of the board of trustees is required pursuant to~~
 2531 ~~this subsection, the acquiring agency must provide a~~
 2532 ~~justification as to why it is in the public's interest to~~
 2533 ~~acquire the parcel or project. Approval of the board of trustees~~
 2534 ~~also is required for projects the department recommends~~
 2535 ~~acquiring pursuant to subsections (14) and (15). Review and~~
 2536 ~~approval of agreements for acquisitions for Florida Greenways~~
 2537 ~~and Trails Program properties pursuant to chapter 260 may be~~
 2538 ~~waived by the department in any contract with nonprofit~~
 2539 ~~corporations that have agreed to assist the department with this~~
 2540 ~~program. If the contribution of the acquiring agency exceeds~~
 2541 ~~\$100 million in any one fiscal year, the agreement shall be~~
 2542 ~~submitted to and approved by the Legislative Budget Commission.~~

2543 ~~(4) Land acquisition procedures provided for in this~~
 2544 ~~section and related rules are for voluntary, negotiated~~
 2545 ~~acquisitions.~~

2546 ~~(5) For the purposes of this section, the term~~
 2547 ~~"negotiations" does not include preliminary contacts with the~~
 2548 ~~property owner to determine the availability of the property,~~

2549 ~~existing appraisal data, existing abstracts, and surveys.~~

2550 ~~(6) Evidence of marketable title in the form of a~~
 2551 ~~commitment for title insurance or an abstract of title with a~~
 2552 ~~title opinion shall be obtained prior to the conveyance of~~
 2553 ~~title, as provided in the final agreement for purchase.~~

2554 ~~(7) Prior to approval by the board of trustees or, when~~
 2555 ~~applicable, the Department of Environmental Protection, of any~~
 2556 ~~agreement to purchase land pursuant to this chapter, chapter~~
 2557 ~~260, or chapter 375, and prior to negotiations with the parcel~~
 2558 ~~owner to purchase any other land, title to which will vest in~~
 2559 ~~the board of trustees, an appraisal of the parcel shall be~~
 2560 ~~required as follows:~~

2561 ~~(a) The board of trustees shall adopt by rule the method~~
 2562 ~~for determining the value of parcels sought to be acquired by~~
 2563 ~~state agencies pursuant to this section.~~

2564 ~~(b) Each parcel to be acquired shall have at least one~~
 2565 ~~appraisal. Two appraisals are required when the estimated value~~
 2566 ~~of the parcel exceeds \$1 million. However, when both appraisals~~
 2567 ~~exceed \$1 million and differ significantly, a third appraisal~~
 2568 ~~may be obtained. When a parcel is estimated to be worth \$100,000~~
 2569 ~~or less and the director of the Division of State Lands finds~~
 2570 ~~that the cost of obtaining an outside appraisal is not~~
 2571 ~~justified, an appraisal prepared by the division may be used.~~

2572 ~~(c) Appraisal fees and associated costs shall be paid by~~
 2573 ~~the agency proposing the acquisition. The board of trustees~~
 2574 ~~shall approve qualified fee appraisal organizations. All~~

2575 ~~appraisals used for the acquisition of lands pursuant to this~~
 2576 ~~section shall be prepared by a member of an approved appraisal~~
 2577 ~~organization or by a state-certified appraiser who meets the~~
 2578 ~~standards and criteria established in rule by the board of~~
 2579 ~~trustees. Each fee appraiser selected to appraise a particular~~
 2580 ~~parcel shall, prior to contracting with the agency or a~~
 2581 ~~participant in a multiparty agreement, submit to that agency or~~
 2582 ~~participant an affidavit substantiating that he or she has no~~
 2583 ~~vested or fiduciary interest in such parcel.~~

2584 ~~(d) The fee appraiser and the review appraiser for the~~
 2585 ~~agency shall not act in any way that may be construed as~~
 2586 ~~negotiating with the property owner.~~

2587 (5)(e) ~~Generally,~~ Appraisal reports are confidential and
 2588 exempt from the provisions of s. 119.07(1), for use by the
 2589 department ~~agency~~ and the board of trustees, until an option
 2590 contract is executed or, if no option contract is executed,
 2591 until 2 weeks before a contract or agreement for purchase is
 2592 considered for approval by the board of trustees. However, the
 2593 department has the authority, at its discretion, to disclose
 2594 appraisal reports to private landowners during negotiations for
 2595 acquisitions using alternatives to fee simple techniques, if the
 2596 department determines that disclosure of such reports will bring
 2597 the proposed acquisition to closure. The department ~~Division of~~
 2598 ~~State Lands~~ may also disclose appraisal information to public
 2599 agencies or nonprofit organizations that agree to maintain the
 2600 confidentiality of the reports or information when joint

2601 acquisition of property is contemplated, or when a public agency
 2602 or nonprofit organization enters into a written multiparty
 2603 agreement with the department ~~division to purchase and hold~~
 2604 ~~property for subsequent resale to the division. In addition, the~~
 2605 ~~division may use, as its own, appraisals obtained by a public~~
 2606 ~~agency or nonprofit organization, provided the appraiser is~~
 2607 ~~selected from the division's list of appraisers and the~~
 2608 ~~appraisal is reviewed and approved by the division. For the~~
 2609 purposes of this chapter, "nonprofit organization" means an
 2610 organization whose purposes include the preservation of natural
 2611 resources, and which is exempt from federal income tax under s.
 2612 501(c)(3) of the Internal Revenue Code. The department ~~agency~~
 2613 may release an appraisal report when the passage of time has
 2614 rendered the conclusions of value in the report invalid or when
 2615 the department ~~acquiring agency~~ has terminated negotiations.

2616 ~~(f) The Division of State Lands may use, as its own,~~
 2617 ~~appraisals obtained by a public agency or nonprofit~~
 2618 ~~organization, provided that the appraiser is selected from the~~
 2619 ~~division's list of appraisers and the appraisal is reviewed and~~
 2620 ~~approved by the division. For the purposes of this chapter, the~~
 2621 ~~term "nonprofit organization" means an organization whose~~
 2622 ~~purposes include the preservation of natural resources and which~~
 2623 ~~is exempt from federal income tax under s. 501(c)(3) of the~~
 2624 ~~Internal Revenue Code.~~

2625
 2626 ~~Notwithstanding the provisions of this subsection, on behalf of~~

2627 ~~the board and before the appraisal of parcels approved for~~
2628 ~~purchase under this chapter, the Secretary of Environmental~~
2629 ~~Protection or the director of the Division of State Lands may~~
2630 ~~enter into option contracts to buy such parcels. Any such option~~
2631 ~~contract shall state that the final purchase price is subject to~~
2632 ~~approval by the board or, when applicable, the secretary and~~
2633 ~~that the final purchase price may not exceed the maximum offer~~
2634 ~~allowed by law. Any such option contract presented to the board~~
2635 ~~for final purchase price approval shall explicitly state that~~
2636 ~~payment of the final purchase price is subject to an~~
2637 ~~appropriation from the Legislature. The consideration for such~~
2638 ~~an option may not exceed \$1,000 or 0.01 percent of the estimate~~
2639 ~~by the department of the value of the parcel, whichever amount~~
2640 ~~is greater.~~

2641 ~~(8) (a) When the owner is represented by an agent or~~
2642 ~~broker, negotiations may not be initiated or continued until a~~
2643 ~~written statement verifying such agent's or broker's legal or~~
2644 ~~fiduciary relationship with the owner is on file with the~~
2645 ~~agency.~~

2646 ~~(b) The board of trustees or any state agency may contract~~
2647 ~~for real estate acquisition services, including, but not limited~~
2648 ~~to, surveying, mapping, environmental audits, title work, and~~
2649 ~~legal and other professional assistance to review acquisition~~
2650 ~~agreements and other documents and to perform acquisition~~
2651 ~~closings. However, the department shall use outside counsel for~~
2652 ~~review of any agreements or documents, or to perform acquisition~~

2653 ~~closings unless department staff can conduct the same activity~~
2654 ~~in 15 days or less.~~

2655 ~~(c) All offers or counteroffers shall be documented in~~
2656 ~~writing and shall be confidential and exempt from the provisions~~
2657 ~~of s. 119.07(1) until an option contract is executed, or if no~~
2658 ~~option contract is executed, until 2 weeks before a contract or~~
2659 ~~agreement for purchase is considered for approval by the board~~
2660 ~~of trustees. The agency shall maintain complete and accurate~~
2661 ~~records of all offers and counteroffers for all projects.~~

2662 ~~(9)(a) A final offer shall be in the form of an option~~
2663 ~~contract or agreement for purchase and shall be signed and~~
2664 ~~attested to by the owner and the representative of the agency.~~
2665 ~~Before the agency signs the agreement for purchase or exercises~~
2666 ~~the option contract, the provisions of s. 286.23 shall be~~
2667 ~~complied with. Within 10 days after the signing of the agreement~~
2668 ~~for purchase, the state agency shall furnish the Division of~~
2669 ~~State Lands with the original of the agreement for purchase~~
2670 ~~along with copies of the disclosure notice, evidence of~~
2671 ~~marketability, the accepted appraisal report, the fee~~
2672 ~~appraiser's affidavit, a statement that the inventory of~~
2673 ~~existing state-owned lands was examined and contained no~~
2674 ~~available suitable land in the area, and a statement outlining~~
2675 ~~the public purpose for which the acquisition is being made and~~
2676 ~~the statutory authority therefor.~~

2677 ~~(b) Within 45 days after receipt by the Division of State~~
2678 ~~Lands of the agreement for purchase and the required~~

2679 ~~documentation, the board of trustees or its designee shall~~
2680 ~~either reject or approve the agreement. An approved agreement~~
2681 ~~for purchase is binding on both parties. Any agreement which has~~
2682 ~~been disapproved shall be returned to the agency, along with a~~
2683 ~~statement as to the deficiencies of the agreement or the~~
2684 ~~supporting documentation. An agreement for purchase which has~~
2685 ~~been disapproved by the board of trustees or its designee may be~~
2686 ~~resubmitted when such deficiencies have been corrected.~~

2687 ~~(10) (a) The board of trustees may accept a dedication,~~
2688 ~~gift, grant, or bequest of lands and appurtenances without~~
2689 ~~formal evidence of marketability, or when the title is~~
2690 ~~nonmarketable, if the board or its designee determines that such~~
2691 ~~lands and appurtenances have value and are reasonably manageable~~
2692 ~~by the state and that their acceptance would serve the public~~
2693 ~~interest. The state is not required to appraise the value of~~
2694 ~~such donated lands and appurtenances as a condition of receipt.~~
2695 ~~No deed filed in the public records to donate lands to the Board~~
2696 ~~of Trustees of the Internal Improvement Trust Fund shall be~~
2697 ~~construed to transfer title to or vest title in the board of~~
2698 ~~trustees unless there also shall be filed in the public records,~~
2699 ~~a document indicating that the board of trustees has agreed to~~
2700 ~~accept the transfer of title to such donated lands.~~

2701 ~~(b) The board of trustees may not accept by dedication,~~
2702 ~~gift, grant, or bequest any lands and appurtenances that are~~
2703 ~~determined to be owned by the state either in fee or by virtue~~
2704 ~~of the state's sovereignty or which are so encumbered as to~~

2705 ~~preclude the use of such lands and appurtenances for any~~
 2706 ~~reasonable public purpose.~~

2707 ~~(c) Notwithstanding any other provision of law, the~~
 2708 ~~maximum value of a parcel to be purchased by the board of~~
 2709 ~~trustees as determined by the highest approved appraisal or as~~
 2710 ~~determined pursuant to the rules of the board of trustees shall~~
 2711 ~~not be increased or decreased as a result of a change of zoning,~~
 2712 ~~permitted land uses, or changes in market forces or prices that~~
 2713 ~~occur within 1 year after the date the Department of~~
 2714 ~~Environmental Protection or board of trustees approves a~~
 2715 ~~contract to purchase the parcel.~~

2716 ~~(11) (a) The Legislature finds that, with the increasing~~
 2717 ~~pressures on the natural areas of this state and on open space~~
 2718 ~~suitable for recreational use, the state must develop creative~~
 2719 ~~techniques to maximize the use of acquisition and management~~
 2720 ~~funds. The Legislature also finds that the state's conservation~~
 2721 ~~and recreational land acquisition agencies should be encouraged~~
 2722 ~~to augment their traditional, fee simple acquisition programs~~
 2723 ~~with the use of alternatives to fee simple acquisition~~
 2724 ~~techniques. Additionally, the Legislature finds that generations~~
 2725 ~~of private landowners have been good stewards of their land,~~
 2726 ~~protecting or restoring native habitats and ecosystems to the~~
 2727 ~~benefit of the natural resources of this state, its heritage,~~
 2728 ~~and its citizens. The Legislature also finds that using~~
 2729 ~~alternatives to fee simple acquisition by public land~~
 2730 ~~acquisition agencies will achieve the following public policy~~

2731 | ~~goals:~~

2732 | ~~1. Allow more lands to be brought under public protection~~
2733 | ~~for preservation, conservation, and recreational purposes with~~
2734 | ~~less expenditure of public funds.~~

2735 | ~~2. Retain, on local government tax rolls, some portion of~~
2736 | ~~or interest in lands which are under public protection.~~

2737 | ~~3. Reduce long term management costs by allowing private~~
2738 | ~~property owners to continue acting as stewards of their land,~~
2739 | ~~where appropriate.~~

2740 |

2741 | ~~Therefore, it is the intent of the Legislature that public land~~
2742 | ~~acquisition agencies develop programs to pursue alternatives to~~
2743 | ~~fee simple acquisition and to educate private landowners about~~
2744 | ~~such alternatives and the benefits of such alternatives. It is~~
2745 | ~~also the intent of the Legislature that a portion of the shares~~
2746 | ~~of Florida Forever bond proceeds be used to purchase eligible~~
2747 | ~~properties using alternatives to fee simple acquisition.~~

2748 | ~~(b) All project applications shall identify, within their~~
2749 | ~~acquisition plans, projects that require a full fee simple~~
2750 | ~~interest to achieve the public policy goals, together with the~~
2751 | ~~reasons full title is determined to be necessary. The state~~
2752 | ~~agencies and the water management districts may use alternatives~~
2753 | ~~to fee simple acquisition to bring the remaining projects in~~
2754 | ~~their acquisition plans under public protection. For the~~
2755 | ~~purposes of this subsection, the term "alternatives to fee~~
2756 | ~~simple acquisition" includes, but is not limited to: purchase of~~

2757 ~~development rights; obtaining conservation easements; obtaining~~
2758 ~~flowage easements; purchase of timber rights, mineral rights, or~~
2759 ~~hunting rights; purchase of agricultural interests or~~
2760 ~~silvicultural interests; fee simple acquisitions with~~
2761 ~~reservations; creating life estates; or any other acquisition~~
2762 ~~technique that achieves the public policy goals listed in~~
2763 ~~paragraph (a). It is presumed that a private landowner retains~~
2764 ~~the full range of uses for all the rights or interests in the~~
2765 ~~landowner's land which are not specifically acquired by the~~
2766 ~~public agency. The lands upon which hunting rights are~~
2767 ~~specifically acquired pursuant to this paragraph shall be~~
2768 ~~available for hunting in accordance with the management plan or~~
2769 ~~hunting regulations adopted by the Florida Fish and Wildlife~~
2770 ~~Conservation Commission, unless the hunting rights are purchased~~
2771 ~~specifically to protect activities on adjacent lands.~~

2772 ~~(c) When developing the acquisition plan pursuant to s.~~
2773 ~~259.105 the Acquisition and Restoration Council may give~~
2774 ~~preference to those less than fee simple acquisitions that~~
2775 ~~provide any public access. However, the Legislature recognizes~~
2776 ~~that public access is not always appropriate for certain less~~
2777 ~~than fee simple acquisitions; therefore no proposed less than~~
2778 ~~fee simple acquisition shall be rejected simply because public~~
2779 ~~access would be limited.~~

2780 ~~(d) Beginning in fiscal year 1999-2000, the department and~~
2781 ~~each water management district shall implement initiatives to~~
2782 ~~use alternatives to fee simple acquisition and to educate~~

2783 ~~private landowners about such alternatives. The department and~~
2784 ~~the water management districts may enter into joint acquisition~~
2785 ~~agreements to jointly fund the purchase of lands using~~
2786 ~~alternatives to fee simple techniques.~~

2787 ~~(e) The Legislature finds that the lack of direct sales~~
2788 ~~comparison information has served as an impediment to successful~~
2789 ~~implementation of alternatives to fee simple acquisition. It is~~
2790 ~~the intent of the Legislature that, in the absence of direct~~
2791 ~~comparable sales information, appraisals of alternatives to fee~~
2792 ~~simple acquisitions be based on the difference between the full~~
2793 ~~fee simple valuation and the value of the interests remaining~~
2794 ~~with the seller after acquisition.~~

2795 ~~(f) The public agency which has been assigned management~~
2796 ~~responsibility shall inspect and monitor any less than fee~~
2797 ~~simple interest according to the terms of the purchase agreement~~
2798 ~~relating to such interest.~~

2799 ~~(12) Any conveyance to the board of trustees of fee title~~
2800 ~~shall be made by no less than a special warranty deed, unless~~
2801 ~~the conveyance is from the Federal Government, the county~~
2802 ~~government, or another state agency or, in the event of a gift~~
2803 ~~or donation by quitclaim deed, if the board of trustees, or its~~
2804 ~~designee, determines that the acceptance of such quitclaim deed~~
2805 ~~is in the best interest of the public. A quitclaim deed may also~~
2806 ~~be accepted to aid in clearing title or boundary questions.~~

2807 ~~(13) The board of trustees may purchase tax certificates~~
2808 ~~or tax deeds issued in accordance with chapter 197 relating to~~

2809 ~~property eligible for purchase under this section.~~

2810 ~~(14) The board of trustees, by majority vote of all of its~~
2811 ~~members, voting at a regularly scheduled and advertised meeting,~~
2812 ~~may direct the department to exercise the power of eminent~~
2813 ~~domain pursuant to the provisions of chapters 73 and 74 to~~
2814 ~~acquire any of the properties on the acquisition list~~
2815 ~~established by the land acquisition selection committee and~~
2816 ~~approved by the board of trustees. However, the board of~~
2817 ~~trustees may only make such a vote under the following~~
2818 ~~circumstances:~~

2819 ~~(a) The state has made at least two bona fide offers to~~
2820 ~~purchase the land through negotiation and, notwithstanding those~~
2821 ~~offers, an impasse between the state and the landowner was~~
2822 ~~reached.~~

2823 ~~(b) The land is of special importance to the state because~~
2824 ~~of one or more of the following reasons:~~

2825 ~~1. It involves an endangered or natural resource and is in~~
2826 ~~imminent danger of development.~~

2827 ~~2. It is of unique value to the state and the failure to~~
2828 ~~acquire it will result in irreparable loss to the state.~~

2829 ~~3. The failure of the state to acquire it will seriously~~
2830 ~~impair the state's ability to manage or protect other state-~~
2831 ~~owned lands.~~

2832

2833 ~~Pursuant to this subsection, the department may exercise~~
2834 ~~condemnation authority directly or by contracting with the~~

2835 ~~Department of Transportation or a water management district to~~
2836 ~~provide that service. If the Department of Transportation or a~~
2837 ~~water management district enters such a contract with the~~
2838 ~~department, the Department of Transportation or a water~~
2839 ~~management district may use statutorily approved methods and~~
2840 ~~procedures ordinarily used by the agency for condemnation~~
2841 ~~purposes.~~

2842 ~~(15) The board of trustees, by an affirmative vote of at~~
2843 ~~least three of its members, may direct the department to~~
2844 ~~purchase lands on an immediate basis using up to 15 percent of~~
2845 ~~the funds allocated to the department pursuant to s. 259.105 for~~
2846 ~~the acquisition of lands that:~~

2847 ~~(a) Are listed or placed at auction by the Federal~~
2848 ~~Government as part of the Resolution Trust Corporation sale of~~
2849 ~~lands from failed savings and loan associations;~~

2850 ~~(b) Are listed or placed at auction by the Federal~~
2851 ~~Government as part of the Federal Deposit Insurance Corporation~~
2852 ~~sale of lands from failed banks; or~~

2853 ~~(c) Will be developed or otherwise lost to potential~~
2854 ~~public ownership, or for which federal matching funds will be~~
2855 ~~lost, by the time the land can be purchased under the program~~
2856 ~~within which the land is listed for acquisition.~~

2857
2858 ~~For such acquisitions, the board of trustees may waive or modify~~
2859 ~~all procedures required for land acquisition pursuant to this~~
2860 ~~chapter and all competitive bid procedures required pursuant to~~

2861 ~~chapters 255 and 287. Lands acquired pursuant to this subsection~~
 2862 ~~must, at the time of purchase, be on one of the acquisition~~
 2863 ~~lists established pursuant to this chapter or be essential for~~
 2864 ~~water resource development, protection, or restoration, or a~~
 2865 ~~significant portion of the lands must contain natural~~
 2866 ~~communities or plant or animal species that are listed by the~~
 2867 ~~Florida Natural Areas Inventory as critically imperiled,~~
 2868 ~~imperiled, or rare, or as excellent quality occurrences of~~
 2869 ~~natural communities.~~

2870 ~~(16) The Auditor General shall conduct audits of~~
 2871 ~~acquisitions and divestitures which he or she deems necessary,~~
 2872 ~~according to his or her preliminary assessments of board-~~
 2873 ~~approved acquisitions and divestitures. These preliminary~~
 2874 ~~assessments shall be initiated not later than 60 days following~~
 2875 ~~the final approval by the board of land acquisitions under this~~
 2876 ~~section. If an audit is conducted, the Auditor General shall~~
 2877 ~~submit an audit report to the board of trustees, the President~~
 2878 ~~of the Senate, the Speaker of the House of Representatives, and~~
 2879 ~~their designees.~~

2880 ~~(17) Title to lands to be held jointly by the board of~~
 2881 ~~trustees and a water management district and acquired pursuant~~
 2882 ~~to the procedures set out in s. 373.139 may be deemed to meet~~
 2883 ~~the standards necessary for ownership by the board of trustees,~~
 2884 ~~notwithstanding any provisions in this section or in related~~
 2885 ~~rules.~~

2886 ~~(18) Any agency authorized to acquire lands on behalf of~~

2887 ~~the board of trustees is authorized to request disbursement of~~
 2888 ~~payments for real estate closings in accordance with a written~~
 2889 ~~authorization from an ultimate beneficiary to allow a third~~
 2890 ~~party authorized by law to receive such payment provided the~~
 2891 ~~Chief Financial Officer determines that such disbursement is~~
 2892 ~~consistent with good business practices and can be completed in~~
 2893 ~~a manner minimizing costs and risks to the state.~~

2894 ~~(19) Many parcels of land acquired pursuant to this~~
 2895 ~~section may contain cattle dipping vats as defined in s.~~
 2896 ~~376.301. The state is encouraged to continue with the~~
 2897 ~~acquisition of such lands including the cattle dipping vats.~~

2898 Section 19. Subsection (2) of section 259.047, Florida
 2899 Statutes, is amended to read:

2900 259.047 Acquisition of land on which an agricultural lease
 2901 exists.—

2902 (2) If ~~Where~~ consistent with the purposes of conservation
 2903 and recreation ~~for which the property was acquired~~, the state or
 2904 acquiring entity shall make reasonable efforts to keep lands in
 2905 agricultural production which are in agricultural production at
 2906 the time of acquisition.

2907 Section 20. Subsection (8) of section 259.101, Florida
 2908 Statutes, is renumbered as subsection (7), and subsection (5),
 2909 paragraph (a) of subsection (6), and present subsection (7) of
 2910 that section are amended, to read:

2911 259.101 Florida Preservation 2000 Act.—

2912 (5) DISPOSITION OF LANDS.—

2913 (a) Any lands acquired pursuant to former paragraphs
 2914 (3) (a), (3) (c), (3) (d), (3) (e), (3) (f), or (3) (g) of this
 2915 section, Florida Statutes 2014, if title to such lands is vested
 2916 in the board ~~of Trustees of the Internal Improvement Trust Fund,~~
 2917 may be disposed of by the board ~~of Trustees of the Internal~~
 2918 ~~Improvement Trust Fund~~ in accordance with the provisions and
 2919 procedures set forth in s. 253.0341 ~~253.034(6)~~, and lands
 2920 acquired pursuant to former paragraph (3) (b) of this section,
 2921 Florida Statutes 2014, may be disposed of by the owning water
 2922 management district in accordance with the procedures and
 2923 provisions set forth in ss. 373.056 and 373.089 provided such
 2924 disposition also shall satisfy the requirements of paragraphs
 2925 (b) and (c).

2926 (b) Before land acquired with Preservation 2000 funds may
 2927 be surplusd as required by s. 253.0341 ~~253.034(6)~~ or determined
 2928 to be no longer required for its purposes under s. 373.056(4),
 2929 as applicable, there shall first be a determination by the board
 2930 ~~of Trustees of the Internal Improvement Trust Fund,~~ or, in the
 2931 case of water management district lands, by the owning water
 2932 management district, that such land no longer needs to be
 2933 preserved in furtherance of the intent of the Florida
 2934 Preservation 2000 Act. Any lands eligible to be disposed of
 2935 under this procedure also may be used to acquire other lands
 2936 through an exchange of lands if such lands obtained in an
 2937 exchange are described in the same paragraph of former
 2938 subsection (3) of this section, Florida Statutes 2014, as the

2939 lands disposed.

2940 (c) Revenue derived from the disposal of lands acquired
 2941 with Preservation 2000 funds may not be used for any purpose
 2942 except for deposit into the Florida Forever Trust Fund within
 2943 the department of ~~Environmental Protection~~, for recredit to the
 2944 share held under former subsection (3) of this section, Florida
 2945 Statutes 2014, in which such disposed land is described.

2946 (6) ALTERNATE USES OF ACQUIRED LANDS.—

2947 (a) The board of ~~Trustees of the Internal Improvement~~
 2948 ~~Trust Fund~~, or, in the case of water management district lands,
 2949 the owning water management district, may authorize the granting
 2950 of a lease, easement, or license for the use of any lands
 2951 acquired pursuant to former subsection (3) of this section,
 2952 Florida Statutes 2014, for any governmental use permitted by s.
 2953 17, Art. IX of the State Constitution of 1885, as adopted by s.
 2954 9(a), Art. XII of the State Constitution, and any other
 2955 incidental public or private use that is determined by the board
 2956 or the owning water management district to be compatible with
 2957 conservation, preservation, or recreation ~~the purposes for which~~
 2958 ~~such lands were acquired.~~

2959 ~~(7) ALTERNATIVES TO FEE SIMPLE ACQUISITION.—~~

2960 ~~(a) The Legislature finds that, with the increasing~~
 2961 ~~pressures on the natural areas of this state, the state must~~
 2962 ~~develop creative techniques to maximize the use of acquisition~~
 2963 ~~and management moneys. The Legislature finds that the state's~~
 2964 ~~environmental land-buying agencies should be encouraged to~~

2965 ~~augment their traditional, fee simple acquisition programs with~~
 2966 ~~the use of alternatives to fee simple acquisition techniques.~~
 2967 ~~The Legislature also finds that using alternatives to fee simple~~
 2968 ~~acquisition by public land-buying agencies will achieve the~~
 2969 ~~following public policy goals:~~

2970 ~~1. Allow more lands to be brought under public protection~~
 2971 ~~for preservation, conservation, and recreational purposes at~~
 2972 ~~less expense using public funds.~~

2973 ~~2. Retain, on local government tax rolls, some portion of~~
 2974 ~~or interest in lands that are under public protection.~~

2975 ~~3. Reduce long-term management costs by allowing private~~
 2976 ~~property owners to continue acting as stewards of the land, as~~
 2977 ~~appropriate.~~

2978
 2979 ~~Therefore, it is the intent of the Legislature that public land-~~
 2980 ~~buying agencies develop programs to pursue alternatives to fee~~
 2981 ~~simple acquisition and to educate private landowners about such~~
 2982 ~~alternatives and the benefits of such alternatives. It also is~~
 2983 ~~the intent of the Legislature that the department and the water~~
 2984 ~~management districts spend a portion of their shares of~~
 2985 ~~Preservation 2000 bond proceeds to purchase eligible properties~~
 2986 ~~using alternatives to fee simple acquisition. Finally, it is the~~
 2987 ~~intent of the Legislature that public agencies acquire lands in~~
 2988 ~~fee simple for public access and recreational activities. Lands~~
 2989 ~~protected using alternatives to fee simple acquisition~~
 2990 ~~techniques may not be accessible to the public unless such~~

2991 ~~access is negotiated with and agreed to by the private~~
 2992 ~~landowners who retain interests in such lands.~~

2993 ~~(b) The Land Acquisition Advisory Council and the water~~
 2994 ~~management districts shall identify, within their 1997~~
 2995 ~~acquisition plans, those projects that require a full fee simple~~
 2996 ~~interest to achieve the public policy goals, along with the~~
 2997 ~~reasons why full title is determined to be necessary. The~~
 2998 ~~council and the water management districts may use alternatives~~
 2999 ~~to fee simple acquisition to bring the remaining projects in~~
 3000 ~~their acquisition plans under public protection. For the~~
 3001 ~~purposes of this subsection, the term "alternatives to fee~~
 3002 ~~simple acquisition" includes the purchase of development rights;~~
 3003 ~~conservation easements; flowage easements; the purchase of~~
 3004 ~~timber rights, mineral rights, or hunting rights; the purchase~~
 3005 ~~of agricultural interests or silvicultural interests; land~~
 3006 ~~protection agreements; fee simple acquisitions with~~
 3007 ~~reservations; or any other acquisition technique that achieves~~
 3008 ~~the public policy goals identified in paragraph (a). It is~~
 3009 ~~presumed that a private landowner retains the full range of uses~~
 3010 ~~for all the rights or interests in the landowner's land which~~
 3011 ~~are not specifically acquired by the public agency. Life estates~~
 3012 ~~and fee simple acquisitions with leaseback provisions do not~~
 3013 ~~qualify as an alternative to fee simple acquisition under this~~
 3014 ~~subsection, although the department and the districts are~~
 3015 ~~encouraged to use such techniques if appropriate.~~

3016 ~~(c) The department and each water management district~~

3017 ~~shall implement initiatives to use alternatives to fee simple~~
3018 ~~acquisition and to educate private landowners about such~~
3019 ~~alternatives. These initiatives must include at least two~~
3020 ~~acquisitions a year by the department and each water management~~
3021 ~~district utilizing alternatives to fee simple.~~

3022 ~~(d) The Legislature finds that the lack of direct sales~~
3023 ~~comparision information has served as an impediment to successful~~
3024 ~~implementation of alternatives to fee simple acquisition. It is~~
3025 ~~the intent of the Legislature that, in the absence of direct~~
3026 ~~comparable sales information, appraisals of alternatives to fee~~
3027 ~~simple acquisitions be based on the difference between the full~~
3028 ~~fee simple valuation and the value of the interests remaining~~
3029 ~~with the seller after acquisition.~~

3030 ~~(e) The public agency that has been assigned management~~
3031 ~~responsibility shall inspect and monitor any less than fee-~~
3032 ~~simple interest according to the terms of the purchase agreement~~
3033 ~~relating to such interest.~~

3034 ~~(f) The department and the water management districts may~~
3035 ~~enter into joint acquisition agreements to jointly fund the~~
3036 ~~purchase of lands using alternatives to fee simple techniques.~~

3037 Section 21. Paragraph (a) of subsection (2), paragraphs
3038 (i) and (l) of subsection (3), subsections (10) and (13),
3039 paragraph (i) of subsection (15), and subsection (19) of section
3040 259.105, Florida Statutes, are amended to read:

3041 259.105 The Florida Forever Act.—

3042 (2) (a) The Legislature finds and declares that:

3043 1. Land acquisition programs have provided tremendous
 3044 financial resources for purchasing environmentally significant
 3045 lands to protect those lands from imminent development or
 3046 alteration, thereby ensuring present and future generations'
 3047 access to important waterways, open spaces, and recreation and
 3048 conservation lands.

3049 2. The continued alteration and development of the state's
 3050 ~~Florida's~~ natural and rural areas to accommodate the state's
 3051 growing population have contributed to the degradation of water
 3052 resources, the fragmentation and destruction of wildlife
 3053 habitats, the loss of outdoor recreation space, and the
 3054 diminishment of wetlands, forests, working landscapes, and
 3055 coastal open space.

3056 3. The potential development of the state's ~~Florida's~~
 3057 remaining natural areas and escalation of land values require
 3058 government efforts to restore, bring under public protection, or
 3059 acquire lands and water areas to preserve the state's essential
 3060 ecological functions and invaluable quality of life.

3061 4. It is essential to protect the state's ecosystems by
 3062 promoting a more efficient use of land, to ensure opportunities
 3063 for viable agricultural activities on working lands, and to
 3064 promote vital rural and urban communities that support and
 3065 produce development patterns consistent with natural resource
 3066 protection.

3067 5. The state's ~~Florida's~~ groundwater, surface waters, and
 3068 springs are under tremendous pressure due to population growth

3069 and economic expansion and require special protection and
3070 restoration efforts, including the protection of uplands and
3071 springsheds that provide vital recharge to aquifer systems and
3072 are critical to the protection of water quality and water
3073 quantity of the aquifers and springs. To ensure that sufficient
3074 quantities of water are available to meet the current and future
3075 needs of the natural systems and citizens of the state, and
3076 assist in achieving the planning goals of the department and the
3077 water management districts, water resource development projects
3078 on public lands, if ~~where~~ compatible with the resource values of
3079 and management objectives for the lands, are appropriate.

3080 6. The needs of urban, suburban, and small communities in
3081 the state ~~Florida~~ for high-quality outdoor recreational
3082 opportunities, greenways, trails, and open space have not been
3083 fully met by previous acquisition programs. Through such
3084 programs as the Florida Communities Trust and the Florida
3085 Recreation Development Assistance Program, the state shall place
3086 additional emphasis on acquiring, protecting, preserving, and
3087 restoring open space, ecological greenways, and recreation
3088 properties within urban, suburban, and rural areas where
3089 pristine natural communities or water bodies no longer exist
3090 because of the proximity of developed property.

3091 7. Many of the state's ~~Florida's~~ unique ecosystems, such
3092 as the Florida Everglades, are facing ecological collapse due to
3093 the state's ~~Florida's~~ burgeoning population growth and other
3094 economic activities. To preserve these valuable ecosystems for

3095 future generations, essential parcels of land must be acquired
 3096 to facilitate ecosystem restoration.

3097 8. Access to public lands to support a broad range of
 3098 outdoor recreational opportunities and the development of
 3099 necessary infrastructure, if ~~where~~ compatible with the resource
 3100 values of and management objectives for such lands, promotes an
 3101 appreciation for the state's ~~Florida's~~ natural assets and
 3102 improves the quality of life.

3103 9. Acquisition of lands, in fee simple, less-than-fee
 3104 interest, or other techniques shall be based on a comprehensive
 3105 science-based assessment of the state's ~~Florida's~~ natural
 3106 resources which targets essential conservation lands by
 3107 prioritizing all current and future acquisitions based on a
 3108 uniform set of data and planned so as to protect the integrity
 3109 and function of ecological systems and working landscapes, and
 3110 provide multiple benefits, including preservation of fish and
 3111 wildlife habitat, recreation space for urban and rural areas,
 3112 and the restoration of natural water storage, flow, and
 3113 recharge.

3114 10. The state has embraced performance-based program
 3115 budgeting as a tool to evaluate the achievements of publicly
 3116 funded agencies, build in accountability, and reward those
 3117 agencies which are able to consistently achieve quantifiable
 3118 goals. While previous and existing state environmental programs
 3119 have achieved varying degrees of success, few of these programs
 3120 can be evaluated as to the extent of their achievements,

3121 primarily because performance measures, standards, outcomes, and
 3122 goals were not established at the outset. Therefore, the Florida
 3123 Forever program shall be developed and implemented in the
 3124 context of measurable state goals and objectives.

3125 11. The state must play a major role in the recovery and
 3126 management of its imperiled species through the acquisition,
 3127 restoration, enhancement, and management of ecosystems that can
 3128 support the major life functions of such species. It is the
 3129 intent of the Legislature to support local, state, and federal
 3130 programs that result in net benefit to imperiled species habitat
 3131 by providing public and private land owners meaningful
 3132 incentives for acquiring, restoring, managing, and repopulating
 3133 habitats for imperiled species. It is the further intent of the
 3134 Legislature that public lands, both existing and to be acquired,
 3135 identified by the lead land managing agency, in consultation
 3136 with the ~~Florida~~ Fish and Wildlife Conservation Commission for
 3137 animals or the Department of Agriculture and Consumer Services
 3138 for plants, as habitat or potentially restorable habitat for
 3139 imperiled species, be restored, enhanced, managed, and
 3140 repopulated as habitat for such species to advance the goals and
 3141 objectives of imperiled species management for conservation,
 3142 recreation, or both, consistent with the land management plan
 3143 ~~consistent with the purposes for which such lands are acquired~~
 3144 without restricting other uses identified in the management
 3145 plan. It is also the intent of the Legislature that of the
 3146 proceeds distributed pursuant to subsection (3), additional

3147 consideration be given to acquisitions that achieve a
 3148 combination of conservation goals, including the restoration,
 3149 enhancement, management, or repopulation of habitat for
 3150 imperiled species. The ~~Acquisition and Restoration~~ council, in
 3151 addition to the criteria in subsection (9), shall give weight to
 3152 projects that include acquisition, restoration, management, or
 3153 repopulation of habitat for imperiled species. The term
 3154 "imperiled species" as used in this chapter and chapter 253,
 3155 means plants and animals that are federally listed under the
 3156 Endangered Species Act, or state-listed by the Fish and Wildlife
 3157 Conservation Commission or the Department of Agriculture and
 3158 Consumer Services.

3159 ~~a.~~ As part of the state's role, all state lands that have
 3160 imperiled species habitat shall include as a consideration in
 3161 management plan development the restoration, enhancement,
 3162 management, and repopulation of such habitats. In addition, the
 3163 lead land managing agency of such state lands may use fees
 3164 received from public or private entities for projects to offset
 3165 adverse impacts to imperiled species or their habitat in order
 3166 to restore, enhance, manage, repopulate, or acquire land and to
 3167 implement land management plans developed under s. 253.034 or a
 3168 land management prospectus developed and implemented under this
 3169 chapter. Such fees shall be deposited into a foundation or fund
 3170 created by each land management agency under s. 379.223, s.
 3171 589.012, or s. 259.032(9)(c), to be used solely to restore,
 3172 manage, enhance, repopulate, or acquire imperiled species

3173 habitat.

3174 ~~b. Where habitat or potentially restorable habitat for~~
3175 ~~imperiled species is located on state lands, the Fish and~~
3176 ~~Wildlife Conservation Commission and the Department of~~
3177 ~~Agriculture and Consumer Services shall be included on any~~
3178 ~~advisory group required under chapter 253, and the short-term~~
3179 ~~and long-term management goals required under chapter 253 must~~
3180 ~~advance the goals and objectives of imperiled species management~~
3181 ~~consistent with the purposes for which the land was acquired~~
3182 ~~without restricting other uses identified in the management~~
3183 ~~plan.~~

3184 12. There is a need to change the focus and direction of
3185 the state's major land acquisition programs and to extend
3186 funding and bonding capabilities, so that future generations may
3187 enjoy the natural resources of this state.

3188 (3) Less the costs of issuing and the costs of funding
3189 reserve accounts and other costs associated with bonds, the
3190 proceeds of cash payments or bonds issued pursuant to this
3191 section shall be deposited into the Florida Forever Trust Fund
3192 created by s. 259.1051. The proceeds shall be distributed by the
3193 department of Environmental Protection in the following manner:

3194 (i) Three and five-tenths percent to the Department of
3195 Agriculture and Consumer Services for the acquisition of
3196 agricultural lands, through perpetual conservation easements and
3197 other perpetual less-than-fee techniques, which will achieve the
3198 objectives of Florida Forever and s. 570.71. Rules concerning

3199 the application, acquisition, and priority ranking process for
 3200 such easements shall be developed pursuant to s. 570.71(10) and
 3201 as provided by this paragraph. The board shall ensure that such
 3202 rules are consistent with the acquisition process provided for
 3203 in s. 570.715 ~~259.041~~. ~~Provisions of~~ The rules developed
 3204 pursuant to s. 570.71(10), shall also provide for the following:

3205 1. An annual priority list shall be developed pursuant to
 3206 s. 570.71(10), submitted to the ~~Acquisition and Restoration~~
 3207 council for review, and approved by the board pursuant to s.
 3208 259.04.

3209 2. Terms of easements and acquisitions proposed pursuant
 3210 to this paragraph shall be approved by the board and may ~~shall~~
 3211 not be delegated by the board to any other entity receiving
 3212 funds under this section.

3213 3. All acquisitions pursuant to this paragraph shall
 3214 contain a clear statement that they are subject to legislative
 3215 appropriation.

3216
 3217 ~~No~~ Funds provided under this paragraph may not ~~shall~~ be expended
 3218 until final adoption of rules by the board pursuant to s.
 3219 570.71.

3220 (1) For the purposes of paragraphs (e), (f), (g), and (h),
 3221 the agencies that receive the funds shall develop their
 3222 individual acquisition or restoration lists in accordance with
 3223 specific criteria and numeric performance measures developed
 3224 pursuant to s. 259.035(4). Proposed additions may be acquired if

3225 they are identified within the original project boundary, the
 3226 management plan required pursuant to s. 253.034(5), or the
 3227 management prospectus required pursuant to s. 259.032(7)(c)
 3228 ~~259.032(7)(d)~~. Proposed additions not meeting the requirements
 3229 of this paragraph shall be submitted to the ~~Acquisition and~~
 3230 ~~Restoration~~ council for approval. The council may only approve
 3231 the proposed addition if it meets two or more of the following
 3232 criteria: serves as a link or corridor to other publicly owned
 3233 property; enhances the protection or management of the property;
 3234 would add a desirable resource to the property; would create a
 3235 more manageable boundary configuration; has a high resource
 3236 value that otherwise would be unprotected; or can be acquired at
 3237 less than fair market value.

3238 (10) The ~~Acquisition and Restoration~~ council shall give
 3239 increased priority to:

3240 (a) those Projects for which matching funds are available.

3241 (b) and to Project elements previously identified on an
 3242 acquisition list pursuant to this section that can be acquired
 3243 at 80 percent or less of appraised value.

3244 (c) Projects that can be acquired in less than fee
 3245 ownership, such as a permanent conservation easement.

3246 (d) Projects that contribute to improving the quality and
 3247 quantity of surface water and groundwater.

3248 (e) Projects that contribute to improving the water
 3249 quality and flow of springs.

3250 (f) The council shall also give increased priority to

3251 ~~those~~ Projects for which ~~where~~ the state's land conservation
 3252 plans overlap with the military's need to protect lands, water,
 3253 and habitat to ensure the sustainability of military missions
 3254 including:

3255 1.~~(a)~~ Protecting habitat on nonmilitary land for any
 3256 species found on military land that is designated as threatened
 3257 or endangered, or is a candidate for such designation under the
 3258 Endangered Species Act or any Florida statute;

3259 2.~~(b)~~ Protecting areas underlying low-level military air
 3260 corridors or operating areas; and

3261 3.~~(c)~~ Protecting areas identified as clear zones, accident
 3262 potential zones, and air installation compatible use buffer
 3263 zones delineated by our military partners, and for which federal
 3264 or other funding is available to assist with the project.

3265 (13) An affirmative vote of at least five members of the
 3266 ~~Acquisition and Restoration~~ council shall be required in order
 3267 to place a ~~proposed~~ project submitted pursuant to subsection (7)
 3268 on the proposed project list developed pursuant to subsection
 3269 (8). Any member of the council who by family or a business
 3270 relationship has a connection with any project proposed to be
 3271 ranked shall declare such interest before ~~prior to~~ voting for a
 3272 project's inclusion on the list.

3273 (15) The ~~Acquisition and Restoration~~ council shall submit
 3274 to the board ~~of trustees~~, with its list of projects, a report
 3275 that includes, but need ~~shall~~ not be limited to, the following
 3276 information for each project listed:

3277 (i) A management policy statement for the project and a
 3278 management prospectus pursuant to s. 259.032(7)(c)
 3279 ~~259.032(7)(d)~~.

3280 (19) ~~The Acquisition and Restoration council shall~~
 3281 ~~recommend adoption of rules by the board of trustees necessary~~
 3282 ~~to implement the provisions of this section relating to:~~
 3283 ~~solicitation, scoring, selecting, and ranking of Florida Forever~~
 3284 ~~project proposals; disposing of or leasing lands or water areas~~
 3285 ~~selected for funding through the Florida Forever program; and~~
 3286 ~~the process of reviewing and recommending for approval or~~
 3287 ~~rejection the land management plans associated with publicly~~
 3288 ~~owned properties. Rules promulgated pursuant to this subsection~~
 3289 ~~shall be submitted to the President of the Senate and the~~
 3290 ~~Speaker of the House of Representatives, for review by the~~
 3291 ~~Legislature, no later than 30 days prior to the 2010 Regular~~
 3292 ~~Session and shall become effective only after legislative~~
 3293 ~~review. In its review, the Legislature may reject, modify, or~~
 3294 ~~take no action relative to such rules. The board of trustees~~
 3295 ~~shall conform such rules to changes made by the Legislature, or,~~
 3296 ~~if no action was taken by the Legislature, such rules shall~~
 3297 ~~become effective.~~

3298 Section 22. Subsections (6) and (7) of section 259.1052,
 3299 Florida Statutes, are amended to read:

3300 259.1052 Babcock Crescent B Ranch Florida Forever
 3301 acquisition; conditions for purchase.-

3302 ~~(6) In addition to distributions authorized under s.~~

3303 ~~259.105(3), the Department of Environmental Protection is~~
 3304 ~~authorized to distribute \$310 million in revenues from the~~
 3305 ~~Florida Forever Trust Fund. This distribution shall represent~~
 3306 ~~payment in full for the portion of the Babcock Crescent B Ranch~~
 3307 ~~to be acquired by the state under this section.~~

3308 ~~(7) As used in this section, the term "state's portion of~~
 3309 ~~the Babcock Crescent B Ranch" comprises those lands to be~~
 3310 ~~conveyed by special warranty deed to the Board of Trustees of~~
 3311 ~~the Internal Improvement Trust Fund under the provisions of the~~
 3312 ~~agreement for sale and purchase executed by the Board of~~
 3313 ~~Trustees of the Internal Improvement Trust Fund, the Fish and~~
 3314 ~~Wildlife Conservation Commission, the Department of Agriculture~~
 3315 ~~and Consumer Services, and the participating local government,~~
 3316 ~~as purchaser, and MSKP, III, a Florida corporation, as seller.~~

3317 Section 23. Paragraph (d) of subsection (1) of section
 3318 73.015, Florida Statutes, is amended to read:

3319 73.015 Presuit negotiation.—

3320 (1) Effective July 1, 2000, before an eminent domain
 3321 proceeding is brought under this chapter or chapter 74, the
 3322 condemning authority must attempt to negotiate in good faith
 3323 with the fee owner of the parcel to be acquired, must provide
 3324 the fee owner with a written offer and, if requested, a copy of
 3325 the appraisal upon which the offer is based, and must attempt to
 3326 reach an agreement regarding the amount of compensation to be
 3327 paid for the parcel.

3328 (d) Notwithstanding this subsection, with respect to lands

3329 | acquired under s. 253.025 ~~259.041~~, the condemning authority is
 3330 | not required to give the fee owner the current appraisal before
 3331 | executing an option contract.

3332 | Section 24. Paragraph (b) of subsection (1) of section
 3333 | 125.355, Florida Statutes, is amended to read:

3334 | 125.355 Proposed purchase of real property by county;
 3335 | confidentiality of records; procedure.—

3336 | (1)

3337 | (b) If the exemptions provided in this section are
 3338 | utilized, the governing body shall obtain at least one appraisal
 3339 | by an appraiser approved pursuant to s. 253.025 ~~253.025(6)(b)~~
 3340 | for each purchase in an amount of not more than \$500,000. For
 3341 | each purchase in an amount in excess of \$500,000, the governing
 3342 | body shall obtain at least two appraisals by appraisers approved
 3343 | pursuant to s. 253.025 ~~253.025(6)(b)~~. If the agreed purchase
 3344 | price exceeds the average appraised price of the two appraisals,
 3345 | the governing body is required to approve the purchase by an
 3346 | extraordinary vote. The governing body may, by ordinary vote,
 3347 | exempt a purchase in an amount of \$100,000 or less from the
 3348 | requirement for an appraisal.

3349 | Section 25. Paragraph (b) of subsection (1) of section
 3350 | 166.045, Florida Statutes, is amended to read:

3351 | 166.045 Proposed purchase of real property by
 3352 | municipality; confidentiality of records; procedure.—

3353 | (1)

3354 | (b) If the exemptions provided in this section are

3355 utilized, the governing body shall obtain at least one appraisal
 3356 by an appraiser approved pursuant to s. 253.025 ~~253.025(6)(b)~~
 3357 for each purchase in an amount of not more than \$500,000. For
 3358 each purchase in an amount in excess of \$500,000, the governing
 3359 body shall obtain at least two appraisals by appraisers approved
 3360 pursuant to s. 253.025 ~~253.025(6)(b)~~. If the agreed purchase
 3361 price exceeds the average appraised price of the two appraisals,
 3362 the governing body is required to approve the purchase by an
 3363 extraordinary vote. The governing body may, by ordinary vote,
 3364 exempt a purchase in an amount of \$100,000 or less from the
 3365 requirement for an appraisal.

3366 Section 26. Subsection (2) of section 215.82, Florida
 3367 Statutes, is amended to read:

3368 215.82 Validation; when required.—

3369 (2) Any bonds issued pursuant to this act which are
 3370 validated shall be validated in the manner provided by chapter
 3371 75. In actions to validate bonds to be issued in the name of the
 3372 State Board of Education under s. 9(a) and (d), Art. XII of the
 3373 State Constitution and bonds to be issued pursuant to chapter
 3374 259, the Land Conservation Program Act of 1972, the complaint
 3375 shall be filed in the circuit court of the county where the seat
 3376 of state government is situated, the notice required to be
 3377 published by s. 75.06 shall be published only in the county
 3378 where the complaint is filed, and the complaint and order of the
 3379 circuit court shall be served only on the state attorney of the
 3380 circuit in which the action is pending. In any action to

3381 validate bonds issued pursuant to s. 1010.62 or issued pursuant
 3382 to s. 9(a)(1), Art. XII of the State Constitution or issued
 3383 pursuant to s. 215.605 or s. 338.227, the complaint shall be
 3384 filed in the circuit court of the county where the seat of state
 3385 government is situated, the notice required to be published by
 3386 s. 75.06 shall be published in a newspaper of general
 3387 circulation in the county where the complaint is filed and in
 3388 two other newspapers of general circulation in the state, and
 3389 the complaint and order of the circuit court shall be served
 3390 only on the state attorney of the circuit in which the action is
 3391 pending; provided, however, that if publication of notice
 3392 pursuant to this section would require publication in more
 3393 newspapers than would publication pursuant to s. 75.06, such
 3394 publication shall be made pursuant to s. 75.06.

3395 Section 27. Section 215.965, Florida Statutes, is amended
 3396 to read:

3397 215.965 Disbursement of state moneys.—Except as provided
 3398 in s. 17.076, s. 253.025(17) ~~253.025(14)~~, ~~s. 259.041(18)~~, s.
 3399 717.124(4)(b) and (c), s. 732.107(5), or s. 733.816(5), all
 3400 moneys in the State Treasury shall be disbursed by state
 3401 warrant, drawn by the Chief Financial Officer upon the State
 3402 Treasury and payable to the ultimate beneficiary. This
 3403 authorization shall include electronic disbursement.

3404 Section 28. Subsection (8) of section 253.027, Florida
 3405 Statutes, is amended to read:

3406 253.027 Emergency archaeological property acquisition.—

3407 (8) WAIVER OF APPRAISALS OR SURVEYS.—The Board of Trustees
 3408 of the Internal Improvement Trust Fund may waive or limit any
 3409 appraisal or survey requirements in s. 253.025 ~~259.041~~, if
 3410 necessary to effectuate the purposes of this section. Fee simple
 3411 title is not required to be conveyed if some lesser interest
 3412 will allow the preservation of the archaeological resource.
 3413 Properties purchased pursuant to this section shall be
 3414 considered archaeologically unique or significant properties and
 3415 may be purchased under the provisions of s. 253.025(9)
 3416 ~~253.025(7)~~.

3417 Section 29. Section 253.7824, Florida Statutes, is amended
 3418 to read:

3419 253.7824 Sale of products; proceeds.—The Department of
 3420 Environmental Protection may authorize the removal and sale of
 3421 products from the land where environmentally appropriate, the
 3422 proceeds from which shall be deposited into the appropriate
 3423 trust fund in accordance with the same disposition provided
 3424 under s. 253.0341 ~~253.034(6)(k), (l), or (m)~~ applicable to the
 3425 sale of land.

3426 Section 30. Paragraphs (b) and (c) of subsection (2) of
 3427 section 260.015, Florida Statutes, are amended to read:

3428 260.015 Acquisition of land.—

3429 (2) For purposes of the Florida Greenways and Trails
 3430 Program, the board may:

3431 (b) Accept title to abandoned railroad rights-of-way which
 3432 is conveyed by quitclaim deed through purchase, dedication,

3433 gift, grant, or settlement, notwithstanding s. 253.025
 3434 ~~259.041(1)~~.

3435 (c) Enter into an agreement or, upon delegation, the
 3436 department may enter into an agreement, with a nonprofit
 3437 corporation, as defined in s. 253.025 ~~259.041(7)(e)~~, to assume
 3438 responsibility for acquisition of lands pursuant to this
 3439 section. The agreement may transfer responsibility for all
 3440 matters which may be delegated or waived pursuant to s. 253.025
 3441 ~~259.041(1)~~.

3442 Section 31. Paragraph (b) of subsection (3) of section
 3443 260.016, Florida Statutes, is amended to read:

3444 260.016 General powers of the department.—

3445 (3) The department or its designee is authorized to
 3446 negotiate with potentially affected private landowners as to the
 3447 terms under which such landowners would consent to the public
 3448 use of their lands as part of the greenways and trails system.
 3449 The department shall be authorized to agree to incentives for a
 3450 private landowner who consents to this public use of his or her
 3451 lands for conservation or recreational purposes, including, but
 3452 not limited to, the following:

3453 (b) Agreement to exchange, subject to the approval of the
 3454 board ~~of Trustees of the Internal Improvement Trust Fund~~ or
 3455 other applicable unit of government, ownership or other rights
 3456 of use of public lands for the ownership or other rights of use
 3457 of privately owned lands. Any exchange of state-owned lands,
 3458 title to which is vested in the board ~~of Trustees of the~~

3459 ~~Internal Improvement Trust Fund~~, for privately owned lands shall
 3460 be subject to the requirements of s. 253.025 ~~259.041~~.

3461 Section 32. Subsections (6) and (7) of section 369.317,
 3462 Florida Statutes, are amended to read:

3463 369.317 Wekiva Parkway.—

3464 (6) The Central Florida Expressway Authority is hereby
 3465 granted the authority to act as a third-party acquisition agent,
 3466 pursuant to s. 253.025 ~~259.041~~ on behalf of the Board of
 3467 Trustees of the Internal Improvement Trust Fund or chapter 373
 3468 on behalf of the governing board of the St. Johns River Water
 3469 Management District, for the acquisition of all necessary lands,
 3470 property and all interests in property identified herein,
 3471 including fee simple or less-than-fee simple interests. The
 3472 lands subject to this authority are identified in paragraph
 3473 10.a., State of Florida, Office of the Governor, Executive Order
 3474 03-112 of July 1, 2003, and in Recommendation 16 of the Wekiva
 3475 Basin Area Task Force created by Executive Order 2002-259, such
 3476 lands otherwise known as Neighborhood Lakes, a 1,587+/-acre
 3477 parcel located in Orange and Lake Counties within Sections 27,
 3478 28, 33, and 34 of Township 19 South, Range 28 East, and Sections
 3479 3, 4, 5, and 9 of Township 20 South, Range 28 East; Seminole
 3480 Woods/Swamp, a 5,353+/-acre parcel located in Lake County within
 3481 Section 37, Township 19 South, Range 28 East; New Garden Coal; a
 3482 1,605+/-acre parcel in Lake County within Sections 23, 25, 26,
 3483 35, and 36, Township 19 South, Range 28 East; Pine Plantation, a
 3484 617+/-acre tract consisting of eight individual parcels within

3485 the Apopka City limits. The Department of Transportation, the
3486 Department of Environmental Protection, the St. Johns River
3487 Water Management District, and other land acquisition entities
3488 shall participate and cooperate in providing information and
3489 support to the third-party acquisition agent. The land
3490 acquisition process authorized by this paragraph shall begin no
3491 later than December 31, 2004. Acquisition of the properties
3492 identified as Neighborhood Lakes, Pine Plantation, and New
3493 Garden Coal, or approval as a mitigation bank shall be concluded
3494 no later than December 31, 2010. Department of Transportation
3495 and Central Florida Expressway Authority funds expended to
3496 purchase an interest in those lands identified in this
3497 subsection shall be eligible as environmental mitigation for
3498 road construction related impacts in the Wekiva Study Area. If
3499 any of the lands identified in this subsection are used as
3500 environmental mitigation for road-construction-related impacts
3501 incurred by the Department of Transportation or Central Florida
3502 Expressway Authority, or for other impacts incurred by other
3503 entities, within the Wekiva Study Area or within the Wekiva
3504 parkway alignment corridor, and if the mitigation offsets these
3505 impacts, the St. Johns River Water Management District and the
3506 Department of Environmental Protection shall consider the
3507 activity regulated under part IV of chapter 373 to meet the
3508 cumulative impact requirements of s. 373.414(8)(a).

3509 (a) Acquisition of the land described in this section is
3510 required to provide right-of-way for the Wekiva Parkway, a

3511 limited access roadway linking State Road 429 to Interstate 4,
3512 an essential component in meeting regional transportation needs
3513 to provide regional connectivity, improve safety, accommodate
3514 projected population and economic growth, and satisfy critical
3515 transportation requirements caused by increased traffic volume
3516 growth and travel demands.

3517 (b) Acquisition of the lands described in this section is
3518 also required to protect the surface water and groundwater
3519 resources of Lake, Orange, and Seminole counties, otherwise
3520 known as the Wekiva Study Area, including recharge within the
3521 springshed that provides for the Wekiva River system. Protection
3522 of this area is crucial to the long term viability of the Wekiva
3523 River and springs and the central Florida region's water supply.
3524 Acquisition of the lands described in this section is also
3525 necessary to alleviate pressure from growth and development
3526 affecting the surface and groundwater resources within the
3527 recharge area.

3528 (c) Lands acquired pursuant to this section that are
3529 needed for transportation facilities for the Wekiva Parkway
3530 shall be determined not necessary for conservation purposes
3531 pursuant to ss. 253.0341 ~~253.034(6)~~ and 373.089(5) and shall be
3532 transferred to or retained by the Central Florida Expressway
3533 Authority or the Department of Transportation upon reimbursement
3534 of the full purchase price and acquisition costs.

3535 (7) The Department of Transportation, the Department of
3536 Environmental Protection, the St. Johns River Water Management

3537 District, Central Florida Expressway Authority, and other land
 3538 acquisition entities shall cooperate and establish funding
 3539 responsibilities and partnerships by agreement to the extent
 3540 funds are available to the various entities. Properties acquired
 3541 with Florida Forever funds shall be in accordance with s.
 3542 253.025 ~~259.041~~ or chapter 373. The Central Florida Expressway
 3543 Authority shall acquire land in accordance with this section ~~of~~
 3544 ~~law~~ to the extent funds are available from the various funding
 3545 partners; however, the authority is, ~~but shall not be~~ required
 3546 or not assumed to fund the land acquisition beyond the agreement
 3547 and funding provided by the various land acquisition entities.

3548 Section 33. Paragraph (a) of subsection (3) of section
 3549 373.139, Florida Statutes, is amended to read:

3550 373.139 Acquisition of real property.—

3551 (3) The initial 5-year work plan and any subsequent
 3552 modifications or additions thereto shall be adopted by each
 3553 water management district after a public hearing. Each water
 3554 management district shall provide at least 14 days' advance
 3555 notice of the hearing date and shall separately notify each
 3556 county commission within which a proposed work plan project or
 3557 project modification or addition is located of the hearing date.

3558 (a) Appraisal reports, offers, and counteroffers are
 3559 confidential and exempt from ~~the provisions of~~ s. 119.07(1)
 3560 until an option contract is executed or, if no option contract
 3561 is executed, until 30 days before a contract or agreement for
 3562 purchase is considered for approval by the governing board.

3563 However, each district may, at its discretion, disclose
 3564 appraisal reports to private landowners during negotiations for
 3565 acquisitions using alternatives to fee simple techniques, if the
 3566 district determines that disclosure of such reports will bring
 3567 the proposed acquisition to closure. If ~~In the event that~~
 3568 negotiation is terminated by the district, the appraisal report,
 3569 offers, and counteroffers shall become available pursuant to s.
 3570 119.07(1). Notwithstanding ~~the provisions of~~ this section and s.
 3571 253.025 ~~259.041~~, a district and the Division of State Lands may
 3572 share and disclose appraisal reports, appraisal information,
 3573 offers, and counteroffers when joint acquisition of property is
 3574 contemplated. A district and the Division of State Lands shall
 3575 maintain the confidentiality of such appraisal reports,
 3576 appraisal information, offers, and counteroffers in conformance
 3577 with this section and s. 253.025 ~~259.041~~, except in those cases
 3578 in which a district and the division have exercised discretion
 3579 to disclose such information. A district may disclose appraisal
 3580 information, offers, and counteroffers to a third party who has
 3581 entered into a contractual agreement with the district to work
 3582 with or on the behalf of or to assist the district in connection
 3583 with land acquisitions. The third party shall maintain the
 3584 confidentiality of such information in conformance with this
 3585 section. In addition, a district may use, as its own, appraisals
 3586 obtained by a third party provided the appraiser is selected
 3587 from the district's list of approved appraisers and the
 3588 appraisal is reviewed and approved by the district.

3589 Section 34. Subsection (8) of section 375.031, Florida
 3590 Statutes, is amended to read:

3591 375.031 Acquisition of land; procedures.—

3592 (8) The department may, if it deems it desirable and in
 3593 the best interest of the program, request the board of trustees
 3594 to sell or otherwise dispose of any lands or water storage areas
 3595 acquired under this act. The board of trustees, when so
 3596 requested, shall offer the lands or water storage areas, on such
 3597 terms as the department may determine, first to other state
 3598 agencies and then, if still available, to the county or
 3599 municipality in which the lands or water storage areas lie. If
 3600 not acquired by another state agency or local governmental body
 3601 for beneficial public purposes, the lands or water storage areas
 3602 shall then be offered by the board of trustees at public sale,
 3603 after first giving notice of such sale by publication in a
 3604 newspaper published in the county or counties in which such
 3605 lands or water storage areas lie not less than once a week for 3
 3606 consecutive weeks. All proceeds from the sale or disposition of
 3607 any lands or water storage areas pursuant to this section shall
 3608 be deposited into the appropriate trust fund pursuant to s.
 3609 253.0341 ~~253.034(6)(k), (l), or (m)~~.

3610 Section 35. Subsection (2) of section 375.041, Florida
 3611 Statutes, is amended to read:

3612 375.041 Land Acquisition Trust Fund.—

3613 (2) All moneys and revenue from the sale or other
 3614 disposition of land, water areas, or related resources acquired

3615 on or after July 1, 2015, for the purposes of s. 28, Art. X of
 3616 the State Constitution shall be deposited into or credited to
 3617 the Land Acquisition Trust Fund, except as otherwise provided
 3618 pursuant to s. 253.0341 ~~253.034(6)(1)~~.

3619 Section 36. Paragraph (a) of subsection (1) of section
 3620 380.05, Florida Statutes, is amended to read:

3621 380.05 Areas of critical state concern.—

3622 (1)(a) The state land planning agency may from time to
 3623 time recommend to the Administration Commission specific areas
 3624 of critical state concern. In its recommendation, the agency
 3625 shall include recommendations with respect to the purchase of
 3626 lands situated within the boundaries of the proposed area as
 3627 environmentally endangered lands and outdoor recreation lands
 3628 under the Land Conservation Program Act ~~of 1972~~. The agency also
 3629 shall include any report or recommendation of a resource
 3630 planning and management committee appointed pursuant to s.
 3631 380.045; the dangers that would result from uncontrolled or
 3632 inadequate development of the area and the advantages that would
 3633 be achieved from the development of the area in a coordinated
 3634 manner; a detailed boundary description of the proposed area;
 3635 specific principles for guiding development within the area; an
 3636 inventory of lands owned by the state, federal, county, and
 3637 municipal governments within the proposed area; and a list of
 3638 the state agencies with programs that affect the purpose of the
 3639 designation. The agency shall recommend actions which the local
 3640 government and state and regional agencies must accomplish in

3641 order to implement the principles for guiding development. These
 3642 actions may include, but need ~~shall~~ not be limited to, revisions
 3643 of the local comprehensive plan and adoption of land development
 3644 regulations, density requirements, and special permitting
 3645 requirements.

3646 Section 37. Paragraph (b) of subsection (5) of section
 3647 380.055, Florida Statutes, is amended to read:

3648 380.055 Big Cypress Area.—

3649 (5) ACQUISITION OF BIG CYPRESS NATIONAL PRESERVE.—

3650 (b) The Board of Trustees of the Internal Improvement
 3651 Trust Fund shall set aside from the proceeds of the full faith
 3652 and credit bonds authorized by the Land Conservation Program Act
 3653 ~~of 1972~~, or from other funds authorized, appropriated, or
 3654 allocated for the acquisition of environmentally endangered
 3655 lands, or from both sources, \$40 million for acquisition of the
 3656 area proposed as the Federal Big Cypress National Preserve,
 3657 Florida, or portions thereof.

3658 Section 38. Paragraph (f) of subsection (4) of section
 3659 380.508, Florida Statutes, is amended to read:

3660 380.508 Projects; development, review, and approval.—

3661 (4) Projects or activities which the trust undertakes,
 3662 coordinates, or funds in any manner shall comply with the
 3663 following guidelines:

3664 (f) The trust shall cooperate with local governments,
 3665 state agencies, federal agencies, and nonprofit organizations in
 3666 ensuring the reservation of lands for parks, recreation, fish

3667 and wildlife habitat, historical preservation, or scientific
3668 study. If any local government, state agency, federal agency, or
3669 nonprofit organization is unable, due to limited financial
3670 resources or other circumstances of a temporary nature, to
3671 acquire a site for the purposes described in this paragraph, the
3672 trust may acquire and hold the site for subsequent conveyance to
3673 the appropriate governmental agency or nonprofit organization.
3674 The trust may provide such technical assistance as required to
3675 aid local governments, state and federal agencies, and nonprofit
3676 organizations in completing acquisition and related functions.
3677 The trust may not reserve lands acquired in accordance with this
3678 paragraph for more than 5 years from the time of acquisition. A
3679 local government, federal or state agency, or nonprofit
3680 organization may acquire the land at any time during this period
3681 for public purposes. The purchase price shall be based upon the
3682 trust's cost of acquisition, plus administrative and management
3683 costs in reserving the land. The payment of the purchase price
3684 shall be by money, trust-approved property of an equivalent
3685 value, or a combination of money and trust-approved property.
3686 If, after the 5-year period, the trust has not sold to a
3687 governmental agency or nonprofit organization land acquired for
3688 site reservation, the trust shall dispose of such land at fair
3689 market value or shall trade it for other land of comparable
3690 value which will serve to accomplish the purposes of this part.
3691 Any proceeds from the sale of such land received by the
3692 department shall be deposited into the appropriate trust fund

3693 pursuant to s. 253.0341 ~~253.034(6)(k), (l), or (m)~~.

3694
 3695 Project costs may include costs of providing parks, open space,
 3696 public access sites, scenic easements, and other areas and
 3697 facilities serving the public where such features are part of a
 3698 project plan approved according to this part. In undertaking or
 3699 coordinating projects or activities authorized by this part, the
 3700 trust shall, when appropriate, use and promote the use of
 3701 creative land acquisition methods, including the acquisition of
 3702 less than fee interest through, among other methods,
 3703 conservation easements, transfer of development rights, leases,
 3704 and leaseback arrangements. The trust shall assist local
 3705 governments in the use of sound alternative methods of financing
 3706 for funding projects and activities authorized under this part.
 3707 Any funds over and above eligible project costs, which remain
 3708 after completion of a project approved according to this part,
 3709 shall be transmitted to the state and deposited into the Florida
 3710 Forever Trust Fund.

3711 Section 39. Section 570.715, Florida Statutes, is created
 3712 to read:

3713 570.715 Conservation Easement Acquisition Procedures.—

3714 (1) For less than fee simple acquisitions pursuant to s.
 3715 570.71, the Department of Agriculture and Consumer Services
 3716 shall comply with the following acquisition procedures:

3717 (a) Evidence of marketable title in the form of a
 3718 commitment for title insurance or an abstract of title with a

3719 title opinion shall be obtained prior to the conveyance of title
3720 by the department.

3721 (b) Before approval by the board of trustees of any
3722 agreement to purchase less than fee simple title to land
3723 pursuant to s. 570.71, an appraisal of the parcel shall be
3724 required as follows:

3725 1. Each parcel to be acquired shall have at least one
3726 appraisal. Two appraisals are required when the estimated value
3727 of the parcel exceeds \$1 million. However, when both appraisals
3728 exceed \$1 million and differ significantly, a third appraisal
3729 may be obtained.

3730 2. Appraisal fees and associated costs shall be paid by
3731 the department. All appraisals used for the acquisition of less
3732 than fee interests in lands pursuant to this section shall be
3733 prepared by a state-certified appraiser who meets the standards
3734 and criteria established in board of trustees' rules. Each
3735 appraiser selected to appraise a particular parcel shall, prior
3736 to contracting with the department or a participant in a
3737 multiparty agreement, submit to the department or participant an
3738 affidavit substantiating that he or she has no vested or
3739 fiduciary interest in such parcel.

3740 (c) A certified survey must be made which meets the
3741 minimum requirements for upland parcels established in the
3742 Standards of Practice for Land Surveying in Florida published by
3743 the department and which accurately portrays, to the greatest
3744 extent practicable, the condition of the parcel as it currently

3745 exists. The requirement for a certified survey may, in part or
3746 in whole, be waived by the board of trustees any time before
3747 acquisition of the less than fee simple interest. When an
3748 existing boundary map and description of a parcel are determined
3749 by the department to be sufficient for appraisal purposes, the
3750 department may temporarily waive the requirement for a survey
3751 until any time before conveyance of title to the parcel.

3752 (d) On behalf of the board and before the appraisal of
3753 parcels approved for purchase under s. 259.105(3)(i) and s.
3754 570.71, the department may enter into option contracts to buy
3755 less than fee interests in such parcels. Any such option
3756 contract shall state that the final purchase price is subject to
3757 approval by the board and that the final purchase price may not
3758 exceed the maximum offer allowed by law. Any such option
3759 contract presented to the board for final purchase price
3760 approval shall explicitly state that payment of the final
3761 purchase price is subject to an appropriation by the
3762 Legislature. The consideration for such an option may not exceed
3763 \$1,000 or 0.01 percent of the estimate by the department of the
3764 value of the parcel, whichever amount is greater.

3765 (e) A final offer shall be in the form of an option
3766 contract or agreement for purchase of the less than fee simple
3767 interest and shall be signed and attested to by the owner and
3768 the department. Before the department signs the agreement for
3769 purchase of the less than fee interest or exercises the option
3770 contract, the provisions of s. 286.23 shall be complied with.

3771 (f) The provisions of s. 253.025(9)(a) - (d) shall be
3772 followed.

3773 (g) The provisions of s. 253.025(10) shall be followed.

3774 (2) If the public's interest is reasonably protected, the
3775 board of trustees may:

3776 (a) Waive any requirements of this section.

3777 (b) Waive any rules adopted pursuant to s. 570.71,
3778 notwithstanding chapter 120.

3779 (c) Substitute other reasonably prudent procedures,
3780 including federally mandated acquisition procedures if federal
3781 funds are available and will be used for the purchase of a less
3782 than fee interest in lands, title to which will vest in the
3783 board of trustees, and qualification for such federal funds
3784 requires compliance with federally mandated acquisition
3785 procedures.

3786 (3) The less than fee simple land acquisition procedures
3787 provided for in this section are for voluntary, negotiated
3788 acquisitions.

3789 (4) For the purposes of this section, the term
3790 "negotiations" does not include preliminary contacts with the
3791 property owner to determine availability or eligibility of the
3792 property, existing appraisal data, existing abstracts, and
3793 surveys.

3794 Section 40. Section 589.07, Florida Statutes, is amended
3795 to read:

3796 589.07 Florida Forest Service may acquire lands for forest

3797 | purposes.—The Florida Forest Service, on behalf of the state and
 3798 | subject to the restrictions mentioned in s. 589.08, may acquire
 3799 | lands, suitable for state forest purposes, by gift, donation,
 3800 | contribution, purchase, or otherwise and may enter into
 3801 | agreements with the Federal Government, or other agency, for
 3802 | acquiring by gift, purchase, or otherwise, such lands as are, in
 3803 | the judgment of the Florida Forest Service, suitable and
 3804 | desirable for state forests. The acquisition procedures for
 3805 | state lands provided in s. 253.025 ~~259.041~~ do not apply to
 3806 | acquisition of land by the Florida Forest Service.

3807 | Section 41. Paragraphs (a) and (b) of subsection (4) of
 3808 | section 944.10, Florida Statutes, are amended to read:

3809 | 944.10 Department of Corrections to provide buildings;
 3810 | sale and purchase of land; contracts to provide services and
 3811 | inmate labor.—

3812 | (4) (a) Notwithstanding s. 253.025 or s. 287.057, whenever
 3813 | the department finds it to be necessary for timely site
 3814 | acquisition, it may contract without the need for competitive
 3815 | selection with one or more appraisers whose names are contained
 3816 | on the list of approved appraisers maintained by the Division of
 3817 | State Lands of the Department of Environmental Protection in
 3818 | accordance with s. 253.025(8) ~~253.025(6)(b)~~. In those instances
 3819 | in which the department directly contracts for appraisal
 3820 | services, it must also contract with an approved appraiser who
 3821 | is not employed by the same appraisal firm for review services.

3822 | (b) Notwithstanding s. 253.025(8) ~~253.025(6)~~, the

3823 department may negotiate and enter into an option contract
3824 before an appraisal is obtained. The option contract must state
3825 that the final purchase price cannot exceed the maximum value
3826 allowed by law. The consideration for such an option contract
3827 may not exceed 10 percent of the estimate obtained by the
3828 department or 10 percent of the value of the parcel, whichever
3829 amount is greater.

3830 Section 42. Subsections (6) and (7) of section 957.04,
3831 Florida Statutes, are amended to read:

3832 957.04 Contract requirements.—

3833 (6) Notwithstanding s. 253.025(9) ~~253.025(7)~~, the Board of
3834 Trustees of the Internal Improvement Trust Fund need not approve
3835 a lease-purchase agreement negotiated by the Department of
3836 Management Services if the Department of Management Services
3837 finds that there is a need to expedite the lease-purchase.

3838 (7) (a) Notwithstanding s. 253.025 or s. 287.057, whenever
3839 the Department of Management Services finds it to be in the best
3840 interest of timely site acquisition, it may contract without the
3841 need for competitive selection with one or more appraisers whose
3842 names are contained on the list of approved appraisers
3843 maintained by the Division of State Lands of the Department of
3844 Environmental Protection in accordance with s. 253.025(8)
3845 ~~253.025(6)(b)~~. In those instances when the Department of
3846 Management Services directly contracts for appraisal services,
3847 it shall also contract with an approved appraiser who is not
3848 employed by the same appraisal firm for review services.

3849 (b) Notwithstanding s. 253.025(8) ~~253.025(6)~~, the
 3850 Department of Management Services may negotiate and enter into
 3851 lease-purchase agreements before an appraisal is obtained. Any
 3852 such agreement must state that the final purchase price cannot
 3853 exceed the maximum value allowed by law.

3854 Section 43. Paragraphs (a) and (b) of subsection (12) of
 3855 section 985.682, Florida Statutes, are amended to read:

3856 985.682 Siting of facilities; criteria.—

3857 (12) (a) Notwithstanding s. 253.025 or s. 287.057, when the
 3858 department finds it necessary for timely site acquisition, it
 3859 may contract, without using the competitive selection procedure,
 3860 with an appraiser whose name is on the list of approved
 3861 appraisers maintained by the Division of State Lands of the
 3862 Department of Environmental Protection under s. 253.025(8)
 3863 ~~253.025(6)(b)~~. When the department directly contracts for
 3864 appraisal services, it must contract with an approved appraiser
 3865 who is not employed by the same appraisal firm for review
 3866 services.

3867 (b) Notwithstanding s. 253.025(8) ~~253.025(6)~~, the
 3868 department may negotiate and enter into an option contract
 3869 before an appraisal is obtained. The option contract must state
 3870 that the final purchase price may not exceed the maximum value
 3871 allowed by law. The consideration for such an option contract
 3872 may not exceed 10 percent of the estimate obtained by the
 3873 department or 10 percent of the value of the parcel, whichever
 3874 amount is greater.

3875 Section 44. Paragraph (b) of subsection (1) of section
 3876 1013.14, Florida Statutes, is amended to read:

3877 1013.14 Proposed purchase of real property by a board;
 3878 confidentiality of records; procedure.—

3879 (1)

3880 (b) Before ~~Prior to~~ acquisition of the property, the board
 3881 shall obtain at least one appraisal by an appraiser approved
 3882 pursuant to s. 253.025(8) ~~253.025(6)(b)~~ for each purchase in an
 3883 amount greater than \$100,000 and not more than \$500,000. For
 3884 each purchase in an amount in excess of \$500,000, the board
 3885 shall obtain at least two appraisals by appraisers approved
 3886 pursuant to s. 253.025(8) ~~253.025(6)(b)~~. If the agreed to
 3887 purchase price exceeds the average appraised value, the board is
 3888 required to approve the purchase by an extraordinary vote.

3889 Section 45. For the 2016-2017 fiscal year, the sums of
 3890 \$396,040 in recurring funds and \$1,370,528 in nonrecurring funds
 3891 from the General Revenue Fund are appropriated to the Department
 3892 of Environmental Protection, and four full-time equivalent
 3893 positions with associated salary rate of 182,968 are authorized,
 3894 for the purpose of implementing the amendments made by this act
 3895 to ss. 253.034 and 253.0341, Florida Statutes, and the
 3896 provisions of s. 253.87, Florida Statutes, as created by this
 3897 act.

3898 Section 46. This act shall take effect July 1, 2016.