

Agriculture & Natural Resources Subcommittee

**Wednesday, January 20, 2016
12:00 PM
Reed Hall (102 HOB)**

Meeting Packet

**Steve Crisafulli
Speaker**

**Tom Goodson
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

(AMENDED 1/15/2016 4:37:22PM)

Amended(2)

Agriculture & Natural Resources Subcommittee

Start Date and Time: Wednesday, January 20, 2016 12:00 pm
End Date and Time: Wednesday, January 20, 2016 02:00 pm
Location: Reed Hall (102 HOB)
Duration: 2.00 hrs

Consideration of the following bill(s):

HB 489 Shellfish Harvesting by Drake
HB 677 State Park Fee Discounts for Senior Citizens by Stafford
HB 749 Agriculture by Raburn
HB 1075 State Lands by Caldwell
HB 1205 Fumigation by Magar

Presentation by Johnny Georges, Founder of Tree T-Pee

NOTICE FINALIZED on 01/15/2016 4:37PM by Love.John

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 489 Shellfish Harvesting
SPONSOR(S): Drake and others
TIED BILLS: IDEN./SIM. BILLS: SB 1564

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Gregory	Harrington
2) Agriculture & Natural Resources Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

An individual who wishes to conduct aquaculture activities on sovereign submerged lands, such as shellfish harvesting, must obtain a lease from the Board of Trustees of the Internal Improvement Trust (Board of Trustees). Current law prohibits the removal of oysters from natural or artificial reefs by dredge or other mechanical device unless specifically authorized by the Board of Trustees in a lease before July 1, 1989.

This bill makes changes to the shellfish harvesting provisions by:

- Expanding the definition of shellfish to include scallops, mussels, and clams;
- Authorizing the Board of Trustees to permit the harvest of shellfish using a dredge or other mechanical device in a submerged lands lease or perpetual shellfish lease issued by FWC with certain conditions;
- Prohibiting mechanical dredging of shellfish from Apalachicola Bay unless specifically authorized by the Board of Trustees in a lease issued before July 1, 1989, and on natural reefs or submerged lands unless authorized by the Board of Trustees in a submerged lands lease or perpetual shellfish lease issued by FWC;
- Allowing submerged land leases to contain special conditions that provide for flexibility in surveying and posting lease boundaries, incorporate conditions necessary to issue environmental protection permits, and provide for special activities related to aquaculture and resource management; and
- Requiring individuals who use dredge or other mechanical devices to harvest shellfish to obtain a special activity license for each vessel from FWC and pay an annual fee of \$25. This provision does not apply to Apalachicola Bay.

The bill appears to have a positive fiscal impact on FWC and an indeterminate fiscal impact on the private sector.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Shellfish such as oysters, scallops, clams, and mussels occur throughout Florida waters. Evidence suggests that humans harvested shellfish as far back as 150,000 years ago. Native Americans hand collected clams and oysters in shallow coastal waters and later fished with rakes and tongs from canoes and skiffs to access deeper waters.¹

Over the past century, aquacultural cultivation of shellfish has replaced direct harvest of natural stocks.² Shellfish aquaculture often involves “planting” empty shells on the beds of submerged lands and “seeding” the shells with larva.³ The shellfish grow to maturity and are then harvested. The shellfish provide environmentally-beneficial ecosystem services such as water filtration, nitrogen removal, and carbon storage.⁴

Contemporary on-bottom shellfish cultivation uses rake-like dredges to harvest planted shellfish seed or to collect naturally recruited stocks from leased beds. The type of mechanical dredge used depends on the type of shellfish harvested. Oysters may be collected by dragging behind the boat a steel frame with bladed teeth and a collection bag or using a suction dredge. Clams may be collected by a hydraulic dredge which loosens the clams with high pressure jets and collects the clams in chain mesh bags. Harvesters collect scallops with a steel-framed structure with a cutting bar on the leading edge which rides above the surface of the submerged lands, kicking up sea scallops and collecting them into an attached bag.⁵

In Florida, an individual who wishes to conduct aquaculture activities on sovereign submerged lands must obtain a lease from the Board of Trustees of the Internal Improvement Trust (Board of Trustees).⁶ The Board of Trustees delegated the power to issue these leases to the Department of Agriculture and Consumer Services (DACS).⁷ Individuals may not remove oysters from natural or artificial reefs by dredge or other mechanical device unless specifically authorized by Board of Trustees in a lease issued before July 1, 1989.⁸

Certified aquaculture activities that apply appropriate best management practices (BMPs) adopted by DACS are exempt from obtaining an Environmental Resource Permit (ERP) from the Department of Environmental Protection (DEP) or water management districts (WMDs).⁹ The following are examples of the BMP requirements:

- Land-based facilities must be designed and operated in a manner which minimizes adverse impacts to the receiving waters, adjacent wetlands, and uplands;
- Pumping, intake and discharge systems must be designed in a manner which does not create currents which increase sedimentation, scouring, turbidity, or in any way damage the surrounding habitat;

¹ National Oceanic and Atmospheric Administration (NOAA), Review of the Ecological Effects of Dredging in the Cultivation and Harvest of Molluscan Shellfish, available at: <http://www.nefsc.noaa.gov/publications/tm/tm220/> (last visited January 7, 2016).

² Id.

³ University of Florida Institute of Food and Agricultural Sciences, *About the Industry*, available at: <http://shellfish.ifas.ufl.edu/industry/> (last visited January 8, 2016).

⁴ University of Florida Institute of Food and Agricultural Sciences, *Environmental Benefits*, available at: <http://shellfish.ifas.ufl.edu/environmental-benefits/>, (last visited January 8, 2016).

⁵ NOAA, *supra* note 1.

⁶ Sections 253.67 through 253.75 and 597.010, F.S.; Rule 18-21.021, F.A.C.

⁷ Section 253.002(1), F.S.

⁸ Sections 379.2525(2) and 597.010(18), F.S.

⁹ Section 373.406(8), F.S.

- Sediment removal and disposal must be conducted in a manner that eliminates or minimizes adverse impacts to the receiving waters;
- Shell stock must not be used to fill wetlands or be placed on submerged lands. Shell stock may be disposed of in appropriate upland areas, landfills, or designated shell recycling areas;
- Hatchery operators must maintain records of all brood stock purchases and seed sales for a period at least two years. These records must be available for inspection by DACS upon request;
- A Florida based clam hatchery selling seed must be certified as a clam hatchery facility. Clam seed sold or transferred from these certified facilities must be accompanied with an aquaculture certification number attached to all product containers and associated sales documentation;
- The activity must follow all the terms of the submerged lands lease;
- The lease area must be marked to sufficiently warn mariners passing in the vicinity of the lease and the potential hazards to navigation;
- Culture materials placed on the grow-out area must be a suitable substrate for attachment of oyster larvae;
- Bags, cover nets, or trays used in the culture operation must be removed from the water during all mechanical cleaning, maintenance and repair operations. During harvest, culture bags and cover nets must be rinsed and cleaned over the grow-out area to allow sediments to remain in the lease area.¹⁰

While exempted from ERP requirements, individuals engaged in aquaculture may need to obtain a dredge and fill permit from the U.S. Army Corps of Engineers and a National Pollution Discharge Elimination System (NPDES) permit from the U.S. Environmental Protection Agency if certain thresholds are met.¹¹

An individual who engages in aquaculture must be certified by DACS.¹² Further, individuals who commercially harvest, possess, or sell shellfish must obtain a Saltwater Products License¹³ and a shellfish endorsement¹⁴ or Apalachicola Bay Oyster Harvesting License from the Fish and Wildlife Conservation Commission (FWC), unless they are harvesting from an aquaculture lease under the authority of an Aquaculture Certificate of Registration issued by DACS.¹⁵ Individuals may not commercially harvest bay scallops or freshwater mussels.¹⁶

Effect of the Proposed Changes

This bill makes changes to the shellfish harvesting provisions by:

- Expanding the definition of shellfish that may be harvested to include scallops, mussels, and clams.
- Prohibiting mechanical dredging of shellfish from Apalachicola Bay unless specifically authorized by the Board of Trustees in a lease issued before July 1, 1989, and on natural reefs or submerged lands unless authorized by the Board of Trustees in a submerged lands lease or perpetual shellfish lease issued by FWC.

¹⁰ DACS, *Aquaculture Best Management Practices Manual*, p. 45 – 51, available at: http://www.freshfromflorida.com/content/download/64046/1520658/BMP_RULE_AND_MANUAL_FINAL.pdf (last visited January 15, 2016).

¹¹ DACS, *Aquaculture Best Management Practices Manual*, *September 2015*, p. 8-9, available at: http://www.freshfromflorida.com/content/download/64046/1520658/BMP_RULE_AND_MANUAL_FINAL.pdf (last visited January 7, 2016).

¹² Section 597.004, F.S.

¹³ Section 379.361, F.S.

¹⁴ Rules 68B-17.009 and 68B-27.018(1), F.A.C.

¹⁵ FWC, *Shellfish*, available at: <http://myfwc.com/fishing/saltwater/commercial/shellfish/> (last visited January 8, 2016).

¹⁶ Rules 68B-18.004 and 68A-23.015, F.A.C.

- Authorizing the Board of Trustees to permit the harvest of shellfish using a dredge or other mechanical devices in a submerged land lease or perpetual shellfish lease issued by FWC. As a condition of these leases:
 - The activities may not adversely affect public health, safety, welfare, and natural resources. Except as provided in a perpetual shellfish lease, this provision does not apply to Apalachicola Bay;
 - Individuals may not use dredges or other mechanical devices to harvest shellfish from 5pm until sunrise;
 - The leaseholder must notify DACS 48 hours before each day's use of dredge or mechanical harvesting device;
 - Individuals may only use two dredges or mechanical devices per lease at any one time; and
 - Each vessel using a dredge or mechanical harvesting devices must display the lease number in numbers that are at least twelve inches high and six inches wide.
- Authorizing submerged land leases to contain special conditions that provide for flexibility in surveying and posting lease boundaries, incorporating conditions necessary to issue environmental protection permits, and providing for special activities related to aquaculture and resource management.¹⁷
- Requiring individuals who use dredge or other mechanical devices to harvest shellfish to obtain a special activity license for each vessel from FWC and pay an annual fee of \$25. The bill provides that this provision will not apply to Apalachicola Bay.

B. SECTION DIRECTORY:

Section 1. Amends s. 597.010, F.S., relating to shellfish regulations and leases.

Section 2. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill may have a positive fiscal impact on FWC by requiring individuals who use dredge or other mechanical devices to harvest shellfish to obtain a special activity license for each vessel from FWC and pay an annual fee of \$25.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

¹⁷ See s. 253.71(7), F.S.
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 DATE: 1/15/2016

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have a positive fiscal impact on individuals or companies who engaged in aquaculture by allowing the harvest of shellfish with dredge or other mechanical devices rather than employing individuals to harvest the shellfish by hand. As a result, the bill may have a negative fiscal impact on individuals who are employed to harvest shellfish by hand.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

DACS, FWC, and the Board of Trustees appear to have sufficient rulemaking authority to conform their rules to the changes made in the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments: Shellfish Definition

The bill may need to be amended to clarify that bay scallops and freshwater mussels may not be commercially harvested in order to conform with FWC Rules 68B-18.004 and 68A-23.015, F.A.C., which provide that bay scallops and freshwater mussels may not be commercially harvested. The Legislature may not enact laws that are inconsistent with FWC regulations.¹⁸

Other Comments: DACS

The bill requires leaseholders to notify FWC of dredging activities, mark their vessels with a 12 inch high registration number, and obtain a Special Activity License. According to DACS, these are requirements of the now defunct Marine Fisheries Commission that were placed in statutes approximately 35-40 years ago. DACS states that shellfish farming is an agriculture operation not a wild resource activity regulated by FWC. Therefore, these requirements are no longer necessary and a duplication of regulations and requirements of the Board of Trustees.¹⁹

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

¹⁸ Section 9, Art. IV, Fla. Const.

¹⁹ DACS, Agency Analysis of 2016 House Bill 497, p. 2 (November 16, 2015).

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A bill to be entitled
 An act relating to shellfish harvesting; amending s.
 597.010, F.S.; revising provisions for the harvest of
 shellfish from natural reefs and submerged lands;
 defining the term "shellfish"; prohibiting the harvest
 of shellfish by dredges or mechanical harvesting
 devices unless specifically authorized in certain
 submerged land or perpetual shellfish leases;
 providing for the Board of Trustees of the Internal
 Improvement Trust Fund instead of the Department of
 Agricultural and Consumer Services to authorize the
 harvest of shellfish by dredges or mechanical
 harvesting devices in submerged land leases and
 perpetual shellfish leases; revising conditions for
 such authorization; providing that conditions for the
 use of dredges or mechanical harvesting devices in
 submerged lands leases may be provided as special
 conditions in aquaculture leases; revising provisions
 authorizing the Fish and Wildlife Conservation
 Commission to collect fees and issue special activity
 licenses for vessels using dredges or mechanical
 harvesting devices to harvest shellfish; providing
 penalties; providing an effective date.

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

27 Section 1. Subsection (18) of section 597.010, Florida
 28 Statutes, is amended to read:

29 597.010 Shellfish regulation; leases.—

30 (18) HARVESTING SHELLFISH ~~REMOVING OYSTERS, CLAMS, OR~~
 31 ~~MUSSELS FROM NATURAL REEFS AND SUBMERGED LANDS; LICENSES, ETC.;~~
 32 ~~PENALTY.—~~

33 (a) Shellfish may be harvested from natural reefs and
 34 submerged lands by common hand tongs or by hand while scuba
 35 diving, free diving, leaning from vessels, or wading. As used in
 36 this subsection, the term "shellfish" means oysters, clams,
 37 mussels, and scallops.

38 (b) Shellfish may not be harvested by a dredge or
 39 mechanical harvesting device from:

40 1. Public shellfish beds in Apalachicola Bay unless the
 41 use of a dredge or mechanical harvesting device is specifically
 42 authorized in a submerged land lease under chapter 253 before
 43 July 1, 1989.

44 2. Natural reefs or submerged lands unless the use of a
 45 dredge or mechanical harvesting device is specifically
 46 authorized in a submerged land lease under chapter 253 or a
 47 perpetual shellfish lease under chapter 379.

48 ~~(a) It is unlawful to use a dredge or any means or~~
 49 ~~implement other than hand tongs in removing oysters from the~~
 50 ~~natural or artificial state reefs or beds. This restriction~~
 51 ~~shall apply to all areas of Apalachicola Bay for all shellfish~~
 52 ~~harvesting, excluding private grounds leased or granted by the~~

53 ~~state prior to July 1, 1989, if the lease or grant specifically~~
 54 ~~authorizes the use of implements other than hand tongs for~~
 55 ~~harvesting. Except in Apalachicola Bay, upon the payment of \$25~~
 56 ~~annually, for each vessel or boat using a dredge or machinery in~~
 57 ~~the gathering of clams or mussels, a special activity license~~
 58 ~~may be issued by the Fish and Wildlife Conservation Commission~~
 59 ~~pursuant to subsection (15) or s. 379.361 for such use to such~~
 60 ~~person.~~

61 ~~(c)(b)~~ Approval by The Board of Trustees of the Internal
 62 Improvement Trust Fund may authorize the department to harvest
 63 of shellfish by a dredge or other mechanical harvesting device
 64 in a submerged land lease under chapter 253 or perpetual
 65 shellfish lease under chapter 379. Such authorization means from
 66 ~~privately held shellfish leases or grants in Apalachicola Bay~~
 67 shall include, but is not ~~be~~ limited to, the following
 68 conditions:

69 1. A submerged land lease under chapter 253 may authorize
 70 the use of a dredge or other mechanical harvesting device if the
 71 public health, safety, and welfare and natural resources are not
 72 adversely impacted. Except as provided in a perpetual shellfish
 73 lease under chapter 379, this subparagraph does not apply to
 74 Apalachicola Bay ~~The use of any mechanical harvesting device~~
 75 ~~other than ordinary hand tongs for taking shellfish for any~~
 76 ~~purpose from public shellfish beds in Apalachicola Bay shall be~~
 77 ~~unlawful.~~

78 2. The possession or use of a dredge or any mechanical

79 harvesting device on the waters of this state ~~Apalachicola Bay~~
 80 from 5 p.m. until sunrise is prohibited ~~shall be unlawful~~.

81 3. Leaseholders ~~or grantees~~ shall notify the department at
 82 least ~~no less than~~ 48 hours before ~~prior to~~ each day's use of a
 83 dredge or mechanical harvesting device ~~scrape~~ in order for the
 84 department to notify the Fish and Wildlife Conservation
 85 Commission that a dredge or mechanical harvesting device will be
 86 deployed.

87 4. Only two dredges or mechanical harvesting devices
 88 ~~scrapes~~ per lease ~~or grant~~ may be possessed or used ~~operated~~ at
 89 any one time.

90 5. Each vessel using ~~used for the transport or deployment~~
 91 ~~of~~ a dredge or mechanical harvesting device ~~scrape~~ shall
 92 prominently display the lease ~~or grant~~ number or numbers, in
 93 numerals that are ~~which~~ are at least 12 inches high and at least
 94 6 inches wide, in such a manner that the lease ~~or grant~~ number
 95 or numbers are readily identifiable from ~~both~~ the air and the
 96 water.

97 (d) Any condition for the use of a dredge or mechanical
 98 harvesting device provided in a submerged lands lease under
 99 chapter 253 may be provided as a special lease condition in an
 100 aquaculture lease pursuant to s. 253.71(7).

101 (e) The Fish and Wildlife Conservation Commission may
 102 issue a special activity license pursuant to subsection (15) or
 103 s. 379.361 upon the payment of a \$25 annual fee for each vessel
 104 using a dredge or mechanical harvesting device to harvest

105 shellfish. This paragraph does not apply to Apalachicola Bay.

106 (f) Any violation of this subsection ~~paragraph~~ or of any
 107 other statutes, rules, or conditions referenced in the lease
 108 agreement is ~~shall be considered~~ a violation of the license and
 109 shall result in revocation of the lease or a denial of use or
 110 future use of a dredge or mechanical harvesting device.

111 ~~(c) Oysters may be harvested from natural or public or~~
 112 ~~private leased or granted grounds by common hand tongs or by~~
 113 ~~hand, by scuba diving, free diving, leaning from vessels, or~~
 114 ~~wading. In Apalachicola Bay, this provision shall apply to all~~
 115 ~~shellfish.~~

116 Section 2. This act shall take effect July 1, 2016.

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HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 677 State Park Fee Discounts for Senior Citizens
SPONSOR(S): Stafford
TIED BILLS: IDEN./SIM. BILLS: SB 1000

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Gregory	Harrington
2) Agriculture & Natural Resources Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

The Division of Recreation and Parks within the Department of Environmental Protection (DEP) manages 161 parks and 10 state trails covering 800,000 acres, 100 miles of beaches, and more than 1,500 miles of multi-use trails. The state established these areas for the protection and preservation of their natural features or historic significance and for public use and enjoyment. Entrance fees to the parks vary among the parks. Individuals may purchase an annual pass that allows entrance into Florida state parks in lieu of paying daily entrance fees for one year from the month of purchase. Active duty members and honorably discharged veterans of the United States Armed Forces, National Guard, or reserve components may receive a 25 percent discount on annual passes. Honorably discharged veterans who have service-connected disabilities; surviving spouses and parents of deceased members of the United States Armed Forces, National Guard, or reserve components who have fallen in combat; and surviving spouses and parents of a law enforcement officer or a firefighter who has died in the line of duty may receive lifetime family annual passes at no charge. In fiscal year 2014-2015, DEP collected \$23,741,103 in entrance fees and \$3,500,801 for annual passes.

The bill provides a 25 percent discount on entrance fees and annual passes for state parks to individuals 65 years old or older.

The bill will likely have a significant negative fiscal impact on the state.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Division of Recreation and Parks (DRP), within the Department of Environmental Protection (DEP), manages 161 parks and 10 state trails covering 800,000 acres, 100 miles of beaches, and more than 1,500 miles of multi-use trails.¹ The state established these areas for the protection and preservation of their natural features or historic significance and for public use and enjoyment.²

DRP may charge reasonable fees, rental, or charges for the use or operation of facilities and concessions in state parks.³ These fees must be deposited in the State Park Trust Fund.⁴ DRP may use these funds to administer, improve, maintain, and acquire state parks.⁵ The appropriation to the State Park Trust Fund must be continuing and may not revert to the General Revenue Fund and must be continually available to DRP for the uses described above.⁶

Entrance fees vary among the parks. The Director of DRP must recommend standard admission and other fees taking into consideration user demand, location of the park, cost of managing and operating the park, the types of facilities available, season, and natural and resource values of the park.⁷ User fees may not become effective until they are published in a statewide news release and, if requested, reviewed at a public hearing.⁸

DRP waives entrance fees for:

- Children under six;
- Patients of Florida State Mental Institutions and clients of the Department of Juvenile Justice and the Department of Children and Family Services, and other similar institutions when such patients or clients are part of an organized group or program under the sponsorship and supervision of their respective institutions or parent agencies;
- Florida school groups, accompanied by one or more teachers, and bearing a letter from the school principal, professor, or other appropriate official, certifying that the park visit is related to a specific school curriculum and is for educational purposes rather than a purely recreational outing; and
- DRP employees and families.⁹

Individuals may also purchase an annual pass. Annual passes allow entrance into state parks in lieu of entrance fees for one year from the month of purchase.¹⁰ DRP honors annual passes at all state parks, except for the Skyway Fishing Pier State Park, where they are valid for a 33 percent discount.¹¹ Individual annual passes cost \$60 while family passes cost \$120.¹²

¹ DEP, *Division of Recreation and Parks*, available at: <http://www.dep.state.fl.us/mainpage/programs/parks.htm> (last visited January 15, 2016).

² Rule 62D-2.013(1), F.A.C.

³ Section 258.014(1), F.S.

⁴ Id.

⁵ Id.

⁶ Id.

⁷ Rule 62D-2.014(2)(c), F.A.C.

⁸ Rule 62D-2.014(2)(d), F.A.C.

⁹ Rules 62D-2.014(2)(b)1. – 4., F.A.C.

¹⁰ Florida State Parks, *Annual Pass Information*, available at: <https://www.floridastateparks.org/content/annual-pass-information#aboutannualpasses> (last visited January 15, 2016).

¹¹ Id.

¹² Id. Family annual passes cover the entrance of up to eight people in a group.

Active duty members and honorably discharged veterans of the United States Armed Forces, National Guard, or reserve components may receive a 25 percent discount on annual passes.¹³ Honorably discharged veterans who have service-connected disabilities; surviving spouses and parents of deceased members of the United States Armed Forces, National Guard, or reserve components who have fallen in combat; and surviving spouse and parents of a law enforcement officer or a firefighter who has died in the line of duty may receive lifetime family annual passes at no charge.¹⁴

Florida citizens who are at least 65 years old and Florida citizens possessing a current social security disability award certificate or a 100 percent disability award certificate from the federal government may receive a camping permit that entitles them to a 50 percent discount on camping fees at Florida state parks.¹⁵

In fiscal year 2014-2015, DEP collected \$23,741,103 in entrance fees and \$3,500,801 for annual passes.¹⁶

Effect of Proposed Changes

The bill amends s. 258.0145, F.S., to provide a 25 percent discount on entrance fees and annual passes to state parks to individuals 65 years old or older.

B. SECTION DIRECTORY:

Section 1. Amends s. 258.0145, F.S., relating to state park fee discounts.

Section 2. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill will likely have a significant negative fiscal impact on DEP revenues by providing a 25 percent discount on entrance fees and annual passes to individuals 65 and older. In fiscal year 2014-2015, DEP collect \$23,741,103 in entrance fees and \$3,500,801 for annual passes.¹⁷

During a limited survey conducted in October and November 2013, DEP found that 13 percent of state park visitors were 65 or older.¹⁸ However, DEP estimates that senior citizen visitation is higher during other parts of the year.¹⁹

¹³ Section 258.0145(1), F.S.

¹⁴ Section 258.0145(2) – (4), F.S.

¹⁵ Section 258.016, F.S.; Rule 62D-2.014(1)(b)5., F.A.C.

¹⁶ DEP, HB 677 estimates 12/3/15, on file with the Agriculture and Natural Resources Subcommittee.

¹⁷ Id.

¹⁸ Id.

¹⁹ Id.

Using fiscal year 2014-2015 revenues, DEP estimated the following reductions in revenue:

Percent of park visitors 65 and older	Estimated entrance fees and pass revenues from senior citizens in FY14/15	Estimated loss of revenue	Total percent reduction in entrance fee and annual pass revenue
13%	\$3,541,448	\$885,362	3.3%
20%	\$5,448,381	\$1,362,095	5%
30%	\$8,172,571	\$2,043,143	7.5%

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill will have a positive fiscal impact on individuals 65 years old or older who visit state parks by providing them with a 25 percent discount on entrance fees and annual passes.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

DEP possesses sufficient rulemaking authority to amend rules necessary to conform to changes made in the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to state park fee discounts for senior
 3 citizens; amending s. 258.0145, F.S.; providing a
 4 discount on daily state park entrance fees and annual
 5 entrance passes for certain senior citizens; providing
 6 an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Subsection (5) is added to section 258.0145,
 11 Florida Statutes, to read:

12 258.0145 ~~Military, law enforcement, and firefighter~~ State
 13 park fee discounts.—The Division of Recreation and Parks shall
 14 provide the following discounts on park fees to persons who
 15 present written documentation satisfactory to the division which
 16 evidences their eligibility for the discounts:

17 (5) Senior citizens who are 65 years old or older shall
 18 receive a 25-percent discount on daily entrance fees and annual
 19 entrance passes.

20 Section 2. This act shall take effect July 1, 2016.



Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Agriculture & Natural
 2 Resources Subcommittee
 3 Representative Stafford offered the following:

Amendment (with title amendment)

6 Remove lines 18-19 and insert:
 7 receive a 25-percent discount on annual entrance passes.

9 -----
 10 **T I T L E A M E N D M E N T**

11 Remove line 4 and insert:
 12 discount on annual

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 749 Agriculture
SPONSOR(S): Raburn
TIED BILLS: **IDEN./SIM. BILLS:** SB 1310

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Gregory	Harrington
2) Agriculture & Natural Resources Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

The bill revises various statutes relating to agriculture.

Burning of Agricultural Crops

The Florida Forest Service possesses exclusive authority to require and issue authorizations for broadcast burning and agricultural and silvicultural pile burning. The bill further preempts local governments from regulating burning of agricultural crops by stating that the Department of Agriculture and Consumer Services (DACS) possesses sole authority to regulate the burning of crops on lands classified as agriculture.

Commercial Feed and Feedstuff Preemption

"Commercial feed" is all materials that are distributed or intended to be distributed for use as feed or for mixing in a feed for animals other than humans. "Feedstuff" is edible materials that are distributed for animal consumption and that contribute energy or nutrients, or both, to an animal diet. DACS regulates commercial feed and feedstuff for quality, safety, labeling requirements, and standards. The bill preempts local governments from regulating commercial feed and feedstuff.

Penalties for Introduction of Plant Pests

The introduction into or release into the state of any plant pest, noxious weed, genetically engineered plant or plant pest, or any other organism which may directly or indirectly affect the plant life of this state is prohibited except under special permit issued by DACS. Individuals who violate this provision commit a first degree misdemeanor and are subject to an administrative fine. The bill adds additional penalties for individuals who *knowingly* acquire, import, possess, sell or offer to sell, trade or offer to trade, barter or offer to barter, move or cause to be moved, introduce, or release a plant pest without a special permit from DACS. Specifically, the bill provides that violators are liable for all reasonable costs and expenses incurred by DACS in a plant pest control or eradication program, and subject to increased administrative and criminal penalties.

Conservation Easements

A "conservation easement" is a perpetual, undivided right or interest in real property used to retain land or water areas predominantly in their natural, scenic, open, agricultural, or wooded condition; retain such areas as suitable habitat for fish, plants, or wildlife; retain the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance; or maintain existing land uses. The bill adds that conservation easements may allow land and water areas to remain in an agricultural condition, such as livestock grazing in accordance with applicable best management practices.

The bill may have an indeterminate positive fiscal impact on DACS.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Burning of Agricultural Crops

Present Situation

Local governments possess broad statutory and constitutional powers to plan for and regulate the use of lands.¹ Part II of chapter 163, F.S., the "Community Planning Act," sets forth a framework for local governments to adopt comprehensive plans to preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services.² Private and public development must be in compliance with a local government's comprehensive plan.³

However, special exceptions exist for lands classified as agricultural pursuant to s. 193.461, F.S.⁴ Local governments may not:

- Regulate any activity of a bona fide farm operation if such activity is already regulated by best management practices, interim measures, or regulations adopted by rule by the Department of Environmental Protection (DEP), the Department of Agriculture and Consumer Services (DACS), or the Water Management Districts (WMDs), or if expressly regulated by the U.S. Department of Agriculture (USDA), the U.S. Army Corps of Engineers, or the U.S. Environmental Protection Agency. Nor may a local government charge a fee for such activities;⁵ and
- Charge a stormwater management assessment or fee on bona fide farm operation if the farm operation has a National Pollutant Discharge Elimination System permit, environmental resource permit, or works-of-the-district permit or implements best management practices adopted as rules by DEP, DACS, or a WMD.⁶

Further, local governments may not regulate broadcast burning⁷ and agricultural and silvicultural pile burning.⁸ The Florida Forest Service, within DACS, possesses exclusive authority to require and issue authorizations for broadcast burning and agricultural and silvicultural pile burning. When authorizing open burning, the Florida Forest Service may place special requirements on the activity such as site inspections, restricting wind direction, limiting the burning period, halting or limiting burning when fire danger is too high in all, and requiring specific personnel and containment equipment on site.⁹ Agencies, commissions, departments, counties, municipalities, and other political subdivisions of the state may not adopt or enforce laws, regulations, rules, or policies pertaining to broadcast burning or agricultural and silvicultural pile burning.¹⁰

¹ Section 163.3161(9), F.S.

² Section 163.3161(4), F.S.

³ Section 163.3161(6), F.S.

⁴ Section 193.461, F.S., also known as Florida's "greenbelt law," allows properties classified as a bona fide agricultural operation to be taxed according to the "use" value of the agricultural operation, rather than the development value. Generally, tax assessments for qualifying lands are lower than tax assessments for other uses.

⁵ Section 163.3162(3)(a) and (b), F.S.

⁶ Section 163.3162(3)(c), F.S. An exception exists of stormwater assessments and fees adopted before March 1, 1990.

⁷ "Broadcast burning" is the burning of agricultural or natural vegetation by allowing fire to move across a predetermined area of land. Section 590.15(1), F.S.

⁸ Section 590.02(10)(a), F.S.

⁹ Rule 5I-2.006(1), F.A.C.

¹⁰ Section 590.02(10)(a), F.S.

Effect of the Proposed Changes

The bill amends s. 163.3162, F.S., to preempt local governments from regulating burning of agricultural crops by stating that DACS possesses sole authority to regulate the burning of crops on lands classified as agriculture pursuant to s. 193.461, F.S. Currently, the Florida Forest Service, within DACS, already possesses exclusive authority to require and issue authorizations for broadcast burning and agricultural and silvicultural pile burning.

Commercial Feed and Feedstuff Preemption

Present Situation

“Commercial feed” is all materials or combinations of materials that are distributed or intended to be distributed for use as feed or for mixing in a feed for animals other than humans, except:

- Unmixed whole seeds, including physically altered entire unmixed seeds, when such seeds are not chemically changed or are not adulterated;
- Unground hay, straw, stover, silage, cobs, husks, and hulls, and individual chemical compounds or substances, when such commodities, compounds, or substances are unmixed with other substances and are not adulterated; and
- Feed mixed by the consumer for the consumer’s own use made entirely or in part from products raised on the consumer’s farm.¹¹

“Feedstuff” is edible materials, other than commercial feed, that are distributed for animal consumption and that contribute energy or nutrients, or both, to an animal diet.¹²

DACS regulates commercial feed and feedstuff for quality, safety, labeling requirements, and standards.¹³ A distributor of commercial feed must obtain a master registration and place on file a copy of the label for each brand of feed to be distributed in Florida.¹⁴

Effect of Proposed Changes

The bill creates s. 580.0365, F.S., to preempt local governments from regulating commercial feed and feedstuff.

Penalties for Introduction of Plant Pests

Present Situation

The introduction into or release into the state of any plant pest,¹⁵ noxious weed,¹⁶ genetically engineered plant or plant pest, or any other organism which may directly or indirectly affect the plant life of this state as an injurious pest, parasite, or predator of other organisms, or any arthropod, is prohibited except under special permit issued by DACS.¹⁷ Any individual who violates this provision commits a first degree misdemeanor which may be punished by a fine not to exceed \$1,000 or jail time not to exceed one year.¹⁸ DACS may impose an administrative fine that may not exceed \$5,000.¹⁹ In

¹¹ Section 580.031(2), F.S.

¹² Section 580.031(10), F.S.

¹³ Section 580.036, F.S.

¹⁴ Section 580.051, F.S.

¹⁵ The term “plant pest” means any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or their reproductive parts, or viruses, or any organisms similar to or allied with any of the foregoing, including any genetically engineered organisms, or any infectious substances which can directly or indirectly injure or cause disease or damage in any plants or plant parts or any processed, manufactured, or other plant products. Section 581.011(26), F.S.

¹⁶ The term “noxious weed” means any living stage, including, but not limited to, seeds and productive parts, of a parasitic or other plant of a kind, or subdivision of a kind, which may be a serious agricultural threat in Florida or have a negative impact on protected plant species protected. Section 581.011(19), F.S.

¹⁷ Section 581.083(1), F.S.

¹⁸ Section 581.211(1), F.S.

¹⁹ Section 581.211(3), F.S.

addition, DACS may place the violator on probation, or suspend or revoke the violator's registration or certificate, if appropriate.²⁰

While DACS may impose specified administrative fines, DACS does not have authority to require a violator to pay for the costs associated with eradicating a plant pest or noxious weed. As an example of costs incurred by DACS eradicating an illegally imported species, DACS and the USDA have spent \$11.5 million over 4 years in an attempt to eradicate giant African land snails illegally introduced into Florida.²¹

Effect of the Proposed Changes

The bill adds subsection (4) to s. 581.211, F.S., to add an additional penalty associated with reasonable costs and expenses for a plant pest control or eradication program. Specifically, the bill provides that any person who *knowingly* acquires, imports, possesses, sells or offers to sell, trades or offers to trade, barter or offers to barter, moves or causes to be moved, introduces, or releases a plant pest without a special permit from the DACS:

- Commits a first degree misdemeanor. This is consistent with the current penalty;
- Is subject to an administrative fine not to exceed \$5000. This is consistent with the current penalty;
- May have their certificate of registration or certificate of inspection suspended or revoked. This is consistent with the current penalty; and
- Is liable for the payment of all reasonable costs and expenses incurred by DACS in a pest control or eradication program. This is a new penalty.

Further, the bill adds subsection (5) to s. 581.211, F.S., to address incidents where the introduction of a plant pest causes DACS to issue a declaration of an agricultural emergency or implement an eradication program. The bill provides that any person who *knowingly* acquires, imports, possesses, sells or offers to sell, trades or offers to trade, barter or offers to barter, moves or causes to be moved, introduces, or releases a plant pest without a special permit from DACS that results in the issuance of a declaration of an agricultural emergency by DACS or the implementation of a control or eradication program by DACS or the USDA:

- Commits a second degree felony, punishable by up to 15 years in prison or up to a \$10,000 fine;²²
- Is subject to an administrative fine of \$10,000 or more;
- May have their certificate of registration or certificate of inspection suspended or revoked; and
- Is liable for the payment of all reasonable costs and expenses incurred by DACS in a pest control or eradication program.

Conservation Easements

Present Situation

A conservation easement is a right or interest in real property used to:

- Retain land or water areas predominantly in their natural, scenic, open, agricultural, or wooded condition;
- Retain such areas as suitable habitat for fish, plants, or wildlife;
- Retain the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance; or
- Maintain existing land uses.²³

²⁰ Id.

²¹ DACS, Agency Analysis of 2016 House Bill 749, p. 1 (January 5, 2016).

²² Sections 775.082 and 775.083, F.S.

²³ Section 704.06(1), F.S.

A conservation easement must prohibit or limit any or all of the following:

- Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;
- Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials;
- Removal or destruction of trees, shrubs, or other vegetation;
- Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;
- Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;
- Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation;
- Acts or uses detrimental to such retention of land or water areas; and
- Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.²⁴

Conservation easements are perpetual, undivided interests in property that are created or stated in a restriction, easement, covenant, or condition in any deed, will, or other instrument executed by or on behalf of the property owner, or in any order of taking.²⁵ These interests run with the land and are binding on all subsequent owners of the servient estate.²⁶ They must be recorded and indexed in the same manner as any other instrument affecting the title to real property.²⁷ Recording of the conservation easement gives notice to the property appraiser and tax collector of the conservation easement.²⁸

Corporations and governmental bodies acquire conservation easements in the same manner as other property interests, with the exception of condemnation or eminent domain proceedings.²⁹ Conservation easements may be acquired by any governmental body or agency or by a charitable corporation or trust whose purposes include protecting natural, scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; maintaining or enhancing air or water quality; or preserving sites or properties of historical, architectural, archaeological, or cultural significance.³⁰

Land that is dedicated in perpetuity³¹ for conservation purposes³² and that is used exclusively for conservation purposes is exempt from ad valorem taxation.³³ Additionally, land that is dedicated in perpetuity for conservation purposes and that is used for allowed commercial uses³⁴ is exempt from ad

²⁴ Id.

²⁵ Section 704.06(2), F.S.

²⁶ Section 704.06(4), F.S.

²⁷ Section 704.06(5), F.S.

²⁸ Section 704.06(7), F.S.

²⁹ Section 704.06(2), F.S.

³⁰ Section 704.06(3), F.S.

³¹ "Dedicated in perpetuity" means the land is encumbered by an irrevocable, perpetual conservation easement. Section 196.26(1)(d), F.S.

³² "Conservation purposes" means:

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

2.a. Retention of the substantial natural value of land, including woodlands, wetlands, watercourses, ponds, streams, and natural open spaces;

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

c. Retention of such lands' natural value for water quality enhancement or water recharge. Section 196.26(1)(c), F.S.

³³ Section 196.26(2), F.S.

³⁴ "Allowed commercial uses" are commercial uses that are allowed by the conservation easement encumbering the land. Section 196.26(1)(a), F.S.

valorem taxation up to 50 percent of the assessed value of the land.³⁵ If the allowed commercial use includes agriculture, the use must comply with the most recent best management practices adopted by DACS.³⁶

Effect of the Proposed Changes

The bill amends paragraph 704.06(1)(e), F.S., to add that conservation easements may allow land and water areas to remain in an agricultural condition, such as livestock grazing in accordance with applicable best management practices adopted by DACS.

B. SECTION DIRECTORY:

- Section 1. Amends s. 163.3142, F.S., relating to agricultural land and practices.
- Section 2. Creates s. 580.0365, F.S., relating to preemption of regulatory authority over commercial feed and feedstuff.
- Section 3. Amends s. 581.211, F.S., relating to penalties for plant industry regulations.
- Section 4. Amends s. 704.06, F.S., relating to conservation easements.
- Section 5. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill may have an indeterminate positive fiscal impact on DACS by allowing the department to impose and collect increased fines as well as recover, in specified instances, the costs it incurred attempting to eradicate plant pests.

2. Expenditures:

The bill creates a second degree felony, which may have a fiscal impact on the state; however, the bill has not yet been heard by the Criminal Justice Impact Conference so the impact is unknown at this time.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have an indeterminate negative fiscal impact on any person who knowingly acquires, imports, possesses, sells, offers to sell, trades, offers to trade, barter, offers to barter, moves, causes to be moved, introduces, or releases a plant pest, without a special permit from DACS. Such individuals

³⁵ Section 196.26(3), F.S.

³⁶ Section 196.26(7), F.S.

may face increased administrative and criminal penalties and fines, as well as be liable for costs incurred by DACS to control or eradicate the plant pest.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to agriculture; amending s. 163.3162,
 3 F.S.; providing sole authority to regulate the burning
 4 of agricultural crops on certain lands to the
 5 Department of Agriculture and Consumer Services;
 6 creating s. 580.0365, F.S.; preempting regulatory
 7 authority over commercial feed and feedstuff to the
 8 department; amending s. 581.211, F.S.; providing
 9 penalties for certain handling of plant pests without
 10 a special permit from the Division of Plant Industry
 11 within the department; amending s. 704.06, F.S.;
 12 revising the definition of the term "conservation
 13 easement" to allow such lands to remain in an
 14 agricultural condition for specified purposes;
 15 providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Subsection (5) is added to section 163.3162,
 20 Florida Statutes, to read:

21 163.3162 Agricultural Lands and Practices.—

22 (5) BURNING OF AGRICULTURAL CROPS.—The Department of
 23 Agriculture and Consumer Services has the sole authority to
 24 regulate the burning of agricultural crops on land classified as
 25 agricultural land pursuant to s. 193.461.

26 Section 2. Section 580.0365, Florida Statutes, is created

HB 749

2016

27 | to read:

28 | 580.0365 Preemption of regulatory authority over
 29 | commercial feed and feedstuff.—It is the intent of the
 30 | Legislature to eliminate duplication of regulation over
 31 | commercial feed and feedstuff. Notwithstanding any other
 32 | provision of law, the authority to regulate, inspect, sample,
 33 | and analyze any commercial feed or feedstuff distributed in this
 34 | state or to exercise the powers and duties under this chapter,
 35 | including the assessment of any penalties for violations of this
 36 | chapter, is preempted to the department.

37 | Section 3. Subsections (4) and (5) are added to section
 38 | 581.211, Florida Statutes, to read:

39 | 581.211 Penalties for violations.—

40 | (4) A person who knowingly acquires, imports, possesses,
 41 | sells or offers to sell, trades or offers to trade, barter or
 42 | offers to barter, moves or causes to be moved, introduces, or
 43 | releases a plant pest without a special permit from the
 44 | division:

45 | (a) Commits a misdemeanor of the first degree, punishable
 46 | as provided in s. 775.082 or s. 775.083;

47 | (b) Is subject to an administrative fine pursuant to s.
 48 | 570.971 in the Class II category for each violation of this
 49 | chapter;

50 | (c) May have a certificate of registration or certificate
 51 | of inspection suspended or revoked; and

52 | (d) Is liable for the payment of all reasonable costs and

53 expenses incurred by the department in a pest control or
 54 eradication program. Moneys collected pursuant to this section
 55 shall be deposited into the Plant Industry Trust Fund.

56 (5) A person who knowingly acquires, imports, possesses,
 57 sells or offers to sell, trades or offers to trade, barter or
 58 offers to barter, moves or causes to be moved, introduces, or
 59 releases a plant pest without a special permit from the division
 60 that results in the issuance of a declaration of an agricultural
 61 emergency by the Commissioner of Agriculture or the
 62 implementation of a control or eradication program by the
 63 department or the United States Department of Agriculture:

64 (a) Commits a felony of the second degree, punishable as
 65 provided in s. 775.082 or s. 775.083;

66 (b) Is subject to an administrative fine pursuant to s.
 67 570.971 in the Class IV category for each violation of this
 68 chapter;

69 (c) May have a certificate of registration or certificate
 70 of inspection suspended or revoked; and

71 (d) Is liable for the payment of all reasonable costs and
 72 expenses incurred by the department in a plant pest control or
 73 eradication program. Moneys collected pursuant to this section
 74 shall be deposited into the Plant Industry Trust Fund.

75 Section 4. Paragraph (e) of subsection (1) of section
 76 704.06, Florida Statutes, is amended to read:

77 704.06 Conservation easements; creation; acquisition;
 78 enforcement.—

79 (1) As used in this section, "conservation easement" means
 80 a right or interest in real property which is appropriate to
 81 retaining land or water areas predominantly in their natural,
 82 scenic, open, agricultural, or wooded condition; retaining such
 83 areas as suitable habitat for fish, plants, or wildlife;
 84 retaining the structural integrity or physical appearance of
 85 sites or properties of historical, architectural,
 86 archaeological, or cultural significance; or maintaining
 87 existing land uses and which prohibits or limits any or all of
 88 the following:

89 (e) Surface use except for purposes that allow ~~permit~~ the
 90 land or water area to remain predominantly in its natural
 91 condition or in an agricultural condition, such as livestock
 92 grazing in accordance with applicable best management practices
 93 adopted by the Department of Agriculture and Consumer Services.

94 Section 5. This act shall take effect July 1, 2016.



Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Agriculture & Natural
 2 Resources Subcommittee
 3 Representative Raburn offered the following:

Amendment (with title amendment)

Remove lines 19-25 and insert:

Section 1. Paragraph (a) of subsection (7) of section 193.461, Florida Statutes, is amended to read:

193.461 Agricultural lands; classification and assessment; mandated eradication or quarantine program.-

(7)(a) Lands classified for assessment purposes as agricultural lands which are taken out of production by a state or federal eradication or quarantine program, including the Citrus Health Response Program, shall continue to be classified as agricultural lands for 5 years after the date of execution of a compliance agreement between the landowner and the Department of Agriculture and Consumer Services, or a federal agency, as



Amendment No.

18 applicable, pursuant to the duration of such program or
19 successor programs. Lands under these programs which are
20 converted to fallow or otherwise nonincome-producing uses shall
21 continue to be classified as agricultural lands and shall be
22 assessed at a de minimis value of up to \$50 per acre on a
23 single-year assessment methodology while converted. Lands under
24 these programs which are replanted in citrus pursuant to the
25 requirements of the compliance agreement shall continue to be
26 classified as agricultural lands and shall be assessed at a de
27 minimis value of up to \$50 per acre, on a single-year assessment
28 methodology, during the 5-year term of the agreement. † However,
29 lands converted to other income-producing agricultural uses
30 permissible under such programs shall be assessed pursuant to
31 this section. Land under a mandated eradication or quarantine
32 program which is diverted from an agricultural to a
33 nonagricultural use shall be assessed under s. 193.011.

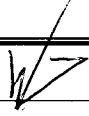

34
35 -----
36 **T I T L E A M E N D M E N T**

37 Remove lines 2-5 and insert:

38 An act relating to agriculture; amending 193.461, F.S.; revising
39 the period during which certain agricultural lands in
40 eradication or quarantine programs continue to be classified as
41 such; providing for the classification of such lands that are
42 replanted in citrus;

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1075 State Lands
SPONSOR(S): Caldwell
TIED BILLS: IDEN./SIM. BILLS: SB 1290

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Gregory 	Harrington 
2) Agriculture & Natural Resources Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

The bill addresses a number of issues relating to acquiring, managing, and disposing of state lands, including:

- Combining the acquisition procedures for all state lands into one section of law;
- Requiring conservation lands to be managed for conservation and recreation purposes, rather than for the purpose for which they were acquired;
- Authorizing the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) to require that managing entities release their interest in state-owned lands or surplus such lands when the managing entity is not meeting its short term goals;
- Combining the disposition procedures for all state lands into one section of law;
- Directing land managers, as part of their every 10-year management plan update, to identify conservation lands that could be disposed of in fee simple or with the state retaining a permanent conservation easement;
- Requiring the Division of State Lands (DSL), at least every 10 years, to review all Board of Trustee-titled conservation lands, along with lands identified in any updated land management plan, to determine if any are no longer needed for conservation purposes and can be disposed of in fee simple or with the state retaining a permanent conservation easement;
- Requiring DSL, at least every 10 years, to review all Board of Trustee-titled nonconservation lands and recommend to the Board of Trustees whether the lands should be retained or disposed of;
- Providing an exchange process that allows a person who owns land contiguous to Board of Trustees-titled land to submit a request to DSL to exchange all or a portion of the state-owned land, with the state retaining a permanent conservation easement, for a permanent conservation easement over all or a portion of the contiguous privately owned land;
- Amending the definition of "water resource development project" to include construction of treatment, transmission, or distribution facilities;
- Authorizing minimal secondary non-water dependent uses that are related to a water-dependent use over sovereign submerged lands;
- Requiring ARC to give priority to proposed projects under the Florida Forever Program that can be acquired in less than fee and projects that contribute to improving springs or groundwater;
- Requiring the Department of Environmental Protection (DEP) to add federally owned conservation lands; lands on which the federal government holds a conservation easement; and all lands on which the state holds a conservation easement to the SOLARIS state lands data base by July 1, 2018;
- Requiring each county and city to submit to DEP, by July 1, 2018, a list of all conservation lands owned by the local government and lands on which the local government holds a permanent conservation easement. Financially disadvantaged small communities have until July 1, 2019, to submit the same information; and
- Directing DEP to complete a study by January 1, 2018, regarding the technical and economic feasibility of including privately owned conservation lands in a public lands inventory.

The bill has a negative fiscal impact on DEP, an indeterminate negative fiscal impact on local governments, and no fiscal impact on the private sector.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

State Lands

The State of Florida owns lands for many purposes including preservation, conservation, recreation, water management, historic preservation, and administration of government. These lands include:

- All swamp and overflowed lands held by the state or which may inure to the state;
- All lands owned by the state by right of its sovereignty;¹
- All internal improvement lands proper;
- All tidal lands;
- All lands covered by shallow waters of the ocean or gulf, or bays or lagoons thereof, and all lands owned by the state covered by fresh water;
- All parks, reservations, or lands or bottoms set aside in the name of the state, excluding lands held for transportation facilities and transportation corridors and canal rights-of-way; and
- All lands which have accrued, or which may accrue, to the state.²

State lands are held in trust for the use and benefit of the people of Florida by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees).³ The Board of Trustees consists of the Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture.⁴ This body may acquire, sell, transfer, and administer state lands in the manner consistent with chapters 253 and 259, F.S.⁵

The Department of Environmental Protection (DEP), through its Division of State Lands (DSL), performs all staff duties and functions related to the acquisition, administration, and disposition of state lands.⁶ The Water Management Districts (WMD) may perform staff duties and functions related to their regulation of water resource management,⁷ such as authorizing the use of sovereign submerged lands.⁸ The Department of Agriculture and Consumer Services (DACS) may perform staff duties and functions related to their regulation of aquaculture leases and the acquisition, administration, and disposition of conservation easements,⁹ such as authorizing the use of sovereign submerged lands.¹⁰ Lastly, the Fish and Wildlife Conservation Commission (FWC) may authorize use of sovereign lands related to aquatic weed control and aquatic plant management.¹¹

According to the DEP, the Board of Trustees own approximately 13 million acres.¹² Approximately 3.4 million of these acres are conservation lands,¹³ 113,000 acres are nonconservation lands, and 9 million acres are sovereign submerged lands.¹⁴

¹ These are "sovereignty submerged lands" which include but are not limited to, tidal lands, islands, sand bars, shallow banks, and lands waterward of the ordinary or mean high water line, beneath navigable fresh water or beneath tidally-influenced waters, to which the State of Florida acquired title on March 3, 1845, by virtue of statehood, and which have not been heretofore conveyed or alienated. Rule 18-21.003(61), F.A.C.

² Section 253.03(1), F.S.

³ Section 253.001, F.S.

⁴ Section 253.02(1), F.S.

⁵ Id.

⁶ Section 253.002(1), F.S.

⁷ Id.

⁸ Rule 18-21.0051(2), F.A.C.

⁹ Section 253.002(1), F.S.

¹⁰ Rule 18-21.0051(3), F.A.C.

¹¹ Section 253.002(1), F.S.

¹² DEP Presentation on Management of State-Owned DEP Lands, Agriculture and Natural Resources Subcommittee, October 21, 2015, available at:

“Conservation lands” are lands managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation, except those lands acquired solely to facilitate the acquisition of other conservation lands.¹⁵ Lands acquired for uses other than conservation, outdoor resource-based recreation, or archaeological or historic preservation (“nonconservation lands”) are not designated conservation lands.¹⁶ Nonconservation lands include the following: correction and detention facilities, military installations and facilities, state office buildings, maintenance yards, State University or Florida College System institution campuses, agricultural field stations or offices, tower sites, law enforcement and license facilities, laboratories, hospitals, clinics, and other sites that possess no significant natural or historical resources.¹⁷

The Board of Trustees authorizes several agencies to manage state lands including DACS, FWC, the Department of State (DOS), and DEP through its Office of Coastal and Aquatic Management and the Florida Park Service.¹⁸ Other entities may also manage the land, subject to approval of the Board of Trustees. These agencies and other entities hold a property interest in the land in the form of a management agreement, lease, or other property instrument.¹⁹ These instruments may not be executed for a period greater than is necessary to provide reasonable use of the land for the existing or planned life cycle or amortization of the improvements.²⁰

Chapter 253, F.S., was the original authorizing statute for land acquisition and management by the State of Florida by and through the Board of Trustees. Chapter 253, F.S., applies to both nonconservation and conservation lands. Over the years, as the Legislature created various conservation and recreation land acquisition programs, additional statutory authorizations for conservation and recreation land acquisition and management were placed in chapter 259, F.S. Currently, both chapters 253 and 259, F.S., must be referenced for a complete understanding of all the land acquisition, surplus, and management processes for state lands.

Acquisition of State Lands

Present Situation

Prior to acquiring land, the Board of Trustees must follow the provisions in s. 253.025, F.S.²¹ An agency wishing to acquire land for its use must first coordinate with DSL to determine the availability of existing, suitable state-owned lands in the area and the proposed public purpose.²² If no suitable state-owned lands exist, the acquisition may proceed.²³

The Board of Trustees must also comply with the requirements of s. 259.041, F.S., to acquire conservation lands.²⁴ The Board of Trustees may waive the requirements when the public’s interest is

<http://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2852&Session=2016&DocumentType=Meeting%20Packets&FileName=anrs%2010-21-15.pdf>.

¹³ Florida Natural Areas Inventory, *Summary of Florida Conservation Lands*, www.fnai.org/PDF/Maacres_201502_FCL_plus_LTF.pdf (last visited January 13, 2016).

¹⁴ DEP Presentation on Division of State Lands, State Affairs Committee, March 6, 2015, available at:

<http://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2851&Session=2015&DocumentType=Meeting%20Packets&FileName=sac%203-6-15.pdf>.

¹⁵ Section 253.034(2)(c), F.S.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Supra* note 12, DEP Presentation on Management of State-Owned Lands.

¹⁹ Section 253.034(4), F.S.

²⁰ *Id.*

²¹ Section 253.025(1), F.S.; These procedures may be waived to follow federally mandated procedures when acquiring federal lands or when acquiring land from a state agency.

²² Section 253.025(2), F.S. This requirement does not apply to property for transportation facilities and transportation corridors and property for borrow pits for road building purposes.

²³ *Id.*

²⁴ Section 259.041(1), F.S.

reasonably protected.²⁵ Further, when the Board of Trustees acquires land jointly with a WMD for conservation, it may follow the WMD's acquisition procedures.²⁶

Land acquisitions are voluntary, negotiated acquisitions.²⁷

Appraisals

The Board of Trustees must obtain an appraisal of the property prior to negotiations to acquire both nonconservation and conservation lands.²⁸ Parcels valued at over \$1 million require two appraisals.²⁹ State agencies may not offer more than the value of the land determined by the highest approved appraisal when there are one or two appraisals.³⁰ For conservation land, when the two appraisals for a parcel exceeding \$1 million differ significantly, a third appraisal may be obtained.³¹ When there are three appraisals, a state agency may not offer more than the higher of the two closest appraisals if they do not diverge significantly.³² If they do diverge significantly, the state agency may not offer more than 120 percent of the lower of the two closest appraisals.³³ Parcels valued at \$100,000 or less may use a comparable sales analysis or other reasonably prudent procedure provided the public's interest is protected.³⁴ DSL may perform the appraisal for conservation lands acquisitions when the estimated value of a parcel is \$100,000 or less.³⁵

The agency acquiring the property must pay the appraisal fees.³⁶ When acquiring conservation lands, the acquiring agency must also pay associated costs.³⁷

The Board of Trustees must approve qualified fee appraisal organizations.³⁸ DSL must use appraisals prepared by a member of an approved appraisal organization or a state-certified appraiser.³⁹ DSL may use an appraisal obtained by a public agency or nonprofit organization, provided the appraiser is selected from DSL's list of appraisers and the appraisal is reviewed and approved by DSL.⁴⁰ Further, the Board of Trustees may consider an appraisal acquired by a seller when acquiring nonconservation lands, but such appraisal may not be used in lieu of acquiring its own appraisal to determine the maximum offer allowed.⁴¹ DSL reviews these appraisals for compliance with the rules.⁴²

Appraisal reports are confidential and exempt from disclosure under the public records law until an option contract is executed or two weeks before the contract or agreement is considered by the Board of Trustees.⁴³ However, DSL may disclose appraisal information to public agencies or nonprofit organizations that agree to maintain the confidentiality of the reports or information when joint acquisition of property is contemplated, or when a public agency or nonprofit organization enters into a

²⁵ Id. The Legislature placed this provision in statute to streamline the acquisition process for conservation lands. 94-74 Fla. Op. Att'y Gen. 1 (1994).

²⁶ Section 259.041(17), F.S.

²⁷ Sections 253.025(3) and 259.041(4), F.S.

²⁸ Sections 253.025(6)(a) and 259.041(7), F.S.; Rule 18-1.005(1), F.A.C.

²⁹ Sections 253.025(6)(a) and 259.041(7)(b), F.S.

³⁰ Rule 18-1.006(6)(c), F.A.C.

³¹ Section 259.041(7)(b), F.S.

³² Rule 18-2.006(6)(c), F.A.C.

³³ Id.

³⁴ Section 253.025(6)(a), F.S.

³⁵ Section 259.041(7)(b), F.S.

³⁶ Sections 253.025(6)(b) and 259.041(7)(c), F.S.

³⁷ Section 259.041(7)(c), F.S.

³⁸ Sections 253.025(6)(b) and 259.041(7)(c), F.S.

³⁹ Id. The appraisal procedures are governed by ch. 18-1, F.A.C.

⁴⁰ Sections 253.025(6)(d) and 259.041(7)(f), F.S.

⁴¹ Section 253.025(6)(f), F.S.

⁴² Section 253.025(6)(e), F.S.

⁴³ Sections 253.025(6)(d) and 259.071(7)(e), F.S.

written agreement with DSL to purchase and hold property for subsequent resale to DSL.⁴⁴ The nonprofit organization's purpose must be for the preservation of natural resources.⁴⁵ When acquiring conservation lands, DSL may disclose appraisal reports to private landowners in acquisition of alternatives to fee simple.⁴⁶

Negotiation and the Agreement to Purchase

Prior to negotiations, an agent or broker representing a landowner must provide a written statement verifying its fiduciary relationship with the seller.⁴⁷ The Board of Trustees may contract for its own real estate acquisitions services.⁴⁸ The acquiring agency must inform the seller in writing that all agreements for purchase are subject to approval of the Board of Trustees.⁴⁹ The negotiating parties must make all offers and counteroffers in writing.⁵⁰ These offers and counteroffers are confidential and exempt from disclosure under the public records law until an option contract is executed or two weeks before the contract or agreement is considered by the Board of Trustees.⁵¹

The final offer must be in the form of an option contract or agreement for purchase and signed by the owner and acquiring agency.⁵² In the final agreement for purchase, the landowner must agree to provide evidence of marketability of title in the form of title insurance or a written title opinion prior to conveyance.⁵³ The Board of Trustees may waive the marketability of title requirement when it is provided by the acquiring agency or the property appraised \$10,000 or less and there are no apparent impediments to marketability of title.⁵⁴ When acquiring conservation lands, the acquiring agency must pay for this service.⁵⁵

The acquiring agency must forward to DSL the signed option agreement or agreement for purchase along with copies of the disclosure notice, evidence of marketability, the accepted appraisal report, the fee appraiser's affidavit, a statement that the inventory of existing state-owned lands was examined and contained no available suitable land in the area, and a statement outlining the public purpose for which the acquisition is being made and the statutory authority therefor.⁵⁶ The Board of Trustees, or its designee, must approve or reject the agreement within 45 days.⁵⁷ An acquiring agency may resubmit an agreement for purchase which has been previously disapproved when such deficiencies have been corrected.⁵⁸

Agreements to acquire real property for the purposes described in chapter 259, F.S. (conservation lands), chapter 260, F.S. (Greenways and Trails), and chapter 375, F.S. (Outdoor Recreation and Conservation Lands), must be reviewed by DEP.⁵⁹ Further, these agreements must be approved by the Board of Trustees if:

- The purchase price agreed to by the seller exceeds the value as established pursuant to the rules of the Board of Trustees;
- The contract price agreed to by the seller and acquiring agency exceeds \$1 million;

⁴⁴ Id.

⁴⁵ Id.

⁴⁶ Section 259.041(7)(e), F.S.

⁴⁷ Sections 253.025(7)(a) and 259.041(8)(a), F.S.

⁴⁸ Sections 253.025(7)(b) and 259.041(8)(b), F.S.

⁴⁹ Sections 253.025(7)(c) and 259.041(7)(f), F.S.

⁵⁰ Sections 253.025(7)(d) and 259.041(8)(c), F.S.

⁵¹ Id.

⁵² Sections 253.025(7)(h) and 259.041(9)(a), F.S.

⁵³ Sections 253.025(5) and 259.041(6), F.S.

⁵⁴ Id.

⁵⁵ Rule 18-1.004(2)(a), F.A.C.

⁵⁶ Sections 253.025(7)(i) and 259.041(9)(a), F.S.

⁵⁷ Sections 253.025(7)(i) and 259.041(9)(b), F.S.

⁵⁸ Id.

⁵⁹ Section 259.041(3), F.S.

- The acquisition is the initial purchase in a project; or
- The purchase involves other conditions that require approval based on a Board of Trustees rule.⁶⁰

Donations of Land

The Board of Trustees may not accept a dedication, gift, grant, or bequest of lands and appurtenances until it receives evidence of marketable title.⁶¹ Further, the Board of Trustees may not accept a dedication, gift, grant, or bequest of lands and appurtenances it owns in fee, by its sovereignty, or which are so encumbered so as to preclude the use of such lands and appurtenances for any reasonable public purpose.⁶² The Board of Trustees may accept a dedication, gift, grant, or bequest of lands and appurtenances without marketability of title, or when the title is nonmarketable, if it determines that such lands and appurtenances have value and are reasonably manageable by the state, and that their acceptance would serve the public interest.⁶³ An appraisal is not required for donated lands and appurtenances.⁶⁴

Conveyances

All sellers must convey land to the Board of Trustees in no less than a special warranty deed.⁶⁵ The Board of Trustees may accept a donation through a quit claim deed⁶⁶ from the Federal government, a county, or other state agency if it determines the quit claim deed is in the best interest of the public.⁶⁷ The Board of Trustees may also accept a quit claim deed to aid in clearing title.⁶⁸ The Board of Trustees may acquire tax deeds and tax certificates.⁶⁹

Deeds filed in the public records purporting to transfer title to the Board of Trustees do not vest title unless the document indicates the Board of Trustees accepted the transfer.⁷⁰

Eminent Domain for Conservation Lands

The Board of Trustees may direct DEP to acquire conservation land through the eminent domain process when:

- The state made at least two bona fide offers to purchase the land through negotiation and, notwithstanding those offers, an impasse between the state and the landowner was reached; and
- The land is of special importance to the state because of one or more of the following reasons:
 - The land involves an endangered or natural resource and is in imminent danger of development;
 - The land is of unique value to the state and the failure to acquire it will result in irreparable loss to the state; or
 - The failure of the state to acquire the land will seriously impair the state's ability to manage or protect other state-owned lands.⁷¹

⁶⁰ Id.

⁶¹ Sections 253.025(8)(a) and 259.041(10)(a), F.S.

⁶² Sections 253.025(8)(a) and 259.041(10)(b), F.S.

⁶³ Sections 253.025(8)(a) and 259.041(10)(a), F.S.

⁶⁴ Id.

⁶⁵ Sections 253.025(9) and 259.041(12), F.S.; A special warranty deed is a deed where the grantor only agrees to defend title against those claims and demands of the grantor and those claiming by and under the grantor. Black's Law Dictionary 424 (7th ed. 1999).

⁶⁶ A quit claim deed is a deed that conveys a grantor's complete interest or claim in certain real property, but neither warrants nor professes that the title is valid. Black's Law Dictionary 424 (7th ed. 1999).

⁶⁷ Sections 253.025(9) and 253.025(12), F.S.

⁶⁸ Id.

⁶⁹ Sections 253.025(10) and 259.041(13), F.S.

⁷⁰ Section 253.025(8)(b) and 259.041(10)(a) F.S.

⁷¹ Section 259.041(14), F.S.

A majority of the Board of Trustees must vote in a regularly scheduled and advertised meeting to acquire land through eminent domain.⁷²

Acquiring Conservation Lands on an Immediate Basis

The Board of Trustees may direct DEP to purchase conservation lands on an immediate basis when the lands:

- Are listed or placed at auction by the Federal Government as part of the Resolution Trust Corporation sale of lands from failed savings and loan associations;
- Are listed or placed at auction by the Federal Government as part of the Federal Deposit Insurance Corporation sale of lands from failed banks; or
- Will be developed or otherwise lost to potential public ownership, or for which federal matching funds will be lost, by the time the land can be purchased under the program within which the land is listed for acquisition.⁷³

A majority of the Board of Trustees must vote to acquire the land on an immediate basis.⁷⁴ The Board of Trustees may waive or modify all acquisition procedures to acquire these lands.⁷⁵ The lands acquired on an immediate basis must, at the time of purchase, be on one of the acquisition lists or be essential for water resource development, protection, or restoration, or a significant portion of the lands must contain natural communities or plant or animal species that are listed by the Florida Natural Areas Inventory as critically imperiled, imperiled, or rare, or as excellent quality occurrences of natural communities.⁷⁶

Acquisition Rules

The Board of Trustees may adopt rules to implement the requirements for acquisition of conservation lands.⁷⁷ For conservation lands, these rules must include:

- The procedures to be followed in the acquisition process, including selection of appraisers, surveyors, title agents and closing agents, and the content of appraisal reports;
- The determination of the value of parcels which the state has an interest to acquire;
- Special requirements when multiple landowners are involved in an acquisition; and
- Requirements for obtaining written option agreements so that the interests of the state are fully protected.⁷⁸

Effect of the Proposed Changes

The bill relocates and consolidates the acquisition provisions contained in chapters 253 and 259, F.S., into one statute, by amending s. 253.025, F.S., and repealing 259.041, F.S. Although consolidated, the procedures remain largely the same. The bill:

- Combines language from subsections 253.025(1) and 259.041(1), F.S., to require the Board of Trustees to follow the procedures in 253.025, F.S., when acquiring property. In addition to being able to waive the procedures in statute for federally mandated procedures when using federal funds, the Board of Trustees will be able to waive all procedures, except the ones in subsections (4), (11), and (22), for all lands, not just conservation lands as allowed currently;

⁷² Id.

⁷³ Section 259.041(15), F.S.

⁷⁴ Id.

⁷⁵ Id.

⁷⁶ Id.

⁷⁷ Sections 253.025(12) and 259.041(2), F.S.

⁷⁸ Section 259.041(2), F.S.

- Moves language from subsections 253.025(9) and 259.041(1), F.S., to 253.025(1), F.S., to indicate that all lands acquired pursuant to s. 253.025, F.S., will vest in the Board of Trustees, unless otherwise provided by law;
- Moves the rulemaking authority for acquisition of conservation lands from subsection 259.041(2), F.S., to subsection 253.025(3), F.S. Now the rules for the acquisition of all lands must include the procedures previously required only for conservation lands;
- Moves the acquisition requirements in subsection 259.041(3), F.S., for real property acquired for purposes described in chapter 259, F.S. (conservation lands), chapter 260, F.S. (Greenways and Trails), and chapter 375, F.S. (Outdoor Recreation and Conservation Lands) to subsection 253.025(4), F.S. Now the procedures will apply to lands acquired under chapter 253, F.S., for these purposes. Further, the language is changed to indicate that the acquiring agency must justify why acquisition of Florida Forever lands is in the public interest. This change is consistent with current law;
- Combines the appraisal procedures from subsections 253.025(6) and 259.041(7), F.S., into subsection 253.025(8), F.S. The bill:
 - Changes “division” to “department” or “board” where appropriate;
 - Changes the reference to the Department of Business and Professional Regulation (DBPR) to the DACS to recognize that land surveyors are regulated by DACS rather than DBPR;
 - Authorizes a third appraisal for all lands if two appraisals for property valued over \$1 million differ significantly. This procedure is already allowed in rule 18-1.006, F.A.C.;
 - Authorizes DSL to prepare an appraisal for property valued under \$100,000 for all lands, not just conservation lands;
 - Requires the acquiring agency to pay for appraisal fees and associated costs for all lands. Currently, acquiring agencies are not expressly required to pay “associated costs” for nonconservation lands;
 - Eliminates the Board of Trustees’ ability to designate a qualified fee appraiser organization to perform appraisal for the state because “fee appraiser organizations” no longer exist;
 - Prohibits the fee appraiser and review appraiser from acting in any manner that may be construed as negotiating with the owner of a parcel proposed for acquisition. This prohibition currently only exists in the acquisition procedures for conservation lands;
 - Combines the public records exemption for appraisals from paragraphs 253.025(6)(f) and 259.041(7)(f), F.S., into paragraph 253.025(8)(f), F.S. DEP may disclose the appraisal report to the private land owner when acquiring alternatives to fee simple interest for all lands, not just conservation lands, if it determines disclosing the report will bring the acquisition to closure. The bill alters the definition of “nonprofit organization” to only require their purpose to include preservation of natural resources when the nonprofit is helping acquire conservations lands;
- Moves language from paragraph 259.041(8)(b), F.S., to paragraph 253.025(9)(b), F.S. The bill provides a more extensive list of real estate services the Board of Trustees may utilize for all lands, not just conservation lands. The bill also authorizes, rather than requires, DEP to hire outside counsel to perform acquisition closings if it cannot conduct the same activity in 15 days or less;
- Moves language from paragraph 259.041(1)(c), F.S., to paragraph 253.025(10)(c), F.S. Now, the maximum value of all land to be purchased, not just conservation land, approved by the Board of Trustees may not increase or decrease as a result of a change in zoning, permitted land use, or changes in market forces that occur within one year after DEP or the Board of Trustees approves a contract for purchase;
- Moves the authorization to use eminent domain to acquire conservation lands in certain situations from subsection 259.041(14), F.S., to subsection 253.025(11), F.S. To authorize eminent domain procedures, the bill requires a vote of at least three of the Board of Trustees members rather than a majority vote;
- Amends subsection 253.025(16), F.S., to change “department” to “Department of Agriculture and Consumer Services” to avoid confusion over acquisition and disposition of forest lands;

- Moves the authorization to immediately acquire conservation lands in certain situations from subsection 259.041(15), F.S., to subsection 253.025(22), F.S.;
- Moves subsection 259.041(17), F.S., to subsection 253.025(23), F.S., to authorize the Board of Trustees to use the acquisition procedures of a WMD when acquiring any land jointly with that WMD, not just conservation land; and
- Adds subsection 253.025(24), F.S., to define “project” to mean a Florida Forever project selected pursuant to chapter 259, F.S., when used in s. 253.025, F.S.

The changes to s. 253.025, F.S., may require amendments to chapter 18-1, F.A.C.

The bill repeals s. 259.02, F.S., which authorized issuing bonds to acquire environmentally endangered lands and outdoor recreation lands. These programs are complete.

The bill repeals subsection 259.1052(6) and (7), F.S., to remove outdated provisions relating to the acquisition of the Babcock Ranch.

Alternatives to Fee Simple Acquisitions

Present Situation

The Legislature encourages the acquisition of less than fee interest in land to maximize acquisition and management funds for Florida Forever and Preservation 2000 projects.⁷⁹ “Alternatives to fee simple acquisition” include, but are not limited to: purchase of development rights; obtaining conservation easements; obtaining flowage easements; purchase of timber rights, mineral rights, or hunting rights; purchase of agricultural interests or silvicultural interests; fee simple acquisitions with reservations; creating life estates; or any other acquisition technique.⁸⁰

The Legislature determined that using alternatives to fee simple acquisition achieves the following public policy goals:

- Allows more lands to be brought under public protection for preservation, conservation, and recreational purposes with less expenditure of public funds;
- Retains, on local government tax rolls, some portion of or interest in lands which are under public protection; and
- Reduces long-term management costs by allowing private property owners to continue acting as stewards of their land, where appropriate.⁸¹

The Legislature intended that portions of Florida Forever and Preservation 2000 funds be used to acquire alternatives to fee simple interests.⁸² The Legislature noted it intended for public agencies to acquire lands in fee simple for public access and recreational activities.⁸³ However, public access must be negotiated with and agreed to by the private landowners who retain interests in such lands.⁸⁴

Conservation land acquisition project plans must identify when full fee simple title is required and may use alternatives to fee simple title to bring remaining projects under protection.⁸⁵ The Acquisition and Restoration Council (ARC) may give preference to alternatives to fee simple title acquisitions when developing an acquisition plan.⁸⁶

⁷⁹ Sections 259.041(11)(a) and 259.101(7)(a), F.S.

⁸⁰ Sections 259.041(11)(b) and 259.101(7)(b), F.S.

⁸¹ Sections 259.041(11)(a) and 259.101(7)(a), F.S.

⁸² Id.

⁸³ Section 259.101(7)(a), F.S.

⁸⁴ Id.

⁸⁵ Sections 259.041(11)(b) and 259.101(7)(b), F.S.

⁸⁶ Section 259.041(11)(c), F.S. ARC is a ten member board established to assist the Board of Trustees to review the recommendations and plans for state-owned lands. Four members are appointed by the Governor. One member is appointed by the Secretary of DEP. One member is appointed by the Director of the Florida Forest Service. Two members are appointed by the Executive Director of

DEP and the WMDs must implement initiatives to use alternative to fee simple acquisition and educate the public on such acquisitions.⁸⁷ The initiative must include at least two alternatives to fee simple acquisitions per year.⁸⁸

In the absence of direct comparable sales information, DEP may appraise alternatives to fee simple acquisitions based on the difference between the full fee simple valuation and the value of the interests remaining with the seller after acquisition.⁸⁹

The agency managing the land acquired through alternatives to fee simple acquisition must inspect and monitor the land according to the terms of the purchase agreement relating to the interest acquired.⁹⁰

ARC may give preference to those less than fee simple acquisitions that provide any public access when developing its acquisition plan.⁹¹

Effect of Proposed Changes

The bill relocates and consolidates the procedures for acquisition of alternatives to fee simple interests from subsections 259.041(11) and 259.101(7), F.S., to the newly created s. 253.0251, F.S. The bill does not change the procedures. Thus, the procedures will still apply only to conservation lands acquisitions.

Management and Use of State Lands

Present Situation

Generally, the state manages its uplands in a manner that will provide the greatest combination of benefits to the general public.⁹² The Board of Trustees may authorize use of these lands when it determines such use to be in the public interest.⁹³

The state manages conservation lands acquired under chapter 259, F.S., to serve the public interest by protecting and conserving land, air, water, and the state's natural resources, which contribute to the public health, welfare, and economy of the state.⁹⁴ These lands provide for areas of natural resource based recreation, and ensure the survival of plant and animal species and the conservation of finite and renewable natural resources.⁹⁵ One of the specific goals for managing conservation lands acquired under chapter 259, F.S., is to manage the lands for the purpose for which they were acquired.⁹⁶ When the state acquires conservation land with existing agricultural uses, the managing agency must make a reasonable effort to keep the land in agricultural production so long as the use is consistent with the purpose for which the land was acquired.⁹⁷ Further, conservation lands acquired under the Preservation 2000 program must be managed to make them available for public recreational use if the recreational use does not interfere with the protection of natural resource values.⁹⁸

FWC. One member is appointed by the Secretary of DOS. Lastly, one member is appointed by the Commissioner of Agriculture. Section 259.035, F.S.

⁸⁷ Sections 259.041(11)(c) and 259.101(7)(c), F.S.

⁸⁸ Section 259.101(7)(c), F.S.

⁸⁹ Sections 259.041(11)(e) and 259.101(7)(d), F.S.

⁹⁰ Sections 259.041(11)(f) and 259.101(7)(e), F.S.

⁹¹ Section 259.041(11)(c), F.S.

⁹² Rule 18-2.018(2)(b), F.A.C.

⁹³ Rule 18-2.018(1), F.A.C.

⁹⁴ Section 259.034(1), F.S.

⁹⁵ Id.

⁹⁶ Sections 259.032(7)(b),(c), (e),(8)(e)1.,6.,7.,(9)(a); 259.036(1),(4),(5), 259.101(6)(a), and 259.101(2)(a)11., F.S.

⁹⁷ Section 259.047(2), F.S.

⁹⁸ Section 259.101(8), F.S.

There does not appear to be a special management standard for nonconservation lands.

Activities on sovereign submerged lands may not be contrary to the public interest.⁹⁹ The Board of Trustees manages sovereign submerged lands to encourage water-dependent uses and public access.¹⁰⁰ A “water dependent activity” is an activity which can only be conducted on, in, over, or adjacent to water areas because the activity requires direct access to the water body or sovereign submerged lands for transportation, recreation, energy production or transmission, or source of water, and where the use of the water or sovereign submerged lands is an integral part of the activity.¹⁰¹ The Board of Trustees limits activities on sovereign submerged lands to water dependent activities only, unless it determines, on a case by case basis, that the activities are in the public interest.¹⁰²

The Board of Trustees may adopt fees to charge agencies and private individuals for leasing or otherwise using state owned lands.¹⁰³ These fees may only compensate the Board of Trustees for costs incurred in the administration and management of such lands.¹⁰⁴

While not explicitly distinguished in the statutes or rules, managers of conservation lands must prepare and follow “land management plans” while managers of nonconservation lands must prepare “land use plans” or “operational reports.”¹⁰⁵

All state agencies who use state lands must submit a management plan or operational report to DSL.¹⁰⁶ The management plan must include:

- The land acquisition program, if any, under which the property was acquired;
- The designated single use or multiple use management for the property;
- Proximity of the property to other significant state, local, or federal land or water resources;
- A statement as to whether the property is within an aquatic preserve or a designated area of critical state concern, or an area under study for such designation;
- The location and description of known and reasonably identifiable renewable and non-renewable resources of the property;
- A description of actions the agency plans to take to locate and identify unknown resources;
- The identification of resources on the property that are listed in the Natural Area Inventory;
- A description of past uses of the property;
- A detailed description of existing and planned use(s) of the property;
- For managed areas larger than 1,000 acres, an analysis of the multiple-use potential of the property;
- A detailed assessment of the impact of planned uses on the renewable and non-renewable resources of the property, including soil and water resources, and a detailed description of the specific actions that will be taken to protect, enhance and conserve these resources and to mitigate damage caused by such uses, including a description of how the manager plans to control and prevent soil erosion and soil or water contamination;
- A description of management needs and problems for the property;
- Identification of adjacent land uses that conflict with the planned use of the property;
- A description of legislative or executive directives that constrain the use of such property;
- A finding regarding whether each planned use complies with the State Lands Management Plan;
- An assessment as to whether the property, or any portion, should be declared surplus;

⁹⁹ Rule 18-21.004, F.A.C.

¹⁰⁰ Section 253.03(15), F.S.

¹⁰¹ Rule 18-21.003(71), F.A.C.

¹⁰² Rule 18-21.004(1)(g), F.A.C.

¹⁰³ Section 253.03(2) and (11), F.S.

¹⁰⁴ Id.

¹⁰⁵ See s. 253.034(5),(6), and (13), F.S.; Rule 18-2.018(3)(a)5., F.S.

¹⁰⁶ Rule 18-2.018(3)(a)5.a., F.A.C.

- Identification of other parcels of land within or immediately adjacent to the property that should be purchased because they are essential to management of the property;
- A description of the management responsibilities of each agency and how such responsibilities will be coordinated; and
- A statement concerning the extent of public involvement and local government participation in the development of the plan.¹⁰⁷

All other lessees who use state lands must submit an operational report to DSL within a year of the execution of the lease. Examples of what must be in an operational report include:

- A map showing the approximate location and boundaries of the property, the location of any structures or improvements to the property, and a statement as to whether the property is adjacent to an aquatic preserve or a designated area of critical state concern or an area under study for such designation;
- The land acquisition program, if any, under which the property was acquired;
- The designated single or multiple use management for the property;
- The approximate location and description of known renewable and non-renewable resources of the property;
- A description of past and existing uses of the property;
- A description of alternative or multiple uses of the property considered by the lessee and a statement detailing why such uses were not adopted;
- An assessment of the impact of planned uses on the renewable and non-renewable resources of the property and a description of the specific actions that will be taken to protect, enhance and conserve those resources and to compensate or mitigate the damage that is caused by such use;
- A description of management needs and problems on the property;
- A description of the management responsibilities of each entity and how such responsibilities will be coordinated;
- A statement concerning the extent of public involvement and local government participation, if any, in the development of the plan; and
- A statement of gross income generated, net income and expenses.¹⁰⁸

Specifically for conservation lands, the individual management plan from both public and private managers must include:

- A statement of the purpose for which the lands were acquired, the projected use or uses, and the statutory authority for such use or uses;
- Key management activities necessary to achieve the desired outcomes, including, but not limited to, providing public access, preserving and protecting natural resources, protecting cultural and historical resources, restoring habitat, protecting threatened and endangered species, controlling the spread of nonnative plants and animals, performing prescribed fire activities, and other appropriate resource management;
- A specific description of how the managing agency plans to identify, locate, protect, and preserve, or otherwise use fragile, nonrenewable natural and cultural resources;
- A priority schedule for conducting management activities, based on the purposes for which the lands were acquired;
- A cost estimate for conducting priority management activities, to include recommendations for cost-effective methods of accomplishing those activities;
- A cost estimate for conducting other management activities which would enhance the natural resource value or public recreation value for which the lands were acquired. The cost estimate shall include recommendations for cost-effective methods of accomplishing those activities; and
- A determination of the public uses and public access that would be consistent with the purposes for which the lands were acquired.¹⁰⁹

¹⁰⁷ Rule 18-2.021(4), F.A.C.

¹⁰⁸ Rule 18-2.018(3)(a)5.b., F.A.C.

Land management plans for conservation lands must also include short-term and long-term goals including measurable objectives to achieve those goals.¹¹⁰ Short-term and long-term management goals must include measurable objectives for the following, as appropriate:

- Habitat restoration and improvement;
- Public access and recreational opportunities;
- Hydrological preservation and restoration;
- Sustainable forest management;
- Exotic and invasive species maintenance and control;
- Capital facilities and infrastructure;
- Cultural and historical resources; and
- Imperiled species habitat maintenance, enhancement, restoration, or population restoration.¹¹¹

While developing a land management plan for conservation lands, at least one public meeting must be held in one of the affected counties.¹¹²

Managers of conservation and nonconservation land must submit an updated land management plan or land use plan every 10 years for approval by the Board of Trustees.¹¹³ All conservation land managers must also include an analysis of any lands that may no longer be needed for conservation and suitable for potential surplus in each management plan or update.¹¹⁴ DSL does not require this surplus analysis for managers of nonconservation lands.¹¹⁵

Upon completion of the management plan, ARC reviews the land management plan and provides a recommendation to the Board of Trustees.¹¹⁶ The Board of Trustees may approve, modify, or reject the land management plan.¹¹⁷ The land management plan becomes effective upon approval of the Board of Trustees.¹¹⁸

Periodically, the Board of Trustees, through DEP, creates regional management review teams composed of:

- One individual who is from the county or local community in which the parcel or project is located and who is selected by the county commission in the county which is most impacted by the acquisition;
- One individual from the Division of Recreation and Parks within DEP;
- One individual from the Florida Forest Service within DACS;
- One individual from FWC;
- One individual from DEP's district office in which the parcel is located;
- A private land manager mutually agreeable to the state agency representatives;
- A member of the local soil and water conservation district board of supervisors; and
- A member of a conservation organization.¹¹⁹

¹⁰⁹ Section 259.032(8)(e), F.S.

¹¹⁰ Section 253.034(5)(a), F.S.

¹¹¹ Section 253.034(5)(b), F.S.

¹¹² Section 253.034(5)(f), F.S.

¹¹³ Sections 253.034(5)(e), (6)(c), and 259.032(8)(c), F.S.

¹¹⁴ Rule 18-2.021(4), F.A.C.

¹¹⁵ See Rule 18-2.018(3)(a)5.b., F.A.C.

¹¹⁶ Section 253.034(5)(d), F.S.; Land management plans submitted by the Department of Corrections, the Department of Juvenile Justice, and the Department of Children and Families are not subject to review by ARC. Section 253.034(9), F.S.

¹¹⁷ Section 253.034(5)(h), F.S.

¹¹⁸ Section 253.034(5)(d), F.S.

¹¹⁹ Section 259.036(1)(a), F.S.

These teams evaluate whether conservation lands are being managed for the purpose for which they were acquired and the adopted land management plan.¹²⁰ The evaluation must occur before the land manager submits its 10 year land management plan update.¹²¹ The team reviews:

- The extent to which the existing management plan provides sufficient protection to threatened or endangered species, unique or important natural or physical features, geological or hydrological functions, or archaeological features; and
- The extent to which the land is being managed for the purposes for which it was acquired and the degree to which actual management practices, including public access, are in compliance with the adopted management plan.¹²²

When the land manager has not adopted a land management plan, the review team must consider the extent to which the land is being managed for the purposes for which it was acquired and the degree to which actual management practices are in compliance with the management policy statement and management prospectus for that property.¹²³

Once completed, the review team supplies its review to the land manager, DSL, and ARC.¹²⁴ DEP must report the finding to the Board of Trustees if the review team finds the land manager:

- Is not managing the land for the purposes for which they were acquired;
- Is not managing the land in compliance with the adopted land management plan, management policy statement, or management prospectus; or
- Failed to address the review findings in the updated management plan.

Effect of the Proposed Changes

The bill changes the management and use requirements and criteria for state lands by:

- Amending subsections 253.03(2) and (11), F.S., to combine the authorization for the Board of Trustees to charge fees to agencies and private individuals for use of state owned lands into subsection 253.03(11), F.S.;
- Amending paragraph 253.03(7)(c), F.S., to update a reference to a repealed rule for grandfathered properties over sovereign submerged lands;
- Amending subsection 253.03(15), F.S., to authorize minimal secondary non-water dependent uses over sovereign submerged lands that are related to a water-dependent use. This change is intended to authorize uses such as dock lockers, fish cleaning stations, and pump out facilities that are related to a water dependent use;
- Amending subsection 253.034(4), F.S., to provide a consequence for not meeting short term goals in a land management or land use plan. If the managing entity does not meet the short term goals within five years for nonconservation lands and two years for conservation lands, DEP may submit the land to the Board of Trustees to consider whether to require the managing entity to release its interest in the land or whether to surplus the land;
- Amending subsection 253.034(5), F.S., and adding paragraph 253.034(5)(i), F.S. to require nonconservation lands to be managed to provide the greatest benefit to the state and to set forth what must be in a land use plan for nonconservation lands. Land use plans must conform to the appropriate policies and guidelines of the state land management plan. Short term goals must be met within five years and long term goals must be met within 10 years. The Board of Trustees may terminate use of these lands when they are not managed according to the land use plan. Land use plans must include:
 - A physical description of the land to include any significant natural or cultural resources as well as management strategies developed by the land manager to protect such resources;

¹²⁰ Section 259.036(1), F.S.

¹²¹ Section 259.036(2), F.S.

¹²² Section 259.036(3), F.S.

¹²³ Section 259.036(4), F.S.

¹²⁴ Section 259.036(2), F.S.

- A desired development outcome;
 - A schedule for achieving the desired development outcome;
 - A description of both short-term and long-term development goals;
 - A management and control plan for invasive nonnative plants;
 - A management and control plan for soil erosion and soil and water contamination;
 - Measureable objectives to achieve the goals identified in the land use plan; and
 - Reference to appropriate statutory authority for such use or uses;
- Amending paragraph 253.034(5)(a), F.S., to distinguish the management requirements for conservation lands from the management requirements for nonconservation lands;
 - Amending paragraph 253.034(5)(d), F.S., to remove duplicative language that occurs in paragraph 253.034(5)(g);
 - Amending paragraph 253.034(5)(e), F.S., to direct land managers, as part of their every 10-year management plan update, to identify conservation lands that could be disposed of in fee simple or with the state retaining a permanent conservation easement;
 - Amending s. 253.7821, F.S., to change the management responsibilities of the Cross Florida Greenway from the Office of Greenways and Trails to DEP. The Office of Greenways and Trails exists within DEP under the Division of Recreation and Parks;¹²⁵
 - Amending s. 259.01, F.S., to change the name of the chapter from the “Land Conservation Act of 1972” to the “Land Conservation Program;”
 - Amending paragraphs 259.032(7)(b), (c), and (d), F.S., to remove the requirement that conservation lands must be managed for the purpose for which they were acquired. The bill amends paragraph 259.032(7)(d), F.S., to require each conservation land’s management policy statement to be compatible with conservation or recreation purposes;
 - Amending paragraph 259.032(8)(b), F.S., to move from sub-subparagraph 259.105(2)(a)11.b., F.S., the membership requirements for an advisory group that helps develop individual management plans when the state conservation lands contains habitat or potentially restorable habitat for imperiled species;
 - Amending paragraph 259.032(8)(c), F.S., to replace the reference to the Land Acquisition and Management Advisory Council, which does not exist, with ARC;
 - Repealing subparagraph 259.032(8)(d)2., F.S., to remove the deadline to adopt a land management plan for the Babcock Ranch. FWC and DACS adopted a land management plan in 2008;¹²⁶
 - Amending subparagraphs 259.032(8)(e)4., 6., and 7., F.S., to remove the requirement that conservation land individual management plans include a priority schedule for conducting management activities based on the purpose for which the lands were acquired, a cost estimate for conducting the management activities which would enhance public recreation values for which the lands were acquired, and a determination of public uses and public access that would be consistent with purposes for which the lands were acquired. Individual management plans will still require a priority schedule for conducting management activities and cost estimates for conducting other management activities to enhance public recreation value. The bill amends subparagraph 259.032(8)(e)7., F.S., to require the individual management plans to include a determination of public uses and public access that would be compatible with conservation or recreation purposes;
 - Amending paragraph 259.032(9)(a), F.S., to update the legislative intent that conservation lands should be managed and maintained in a manner that is compatible with conservation or recreation purposes and that public access should not harm the resources the state is seeking to protect on the public’s behalf. The statute previously stated conservation lands should be managed for the purpose for which they were acquired and public access and use of conservation lands must be consistent with purposes for which they were acquired;

¹²⁵ DEP, *The Office of Greenways and Trails*, <http://www.dep.state.fl.us/gwt/> (last visited November 1, 2015).

¹²⁶ Lee County, *Babcock Ranch Preserve Management Plan*, <https://www.leegov.com/conservation2020/documents/LSP/BRP.pdf> (last visited November 1, 2015).

- Amending subsection 259.035(3), F.S., to specify that ARC provides assistance to the Board of Trustees when reviewing recommendation and plans for state-owned conservation lands. ARC does not perform this function for nonconservation lands;
- Amending subsections 259.036(1), (4), and (5), F.S., to require the land management review teams evaluate whether the state-owned conservation lands are being managed in a manner compatible with conservation, preservation, or recreation purposes, rather than the purpose for which they were acquired;
- Amending paragraph 259.036(1)(a), F.S., to change the membership of land management review teams to provide a preference that the private land manager comes from the local community and the team may have either member or staff from the jurisdictional WMD or a member from the local soil and water conservation district board of supervisors;
- Amending s. 259.037, F.S., to replace references to the “council” with references to the Land Management Uniform Accounting Council, or LMUAC, to avoid confusion with ARC which is also called the “council” in chapter 259, F.S.;
- Amending subsection 259.047(2), F.S., to require agencies acquiring conservation lands to make a reasonable effort to keep lands in agricultural production, if the lands were in agricultural production at the time of acquisition, when such activities are consistent with the purposes of conservation and recreation, rather than the purpose for which they were acquired;
- Amending paragraph 259.101(6)(a), F.S., to authorize the Board of Trustees to allow public and private uses on lands acquired under the Preservation 2000 program that are compatible with conservation, preservation, or recreation, rather than compatible with the purposes for which the land was acquired; and
- Amending subparagraph 259.105(2)(a)11., F.S., to provide that it is the intent of the Legislature that the Florida Forever program advance the goals and objectives of imperiled species management in a manner that is compatible with conservation or recreation purposes, rather than consistent with the purpose for which they land was acquired.

These changes may require the Board of Trustees to amend chapters 18-2 and 18-21, F.A.C.

Disposition of State Lands

Present Situation

The Board of Trustees may determine which state lands may be surplus.¹²⁷ To dispose of conservation lands, the Board of Trustees must determine whether the land is no longer needed for conservation purposes and may dispose of such lands by an affirmative vote of at least three members.¹²⁸ To dispose of nonconservation lands, the Board of Trustees must determine whether the land is no longer needed and may dispose of such lands by an affirmative vote of at least three members.¹²⁹

Every 10 years, the land manager evaluates and indicates whether state lands are still being used for the purpose for which they were originally leased.¹³⁰ For conservation lands, ARC reviews the land manager’s findings and then provides a recommendation to the Board of Trustees whether the lands can be surplus.¹³¹ For nonconservation lands, DSL reviews the findings and then provides a recommendation to the Board of Trustees whether the lands can be surplus.¹³²

¹²⁷ Section 253.034(6), F.S.

¹²⁸ Id.

¹²⁹ Id.

¹³⁰ Section 253.034(6)(c), F.S.

¹³¹ Section 253.034(6)(c), F.S.

¹³² Id.

The Board of Trustees may surplus lands that are not actively being managed or when a land management plan has not been adopted as described above.¹³³

Any public or private entity or person may ask the Board of Trustees to surplus lands.¹³⁴ The lead managing agency must review the request and make a recommendation to ARC within 90 days.¹³⁵ ARC must immediately schedule a hearing to review the request at the next regularly scheduled hearing for any surplus requests that have not been acted upon within 90 days.¹³⁶

Leasing or Selling Land

Before a building or parcel of land is offered for lease or sale, DSL must first offer the land for lease to state agencies, state universities, and Florida College System institutions.¹³⁷ Within 60 days of the offer, the interested state agencies, state universities, or Florida College System institutions must submit a plan outlining the intended use, including future use, of the building or parcel of land before approval of a lease to the Board of Trustees for review.¹³⁸ The Board of Trustees must then compare the estimated value of the building or parcel to any submitted business plan to determine if the lease or sale is in the best interest of the state.¹³⁹

If an application is filed with the Board of Trustees requesting it sell certain lands, or if the Board or Trustees decides to sell state land, it must first notify the municipality and county in which the land is located that the land is available for purchase before consideration of private offers.¹⁴⁰ The board of county commissioners must notify the Board of Trustees by resolution whether it intends to purchase the land within 40 days.¹⁴¹ If the Board of Trustees receives the resolution within 45 days, it must then convey the land to the county at the appraised market value.¹⁴² Lands that are the subject of a request for surplus described above are not required to be first offered to local or state governments.¹⁴³

DSL must determine the sale price of the land by considering an appraisal.¹⁴⁴ If the value of the land is estimated at \$500,000 or less, DSL may use a comparable sales analysis or broker's opinion.¹⁴⁵ DSL must offer parcels valued at over \$500,000 by competitive bid first.¹⁴⁶ If the parcel is not successfully sold by competitive bid, or the parcel is valued at \$500,000 or less, then DSL may sell the property by any reasonable means.¹⁴⁷

Exchanging Land

To exchange conservation lands, the Board of Trustees must determine by an affirmative vote of at least three members that the exchange will result in a net positive conservation benefit.¹⁴⁸ When exchanging conservation lands acquired by the state through gift, donation, or any other conveyance for which no consideration was paid, the Board of Trustees may request land of equal conservation value from the county or local government but no other consideration.¹⁴⁹

¹³³ Section 253.034(6)(d), F.S.

¹³⁴ Section 253.034(6)(j), F.S.

¹³⁵ Id.

¹³⁶ Id.

¹³⁷ Section 253.034(13), F.S.

¹³⁸ Id.

¹³⁹ Id.

¹⁴⁰ Sections 253.034(6)(f) and 253.111(1), F.S.

¹⁴¹ Section 253.111(2), F.S.

¹⁴² Section 253.111(3), F.S.

¹⁴³ Section 253.034(6)(j), F.S.

¹⁴⁴ Section 253.034(6)(g), F.S.

¹⁴⁵ Id.

¹⁴⁶ Section 253.034(6)(h), F.S.

¹⁴⁷ Id.

¹⁴⁸ Section 253.034(6), F.S.

¹⁴⁹ Section 253.42(1), F.S.

When exchanging nonconservation lands, the Board of Trustees must first offer the lands at no cost to county and local governments when the lands were acquired by the state through gift, donation, or any other conveyance for which no consideration was paid and the use proposed by the county or local government is for a public purpose.¹⁵⁰

When exchanging state-owned lands not acquired by the state through gift, donation, or any other conveyance for which no consideration was paid with counties or local governments, the exchanges may be of equal value.¹⁵¹ "Equal value" is defined as the conservation benefit of the lands being offered for exchange by a county or local government being equal or greater in conservation benefit than the state-owned lands.¹⁵² Such exchanges may include cash transactions if based on an appropriate measure of value of the state-owned land, but must also include the determination of a net-positive conservation benefit by ARC, irrespective of appraised value.¹⁵³

Disposition of Funds Received

Proceeds from any sale of surplus conservation lands before July 1, 2015, must be deposited into the Florida Forever Trust Fund.¹⁵⁴ Proceeds from any sale of surplus conservation lands after July 1, 2015, must be deposited into the Land Acquisition Trust Fund.¹⁵⁵ Funds received from the sale of surplus nonconservation lands, or lands that were acquired by gift, by donation, or for no consideration, must be deposited into the Internal Improvement Trust Fund.¹⁵⁶

The Board of Trustees may not surplus or exchange lands if the effect of the sale or exchange would cause all or any portion of the interest on any revenue bonds issued to lose their tax exempt status.¹⁵⁷

The Board of Trustees may adopt rules for the procedures for administering surplus land requests and criteria for when DSL may approve requests to surplus nonconservation lands on behalf of the Board of Trustees.¹⁵⁸

Since 2000, the Board of Trustees declared surplus and disposed of approximately 3,041 conservation acres. This raised \$14,438,157 in revenue. The Board of Trustees also received 939.8 conservation acres in exchange with a value of \$30,726,946. The revenues were returned to the fund from which those lands were acquired, or if the fund no longer existed, they were deposited into an appropriate account to be used for land management by the lead managing agency for that property.¹⁵⁹

Effect of Proposed Changes

The bill consolidates the disposition procedures for state lands into one statute by repealing subsections 253.034(6) and (13), F.S., and amending section 253.0341, F.S. Although consolidated, the procedures remain largely the same. The bill:

- Moves the standard for determining which lands to surplus from subsection 253.034(6), F.S., to subsection 253.0341(1), F.S. The bill moves the procedure to consider requests to surplus nonconservation lands in subsection 253.0341(1), F.S., to 253.0341(12), F.S.;
- Moves the designation of certain lands as conservation lands from paragraph 253.034(6)(a), F.S., to subsection 253.0341(2), F.S.;

¹⁵⁰ Id.

¹⁵¹ Section 253.42(2), F.S.

¹⁵² Id.

¹⁵³ Id.

¹⁵⁴ Section 253.034(6)(k), F.S.

¹⁵⁵ Section 253.034(6)(l), F.S.

¹⁵⁶ Section 253.034(6)(m), F.S.

¹⁵⁷ Section 253.034(6)(n), F.S.

¹⁵⁸ Section 253.034(6)(p), F.S.

¹⁵⁹ DEP, Agency Analysis of 2016 House Bill 1075, p. 4 (January 12, 2016).

- Moves the procedure for local governments to request surplus of conservation lands from subsection 253.0341(2), F.S., to subsection 253.0341(12), F.S. The bill combines the procedure for public or private entities or persons to request lands be sold as surplus from paragraph 253.034(6)(j), F.S., into subsection 253.0341(12), F.S. Further, the bill changes the deadline for the Board of Trustees to consider such a request from 120 days to 60 days to be consistent with the deadline for nonconservation lands in subsection 253.111(1), F.S.;
- Moves the designation of certain lands as nonconservation lands from paragraph 253.034(6)(b), F.S., to subsection 243.0341(3), F.S.;
- Removes the procedure for local governments to request state lands be surplus for providing alternative water supply and water resource development from subsection 253.0341(3), F.S. Such requests can be made under the new subsection 253.0341(12), F.S.;
- Moves the procedure for the surplus of lands conveyed to a local government for affordable housing from subsection 253.0341(3), F.S., to subsection 253.0341(19), F.S.;
- Moves the requirement that each land manager evaluate and indicate to the Board of Trustees whether the land is being used for the purpose for which it was originally leased from paragraph 253.034(6)(c), F.S., to subsection 253.0341(4), F.S.;
- Requires DSL, at least every 10 years, to review all Board of Trustee-titled conservation lands, along with lands identified in any updated land management plan, to determine if any are no longer needed for conservation purposes and can be disposed of in fee simple or with the state retaining a permanent conservation easement. ARC must review this list of lands and provide a recommendation to DSL within 9 months as to whether such lands are no longer needed for conservation purposes. The Board of Trustees must review the list created by DSL and ARC's recommendation and then dispose of those lands, in fee simple or with the state retaining a permanent conservation easement, if the Board of Trustees determines, by an affirmative vote of three members of the board, are no longer needed for conservation purposes;
- Requires DSL, at least every 10 years, to review all unencumbered nonconservation lands and determine whether they should be retained or disposed of by the Board of Trustees. These lands may be disposed of by a majority vote of the Board of Trustees;
- Repeals subsection 253.0341(4), F.S., to delete an obsolete reference to a conveyance the Board of Trustees has already executed;
- Moves the surplus procedure for ARC to review lands not being actively managed or for which a land management plan has not been completed from paragraph 253.034(6)(d), F.S., to subsection 253.0341(5), F.S. The bill changes the language to clarify that the procedure applies to conservation lands;
- Moves the procedure for ARC to review conservation lands for surplus from paragraph 253.034(6)(e), F.S., to subsection 253.0341(6), F.S. The bill changes the language to clarify the procedure applies to conservation lands;
- Moves the procedure for ARC to consider, before the land is surplus, whether conservation lands would be better managed by local governments from paragraph 253.034(6)(f), F.S., to subsection 253.0341(7), F.S. The bill amends the language to clarify the procedure applies to conservation lands. The bill moves the time the Board of Trustees must keep the offer open to state agencies, counties, or municipalities to subsections 253.0341(8) and 253.111(3), F.S.;
- Moves the requirement that surplus nonconservation land must first be offered to state agencies, state universities, and Florida College System institutions from subsection 253.034(13), F.S., to subsection 253.0341(8), F.S. The bill changes the deadline for such agencies to submit a plan describing the proposed use of the property to the Board of Trustees from 60 days to 45 days to be consistent with the deadline for local governments in section 253.111(3), F.S. The bill also changes the word "building" to "facility" to address all possible structures on the lands;
- Moves the procedure to determine the sale price of surplus land from paragraph 253.034(6)(g), F.S., to subsection 253.0341(9), F.S.;
- Moves the requirement to offer properties valued over \$500,000 by competitive bid from paragraph 253.034(6)(h), F.S., to subsection 253.0341(10), F.S.;

- Moves the procedure for determining whether lands identified for surplus are to be held for other public purposes or are no longer needed from paragraph 253.034(6)(i), F.S., to subsection 253.0341(11), F.S. The bill adds that state universities or Florida College System institutions that requested the Board of Trustees surplus the land, must secure the property under lease within 90 days. This is consistent with the requirements for state entities, state agencies, and local governments;
- Moves the procedure for the disposition of funds from the sale of state lands from paragraphs 253.034(6)(k), (l), and (m), F.S., to subsection 253.0341(13), (14), and (15), F.S.;
- Moves the prohibition on the surplus of lands that would cause all or any portion of the interest on any revenue bonds issued to lose the exclusion from gross income for federal income tax purposes from paragraph 253.034(6)(n), F.S., to subsection 253.0341(16), F.S.;
- Moves the exception that filled, formerly submerged lands not exceeding five acres is not subject to review by ARC from paragraph 253.034(6)(o), F.S., to subsection 253.0341(17), F.S.; and
- Moves the authority to make rules for surplus land procedures from paragraph 253.034(6)(p), F.S., to subsection 253.0341(18), F.S.

The bill amends subsection 235.111, F.S., to give municipalities priority over counties when a surplus parcel is located within the municipality. The bill amends subsection 253.111(2), F.S., by removing the 40 day deadline for counties and municipalities to pass a resolution to request surplus land because it is inconsistent with the deadline in the following subsection. The bill amends subsection 253.111(3), F.S., to require the value of such lands to be based on, at DSL's discretion, an appraisal, a comparable sales analysis, or a broker's opinion of value.

The bill creates s. 253.42(4), F.S., to allow a land owner to apply to DSL to exchange private lands contiguous to state-owned lands with the state. A person who owns land contiguous to Board of Trustees-titled land may request to exchange title to all or a portion of the contiguous state-owned land, with the state retaining a permanent conservation easement over all or a portion of the former state lands, for a permanent conservation easement over all or a portion of the contiguous privately owned land. DSL may submit the proposed exchange to ARC for review. ARC must provide a recommendation to DSL. DSL must submit its recommendation along with ARC's recommendation to the Board of Trustees. This provision does not allow the Board of Trustees to exchange sovereign submerged lands.

For the Board of Trustees to approve the exchange:

- The privately held land must be bordered by state-owned land on at least 30 percent of its perimeter and the exchange must not create an inholding;
- Approval of the exchange must not cause the Board of Trustees, DEP, DACS, or FWC to violate the terms of a preexisting lease;
- For conservation land, the Board of Trustees must determine the exchange will result in a positive conservation benefit;
- Approval of the exchange must not conflict with an existing flowage easement; and
- At least three members of the Board of Trustees must approve the request.

The Board of Trustees must give special consideration to a request that maintains public access for any recreational purpose allowed on the state-owned land at the time the request is submitted. Further, once exchanged, lands subject to permanent conservation easements are subject to inspection by DEP to ensure compliance with the terms of the permanent conservation easement.

Florida Forever Selection Process

Present Situation

In 1999, the Legislature created the Florida Forever Program.¹⁶⁰ This program sought to purchase environmentally sensitive lands to protect natural resources, avoid degradation of water resources, improve recreational opportunities, and preserve wildlife habitat.¹⁶¹ The state issued Florida Forever Bonds to finance or refinance the cost of acquisition and improvement of land, water areas, and related property interests and resources, in urban and rural settings, for the purposes of restoration, conservation, recreation, water resource development, or historical preservation, and for capital improvements to lands and water areas that accomplish environmental restoration, enhance public access and recreational enjoyment, promote long-term management goals, and facilitate water resource development.¹⁶² A “water resource development project” does not include construction of treatment, transmission, or distribution facilities.¹⁶³

ARC, with the assistance of the Florida Natural Area Inventories and several state agencies, evaluates applications for acquisition projects under the Florida Forever Program and provides recommendations to the Board of Trustees.¹⁶⁴ In order to be considered for acquisition under the Florida Forever Program, the project must contribute to the achievement of the following goals:

- Enhance the coordination and completion of land acquisition projects;
- Increase the protection of Florida’s biodiversity at the species, natural community, and landscape levels;
- Protect, restore, and maintain the quality and natural functions of land, water, and wetland systems of the state;
- Ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state;
- Increase natural resource-based public recreational and educational opportunities;
- Preserve significant archaeological or historic sites;
- Increase the amount of forestland available for sustainable management of natural resources; or
- Increase the amount of open space available in urban areas.¹⁶⁵

Further, ARC must give weight to the following factors when considering applications:

- The project meets multiple goals described above;
- The project is part of an ongoing governmental effort to restore, protect, or develop land areas or water resources;
- The project enhances or facilitates management of properties already under public ownership;
- The project has significant archaeological or historic value;
- The project has funding sources that are identified and assured through at least the first 2 years of the project;
- The project contributes to the solution of water resource problems on a regional basis;
- The project has a significant portion of its land area in imminent danger of development, in imminent danger of losing its significant natural attributes or recreational open space, or in imminent danger of subdivision which would result in multiple ownership and make acquisition of the project costly or less likely to be accomplished;
- The project implements an element from a plan developed by an ecosystem management team;
- The project is one of the components of the Everglades restoration effort;

¹⁶⁰ Chapter 99-247, Laws of Fla.

¹⁶¹ Section 259.105(2)(a), F.S.

¹⁶² Section 215.618(1)(a), F.S.

¹⁶³ Section 259.03(6), F.S.

¹⁶⁴ Section 259.105(3) and (8), F.S.

¹⁶⁵ Section 259.105(4), F.S.

- The project may be purchased at 80 percent of appraised value;
- The project may be acquired, in whole or in part, using alternatives to fee simple, including but not limited to, tax incentives, mitigation funds, or other revenues; the purchase of development rights, hunting rights, agricultural or silvicultural rights, or mineral rights; or obtaining conservation easements or flowage easements; and
- The project is a joint acquisition, either among public agencies, nonprofit organizations, or private entities, or by a public-private partnership.¹⁶⁶

Further, ARC must give increased priority to those projects which have matching funds available and to project elements previously identified on an acquisition list that can be acquired at 80 percent or less of appraised value.¹⁶⁷ ARC must also give increased priority to those projects where the state's land conservation plans overlap with the military's need to protect lands, water, and habitat to ensure the sustainability of military missions including:

- Protecting habitat on nonmilitary land for any species found on military land that is designated as threatened or endangered, or is a candidate for such designation under the Endangered Species Act or any Florida statute;
- Protecting areas underlying low-level military air corridors or operating areas; and
- Protecting areas identified as clear zones, accident potential zones, and air installation compatible use buffer zones delineated by our military partners, and for which federal or other funding is available to assist with the project.¹⁶⁸

Effect of the Proposed Changes

The bill:

- Amends the definition of "water resource development project" in subsection 259.03(6), F.S. Currently, water resource development projects funded by Florida Forever projects may not include construction of treatment, transmission, or distribution facilities. The bill removes this prohibition. This change will allow the use of land purchased through Florida Forever and with Florida Forever funds for construction of treatment, transmission, or distribution facilities.
- Amends subsection 259.105(10), F.S., to require ARC to give priority to proposed projects under Florida Forever that can be acquired in less than fee, projects that contribute to improving the quality and quantity of surface water and groundwater, and projects that contribute to improving the water quality and flow of springs; and
- Amends subsection 259.105(19), F.S., to delete an obsolete rulemaking requirements that DEP completed in 2010.¹⁶⁹

These changes may require the Board of Trustees to amend chapter 18-24, F.A.C.

State Lands Record Keeping

Present Situation

The Board of Trustees must maintain a public land office that keeps and preserves all records, surveys, plats, maps, field notes, and patents, and all other evidence touching the title and description of the public domain, and all lands granted by Congress to this state.¹⁷⁰ This is done through the Bureau of Survey and Mapping.¹⁷¹ The Bureau maintains a repository of all the records, surveys, plats, maps,

¹⁶⁶ Section 259.105(9), F.S.

¹⁶⁷ Section 259.105(10), F.S.

¹⁶⁸ Id.

¹⁶⁹ See chapter 18-24, F.A.C., *effective date*, <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=18-24> (last visited November 1, 2015).

¹⁷⁰ Section 253.031(1), F.S.

¹⁷¹ DEP, *Survey & Mapping*, <http://www.dep.state.fl.us/lands/survey.htm> (last visited October 29, 2015).

field notes, and patents and all other evidence touching the title and description of the public domain.¹⁷² The Board of Trustees received all of the tract books, plats, and such records and papers kept in the United States Land Office at Gainesville, Alachua County.¹⁷³

Annually, the Board of Trustees must prepare an inventory of all publicly owned lands within the state using tax roll data provided by the Department of Revenue (DOR).¹⁷⁴ The inventory must include all lands owned by any unit of state government or local government; by the Federal Government, to the greatest extent possible; and by any other public entity.¹⁷⁵ The inventory must include a legal description or proper reference, the number of acres or square feet within the boundaries, and the assessed value of all publicly owned uplands.¹⁷⁶ By November 30 each year, the Board of Trustees must provide the inventory to each state agency and local government and any other public entity that holds title to real property.¹⁷⁷

Further, through a partnership with the Department of Management Services (DMS), DEP maintains a comprehensive system for all state lands and real property leased, owned, rented, and otherwise occupied or maintained by any state agency, by the judicial branch, and by any WMD.¹⁷⁸ This system is called the State Owned Lands and Records Information System (SOLARIS). SOLARIS allows the Board of Trustees to perform its statutory responsibilities and DSL to conduct strategic analyses and prepare annual valuation and disposition analyses and recommendations for all state real property assets.¹⁷⁹ DEP is the statewide custodian of real property information and is responsible for its accuracy.¹⁸⁰ SOLARIS must:

- Eliminate the need for redundant state real property information collection processes and state agency information systems;
- Reduce the need to lease or acquire additional real property as a result of an annual surplus valuation, utilization, and disposition analysis;
- Enable regional planning as a tool for cost-effective buy, sell, and lease decisions;
- Increase state revenues and maximize operational efficiencies by annually identifying those state-owned real properties that are the best candidates for surplus or disposition;
- Ensure all state real property is identified by collaborating and integrating with the DOR data as submitted by the county property appraisers; and
- Implement required functionality and processes for state agencies to electronically submit all applicable real property information using a web browser application.¹⁸¹

Effect of the Proposed Changes

The bill amends subsection 253.031(2), F.S., to require DEP to maintain state lands records. The bill also repeals subsection 253.031(7), F.S., which is obsolete because the state previously received the state lands records kept by the United States Land Office in Alachua County.

The bill creates s. 253.87, F.S., to:

- Require DEP to add to SOLARIS by July 1, 2018, and update every five years, the following:
 - Federally owned conservation lands;
 - Lands on which the federal government holds a permanent conservation easement; and
 - All lands on which the state holds a permanent conservation easement;

¹⁷² Section 253.031(2), F.S.

¹⁷³ Section 253.031(7), F.S.

¹⁷⁴ Section 253.03(8)(a), F.S.

¹⁷⁵ Id.

¹⁷⁶ Section 253.03(8)(b), F.S.

¹⁷⁷ Section 253.03(8)(c), F.S.

¹⁷⁸ Section 216.0153(1), F.S.; DEP, *Florida State Owned Lands and Records Information System (FL-SOLARIS)*, www.dep.state.fl.us/lands/fl_solaris.htm (last visited January 13, 2016).

¹⁷⁹ Id.

¹⁸⁰ Id.

¹⁸¹ Section 216.0153(2), F.S.

- Require each county and city to submit to DEP, by July 1, 2018, a list of all conservation lands owned by the local government and lands on which the entity holds a permanent conservation easement. Financially disadvantaged small communities have until July 1, 2019, to submit the same information. Within 6 months after receiving a list from a local government, DEP must add the listed lands to the database; and
- Direct DEP to complete a study by January 1, 2018, regarding the technical and economic feasibility of including the following lands in SOLARIS or a public lands inventory:
 - All lands where local comprehensive plans, land use restrictions, zoning ordinances, or land development regulations prohibit the land from being developed or limits the amount of development to one unit per 40 acres or greater;
 - Publically and privately owned lands where development rights have been transferred;
 - Privately owned lands under a permanent conservation easement;
 - Conservation lands owned by nonprofit or nongovernmental organization; and
 - Lands that are part of a mitigation bank.

B. SECTION DIRECTORY:

Section 1. Amends s. 253.025, F.S., relating to acquisition of state lands.

Section 2. Creates s. 253.0251, F.S., relating to alternatives to fee simple acquisition.

Section 3. Amends s. 253.03, F.S., relating to the administration of state lands by the Board of Trustees and the enumeration of state lands.

Section 4. Amends s. 253.031, F.S., relating to the land office and custody of documents concerning land, moneys, and plats.

Section 5. Amends s. 253.035, F.S., relating to uses of state owned lands.

Section 6. Amends s. 253.0341, F.S., relating to surplus of state owned lands.

Section 7. Amends s. 253.111, F.S., relating to notice to counties and municipalities before sale.

Section 8. Amends s. 253.42, F.S., relating to the Board of Trustees exchanging land.

Section 9. Amends s. 253.782, F.S., relating to the retention of state owned lands in and around Lake Rousseau and the Cross Florida Barge Canal right-of-way from Lake Rousseau west to the Withlacoochee River.

Section 10. Amends s. 253.7821, F.S., relating to assignment of the Cross Florida Greenways State Recreation and Conservation Area to the Department of Environmental Protection.

Section 11. Creates s. 253.87, F.S., relating to inventory of state, federal, and local government conservation lands by the Department of Environmental Protection.

Section 12. Amends s. 259.01, F.S., renaming the chapter the "Land Conservation Program."

Section 13. Repeals s. 259.02, F.S., relating to authority and full faith and credit for bonds.

Section 14. Amends s. 259.03, F.S., expanding the definition of "water resource development project."

Section 15. Amends s. 259.032, F.S., relating to conservation and recreation lands.

Section 16. Amends s. 259.035, F.S., relating to the Acquisition and Recreation Council.

Section 17. Amends s. 259.036, F.S., relating to management review teams.

Section 18. Amends s. 259.037, F.S., relating to the Land Management Uniform Accounting Council.

Section 19. Repeals s. 259.041, F.S., relating to acquisition of state owned lands for preservation, conservation, and recreation purposes.

Section 20. Amends s. 259.047, F.S., relating to acquisition of land on which an agricultural lease exists.

Section 21. Amends s. 259.101, F.S., relating to the Florida Preservation 2000 Act.

Section 22. Amends s. 259.105, F.S., relating to the Florida Forever Act.

Section 23. Amends s. 259.1052, F.S., relating to the Babcock Crescent B Ranch acquisition.

Sections 24. through 44. Amends ss. 73.015, 125.355, 166.045, 215.82, 215.956, 253.027, 253.7824, 260.015, 260.016, 369.317, 373.139, 375.031, 375.041, 380.05, 380.055, 380.508, 589.07, 944.10, 957.04, 985.682, and 1013.14, F.S., conforming cross references.

Section 45. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Acquisition of State Lands

The bill may have an indeterminate positive fiscal impact on DEP by allowing it to conduct its own appraisals on all lands valued at \$100,000 or less, not just conservation lands.

Management and Use of State Lands

The bill may have an indeterminate negative fiscal impact on agencies who manage state owned land when they do not meet their short term management goals. The Board of Trustees may require these agencies to release their interest in the land or require DEP to surplus the land.

Disposition of State Lands

The bill will have an insignificant negative fiscal impact on DEP by requiring it to review whether land managers have met their short-term and long-term goals for nonconservation lands and whether such lands should be offered for surplus. DEP estimates that it will require two additional full time employees at a cost of \$123,020 in reoccurring costs. Further, DEP estimates that it must update its Integrated Land Management System and Land Information Tracking System to implement the requirements at a cost of \$7,764 in nonreoccurring costs.¹⁸²

SOLARIS

The bill appears to have a negative fiscal impact on DEP by requiring the department to include in SOLARIS all federally owned conservation lands, lands on which the federal government holds a conservation easement, and all lands on which the state holds a conservation easement. DEP predicts it will require:

- For the federal conservation lands, federal conservation easements, and state conservation easements:
 - One FTE to produce the initial data, establish federal contacts to acquire data, and to maintain the system and data;
 - A recurring task order with the Florida Natural Areas Inventory to use its conservation managed land data; and
 - A new SOLARIS Conservation Lands Module for the federal and state data to be designed, tested, and implemented before the data can be loaded.
- For the county and municipality conservation lands and easements:
 - Completion of a new SOLARIS Conservation Lands Module; and
 - One FTE to act as liaison to counties and municipalities to assure compliance, quality control, and maintain the county and municipal conservation data in SOLARIS.¹⁸³

DEP estimates this cost to be \$1,135,784.¹⁸⁴

The bill appears to have a negative fiscal impact on DEP by requiring the department to conduct a study and submit a report on the technical and economic feasibility of including lands with various criteria in the SOLARIS database. DEP estimates this cost to be \$500,000.¹⁸⁵

Rulemaking

The bill appears to have an insignificant negative fiscal impact on DEP because the department will likely need to revise their rules as a result of the statutory changes in the bill.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Management and Use of State Lands

The bill may have an indeterminate negative fiscal impact on local governments who manage state owned land when they do not meet their short term management goals. The Board of Trustees may require these local governments to release their interest in the land or require DEP to surplus the land.

Disposition of State Lands

The bill may have an indeterminate positive fiscal impact on municipalities and an indeterminate negative fiscal impact on counties by giving municipalities priority over counties when the Board of Trustees proposes to sell surplus land within their jurisdictions.

¹⁸³ Id.

¹⁸⁴ Id.

¹⁸⁵ Id.

SOLARIS

The bill may have an indeterminate negative fiscal impact on each county and municipalities by requiring them to submit to DEP a list of all conservation lands owned by the entity and lands on which the entity holds a permanent conservation easement. Counties and municipalities will need to devote employee time and effort to collect and transmit the data to DEP.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, section 18, of the Florida Constitution may apply because this bill requires each county and municipality to submit to DEP a list of all conservation lands owned by the entity and lands on which the entity holds a permanent conservation easement. However, an exemption may apply if the bill is determined to have an insignificant fiscal impact.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The Board of Trustees has sufficient rulemaking authority to amend chapters 18-1, 18-2, 18-21, and 18-24, F.A.C., to conform to changes made in the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issue:

On line 398, the bill references the Minimum Technical Standards for Land Surveying in Florida. DEP recommends that "Minimum Technical Standards" be replaced with "Standards of Practice" to reflect changes made to s. 472.027, F.S., in 2014.¹⁸⁶

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

¹⁸⁶ Id.

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

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

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

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

105 nonconservation lands be expedited; directing the
 106 board to make certain determinations regarding the
 107 surplus and disposition of state lands; providing that
 108 lands acquired before a certain date using specified
 109 proceeds are deemed to have been acquired for
 110 conservation purposes; providing that certain lands
 111 used by the Department of Corrections, the Department
 112 of Management Services, and the Department of
 113 Transportation may not be designated as lands acquired
 114 for conservation purposes; requiring updated land
 115 management plans to identify conservation lands that
 116 are no longer needed and could be disposed of;
 117 requiring the Division of State Lands to review state-
 118 owned conservation lands and determine if such lands
 119 are no longer needed and could be disposed of and to
 120 submit a list of such lands to the Acquisition and
 121 Restoration Council; requiring the council to provide
 122 certain recommendations to the board regarding
 123 conservation lands; requiring the division to review
 124 certain nonconservation lands and make recommendations
 125 to the board as to whether such lands should be
 126 retained in public ownership or disposed of; deleting
 127 an obsolete provision; requiring that buildings and
 128 parcels of land be offered for lease to state
 129 agencies, state universities, and Florida College
 130 System institutions before being offered for lease or

131 sale to a local or federal unit of government or a
 132 private party; providing for the valuation and
 133 disposition of surplus lands; providing for the
 134 deposit of proceeds from the sale of such lands;
 135 authorizing the board to adopt rules; amending s.
 136 253.111, F.S.; revising provisions requiring the board
 137 to afford an opportunity to local governments to
 138 purchase certain lands; amending s. 253.42, F.S.;
 139 authorizing individuals or entities to submit requests
 140 to the Division of State Lands to exchange state-owned
 141 land for privately held land; requiring the state to
 142 retain permanent conservation easements over the
 143 state-owned land and all or a portion of the privately
 144 held land; requiring the division to review requests
 145 and provide recommendations to the Acquisition and
 146 Restoration Council; providing applicability;
 147 directing the board to consider a request if certain
 148 conditions are met; providing special consideration
 149 for certain requests; providing that such lands are
 150 subject to inspection; amending s. 253.782, F.S.;
 151 deleting a provision directing the Department of
 152 Environmental Protection to retain ownership of and
 153 maintain lands or interests in land owned by the
 154 board; amending s. 253.7821, F.S.; assigning the Cross
 155 Florida Greenways State Recreation and Conservation
 156 Area to the Department of Environmental Protection

157 rather than the Office of Greenways Management within
 158 the Office of the Secretary; creating s. 253.87, F.S.;
 159 directing the Department of Environmental Protection
 160 to include certain county, municipal, state, and
 161 federal lands in the Florida State-Owned Lands and
 162 Records Information System (SOLARIS) database and to
 163 update the database at specified intervals; requiring
 164 counties, municipalities, and financially
 165 disadvantaged small communities to submit a list of
 166 certain lands to the department by a specified date
 167 and at specified intervals; directing the department
 168 to conduct a study and submit a report to the Governor
 169 and the Legislature on the technical and economic
 170 feasibility of including certain lands in the database
 171 or a similar public lands inventory; amending s.
 172 259.01, F.S.; renaming the "Land Conservation Act of
 173 1972" as the "Land Conservation Program"; repealing s.
 174 259.02, F.S., relating to issuance of state bonds for
 175 certain land projects; amending s. 259.03, F.S.;
 176 revising the definition of the term "water resource
 177 development project" to include construction of
 178 treatment, transmission, and distribution facilities;
 179 amending s. 259.032, F.S.; conforming cross-
 180 references; revising provisions relating to the
 181 management of conservation and recreation lands to
 182 conform with changes made by the act; revising duties

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

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

230

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

232

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

235 253.025 Acquisition of state lands ~~for purposes other than~~
 236 ~~preservation, conservation, and recreation.~~-

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

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

246 1. Waive any requirements of this section.

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

249 3. Substitute other reasonably prudent procedures.

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

257 (d) Notwithstanding ~~any provisions in~~ this section ~~to the~~
 258 ~~contrary,~~ if lands are being acquired by the board of trustees
 259 for the anticipated sale, conveyance, or transfer to the Federal
 260 Government pursuant to a joint state and federal acquisition

261 project, the board of trustees may use appraisals obtained by
 262 the Federal Government in the acquisition of such lands. The
 263 board of trustees may waive any provision of this section when
 264 land is being conveyed from a state agency to the board.

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

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

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

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

287 reports.

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

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

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

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

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

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

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

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

313 way as to significantly affect its management.

314

315 If approval of the board of trustees is required pursuant to
 316 this subsection, the acquiring agency must provide a
 317 justification as to why it is in the public's interest to
 318 acquire the parcel or Florida Forever project. Approval of the
 319 board of trustees is also required for Florida Forever projects
 320 the department recommends acquiring pursuant to subsections (11)
 321 and (22). Review and approval of agreements for acquisitions for
 322 Florida Greenways and Trails Program properties pursuant to
 323 chapter 260 may be waived by the department in any contract with
 324 nonprofit corporations that have agreed to assist the department
 325 with this program. If the contribution of the acquiring agency
 326 exceeds \$100 million in any one fiscal year, the agreement shall
 327 be submitted to and approved by the Legislative Budget
 328 Commission.

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

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

335 (7)~~(5)~~ Evidence of marketable title shall be provided by
 336 the landowner before ~~prior to~~ the conveyance of title, as
 337 provided in the final agreement for purchase. Such evidence of
 338 marketability shall be in the form of title insurance or an

339 abstract of title with a title opinion. The board of trustees
 340 may waive the requirement that the landowner provide evidence of
 341 marketable title, and, in such case, the acquiring agency shall
 342 provide evidence of marketable title. The board of trustees or
 343 its designee may waive the requirement of evidence of
 344 marketability for acquisitions of property assessed by the
 345 county property appraiser at \$10,000 or less, if ~~where~~ the
 346 Division of State Lands finds, based upon such review of the
 347 title records as is reasonable under the circumstances, that
 348 there is no apparent impediment to marketability, or to
 349 management of the property by the state.

350 (8)-(6) Before approval by the board of trustees, or, when
 351 applicable, the Department of Environmental Protection, of any
 352 agreement to purchase land pursuant to this chapter, chapter
 353 259, chapter 260, or chapter 375, and before ~~Prior to~~
 354 negotiations with the parcel owner to purchase any other land
 355 ~~pursuant to this section~~, title to which will vest in the board
 356 of trustees, an appraisal of the parcel shall be required as
 357 follows:

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

361 (b)-(a) Each parcel to be acquired shall have at least one
 362 appraisal. Two appraisals are required when the estimated value
 363 of the parcel exceeds \$1 million. However, if both appraisals
 364 exceed \$1 million and differ significantly, a third appraisal

365 may be obtained. ~~If~~ When a parcel is estimated to be worth
 366 \$100,000 or less and the director of the Division of State Lands
 367 finds that the cost of an outside appraisal is not justified, a
 368 comparable sales analysis, an appraisal prepared by the
 369 division, or other reasonably prudent procedures may be used by
 370 the division to estimate the value of the parcel, provided the
 371 public's interest is reasonably protected. The state is not
 372 required to appraise the value of lands and appurtenances that
 373 are being donated to the state.

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

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

390 ~~(e)~~ (e) The board of trustees shall adopt by rule the

391 minimum criteria, techniques, and methods to be used in the
 392 preparation of appraisal reports. Such rules shall incorporate,
 393 to the extent practicable, generally accepted appraisal
 394 standards. Any appraisal issued for acquisition of lands
 395 pursuant to this section must comply with the rules adopted by
 396 the board of trustees. A certified survey must be made which
 397 meets the minimum requirements for upland parcels established in
 398 the Minimum Technical Standards for Land Surveying in Florida
 399 published by the Department of Agriculture and Consumer Services
 400 ~~Business and Professional Regulation~~ and which accurately
 401 portrays, to the greatest extent practicable, the condition of
 402 the parcel as it currently exists. The requirement for a
 403 certified survey may, in part or in whole, be waived by the
 404 board of trustees any time before ~~prior to~~ submitting the
 405 agreement for purchase to the Division of State Lands. When an
 406 existing boundary map and description of a parcel are determined
 407 by the division to be sufficient for appraisal purposes, the
 408 division director may temporarily waive the requirement for a
 409 survey until any time before ~~prior to~~ conveyance of title to the
 410 parcel. ~~The fee appraiser and the review appraiser for the~~
 411 ~~agency shall not act in any way that may be construed as~~
 412 ~~negotiating with the property owner.~~

413 (f) ~~(d)~~ Appraisal reports are confidential and exempt from
 414 ~~the provisions of~~ s. 119.07(1), for use by the agency and the
 415 board of trustees, until an option contract is executed or, if
 416 no option contract is executed, until 2 weeks before a contract

417 or agreement for purchase is considered for approval by the
 418 board of trustees. The Department of Environmental Protection
 419 may disclose appraisal reports to private landowners during
 420 negotiations for acquisitions using alternatives to fee simple
 421 techniques, if the department determines that disclosure of such
 422 reports will bring the proposed acquisition to closure. However,
 423 the private landowner must agree to maintain the confidentiality
 424 of the reports or information. However, The department ~~Division~~
 425 ~~of State Lands~~ may also disclose appraisal information to public
 426 agencies or nonprofit organizations that agree to maintain the
 427 confidentiality of the reports or information when joint
 428 acquisition of property is contemplated, or when a public agency
 429 or nonprofit organization enters into a written agreement with
 430 the department ~~division~~ to purchase and hold property for
 431 subsequent resale to the board of trustees ~~division~~. In
 432 addition, the department ~~division~~ may use, as its own,
 433 appraisals obtained by a public agency or nonprofit
 434 organization, if provided the appraiser is selected from the
 435 department's ~~division's~~ list of appraisers and the appraisal is
 436 reviewed and approved by the department ~~division~~. For ~~the~~
 437 purposes of this paragraph, the term "nonprofit organization"
 438 means an organization that ~~whose purpose is the preservation of~~
 439 ~~natural resources, and which~~ is exempt from federal income tax
 440 under s. 501(c)(3) of the Internal Revenue Code and, for
 441 purposes of the acquisition of conservation lands, an
 442 organization whose purpose must include the preservation of

443 natural resources. The agency may release an appraisal report
 444 when the passage of time has rendered the conclusions of value
 445 in the report invalid or when the acquiring agency has
 446 terminated negotiations.

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

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

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

467 (j)1. The board of trustees shall adopt by rule the method
 468 for determining the value of parcels sought to be acquired by

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

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

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

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

495 of trustees for final purchase price approval shall explicitly
 496 state that payment of the final purchase price is subject to an
 497 appropriation from the Legislature. The consideration for such
 498 an option may not exceed \$1,000 or 0.01 percent of the estimate
 499 by the department of the value of the parcel, whichever amount
 500 is greater.

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

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

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

519 (d) All offers or counteroffers shall be documented in
 520 writing and shall be confidential and exempt from ~~the provisions~~

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

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

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

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

545 (e)~~(f)~~ When making an offer to a landowner, a state agency
 546 shall consider the desirability of a single cash payment in

547 relation to the maximum offer allowed by law.

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

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

570 (h)~~(i)~~ Within 45 days after ~~of~~ receipt by the Department
 571 of Environmental Protection ~~Division of State Lands~~ of the
 572 agreement for purchase and the required documentation, the board

573 of trustees or, if ~~when~~ the purchase price does not exceed
 574 \$100,000, its designee shall ~~either~~ reject or approve the
 575 agreement. An approved agreement for purchase is binding on both
 576 parties. Any agreement which has been disapproved shall be
 577 returned to the agency, along with a statement as to the
 578 deficiencies of the agreement or the supporting documentation.
 579 An agreement for purchase which has been disapproved by the
 580 board of trustees may be resubmitted when such deficiencies have
 581 been corrected.

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

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

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

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

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

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

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

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

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

638
 639 Pursuant to this subsection, the department may exercise
 640 condemnation authority directly or by contracting with the
 641 Department of Transportation or a water management district to
 642 provide that service. If the Department of Transportation or a
 643 water management district enters into such a contract with the
 644 department, the Department of Transportation or a water
 645 management district may use statutorily approved methods and
 646 procedures ordinarily used by the agency for condemnation
 647 purposes.

648 (12)+9) Any conveyance to the board of trustees of fee
 649 title shall be made by no less than a special warranty deed,
 650 unless the conveyance is from the Federal Government, the county

651 government, or another state agency or, in the event of a gift
 652 or donation by quitclaim deed, if the board of trustees, or its
 653 designee, determines that the acceptance of such quitclaim deed
 654 is in the best interest of the public. A quitclaim deed may also
 655 be accepted to aid in clearing title or boundary questions. ~~The~~
 656 ~~title to lands acquired pursuant to this section shall vest in~~
 657 ~~the board of trustees as provided in s. 253.03(1). All such~~
 658 ~~lands, title to which is vested in the board pursuant to this~~
 659 ~~section, shall be administered pursuant to the provisions of s.~~
 660 ~~253.03.~~

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

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

674 (15)~~(12)~~ The board of trustees and all affected agencies
 675 shall adopt and may modify or repeal such rules and regulations
 676 as are necessary to carry out ~~the purposes of~~ this section,

677 including rules governing the terms and conditions of land
 678 purchases. Such rules shall address the procedures to be
 679 followed, when multiple landowners are involved in an
 680 acquisition, in obtaining written option agreements so that the
 681 interests of the state are fully protected.

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

700 (b) In the case of a sale by the Department of Agriculture
 701 and Consumer Services of a forestry facility, the proceeds of
 702 the sale shall be deposited ~~go~~ into the Department of

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

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

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

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

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

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

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

754 (21)~~(18)~~ The board of trustees may acquire, pursuant to s.

755 288.980(2)(b), nonconservation lands from the annual list
 756 submitted by the Department of Economic Opportunity for the
 757 purpose of buffering a military installation against
 758 encroachment.

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

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

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

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

774
 775 For such acquisitions, the board of trustees may waive or modify
 776 all procedures required for land acquisition pursuant to this
 777 chapter and all competitive bid procedures required pursuant to
 778 chapters 255 and 287. Lands acquired pursuant to this subsection
 779 must, at the time of purchase, be on one of the acquisition
 780 lists established pursuant to chapter 259, or be essential for

781 water resource development, protection, or restoration, or a
 782 significant portion of the lands must contain natural
 783 communities or plant or animal species that are listed by the
 784 Florida Natural Areas Inventory as critically imperiled,
 785 imperiled, or rare, or as excellent quality occurrences of
 786 natural communities.

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

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

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

797 253.0251 Alternatives to fee simple acquisition.-

798 (1) The Legislature finds that:

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

803 (b) The state's conservation and recreational land
 804 acquisition agencies should be encouraged to augment their
 805 traditional, fee simple acquisition programs with the use of
 806 alternatives to fee simple acquisition techniques. In addition,

807 the Legislature finds that generations of private landowners
 808 have been good stewards of their land, protecting or restoring
 809 native habitats and ecosystems to the benefit of the natural
 810 resources of this state, its heritage, and its citizens. The
 811 Legislature also finds that using alternatives to fee simple
 812 acquisition by public land acquisition agencies will achieve the
 813 following public policy goals:

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

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

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

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

830 (2) All applications for alternatives to fee simple
 831 acquisition projects shall identify, within their acquisition
 832 plans, projects that require a full fee simple interest to

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

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

859 than fee simple acquisitions. Therefore, any proposed less than
 860 fee simple acquisition may not be rejected simply because public
 861 access would be limited.

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

869 (5) The Legislature finds that the lack of direct sales
 870 comparison information has served as an impediment to successful
 871 implementation of alternatives to fee simple acquisition. It is
 872 the intent of the Legislature that, in the absence of direct
 873 comparable sales information, appraisals of alternatives to fee
 874 simple acquisitions be based on the difference between the full
 875 fee simple valuation and the value of the interests remaining
 876 with the seller after acquisition.

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

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

884 253.03 Board of trustees to administer state lands; lands

885 enumerated.—

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

907 (7)

908 (c) Structures which are listed in or are eligible for the
 909 National Register of Historic Places or the State Inventory of
 910 Historic Places which are over the waters of the state ~~of~~

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

928 (11) The board of trustees ~~of the Internal Improvement~~
 929 ~~Trust Fund~~ may adopt rules to provide for the assessment and
 930 collection of reasonable fees, commensurate with the actual cost
 931 to the board, for disclaimers, easements, exchanges, gifts,
 932 leases, releases, or sales of any interest in lands or any
 933 applications therefor and for reproduction of documents. All
 934 revenues received from the application fees charged by a water
 935 management district to process applications that include a
 936 request to use state lands are to be retained by the water

937 management district. The board of trustees shall adopt by rule
 938 an annual administrative fee for all existing and future leases
 939 or similar instruments to be charged to agencies that are
 940 leasing land from the board of trustees. This annual
 941 administrative fee assessed for all leases or similar
 942 instruments is to compensate the board of trustees for costs
 943 incurred in the administration and management of such leases or
 944 similar instruments.

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

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

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

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

961 ~~(7) The board shall receive all of the tract books, plats,~~
 962 ~~and such records and papers heretofore kept in the United States~~

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

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

974 253.034 State-owned lands; uses.-

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

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

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

1004 (a) "Multiple use" means the harmonious and coordinated
 1005 management of timber, recreation, conservation of fish and
 1006 wildlife, forage, archaeological and historic sites, habitat and
 1007 other biological resources, or water resources so that they are
 1008 used ~~utilized~~ in the combination that will best serve the people
 1009 of the state, making the most judicious use of the land for some
 1010 or all of these resources and giving consideration to the
 1011 relative values of the various resources. Where necessary and
 1012 appropriate for all state-owned lands that are larger than 1,000
 1013 acres in project size and are managed for multiple uses, buffers
 1014 may be formed around any areas that require special protection

1015 or have special management needs. Such buffers may ~~shall~~ not
 1016 exceed more than one-half of the total acreage. Multiple uses
 1017 within a buffer area may be restricted to provide the necessary
 1018 buffering effect desired. Multiple use in this context includes
 1019 both uses of land or resources by more than one management
 1020 entity, which may include private sector land managers. In any
 1021 case, lands identified as multiple-use lands in the land
 1022 management plan shall be managed to enhance and conserve the
 1023 lands and resources for the enjoyment of the people of the
 1024 state.

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

1041 managing entity.

1042 (c) "Conservation lands" means lands that are currently
 1043 managed for conservation, outdoor resource-based recreation, or
 1044 archaeological or historic preservation, except those lands that
 1045 were acquired solely to facilitate the acquisition of other
 1046 conservation lands. Lands acquired for uses other than
 1047 conservation, outdoor resource-based recreation, or
 1048 archaeological or historic preservation may ~~shall~~ not be
 1049 designated conservation lands except as otherwise authorized
 1050 under this section. These lands shall include, but not be
 1051 limited to, the following: correction and detention facilities,
 1052 military installations and facilities, state office buildings,
 1053 maintenance yards, state university or Florida College System
 1054 institution campuses, agricultural field stations or offices,
 1055 tower sites, law enforcement and license facilities,
 1056 laboratories, hospitals, clinics, and other sites that do not
 1057 possess ~~no~~ significant natural or historical resources. However,
 1058 lands acquired solely to facilitate the acquisition of other
 1059 conservation lands, and for which the land management plan has
 1060 not yet been completed or updated, may be evaluated by the Board
 1061 of Trustees of the Internal Improvement Trust Fund on a case-by-
 1062 case basis to determine if they will be designated conservation
 1063 lands.

1064 (d) "Public access," as used in this chapter and chapter
 1065 259, means access by the general public to state lands and
 1066 water, including vessel access made possible by boat ramps,

1067 docks, and associated support facilities, where compatible with
 1068 conservation and recreation objectives.

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

1076 (3) Recognizing that recreational trails purchased with
 1077 rails-to-trails funds pursuant to former s. 259.101(3)(g),
 1078 Florida Statutes 2014, or s. 259.105(3)(h) have had historic
 1079 transportation uses and that their linear character may extend
 1080 many miles, the Legislature intends that if the necessity arises
 1081 to serve public needs, after balancing the need to protect trail
 1082 users from collisions with automobiles and a preference for the
 1083 use of overpasses and underpasses to the greatest extent
 1084 feasible and practical, transportation uses shall be allowed to
 1085 cross recreational trails purchased pursuant to former s.
 1086 259.101(3)(g), Florida Statutes 2014, or s. 259.105(3)(h). When
 1087 these crossings are needed, the location and design should
 1088 consider and mitigate the impact on humans and environmental
 1089 resources, and the value of the land shall be paid based on fair
 1090 market value.

1091 (4) A ~~No~~ management agreement, lease, or other instrument
 1092 authorizing the use of lands owned by the board of trustees may

1093 ~~not of the Internal Improvement Trust Fund shall~~ be executed for
 1094 a period greater than is necessary to provide for the reasonable
 1095 use of the land for the existing or planned life cycle or
 1096 amortization of the improvements, except that an easement in
 1097 perpetuity may be granted by the board of trustees ~~of the~~
 1098 ~~Internal Improvement Trust Fund~~ if the improvement is a
 1099 transportation facility. If an entity managing or leasing state-
 1100 owned lands from the board of trustees does not meet the short-
 1101 term goals under paragraph (5)(b) for conservation lands or
 1102 under paragraph (5)(i) for nonconservation lands, the Department
 1103 of Environmental Protection may submit the lands to the board of
 1104 trustees to consider whether to require the managing or leasing
 1105 entity to release its interest in the lands and to consider
 1106 whether to surplus the lands. If the state-owned land is
 1107 determined to be surplus, the board of trustees may require an
 1108 entity to release its interest in the lands. An entity managing
 1109 or leasing state-owned lands from the board of trustees may not
 1110 sublease such lands without prior review by the Division of
 1111 State Lands and, for conservation lands, by the Acquisition and
 1112 Restoration Council ~~created in s. 259.035~~. All management
 1113 agreements, leases, or other instruments authorizing the use of
 1114 lands owned by the board of trustees shall be reviewed for
 1115 approval by the board of trustees or its designee. The council
 1116 is not required to review subleases of parcels which are less
 1117 than 160 acres in size.

1118 (5) Each manager of conservation lands shall submit to the

1119 Division of State Lands a land management plan at least every 10
 1120 years in a form and manner adopted ~~prescribed~~ by rule of ~~by~~ the
 1121 board of trustees and in accordance with ~~the provisions of~~ s.
 1122 259.032. Each manager of conservation lands shall also update a
 1123 land management plan whenever the manager proposes to add new
 1124 facilities or make substantive land use or management changes
 1125 that were not addressed in the approved plan, or within 1 year
 1126 after ~~of~~ the addition of significant new lands. Each manager of
 1127 nonconservation lands shall submit to the Division of State
 1128 Lands a land use plan at least every 10 years in a form and
 1129 manner adopted ~~prescribed~~ by rule of ~~by~~ the board of trustees.
 1130 The division shall review each plan for compliance with the
 1131 requirements of this subsection and the requirements of the
 1132 rules adopted ~~established~~ by the board of trustees pursuant to
 1133 this section. All nonconservation land use plans, whether for
 1134 single-use or multiple-use properties, shall be managed to
 1135 provide the greatest benefit to the state ~~include an analysis of~~
 1136 ~~the property to determine if any significant natural or cultural~~
 1137 ~~resources are located on the property. Such resources include~~
 1138 ~~archaeological and historic sites, state and federally listed~~
 1139 ~~plant and animal species, and imperiled natural communities and~~
 1140 ~~unique natural features. If such resources occur on the~~
 1141 ~~property, the manager shall consult with the Division of State~~
 1142 ~~Lands and other appropriate agencies to develop management~~
 1143 ~~strategies to protect such resources. Land use plans shall also~~
 1144 ~~provide for the control of invasive nonnative plants and~~

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

1162 (a) State conservation lands shall be managed to ensure
 1163 the conservation of the state's plant and animal species and to
 1164 ensure the accessibility of state lands for the benefit and
 1165 enjoyment of all people of the state, both present and future.
 1166 Each land management plan for state conservation lands shall
 1167 provide a desired outcome, describe both short-term and long-
 1168 term management goals, and include measurable objectives to
 1169 achieve those goals. Short-term goals shall be achievable within
 1170 a 2-year planning period, and long-term goals shall be

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

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

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

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

- 1188 1. A physical description of the land.
- 1189 2. A quantitative data description of the land which
 1190 includes an inventory of forest and other natural resources;
 1191 exotic and invasive plants; hydrological features;
 1192 infrastructure, including recreational facilities; and other
 1193 significant land, cultural, or historical features. The
 1194 inventory shall reflect the number of acres for each resource
 1195 and feature, when appropriate. The inventory shall be of such
 1196 detail that objective measures and benchmarks can be established

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

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

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

1218 5. A summary budget for the scheduled land management
 1219 activities of the land management plan. For state lands
 1220 containing or anticipated to contain imperiled species habitat,
 1221 the summary budget shall include any fees anticipated from
 1222 public or private entities for projects to offset adverse

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

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

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

1249 permanent conservation easement.

1250 (f) In developing land management plans, at least one
 1251 public hearing shall be held in any one affected county.

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

1275 plan to the board of trustees.

1276 (h) The board of trustees ~~of the Internal Improvement~~
 1277 ~~Trust Fund~~ shall consider the land management plan submitted by
 1278 each entity and the recommendations of the Acquisition and
 1279 Restoration Council and the Division of State Lands and shall
 1280 approve the plan with or without modification or reject such
 1281 plan. The use or possession of any such lands that is not in
 1282 accordance with an approved land management plan is subject to
 1283 termination by the board of trustees.

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

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

1291 b. A desired development outcome.

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

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

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

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

1300 g. Measureable objectives to achieve the goals identified

1301 in the land use plan.

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

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

1308 4. Land use plans submitted by a manager shall include
 1309 reference to appropriate statutory authority for such use or
 1310 uses and shall conform to the appropriate policies and
 1311 guidelines of the state land management plan.

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

1324 ~~(a) For the purposes of this subsection, all lands~~
 1325 ~~acquired by the state before July 1, 1999, using proceeds from~~
 1326 ~~Preservation 2000 bonds, the former Conservation and Recreation~~

1327 ~~Lands Trust Fund, the former Water Management Lands Trust Fund,~~
 1328 ~~Environmentally Endangered Lands Program, and the Save Our Coast~~
 1329 ~~Program and titled to the board which are identified as core~~
 1330 ~~parcels or within original project boundaries are deemed to have~~
 1331 ~~been acquired for conservation purposes.~~

1332 ~~(b) For any lands purchased by the state on or after July~~
 1333 ~~1, 1999, before acquisition, the board must determine which~~
 1334 ~~parcels must be designated as having been acquired for~~
 1335 ~~conservation purposes. Lands acquired for use by the Department~~
 1336 ~~of Corrections, the Department of Management Services for use as~~
 1337 ~~state offices, the Department of Transportation, except those~~
 1338 ~~specifically managed for conservation or recreation purposes, or~~
 1339 ~~the State University System or the Florida College System may~~
 1340 ~~not be designated as having been purchased for conservation~~
 1341 ~~purposes.~~

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

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

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

1364 ~~(f) In reviewing lands owned by the board, the council~~
 1365 ~~shall consider whether such lands would be more appropriately~~
 1366 ~~owned or managed by the county or other unit of local government~~
 1367 ~~in which the land is located. The council shall recommend to the~~
 1368 ~~board whether a sale, lease, or other conveyance to a local~~
 1369 ~~government would be in the best interests of the state and local~~
 1370 ~~government. The provisions of this paragraph in no way limit the~~
 1371 ~~provisions of ss. 253.111 and 253.115. Such lands shall be~~
 1372 ~~offered to the state, county, or local government for a period~~
 1373 ~~of 45 days. Permittable uses for such surplus lands may include~~
 1374 ~~public schools; public libraries; fire or law enforcement~~
 1375 ~~substations; governmental, judicial, or recreational centers;~~
 1376 ~~and affordable housing meeting the criteria of s. 420.0004(3).~~
 1377 ~~County or local government requests for surplus lands shall be~~
 1378 ~~expedited throughout the surplusing process. If the county or~~

1379 ~~local government does not elect to purchase such lands in~~
 1380 ~~accordance with s. 253.111, any surplus determination~~
 1381 ~~involving other governmental agencies shall be made when the~~
 1382 ~~board decides the best public use of the lands. Surplus~~
 1383 ~~properties in which governmental agencies have expressed no~~
 1384 ~~interest must then be available for sale on the private market.~~

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

1394 ~~1. A written valuation of land determined to be surplus~~
 1395 ~~pursuant to this subsection and s. 253.82, and related documents~~
 1396 ~~used to form the valuation or which pertain to the valuation,~~
 1397 ~~are confidential and exempt from s. 119.07(1) and s. 24(a), Art.~~
 1398 ~~I of the State Constitution.~~

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

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

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

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

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

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

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

1421 ~~(h) Parcels with a market value over \$500,000 must be~~
 1422 ~~initially offered for sale by competitive bid. The division may~~
 1423 ~~use agents, as authorized by s. 253.431, for this process. Any~~
 1424 ~~parcels unsuccessfully offered for sale by competitive bid, and~~
 1425 ~~parcels with a market value of \$500,000 or less, may be sold by~~
 1426 ~~any reasonable means, including procuring real estate services,~~
 1427 ~~open or exclusive listings, competitive bid, auction, negotiated~~
 1428 ~~direct sales, or other appropriate services, to facilitate the~~
 1429 ~~sale.~~

1430 ~~(i) After reviewing the recommendations of the council,~~

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

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

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

1452 ~~(l) Proceeds from the sale of surplus conservation lands~~
 1453 ~~purchased on or after July 1, 2015, shall be deposited into the~~
 1454 ~~Land Acquisition Trust Fund, except when such lands were~~
 1455 ~~purchased with funds other than those from the Land Acquisition~~
 1456 ~~Trust Fund or a land acquisition trust fund created to implement~~

1457 ~~s. 28, Art. X of the State Constitution, the proceeds shall be~~
 1458 ~~deposited into the fund from which the lands were purchased.~~

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

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

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

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

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

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

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

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

1483 purposes.

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

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

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

1509 ~~(9)-(10)~~ The following additional uses of conservation
 1510 lands acquired pursuant to the Florida Forever program and other
 1511 state-funded conservation land purchase programs shall be
 1512 authorized, upon a finding by the board of trustees, if they
 1513 meet the criteria specified in paragraphs (a)-(e): water
 1514 resource development projects, water supply development
 1515 projects, stormwater management projects, linear facilities, and
 1516 sustainable agriculture and forestry. Such additional uses are
 1517 authorized if ~~where~~:

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

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

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

1525 (d) The using entity reasonably compensates the
 1526 titleholder for such use based upon an appropriate measure of
 1527 value; and

1528 (e) The use is consistent with the public interest.

1529

1530 A decision by the board of trustees pursuant to this section
 1531 shall be given a presumption of correctness. Moneys received
 1532 from the use of state lands pursuant to this section shall be
 1533 returned to the lead managing entity in accordance with s.
 1534 259.032 (9) (c).

1535 (10)~~(11)~~ Lands listed as projects for acquisition may be
 1536 managed for conservation pursuant to s. 259.032, on an interim
 1537 basis by a private party in anticipation of a state purchase in
 1538 accordance with a contractual arrangement between the acquiring
 1539 agency and the private party that may include management service
 1540 contracts, leases, cost-share arrangements or resource
 1541 conservation agreements. Lands designated as eligible under this
 1542 subsection shall be managed to maintain or enhance the resources
 1543 the state is seeking to protect by acquiring the land. Funding
 1544 for these contractual arrangements may originate from the
 1545 documentary stamp tax revenue deposited into the Land
 1546 Acquisition Trust Fund. No more than \$6.2 million may be
 1547 expended from the Land Acquisition Trust Fund for this purpose.

1548 (11)~~(12)~~ Any lands available to governmental employees,
 1549 including water management district employees, for hunting or
 1550 other recreational purposes shall also be made available to the
 1551 general public for such purposes.

1552 ~~(13) Before a building or parcel of land is offered for~~
 1553 ~~lease or sale to a local or federal unit of government or a~~
 1554 ~~private party, it shall first be offered for lease to state~~
 1555 ~~agencies, state universities, and Florida College System~~
 1556 ~~institutions, with priority consideration given to state~~
 1557 ~~universities and Florida College System institutions. Within 60~~
 1558 ~~days after the offer for lease of a surplus building or parcel,~~
 1559 ~~a state university or Florida College System institution that~~
 1560 ~~requests the lease must submit a plan for review and approval by~~

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

1578 Section 6. Section 253.0341, Florida Statutes, is amended
 1579 to read:

1580 253.0341 Surplus of state-owned lands ~~to counties or local~~
 1581 ~~governments. Counties and local governments may submit~~
 1582 ~~surplusing requests for state-owned lands directly to the board~~
 1583 ~~of trustees. County or local government requests for the state~~
 1584 ~~to surplus conservation or nonconservation lands, whether for~~
 1585 ~~purchase or exchange, shall be expedited throughout the~~
 1586 ~~surplusing process. Property jointly acquired by the state and~~

1587 ~~other entities shall not be surplusd without the consent of all~~
 1588 ~~joint owners.~~

1589 (1) The board of trustees shall determine which lands, the
 1590 title to which is vested in the board, may be surplusd. For all
 1591 conservation lands, the Acquisition and Restoration Council
 1592 shall make a recommendation to the board of trustees, and the
 1593 board of trustees shall determine whether the lands are no
 1594 longer needed for conservation purposes. If the board of
 1595 trustees determines the lands are no longer needed for
 1596 conservation purposes, it may dispose of such lands by an
 1597 affirmative vote of at least three members. In the case of a
 1598 land exchange involving the disposition of conservation lands,
 1599 the board of trustees must determine by an affirmative vote of
 1600 at least three members that the exchange will result in a net
 1601 positive conservation benefit. For all nonconservation lands,
 1602 the board of trustees shall determine whether the lands are no
 1603 longer needed. If the board of trustees determines the lands are
 1604 no longer needed, it may dispose of such lands by an affirmative
 1605 vote of at least three members. Local government requests for
 1606 the state to surplus conservation or nonconservation lands,
 1607 whether for purchase or exchange, shall be expedited throughout
 1608 the surplusing process. Property jointly acquired by the state
 1609 and other entities may not be surplusd without the consent of
 1610 all joint owners ~~The decision to surplus state-owned~~
 1611 ~~nonconservation lands may be made by the board without a review~~
 1612 ~~of, or a recommendation on, the request from the Acquisition and~~

1613 ~~Restoration Council or the Division of State Lands. Such~~
 1614 ~~requests for nonconservation lands shall be considered by the~~
 1615 ~~board within 60 days of the board's receipt of the request.~~

1616 (2) For purposes of this section, all lands acquired by
 1617 the state before July 1, 1999, using proceeds from Preservation
 1618 2000 bonds, the former Conservation and Recreation Lands Trust
 1619 Fund, the former Water Management Lands Trust Fund,
 1620 Environmentally Endangered Lands Program, and the Save Our Coast
 1621 Program and titled to the board of trustees which are identified
 1622 as core parcels or within original project boundaries are deemed
 1623 to have been acquired for conservation purposes ~~County or local~~
 1624 ~~government requests for the surplusing of state-owned~~
 1625 ~~conservation lands are subject to review of, and recommendation~~
 1626 ~~on, the request to the board by the Acquisition and Restoration~~
 1627 ~~Council. Requests to surplus conservation lands shall be~~
 1628 ~~considered by the board within 120 days of the board's receipt~~
 1629 ~~of the request.~~

1630 (3) For any lands purchased by the state on or after July
 1631 1, 1999, before acquisition, the board of trustees must
 1632 determine which parcels must be designated as having been
 1633 acquired for conservation purposes. Lands acquired for use by
 1634 the Department of Corrections; the Department of Management
 1635 Services for use as state offices; the Department of
 1636 Transportation, except those lands specifically managed for
 1637 conservation or recreation purposes; the State University
 1638 System; or the Florida College System may not be designated as

1639 having been acquired for conservation purposes ~~A local~~
 1640 ~~government may request that state lands be specifically declared~~
 1641 ~~surplus lands for the purpose of providing alternative water~~
 1642 ~~supply and water resource development projects as defined in s.~~
 1643 ~~373.019, public facilities such as schools, fire and police~~
 1644 ~~facilities, and affordable housing. The request shall comply~~
 1645 ~~with the requirements of subsection (1) if the lands are~~
 1646 ~~nonconservation lands or subsection (2) if the lands are~~
 1647 ~~conservation lands. Surplus lands that are conveyed to a local~~
 1648 ~~government for affordable housing shall be disposed of by the~~
 1649 ~~local government under the provisions of s. 125.379 or s.~~
 1650 ~~166.0451.~~

1651 (4)(a) At least every 10 years, as a component of each
 1652 land management plan or land use plan and in a form and manner
 1653 adopted by rule of the board of trustees, each manager shall
 1654 evaluate and indicate to the board of trustees those lands that
 1655 are not being used for the purpose for which they were
 1656 originally leased. For conservation lands, the Acquisition and
 1657 Restoration Council shall review and recommend to the board of
 1658 trustees whether such lands should be retained in public
 1659 ownership or disposed of by the board of trustees. For
 1660 nonconservation lands, the Division of State Lands shall review
 1661 and recommend to the board of trustees whether such lands should
 1662 be retained in public ownership or disposed of by the board of
 1663 trustees ~~Notwithstanding the requirements of this section and~~
 1664 ~~the requirements of s. 253.034 which provides a surplus process~~

1665 ~~for the disposal of state lands, the board shall convey to~~
 1666 ~~Miami-Dade County title to the property on which the Graham~~
 1667 ~~Building, which houses the offices of the Miami-Dade State~~
 1668 ~~Attorney, is located. By January 1, 2008, the board shall convey~~
 1669 ~~fee simple title to the property to Miami-Dade County for a~~
 1670 ~~consideration of one dollar. The deed conveying title to Miami-~~
 1671 ~~Dade County must contain restrictions that limit the use of the~~
 1672 ~~property for the purpose of providing workforce housing as~~
 1673 ~~defined in s. 420.5095, and to house the offices of the Miami-~~
 1674 ~~Dade State Attorney. Employees of the Miami-Dade State Attorney~~
 1675 ~~and the Miami-Dade Public Defender who apply for and meet the~~
 1676 ~~income qualifications for workforce housing shall receive~~
 1677 ~~preference over other qualified applicants.~~

1678 (b) At least every 10 years, the Division of State Lands
 1679 shall review all state-owned conservation lands titled to the
 1680 board of trustees to determine whether any such lands are no
 1681 longer needed for conservation purposes and could be disposed of
 1682 in fee simple or with the state retaining a permanent
 1683 conservation easement. After such review, the division shall
 1684 submit a list of such lands, including additional conservation
 1685 lands identified in an updated land management plan pursuant to
 1686 s. 253.034(5), to the Acquisition and Restoration Council.
 1687 Within 9 months after receiving the list, the council shall
 1688 provide recommendations to the board of trustees as to whether
 1689 any such lands are no longer needed for conservation purposes
 1690 and could be disposed of in fee simple or with the state

1691 retaining a permanent conservation easement. After reviewing
 1692 such list and considering such recommendations, if the board of
 1693 trustees determines by an affirmative vote of at least three
 1694 members that any such lands are no longer needed for
 1695 conservation purposes, the board of trustees shall dispose of
 1696 the lands in fee simple or with the state retaining a permanent
 1697 conservation easement.

1698 (c) At least every 10 years, the Division of State Lands
 1699 shall review all encumbered and unencumbered nonconservation
 1700 lands titled to the board of trustees and recommend to the board
 1701 of trustees whether any such lands should be retained in public
 1702 ownership or disposed of by the board of trustees. The board of
 1703 trustees may dispose of nonconservation lands under this
 1704 paragraph by a majority vote of the members.

1705 (5) Conservation lands owned by the board of trustees
 1706 which are not actively managed by any state agency or for which
 1707 a land management plan has not been completed pursuant to s.
 1708 253.034(5) must be reviewed by the Acquisition and Restoration
 1709 Council for its recommendation as to whether such lands should
 1710 be disposed of by the board of trustees.

1711 (6) Before any decision by the board of trustees to
 1712 surplus conservation lands, the Acquisition and Restoration
 1713 Council shall review and make recommendations to the board of
 1714 trustees concerning the request for surplusings. The council
 1715 shall determine whether the request for surplusings is compatible
 1716 with the resource values of and management objectives for such

1717 lands.

1718 (7) In reviewing conservation lands owned by the board of
 1719 trustees, the Acquisition and Restoration Council shall consider
 1720 whether such lands would be more appropriately owned or managed
 1721 by the county or other unit of local government in which the
 1722 land is located. The council shall recommend to the board of
 1723 trustees whether a sale, lease, or other conveyance to a local
 1724 government would be in the best interests of the state and local
 1725 government. This subsection does not limit the provisions of ss.
 1726 253.111 and 253.115. If the county or local government does not
 1727 elect to purchase such lands in accordance with s. 253.111, any
 1728 surplusing determination involving other governmental agencies
 1729 shall be made when the board of trustees decides the best public
 1730 use of the lands. Surplus properties in which governmental
 1731 agencies have not expressed interest must then be available for
 1732 sale on the private market.

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

1743 use, including future use, of the building or parcel of land.
 1744 The board of trustees must review and approve the plan before
 1745 approving the lease. The state agency plan must, at a minimum,
 1746 include the proposed use of the facility or parcel, the
 1747 estimated cost of renovation, a capital improvement plan for the
 1748 building, evidence that the building or parcel meets an existing
 1749 need that cannot otherwise be met, and other criteria adopted by
 1750 rule of the board of trustees. The board of trustees or its
 1751 designee shall compare the estimated value of the facility or
 1752 parcel to any submitted business plan to determine if the lease
 1753 or sale is in the best interest of the state. The board of
 1754 trustees shall adopt rules pursuant to chapter 120 to implement
 1755 this section. A state agency or local government that has
 1756 requested the use of a property that was to be declared as
 1757 surplus must secure the property with a fully executed lease
 1758 within 90 days after being notified that it may use such
 1759 property or the request is voidable.

1760 (9) The sale price of lands determined to be surplus
 1761 pursuant to this section and s. 253.82 shall be determined by
 1762 the Division of State Lands, which shall consider an appraisal
 1763 of the property or, if the estimated value of the land is
 1764 \$500,000 or less, a comparable sales analysis or a broker's
 1765 opinion of value. The division may require a second appraisal.
 1766 The individual or entity that requests to purchase the surplus
 1767 parcel shall pay all costs associated with determining the
 1768 property's value, if any.

1769 (a) A written valuation of land determined to be surplus
 1770 pursuant to this section and s. 253.82, and related documents
 1771 used to form the valuation or which pertain to the valuation,
 1772 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
 1773 I of the State Constitution.

1774 1. The exemption expires 2 weeks before the contract or
 1775 agreement regarding the purchase, exchange, or disposal of the
 1776 surplus land is first considered for approval by the board of
 1777 trustees.

1778 2. Before expiration of the exemption, the Division of
 1779 State Lands may disclose confidential and exempt appraisals,
 1780 valuations, or valuation information regarding surplus land:

1781 a. During negotiations for the sale or exchange of the
 1782 land;

1783 b. During the marketing effort or bidding process
 1784 associated with the sale, disposal, or exchange of the land to
 1785 facilitate closure of such effort or process;

1786 c. When the passage of time has made the conclusions of
 1787 value invalid; or

1788 d. When negotiations or marketing efforts concerning the
 1789 land are concluded.

1790 (b) A unit of government that acquires title to lands
 1791 pursuant to this section for less than appraised value may not
 1792 sell or transfer title to all or any portion of the lands to any
 1793 private owner for 10 years. A unit of government seeking to
 1794 transfer or sell lands pursuant to this paragraph must first

1795 allow the board of trustees to reacquire such lands for the
 1796 price at which the board of trustees sold such lands.

1797 (10) Parcels with a market value over \$500,000 must be
 1798 initially offered for sale by competitive bid. Any parcels
 1799 unsuccessfully offered for sale by competitive bid, and parcels
 1800 with a market value of \$500,000 or less, may be sold by any
 1801 reasonable means, including procuring real estate services, open
 1802 or exclusive listings, competitive bid, auction, negotiated
 1803 direct sales, or other appropriate services, to facilitate the
 1804 sale.

1805 (11) After reviewing the recommendations of the
 1806 Acquisition and Restoration Council, the board of trustees shall
 1807 determine whether conservation lands identified for surplus
 1808 should be held for other public purposes or are no longer
 1809 needed. The board of trustees may require an agency to release
 1810 its interest in such lands. A state entity, state agency, local
 1811 government, or state university or Florida College System
 1812 institution that has requested the use of a property that was to
 1813 be declared as surplus must secure the property under a fully
 1814 executed lease within 90 days after being notified that it may
 1815 use such property or the request is voidable.

1816 (12) Requests to surplus lands may be made by any public
 1817 or private entity or person and shall be determined by the board
 1818 of trustees. All requests to surplus conservation lands shall be
 1819 submitted to the lead managing agency for review and
 1820 recommendation to the Acquisition and Restoration Council, and

1821 all requests to surplus nonconservation lands shall be submitted
 1822 to the Division of State Lands for review and recommendation to
 1823 the board of trustees. The lead managing agencies shall review
 1824 such requests and make recommendations to the council within 90
 1825 days after receipt of the requests. Any requests to surplus
 1826 conservation lands that are not acted upon within the 90-day
 1827 period shall be immediately scheduled for hearing at the next
 1828 regularly scheduled meeting of the council. Requests to surplus
 1829 lands shall be considered by the board of trustees within 60
 1830 days after receipt of the requests from the council or division.
 1831 Requests to surplus lands pursuant to this subsection are not
 1832 required to be offered to local or state governments as provided
 1833 in subsection (7) or subsection (8).

1834 (13) Proceeds from the sale of surplus conservation lands
 1835 purchased before July 1, 2015, shall be deposited into the
 1836 Florida Forever Trust Fund.

1837 (14) Proceeds from the sale of surplus conservation lands
 1838 purchased on or after July 1, 2015, shall be deposited into the
 1839 Land Acquisition Trust Fund, except when such lands were
 1840 purchased with funds other than those from the Land Acquisition
 1841 Trust Fund or a land acquisition trust fund created to implement
 1842 s. 28, Art. X of the State Constitution, the proceeds shall be
 1843 deposited into the fund from which the lands were purchased.

1844 (15) Funds received from the sale of surplus
 1845 nonconservation lands or lands that were acquired by gift, by
 1846 donation, or for no consideration shall be deposited into the

1847 Internal Improvement Trust Fund.

1848 (16) Notwithstanding this section, such disposition of
 1849 land may not be made if it would have the effect of causing all
 1850 or any portion of the interest on any revenue bonds issued to
 1851 lose the exclusion from gross income for federal income tax
 1852 purposes.

1853 (17) The sale of filled, formerly submerged land that does
 1854 not exceed 5 acres in area is not subject to review by the
 1855 Acquisition and Restoration Council.

1856 (18) The board of trustees may adopt rules to administer
 1857 this section, including procedures for administering surplus
 1858 land requests and criteria for when the Division of State Lands
 1859 may approve requests to surplus nonconservation lands on behalf
 1860 of the board of trustees.

1861 (19) Surplus lands that are conveyed to a local government
 1862 for affordable housing shall be disposed of by the local
 1863 government under s. 125.379 or s. 166.0451.

1864 Section 7. Section 253.111, Florida Statutes, is amended
 1865 to read:

1866 253.111 Notice to county and municipality ~~board of county~~
 1867 ~~commissioners~~ before sale.—The Board of Trustees of the Internal
 1868 Improvement Trust Fund ~~of the state~~ may not sell any land to
 1869 which it holds ~~they hold~~ title unless and until it affords ~~they~~
 1870 ~~afford~~ an opportunity to the county and municipality in which
 1871 such land is situated to receive such land on the following
 1872 terms and conditions:

1873 (1) If a request ~~an application~~ is filed with the Division
 1874 of State Lands ~~board~~ requesting that the board of trustees ~~they~~
 1875 sell certain land to which it holds ~~they hold~~ title and the
 1876 board of trustees decides to sell such land or if the board of
 1877 trustees, without such request ~~application~~, decides to sell such
 1878 land, the board of trustees shall, before consideration of any
 1879 private offers, notify the governing body ~~board of county~~
 1880 ~~commissioners~~ of the county and municipality in which such land
 1881 is situated that such land is available to such county and
 1882 municipality. Such notification shall be given by registered or
 1883 express mail, return receipt requested, any commercial delivery
 1884 service requiring a signed receipt, or electronic notification
 1885 with return receipt.

1886 (2) The governing bodies ~~board of county commissioners~~ of
 1887 the county and municipality in which such land is situated shall
 1888 ~~each, within 40 days after receipt of such notification from the~~
 1889 ~~board,~~ determine by resolution whether ~~or not~~ it proposes to
 1890 acquire such land.

1891 (3) If the board of trustees receives, within 45 days
 1892 after notice is given to the governing bodies of the county and
 1893 municipality ~~board of county commissioners~~ pursuant to
 1894 subsection (1), the certified copy of the resolution provided
 1895 for in subsection (2), the board of trustees shall ~~forthwith~~
 1896 convey to the county or municipality such land at a price that
 1897 is equal to its ~~appraised~~ market value based on, at the
 1898 discretion of the Division of State Lands, an appraisal, a

1899 comparable sales analysis, or a broker's opinion of value
 1900 ~~established by generally accepted professional standards for~~
 1901 ~~real estate appraisal~~ and subject to such other terms and
 1902 conditions as the board of trustees determines. If a parcel is
 1903 located within a municipality, priority consideration shall be
 1904 given to the municipality over the county.

1905 (4) ~~Nothing in~~ This section does not restrict ~~restricts~~
 1906 any right otherwise granted to the board of trustees by this
 1907 chapter to convey land to which it holds ~~they hold~~ title to the
 1908 state or any department, office, authority, board, bureau,
 1909 commission, institution, court, tribunal, agency, or other
 1910 instrumentality of or under the state. For purposes of this
 1911 section, the term word "land" as used in this act means all
 1912 lands vested in the Board of Trustees of the Internal
 1913 Improvement Trust Fund.

1914 (5) If any riparian owner exists with respect to any land
 1915 to be sold by the board of trustees, such riparian owner shall
 1916 have a right to secure such land, which right is prior in
 1917 interest to the right in the county and municipality created by
 1918 this section, provided that such riparian owner shall be
 1919 required to pay for such land upon such prices, terms, and
 1920 conditions as determined by the board of trustees. Such riparian
 1921 owner may waive this prior right, in which case this section
 1922 shall apply.

1923 (6) This section does not apply to:

1924 (a) Any land exchange approved by the board of trustees;

1925 (b) The conveyance of any lands located within the
 1926 Everglades Agricultural Area; or
 1927 (c) Lands managed pursuant to ss. 253.781-253.785.
 1928 Section 8. Section 253.42, Florida Statutes, is amended to
 1929 read:
 1930 253.42 Board of trustees may exchange lands. ~~The~~
 1931 ~~provisions of~~ This section applies ~~apply~~ to all lands owned by,
 1932 vested in, or titled in the name of the board of trustees
 1933 whether the lands were acquired by the state as a purchase, or
 1934 through gift, donation, or any other conveyance for which no
 1935 consideration was paid.
 1936 (1) The board of trustees may exchange any lands owned by,
 1937 vested in, or titled in its ~~the name of the board~~ for other
 1938 lands in the state owned by counties, local governments,
 1939 individuals, or private or public corporations, and may fix the
 1940 terms and conditions of any such exchange. Any nonconservation
 1941 lands that were acquired by the state through gift, donation, or
 1942 any other conveyance for which no consideration was paid must
 1943 first be offered at no cost to a county or local government
 1944 unless otherwise provided in a deed restriction of record or
 1945 other legal impediment, and so long as the use proposed by the
 1946 county or local government is for a public purpose. For
 1947 conservation lands acquired by the state through gift, donation,
 1948 or any other conveyance for which no consideration was paid, the
 1949 state may request land of equal conservation value from the
 1950 county or local government but no other consideration.

1951 (2) In exchanging state-owned lands not acquired by the
 1952 state through gift, donation, or any other conveyance for which
 1953 no consideration was paid, with counties or local governments,
 1954 the board of trustees shall require an exchange of equal value.
 1955 Equal value is defined as the conservation benefit of the lands
 1956 being offered for exchange by a county or local government being
 1957 equal or greater in conservation benefit than the state-owned
 1958 lands. Such exchanges may include cash transactions if based on
 1959 an appropriate measure of value of the state-owned land, but
 1960 must also include the determination of a net-positive
 1961 conservation benefit by the Acquisition and Restoration Council,
 1962 irrespective of appraised value.

1963 (3) The board of trustees shall select and agree upon the
 1964 state lands to be exchanged and the lands to be conveyed to the
 1965 state and shall pay or receive any sum of money the board of
 1966 trustees deems ~~deemed~~ necessary ~~by the board~~ for the purpose of
 1967 equalizing the value of the exchanged property. The board of
 1968 trustees is authorized to make and enter into contracts or
 1969 agreements for such purpose or purposes.

1970 (4) (a) A person who owns land contiguous to state-owned
 1971 land titled to the board of trustees may submit a request to the
 1972 Division of State Lands to exchange all or a portion of the
 1973 privately owned land for all or a portion of the state-owned
 1974 land, whereby the state retains a permanent conservation
 1975 easement over all or a portion of the exchanged state-owned land
 1976 and a permanent conservation easement over all or a portion of

1977 the exchanged privately owned land. State-owned land exchanged
 1978 pursuant to this subsection shall be contiguous to the privately
 1979 owned land upon which the state retains a permanent conservation
 1980 easement. The division may submit such request to the
 1981 Acquisition and Restoration Council for review. If the division
 1982 submits a request to the council, the council shall provide
 1983 recommendations to the division. After receiving the council's
 1984 recommendations, the division shall review the request and the
 1985 council's recommendations and may provide recommendations to the
 1986 board of trustees. This subsection does not apply to state-owned
 1987 sovereign submerged land.

1988 (b) After receiving a request and the division's
 1989 recommendations, the board of trustees shall consider such
 1990 request and recommendations and may approve the request if:

1991 1. At least 30 percent of the perimeter of the privately
 1992 owned land is bordered by state-owned land and the exchange does
 1993 not create an inholding.

1994 2. The approval does not result in a violation of the
 1995 terms of a preexisting lease or agreement by the board of
 1996 trustees, the Department of Environmental Protection, the
 1997 Department of Agriculture and Consumer Services, or the Fish and
 1998 Wildlife Conservation Commission.

1999 3. For state-owned land purchased for conservation
 2000 purposes, the board of trustees makes a determination that the
 2001 exchange of land under this subsection will result in a positive
 2002 conservation benefit.

2003 4. The approval does not conflict with any existing
 2004 flowage easement.

2005 5. The request is approved by three or more members of the
 2006 board of trustees.

2007 (c) Special consideration shall be given to a request that
 2008 maintains public access for any recreational purpose allowed on
 2009 the state-owned land at the time the request is submitted to the
 2010 board of trustees. A person who maintains public access pursuant
 2011 to this paragraph is entitled to the limitation on liability
 2012 provided in s. 375.251.

2013 (d) Land subject to a permanent conservation easement
 2014 granted pursuant to this subsection is subject to inspection by
 2015 the Department of Environmental Protection to ensure compliance
 2016 with the terms of the permanent conservation easement.

2017 Section 9. Subsection (2) of section 253.782, Florida
 2018 Statutes, is amended to read:

2019 253.782 Retention of state-owned lands in and around Lake
 2020 Rousseau and the Cross Florida Barge Canal right-of-way from
 2021 Lake Rousseau west to the Withlacoochee River.-

2022 (2) The Department of Environmental Protection is
 2023 authorized ~~and directed~~ to retain ownership of and maintain all
 2024 lands or interests in land owned by the Board of Trustees of the
 2025 Internal Improvement Trust Fund, including all fee and less-
 2026 than-fee interests in lands previously owned by the canal
 2027 authority in Lake Rousseau and the Cross Florida Barge Canal
 2028 right-of-way from Lake Rousseau at U.S. Highway 41 west to and

HB 1075

2016

2029 including the Withlacoochee River.

2030 Section 10. Section 253.7821, Florida Statutes, is amended
2031 to read:

2032 253.7821 Cross Florida Greenways State Recreation and
2033 Conservation Area assigned to the Department of Environmental
2034 Protection ~~Office of the Executive Director.~~—The Cross Florida
2035 Greenways State Recreation and Conservation Area is ~~hereby~~
2036 established and ~~is initially~~ assigned to the department ~~Office~~
2037 ~~of Greenways Management within the Office of the Secretary.~~ The
2038 department ~~office~~ shall manage the greenways pursuant to the
2039 department's existing statutory authority until administrative
2040 rules are adopted by the department. However, the provisions of
2041 this act shall control in any conflict between this act and any
2042 other authority of the department.

2043 Section 11. Section 253.87, Florida Statutes, is created
2044 to read:

2045 253.87 Inventory of state, federal, and local government
2046 conservation lands by the Department of Environmental
2047 Protection.—

2048 (1) By July 1, 2018, the department shall include in the
2049 Florida State-Owned Lands and Records Information System (FL-
2050 SOLARIS) database all federally owned conservation lands, all
2051 lands on which the Federal Government retains a permanent
2052 conservation easement, and all lands on which the state retains
2053 a permanent conservation easement. The department shall update
2054 the database at least every 5 years.

2055 (2) By July 1, 2018, for counties and municipalities, and
 2056 by July 1, 2019, for financially disadvantaged small
 2057 communities, as defined in s. 403.1838, and at least every 5
 2058 years thereafter, respectively, each county, municipality, and
 2059 financially disadvantaged small community shall identify all
 2060 conservation lands that it owns in fee simple and all lands on
 2061 which it retains a permanent conservation easement and submit,
 2062 in a manner determined by the department, a list of such lands
 2063 to the department. Within 6 months after receiving such list,
 2064 the department shall add such lands to the FL-SOLARIS database.

2065 (3) By January 1, 2018, the department shall conduct a
 2066 study and submit a report to the Governor, the President of the
 2067 Senate, and the Speaker of the House of Representatives on the
 2068 technical and economic feasibility of including the following
 2069 lands in the FL-SOLARIS database or a similar public lands
 2070 inventory:

2071 (a) All lands on which local comprehensive plans, land use
 2072 restrictions, zoning ordinances, or land development regulations
 2073 prohibit the land from being developed or limit the amount of
 2074 development to one unit per 40 or more acres.

2075 (b) All publicly and privately owned lands for which
 2076 development rights have been transferred.

2077 (c) All privately owned lands under a permanent
 2078 conservation easement.

2079 (d) All lands owned by a nonprofit or nongovernmental
 2080 organization for conservation purposes.

2081 (e) All lands that are part of a mitigation bank.
 2082 Section 12. Section 259.01, Florida Statutes, is amended
 2083 to read:
 2084 259.01 Short title.—This chapter shall be known and may be
 2085 cited as the "Land Conservation Program Act of 1972."
 2086 Section 13. Section 259.02, Florida Statutes, is repealed.
 2087 Section 14. Section 259.03, Florida Statutes, is amended
 2088 to read:
 2089 259.03 Definitions.—~~As The following terms and phrases~~
 2090 ~~when used in this chapter, the term shall have the meanings~~
 2091 ~~ascribed to them in this section, except where the context~~
 2092 ~~clearly indicates a different meaning:~~
 2093 (1) "Council" means the Acquisition and Restoration ~~that~~
 2094 Council established pursuant to s. 259.035.
 2095 (2) "Board" means the Governor and Cabinet, sitting as the
 2096 Board of Trustees of the Internal Improvement Trust Fund.
 2097 (3) "Capital improvement" or "capital project expenditure"
 2098 means those activities relating to the acquisition, restoration,
 2099 public access, and recreational uses of such lands, water areas,
 2100 and related resources deemed necessary to accomplish the
 2101 purposes of this chapter. Eligible activities include, but are
 2102 not limited to: the initial removal of invasive plants; the
 2103 construction, improvement, enlargement or extension of
 2104 facilities' signs, firelanes, access roads, and trails; or any
 2105 other activities that serve to restore, conserve, protect, or
 2106 provide public access, recreational opportunities, or necessary

2107 services for land or water areas. Such activities shall be
 2108 identified before ~~prior to~~ the acquisition of a parcel or the
 2109 approval of a project. The continued expenditures necessary for
 2110 a capital improvement approved under this subsection are ~~shall~~
 2111 not ~~be~~ eligible for funding provided in this chapter.

2112 (4) "Department" means the Department of Environmental
 2113 Protection.

2114 (5) "Division" means the Division of Bond Finance of the
 2115 State Board of Administration.

2116 (6) "Water resource development project" means a project
 2117 eligible for funding pursuant to s. 259.105 that increases the
 2118 amount of water available to meet the needs of natural systems
 2119 and the citizens of the state by enhancing or restoring aquifer
 2120 recharge, facilitating the capture and storage of excess flows
 2121 in surface waters, or promoting reuse. The implementation of
 2122 eligible projects under s. 259.105 includes land acquisition,
 2123 land and water body restoration, aquifer storage and recovery
 2124 facilities, surface water reservoirs, and other capital
 2125 improvements. ~~The term does not include construction of~~
 2126 ~~treatment, transmission, or distribution facilities.~~

2127 Section 15. Subsections (6), (7), and (8) and paragraphs
 2128 (a) and (d) of section (9) of section 259.032, Florida Statutes,
 2129 are amended to read:

2130 259.032 Conservation and recreation lands.-

2131 (6) Conservation and recreation lands are subject to the
 2132 selection procedures of s. 259.035 and related rules and shall

2133 | be acquired in accordance with acquisition procedures for state
 2134 | lands provided for in s. 253.025 ~~259.041~~, except as otherwise
 2135 | provided by the Legislature. An inholding or an addition to
 2136 | conservation and recreation lands is not subject to the
 2137 | selection procedures of s. 259.035 if the estimated value of
 2138 | such inholding or addition does not exceed \$500,000. When at
 2139 | least 90 percent of the acreage of a project has been purchased
 2140 | for conservation and recreation purposes, the project may be
 2141 | removed from the list and the remaining acreage may continue to
 2142 | be purchased. Funds appropriated to acquire conservation and
 2143 | recreation lands may be used for title work, appraisal fees,
 2144 | environmental audits, and survey costs related to acquisition
 2145 | expenses for lands to be acquired, donated, or exchanged which
 2146 | qualify under the categories of this section, at the discretion
 2147 | of the board. When the Legislature has authorized the department
 2148 | ~~of Environmental Protection~~ to condemn a specific parcel of land
 2149 | and such parcel has already been approved for acquisition, the
 2150 | land may be acquired in accordance with ~~the provisions of~~
 2151 | chapter 73 or chapter 74, and the funds appropriated to acquire
 2152 | conservation and recreation lands may be used to pay the
 2153 | condemnation award and all costs, including reasonable attorney
 2154 | fees, associated with condemnation.

2155 | (7) All lands managed under this chapter and s. 253.034
 2156 | shall be:

2157 | (a) Managed in a manner that will provide the greatest
 2158 | combination of benefits to the public and to the resources.

2159 (b) Managed for public outdoor recreation which is
 2160 compatible with the conservation and protection of public lands.
 2161 Such management may include, but not be limited to, the
 2162 following public recreational uses: fishing, hunting, camping,
 2163 bicycling, hiking, nature study, swimming, boating, canoeing,
 2164 horseback riding, diving, model hobbyist activities, birding,
 2165 sailing, jogging, and other related outdoor activities
 2166 ~~compatible with the purposes for which the lands were acquired.~~

2167 ~~(c) Managed for the purposes for which the lands were~~
 2168 ~~acquired, consistent with paragraph (9)(a).~~

2169 (c) ~~(d)~~ Concurrent with its adoption of the annual list of
 2170 acquisition projects pursuant to s. 259.035, the board of
 2171 ~~trustees~~ shall adopt a management prospectus for each project.
 2172 The management prospectus shall delineate:

- 2173 1. The management goals for the property;
- 2174 2. The conditions that will affect the intensity of
 2175 management;
- 2176 3. An estimate of the revenue-generating potential of the
 2177 property, if appropriate;
- 2178 4. A timetable for implementing the various stages of
 2179 management and for providing access to the public, if
 2180 applicable;
- 2181 5. A description of potential multiple-use activities as
 2182 described in this section and s. 253.034;
- 2183 6. Provisions for protecting existing infrastructure and
 2184 for ensuring the security of the project upon acquisition;

2185 7. The anticipated costs of management and projected
 2186 sources of revenue, including legislative appropriations, to
 2187 fund management needs; and

2188 8. Recommendations as to how many employees will be needed
 2189 to manage the property, and recommendations as to whether local
 2190 governments, volunteer groups, the former landowner, or other
 2191 interested parties can be involved in the management.

2192 ~~(d)~~(e) Concurrent with the approval of the acquisition
 2193 contract pursuant to s. 253.025(4)(c) ~~259.041(3)(e)~~ for any
 2194 interest in lands except those lands ~~being~~ acquired pursuant to
 2195 ~~under the provisions of~~ s. 259.1052, the board ~~of trustees~~ shall
 2196 designate an agency or agencies to manage such lands. The board
 2197 shall evaluate and amend, as appropriate, the management policy
 2198 statement for the project as provided by s. 259.035 to ensure
 2199 the policy is compatible with conservation or recreation
 2200 purposes, consistent with the purposes for which the lands are
 2201 acquired. For any fee simple acquisition of a parcel which is or
 2202 will be leased back for agricultural purposes, or any
 2203 acquisition of a less-than-fee interest in land that is or will
 2204 be used for agricultural purposes, the board ~~of trustees of the~~
 2205 ~~Internal Improvement Trust Fund~~ shall first consider having a
 2206 soil and water conservation district, created pursuant to
 2207 chapter 582, manage and monitor such interests.

2208 ~~(e)~~(f) State agencies designated to manage lands acquired
 2209 under this chapter or with funds deposited into the Land
 2210 Acquisition Trust Fund, except those lands acquired under s.

2211 259.1052, may contract with local governments and soil and water
 2212 conservation districts to assist in management activities,
 2213 including the responsibility of being the lead land manager.
 2214 Such land management contracts may include a provision for the
 2215 transfer of management funding to the local government or soil
 2216 and water conservation district from the land acquisition trust
 2217 fund of the lead land managing agency in an amount adequate for
 2218 the local government or soil and water conservation district to
 2219 perform its contractual land management responsibilities and
 2220 proportionate to its responsibilities, and which otherwise would
 2221 have been expended by the state agency to manage the property.

2222 (f)~~(g)~~ Immediately following the acquisition of any
 2223 interest in conservation and recreation lands, the department ~~of~~
 2224 ~~Environmental Protection~~, acting on behalf of the board ~~of~~
 2225 ~~trustees~~, may issue to the lead managing entity an interim
 2226 assignment letter to be effective until the execution of a
 2227 formal lease.

2228 (8)(a) State, regional, or local governmental agencies or
 2229 private entities designated to manage lands under this section
 2230 shall develop and adopt, with the approval of the board ~~of~~
 2231 ~~trustees~~, an individual management plan for each project
 2232 designed to conserve and protect such lands and their associated
 2233 natural resources. Private sector involvement in management plan
 2234 development may be used to expedite the planning process.

2235 (b) Individual management plans required by s. 253.034(5),
 2236 for parcels over 160 acres, shall be developed with input from

2237 an advisory group. Members of this advisory group shall include,
 2238 at a minimum, representatives of the lead land managing agency,
 2239 comanaging entities, local private property owners, the
 2240 appropriate soil and water conservation district, a local
 2241 conservation organization, and a local elected official. If
 2242 habitat or potentially restorable habitat for imperiled species
 2243 is located on state lands, the Fish and Wildlife Conservation
 2244 Commission and the Department of Agriculture and Consumer
 2245 Services shall be included on any advisory group required under
 2246 chapter 253, and the short-term and long-term management goals
 2247 required under chapter 253 must advance the goals and objectives
 2248 of imperiled species management without restricting other uses
 2249 identified in the management plan. The advisory group shall
 2250 conduct at least one public hearing within the county in which
 2251 the parcel or project is located. For those parcels or projects
 2252 that are within more than one county, at least one areawide
 2253 public hearing shall be acceptable and the lead managing agency
 2254 shall invite a local elected official from each county. The
 2255 areawide public hearing shall be held in the county in which the
 2256 core parcels are located. Notice of such public hearing shall be
 2257 posted on the parcel or project designated for management,
 2258 advertised in a paper of general circulation, and announced at a
 2259 scheduled meeting of the local governing body before the actual
 2260 public hearing. The management prospectus required pursuant to
 2261 paragraph (7)(c) ~~(7)(d)~~ shall be available to the public for a
 2262 period of 30 days before ~~prior to~~ the public hearing.

2263 (c) Once a plan is adopted, the managing agency or entity
 2264 shall update the plan at least every 10 years in a form and
 2265 manner adopted ~~prescribed~~ by rule of the board ~~of trustees~~. Such
 2266 updates, for parcels over 160 acres, shall be developed with
 2267 input from an advisory group. Such plans may include transfers
 2268 of leasehold interests to appropriate conservation organizations
 2269 or governmental entities designated by the ~~Land Acquisition and~~
 2270 ~~Management Advisory~~ council ~~or its successor~~, for uses
 2271 consistent with the purposes of the organizations and the
 2272 protection, preservation, conservation, restoration, and proper
 2273 management of the lands and their resources. Volunteer
 2274 management assistance is encouraged, including, but not limited
 2275 to, assistance by youths participating in programs sponsored by
 2276 state or local agencies, by volunteers sponsored by
 2277 environmental or civic organizations, and by individuals
 2278 participating in programs for committed delinquents and adults.

2279 (d)~~1~~. For each project for which lands are acquired after
 2280 July 1, 1995, an individual management plan shall be adopted and
 2281 in place no later than 1 year after the essential parcel or
 2282 parcels identified in the priority list developed pursuant to s.
 2283 259.105 have been acquired. The department ~~of Environmental~~
 2284 ~~Protection~~ shall distribute only 75 percent of the acquisition
 2285 funds to which a budget entity or water management district
 2286 would otherwise be entitled to any budget entity or any water
 2287 management district that has more than one-third of its
 2288 management plans overdue.

2289 2. ~~The requirements of subparagraph 1. do not apply to the~~
 2290 ~~individual management plan for the Babcock Crescent B Ranch~~
 2291 ~~being acquired pursuant to s. 259.1052. The management plan for~~
 2292 ~~the ranch shall be adopted and in place no later than 2 years~~
 2293 ~~following the date of acquisition by the state.~~

2294 (e) Individual management plans shall conform to the
 2295 appropriate policies and guidelines of the state land management
 2296 plan and shall include, but not be limited to:

2297 1. A statement of the purpose for which the lands were
 2298 acquired, the projected use or uses as defined in s. 253.034,
 2299 and the statutory authority for such use or uses.

2300 2. Key management activities necessary to achieve the
 2301 desired outcomes, including, but not limited to, providing
 2302 public access, preserving and protecting natural resources,
 2303 protecting cultural and historical resources, restoring habitat,
 2304 protecting threatened and endangered species, controlling the
 2305 spread of nonnative plants and animals, performing prescribed
 2306 fire activities, and other appropriate resource management.

2307 3. A specific description of how the managing agency plans
 2308 to identify, locate, protect, and preserve, or otherwise use
 2309 fragile, nonrenewable natural and cultural resources.

2310 4. A priority schedule for conducting management
 2311 activities, ~~based on the purposes for which the lands were~~
 2312 ~~acquired.~~

2313 5. A cost estimate for conducting priority management
 2314 activities, to include recommendations for cost-effective

2315 methods of accomplishing those activities.

2316 6. A cost estimate for conducting other management
 2317 activities which would enhance the natural resource value or
 2318 public recreation value ~~for which the lands were acquired~~. The
 2319 cost estimate shall include recommendations for cost-effective
 2320 methods of accomplishing those activities.

2321 7. A determination of the public uses and public access
 2322 that would be compatible with conservation or recreation
 2323 purposes ~~that would be consistent with the purposes for which~~
 2324 ~~the lands were acquired~~.

2325 (f) The Division of State Lands shall submit a copy of
 2326 each individual management plan for parcels which exceed 160
 2327 acres in size to each member of the ~~Acquisition and Restoration~~
 2328 council, which shall:

2329 1. Within 60 days after receiving a plan from the Division
 2330 of State Lands, review each plan for compliance with the
 2331 requirements of this subsection and with the requirements of the
 2332 rules adopted ~~established~~ by the board pursuant to this
 2333 subsection.

2334 2. Consider the propriety of the recommendations of the
 2335 managing agency with regard to the future use or protection of
 2336 the property.

2337 3. After its review, submit the plan, along with its
 2338 recommendations and comments, to the board ~~of trustees~~, with
 2339 recommendations as to whether to approve the plan as submitted,
 2340 approve the plan with modifications, or reject the plan.

2341 (g) The board ~~of trustees~~ shall consider the individual
 2342 management plan submitted by each state agency and the
 2343 recommendations of the ~~Acquisition and Restoration~~ council and
 2344 the department ~~Division of State Lands~~ and shall approve the
 2345 plan with or without modification or reject such plan. The use
 2346 or possession of any lands owned by the board ~~of trustees~~ which
 2347 is not in accordance with an approved individual management plan
 2348 is subject to termination by the board ~~of trustees~~.

2349

2350 By July 1 of each year, each governmental agency and each
 2351 private entity designated to manage lands shall report to the
 2352 Secretary of Environmental Protection on the progress of
 2353 funding, staffing, and resource management of every project for
 2354 which the agency or entity is responsible.

2355 (9) (a) The Legislature recognizes that acquiring lands
 2356 pursuant to this chapter serves the public interest by
 2357 protecting land, air, and water resources which contribute to
 2358 the public health and welfare, providing areas for natural
 2359 resource based recreation, and ensuring the survival of unique
 2360 and irreplaceable plant and animal species. The Legislature
 2361 intends for these lands to be managed and maintained in a manner
 2362 that is compatible with conservation or recreation purposes ~~for~~
 2363 ~~the purposes for which they were acquired~~ and for the public to
 2364 have access to and use of these lands if public access ~~where it~~
 2365 ~~is consistent with acquisition purposes and~~ would not harm the
 2366 resources the state is seeking to protect on the public's

2367 behalf.

2368 (d) Up to one-fifth of the funds appropriated for the
 2369 purposes identified in paragraph (b) shall be reserved by the
 2370 board ~~of trustees~~ for interim management of acquisitions and for
 2371 associated contractual services, to ensure the conservation and
 2372 protection of natural resources on project sites and to allow
 2373 limited public recreational use of lands. Interim management
 2374 activities may include, but not be limited to, resource
 2375 assessments, control of invasive, nonnative species, habitat
 2376 restoration, fencing, law enforcement, controlled burning, and
 2377 public access consistent with preliminary determinations made
 2378 pursuant to paragraph (7) (f) ~~(7) (g)~~. The board ~~of trustees~~ shall
 2379 make these interim funds available immediately upon purchase.

2380 Section 16. Subsection (3) and paragraph (a) of subsection
 2381 (4) of section 259.035, Florida Statutes, are amended to read:

2382 259.035 Acquisition and Restoration Council.—

2383 (3) The council shall provide assistance to the board ~~of~~
 2384 ~~trustees~~ in reviewing the recommendations and plans for state-
 2385 owned conservation lands required under s. 253.034 and this
 2386 chapter. The council shall, in reviewing such ~~recommendations~~
 2387 ~~and~~ plans, consider the optimization of multiple-use and
 2388 conservation strategies to accomplish the provisions funded
 2389 pursuant to former s. 259.101(3) (a), Florida Statutes 2014, and
 2390 to s. 259.105(3) (b).

2391 (4) (a) By December 1, 2016, the ~~Acquisition and~~
 2392 ~~Restoration~~ council shall develop rules defining specific

2393 criteria and numeric performance measures needed for lands that
 2394 are to be acquired for public purpose under the Florida Forever
 2395 program pursuant to s. 259.105 or with funds deposited into the
 2396 Land Acquisition Trust Fund pursuant to s. 28(a), Art. X of the
 2397 State Constitution. These rules shall be reviewed and adopted by
 2398 the board, then submitted to the Legislature for consideration
 2399 by February 1, 2017. The Legislature may reject, modify, or take
 2400 no action relative to the proposed rules. If no action is taken,
 2401 the rules shall be implemented. Subsequent to their approval,
 2402 each recipient of funds from the Land Acquisition Trust Fund
 2403 shall annually report to the department ~~Division of State Lands~~
 2404 on each of the numeric performance measures accomplished during
 2405 the previous fiscal year.

2406 Section 17. Subsections (1), (2), (4), and (5) of section
 2407 259.036, Florida Statutes, are amended to read:

2408 259.036 Management review teams.—

2409 (1) To determine whether conservation, preservation, and
 2410 recreation lands titled in the name of the board ~~of Trustees of~~
 2411 ~~the Internal Improvement Trust Fund~~ are being managed for the
 2412 purposes that are compatible with conservation, preservation, or
 2413 recreation ~~for which they were acquired and~~ in accordance with a
 2414 land management plan adopted pursuant to s. 259.032, the board
 2415 ~~of trustees~~, acting through the department ~~of Environmental~~
 2416 ~~Protection~~, shall cause periodic management reviews to be
 2417 conducted as follows:

2418 (a) The department shall establish a regional land

2419 management review team composed of the following members:

2420 1. One individual who is from the county or local

2421 community in which the parcel or project is located and who is

2422 selected by the county commission in the county which is most

2423 impacted by the acquisition.

2424 2. One individual from the Division of Recreation and

2425 Parks of the department.

2426 3. One individual from the Florida Forest Service of the

2427 Department of Agriculture and Consumer Services.

2428 4. One individual from the Fish and Wildlife Conservation

2429 Commission.

2430 5. One individual from the department's district office in

2431 which the parcel is located.

2432 6. A private land manager, preferably from the local

2433 community, mutually agreeable to the state agency

2434 representatives.

2435 7. A member or staff from the jurisdictional water

2436 management district or of the local soil and water conservation

2437 district board of supervisors.

2438 8. A member of a conservation organization.

2439 (b) The department ~~staff of the Division of State Lands~~

2440 shall act as the review team coordinator for the purposes of

2441 establishing schedules for the reviews and other staff

2442 functions. The Legislature shall appropriate funds necessary to

2443 implement land management review team functions.

2444 (2) The land management review team shall review select

2445 management areas before ~~prior to~~ the date the manager is
 2446 required to submit a 10-year land management plan update. For
 2447 management areas that exceed 1,000 acres in size, the department
 2448 ~~Division of State Lands~~ shall schedule a land management review
 2449 at least every 5 years. A copy of the review shall be provided
 2450 to the manager, the department ~~Division of State Lands~~, and the
 2451 ~~Acquisition and Restoration~~ council. The manager shall consider
 2452 the findings and recommendations of the land management review
 2453 team in finalizing the required 10-year update of its management
 2454 plan.

2455 (4) In the event a land management plan has not been
 2456 adopted within the timeframes specified in s. 259.032(8), the
 2457 department may direct a management review of the property, to be
 2458 conducted by the land management review team. The review shall
 2459 consider the extent to which the land is being managed in a
 2460 manner that is compatible with conservation or recreation
 2461 purposes ~~for the purposes for which it was acquired~~ and the
 2462 degree to which actual management practices are in compliance
 2463 with the management policy statement and management prospectus
 2464 for that property.

2465 (5) If the land management review team determines that
 2466 reviewed lands are not being managed in a manner that is
 2467 compatible with conservation or recreation purposes ~~for the~~
 2468 ~~purposes for which they were acquired~~ or in compliance with the
 2469 adopted land management plan, management policy statement, or
 2470 management prospectus, or if the managing agency fails to

2471 address the review findings in the updated management plan, the
 2472 department shall provide the review findings to the board, and
 2473 the managing agency must report to the board its reasons for
 2474 managing the lands as it has.

2475 Section 18. Section 259.037, Florida Statutes, is amended
 2476 to read:

2477 259.037 Land Management Uniform Accounting Council.—

2478 (1) The Land Management Uniform Accounting Council (LMUAC)
 2479 is created within the Department of Environmental Protection and
 2480 shall consist of the director of the Division of State Lands,
 2481 the director of the Division of Recreation and Parks, and the
 2482 director of the Office of Coastal and Aquatic Managed Areas, ~~and~~
 2483 ~~the director of the Office of Greenways and Trails of the~~
 2484 ~~department of Environmental Protection;~~ the director of the
 2485 Florida Forest Service of the Department of Agriculture and
 2486 Consumer Services; the executive director of the Fish and
 2487 Wildlife Conservation Commission; and the director of the
 2488 Division of Historical Resources of the Department of State, or
 2489 their respective designees. Each state agency represented on the
 2490 LMUAC council shall have one vote. The chair of the LMUAC
 2491 ~~council~~ shall rotate annually in the foregoing order of state
 2492 agencies. The agency of the representative serving as chair ~~of~~
 2493 ~~the council~~ shall provide staff support for the LMUAC council.
 2494 The Division of State Lands shall serve as the recipient of and
 2495 repository for the LMUAC's council's documents. The LMUAC
 2496 ~~council~~ shall meet at the request of the chair.

2497 (2) The Auditor General and the director of the Office of
 2498 Program Policy Analysis and Government Accountability, or their
 2499 designees, shall advise the LMUAC ~~council~~ to ensure that
 2500 appropriate accounting procedures are used ~~utilized~~ and that a
 2501 uniform method of collecting and reporting accurate costs of
 2502 land management activities are created and can be used by all
 2503 agencies.

2504 (3) (a) All land management activities and costs must be
 2505 assigned to a specific category, and any single activity or cost
 2506 may not be assigned to more than one category. Administrative
 2507 costs, such as planning or training, shall be segregated from
 2508 other management activities. Specific management activities and
 2509 costs must initially be grouped, at a minimum, within the
 2510 following categories:

- 2511 1. Resource management.
- 2512 2. Administration.
- 2513 3. Support.
- 2514 4. Capital improvements.
- 2515 5. Recreation visitor services.
- 2516 6. Law enforcement activities.

2517
 2518 Upon adoption of the initial list of land management categories
 2519 by the LMUAC ~~council~~, agencies assigned to manage conservation
 2520 or recreation lands shall, ~~on July 1, 2000,~~ begin to account for
 2521 land management costs in accordance with the category to which
 2522 an expenditure is assigned.

2523 (b) Each reporting agency shall also:

2524 1. Include a report of the available public use

2525 opportunities for each management unit of state land, the total

2526 management cost for public access and public use, and the cost

2527 associated with each use option.

2528 2. List the acres of land requiring minimal management

2529 effort, moderate management effort, and significant management

2530 effort pursuant to s. 259.032(9)(c). For each category created

2531 in paragraph (a), the reporting agency shall include the amount

2532 of funds requested, the amount of funds received, and the amount

2533 of funds expended for land management.

2534 3. List acres managed and cost of management for each

2535 park, preserve, forest, reserve, or management area.

2536 4. List acres managed, cost of management, and lead

2537 manager for each state lands management unit for which secondary

2538 management activities were provided.

2539 5. Include a report of the estimated calculable financial

2540 benefits to the public for the ecosystem services provided by

2541 conservation lands, based on the best readily available

2542 information or science that provides a standard measurement

2543 methodology to be consistently applied by the land managing

2544 agencies. Such information may include, but need not be limited

2545 to, the value of natural lands for protecting the quality and

2546 quantity of drinking water through natural water filtration and

2547 recharge, contributions to protecting and improving air quality,

2548 benefits to agriculture through increased soil productivity and

2549 preservation of biodiversity, and savings to property and lives
 2550 through flood control.

2551 (4) The LMUAC ~~council~~ shall provide a report of the
 2552 agencies' expenditures pursuant to the adopted categories to the
 2553 Acquisition and Restoration Council and the Division of State
 2554 Lands for inclusion in its annual report required pursuant to s.
 2555 259.036.

2556 (5) Should the LMUAC ~~council~~ determine that the list of
 2557 land management categories needs to be revised, it shall meet
 2558 upon the call of the chair.

2559 (6) Biennially, each reporting agency shall also submit an
 2560 operational report for each management area along with an
 2561 approved management plan. The report should assess the progress
 2562 toward achieving short-term and long-term management goals of
 2563 the approved management plan, including all land management
 2564 activities, and identify any deficiencies in management and
 2565 corrective actions to address identified deficiencies as
 2566 appropriate. This report shall be submitted to the Acquisition
 2567 and Restoration Council and the Division of State Lands for
 2568 inclusion in its annual report required pursuant to s. 259.036.

2569 Section 19. Section 259.041, Florida Statutes, is
 2570 repealed.

2571 Section 20. Subsection (2) of section 259.047, Florida
 2572 Statutes, is amended to read:

2573 259.047 Acquisition of land on which an agricultural lease
 2574 exists.-

2575 (2) If ~~Where~~ consistent with the purposes of conservation
 2576 and recreation ~~for which the property was acquired~~, the state or
 2577 acquiring entity shall make reasonable efforts to keep lands in
 2578 agricultural production which are in agricultural production at
 2579 the time of acquisition.

2580 Section 21. Subsection (8) of section 259.101, Florida
 2581 Statutes, is renumbered as subsection (7), and subsection (5),
 2582 paragraph (a) of subsection (6), and present subsection (7) of
 2583 that section are amended, to read:

2584 259.101 Florida Preservation 2000 Act.—

2585 (5) DISPOSITION OF LANDS.—

2586 (a) Any lands acquired pursuant to former paragraphs
 2587 (3)(a), (3)(c), (3)(d), (3)(e), (3)(f), or (3)(g) of this
 2588 section, Florida Statutes 2014, if title to such lands is vested
 2589 in the board ~~of Trustees of the Internal Improvement Trust Fund~~,
 2590 may be disposed of by the board ~~of Trustees of the Internal~~
 2591 ~~Improvement Trust Fund~~ in accordance with the provisions and
 2592 procedures set forth in s. 253.0341 ~~253.034(6)~~, and lands
 2593 acquired pursuant to former paragraph (3)(b) of this section,
 2594 Florida Statutes 2014, may be disposed of by the owning water
 2595 management district in accordance with the procedures and
 2596 provisions set forth in ss. 373.056 and 373.089 provided such
 2597 disposition also shall satisfy the requirements of paragraphs
 2598 (b) and (c).

2599 (b) Before land acquired with Preservation 2000 funds may
 2600 be surplused as required by s. 253.0341 ~~253.034(6)~~ or determined

2601 to be no longer required for its purposes under s. 373.056(4),
 2602 as applicable, there shall first be a determination by the board
 2603 ~~of Trustees of the Internal Improvement Trust Fund~~, or, in the
 2604 case of water management district lands, by the owning water
 2605 management district, that such land no longer needs to be
 2606 preserved in furtherance of the intent of the Florida
 2607 Preservation 2000 Act. Any lands eligible to be disposed of
 2608 under this procedure also may be used to acquire other lands
 2609 through an exchange of lands if such lands obtained in an
 2610 exchange are described in the same paragraph of former
 2611 subsection (3) of this section, Florida Statutes 2014, as the
 2612 lands disposed.

2613 (c) Revenue derived from the disposal of lands acquired
 2614 with Preservation 2000 funds may not be used for any purpose
 2615 except for deposit into the Florida Forever Trust Fund within
 2616 the department ~~of Environmental Protection~~, for recredit to the
 2617 share held under former subsection (3) of this section, Florida
 2618 Statutes 2014, in which such disposed land is described.

2619 (6) ALTERNATE USES OF ACQUIRED LANDS.—

2620 (a) The board ~~of Trustees of the Internal Improvement~~
 2621 ~~Trust Fund~~, or, in the case of water management district lands,
 2622 the owning water management district, may authorize the granting
 2623 of a lease, easement, or license for the use of any lands
 2624 acquired pursuant to former subsection (3) of this section,
 2625 Florida Statutes 2014, for any governmental use permitted by s.
 2626 17, Art. IX of the State Constitution of 1885, as adopted by s.

2627 9(a), Art. XII of the State Constitution, and any other
 2628 incidental public or private use that is determined by the board
 2629 or the owning water management district to be compatible with
 2630 conservation, preservation, or recreation ~~the purposes for which~~
 2631 ~~such lands were acquired.~~

2632 ~~(7) ALTERNATIVES TO FEE SIMPLE ACQUISITION.—~~

2633 ~~(a) The Legislature finds that, with the increasing~~
 2634 ~~pressures on the natural areas of this state, the state must~~
 2635 ~~develop creative techniques to maximize the use of acquisition~~
 2636 ~~and management moneys. The Legislature finds that the state's~~
 2637 ~~environmental land buying agencies should be encouraged to~~
 2638 ~~augment their traditional, fee simple acquisition programs with~~
 2639 ~~the use of alternatives to fee simple acquisition techniques.~~
 2640 ~~The Legislature also finds that using alternatives to fee simple~~
 2641 ~~acquisition by public land buying agencies will achieve the~~
 2642 ~~following public policy goals:~~

2643 ~~1. Allow more lands to be brought under public protection~~
 2644 ~~for preservation, conservation, and recreational purposes at~~
 2645 ~~less expense using public funds.~~

2646 ~~2. Retain, on local government tax rolls, some portion of~~
 2647 ~~or interest in lands that are under public protection.~~

2648 ~~3. Reduce long-term management costs by allowing private~~
 2649 ~~property owners to continue acting as stewards of the land, as~~
 2650 ~~appropriate.~~

2651

2652 ~~Therefore, it is the intent of the Legislature that public land-~~

2653 ~~buying agencies develop programs to pursue alternatives to fee~~
 2654 ~~simple acquisition and to educate private landowners about such~~
 2655 ~~alternatives and the benefits of such alternatives. It also is~~
 2656 ~~the intent of the Legislature that the department and the water~~
 2657 ~~management districts spend a portion of their shares of~~
 2658 ~~Preservation 2000 bond proceeds to purchase eligible properties~~
 2659 ~~using alternatives to fee simple acquisition. Finally, it is the~~
 2660 ~~intent of the Legislature that public agencies acquire lands in~~
 2661 ~~fee simple for public access and recreational activities. Lands~~
 2662 ~~protected using alternatives to fee simple acquisition~~
 2663 ~~techniques may not be accessible to the public unless such~~
 2664 ~~access is negotiated with and agreed to by the private~~
 2665 ~~landowners who retain interests in such lands.~~

2666 ~~(b) The Land Acquisition Advisory Council and the water~~
 2667 ~~management districts shall identify, within their 1997~~
 2668 ~~acquisition plans, those projects that require a full fee simple~~
 2669 ~~interest to achieve the public policy goals, along with the~~
 2670 ~~reasons why full title is determined to be necessary. The~~
 2671 ~~council and the water management districts may use alternatives~~
 2672 ~~to fee simple acquisition to bring the remaining projects in~~
 2673 ~~their acquisition plans under public protection. For the~~
 2674 ~~purposes of this subsection, the term "alternatives to fee~~
 2675 ~~simple acquisition" includes the purchase of development rights;~~
 2676 ~~conservation easements; flowage easements; the purchase of~~
 2677 ~~timber rights, mineral rights, or hunting rights; the purchase~~
 2678 ~~of agricultural interests or silvicultural interests; land~~

2679 ~~protection agreements; fee simple acquisitions with~~
 2680 ~~reservations; or any other acquisition technique that achieves~~
 2681 ~~the public policy goals identified in paragraph (a). It is~~
 2682 ~~presumed that a private landowner retains the full range of uses~~
 2683 ~~for all the rights or interests in the landowner's land which~~
 2684 ~~are not specifically acquired by the public agency. Life estates~~
 2685 ~~and fee simple acquisitions with leaseback provisions do not~~
 2686 ~~qualify as an alternative to fee simple acquisition under this~~
 2687 ~~subsection, although the department and the districts are~~
 2688 ~~encouraged to use such techniques if appropriate.~~

2689 ~~(c) The department and each water management district~~
 2690 ~~shall implement initiatives to use alternatives to fee simple~~
 2691 ~~acquisition and to educate private landowners about such~~
 2692 ~~alternatives. These initiatives must include at least two~~
 2693 ~~acquisitions a year by the department and each water management~~
 2694 ~~district utilizing alternatives to fee simple.~~

2695 ~~(d) The Legislature finds that the lack of direct sales~~
 2696 ~~comparison information has served as an impediment to successful~~
 2697 ~~implementation of alternatives to fee simple acquisition. It is~~
 2698 ~~the intent of the Legislature that, in the absence of direct~~
 2699 ~~comparable sales information, appraisals of alternatives to fee~~
 2700 ~~simple acquisitions be based on the difference between the full~~
 2701 ~~fee simple valuation and the value of the interests remaining~~
 2702 ~~with the seller after acquisition.~~

2703 ~~(e) The public agency that has been assigned management~~
 2704 ~~responsibility shall inspect and monitor any less than fee-~~

2705 ~~simple interest according to the terms of the purchase agreement~~
 2706 ~~relating to such interest.~~

2707 ~~(f) The department and the water management districts may~~
 2708 ~~enter into joint acquisition agreements to jointly fund the~~
 2709 ~~purchase of lands using alternatives to fee simple techniques.~~

2710 Section 22. Paragraph (a) of subsection (2), paragraphs
 2711 (i) and (l) of subsection (3), subsections (10) and (13),
 2712 paragraph (i) of subsection (15), and subsection (19) of section
 2713 259.105, Florida Statutes, are amended to read:

2714 259.105 The Florida Forever Act.—

2715 (2)(a) The Legislature finds and declares that:

2716 1. Land acquisition programs have provided tremendous
 2717 financial resources for purchasing environmentally significant
 2718 lands to protect those lands from imminent development or
 2719 alteration, thereby ensuring present and future generations'
 2720 access to important waterways, open spaces, and recreation and
 2721 conservation lands.

2722 2. The continued alteration and development of the state's
 2723 ~~Florida's~~ natural and rural areas to accommodate the state's
 2724 growing population have contributed to the degradation of water
 2725 resources, the fragmentation and destruction of wildlife
 2726 habitats, the loss of outdoor recreation space, and the
 2727 diminishment of wetlands, forests, working landscapes, and
 2728 coastal open space.

2729 3. The potential development of the state's ~~Florida's~~
 2730 remaining natural areas and escalation of land values require

2731 government efforts to restore, bring under public protection, or
 2732 acquire lands and water areas to preserve the state's essential
 2733 ecological functions and invaluable quality of life.

2734 4. It is essential to protect the state's ecosystems by
 2735 promoting a more efficient use of land, to ensure opportunities
 2736 for viable agricultural activities on working lands, and to
 2737 promote vital rural and urban communities that support and
 2738 produce development patterns consistent with natural resource
 2739 protection.

2740 5. The state's ~~Florida's~~ groundwater, surface waters, and
 2741 springs are under tremendous pressure due to population growth
 2742 and economic expansion and require special protection and
 2743 restoration efforts, including the protection of uplands and
 2744 springsheds that provide vital recharge to aquifer systems and
 2745 are critical to the protection of water quality and water
 2746 quantity of the aquifers and springs. To ensure that sufficient
 2747 quantities of water are available to meet the current and future
 2748 needs of the natural systems and citizens of the state, and
 2749 assist in achieving the planning goals of the department and the
 2750 water management districts, water resource development projects
 2751 on public lands, if ~~where~~ compatible with the resource values of
 2752 and management objectives for the lands, are appropriate.

2753 6. The needs of urban, suburban, and small communities in
 2754 the state ~~Florida~~ for high-quality outdoor recreational
 2755 opportunities, greenways, trails, and open space have not been
 2756 fully met by previous acquisition programs. Through such

2757 programs as the Florida Communities Trust and the Florida
 2758 Recreation Development Assistance Program, the state shall place
 2759 additional emphasis on acquiring, protecting, preserving, and
 2760 restoring open space, ecological greenways, and recreation
 2761 properties within urban, suburban, and rural areas where
 2762 pristine natural communities or water bodies no longer exist
 2763 because of the proximity of developed property.

2764 7. Many of the state's ~~Florida's~~ unique ecosystems, such
 2765 as the Florida Everglades, are facing ecological collapse due to
 2766 the state's ~~Florida's~~ burgeoning population growth and other
 2767 economic activities. To preserve these valuable ecosystems for
 2768 future generations, essential parcels of land must be acquired
 2769 to facilitate ecosystem restoration.

2770 8. Access to public lands to support a broad range of
 2771 outdoor recreational opportunities and the development of
 2772 necessary infrastructure, if ~~where~~ compatible with the resource
 2773 values of and management objectives for such lands, promotes an
 2774 appreciation for the state's ~~Florida's~~ natural assets and
 2775 improves the quality of life.

2776 9. Acquisition of lands, in fee simple, less-than-fee
 2777 interest, or other techniques shall be based on a comprehensive
 2778 science-based assessment of the state's ~~Florida's~~ natural
 2779 resources which targets essential conservation lands by
 2780 prioritizing all current and future acquisitions based on a
 2781 uniform set of data and planned so as to protect the integrity
 2782 and function of ecological systems and working landscapes, and

2783 provide multiple benefits, including preservation of fish and
 2784 wildlife habitat, recreation space for urban and rural areas,
 2785 and the restoration of natural water storage, flow, and
 2786 recharge.

2787 10. The state has embraced performance-based program
 2788 budgeting as a tool to evaluate the achievements of publicly
 2789 funded agencies, build in accountability, and reward those
 2790 agencies which are able to consistently achieve quantifiable
 2791 goals. While previous and existing state environmental programs
 2792 have achieved varying degrees of success, few of these programs
 2793 can be evaluated as to the extent of their achievements,
 2794 primarily because performance measures, standards, outcomes, and
 2795 goals were not established at the outset. Therefore, the Florida
 2796 Forever program shall be developed and implemented in the
 2797 context of measurable state goals and objectives.

2798 11. The state must play a major role in the recovery and
 2799 management of its imperiled species through the acquisition,
 2800 restoration, enhancement, and management of ecosystems that can
 2801 support the major life functions of such species. It is the
 2802 intent of the Legislature to support local, state, and federal
 2803 programs that result in net benefit to imperiled species habitat
 2804 by providing public and private land owners meaningful
 2805 incentives for acquiring, restoring, managing, and repopulating
 2806 habitats for imperiled species. It is the further intent of the
 2807 Legislature that public lands, both existing and to be acquired,
 2808 identified by the lead land managing agency, in consultation

2809 with the ~~Florida~~ Fish and Wildlife Conservation Commission for
 2810 animals or the Department of Agriculture and Consumer Services
 2811 for plants, as habitat or potentially restorable habitat for
 2812 imperiled species, be restored, enhanced, managed, and
 2813 repopulated as habitat for such species to advance the goals and
 2814 objectives of imperiled species management in a manner that is
 2815 compatible with conservation or recreation purposes ~~consistent~~
 2816 ~~with the purposes for which such lands are acquired~~ without
 2817 restricting other uses identified in the management plan. It is
 2818 also the intent of the Legislature that of the proceeds
 2819 distributed pursuant to subsection (3), additional consideration
 2820 be given to acquisitions that achieve a combination of
 2821 conservation goals, including the restoration, enhancement,
 2822 management, or repopulation of habitat for imperiled species.
 2823 The ~~Acquisition and Restoration~~ council, in addition to the
 2824 criteria in subsection (9), shall give weight to projects that
 2825 include acquisition, restoration, management, or repopulation of
 2826 habitat for imperiled species. The term "imperiled species" as
 2827 used in this chapter and chapter 253, means plants and animals
 2828 that are federally listed under the Endangered Species Act, or
 2829 state-listed by the Fish and Wildlife Conservation Commission or
 2830 the Department of Agriculture and Consumer Services.

2831 a. As part of the state's role, all state lands that have
 2832 imperiled species habitat shall include as a consideration in
 2833 management plan development the restoration, enhancement,
 2834 management, and repopulation of such habitats. In addition, the

2835 lead land managing agency of such state lands may use fees
 2836 received from public or private entities for projects to offset
 2837 adverse impacts to imperiled species or their habitat in order
 2838 to restore, enhance, manage, repopulate, or acquire land and to
 2839 implement land management plans developed under s. 253.034 or a
 2840 land management prospectus developed and implemented under this
 2841 chapter. Such fees shall be deposited into a foundation or fund
 2842 created by each land management agency under s. 379.223, s.
 2843 589.012, or s. 259.032(9)(c), to be used solely to restore,
 2844 manage, enhance, repopulate, or acquire imperiled species
 2845 habitat.

2846 ~~b. Where habitat or potentially restorable habitat for~~
 2847 ~~imperiled species is located on state lands, the Fish and~~
 2848 ~~Wildlife Conservation Commission and the Department of~~
 2849 ~~Agriculture and Consumer Services shall be included on any~~
 2850 ~~advisory group required under chapter 253, and the short term~~
 2851 ~~and long term management goals required under chapter 253 must~~
 2852 ~~advance the goals and objectives of imperiled species management~~
 2853 ~~consistent with the purposes for which the land was acquired~~
 2854 ~~without restricting other uses identified in the management~~
 2855 ~~plan.~~

2856 12. There is a need to change the focus and direction of
 2857 the state's major land acquisition programs and to extend
 2858 funding and bonding capabilities, so that future generations may
 2859 enjoy the natural resources of this state.

2860 (3) Less the costs of issuing and the costs of funding

2861 reserve accounts and other costs associated with bonds, the
 2862 proceeds of cash payments or bonds issued pursuant to this
 2863 section shall be deposited into the Florida Forever Trust Fund
 2864 created by s. 259.1051. The proceeds shall be distributed by the
 2865 department of Environmental Protection in the following manner:

2866 (i) Three and five-tenths percent to the Department of
 2867 Agriculture and Consumer Services for the acquisition of
 2868 agricultural lands, through perpetual conservation easements and
 2869 other perpetual less-than-fee techniques, which will achieve the
 2870 objectives of Florida Forever and s. 570.71. Rules concerning
 2871 the application, acquisition, and priority ranking process for
 2872 such easements shall be developed pursuant to s. 570.71(10) and
 2873 as provided by this paragraph. The board shall ensure that such
 2874 rules are consistent with the acquisition process provided for
 2875 in s. 253.025 ~~259.041~~. ~~Provisions of~~ The rules developed
 2876 pursuant to s. 570.71(10), shall also provide for the following:

2877 1. An annual priority list shall be developed pursuant to
 2878 s. 570.71(10), submitted to the ~~Acquisition and Restoration~~
 2879 council for review, and approved by the board pursuant to s.
 2880 259.04.

2881 2. Terms of easements and acquisitions proposed pursuant
 2882 to this paragraph shall be approved by the board and may ~~shall~~
 2883 not be delegated by the board to any other entity receiving
 2884 funds under this section.

2885 3. All acquisitions pursuant to this paragraph shall
 2886 contain a clear statement that they are subject to legislative

2887 appropriation.

2888

2889 ~~No~~ Funds provided under this paragraph may not ~~shall~~ be expended
 2890 until final adoption of rules by the board pursuant to s.

2891 570.71.

2892 (l) For the purposes of paragraphs (e), (f), (g), and (h),
 2893 the agencies that receive the funds shall develop their

2894 individual acquisition or restoration lists in accordance with
 2895 specific criteria and numeric performance measures developed

2896 pursuant to s. 259.035(4). Proposed additions may be acquired if
 2897 they are identified within the original project boundary, the

2898 management plan required pursuant to s. 253.034(5), or the
 2899 management prospectus required pursuant to s. 259.032(7)(c)

2900 ~~259.032(7)(d)~~. Proposed additions not meeting the requirements
 2901 of this paragraph shall be submitted to the ~~Acquisition and~~

2902 ~~Restoration~~ council for approval. The council may only approve
 2903 the proposed addition if it meets two or more of the following

2904 criteria: serves as a link or corridor to other publicly owned
 2905 property; enhances the protection or management of the property;

2906 would add a desirable resource to the property; would create a
 2907 more manageable boundary configuration; has a high resource

2908 value that otherwise would be unprotected; or can be acquired at
 2909 less than fair market value.

2910 (10) The ~~Acquisition and Restoration~~ council shall give
 2911 increased priority to:

2912 (a) those ~~these~~ Projects for which matching funds are available.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

2913 (b) ~~and to~~ Project elements previously identified on an
 2914 acquisition list pursuant to this section that can be acquired
 2915 at 80 percent or less of appraised value.

2916 (c) Projects that can be acquired in less than fee
 2917 ownership, such as a permanent conservation easement.

2918 (d) Projects that contribute to improving the quality and
 2919 quantity of surface water and groundwater.

2920 (e) Projects that contribute to improving the water
 2921 quality and flow of springs.

2922 (f) ~~The council shall also give increased priority to~~
 2923 ~~those~~ Projects for which ~~where~~ the state's land conservation
 2924 plans overlap with the military's need to protect lands, water,
 2925 and habitat to ensure the sustainability of military missions
 2926 including:

2927 1.(a) Protecting habitat on nonmilitary land for any
 2928 species found on military land that is designated as threatened
 2929 or endangered, or is a candidate for such designation under the
 2930 Endangered Species Act or any Florida statute;

2931 2.(b) Protecting areas underlying low-level military air
 2932 corridors or operating areas; and

2933 3.(c) Protecting areas identified as clear zones, accident
 2934 potential zones, and air installation compatible use buffer
 2935 zones delineated by our military partners, and for which federal
 2936 or other funding is available to assist with the project.

2937 (13) An affirmative vote of at least five members of the
 2938 ~~Acquisition and Restoration~~ council shall be required in order

2939 to place a ~~proposed~~ project submitted pursuant to subsection (7)
 2940 on the proposed project list developed pursuant to subsection
 2941 (8). Any member of the council who by family or a business
 2942 relationship has a connection with any project proposed to be
 2943 ranked shall declare such interest before ~~prior to~~ voting for a
 2944 project's inclusion on the list.

2945 (15) The ~~Acquisition and Restoration~~ council shall submit
 2946 to the board ~~of trustees~~, with its list of projects, a report
 2947 that includes, but need ~~shall~~ not be limited to, the following
 2948 information for each project listed:

2949 (i) A management policy statement for the project and a
 2950 management prospectus pursuant to s. 259.032(7)(c)
 2951 ~~259.032(7)(d)~~.

2952 (19) The ~~Acquisition and Restoration~~ council shall
 2953 recommend adoption of rules by the board ~~of trustees~~ necessary
 2954 to implement ~~the provisions of~~ this section relating to
 2955 solicitation, scoring, selecting, and ranking of Florida Forever
 2956 project proposals; disposing of or leasing lands or water areas
 2957 selected for funding through the Florida Forever program; and
 2958 the process of reviewing and recommending for approval or
 2959 rejection the land management plans associated with publicly
 2960 owned properties. ~~Rules promulgated pursuant to this subsection~~
 2961 ~~shall be submitted to the President of the Senate and the~~
 2962 ~~Speaker of the House of Representatives, for review by the~~
 2963 ~~Legislature, no later than 30 days prior to the 2010 Regular~~
 2964 ~~Session and shall become effective only after legislative~~

2965 ~~review. In its review, the Legislature may reject, modify, or~~
 2966 ~~take no action relative to such rules. The board of trustees~~
 2967 ~~shall conform such rules to changes made by the Legislature, or,~~
 2968 ~~if no action was taken by the Legislature, such rules shall~~
 2969 ~~become effective.~~

2970 Section 23. Subsections (6) and (7) of section 259.1052,
 2971 Florida Statutes, are amended to read:

2972 259.1052 Babcock Crescent B Ranch Florida Forever
 2973 acquisition; conditions for purchase.-

2974 ~~(6) In addition to distributions authorized under s.~~
 2975 ~~259.105(3), the Department of Environmental Protection is~~
 2976 ~~authorized to distribute \$310 million in revenues from the~~
 2977 ~~Florida Forever Trust Fund. This distribution shall represent~~
 2978 ~~payment in full for the portion of the Babcock Crescent B Ranch~~
 2979 ~~to be acquired by the state under this section.~~

2980 ~~(7) As used in this section, the term "state's portion of~~
 2981 ~~the Babcock Crescent B Ranch" comprises those lands to be~~
 2982 ~~conveyed by special warranty deed to the Board of Trustees of~~
 2983 ~~the Internal Improvement Trust Fund under the provisions of the~~
 2984 ~~agreement for sale and purchase executed by the Board of~~
 2985 ~~Trustees of the Internal Improvement Trust Fund, the Fish and~~
 2986 ~~Wildlife Conservation Commission, the Department of Agriculture~~
 2987 ~~and Consumer Services, and the participating local government,~~
 2988 ~~as purchaser, and MSKP, III, a Florida corporation, as seller.~~

2989 Section 24. Paragraph (d) of subsection (1) of section
 2990 73.015, Florida Statutes, is amended to read:

2991 73.015 Presuit negotiation.—

2992 (1) Effective July 1, 2000, before an eminent domain
 2993 proceeding is brought under this chapter or chapter 74, the
 2994 condemning authority must attempt to negotiate in good faith
 2995 with the fee owner of the parcel to be acquired, must provide
 2996 the fee owner with a written offer and, if requested, a copy of
 2997 the appraisal upon which the offer is based, and must attempt to
 2998 reach an agreement regarding the amount of compensation to be
 2999 paid for the parcel.

3000 (d) Notwithstanding this subsection, with respect to lands
 3001 acquired under s. 253.025 ~~259.041~~, the condemning authority is
 3002 not required to give the fee owner the current appraisal before
 3003 executing an option contract.

3004 Section 25. Paragraph (b) of subsection (1) of section
 3005 125.355, Florida Statutes, is amended to read:

3006 125.355 Proposed purchase of real property by county;
 3007 confidentiality of records; procedure.—

3008 (1)

3009 (b) If the exemptions provided in this section are
 3010 utilized, the governing body shall obtain at least one appraisal
 3011 by an appraiser approved pursuant to s. 253.025 ~~253.025(6)(b)~~
 3012 for each purchase in an amount of not more than \$500,000. For
 3013 each purchase in an amount in excess of \$500,000, the governing
 3014 body shall obtain at least two appraisals by appraisers approved
 3015 pursuant to s. 253.025 ~~253.025(6)(b)~~. If the agreed purchase
 3016 price exceeds the average appraised price of the two appraisals,

3017 the governing body is required to approve the purchase by an
 3018 extraordinary vote. The governing body may, by ordinary vote,
 3019 exempt a purchase in an amount of \$100,000 or less from the
 3020 requirement for an appraisal.

3021 Section 26. Paragraph (b) of subsection (1) of section
 3022 166.045, Florida Statutes, is amended to read:

3023 166.045 Proposed purchase of real property by
 3024 municipality; confidentiality of records; procedure.—

3025 (1)

3026 (b) If the exemptions provided in this section are
 3027 utilized, the governing body shall obtain at least one appraisal
 3028 by an appraiser approved pursuant to s. 253.025 ~~253.025(6)(b)~~
 3029 for each purchase in an amount of not more than \$500,000. For
 3030 each purchase in an amount in excess of \$500,000, the governing
 3031 body shall obtain at least two appraisals by appraisers approved
 3032 pursuant to s. 253.025 ~~253.025(6)(b)~~. If the agreed purchase
 3033 price exceeds the average appraised price of the two appraisals,
 3034 the governing body is required to approve the purchase by an
 3035 extraordinary vote. The governing body may, by ordinary vote,
 3036 exempt a purchase in an amount of \$100,000 or less from the
 3037 requirement for an appraisal.

3038 Section 27. Subsection (2) of section 215.82, Florida
 3039 Statutes, is amended to read:

3040 215.82 Validation; when required.—

3041 (2) Any bonds issued pursuant to this act which are
 3042 validated shall be validated in the manner provided by chapter

3043 75. In actions to validate bonds to be issued in the name of the
 3044 State Board of Education under s. 9(a) and (d), Art. XII of the
 3045 State Constitution and bonds to be issued pursuant to chapter
 3046 259, the Land Conservation Program Act of 1972, the complaint
 3047 shall be filed in the circuit court of the county where the seat
 3048 of state government is situated, the notice required to be
 3049 published by s. 75.06 shall be published only in the county
 3050 where the complaint is filed, and the complaint and order of the
 3051 circuit court shall be served only on the state attorney of the
 3052 circuit in which the action is pending. In any action to
 3053 validate bonds issued pursuant to s. 1010.62 or issued pursuant
 3054 to s. 9(a)(1), Art. XII of the State Constitution or issued
 3055 pursuant to s. 215.605 or s. 338.227, the complaint shall be
 3056 filed in the circuit court of the county where the seat of state
 3057 government is situated, the notice required to be published by
 3058 s. 75.06 shall be published in a newspaper of general
 3059 circulation in the county where the complaint is filed and in
 3060 two other newspapers of general circulation in the state, and
 3061 the complaint and order of the circuit court shall be served
 3062 only on the state attorney of the circuit in which the action is
 3063 pending; provided, however, that if publication of notice
 3064 pursuant to this section would require publication in more
 3065 newspapers than would publication pursuant to s. 75.06, such
 3066 publication shall be made pursuant to s. 75.06.

3067 Section 28. Section 215.965, Florida Statutes, is amended
 3068 to read:

3069 215.965 Disbursement of state moneys.—Except as provided
 3070 in s. 17.076, s. 253.025(17) ~~253.025(14)~~, ~~s. 259.041(18)~~, s.
 3071 717.124(4)(b) and (c), s. 732.107(5), or s. 733.816(5), all
 3072 moneys in the State Treasury shall be disbursed by state
 3073 warrant, drawn by the Chief Financial Officer upon the State
 3074 Treasury and payable to the ultimate beneficiary. This
 3075 authorization shall include electronic disbursement.

3076 Section 29. Subsection (8) of section 253.027, Florida
 3077 Statutes, is amended to read:

3078 253.027 Emergency archaeological property acquisition.—

3079 (8) WAIVER OF APPRAISALS OR SURVEYS.—The Board of Trustees
 3080 of the Internal Improvement Trust Fund may waive or limit any
 3081 appraisal or survey requirements in s. 253.025 ~~259.041~~, if
 3082 necessary to effectuate the purposes of this section. Fee simple
 3083 title is not required to be conveyed if some lesser interest
 3084 will allow the preservation of the archaeological resource.
 3085 Properties purchased pursuant to this section shall be
 3086 considered archaeologically unique or significant properties and
 3087 may be purchased under the provisions of s. 253.025(9)
 3088 ~~253.025(7)~~.

3089 Section 30. Section 253.7824, Florida Statutes, is amended
 3090 to read:

3091 253.7824 Sale of products; proceeds.—The Department of of
 3092 Environmental Protection may authorize the removal and sale of
 3093 products from the land where environmentally appropriate, the
 3094 proceeds from which shall be deposited into the appropriate

3095 trust fund in accordance with the same disposition provided
 3096 under s. 253.0341 ~~253.034(6)(k), (l), or (m)~~ applicable to the
 3097 sale of land.

3098 Section 31. Paragraphs (b) and (c) of subsection (2) of
 3099 section 260.015, Florida Statutes, are amended to read:

3100 260.015 Acquisition of land.—

3101 (2) For purposes of the Florida Greenways and Trails
 3102 Program, the board may:

3103 (b) Accept title to abandoned railroad rights-of-way which
 3104 is conveyed by quitclaim deed through purchase, dedication,
 3105 gift, grant, or settlement, notwithstanding s. 253.025
 3106 ~~259.041(1)~~.

3107 (c) Enter into an agreement or, upon delegation, the
 3108 department may enter into an agreement, with a nonprofit
 3109 corporation, as defined in s. 253.025 ~~259.041(7)(e)~~, to assume
 3110 responsibility for acquisition of lands pursuant to this
 3111 section. The agreement may transfer responsibility for all
 3112 matters which may be delegated or waived pursuant to s. 253.025
 3113 ~~259.041(1)~~.

3114 Section 32. Paragraph (b) of subsection (3) of section
 3115 260.016, Florida Statutes, is amended to read:

3116 260.016 General powers of the department.—

3117 (3) The department or its designee is authorized to
 3118 negotiate with potentially affected private landowners as to the
 3119 terms under which such landowners would consent to the public
 3120 use of their lands as part of the greenways and trails system.

3121 The department shall be authorized to agree to incentives for a
 3122 private landowner who consents to this public use of his or her
 3123 lands for conservation or recreational purposes, including, but
 3124 not limited to, the following:

3125 (b) Agreement to exchange, subject to the approval of the
 3126 board ~~of Trustees of the Internal Improvement Trust Fund~~ or
 3127 other applicable unit of government, ownership or other rights
 3128 of use of public lands for the ownership or other rights of use
 3129 of privately owned lands. Any exchange of state-owned lands,
 3130 title to which is vested in the board ~~of Trustees of the~~
 3131 ~~Internal Improvement Trust Fund~~, for privately owned lands shall
 3132 be subject to the requirements of s. 253.025 ~~259.041~~.

3133 Section 33. Subsections (6) and (7) of section 369.317,
 3134 Florida Statutes, are amended to read:

3135 369.317 Wekiva Parkway.—

3136 (6) The Central Florida Expressway Authority is hereby
 3137 granted the authority to act as a third-party acquisition agent,
 3138 pursuant to s. 253.025 ~~259.041~~ on behalf of the Board of
 3139 Trustees of the Internal Improvement Trust Fund or chapter 373
 3140 on behalf of the governing board of the St. Johns River Water
 3141 Management District, for the acquisition of all necessary lands,
 3142 property and all interests in property identified herein,
 3143 including fee simple or less-than-fee simple interests. The
 3144 lands subject to this authority are identified in paragraph
 3145 10.a., State of Florida, Office of the Governor, Executive Order
 3146 03-112 of July 1, 2003, and in Recommendation 16 of the Wekiva

3147 Basin Area Task Force created by Executive Order 2002-259, such
 3148 lands otherwise known as Neighborhood Lakes, a 1,587+/-acre
 3149 parcel located in Orange and Lake Counties within Sections 27,
 3150 28, 33, and 34 of Township 19 South, Range 28 East, and Sections
 3151 3, 4, 5, and 9 of Township 20 South, Range 28 East; Seminole
 3152 Woods/Swamp, a 5,353+/-acre parcel located in Lake County within
 3153 Section 37, Township 19 South, Range 28 East; New Garden Coal; a
 3154 1,605+/-acre parcel in Lake County within Sections 23, 25, 26,
 3155 35, and 36, Township 19 South, Range 28 East; Pine Plantation, a
 3156 617+/-acre tract consisting of eight individual parcels within
 3157 the Apopka City limits. The Department of Transportation, the
 3158 Department of Environmental Protection, the St. Johns River
 3159 Water Management District, and other land acquisition entities
 3160 shall participate and cooperate in providing information and
 3161 support to the third-party acquisition agent. The land
 3162 acquisition process authorized by this paragraph shall begin no
 3163 later than December 31, 2004. Acquisition of the properties
 3164 identified as Neighborhood Lakes, Pine Plantation, and New
 3165 Garden Coal, or approval as a mitigation bank shall be concluded
 3166 no later than December 31, 2010. Department of Transportation
 3167 and Central Florida Expressway Authority funds expended to
 3168 purchase an interest in those lands identified in this
 3169 subsection shall be eligible as environmental mitigation for
 3170 road construction related impacts in the Wekiva Study Area. If
 3171 any of the lands identified in this subsection are used as
 3172 environmental mitigation for road-construction-related impacts

3173 incurred by the Department of Transportation or Central Florida
 3174 Expressway Authority, or for other impacts incurred by other
 3175 entities, within the Wekiva Study Area or within the Wekiva
 3176 parkway alignment corridor, and if the mitigation offsets these
 3177 impacts, the St. Johns River Water Management District and the
 3178 Department of Environmental Protection shall consider the
 3179 activity regulated under part IV of chapter 373 to meet the
 3180 cumulative impact requirements of s. 373.414(8)(a).

3181 (a) Acquisition of the land described in this section is
 3182 required to provide right-of-way for the Wekiva Parkway, a
 3183 limited access roadway linking State Road 429 to Interstate 4,
 3184 an essential component in meeting regional transportation needs
 3185 to provide regional connectivity, improve safety, accommodate
 3186 projected population and economic growth, and satisfy critical
 3187 transportation requirements caused by increased traffic volume
 3188 growth and travel demands.

3189 (b) Acquisition of the lands described in this section is
 3190 also required to protect the surface water and groundwater
 3191 resources of Lake, Orange, and Seminole counties, otherwise
 3192 known as the Wekiva Study Area, including recharge within the
 3193 springshed that provides for the Wekiva River system. Protection
 3194 of this area is crucial to the long term viability of the Wekiva
 3195 River and springs and the central Florida region's water supply.
 3196 Acquisition of the lands described in this section is also
 3197 necessary to alleviate pressure from growth and development
 3198 affecting the surface and groundwater resources within the

3199 recharge area.

3200 (c) Lands acquired pursuant to this section that are
 3201 needed for transportation facilities for the Wekiva Parkway
 3202 shall be determined not necessary for conservation purposes
 3203 pursuant to ss. 253.0341 ~~253.034(6)~~ and 373.089(5) and shall be
 3204 transferred to or retained by the Central Florida Expressway
 3205 Authority or the Department of Transportation upon reimbursement
 3206 of the full purchase price and acquisition costs.

3207 (7) The Department of Transportation, the Department of
 3208 Environmental Protection, the St. Johns River Water Management
 3209 District, Central Florida Expressway Authority, and other land
 3210 acquisition entities shall cooperate and establish funding
 3211 responsibilities and partnerships by agreement to the extent
 3212 funds are available to the various entities. Properties acquired
 3213 with Florida Forever funds shall be in accordance with s.
 3214 253.025 ~~259.041~~ or chapter 373. The Central Florida Expressway
 3215 Authority shall acquire land in accordance with this section ~~of~~
 3216 ~~law~~ to the extent funds are available from the various funding
 3217 partners; however, the authority is, ~~but shall~~ not be required
 3218 or ~~not~~ assumed to fund the land acquisition beyond the agreement
 3219 and funding provided by the various land acquisition entities.

3220 Section 34. Paragraph (a) of subsection (3) of section
 3221 373.139, Florida Statutes, is amended to read:

3222 373.139 Acquisition of real property.—

3223 (3) The initial 5-year work plan and any subsequent
 3224 modifications or additions thereto shall be adopted by each

3225 water management district after a public hearing. Each water
 3226 management district shall provide at least 14 days' advance
 3227 notice of the hearing date and shall separately notify each
 3228 county commission within which a proposed work plan project or
 3229 project modification or addition is located of the hearing date.
 3230 (a) Appraisal reports, offers, and counteroffers are
 3231 confidential and exempt from ~~the provisions of~~ s. 119.07(1)
 3232 until an option contract is executed or, if no option contract
 3233 is executed, until 30 days before a contract or agreement for
 3234 purchase is considered for approval by the governing board.
 3235 However, each district may, at its discretion, disclose
 3236 appraisal reports to private landowners during negotiations for
 3237 acquisitions using alternatives to fee simple techniques, if the
 3238 district determines that disclosure of such reports will bring
 3239 the proposed acquisition to closure. If ~~In the event that~~
 3240 negotiation is terminated by the district, the appraisal report,
 3241 offers, and counteroffers shall become available pursuant to s.
 3242 119.07(1). Notwithstanding ~~the provisions of~~ this section and s.
 3243 253.025 ~~259.041~~, a district and the Division of State Lands may
 3244 share and disclose appraisal reports, appraisal information,
 3245 offers, and counteroffers when joint acquisition of property is
 3246 contemplated. A district and the Division of State Lands shall
 3247 maintain the confidentiality of such appraisal reports,
 3248 appraisal information, offers, and counteroffers in conformance
 3249 with this section and s. 253.025 ~~259.041~~, except in those cases
 3250 in which a district and the division have exercised discretion

3251 to disclose such information. A district may disclose appraisal
 3252 information, offers, and counteroffers to a third party who has
 3253 entered into a contractual agreement with the district to work
 3254 with or on the behalf of or to assist the district in connection
 3255 with land acquisitions. The third party shall maintain the
 3256 confidentiality of such information in conformance with this
 3257 section. In addition, a district may use, as its own, appraisals
 3258 obtained by a third party provided the appraiser is selected
 3259 from the district's list of approved appraisers and the
 3260 appraisal is reviewed and approved by the district.

3261 Section 35. Subsection (8) of section 375.031, Florida
 3262 Statutes, is amended to read:

3263 375.031 Acquisition of land; procedures.—

3264 (8) The department may, if it deems it desirable and in
 3265 the best interest of the program, request the board of trustees
 3266 to sell or otherwise dispose of any lands or water storage areas
 3267 acquired under this act. The board of trustees, when so
 3268 requested, shall offer the lands or water storage areas, on such
 3269 terms as the department may determine, first to other state
 3270 agencies and then, if still available, to the county or
 3271 municipality in which the lands or water storage areas lie. If
 3272 not acquired by another state agency or local governmental body
 3273 for beneficial public purposes, the lands or water storage areas
 3274 shall then be offered by the board of trustees at public sale,
 3275 after first giving notice of such sale by publication in a
 3276 newspaper published in the county or counties in which such

3277 lands or water storage areas lie not less than once a week for 3
 3278 consecutive weeks. All proceeds from the sale or disposition of
 3279 any lands or water storage areas pursuant to this section shall
 3280 be deposited into the appropriate trust fund pursuant to s.

3281 253.0341 ~~253.034(6)(k), (l), or (m).~~

3282 Section 36. Subsection (2) of section 375.041, Florida
 3283 Statutes, is amended to read:

3284 375.041 Land Acquisition Trust Fund.—

3285 (2) All moneys and revenue from the sale or other
 3286 disposition of land, water areas, or related resources acquired
 3287 on or after July 1, 2015, for the purposes of s. 28, Art. X of
 3288 the State Constitution shall be deposited into or credited to
 3289 the Land Acquisition Trust Fund, except as otherwise provided
 3290 pursuant to s. 253.0341 ~~253.034(6)(1).~~

3291 Section 37. Paragraph (a) of subsection (1) of section
 3292 380.05, Florida Statutes, is amended to read:

3293 380.05 Areas of critical state concern.—

3294 (1)(a) The state land planning agency may from time to
 3295 time recommend to the Administration Commission specific areas
 3296 of critical state concern. In its recommendation, the agency
 3297 shall include recommendations with respect to the purchase of
 3298 lands situated within the boundaries of the proposed area as
 3299 environmentally endangered lands and outdoor recreation lands
 3300 under the Land Conservation Program Act ~~of 1972~~. The agency also
 3301 shall include any report or recommendation of a resource
 3302 planning and management committee appointed pursuant to s.

3303 380.045; the dangers that would result from uncontrolled or
 3304 inadequate development of the area and the advantages that would
 3305 be achieved from the development of the area in a coordinated
 3306 manner; a detailed boundary description of the proposed area;
 3307 specific principles for guiding development within the area; an
 3308 inventory of lands owned by the state, federal, county, and
 3309 municipal governments within the proposed area; and a list of
 3310 the state agencies with programs that affect the purpose of the
 3311 designation. The agency shall recommend actions which the local
 3312 government and state and regional agencies must accomplish in
 3313 order to implement the principles for guiding development. These
 3314 actions may include, but need ~~shall~~ not be limited to, revisions
 3315 of the local comprehensive plan and adoption of land development
 3316 regulations, density requirements, and special permitting
 3317 requirements.

3318 Section 38. Paragraph (b) of subsection (5) of section
 3319 380.055, Florida Statutes, is amended to read:

3320 380.055 Big Cypress Area.—

3321 (5) ACQUISITION OF BIG CYPRESS NATIONAL PRESERVE.—

3322 (b) The Board of Trustees of the Internal Improvement
 3323 Trust Fund shall set aside from the proceeds of the full faith
 3324 and credit bonds authorized by the Land Conservation Program Act
 3325 ~~of 1972~~, or from other funds authorized, appropriated, or
 3326 allocated for the acquisition of environmentally endangered
 3327 lands, or from both sources, \$40 million for acquisition of the
 3328 area proposed as the Federal Big Cypress National Preserve,

3329 Florida, or portions thereof.

3330 Section 39. Paragraph (f) of subsection (4) of section
 3331 380.508, Florida Statutes, is amended to read:

3332 380.508 Projects; development, review, and approval.—

3333 (4) Projects or activities which the trust undertakes,
 3334 coordinates, or funds in any manner shall comply with the
 3335 following guidelines:

3336 (f) The trust shall cooperate with local governments,
 3337 state agencies, federal agencies, and nonprofit organizations in
 3338 ensuring the reservation of lands for parks, recreation, fish
 3339 and wildlife habitat, historical preservation, or scientific
 3340 study. If any local government, state agency, federal agency, or
 3341 nonprofit organization is unable, due to limited financial
 3342 resources or other circumstances of a temporary nature, to
 3343 acquire a site for the purposes described in this paragraph, the
 3344 trust may acquire and hold the site for subsequent conveyance to
 3345 the appropriate governmental agency or nonprofit organization.
 3346 The trust may provide such technical assistance as required to
 3347 aid local governments, state and federal agencies, and nonprofit
 3348 organizations in completing acquisition and related functions.
 3349 The trust may not reserve lands acquired in accordance with this
 3350 paragraph for more than 5 years from the time of acquisition. A
 3351 local government, federal or state agency, or nonprofit
 3352 organization may acquire the land at any time during this period
 3353 for public purposes. The purchase price shall be based upon the
 3354 trust's cost of acquisition, plus administrative and management

3355 costs in reserving the land. The payment of the purchase price
 3356 shall be by money, trust-approved property of an equivalent
 3357 value, or a combination of money and trust-approved property.
 3358 If, after the 5-year period, the trust has not sold to a
 3359 governmental agency or nonprofit organization land acquired for
 3360 site reservation, the trust shall dispose of such land at fair
 3361 market value or shall trade it for other land of comparable
 3362 value which will serve to accomplish the purposes of this part.
 3363 Any proceeds from the sale of such land received by the
 3364 department shall be deposited into the appropriate trust fund
 3365 pursuant to s. 253.0341 ~~253.034(6)(k), (l), or (m)~~.

3366
 3367 Project costs may include costs of providing parks, open space,
 3368 public access sites, scenic easements, and other areas and
 3369 facilities serving the public where such features are part of a
 3370 project plan approved according to this part. In undertaking or
 3371 coordinating projects or activities authorized by this part, the
 3372 trust shall, when appropriate, use and promote the use of
 3373 creative land acquisition methods, including the acquisition of
 3374 less than fee interest through, among other methods,
 3375 conservation easements, transfer of development rights, leases,
 3376 and leaseback arrangements. The trust shall assist local
 3377 governments in the use of sound alternative methods of financing
 3378 for funding projects and activities authorized under this part.
 3379 Any funds over and above eligible project costs, which remain
 3380 after completion of a project approved according to this part,

3381 shall be transmitted to the state and deposited into the Florida
 3382 Forever Trust Fund.

3383 Section 40. Section 589.07, Florida Statutes, is amended
 3384 to read:

3385 589.07 Florida Forest Service may acquire lands for forest
 3386 purposes.—The Florida Forest Service, on behalf of the state and
 3387 subject to the restrictions mentioned in s. 589.08, may acquire
 3388 lands, suitable for state forest purposes, by gift, donation,
 3389 contribution, purchase, or otherwise and may enter into
 3390 agreements with the Federal Government, or other agency, for
 3391 acquiring by gift, purchase, or otherwise, such lands as are, in
 3392 the judgment of the Florida Forest Service, suitable and
 3393 desirable for state forests. The acquisition procedures for
 3394 state lands provided in s. 253.025 ~~259.041~~ do not apply to
 3395 acquisition of land by the Florida Forest Service.

3396 Section 41. Paragraphs (a) and (b) of subsection (4) of
 3397 section 944.10, Florida Statutes, are amended to read:

3398 944.10 Department of Corrections to provide buildings;
 3399 sale and purchase of land; contracts to provide services and
 3400 inmate labor.—

3401 (4)(a) Notwithstanding s. 253.025 or s. 287.057, whenever
 3402 the department finds it to be necessary for timely site
 3403 acquisition, it may contract without the need for competitive
 3404 selection with one or more appraisers whose names are contained
 3405 on the list of approved appraisers maintained by the Division of
 3406 State Lands of the Department of Environmental Protection in

3407 accordance with s. 253.025(8) ~~253.025(6)(b)~~. In those instances
 3408 in which the department directly contracts for appraisal
 3409 services, it must also contract with an approved appraiser who
 3410 is not employed by the same appraisal firm for review services.

3411 (b) Notwithstanding s. 253.025(8) ~~253.025(6)~~, the
 3412 department may negotiate and enter into an option contract
 3413 before an appraisal is obtained. The option contract must state
 3414 that the final purchase price cannot exceed the maximum value
 3415 allowed by law. The consideration for such an option contract
 3416 may not exceed 10 percent of the estimate obtained by the
 3417 department or 10 percent of the value of the parcel, whichever
 3418 amount is greater.

3419 Section 42. Subsections (6) and (7) of section 957.04,
 3420 Florida Statutes, are amended to read:

3421 957.04 Contract requirements.—

3422 (6) Notwithstanding s. 253.025(9) ~~253.025(7)~~, the Board of
 3423 Trustees of the Internal Improvement Trust Fund need not approve
 3424 a lease-purchase agreement negotiated by the Department of
 3425 Management Services if the Department of Management Services
 3426 finds that there is a need to expedite the lease-purchase.

3427 (7)(a) Notwithstanding s. 253.025 or s. 287.057, whenever
 3428 the Department of Management Services finds it to be in the best
 3429 interest of timely site acquisition, it may contract without the
 3430 need for competitive selection with one or more appraisers whose
 3431 names are contained on the list of approved appraisers
 3432 maintained by the Division of State Lands of the Department of

3433 Environmental Protection in accordance with s. 253.025(8)
 3434 ~~253.025(6)(b)~~. In those instances when the Department of
 3435 Management Services directly contracts for appraisal services,
 3436 it shall also contract with an approved appraiser who is not
 3437 employed by the same appraisal firm for review services.

3438 (b) Notwithstanding s. 253.025(8) ~~253.025(6)~~, the
 3439 Department of Management Services may negotiate and enter into
 3440 lease-purchase agreements before an appraisal is obtained. Any
 3441 such agreement must state that the final purchase price cannot
 3442 exceed the maximum value allowed by law.

3443 Section 43. Paragraphs (a) and (b) of subsection (12) of
 3444 section 985.682, Florida Statutes, are amended to read:

3445 985.682 Siting of facilities; criteria.—

3446 (12)(a) Notwithstanding s. 253.025 or s. 287.057, when the
 3447 department finds it necessary for timely site acquisition, it
 3448 may contract, without using the competitive selection procedure,
 3449 with an appraiser whose name is on the list of approved
 3450 appraisers maintained by the Division of State Lands of the
 3451 Department of Environmental Protection under s. 253.025(8)
 3452 ~~253.025(6)(b)~~. When the department directly contracts for
 3453 appraisal services, it must contract with an approved appraiser
 3454 who is not employed by the same appraisal firm for review
 3455 services.

3456 (b) Notwithstanding s. 253.025(8) ~~253.025(6)~~, the
 3457 department may negotiate and enter into an option contract
 3458 before an appraisal is obtained. The option contract must state

3459 that the final purchase price may not exceed the maximum value
 3460 allowed by law. The consideration for such an option contract
 3461 may not exceed 10 percent of the estimate obtained by the
 3462 department or 10 percent of the value of the parcel, whichever
 3463 amount is greater.

3464 Section 44. Paragraph (b) of subsection (1) of section
 3465 1013.14, Florida Statutes, is amended to read:

3466 1013.14 Proposed purchase of real property by a board;
 3467 confidentiality of records; procedure.-

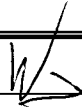

3468 (1)

3469 (b) Before ~~Prior to~~ acquisition of the property, the board
 3470 shall obtain at least one appraisal by an appraiser approved
 3471 pursuant to s. 253.025(8) ~~253.025(6)(b)~~ for each purchase in an
 3472 amount greater than \$100,000 and not more than \$500,000. For
 3473 each purchase in an amount in excess of \$500,000, the board
 3474 shall obtain at least two appraisals by appraisers approved
 3475 pursuant to s. 253.025(8) ~~253.025(6)(b)~~. If the agreed to
 3476 purchase price exceeds the average appraised value, the board is
 3477 required to approve the purchase by an extraordinary vote.

3478 Section 45. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1205 Fumigation
SPONSOR(S): Magar
TIED BILLS: **IDEN./SIM. BILLS:** SB 1498

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Gregory 	Harrington 
2) Agriculture & Natural Resources Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

Individuals who perform fumigation must be licensed by the Department of Agriculture and Consumer Services (DACS) and follow the safety procedures set forth in rule. In addition, each brand of pesticide that is distributed, sold, or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state must be registered with DACS.

The bill updates DACS' rulemaking authority relating to safety procedures for fumigation to:

- Require that fumigators notify DACS where the fumigation will be performed at least 24 hours in advance of any general fumigation, rather than notify a DACS inspector;
- Authorize DACS to specify circumstances when notification of less than 24 hours in advance is allowed, rather than only during an authentic and verifiable emergency; and
- Authorize DACS to require safety procedures for the clearance of residential structures before reoccupation after fumigation.

Further, the bill updates DACS' rulemaking authority to allow DACS to place conditions on fumigant registration including:

- Requiring registrants to train distributors and end users in safety measures, proper use, safe storage, and the management of fumigant materials;
- Obtaining continuing education program approval for stewardship training programs;
- Conducting quality assurance reviews;
- Reporting to DACS probation and stop-sale notifications issued to end users. DACS must notify other sulfur fluoride registrants of the reported probation or stop-sale notice; and
- Assisting DACS upon its request with the removal of fumigant containers from distributors and end users for compliance with permanent or extended stop-sales.

The bill appears to have an insignificant negative fiscal impact on DACS because the department will likely need to revise its rules as a result of the changes in the bill. The bill may have an indeterminate negative fiscal impact on licensees who apply fumigants and on individuals who register fumigants.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

A “fumigant” is chemical which, at a required temperature and pressure, can exist in the gaseous state in sufficient concentration to be lethal to a given organism.¹ “Fumigation” is the use, within an enclosed space or in or under a structure or tarpaulins, of a fumigant in concentrations that may be hazardous to human beings.² The Department of Agriculture and Consumer Services (DACS) regulates fumigation and registering fumigants.

Fumigation Requirements

Individuals who perform fumigation must obtain a special identification card from DACS or be a certified fumigation operator.³ Fumigators must notify DACS 24 hours in advance before any general fumigation via DACS’ website or facsimile.⁴ This requirement may be waived during a verifiable emergency when notification is not possible.⁵

The fumigators must follow the instructions on the fumigant’s label, possess any keys or access devices to gain entry into the structure, possess a self-contained breathing apparatus, and possess and maintain two clearance devices.⁶ The structure or enclosed space to be fumigated may not be occupied during fumigation.⁷ The fumigator must inspect the structure or enclosed space to make sure no persons remain.⁸ Further, the structure or enclosed space must be made as gas-tight as possible.⁹ Prior to application of the fumigant, the fumigators must affix and conspicuously post warning signs that meet standards adopted by DACS.¹⁰

After fumigation, the structure must be aerated.¹¹ The aeration process includes a minimum one-hour active aeration and a minimum five-hour passive aeration.¹² An active aeration requires the doors and windows of the structure to be opened and fans used to allow the fumigant to dissipate.¹³ The passive aeration occurs after the active aeration and requires the structure to be re-secured.¹⁴ Currently, fumigators are not required to provide DACS with the initiation time of the aeration process.¹⁵ Once aeration is complete, the certified operator in charge must personally inspect the structure or enclosed space to assure the space has been safely ventilated as required by the fumigant’s label.¹⁶ The space must be inspected with suitable gas-detecting equipment or devices required by the fumigant’s label to assure the structure is safe for human entry and occupancy.¹⁷ Currently, licensees are required to maintain evidence of device calibration, but are not required to provide these records to DACS unless

¹ Section 482.021(9), F.S.

² Section 482.021(10), F.S.

³ Section 482.151(1), F.S.; Rule 5E-14.108(1), F.A.C.

⁴ Section 482.051(4), F.S.; Rule 5E-14.110(1), F.A.C.

⁵ Section 482.051(4), F.S.; Rule 5E-14.110(2), F.A.C.

⁶ Rule 5E-14.108, F.A.C.

⁷ Rule 5E-14.111(2), F.A.C.

⁸ Rule 5E-14.111(4), F.A.C.

⁹ Rule 5E-14.111(7), F.A.C.

¹⁰ Rules 5E-14.112(1) through (6), F.A.C.

¹¹ DACS, Agency Analysis of 2016 House Bill 1205, p. 1 (January 15, 2016).

¹² Id.

¹³ Id.

¹⁴ Id.

¹⁵ Id.

¹⁶ Rule 5E-14.113(1), F.A.C.

¹⁷ Rule 5E-14.113(2), F.A.C.

requested.¹⁸ Once the structure or enclosed space is safe for reentry and reoccupancy, the certified operator must certify his final personal inspection and monitoring examination and must conspicuously post the certification on all entrances.¹⁹

Pesticide Registration

Each brand of pesticide²⁰ that is distributed, sold, or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state must be registered with DACS, and such registration shall be renewed biennially.²¹ Applicants seeking to register their pesticide must submit:

- Product chemistry data demonstrating a pesticide's relative susceptibility to leaching into groundwater and its relative stability in groundwater;
- Toxicology data demonstrating human risk assessment and environmental risk assessment;
- Environmental fate data demonstrating chemical degradation, metabolic transformation, persistence (half-life), bioaccumulation potential, and mobility of the pesticide;
- Residue chemistry data which describes pesticide residues detected in or on applicable crops, processed foods, and animal feed; and
- Worker and applicator safety data demonstrating use of the pesticide in accordance with the label does not pose any unreasonable risk to applicators or agricultural workers exposed to treated areas or commodities.²²

DACS may approve the pesticide registration, conditionally approve the product with limitations, or deny registration and state the basis for denial.²³

If DACS finds a pesticide is being offered or exposed for sale, used, or held in violation of its pesticide regulations, it may issue and enforce a stop-sale, stop-use, removal, or hold order.²⁴ This order may order that the pesticide or device be held at a designated place until the pesticide regulations are complied with and the pesticide or device is released.²⁵

If a pesticide registered in the state is suspended or canceled to prevent harm to the public or the environment, the registrant must reclaim and provide reimbursement for that pesticide from any distributor, dealer, user, or other party possessing it in this state and provide for the proper removal or disposal of the pesticide within 90 days.²⁶

Office of Inspector General Review

On January 6, 2016, DACS' Office of Inspector General issued a report on structural fumigation regulations and processes.²⁷ The report makes several recommendations to improve public safety including increasing aeration time, increasing reporting requirements, requiring proof that chemical

¹⁸ DACS, Agency Analysis of 2016 House Bill 1205, p. 1 (January 15, 2016).

¹⁹ Rule 5E-14.113(2), F.A.C.

²⁰ Section 487.021(49), F.S., defines the term "pesticide" to mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses, bacteria, or fungi on or in living humans or other animals, which the department by rule declares to be a pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

²¹ Section 487.041(1)(a), F.S.

²² Rule 5E-2.031(3), F.A.C.

²³ Rule 5E-2.031(6) and (7), F.A.C.

²⁴ Section 487.101(1), F.S.

²⁵ Id.

²⁶ Section 487.15, F.S.

²⁷ DACS, Review of the Division of Agricultural and Environmental Services, Structural Fumigation Regulation Regulations and Processes, available at http://media.wptv.com/image/Report.pdf?_ga=1.26570170.646122863.1452805180 (last visited January 14, 2016).

detection devices are properly calibrated, requiring notice of aeration times, changing warning requirements, and adding notification requirements for alternative methods of termite control.²⁸

Effect of the Proposed Bill

The bill amends s. 482.051, F.S., to update DACS' rulemaking authority relating to safety procedures for fumigation. Specifically, the bill:

- Requires fumigators to notify DACS where the fumigation will be performed at least 24 hours in advance of any general fumigation, rather than notify a DACS inspector;
- Authorizes DACS to specify circumstances when notification of less than 24 hours in advance is allowed, rather than only during an authentic and verifiable emergency; and
- Authorize DACS to require safety procedures for the clearance of residential structures before reoccupation after fumigation.

The bill amends s. 487.051, F.S., to update DACS' rulemaking authority to allow DACS to place conditions on fumigant registration. Specifically, DACS will be authorized to make rules to:

- Require registrants to train distributors and end users in safety measures, proper use, safe storage, and the management of fumigant materials;
- Obtain continuing education program approval for stewardship training programs;
- Conduct quality assurance reviews;
- Report to DACS probation and stop-sale notifications issued to end users. DACS must notify other sulfuryl fluoride registrants of the reported probation or stop-sale notice; and
- Assist DACS upon its request with the removal of fumigant containers from distributors and end users for compliance with permanent or extended stop-sales.

B. SECTION DIRECTORY:

Section 1. Amends s. 482.051, F.S., relating to rules for pest control regulations.

Section 2. Amends s. 487.051, F.S., relating to administration, rules, and procedure for pesticide regulation and safety.

Section 3. Providing an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill appears to have an insignificant negative fiscal impact on DACS because the department will likely need to revise its rules as a result of the changes in the bill.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

²⁸ Id. at 4 – 5.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Depending on the rules adopted by DACS, the bill may have an indeterminate negative fiscal impact on licensees who apply fumigants and on individuals who register fumigants.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill grants additional rulemaking authority to DACS to regulate fumigation safety procedures and place conditions on the registration of fumigants. The bill will likely require DACS to revise its rules to conform to the changes made in the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

27 | directed by the United States Environmental Protection Agency or
 28 | the department.

29 | (2) That vehicles and trailers used in pest control be
 30 | permanently marked with the licensee's name that is registered
 31 | with the department. However, vehicles that are used to perform
 32 | only sales and solicitation may have temporary or removable
 33 | markers.

34 | (3) That written contracts be required for providing
 35 | termites and other wood-destroying organisms pest control, that
 36 | provisions necessary to assure consumer protection as specified
 37 | by the department be included in such contracts, and that
 38 | require licensees to comply with the contracts issued.

39 | (4) That a licensee, before performing general fumigation,
 40 | notify in writing the department of ~~inspector having~~
 41 | ~~jurisdiction over~~ the location where the fumigation is to be
 42 | performed, which notice must be received by the department
 43 | ~~inspector~~ at least 24 hours before the fumigation and must
 44 | contain such information as the department requires. The
 45 | department may specify circumstances under which notification of
 46 | less than 24 hours is allowed and what notice is required in
 47 | those circumstances. ~~However, in an authentic and verifiable~~
 48 | ~~emergency, when 24 hours' advance notice is not possible,~~
 49 | ~~advance notice may be given by telephone, facsimile, or any~~
 50 | ~~other form of acceptable electronic communication, but such~~
 51 | ~~notice must be immediately followed by written confirmation~~
 52 | ~~providing the required information.~~

53 (5) That any pesticide used as the primary preventive
 54 treatment for subterranean termites in new construction be
 55 applied in the amount, concentration, and treatment area in
 56 accordance with the label; that a copy of the label of the
 57 registered pesticide being applied be carried in a vehicle at
 58 the site where the pesticide is being applied; and that the
 59 licensee maintain for 3 years the record of each preconstruction
 60 treatment, indicating the date of treatment, the location or
 61 address of the property treated, the total square footage of the
 62 structure treated, the type of pesticide applied, the
 63 concentration of each substance in the mixture applied, and the
 64 total amount of pesticide applied.

65 (6) That the department may issue an immediate stop-use or
 66 stop-work order for fumigation performed in violation of
 67 fumigant label requirements or department rules, or in a manner
 68 that presents an immediate serious danger to the health, safety,
 69 or welfare of the public, including, but not limited to, failure
 70 to use required personal protective equipment, failure to use a
 71 required warning agent, failure to post required warning signs,
 72 failure to secure a structure's usual entrances as required, or
 73 using a fumigant in a manner that will likely result in
 74 hazardous exposure to humans, animals, or the environment.

75 (7) That the department may require safety procedures for
 76 the clearance of residential structures before reoccupation
 77 after fumigation.

78 Section 2. Paragraph (f) is added to subsection (1) of

79 section 487.051, Florida Statutes, to read:
 80 487.051 Administration; rules; procedure.-
 81 (1) The department may by rule:
 82 (f) Establish conditions for the registration or continued
 83 registration of fumigants, including:
 84 1. Requiring registrants to train distributors and end
 85 users in safety measures, proper use, safe storage, and the
 86 management of fumigant materials;
 87 2. Obtaining continuing education program approval for
 88 stewardship training programs;
 89 3. Conducting quality assurance reviews;
 90 4. Reporting to the department probation and stop-sale
 91 notifications issued to end users. The department shall notify
 92 other sulfuryl fluoride registrants of the reported probation or
 93 stop-sale notice; and
 94 5. Assisting the department upon its request with the
 95 removal of fumigant containers from distributors and end users
 96 for compliance with permanent or extended stop-sales.
 97 Section 3. This act shall take effect July 1, 2016.