

26 recreation lands; conforming provisions to changes
 27 made by the act; amending s. 259.105, F.S.; requiring
 28 the Department of Agriculture and Consumer Services to
 29 submit an updated priority list for the acquisition of
 30 certain agricultural lands to the Acquisition and
 31 Restoration Council by a specified date; deleting an
 32 obsolete provision; requiring the council to give
 33 increased priority to specified projects; amending s.
 34 375.041, F.S.; requiring an annual appropriation from
 35 the Land Acquisition Trust Fund to the department for
 36 the acquisition of specified lands; deleting an
 37 obsolete provision; amending s. 570.71, F.S.;
 38 requiring the Department of Agriculture and Consumer
 39 Services, in consultation with the Department of
 40 Environmental Protection, the water management
 41 districts, the Department of Economic Opportunity, and
 42 the Florida Fish and Wildlife Conservation Commission,
 43 to adopt rules giving funding priority and preference
 44 to specified lands; amending s. 570.715, F.S.;
 45 requiring, rather than authorizing, the Department of
 46 Agriculture and Consumer Services to disclose
 47 appraisal reports to private landowners or their
 48 representatives during negotiations for certain land
 49 acquisitions; providing an effective date.

50

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

52

53 Section 1. Subsection (4) and paragraphs (b), (f), and (j)
 54 of subsection (8) of section 253.025, Florida Statutes, are
 55 amended to read:

56 253.025 Acquisition of state lands.—

57 (4) An agreement to acquire real property for the purposes
 58 described in this chapter, chapter 259, chapter 260, or chapter
 59 375, title to which will vest in the board of trustees, may not
 60 bind the state before the agreement is reviewed and approved by
 61 the Department of Environmental Protection as complying with
 62 this section and any rules adopted pursuant to this section. If
 63 any of the following conditions exist, the agreement shall be
 64 submitted to and approved by the board of trustees:

65 (a) The purchase price agreed to by the seller exceeds the
 66 value as established pursuant to the rules of the board of
 67 trustees;

68 (b) The contract price agreed to by the seller and the
 69 acquiring agency exceeds \$5 ~~\$1~~ million;

70 ~~(c) The acquisition is the initial purchase in a Florida
 71 Forever project; or~~

72 (c) ~~(d)~~ Other conditions that the board of trustees may
 73 adopt by rule. Such conditions may include, but are not limited
 74 to, Florida Forever projects when title to the property being
 75 acquired is considered nonmarketable or is encumbered in such a

76 way as to significantly affect its management.

77
 78 If approval of the board of trustees is required pursuant to
 79 this subsection, the acquiring agency must provide a
 80 justification as to why it is in the public's interest to
 81 acquire the parcel or Florida Forever project. Approval of the
 82 board of trustees is also required for Florida Forever projects
 83 the department recommends acquiring pursuant to subsections (11)
 84 and (22). Review and approval of agreements for acquisitions for
 85 Florida Greenways and Trails Program properties pursuant to
 86 chapter 260 may be waived by the department in any contract with
 87 nonprofit corporations that have agreed to assist the department
 88 with this program. If the contribution of the acquiring agency
 89 exceeds \$100 million in any one fiscal year, the agreement shall
 90 be submitted to and approved by the Legislative Budget
 91 Commission.

92 (8) Before approval by the board of trustees, or, when
 93 applicable, the Department of Environmental Protection, of any
 94 agreement to purchase land pursuant to this chapter, chapter
 95 259, chapter 260, or chapter 375, and before negotiations with
 96 the parcel owner to purchase any other land, title to which will
 97 vest in the board of trustees, an appraisal of the parcel shall
 98 be required as follows:

99 (b) Each parcel to be acquired shall have at least one
 100 appraisal. Two appraisals are required when the estimated value

101 of the parcel exceeds \$5 ~~\$1~~ million. However, if both appraisals
 102 exceed \$5 ~~\$1~~ million and differ significantly, a third appraisal
 103 may be obtained. If a parcel is estimated to be worth \$100,000
 104 or less and the director of the Division of State Lands finds
 105 that the cost of an outside appraisal is not justified, a
 106 comparable sales analysis, an appraisal prepared by the
 107 division, or other reasonably prudent procedures may be used by
 108 the division to estimate the value of the parcel, provided the
 109 public's interest is reasonably protected. The state is not
 110 required to appraise the value of lands and appurtenances that
 111 are being donated to the state.

112 (f) Appraisal reports are confidential and exempt from s.
 113 119.07(1), for use by the agency and the board of trustees,
 114 until an option contract is executed or, if no option contract
 115 is executed, until 2 weeks before a contract or agreement for
 116 purchase is considered for approval by the board of trustees.
 117 However, the Department of Environmental Protection shall ~~may~~
 118 disclose appraisal reports to private landowners or their
 119 representatives during negotiations for acquisitions ~~using~~
 120 ~~alternatives to fee simple techniques, if the department~~
 121 ~~determines that disclosure of such reports will bring the~~
 122 ~~proposed acquisition to closure. However, the private landowner~~
 123 ~~must agree to maintain the confidentiality of the reports or~~
 124 ~~information.~~ The department may also disclose appraisal
 125 information to public agencies or nonprofit organizations that

126 | agree to maintain the confidentiality of the reports or
 127 | information when joint acquisition of property is contemplated,
 128 | or when a public agency or nonprofit organization enters into a
 129 | written agreement with the department to purchase and hold
 130 | property for subsequent resale to the board of trustees. In
 131 | addition, the department may use, as its own, appraisals
 132 | obtained by a public agency or nonprofit organization, if the
 133 | appraiser is selected from the department's list of appraisers
 134 | and the appraisal is reviewed and approved by the department.
 135 | For purposes of this paragraph, the term "nonprofit
 136 | organization" means an organization that is exempt from federal
 137 | income tax under s. 501(c)(3) of the Internal Revenue Code and,
 138 | for purposes of the acquisition of conservation lands, an
 139 | organization whose purpose must include the preservation of
 140 | natural resources. The agency may release an appraisal report
 141 | when the passage of time has rendered the conclusions of value
 142 | in the report invalid or when the acquiring agency has
 143 | terminated negotiations.

144 | (j)1. The board of trustees shall adopt by rule the method
 145 | for determining the value of parcels sought to be acquired by
 146 | state agencies pursuant to this section. An offer by a state
 147 | agency may not exceed the value for that parcel as determined
 148 | pursuant to the highest approved appraisal or the value
 149 | determined pursuant to the rules of the board of trustees,
 150 | whichever value is less.

151 2. The board of trustees or, when applicable, the
 152 Department of Environmental Protection, may acquire parcels
 153 pursuant to this chapter and chapter 259 for the full value of
 154 that parcel as determined pursuant to the highest approved
 155 appraisal.

156 ~~3.2.~~ For a joint acquisition by a state agency and a local
 157 government or other entity apart from the state, the joint
 158 purchase price may not exceed 150 percent of the value for a
 159 parcel as determined in accordance with the limits in
 160 subparagraph 1. The state agency share of a joint purchase offer
 161 may not exceed what the agency may offer singly pursuant to
 162 subparagraph 1.

163 ~~4.3.~~ This paragraph does not apply to the acquisition of
 164 historically unique or significant property as determined by the
 165 Division of Historical Resources of the Department of State.
 166

167 Notwithstanding this subsection, on behalf of the board of
 168 trustees and before the appraisal of parcels approved for
 169 purchase under this chapter or chapter 259, the Secretary of
 170 Environmental Protection or the director of the Division of
 171 State Lands may enter into option contracts to buy such parcels.
 172 Any such option contract shall state that the final purchase
 173 price is subject to approval by the board of trustees or, if
 174 applicable, the Secretary of Environmental Protection, and that
 175 the final purchase price may not exceed the maximum offer

176 allowed by law. Any such option contract presented to the board
 177 of trustees for final purchase price approval shall explicitly
 178 state that payment of the final purchase price is subject to an
 179 appropriation from the Legislature. The consideration for such
 180 an option may not exceed \$1,000 or 0.01 percent of the estimate
 181 by the department of the value of the parcel, whichever amount
 182 is greater.

183 Section 2. Subsection (4) of section 253.0341, Florida
 184 Statutes, is amended to read:

185 253.0341 Surplus of state-owned lands.—

186 (4) At least every 5 ~~10~~ years, as a component of each land
 187 management plan or land use plan and in a form and manner
 188 adopted by rule of the board of trustees, each manager shall
 189 evaluate and indicate to the board of trustees those lands that
 190 are not being used for the purpose for which they were
 191 originally leased. For conservation lands, the Acquisition and
 192 Restoration Council shall review and recommend to the board of
 193 trustees whether such lands should be retained in public
 194 ownership or disposed of by the board of trustees. For
 195 nonconservation lands, the Division of State Lands shall review
 196 and recommend to the board of trustees whether such lands should
 197 be retained in public ownership or disposed of by the board of
 198 trustees.

199 Section 3. Paragraph (d) of subsection (7) of section
 200 259.032, Florida Statutes, is amended, and paragraph (k) is

201 added to subsection (2) of that section, to read:
 202 259.032 Conservation and recreation lands.—
 203 (2) The Governor and Cabinet, sitting as the Board of
 204 Trustees of the Internal Improvement Trust Fund, may expend
 205 moneys appropriated by the Legislature to acquire the fee or any
 206 lesser interest in lands for the following public purposes:
 207 (k) To complete critical linkages through fee or less than
 208 fee acquisition that will help preserve and protect the green
 209 infrastructure and vital habitat for wide-ranging wildlife, such
 210 as the Florida panther, within the Florida wildlife corridor as
 211 defined in s. 259.1055(4).
 212 (7) All lands managed under this chapter and s. 253.034
 213 shall be:
 214 (d) Concurrent with the approval of the acquisition
 215 contract pursuant to s. 253.025(4) ~~s. 253.025(4)(e)~~ for any
 216 interest in lands except those lands acquired pursuant to s.
 217 259.1052, the board shall designate an agency or agencies to
 218 manage such lands. The board shall evaluate and amend, as
 219 appropriate, the management policy statement for the project as
 220 provided by s. 259.035 to ensure that the policy statement is
 221 compatible with conservation, recreation, or both. For any fee
 222 simple acquisition of a parcel which is or will be leased back
 223 for agricultural purposes, or any acquisition of a less than fee
 224 interest in land that is or will be used for agricultural
 225 purposes, the board shall first consider having a soil and water

226 conservation district, created pursuant to chapter 582, manage
 227 and monitor such interests.

228 Section 4. Paragraphs (i) and (m) of subsection (3) of
 229 section 259.105, Florida Statutes, are amended, and paragraphs
 230 (g) and (h) are added to subsection (10) of that section, to
 231 read:

232 259.105 The Florida Forever Act.—

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

239 (i) Three and five-tenths percent to the Department of
 240 Agriculture and Consumer Services for the acquisition of
 241 agricultural lands, through perpetual conservation easements and
 242 other perpetual less than fee techniques, which will achieve the
 243 objectives of Florida Forever and s. 570.71. Rules concerning
 244 the application, acquisition, and priority ranking process for
 245 such easements shall be developed pursuant to s. 570.71(10) and
 246 as provided by this paragraph. The board shall ensure that such
 247 rules are consistent with the acquisition process provided for
 248 in s. 570.715. The rules developed pursuant to s. 570.71(10),
 249 shall also provide for the following:

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

251 s. 570.71(10), submitted to the council for review, and approved
 252 by the board pursuant to s. 259.04. By December 1, 2023, the
 253 Department of Agriculture and Consumer Services shall submit an
 254 updated priority list to the council.

255 2. Terms of easements and acquisitions proposed pursuant
 256 to this paragraph shall be approved by the board and may not be
 257 delegated by the board to any other entity receiving funds under
 258 this section.

259 3. All acquisitions pursuant to this paragraph shall
 260 contain a clear statement that they are subject to legislative
 261 appropriation.

262
 263 Funds provided under this paragraph may not be expended until
 264 final adoption of rules by the board pursuant to s. 570.71.

265 ~~(m) Notwithstanding paragraphs (a)-(j) and for the 2021-~~
 266 ~~2022 fiscal year, the amount of \$1,998,100 to only the~~
 267 ~~Department of Environmental Protection for grants pursuant to s.~~
 268 ~~375.075. This paragraph expires July 1, 2022.~~

269 (10) The council shall give increased priority to:

270 (g) Projects in imminent danger of development, loss of
 271 significant natural attributes or recreational open space, or
 272 subdivision, which would result in multiple ownership and make
 273 acquisition of the project costly or less likely to be
 274 accomplished.

275 (h) Projects located within the Florida wildlife corridor

276 | as defined in s. 259.1055(4).

277 | Section 5. Paragraph (b) of subsection (3) of section
 278 | 375.041, Florida Statutes, is amended to read:

279 | 375.041 Land Acquisition Trust Fund.—

280 | (3) Funds distributed into the Land Acquisition Trust Fund
 281 | pursuant to s. 201.15 shall be applied:

282 | (b) Of the funds remaining after the payments required
 283 | under paragraph (a), but before funds may be appropriated,
 284 | pledged, or dedicated for other uses:

285 | 1. A minimum of the lesser of 25 percent or \$200 million
 286 | shall be appropriated annually for Everglades projects that
 287 | implement the Comprehensive Everglades Restoration Plan as set
 288 | forth in s. 373.470, including the Central Everglades Planning
 289 | Project subject to congressional authorization; the Long-Term
 290 | Plan as defined in s. 373.4592(2); and the Northern Everglades
 291 | and Estuaries Protection Program as set forth in s. 373.4595.
 292 | From these funds, \$32 million shall be distributed each fiscal
 293 | year through the 2023-2024 fiscal year to the South Florida
 294 | Water Management District for the Long-Term Plan as defined in
 295 | s. 373.4592(2). After deducting the \$32 million distributed
 296 | under this subparagraph, from the funds remaining, a minimum of
 297 | the lesser of 76.5 percent or \$100 million shall be appropriated
 298 | each fiscal year through the 2025-2026 fiscal year for the
 299 | planning, design, engineering, and construction of the
 300 | Comprehensive Everglades Restoration Plan as set forth in s.

301 373.470, including the Central Everglades Planning Project, the
 302 Everglades Agricultural Area Storage Reservoir Project, the Lake
 303 Okeechobee Watershed Project, the C-43 West Basin Storage
 304 Reservoir Project, the Indian River Lagoon-South Project, the
 305 Western Everglades Restoration Project, and the Picayune Strand
 306 Restoration Project. The Department of Environmental Protection
 307 and the South Florida Water Management District shall give
 308 preference to those Everglades restoration projects that reduce
 309 harmful discharges of water from Lake Okeechobee to the St.
 310 Lucie or Caloosahatchee estuaries in a timely manner. For the
 311 purpose of performing the calculation provided in this
 312 subparagraph, the amount of debt service paid pursuant to
 313 paragraph (a) for bonds issued after July 1, 2016, for the
 314 purposes set forth under this paragraph shall be added to the
 315 amount remaining after the payments required under paragraph
 316 (a). The amount of the distribution calculated shall then be
 317 reduced by an amount equal to the debt service paid pursuant to
 318 paragraph (a) on bonds issued after July 1, 2016, for the
 319 purposes set forth under this subparagraph.

320 2. A minimum of the lesser of 7.6 percent or \$50 million
 321 shall be appropriated annually for spring restoration,
 322 protection, and management projects. For the purpose of
 323 performing the calculation provided in this subparagraph, the
 324 amount of debt service paid pursuant to paragraph (a) for bonds
 325 issued after July 1, 2016, for the purposes set forth under this

326 paragraph shall be added to the amount remaining after the
 327 payments required under paragraph (a). The amount of the
 328 distribution calculated shall then be reduced by an amount equal
 329 to the debt service paid pursuant to paragraph (a) on bonds
 330 issued after July 1, 2016, for the purposes set forth under this
 331 subparagraph.

332 3. The sum of \$5 million shall be appropriated annually
 333 each fiscal year through the 2025-2026 fiscal year to the St.
 334 Johns River Water Management District for projects dedicated to
 335 the restoration of Lake Apopka. This distribution shall be
 336 reduced by an amount equal to the debt service paid pursuant to
 337 paragraph (a) on bonds issued after July 1, 2016, for the
 338 purposes set forth in this subparagraph.

339 4. The sum of \$64 million is appropriated and shall be
 340 transferred to the Everglades Trust Fund for the 2018-2019
 341 fiscal year, and each fiscal year thereafter, for the EAA
 342 reservoir project pursuant to s. 373.4598. Any funds remaining
 343 in any fiscal year shall be made available only for Phase II of
 344 the C-51 reservoir project or projects identified in
 345 subparagraph 1. and must be used in accordance with laws
 346 relating to such projects. Any funds made available for such
 347 purposes in a fiscal year are in addition to the amount
 348 appropriated under subparagraph 1. This distribution shall be
 349 reduced by an amount equal to the debt service paid pursuant to
 350 paragraph (a) on bonds issued after July 1, 2017, for the

351 purposes set forth in this subparagraph.

352 5. The sum of \$50 million shall be appropriated annually
 353 to the South Florida Water Management District for the Lake
 354 Okeechobee Watershed Restoration Project in accordance with s.
 355 373.4599. This distribution must be reduced by an amount equal
 356 to the debt service paid pursuant to paragraph (a) on bonds
 357 issued after July 1, 2021, for the purposes set forth in this
 358 subparagraph.

359 6. The sum of \$100 million shall be appropriated annually
 360 to the Department of Environmental Protection for the
 361 acquisition of land pursuant to s. 259.105 ~~Notwithstanding~~
 362 ~~subparagraph 3., for the 2022-2023 fiscal year, funds shall be~~
 363 ~~appropriated as provided in the General Appropriations Act. This~~
 364 ~~subparagraph expires July 1, 2023.~~

365 Section 6. Subsection (10) of section 570.71, Florida
 366 Statutes, is amended to read:

367 570.71 Conservation easements and agreements.—

368 (10) The department, in consultation with the Department
 369 of Environmental Protection, the water management districts, the
 370 Department of Economic Opportunity, and the Florida Fish and
 371 Wildlife Conservation Commission, shall adopt rules that
 372 establish an application process; ~~7~~ a process and criteria for
 373 setting priorities for use of funds consistent with the purposes
 374 specified in subsection (1) and giving preference to ranch and
 375 timber lands managed using sustainable practices, lands in

376 imminent danger of development or degradation, and lands within
377 the Florida wildlife corridor as defined in s. 259.1055(4); an
378 appraisal process;~~;~~ and a process for title review and
379 compliance and approval of the rules by the Board of Trustees of
380 the Internal Improvement Trust Fund.

381 Section 7. Subsection (5) of section 570.715, Florida
382 Statutes, is amended to read:

383 570.715 Conservation easement acquisition procedures.—

384 (5) Appraisal reports are confidential and exempt from s.
385 119.07(1), for use by the department and the board of trustees,
386 until an option contract is executed or, if an option contract
387 is not executed, until 2 weeks before a contract or agreement
388 for purchase is considered for approval by the board of
389 trustees. However, the department shall ~~has the authority, at~~
390 ~~its discretion, to~~ disclose appraisal reports to private
391 landowners or their representatives during negotiations for
392 acquisitions ~~using alternatives to fee simple techniques, if the~~
393 ~~department determines that disclosure of such reports will bring~~
394 ~~the proposed acquisition to closure.~~ The department may also
395 disclose appraisal information to public agencies or nonprofit
396 organizations that agree to maintain the confidentiality of the
397 reports or information when joint acquisition of property is
398 contemplated, or when a public agency or nonprofit organization
399 enters into a written multiparty agreement with the department.
400 For purposes of this subsection, the term "nonprofit

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401 organization" means an organization whose purposes include the
402 preservation of natural resources, and which is exempt from
403 federal income tax under s. 501(c)(3) of the Internal Revenue
404 Code. The department may release an appraisal report when the
405 passage of time has rendered the conclusions of value in the
406 report invalid or when the department has terminated
407 negotiations.

408 Section 8. This act shall take effect July 1, 2023.