

By the Committee on Governmental Oversight and Productivity;
and Senator Latvala

302-1820-01

1 A bill to be entitled
2 An act relating to the Florida Forever program;
3 amending s. 259.105, F.S.; revising goals and
4 performance measures for Florida Forever
5 projects of the Department of Environmental
6 Protection and water management districts;
7 amending s. 253.034, F.S.; providing a
8 definition for the term "conservation lands";
9 providing for the disposition of conservation
10 lands in certain circumstances; revising
11 appraisal requirements; providing for the
12 deposit of funds received from the sale of
13 surplus nonconservation lands into the Internal
14 Improvement Trust Fund; providing that the
15 management of certain lands is not subject to
16 review by the Acquisition and Restoration
17 Council; amending s. 253.82, F.S.; revising
18 conditions under which lands to which title is
19 vested in the Board of Trustees of the Internal
20 Improvement Fund may be declared surplus lands;
21 revising appraisal requirements; providing
22 rulemaking authority; amending s. 253.111,
23 F.S.; providing that certain state lands are
24 exempt from notice requirements prior to sale;
25 amending s. 253.115, F.S.; revising exemptions
26 to notice and publication requirements for
27 certain leases, subleases, or easements;
28 providing an effective date.

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30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Subsection (4) of section 259.105, Florida
2 Statutes, is amended to read:

3 259.105 The Florida Forever Act.--

4 (4) It is the intent of the Legislature that projects
5 or acquisitions funded pursuant to paragraphs (3)(a) and (b)
6 contribute to the achievement of the following goals:

7 (a) Enhance the coordination and completion of land
8 acquisition projects, as measured by:

9 1. The number of acres acquired through the state's
10 land acquisition programs that contribute to the completion of
11 Florida Preservation 2000 projects or projects begun before
12 Preservation 2000;

13 2. The number of acres protected through the use of
14 alternatives to fee simple acquisition; or

15 3. The number of shared acquisition projects among
16 Florida Forever funding partners and partners with other
17 funding sources, including local governments and the federal
18 government.

19 (b) Increase the protection of Florida's biodiversity
20 at the species, natural community, and landscape levels, as
21 measured by:

22 1. The number of acres acquired of significant
23 strategic habitat conservation areas;

24 2. The number of acres acquired of highest priority
25 conservation areas for Florida's rarest species;

26 3. The number of acres acquired of significant
27 landscapes, landscape linkages, and conservation corridors,
28 giving priority to completing linkages;

29 4. The number of acres acquired of under-represented
30 native ecosystems;

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1 5. The number of landscape-sized protection areas of
2 at least 50,000 acres that exhibit a mosaic of predominantly
3 intact or restorable natural communities established through
4 new acquisition projects, or augmentations to previous
5 projects; or

6 6. The percentage increase in the number of
7 occurrences of endangered species, threatened species, or
8 species of special concern on publicly managed conservation
9 areas.

10 (c) Protect, restore, and maintain the quality and
11 natural functions of land, water, and wetland systems of the
12 state, as measured by:

13 1. The number of acres of publicly-owned land
14 identified as needing restoration, acres undergoing
15 restoration, and acres with restoration activities completed;

16 2. The percentage of water segments that fully meet,
17 partially meet, or do not meet their designated uses as
18 reported in the Department of Environmental Protection's State
19 Water Quality Assessment 305(b) Report;

20 3. The percentage completion of targeted capital
21 improvements in surface water improvement and management plans
22 created under s. 373.453(2), regional or master stormwater
23 management system plans, or other adopted restoration plans;

24 4. The number of acres acquired that protect natural
25 floodplain functions;

26 5. The number of acres acquired that protect surface
27 waters of the state;

28 6. The number of acres identified for acquisition to
29 minimize damage from flooding and the percentage of those
30 acres acquired;

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1 7. The number of acres acquired that protect fragile
2 coastal resources;

3 8. The number of acres of functional wetland systems
4 protected;

5 9. The percentage of miles of critically eroding
6 beaches contiguous with public lands that are restored or
7 protected from further erosion;

8 10. The percentage of public lakes and rivers in which
9 invasive, non-native aquatic plants are under maintenance
10 control; or

11 11. The number of acres of public conservation lands
12 in which upland invasive, exotic plants are under maintenance
13 control.

14 (d) Ensure that sufficient quantities of water are
15 available to meet the current and future needs of natural
16 systems and the citizens of the state, as measured by:

17 1. The number of acres acquired which provide
18 retention and storage of surface water in naturally occurring
19 storage areas, such as lakes and wetlands, consistent with the
20 maintenance of water resources or water supplies and
21 consistent with district water supply plans;

22 2. The quantity of water made available through the
23 water resource development component of a district water
24 supply plan for which a water management district is
25 responsible; or

26 3. The number of acres acquired of groundwater
27 recharge areas critical to springs, sinks, aquifers, other
28 natural systems, or water supply.

29 (e) Increase natural resource-based public
30 recreational and educational opportunities, as measured by:

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1 1. The number of acres acquired that are available for
2 natural resource-based public recreation or education;

3 2. The miles of trails that are available for public
4 recreation, giving priority to those that provide significant
5 connections including those that will assist in completing the
6 Florida National Scenic Trail; or

7 3. The number of new resource-based recreation
8 facilities, by type, made available on public land.

9 (f) Preserve significant archaeological or historic
10 sites, as measured by:

11 1. The increase in the number of and percentage of
12 historic and archaeological properties listed in the Florida
13 Master Site File or National Register of Historic Places which
14 are protected or preserved for public use; or

15 2. The increase in the number and percentage of
16 historic and archaeological properties that are in state
17 ownership.

18 (g) Increase the amount of forestland available for
19 sustainable management of natural resources, as measured by:

20 1. The number of acres acquired that are available for
21 sustainable forest management;

22 2. The number of acres of state owned forestland
23 managed for economic return in accordance with current best
24 management practices;

25 3. The number of acres of forestland acquired that
26 will serve to maintain natural groundwater recharge functions;
27 or

28 4. The percentage and number of acres identified for
29 restoration actually restored by reforestation.

30 (h) Increase the amount of open space available in
31 urban areas, as measured by:

1 1. The percentage of local governments that
2 participate in land acquisition programs and acquire open
3 space in urban cores; or

4 2. The percentage and number of acres of purchases of
5 open space within urban service areas.

6
7 Florida Forever projects and acquisitions funded pursuant to
8 paragraph (3)(c) shall be measured by goals developed by rule
9 by the Florida Communities Trust Governing Board created in s.
10 380.504.

11 ~~(a) An increase in the level of protection for, or an~~
12 ~~increase in the populations of, listed plant species, as~~
13 ~~measured by the number of occurrences, acres of strategic~~
14 ~~habitat areas, or delisting or redesignation of such species.~~

15 ~~(b) An increase in the level of protection for, or an~~
16 ~~increase in the populations of, listed animal species, as~~
17 ~~measured by the number of occurrences, acres of strategic~~
18 ~~habitat areas, delisting or redesignation of such species, or~~
19 ~~the change in long-term survival rates.~~

20 ~~(c) The restoration of land areas, as measured by a~~
21 ~~reduction in nonnative species, level of maintenance control~~
22 ~~of invasive species, reforestation rates, or regeneration of~~
23 ~~natural communities.~~

24 ~~(d) An increase in public landholdings needed to meet~~
25 ~~the goals of this subsection, as measured by the acquisition~~
26 ~~of lands in fee simple or with less than fee simple~~
27 ~~alternatives.~~

28 ~~(e) The completion of projects begun under previous~~
29 ~~land acquisition programs, as measured through the acquisition~~
30 ~~of land under inholdings and additions programs.~~

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1 ~~(f) An increase in the amount of forest land for~~
2 ~~sustainable natural resources.~~

3 ~~(g) An increase in public recreational opportunities,~~
4 ~~as measured by the acreage available for recreational~~
5 ~~opportunities or the number of miles available for greenways~~
6 ~~or trails.~~

7 ~~(h) A reduction in the amount of pollutants flowing~~
8 ~~into Florida's surface waters, as measured by a reduction in~~
9 ~~the number of surface water bodies designated as impaired.~~

10 ~~(i) The improvement of water recharge rates on public~~
11 ~~lands, as measured by increased speed of recharge and amount~~
12 ~~of cubic feet of water made available.~~

13 ~~(j) The restoration of water areas, as measured by a~~
14 ~~reduction of nonnative species, level of maintenance control~~
15 ~~of invasive species, regeneration of natural communities,~~
16 ~~reduction of excessive sedimentation, removal of impediments,~~
17 ~~or reduction of shoreline erosion.~~

18 ~~(k) The protection of natural floodplain functions and~~
19 ~~prevention of or reduction in flood damage, as measured by the~~
20 ~~number of acres of floodplain in public ownership.~~

21 ~~(l) The restoration of degraded water bodies, as~~
22 ~~measured by the number of goals implemented under a surface~~
23 ~~water improvement plan or other restoration plans.~~

24 ~~(m) The restoration of wetlands, as measured by the~~
25 ~~number of acres of previously converted wetlands returned to a~~
26 ~~functioning status.~~

27 ~~(n) The preservation of strategic wetlands, as~~
28 ~~measured by the number of acres acquired.~~

29 ~~(o) The preservation of, or reduction of contaminants~~
30 ~~in, aquifers and springs, as measured by contaminant levels or~~
31 ~~the number of acres of recharge areas acquired.~~

1 ~~(p) The implementation of practices that provide~~
2 ~~sufficient quantities of water available to meet current and~~
3 ~~future needs of the natural system and residents of the state,~~
4 ~~as measured by execution of water resource development~~
5 ~~components of the districts' water management plans. However,~~
6 ~~funds provided for capital improvements under this purpose are~~
7 ~~limited to those provided the water management districts in~~
8 ~~paragraph (3)(a).~~

9 ~~(q) An increase in the state's inventory of historical~~
10 ~~and cultural sites as measured by the number of sites~~
11 ~~acquired.~~

12 ~~(r) An increase in the protection of fragile coastal~~
13 ~~resources, as measured by the linear feet and acreage of~~
14 ~~coastline acquired.~~

15 ~~(s) An increase in the protection of significant~~
16 ~~surface waters of the state, as measured by the acreage of~~
17 ~~lands acquired to buffer them.~~

18 Section 2. Paragraph (c) is added to subsection (2) of
19 section 253.034, Florida Statutes, and subsection (6) of that
20 section is amended to read:

21 253.034 State-owned lands; uses.--

22 (2) As used in this section, the following phrases
23 have the following meanings:

24 (c) "Conservation lands" means lands that are
25 currently managed for conservation, outdoor resource-based
26 recreation, or archaeological or historic preservation, except
27 those lands that were acquired solely to facilitate the
28 acquisition of other conservation lands. Lands acquired for
29 uses other than conservation, outdoor recreation, or
30 archaeological or historic preservation shall not be
31 designated conservation lands except as otherwise authorized

1 under this section. These lands shall include, but not be
2 limited to, the following: correction and detention
3 facilities, military installations and facilities, state
4 office buildings, maintenance yards, state university or state
5 community college campuses, agricultural field stations or
6 offices, tower site, law enforcement and license facilities,
7 laboratories, hospitals, clinics, and other sites that possess
8 no significant natural or historical resources. However,
9 lands acquired solely to facilitate the acquisition of other
10 conservation lands, and for which the land management plan has
11 not yet been completed or updated, may be evaluated by the
12 Board of Trustees of the Internal Improvement Trust Fund on a
13 case-by-case basis to determine whether they will be
14 designated conservation lands.

15 (6) The Board of Trustees of the Internal Improvement
16 Trust Fund shall determine which lands, the title to which is
17 vested in the board, may be surplused. ~~Notwithstanding s.~~
18 ~~253.111,~~For conservation lands, the board shall make a
19 determination that the lands are no longer needed for
20 conservation purposes and may dispose of them by a two-thirds
21 vote. In the case of a land exchange involving the disposition
22 of conservation lands, the board must determine by at least a
23 two-thirds vote that the exchange will result in a net
24 positive conservation benefit.For all other lands, the board
25 shall make a determination that the lands are no longer needed
26 and may dispose of them by majority vote. None of the
27 surplusing procedures or requirements referred to in this
28 section applies to conveyances allowed under s. 253.025(13).

29 (a) For the purposes of this subsection, all lands
30 acquired by the state prior to July 1, 1999, using proceeds
31 from the Preservation 2000 bonds, the Conservation and

1 Recreation Lands Trust Fund, the Water Management Lands Trust
2 Fund, Environmentally Endangered Lands Program, and the Save
3 Our Coast Program and titled to the board, which lands are
4 identified as core parcels or within original project
5 boundaries, shall be deemed to have been acquired for
6 conservation purposes.

7 (b) For any lands purchased by the state on or after
8 July 1, 1999, a determination shall be made by the board prior
9 to acquisition as to those parcels that shall be designated as
10 having been acquired for conservation purposes. No lands
11 acquired for use by the Department of Corrections, the
12 Department of Management Services for use as state offices,
13 the Department of Transportation, except those specifically
14 managed for conservation or recreation purposes, or the State
15 University System or the Florida Community College System
16 shall be designated as having been purchased for conservation
17 purposes.

18 (c) At least every 5 ~~3~~ years, as a component of each
19 land management plan or land use plan and in a form and manner
20 prescribed by rule by the board, each management entity shall
21 evaluate and indicate to the board those lands that the entity
22 manages which are not being used for the purpose for which
23 they were originally leased. Such lands shall be reviewed by
24 the council for its recommendation as to whether such lands
25 should be disposed of by the board.

26 (d) Lands owned by the board which are not actively
27 managed by any state agency or for which a land management
28 plan has not been completed pursuant to subsection (5) shall
29 be reviewed by the council or its successor for its
30 recommendation as to whether such lands should be disposed of
31 by the board.

1 (e) Prior to any decision by the board to surplus
2 lands, the Acquisition and Restoration Council shall review
3 and make recommendations to the board concerning the request
4 for surplusings. The council shall determine whether the
5 request for surplusings is compatible with the resource values
6 of and management objectives for such lands.

7 (f) In reviewing lands owned by the board, the council
8 ~~or its successor~~ shall consider whether such lands would be
9 more appropriately owned or managed by the county or other
10 unit of local government in which the land is located. The
11 council ~~or its successor~~ shall recommend to the board whether
12 a sale, lease, or other conveyance to a local government would
13 be in the best interests of the state and local government.
14 The provisions of this paragraph in no way limit the
15 provisions of ss. 253.111 and 253.115. Such lands shall be
16 offered to the state, county, or local government for a period
17 of 30 ~~90~~ days. Permittable uses for such surplus lands may
18 include public schools; public libraries; fire or law
19 enforcement substations; and governmental, judicial, or
20 recreational centers. County or local government requests for
21 surplus lands shall be expedited throughout the surplusings
22 process. If the county or local government does not elect to
23 purchase such land in accordance with s. 253.111, any
24 surplusings determination involving other governmental agencies
25 shall be made upon the board's deciding the best public use of
26 the land. ~~State agencies shall have the subsequent opportunity~~
27 ~~to acquire the surplus lands for a period not to exceed 30~~
28 ~~days after the offer to a county or local government expires.~~
29 Surplus properties in which governmental agencies have
30 expressed no interest shall then be available for sale on the
31 private market.

1 (g) Lands determined to be surplus pursuant to this
2 subsection shall be sold for fair market value or the price
3 paid by the state or a water management district to originally
4 acquire the lands, whichever is greater, except that the price
5 of lands sold as surplus to any unit of government shall not
6 exceed the price paid by the state or a water management
7 district to originally acquire the lands. A unit of government
8 which acquires title to lands hereunder for less than fair
9 market value may not sell or transfer title to all or any
10 portion of the lands to any private owner for a period of 10
11 years. Any unit of government seeking to transfer or sell
12 lands pursuant to this paragraph shall first allow the board
13 of trustees to reacquire such lands. The board of trustees
14 may reacquire such lands for the price at which they sold such
15 lands.

16 (h) Where a unit of government acquired land by gift,
17 donation, grant, quit-claim deed, or other such conveyance
18 where no monetary consideration was exchanged, the price of
19 land sold as surplus shall not exceed the fair market value of
20 the lands. Fair market value shall be determined by the
21 average of two separate appraisals. The individual or entity
22 requesting the surplus shall select and use appraisers from
23 the list of approved appraisers maintained by the Division of
24 State Lands in accordance with s. 253.025(6)(b). The
25 individual or entity requesting the surplus is to incur all
26 costs of the appraisals.

27 (i) After reviewing the recommendations of the council
28 or its successor, the board shall determine whether lands
29 identified for surplus are to be held for other public
30 purposes or whether such lands are no longer needed. The
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1 board may require an agency to release its interest in such
2 lands.

3 (j) Requests for surplusing may be made by any public
4 or private entity or person. All requests shall be submitted
5 to the lead managing agency for review and recommendation to
6 the council or its successor. Lead managing agencies shall
7 have 90 days to review such requests and make recommendations.
8 Any surplusing requests that have not been acted upon within
9 the 90-day time period shall be immediately scheduled for
10 hearing at the next regularly scheduled meeting of the council
11 or its successor. Requests for surplusing pursuant to this
12 paragraph shall not be required to be offered to local or
13 state governments as provided in paragraph (f).

14 (k) Proceeds from any sale of surplus conservation
15 lands pursuant to this subsection shall be deposited into the
16 fund from which such lands were acquired. However, if the fund
17 from which the lands were originally acquired no longer
18 exists, such proceeds shall be deposited into an appropriate
19 account to be used for land management by the lead managing
20 agency assigned the lands prior to the lands being declared
21 surplus. Funds received from the sale of surplus
22 nonconservation lands, or lands that were acquired by gift,
23 donation, or for no consideration, shall be deposited into the
24 Internal Improvement Trust Fund.

25 (l) Notwithstanding the provisions of this subsection,
26 no such disposition of land shall be made if such disposition
27 would have the effect of causing all or any portion of the
28 interest on any revenue bonds issued to lose the exclusion
29 from gross income for federal income tax purposes.

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1 (m) The sale of filled, formerly submerged land that
2 does not exceed 5 acres in area is not subject to review by
3 the council or its successor.

4 (n) The sale of lands managed pursuant to ss.
5 253.781-253.785, is not subject to review by the council.

6 Section 3. Subsection (2) of section 253.82, Florida
7 Statutes, is amended to read:

8 253.82 Title of state or private owners to Murphy Act
9 lands.--

10 (2)(a) The title to any land which was acquired by the
11 state under chapter 18296, Laws of Florida, 1937, except those
12 parcels which have been sold, conveyed, dedicated, or released
13 by the state pursuant to subsection (1), is hereby vested in
14 the Board of Trustees of the Internal Improvement Trust Fund.

15 (b) Land to which title is vested in the board of
16 trustees by paragraph (a) shall be treated in the same manner
17 as other nonsovereignty lands owned by the board. However,
18 any parcel of land the title to which is vested in the Board
19 of Trustees of the Internal Improvement Trust Fund pursuant to
20 this section which is 10 5 acres or less in size and has an
21 appraised market value of \$250,000 ~~\$100,000~~ or less is hereby
22 declared surplus, except for lands determined to be needed for
23 state use, and may be sold in any manner provided by law. Only
24 one appraisal shall be required for a sale of such lands as
25 described in this paragraph. All proceeds from the sale of
26 such land shall be deposited into the Internal Improvement
27 Trust Fund. The Board of Trustees of the Internal Improvement
28 Trust Fund is authorized to adopt rules necessary to
29 administer this section. ~~Conservation and Recreation Lands~~
30 ~~Trust Fund.~~

1 ~~(c) The holder of a claim or lien against land vested~~
2 ~~in the board of trustees by paragraph (a), including a~~
3 ~~municipality or special taxing district, has until October 1,~~
4 ~~1985, to institute suit in a court of competent jurisdiction~~
5 ~~to establish or enforce the claim or lien. The failure to~~
6 ~~institute suit by October 1, 1985, is conclusive evidence of~~
7 ~~abandonment of the claim or lien, and such claim or lien will~~
8 ~~become unenforceable. This paragraph shall not operate to~~
9 ~~revive any claim or lien previously extinguished by operation~~
10 ~~of law.~~

11 Section 4. Subsection (3) of section 253.111, Florida
12 Statutes, is amended, and paragraph (c) is added to subsection
13 (6) of that section, to read:

14 253.111 Notice to board of county commissioners before
15 sale.--The Board of Trustees of the Internal Improvement Trust
16 Fund of the state may not sell any land to which they hold
17 title unless and until they afford an opportunity to the
18 county in which such land is situated to receive such land on
19 the following terms and conditions:

20 (3) If the board receives, within 30 ~~45~~ days after
21 notice is given to the board of county commissioners pursuant
22 to subsection (1), the certified copy of the resolution
23 provided for in subsection (2), the board shall forthwith
24 convey to the county such land at a price that is equal to its
25 appraised market value established by generally accepted
26 professional standards for real estate appraisal and subject
27 to such other terms and conditions as the board determines.

28 (6) This section does not apply to:

29 (a) Any land exchange approved by the board; or

30 (b) The conveyance of any lands located within the
31 Everglades Agricultural Area.

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

2 Section 5. Paragraph (d) of subsection (5) of section
3 253.115, Florida Statutes, is amended, and paragraph (j) is
4 added to that subsection, to read:

5 253.115 Public notice and hearings.--

6 (5) The notice and publication requirements of this
7 section do not apply to:

8 (d) The lease, sublease, easement or other
9 authorization granted to a governmental entity;~~The lease or~~
10 ~~easement for any land when the land is being leased to a state~~
11 ~~agency;~~

12 (j) Lands managed pursuant to ss. 253.781-253.785.

13 Section 6. This act shall take effect upon becoming a
14 law.

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16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 SB 1468

19 The Committee Substitute defines conservation lands for
20 purposes of consistency with the Florida Constitution, permits
21 the Trustees of the Internal Improvement Trust Fund to offer
22 surplus state lands to state agencies if not needed by local
23 governments, changes the threshold requirement for one
24 appraisal report from \$100,000 to \$250,000 and from 5-acre to
25 10-acre size, and changes the sales notice requirement on
26 state lands in the Cross Florida Greenway.
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