

1                                   A bill to be entitled  
2           An act relating to state land acquisition; amending s.  
3           253.025, F.S.; increasing the estimated value  
4           threshold of land acquisition agreements that are  
5           required to be submitted to and approved by the Board  
6           of Trustees of the Internal Improvement Trust Fund;  
7           removing the requirement that agreements to acquire  
8           initial lands for Florida Forever projects be  
9           submitted to and approved by the board of trustees;  
10          increasing the estimated value threshold for the  
11          appraisal of certain land acquisitions; requiring,  
12          rather than authorizing, the Department of  
13          Environmental Protection to disclose appraisal reports  
14          to private landowners or their representatives during  
15          negotiations for land acquisitions; removing a  
16          provision requiring private landowners to maintain  
17          confidentiality of such reports; specifying the  
18          authority of the board of trustees or the department,  
19          as applicable, to acquire certain parcels at full  
20          value as determined by the highest approved appraisal;  
21          amending s. 253.0341, F.S.; increasing the frequency  
22          of evaluations for retention or disposal of state-  
23          owned lands; amending s. 259.032, F.S.; authorizing  
24          the Board of Trustees of the Internal Improvement  
25          Trust Fund to acquire specified conservation and

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.

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

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

253.025 Acquisition of state lands.—

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

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

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

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

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

76 way as to significantly affect its management.

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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

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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.

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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

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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



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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

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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

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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.