

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. **Substitute Amendment**

Bill No. **PCB ENRC 08-09**

COUNCIL/COMMITTEE 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WITHDRAWN	___	(Y/N)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 Council/Committee hearing bill: **Conservation & State Lands**

2 Representative **Culp** offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6  
7 Section 1. Paragraph (a) of subsection (1) of section  
8 201.15, Florida Statutes, is amended to read:

9 201.15 Distribution of taxes collected.--All taxes  
10 collected under this chapter shall be distributed as follows and  
11 shall be subject to the service charge imposed in s. 215.20(1),  
12 except that such service charge shall not be levied against any  
13 portion of taxes pledged to debt service on bonds to the extent  
14 that the amount of the service charge is required to pay any  
15 amounts relating to the bonds:

16 (1) Sixty-two and sixty-three hundredths percent of the  
17 remaining taxes collected under this chapter shall be used for  
18 the following purposes:

19 (a) Amounts as shall be necessary to pay the debt service  
20 on, or fund debt service reserve funds, rebate obligations, or  
21 other amounts payable with respect to Preservation 2000 bonds

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22 issued pursuant to s. 375.051 and Florida Forever bonds issued  
23 pursuant to s. 215.618, shall be paid into the State Treasury to  
24 the credit of the Land Acquisition Trust Fund to be used for  
25 such purposes. The amount transferred to the Land Acquisition  
26 Trust Fund shall not exceed \$300 million in fiscal year 1999-  
27 2000 and thereafter for Preservation 2000 bonds and bonds issued  
28 to refund Preservation 2000 bonds, and \$300 million in fiscal  
29 year 2000-2001 and thereafter for Florida Forever bonds. The  
30 annual amount transferred to the Land Acquisition Trust Fund for  
31 Florida Forever bonds shall not exceed \$30 million in the first  
32 fiscal year in which bonds are issued. The limitation on the  
33 amount transferred shall be increased by an additional \$30  
34 million in each subsequent fiscal year, but shall not exceed a  
35 total of \$300 million in any fiscal year for all bonds issued.  
36 It is the intent of the Legislature that all bonds issued to  
37 fund the Florida Forever Act be retired by December 31, 2040  
38 ~~2030~~. Except for bonds issued to refund previously issued bonds,  
39 no series of bonds may be issued pursuant to this paragraph  
40 unless such bonds are approved and the debt service for the  
41 remainder of the fiscal year in which the bonds are issued is  
42 specifically appropriated in the General Appropriations Act. For  
43 purposes of refunding Preservation 2000 bonds, amounts  
44 designated within this section for Preservation 2000 and Florida  
45 Forever bonds may be transferred between the two programs to the  
46 extent provided for in the documents authorizing the issuance of  
47 the bonds. The Preservation 2000 bonds and Florida Forever bonds  
48 shall be equally and ratably secured by moneys distributable to  
49 the Land Acquisition Trust Fund pursuant to this section, except  
50 to the extent specifically provided otherwise by the documents  
51 authorizing the issuance of the bonds. No moneys transferred to

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52 the Land Acquisition Trust Fund pursuant to this paragraph, or  
53 earnings thereon, shall be used or made available to pay debt  
54 service on the Save Our Coast revenue bonds.

55 Section 2. Subsection (1) of section 215.618, Florida  
56 Statutes, is amended to read:

57 215.618 Bonds for acquisition and improvement of land,  
58 water areas, and related property interests and resources.--

59 (1) (a) The issuance of Florida Forever bonds, not to  
60 exceed \$5.3 ~~\$3~~ billion, to finance or refinance the cost of  
61 acquisition and improvement of land, water areas, and related  
62 property interests and resources, in urban and rural settings,  
63 for the purposes of restoration, conservation, recreation, water  
64 resource development, or historical preservation, and for  
65 capital improvements to lands and water areas that accomplish  
66 environmental restoration, enhance public access and  
67 recreational enjoyment, promote long-term management goals, and  
68 facilitate water resource development is hereby authorized,  
69 subject to the provisions of s. 259.105 and pursuant to s.  
70 11(e), Art. VII of the State Constitution. Florida Forever bonds  
71 may also be issued to refund Preservation 2000 bonds issued  
72 pursuant to s. 375.051. The \$5.3 ~~\$3~~ billion limitation on the  
73 issuance of Florida Forever bonds does not apply to refunding  
74 bonds. The duration of each series of Florida Forever bonds  
75 issued may not exceed 20 annual maturities. Preservation 2000  
76 bonds and Florida Forever bonds shall be equally and ratably  
77 secured by moneys distributable to the Land Acquisition Trust  
78 Fund pursuant to s. 201.15(1)(a), except to the extent  
79 specifically provided otherwise by the documents authorizing the  
80 issuance of the bonds.

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81 (b) Beginning July 1, 2010, the Legislature shall analyze  
82 the state's debt ratio in relation to projected revenues prior  
83 to the authorization to issue any bonds for Florida Forever land  
84 acquisition.

85 (c) By February 1, 2010, the Legislature shall complete an  
86 analysis of potential revenue sources for Florida Forever.

87 Section 3. Subsection (1) of section 253.002, Florida  
88 Statutes, is amended to read:

89 253.002 Department of Environmental Protection, water  
90 management districts, Fish and Wildlife Conservation Commission,  
91 and Department of Agriculture and Consumer Services; duties with  
92 respect to state lands.--

93 (1) The Department of Environmental Protection shall  
94 perform all staff duties and functions related to the  
95 acquisition, administration, and disposition of state lands,  
96 title to which is or will be vested in the Board of Trustees of  
97 the Internal Improvement Trust Fund. The Fish and Wildlife  
98 Conservation Commission and the Department of Agriculture and  
99 Consumer Service are designated the state's primary land  
100 managers. The duties and responsibility of the state's primary  
101 land managers include, but are not limited to, concurrently  
102 developing the land management plans required pursuant to s.  
103 253.034(5), and implementing the approved land management plans.  
104 However, upon the effective date of rules adopted pursuant to s.  
105 373.427, a water management district created under s. 373.069  
106 shall perform the staff duties and functions related to the  
107 review of any application for authorization to use board of  
108 trustees-owned submerged lands necessary for an activity  
109 regulated under part IV of chapter 373 for which the water  
110 management district has permitting responsibility as set forth

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111 | in an operating agreement adopted pursuant to s. 373.046(4); and  
112 | the Department of Agriculture and Consumer Services shall  
113 | perform the staff duties and functions related to the review of  
114 | applications and compliance with conditions for use of board of  
115 | trustees-owned submerged lands under authorizations or leases  
116 | issued pursuant to ss. 253.67-253.75 and 597.010. Unless  
117 | expressly prohibited by law, the board of trustees may delegate  
118 | to the department any statutory duty or obligation relating to  
119 | the acquisition, administration, or disposition of lands, title  
120 | to which is or will be vested in the board of trustees. The  
121 | board of trustees may also delegate to any water management  
122 | district created under s. 373.069 the authority to take final  
123 | agency action, without any action on behalf of the board, on  
124 | applications for authorization to use board of trustees-owned  
125 | submerged lands for any activity regulated under part IV of  
126 | chapter 373 for which the water management district has  
127 | permitting responsibility as set forth in an operating agreement  
128 | adopted pursuant to s. 373.046(4). This water management  
129 | district responsibility under this subsection shall be subject  
130 | to the department's general supervisory authority pursuant to s.  
131 | 373.026(7). The board of trustees may also delegate to the  
132 | Department of Agriculture and Consumer Services the authority to  
133 | take final agency action on behalf of the board on applications  
134 | to use board of trustees-owned submerged lands for any activity  
135 | for which that department has responsibility pursuant to ss.  
136 | 253.67-253.75 and 597.010. However, the board of trustees shall  
137 | retain the authority to take final agency action on establishing  
138 | any areas for leasing, new leases, expanding existing lease  
139 | areas, or changing the type of lease activity in existing  
140 | leases. Upon issuance of an aquaculture lease or other real

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141 property transaction relating to aquaculture, the Department of  
142 Agriculture and Consumer Services must send a copy of the  
143 document and the accompanying survey to the Department of  
144 Environmental Protection.

145 Section 4. Paragraphs (b), (e), and (f) of subsection (6)  
146 of section 253.025, Florida Statutes, is amended to read:

147 253.025 Acquisition of state lands for purposes other than  
148 preservation, conservation, and recreation.--

149 (6) Prior to negotiations with the parcel owner to  
150 purchase land pursuant to this section, title to which will vest  
151 in the board of trustees, an appraisal of the parcel shall be  
152 required as follows:

153 (b) Appraisal fees shall be paid by the agency proposing  
154 the acquisition. The board of trustees shall approve qualified  
155 fee appraisal organizations. All appraisals used for the  
156 acquisition of lands pursuant to this section shall be prepared  
157 by a member of an approved appraisal organization or by a state-  
158 certified appraiser. The board of trustees ~~Division of State~~  
159 ~~Lands~~ shall adopt rules for selecting individuals to perform  
160 appraisals pursuant to this section. Each fee appraiser selected  
161 to appraise a particular parcel shall, prior to contracting with  
162 the agency, submit to that agency an affidavit substantiating  
163 that he or she has no vested or fiduciary interest in such  
164 parcel.

165 (e) Prior to acceptance of an appraisal, the agency shall  
166 submit a copy of such report to the Division of State Lands. The  
167 division shall review such report for compliance with the rules  
168 of the board of trustees. ~~With respect to proposed purchases in~~  
169 ~~excess of \$250,000, this review shall include a general field~~  
170 ~~inspection of the subject property by the review appraiser. The~~

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171 ~~review appraiser may reject an appraisal report following a desk~~  
172 ~~review, but is prohibited from approving an appraisal report in~~  
173 ~~excess of \$250,000 without a field review.~~ Any questions of  
174 applicability of laws affecting an appraisal shall be addressed  
175 by the legal office of the agency.

176 (f) The appraisal report shall be accompanied by the sales  
177 history of the parcel for at least the prior 5 years. Such sales  
178 history shall include all parties and considerations with the  
179 amount of consideration verified, if possible. If a sales  
180 history would not be useful, or its cost prohibitive compared to  
181 the value of a parcel, the sales history may be waived by the  
182 board of trustees ~~Secretary of Environmental Protection or the~~  
183 ~~director of the Division of State Lands.~~ The board of trustees  
184 ~~department~~ shall adopt a rule specifying guidelines for waiver  
185 of a sales history.

186 Section 5. Subsection (6) and (7) of section 253.025,  
187 Florida Statutes, is amended to read:

188 253.025 Acquisition of state lands for purposes other than  
189 preservation, conservation, and recreation.--

190 (6) Prior to negotiations with the parcel owner to  
191 purchase land pursuant to this section, title to which will vest  
192 in the board of trustees, an appraisal of the parcel shall be  
193 required as follows:

194 (a) Each parcel to be acquired shall have at least one  
195 appraisal. Two appraisals are required when the estimated value  
196 of the parcel exceeds \$500,000 ~~\$1 million.~~ When two appraisals  
197 are required, one appraiser shall be selected by the Department  
198 of Agriculture and Consumer Services. When both appraisals  
199 exceed and differ significantly, a third appraisal shall be  
200 obtained, with the Department of Financial Services selecting

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201 the third appraiser. Two appraisals shall be considered to  
202 differ significantly if the higher of the two values exceeds  
203 120% of the lower value. When the estimated value of a parcel  
204 exceeds \$500,000, the review appraiser shall be selected by the  
205 Department of Financial Services. To provide for payment by the  
206 agency selecting the second and third appraiser and review  
207 appraiser, as required by this section, the Department of  
208 Environmental Protection shall enter into interagency agreements  
209 with the Department of Agriculture and Consumer Services and the  
210 Department of Financial Services, whereby funds will be  
211 transferred to those agencies for that purpose upon direction of  
212 the selecting agency. When a parcel is estimated to be worth  
213 When a parcel is estimated to be worth \$100,000 or less and the  
214 director of the Division of State Lands finds that the cost of  
215 an outside appraisal is not justified, an appraisal prepared by  
216 the division may be used ~~a comparable sales analysis or other~~  
217 ~~reasonably prudent procedures may be used by the division to~~  
218 ~~estimate the value of the parcel, provided the public's interest~~  
219 ~~is reasonably protected.~~ The state is not required to appraise  
220 the value of lands and appurtenances that are being donated to  
221 the state.

222 (b) Appraisal fees shall be paid by the agency proposing  
223 the acquisition. The board of trustees shall approve qualified  
224 fee appraisal organizations. All appraisals used for the  
225 acquisition of lands pursuant to this section shall be prepared  
226 by a member of an approved appraisal organization or by a state-  
227 certified appraiser. The Division of State Lands shall adopt  
228 rules for selecting individuals to perform appraisals pursuant  
229 to this section. Each fee appraiser selected to appraise a  
230 particular parcel shall, prior to contracting with the agency,



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231 submit to that agency an affidavit substantiating that he or she  
232 has no vested or fiduciary interest in such parcel.

233 (c) The board of trustees shall adopt by rule the minimum  
234 criteria, techniques, and methods to be used in the preparation  
235 of appraisal reports. Such rules shall incorporate, to the  
236 extent practicable, generally accepted appraisal standards. Any  
237 appraisal issued for acquisition of lands pursuant to this  
238 section must comply with the rules adopted by the board of  
239 trustees. A certified survey must be made which meets the  
240 minimum requirements for upland parcels established in the  
241 Minimum Technical Standards for Land Surveying in Florida  
242 published by the Department of Business and Professional  
243 Regulation and which accurately portrays, to the greatest extent  
244 practicable, the condition of the parcel as it currently exists.  
245 The requirement for a certified survey may, in part or in whole,  
246 be waived by the board of trustees any time prior to submitting  
247 the agreement for purchase to the Division of State Lands. When  
248 an existing boundary map and description of a parcel are  
249 determined by the division to be sufficient for appraisal  
250 purposes, the division director may temporarily waive the  
251 requirement for a survey until any time prior to conveyance of  
252 title to the parcel. The fee appraiser and the review appraiser  
253 ~~for the agency~~ shall not act in any way that may be construed as  
254 negotiating with the property owner.

255 (d) Appraisal reports are confidential and exempt from the  
256 provisions of s. 119.07(1), for use by the agency and the board  
257 of trustees, until an option contract is executed or, if no  
258 option contract is executed, until 2 weeks before a contract or  
259 agreement for purchase is considered for approval by the board  
260 of trustees. However, the Division of State Lands may disclose

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261 appraisal information to public agencies or nonprofit  
262 organizations that agree to maintain the confidentiality of the  
263 reports or information when joint acquisition of property is  
264 contemplated, or when a public agency or nonprofit organization  
265 enters into a written agreement with the division to purchase  
266 and hold property for subsequent resale to the division. In  
267 addition, the division may use, as its own, appraisals obtained  
268 by a public agency or nonprofit organization, provided the  
269 appraiser is selected from the division's list of appraisers and  
270 the appraisal is reviewed and approved by the division. For the  
271 purposes of this paragraph, "nonprofit organization" means an  
272 organization whose purpose is the preservation of natural  
273 resources, and which is exempt from federal income tax under s.  
274 501(c)(3) of the Internal Revenue Code. The agency may release  
275 an appraisal report when the passage of time has rendered the  
276 conclusions of value in the report invalid.

277 (e) Prior to acceptance of an appraisal, the agency shall  
278 submit a copy of such report to the Division of State Lands. The  
279 division shall review such report for compliance with the rules  
280 of the board of trustees. With respect to proposed purchases in  
281 excess of \$250,000, this review shall include a general field  
282 inspection of the subject property by the review appraiser. The  
283 review appraiser may reject an appraisal report following a desk  
284 review, but is prohibited from approving an appraisal report in  
285 excess of \$250,000 without a field review. Any questions of  
286 applicability of laws affecting an appraisal shall be addressed  
287 by the legal office of the agency.

288 (f) The appraisal report shall be accompanied by the sales  
289 history of the parcel for at least the prior 5 years. Such sales  
290 history shall include all parties and considerations with the

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291 amount of consideration verified, if possible. If a sales  
292 history would not be useful, or its cost prohibitive compared to  
293 the value of a parcel, the sales history may be waived by the  
294 Secretary of Environmental Protection or the director of the  
295 Division of State Lands. The department shall adopt a rule  
296 specifying guidelines for waiver of a sales history.

297 (g) The board of trustees may consider an appraisal  
298 acquired by a seller, or any part thereof, in negotiating to  
299 purchase a parcel, but such appraisal may not be used in lieu of  
300 an appraisal required by this subsection or to determine the  
301 maximum offer allowed by law.

302 (7) (a) When the owner is represented by an agent or  
303 broker, negotiations may not be initiated or continued until a  
304 written statement verifying such agent's or broker's legal or  
305 fiduciary relationship with the owner is on file with the  
306 agency.

307 (b) The board of trustees or any state agency may contract  
308 for real estate acquisition services, including, but not limited  
309 to, contracts for real estate commission fees.

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

313 (d) All offers or counteroffers shall be documented in  
314 writing and shall be confidential and exempt from the provisions  
315 of s. 119.07(1) until an option contract is executed, or if no  
316 option contract is executed, until 2 weeks before a contract or  
317 agreement for purchase is considered for approval by the board  
318 of trustees. The agency shall maintain complete and accurate  
319 records of all offers and counteroffers for all projects.

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320 (e)1. The board of trustees shall adopt by rule the method  
321 for determining the value of parcels sought to be acquired by  
322 state agencies pursuant to this section. No offer by a state  
323 agency, except an offer by an agency acquiring lands pursuant to  
324 s. 259.041, may exceed the value for that parcel as determined  
325 pursuant to the highest approved appraisal or the value  
326 determined pursuant to the rules of the board of trustees,  
327 whichever value is less.

328 2. In the case of a joint acquisition by a state agency  
329 and a local government or other entity apart from the state, the  
330 joint purchase price may not exceed ~~150 percent of~~ the value for  
331 a parcel as determined in accordance with the limits prescribed  
332 in subparagraph 1. The state agency share of a joint purchase  
333 offer shall may not exceed the difference between the appraised  
334 value, as determined by the state, and the sum of the  
335 contributions of the other parties ~~what the agency may offer~~  
336 ~~singly as prescribed by subparagraph 1.~~

337 3. The provisions of this paragraph do not apply to the  
338 acquisition of historically unique or significant property as  
339 determined by the Division of Historical Resources of the  
340 Department of State.

341 (f) When making an offer to a landowner, a state agency  
342 shall consider the desirability of a single cash payment in  
343 relation to the maximum offer allowed by law.

344 (g) The state shall have the authority to reimburse the  
345 owner for the cost of the survey when deemed appropriate. The  
346 reimbursement shall not be considered a part of the purchase  
347 price.

348 (h) A final offer shall be in the form of an option  
349 contract or agreement for purchase and shall be signed and

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350 attested to by the owner and the representative of the agency.  
351 Before the agency executes the option contract or agreement for  
352 purchase, the contract or agreement shall be reviewed for form  
353 and legality by legal staff of the agency. Before the agency  
354 signs the agreement for purchase or exercises the option  
355 contract, the provisions of s. 286.23 shall be complied with.  
356 Within 10 days after the signing of the agreement for purchase,  
357 the state agency shall furnish the Division of State Lands with  
358 the original of the agreement for purchase along with copies of  
359 the disclosure notice, evidence of marketability, the accepted  
360 appraisal report, the fee appraiser's affidavit, a statement  
361 that the inventory of existing state-owned lands was examined  
362 and contained no available suitable land in the area, and a  
363 statement outlining the public purpose for which the acquisition  
364 is being made and the statutory authority therefore.

365 (i) Within 45 days of receipt by the Division of State  
366 Lands of the agreement for purchase and the required  
367 documentation, the board of trustees or, when the purchase price  
368 does not exceed \$100,000, its designee shall either reject or  
369 approve the agreement. An approved agreement for purchase is  
370 binding on both parties. Any agreement which has been  
371 disapproved shall be returned to the agency, along with a  
372 statement as to the deficiencies of the agreement or the  
373 supporting documentation. An agreement for purchase which has  
374 been disapproved by the board of trustees may be resubmitted  
375 when such deficiencies have been corrected.

376 Section 6. Section 253.0325, Florida Statutes, is amended  
377 to read:

378 253.0325 Modernization of state lands records.--

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379 (1) The Department of Environmental Protection shall  
380 initiate an ongoing computerized information systems program to  
381 modernize its state lands records and documents that relate to  
382 all lands that have been acquired under the Florida Preservation  
383 2000 act pursuant to s. 259.101 or the Florida Forever Act  
384 pursuant to s. 259.105, including but not limited to, lands to  
385 which title is vested in the Board of Trustees of the Internal  
386 Improvement Trust Fund. The program shall include, at a minimum:

387 (a) A document management component to automate the  
388 storage and retrieval of information contained in state lands  
389 records.

390 (b) A land records management component to organize the  
391 records by key elements present in the data.

392 (c) An evaluation component which includes the collection  
393 of resource and environmental data.

394 (d) A mapping component to generate and store maps of  
395 state-owned parcels using data from the land records management  
396 and evaluation components.

397 (e) The bond covenants related to each tract purchase and  
398 the expiration of such bond covenants.

399 (2) The Department of Environmental Protection shall  
400 initiate and maintain an information system that is the basis  
401 for land acquisition and land management decision making and  
402 modeling. The information system shall map in an electronic  
403 format the natural communities on each tract of state land and  
404 each proposed land acquisition. Natural community is defined as  
405 a distinct and recurring assemblage of populations of plants,  
406 animals, fungi and microorganisms naturally associated with each  
407 other and their physical environment. Each natural community  
408 will be partitioned into natural community categories. Each

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409 natural community category will be partitioned into natural  
410 community groups, and each natural community group will be  
411 partitioned into natural community types. The Department of  
412 Agriculture and Consumer Services and the Fish and Wildlife  
413 Conservation Commission will assist in the development and  
414 standardization of such a system. The Department of  
415 Environmental Protection may utilize a third party for the  
416 information system and its data. The Information system and its  
417 data are to be proprietary to the state.

418 (3)-(2) At all stages of its records modernization program,  
419 the department shall seek to ensure information systems  
420 compatibility within the department and with other state, local,  
421 and regional governmental agencies. The department also shall  
422 seek to promote standardization in the collection of information  
423 regarding state-owned lands by federal, state, regional, and  
424 local agencies.

425 (4)-(3) The information collected and stored as a result of  
426 the department's modernization of state lands records shall not  
427 be considered a final or complete accounting of lands which the  
428 state owns or to which the state may claim ownership.

429 Section 7. Subsections (1), (2), (4), (5) and (6) of section  
430 253.034, Florida Statutes, are amended to read:

431 253.034 State-owned lands; uses.--

432 (1) All lands acquired pursuant to chapter 259 shall be  
433 managed to serve the public interest by protecting and  
434 conserving land, air, water, and the state's natural resources,  
435 which contribute to the public health, welfare, and economy of  
436 the state. These lands shall be managed to provide for areas of  
437 recreation, including but not limited to, natural resource based  
438 recreation, and to ensure the survival of plant and animal

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439 species and the conservation of finite and renewable natural  
440 resources. The state's lands and natural resources shall be  
441 managed using a stewardship ethic that assures these resources  
442 will be available for the benefit and enjoyment of all people of  
443 the state, both present and future. It is the intent of the  
444 Legislature that, where feasible and consistent with the goals  
445 of protection and conservation of natural resources associated  
446 with lands held in the public trust by the Board of Trustees of  
447 the Internal Improvement Trust Fund, public land not designated  
448 for single-use purposes pursuant to paragraph (2)(b) be managed  
449 for multiple-use purposes. All multiple-use land management  
450 strategies shall address public access and enjoyment, resource  
451 conservation and protection, ecosystem maintenance and  
452 protection, and protection of threatened and endangered species,  
453 and the degree to which public-private partnerships or  
454 endowments may allow the entity with management responsibility  
455 to enhance its ability to manage these lands. The council  
456 created in s. 259.035 shall recommend rules to the board of  
457 trustees, and the board shall adopt rules necessary to carry out  
458 the purposes of this section.

459 (2) As used in this section, the following phrases have  
460 the following meanings:

461 (a) "Multiple use" means the harmonious and coordinated  
462 management of timber, recreation, conservation of fish and  
463 wildlife, forage, archaeological and historic sites, habitat and  
464 other biological resources, or water resources so that they are  
465 utilized in the combination that will best serve the people of  
466 the state, making the most judicious use of the land for ~~some or~~  
467 all of these resources and giving consideration to the relative  
468 values of the various resources. Where necessary and appropriate



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469 for all state-owned lands that are larger than 1,000 acres in  
470 project size and are managed for multiple uses, buffers may be  
471 formed around any areas that require special protection or have  
472 special management needs. Such buffers shall not exceed more  
473 than one-half of the total acreage. Multiple uses within a  
474 buffer area may be restricted to provide the necessary buffering  
475 effect desired. Multiple use in this context includes both uses  
476 of land or resources by more than one management entity, which  
477 may include private sector land managers. In any case, lands  
478 identified as multiple-use lands in the land management plan  
479 shall be managed to enhance public access and conserve the lands  
480 and resources for the enjoyment of the people of the state.

481 (b) "Single use" means management for one particular  
482 purpose to the exclusion of all other purposes, except that the  
483 using entity shall have the option of including in its  
484 management program compatible secondary purposes which will not  
485 detract from or interfere with the primary management purpose.  
486 Such single uses may include, but are not necessarily restricted  
487 to, the use of agricultural lands for production of food and  
488 livestock, the use of improved sites and grounds for  
489 institutional purposes, ~~and the use of lands for parks,~~  
490 ~~preserves, wildlife management,~~ archaeological or historic  
491 sites, designated preserves, or wilderness areas where the  
492 maintenance of essentially natural conditions is important. All  
493 submerged lands shall be considered single-use lands and shall  
494 be managed primarily for the maintenance of essentially natural  
495 conditions, the propagation of fish and wildlife, and public  
496 recreation, including hunting and fishing where deemed  
497 appropriate by the managing entity, except where public access  
498 to state waters are enhanced.

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499 (c) "Conservation lands" means state owned lands that are  
500 currently managed by the Department of Agriculture and Consumer  
501 Services, the Fish and Wildlife Conservation Commission and the  
502 Department of Environmental Protection for conservation, outdoor  
503 ~~resource-based~~ recreation, or archaeological or historic  
504 preservation, ~~except those lands that were acquired solely to~~  
505 ~~facilitate the acquisition of other conservation lands.~~ Lands  
506 acquired for uses other than conservation, outdoor resource-  
507 based recreation, or archaeological or historic preservation  
508 shall not be designated conservation lands and except as  
509 ~~otherwise authorized under this section.~~ These lands shall  
510 include, but not be limited to, the following: correction and  
511 detention facilities, military installations and facilities,  
512 state office buildings, maintenance yards, state university or  
513 state community college campuses, agricultural field stations or  
514 offices, tower sites, law enforcement and license facilities,  
515 laboratories, hospitals, clinics, and other sites that possess  
516 no ~~significant~~ natural or historical resources. However, lands  
517 acquired solely to facilitate the acquisition of other  
518 conservation land shall be considered conservation lands and  
519 included in land management plans and included in the allocation  
520 of land management funding, if in doing so provides an increase  
521 in public recreation opportunities or creates a more efficient  
522 land management plan. ~~However, lands acquired solely to~~  
523 ~~facilitate the acquisition of other conservation lands, and for~~  
524 ~~which the land management plan has not yet been completed or~~  
525 ~~updated, may be evaluated by the Board of Trustees of the~~  
526 ~~Internal Improvement Trust Fund on a case-by-case basis to~~  
527 ~~determine if they will be designated conservation lands.~~  
528

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529 | Lands acquired by the state as a gift, through donation, or by  
530 | any other conveyance for which no consideration was paid, and  
531 | which are not managed for conservation, outdoor resource-based  
532 | recreation, or archaeological or historic preservation under a  
533 | land management plan approved by the board of trustees are not  
534 | conservation lands.

535 |       (5) State lands shall be managed to ensure the  
536 | conservation of the state's plant and animal species and to  
537 | assure the accessibility of state lands for the benefit and  
538 | enjoyment of all people of the state, both present and future.  
539 | Each land management plan shall provide a desired outcome, and  
540 | shall describe both short-term and long-term management goals  
541 | and include measurable objectives to achieve those goals.  
542 | Short-term goals shall be achievable within a two year planning  
543 | period and long-term goals shall be achievable within a ten year  
544 | planning period. These short-term and long-term management  
545 | goals shall be the basis for all subsequent land management  
546 | activities and are intended to be financially sustainable in  
547 | achieving the desired outcome.

548 |       (a) Short-term and long-term management goals shall  
549 | include measureable objectives for the following:.

- 550 |       1. Habitat restoration and improvement.
- 551 |       2. Public access and recreational opportunities.
- 552 |       3. Hydrological preservation and restoration.
- 553 |       4. Sustainable forest management.
- 554 |       5. Exotic and invasive species maintenance and control.
- 555 |       6. Capital facilities and infrastructure.
- 556 |       7. Financial sustainability of land management activities.

557 |       (b) The land management plan shall at a minimum contain  
558 | the following elements:

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559 1. Physical description of the land.

560 2. A quantitative data description of the land that  
561 includes an inventory of forest resources; exotic and invasive  
562 plants; hydrological features; infrastructure, including  
563 recreational facilities; and other significant land features.  
564 The inventory shall reflect the number of acres for each  
565 resource and feature, when appropriate. The inventory shall be  
566 of such detail that objective measures and benchmarks can be  
567 established for each tract of land and monitored during the  
568 lifetime of the plan. All quantitative data collected shall be  
569 aggregated, standardized, collected and presented in an  
570 electronic format to allow for uniform management reporting and  
571 analysis. The information collected by the Department of  
572 Environmental Protection pursuant to s. 253.0325(2) shall be  
573 available to the land manager and their assignee.

574 3. A detailed description of each short-term and long-term  
575 land management goals, the associated measureable objectives and  
576 the related activities that are to be performed to meet the land  
577 management objectives. Each land management objective must be  
578 addressed by the land management plan but no land management  
579 objective shall be performed to the detriment of the other land  
580 management objectives.

581 4. A schedule of land management activities shall be  
582 prepared that contains short-term and long-term land management  
583 goals and the related measureable objective and activities. The  
584 schedule shall include for each activity a timeline for  
585 completion, quantitative measures, and detailed expense and  
586 manpower budgets. The schedule is to provide a management tool  
587 that facilitates development of performance measures.

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588       5. A summary budget for the scheduled land management  
589 activities of the land management plan. The summary budget  
590 shall be prepared in such a manner that it facilitates computing  
591 an aggregate of land management costs for all state managed  
592 lands utilizing the categories described in s. 259.037(3).

593       (c) Upon completion, the land management plan will be  
594 transmitted to the Acquisition and Restoration Council for  
595 review. After a 30-day review and comment period, the land  
596 management plan will become operational. If the Acquisition and  
597 Restoration Council determines that revisions to the land  
598 management plan are needed, the Secretary of the Department of  
599 Environmental Protection, Commissioner of Agriculture, and  
600 Executive Director of the Fish and Wildlife Conservation  
601 Commission or their designees shall develop a consensus for the  
602 revisions and redraft the plan. During the redrafting period,  
603 no funds for the management of the land may be expended other  
604 than those needed to address emergency situations.

605       (d) Biennially, the state lands with an approved land  
606 management plan must be monitored by the Fish and Wildlife  
607 Conservation Commission and reviewed by a certified third party.  
608 The Fish and Wildlife Conservation Commission shall prepare a  
609 monitoring report that assesses the progress towards achieving  
610 short-term and long-term land management goals and shall  
611 identify deficiencies in management activities. The monitoring  
612 report shall be submitted to the Acquisition and Restoration  
613 Council and the managing agency. The third party review and  
614 analysis of the management plan shall identify the progress  
615 toward achieving short-term and long-term land management goal.  
616 The third party review and analysis shall describe corrective  
617 actions to address identified deficiencies. The third party

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618 review and analysis are to be submitted to the Acquisition and  
619 Restoration Council and the managing agency. The Acquisition  
620 and Restoration Council shall review the monitoring report and  
621 the third party review and analysis, and determine deficiencies  
622 that require a corrective action plan or revisions to the land  
623 management plan. Such corrective actions or revisions shall be  
624 brought in front of the board of trustees, which shall determine  
625 whether the corrective actions or revisions sufficiently address  
626 the identified deficiencies. Corrective action plans shall be  
627 prepared and submitted in the same manner as land management  
628 plans.

629 (e) Land management plans are to be updated every 10 years  
630 on a rotating basis.

631 (f) In developing land management plans, at least two  
632 public hearings will be held within the county most affected by  
633 the parcel or project.

634 ~~Each manager of conservation lands shall submit to the~~  
635 ~~Division of State Lands a land management plan at least every 10~~  
636 ~~years in a form and manner prescribed by rule by the board and~~  
637 ~~in accordance with the provisions of s. 259.032. Each manager of~~  
638 ~~conservation lands shall also update a land management plan~~  
639 ~~whenever the manager proposes to add new facilities or make~~  
640 ~~substantive land use or management changes that were not~~  
641 ~~addressed in the approved plan, or within 1 year of the addition~~  
642 ~~of significant new lands. Each manager of nonconservation lands~~  
643 ~~shall submit to the Division of State Lands a land use plan at~~  
644 ~~least every 10 years in a form and manner prescribed by rule by~~  
645 ~~the board. The division shall review each plan for compliance~~  
646 ~~with the requirements of this subsection and the requirements of~~  
647 ~~the rules established by the board pursuant to this section. All~~

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648 ~~land use plans, whether for single-use or multiple-use~~  
649 ~~properties, shall include an analysis of the property to~~  
650 ~~determine if any significant natural or cultural resources are~~  
651 ~~located on the property. Such resources include archaeological~~  
652 ~~and historic sites, state and federally listed plant and animal~~  
653 ~~species, and imperiled natural communities and unique natural~~  
654 ~~features. If such resources occur on the property, the manager~~  
655 ~~shall consult with the Division of State Lands and other~~  
656 ~~appropriate agencies to develop management strategies to protect~~  
657 ~~such resources. Land use plans shall also provide for the~~  
658 ~~control of invasive nonnative plants and conservation of soil~~  
659 ~~and water resources, including a description of how the manager~~  
660 ~~plans to control and prevent soil erosion and soil or water~~  
661 ~~contamination. Land use plans submitted by a manager shall~~  
662 ~~include reference to appropriate statutory authority for such~~  
663 ~~use or uses and shall conform to the appropriate policies and~~  
664 ~~guidelines of the state land management plan. Plans for managed~~  
665 ~~areas larger than 1,000 acres shall contain an analysis of the~~  
666 ~~multiple-use potential of the property, which analysis shall~~  
667 ~~include the potential of the property to generate revenues to~~  
668 ~~enhance the management of the property. Additionally, the plan~~  
669 ~~shall contain an analysis of the potential use of private land~~  
670 ~~managers to facilitate the restoration or management of these~~  
671 ~~lands. In those cases where a newly acquired property has a~~  
672 ~~valid conservation plan that was developed by a soil and~~  
673 ~~conservation district, such plan shall be used to guide~~  
674 ~~management of the property until a formal land use plan is~~  
675 ~~completed.~~

676 (g) (a) Each land manager ~~The Division of State Lands~~ shall  
677 make available to the public an electronic copy ~~a copy~~ of each

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678 | land management plan ~~for parcels that exceed 160 acres in size.~~  
679 | The council shall review each plan for compliance with the  
680 | requirements of this subsection, the requirements of chapter  
681 | 259, ~~and the requirements of the rules established by the board~~  
682 | ~~pursuant to this section.~~ The council shall also consider the  
683 | propriety of the recommendations of the managing entity with  
684 | regard to the future use of the property, the protection of  
685 | fragile or nonrenewable resources, the potential for alternative  
686 | or multiple uses not recognized by the managing entity, and the  
687 | possibility of disposal of the property by the board. After its  
688 | review, the council shall submit the plan, along with its  
689 | recommendations and comments, to the board. The council shall  
690 | specifically recommend to the board whether to approve the plan  
691 | as submitted, ~~approve the plan with modifications,~~ or reject the  
692 | plan.

693 |       (h) ~~(b)~~ The Board of Trustees of the Internal Improvement  
694 | Trust Fund shall consider the land management plan submitted by  
695 | each entity and the recommendations of the council and the  
696 | Division of State Lands and shall approve the plan ~~with or~~  
697 | ~~without modification~~ or reject such plan. The use or possession  
698 | of any such lands that is not in accordance with an approved  
699 | land management plan is subject to termination by the board.

700 |       (6) The Board of Trustees of the Internal Improvement  
701 | Trust Fund shall determine which lands, the title to which is  
702 | vested in the board, may be surplused. For conservation lands,  
703 | the board shall make a determination that the lands are no  
704 | longer needed for conservation purposes and may dispose of them  
705 | by an affirmative vote of at least three members. In the case of  
706 | a land exchange involving the disposition of conservation lands,  
707 | the board must determine by an affirmative vote of at least



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708 three members that the exchange will result in a net positive  
709 conservation benefit. For all other lands, the board shall make  
710 a determination that the lands are no longer needed and may  
711 dispose of them by an affirmative vote of at least three  
712 members.

713 (a) For the purposes of this subsection, all state owned  
714 lands managed by the Department of Agriculture and Consumer  
715 Services and the Fish and Wildlife Conservation Commission, and  
716 the Department of Environmental Protection, and all lands  
717 acquired by the state prior to July 1, 1999, using proceeds from  
718 the Preservation 2000 bonds, the Conservation and Recreation  
719 Lands Trust Fund, the Water Management Lands Trust Fund,  
720 Environmentally Endangered Lands Program, and the Save Our Coast  
721 Program and titled to the board of trustees, which lands are  
722 identified as core parcels or within original project  
723 boundaries, shall be deemed to have been acquired for  
724 conservation purposes.

725 (b) For any lands purchased by the state on or after July  
726 1, 1999, a determination shall be made by the board prior to  
727 acquisition as to those parcels that shall be designated as  
728 having been acquired for conservation purposes. No lands  
729 acquired for use by the Department of Corrections, the  
730 Department of Management Services for use as state offices, the  
731 Department of Transportation, except those specifically managed  
732 for conservation or recreation purposes, or the State University  
733 System or the Florida Community College System shall be  
734 designated as having been purchased for conservation purposes.

735 (c) At least every 10 years, ~~as a component of each land~~  
736 ~~management plan or land use plan~~ and in a form and manner  
737 prescribed by rule by the board, each manager shall evaluate and

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738 indicate to the board those lands that are not being used for  
739 the purpose for which they were originally leased. For  
740 conservation lands, the council shall review and shall recommend  
741 to the board whether such lands should be retained in public  
742 ownership or disposed of by the board. For nonconservation  
743 lands, the division shall review such lands and shall recommend  
744 to the board whether such lands should be retained in public  
745 ownership or disposed of by the board.

746 (d) Lands owned by the board which are not actively  
747 managed by any state agency or for which a land management plan  
748 has not been completed pursuant to subsection (5) shall be  
749 reviewed by the council or its successor for its recommendation  
750 as to whether such lands should be managed by a private  
751 contractor, leased or disposed of by the board.

752 (e) Prior to any decision by the board to surplus lands,  
753 the Acquisition and Restoration Council shall review and make  
754 recommendations to the board concerning the request for  
755 surplusing. The council shall determine whether the request for  
756 surplusing is compatible with the resource values of land  
757 management objectives for such lands.

758 (f)1. In reviewing lands owned by the board, the council  
759 shall consider whether such lands would be more appropriately  
760 owned or managed by the county or other unit of local government  
761 in which the land is located. The council shall recommend to the  
762 board whether a sale, lease, or other conveyance to a local  
763 government would be in the best interests of the state and local  
764 government. The provisions of this paragraph in no way limit the  
765 provisions of ss. 253.111 and 253.115. Such lands shall be  
766 offered to the state, county, or local government for a period  
767 of 30 days. Permittable uses for such surplus lands may include

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768 public schools; public libraries; fire or law enforcement  
769 substations; governmental, judicial, or recreational centers;  
770 and affordable housing meeting the criteria of s. 420.0004(3).  
771 County or local government requests for surplus lands shall be  
772 expedited throughout the surplusing process. If the county or  
773 local government does not elect to purchase such lands in  
774 accordance with s. 253.111, then any surplusing determination  
775 involving other governmental agencies shall be made upon the  
776 board deciding the best public use of the lands. Surplus  
777 properties in which governmental agencies have expressed no  
778 interest shall then be available for sale on the private market.

779 ~~2. Notwithstanding subparagraph 1., any parcel of surplus~~  
780 ~~lands less than 3 acres in size which was acquired by the state~~  
781 ~~before 1955 by gift or other conveyance or for \$1 consideration~~  
782 ~~from a fair association incorporated under chapter 616 for the~~  
783 ~~purpose of conducting and operating public fairs or expositions,~~  
784 ~~and concerning which the department has filed by July 1, 2008, a~~  
785 ~~notice of intent to dispose of as surplus lands, shall be~~  
786 ~~offered for reconveyance to such fair association for no~~  
787 ~~consideration; however, the agency that last held the lease from~~  
788 ~~the board for management of such lands may remove from the lands~~  
789 ~~any improvements, fixtures, goods, wares, and merchandise within~~  
790 ~~180 days after the effective date of the reconveyance. This~~  
791 ~~subparagraph expires July 1, 2008.~~

792 (g) The sale price of lands determined to be surplus  
793 pursuant to this subsection and s. 253.82 shall be determined by  
794 the division and shall take into consideration an appraisal of  
795 the property, or, when the estimated value of the land is less  
796 than \$100,000, a comparable sales analysis or a broker's opinion  
797 of value, and the price paid by the state to originally acquire

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798 the lands. In the event that a single appraisal yields a value  
799 equal to or greater than \$1 million, a second appraisal is  
800 required. The individual or entity requesting the surplus shall  
801 select and use appraisers from the list of approved appraisers  
802 maintained by the Division of State Lands in accordance with s.  
803 253.025(6)(b). The individual or entity requesting the surplus  
804 is to incur all costs of the second appraisal.

805 1.a. A written valuation of land determined to be surplus  
806 pursuant to this subsection and s. 253.82, and related documents  
807 used to form the valuation or which pertain to the valuation,  
808 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
809 I of the State Constitution until 2 weeks before the contract or  
810 agreement regarding the purchase, exchange, or disposal of the  
811 surplus land is first considered for approval by the board.  
812 Notwithstanding the exemption provided under this subparagraph,  
813 the division may disclose appraisals, valuations, or valuation  
814 information regarding surplus land during negotiations for the  
815 sale or exchange of the land, during the marketing effort or  
816 bidding process associated with the sale, disposal, or exchange  
817 of the land to facilitate closure of such effort or process,  
818 when the passage of time has made the conclusions of value  
819 invalid, or when negotiations or marketing efforts concerning  
820 the land are concluded.

821 b. This subparagraph is subject to the Open Government  
822 Sunset Review Act of 1995 in accordance with s. 119.15, and  
823 shall stand repealed on October 2, 2009, unless reviewed and  
824 saved from repeal through reenactment by the Legislature.

825 2. A unit of government that acquires title to lands  
826 hereunder for less than appraised value may not sell or transfer  
827 title to all or any portion of the lands to any private owner

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828 for a period of 10 years. Any unit of government seeking to  
829 transfer or sell lands pursuant to this paragraph shall first  
830 allow the board of trustees to reacquire such lands for the  
831 price at which the board sold such lands.

832 ~~(h) Where a unit of government acquired land by gift,~~  
833 ~~donation, grant, quitclaim deed, or other such conveyance where~~  
834 ~~no monetary consideration was exchanged, the price of land sold~~  
835 ~~as surplus may be based on one appraisal. In the event that a~~  
836 ~~single appraisal yields a value equal to or greater than \$1~~  
837 ~~million, a second appraisal is required. The individual or~~  
838 ~~entity requesting the surplus shall select and use appraisers~~  
839 ~~from the list of approved appraisers maintained by the Division~~  
840 ~~of State Lands in accordance with s. 253.025(6)(b). The~~  
841 ~~individual or entity requesting the surplus is to incur all~~  
842 ~~costs of the appraisals.~~

843 ~~(h)~~ (i) After reviewing the recommendations of the council,  
844 the board shall determine whether lands identified for surplus  
845 are to be held for other public purposes or whether such lands  
846 are no longer needed. The board may require an agency to release  
847 its interest in such lands. For an agency that has requested the  
848 use of a property that was to be declared as surplus, said  
849 agency must have the property under lease within 6 months of the  
850 date of expiration of the notice provisions required under this  
851 subsection and s. 253.111.

852 ~~(i)~~ (j) Requests for surplusizing may be made by any public  
853 or private entity or person. All requests shall be submitted to  
854 the lead managing agency for review and recommendation to the  
855 council or its successor. Lead managing agencies shall have 90  
856 days to review such requests and make recommendations. Any  
857 surplusizing requests that have not been acted upon within the 90-

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858 day time period shall be immediately scheduled for hearing at  
859 the next regularly scheduled meeting of the council or its  
860 successor. Requests for surplus pursuant to this paragraph  
861 shall not be required to be offered to local or state  
862 governments as provided in paragraph (f).

863 (j)~~(k)~~ Proceeds from any sale of surplus lands pursuant to  
864 this subsection shall be deposited into the fund from which such  
865 lands were acquired. However, if the fund from which the lands  
866 were originally acquired no longer exists, such proceeds shall  
867 be deposited into an appropriate account to be used for land  
868 management ~~by the lead managing agency assigned the lands prior~~  
869 ~~to the lands being declared surplus~~. Funds received from the  
870 sale of surplus nonconservation lands, or lands that were  
871 acquired by gift, by donation, or for no consideration, shall be  
872 deposited into the Internal Improvement Trust Fund.

873 (k)~~(l)~~ Notwithstanding the provisions of this subsection,  
874 no such disposition of land shall be made if such disposition  
875 would have the effect of causing all or any portion of the  
876 interest on any revenue bonds issued to lose the exclusion from  
877 gross income for federal income tax purposes.

878 (l)~~(m)~~ The sale of filled, formerly submerged land that  
879 does not exceed 5 acres in area is not subject to review by the  
880 council or its successor.

881 (m)~~(n)~~ The board may adopt rules to implement the  
882 provisions of this section, which may include procedures for  
883 administering surplus land requests and criteria for when the  
884 division may approve requests to surplus nonconservation lands  
885 on behalf of the board.

886 Section 8. Subsection (3) of section 253.111, Florida  
887 Statutes, is amended to read:

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888           253.111 Notice to board of county commissioners before  
889 sale.--The Board of Trustees of the Internal Improvement Trust  
890 Fund of the state may not sell any land to which they hold title  
891 unless and until they afford an opportunity to the county in  
892 which such land is situated to receive such land on the  
893 following terms and conditions:

894           (3) If the board receives, within 45 ~~30~~ days after notice  
895 is given to the board of county commissioners pursuant to  
896 subsection (1), the certified copy of the resolution provided  
897 for in subsection (2), the board shall forthwith convey to the  
898 county such land at a price that is equal to its appraised  
899 market value established by generally accepted professional  
900 standards for real estate appraisal and subject to such other  
901 terms and conditions as the board determines.

902           Section 9. Paragraph (b) of subsection (2) of section  
903 253.82, Florida Statutes, is amended to read:

904           253.82 Title of state or private owners to Murphy Act  
905 lands.--

906           (2) (b) Land to which title is vested in the board of  
907 trustees by paragraph (a) shall be treated in the same manner as  
908 other nonsovereignty lands owned by the board. However, any  
909 parcel of land the title to which is vested in the Board of  
910 Trustees of the Internal Improvement Trust Fund pursuant to this  
911 section which is 10 acres or less in size and has a ~~an~~ appraised  
912 market value of \$250,000 or less is hereby declared surplus,  
913 except for lands determined to be needed for state use, and may  
914 be sold in any manner provided by law. ~~Only one appraisal shall~~  
915 ~~be required for a sale of such land.~~ All proceeds from the sale  
916 of such land shall be deposited into the Internal Improvement  
917 Trust Fund. The Board of Trustees of the Internal Improvement

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918 Trust Fund is authorized to adopt rules to implement the  
919 provisions of this subsection.

920 Section 10. Section 259.032, Florida Statutes, is amended  
921 to read:

922 259.032 Conservation and Recreation Lands Trust Fund;  
923 purpose.--

924 (1) It is the policy of the state that the citizens of  
925 this state shall be assured public ownership of natural areas  
926 for purposes of maintaining this state's unique natural  
927 resources; protecting air, land, and water quality; promoting  
928 water resource development to meet the needs of natural systems  
929 and citizens of this state; ~~promoting restoration activities on~~  
930 restoring and managing public lands; and providing lands for  
931 recreation, including but not limited to, natural resource based  
932 recreation. In recognition of this policy, it is the intent of  
933 the Legislature to provide such public lands for the people  
934 residing in urban and metropolitan areas of the state, as well  
935 as those residing in less populated, rural areas. It is the  
936 further intent of the Legislature, with regard to the lands  
937 described in paragraph (3)(c), that a high priority be given to  
938 the acquisition, restoration, enhancement and management of such  
939 lands in or near counties exhibiting the greatest concentration  
940 of population and, with regard to the lands described in  
941 subsection (3), that a high priority be given to acquiring lands  
942 or rights or interests in lands which advance the goals and  
943 objectives of Fish and Wildlife Conservation Commission approved  
944 management plans, or lands within any area designated as an area  
945 of critical state concern under s. 380.05 which, in the judgment  
946 of the advisory council established pursuant to s. 259.035, or  
947 its successor, cannot be adequately protected by application of



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948 land development regulations adopted pursuant to s. 380.05.  
949 Finally, it is the Legislature's intent that lands acquired  
950 through this program and any successor programs be managed in  
951 such a way as to protect or restore their natural resource  
952 values, and provide the greatest benefit, including public  
953 access, to the citizens of this state.

954 (2) (a) The Conservation and Recreation Lands Trust Fund  
955 is established within the Department of Environmental  
956 Protection. The fund shall be used as a nonlapsing, revolving  
957 fund exclusively for the purposes of this section. The fund  
958 shall be credited with proceeds from the following excise taxes:

959 1. The excise taxes on documents as provided in s. 201.15;  
960 and

961 2. The excise tax on the severance of phosphate rock as  
962 provided in s. 211.3103.

963  
964 The Department of Revenue shall credit to the fund each month  
965 the proceeds from such taxes as provided in this paragraph.

966 (b) There shall annually be transferred from the  
967 Conservation and Recreation Lands Trust Fund to the Land  
968 Acquisition Trust Fund that amount, not to exceed \$20 million  
969 annually, as shall be necessary to pay the debt service on, or  
970 fund debt service reserve funds, rebate obligations, or other  
971 amounts with respect to bonds issued pursuant to s. 375.051 to  
972 acquire lands on the established priority list developed  
973 pursuant to ss. 259.101(4) and 259.105; however, no moneys  
974 transferred to the Land Acquisition Trust Fund pursuant to this  
975 paragraph, or earnings thereon, shall be used or made available  
976 to pay debt service on the Save Our Coast revenue bonds. Amounts  
977 transferred annually from the Conservation and Recreation Lands

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978 Trust Fund to the Land Acquisition Trust Fund pursuant to this  
979 paragraph shall have the highest priority over other payments or  
980 transfers from the Conservation and Recreation Lands Trust Fund,  
981 and no other payments or transfers shall be made from the  
982 Conservation and Recreation Lands Trust Fund until such  
983 transfers to the Land Acquisition Trust Fund have been made.  
984 Moneys in the Conservation and Recreation Lands Trust Fund also  
985 shall be used to restore and manage lands and to pay for related  
986 costs, activities, and functions pursuant to the provisions of  
987 this section.

988 (3) The Governor and Cabinet, sitting as the Board of  
989 Trustees of the Internal Improvement Trust Fund, may allocate  
990 moneys from the fund in any one year to acquire the fee or any  
991 lesser interest in lands for the following public purposes:

992 (a) To conserve and protect environmentally unique and  
993 irreplaceable lands that contain native, relatively unaltered  
994 flora and fauna representing a natural area unique to, or scarce  
995 within, a region of this state or a larger geographic area;

996 (b) To conserve and protect lands within designated areas  
997 of critical state concern, if the proposed acquisition relates  
998 to the natural resource protection purposes of the designation;

999 (c) To conserve ~~and~~, protect, manage or restore habitat  
1000 for native or imperiled species habitat or, or of concern by the  
1001 United States of State, endangered or threatened species,  
1002 ~~emphasizing long-term protection for~~ endangered or threatened  
1003 species designated G-1 or G-2 by the Florida Natural Areas  
1004 Inventory, and especially those areas that are special locations  
1005 for breeding and reproduction of such species;

1006 (d) To conserve, protect, manage, or restore important  
1007 ecosystems, landscapes, imperiled species habitat and forests,

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1008 if the protection and conservation of such lands is necessary to  
1009 enhance or protect significant surface water, groundwater,  
1010 coastal, recreational, timber, or fish or wildlife resources  
1011 which advance the goals and objectives of Fish and Wildlife  
1012 Conservation Commission approved management plans, or cannot  
1013 otherwise be accomplished through local and state regulatory  
1014 programs;

1015 (e) To promote water resource development that benefits  
1016 natural systems and citizens of the state;

1017 (f) To facilitate the restoration and subsequent health  
1018 and vitality of the Florida Everglades;

1019 (g) To provide areas, including recreational trails, for  
1020 natural resource based recreation and other outdoor recreation  
1021 on any part of any site compatible with conservation purposes;

1022 (h) To preserve significant archaeological or historic  
1023 sites; or

1024 (i) To conserve urban open spaces suitable for greenways  
1025 or outdoor recreation which are compatible with conservation  
1026 purposes.

1027 (j) To preserve agricultural lands under threat of  
1028 conversion to development through less-than-fee acquisitions.

1029  
1030 In order for the board of trustee to authorize the expenditure  
1031 of funds to acquire a fee simple or less-than-fee interest in  
1032 land pursuant to this section, the Acquisition and Restoration  
1033 Council, by July 1,2009, shall develop and adopt rules providing  
1034 specific acquisition criteria and numeric performance measures  
1035 needed to prioritize land acquisitions acquired for public  
1036 purpose. The rules shall be submitted to the board of trustees  
1037 for approval. Rules approved by the board of trustees shall be

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1038 submitted to the President of the Senate and the Speaker of the  
1039 House prior to interim committee meetings for the next  
1040 legislative session. The rules shall not become effective until  
1041 adoption by the legislature.

1042 (4)—(a) Lands acquired under this section shall be for use  
1043 as state-designated parks, recreation areas, preserves,  
1044 reserves, historic or archaeological sites, geologic or  
1045 botanical sites, recreational trails, forests, wilderness areas,  
1046 wildlife management areas, urban open space, or other state-  
1047 designated recreation or conservation lands; or they shall  
1048 qualify for such state designation and use if they are to be  
1049 managed by other governmental agencies or nonstate entities as  
1050 provided for in this section.

1051 ~~(b) In addition to the uses allowed in paragraph (a),~~  
1052 ~~moneys may be transferred from the Conservation and Recreation~~  
1053 ~~Lands Trust Fund to the Florida Forever Trust Fund or the Land~~  
1054 ~~Acquisition Trust Fund. This paragraph expires July 1, 2007.~~

1055 (5) The board of trustees may allocate, in any year, an  
1056 amount not to exceed 5 percent of the money credited to the fund  
1057 in that year, such allocation shall be used for the purposes of  
1058 253.0325(2) the initiation and maintenance of a natural areas  
1059 inventory to aid in the identification of areas to be acquired  
1060 pursuant to this section.

1061 (6) Moneys in the fund not needed to meet obligations  
1062 incurred under this section shall be deposited with the Chief  
1063 Financial Officer to the credit of the fund and may be invested  
1064 in the manner provided by law. Interest received on such  
1065 investments shall be credited to the Conservation and Recreation  
1066 Lands Trust Fund.

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1067 (7) The board of trustees may enter into any contract  
1068 necessary to accomplish the purposes of this section. The lead  
1069 land managing agencies designated by the board of trustees also  
1070 are directed by the Legislature, to the greatest extent  
1071 possible, to enter into contracts or interagency agreements with  
1072 other governmental entities, including local soil and water  
1073 conservation districts, or private land managers who have the  
1074 expertise to perform specific management activities ~~which a lead~~  
1075 ~~agency lacks, or~~ which would cost more to provide in-house. Such  
1076 activities shall include, but not be limited to, controlled  
1077 burning, road and ditch maintenance, mowing, and wildlife  
1078 assessments. The lead land managing agency shall contract with  
1079 the Fish and Wildlife Conservation Commission for those lands  
1080 which contain imperiled species habitat.

1081 (8) Lands to be considered for purchase under this section  
1082 are subject to the selection procedures of s. 259.035 and  
1083 related rules and shall be acquired in accordance with  
1084 acquisition procedures for state lands provided for in s.  
1085 259.041, except as otherwise provided by the Legislature. An  
1086 inholding or an addition to a project selected for purchase  
1087 pursuant to this chapter is not subject to the selection  
1088 procedures of s. 259.035 if the estimated value of such  
1089 inholding or addition does not exceed \$500,000. When at least 90  
1090 percent of the acreage of a project has been purchased pursuant  
1091 to this chapter, the project may be removed from the list and  
1092 the remaining acreage may continue to be purchased. Moneys from  
1093 the fund may be used for title work, appraisal fees,  
1094 environmental audits, and survey costs related to acquisition  
1095 expenses for lands to be acquired, donated, or exchanged which  
1096 qualify under the categories of this section, at the discretion

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1097 of the board. When the Legislature has authorized the Department  
1098 of Environmental Protection to condemn a specific parcel of land  
1099 and such parcel has already been approved for acquisition under  
1100 this section, the land may be acquired in accordance with the  
1101 provisions of chapter 73 or chapter 74, and the fund may be used  
1102 to pay the condemnation award and all costs, including a  
1103 reasonable attorney's fee, associated with condemnation.

1104 (9) All lands managed under this chapter and s. 253.034  
1105 shall be:

1106 (a) Managed in a manner that will provide the greatest  
1107 combination of benefits to the public and to the resources, ~~and~~  
1108 including imperiled species.

1109 (b) Managed for public ~~outdoor~~ recreation which is  
1110 compatible with the conservation and protection of public lands.  
1111 Such management may include, but not be limited to, the  
1112 following public recreational uses: fishing, hunting, camping,  
1113 bicycling, hiking, nature study, swimming, boating, canoeing,  
1114 horseback riding, diving, model hobbyist activities, birding,  
1115 sailing, jogging, and other related outdoor activities  
1116 compatible with the purposes for which the lands were acquired.

1117 (c) Managed for the purposes for which the lands were  
1118 acquired, consistent with paragraph (11) (a) ~~and~~, and where  
1119 imperiled species habitat exists, restored and managed to  
1120 advance the goals and objectives of Fish and Wildlife  
1121 Conservation Commission approved management plans.

1122 (d) Concurrent with its adoption of the annual  
1123 Conservation and Recreation Lands list of acquisition projects  
1124 pursuant to s. 259.035, the board of trustees shall adopt a  
1125 management prospectus for each project. The management  
1126 prospectus shall delineate:

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- 1127 1. The management goals for the property;
- 1128 2. The conditions that will affect the intensity of  
1129 management;
- 1130 3. An estimate of the revenue-generating potential of the  
1131 property, if appropriate;
- 1132 4. A timetable for implementing the various stages of  
1133 management and for providing access to the public, if  
1134 applicable;
- 1135 5. A description of potential multiple-use activities as  
1136 described in this section and s. 253.034;
- 1137 6. Provisions for protecting existing infrastructure and  
1138 for ensuring the security of the project upon acquisition;
- 1139 7. The anticipated costs of restoration and management and  
1140 projected sources of revenue, including legislative  
1141 appropriations, to fund management needs; and
- 1142 8. Recommendations as to how many employees will be needed  
1143 to restore and manage the property, and recommendations as to  
1144 whether local governments, volunteer groups, the former  
1145 landowner, or other interested parties can be involved in the  
1146 restoration and management.
- 1147 (e) Concurrent with the approval of the acquisition  
1148 contract pursuant to s. 259.041(3)(c) for any interest in lands  
1149 except those lands being acquired under the provisions of s.  
1150 259.1052, the board of trustees shall designate an agency or  
1151 agencies to restore and manage such lands. The board shall  
1152 evaluate and amend, as appropriate, the management policy  
1153 statement for the project as provided by s. 259.035, consistent  
1154 with the purposes for which the lands are acquired. For any fee  
1155 simple acquisition of a parcel which is or will be leased back  
1156 for agricultural purposes, or any acquisition of a less-than-fee

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1157 interest in land that is or will be used for agricultural  
1158 purposes, the Board of Trustees of the Internal Improvement  
1159 Trust Fund shall first consider having a soil and water  
1160 conservation district, created pursuant to chapter 582, manage  
1161 and monitor such interests.

1162 (f) State agencies designated to manage lands acquired  
1163 under this chapter except those lands acquired under s. 259.1052  
1164 may contract with the Fish and Wildlife Conservation Commission,  
1165 local governments, and soil and water conservation districts,  
1166 and private entities to assist in restoration and management  
1167 ~~activities, including the responsibility of being the lead land~~  
1168 ~~manager.~~ Such land management contracts may include a provision  
1169 for the transfer of management funding to the Fish and Wildlife  
1170 Conservation Commission, local government or soil and water  
1171 conservation district from the Conservation and Recreation Lands  
1172 Trust Fund in an amount adequate for the Fish and Wildlife  
1173 Conservation Commission, local government or soil and water  
1174 conservation district to perform its contractual land management  
1175 responsibilities and proportionate to its responsibilities, and  
1176 which otherwise would have been expended by the state agency to  
1177 manage the property.

1178 (g) Immediately following the acquisition of any interest  
1179 in lands under this chapter, the Department of Environmental  
1180 Protection, acting on behalf of the board of trustees, may issue  
1181 to the lead managing entity an interim assignment letter to be  
1182 effective until the execution of a formal lease.

1183 (10) (a) State, regional, or local governmental agencies  
1184 or private entities designated to manage lands under this  
1185 section shall develop and adopt, with the approval of the board  
1186 of trustees, an individual land management plan for each project



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1187 designed to conserve, restore and protect such lands and their  
1188 associated natural resources. Private sector involvement in land  
1189 management plan development may be used to expedite the planning  
1190 process.

1191 (b) Individual land management plans required by s.  
1192 253.034 (5), ~~for parcels over 160 acres,~~ shall be developed with  
1193 input from an advisory group. Members of this advisory group  
1194 shall include, at a minimum, representatives of the lead land  
1195 managing agency, comanaging entities, local private property  
1196 owners, the appropriate soil and water conservation district, a  
1197 local conservation organization, ~~and~~ a local elected official,  
1198 and where the parcel contains imperiled species, the Fish and  
1199 Wildlife Conservation Commission. The advisory group shall  
1200 conduct at least two public hearings ~~one public hearing~~ within  
1201 the county most affected by ~~in which~~ the parcel or project ~~is~~  
1202 ~~located~~. For those parcels or projects that are within more than  
1203 one county, at least one additional areawide public hearing is  
1204 required ~~shall be acceptable~~ and the lead managing agency shall  
1205 invite a local elected official from each county. The areawide  
1206 public hearing shall be held in the county in which the core  
1207 parcels are located. Notice of such public hearing shall be  
1208 posted on the parcel or project designated for management,  
1209 advertised in a paper of general circulation, and announced at a  
1210 scheduled meeting of the local governing body before the actual  
1211 public hearing. The management prospectus required pursuant to  
1212 paragraph (9) (d) shall be available to the public for a period  
1213 of 30 days prior each ~~to the~~ public hearing.

1214 (c) Once a plan is adopted, the managing agency or entity  
1215 shall update the plan at least every 10 years in a form and  
1216 manner prescribed by rule of the board of trustees. Such

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1217 updates, ~~for parcels over 160 acres,~~ shall be developed with  
1218 input from an advisory group. Such plans may include transfers  
1219 of leasehold interests to appropriate conservation organizations  
1220 or governmental entities designated by the Land Acquisition and  
1221 Management Advisory Council or its successor, for uses  
1222 consistent with the purposes of the organizations and the  
1223 protection, preservation, conservation, restoration, and proper  
1224 management of the lands and their resources. Volunteer  
1225 management assistance is encouraged, including, but not limited  
1226 to, assistance by youths participating in programs sponsored by  
1227 state or local agencies, by volunteers sponsored by  
1228 environmental or civic organizations, and by individuals  
1229 participating in programs for committed delinquents and adults.

1230 (d)1. For each project for which lands are acquired after  
1231 July 1, 2008 ~~1995~~, an individual land management plan shall be  
1232 adopted and in place no later than 1 year after the essential  
1233 parcel or parcels identified in the priority list developed  
1234 pursuant to ss. 259.101(4) and 259.105 have been acquired. The  
1235 Department of Environmental Protection shall distribute only 75  
1236 percent of the acquisition funds to which a budget entity or  
1237 water management district would otherwise be entitled from the  
1238 Preservation 2000 Trust Fund to any budget entity or any water  
1239 management district that has more than one-third of its land  
1240 management plans overdue.

1241 2. The requirements of subparagraph 1. do not apply to the  
1242 individual management plan for the Babcock Crescent B Ranch  
1243 being acquired pursuant to s. 259.1052. The management plan for  
1244 the ranch shall be adopted and in place no later than 2 years  
1245 following the date of acquisition by the state.

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1246 (e) Individual land management plans shall conform to the  
1247 requirements of s. 253.034(5) and the appropriate policies and  
1248 guidelines of the state land management plan and shall include,  
1249 but not be limited to:

1250 1. A statement of the purpose for which the lands were  
1251 acquired, the projected use or uses as defined in s. 253.034,  
1252 and the statutory authority for such use or uses.

1253 2. Key management activities necessary to achieve the  
1254 desired outcome, including but not limited to, providing public  
1255 access, preserving and protecting natural resources, and  
1256 restoring habitat, controlling the spread of nonnative plants  
1257 and animals, performing prescribed fire activities and other  
1258 appropriate resource management activities ~~preserve and protect~~  
1259 ~~natural resources and restore habitat, and for controlling the~~  
1260 ~~spread of nonnative plants and animals, and for prescribed fire~~  
1261 ~~and other appropriate resource management activities.~~

1262 3. A specific description of how the managing agency plans  
1263 to identify, locate, protect, and preserve, or otherwise use  
1264 fragile, nonrenewable natural and cultural resources.

1265 4. A priority schedule for conducting restoration and  
1266 management activities, based on the desired outcome of the land  
1267 management plan ~~purposes for which the lands were acquired.~~

1268 5. A cost estimate for conducting priority restoration and  
1269 management activities, to include recommendations for cost-  
1270 effective methods of accomplishing those activities, and for  
1271 projects that include imperiled species habitat, performance  
1272 measures and costs developed by or in coordination with the Fish  
1273 and Wildlife Conservation Commission to restore, enhance restock  
1274 and manage such habitat and to advance the goals and objectives

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1275 of Fish and Wildlife Conservation Commission approved management  
1276 plans.

1277 6. A cost estimate for conducting other management  
1278 activities which would enhance the natural resource value or  
1279 public recreation value for which the lands were acquired. The  
1280 cost estimate shall include recommendations for cost-effective  
1281 methods of accomplishing those activities.

1282 7. A determination of the public uses and public access  
1283 that are to be provided and would be consistent with the  
1284 purposes for which the lands were acquired.

1285 (f) The Division of State Lands shall submit a copy of  
1286 each individual land management plan for parcels ~~which exceed~~  
1287 ~~160 acres in size~~ to each member of the Acquisition and  
1288 Restoration Council ~~Land Acquisition and Management Advisory~~  
1289 ~~Council or its successor~~, which shall:

1290 1. Within 60 days after receiving a plan from the  
1291 division, review each plan for compliance with the requirements  
1292 of this subsection, 253.034(5), and with the requirements of the  
1293 rules established by the board pursuant to this subsection.

1294 2. Consider the propriety of the recommendations of the  
1295 managing agency with regard to the future use or protection of  
1296 the property.

1297 3. After its review, submit the plan, along with its  
1298 recommendations and comments, to the board of trustees, with  
1299 recommendations as to whether to approve the plan as submitted,  
1300 ~~approve the plan with modifications,~~ or reject the plan.

1301 (g) The board of trustees shall consider the individual  
1302 management plan submitted by each state agency and the  
1303 recommendations of the Acquisition and Restoration Council ~~and~~  
1304 ~~Acquisition and Management Advisory Council, or its successor,~~

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1305 and the Division of State Lands and shall approve the plan ~~with~~  
1306 ~~or without modification~~ or reject such plan. The use or  
1307 possession of any lands owned by the board of trustees which is  
1308 not in accordance with an approved individual management plan is  
1309 subject to termination by the board of trustees.

1310  
1311 By July 1 of each year, each governmental agency and each  
1312 private entity designated to manage lands shall report to the  
1313 Secretary of Environmental Protection on the progress of  
1314 funding, staffing, and resource management of every project for  
1315 which the agency or entity is responsible.

1316 (11) (a) The Legislature recognizes that acquiring lands  
1317 pursuant to this chapter serves the public interest by  
1318 protecting land, air, and water resources which contribute to  
1319 the public health and welfare, providing areas for natural  
1320 resource based recreation, and ensuring the recovery and  
1321 survival of unique and irreplaceable plant and animal species,  
1322 including imperiled species. The Legislature intends for these  
1323 lands to be managed and maintained for the purposes for which  
1324 they were acquired and for the public to have access to and use  
1325 of these lands where it ~~is consistent with acquisition purposes~~  
1326 ~~and~~ would not harm the resources the state is seeking to protect  
1327 and manage on the public's behalf.

1328 (b) An amount of not less than ~~up to~~ 1.5 percent of the  
1329 cumulative total of funds ever deposited into the Florida  
1330 Preservation 2000 Trust Fund and the Florida Forever Trust Fund  
1331 shall be made available for the purposes of restoration,  
1332 management, maintenance, and capital improvements not eligible  
1333 for funding pursuant to s. 11(e), Art. VII of the State  
1334 Constitution, and for associated contractual services, for lands

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1335 acquired pursuant to this section, s. 259.101, s. 259.105, s.  
1336 259.1052, or previous programs for the acquisition of lands for  
1337 conservation and recreation, including state forests, to which  
1338 title is vested in the board of trustees and other conservation  
1339 and recreation lands managed by a state agency. Of this amount,  
1340 \$250,000 shall be transferred annually to the Plant Industry  
1341 Trust Fund within the Department of Agriculture and Consumer  
1342 Services for the purpose of implementing the Endangered or  
1343 Threatened Native Flora Conservation Grants Program pursuant to  
1344 s. 581.185(11). Each agency with management responsibilities  
1345 shall annually request from the Legislature funds sufficient to  
1346 fulfill such responsibilities to implement individual land  
1347 management plans. For the purposes of this paragraph, capital  
1348 improvements shall include, but need not be limited to,  
1349 perimeter fencing, signs, firelanes, access roads and trails,  
1350 and minimal public accommodations, such as primitive campsites,  
1351 garbage receptacles, and toilets, and habitat restoration and  
1352 management. Any equipment purchased with funds provided pursuant  
1353 to this paragraph may be used for appropriate land management  
1354 activities on state lands ~~the purposes described in this~~  
1355 ~~paragraph on any conservation and recreation lands managed by a~~  
1356 ~~state agency~~.

1357 (c) The Secretary of the Department of Environmental  
1358 Protection, the Executive Director of the Fish and Wildlife  
1359 Conservation Commission, and the Commissioner of Agriculture  
1360 shall prepare and deliver a report to the President of the  
1361 Senate and the Speaker of the House of Representatives no later  
1362 than December 31, 2008 that provides an interim management  
1363 formula and a long-term management formula, and the  
1364 methodologies used to develop the formulas, which shall be used

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1365 to allocate land management ~~In requesting~~ funds provided for in  
1366 paragraph (b) for interim and long-term management of all  
1367 acquisitions pursuant to this chapter and for associated  
1368 contractual services. The methodology and formula for interim  
1369 management shall be based on the estimated land acquisitions for  
1370 the fiscal year in which the interim funds will be expended.  
1371 The methodology and formula for long-term management shall  
1372 recognize, but not be limited to, the following: ~~the managing~~  
1373 ~~agencies shall recognize the following categories of land~~  
1374 ~~management needs:~~

1375 1. The assignment of management intensity associated with  
1376 the natural community categories, groups and types provided in  
1377 s. 253.0325(2) and the related management activities to land  
1378 management goals provided in s. 253.034(5).

1379 2. The assignment of management intensity associated with  
1380 public access, including but not limited to:

1381 a. The acres of land which require minimal effort for  
1382 resource preservation, development, or restoration – these lands  
1383 generally are open to the public but offer no more than  
1384 minimally developed facilities;

1385 b. The acres of land which require moderate effort for  
1386 resource preservation, development, or restoration – these lands  
1387 typically have a high degree of public use and offer highly  
1388 developed facilities;

1389 c. The acres of land which require significant effort for  
1390 resource preservation, development, or restoration – these lands  
1391 generally are sites with historic significance or unique natural  
1392 features, and a very high degree of public use.

1393 3. The acres of land with a secondary manager contributing  
1394 to the over-all management effort.

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1395           4. The anticipated revenues generated from management of  
1396 the lands.

1397           5. The impacts of, and needs created or addressed by,  
1398 multiple-use management strategies.

1399           6. The acres of land with infestations of non-native or  
1400 invasive plants, animals, or fish.

1401           ~~1. Lands which are low-need tracts, requiring basic~~  
1402 ~~resource management and protection, such as state reserves,~~  
1403 ~~state preserves, state forests, and wildlife management areas.~~  
1404 ~~These lands generally are open to the public but have no more~~  
1405 ~~than minimum facilities development.~~

1406           ~~2. Lands which are moderate-need tracts, requiring more~~  
1407 ~~than basic resource management and protection, such as state~~  
1408 ~~parks and state recreation areas. These lands generally have~~  
1409 ~~extra restoration or protection needs, higher concentrations of~~  
1410 ~~public use, or more highly developed facilities.~~

1411           ~~3. Lands which are high-need tracts, with identified needs~~  
1412 ~~requiring unique site-specific resource management and~~  
1413 ~~protection. These lands generally are sites with historic~~  
1414 ~~significance, unique natural features, or very high intensity~~  
1415 ~~public use, or sites that require extra funds to stabilize or~~  
1416 ~~protect resources, such as lands with heavy infestations of~~  
1417 ~~nonnative, invasive plants.~~

1418  
1419 In evaluating the management funding needs of lands based on the  
1420 above categories, the lead land managing agencies shall include  
1421 in their considerations the impacts of, and needs created or  
1422 addressed by, multiple-use management strategies. Beginning  
1423 July 1, 2009, no funds provided in paragraph (b) shall be  
1424 allocated, distributed or expended until the allocation formula



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1425 for funding land management activities has be adopted by the  
1426 legislature. Upon adoption, the allocation formula will be used  
1427 in the allocation and distribution of funds provided in  
1428 paragraph (b).

1429 (d) All revenues generated through multiple-use management  
1430 or compatible secondary-use management shall be returned to the  
1431 lead agency responsible for such management and shall be used to  
1432 pay for management activities on all conservation, preservation,  
1433 and recreation lands under the agency's jurisdiction. In  
1434 addition, such revenues shall be segregated in an agency trust  
1435 fund and shall remain available to the agency in subsequent  
1436 fiscal years to support land management appropriations. For the  
1437 purposes of this paragraph, compatible secondary-use management  
1438 shall be those activities described in subsection (9) undertaken  
1439 on parcels designated as single use pursuant to s.  
1440 253.034(2)(b).

1441 (e) Up to one-fifth of the funds provided for in paragraph  
1442 (b) shall be reserved by the board of trustees for interim  
1443 restoration and management of acquisitions and for associated  
1444 contractual services, to ensure the restoration, conservation  
1445 and protection of natural resources on project sites and to  
1446 allow limited public recreational use of lands. Interim  
1447 management activities may include, but not be limited to,  
1448 resource assessments, control of invasive, nonnative species,  
1449 habitat restoration, fencing, law enforcement, controlled  
1450 burning, and public access consistent with preliminary  
1451 determinations made pursuant to paragraph (9)(g). The board of  
1452 trustees shall make these interim funds available immediately  
1453 upon purchase.

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1454 (f) The department shall set long-range and annual goals  
1455 for the control and removal of nonnative, invasive plant species  
1456 on public lands. Such goals shall differentiate between aquatic  
1457 plant species and upland plant species. In setting such goals,  
1458 the department may rank, in order of adverse impact, species  
1459 that impede or destroy the functioning of natural systems.  
1460 Notwithstanding paragraph (a), up to one-fourth of the funds  
1461 provided for in paragraph (b) may be used by the agencies  
1462 receiving those funds for control and removal of nonnative,  
1463 invasive species on public lands.

1464 (g) In addition to the purposes specified in paragraph  
1465 (b), funds from the 1.5 percent of the cumulative total of funds  
1466 ever deposited into the Florida Preservation 2000 Trust Fund and  
1467 the Florida Forever Trust Fund may be appropriated for the 2006-  
1468 2007 fiscal year for the construction of replacement museum  
1469 facilities. This paragraph expires July 1, 2007.

1470 (12) (a) Beginning July 1, 1999, the Legislature shall  
1471 make available sufficient funds annually from the Conservation  
1472 and Recreation Lands Trust Fund to the department for payment in  
1473 lieu of taxes to qualifying counties and local governments as  
1474 defined in paragraph (b) for all actual tax losses incurred as a  
1475 result of board of trustees acquisitions for state agencies  
1476 under the Florida Forever program or the Florida Preservation  
1477 2000 program during any year. Reserved funds not used for  
1478 payments in lieu of taxes in any year shall revert to the fund  
1479 to be used for land management in accordance with the provisions  
1480 of this section.

1481 (b) Payment in lieu of taxes shall be available:

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1482 1. To all counties that have a population of 150,000 or  
1483 fewer. Population levels shall be determined pursuant to s.  
1484 11.031.

1485 2. To all local governments located in eligible counties.

1486 3. To Glades County, where a privately owned and operated  
1487 prison leased to the state has recently been opened and where  
1488 privately owned and operated juvenile justice facilities leased  
1489 to the state have recently been constructed and opened, a  
1490 payment in lieu of taxes, in an amount that offsets the loss of  
1491 property tax revenue, which funds have already been appropriated  
1492 and allocated from the Department of Correction's budget for the  
1493 purpose of reimbursing amounts equal to lost ad valorem taxes.

1494 (c) If insufficient funds are available in any year to  
1495 make full payments to all qualifying counties and local  
1496 governments, such counties and local governments shall receive a  
1497 pro rata share of the moneys available.

1498 (d) The payment amount shall be based on the average  
1499 amount of actual taxes paid on the property for the 3 years  
1500 preceding acquisition. Applications for payment in lieu of taxes  
1501 shall be made no later than January 31 of the year following  
1502 acquisition. No payment in lieu of taxes shall be made for  
1503 properties which were exempt from ad valorem taxation for the  
1504 year immediately preceding acquisition.

1505 (e) If property which was subject to ad valorem taxation  
1506 was acquired by a tax-exempt entity for ultimate conveyance to  
1507 the state under this chapter, payment in lieu of taxes shall be  
1508 made for such property based upon the average amount of taxes  
1509 paid on the property for the 3 years prior to its being removed  
1510 from the tax rolls. The department shall certify to the  
1511 Department of Revenue those properties that may be eligible

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1512 under this provision. Once eligibility has been established, for  
1513 a county or local government that has a population less than  
1514 150,000 residents, that county or local government shall  
1515 continually receive annual payments for each tax loss, until  
1516 that county or local government has a population of 150,000 or  
1517 more residents. However, that county or local government shall  
1518 receive a minimum of 10 consecutive annual payments for each tax  
1519 loss. ~~and no further eligibility determination shall be made~~  
1520 ~~during that period.~~

1521 (f) Payment in lieu of taxes pursuant to this subsection  
1522 shall be made annually to qualifying counties and local  
1523 governments after certification by the Department of Revenue  
1524 that the amounts applied for are reasonably appropriate, based  
1525 on the amount of actual taxes paid on the eligible property.  
1526 With the assistance of the local government requesting payment  
1527 in lieu of taxes, the state agency that acquired the land is  
1528 responsible for preparing and submitting application requests  
1529 for payment to the Department of Revenue for certification.

1530 (g) If the board of trustees conveys to a local government  
1531 title to any land owned by the board, any payments in lieu of  
1532 taxes on the land made to the local government shall be  
1533 discontinued as of the date of the conveyance.

1534  
1535 For the purposes of this subsection, "local government" includes  
1536 municipalities, the county school board, mosquito control  
1537 districts, and any other local government entity which levies ad  
1538 valorem taxes, with the exception of a water management  
1539 district.

1540 (13) Moneys credited to the fund each year which are not  
1541 used for management, maintenance, or capital improvements

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1542 pursuant to subsection (11); for payment in lieu of taxes  
1543 pursuant to subsection (12); or for the purposes of subsection  
1544 (5), shall be available for the acquisition of land pursuant to  
1545 this section.

1546 (14) The board of trustees may adopt rules to further  
1547 define the categories of land for acquisition under this  
1548 chapter.

1549 (15) Within 90 days after receiving a certified letter  
1550 from the owner of a property on the Conservation and Recreation  
1551 Lands list or the priority list established pursuant to s.  
1552 259.105 objecting to the property being included in an  
1553 acquisition project, where such property is a project or part of  
1554 a project which has not been listed for purchase in the current  
1555 year's land acquisition work plan, the board of trustees shall  
1556 delete the property from the list or from the boundary of an  
1557 acquisition project on the list.

1558 Section 11. Section 259.035, Florida Statutes, is amended  
1559 to read:

1560 259.035 Acquisition and Restoration Council.--

1561 (1) There is created the Acquisition and Restoration  
1562 Council.

1563 (a) The council shall be composed of nine voting members,  
1564 two ~~four~~ of whom shall be appointed by the Governor, one  
1565 appointed by the Commissioner of Agriculture, and one appointed  
1566 by the Fish and Wildlife Conservation Commission. These four  
1567 appointees shall be from scientific disciplines related to  
1568 agriculture, land, water, or environmental sciences. They shall  
1569 serve 4-year terms, except that, initially, to provide for  
1570 staggered terms, two of the appointees shall serve 2-year terms.  
1571 All subsequent appointments shall be for 4-year terms. No

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1572 appointee shall serve more than 6 years. The Governor,  
1573 Commissioner of Agriculture, or the Fish and Wildlife  
1574 Conservation Commission may at any time fill a vacancy for their  
1575 respective appointment for the unexpired term of a member  
1576 appointed under this paragraph.

1577 (b) The five remaining appointees shall be composed of the  
1578 Secretary of Environmental Protection, the director of the  
1579 Division of Forestry of the Department of Agriculture and  
1580 Consumer Services, the executive director of the Fish and  
1581 Wildlife Conservation Commission, the director of the Division  
1582 of Historical Resources of the Department of State, and the  
1583 secretary of the Department of Community Affairs, or their  
1584 respective designees.

1585 (c) The Governor shall appoint the chair of the council,  
1586 and a vice chair shall be elected from among the members.

1587 (d) The council shall hold periodic meetings at the  
1588 request of the chair.

1589 (e) The Department of Environmental Protection shall  
1590 provide primary staff support to the council and shall ensure  
1591 that council meetings are electronically recorded. Such  
1592 recording shall be preserved pursuant to chapters 119 and 257.

1593 (f) The board of trustees has authority to adopt rules  
1594 pursuant to ss. 120.536(1) and 120.54 to implement the  
1595 provisions of this section.

1596 (2) The four appointed members of the council ~~appointed by~~  
1597 ~~the Governor~~ shall receive \$75 per day while engaged in the  
1598 ~~business of the council, as well as~~ reimbursement for expenses  
1599 and per diem for travel to attend council meetings ~~, including~~  
1600 ~~attendance at meetings~~, as allowed state officers and employees

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1601 while in the performance of their duties, pursuant to s.  
1602 112.061.

1603 (3) The council shall provide assistance to the board of  
1604 trustees in reviewing the recommendations and plans for state-  
1605 owned lands required under ss. 253.034 and 259.032. The council  
1606 shall, in reviewing such recommendations and plans, consider the  
1607 optimization of multiple-use and conservation strategies to  
1608 accomplish the provisions funded pursuant to ss. 259.101(3)(a)  
1609 and 259.105(3)(b).

1610 (4) The council may use existing rules adopted by the  
1611 board of trustees, until it develops and recommends amendments  
1612 to those rules, to competitively evaluate, select, and rank  
1613 projects eligible for the Conservation and Recreation Lands list  
1614 pursuant to ss. 259.032(3) and 259.101(4) and, beginning no  
1615 later than May 1, 2001, for Florida Forever funds pursuant to s.  
1616 259.105(3)(b). In developing or amending the rules, the council  
1617 shall give weight to the criteria included in s. 259.105(10).  
1618 The board of trustees shall review the recommendations and shall  
1619 adopt rules necessary to administer this section.

1620 (5) An affirmative vote of five members of the council is  
1621 required in order to change a project boundary or to place a  
1622 proposed project on a list developed pursuant to subsection (4).  
1623 Any member of the council who by family or a business  
1624 relationship has a connection with all or a portion of any  
1625 proposed project shall declare the interest before voting on its  
1626 inclusion on a list.

1627 (6) The proposal for a project pursuant to this section or  
1628 s. 259.105(3)(b) may be implemented only if adopted by the  
1629 council and approved by the board of trustees. The council shall  
1630 consider and evaluate in writing the merits and demerits of each

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1631 project that is proposed for Conservation and Recreation Lands,  
1632 Florida Preservation 2000, or Florida Forever funding and shall  
1633 ensure that each proposed project will meet a stated public  
1634 purpose for the restoration, conservation, or preservation of  
1635 environmentally sensitive lands and water areas or for providing  
1636 ~~outdoor~~ recreational opportunities. The council also shall  
1637 determine whether the project conforms, where applicable, with  
1638 the comprehensive plan developed pursuant to s. 259.04(1)(a),  
1639 the comprehensive multipurpose outdoor recreation plan developed  
1640 pursuant to s. 375.021, the state lands management plan adopted  
1641 pursuant to s. 253.03(7), the water resources work plans  
1642 developed pursuant to s. 373.199, and the provisions of s.  
1643 259.032, s. 259.101, or s. 259.105, whichever is applicable.

1644 Section 12. Section 259.036, Florida Statutes, is amended  
1645 to read:

1646 259.036 Management review teams.--

1647 (1) To determine whether conservation, preservation, and  
1648 recreation lands titled in the name of the Board of Trustees of  
1649 the Internal Improvement Trust Fund are being managed for the  
1650 purposes for which they were acquired, and in accordance with a  
1651 land management plan adopted pursuant to s. 259.032, and  
1652 achieving the goals of the land management plans provided in s.  
1653 353.034(5), the board of trustees, acting through the Department  
1654 of Environmental Protection, shall cause periodic management  
1655 reviews to be conducted as follows:

1656 (a) The department shall establish a regional land  
1657 management review team composed of the following members:

1658 1. One individual who is from the county or local  
1659 community in which the parcel or project is located and who is



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1660 selected by the county commission in the county which is most  
1661 impacted by the acquisition.

1662 2. One individual from the Division of Recreation and  
1663 Parks of the department or one individual from the department's  
1664 district office in which the parcel is located.

1665 3. One individual from the Division of Forestry of the  
1666 Department of Agriculture and Consumer Services.

1667 4. One individual from the Fish and Wildlife Conservation  
1668 Commission.

1669 ~~5. One individual from the department's district office in~~  
1670 ~~which the parcel is located.~~

1671 ~~56. A private land manager selected by the Department of~~  
1672 ~~Agriculture and Consumer Services mutually agreeable to the~~  
1673 ~~state agency representatives.~~

1674 ~~67. A member of the local soil and water conservation~~  
1675 ~~district board of supervisors.~~

1676 ~~78. A member of a conservation organization.~~

1677 8. A private land manager selected by the Fish and  
1678 Wildlife Conservation Commission.

1679 (b) The staff of the Division of State Lands shall act as  
1680 the review team coordinator for the purposes of establishing  
1681 schedules for the reviews and other staff functions. The  
1682 Legislature shall appropriate funds necessary to implement land  
1683 management review team functions.

1684 (2) The land management review team shall review select  
1685 management areas prior to the date the manager is required to  
1686 submit a 10-year land management plan update. For management  
1687 areas that exceed 1,000 acres in size, the Division of State  
1688 Lands shall schedule a land management review at least every 5  
1689 years. A copy of the review shall be provided to the manager,

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1690 the Division of State Lands, and the Acquisition and Restoration  
1691 Council. The manager shall consider the findings and  
1692 recommendations of the land management review team in finalizing  
1693 the required 10-year update of its management plan.

1694 (3) In conducting a review, the land management review  
1695 team shall evaluate the extent to which the existing management  
1696 plan provides sufficient protection to threatened or endangered  
1697 species, unique or important natural or physical features,  
1698 geological or hydrological functions, or archaeological  
1699 features. The review shall also evaluate the extent to which the  
1700 land is being managed for the purposes for which it was acquired  
1701 and the degree to which actual management practices, including  
1702 public access, are in compliance with the adopted management  
1703 plan.

1704 (4) In the event a land management plan has not been  
1705 adopted within the timeframes specified in s. 259.032(10), the  
1706 department may direct a management review of the property, to be  
1707 conducted by the land management review team. The review shall  
1708 consider the extent to which the land is being managed for the  
1709 purposes for which it was acquired and the degree to which  
1710 actual management practices are in compliance with the  
1711 management policy statement and management prospectus for that  
1712 property.

1713 (5) If the land management review team determines that  
1714 reviewed lands are not being managed for the purposes for which  
1715 they were acquired or in compliance with the adopted land  
1716 management plan, management policy statement, or management  
1717 prospectus, or if the managing agency fails to address the  
1718 review findings in the updated management plan, the department  
1719 shall provide the review findings to the board, and the managing

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1720 agency must report to the board its reasons for managing the  
1721 lands as it has.

1722 (6) No later than the second board meeting in October of  
1723 each year, the department shall report the annual review  
1724 findings of its land management review team.

1725 Section 13. Section 259.037, Florida Statutes, is amended  
1726 to read.

1727 259.037 Land Management Uniform Accounting Council.--

1728 (1) The Land Management Uniform Accounting Council is  
1729 created within the Department of Environmental Protection and  
1730 shall consist of the director of the Division of State Lands,  
1731 the director of the Division of Recreation and Parks, the  
1732 director of the Office of Coastal and Aquatic Managed Areas, and  
1733 the director of the Office of Greenways and Trails of the  
1734 Department of Environmental Protection; the director of the  
1735 Division of Forestry of the Department of Agriculture and  
1736 Consumer Services; the executive director of the Fish and  
1737 Wildlife Conservation Commission; and the director of the  
1738 Division of Historical Resources of the Department of State, or  
1739 their respective designees. Each state agency represented on the  
1740 council shall have one vote. The chair of the council shall  
1741 rotate annually in the foregoing order of state agencies. The  
1742 agency of the representative serving as chair of the council  
1743 shall provide staff support for the council. The Division of  
1744 State Lands shall serve as the recipient of and repository for  
1745 the council's documents. The council shall meet at the request  
1746 of the chair.

1747 (2) The Auditor General and the director of the Office of  
1748 Program Policy Analysis and Government Accountability, or their  
1749 designees, shall advise the council to ensure that appropriate

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1750 accounting procedures are utilized and that a uniform method of  
1751 collecting and reporting accurate costs of land management  
1752 activities are created and can be used by all agencies.

1753 (3) (a) All land management activities and costs must be  
1754 assigned to a specific category, and any single activity or cost  
1755 may not be assigned to more than one category. Administrative  
1756 costs, such as planning or training, shall be segregated from  
1757 other management activities. Specific management activities and  
1758 costs must initially be grouped, at a minimum, within the  
1759 following categories:

- 1760 1.(a) Resource management.  
1761 2.(b) Administration.  
1762 3.(e) New facility construction.  
1763 4.(d) Facility maintenance.

1764  
1765 Upon adoption of the initial list of land management categories  
1766 by the council, agencies assigned to manage conservation or  
1767 recreation lands shall, on July 1, 2000, begin to account for  
1768 land management costs in accordance with the category to which  
1769 an expenditure is assigned.

1770 (b) Each reporting agency shall also:

1771 a. Include a report of the available public use options  
1772 for each tract of state land and the total management cost for  
1773 public access and public use and the cost associated with each  
1774 use option.

1775 b. List the acres of land requiring minimal management  
1776 effort, moderate management effort, and significant management  
1777 effort. For each category they shall include the amount of funds  
1778 requested, the amount of funds received, and the amount of funds  
1779 expended for land management. The report shall also include a

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1780 description of planned land management activities and  
1781 accomplished land management activities.

1782 c. List acres managed and cost of management for each  
1783 tract by natural community delineation, based on the natural  
1784 community category, the natural community group, and the natural  
1785 community type pursuant to s. 253.0325(2).

1786 d. List acres managed, cost of management, and lead  
1787 manager for state lands tracts for which secondary management  
1788 activities were provided.

1789 (4) The council shall report agencies' expenditures  
1790 pursuant to the adopted categories to the President of the  
1791 Senate and the Speaker of the House of Representatives annually,  
1792 beginning July 1, 2001. The council shall also provide this  
1793 report to the Acquisition and Restoration Council for inclusion  
1794 in its annual report required pursuant to s. 259.105.

1795 (5) Should the council determine that the list of land  
1796 management categories needs to be revised, it shall meet upon  
1797 the call of the chair.

1798 Section 14. Subsections (1), (2), (3) and (7) of section  
1799 259.041, Florida Statutes, are amended to read:

1800 259.041 Acquisition of state-owned lands for preservation,  
1801 and recreation purposes.--

1802 (1) Neither the Board of Trustees of the Internal  
1803 Improvement Trust Fund nor its duly authorized agent shall  
1804 commit the state, through any instrument of negotiated contract  
1805 or agreement for purchase, to the purchase of lands with or  
1806 without appurtenances unless the provisions of this section have  
1807 been fully complied with. Except for the requirements of  
1808 subsections (3), (7), (14), and (15), the board of trustees may  
1809 waive any requirements of this section, may waive any rules

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1810 adopted pursuant to this section, notwithstanding chapter 120,  
1811 or may substitute other reasonably prudent procedures, provided  
1812 the public's interest is reasonably protected. The title to  
1813 lands acquired pursuant to this section shall vest in the board  
1814 of trustees as provided in s. 253.03(1), unless otherwise  
1815 provided by law, and all such titled lands shall be administered  
1816 pursuant to the provisions of s. 253.03.

1817 (2) The board of trustees has authority to adopt rules  
1818 pursuant to ss. 120.536(1) and 120.54 to implement the  
1819 provisions of this section, including rules governing the terms  
1820 and conditions of land purchases. Such rules shall address with  
1821 specificity, but not be limited to:

1822 (a) The procedures to be followed in the acquisition  
1823 process, including selection of appraisers, surveyors, title  
1824 agents and closing agents, and the content of appraisal reports.

1825 (b) The determination of the value of parcels which the  
1826 state has an interest to acquire.

1827 (c) Special requirements when multiple landowners are  
1828 involved in an acquisition.

1829 (d) Requirements for obtaining written option agreements  
1830 so that the interests of the state are fully protected.

1831 (e) Special requirements when multiple purchasers are  
1832 involved in an acquisition.

1833 (3) No agreement to acquire real property for the purposes  
1834 described in this chapter, chapter 260, or chapter 375, title to  
1835 which will vest in the board of trustees, may bind the state  
1836 unless and until the agreement has been reviewed and approved by  
1837 the Department of Environmental Protection as complying with the  
1838 requirements of this section and any rules adopted pursuant to  
1839 this section. When the state is a party to a joint acquisition

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1840 in which another entity is contributing to the agreed contract  
1841 price, the state contribution shall not exceed the difference  
1842 between the appraised value, as determined by the state, and the  
1843 sum of the contributions of the other parties. Where any of the  
1844 following conditions exist, the agreement shall be submitted to  
1845 and approved by the board of trustees:

1846 (a) The purchase price agreed to by the seller exceeds the  
1847 value as established pursuant to the rules of the board of  
1848 trustees;

1849 (b) The contract price agreed to by the seller and  
1850 acquiring agency exceeds \$1 million;

1851 (c) The acquisition is the initial purchase in a project;  
1852 or

1853 (d) Other conditions that the board of trustees may adopt  
1854 by rule. Such conditions may include, but not be limited to,  
1855 projects where title to the property being acquired is  
1856 considered nonmarketable or is encumbered in such a way as to  
1857 significantly affect its management.

1858  
1859 Where approval of the board of trustees is required pursuant to  
1860 this subsection, the acquiring agency must provide a  
1861 justification as to why it is in the public's interest to  
1862 acquire the parcel or project. Approval of the board of trustees  
1863 also is required for projects the department recommends  
1864 acquiring pursuant to subsections (14) and (15). Review and  
1865 approval of agreements for acquisitions for Florida Greenways  
1866 and Trails Program properties pursuant to chapter 260 may be  
1867 waived by the department in any contract with nonprofit  
1868 corporations that have agreed to assist the department with this  
1869 program. Where the contribution of the acquiring agency exceeds

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1870 \$100 million, the agreement shall be submitted to and approved  
1871 by the Legislative Budget Commission.

1872 (7) Prior to approval by the board of trustees or, when  
1873 applicable, the Department of Environmental Protection, of any  
1874 agreement to purchase land pursuant to this chapter, chapter  
1875 260, or chapter 375, and prior to negotiations with the parcel  
1876 owner to purchase any other land, title to which will vest in  
1877 the board of trustees, an appraisal of the parcel shall be  
1878 required as follows: (a) The board of trustees shall adopt by  
1879 rule the method for determining the value of parcels sought to  
1880 be acquired by state agencies pursuant to this section.

1881 (b) Each parcel to be acquired shall have at least one  
1882 appraisal. Two appraisals are required when the estimated value  
1883 of the parcel exceeds \$500,000. When two appraisals are  
1884 required, one appraiser shall be selected by the Department of  
1885 Agriculture and Consumer Services. When ~~However, when~~ both  
1886 appraisals exceed \$500,000 and differ significantly, a third  
1887 appraisal shall may be obtained , with the Department of  
1888 Financial Services selecting the third appraiser. Two appraisals  
1889 shall be considered to differ significantly if the higher of the  
1890 two values exceeds 120% of the lower value. When the estimated  
1891 value of the parcel exceeds \$500,000, the review appraiser shall  
1892 be selected by the Department of Financial Services. To provide  
1893 for payment by the agency selecting the second and third  
1894 appraiser and review appraiser, as required by this section, the  
1895 Department of Environmental Protection shall enter into  
1896 interagency agreements with the Department of Agriculture and  
1897 Consumer Services and Department of the Financial Services,  
1898 whereby funds will be transferred to those agencies for that  
1899 purpose upon direction of the selecting agency. When a parcel is



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1900 estimated to be worth \$100,000 or less and the director of the  
1901 Division of State Lands finds that the cost of obtaining an  
1902 outside appraisal is not justified, an appraisal prepared by the  
1903 division may be used. The state is not required to appraise the  
1904 value of lands and appurtenances that are being donated to the  
1905 state.

1906 (c) Appraisal fees and associated costs shall be paid by  
1907 the agency proposing the acquisition. The board of trustees  
1908 shall approve qualified fee appraisal organizations. All  
1909 appraisals used for the acquisition of lands pursuant to this  
1910 section shall be prepared by a member of an approved appraisal  
1911 organization or by a state-certified appraiser who meets the  
1912 standards and criteria established in rule by the board of  
1913 trustees. Each fee appraiser selected to appraise a particular  
1914 parcel shall, prior to contracting with the agency or a  
1915 participant in a multiparty agreement, submit to that agency or  
1916 participant an affidavit substantiating that he or she has no  
1917 vested or fiduciary interest in such parcel.

1918 (d) The fee appraiser and the review appraiser ~~for the~~  
1919 ~~agency~~ shall not act in any way that may be construed as  
1920 negotiating with the property owner.

1921 (e) Generally, appraisal reports are confidential and  
1922 exempt from the provisions of s. 119.07(1), for use by the  
1923 agency and the board of trustees, until an option contract is  
1924 executed or, if no option contract is executed, until 2 weeks  
1925 before a contract or agreement for purchase is considered for  
1926 approval by the board of trustees. However, the department has  
1927 the authority, at its discretion, to disclose appraisal reports  
1928 to private landowners during negotiations for acquisitions using  
1929 alternatives to fee simple techniques, if the department

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1930 determines that disclosure of such reports will bring the  
1931 proposed acquisition to closure. The Division of State Lands may  
1932 also disclose appraisal information to public agencies or  
1933 nonprofit organizations that agree to maintain the  
1934 confidentiality of the reports or information when joint  
1935 acquisition of property is contemplated, or when a public agency  
1936 or nonprofit organization enters into a written multiparty  
1937 agreement with the division to purchase and hold property for  
1938 subsequent resale to the division. In addition, the division may  
1939 use, as its own, appraisals obtained by a public agency or  
1940 nonprofit organization, provided the appraiser is selected from  
1941 the division's list of appraisers and the appraisal is reviewed  
1942 and approved by the division. For the purposes of this chapter,  
1943 "nonprofit organization" means an organization whose purposes  
1944 include the preservation of natural resources, and which is  
1945 exempt from federal income tax under s. 501(c)(3) of the  
1946 Internal Revenue Code. The agency may release an appraisal  
1947 report when the passage of time has rendered the conclusions of  
1948 value in the report invalid or when the acquiring agency has  
1949 terminated negotiations.

1950 (f) The Division of State Lands may use, as its own,  
1951 appraisals obtained by a public agency or nonprofit  
1952 organization, provided that the appraiser is selected from the  
1953 division's list of appraisers and the appraisal is reviewed and  
1954 approved by the division. For the purposes of this chapter, the  
1955 term "nonprofit organization" means an organization whose  
1956 purposes include the preservation of natural resources and which  
1957 is exempt from federal income tax under s. 501(c)(3) of the  
1958 Internal Revenue Code.  
1959

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1960 Notwithstanding the provisions of this subsection, on behalf of  
1961 the board and before the appraisal of parcels approved for  
1962 purchase under this chapter, the Secretary of Environmental  
1963 Protection or the director of the Division of State Lands may  
1964 enter into option contracts to buy such parcels. Any such option  
1965 contract shall state that the final purchase price is subject to  
1966 approval by the board or, when applicable, the secretary and  
1967 that the final purchase price may not exceed the maximum offer  
1968 allowed by law. Any such option contract shall not be presented  
1969 to the board for final purchase price approval without prior  
1970 appropriation from the Legislature. The consideration for such  
1971 an option may not exceed \$1,000 or 0.01 percent of the estimate  
1972 by the department of the value of the parcel, whichever amount  
1973 is greater.

1974 Section 15. Section 259.105, Florida Statutes, is amended  
1975 to read:

1976 259.105 The Florida Forever Act.--

1977 (1) This section may be cited as the "Florida Forever  
1978 Act."

1979 (2) (a) The Legislature finds and declares that:

1980 1. The land acquisition programs have ~~Preservation 2000~~  
1981 ~~program~~ provided tremendous financial resources for purchasing  
1982 environmentally significant lands to protect those lands from  
1983 imminent development or further alteration, thereby assuring  
1984 present and future generations access to important waterways,  
1985 open spaces and recreation and conservation lands.

1986 2. The continued alteration and development of Florida's  
1987 natural areas to accommodate the state's rapidly growing  
1988 population have contributed to the degradation of water  
1989 resources, the fragmentation and destruction of wildlife

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1990 habitats including habitat necessary to support, recover and  
1991 sustain imperiled species, the loss of outdoor recreation space,  
1992 and the diminishment of wetlands, forests, agriculture, working  
1993 water fronts, coastal open space and public beaches.

1994 3. The potential development of Florida's remaining  
1995 natural areas and escalation of land values require a  
1996 continuation of government efforts to restore, enhance and  
1997 manage, bring under public protection the state's essential  
1998 ecological functions, or acquire lands and water areas to  
1999 preserve the state's invaluable quality of life.

2000 4. It is essential to protect the state's ecosystems by  
2001 promoting a more efficient use of land, ensuring opportunities  
2002 for viable agricultural activities on working lands, and to  
2003 promote vital rural and urban communities which support and  
2004 produce development patterns consistent with natural resource  
2005 protection.

2006 5. 4- Florida's groundwater, surface waters, and springs  
2007 are under tremendous pressure due to population growth and  
2008 economic expansion and require special protection and  
2009 restoration efforts, including the protection of upland aquifer  
2010 recharge system and springsheds. To ensure that sufficient  
2011 quantities of water are available to meet the current and future  
2012 needs of the natural systems, including springs and springsheds  
2013 that provide vital recharge to aquifer systems, and citizens of  
2014 the state, and assist in achieving the planning goals of the  
2015 department and the water management districts, water resource  
2016 development projects, and alternative water supplies as defined  
2017 in s.373.109 on public lands, where compatible with the resource  
2018 values of and management objectives for the lands, are  
2019 appropriate.

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2020           6. 5. The needs of urban, suburban and small communities  
2021 in Florida for high-quality outdoor recreational opportunities,  
2022 greenways, trails, and open space have not been fully met by  
2023 previous acquisition programs. Through such programs as the  
2024 Florida Communities Trust and the Florida Recreation Development  
2025 Assistance Program, the state shall place additional emphasis on  
2026 acquiring, protecting, preserving, and restoring open space,  
2027 ecological greenways, and recreation properties within urban  
2028 areas where pristine natural communities or water bodies no  
2029 longer exist because of the proximity of developed property.

2030           7. 6. Many of Florida's unique ecosystems, such as the  
2031 Florida Everglades, are facing ecological collapse due to  
2032 Florida's burgeoning population growth and other economic  
2033 activities. To preserve, restore, enhance, and manage these  
2034 valuable ecosystems for future generations and as habitat for  
2035 Florida's imperiled species, essential parcels of land must be  
2036 acquired, restored, enhanced, and managed in the long term to  
2037 facilitate ecosystem restoration.

2038           8. 7. Access to public lands to support a broad range of  
2039 recreation, including but not limited to, outdoor recreational  
2040 opportunities and the development of necessary infrastructure,  
2041 where compatible with the resource values of and management  
2042 objectives for such lands, promotes an appreciation for  
2043 Florida's natural assets and improves the quality of life.

2044           9. 8. Acquisition of lands, in fee simple or less-than-fee  
2045 in any lesser interest, should be based on a comprehensive  
2046 science based assessment of Florida's natural resources,  
2047 including imperiled species habitat, developed pursuant to s.  
2048 259.032(3) that targets essential conservation lands by  
2049 prioritizing all current and future acquisitions based on a

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2050 uniform set of data and planned so as to protect, restore,  
2051 enhance, and manage the integrity and function of ecological  
2052 systems and working landscapes, including agriculture, and  
2053 provide multiple benefits, including preservation, enhancement,  
2054 restoration and management of fish and wildlife habitat,  
2055 recreation space for urban and ~~as well as~~ rural areas, and water  
2056 recharge, flow and storage.

2057 10. The Legislature recognizes that the state must play a  
2058 major role in the recovery and management of its imperiled  
2059 species through the acquisition, restoration, enhancement and  
2060 management of ecosystems to support the major life functions of  
2061 imperiled species. It is the intent of the Legislature to  
2062 support local, state and federal programs that provide private  
2063 land owners meaningful incentives to restore and manage such  
2064 habitat on private lands. It is further the intent of the  
2065 Legislature that public lands, both existing and to be acquired  
2066 in any fashion, be restored, enhanced and managed as habitat for  
2067 imperiled species as recommended by the Florida Fish and  
2068 Wildlife Conservation Commission without unnecessarily  
2069 restricting the use of such land for recreational and water  
2070 supply uses.

2071 11. ~~9.~~ The state has embraced performance-based program  
2072 budgeting as a tool to evaluate the achievements of publicly  
2073 funded agencies, build in accountability, and reward those  
2074 agencies which are able to consistently achieve quantifiable  
2075 goals. While previous and existing state environmental programs  
2076 have achieved varying degrees of success, few of these programs  
2077 can be evaluated as to the extent of their achievements,  
2078 primarily because performance measures, standards, outcomes, and  
2079 goals were not established at the outset. Therefore, the Florida

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2080 Forever program shall be developed and implemented in the  
2081 context of measurable state goals and objectives, which shall  
2082 include restoration, enhancement and management of imperiled  
2083 species habitat.

2084 12. 10. It is the intent of the Legislature to change the  
2085 focus and direction of the state's major land acquisition  
2086 programs and to extend funding and bonding capabilities, so that  
2087 future generations may enjoy the natural resources of Florida,  
2088 and:

2089 i. the state fulfills its role in the recovery and  
2090 management of Florida's imperiled species;  
2091 ii. provides ample access to Florida waterways and;  
2092 iii. enhances adequate water supply to meet the needs of  
2093 natural systems as well as Florida citizens"

2094 (b) The Legislature recognizes that acquisition is only  
2095 one way to achieve the aforementioned goals and encourages the  
2096 development of creative partnerships between governmental  
2097 agencies and private landowners. ~~Land~~ Such partnerships shall  
2098 include the use of environmental mitigation or conservation  
2099 measures, including funds and the relocation of imperiled  
2100 species, from public or private projects as a means to restore,  
2101 enhance, restock and manage publicly-owned lands as a natural  
2102 resource, including as habitat for imperiled species. In  
2103 addition, land protection agreements, rural land stewardship  
2104 agreements, sector planning, mitigation, and similar tools  
2105 should be used, where appropriate, to bring environmentally  
2106 sensitive tracts under an acceptable level of protection at a  
2107 lower financial cost to the public, and to provide private  
2108 landowners with the opportunity to enjoy and benefit from their  
2109 property.

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2110 (c) Public agencies or other entities that receive funds  
2111 under this section shall ~~are encouraged to better~~ coordinate  
2112 their expenditures with the Fish and Wildlife Conservation  
2113 Commission so that project acquisitions, when combined with  
2114 acquisitions under Florida Forever, Preservation 2000, Save Our  
2115 Rivers, the Florida Communities Trust, imperiled species  
2116 management plans and programs, and other public land acquisition  
2117 programs, will form more complete patterns of protection for and  
2118 management of natural areas, habitat for Florida's wildlife  
2119 including imperiled species, ecological greenways, and  
2120 functioning ecosystems, to better accomplish the intent of this  
2121 section.

2122 (d) A long-term financial commitment to restoring,  
2123 enhancing and managing Florida's public lands, including the  
2124 restoration, enhancement, restocking and management of public  
2125 lands for the recovery and management of imperiled species,  
2126 where appropriate, must accompany any ~~new~~ land acquisition  
2127 program to ensure that the natural resource values of such lands  
2128 are restored, enhanced, managed, and protected, that the public  
2129 has the opportunity to enjoy the lands to their fullest  
2130 potential, and that the state achieves the full benefits of its  
2131 investment of public dollars. Innovative strategies such as  
2132 public-private partnerships and inter-agency planning and  
2133 sharing of resources shall be used to achieve the state's  
2134 management goals.

2135 (e) With limited dollars available for restoration,  
2136 enhancement, management, and acquisition of land and water areas  
2137 and for providing long-term management and capital improvements,  
2138 a competitive selection process shall ~~can~~ select those projects



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2139 best able to meet the goals of Florida Forever and maximize the  
2140 efficient use of the program's funding.

2141 (f) To ensure success and provide accountability to the  
2142 citizens of this state, it is the intent of the Legislature that  
2143 any cash bond or other proceeds used pursuant to this section be  
2144 used to implement the goals and objectives based on a  
2145 comprehensive science based assessment of Florida's natural  
2146 resources developed pursuant to s. 259.032(3) that targets  
2147 essential conservation lands by prioritizing all current and  
2148 future acquisitions based on a uniform set of data established  
2149 by rules developed and adopted by the Acquisition and  
2150 Restoration Council, approved by the board of trustee, and  
2151 approved by the legislature ~~recommended by the Florida Forever~~  
2152 ~~Advisory Council as approved by the Board of Trustees of the~~  
2153 ~~Internal Improvement Trust Fund and the Legislature.~~

2154 (g) As it has with previous land acquisition programs, the  
2155 Legislature recognizes the desires of the citizens of this state  
2156 to prosper through economic development and to restore, enhance,  
2157 manage and preserve the natural areas and recreational open  
2158 space of Florida. The Legislature further recognizes the urgency  
2159 of restoring, enhancing and managing the natural functions,  
2160 including wildlife and imperiled species habitat functions, of  
2161 public lands or water bodies before they are degraded to a point  
2162 where recovery may never occur, yet acknowledges the difficulty  
2163 of ensuring adequate funding for restoration, enhancement, and  
2164 management efforts in light of other equally critical financial  
2165 needs of the state. It is the Legislature's desire and intent to  
2166 fund the implementation of this section and to do so in a  
2167 fiscally responsible manner, by issuing bonds to be repaid with  
2168 documentary stamp tax revenue or other revenue sources, and by

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2169 establishing programs to accept and use mitigation and  
2170 conservation measures from public or private projects that may  
2171 be required under other state or federal programs to restore,  
2172 enhance, manage and preserve public lands as, among other  
2173 things, imperiled species habitat and for the recovery or  
2174 reestablishment of imperiled species.

2175 (h) The Legislature further recognizes the important role  
2176 that many of our state and federal military installations  
2177 contribute to protecting and preserving Florida's natural  
2178 resources as well as our economic prosperity. Where the state's  
2179 land conservation plans overlap with the military's need to  
2180 protect lands, waters, and habitat to ensure the sustainability  
2181 of military missions, it is the Legislature's intent that  
2182 agencies receiving funds under this program cooperate with our  
2183 military partners to protect and buffer military installations  
2184 and military airspace, by:

2185 1. Protecting, acquiring, restoring and managing habitat  
2186 on nonmilitary land for any species found on military land that  
2187 is designated as threatened or endangered, or is a candidate for  
2188 such designation under the Endangered Species Act, Florida Fish  
2189 and Wildlife Commissionrules or any Florida statute, or for  
2190 which has a management plan approved by the commission;

2191 2. Providing the military with technical assistance to  
2192 restore, enhance and manage military land as habitat for  
2193 imperiled species or species designated as threatened or  
2194 endangered, or a candidate for such designation and for the  
2195 recovery or reestablishment of such species.

2196 3. ~~2.~~ Protecting areas underlying low-level military air  
2197 corridors or operating areas; and

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2198           4. ~~3.~~ Protecting areas identified as clear zones, accident  
2199 potential zones, and air installation compatible use buffer  
2200 zones delineated by our military partners.

2201           (3) Less the costs of issuing and the costs of funding  
2202 reserve accounts and other costs associated with bonds, the  
2203 proceeds of bonds issued pursuant to this section, or cash  
2204 payments shall be deposited into the Florida Forever Trust Fund  
2205 created by s. 259.1051. The proceeds shall be distributed by the  
2206 Department of Environmental Protection in the following manner:

2207           (a) Thirty-five percent to the Department of Environmental  
2208 Protection for the acquisition of lands and capital project  
2209 expenditures necessary to implement the water management  
2210 districts' priority lists developed pursuant to s. 373.199. The  
2211 funds are to be distributed to the water management districts as  
2212 provided in subsection (11). A minimum of 50 percent of the  
2213 total funds provided over the life of the Florida Forever  
2214 program pursuant to this paragraph shall be used for the  
2215 acquisition of lands.

2216           (b) Thirty-five percent to the Department of Environmental  
2217 Protection for the acquisition, restoration, enhancement, and  
2218 management of lands and for capital project expenditures  
2219 described in this section and developed in a criteria based,  
2220 multi-tiered, goal-oriented program. Of the proceeds distributed  
2221 pursuant to this paragraph, it is the intent of the Legislature  
2222 that an increased priority be given to those acquisitions which  
2223 achieve a combination of conservation goals, including  
2224 protecting Florida's water resources and, providing support for  
2225 developing alternative water supplies as defined in s.373.109,  
2226 natural groundwater recharge, and the restoration, enhancement,  
2227 restocking and management of habitat for imperiled species. At a

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2228 minimum, 3 percent, and no more than 10 percent, of the funds  
2229 allocated pursuant to this paragraph, shall be spent on capital  
2230 project expenditures identified during the time of acquisition  
2231 that meets land management planning activities necessary for  
2232 public access ~~Capital project expenditures may not exceed 10~~  
2233 ~~percent of the funds allocated pursuant to this paragraph.~~

2234 (c) Twenty-two percent to the Department of Environmental  
2235 Protection ~~Community Affairs~~ for use by the Florida Communities  
2236 Trust for the purposes of part III of chapter 380, as described  
2237 and limited by this subsection, and grants to local governments  
2238 or nonprofit environmental organizations that are tax-exempt  
2239 under s. 501(c)(3) of the United States Internal Revenue Code  
2240 for the acquisition of community-based projects, urban open  
2241 spaces, parks, habitat for imperiled species, and greenways to  
2242 implement local government comprehensive plans. From funds  
2243 available to the trust and used for land acquisition, 75 percent  
2244 shall be matched by local governments on a dollar-for-dollar  
2245 basis. The Legislature intends that the Florida Communities  
2246 Trust emphasize funding projects in low-income or otherwise  
2247 disadvantaged communities. At least 30 percent of the total  
2248 allocation provided to the trust shall be used in Standard  
2249 Metropolitan Statistical Areas, but one-half of that amount  
2250 shall be used in localities in which the project site is located  
2251 in built-up commercial, industrial, or mixed-use areas and  
2252 functions to intersperse open spaces within congested urban core  
2253 areas. From funds allocated to the trust, no less than 5 percent  
2254 shall be used to acquire lands for recreational trail systems,  
2255 provided that in the event these funds are not needed for such  
2256 projects, they will be available for other trust projects. Local  
2257 governments may use federal grants or loans, private donations,

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2258 or environmental mitigation funds, including environmental  
2259 mitigation funds required pursuant to s. 338.250, for any part  
2260 or all of any local match required for acquisitions funded  
2261 through the Florida Communities Trust. Any lands purchased by  
2262 nonprofit organizations using funds allocated under this  
2263 paragraph must provide for such lands to remain permanently in  
2264 public use through a reversion of title to local or state  
2265 government, conservation easement, or other appropriate  
2266 mechanism. Projects funded with funds allocated to the Trust  
2267 shall be selected in a competitive process measured against  
2268 criteria adopted in rule by the Trust. Lands acquired using  
2269 funds allocated under this paragraph which include imperiled  
2270 species habitat must be restored and managed to advance the  
2271 goals and objectives of Fish and Wildlife Conservation  
2272 Commission approved management plans or in accordance with  
2273 technical assistance provided by the Fish and Wildlife  
2274 Conservation Commission.

2275 (d) Two percent to the Department of Environmental  
2276 Protection for grants pursuant to s. 375.075. Lands acquired  
2277 using funds allocated under this paragraph which include  
2278 imperiled species habitat must be restored and managed to  
2279 advance the goals and objectives of Fish and Wildlife  
2280 Conservation Commission approved management plans or in  
2281 accordance with technical assistance provided by the Fish and  
2282 Wildlife Conservation Commission.

2283 (e) One and five-tenths percent to the Department of  
2284 Environmental Protection for the purchase of inholdings and  
2285 additions to state parks and for capital project expenditures,  
2286 including land restoration, enhancement and management costs,  
2287 as described in this section. At a minimum, 1 percent, and no

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2288 more than 10 percent, of the funds allocated pursuant to this  
2289 paragraph, shall be spent on capital project expenditures  
2290 identified during the time of acquisition that meets land  
2291 management planning activities necessary for public access  
2292 ~~Capital project expenditures may not exceed 10 percent of the~~  
2293 ~~funds allocated under this paragraph.~~ For the purposes of this  
2294 paragraph, "state park" means any real property in the state  
2295 which is under the jurisdiction of the Division of Recreation  
2296 and Parks of the department, or which may come under its  
2297 jurisdiction. Lands acquired using funds allocated under this  
2298 paragraph which include imperiled species habitat must be  
2299 restored and managed to advance the goals and objectives of Fish  
2300 and Wildlife Conservation Commission approved management plans  
2301 or in accordance with technical assistance provided by the Fish  
2302 and Wildlife Conservation Commission.

2303 (f) One and five-tenths percent to the ~~Division of~~  
2304 ~~Forestry of the~~ Department of Agriculture and Consumer Services  
2305 to fund easements pursuant to s. 570.71(2)(a) and (b), the  
2306 acquisition of state forest inholdings and additions pursuant to  
2307 s. 589.07, the implementation of reforestation plans or  
2308 sustainable forestry management practices, and for capital  
2309 project expenditures, including land restoration, enhancement  
2310 and management costs, as described in this section. At a  
2311 minimum, 1 percent, and no more than 10 percent, of the funds  
2312 allocated for the acquisition of inholdings and additions  
2313 pursuant to this paragraph, shall be spent on capital project  
2314 expenditures identified during the time of acquisition that  
2315 meets land management planning activities necessary for public  
2316 access ~~Capital project expenditures may not exceed 10 percent of~~  
2317 ~~the funds allocated under this paragraph.~~

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2318 (g) One and five-tenths percent to the Fish and Wildlife  
2319 Conservation Commission to fund the acquisition ~~of~~, restoration,  
2320 enhancement and management of lands, imperiled species habitat,  
2321 inholdings, and additions to lands managed by the commission  
2322 which are important to the conservation of fish and wildlife and  
2323 for capital project expenditures as described in this section.  
2324 Beginning July 1, 2008 and ending June 30, 2010, up to 50  
2325 percent of the total funds provided pursuant to this paragraph  
2326 shall be used to protect, manage, or restore habitat for native  
2327 or imperiled species. At a minimum, 1 percent, and no more than  
2328 10 percent, of the funds allocated pursuant to this paragraph,  
2329 shall be spent on capital project expenditures identified during  
2330 the time of acquisition that meets land management planning  
2331 activities necessary for public access ~~Capital project~~  
2332 ~~expenditures may not exceed 10 percent of the funds allocated~~  
2333 ~~under this paragraph.~~

2334 (h) One and five-tenths percent to the Department of  
2335 Environmental Protection for the Florida Greenways and Trails  
2336 Program, to acquire greenways and trails or greenways and trail  
2337 systems pursuant to chapter 260, including, but not limited to,  
2338 abandoned railroad rights-of-way and the Florida National Scenic  
2339 Trail and for capital project expenditures , including land  
2340 restoration, enhancement and management costs, as described in  
2341 this section. Capital project expenditures may not exceed 10  
2342 percent of the funds allocated under this paragraph.

2343 (i) It is the intent of the Legislature that proceeds of  
2344 Florida Forever bonds distributed under this section shall be  
2345 expended in an efficient and fiscally responsible manner. An  
2346 agency that receives proceeds from Florida Forever bonds under  
2347 this section may not maintain a balance of unencumbered funds in

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2348 its Florida Forever subaccount beyond 3 fiscal years from the  
2349 date of deposit of funds from each bond issue. Any funds that  
2350 have not been expended or encumbered after 3 fiscal years from  
2351 the date of deposit shall be distributed by the Legislature at  
2352 its next regular session for use in the Florida Forever program.

2353 (j) For the purposes of paragraphs (d), (e), (f), and (g),  
2354 the agencies which receive the funds shall develop their  
2355 individual acquisition or restoration lists based on a  
2356 comprehensive science based assessment of Florida's natural  
2357 resources developed pursuant to s. 259.032(3) that targets  
2358 essential conservation lands by prioritizing all current and  
2359 future acquisitions based on a uniform set of data established  
2360 by rules developed and adopted by the Acquisition and  
2361 Restoration Council, approved by the board of trustee, and  
2362 submitted to the legislature. Proposed additions may be acquired  
2363 if they are identified within the original project boundary, the  
2364 management plan required pursuant to s. 253.034(5), or the  
2365 management prospectus required pursuant to s. 259.032(9)(d), or  
2366 contains imperiled species habitat the acquisition, restoration  
2367 or management plans. Proposed additions not meeting the  
2368 requirements of this paragraph shall be submitted to the  
2369 Acquisition and Restoration Council for approval. The council  
2370 may only approve the proposed addition if it meets two or more  
2371 of the following criteria: serves as a link or corridor to other  
2372 publicly owned property; enhances the protection or management  
2373 of the property; would add a desirable resource to the property,  
2374 including the provision of habitat for imperiled species; would  
2375 create a more manageable boundary configuration; has a high  
2376 resource value that otherwise would be unprotected or that may  
2377 be enhanced through the implementation or imperiled species



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2378 management plans; or can be acquired at less than fair market  
2379 value.

2380 (4) It is the intent of the Legislature that projects or  
2381 acquisitions funded pursuant to paragraphs (3)(a) and (b)  
2382 contribute to the achievement of the following goals based on a  
2383 comprehensive science based assessment of Florida's natural  
2384 resources developed pursuant to s. 259.032(3) that targets  
2385 essential conservation lands by prioritizing all current and  
2386 future acquisitions based on a uniform set of data established  
2387 by rules developed and adopted by the Acquisition and  
2388 Restoration Council, approved by the board of trustee, and  
2389 submitted to the legislature:

2390 (a) Enhance the coordination and completion of land  
2391 acquisition projects, as measured by:

2392 1. The number of acres acquired, restored, enhanced and  
2393 managed through the state's land acquisition programs that  
2394 contribute to enhancement of essential natural resources,  
2395 ecosystem service parcels, and connecting linkage corridors as  
2396 identified and developed by the best available scientific  
2397 analysis ~~the completion of Florida Preservation 2000 projects or~~  
2398 ~~projects begun before Preservation 2000;~~

2399 2. The number of acres protected, restored, enhanced and  
2400 managed through the use of alternatives to fee simple  
2401 acquisition; or

2402 3. The number of shared acquisition projects among Florida  
2403 Forever funding partners and partners with other funding  
2404 sources, including local governments, private entities, and the  
2405 Federal Government.

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2406 (b) Increase the protection of Florida's biodiversity at  
2407 the species, natural community, and landscape levels, as  
2408 measured by:

2409 1. The number of acres acquired of significant strategic  
2410 habitat conservation areas;

2411 2. The number of acres acquired of highest priority  
2412 conservation areas for Florida's rarest species;

2413 3. The number of acres acquired of significant landscapes,  
2414 landscape linkages, and conservation corridors, giving priority  
2415 to completing linkages;

2416 4. The number of acres acquired of underrepresented native  
2417 ecosystems;

2418 5. The number of landscape-sized protection areas of at  
2419 least 50,000 acres that exhibit a mosaic of predominantly intact  
2420 or restorable natural communities established through new  
2421 acquisition projects or augmentations to previous projects; or

2422 6. The percentage increase in the number of occurrences of  
2423 endangered species, threatened species, or species of special  
2424 concern on publicly managed conservation areas.

2425 7. The number of acres which represent actual or potential  
2426 imperiled species habitat; and,

2427 8. The number of acres which are subject to a management  
2428 plan to restore, enhance restock and manage imperiled species  
2429 habitat, and the number of acres of imperiled species habitat  
2430 restored, restocked or enhanced, and are managed that advance  
2431 the goals and objectives of Florida Fish and Wildlife  
2432 Commission approved management plans.

2433 (c) Protect, restore, and maintain the quality and natural  
2434 functions of land, water, and wetland systems of the state, as  
2435 measured by:

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2436 1. The number of acres of publicly owned land identified  
2437 as needing restoration, enhancement and management, acres  
2438 undergoing restoration or enhancement, and acres with  
2439 restoration or enhancement activities completed, and acres  
2440 managed to maintain such restored or enhanced conditions;

2441 2. The percentage of water segments that fully meet,  
2442 partially meet, or do not meet their designated uses as reported  
2443 in the Department of Environmental Protection's State Water  
2444 Quality Assessment 305(b) Report;

2445 3. The percentage completion of targeted capital  
2446 improvements in surface water improvement and management plans  
2447 created under s. 373.453(2), regional or master stormwater  
2448 management system plans, or other adopted restoration plans;

2449 4. The number of acres acquired that protect natural  
2450 floodplain functions;

2451 5. The number of acres acquired that protect surface  
2452 waters of the state;

2453 6. The number of acres identified for acquisition to  
2454 minimize damage from flooding and the percentage of those acres  
2455 acquired, restored, enhanced and management;

2456 7. The number of acres acquired that protect fragile  
2457 coastal resources;

2458 8. The number of acres of functional wetland systems  
2459 protected;

2460 9. The percentage of miles of critically eroding beaches  
2461 contiguous with public lands that are restored or protected from  
2462 further erosion;

2463 10. The percentage of public lakes and rivers in which  
2464 invasive, nonnative aquatic plants are under maintenance  
2465 control; or

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2466           11. The number of acres of public conservation lands in  
2467 which upland invasive, exotic plants are under maintenance  
2468 control.

2469           12. The number of acres acquired, restored, enhanced or  
2470 managed that serve as habitat for imperiled species which  
2471 advance the goals and objectives of Florida Fish and Wildlife  
2472 Commissionapproved plans.

2473           (d) Ensure that sufficient quantities of water are  
2474 available to meet the current and future needs of natural  
2475 systems and the citizens of the state, as measured by:

2476           1. The number of acres acquired which provide retention  
2477 and storage of surface water in naturally occurring storage  
2478 areas, such as lakes and wetlands, consistent with the  
2479 maintenance of water resources or water supplies and consistent  
2480 with district water supply plans;

2481           2. The quantity of water made available through the water  
2482 resource development component of a district water supply plan  
2483 for which a water management district is responsible; or

2484           3. The number of acres acquired of groundwater recharge  
2485 areas critical to springs, sinks, aquifers, other natural  
2486 systems, or water supply.

2487           (e) Increase natural resource-based public recreational  
2488 and educational opportunities, as measured by:

2489           1. The number of acres acquired that are available for  
2490 natural resource-based public recreation or education;

2491           2. The miles of trails that are available for public  
2492 recreation, giving priority to those that provide significant  
2493 connections including those that will assist in completing the  
2494 Florida National Scenic Trail; or

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2495           3. The number of new resource-based recreation facilities,  
2496 by type, made available on public land.

2497           4. The means in which support is provided for the  
2498 development of alternative water supply projects as defined in  
2499 s.373.109.

2500           (f) Preserve significant archaeological or historic sites,  
2501 as measured by:

2502           1. The increase in the number of and percentage of  
2503 historic and archaeological properties listed in the Florida  
2504 Master Site File or National Register of Historic Places which  
2505 are protected or preserved for public use; or

2506           2. The increase in the number and percentage of historic  
2507 and archaeological properties that are in state ownership.

2508           (g) Increase the amount of forestland available for  
2509 sustainable management of natural resources, including imperiled  
2510 species, as measured by:

2511           1. The number of acres acquired that are available for  
2512 sustainable forest management;

2513           2. The number of acres of state-owned forestland managed  
2514 for economic return in accordance with current best management  
2515 practices;

2516           3. The number of acres of forestland acquired that will  
2517 serve to maintain natural groundwater recharge functions; or

2518           4. The number of acres of forestland which serves as  
2519 habitat or potential habitat for imperiled species and which  
2520 advance the goals and objectives of Florida Fish and Wildlife  
2521 Commission approved management plans; or

2522           5. The percentage and number of acres identified for  
2523 restoration actually restored by reforestation.

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2524 (h) Increase the amount of open space available in urban  
2525 areas, as measured by:

2526 1. The percentage of local governments that participate in  
2527 land acquisition programs and acquire open space in urban cores;  
2528 or

2529 2. The percentage and number of acres of purchases of open  
2530 space within urban service areas.

2531  
2532 Florida Forever projects and acquisitions funded pursuant to  
2533 paragraph (3)(c) shall be measured by goals developed by rule by  
2534 the Florida Communities Trust Governing Board created in s.  
2535 380.504.

2536 (5) (a) All lands acquired, restored, enhanced or managed  
2537 pursuant to this section shall be managed for multiple-use  
2538 purposes, where compatible with the resource values of and  
2539 management objectives for such lands. As used in this section,  
2540 "multiple-use" includes, but is not limited to, outdoor  
2541 recreational activities as described in ss. 253.034 and  
2542 259.032(9)(b), water resource development projects, imperiled  
2543 species habitat restoration, enhancement, restocking and  
2544 management, including actions which advance the goals and  
2545 objectives of Florida Fish and Wildlife Commission approved  
2546 management plans, and sustainable forestry management.

2547 (b) Upon a decision by the entity in which title to lands  
2548 acquired pursuant to this section has vested, such lands may be  
2549 designated single use as defined in s.253.034(2)(b). Concurrence  
2550 in such designation from the Florida Fish and Wildlife  
2551 Commission is required if all or a portion such land is habitat  
2552 for imperiled species.

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2553 (6) As provided in this section, a water resource or water  
2554 supply development project may be allowed only if the following  
2555 conditions are met: minimum flows and levels have been  
2556 established for those waters, if any, which may reasonably be  
2557 expected to experience significant harm to water resources as a  
2558 result of the project; the project complies with all applicable  
2559 permitting requirements; and the project is consistent with the  
2560 regional water supply plan, if any, of the water management  
2561 district and with relevant recovery or prevention strategies if  
2562 required pursuant to s. 373.0421(2).

2563 (7) (a) Beginning no later than July 1, 2001, and every  
2564 year thereafter, the Acquisition and Restoration Council shall  
2565 accept applications from state agencies, local governments,  
2566 nonprofit and for-profit organizations, private land trusts, and  
2567 individuals for project proposals eligible for funding pursuant  
2568 to paragraph (3)(b). The council shall evaluate the proposals  
2569 received pursuant to this subsection to ensure that they meet at  
2570 least one of the criteria under subsection (9).

2571 (b) Project applications shall contain, at a minimum, the  
2572 following:

2573 1. A minimum of two numeric performance measures that  
2574 directly relate to the overall goals adopted by the council.  
2575 Each performance measure shall include a baseline measurement,  
2576 which is the current situation; a performance standard which the  
2577 project sponsor anticipates the project will achieve; and the  
2578 performance measurement itself, which should reflect the  
2579 incremental improvements the project accomplishes towards  
2580 achieving the performance standard. Projects that include  
2581 imperiled species habitat shall include performance measures  
2582 developed by or in coordination with the Florida Fish and

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2583 Wildlife Commission to restore, enhance, restock and manage such  
2584 habitat and to advance the goals and objectives of Florida Fish  
2585 and Wildlife Commission approved management plans.

2586         2. Proof that property owners within any proposed  
2587 acquisition have been notified of their inclusion in the  
2588 proposed project. Any property owner may request the removal of  
2589 such property from further consideration by submitting a request  
2590 to the project sponsor or the Acquisition and Restoration  
2591 Council by certified mail. Upon receiving this request, the  
2592 council shall delete the property from the proposed project;  
2593 however, the board of trustees, at the time it votes to approve  
2594 the proposed project lists pursuant to subsection (16), may add  
2595 the property back on to the project lists if it determines by a  
2596 super majority of its members that such property is critical to  
2597 achieve the purposes of the project.

2598         (c) The title to lands acquired under this section shall  
2599 vest in the Board of Trustees of the Internal Improvement Trust  
2600 Fund, except that title to lands acquired by a water management  
2601 district shall vest in the name of that district and lands  
2602 acquired by a local government shall vest in the name of the  
2603 purchasing local government. For lands acquired under this  
2604 section by a local government which were designated as being  
2605 acquired for conservation purposes and which are determined to  
2606 be no longer needed for conservation purposes, the local  
2607 government shall convey title to the land to the Board of  
2608 Trustees. For lands acquired under this section by a water  
2609 management district which were designated as being acquired for  
2610 conservation purposes and which are determined to be no longer  
2611 needed for conservation purposes in accordance with s. 373.159  
2612 (6) (c), the water management district shall not dispose of the



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2613 land until they afford an opportunity to the county in which the  
2614 land is situated and the Board of Trustees to acquire the land.  
2615 The county shall first be afforded the opportunity under the  
2616 provisions of s. 253.111. If the county declines to acquire the  
2617 land in accord with those provisions, the land shall be offered  
2618 to the Board of Trustees to acquire the land.

2619 (8) The Acquisition and Restoration Council shall develop  
2620 a project list that shall represent those projects submitted  
2621 pursuant to subsection (7).

2622 (9) The Acquisition and Restoration Council shall adopt an  
2623 annual workplan that provides a priority ranking for ~~recommend~~  
2624 ~~rules for adoption by the board of trustees to competitively~~  
2625 ~~evaluate, select, and rank~~ projects eligible for Florida Forever  
2626 funds pursuant to paragraph (3)(b) and for additions to the  
2627 Conservation and Recreation Lands list pursuant to ss. 259.032  
2628 and 259.101(4). In developing the workplan ~~these proposed rules,~~  
2629 the Acquisition and Restoration Council shall give weight to the  
2630 following criteria:

2631 (a) The project meets multiple goals described in  
2632 subsection (4).

2633 (b) The project is part of an ongoing governmental effort  
2634 to restore, protect, manage or develop land areas or water  
2635 resources.

2636 (c) The project enhances or facilitates restoration,  
2637 enhancement or management of properties already under public  
2638 ownership.

2639 (d) The project has significant archaeological or historic  
2640 value.

2641 (e) The project includes the acquisition, restoration,  
2642 enhancement, restocking or management of habitat for imperiled

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2643 species, land designated by the Florida Fish and Wildlife  
2644 Commissionas important for imperiled species recovery, or lands  
2645 which advances the goals and objectives of Florida Fish and  
2646 Wildlife Commissionapproved management plans.

2647 (f) The project has funding sources that are identified  
2648 and assured through at least the first 2 years of the project.

2649 ~~(f)~~(g) The project contributes to the solution of ~~water~~  
2650 resource problems on a regional basis.

2651 ~~(g)~~(h) The project has a significant portion of its land  
2652 area in imminent danger of development, in imminent danger of  
2653 losing its significant natural attributes or recreational open  
2654 space, or in imminent danger of subdivision which would result  
2655 in multiple ownership and make acquisition of the project costly  
2656 or less likely to be accomplished.

2657 ~~(h)~~(i) The project implements an element from a plan  
2658 developed by an ecosystem management team, or advances the goals  
2659 and objectives of Florida Fish and Wildlife Commissionapproved  
2660 management plans.

2661 ~~(i)~~(j) The project is one of the components of the  
2662 Everglades restoration effort.

2663 ~~(j)~~(k) The project may be purchased at 80 percent of  
2664 appraised value.

2665 ~~(k)~~(l) The project may be acquired, in whole or in part,  
2666 using tax incentives, mitigation funds or other revenues, and  
2667 alternatives to fee simple, including but not limited to,  
2668 purchase of development rights, hunting rights, agricultural or  
2669 silvicultural rights, or mineral rights or obtaining  
2670 conservation easements or flowage easements.

2671 ~~(l)~~(m) The project is a joint acquisition, either among  
2672 public agencies, nonprofit organizations, or private entities,

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2673 or by a public-private partnership, including the use of public  
2674 or private mitigation or conservation funding as provided in s.  
2675 259.105(2)(b).

2676 (10) The Acquisition and Restoration Council shall give  
2677 increased priority to those projects for which matching funds or  
2678 mitigation or conservation funding from public or private  
2679 projects are available and to project elements previously  
2680 identified on an acquisition list pursuant to this section that  
2681 can be acquired at 80 percent or less of appraised value. The  
2682 council shall also give increased priority to those projects  
2683 where the state's land conservation plans overlap with the  
2684 military's need to protect lands, water, and habitat to ensure  
2685 the sustainability of military missions including:

2686 (a) ~~Protecting~~ Acquiring, restoring, enhancing, restocking  
2687 or managing habitat on nonmilitary land for any species found on  
2688 military land that is designated as imperiled, threatened or  
2689 endangered, or is a candidate for such designation under the  
2690 Endangered Species Act or, any Florida statute, or Florida Fish  
2691 and Wildlife Commission rule, or for which a management plan has  
2692 been approved by the commission;

2693 (b) Protecting areas underlying low-level military air  
2694 corridors or operating areas; and

2695 (c) Protecting areas identified as clear zones, accident  
2696 potential zones, and air installation compatible use buffer  
2697 zones delineated by our military partners, and for which federal  
2698 or other funding is available to assist with the project.

2699 (11) For the purposes of funding projects pursuant to  
2700 paragraph (3)(a), the Secretary of Environmental Protection  
2701 shall ensure that each water management district receives the  
2702 following percentage of funds annually:

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2703 (a) Thirty-five percent to the South Florida Water  
2704 Management District, ~~of which amount \$25 million for 2 years~~  
2705 ~~beginning in fiscal year 2000-2001 shall be transferred by the~~  
2706 ~~Department of Environmental Protection into the Save Our~~  
2707 ~~Everglades Trust Fund and shall be used exclusively to implement~~  
2708 ~~the comprehensive plan under s. 373.470.~~

2709 (b) Twenty-five percent to the Southwest Florida Water  
2710 Management District.

2711 (c) Twenty-five percent to the St. Johns River Water  
2712 Management District.

2713 (d) Seven and one-half percent to the Suwannee River Water  
2714 Management District.

2715 (e) Seven and one-half percent to the Northwest Florida  
2716 Water Management District.

2717 (12) It is the intent of the Legislature that in  
2718 developing the list of projects for funding pursuant to  
2719 paragraph (3)(a), that these funds not be used to abrogate the  
2720 financial responsibility of those point and nonpoint sources  
2721 that have contributed to the degradation of water or land areas.  
2722 Therefore, an increased priority shall be given by the water  
2723 management district governing boards to those projects that have  
2724 secured a cost-sharing agreement allocating responsibility for  
2725 the cleanup of point and nonpoint sources.

2726 (13) An affirmative vote of five members of the  
2727 Acquisition and Restoration Council shall be required in order  
2728 to place a proposed project on the list developed pursuant to  
2729 subsection (8). Any member of the council who by family or a  
2730 business relationship has a connection with any project proposed  
2731 to be ranked shall declare such interest prior to voting for a  
2732 project's inclusion on the list.

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2733 (14) Each year that cash disbursements or bonds are to be  
2734 issued pursuant to this section, the Acquisition and Restoration  
2735 Council shall review the most current approved project list and  
2736 shall, by the first board meeting in May, present to the Board  
2737 of Trustees of the Internal Improvement Trust Fund for approval  
2738 a listing of projects developed pursuant to subsection (8). The  
2739 board of trustees may remove projects from the list developed  
2740 pursuant to this subsection, but may not add projects or  
2741 rearrange project rankings.

2742 (15) The Acquisition and Restoration Council shall submit  
2743 to the board of trustees, with its list of projects, a report  
2744 that includes, but shall not be limited to, the following  
2745 information for each project listed:

2746 (a) The stated purpose for inclusion.

2747 (b) Projected costs to achieve the project goals.

2748 (c) An interim management budget, ~~—~~ which must include  
2749 capital expenditure projects for imperiled species habitat  
2750 restoration, enhancement and restocking.

2751 (d) Specific performance measures, ~~—~~ including performance  
2752 measures for restoration, enhancement and management of  
2753 imperiled species habitat.

2754 (e) Plans for public access.

2755 (f) An identification of the essential parcel or parcels  
2756 within the project without which the project cannot be properly  
2757 managed.

2758 (g) Where applicable, an identification of those projects  
2759 or parcels within projects which should be acquired in fee  
2760 simple or in less than fee simple.

2761 (h) An identification of those lands being purchased for  
2762 conservation purposes, ~~—~~ including imperiled species habitat.

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2763 (i) A management policy statement for the project and a  
2764 management prospectus pursuant to s. 259.032(9)(d) and for  
2765 projects that include imperiled species habitat, a management  
2766 plan with performance measures and implementation costs  
2767 developed by or in coordination with the Florida Fish and  
2768 Wildlife Commission to restore, enhance, restock and manage such  
2769 habitat and to advance the goals and objectives of Florida Fish  
2770 and Wildlife Commission approved management plans.

2771 . (j) An estimate of land value based on county tax assessed  
2772 values.

2773 (k) A map delineating project boundaries.

2774 (l) An assessment of the project's ecological value,  
2775 outdoor recreational value, forest resources, wildlife resources  
2776 including imperiled species habitat, ownership pattern,  
2777 utilization, and location.

2778 (m) A discussion of whether alternative uses are proposed  
2779 for the property and what those uses are.

2780 (n) A designation of the management agency or agencies, ~~and~~  
2781 which shall include the Florida Fish and Wildlife Commission for  
2782 projects that contain any imperiled species habitat.

2783 (16) All proposals for projects pursuant to paragraph  
2784 (3)(b) or subsection (20) shall be implemented only if adopted  
2785 by the Acquisition and Restoration Council and approved by the  
2786 board of trustees. The council shall consider and evaluate in  
2787 writing the merits and demerits of each project that is proposed  
2788 for Florida Forever funding and each proposed addition to the  
2789 Conservation and Recreation Lands list program. The council  
2790 shall ensure that each proposed project will meet a stated  
2791 public purpose for the restoration, conservation, ~~or~~ management  
2792 and preservation of environmentally sensitive lands,

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2793 specifically including imperiled species habitats and water  
2794 areas or for providing outdoor recreational opportunities and  
2795 that each proposed addition to the Conservation and Recreation  
2796 Lands list will meet the public purposes under s. 259.032(3)  
2797 and, when applicable, s. 259.101(4). The council also shall  
2798 determine whether the project or addition conforms, where  
2799 applicable, with the comprehensive plan developed pursuant to s.  
2800 259.04(1)(a), the comprehensive multipurpose outdoor recreation  
2801 plan developed pursuant to s. 375.021, the state lands  
2802 management plan adopted pursuant to s. 253.03(7), the water  
2803 resources work plans developed pursuant to s. 373.199, Florida  
2804 Fish and Wildlife Commission approved management plans, and the  
2805 provisions of this section.

2806 (17) (a) The Board of Trustees of the Internal Improvement  
2807 Trust Fund, or, in the case of water management district lands,  
2808 the owning water management district, may authorize the granting  
2809 of a lease, easement, or license for the use of certain lands  
2810 acquired pursuant to this section, for certain uses that are  
2811 determined by the appropriate board to be compatible with the  
2812 resource values of and management objectives for such lands.

2813 (b) Any existing lease, easement, or license acquired for  
2814 incidental public or private use on, under, or across any lands  
2815 acquired pursuant to this section shall be presumed to be  
2816 compatible with the purposes for which such lands were acquired.

2817 (c) Notwithstanding the provisions of paragraph (a), no  
2818 such lease, easement, or license shall be entered into by the  
2819 Department of Environmental Protection or other appropriate  
2820 state agency if the granting of such lease, easement, or license  
2821 would adversely affect the exclusion of the interest on any  
2822 revenue bonds issued to fund the acquisition of the affected

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2823 lands from gross income for federal income tax purposes,  
2824 pursuant to Internal Revenue Service regulations.

2825 (18) The Acquisition and Restoration Council shall  
2826 recommend adoption of rules by the board of trustees necessary  
2827 to implement the provisions of this section relating to:  
2828 solicitation, scoring, selecting, and ranking of Florida Forever  
2829 project proposals; disposing of or leasing lands or water areas  
2830 selected for funding through the Florida Forever program; and  
2831 the process of reviewing and recommending for approval or  
2832 rejection the land restoration, enhancement, restocking and  
2833 management plans associated with publicly owned properties.  
2834 Rules promulgated pursuant to this subsection shall be submitted  
2835 to the President of the Senate and the Speaker of the House of  
2836 Representatives, for review by the Legislature, no later than 30  
2837 days prior to the 2010 ~~2001~~ Regular Session and shall become  
2838 effective only after legislative review. In its review, the  
2839 Legislature may reject, modify, or take no action relative to  
2840 such rules. The board of trustees shall conform such rules to  
2841 changes made by the Legislature, or, if no action was taken by  
2842 the Legislature, such rules shall become effective.

2843 (19) Lands listed as projects for acquisition, restoration  
2844 or management under the Florida Forever program may be managed  
2845 for conservation pursuant to s. 259.032, on an interim basis by  
2846 a private party in anticipation of a state purchase, or on a  
2847 permanent basis after state purchase, in accordance with a  
2848 contractual arrangement between the acquiring agency and the  
2849 private party that may include management service contracts,  
2850 leases, cost-share arrangements, or resource conservation  
2851 agreements. Lands designated as eligible under this subsection  
2852 shall be restored and managed to maintain, restore or enhance



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2853 the resources the state, including imperiled species habitat, is  
2854 seeking to protect by acquiring the land and to accelerate  
2855 public access to the lands as soon as practicable. Funding for  
2856 these contractual arrangements may originate from the  
2857 documentary stamp tax revenue deposited into the Conservation  
2858 and Recreation Lands Trust Fund and Water Management Lands Trust  
2859 Fund. No more than 5 percent of funds allocated under the trust  
2860 funds shall be expended for this purpose. In addition, funding  
2861 obtained from sources as provided in s.259.105(2) (b) shall be  
2862 deposited into the Land Acquisition Trust Fund.

2863 (20) ~~The Acquisition and Restoration Council, as~~  
2864 ~~successors to the Land Acquisition and Management Advisory~~  
2865 ~~Council, may amend existing Conservation and Recreation Lands~~  
2866 ~~projects and add to or delete from the 2000 Conservation and~~  
2867 ~~Recreation Lands list until funding for the Conservation and~~  
2868 ~~Recreation Lands program has been expended. The amendments to~~  
2869 ~~the 2000 Conservation and Recreation Lands list will be reported~~  
2870 ~~to the board of trustees in conjunction with the council's~~  
2871 ~~report developed pursuant to subsection (15).~~ The use of rural-  
2872 lands-protection easements as described in s. 570.71(3) is  
2873 encouraged as a way to maintain working lands while furthering  
2874 the goals of this chapter, and rural lands stewardship areas  
2875 described in s.163.3177(11) (d).

2876 Section 16. Section 259.1051, Florida Statutes, is amended  
2877 to read:

2878 259.1051 Florida Forever Trust Fund.--

2879 (1) There is created the Florida Forever Trust Fund to  
2880 carry out the purposes of ss. 259.032, 259.105, 259.1052, and  
2881 375.031. The Florida Forever Trust Fund shall be held and  
2882 administered by the Department of Environmental Protection.

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2883 Proceeds from the sale of bonds, except proceeds of refunding  
2884 bonds, issued under s. 215.618 and payable from moneys  
2885 transferred to the Land Acquisition Trust Fund under s.  
2886 201.15(1)(a), not to exceed \$5.3 ~~3~~ billion, must be deposited  
2887 into this trust fund to be distributed and used as provided in  
2888 s. 259.105(3). The bond resolution adopted by the governing  
2889 board of the Division of Bond Finance of the State Board of  
2890 Administration may provide for additional provisions that govern  
2891 the disbursement of the bond proceeds.

2892 (2) The Department of Environmental Protection shall  
2893 distribute revenues from the Florida Forever Trust Fund only to  
2894 programs of state agencies or local governments as set out in s.  
2895 259.105(3) or as provided in s. 259.1052. Excluding  
2896 distributions to the Save Our Everglades Trust Fund and  
2897 distributions for the acquisition of the Babcock Crescent B  
2898 Ranch Florida Forever acquisition as provided in s. 259.1052,  
2899 the distributions shall be spent by the recipient within 90 days  
2900 after the date on which the Department of Environmental  
2901 Protection initiates the transfer.

2902 (3) The Department of Environmental Protection shall  
2903 ensure that the proceeds from the sale of bonds issued under s.  
2904 215.618 and payable from moneys transferred to the Land  
2905 Acquisition Trust Fund under s. 201.15(1)(a) shall be  
2906 administered and expended in a manner that ensures compliance of  
2907 each issue of bonds that are issued on the basis that interest  
2908 thereon will be excluded from gross income for federal income  
2909 tax purposes, with the applicable provisions of the United  
2910 States Internal Revenue Code and the regulations promulgated  
2911 thereunder, to the extent necessary to preserve the exclusion of  
2912 interest on the bonds from gross income for federal income tax

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2913 | purposes. The Department of Environmental Protection shall  
2914 | administer the use and disbursement of the proceeds of such  
2915 | bonds or require that the use and disbursement thereof be  
2916 | administered in a manner to implement strategies to maximize any  
2917 | available benefits under the applicable provisions of the United  
2918 | States Internal Revenue Code or regulations promulgated  
2919 | thereunder, to the extent not inconsistent with the purposes  
2920 | identified in s. 259.105(3).

2921 |       Section 17. All of the statutory powers, duties and  
2922 | functions, records, personnel, property, and unexpended balances  
2923 | of appropriations, allocations, or other funds for the  
2924 | administration of sections 380.501 through 380.515, Florida  
2925 | Statutes, related to the Florida Communities Trust, shall be  
2926 | transferred by a type two transfer, as defined in s. 20.06(2)  
2927 | from the Department of Community Affairs to the Department of  
2928 | Environmental Protection.

2929 |       Section 18. The Division of Statutory Revision of the  
2930 | Office of Legislative Services is requested to prepare a  
2931 | reviser's bill to conform Chapter 380 of the Florida Statutes to  
2932 | the organizational changes made by this act.

2933 |       Section 19. This act shall take effect July 1, 2008.

2935 | -----  
2936 |                   **T I T L E   A M E N D M E N T**

2937 | Remove the entire title and insert:

2938 | An act relating to state lands; amending s. 201.15 F.S.;  
2939 | providing a retirement date for Florida Forever bonds;  
2940 | amending s. 215.618, F.S.; providing a maximum dollar  
2941 | amount for issuance of Florida Forever bonds; providing the  
2942 | legislature shall analyze debt to projected revenue ratio;

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2943 providing the legislature shall analyze potential revenue  
2944 sources for the Florida Forever program; amending s.  
2945 253.002, F.S.; providing the Fish and Wildlife Conservation  
2946 Commission and the Department of Agriculture and Consumer  
2947 Services are designated the state's primary land managers;  
2948 providing certain duties; amending s. 253.025, F.S.;;  
2949 providing the Board of Trustees of the Internal Improvement  
2950 Trust Fund to replace the Division of state lands for  
2951 certain responsibilities; providing for selection of  
2952 property appraisers; providing for joint purchase  
2953 appraisals; amending s. 253.0325, F.S.;; providing for  
2954 modernization of state lands records; amending s. 253.034,  
2955 F.S.;; providing for management of conservation lands;  
2956 providing minimum requirements for land management plans;  
2957 providing for review of land management plans; providing  
2958 remedy for deficient land management plans; providing for  
2959 appraisals of surplus lands; repealing s. 253.034(6)(f)2.;;  
2960 amending s. 253.111, F.S.;; providing notice period;  
2961 amending s. 253.82, F.S.;; amending s. 259.032, F.S.;;  
2962 providing for protection of agricultural lands through  
2963 less-than-fee acquisitions; providing conditions for less-  
2964 than-fee acquisitions; providing for lands with imperiled  
2965 species habitat; providing for restoration management;  
2966 providing for cost reporting; providing for public  
2967 hearings; providing for key land management activities;  
2968 providing requirements for development of long-term  
2969 management funds allocation formula; providing for report  
2970 to legislature; providing for legislative approval of long-  
2971 term management funds allocation formula; providing for use  
2972 of long-term management funds allocation formula; providing

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2973 for lost tax revenue recovery for counties and local  
2974 governments with less than 150,000 residents; amending s.  
2975 259.035, F.S.; providing for appointment of Acquisition and  
2976 Restoration Council membership; amending s. 259.036, F.S.;  
2977 providing for appointment of management review team  
2978 membership; amending s. 259.037, F.S.; providing Land  
2979 Management Uniform Accounting Council reporting  
2980 requirements; amending s. 259.036, F.S.; providing state's  
2981 contribution in joint acquisitions; providing for  
2982 Legislative Budget Commission approval when single purchase  
2983 exceeds \$100; providing for appraisals and funds transfers;  
2984 providing option to purchase lands from non-profit  
2985 organization shall be approved by the legislature; amending  
2986 s. 259.105, F.S.; providing additional habitats and land  
2987 uses in Florida Forever program; provides legislative  
2988 intent; provides for partnerships for environmental  
2989 mitigation and conservation; provides for alternative  
2990 revenue sources; provides for state technical assistance to  
2991 the military for imperiled species habitat restoration and  
2992 management; provides for allocation of Florida forever  
2993 funds; provides for state lands acquisition and restoration  
2994 listing by science based assessments; provides for  
2995 performance measures for imperiled species habitat;  
2996 provides for conveyance of title under certain conditions;  
2997 provides for an Acquisition and Restoration Council annual  
2998 work plan; provides criteria for the work plan; provides  
2999 for increased priority for projects with matching funds;  
3000 provides for interim budget criteria; provides for use of  
3001 rural-lands-protection easements; transferring the Florida  
3002 Community Trust from the Department of Community Affairs to

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3003 | the Department of Environmental Protection; requesting the  
3004 | Office of Legislative services to prepare a reviser's bill  
3005 | to conform Chapter 380 of the Florida Statutes to the  
3006 | organizational changes made by this act; providing an  
3007 | effective date.  
3008 |  
3009 |