

---

## **COMMITTEE ON CONSERVATION & STATE LANDS**

**WEDNESDAY, MARCH 26, 2008  
5:15 PM – 7:00 PM  
216 THE CAPITOL**

**Marco Rubio  
Speaker**

**REVISED2**

**Rep. Will Kendrick  
Chair**



# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

**Speaker Marco Rubio**

### Committee on Conservation & State Lands

**Start Date and Time:** Wednesday, March 26, 2008 05:15 pm or 10 minutes after Session

**End Date and Time:** Wednesday, March 26, 2008 07:00 pm

**Location:** 216 Capitol

**Duration:** 1.75 hrs

#### Consideration of the following bill(s):

HB 31 Springs Protection by Boyd

Consideration of recommendations with respect to Proposed Council Bill ENRC 08-09, relating to Florida Forever Successor.

Pursuant to rule 7.12, the deadline for amendments to bills on the agenda by non-appointed member shall be 6:00p.m., Tuesday, March 25, 2008.

**NOTICE FINALIZED on 03/24/2008 16:23 by SIMS-DAVIS.LINDA**















BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

29 (a) Amounts as shall be necessary to pay the debt service  
 30 on, or fund debt service reserve funds, rebate obligations, or  
 31 other amounts payable with respect to Preservation 2000 bonds  
 32 issued pursuant to s. 375.051 and Florida Forever bonds issued  
 33 pursuant to s. 215.618, shall be paid into the State Treasury to  
 34 the credit of the Land Acquisition Trust Fund to be used for  
 35 such purposes. The amount transferred to the Land Acquisition  
 36 Trust Fund shall not exceed \$300 million in fiscal year 1999-  
 37 2000 and thereafter for Preservation 2000 bonds and bonds issued  
 38 to refund Preservation 2000 bonds, and \$300 million in fiscal  
 39 year 2000-2001 and thereafter for Florida Forever bonds. The  
 40 annual amount transferred to the Land Acquisition Trust Fund for  
 41 Florida Forever bonds shall not exceed \$30 million in the first  
 42 fiscal year in which bonds are issued. The limitation on the  
 43 amount transferred shall be increased by an additional \$30  
 44 million in each subsequent fiscal year, but shall not exceed a  
 45 total of \$300 million in any fiscal year for all bonds issued.  
 46 It is the intent of the Legislature that all bonds issued to  
 47 fund the Florida Forever Act be retired by December 31, 2033  
 48 ~~2030~~. Except for bonds issued to refund previously issued bonds,  
 49 no series of bonds may be issued pursuant to this paragraph  
 50 unless such bonds are approved and the debt service for the  
 51 remainder of the fiscal year in which the bonds are issued is  
 52 specifically appropriated in the General Appropriations Act. For  
 53 purposes of refunding Preservation 2000 bonds, amounts  
 54 designated within this section for Preservation 2000 and Florida  
 55 Forever bonds may be transferred between the two programs to the  
 56 extent provided for in the documents authorizing the issuance of

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

57 | the bonds. The Preservation 2000 bonds and Florida Forever bonds  
 58 | shall be equally and ratably secured by moneys distributable to  
 59 | the Land Acquisition Trust Fund pursuant to this section, except  
 60 | to the extent specifically provided otherwise by the documents  
 61 | authorizing the issuance of the bonds. No moneys transferred to  
 62 | the Land Acquisition Trust Fund pursuant to this paragraph, or  
 63 | earnings thereon, shall be used or made available to pay debt  
 64 | service on the Save Our Coast revenue bonds.

65 |           Section 2. Subsection (1) of section 215.618, Florida  
 66 | Statutes, is amended to read:

67 |           215.618 Bonds for acquisition and improvement of land,  
 68 | water areas, and related property interests and resources.--

69 |           (1) (a) The issuance of Florida Forever bonds, not to  
 70 | exceed \$3.2 ~~\$3~~ billion, to finance or refinance the cost of  
 71 | acquisition and improvement of land, water areas, and related  
 72 | property interests and resources, in urban and rural settings,  
 73 | for the purposes of restoration, conservation, recreation, water  
 74 | resource development, or historical preservation, and for  
 75 | capital improvements to lands and water areas that accomplish  
 76 | environmental restoration, enhance public access and  
 77 | recreational enjoyment, promote long-term management goals, and  
 78 | facilitate water resource development is hereby authorized,  
 79 | subject to the provisions of s. 259.105 and pursuant to s.  
 80 | 11(e), Art. VII of the State Constitution. Florida Forever bonds  
 81 | may also be issued to refund Preservation 2000 bonds issued  
 82 | pursuant to s. 375.051. The \$3.2 ~~\$3~~ billion limitation on the  
 83 | issuance of Florida Forever bonds does not apply to refunding  
 84 | bonds. The duration of each series of Florida Forever bonds

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

85 issued may not exceed 20 annual maturities. Preservation 2000  
 86 bonds and Florida Forever bonds shall be equally and ratably  
 87 secured by moneys distributable to the Land Acquisition Trust  
 88 Fund pursuant to s. 201.15(1)(a), except to the extent  
 89 specifically provided otherwise by the documents authorizing the  
 90 issuance of the bonds.

91 (b) Beginning July 1, 2013, the Legislature shall analyze  
 92 the state's debt ratio in relation to projected revenues prior  
 93 to the authorization of any bonds for land acquisition.

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

96 Section 3. The Florida Communities Trust of the Department  
 97 of Community Affairs is hereby transferred by a type two  
 98 transfer as define in s. 20.06(2), Florida Statutes, to the  
 99 Department of Environmental Protection.

100 Section 4. The Division of Statutory Revision of the Joint  
 101 Legislative Management Committee is requested to prepare a  
 102 reviser's bill to conform the Florida Statutes to the  
 103 organizational changes made by this act.

104 Section 5. Subsection (1) of section 253.002, Florida  
 105 Statutes, is amended to read:

106 253.002 Department of Environmental Protection, water  
 107 management districts, Fish and Wildlife Conservation Commission,  
 108 and Department of Agriculture and Consumer Services; duties with  
 109 respect to state lands.--

110 (1) The Department of Environmental Protection shall  
 111 perform all staff duties and functions related to the  
 112 acquisition, administration, and disposition of state lands,

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

113 title to which is or will be vested in the Board of Trustees of  
 114 the Internal Improvement Trust Fund. The Fish and Wildlife  
 115 Conservation Commission and the Department of Agriculture and  
 116 Consumer Service are designated the state's primary land  
 117 managers. The duties and responsibility of the state's primary  
 118 land managers include, but not limited to, concurrently  
 119 developing the land management plans required pursuant to  
 120 253.034(5), implementing the land management plans, and the  
 121 monitoring the results of the land management activities.  
 122 However, upon the effective date of rules adopted pursuant to s.  
 123 373.427, a water management district created under s. 373.069  
 124 shall perform the staff duties and functions related to the  
 125 review of any application for authorization to use board of  
 126 trustees-owned submerged lands necessary for an activity  
 127 regulated under part IV of chapter 373 for which the water  
 128 management district has permitting responsibility as set forth  
 129 in an operating agreement adopted pursuant to s. 373.046(4); and  
 130 the Department of Agriculture and Consumer Services shall  
 131 perform the staff duties and functions related to the review of  
 132 applications and compliance with conditions for use of board of  
 133 trustees-owned submerged lands under authorizations or leases  
 134 issued pursuant to ss. 253.67-253.75 and 597.010. Unless  
 135 expressly prohibited by law, the board of trustees may delegate  
 136 to the department any statutory duty or obligation relating to  
 137 the acquisition, administration, or disposition of lands, title  
 138 to which is or will be vested in the board of trustees. The  
 139 board of trustees may also delegate to any water management  
 140 district created under s. 373.069 the authority to take final

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

141 agency action, without any action on behalf of the board, on  
 142 applications for authorization to use board of trustees-owned  
 143 submerged lands for any activity regulated under part IV of  
 144 chapter 373 for which the water management district has  
 145 permitting responsibility as set forth in an operating agreement  
 146 adopted pursuant to s. 373.046(4). This water management  
 147 district responsibility under this subsection shall be subject  
 148 to the department's general supervisory authority pursuant to s.  
 149 373.026(7). The board of trustees may also delegate to the  
 150 Department of Agriculture and Consumer Services the authority to  
 151 take final agency action on behalf of the board on applications  
 152 to use board of trustees-owned submerged lands for any activity  
 153 for which that department has responsibility pursuant to ss.  
 154 253.67-253.75 and 597.010. However, the board of trustees shall  
 155 retain the authority to take final agency action on establishing  
 156 any areas for leasing, new leases, expanding existing lease  
 157 areas, or changing the type of lease activity in existing  
 158 leases. Upon issuance of an aquaculture lease or other real  
 159 property transaction relating to aquaculture, the Department of  
 160 Agriculture and Consumer Services must send a copy of the  
 161 document and the accompanying survey to the Department of  
 162 Environmental Protection.

163 Section 6. Section 253.0325, Florida Statutes, is amended  
 164 to read:

165 253.0325 Modernization of state lands records.--

166 (1) The Department of Environmental Protection shall  
 167 initiate an ongoing computerized information systems program to  
 168 modernize its state lands records and documents that relate to

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

169 lands to which title is vested in the Board of Trustees of the  
 170 Internal Improvement Trust Fund. The program shall include, at a  
 171 minimum:

172 (a) A document management component to automate the  
 173 storage and retrieval of information contained in state lands  
 174 records.

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

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

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

182 (2) The Department of Environmental Protection shall  
 183 initiate and maintain an information system that is the basis  
 184 for land acquisition and land management decision making and  
 185 modeling. The information system shall map in an electronic  
 186 format the natural communities on each tract of state land and  
 187 proposed land acquisition. Natural community are defined as a  
 188 distinct and recurring assemblage of populations of plants,  
 189 animals, fungi and microorganisms naturally associated with each  
 190 other and their physical environment. Each natural community  
 191 will further partitioned into natural community categories.  
 192 Each natural community category will be further partitioned into  
 193 natural community groups. Each natural community group will  
 194 further partition into natural community types. The Departmetn  
 195 of Agriculture and Consumer Services and the Fish and Wildlife  
 196 Conservation Commission will assist in the development and

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

197 standardization of such a system. The Department of  
 198 Environmental Protection may utilize a third party for the  
 199 information system and its data. The Information system and its  
 200 data are to be proprietary to the state.

201 ~~(3)-(2)~~ At all stages of its records modernization program,  
 202 the department shall seek to ensure information systems  
 203 compatibility within the department and with other state, local,  
 204 and regional governmental agencies. The department also shall  
 205 seek to promote standardization in the collection of information  
 206 regarding state-owned lands by federal, state, regional, and  
 207 local agencies.

208 ~~(4)-(3)~~ The information collected and stored as a result of  
 209 the department's modernization of state lands records shall not  
 210 be considered a final or complete accounting of lands which the  
 211 state owns or to which the state may claim ownership.

212 Section 7. Subsections (1), (2), (4), (5) and (6) of section  
 213 253.034, Florida Statutes, are amended to read:

214 253.034 State-owned lands; uses.--

215 (1) All lands acquired pursuant to chapter 259 shall be  
 216 managed to serve the public interest by protecting and  
 217 conserving land, air, water, and the state's natural resources,  
 218 which contribute to the public health, welfare, and economy of  
 219 the state. These lands shall be managed to provide for areas of  
 220 recreation, including but not limited to, natural resource based  
 221 recreation, and to ensure the survival of plant and animal  
 222 species and the conservation of finite and renewable natural  
 223 resources. The state's lands and natural resources shall be  
 224 managed using a stewardship ethic that assures these resources



BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

225 will be available for the benefit and enjoyment of all people of  
 226 the state, both present and future. It is the intent of the  
 227 Legislature that, where feasible and consistent with the goals  
 228 of protection and conservation of natural resources associated  
 229 with lands held in the public trust by the Board of Trustees of  
 230 the Internal Improvement Trust Fund, public land not designated  
 231 for single-use purposes pursuant to paragraph (2) (b) be managed  
 232 for multiple-use purposes. All multiple-use land management  
 233 strategies shall address public access and enjoyment, resource  
 234 conservation and protection, ecosystem maintenance and  
 235 protection, and protection of threatened and endangered species,  
 236 and the degree to which public-private partnerships or  
 237 endowments may allow the entity with management responsibility  
 238 to enhance its ability to manage these lands. The council  
 239 created in s. 259.035 shall recommend rules to the board of  
 240 trustees, and the board shall adopt rules necessary to carry out  
 241 the purposes of this section.

242 (2) As used in this section, the following phrases have  
 243 the following meanings:

244 (a) "Multiple use" means the harmonious and coordinated  
 245 management of timber, recreation, conservation of fish and  
 246 wildlife, forage, archaeological and historic sites, habitat and  
 247 other biological resources, or water resources so that they are  
 248 utilized in the combination that will best serve the people of  
 249 the state, making the most judicious use of the land for ~~some~~ or  
 250 all of these resources and giving consideration to the relative  
 251 values of the various resources. Where necessary and appropriate  
 252 for all state-owned lands that are larger than 1,000 acres in

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

253 project size and are managed for multiple uses, buffers may be  
 254 formed around any areas that require special protection or have  
 255 special management needs. Such buffers shall not exceed more  
 256 than one-half of the total acreage. Multiple uses within a  
 257 buffer area may be restricted to provide the necessary buffering  
 258 effect desired. Multiple use in this context includes both uses  
 259 of land or resources by more than one management entity, which  
 260 may include private sector land managers. In any case, lands  
 261 identified as multiple-use lands in the land management plan  
 262 shall be managed to enhance public access and conserve the lands  
 263 and resources for the enjoyment of the people of the state.

264 (b) "Single use" means management for one particular  
 265 purpose to the exclusion of all other purposes, except that the  
 266 using entity shall have the option of including in its  
 267 management program compatible secondary purposes which will not  
 268 detract from or interfere with the primary management purpose.  
 269 Such single uses may include, but are not necessarily restricted  
 270 to, the use of agricultural lands for production of food and  
 271 livestock, the use of improved sites and grounds for  
 272 institutional purposes, ~~and the use of lands for parks,~~  
 273 ~~preserves, wildlife management,~~ archaeological or historic  
 274 sites, designated preserves, or wilderness areas where the  
 275 maintenance of essentially natural conditions is important. All  
 276 submerged lands shall be considered single-use lands and shall  
 277 be managed primarily for the maintenance of essentially natural  
 278 conditions, the propagation of fish and wildlife, and public  
 279 recreation, including hunting and fishing where deemed

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

280 appropriate by the managing entity, except where public access  
 281 to state waters are enhanced.

282 (c) "Conservation lands" means state owned lands that are  
 283 currently managed by the Department of Agriculture and Consumer  
 284 Services and the Fish and Wildlife Conservation Commission for  
 285 conservation, outdoor ~~resource-based~~ recreation, or  
 286 archaeological or historic preservation, ~~except those lands that~~  
 287 ~~were acquired solely to facilitate the acquisition of other~~  
 288 ~~conservation lands.~~ Lands acquired for uses other than  
 289 conservation, outdoor resource-based recreation, or  
 290 archaeological or historic preservation shall not be designated  
 291 conservation lands ~~except as otherwise authorized under this~~  
 292 ~~section.~~ These lands shall include, but not be limited to, the  
 293 following: correction and detention facilities, military  
 294 installations and facilities, state office buildings,  
 295 maintenance yards, state university or state community college  
 296 campuses, agricultural field stations or offices, tower sites,  
 297 law enforcement and license facilities, laboratories, hospitals,  
 298 clinics, and other sites that possess no significant natural or  
 299 historical resources. ~~However, lands acquired solely to~~  
 300 ~~facilitate the acquisition of other conservation lands, and for~~  
 301 ~~which the land management plan has not yet been completed or~~  
 302 ~~updated, may be evaluated by the Board of Trustees of the~~  
 303 ~~Internal Improvement Trust Fund on a case by case basis to~~  
 304 ~~determine if they will be designated conservation lands.~~

305  
 306 Lands acquired by the state as a gift, through donation, or by  
 307 any other conveyance for which no consideration was paid, and

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

308 which are not managed for conservation, outdoor resource-based  
 309 recreation, or archaeological or historic preservation under a  
 310 land management plan approved by the board of trustees are not  
 311 conservation lands.

312 (5) State lands shall be managed to ensure the  
 313 conservation of the state’s plant and animal species and to  
 314 assure the accessibility of public lands for the benefit and  
 315 enjoyment all people of the state, both present and future. The  
 316 Department of Agriculture and Consumer Services and the Fish and  
 317 Wildlife Conservation Commission shall concurrently prepare land  
 318 management plans for state lands. Each land management plan  
 319 shall provide a desired outcome with measurable objectives to  
 320 obtain the desired outcome. The desired outcome shall at a  
 321 minimum include sustainability, improving habitat and increasing  
 322 public access and will be the basis for all subsequent land  
 323 management activities.

324 (a) To ensure the desired outcome is achieved, state lands  
 325 shall be managed to achieve the following objectives.

- 326 1. Habitat restoration and improvement.
- 327 2. Public access and recreation.
- 328 3. Hydrological preservation and restoration.
- 329 4. Forest management.
- 330 5. Exotic and invasive species control.
- 331 6. Financial sustainability of land management activities.

332 (b) The land management plan shall at a minimum contain  
 333 the following elements.

- 334 1. Physical description of the property

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

335       2. A quantitative data description of the property to  
 336 include a survey of forest resources; exotic and invasive  
 337 plants; hydrological features; capital facilities, including  
 338 recreational facilities. The description shall be of such  
 339 detail that objective measures and benchmarks can be established  
 340 for each tract of land and monitored during the lifetime of the  
 341 plan. All quantitative data collected shall be aggregated,  
 342 standardized, collected and presented in an electronic format to  
 343 allow for management reporting and analysis. The information  
 344 collected by the Department of Environmental Protection pursuant  
 345 to 253.0325(2) shall available to the land manager and their  
 346 assignee.

347       3. A detailed description of each land management  
 348 objective and the activities that are to be performed to meet  
 349 the land management objectives. Each land management objective  
 350 must be addressed by the land management plan but no land  
 351 management objective shall be performed to the detriment of the  
 352 other land management objectives.

353       4. An activity matrix shall be prepared that contain a  
 354 timeline, quantitative measurements, detailed expense and  
 355 manpower budgets for each activity. The activity matrix is to  
 356 provide a management tool that facilitates development of  
 357 performance measures.

358       5. A summary budget for the land management activities of  
 359 the land management plan. The summary budget shall be prepared  
 360 in such a manner that it facilitates an aggregate of land  
 361 management costs for all state lands.

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

362 (c) Upon completion, the land management plan will be  
 363 transmitted to the Acquisition and Restoration Council for  
 364 review. After a 30 day review and comment period, the land  
 365 management plan will become operational. If issues arise during  
 366 the review and comment period that require revisions to the land  
 367 management plan, the Secretary of the Department of  
 368 Environmental Protection, Commissioner of Agriculture and  
 369 Consumer Services, the Fish and Wildlife Commission or their  
 370 delegates shall develop a consensus for land management plan  
 371 changes and redraft the plan. During the redrafting period, no  
 372 funds for the management of the land may be expended other than  
 373 those to address emergency situations.

374 (d) Annually, the state lands with an approved land  
 375 management plan must be monitored by the Fish and Wildlife  
 376 Commission and reviewed by a certified third party. The Fish  
 377 and Wildlife Commission will prepare a monitoring report that  
 378 accounts for the progress of land management activities and  
 379 specifically identifies deficiencies in the management  
 380 activities. The monitoring report shall be submitted to the  
 381 Department of Agriculture and Consumer Services and the  
 382 Acquisition and Restoration Council. The third party review and  
 383 analysis of the management plan shall identify the progress of  
 384 the management activities. The third party review and analysis  
 385 shall provide suggested corrective actions needed to be taken by  
 386 the land manager to address identified deficiencies. The third  
 387 party review and analysis are to be submitted to the Department  
 388 of Agriculture and Consumer Services, the Fish and Wildlife  
 389 Conservation Commission, the Acquisition and Restoration

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

390 Council. The Acquisition and Restoration Council shall review  
 391 the monitoring report and the third party review and analysis  
 392 and determine which deficiencies are of a significant  
 393 consequence require a corrective action plan or revision to the  
 394 land management plan. Such corrective actions and revision  
 395 shall be brought in front of board who will determine whether  
 396 the corrective actions and revision sufficiently address the  
 397 identified deficiencies. Corrective actions plans shall be  
 398 prepared and submitted in the same manner as the land management  
 399 plan.

400 (e) Land management plans are to be prepared on rotating  
 401 basis on a 10 year cycle.

402 (f) In developing and management plans at least two public  
 403 hearings will be held.

404 ~~Each manager of conservation lands shall submit to the~~  
 405 ~~Division of State Lands a land management plan at least every 10~~  
 406 ~~years in a form and manner prescribed by rule by the board and~~  
 407 ~~in accordance with the provisions of s. 259.032. Each manager of~~  
 408 ~~conservation lands shall also update a land management plan~~  
 409 ~~whenever the manager proposes to add new facilities or make~~  
 410 ~~substantive land use or management changes that were not~~  
 411 ~~addressed in the approved plan, or within 1 year of the addition~~  
 412 ~~of significant new lands. Each manager of nonconservation lands~~  
 413 ~~shall submit to the Division of State Lands a land use plan at~~  
 414 ~~least every 10 years in a form and manner prescribed by rule by~~  
 415 ~~the board. The division shall review each plan for compliance~~  
 416 ~~with the requirements of this subsection and the requirements of~~  
 417 ~~the rules established by the board pursuant to this section. All~~

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

418 ~~land use plans, whether for single use or multiple use~~  
 419 ~~properties, shall include an analysis of the property to~~  
 420 ~~determine if any significant natural or cultural resources are~~  
 421 ~~located on the property. Such resources include archaeological~~  
 422 ~~and historic sites, state and federally listed plant and animal~~  
 423 ~~species, and imperiled natural communities and unique natural~~  
 424 ~~features. If such resources occur on the property, the manager~~  
 425 ~~shall consult with the Division of State Lands and other~~  
 426 ~~appropriate agencies to develop management strategies to protect~~  
 427 ~~such resources. Land use plans shall also provide for the~~  
 428 ~~control of invasive nonnative plants and conservation of soil~~  
 429 ~~and water resources, including a description of how the manager~~  
 430 ~~plans to control and prevent soil erosion and soil or water~~  
 431 ~~contamination. Land use plans submitted by a manager shall~~  
 432 ~~include reference to appropriate statutory authority for such~~  
 433 ~~use or uses and shall conform to the appropriate policies and~~  
 434 ~~guidelines of the state land management plan. Plans for managed~~  
 435 ~~areas larger than 1,000 acres shall contain an analysis of the~~  
 436 ~~multiple use potential of the property, which analysis shall~~  
 437 ~~include the potential of the property to generate revenues to~~  
 438 ~~enhance the management of the property. Additionally, the plan~~  
 439 ~~shall contain an analysis of the potential use of private land~~  
 440 ~~managers to facilitate the restoration or management of these~~  
 441 ~~lands. In those cases where a newly acquired property has a~~  
 442 ~~valid conservation plan that was developed by a soil and~~  
 443 ~~conservation district, such plan shall be used to guide~~  
 444 ~~management of the property until a formal land use plan is~~  
 445 ~~completed.~~



BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

446            (g)(a) Each land manager ~~The Division of State Lands~~ shall  
 447 make available to the public an electronic ~~a~~ copy a copy of each  
 448 land management plan ~~for parcels that exceed 160 acres in size.~~  
 449 The council shall review each plan for compliance with the  
 450 requirements of this subsection, the requirements of chapter  
 451 259, ~~and the requirements of the rules established by the board~~  
 452 ~~pursuant to this section.~~ The council shall also consider the  
 453 propriety of the recommendations of the managing entity with  
 454 regard to the future use of the property, the protection of  
 455 fragile or nonrenewable resources, the potential for alternative  
 456 or multiple uses not recognized by the managing entity, and the  
 457 possibility of disposal of the property by the board. After its  
 458 review, the council shall submit the plan, along with its  
 459 recommendations and comments, to the board. The council shall  
 460 specifically recommend to the board whether to approve the plan  
 461 as submitted, approve the plan with modifications, or reject the  
 462 plan.

463            (h)(b) The Board of Trustees of the Internal Improvement  
 464 Trust Fund shall consider the land management plan submitted by  
 465 each entity and the recommendations of the council and the  
 466 Division of State Lands and shall approve the plan ~~with or~~  
 467 ~~without modification~~ or reject such plan. The use or possession  
 468 of any such lands that is not in accordance with an approved  
 469 land management plan is subject to termination by the board.

470            (6) The Board of Trustees of the Internal Improvement  
 471 Trust Fund shall determine which lands, the title to which is  
 472 vested in the board, may be surplused. For conservation lands,  
 473 the board shall make a determination that the lands are no

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

474 longer needed for conservation purposes and may dispose of them  
 475 by an affirmative vote of at least three members. In the case of  
 476 a land exchange involving the disposition of conservation lands,  
 477 the board must determine by an affirmative vote of at least  
 478 three members that the exchange will result in a net positive  
 479 conservation benefit. For all other lands, the board shall make  
 480 a determination that the lands are no longer needed and may  
 481 dispose of them by an affirmative vote of at least three  
 482 members.

483 (a) For the purposes of this subsection, all state owned  
 484 lands managed by the Department of Agriculture and Consumer  
 485 Services and the Fish and Wildlife Conservation Commission, and  
 486 all lands acquired by the state prior to July 1, 1999, using  
 487 proceeds from the Preservation 2000 bonds, the Conservation and  
 488 Recreation Lands Trust Fund, the Water Management Lands Trust  
 489 Fund, Environmentally Endangered Lands Program, and the Save Our  
 490 Coast Program and titled to the board, which lands are  
 491 identified as core parcels or within original project  
 492 boundaries, shall be deemed to have been acquired for  
 493 conservation purposes.

494 (b) For any lands purchased by the state on or after July  
 495 1, 1999, a determination shall be made by the board prior to  
 496 acquisition as to those parcels that shall be designated as  
 497 having been acquired for conservation purposes. No lands  
 498 acquired for use by the Department of Corrections, the  
 499 Department of Management Services for use as state offices, the  
 500 Department of Transportation, except those specifically managed  
 501 for conservation or recreation purposes, or the State University

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

502 System or the Florida Community College System shall be  
 503 designated as having been purchased for conservation purposes.

504 (c) At least every 10 years, ~~as a component of each land~~  
 505 ~~management plan or land use plan~~ and in a form and manner  
 506 prescribed by rule by the board, each manager shall evaluate and  
 507 indicate to the board those lands that are not being used for  
 508 the purpose for which they were originally leased. For  
 509 conservation lands, the council shall review and shall recommend  
 510 to the board whether such lands should be retained in public  
 511 ownership or disposed of by the board. For nonconservation  
 512 lands, the division shall review such lands and shall recommend  
 513 to the board whether such lands should be retained in public  
 514 ownership or disposed of by the board.

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

521 (e) Prior to any decision by the board to surplus lands,  
 522 the Acquisition and Restoration Council shall review and make  
 523 recommendations to the board concerning the request for  
 524 surplusings. The council shall determine whether the request for  
 525 surplusings is compatible with the resource values of and  
 526 management objectives for such lands.

527 (f)1. In reviewing lands owned by the board, the council  
 528 shall consider whether such lands would be more appropriately  
 529 owned or managed by the county or other unit of local government

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

530 in which the land is located. The council shall recommend to the  
 531 board whether a sale, lease, or other conveyance to a local  
 532 government would be in the best interests of the state and local  
 533 government. The provisions of this paragraph in no way limit the  
 534 provisions of ss. 253.111 and 253.115. Such lands shall be  
 535 offered to the state, county, or local government for a period  
 536 of 30 days. Permittable uses for such surplus lands may include  
 537 public schools; public libraries; fire or law enforcement  
 538 substations; governmental, judicial, or recreational centers;  
 539 and affordable housing meeting the criteria of s. 420.0004(3).  
 540 County or local government requests for surplus lands shall be  
 541 expedited throughout the surplus process. If the county or  
 542 local government does not elect to purchase such lands in  
 543 accordance with s. 253.111, then any surplus determination  
 544 involving other governmental agencies shall be made upon the  
 545 board deciding the best public use of the lands. Surplus  
 546 properties in which governmental agencies have expressed no  
 547 interest shall then be available for sale on the private market.  
 548 ~~2. Notwithstanding subparagraph 1., any parcel of surplus~~  
 549 ~~lands less than 3 acres in size which was acquired by the state~~  
 550 ~~before 1955 by gift or other conveyance or for \$1 consideration~~  
 551 ~~from a fair association incorporated under chapter 616 for the~~  
 552 ~~purpose of conducting and operating public fairs or expositions,~~  
 553 ~~and concerning which the department has filed by July 1, 2008, a~~  
 554 ~~notice of intent to dispose of as surplus lands, shall be~~  
 555 ~~offered for reconveyance to such fair association for no~~  
 556 ~~consideration; however, the agency that last held the lease from~~  
 557 ~~the board for management of such lands may remove from the lands~~

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

558 ~~any improvements, fixtures, goods, wares, and merchandise within~~  
 559 ~~180 days after the effective date of the reconveyance. This~~  
 560 ~~subparagraph expires July 1, 2008.~~

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

567 1.a. A written valuation of land determined to be surplus  
 568 pursuant to this subsection, and related documents used to form  
 569 the valuation or which pertain to the valuation, are  
 570 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
 571 of the State Constitution until 2 weeks before the contract or  
 572 agreement regarding the purchase, exchange, or disposal of the  
 573 surplus land is first considered for approval by the board.

574 Notwithstanding the exemption provided under this subparagraph,  
 575 the division may disclose appraisals, valuations, or valuation  
 576 information regarding surplus land during negotiations for the  
 577 sale or exchange of the land, during the marketing effort or  
 578 bidding process associated with the sale, disposal, or exchange  
 579 of the land to facilitate closure of such effort or process,  
 580 when the passage of time has made the conclusions of value  
 581 invalid, or when negotiations or marketing efforts concerning  
 582 the land are concluded.

583 b. This subparagraph is subject to the Open Government  
 584 Sunset Review Act of 1995 in accordance with s. 119.15, and

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

585 shall stand repealed on October 2, 2009, unless reviewed and  
 586 saved from repeal through reenactment by the Legislature.

587 2. A unit of government that acquires title to lands  
 588 hereunder for less than appraised value may not sell or transfer  
 589 title to all or any portion of the lands to any private owner  
 590 for a period of 10 years. Any unit of government seeking to  
 591 transfer or sell lands pursuant to this paragraph shall first  
 592 allow the board of trustees to reacquire such lands for the  
 593 price at which the board sold such lands.

594 (h) Where a unit of government acquired land by gift,  
 595 donation, grant, quitclaim deed, or other such conveyance where  
 596 no monetary consideration was exchanged, the price of land sold  
 597 as surplus may be based on one appraisal. In the event that a  
 598 single appraisal yields a value equal to or greater than \$1  
 599 million, a second appraisal is required. The individual or  
 600 entity requesting the surplus shall select and use appraisers  
 601 from the list of approved appraisers maintained by the Division  
 602 of State Lands in accordance with s. 253.025(6)(b). The  
 603 individual or entity requesting the surplus is to incur all  
 604 costs of the appraisals.

605 (i) After reviewing the recommendations of the council,  
 606 the board shall determine whether lands identified for surplus  
 607 are to be held for other public purposes or whether such lands  
 608 are no longer needed. The board may require an agency to release  
 609 its interest in such lands. For an agency that has requested the  
 610 use of a property that was to be declared as surplus, said  
 611 agency must have the property under lease within 6 months of the

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

612 date of expiration of the notice provisions required under this  
 613 subsection and s. 253.111.

614 (j) Requests for surplusing may be made by any public or  
 615 private entity or person. All requests shall be submitted to the  
 616 lead managing agency for review and recommendation to the  
 617 council or its successor. Lead managing agencies shall have 90  
 618 days to review such requests and make recommendations. Any  
 619 surplusing requests that have not been acted upon within the 90-  
 620 day time period shall be immediately scheduled for hearing at  
 621 the next regularly scheduled meeting of the council or its  
 622 successor. Requests for surplusing pursuant to this paragraph  
 623 shall not be required to be offered to local or state  
 624 governments as provided in paragraph (f).

625 (k) Proceeds from any sale of surplus lands pursuant to  
 626 this subsection shall be deposited into the fund from which such  
 627 lands were acquired. However, if the fund from which the lands  
 628 were originally acquired no longer exists, such proceeds shall  
 629 be deposited into an appropriate account to be used for land  
 630 management ~~by the lead managing agency assigned the lands prior~~  
 631 ~~to the lands being declared surplus.~~ Funds received from the  
 632 sale of surplus nonconservation lands, or lands that were  
 633 acquired by gift, by donation, or for no consideration, shall be  
 634 deposited into the Internal Improvement Trust Fund.

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

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

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

643 (n) The board may adopt rules to implement the provisions  
 644 of this section, which may include procedures for administering  
 645 surplus land requests and criteria for when the division may  
 646 approve requests to surplus nonconservation lands on behalf of  
 647 the board.

648 Section 8. Section 259.032, Florida Statutes, is amended  
 649 to read:

650 259.032 Conservation and Recreation Lands Trust Fund;  
 651 purpose.--

652 (1) It is the policy of the state that the citizens of  
 653 this state shall be assured public ownership of natural areas  
 654 for purposes of maintaining this state's unique natural  
 655 resources; protecting air, land, and water quality; promoting  
 656 water resource development to meet the needs of natural systems  
 657 and citizens of this state; promoting restoration activities on  
 658 public lands; and providing lands for recreation, including but  
 659 not limited to, natural resource based recreation. In  
 660 recognition of this policy, it is the intent of the Legislature  
 661 to provide such public lands for the people residing in urban  
 662 and metropolitan areas of the state, as well as those residing  
 663 in less populated, rural areas. It is the further intent of the  
 664 Legislature, with regard to the lands described in paragraph  
 665 (3)(c), that a high priority be given to the acquisition of such  
 666 lands in or near counties exhibiting the greatest concentration  
 667 of population and, with regard to the lands described in



BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

668 subsection (3), that a high priority be given to acquiring lands  
 669 or rights or interests in lands within any area designated as an  
 670 area of critical state concern under s. 380.05 which, in the  
 671 judgment of the advisory council established pursuant to s.  
 672 259.035, or its successor, cannot be adequately protected by  
 673 application of land development regulations adopted pursuant to  
 674 s. 380.05. Finally, it is the Legislature's intent that lands  
 675 acquired through this program and any successor programs be  
 676 managed in such a way as to protect or restore their natural  
 677 resource values, and provide the greatest benefit, including  
 678 public access, to the citizens of this state.

679 (2)

680 (a) The Conservation and Recreation Lands Trust Fund is  
 681 established within the Department of Environmental Protection.  
 682 The fund shall be used as a nonlapsing, revolving fund  
 683 exclusively for the purposes of this section. The fund shall be  
 684 credited with proceeds from the following excise taxes:

685 1. The excise taxes on documents as provided in s. 201.15;  
 686 and

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

689  
 690 The Department of Revenue shall credit to the fund each month  
 691 the proceeds from such taxes as provided in this paragraph.

692 (b) There shall annually be transferred from the  
 693 Conservation and Recreation Lands Trust Fund to the Land  
 694 Acquisition Trust Fund that amount, not to exceed \$20 million  
 695 annually, as shall be necessary to pay the debt service on, or

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

696 fund debt service reserve funds, rebate obligations, or other  
 697 amounts with respect to bonds issued pursuant to s. 375.051 to  
 698 acquire lands on the established priority list developed  
 699 pursuant to ss. 259.101(4) and 259.105; however, no moneys  
 700 transferred to the Land Acquisition Trust Fund pursuant to this  
 701 paragraph, or earnings thereon, shall be used or made available  
 702 to pay debt service on the Save Our Coast revenue bonds. Amounts  
 703 transferred annually from the Conservation and Recreation Lands  
 704 Trust Fund to the Land Acquisition Trust Fund pursuant to this  
 705 paragraph shall have the highest priority over other payments or  
 706 transfers from the Conservation and Recreation Lands Trust Fund,  
 707 and no other payments or transfers shall be made from the  
 708 Conservation and Recreation Lands Trust Fund until such  
 709 transfers to the Land Acquisition Trust Fund have been made.  
 710 Moneys in the Conservation and Recreation Lands Trust Fund also  
 711 shall be used to manage lands and to pay for related costs,  
 712 activities, and functions pursuant to the provisions of this  
 713 section.

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

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

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

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

725 (c) To conserve and protect native species habitat or  
 726 endangered or threatened species, emphasizing long-term  
 727 protection for endangered or threatened species designated G-1  
 728 or G-2 by the Florida Natural Areas Inventory, and especially  
 729 those areas that are special locations for breeding and  
 730 reproduction;

731 (d) To conserve, protect, manage, or restore important  
 732 ecosystems, landscapes, and forests, if the protection and  
 733 conservation of such lands is necessary to enhance or protect  
 734 significant surface water, groundwater, coastal, recreational,  
 735 timber, or fish or wildlife resources which cannot otherwise be  
 736 accomplished through local and state regulatory programs;

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

739 (f) To facilitate the restoration and subsequent health  
 740 and vitality of the Florida Everglades;

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

744 (h) To preserve significant archaeological or historic  
 745 sites; or

746 (i) To conserve urban open spaces suitable for greenways  
 747 or outdoor recreation which are compatible with conservation  
 748 purposes.

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

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

751           (4)

752           (a) Lands acquired under this section shall be for use as  
 753 state-designated parks, recreation areas, preserves, reserves,  
 754 historic or archaeological sites, geologic or botanical sites,  
 755 recreational trails, forests, wilderness areas, wildlife  
 756 management areas, urban open space, or other state-designated  
 757 recreation or conservation lands; or they shall qualify for such  
 758 state designation and use if they are to be managed by other  
 759 governmental agencies or nonstate entities as provided for in  
 760 this section.

761           (b) In addition to the uses allowed in paragraph (a),  
 762 moneys may be transferred from the Conservation and Recreation  
 763 Lands Trust Fund to the Florida Forever Trust Fund or the Land  
 764 Acquisition Trust Fund. This paragraph expires July 1, 2007.

765           (5) The board of trustees may allocate, in any year, an  
 766 amount not to exceed 5 percent of the money credited to the fund  
 767 in that year, such allocation to be used for the purposes of  
 768 ~~253.0325(2) the initiation and maintenance of a natural areas~~  
 769 ~~inventory to aid in the identification of areas to be acquired~~  
 770 ~~pursuant to this section.~~

771           (6) Moneys in the fund not needed to meet obligations  
 772 incurred under this section shall be deposited with the Chief  
 773 Financial Officer to the credit of the fund and may be invested  
 774 in the manner provided by law. Interest received on such  
 775 investments shall be credited to the Conservation and Recreation  
 776 Lands Trust Fund.

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

777           (7) The board of trustees may enter into any contract  
 778 necessary to accomplish the purposes of this section. The lead  
 779 land managing agencies designated by the board of trustees also  
 780 are directed by the Legislature, to the greatest extent  
 781 possible, to enter into contracts or interagency agreements with  
 782 other governmental entities, including local soil and water  
 783 conservation districts, or private land managers who have the  
 784 expertise to perform specific management activities which a lead  
 785 agency lacks, or which would cost more to provide in-house. Such  
 786 activities shall include, but not be limited to, controlled  
 787 burning, road and ditch maintenance, mowing, and wildlife  
 788 assessments.

789           (8) Lands to be considered for purchase under this section  
 790 are subject to the selection procedures of s. 259.035 and  
 791 related rules and shall be acquired in accordance with  
 792 acquisition procedures for state lands provided for in s.  
 793 259.041, except as otherwise provided by the Legislature. An  
 794 inholding or an addition to a project selected for purchase  
 795 pursuant to this chapter is not subject to the selection  
 796 procedures of s. 259.035 if the estimated value of such  
 797 inholding or addition does not exceed \$500,000. When at least 90  
 798 percent of the acreage of a project has been purchased pursuant  
 799 to this chapter, the project may be removed from the list and  
 800 the remaining acreage may continue to be purchased. Moneys from  
 801 the fund may be used for title work, appraisal fees,  
 802 environmental audits, and survey costs related to acquisition  
 803 expenses for lands to be acquired, donated, or exchanged which  
 804 qualify under the categories of this section, at the discretion

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

805 of the board. When the Legislature has authorized the Department  
 806 of Environmental Protection to condemn a specific parcel of land  
 807 and such parcel has already been approved for acquisition under  
 808 this section, the land may be acquired in accordance with the  
 809 provisions of chapter 73 or chapter 74, and the fund may be used  
 810 to pay the condemnation award and all costs, including a  
 811 reasonable attorney's fee, associated with condemnation.

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

814 (a) Managed in a manner that will provide the greatest  
 815 combination of benefits to the public, including public access,  
 816 and to the resources.

817 (b) Managed for public ~~outdoor~~ recreation which is  
 818 compatible with the conservation and protection of public lands.  
 819 Such management may include, but not be limited to, the  
 820 following public recreational uses: fishing, hunting, camping,  
 821 bicycling, hiking, nature study, swimming, boating, canoeing,  
 822 horseback riding, diving, model hobbyist activities, birding,  
 823 sailing, jogging, and other related outdoor activities  
 824 compatible with the purposes for which the lands were acquired.

825 (c) Managed for the purposes for which the lands were  
 826 acquired, consistent with paragraph (11) (a).

827 (d) Concurrent with its adoption of the annual  
 828 Conservation and Recreation Lands list of acquisition projects  
 829 pursuant to s. 259.035, the board of trustees shall adopt a  
 830 management prospectus for each project. The management  
 831 prospectus shall delineate:

832 1. The management goals for the property;

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

833           2. The conditions that will affect the intensity of  
 834 management;

835           3. An estimate of the revenue-generating potential of the  
 836 property, if appropriate;

837           4. A timetable for implementing the various stages of  
 838 management and for providing access to the public, if  
 839 applicable;

840           5. A description of potential multiple-use activities as  
 841 described in this section and s. 253.034;

842           6. Provisions for protecting existing infrastructure and  
 843 for ensuring the security of the project upon acquisition;

844           7. The anticipated costs of management and projected  
 845 sources of revenue, including legislative appropriations, to  
 846 fund management needs; and

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

851 The costs of infrastructure and management identified in the  
 852 management prospectus will be standardized and aggregated in a  
 853 manner sufficient to allow reporting to board of trustee and the  
 854 legislature.

855           (e) Concurrent with the approval of the acquisition  
 856 contract pursuant to s. 259.041(3)(c) for any interest in lands  
 857 except those lands being acquired under the provisions of s.  
 858 259.1052, the board of trustees shall designate an agency or  
 859 agencies to manage such lands. The board shall evaluate and  
 860 amend, as appropriate, the management policy statement for the

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

861 project as provided by s. 259.035, consistent with the purposes  
 862 for which the lands are acquired. For any fee simple acquisition  
 863 of a parcel which is or will be leased back for agricultural  
 864 purposes, or any acquisition of a less-than-fee interest in land  
 865 that is or will be used for agricultural purposes, the Board of  
 866 Trustees of the Internal Improvement Trust Fund shall first  
 867 consider having a soil and water conservation district, created  
 868 pursuant to chapter 582, manage and monitor such interests.

869 (f) State agencies designated to manage lands acquired  
 870 under this chapter except those lands acquired under s. 259.1052  
 871 may contract with local governments, ~~and~~ soil and water  
 872 conservation districts, and private entities to assist in  
 873 management activities, ~~including the responsibility of being the~~  
 874 ~~lead land manager~~. Such land management contracts may include a  
 875 provision for the transfer of management funding to the local  
 876 government or soil and water conservation district from the  
 877 Conservation and Recreation Lands Trust Fund in an amount  
 878 adequate for the local government or soil and water conservation  
 879 district to perform its contractual land management  
 880 responsibilities and proportionate to its responsibilities, and  
 881 which otherwise would have been expended by the state agency to  
 882 manage the property.

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

888 (10)



BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

889 (a) State, regional, or local governmental agencies or  
 890 private entities designated to manage lands under this section  
 891 shall develop and adopt, with the approval of the board of  
 892 trustees, an individual land management plan for each project  
 893 designed to conserve and protect such lands and their associated  
 894 natural resources. Private sector involvement in land management  
 895 plan development may be used to expedite the planning process.

896 (b) Individual land management plans required by s.  
 897 253.034(5), ~~for parcels over 160 acres,~~ shall be developed with  
 898 input from an advisory group. Members of this advisory group  
 899 shall include, at a minimum, representatives of the lead land  
 900 managing agency, comanaging entities, local private property  
 901 owners, the appropriate soil and water conservation district, a  
 902 local conservation organization, and a local elected official.  
 903 The advisory group shall conduct at least two public hearings  
 904 ~~one public hearing~~ within the county in which the parcel or  
 905 project is located. For those parcels or projects that are  
 906 within more than one county, at least one additional areawide  
 907 public hearing ~~shall be acceptable~~ and the lead managing agency  
 908 shall invite a local elected official from each county. The  
 909 areawide public hearing shall be held in the county in which the  
 910 core parcels are located. Notice of such public hearing shall be  
 911 posted on the parcel or project designated for management,  
 912 advertised in a paper of general circulation, and announced at a  
 913 scheduled meeting of the local governing body before the actual  
 914 public hearing. The management prospectus required pursuant to  
 915 paragraph (9) (d) shall be available to the public for a period  
 916 of 30 days prior each ~~to the~~ public hearing.

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

917 (c) Once a plan is adopted, the managing agency or entity  
 918 shall update the plan at least every 10 years in a form and  
 919 manner prescribed by rule of the board of trustees. Such  
 920 updates, for parcels over 160 acres, shall be developed with  
 921 input from an advisory group. Such plans may include transfers  
 922 of leasehold interests to appropriate conservation organizations  
 923 or governmental entities designated by the Land Acquisition and  
 924 Management Advisory Council or its successor, for uses  
 925 consistent with the purposes of the organizations and the  
 926 protection, preservation, conservation, restoration, and proper  
 927 management of the lands and their resources. Volunteer  
 928 management assistance is encouraged, including, but not limited  
 929 to, assistance by youths participating in programs sponsored by  
 930 state or local agencies, by volunteers sponsored by  
 931 environmental or civic organizations, and by individuals  
 932 participating in programs for committed delinquents and adults.

933 (d)1. For each project for which lands are acquired after  
 934 July 1, 2008 ~~1995~~, an individual land management plan shall be  
 935 adopted and in place no later than 1 year after the essential  
 936 parcel or parcels identified in the priority list developed  
 937 pursuant to ss. 259.101(4) and 259.105 have been acquired. The  
 938 Department of Environmental Protection shall distribute only 75  
 939 percent of the acquisition funds to which a budget entity or  
 940 water management district would otherwise be entitled from the  
 941 Preservation 2000 Trust Fund to any budget entity or any water  
 942 management district that has more than one-third of its land  
 943 management plans overdue.

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

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

949           (e) Individual land management plans shall conform to the  
 950 requirements of 253.034(5) and the appropriate policies and  
 951 guidelines of the state land management plan and shall include,  
 952 but not be limited to:

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

956           2. Key management activities necessary to achieve the  
 957 desired outcome, including but not limited, providing public  
 958 access, preserving and protecting natural resources and  
 959 restoring habitat, controlling the spread of nonnative plants  
 960 and animals, performing prescribed fire activities and other  
 961 appropriate resource management activities ~~preserve and protect~~  
 962 ~~natural resources and restore habitat, and for controlling the~~  
 963 ~~spread of nonnative plants and animals, and for prescribed fire~~  
 964 ~~and other appropriate resource management activities.~~

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

968           4. A priority schedule for conducting management  
 969 activities, based on the desired outcome of the land management  
 970 plan ~~purposes for which the lands were acquired.~~

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

971           5. A cost estimate for conducting priority management  
972 activities, to include recommendations for cost-effective  
973 methods of accomplishing those activities.

974           6. A cost estimate for conducting other management  
975 activities which would enhance the natural resource value or  
976 public recreation value for which the lands were acquired. The  
977 cost estimate shall include recommendations for cost-effective  
978 methods of accomplishing those activities.

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

982           (f) The Division of State Lands shall submit a copy of  
983 each individual land management plan for parcels ~~which exceed~~  
984 ~~160 acres in size~~ to each member of the Land Acquisition and  
985 Management Advisory Council or its successor, which shall:

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

990           2. Consider the propriety of the recommendations of the  
991 managing agency with regard to the future use or protection of  
992 the property.

993           3. After its review, submit the plan, along with its  
994 recommendations and comments, to the board of trustees, with  
995 recommendations as to whether to approve the plan as submitted,  
996 ~~approve the plan with modifications,~~ or reject the plan.

997           (g) The board of trustees shall consider the individual  
998 management plan submitted by each state agency and the

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

999 recommendations of the Land Acquisition and Management Advisory  
 1000 Council, or its successor, and the Division of State Lands and  
 1001 shall approve the plan ~~with or without modification~~ or reject  
 1002 such plan. The use or possession of any lands owned by the board  
 1003 of trustees which is not in accordance with an approved  
 1004 individual management plan is subject to termination by the  
 1005 board of trustees.

1006  
 1007 By July 1 of each year, each governmental agency and each  
 1008 private entity designated to manage lands shall report to the  
 1009 Secretary of Environmental Protection on the progress of  
 1010 funding, staffing, and resource management of every project for  
 1011 which the agency or entity is responsible.

1012 (11)

1013 (a) The Legislature recognizes that acquiring lands  
 1014 pursuant to this chapter serves the public interest by  
 1015 protecting land, air, and water resources which contribute to  
 1016 the public health and welfare, providing areas for natural  
 1017 resource based recreation, and ensuring the survival of unique  
 1018 and irreplaceable plant and animal species. The Legislature  
 1019 intends for these lands to be managed and maintained for the  
 1020 purposes for which they were acquired and for the public to have  
 1021 access to and use of these lands where it ~~is consistent with~~  
 1022 ~~acquisition purposes~~ and would not harm the resources the state  
 1023 is seeking to protect on the public's behalf.

1024 (b) An amount up to 1.5 percent of the cumulative total of  
 1025 funds ever deposited into the Florida Preservation 2000 Trust  
 1026 Fund and the Florida Forever Trust Fund shall be made available

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1027 for the purposes of management, maintenance, and capital  
 1028 improvements not eligible for funding pursuant to s. 11(e), Art.  
 1029 VII of the State Constitution, and for associated contractual  
 1030 services, for lands acquired pursuant to this section, s.  
 1031 259.101, s. 259.105, s. 259.1052, or previous programs for the  
 1032 acquisition of lands for conservation and recreation, including  
 1033 state forests, to which title is vested in the board of trustees  
 1034 and other conservation and recreation lands managed by a state  
 1035 agency. Of this amount, \$250,000 shall be transferred annually  
 1036 to the Plant Industry Trust Fund within the Department of  
 1037 Agriculture and Consumer Services for the purpose of  
 1038 implementing the Endangered or Threatened Native Flora  
 1039 Conservation Grants Program pursuant to s. 581.185(11). Each  
 1040 agency with management responsibilities shall annually request  
 1041 from the Legislature funds sufficient to fulfill such  
 1042 responsibilities. For the purposes of this paragraph, capital  
 1043 improvements shall include, but need not be limited to,  
 1044 perimeter fencing, signs, firelanes, access roads and trails,  
 1045 and minimal public accommodations, such as primitive campsites,  
 1046 garbage receptacles, and toilets. Any equipment purchased with  
 1047 funds provided pursuant to this paragraph may be used for  
 1048 appropriate land management activities on state lands ~~the~~  
 1049 ~~purposes described in this paragraph on any conservation and~~  
 1050 ~~recreation lands managed by a state agency.~~

1051 (c) The Secretary of the Department of Environmental  
 1052 Protection, the Executive Director of the Fish and Wildlife  
 1053 Conservation Commission, and the Commissioner of Agriculture  
 1054 shall prepare and deliver a report to the President of the

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1055 Senate and the Speaker of the House of Representatives no later  
 1056 than December 31, 2008 that provides the methodology used and  
 1057 recommendation that provides a formula to allocate land  
 1058 management ~~In requesting~~ funds provided for in paragraph (b) for  
 1059 long-term management of all acquisitions pursuant to this  
 1060 chapter and for associated contractual services. The  
 1061 methodology and formula shall recognize recognize, but not be  
 1062 limited to, the following: ~~the managing agencies shall recognize~~  
 1063 ~~the following categories of land management needs:~~  
 1064 1. The assignment of management intensity associated with  
 1065 the natural community categories, groups and types provided in  
 1066 253.0325(2) and the related management activities to land  
 1067 management goals provided in 253.034(5).  
 1068 2. The assignment of management intensity associated with  
 1069 public access, including but not limited to:  
 1070 a. The acres of land which require minimal effort for  
 1071 resource preservation, development, or restoration – these lands  
 1072 generally are open to the public but offer no more than  
 1073 minimally developed facilities;  
 1074 b. The acres of land which require moderate effort for  
 1075 resource preservation, development, or restoration – these lands  
 1076 typically have a high degree of public use and offer highly  
 1077 developed facilities;  
 1078 c. The acres of land which require significant effort for  
 1079 resource preservation, development, or restoration – these lands  
 1080 generally are sites with historic significance or unique natural  
 1081 features, and a very high degree of public use.

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1082     3. The acres of land with a secondary manager contributing  
 1083     to the over-all management effort.

1084     4. The anticipated revenues generated from management of  
 1085     the lands.

1086     5. The impacts of, and needs created or addressed by,  
 1087     multiple-use management strategies.

1088     6. The acres of land with infestations of non-native or  
 1089     invasive plants, animals, or fish.

1090     ~~1. Lands which are low-need tracts, requiring basic~~  
 1091     ~~resource management and protection, such as state reserves,~~  
 1092     ~~state preserves, state forests, and wildlife management areas.~~  
 1093     ~~These lands generally are open to the public but have no more~~  
 1094     ~~than minimum facilities development.~~

1095     ~~2. Lands which are moderate-need tracts, requiring more~~  
 1096     ~~than basic resource management and protection, such as state~~  
 1097     ~~parks and state recreation areas. These lands generally have~~  
 1098     ~~extra restoration or protection needs, higher concentrations of~~  
 1099     ~~public use, or more highly developed facilities.~~

1100     ~~3. Lands which are high-need tracts, with identified needs~~  
 1101     ~~requiring unique site-specific resource management and~~  
 1102     ~~protection. These lands generally are sites with historic~~  
 1103     ~~significance, unique natural features, or very high intensity~~  
 1104     ~~public use, or sites that require extra funds to stabilize or~~  
 1105     ~~protect resources, such as lands with heavy infestations of~~  
 1106     ~~nonnative, invasive plants.~~

1107  
 1108     In evaluating the management funding needs of lands based on the  
 1109     above categories, the lead land managing agencies shall include



BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1110 in their considerations the impacts of, and needs created or  
 1111 addressed by, multiple-use management strategies. Beginning  
 1112 July 1, 2009, no fund provided in paragraph (b) shall be  
 1113 allocated, distributed or expended until the allocation formula  
 1114 for funding land management activities has be affirmed by the  
 1115 legislature. Upon affirmation, the allocation formula will be  
 1116 used in the allocation and distribution of funds provided in  
 1117 paragraph (b).,

1118 (d) All revenues generated through multiple-use management  
 1119 or compatible secondary-use management shall be returned to the  
 1120 lead agency responsible for such management and shall be used to  
 1121 pay for management activities on all conservation, preservation,  
 1122 and recreation lands under the agency's jurisdiction. In  
 1123 addition, such revenues shall be segregated in an agency trust  
 1124 fund and shall remain available to the agency in subsequent  
 1125 fiscal years to support land management appropriations. For the  
 1126 purposes of this paragraph, compatible secondary-use management  
 1127 shall be those activities described in subsection (9) undertaken  
 1128 on parcels designated as single use pursuant to s.  
 1129 253.034(2)(b).

1130 (e) Up to one-fifth of the funds provided for in paragraph  
 1131 (b) shall be reserved by the board of trustees for interim  
 1132 management of acquisitions and for associated contractual  
 1133 services, to ensure the conservation and protection of natural  
 1134 resources on project sites and to allow limited public  
 1135 recreational use of lands. Interim management activities may  
 1136 include, but not be limited to, resource assessments, control of  
 1137 invasive, nonnative species, habitat restoration, fencing, law

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1138 enforcement, controlled burning, and public access consistent  
 1139 with preliminary determinations made pursuant to paragraph  
 1140 (9) (g). The board of trustees shall make these interim funds  
 1141 available immediately upon purchase.

1142 (f) The department shall set long-range and annual goals  
 1143 for the control and removal of nonnative, invasive plant species  
 1144 on public lands. Such goals shall differentiate between aquatic  
 1145 plant species and upland plant species. In setting such goals,  
 1146 the department may rank, in order of adverse impact, species  
 1147 that impede or destroy the functioning of natural systems.  
 1148 Notwithstanding paragraph (a), up to one-fourth of the funds  
 1149 provided for in paragraph (b) may be used by the agencies  
 1150 receiving those funds for control and removal of nonnative,  
 1151 invasive species on public lands.

1152 (g) In addition to the purposes specified in paragraph  
 1153 (b), funds from the 1.5 percent of the cumulative total of funds  
 1154 ever deposited into the Florida Preservation 2000 Trust Fund and  
 1155 the Florida Forever Trust Fund may be appropriated for the 2006-  
 1156 2007 fiscal year for the construction of replacement museum  
 1157 facilities. This paragraph expires July 1, 2007.

1158 (12)

1159 (a) Beginning July 1, 1999, the Legislature shall make  
 1160 available sufficient funds annually from the Conservation and  
 1161 Recreation Lands Trust Fund to the department for payment in  
 1162 lieu of taxes to qualifying counties and local governments as  
 1163 defined in paragraph (b) for all actual tax losses incurred as a  
 1164 result of board of trustees acquisitions for state agencies  
 1165 under the Florida Forever program or the Florida Preservation

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1166 2000 program during any year. Reserved funds not used for  
 1167 payments in lieu of taxes in any year shall revert to the fund  
 1168 to be used for land management in accordance with the provisions  
 1169 of this section.

1170 (b) Payment in lieu of taxes shall be available:

1171 1. To all counties that have a population of 150,000 or  
 1172 fewer. Population levels shall be determined pursuant to s.  
 1173 11.031.

1174 2. To all local governments located in eligible counties.

1175 3. To Glades County, where a privately owned and operated  
 1176 prison leased to the state has recently been opened and where  
 1177 privately owned and operated juvenile justice facilities leased  
 1178 to the state have recently been constructed and opened, a  
 1179 payment in lieu of taxes, in an amount that offsets the loss of  
 1180 property tax revenue, which funds have already been appropriated  
 1181 and allocated from the Department of Correction's budget for the  
 1182 purpose of reimbursing amounts equal to lost ad valorem taxes.

1183 (c) If insufficient funds are available in any year to  
 1184 make full payments to all qualifying counties and local  
 1185 governments, such counties and local governments shall receive a  
 1186 pro rata share of the moneys available.

1187 (d) The payment amount shall be based on the average  
 1188 amount of actual taxes paid on the property for the 3 years  
 1189 preceding acquisition. Applications for payment in lieu of taxes  
 1190 shall be made no later than January 31 of the year following  
 1191 acquisition. No payment in lieu of taxes shall be made for  
 1192 properties which were exempt from ad valorem taxation for the  
 1193 year immediately preceding acquisition.

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1194 (e) If property which was subject to ad valorem taxation  
 1195 was acquired by a tax-exempt entity for ultimate conveyance to  
 1196 the state under this chapter, payment in lieu of taxes shall be  
 1197 made for such property based upon the average amount of taxes  
 1198 paid on the property for the 3 years prior to its being removed  
 1199 from the tax rolls. The department shall certify to the  
 1200 Department of Revenue those properties that may be eligible  
 1201 under this provision. Once eligibility has been established,  
 1202 that county or local government shall receive 10 consecutive  
 1203 annual payments for each tax loss, and no further eligibility  
 1204 determination shall be made during that period.

1205 (f) Payment in lieu of taxes pursuant to this subsection  
 1206 shall be made annually to qualifying counties and local  
 1207 governments after certification by the Department of Revenue  
 1208 that the amounts applied for are reasonably appropriate, based  
 1209 on the amount of actual taxes paid on the eligible property.  
 1210 With the assistance of the local government requesting payment  
 1211 in lieu of taxes, the state agency that acquired the land is  
 1212 responsible for preparing and submitting application requests  
 1213 for payment to the Department of Revenue for certification.

1214 (g) If the board of trustees conveys to a local government  
 1215 title to any land owned by the board, any payments in lieu of  
 1216 taxes on the land made to the local government shall be  
 1217 discontinued as of the date of the conveyance.

1218  
 1219 For the purposes of this subsection, "local government" includes  
 1220 municipalities, the county school board, mosquito control  
 1221 districts, and any other local government entity which levies ad

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1222 valorem taxes, with the exception of a water management  
 1223 district.

1224 (13) Moneys credited to the fund each year which are not  
 1225 used for management, maintenance, or capital improvements  
 1226 pursuant to subsection (11); for payment in lieu of taxes  
 1227 pursuant to subsection (12); or for the purposes of subsection  
 1228 (5), shall be available for the acquisition of land pursuant to  
 1229 this section.

1230 (14) The board of trustees may adopt rules to further  
 1231 define the categories of land for acquisition under this  
 1232 chapter.

1233 (15) Within 90 days after receiving a certified letter  
 1234 from the owner of a property on the Conservation and Recreation  
 1235 Lands list or the priority list established pursuant to s.  
 1236 259.105 objecting to the property being included in an  
 1237 acquisition project, where such property is a project or part of  
 1238 a project which has not been listed for purchase in the current  
 1239 year's land acquisition work plan, the board of trustees shall  
 1240 delete the property from the list or from the boundary of an  
 1241 acquisition project on the list.

1242 Section 9. Section 259.035, Florida Statutes, is amended  
 1243 to read:

1244 259.035 Acquisition and Restoration Council.--

1245 (1) There is created the Acquisition and Restoration  
 1246 Council.

1247 (a) The council shall be composed of nine voting members,  
 1248 two ~~four~~ of whom shall be appointed by the Governor, one  
 1249 appointed by the Commissioner of Agriculture and Consumer

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1250 Services, and one appointed by the Fish and Wildlife  
 1251 Conservation Commission. These four appointees shall be from  
 1252 scientific disciplines related to agriculture, land, water, or  
 1253 environmental sciences. They shall serve 4-year terms, except  
 1254 that, initially, to provide for staggered terms, two of the  
 1255 appointees shall serve 2-year terms. All subsequent appointments  
 1256 shall be for 4-year terms. No appointee shall serve more than 6  
 1257 years. The Governor, Commissioner of Agriculture and Consumer  
 1258 Services, or the Fish and Wildlife Conservation Commission may  
 1259 at any time fill a vacancy for their receptive appointment for  
 1260 the unexpired term of a member appointed under this paragraph.

1261 (b) The five remaining appointees shall be composed of the  
 1262 Secretary of Environmental Protection, the director of the  
 1263 Division of Forestry of the Department of Agriculture and  
 1264 Consumer Services, the executive director of the Fish and  
 1265 Wildlife Conservation Commission, the director of the Division  
 1266 of Historical Resources of the Department of State, and the  
 1267 secretary of the Department of Community Affairs, or their  
 1268 respective designees.

1269 (c) The Governor shall appoint the chair of the council,  
 1270 and a vice chair shall be elected from among the members.

1271 (d) The council shall hold periodic meetings at the  
 1272 request of the chair.

1273 (e) The Department of Environmental Protection shall  
 1274 provide primary staff support to the council and shall ensure  
 1275 that council meetings are electronically recorded. Such  
 1276 recording shall be preserved pursuant to chapters 119 and 257.

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1277 (f) The board of trustees has authority to adopt rules  
 1278 pursuant to ss. 120.536(1) and 120.54 to implement the  
 1279 provisions of this section.

1280 (2) The four appointed members of the council ~~appointed by~~  
 1281 ~~the Governor~~ shall receive ~~\$75 per day while engaged in the~~  
 1282 ~~business of the council, as well as~~ reimbursement for expenses  
 1283 and per diem for travel to attend council meetings ~~, including~~  
 1284 ~~attendance at meetings~~, as allowed state officers and employees  
 1285 while in the performance of their duties, pursuant to s.  
 1286 112.061.

1287 (3) The council shall provide assistance to the board of  
 1288 trustees in reviewing the recommendations and plans for state-  
 1289 owned lands required under ss. 253.034 and 259.032. The council  
 1290 shall, in reviewing such recommendations and plans, consider the  
 1291 optimization of multiple-use and conservation strategies to  
 1292 accomplish the provisions funded pursuant to ss. 259.101(3) (a)  
 1293 and 259.105(3) (b) .

1294 (4) The council may use existing rules adopted by the  
 1295 board of trustees, until it develops and recommends amendments  
 1296 to those rules, to competitively evaluate, select, and rank  
 1297 projects eligible for the Conservation and Recreation Lands list  
 1298 pursuant to ss. 259.032(3) and 259.101(4) and, beginning no  
 1299 later than May 1, 2001, for Florida Forever funds pursuant to s.  
 1300 259.105(3) (b) . In developing or amending the rules, the council  
 1301 shall give weight to the criteria included in s. 259.105(10) .  
 1302 The board of trustees shall review the recommendations and shall  
 1303 adopt rules necessary to administer this section.

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1304 (5) An affirmative vote of five members of the council is  
 1305 required in order to change a project boundary or to place a  
 1306 proposed project on a list developed pursuant to subsection (4).  
 1307 Any member of the council who by family or a business  
 1308 relationship has a connection with all or a portion of any  
 1309 proposed project shall declare the interest before voting on its  
 1310 inclusion on a list.

1311 (6) The proposal for a project pursuant to this section or  
 1312 s. 259.105(3)(b) may be implemented only if adopted by the  
 1313 council and approved by the board of trustees. The council shall  
 1314 consider and evaluate in writing the merits and demerits of each  
 1315 project that is proposed for Conservation and Recreation Lands,  
 1316 Florida Preservation 2000, or Florida Forever funding and shall  
 1317 ensure that each proposed project will meet a stated public  
 1318 purpose for the restoration, conservation, or preservation of  
 1319 environmentally sensitive lands and water areas or for providing  
 1320 ~~outdoor~~ recreational opportunities. The council also shall  
 1321 determine whether the project conforms, where applicable, with  
 1322 the comprehensive plan developed pursuant to s. 259.04(1)(a),  
 1323 the comprehensive multipurpose outdoor recreation plan developed  
 1324 pursuant to s. 375.021, the state lands management plan adopted  
 1325 pursuant to s. 253.03(7), the water resources work plans  
 1326 developed pursuant to s. 373.199, and the provisions of s.  
 1327 259.032, s. 259.101, or s. 259.105, whichever is applicable.

1328 Section 10. Section 259.036, Florida Statutes, is amended  
 1329 to read:

1330 259.036 Management review teams.--



BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1331 (1) To determine whether conservation, preservation, and  
 1332 recreation lands titled in the name of the Board of Trustees of  
 1333 the Internal Improvement Trust Fund are being managed for the  
 1334 purposes for which they were acquired, and in accordance with a  
 1335 land management plan adopted pursuant to s. 259.032, and  
 1336 achieving the goals of the land management plans provided in  
 1337 353.034(5), the board of trustees, acting through the Department  
 1338 of Environmental Protection, shall cause periodic management  
 1339 reviews to be conducted as follows:

1340 (a) The department shall establish a regional land  
 1341 management review team composed of the following members:

1342 1. One individual who is from the county or local  
 1343 community in which the parcel or project is located and who is  
 1344 selected by the county commission in the county which is most  
 1345 impacted by the acquisition.

1346 2. One individual from the Division of Recreation and  
 1347 Parks of the department or one individual from the department's  
 1348 district office in which the parcel is located.

1349 3. One individual from the Division of Forestry of the  
 1350 Department of Agriculture and Consumer Services.

1351 4. One individual from the Fish and Wildlife Conservation  
 1352 Commission.

1353 5. ~~One individual from the department's district office in~~  
 1354 ~~which the parcel is located.~~

1355 6. A private land manager selected by the Department of  
 1356 Agriculture and Consumer Services ~~mutually agreeable to the~~  
 1357 ~~state agency representatives.~~

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1358 7. A member of the local soil and water conservation  
1359 district board of supervisors.

1360 8. A member of a conservation organization.

1361 9. A private land manager selected by the Fish and  
1362 Wildlife Conservation Commission.

1363 (b) The staff of the Division of State Lands shall act as  
1364 the review team coordinator for the purposes of establishing  
1365 schedules for the reviews and other staff functions. The  
1366 Legislature shall appropriate funds necessary to implement land  
1367 management review team functions.

1368 (2) The land management review team shall review select  
1369 management areas prior to the date the manager is required to  
1370 submit a 10-year land management plan update. For management  
1371 areas that exceed 1,000 acres in size, the Division of State  
1372 Lands shall schedule a land management review at least every 5  
1373 years. A copy of the review shall be provided to the manager,  
1374 the Division of State Lands, and the Acquisition and Restoration  
1375 Council. The manager shall consider the findings and  
1376 recommendations of the land management review team in finalizing  
1377 the required 10-year update of its management plan.

1378 (3) In conducting a review, the land management review  
1379 team shall evaluate the extent to which the existing management  
1380 plan provides sufficient protection to threatened or endangered  
1381 species, unique or important natural or physical features,  
1382 geological or hydrological functions, or archaeological  
1383 features. The review shall also evaluate the extent to which the  
1384 land is being managed for the purposes for which it was acquired  
1385 and the degree to which actual management practices, including

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1386 public access, are in compliance with the adopted management  
 1387 plan.

1388 (4) In the event a land management plan has not been  
 1389 adopted within the timeframes specified in s. 259.032(10), the  
 1390 department may direct a management review of the property, to be  
 1391 conducted by the land management review team. The review shall  
 1392 consider the extent to which the land is being managed for the  
 1393 purposes for which it was acquired and the degree to which  
 1394 actual management practices are in compliance with the  
 1395 management policy statement and management prospectus for that  
 1396 property.

1397 (5) If the land management review team determines that  
 1398 reviewed lands are not being managed for the purposes for which  
 1399 they were acquired or in compliance with the adopted land  
 1400 management plan, management policy statement, or management  
 1401 prospectus, or if the managing agency fails to address the  
 1402 review findings in the updated management plan, the department  
 1403 shall provide the review findings to the board, and the managing  
 1404 agency must report to the board its reasons for managing the  
 1405 lands as it has.

1406 (6) No later than the second board meeting in October of  
 1407 each year, the department shall report the annual review  
 1408 findings of its land management review team.

1409 Section 11. Section 259.037, Florida Statutes, is amended  
 1410 to read.

1411 259.037 Land Management Uniform Accounting Council.--

1412 (1) The Land Management Uniform Accounting Council is  
 1413 created within the Department of Environmental Protection and

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1414 shall consist of the director of the Division of State Lands,  
 1415 the director of the Division of Recreation and Parks, the  
 1416 director of the Office of Coastal and Aquatic Managed Areas, and  
 1417 the director of the Office of Greenways and Trails of the  
 1418 Department of Environmental Protection; the director of the  
 1419 Division of Forestry of the Department of Agriculture and  
 1420 Consumer Services; the executive director of the Fish and  
 1421 Wildlife Conservation Commission; and the director of the  
 1422 Division of Historical Resources of the Department of State, or  
 1423 their respective designees. Each state agency represented on the  
 1424 council shall have one vote. The chair of the council shall  
 1425 rotate annually in the foregoing order of state agencies. The  
 1426 agency of the representative serving as chair of the council  
 1427 shall provide staff support for the council. The Division of  
 1428 State Lands shall serve as the recipient of and repository for  
 1429 the council's documents. The council shall meet at the request  
 1430 of the chair.

1431 (2) The Auditor General and the director of the Office of  
 1432 Program Policy Analysis and Government Accountability, or their  
 1433 designees, shall advise the council to ensure that appropriate  
 1434 accounting procedures are utilized and that a uniform method of  
 1435 collecting and reporting accurate costs of land management  
 1436 activities are created and can be used by all agencies.

1437 (3) (a) All land management activities and costs must be  
 1438 assigned to a specific category, and any single activity or cost  
 1439 may not be assigned to more than one category. Administrative  
 1440 costs, such as planning or training, shall be segregated from  
 1441 other management activities. Specific management activities and

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1442 costs must initially be grouped, at a minimum, within the  
 1443 following categories:

- 1444 ~~1.(a)~~ Resource management.
- 1445 ~~2.(b)~~ Administration.
- 1446 ~~3.(c)~~ New facility construction.
- 1447 ~~4.(d)~~ Facility maintenance.

1448  
 1449 Upon adoption of the initial list of land management categories  
 1450 by the council, agencies assigned to manage conservation or  
 1451 recreation lands shall, on July 1, 2000, begin to account for  
 1452 land management costs in accordance with the category to which  
 1453 an expenditure is assigned.

1454 (b) Each reporting agency shall also:

1455 a. Include a report of the available public use options  
 1456 for each tract of state land and the total management cost for  
 1457 public access and public use and the cost associated with each  
 1458 use option.

1459 b. List the acres of land requiring minimal management  
 1460 effort, moderate management effort, and significant management  
 1461 effort. For each category they shall include the amount of funds  
 1462 requested, the amount of funds received, and the amount of funds  
 1463 expended for land management. The report shall also include a  
 1464 description of planned management activities and accomplished  
 1465 land management activities.

1466 c. List acres managed and cost of management for each  
 1467 tract by natural community delineation, based on the Florida  
 1468 Natural Areas Inventory's 1990 hierarchical classification,

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1469 including the natural community category, the natural community  
 1470 group, and the natural community type.

1471 d. List acres managed, cost of management, and lead  
 1472 manager for state lands tracts for which secondary management  
 1473 activities were provided.

1474 (4) The council shall report agencies' expenditures  
 1475 pursuant to the adopted categories to the President of the  
 1476 Senate and the Speaker of the House of Representatives annually,  
 1477 beginning July 1, 2001. The council shall also provide this  
 1478 report to the Acquisition and Restoration Council for inclusion  
 1479 in its annual report required pursuant to s. 259.105.

1480 (5) Should the council determine that the list of land  
 1481 management categories needs to be revised, it shall meet upon  
 1482 the call of the chair.

1483 Section 12. Section 259.105, Florida Statutes, is amended  
 1484 to read:

1485 259.105 The Florida Forever Act.--

1486 (1) This section may be cited as the "Florida Forever  
 1487 Act."

1488 (2)

1489 (a) The Legislature finds and declares that:

1490 1. The Preservation 2000 program provided tremendous  
 1491 financial resources for purchasing environmentally significant  
 1492 lands to protect those lands from imminent development, thereby  
 1493 assuring present and future generations access to important open  
 1494 spaces and recreation and conservation lands.

1495 2. The continued alteration and development of Florida's  
 1496 natural areas to accommodate the state's rapidly growing

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1497 population have contributed to the degradation of water  
 1498 resources, the fragmentation and destruction of wildlife  
 1499 habitats, the loss of outdoor recreation space, and the  
 1500 diminishment of wetlands, forests, and public beaches.

1501 3. The potential development of Florida's remaining  
 1502 natural areas and escalation of land values require a  
 1503 continuation of government efforts to restore, bring under  
 1504 public protection, or acquire lands and water areas to preserve  
 1505 the state's invaluable quality of life.

1506 4. Florida's groundwater, surface waters, and springs are  
 1507 under tremendous pressure due to population growth and economic  
 1508 expansion and require special protection and restoration  
 1509 efforts. To ensure that sufficient quantities of water are  
 1510 available to meet the current and future needs of the natural  
 1511 systems and citizens of the state, and assist in achieving the  
 1512 planning goals of the department and the water management  
 1513 districts, water resource development projects on public lands,  
 1514 where compatible with the resource values of and management  
 1515 objectives for the lands, are appropriate.

1516 5. The needs of urban Florida for high-quality outdoor  
 1517 recreational opportunities, greenways, trails, and open space  
 1518 have not been fully met by previous acquisition programs.  
 1519 Through such programs as the Florida Communities Trust and the  
 1520 Florida Recreation Development Assistance Program, the state  
 1521 shall place additional emphasis on acquiring, protecting,  
 1522 preserving, and restoring open space, greenways, and recreation  
 1523 properties within urban areas where pristine natural communities

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1524 or water bodies no longer exist because of the proximity of  
 1525 developed property.

1526 6. Many of Florida's unique ecosystems, such as the  
 1527 Florida Everglades, are facing ecological collapse due to  
 1528 Florida's burgeoning population. To preserve these valuable  
 1529 ecosystems for future generations, parcels of land must be  
 1530 acquired to facilitate ecosystem restoration.

1531 7. Access to public lands to support a broad range of  
 1532 outdoor recreational opportunities and the development of  
 1533 necessary infrastructure, where compatible with the resource  
 1534 values of and management objectives for such lands, promotes an  
 1535 appreciation for Florida's natural assets and improves the  
 1536 quality of life.

1537 8. Acquisition of lands, in fee simple or in any lesser  
 1538 interest, should be based on a comprehensive assessment of  
 1539 Florida's natural resources and planned so as to protect the  
 1540 integrity of ecological systems and provide multiple benefits,  
 1541 including preservation of fish and wildlife habitat, recreation  
 1542 space for urban as well as rural areas, and water recharge.

1543 9. The state has embraced performance-based program  
 1544 budgeting as a tool to evaluate the achievements of publicly  
 1545 funded agencies, build in accountability, and reward those  
 1546 agencies which are able to consistently achieve quantifiable  
 1547 goals. While previous and existing state environmental programs  
 1548 have achieved varying degrees of success, few of these programs  
 1549 can be evaluated as to the extent of their achievements,  
 1550 primarily because performance measures, standards, outcomes, and  
 1551 goals were not established at the outset. Therefore, the Florida



BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1552 Forever program shall be developed and implemented in the  
 1553 context of measurable state goals and objectives.

1554 10. It is the intent of the Legislature to change the  
 1555 focus and direction of the state's major land acquisition  
 1556 programs and to extend funding and bonding capabilities, so that  
 1557 future generations may enjoy the natural resources of Florida.

1558 (b) The Legislature recognizes that acquisition is only  
 1559 one way to achieve the aforementioned goals and encourages the  
 1560 development of creative partnerships between governmental  
 1561 agencies and private landowners. Land protection agreements and  
 1562 similar tools should be used, where appropriate, to bring  
 1563 environmentally sensitive tracts under an acceptable level of  
 1564 protection at a lower financial cost to the public, and to  
 1565 provide private landowners with the opportunity to enjoy and  
 1566 benefit from their property.

1567  
 1568 (c) Public agencies or other entities that receive funds  
 1569 under this section are encouraged to better coordinate their  
 1570 expenditures so that project acquisitions, when combined with  
 1571 acquisitions under Preservation 2000, Save Our Rivers, the  
 1572 Florida Communities Trust, and other public land acquisition  
 1573 programs, will form more complete patterns of protection for  
 1574 natural areas and functioning ecosystems, to better accomplish  
 1575 the intent of this section.

1576 (d) A long-term financial commitment to managing Florida's  
 1577 public lands must accompany any new land acquisition program to  
 1578 ensure that the natural resource values of such lands are  
 1579 protected, that the public has the opportunity to enjoy the

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1580 lands to their fullest potential, and that the state achieves  
 1581 the full benefits of its investment of public dollars.

1582 (e) With limited dollars available for restoration and  
 1583 acquisition of land and water areas and for providing long-term  
 1584 management and capital improvements, a competitive selection  
 1585 process can select those projects best able to meet the goals of  
 1586 Florida Forever and maximize the efficient use of the program's  
 1587 funding.

1588 (f) To ensure success and provide accountability to the  
 1589 citizens of this state, it is the intent of the Legislature that  
 1590 any bond proceeds used pursuant to this section be used to  
 1591 implement the goals and objectives recommended by the Florida  
 1592 Forever Advisory Council as approved by the Board of Trustees of  
 1593 the Internal Improvement Trust Fund and the Legislature.

1594 (g) As it has with previous land acquisition programs, the  
 1595 Legislature recognizes the desires of the citizens of this state  
 1596 to prosper through economic development and to preserve the  
 1597 natural areas and recreational open space of Florida. The  
 1598 Legislature further recognizes the urgency of restoring the  
 1599 natural functions of public lands or water bodies before they  
 1600 are degraded to a point where recovery may never occur, yet  
 1601 acknowledges the difficulty of ensuring adequate funding for  
 1602 restoration efforts in light of other equally critical financial  
 1603 needs of the state. It is the Legislature's desire and intent to  
 1604 fund the implementation of this section and to do so in a  
 1605 fiscally responsible manner, by issuing bonds to be repaid with  
 1606 documentary stamp tax revenue.

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1607 (h) The Legislature further recognizes the important role  
 1608 that many of our state and federal military installations  
 1609 contribute to protecting and preserving Florida's natural  
 1610 resources as well as our economic prosperity. Where the state's  
 1611 land conservation plans overlap with the military's need to  
 1612 protect lands, waters, and habitat to ensure the sustainability  
 1613 of military missions, it is the Legislature's intent that  
 1614 agencies receiving funds under this program cooperate with our  
 1615 military partners to protect and buffer military installations  
 1616 and military airspace, by:

1617 1. Protecting habitat on nonmilitary land for any species  
 1618 found on military land that is designated as threatened or  
 1619 endangered, or is a candidate for such designation under the  
 1620 Endangered Species Act or any Florida statute;

1621 2. Protecting areas underlying low-level military air  
 1622 corridors or operating areas; and

1623 3. Protecting areas identified as clear zones, accident  
 1624 potential zones, and air installation compatible use buffer  
 1625 zones delineated by our military partners.

1626 (3) Less the costs of issuing and the costs of funding  
 1627 reserve accounts and other costs associated with bonds, the  
 1628 proceeds of bonds issued pursuant to this section shall be  
 1629 deposited into the Florida Forever Trust Fund created by s.  
 1630 259.1051. The proceeds shall be distributed by the Department of  
 1631 Environmental Protection in the following manner:

1632 (a) Thirty-five percent to the Department of Environmental  
 1633 Protection for the acquisition of lands and capital project  
 1634 expenditures necessary to implement the water management

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1635 districts' priority lists developed pursuant to s. 373.199. The  
 1636 funds are to be distributed to the water management districts as  
 1637 provided in subsection (11). A minimum of 50 percent of the  
 1638 total funds provided over the life of the Florida Forever  
 1639 program pursuant to this paragraph shall be used for the  
 1640 acquisition of lands.

1641 (b) Thirty-five percent to the Department of Environmental  
 1642 Protection for the acquisition of lands and capital project  
 1643 expenditures described in this section. Of the proceeds  
 1644 distributed pursuant to this paragraph, it is the intent of the  
 1645 Legislature that an increased priority be given to those  
 1646 acquisitions which achieve a combination of conservation goals,  
 1647 including protecting Florida's water resources and natural  
 1648 groundwater recharge. Capital project expenditures may not  
 1649 exceed 10 percent of the funds allocated pursuant to this  
 1650 paragraph.

1651 (c) Twenty-two percent to the Department of Community  
 1652 Affairs for use by the Florida Communities Trust for the  
 1653 purposes of part III of chapter 380, as described and limited by  
 1654 this subsection, and grants to local governments or nonprofit  
 1655 environmental organizations that are tax-exempt under s.  
 1656 501(c)(3) of the United States Internal Revenue Code for the  
 1657 acquisition of community-based projects, urban open spaces,  
 1658 parks, and greenways to implement local government comprehensive  
 1659 plans. From funds available to the trust and used for land  
 1660 acquisition, 75 percent shall be matched by local governments on  
 1661 a dollar-for-dollar basis. The Legislature intends that the  
 1662 Florida Communities Trust emphasize funding projects in low-

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1663 income or otherwise disadvantaged communities. At least 30  
 1664 percent of the total allocation provided to the trust shall be  
 1665 used in Standard Metropolitan Statistical Areas, but one-half of  
 1666 that amount shall be used in localities in which the project  
 1667 site is located in built-up commercial, industrial, or mixed-use  
 1668 areas and functions to intersperse open spaces within congested  
 1669 urban core areas. From funds allocated to the trust, no less  
 1670 than 5 percent shall be used to acquire lands for recreational  
 1671 trail systems, provided that in the event these funds are not  
 1672 needed for such projects, they will be available for other trust  
 1673 projects. Local governments may use federal grants or loans,  
 1674 private donations, or environmental mitigation funds, including  
 1675 environmental mitigation funds required pursuant to s. 338.250,  
 1676 for any part or all of any local match required for acquisitions  
 1677 funded through the Florida Communities Trust. Any lands  
 1678 purchased by nonprofit organizations using funds allocated under  
 1679 this paragraph must provide for such lands to remain permanently  
 1680 in public use through a reversion of title to local or state  
 1681 government, conservation easement, or other appropriate  
 1682 mechanism. Projects funded with funds allocated to the Trust  
 1683 shall be selected in a competitive process measured against  
 1684 criteria adopted in rule by the Trust.

1685 (d) Two percent to the Department of Environmental  
 1686 Protection for grants pursuant to s. 375.075.

1688 (e) One and five-tenths percent to the Department of  
 1689 Environmental Protection for the purchase of inholdings and  
 1690 additions to state parks and for capital project expenditures as

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1691 described in this section. Capital project expenditures may not  
 1692 exceed 10 percent of the funds allocated under this paragraph.  
 1693 For the purposes of this paragraph, "state park" means any real  
 1694 property in the state which is under the jurisdiction of the  
 1695 Division of Recreation and Parks of the department, or which may  
 1696 come under its jurisdiction.

1697 (f) One and five-tenths percent to the Division of  
 1698 Forestry of the Department of Agriculture and Consumer Services  
 1699 to fund the acquisition of state forest inholdings and additions  
 1700 pursuant to s. 589.07, the implementation of reforestation plans  
 1701 or sustainable forestry management practices, and for capital  
 1702 project expenditures as described in this section. Capital  
 1703 project expenditures may not exceed 10 percent of the funds  
 1704 allocated under this paragraph.

1705 (g) One and five-tenths percent to the Fish and Wildlife  
 1706 Conservation Commission to fund the acquisition of inholdings  
 1707 and additions to lands managed by the commission which are  
 1708 important to the conservation of fish and wildlife and for  
 1709 capital project expenditures as described in this section.  
 1710 Capital project expenditures may not exceed 10 percent of the  
 1711 funds allocated under this paragraph.

1712 (h) One and five-tenths percent to the Department of  
 1713 Environmental Protection for the Florida Greenways and Trails  
 1714 Program, to acquire greenways and trails or greenways and trail  
 1715 systems pursuant to chapter 260, including, but not limited to,  
 1716 abandoned railroad rights-of-way and the Florida National Scenic  
 1717 Trail and for capital project expenditures as described in this

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1718 section. Capital project expenditures may not exceed 10 percent  
 1719 of the funds allocated under this paragraph.

1720 (i) It is the intent of the Legislature that proceeds of  
 1721 Florida Forever bonds distributed under this section shall be  
 1722 expended in an efficient and fiscally responsible manner. An  
 1723 agency that receives proceeds from Florida Forever bonds under  
 1724 this section may not maintain a balance of unencumbered funds in  
 1725 its Florida Forever subaccount beyond 3 fiscal years from the  
 1726 date of deposit of funds from each bond issue. Any funds that  
 1727 have not been expended or encumbered after 3 fiscal years from  
 1728 the date of deposit shall be distributed by the Legislature at  
 1729 its next regular session for use in the Florida Forever program.

1730 (j) For the purposes of paragraphs (d), (e), (f), and (g),  
 1731 the agencies which receive the funds shall develop their  
 1732 individual acquisition or restoration lists. Proposed additions  
 1733 may be acquired if they are identified within the original  
 1734 project boundary, the management plan required pursuant to s.  
 1735 253.034(5), or the management prospectus required pursuant to s.  
 1736 259.032(9)(d). Proposed additions not meeting the requirements  
 1737 of this paragraph shall be submitted to the Acquisition and  
 1738 Restoration Council for approval. The council may only approve  
 1739 the proposed addition if it meets two or more of the following  
 1740 criteria: serves as a link or corridor to other publicly owned  
 1741 property; enhances the protection or management of the property;  
 1742 would add a desirable resource to the property; would create a  
 1743 more manageable boundary configuration; has a high resource  
 1744 value that otherwise would be unprotected; or can be acquired at  
 1745 less than fair market value.

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1746 (4) It is the intent of the Legislature that projects or  
 1747 acquisitions funded pursuant to paragraphs (3)(a) and (b)  
 1748 contribute to the achievement of the following goals:

1749 (a) Enhance the coordination and completion of land  
 1750 acquisition projects, as measured by:

1751 1. The number of acres acquired through the state's land  
 1752 acquisition programs that contribute to the completion of  
 1753 Florida Preservation 2000 projects or projects begun before  
 1754 Preservation 2000;

1755 2. The number of acres protected through the use of  
 1756 alternatives to fee simple acquisition; or

1757 3. The number of shared acquisition projects among Florida  
 1758 Forever funding partners and partners with other funding  
 1759 sources, including local governments and the Federal Government.

1760 (b) Increase the protection of Florida's biodiversity at  
 1761 the species, natural community, and landscape levels, as  
 1762 measured by:

1763 1. The number of acres acquired of significant strategic  
 1764 habitat conservation areas;

1765 2. The number of acres acquired of highest priority  
 1766 conservation areas for Florida's rarest species;

1767 3. The number of acres acquired of significant landscapes,  
 1768 landscape linkages, and conservation corridors, giving priority  
 1769 to completing linkages;

1770 4. The number of acres acquired of underrepresented native  
 1771 ecosystems;

1772 5. The number of landscape-sized protection areas of at  
 1773 least 50,000 acres that exhibit a mosaic of predominantly intact



BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1774 or restorable natural communities established through new  
 1775 acquisition projects or augmentations to previous projects; or  
 1776 6. The percentage increase in the number of occurrences of  
 1777 endangered species, threatened species, or species of special  
 1778 concern on publicly managed conservation areas.  
 1779 (c) Protect, restore, and maintain the quality and natural  
 1780 functions of land, water, and wetland systems of the state, as  
 1781 measured by:  
 1782 1. The number of acres of publicly owned land identified  
 1783 as needing restoration, acres undergoing restoration, and acres  
 1784 with restoration activities completed;  
 1785 2. The percentage of water segments that fully meet,  
 1786 partially meet, or do not meet their designated uses as reported  
 1787 in the Department of Environmental Protection's State Water  
 1788 Quality Assessment 305(b) Report;  
 1789 3. The percentage completion of targeted capital  
 1790 improvements in surface water improvement and management plans  
 1791 created under s. 373.453(2), regional or master stormwater  
 1792 management system plans, or other adopted restoration plans;  
 1793 4. The number of acres acquired that protect natural  
 1794 floodplain functions;  
 1795 5. The number of acres acquired that protect surface  
 1796 waters of the state;  
 1797 6. The number of acres identified for acquisition to  
 1798 minimize damage from flooding and the percentage of those acres  
 1799 acquired;  
 1800 7. The number of acres acquired that protect fragile  
 1801 coastal resources;

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1802           8. The number of acres of functional wetland systems  
1803 protected;

1804           9. The percentage of miles of critically eroding beaches  
1805 contiguous with public lands that are restored or protected from  
1806 further erosion;

1807           10. The percentage of public lakes and rivers in which  
1808 invasive, nonnative aquatic plants are under maintenance  
1809 control; or

1810           11. The number of acres of public conservation lands in  
1811 which upland invasive, exotic plants are under maintenance  
1812 control.

1813           (d) Ensure that sufficient quantities of water are  
1814 available to meet the current and future needs of natural  
1815 systems and the citizens of the state, as measured by:

1816           1. The number of acres acquired which provide retention  
1817 and storage of surface water in naturally occurring storage  
1818 areas, such as lakes and wetlands, consistent with the  
1819 maintenance of water resources or water supplies and consistent  
1820 with district water supply plans;

1821           2. The quantity of water made available through the water  
1822 resource development component of a district water supply plan  
1823 for which a water management district is responsible; or

1824           3. The number of acres acquired of groundwater recharge  
1825 areas critical to springs, sinks, aquifers, other natural  
1826 systems, or water supply.

1827           (e) Increase natural resource-based public recreational  
1828 and educational opportunities, as measured by:

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

- 1829           1. The number of acres acquired that are available for  
 1830 natural resource-based public recreation or education;
- 1831           2. The miles of trails that are available for public  
 1832 recreation, giving priority to those that provide significant  
 1833 connections including those that will assist in completing the  
 1834 Florida National Scenic Trail; or
- 1835           3. The number of new resource-based recreation facilities,  
 1836 by type, made available on public land.
- 1837           (f) Preserve significant archaeological or historic sites,  
 1838 as measured by:
- 1839           1. The increase in the number of and percentage of  
 1840 historic and archaeological properties listed in the Florida  
 1841 Master Site File or National Register of Historic Places which  
 1842 are protected or preserved for public use; or
- 1843           2. The increase in the number and percentage of historic  
 1844 and archaeological properties that are in state ownership.
- 1845           (g) Increase the amount of forestland available for  
 1846 sustainable management of natural resources, as measured by:
- 1847           1. The number of acres acquired that are available for  
 1848 sustainable forest management;
- 1849           2. The number of acres of state-owned forestland managed  
 1850 for economic return in accordance with current best management  
 1851 practices;
- 1852           3. The number of acres of forestland acquired that will  
 1853 serve to maintain natural groundwater recharge functions; or
- 1854           4. The percentage and number of acres identified for  
 1855 restoration actually restored by reforestation.

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1856 (h) Increase the amount of open space available in urban  
1857 areas, as measured by:

1858 1. The percentage of local governments that participate in  
1859 land acquisition programs and acquire open space in urban cores;  
1860 or

1861 2. The percentage and number of acres of purchases of open  
1862 space within urban service areas.

1863  
1864 Florida Forever projects and acquisitions funded pursuant to  
1865 paragraph (3)(c) shall be measured by goals developed by rule by  
1866 the Florida Communities Trust Governing Board created in s.  
1867 380.504.

1868 (5)

1869 (a) All lands acquired pursuant to this section shall be  
1870 managed for multiple-use purposes, where compatible with the  
1871 resource values of and management objectives for such lands. As  
1872 used in this section, "multiple-use" includes, but is not  
1873 limited to, outdoor recreational activities as described in ss.  
1874 253.034 and 259.032(9)(b), water resource development projects,  
1875 and sustainable forestry management.

1876 (b) Upon a decision by the entity in which title to lands  
1877 acquired pursuant to this section has vested, such lands may be  
1878 designated single use as defined in s. 253.034(2)(b).

1879 (6) As provided in this section, a water resource or water  
1880 supply development project may be allowed only if the following  
1881 conditions are met: minimum flows and levels have been  
1882 established for those waters, if any, which may reasonably be  
1883 expected to experience significant harm to water resources as a

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1884 result of the project; the project complies with all applicable  
 1885 permitting requirements; and the project is consistent with the  
 1886 regional water supply plan, if any, of the water management  
 1887 district and with relevant recovery or prevention strategies if  
 1888 required pursuant to s. 373.0421(2).

1889 (7)

1890 (a) Beginning no later than July 1, 2001, and every year  
 1891 thereafter, the Acquisition and Restoration Council shall accept  
 1892 applications from state agencies, local governments, nonprofit  
 1893 and for-profit organizations, private land trusts, and  
 1894 individuals for project proposals eligible for funding pursuant  
 1895 to paragraph (3)(b). The council shall evaluate the proposals  
 1896 received pursuant to this subsection to ensure that they meet at  
 1897 least one of the criteria under subsection (9).

1898 (b) Project applications shall contain, at a minimum, the  
 1899 following:

1900 1. A minimum of two numeric performance measures that  
 1901 directly relate to the overall goals adopted by the council.  
 1902 Each performance measure shall include a baseline measurement,  
 1903 which is the current situation; a performance standard which the  
 1904 project sponsor anticipates the project will achieve; and the  
 1905 performance measurement itself, which should reflect the  
 1906 incremental improvements the project accomplishes towards  
 1907 achieving the performance standard.

1908 2. Proof that property owners within any proposed  
 1909 acquisition have been notified of their inclusion in the  
 1910 proposed project. Any property owner may request the removal of  
 1911 such property from further consideration by submitting a request

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1912 to the project sponsor or the Acquisition and Restoration  
 1913 Council by certified mail. Upon receiving this request, the  
 1914 council shall delete the property from the proposed project;  
 1915 however, the board of trustees, at the time it votes to approve  
 1916 the proposed project lists pursuant to subsection (16), may add  
 1917 the property back on to the project lists if it determines by a  
 1918 super majority of its members that such property is critical to  
 1919 achieve the purposes of the project.

1920 (c) The title to lands acquired under this section shall  
 1921 vest in the Board of Trustees of the Internal Improvement Trust  
 1922 Fund, except that title to lands acquired by a water management  
 1923 district shall vest in the name of that district and lands  
 1924 acquired by a local government shall vest in the name of the  
 1925 purchasing local government.

1926 (8) The Acquisition and Restoration Council shall develop  
 1927 a project list that shall represent those projects submitted  
 1928 pursuant to subsection (7).

1929 (9) The Acquisition and Restoration Council shall  
 1930 recommend rules for adoption by the board of trustees to  
 1931 competitively evaluate, select, and rank projects eligible for  
 1932 Florida Forever funds pursuant to paragraph (3)(b) and for  
 1933 additions to the Conservation and Recreation Lands list pursuant  
 1934 to ss. 259.032 and 259.101(4). In developing these proposed  
 1935 rules, the Acquisition and Restoration Council shall give weight  
 1936 to the following criteria:

1937 (a) The project meets multiple goals described in  
 1938 subsection (4).

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1939 (b) The project is part of an ongoing governmental effort  
 1940 to restore, protect, or develop land areas or water resources.

1941 (c) The project enhances or facilitates management of  
 1942 properties already under public ownership.

1943 (d) The project has significant archaeological or historic  
 1944 value.

1945 (e) The project has funding sources that are identified  
 1946 and assured through at least the first 2 years of the project.

1947 (f) The project contributes to the solution of water  
 1948 resource problems on a regional basis.

1949 (g) The project has a significant portion of its land area  
 1950 in imminent danger of development, in imminent danger of losing  
 1951 its significant natural attributes or recreational open space,  
 1952 or in imminent danger of subdivision which would result in  
 1953 multiple ownership and make acquisition of the project costly or  
 1954 less likely to be accomplished.

1955 (h) The project implements an element from a plan  
 1956 developed by an ecosystem management team.

1957 (i) The project is one of the components of the Everglades  
 1958 restoration effort.

1959 (j) The project may be purchased at 80 percent of  
 1960 appraised value.

1961 (k) The project may be acquired, in whole or in part,  
 1962 using alternatives to fee simple, including but not limited to,  
 1963 purchase of development rights, hunting rights, agricultural or  
 1964 silvicultural rights, or mineral rights or obtaining  
 1965 conservation easements or flowage easements.

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

1966 (1) The project is a joint acquisition, either among  
 1967 public agencies, nonprofit organizations, or private entities,  
 1968 or by a public-private partnership.

1969 (10) The Acquisition and Restoration Council shall give  
 1970 increased priority to those projects for which matching funds  
 1971 are available and to project elements previously identified on  
 1972 an acquisition list pursuant to this section that can be  
 1973 acquired at 80 percent or less of appraised value. The council  
 1974 shall also give increased priority to those projects where the  
 1975 state's land conservation plans overlap with the military's need  
 1976 to protect lands, water, and habitat to ensure the  
 1977 sustainability of military missions including:

1978 (a) Protecting habitat on nonmilitary land for any species  
 1979 found on military land that is designated as threatened or  
 1980 endangered, or is a candidate for such designation under the  
 1981 Endangered Species Act or any Florida statute;

1982 (b) Protecting areas underlying low-level military air  
 1983 corridors or operating areas; and

1984 (c) Protecting areas identified as clear zones, accident  
 1985 potential zones, and air installation compatible use buffer  
 1986 zones delineated by our military partners, and for which federal  
 1987 or other funding is available to assist with the project.

1988 (11) For the purposes of funding projects pursuant to  
 1989 paragraph (3)(a), the Secretary of Environmental Protection  
 1990 shall ensure that each water management district receives the  
 1991 following percentage of funds annually:

1992 (a) Thirty-five percent to the South Florida Water  
 1993 Management District, of which amount \$25 million for 2 years



BILL DRAFT – Statutory Revisions for consideration inclusion into PCB YEAR

1994 beginning in fiscal year 2000-2001 shall be transferred by the  
 1995 Department of Environmental Protection into the Save Our  
 1996 Everglades Trust Fund and shall be used exclusively to implement  
 1997 the comprehensive plan under s. 373.470.

1998 (b) Twenty-five percent to the Southwest Florida Water  
 1999 Management District.

2000 (c) Twenty-five percent to the St. Johns River Water  
 2001 Management District.

2002 (d) Seven and one-half percent to the Suwannee River Water  
 2003 Management District.

2004 (e) Seven and one-half percent to the Northwest Florida  
 2005 Water Management District.

2006 (12) It is the intent of the Legislature that in  
 2007 developing the list of projects for funding pursuant to  
 2008 paragraph (3)(a), that these funds not be used to abrogate the  
 2009 financial responsibility of those point and nonpoint sources  
 2010 that have contributed to the degradation of water or land areas.  
 2011 Therefore, an increased priority shall be given by the water  
 2012 management district governing boards to those projects that have  
 2013 secured a cost-sharing agreement allocating responsibility for  
 2014 the cleanup of point and nonpoint sources.

2015 (13) An affirmative vote of five members of the  
 2016 Acquisition and Restoration Council shall be required in order  
 2017 to place a proposed project on the list developed pursuant to  
 2018 subsection (8). Any member of the council who by family or a  
 2019 business relationship has a connection with any project proposed  
 2020 to be ranked shall declare such interest prior to voting for a  
 2021 project's inclusion on the list.

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

2022 (14) Each year that bonds are to be issued pursuant to  
 2023 this section, the Acquisition and Restoration Council shall  
 2024 review the most current approved project list and shall, by the  
 2025 first board meeting in May, present to the Board of Trustees of  
 2026 the Internal Improvement Trust Fund for approval a listing of  
 2027 projects developed pursuant to subsection (8). The board of  
 2028 trustees may remove projects from the list developed pursuant to  
 2029 this subsection, but may not add projects or rearrange project  
 2030 rankings.

2031 (15) The Acquisition and Restoration Council shall submit  
 2032 to the board of trustees, with its list of projects, a report  
 2033 that includes, but shall not be limited to, the following  
 2034 information for each project listed:

2035 (a) The stated purpose for inclusion.

2036 (b) Projected costs to achieve the project goals.

2037 (c) An interim management budget.

2038 (d) Specific performance measures.

2039 (e) Plans for public access.

2040 (f) An identification of the essential parcel or parcels  
 2041 within the project without which the project cannot be properly  
 2042 managed.

2043 (g) Where applicable, an identification of those projects  
 2044 or parcels within projects which should be acquired in fee  
 2045 simple or in less than fee simple.

2046 (h) An identification of those lands being purchased for  
 2047 conservation purposes.

2048 (i) A management policy statement for the project and a  
 2049 management prospectus pursuant to s. 259.032(9)(d).

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

2050 (j) An estimate of land value based on county tax assessed  
2051 values.

2052 (k) A map delineating project boundaries.

2053 (l) An assessment of the project's ecological value,  
2054 outdoor recreational value, forest resources, wildlife  
2055 resources, ownership pattern, utilization, and location.

2056 (m) A discussion of whether alternative uses are proposed  
2057 for the property and what those uses are.

2058 (n) A designation of the management agency or agencies.

2059 (16) All proposals for projects pursuant to paragraph  
2060 (3)(b) or subsection (20) shall be implemented only if adopted  
2061 by the Acquisition and Restoration Council and approved by the  
2062 board of trustees. The council shall consider and evaluate in  
2063 writing the merits and demerits of each project that is proposed  
2064 for Florida Forever funding and each proposed addition to the  
2065 Conservation and Recreation Lands list program. The council  
2066 shall ensure that each proposed project will meet a stated  
2067 public purpose for the restoration, conservation, or  
2068 preservation of environmentally sensitive lands and water areas  
2069 or for providing outdoor recreational opportunities and that  
2070 each proposed addition to the Conservation and Recreation Lands  
2071 list will meet the public purposes under s. 259.032(3) and, when  
2072 applicable, s. 259.101(4). The council also shall determine  
2073 whether the project or addition conforms, where applicable, with  
2074 the comprehensive plan developed pursuant to s. 259.04(1)(a),  
2075 the comprehensive multipurpose outdoor recreation plan developed  
2076 pursuant to s. 375.021, the state lands management plan adopted  
2077 pursuant to s. 253.03(7), the water resources work plans

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

2078 developed pursuant to s. 373.199, and the provisions of this  
 2079 section.

2080 (17)

2081 (a) The Board of Trustees of the Internal Improvement  
 2082 Trust Fund, or, in the case of water management district lands,  
 2083 the owning water management district, may authorize the granting  
 2084 of a lease, easement, or license for the use of certain lands  
 2085 acquired pursuant to this section, for certain uses that are  
 2086 determined by the appropriate board to be compatible with the  
 2087 resource values of and management objectives for such lands.

2088 (b) Any existing lease, easement, or license acquired for  
 2089 incidental public or private use on, under, or across any lands  
 2090 acquired pursuant to this section shall be presumed to be  
 2091 compatible with the purposes for which such lands were acquired.

2092 (c) Notwithstanding the provisions of paragraph (a), no  
 2093 such lease, easement, or license shall be entered into by the  
 2094 Department of Environmental Protection or other appropriate  
 2095 state agency if the granting of such lease, easement, or license  
 2096 would adversely affect the exclusion of the interest on any  
 2097 revenue bonds issued to fund the acquisition of the affected  
 2098 lands from gross income for federal income tax purposes,  
 2099 pursuant to Internal Revenue Service regulations.

2100 (18) The Acquisition and Restoration Council shall  
 2101 recommend adoption of rules by the board of trustees necessary  
 2102 to implement the provisions of this section relating to:  
 2103 solicitation, scoring, selecting, and ranking of Florida Forever  
 2104 project proposals; disposing of or leasing lands or water areas  
 2105 selected for funding through the Florida Forever program; and

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

2106 the process of reviewing and recommending for approval or  
 2107 rejection the land management plans associated with publicly  
 2108 owned properties. Rules promulgated pursuant to this subsection  
 2109 shall be submitted to the President of the Senate and the  
 2110 Speaker of the House of Representatives, for review by the  
 2111 Legislature, no later than 30 days prior to the 2001 Regular  
 2112 Session and shall become effective only after legislative  
 2113 review. In its review, the Legislature may reject, modify, or  
 2114 take no action relative to such rules. The board of trustees  
 2115 shall conform such rules to changes made by the Legislature, or,  
 2116 if no action was taken by the Legislature, such rules shall  
 2117 become effective.

2118 (19) Lands listed as projects for acquisition under the  
 2119 Florida Forever program may be managed for conservation pursuant  
 2120 to s. 259.032, on an interim basis by a private party in  
 2121 anticipation of a state purchase in accordance with a  
 2122 contractual arrangement between the acquiring agency and the  
 2123 private party that may include management service contracts,  
 2124 leases, cost-share arrangements, or resource conservation  
 2125 agreements. Lands designated as eligible under this subsection  
 2126 shall be managed to maintain or enhance the resources the state  
 2127 is seeking to protect by acquiring the land. Funding for these  
 2128 contractual arrangements may originate from the documentary  
 2129 stamp tax revenue deposited into the Conservation and Recreation  
 2130 Lands Trust Fund and Water Management Lands Trust Fund. No more  
 2131 than 5 percent of funds allocated under the trust funds shall be  
 2132 expended for this purpose.

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

2133 (20) The Acquisition and Restoration Council, as  
 2134 successors to the Land Acquisition and Management Advisory  
 2135 Council, may amend existing Conservation and Recreation Lands  
 2136 projects and add to or delete from the 2000 Conservation and  
 2137 Recreation Lands list until funding for the Conservation and  
 2138 Recreation Lands program has been expended. The amendments to  
 2139 the 2000 Conservation and Recreation Lands list will be reported  
 2140 to the board of trustees in conjunction with the council's  
 2141 report developed pursuant to subsection (15).

2142 (21) The use of rural-lands-protection easements as  
 2143 described in 570.71(3) is encouraged as a way to maintain  
 2144 working lands while furthering the goals of this chapter.

2145 Section 13. Section 259.1051, Florida Statutes, is amended  
 2146 to read:

2147 259.1051 Florida Forever Trust Fund.--

2148 (1) There is created the Florida Forever Trust Fund to  
 2149 carry out the purposes of ss. 259.032, 259.105, 259.1052, and  
 2150 375.031. The Florida Forever Trust Fund shall be held and  
 2151 administered by the Department of Environmental Protection.  
 2152 Proceeds from the sale of bonds, except proceeds of refunding  
 2153 bonds, issued under s. 215.618 and payable from moneys  
 2154 transferred to the Land Acquisition Trust Fund under s.  
 2155 201.15(1)(a), not to exceed \$3 billion, must be deposited into  
 2156 this trust fund to be distributed and used as provided in s.  
 2157 259.105(3). The bond resolution adopted by the governing board  
 2158 of the Division of Bond Finance of the State Board of  
 2159 Administration may provide for additional provisions that govern  
 2160 the disbursement of the bond proceeds.

BILL

DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

2161 (2) The Department of Environmental Protection shall  
 2162 distribute revenues from the Florida Forever Trust Fund only to  
 2163 programs of state agencies or local governments as set out in s.  
 2164 259.105(3) or as provided in s. 259.1052. Excluding  
 2165 distributions to the Save Our Everglades Trust Fund and  
 2166 distributions for the acquisition of the Babcock Crescent B  
 2167 Ranch Florida Forever acquisition as provided in s. 259.1052,  
 2168 the distributions shall be spent by the recipient within 90 days  
 2169 after the date on which the Department of Environmental  
 2170 Protection initiates the transfer.

2171 (3) The Department of Environmental Protection shall  
 2172 ensure that the proceeds from the sale of bonds issued under s.  
 2173 215.618 and payable from moneys transferred to the Land  
 2174 Acquisition Trust Fund under s. 201.15(1)(a) shall be  
 2175 administered and expended in a manner that ensures compliance of  
 2176 each issue of bonds that are issued on the basis that interest  
 2177 thereon will be excluded from gross income for federal income  
 2178 tax purposes, with the applicable provisions of the United  
 2179 States Internal Revenue Code and the regulations promulgated  
 2180 thereunder, to the extent necessary to preserve the exclusion of  
 2181 interest on the bonds from gross income for federal income tax  
 2182 purposes. The Department of Environmental Protection shall  
 2183 administer the use and disbursement of the proceeds of such  
 2184 bonds or require that the use and disbursement thereof be  
 2185 administered in a manner to implement strategies to maximize any  
 2186 available benefits under the applicable provisions of the United  
 2187 States Internal Revenue Code or regulations promulgated

BILL

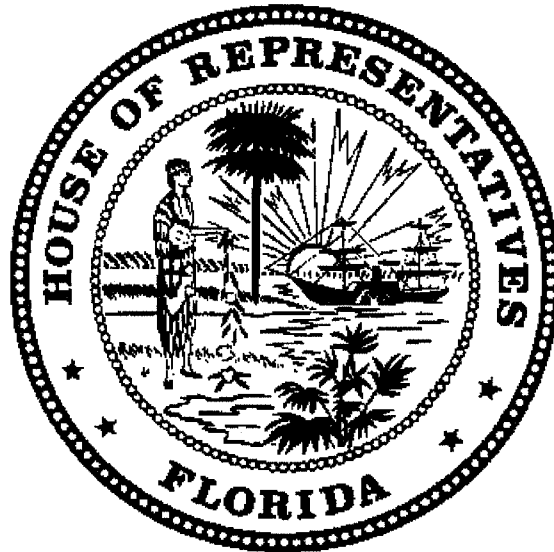
DRAFT – Statutory Revisions for consideration inclusion into PCB

YEAR

2188 | thereunder, to the extent not inconsistent with the purposes  
2189 | identified in s. 259.105(3).

2190 |       Section 14. This act shall take effect July 1, 2008.





---

# COMMITTEE ON CONSERVATION & STATE LANDS

WEDNESDAY, MARCH 26, 2008  
5:15 PM – 7:00 PM  
216 THE CAPITOL

## 1<sup>st</sup> ADDENDUM









HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 31  
SPONSOR(S): Boyd  
TIED BILLS:

Springs Protection

IDEN./SIM. BILLS:

---

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Conservation &amp; State Lands</u>	_____	Palmer 	 Zeiler
2) <u>Environment &amp; Natural Resources Council</u>	_____	_____	_____
3) <u>Policy &amp; Budget Council</u>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

---

SUMMARY ANALYSIS

The bill creates the Florida Springs Stewardship Act and the Florida Springs Stewardship Task Force (task force). The bill defines the task force structure, function and membership and directs the task force, with assistance from all necessary state agencies, to collect and inventory all existing data and to identify zones of influence for each of Florida's first magnitude springs. The task force is also to identify and list best management practices (BMP's) for land uses in the zones of influence and to identify existing and potential sources of funding for implementing these BMP's. The task force is to solicit public input and testimony and propose a program of increased emphasis on education and outreach regarding implementing BMP's. The bill requires a report to the President of the Senate and the Speaker of the House of Representatives specifying the task force's findings. The bill requires the task force be appointed no later than August 1, 2008 and for the task force to expire on January 31, 2009.

The bill does not appear to have a significant fiscal impact on state or local governments.

The bill would become effective on July 1, 2008.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government: The bill creates the *Florida Springs Stewardship Task Force* to evaluate existing data, identify zones of influence, and make recommendations for protection of Florida's springs.

#### B. EFFECT OF PROPOSED CHANGES:

##### Present Situation

The term spring is generally understood to mean a place on the Earth's surface where underground water emerges onto the surface – including the ground beneath surface water features. Although this is accurate in general, there is some ambiguity in this definition for specific usage since it does not differentiate among the different types of springs. In Florida, most springs are one of two general types, seeps (water-table springs) or karst (artesian) springs. Water-table springs occur when rainwater percolates downward through permeable sediments to a much less permeable or impermeable formation which forces the water to move laterally. Eventually, the water may intersect the surface in a low area and form a seep. Karst springs form when confined groundwater discharges to the surface through an opening or vent in the confining layer. Seeps may also form in karst areas when water discharging through a breach in the confining layer does not reach the surface but diffuses into the unconfined surficial or water-table aquifer.

Independent of their type, springs are most often classified based upon their median flow. Median flow is used since spring flow is a dynamic process with individual springs exhibiting variable discharge depending upon rainfall, recharge and groundwater withdrawals within their recharge areas. However, one discharge measurement is enough to place a spring into one of eight flow ranges or magnitude categories. This can result in a spring being initially observed as a certain magnitude spring and later as another magnitude spring. Historically, a spring assigned a magnitude when it was first described continued with that magnitude designation even though the discharge may have changed considerably over time. If a spring had been previously classified as a higher magnitude spring than the magnitude class it would have been assigned in the 2003 Florida Springs Classification System, it retains the higher classification but with the leading descriptor "historical".

There are more than 700 identified springs in Florida. Of particular interest to this bill are the largest discharge springs, classified as first-magnitude springs, which have a flow greater than or equal to 100 cubic feet per second (64.6 million gallons per day). Thirty-three first-magnitude springs have been identified in Florida.

The majority of Florida's springs and all of the first-magnitude springs are karst springs. These karst springs originate in the Floridian aquifer. The Floridian is one of the most prolific aquifers in the world and extends throughout an area that includes all of the Florida Peninsula, and parts of the Florida Panhandle, Alabama, Georgia and South Carolina, as well as parts of the Gulf of Mexico and Atlantic Ocean. The surface of this area is underlain by permeable, unconsolidated deposits of clay, sand, gravel and shell beds. Beneath these permeable surface materials are layers of semi-consolidated and consolidated carbonate rock (limestone and dolostone). Beneath the surface layer a low permeability layer of clastic limestone, known as the Hawthorn Formation, overlays and confines the thick, more permeable layer of limestone which contains the Floridian Aquifer. The Floridian is confined below by a layer of low permeability anhydrate beds referred to as the Cedar Keys Formation. Within the Floridian Aquifer is a discontinuous, low permeability layer that, in places, divides the Floridian into the sub-

layers known as the Upper Floridian and the Lower Floridian. The Upper Floridian contains high quality fresh water while the Lower Floridian may contain more saline water. The Floridian is not flat but tilts and has a variable thickness. In certain places the Floridian formation reaches the surface and precipitation and run-off can be in direct contact with the aquifer. In other places the Hawthorn Formation is thin and may be fractured or breached by sinkholes. In all of these places, the Floridian may either discharge as a spring, diffuse into the surficial aquifer, or be recharged from the water-table aquifer depending on the elevation of the land surface, elevation of the Floridian's potentiometric surface, and the elevation of the water-table surface. The potentiometric surface is the elevation to which the water in a confined aquifer would rise if it were unconfined.

Recent studies of Florida's springs have concluded that many have begun to exhibit signs of distress, including increasing nutrient loading and lowered discharge. This distress is attributed to changes occurring in the spring's discharge basin. A discharge basin is that area within the groundwater basin or surface water basin that contributes to the discharge of the spring. The boundaries of a discharge are very dynamic and vary as a result of changes in the potentiometric surface of the Floridian aquifer relative to changes in the elevation of the water-table. Thus, discharge basins are composed of three different zones of influence: the surface basin which contributes direct runoff; the water-table flow basin which may be into or out-of the spring flow; and the Floridian discharge source basin. It is very difficult to identify the specific boundaries of these zones since the three basins typically do not cover the same regions. The surface runoff basin can be defined with reasonable precision and remains fairly constant unless artificially modified. However, the flow and water quality in the other two basins vary depending on recharge situations and are likely affected by conditions and events that may be remote from the spring and occur in different places for each basin.

In 1999, in response to the perceived decline in spring water flows and quality, the Department of Environmental Protection (DEP) convened the *Florida Springs Task Force* to assess the condition of Florida's springs. The findings of the task force then led the Florida Legislature to authorize the *Florida Springs Initiative* in 2001 with a funding appropriation of 2.5 million dollars. This program was designed to investigate the sources of spring-flow, determine, to the extent possible, the zones that most affect the water quantity and quality of spring discharge, monitor spring water quality, assist landowners in implementing spring protection actions, and promote the value of springs through extensive public education. DEP reports that maps delineating zones of influence have been generated for many of the state's first magnitude springs.

#### Effect of Proposed Change

The bill amends chapter 369, F.S., creating the *Florida Springs Stewardship Act* relating to protection of Florida's springs, establishes the *Florida Springs Stewardship Task Force* (task force), and specifies the Task Force's duties.

By way of this bill, the Legislature recognizes that Florida's springs are valuable resources that provide recreational and tourism opportunities and are a great financial benefit to local economies and that Florida's springs provide critical habitat for endangered or threatened species of plants and animals. Furthermore, the flow and water quality of Florida's springs are direct reflections of the aquifer systems in Florida and consequently are indicators of the condition of a significant portion of the state's water resources. The Legislature states its belief that cooperative efforts can best develop the mechanisms to identify best management practices for the protection, restoration, and preservation of Florida's water resources, including springs, that the citizens of Florida desire to be good stewards of the state's resources, and that through educational awareness programs the state's citizens will voluntarily implement best management practices into their daily activities.

The *Florida Springs Stewardship Task Force* is to be appointed no later than August 1, 2008. The bill establishes a nine member task force with a chair and a vice-chair to be elected by the task force from among its membership. The task force membership shall be:

- one representative from the DEP, to be appointed by the Secretary of the DEP;
- one representative from the Department of Agriculture and Consumer Protection, to be appointed by the Commissioner of Agriculture;
- one representative from the Department of Community Affairs, to be appointed by the Secretary of the Department of Community Affairs;
- one representative from the water management district with the greatest number of first magnitude springs within its jurisdiction, to be appointed by the executive director of that water management district;
- one representative from the development community, to be appointed by the President of the Senate;
- one representative from a local chamber of commerce, to be appointed by the President of the Senate;
- one representative who is a locally elected county or municipal official, to be appointed by the Speaker of the House of Representatives;
- one representative from the environmental community, to be appointed by the Speaker of the House of Representatives; and
- one member from the agricultural community, to be appointed by the Commissioner of Agriculture;

The task force is to collect and inventory all existing data and to identify zones of influence for each of Florida's thirty-three known first magnitude springs. They are to identify land uses in these zones and to identify and compile a list of existing best management practices (BMP's) and other water pollutant controls for the identified land uses. The task force is also directed to identify any and all existing and reasonably expected funding sources available to implement BMP's and other water pollutant controls that would protect Florida's first magnitude springs and propose a priority list of projects for the funding.

The task force is to conduct public meetings for the purpose of taking public input and testimony regarding issues related to springs protection, restoration, and preservation. The task force is directed to then propose a program of increased emphasis on education and outreach that encourages the implementation of BMP's and other water pollutant controls for agricultural and nonagricultural land uses, including specific provisions for cost-share assistance with the implementation BMP's. The task force is to propose a means for recognition of agricultural and nonagricultural landowners who participate in the BMP's program.

The task force is to prepare a report summarizing the data collected, public input and testimony, and its findings and proposals. This report is to be submitted to the President of the Senate and the Speaker of the House of Representatives no later than January 31, 2009.

All state agencies are directed, and all other agencies and local governments are requested, to render assistance to and to cooperate with the task force.

The bill provides for the task force to expire January 31, 2009.

The bill would become effective on July 1, 2008.

#### C. SECTION DIRECTORY:



Section 1: Creates Part IV of ch. 369, F.S., consisting of: s. 369.401, creating a short title; s 369.402, establishing Legislative intent and findings; s 369.403, establishing definitions; and s. 369.404, creating the Florida Springs Stewardship Task Force and specifying duties of the task force.

Section 2: Creates an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to require cities or counties to spend funds or take actions requiring the expenditure of funds, nor does it appear to reduce the authority that cities or counties have to raise revenues in the aggregate, nor does it appear to reduce the percentage of a state tax shared with cities or counties

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

No rulemaking authority is granted to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

**IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**



29 direct reflections of the aquifer systems in Florida and  
 30 consequently are indicators of the condition of a significant  
 31 portion of the state's water resources.

32 (3) Cooperative efforts can best develop the mechanisms to  
 33 identify best management practices for the protection,  
 34 restoration, and preservation of Florida's water resources,  
 35 including springs.

36 (4) The citizens of Florida desire to be good stewards of  
 37 the state's resources and that through educational awareness  
 38 programs will voluntarily implement best management practices  
 39 into their daily activities.

40 369.403 Definitions.--For purposes of this part, the term:

41 (1) "Seep" means a place where the water table aquifer  
 42 intersects the land surface and flows onto the land.

43 (2) "Spring" means a point where groundwater is discharged  
 44 onto the earth's surface, including under any surface water of  
 45 the state, and excluding seeps.

46 (3) "Zone of influence" means the geographic area that  
 47 contributes most directly to the water quantity and quality of a  
 48 spring.

49 369.404 Florida Springs Stewardship Task Force.--

50 (1) The Florida Springs Stewardship Task Force is hereby  
 51 created and shall consist of nine members as follows:

52 (a) One representative from the Department of  
 53 Environmental Protection to be appointed by the Secretary of  
 54 Environmental Protection.

55 (b) One representative from the Department of Agriculture  
 56 and Consumer Services to be appointed by the Commissioner of

57 Agriculture.

58 (c) One representative from the Department of Community  
 59 Affairs to be appointed by the Secretary of Community Affairs.

60 (d) One representative from the water management district  
 61 with the greatest number of first magnitude springs within its  
 62 jurisdiction to be appointed by the executive director of that  
 63 water management district.

64 (e) Two members appointed by the President of the Senate,  
 65 one of whom shall be a representative of the development  
 66 community and one of whom shall be a representative of a local  
 67 chamber of commerce.

68 (f) Two members appointed by the Speaker of the House of  
 69 Representatives, one of whom shall be a locally elected county  
 70 or municipal official and one of whom shall be a representative  
 71 of the environmental community.

72 (g) One member appointed by the Commissioner of  
 73 Agriculture who shall be a representative of the agricultural  
 74 community.

75 (2) Task force members shall be appointed no later than  
 76 August 1, 2008. Members shall choose a chair and vice chair from  
 77 the membership of the task force.

78 (3) The task force shall:

79 (a) Collect and inventory all existing data identifying  
 80 zones of influence for each of Florida's 33 known first  
 81 magnitude springs and identifying land uses in these areas.

82 (b) Identify and compile a list of existing best  
 83 management practices for identified land uses and other water  
 84 pollutant controls.

85        (c) Identify any and all existing and reasonably expected  
 86 funding sources available to implement best management practices  
 87 and other water pollutant controls that protect Florida's first  
 88 magnitude springs and propose a priority list of projects for  
 89 the funding.

90        (d) Take public input and testimony regarding issues  
 91 related to spring protection, restoration, and preservation.

92        (e) Propose a program of increased emphasis on education  
 93 and outreach that encourages the implementation of best  
 94 management practices for agricultural and nonagricultural land  
 95 uses and other water pollutant controls, including specific  
 96 provisions for cost-share assistance with the implementation of  
 97 best management practices as well as recognition of agricultural  
 98 and nonagricultural landowners who participate in the best  
 99 management practices program.

100       (4) The task force shall submit a report summarizing the  
 101 data collected, public input and testimony, and the findings and  
 102 proposals of the task force to the President of the Senate and  
 103 the Speaker of the House of Representatives no later than  
 104 January 31, 2009.

105       (5) All state agencies are directed, and all other  
 106 agencies and local governments are requested, to render  
 107 assistance to and cooperate with the task force.

108       (6) The task force shall expire on January 31, 2009.

109       Section 2. This act shall take effect July 1, 2008.



---

# **COMMITTEE ON CONSERVATION & STATE LANDS**

**WEDNESDAY, MARCH 26, 2008**

**5:15 PM – 7:00 PM**

**216 THE CAPITOL**



## **2nd ADDENDUM**

**Marco Rubio  
Speaker**

**Rep. Will Kendrick  
Chair**

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** PCB ENRC 08-09 Florida Forever Successor  
**SPONSOR(S):** Committee on Conservation & State Lands  
**TIED BILLS:** IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Environment and Natural Resources Council			
Committee on Conservation & State Lands		Palmer 	Zeiler 
2)			
3)			
4)			
5)			

**SUMMARY ANALYSIS**

The bill extends the current Florida Forever program by extending the retirement date for all Florida Forever bonds from December 31, 2030 to December 31, 2033 and raises the limit on the issuance of the bonds from \$3 billion to \$3.2 billion. The bill requires the legislature to analyze the state's debt ratio in relation to projected revenues prior to the authorization of any bonds for land acquisition and directs the legislature to complete an analysis of potential revenue sources for the Florida Forever program by February 1, 2010.

The bill transfers the Florida Communities Trust from the Department of Community Affairs to the Department of Environmental Protection (DEP). It also requests the Division of Statutory Revision of the Joint Legislative Management Committee to prepare a reviser's bill to conform Florida Statutes to the organizational changes made by this bill.

The bill designates the Fish and Wildlife Conservation Commission (FWC) and the Department of Agriculture and Consumer Services (DACCS) as the state's primary land managers for state lands title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund (board).

The duties of the primary land managers are expanded to include concurrently developing the land management plans (LMP), implementing the LMP's and monitoring the results of the land management activities. The bill expands land management plan reporting requirements and requires objective performance measures of management to be developed, measured and reported..

The Secretary of the Department of Environmental Protection, the Executive Director of the Fish and Wildlife Conservation Commission, and the Commissioner of Agriculture are to prepare and deliver a report to the President of the Senate and the Speaker of the House of Representatives no later than December 31, 2008 that provides a formula to allocate funds provided for long-term management of all state lands. The formula and the methodology used to develop it are to be approved by the legislature.

The bill authorizes an additional \$200 million dollars to be issued in Florida Forever bonds and extends the retirement date of these bonds to December 31, 2033. The debt service is estimated to be \$20 million per year for this funding increase. The FCT program with all funding sources will be transferred from the DCA to the DEP.

The bill's effective date is July 1, 2008.



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government: The bill standardizes land management activities and provides for more detailed accountability reporting by land managers.

#### B. EFFECT OF PROPOSED CHANGES:

##### Present Situation

Land acquisition for conservation has long been recognized as critical for the protection of water and ecological resources. Since 1963 the state has implemented a series of statutory land acquisition programs by which the State of Florida has invested more than \$6 billion to obtain control over approximately 3.5 million acres of land for conservation, recreation, preservation, and restoration. The water management districts have acquired additional lands in excess of 2 million acres for water supply, and water resource protection and conservation.

The health of Florida's ecosystems depends on dynamic natural processes associated with fire, hydrology, and a delicate ecological balance among native species. The state's resource management goal is to conserve, restore and preserve the natural landscapes of Florida by protecting and, where needed, reestablishing natural processes. The managing agencies are directed to establish and implement management plans to accomplish these goals. The Legislature has further directed that all state and public lands are to be available for public access and recreation whenever such public use would not be contrary to the purpose for which the land was acquired or whenever public access would create an unsafe situation.

Public use is allowed on almost all conservation lands, with most of the exceptions being associated with structures supporting either flood control or water supply, lands leased for activities such as agriculture, or during times of infrastructure construction. Although most conservation lands are open to public use, there is often a perception that this is not the case. The perception of areas not being open for public use may be based on difficulty in finding access points, lack of basic facilities, or to areas being closed to some uses but not to others. Uses, such as hunting, may be restricted by seasonality or they may be limited due to incompatibility with management goals or other ongoing public uses.

The Florida Forever Program was created by the Legislature in 1999, as a successor program to the successful Preservation 2000 program. Florida Forever authorizes the issuance of not more than \$3 billion in bonds for land acquisition, water resource development projects, the preservation and restoration of open space and greenways, and for outdoor recreation purposes. The program continues to provide public land acquisition agencies with the authority to purchase eligible properties and authorizes alternatives to fee simple acquisitions. The Florida Forever Program sunsets in 2010.

Under the Florida Forever program, lands are purchased by:

- the Department of Environmental Protection's (DEP) Division of State Lands (DSL) and are managed by:
  - DEP —
    - Division of Recreation and Parks (DRP);
    - Office of Greenways and Trails (OGT); and
    - Office of Coastal and Aquatic Managed Areas (CAMA);
  - Fish and Wildlife Conservation Commission (FWC);
  - Department of Agriculture and Consumer Services' (DACS) Division of Forestry (DOF);

- Department of State's (DOS) Division of Historical Resources (DHR)
- water management districts —
  - South Florida Water Management District (SFWMD);
  - Southwest Florida Water Management District (SWFWMD);
  - St. Johns River Water Management District (SJRWMD);
  - Suwannee River Water Management District (SRWMD); and
  - Northwest Florida Water Management District (NFWWMD);
- Department of Community Affairs' (DCA) Florida Community Trust Program (FCT) grants to;
  - county or city government; and
  - non-profit organizations.

Lands acquired by the DSL are titled in the name of the Board of Trustees of the Internal Improvement Trust Fund (board). Lands purchased by one of the five water management districts are titled in the name of the district making the acquisition. Lands purchased under the FCT, in partnership with a county or city, vest in the name of the acquiring local government. Lands purchased by a nonprofit organization using grant funds provided by the FCT must remain permanently in public use. Should a non-profit organization cease to manage lands purchased with an FCT grant, the title to those lands reverts to local or state government, a conservation easement, or another appropriate mechanism.

Applications for land acquisition submitted to the Division of State Lands are reviewed by DSL staff who make recommendations to the Acquisition and Restoration Council (ARC). The ARC is responsible for evaluating, selecting and ranking state land acquisition projects for submission to the Board of Trustees for approval.

Each acquisition of state lands has a land management plan that is periodically reviewed by a management review team who reviews the extent to which the land management plan protects threatened and endangered species, unique or important physical features, geological or hydrological functions, and archeological or historical features. The review also examines the extent to which actual land management activity has supported purpose for purchase, how well the actual management practices, including public access, comply with land management plan.

Oversight of the DSL land acquisitions is performed by the Land Management Uniform Accounting Council (LMUAC). Each year LMUAC submits a report to the President of the Senate and the Speaker of the House of Representatives that includes land management costs which are assigned specific categories (no cost is to be assigned to more than one category). Each agency managing land titled to the board reports their expenditures.

Since its inception in July 2001 through March 2007, the state's Florida Forever land acquisition program has preserved (Note: These acreages often overlap, and thus should not be added together):

- 235,960 acres of Strategic Habitat Conservation Areas;
- 382,930 acres of rare species habitat conservation areas;
- 523,680 acres of ecological greenways;
- 51,270 acres of under-represented natural communities;
- 57,620 acres of natural floodplains;
- 541,220 acres important to significant water bodies;
- 5,080 acres of fragile coastline;
- 240,180 acres of functional wetlands;
- 524,833 acres of significant groundwater recharge areas;
- 87,860 acres of land to support priority recreational trails;
- 265,340 acres of sustainable forest land; and
- 2,720 acres of archaeological and historic sites.

To support the Sunset Review Process and to gather information for a successor to the Florida forever program, the Committee on Conservation & State Lands (C&SL) working with the Office of Program Policy Analysis and Government Accountability (OPPAGA) reviewed the state's land acquisition and management process as it is currently being implemented. The C&SL prepared an interim report<sup>1</sup> that recommended to the legislature nine policy options:

1. Revise current Florida Forever goals and assign numeric weights to goals to assist the ARC and DSL in prioritizing land acquisition projects.
2. Require a more complete land management prospectus during the evaluation cycle of Florida Forever applications.
3. Expand the role of the Land Management Uniform Accounting Council Report to better capture and report land management activities.
4. Revise the land management plans to include cost estimate and time lines that identify anticipated results with measurable performance criteria, identify specific impediments to land management goals and incorporate cross-agency coordination and resource sharing.
5. Revise the current methodology utilized to allocate long term management funds and codify the long-term land management funds allocation formula.
6. Raise the priority of public access and create a measurement for public access.
7. Incorporate all state conservation lands into single management funding and reporting process.
8. Establish a single web-site identifying all state lands available for public recreational use.
9. Increase and enhance highway signage and access point identification.

OPPAGA offered four policy option recommendations<sup>2</sup>:

1. Maintain the current system of land management by three separate agencies.
2. Create a council to coordinate and oversee land management activities.
3. Centralize land management under one state agency.
4. Centralize all land management activities under a new entity.

### Effect of Proposed Changes

The bill extends the current Florida Forever program by extending the retirement date for all Florida Forever bonds from December 31, 2030 to December 31, 2033 and raises the limit on the issuance of the bonds from \$3 billion to \$3.2 billion. The bill requires the legislature to analyze the state's debt ratio in relation to projected revenues prior to the authorization of any bonds for land acquisition and directs the legislature to complete an analysis of potential revenue sources for the Florida Forever program by February 1, 2010.

The bill transfers the Florida Communities Trust, as authorized by ss. 380.501 through 380.515, F.S., from the Department of Community Affairs to the Department of Environmental Protection (DEP). It also requests the Division of Statutory Revision of the Joint Legislative Management Committee to prepare a reviser's bill to conform Florida Statutes to the organizational changes made by this bill.

The bill amends s. 253.002, F.S., providing the Fish and Wildlife Conservation Commission (FWC) and the Department of Agriculture and Consumer Services (DACS) are the state's primary land managers for state lands title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund (board). The duties of the primary land managers is expanded to include concurrently developing the land management plans (LMP) required pursuant to s. 253.034(5), F.S., implementing the LMP's and monitoring the results of the land management activities.

Section 253.0325, F.S., is amended to require the DEP to initiate and maintain an information system that will be the basis land acquisition and land management decision making and modeling. The

---

<sup>1</sup> Committee on Conservation & State Lands, 2008. State Lands Acquisition and Management. Florida House of Representatives.

<sup>2</sup> Office of Program Policy Analysis and Government Accountability, 2007. Conservation Land Management Options for Legislative Consideration. Sunset Memorandum.

information system is to map, in an electronic format, the natural communities on each tract of state land and each proposed land acquisition. Natural community is defined as a distinct and recurring assemblage of populations of plants, animals, fungi and microorganisms naturally associated with each other and their physical environment. Each natural community will be partitioned into natural community categories, each natural community category will be partitioned into natural community groups and each natural community group will be partitioned into natural community types. DACS and FWC will assist in the development and standardization of the information system. The DEP may utilize a third party for the development of the information system and its data. However, the information system and its data are to be the property of the state.

State lands are to be managed to ensure the conservation of the state's plant and animal species and to assure the accessibility of public lands for the benefit and enjoyment all people of the state, both present and future. DACS and FWC are to prepare LMP's for state lands -- each LMP is to provide a desired outcome with measurable objectives to obtain the desired outcome. The desired outcomes include sustainability, improving habitat and increasing public access and will be the basis for all subsequent land management activity decisions.

To ensure the desired outcome is achieved, state lands are to be managed to achieve the following objectives:

- habitat restoration and improvement;
- public access and recreation;
- hydrological preservation and restoration;
- forest management;
- exotic and invasive species control; and
- financial sustainability of land management activities.

The LMP is to include the following elements:

- a physical description of the property;
- a quantitative data description of the property to include a survey of forest resources, exotic and invasive plants, hydrological features, capital facilities including recreational facilities -- the description shall be of such detail that objective measures and benchmarks can be established for each tract of land and monitored during the lifetime of the plan, all quantitative data collected are to be aggregated, standardized, collected and presented in an electronic format to allow for management reporting and analysis, and the information collected by the DEP pursuant to s. 253.0325(2), F.S., is to be available to the land manager and their assignee;
- a detailed description of each land management objective and the activities that are to be performed to meet the land management objectives-- each land management objective must be addressed by the land management plan but no land management objective shall be performed to the detriment of the other land management objectives;
- an activity matrix shall be prepared that contains a timeline, quantitative measures, detailed expense and manpower budgets for each activity; and
- a summary budget for the land management activities of the LMP which is to be prepared in such a manner that it facilitates an aggregation of land management costs for all state lands.

Upon completion, the LMP is to be transmitted to the Acquisition and Restoration Council for review. After a 30 day review and comment period, the LMP will become operational. If issues arise during the review and comment period that require revisions to the LMP, the Secretary of the Department of Environmental Protection, Commissioner of Agriculture, the Fish and Wildlife Commission or their designees are to develop a consensus for LMP changes and redraft the plan. During the redrafting period, no funds for the management of the land may be expended other than those needed to address emergency situations.

Annually, the state lands with an approved land management plan must be monitored by the FWC and reviewed by a certified third party. The FWC will prepare a monitoring report that accounts for the

progress of land management activities and specifically identifies deficiencies in the management activities. The monitoring report is to be submitted to DACS and the Acquisition and Restoration Council (ARC). The third party review and analysis of the management plan shall identify the progress of the management activities. The third party review and analysis is to provide suggested corrective actions needed to be taken by the land manager to address identified deficiencies. The third party review and analysis are to be submitted to DACS, FWC, and ARC. ARC is to review the monitoring report and the third party review and analysis and determine which deficiencies are of a significant enough to require a corrective action plan or revision to the LMP. Any corrective actions or revisions are to be brought in front of board who will determine whether the corrective actions or revisions sufficiently address the identified deficiencies. Corrective actions plans are then to be prepared and submitted in the same manner as the LMP.

During the development of the LMP, at least two public hearings are to be held. The LMP's are to be reviewed on rotating basis on a 10 year cycle.

Lands owned by the board which are not actively managed by any state agency or for which a land management plan has not been completed are to be reviewed by the ARC for its recommendation as to whether such lands should be managed by a private contractor, leased or disposed of by the board.

The bill repeals s. 253.034(6)(f)2.

The bill amends s. 259.032, F.S., providing that the board may allocate moneys from the Land Acquisition Trust Fund in any one year to acquire land through less-than-fee acquisitions to preserve agricultural lands under threat of conversion to development. The bill also requires that the costs of infrastructure and management identified in the management prospectus, adopted by the board pursuant to s. 259.032(9)(d), will be standardized and aggregated in a manner sufficient to allow reporting to board of trustee and the legislature. The bill allows the land managers to contract with private persons to assist in management activities.

The bill requires individual LMP's to conform to the requirements of s. 253.034(5), F.S., and include appropriate policies and guidelines of the LMP are to include key management activities necessary to achieve the desired outcome, including but not limited, providing public access, preserving and protecting natural resources and restoring habitat, controlling the spread of nonnative plants and animals, performing prescribed fire activities and other appropriate resource management activities.

The Secretary of the Department of Environmental Protection, the Executive Director of the Fish and Wildlife Conservation Commission, and the Commissioner of Agriculture are to prepare and deliver a report to the President of the Senate and the Speaker of the House of Representatives no later than December 31, 2008 that provides the methodology used to develop and a recommendation for a formula to allocate land management funds provided for long-term management of all state lands. The methodology and formula shall recognize, but not be limited to, the following:

- the assignment of management intensity associated with the natural community categories, groups and types provided in 253.0325(2) and the related management activities to land management goals provided in 253.034(5);
- the assignment of management intensity associated with public access, including but not limited to;
  - the acres of land which require minimal effort for resource preservation, development, or restoration — these lands generally are open to the public but offer no more than minimally developed facilities,
  - the acres of land which require moderate effort for resource preservation, development, or restoration — these lands typically have a high degree of public use and offer highly developed facilities, and
  - the acres of land which require significant effort for resource preservation, development, or restoration — these lands generally are sites with historic significance or unique natural features, and a very high degree of public use;

- the acres of land with a secondary manager contributing to the over-all management effort;
- the anticipated revenues generated from management of the lands;
- the impacts of, and needs created or addressed by, multiple-use management strategies; and
- the acres of land with infestations of non-native or invasive plants, animals, or fish.

Beginning July 1, 2009, no funds shall be allocated, distributed or expended for long-term management of state lands until the allocation formula for funding land management activities has been affirmed by the legislature. Upon affirmation, the allocation formula will be used in the allocation and distribution of funds.

The bill amends ss. 259.035, and 259.036, F.S., providing for membership of the Acquisition and Restoration Council and management review teams.

The bill amends s. 259.037, F.S., providing for each land manager's annual report to the Land Management Uniform Accounting Council to include, in addition to currently required data:

- a report of the available public use options for each tract of state land and the total management cost for public access and public use and the cost associated with each use option;
- a list of the acres of land requiring minimal management effort, moderate management effort, and significant management effort, and for each category the amount of funds requested, the amount of funds received, and the amount of funds expended for land management;
- a description of planned management activities and accomplished land management activities;
- a list of acres managed and the cost of management for each tract by natural community delineation, based on the Florida Natural Areas Inventory's 1990 hierarchical classification, including the natural community category, the natural community group, and the natural community type; and
- a list of acres managed, the cost of management, and the lead manager for state lands tracts for which secondary management activities were provided.

Section. 259.105, F.S., is amended to provide encouragement for use of rural-lands-protection easements to provide protection of working-lands while maintaining state lands goals and objectives.

#### C. SECTION DIRECTORY:

- Section 1. Amends s. 201.15, F.S., providing a retirement date for Florida Forever bonds.
- Section 2. Amends s. 215.618, F.S., providing a cap for issuance of Florida Forever bonds and providing Legislature will analyze debt to revenue ratio.
- Section 3. Providing for the transfer of the Florida Communities Trust to the Department of Environmental Protection.
- Section 4. Providing a request for a reviser's bill to conform statutory changes.
- Section 5. Amends s. 253.002, F.S., providing the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services are the state's primary land managers, and specifying certain duties of land managers.
- Section 6. Amends s. 253.0325, F.S., providing the Department of Environmental protection shall initiate and maintain a specified information system.
- Section 7. Amends s. 253.034, F.S., providing state lands management objectives. Repeals s. 253.034(6)(f)2.
- Section 8. Amends s. 259.032, F.S., providing policies for management activities and management funds allocation.
- Section 9. Amends s. 259.035, F.S., providing for membership of Acquisition and Restoration Council.
- Section 10. Amends s. 259.036, F.S., providing for membership of management review teams.
- Section 11. Amends s. 259.037, F.S., providing for Land Management Uniform Accounting Council report contents.
- Section 12. Amends s. 229.105, F.S., providing for use of rural-lands-protection easements.
- Section 13. Amends s. 259.1051, F.S., providing a cap for issuance of Florida Forever bonds.

Section 14. Providing an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:  
See Fiscal Comments.
2. Expenditures:  
See Fiscal Comments.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:  
None.
2. Expenditures:  
None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

The bill authorizes an additional \$200 million dollars to be issued in Florida Forever bonds and extends the retirement date of these bonds to December 31, 2033. The debt service is estimated to be \$20 million per year for this funding increase. The FCT program with all funding sources will be transferred from the DCA to the DEP.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to require cities or counties to spend funds or take actions requiring the expenditure of funds, nor does it appear to reduce the authority that cities or counties have to raise revenues in the aggregate, nor does it appear to reduce the percentage of a state tax shared with cities or counties.

2. Other:  
None.

### B. RULE-MAKING AUTHORITY:

No new rulemaking authority is granted to implement the provisions of this bill.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

**IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**