

COMMITTEE ON CONSERVATION & STATE LANDS

**WEDNESDAY, MARCH 19, 2008
3:00 PM – 6:00 PM
216 THE CAPITOL**

Third Revised

**Marco Rubio
Speaker**

**Rep. Will Kendrick
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Marco Rubio

Committee on Conservation & State Lands

Start Date and Time: Wednesday, March 19, 2008 03:00 pm

End Date and Time: Wednesday, March 19, 2008 06:00 pm

Location: 216 Capitol

Duration: 3.00 hrs

Consideration of the following bill(s):

HB 703 Vessel Safety by Kiar

HB 919 Commercial Parasailing by Domino

HB 1215 Fort Zachary Taylor Historic State Park by Saunders

Workshop on the following:

Policy issues with respect to recommendations for Proposed Council Bill ENRC 08-09 Florida Forever Successor.

Presentation by the Division of Bond Finance.

NOTICE FINALIZED on 03/17/2008 16:16 by SIMS-DAVIS.LINDA

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

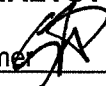

BILL #: HB 703

Vessel Safety

SPONSOR(S): Kiar

TIED BILLS:

IDEN./SIM. BILLS: SB 1192

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

SUMMARY ANALYSIS

The bill increases the lawful minimum age for any person operating a personal watercraft on the waters the state from fourteen years to sixteen years. The bill requires any person operating a personal watercraft to have a boating safety identification card indicating that they have successfully completed a FWC approved boating safety course in compliance with statutory requirements.

The bill makes it unlawful for the owner of, or any person having charge or control over any leased, hired, or rented personal watercraft to authorize or knowingly permit the watercraft to be operated by anyone who has not received instruction in the safe handling of personal watercraft in compliance with s. 327.54, F.S, and the rules of the FWC. It also requires anyone who has received instruction in the safe operation of personal watercraft pursuant to statutory requirements as well as any program established by the rules of the FWC, to present the owner or person having charge or control over a personal watercraft with a written statement attesting to that fact.

The bill requires anyone who leases, hires, or rents a vessel to any person and who provides the information required by this section to enroll in, attend, and successfully complete, at his or her own expense, a boating safety course that meets the minimum standards established by the FWC's rules.

The bill prohibits any livery from knowingly leasing, hiring, or renting a personal watercraft to any person who has not received instruction in safe handling of personal watercraft pursuant to the FWC's rules.

The bill does not appear to have a significant fiscal impact on state or local governments. There may be an indeterminate fiscal impact on the private sector due to loss of personal watercraft sales.

The bill would become effective on July 1, 2008.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard Individual Liberties: This bill raises the minimum lawful age to operate a personal watercraft from fourteen to sixteen, requires any person operating a personal water craft to have completed an FWC approved boating safety course, and places additional requirements on individuals operating, leasing, hiring or renting such crafts.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

According to the Fish and Wildlife Conservation Commission (FWC), for the five-year time period from 2003 through 2007, a total of thirty-four operators of personal watercraft, age fourteen to less than sixteen years, were involved in reportable boating accidents. Ten of these incidences involved rented personal watercraft.¹

Section 327.02(39), F.S., defines boat as synonymous with vessel and includes every description of watercraft, barge, and airboat, other than a seaplane on water, used or capable of being used as a means of transportation on water. Personal watercraft is defined in s. 327.02(30), F.S., as a particular type of vessel that is less than sixteen feet in length which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel.

Personal watercrafts have engines that produce 100 hp or more and can exceed speeds of 60 mph. The defining characteristic of personal watercraft is the engine that drives them. Most water craft are powered by either a propeller or sail but personal watercraft are powered by a water jet – a design characteristic that accounts for many of the dangers associated with personal watercraft use. The water jet works by taking in water through intake valves, accelerating the water, and expelling it through an output valve at the rear of the craft. Personal watercraft do not have a rudder and are both powered and maneuvered by the water jet. Directional control of a personal watercraft is achieved when the moveable output nozzle is turned so that the thrust of the water controls the direction of the craft. Consequently, if power is lost (or reduced) the operator of a personal watercraft loses the ability to steer the vessel. Also, personal watercraft do not have a mechanical braking mechanism such as shifting a propeller driven vessel into reverse. If an operator wishes to stop a personal watercraft they must either execute a sharp turning maneuver or allow the craft to glide to a stop.²

Section 327.395, F.S., specifies that any person twenty-one years of age or younger may not operate any vessel powered by a motor of ten horsepower or greater unless they have completed a boating safety course approved by the Fish and Wildlife Conservation Commission (FWC) or passed a course equivalency examination approved by the FWC. While operating any vessel of ten horsepower or greater, a person twenty-one years of age or younger must have with them both the boater safety identification card issued for successfully completing the boating safety course and photographic identification. A violation of these requirements is a non-criminal infraction and is punishable by a fine of \$50.

However, s. 327.395(6), F.S., exempts operators twenty-one years of age or younger from the boating education requirement if they are:

¹ FWC, 2008. Legislative Bill Analysis - House Bill 703.

² SafetyForum, 2008. <http://www.safetyforum.com/pwc/>

- licensed by the United States Coast Guard (USCG) to serve as master on a vessel;
- operating a vessel on a private lake or pond;
- accompanied by a person who is attendant to the operation of the vessel and is exempt from this requirement;
- accompanied by a person who is attendant to the operation of the vessel, is eighteen years of age or older, and who holds a valid boating safety identification card; or
- a non-resident that has proof of successful completion of a boating safety course that meets or exceeds the requirements of the FWC.

The FWC's rule 68D-36.104, F.A.C., specifies that boating safety courses offered by the FWC pursuant to s. 327.395, F.S., must maintain current approval by the National Association of State Boating Law Administrators (NASBLA). The NASBLA³ is a professional association representing the recreational boating authorities of all 50 states and the U.S. territories. The NASBLA's objectives are to foster partnerships among and between the states, the USCG and others, to craft model boating laws, to maintain national education and training standards, and to advocate the needs of the state boating programs before the U.S. Congress and federal agencies.

According to the FWC, their participation with the NASBLA is aimed at maintaining national consistency and reciprocity agreements with regard to boating education and the FWC uses NASBLA rules as a guideline for developing rules. The Executive Director can adopt NASBLA rules by reference but the FWC is the final decider regarding approval of boating course content.

Florida law currently allows individuals fourteen years of age or greater to operate a personal watercraft on waters of the state provided they meet the boating safety education requirements specified in s. 327.395, F.S. Section 327.39, F.S., makes it a misdemeanor of the second degree, punishable as provided in ss. 775.082 or 775.083, F.S., for any person having charge or control over a personal watercraft to knowingly let a person younger than fourteen years operate that personal watercraft.

Section 327.39, F.S., also requires that:

- a person operating or being towed behind a personal watercraft shall wear a type I, II, III, or V personal flotation device;
- if a personal watercraft is equipped with a lanyard type cutoff switch, any person operating the personal watercraft must attach the lanyard to his or her person;
- a person operating a personal watercraft may only do so between the hours of one-half hour before sunrise to one-half hour after sunset; and
- a person operating a personal watercraft must do so in a safe and prudent manner at all times.

A violation of these requirements is a non-criminal infraction and is punishable by a fine of \$50.

Section 327.54, F.S., contains the provisions for regulation of livery vessels where a livery vessel is defined by s. 327.02(18), F.S., to mean any vessel leased, rented, or chartered to another for consideration. The statute requires that a livery may not knowingly lease, hire, or rent a vessel to any person whenever:

- the number of persons intending to use the vessel exceeds the number considered to constitute a maximum safety load for the vessel;
- the horsepower of the motor exceeds the capacity of the vessel;
- the vessel does not contain the required safety equipment;
- the vessel is not seaworthy;
- the vessel is equipped with a motor of ten horsepower or greater, unless the livery provides pre-rental or pre-ride instruction that includes, but need not be limited to, the operational characteristics of the vessel to be rented, safe vessel operation and vessel right-of-way rules,

³ NASBLA, 2008. <http://www.nasbla.org/>.

the responsibility of the vessel operator for the safe and proper operation of the vessel, and the local characteristics of the waterway where the vessel will be operated.

Any person delivering this information on behalf of the livery must have successfully completed a boater safety course approved by the National Association of State Boating Law Administrators and the state. The FWC is the state's primary agent for this course approval; however, the FWC may appoint liveries, marinas or other persons to administer the boating safety course.

As required by s. 327.54, F.S., a livery may not knowingly lease, hire, or rent a personal watercraft to any person who has not received instruction in safe handling of personal watercraft pursuant to the FWC's rules. The person obtaining a personal watercraft from a livery must provide the livery with a written statement attesting to their compliance with FWC's rules. Section 327.54(4)(a), F.S., provides that a livery may not lease, hire, or rent a personal watercraft to any person who is less than eighteen years of age.

Any violation of the requirements on liveries is a misdemeanor of the second degree and is punishable as provided in ss. 775.082 or 775.083, F.S.

Additional requirements, for liveries renting or leasing personal watercraft, are established by rule 68D-36, F.A.C. This rule establishes minimum instructional requirements that persons renting or leasing personal watercraft must provide to all individuals intending to operate the personal watercraft. The requirements include:

- operator responsibility and ethics;
- navigation rules;
- navigation aids, buoys and waterway markers;
- awareness to changes in weather and water conditions;
- water skiing and other activities specific to personal watercraft;
- boating accident causes, prevention, and legal requirements of the operator;
- propulsion, steering and stopping characteristics of personal watercraft; and
- awareness of other vessels and dangers of reckless operations, manatees, and environmental concerns.

The rule also specifies that a livery may not lease or rent a personal watercraft to any person unless, prior to rental, they show a safe operation instructional tape to, or provide and review safe operation literature with each prospective operator. That livery must also provide an on-the-water demonstration and observe each person who will operate the personal watercraft to verify the prospective operators' ability to safely handle the personal watercraft. Any person delivering this information on behalf of the livery must have successfully completed a boater safety course approved by the NASBLA and the state.

Effect of Proposed Changes

The bill amends s. 327.39, F.S., to increase the minimum age for operators of personal watercraft from fourteen years to sixteen years. The bill makes it a misdemeanor of the second degree for any person having charge or control over a personal watercraft to knowingly let a person younger than sixteen years operate that personal watercraft or to knowingly let any person operate that personal watercraft who does not have a boating safety identification card in compliance with s. 327.395, F.S. This extends to all persons, regardless of age, the requirement to have completed a boating safety course approved by the FWC before operating a personal watercraft.

The bill amends s. 327.39, F.S., to make it a misdemeanor of the second degree for the owner of, or any person having charge or control over any leased, hired, or rented personal watercraft to authorize or knowingly permit the watercraft to be operated by anyone who has not received instruction in the safe handling of personal watercraft in compliance with s. 327.54, F.S., as well as the rules of the FWC.

The bill amends s. 327.54, F.S., to require anyone who leases, hires, or rents a vessel to any person and who provides the information required by this section, to enroll in, attend, and successfully complete, at his or her own expense, a boating safety course that meets the minimum standards established by the FWC's rules. The bill deletes the statutory requirement that the course be approved by the NASBLA. However, the FWC's rules still require NASBLA approval.

The bill amends s. 327.54, F.S., to prohibit any livery from knowingly leasing, hiring, or renting a personal watercraft to any person who has not received instruction in safe handling of personal watercraft pursuant to rule 68D-36, F.A.C., or any other program established by the FWC. Also, any person obtaining a personal watercraft from a livery must provide the livery with a written statement attesting to their compliance with rule 68D-36, F.A.C., or any other program established by the FWC.

C. SECTION DIRECTORY:

Section 1: amends s. 327.39, F.S., revises certain requirements for owners and operators of personal watercraft.

Section 2: amends s. 327.54, F.S., revises requirements relating to the boating safety course required for leasing or renting a vessel or personal watercraft from a livery.

Section 3: provides 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:

See fiscal comments.

D. FISCAL COMMENTS:

Increasing the lawful age for operating a personal watercraft from fourteen to sixteen does not affect liveries since the minimum lawful age for renting a personal watercraft is eighteen⁴.

There may be an indeterminate fiscal impact on the private sector from decreased sales of personal watercraft vessels due to the change in lawful age of the operator of such vessel from 14 to 16.

⁴ Section 327.54(4)(a), F.S.
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DATE: 2/12/2008

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 additional rulemaking authority is granted to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill twice refers to rule 68D-36, F.A.C. This rule could subsequently be amended, repealed, or renumbered without statutory change. Consequently, liveries might be required to adhere to inappropriate rule requirements or might be relieved from compliance with necessary requirements.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to vessel safety; amending s. 327.39,
 3 F.S.; revising certain requirements for operating personal
 4 watercraft; amending s. 327.54, F.S.; revising the
 5 requirements relating to the boating safety course
 6 required for leasing or renting a vessel or personal
 7 watercraft from a livery; providing an effective date.

8

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

10

11 Section 1. Subsections (5) and (6) of section 327.39,
 12 Florida Statutes, are amended to read:

13

327.39 Personal watercraft regulated.--

14

(5) No person under the age of 16 ~~14~~ shall operate any
 15 personal watercraft on the waters of this state.

16

17

(6) (a) It is unlawful for the owner of any personal
 18 watercraft or any person having charge over or control of a
 19 personal watercraft to authorize or knowingly permit the same to
 20 be operated by a person under 16 ~~14~~ years of age in violation of
 21 this section or by a person who does not hold a boating safety
identification card in compliance with s. 327.395.

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(b)1. It is unlawful for the owner of any leased, hired,
 or rented personal watercraft, or any person having charge over
 or control of a leased, hired, or rented personal watercraft, to
 authorize or knowingly permit the watercraft to be operated by
 any person who has not received instruction in the safe handling
 of personal watercraft, in compliance with s. 327.54 and rules
 established by the commission.

29 2. Any person receiving instruction in the safe handling
 30 of personal watercraft pursuant to s. 327.54 and any a program
 31 established by rule of the commission must provide the owner of,
 32 or person having charge of or control over, a leased, hired, or
 33 rented personal watercraft with a written statement attesting to
 34 the same.

35 3. The commission shall have the authority to establish
 36 rules pursuant to chapter 120 prescribing the instruction to be
 37 given, which shall take into account the nature and operational
 38 characteristics of personal watercraft and general principles
 39 and regulations pertaining to boating safety.

40 (c) Any person who violates this subsection commits a
 41 misdemeanor of the second degree, punishable as provided in s.
 42 775.082 or s. 775.083.

43 Section 2. Subsections (1) and (4) of section 327.54,
 44 Florida Statutes, are amended to read:

45 327.54 Liveries; safety regulations; penalty.--

46 (1) A livery may not knowingly lease, hire, or rent a
 47 vessel to any person:

48 (a) When the number of persons intending to use the vessel
 49 exceeds the number considered to constitute a maximum safety
 50 load for the vessel as specified on the authorized persons
 51 capacity plate of the vessel.

52 (b) When the horsepower of the motor exceeds the capacity
 53 of the vessel.

54 (c) When the vessel does not contain the required safety
 55 equipment required under s. 327.50.

56 (d) When the vessel is not seaworthy.

57 (e) When the vessel is equipped with a motor of 10
 58 horsepower or greater, unless the livery provides prerental or
 59 preride instruction that includes, but need not be limited to:
 60 1. Operational characteristics of the vessel to be rented.
 61 2. Safe vessel operation and vessel right-of-way.
 62 3. The responsibility of the vessel operator for the safe
 63 and proper operation of the vessel.
 64 4. Local characteristics of the waterway where the vessel
 65 will be operated.

66
 67 Any person delivering the information specified in this
 68 paragraph must enroll in, attend, and successfully complete, at
 69 his or her expense, have successfully completed a boating boater
 70 safety course that meets minimum standards established by
 71 commission rule approved by the National Association of State
 72 Boating Law Administrators and this state.

73 (f) Unless the livery displays boating safety information
 74 in a place visible to the renting public. The commission shall
 75 prescribe by rule pursuant to chapter 120, the contents and size
 76 of the boating safety information to be displayed.

77 (4) (a) A livery may not knowingly lease, hire, or rent a
 78 personal watercraft to any person who is under 18 years of age.

79 (b) A livery may not knowingly lease, hire, or rent a
 80 personal watercraft to any person who has not received
 81 instruction in the safe handling of personal watercraft pursuant
 82 to rule 68D-36, Florida Administrative Code, or any other rule,
 83 ~~in compliance with rules~~ established by the commission pursuant
 84 to chapter 120.

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85 (c) Any person receiving instruction in the safe handling
86 of personal watercraft pursuant to rule 68D-36, Florida
87 Administrative Code, or any other a program established by rule
88 of the commission, must provide the livery with a written
89 statement attesting to the same.



90 Section 3. This act shall take effect July 1, 2008.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 919
SPONSOR(S): Domino
TIED BILLS:

Commercial Parasailing

IDEN./SIM. BILLS: SB 406

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

SUMMARY ANALYSIS

The bill requires the owner of each vessel engaged in commercial parasailing to obtain – at a cost of \$50.00 – an annual license from the Fish and Wildlife Conservation Commission (FWC). The bill provides for licensing fees to be paid into the Marine Resources Conservation Trust Fund to allow FWC to recover costs associated with regulating commercial parasailing. The license is to be available for inspection whenever a vessel is engaged in commercial parasailing. As a condition of licensing, the bill requires proof of insurance from an insurance carrier licensed in Florida and specifies the minimum types and limits of insurance coverage that is to be obtained by the owner of the vessel. The bill also requires any person in charge or in command of a vessel engaged in commercial parasailing to have a valid license, issued by the U. S. Coast Guard, authorizing that person to engage in carrying passengers for hire. The bill sets conditions and limitations for the operation of a commercial parasailing vessel.

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

The bill would become effective on October 1, 2008.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government: Extends FWC's regulatory authority, by providing for the FWC to regulate commercial parasailing.

Safeguard Individual Liberty: This bill establishes a licensing requirement and regulations for commercial parasailing operations.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Parasailing is the towing of one or more persons attached to a specially designed parachute, known as a parasail, and tethered to a towing vehicle such that they ascend into the air while the tow vehicle is underway. A person attached to the parasail is referred to as the parascender. The towing vehicle is typically a boat and provides most of the control over the parasail – the parascender has little or no control over the parasail.

Section 327.37, F.S., provides that a person may not operate a vessel on any waters of this state while towing a person attached to a parasail or similar device unless there is an observer in the vessel, other than the operator, who is in a position to observe the progress of the person being towed. Additionally, a person may not:

- engage in parasailing or any similar activity at any time between the hours from one-half hour after sunset to one-half hour before sunrise;
- engage in parasailing or any similar activity unless the parascender is wearing a non-inflatable type I, type II, type III, or type V personal flotation device approved by the United States Coast Guard;
- operate or manipulate any vessel, tow rope, or other device, in such a way as to cause the parasail or similar device to collide or strike against or be likely to collide or strike against any vessel, bridge, wharf, pier, dock, buoy, platform, piling, channel marker, or other object; or
- operate any vessel towing a parasail or engage in parasailing within 100 feet of the marked channel of the Florida Intracoastal Waterway.

Currently, there are no statutes regulating the operation of a commercial parasailing venture.

Effect of Proposed Changes

The bill amends s. 327.02, F.S., defining the terms "commercial parasailing" and "sustained wind speed". Commercial parasailing means to provide or offer to provide, for consideration, any activity involving the towing of one or more persons tethered to the towing vessel such that they ascend above the water and remain suspended above the water while the vessel is underway. Sustained wind speed means a wind speed determined by averaging the observed wind speed over a 2-minute period and rounding to the nearest whole knot¹.

The bill creates s. 327.375, F.S., requiring the owner of each vessel engaged in commercial parasailing to obtain – at a cost of \$50.00 – an annual license from the Fish and Wildlife Conservation Commission (FWC). The bill provides for licensing fees to be paid into the Marine Resources Conservation Trust Fund to allow FWC to recover costs associated with regulating commercial parasailing. The license is to be available for inspection whenever a vessel is engaged in commercial parasailing.

¹ A knot is 1.0 nautical mile per hour and is equivalent to 1.15 statute miles per hour.

As a condition of licensing, the bill requires proof of insurance. This insurance is to be carried by the owner of any vessel engaged in commercial parasailing and the policy is to be obtained from an insurance carrier licensed in this state. The policy is to insure against any accident, loss, injury, property damage, or other casualty caused by or resulting from any commercial parasailing activity and is to carry coverage of at least \$750,000 per person and \$1.5 million per event. The deductible for the insurance policy may not exceed \$5,000 per event. The owner must have proof of such insurance available for inspection at the location wherever commercial parasailing is offered or provided for consideration and shall provide to each customer, upon request, the insurance carrier's name and address and the insurance policy number.

The bill also requires any person in charge or in command of a vessel engaged in commercial parasailing to meet the following requirements:

- a person may not operate a vessel engaged in commercial parasailing on the waters of this state unless he has a current and valid license issued by the United States Coast Guard (USCG) authorizing him to engage in carrying passengers for hire -- the license must be appropriate for the number of passengers carried and the displacement of the vessel, must be carried on the vessel, and must be available for inspection while commercial parasailing activities are being conducted;
- riders are only to be launched from and recovered to the vessel;
- no more than two persons may be tethered to the towing vessel and ascend above the water at any time; and
- all riders must wear an appropriate floatation device approved by the United States Coast Guard, other than an inflatable device, that is in serviceable condition and of the proper size.

The bill requires an observer, other than the operator, that:

- is eighteen years of age or older;
- is present in the vessel at all times to monitor the progress of any tethered parasail rider and parasail equipment;
- is attentive to the parasail rider or riders and parasail equipment; and
- has no other duties while the rider or riders are in the water or suspended above the water.

The bill also specifies that a person may not operate a vessel towing a commercial parasailing rider in the Atlantic Ocean or the Gulf of Mexico unless the vessel, towline, and rider are:

- 2,000 feet or more from the shore;
- 600 feet or more from an anchored vessel, a person in the water, a seawall, structure, bridge, power line, wharf, pier, dock, buoy, platform, piling, channel marker, or other similar object.

The bill prohibits commercial parasailing:

- on any body of water less than 2,000 feet in width in its narrowest dimension from shore to shore in the area where the parasailing activity is taking place;
- from sunset to sunrise;
- at all times during restricted visibility as defined in the navigation rules; and
- when there is a sustained wind speed of 20 knots or higher in the area of operation.

Certain equipment requirements are provided by the bill. These requirements are:

- towlines used for commercial parasailing may not exceed 600 feet in length;
- the vessel must have a launch platform;
- all riders are connected to the towline and secured in a seat harness attached to an ascending type of parachute;
- the vessel must be in full compliance with all requirements of the United States Coast Guard governing crewing and equipment carriage for passenger-carrying vessels as specified in the Code of Federal Regulations or as otherwise specified by the United States Coast Guard in the vessel's certificate of inspection; and
- the vessel must be equipped with a functional VHF marine transceiver.

C. SECTION DIRECTORY:

Section 1: Amends s. 327.02, F.S., providing definitions.

Section 2: Creates s. 327.375, F.S., providing regulation of commercial parasailing.

Section 3: Providing 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:

Commercial parasailing operators are required to obtain a license from FWC at a cost of \$50. The owners of commercial parasailing vessels are required to carry an insurance policy.

D. FISCAL COMMENTS:

The bill has an insignificant fiscal impact on state revenues and expenditures. A licensing fee of \$50 is established. This fee is to be deposited into the Marine Resources Conservation Trust Fund and is to be used to offset the cost of the licensing program. FWC estimates that between \$3,500 and \$6,000 will be generated from the license fees and that this will be sufficient to cover the cost of implementing the licensing program.

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

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

27 (41) "Commercial parasailing" means providing or offering
 28 to provide, for consideration, any activity involving the towing
 29 of a person by a motorboat when:

- 30 (a) One or more persons are tethered to the towing vessel;
- 31 (b) The person or persons ascend above the water; and
- 32 (c) The person or persons remain suspended above the water
 33 while the vessel is underway.

34 (42) "Sustained wind speed" means a wind speed determined
 35 by averaging the observed wind speed rounded to the nearest
 36 whole knot over a 2-minute period.

37 Section 2. Section 327.375, Florida Statutes, is created
 38 to read:

39 327.375 Commercial parasailing.--

40 (1) (a) No person shall operate or give permission for the
 41 operation of a vessel engaged in commercial parasailing unless
 42 the owner has obtained an annual license from the commission at
 43 a cost of \$50. Proof of insurance, as required in subsection
 44 (2), must be provided to the commission before a license may be
 45 issued.

46 (b) The license must be available for inspection when the
 47 vessel is engaged in commercial parasailing.

48 (c) All license fees collected under this subsection shall
 49 be paid into the Marine Resources Conservation Trust Fund to
 50 recover the associated costs of regulating commercial
 51 parasailing.

52 (2) The owner of a vessel engaged in commercial
 53 parasailing must obtain and carry a policy from an insurance
 54 carrier licensed in this state, insuring against an accident,

55 loss, injury, property damage, or other casualty caused by or
 56 resulting from the commercial parasailing activity. The
 57 insurance policy must provide coverage for a minimum of \$750,000
 58 per person and \$1.5 million per event. The deductible for the
 59 insurance policy may not exceed \$5,000 per event. Proof of
 60 insurance must be kept at any location where any person offers
 61 or agrees to conduct commercial parasailing activities and must
 62 be carried on any vessel conducting parasailing activities.
 63 Proof of insurance must be available for inspection whenever
 64 commercial parasailing activities are conducted. A person
 65 conducting a commercial parasailing activity must provide to
 66 each rider the insurance carrier's name and address and the
 67 insurance policy number upon request.

68 (3) A person engaged in commercial parasailing must meet
 69 the following requirements:

70 (a) A person may not operate any vessel for commercial
 71 parasailing unless it is designed and equipped for towing a
 72 person while parasailing and is equipped with a launch platform
 73 and powered winch to release and retrieve the towline.

74 (b) A person may not operate a vessel engaged in
 75 commercial parasailing on the waters of this state unless the
 76 person in charge of or in command of the vessel has a current
 77 and valid license issued by the United States Coast Guard
 78 authorizing that person to engage in carrying passengers for
 79 hire. The license must be appropriate for the number of
 80 passengers carried and the displacement of the vessel. The
 81 license must be carried on the vessel and be available for

82 inspection while commercial parasailing activities are
 83 conducted.

84 (c) A person may not operate a vessel for commercial
 85 parasailing unless an observer 18 years of age or older is
 86 present in the vessel at all times to monitor the progress of
 87 any airborne parasail rider and parasail equipment. The observer
 88 shall be attentive to the parasail rider or riders and equipment
 89 and may not have any other duties while the rider or riders are
 90 in the water or suspended above the water.

91 (d) A person may not operate any vessel engaged in
 92 commercial parasailing unless:

93 1. All riders wear an appropriate floatation device
 94 approved by the United States Coast Guard, other than an
 95 inflatable device, that is in serviceable condition and of the
 96 proper size;

97 2. All riders are connected to the towline and secured in
 98 a seat harness attached to an ascending type of parachute;

99 3. The vessel is in full compliance with all requirements
 100 of the United States Coast Guard governing crewing and equipment
 101 carriage for passenger-carrying vessels as specified in the Code
 102 of Federal Regulations or as otherwise specified by the United
 103 States Coast Guard in the vessel's certificate of inspection;
 104 and

105 4. The vessel is equipped with a functional VHF marine
 106 transceiver.

107 (e) A person may not operate a vessel towing a commercial
 108 parasailing rider in the Atlantic Ocean or the Gulf of Mexico in
 109 waters less than 2,000 feet from the shore. The restriction

110 applies to the entire commercial parasailing apparatus,
 111 including the vessel, towline, and rider.

112 (f) A person may not operate a vessel towing a commercial
 113 parasailing rider so that the vessel, towline, or rider comes
 114 within 600 feet of:

- 115 1. An anchored vessel;
- 116 2. A person in the water;
- 117 3. The shore or seawall; or
- 118 4. A structure, bridge, power line, wharf, pier, dock,
 119 buoy, platform, piling, channel marker, or other similar object.

120 (g) Commercial parasailing is prohibited:

- 121 1. On any body of water less than 2,000 feet in width in
 122 its narrowest dimension from shore to shore in the area where
 123 the parasailing activity is taking place;
- 124 2. From sunset to sunrise and at all times during
 125 restricted visibility as defined in the navigation rules; and
- 126 3. When there is a sustained wind speed of 20 knots or
 127 higher in the area of operation.

128 (h) Towlines used for commercial parasailing may not
 129 exceed 600 feet in length.

130 (i) Commercial parasail operators shall launch riders only
 131 from and recover riders only to the vessel's launch platform.

132 (j) No more than two persons may be tethered to the towing
 133 vessel and ascend above the water at any time.

134 Section 3. This act shall take effect October 1, 2008.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 919

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Committee hearing bill: Committee on Conservation & State Lands
2 Representative Domino offered the following:

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

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (41) is added to section 327.02,
7 Florida Statutes, to read:

8 327.02 Definitions of terms used in this chapter and in
9 chapter 328.--As used in this chapter and in chapter 328, unless
10 the context clearly requires a different meaning, the term:

11 (41) "Commercial parasailing" means providing or offering
12 to provide, for consideration, any activity involving the towing
13 of a person by a motorboat when:

14 (a) One or more persons are tethered to the towing vessel;

15 (b) The person or persons ascend above the water; and

16 (c) The person or persons remain suspended above the water
17 while the vessel is underway.

18 Section 2. Section 327.375, Florida Statutes, is created to
19 read:

20 **327.375 Commercial parasailing.--**

21 (1) This section may be cited as the "Amber May White Act."

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22 (2) The owner of a vessel engaged in commercial parasailing
23 may not offer or provide for consideration any parasailing
24 activity unless the owner first obtains and carries in full
25 force and effect a policy, from an insurance carrier licensed in
26 this state, insuring against any accident, loss, injury,
27 property damage, or other casualty caused by or resulting from
28 any commercial parasailing activity. The insurance policy shall
29 provide coverage of at least \$500,000 per person and \$1 million
30 per event. The owner must have proof of such insurance available
31 for inspection at the location wherever commercial parasailing
32 is offered or provided for consideration and shall provide to
33 each customer the insurance carrier's name and address and the
34 insurance policy number.

35 (3) A person engaged in commercial parasailing must meet
36 the following requirements:

37 (a) Commercial parasail operators shall launch riders only
38 from and recover riders only to the vessel.

39 (b) A person may not operate a vessel engaged in commercial
40 parasailing on the waters of this state unless the person in
41 charge of or in command of the vessel has a current and valid
42 license issued by the United States Coast Guard authorizing that
43 person to engage in carrying passengers for hire. The license
44 must be appropriate for the number of passengers carried and the
45 displacement of the vessel. The license must be carried on the
46 vessel and be available for inspection while commercial
47 parasailing activities are conducted.

48 (c) A person may not operate a vessel for commercial
49 parasailing unless an observer 18 years of age or older is
50 present in the vessel at all times to monitor the progress of
51 any tethered parasail rider and parasail equipment. The observer
52 shall be attentive to the parasail rider or riders and equipment

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

53 and may not have any other duties while the rider or riders are
54 in the water or suspended above the water.

55 (d) A person may not operate any vessel engaged in
56 commercial parasailing unless:

57 1. All riders wear an appropriate floatation device
58 approved by the United States Coast Guard, other than an
59 inflatable device, that is in serviceable condition and of the
60 proper size;

61 2. The vessel is in full compliance with all requirements
62 of the United States Coast Guard governing crewing and equipment
63 carriage for passenger-carrying vessels as specified in the Code
64 of Federal Regulations or as otherwise specified by the United
65 States Coast Guard in the vessel's certificate of inspection;
66 and

67 3. The vessel is equipped with a functional VHF marine
68 transceiver.

69 (e) No more than two persons may be tethered to the towing
70 vessel and ascend above the water at any time.

71 (4) Commercial parasailing is prohibited from one-half hour
72 after sunset to one-half hour before sunrise.

73 (5) Any person convicted of violating this section commits
74 a misdemeanor of the second degree, punishable as provided in s.
75 775.082 or s. 775.083.

76 Section 3. Section 327.50, Florida Statutes is amended to
77 read:

78 **327.50 Vessel safety regulations; equipment and lighting**
79 **requirements.--**

80 ~~(1)(a)~~ The owner and operator of every vessel on the
81 waters of this state shall carry, store, maintain, and use
82 safety equipment in accordance with current United States Coast
83 Guard safety equipment requirements as specified in the Code of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

84 Federal Regulations, unless expressly exempted by the
85 department.

86 ~~(b) No person shall operate a vessel less than 26 feet in~~
87 ~~length on the waters of this state unless every person under 6~~
88 ~~years of age on board the vessel is wearing a type I, type II,~~
89 ~~or type III Coast Guard approved personal flotation device while~~
90 ~~such vessel is underway. For the purpose of this section,~~
91 ~~"underway" shall mean at all times except when a vessel is~~
92 ~~anchored, moored, made fast to the shore, or aground.~~

93 (2) No person shall operate a vessel on the waters of this
94 state unless said vessel is equipped with properly serviceable
95 lights and shapes required by the navigation rules.

96 (3) The use of sirens or flashing, occulting, or revolving
97 lights on any vessel is prohibited, except as expressly provided
98 in the navigation rules or annexes thereto.

99 Section 4. This act shall take effect October 1, 2008.

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T I T L E A M E N D M E N T

Remove the entire title and insert:
An act relating to commercial parasailing; amending s.
327.02, F.S.; providing definition; creating 327.375;
providing a short title; requiring the owner of a vessel
engaged in commercial parasailing to obtain and carry an
insurance policy; providing minimum coverage from the
insurance policy; providing requirements for proof of
insurance; providing insurance information to be provided
to each rider; providing for launch and recovery of riders
from towing vessel; requiring a person engaged in operating

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

115 | a vessel for commercial parasailing to have certain
116 | licenses; requiring a minimum age for a person to monitor
117 | the progress of a parasail rider; providing requirements
118 | for operation of commercial parasailing vessels; requiring
119 | certain equipment; providing penalties; amending s. 327.50,
120 | F.S.; providing an effective date.

121

122

1 A bill to be entitled
 2 An act relating to Fort Zachary Taylor Historic State
 3 Park; creating s. 258.082, F.S.; requiring the Division of
 4 Recreation and Parks to amend the Fort Zachary Taylor
 5 Historic State Park Management Plan to require protection,
 6 maintenance, and preservation of the canopy of old
 7 Australian pine trees located on the grounds of the park
 8 for specified purposes; providing for the number of trees
 9 to be returned to those documented as existing in the
 10 Australian Pine Mapping Project of 2004; providing for the
 11 care and maintenance of such trees; providing for
 12 institution of a policy of controlled growth; providing
 13 that the act is not intended to authorize the sale or
 14 distribution of such trees; providing an effective date.

15
 16 WHEREAS, Fort Zachary Taylor Historic State Park,
 17 designated by the United States Department of Interior as a
 18 National Historic Landmark, has a towering canopy of old
 19 Australian pines, and

20 WHEREAS, the canopy of old Australian pines at Fort Zachary
 21 Taylor Historic State Park was the first growth on submerged
 22 federal land that was dredged and filled a half century ago, and

23 WHEREAS, the canopy of old Australian pines are drought
 24 tolerant, salt tolerant, low maintenance, energy efficient, and
 25 provide a beautifully unique and historic vista, and

26 WHEREAS, these Australian pines have become a cherished
 27 part of Fort Zachary Taylor Historic State Park's historical
 28 landscape, and

29 WHEREAS, the canopy of old Australian pines provides much-
 30 needed shade to park visitors, and

31 WHEREAS, the canopy of old Australian pines offers
 32 measurable social and economic benefits, NOW, THEREFORE,

33

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

35

36 Section 1. Section 258.082, Florida Statutes, is created
 37 to read:

38 258.082 Fort Zachary Taylor Historic State Park.--

39 (1) Notwithstanding ss. 369.251 and 369.252 and any other
 40 law, in order to preserve the historic character of Fort Zachary
 41 Taylor Historic State Park for future generations and to benefit
 42 all visitors to the park, the division shall:

43 (a) Amend the Fort Zachary Taylor Historic State Park
 44 Management Plan to require protection, maintenance, and
 45 preservation of the canopy of old Australian pine trees
 46 (*Casuarina equisetifolia*) located on the grounds of the park
 47 with the immediate objective of maintaining the old stand of
 48 Australian pines that existed on January 1, 2008, and with the
 49 long-term goal of restoring the number of Australian pines to
 50 those documented as existing in the Australian Pine Mapping
 51 Project of 2004;

52 (b) Commence a program of care and maintenance of
 53 Australian pine seedlings, young trees, and mature trees to
 54 ensure that the goals of paragraph (a) are achieved; and

HB 1215

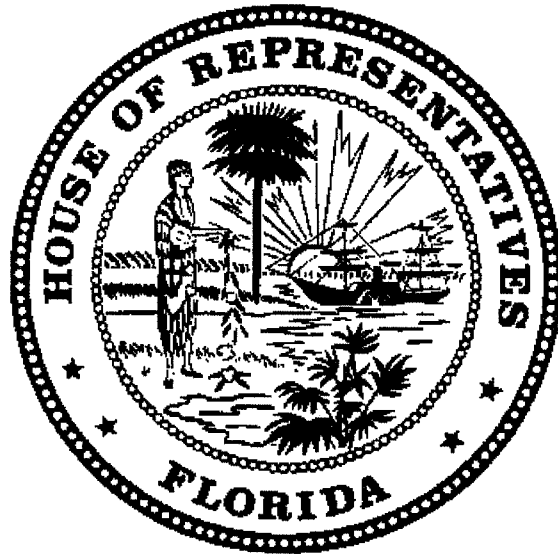
2008

55 (c) Initiate a professional maintenance program to nurture
56 and protect the old Australian pines canopy and institute a
57 policy of controlled growth for replacement of any pines lost.

58 (2) This section does not authorize the sale or
59 distribution of Australian pines to and from public or private
60 parties.

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

**NO MATERIALS AVAILABLE FOR
PCB ENRC 08-09 FLORIDA
FOREVER SUCCESSOR,
AT THIS TIME.**



COMMITTEE ON CONSERVATION & STATE LANDS

WEDNESDAY, MARCH 19, 2008

3:00 PM – 6:00 PM

216 THE CAPITOL

1st ADDENDUM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 703

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Committee hearing bill: Committee on Conservation & State Lands
2 Representative Kiar offered the following:

3
4 **Amendment**

5 Remove line 20 and insert:
6 this section or by a person 21 years of age or younger who does
7 not hold a boating safety

AMENDMENTS

For

HB 703

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. 703

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Committee hearing bill: Committee on Conservation & State Lands
2 Representative Kiar offered the following:

3
4 **Amendment**

5 Remove line(s) 82-87 and insert:
6 to rules of ~~in compliance with rules established by the~~
7 commission established pursuant to chapter 120.



8 (c) Any person receiving instruction in the safe handling
9 of personal watercraft pursuant to rules of the commission
10 established pursuant to chapter 120 or any other a program
11 established by rule

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1215
SPONSOR(S): Saunders
TIED BILLS:

Fort Zachary Taylor Historic State Park

IDEN./SIM. BILLS:

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

SUMMARY ANALYSIS

The bill requires the Fort Zachary Taylor Historic State Park Management Plan to be amended to require protection, maintenance, and preservation of the canopy of old Australian pine trees (*Casuarina equisetifolia*) located on the grounds of the park. The Department of Environmental Protection's Division of Recreation and Parks (division) is directed to commence a program of care and maintenance of Australian pine seedlings, young trees, and mature trees to ensure that these preservation goals are achieved. Furthermore, the division is to initiate a professional maintenance program to nurture and protect the old Australian Pines canopy at the park and to institute a policy of controlled growth for replacement of any pines lost. The provisions of this bill do not authorize any sale or distribution of Australian pines to or from any public or private parties.

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

The bill would become effective on July 1, 2008.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government: The bill requires amendment of a state park management plan to stop removal of certain trees and to establish a program to preserve those trees.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Fort Zachary Taylor is one of a series of military forts built in the mid-1800s to defend the nation's southeastern coastline. Completed in 1866, the fort played important roles in the Civil War and the Spanish-American War. The fort was designated a National Historic Landmark in 1973, and is Florida's southernmost state park. It is popular for recreation, as well as U.S. military history, with a beach at the southern end of the park that provides opportunities for picnicking, swimming, snorkeling, and fishing. Visitors can also enjoy a short nature trail and bicycling within the park. The park includes a significant stand of Australian Pine trees that provides a canopy of shade along the beach, a large open area with sparse vegetation, and the fort which is surrounded by a saltwater moat.¹

The Australian pine forest at the park is growing in a fill area and is the first growth for the site. The stand of trees has been in place for nearly fifty years and has become a much loved attraction for visitors. The Florida Department of Environmental Protection, Division of Recreation and Parks' (division) visitor information brochure identifies the shade provided by the Australian pines as one of the park's feature attractions.²

The University of Florida, Institute of Food and Agricultural Sciences reports³ that the Australian pine (*Casuarina equisetifolia*):

- has been long-favored for use in erosion control along beaches;
- is now outlawed in many parts of Florida due to its invasive nature, rapid growth rate, and non-native status;
- is not a true pine tree and is not related to the pines;
- is highly salt and drought tolerant, and has been widely used in seaside landscapes as a windbreak, screen, clipped hedge, and for topiary;
- withstands heat and other adverse conditions which has made the tree a favorite for street trees and yard specimens;
- grows in full sun or partial shade; and
- tolerates many adverse conditions — dry or wet soil, heat or high winds.

Section 369.252, F.S., directs the Department of Environmental Protection (DEP) to establish a program to achieve eradication or maintenance control of invasive exotic plants on public lands when the scientific data indicate that they are detrimental to the state's natural environment or when the Commissioner of Agriculture finds that such plants or specific populations are a threat to the agricultural productivity of the state. Section 369.251, F.S., provides the DEP authority to exempt these trees from the exotic vegetation control provisions if there is neither the danger of, nor intent to, further disperse the plant species. This site — being the southernmost point in the continental United States — is an on

¹ DEP, 2008. <http://www.floridastateparks.org/forttaylor/default.cfm>.

² DEP/DRP, 2007. Fort Zachary Taylor Historic State Park. Visitor Guide.

³ Institute of Food and Agricultural Sciences, 2007. Document ENH288. EDIS Web Site at <http://edis.ifas.ufl.edu>. University of Florida.

an island, the Australian Pine forest is the first growth vegetation at this site, there is no nearby agricultural activity, and the nearby environment is urban/suburban.

In response to a Key West Tree Commission (circa. 1993) insistence that the Australian pines at the Fort Zachary Taylor Historic State Park were not a pest at that location, the DEP said that, because of local community support for the shade provided by the Australian pines and due to the fact that the trees are growing on fill and do not pose a serious threat of spreading, there were no plans for the removal of the trees from the park⁴. In 2005, the Key West city council passed Resolution #04-13 supporting maintaining the Australian pines at the park. In 2006, the Monroe county commission passed Resolution 271-2006 requesting the state to designate the canopy of Australian pines at the park as an exception to removal as an exotic or invasive species, that the state institute a professional maintenance program to nurture and protect the Australian pines, and that the state institute a policy of controlled growth for replacement of lost trees.

However, the division has made removal of the Australian pines from the Fort Zachary Taylor Historic State Park a significant component of the park's land management plan. In an effort to maintain native, nature-based recreation for visitors, the division plans to develop a landscape with indigenous, native vegetation and in 2007 began a program of removal and replacement of the trees – at a cost of \$100,000 per year⁵. This plan requires removal of ten percent of the trees each year until all the trees are removed. The cleared areas will be replanted with native vegetation.

The division has held a public meeting in Key West to take testimony on the land management plan and its proposal to replace the Australian pine forest with young native vegetation. The division received extensive, nearly unanimous opposition to the proposed removal of the trees. The division's response was: "We agree with you folks 100 percent that shade is absolutely important. It's one of the most important recreational amenities . . . But our plan, and the removal of invasive exotics, has been policy of state parks and all state lands for 20 years."⁶

Effect of Proposed Changes

The bill creates s. 258.082, F.S., providing the Fort Zachary Taylor Historic State Park Management Plan be amended to require protection, maintenance, and preservation of the canopy of old Australian pine trees (*Casuarina equisetifolia*) located on the grounds of the park. The immediate objective is to maintain the old stand of Australian pines that existed on January 1, 2008. The long-term goal is to restore the number of Australian pines to those documented as existing in the Australian pine Mapping Project of 2004.

The division is directed to commence a program of care and maintenance of Australian pine seedlings, young trees, and mature trees to ensure that these preservation goals are achieved. Furthermore, the division is to initiate a professional maintenance program to nurture and protect the old Australian pines canopy at the Fort Zachary Taylor Historic State Park and to institute a policy of controlled growth for replacement of any pines lost.

The provisions of this bill do not authorize any sale or distribution of Australian pines to or from any public or private parties.

C. SECTION DIRECTORY:

Section 1: creates s. 258.082, F.S., requiring amendment of the Fort Zachary Taylor Historic State Park Management Plan

Section 2: provides an effective date of July 1, 2008.

⁴ Howell, Mark, April 25, 2003. *PINING FOR A DOOMED FOREST - Australian Pines Await the Far Pavilions*. SOLARES HILL, number 17.

⁵ DEP, 2008. Agency bill analysis.

⁶ The Miami Herald, October 22, 2007. Historic Fort's a Site for a Battle -- Over Trees.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

	<u>FY 08-09</u>	<u>FY 09-10</u>
Unit Management Plan Development	\$4,000	0
Development/Production of Education Interpretation Materials	\$10,000	0
Park Staff Time	\$3,000	\$3,000
Total:	\$17,000	\$3,000

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Private sector professional nursery consultation may be necessary related to the implementation of the bill provisions. The DEP indicates a loss of competition for tree removal and native landscape business could serve to raise prices for similar native restoration efforts in the Florida Keys.

D. FISCAL COMMENTS:

State

The DEP indicates:

- The park unit management plan would need to be updated which would involve a series of meetings with the general public and park staff.
- Staff time would be needed infrequently to deal with dead or dying trees that threaten human safety.
- The state park seed source would create a long-term funding need.
- The current native landscaping plan at the park would be abandoned.
- Current education materials of the Florida Park Service address only the negative impacts of non-native, invasive species. New education materials would need to be developed to educate the public and park staff on the departure from current policy.
- It is not known how the DEP and the Florida Department of Agriculture and Consumer Services would resolve issues surrounding vegetation which both agencies currently prohibit.
- Funding related to Australian pine removal and native landscaping for the park would stop. The funding utilized for this service is approximately \$100,000 per year.

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

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES



**COMMITTEE ON
CONSERVATION & STATE LANDS**

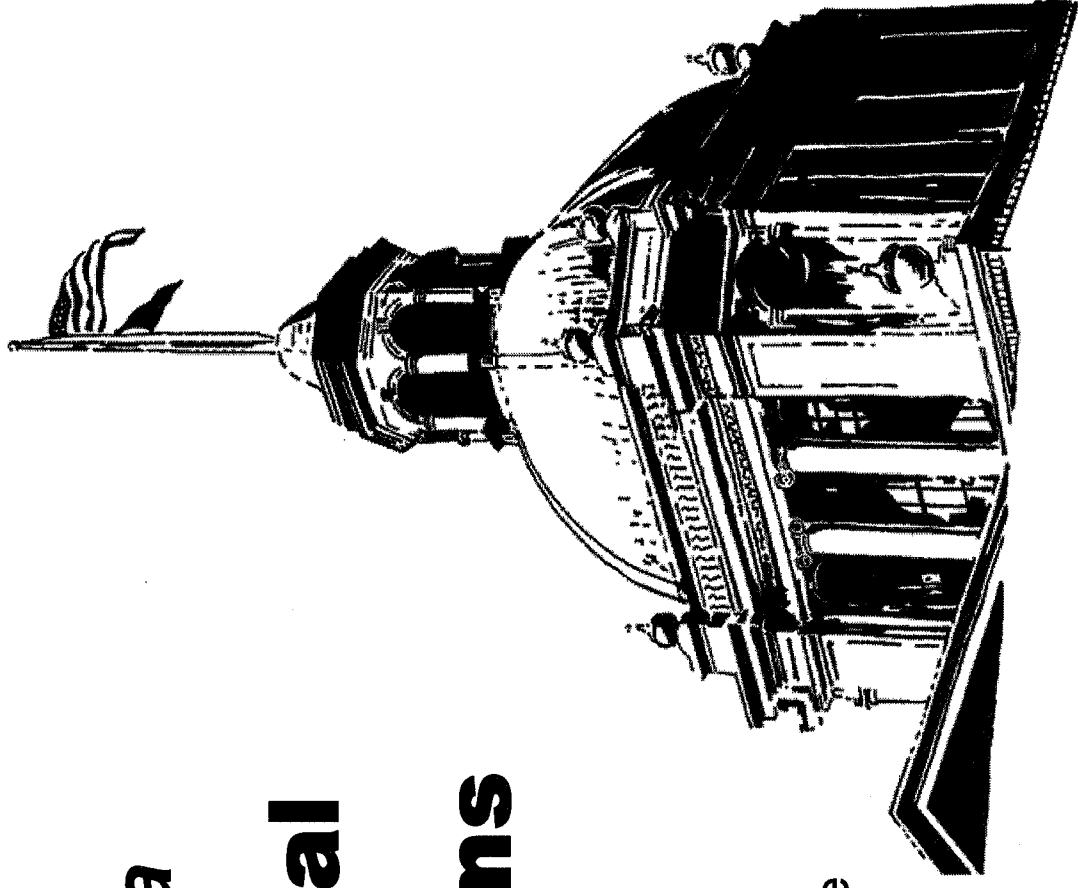
**WEDNESDAY, MARCH 19, 2008
3:00 PM – 6:00 PM
216 THE CAPITOL**

2nd ADDENDUM

**Presentation by the
Division of Bond Finance**

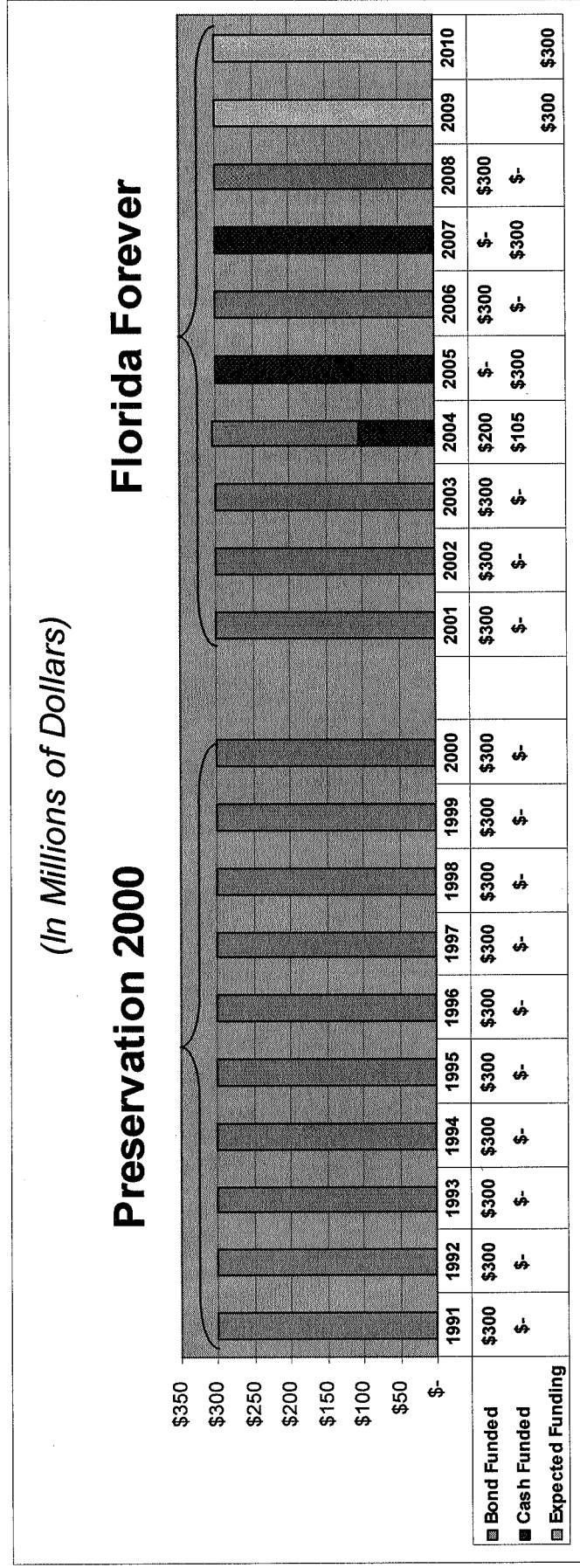
State of Florida
**Environmental
Bond Programs**

Presented by
The Division of Bond Finance



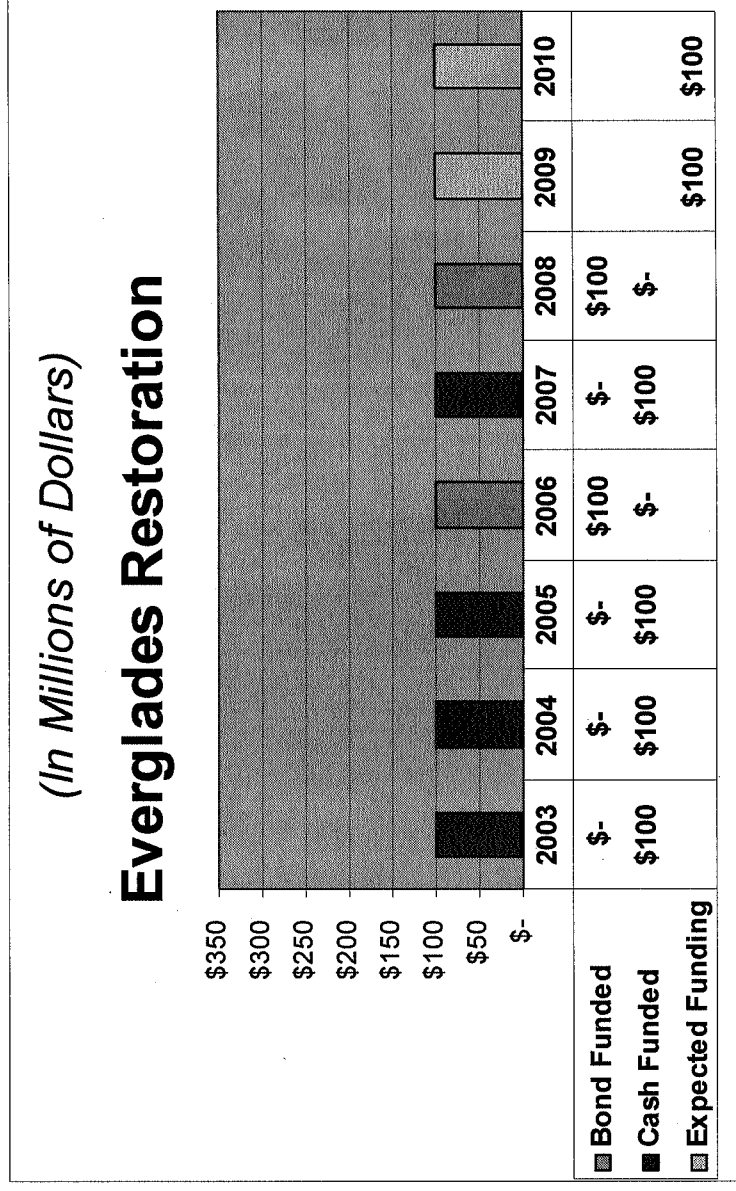
House Committee on Conservation and State Lands
March 19, 2008

Environmental Program Funding



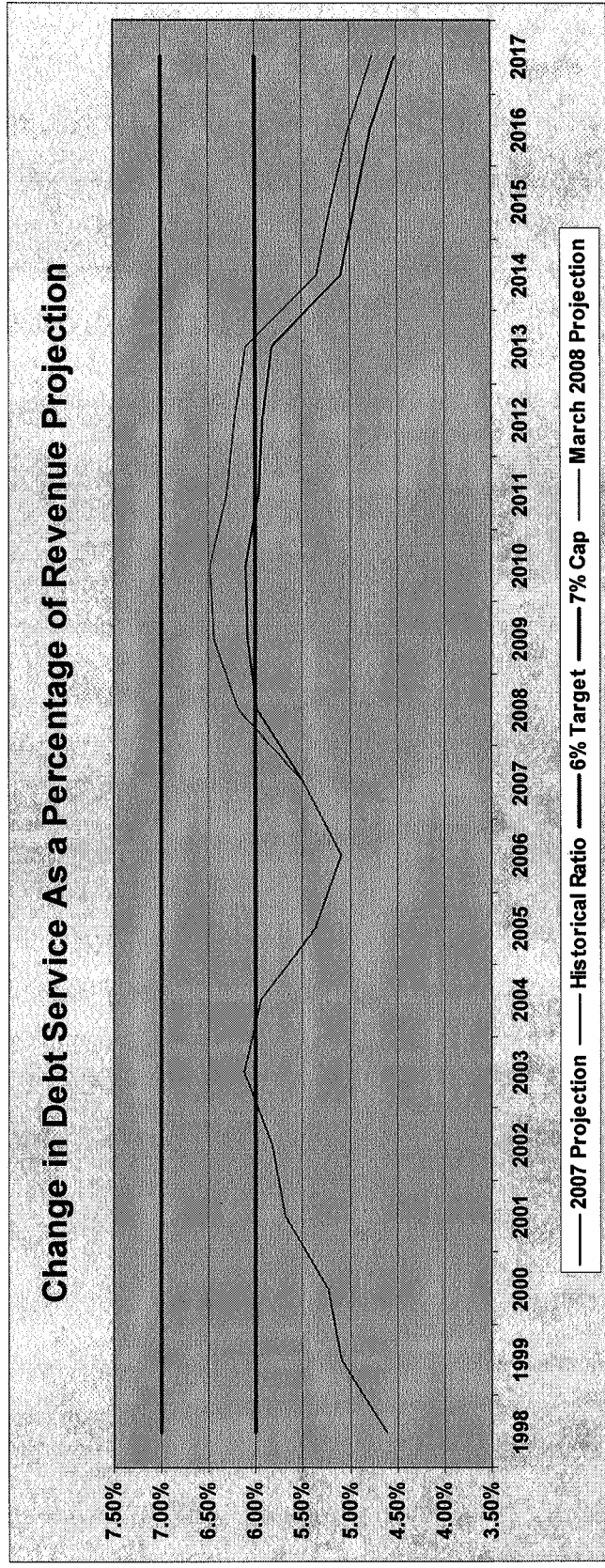
- P-2000 - \$3 Billion Program; \$300 Million Per Year for Ten Years
- Florida Forever - \$3 Billion Program; \$300 Million Per Year for Ten Years
- Florida Forever Program Has Been Funded With a Combination of Cash and Debt
- Two Years Remaining on the Florida Forever Program

Everglades Restoration Funding



- Everglades Restoration; \$800 Million Program; \$100 Million Per Year for Eight Years
- Everglades Restoration Program Has Been Funded With a Combination of Cash and Debt
- Two Years Remaining on the Everglades Restoration Program

March 2008 Change in Benchmark Ratio



Ratio of Debt Service to Revenues

Fiscal Year	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
2007 Projection	5.99%	6.09%	6.11%	5.97%	5.94%	5.82%	5.09%	4.94%	4.78%	4.51%
March 2008 Update	6.19%	6.45%	6.49%	6.30%	6.22%	6.11%	5.34%	5.19%	5.02%	4.75%
Change in Ratio	0.20%	0.36%	0.38%	0.34%	0.28%	0.29%	0.26%	0.25%	0.24%	0.23%

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1 A bill to be entitled
 2 An act relating to related to acquisition and management
 3 of state lands; amending s. 253.02, F.S.; amending s.
 4 253.031, F.S.; amending s. 253.0325, F.S.; amending s.
 5 253.034, F.S; providing an effective date.
 6
 7 Be It Enacted by the Legislature of the State of Florida:
 8
 9 Section 1. Section 253.002, Florida Statutes, is amended
 10 to read:
 11 253.002 Department of Environmental Protection, water
 12 management districts, ~~and~~ the Department of Agriculture and
 13 Consumer Services, and the Fish and Wildlife Conservation
 14 Commission; duties with respect to state lands.--
 15 (1) The Department of Environmental Protection shall
 16 perform all staff duties and functions related to the
 17 acquisition, recordkeeping, inventory, administration, and
 18 disposition of state lands, title to which is or will be vested
 19 in the Board of Trustees of the Internal Improvement Trust Fund.
 20 Upon the adoption of rules pursuant to XXX.xx and the completion
 21 of the transfer of land management personnel, assets and budget
 22 pursuant to XXX.xx, the Department of Agriculture and Consumer
 23 Services shall perform the all staff duties and function
 24 relating to the management of state lands, including but not
 25 limited to land management planning, restoration, harvest of
 26 natural resources, habitat, fire management, creation and
 27 maintenance of recreational facilities. The Fish and Wildlife
 28 Conservation Commission shall equally participate in of

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29 development land management plans and shall be lead in the
 30 monitoring, the implementation, and the outcome of land
 31 management plans. Upon request of the BOT, the Fish and
 32 Wildlife Conservation Commission shall assist in habitat
 33 management activities. The request for FWCC to assist in
 34 habitat management activities shall not be delegated by the BOT.
 35 ~~However, upon the effective date of rules adopted pursuant to s.~~
 36 ~~373-427, A water management district created under s. 373.069~~
 37 shall perform the staff duties and functions related to the
 38 review of any application for authorization to use board of
 39 trustees-owned submerged lands necessary for an activity
 40 regulated under part IV of chapter 373 for which the water
 41 management district has permitting responsibility as set forth
 42 in an operating agreement adopted pursuant to s. 373.046(4); and
 43 the Department of Agriculture and Consumer Services shall
 44 perform the staff duties and functions related to the review of
 45 applications and compliance with conditions for use of board of
 46 trustees-owned submerged lands under authorizations or leases
 47 issued pursuant to ss. 253.67-253.75 and 597.010. Unless
 48 expressly prohibited by law, the board of trustees may delegate
 49 to the department any statutory duty or obligation relating to
 50 the acquisition, recordkeeping, inventory administration, or
 51 disposition of lands, title to which is or will be vested in the
 52 board of trustees. The board of trustees may also delegate to
 53 any water management district created under s. 373.069 the
 54 authority to take final agency action, without any action on
 55 behalf of the board, on applications for authorization to use
 56 board of trustees-owned submerged lands for any activity

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57 regulated under part IV of chapter 373 for which the water
 58 management district has permitting responsibility as set forth
 59 in an operating agreement adopted pursuant to s. 373.046(4).
 60 This water management district responsibility under this
 61 subsection shall be subject to the department's general
 62 supervisory authority pursuant to s. 373.026(7). The board of
 63 trustees may also delegate to the Department of Agriculture and
 64 Consumer Services the authority to take final agency action on
 65 behalf of the board on applications to use board of trustees-
 66 owned submerged lands for any activity for which that department
 67 has responsibility pursuant to ss. 253.67-253.75 and 597.010.
 68 However, the board of trustees shall retain the authority to
 69 take final agency action on establishing any areas for leasing,
 70 new leases, expanding existing lease areas, or changing the type
 71 of lease activity in existing leases. Upon issuance of an
 72 aquaculture lease or other real property transaction relating to
 73 aquaculture, the Department of Agriculture and Consumer Services
 74 must send a copy of the document and the accompanying survey to
 75 the Department of Environmental Protection.
 76 (2) Delegations to the department, or a water management
 77 district, or the Department of Agriculture and Consumer Services
 78 of authority to take final agency action on applications for
 79 authorization to use submerged lands owned by the board of
 80 trustees, without any action on behalf of the board of trustees,
 81 shall be by rule. Until rules adopted pursuant to this
 82 subsection become effective, existing delegations by the board
 83 of trustees shall remain in full force and effect. Unless
 84 otherwise provided ~~However~~, the board of trustees is not limited

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85 or prohibited from amending these delegations. The board of
 86 trustees shall adopt by rule any delegations of its authority to
 87 take final agency action without action by the board of trustees
 88 on applications for authorization to use board of trustees-owned
 89 submerged lands. Any final agency action, without action by the
 90 board of trustees, taken by the department, or a water
 91 management district, or the Department of Agriculture and
 92 Consumer Services on applications to use board of trustees-owned
 93 submerged lands shall be subject to the provisions of s.
 94 373.4275. Notwithstanding any other provision of this
 95 subsection, the board of trustees, the Department of Legal
 96 Affairs, and the department retain the concurrent authority to
 97 assert or defend title to submerged lands owned by the board of
 98 trustees.
 99 Section 2. Section 253.031, Florida Statutes, is amended
 100 to read:
 101 253.031 Land office; custody of documents concerning land;
 102 moneys; plats.--
 103 (1) The Board of Trustees of the Internal Improvement
 104 Trust Fund, hereinafter called the "board," shall establish and
 105 maintain a public land office to be located at the seat of
 106 government of the state, in which office shall be deposited and
 107 preserved all records, surveys, plats, maps, field notes, and
 108 patents, and all other evidence touching the title and
 109 description of the public domain, and all lands granted by
 110 Congress to this state, or which may hereafter be granted, for
 111 whatever purpose the same may be given.

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112 (2) The Board of Trustees of the Internal Improvement
 113 Trust Fund shall have custody of all the records, surveys,
 114 plats, maps, field notes, and patents and all other evidence
 115 touching the title and description of the public domain.
 116 (3) The board shall draw all deeds and conveyances and
 117 deliver the same for all sales and transfers, and other
 118 disposition of the public domain, that may from time to time be
 119 ordered and made by authority of law, and keep a true and
 120 faithful record of the same. The board shall keep accounts of
 121 the several grants or donations for fixing the seat of
 122 government, for seminaries of learning, for common schools, for
 123 internal improvements, or for any other purpose, in separate
 124 books, accounts, and reports, so that the rights and interests
 125 of one shall not be blended or mixed with the rights and
 126 interests of another; and each class of land shall pay the
 127 expenses of locating the same.

128 (4) The board shall, in behalf of this state, receive from
 129 the Treasury of the United States the 5 percent on sales of the
 130 public lands, or any other sums accruing from the general
 131 government to the seminary, common school, internal improvement,
 132 or land acquisition funds; and shall pay the same into the
 133 treasury of this state, or, if they shall belong to a fund, to
 134 the treasurer of such fund keeping the same separate and
 135 distinct under their respective proper heads. The board shall
 136 hold all needful correspondence with the several land offices of
 137 the United States in this state, or with the general land office
 138 at Washington, and shall attend the public land sales in this
 139 state, and visit the said land offices whenever, in its opinion,

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140 the interest of the state shall require it, and do and perform
 141 all things needful and proper to advance and promote the
 142 interests of the same.

143 (5) The board shall make selections of and secure all
 144 swamp and overflowed lands and any other lands inuring to the
 145 state under the several acts of Congress providing therefor, and
 146 shall provide plats or maps of all lands selected and secured,
 147 and append thereto an accurate description of the quality,
 148 situation, and location of the same, and whatever else may
 149 affect the value of each tract or body of land selected and
 150 secured, taking care to keep in separate books, and maps or
 151 plats, the lands belonging to each separate fund, which books
 152 and maps and plats, with the description thereof, shall be kept
 153 and preserved in the office of the board.

154 (6) Upon the discontinuance by the federal authorities of
 155 the office of surveyor-general for the state, the board shall
 156 receive all of the field notes, surveys, maps, plats, papers,
 157 and records heretofore kept in the office of said surveyor-
 158 general as part of the public records of its office, and shall
 159 at all times allow any duly accredited authority of the United
 160 States full and free access to any and all of such field notes,
 161 surveys, maps, plats, papers, and records; and may make and
 162 furnish under their hands and seal certified copies of any or
 163 all of the same to any person making application therefor.

164 (7) The board shall receive all of the tract books, plats,
 165 and such records and papers heretofore kept in the United States
 166 Land Office at Gainesville, Alachua County, as may be
 167 surrendered by the Secretary of the Interior; and the board

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168 shall carefully and safely keep and preserve all of said tract
 169 books, plats, records, and papers as part of the public records
 170 of its office, and at any time allow any duly accredited
 171 authority of the United States, full and free access to any and
 172 all of such tract books, plats, records, and papers, and shall
 173 furnish any duly accredited authority of the United States with
 174 copies of any such records without charge.
 175 (8) The board shall keep a suitable seal of office. An
 176 impression of this seal shall be made upon the deeds conveying
 177 lands sold by the state, by the Board of Education, and by the
 178 Board of Trustees of the Internal Improvement Trust Fund of this
 179 state; and all such deeds shall be personally signed by the
 180 officers or trustees making the same and impressed with said
 181 seal and shall be operative and valid without witnesses to the
 182 execution thereof; and the impression of such seal on any such
 183 deeds shall entitle the same to record and to be received in
 184 evidence in all courts.
 185 (9) The fees of the board in the following matters shall
 186 be as follows: certification under seal of copies of maps or
 187 records in the office will be performed for a fee of \$1.50
 188 minimum. The charges for copying, making record searches, and
 189 compiling reports and statistical data shall be commensurate
 190 with the work involved and cost of material used.
 191 Section 3. Section 253.0325, Florida Statutes, is amended
 192 to read:
 193 253.0325 Modernization of state lands records.--
 194 (1) The Department of Environmental Protection shall
 195 initiate an ongoing computerized information systems program to

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196 modernize its state lands records and documents that relate to
 197 lands to which title is vested in the Board of Trustees of the
 198 Internal Improvement Trust Fund. The program shall include, at a
 199 minimum:
 200 (a) A document management component to automate the
 201 storage and retrieval of information contained in state lands
 202 records.
 203 (b) A land records management component to organize the
 204 records by key elements present in the data.
 205 (c) An evaluation component which includes the collection
 206 of resource and environmental data.
 207 (d) A mapping component to generate and store maps of
 208 state-owned parcels using data from the land records management
 209 and evaluation components.
 210 (2) At all stages of its records modernization program,
 211 the department shall seek to ensure information systems
 212 compatibility within the department and with other state, local,
 213 and regional governmental agencies. The department also shall
 214 seek to promote standardization in the collection of information
 215 regarding state-owned lands by federal, state, regional, and
 216 local agencies.
 217 (3) The information collected and stored as a result of
 218 the department's modernization of state lands records shall not
 219 be considered a final or complete accounting of lands which the
 220 state owns or to which the state may claim ownership.
 221 Section 4. Section 253.034, Florida Statutes, is amended
 222 to read:
 223 253.034 State-owned lands; uses.--

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224 (1) All lands acquired pursuant to chapter 259 shall be
 225 managed to serve the public interest by protecting and
 226 conserving land, air, water, and the state's natural resources,
 227 which contribute to the public health, welfare, and economy of
 228 the state. These lands shall be managed to provide for areas of
 229 natural resource based recreation, and to ensure the survival of
 230 plant and animal species and the conservation of finite and
 231 renewable natural resources. The state's lands and natural
 232 resources shall be managed using a stewardship ethic that
 233 assures these resources will be available for the benefit and
 234 enjoyment of all people of the state, both present and future.
 235 It is the intent of the Legislature that, where feasible and
 236 consistent with the goals of protection and conservation of
 237 natural resources associated with lands held in the public trust
 238 by the Board of Trustees of the Internal Improvement Trust Fund,
 239 public land not designated for single-use purposes pursuant to
 240 paragraph (2) (b) be managed for multiple-use purposes. All
 241 multiple-use land management strategies shall address public
 242 access and enjoyment, resource conservation and protection,
 243 ecosystem maintenance and protection, and protection of
 244 threatened and endangered species, and the degree to which
 245 public-private partnerships or endowments may allow the entity
 246 with management responsibility to enhance its ability to manage
 247 these lands. The council created in s. 259.035 shall recommend
 248 rules to the board of trustees, and the board shall adopt rules
 249 necessary to carry out the purposes of this section.
 250 (2) As used in this section, the following phrases have
 251 the following meanings:

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252 (a) "Multiple use" means the harmonious and coordinated
 253 management of timber, recreation, conservation of fish and
 254 wildlife, forage, archaeological and historic sites, habitat and
 255 other biological resources, or water resources so that they are
 256 utilized in the combination that will best serve the people of
 257 the state, making the most judicious use of the land for ~~some~~
 258 all of these resources and giving consideration to the relative
 259 values of the various resources. Where necessary and appropriate
 260 for all state-owned lands that are larger than 1,000 acres in
 261 project size and are managed for multiple uses, buffers may be
 262 formed around any areas that require special protection or have
 263 special management needs. Such buffers shall not exceed more
 264 than one-half of the total acreage. Multiple uses within a
 265 buffer area may be restricted to provide the necessary buffering
 266 effect desired. ~~Multiple use in this context includes both uses~~
 267 ~~of land or resources by more than one management entity, which~~
 268 ~~may include private sector land managers.~~ In any case, lands
 269 identified as multiple-use lands in the land management plan
 270 shall be managed to enhance and conserve the lands and resources
 271 for the enjoyment of the people of the state.
 272 (b) "Single use" means management for one particular
 273 purpose to the exclusion of all other purposes, except that the
 274 using entity shall have the option of including in its
 275 management program compatible secondary purposes which will not
 276 detract from or interfere with the primary management purpose.
 277 Such single uses may include, but are not necessarily restricted
 278 to, the use of agricultural lands for production of food and
 279 livestock, the use of improved sites and grounds for

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280 institutional purposes, ~~and the use of lands for parks,~~
 281 ~~preserves, wildlife management,~~ archaeological or historic
 282 sites, ~~or~~ designated preserves or wilderness areas where the
 283 maintenance of essentially natural conditions is important. All
 284 submerged lands shall be considered single-use lands and shall
 285 be managed primarily for the maintenance of essentially natural
 286 conditions, the propagation of fish and wildlife, and public
 287 recreation, including hunting and fishing where deemed
 288 appropriate by the managing entity.

289 (c) "Conservation lands" means lands that are currently
 290 managed for conservation, outdoor resource-based recreation, or
 291 archaeological or historic preservation, except those lands that
 292 were acquired solely to facilitate the acquisition of other
 293 conservation lands. However, lands acquired solely to
 294 facilitate the acquisition of other conservation land may be
 295 consider conservation lands and included in land management
 296 plans and included in the allocation of land management funding,
 297 if in doing so provides an increase in public recreation
 298 opportunity or creates a more efficient land management plan.

299 Lands acquired for uses other than conservation, outdoor
 300 resource-based recreation, or archaeological or historic
 301 preservation shall not be designated conservation lands except
 302 as otherwise authorized under this section. These lands shall
 303 include, but not be limited to, the following: correction and
 304 detention facilities, military installations and facilities,
 305 state office buildings, maintenance yards, state university or
 306 state community college campuses, agricultural field stations or
 307 offices, tower sites, law enforcement and license facilities,

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308 laboratories, hospitals, clinics, and other sites that possess
 309 no ~~significant~~ natural or historical resources. However, lands
 310 acquired solely to facilitate the acquisition of other
 311 conservation lands, and for which the land management plan has
 312 not yet been completed or updated, may be evaluated by the Board
 313 of Trustees of the Internal Improvement Trust Fund on a case-by-
 314 case basis to determine if they will be designated conservation
 315 lands.

316
 317 Lands acquired by the state as a gift, through donation, or by
 318 any other conveyance for which no consideration was paid, and
 319 which are not managed for conservation, outdoor resource-based
 320 recreation, or archaeological or historic preservation under a
 321 land management plan approved by the board of trustees are not
 322 conservation lands.

323 (3) In recognition that recreational trails purchased with
 324 ralls-to-trails funds pursuant to s. 259.101(3) (g) or s.
 325 259.105(3) (h) have had historic transportation uses and that
 326 their linear character may extend many miles, the Legislature
 327 intends that when the necessity arises to serve public needs,
 328 after balancing the need to protect trail users from collisions
 329 with automobiles and a preference for the use of overpasses and
 330 underpasses to the greatest extent feasible and practical,
 331 transportation uses shall be allowed to cross recreational
 332 trails purchased pursuant to s. 259.101(3) (g) or s.
 333 259.105(3) (h). When these crossings are needed, the location and
 334 design should consider and mitigate the impact on humans and

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335 environmental resources, and the value of the land shall be paid
 336 based on fair market value.

337 (4) No management agreement, lease, or other instrument
 338 authorizing the use of lands owned by the Board of Trustees of
 339 the Internal Improvement Trust Fund shall be executed for a
 340 period greater than is necessary to provide for the reasonable
 341 use of the land for the existing or planned life cycle or
 342 amortization of the improvements, except that an easement in
 343 perpetuity may be granted by the Board of Trustees of the
 344 Internal Improvement Trust Fund if the improvement is a
 345 transportation facility. An entity managing or leasing state-
 346 owned lands from the board may not sublease such lands without
 347 prior review by the division and, for conservation lands, by the
 348 Acquisition and Restoration Council created in s. 259.035. All
 349 management agreements, leases, or other instruments authorizing
 350 the use of lands owned by the board shall be reviewed for
 351 approval by the board ~~ex-its-designee. The council is not~~
 352 ~~required to review subleases of parcels which are less than 160~~
 353 ~~acres in size.~~

354 (5) State lands shall be managed to ensure the
 355 conservation of the state's plant and animal species and to
 356 assure the accessibility of public lands for the benefit and
 357 enjoyment all people of the state, both present and future. The
 358 Department of Agriculture and Consumer Services and the Fish and
 359 Wildlife Conservation Commission shall concurrently prepare land
 360 management plans for state lands. Each land management plan
 361 shall provide a desired outcome with measurable objectives to
 362 obtain the desired outcome. The desired outcome shall at a

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363 minimum include sustainability, improving habitat and increasing
 364 public access and will be the basis for all subsequent land
 365 management activities.

366 (a) To ensure the desired outcome is achieved, state lands
 367 shall be managed to achieve the following objectives.
 368 1. Habitat restoration and improvement.
 369 2. Public access and recreation.
 370 3. Hydrological preservation and restoration.
 371 4. Forest management.
 372 5. Exotic and invasive species control.
 373 6. Financial sustainability of land management activities.
 374 (b) The land management plan shall at a minimum contain
 375 the following elements.

376 1. Physical description of the property
 377 2. A quantitative data description of the property to
 378 include a survey of forest resources; exotic and invasive
 379 plants; hydrological features; capital facilities, including
 380 recreational facilities. The description shall be of such
 381 detail that objective measures and benchmarks can be established
 382 for each tract of land and monitored during the lifetime of the
 383 plan. All quantitative data collected shall be aggregated,
 384 standardized, collected and presented in an electronic format to
 385 allow for management reporting and analysis.

386 3. A detailed description of each land management
 387 objective and the activities that are to be performed to meet
 388 the land management objectives. Each land management objective
 389 must be addressed by the land management plan but no land

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390 management objective shall be performed to the detriment of the
 391 other land management objectives.
 392 4. An activity matrix shall be prepared that contain a
 393 timeline, quantitative measurements, detailed expense and
 394 manpower budgets for each activity. The activity matrix is to
 395 provide a management tool that facilitates development of
 396 performance measures.
 397 5. A summary budget for the land management activities of
 398 the land management plan. The summary budget shall be prepared
 399 in such a manner that it facilitates an aggregate of land
 400 management costs for all state lands.
 401 (c) Upon completion, the land management plan will be
 402 transmitted to the Acquisition and Restoration Council for
 403 review. After a 30 day review and comment period, the land
 404 management plan will become operational. If issues arise during
 405 the review and comment period that require revisions to the land
 406 management plan, the Secretary of the Department of
 407 Environmental Protection, Commissioner of Agriculture and
 408 Consumer Services, the Fish and Wildlife Commission or their
 409 delegates shall develop a consensus for land management plan
 410 changes and redraft the plan. During the redrafting period, no
 411 funds for the management of the land may be expended other than
 412 those to address emergency situations.
 413 (5) Annually, the state lands with an approved land
 414 management plan must be monitored by the Fish and Wildlife
 415 Commission and reviewed by a certified third party. The Fish
 416 and Wildlife Commission will prepare a monitoring report that
 417 accounts for the progress of land management activities and

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418 specifically identifies deficiencies in the management
 419 activities. The monitoring report shall be submitted to the
 420 Department of Agriculture and Consumer Services and the
 421 Acquisition and Restoration Council. The third party review and
 422 analysis of the management plan shall identify the progress of
 423 the management activities. The third party review and analysis
 424 shall provide suggested corrective actions needed to be taken by
 425 the land manager to address identified deficiencies. The third
 426 party review and analysis are to be submitted to the Department
 427 of Agriculture and Consumer Services, the Fish and Wildlife
 428 Conservation Commission, the Acquisition and Restoration
 429 Council. The Acquisition and Restoration Council shall review
 430 the monitoring report and the third party review and analysis
 431 and determine which deficiencies are of a significant
 432 consequence require a corrective action plan or revision to the
 433 land management plan. Such corrective actions and revision
 434 shall be brought in front of board who will determine whether
 435 the corrective actions and revision sufficiently address the
 436 identified deficiencies. Corrective actions plans shall be
 437 prepared and submitted in the same manner as the land management
 438 plan.
 439 (6) Land management plans are to be prepared on rotating
 440 basis on a 10 year cycle.
 441 (7) In developing and management plans at least two public
 442 hearings will be held.
 443 Each manager of ~~conservation~~ lands shall submit to the Division
 444 of State Lands a land management plan at least every 10 years in
 445 a form and manner prescribed by rule by the board and in

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446 accordance with the provisions of s. 259.032. Each manager of
 447 conservation lands shall also update a land management plan
 448 whenever the manager proposes to add new facilities or make
 449 substantive land use or management changes that were not
 450 addressed in the approved plan, or within 1 year of the addition
 451 of significant new lands. Each manager of nonconservation lands
 452 shall submit to the Division of State Lands a land use plan at
 453 least every 10 years in a form and manner prescribed by rule by
 454 the board. The division shall review each plan for compliance
 455 with the requirements of this subsection and the requirements of
 456 the rules established by the board pursuant to this section.

(8) All land management use plans, whether for single-use
 458 or multiple-use properties, shall include an analysis of the
 459 property to determine if any significant natural or cultural
 460 resources are located on the property. Such resources include
 461 archaeological and historic sites, state and federally listed
 462 plant and animal species, and imperiled natural communities and
 463 unique natural features. If such resources occur on the
 464 property, the manager shall consult with the Division of State
 465 Lands and other appropriate agencies to develop management
 466 strategies to protect such resources. Land management use plans
 467 shall also include provide for the control of invasive nonnative
 468 plants and conservation of soil and water resources, including a
 469 description of how the manager plans to control and prevent soil
 470 erosion and soil or water contamination. Land management use
 471 plans submitted by a manager shall include reference to
 472 appropriate statutory authority for such use or uses and shall
 473 conform to the appropriate policies and guidelines of the state

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474 land management plan. Land management plans for managed areas
 475 larger than 1,000 acres shall contain an analysis of the
 476 multiple-use potential of the property, which analysis shall
 477 include the potential of the property to generate revenues to
 478 enhance the management of the property. Additionally, the land
 479 management plan shall contain to the greatest extent possible an
 480 analysis of the potential use of private land managers to
 481 facilitate the restoration or management of these lands. In
 482 those cases where a newly acquired property has a valid
 483 conservation plan that was developed by a soil and conservation
 484 district, such plan shall be used to guide management of the
 485 property until a formal land use plan is completed.

(9)(a) The Division of State Lands shall make available to
 486 the public an electronic a copy of each land management plan for
 487 parcels that exceed 160 acres in size. The council shall review
 488 each plan for compliance with the requirements of this
 489 subsection, the requirements of chapter 259, and the
 490 requirements of the rules established by the board pursuant to
 491 this section. The council shall also consider the propriety of
 492 the recommendations of the managing entity with regard to the
 493 future use of the property, the protection of fragile or
 494 nonrenewable resources, the potential for alternative or
 495 multiple uses not recognized by the managing entity, and the
 496 possibility of disposal of the property by the board. After its
 497 review, the council shall submit the plan, along with its
 498 recommendations and comments, to the board. The council shall
 499 specifically recommend to the board whether to approve the plan
 500

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501 as submitted, approve the plan ~~with modifications~~, or reject the
 502 plan.
 503 (10)(e) The Board of Trustees of the Internal Improvement
 504 Trust Fund shall consider the land management plan submitted by
 505 each ~~entity~~ and the recommendations of the council and the
 506 ~~Director of State Lands~~ and shall approve the plan ~~with or~~
 507 ~~without modification~~ or reject such plan. The use or possession
 508 of any such lands that is not in accordance with an approved
 509 land management plan is subject to termination by the board.
 510 (11)(6) The Board of Trustees of the Internal Improvement
 511 Trust Fund shall determine which lands, the title to which is
 512 vested in the board, may be surplus. For conservation lands,
 513 the board shall make a determination that the lands are no
 514 longer needed for conservation purposes and may dispose of them
 515 by an affirmative vote of at least three members. In the case of
 516 a land exchange involving the disposition of conservation lands,
 517 the board must determine by an affirmative vote of at least
 518 three members that the exchange will result in a net positive
 519 conservation benefit. For all other lands, the board shall make
 520 a determination that the lands are no longer needed and may
 521 dispose of them by an affirmative vote of at least three
 522 members.

(a) For the purposes of this subsection, all lands
 523 acquired by the state prior to July 1, 1999, using proceeds from
 524 the Preservation 2000 bonds, the Conservation and Recreation
 525 Lands Trust Fund, the Water Management Lands Trust Fund,
 526 Environmentally Endangered Lands Program, and the Save Our Coast
 527 Program and titled to the board, which lands are identified as
 528

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529 core parcels or within original project boundaries, shall be
 530 deemed to have been acquired for conservation purposes.
 531 (b) For any lands purchased by the state on or after July
 532 1, 1999, a determination shall be made by the board prior to
 533 acquisition as to those parcels that shall be designated as
 534 having been acquired for conservation purposes. No lands
 535 acquired for use by the Department of Corrections, the
 536 Department of Management Services for use as state offices, the
 537 Department of Transportation, except those specifically managed
 538 for conservation or recreation purposes, or the State University
 539 System or the Florida Community College System shall be
 540 designated as having been purchased for conservation purposes.

(c) At least every 10 years, as a component of each land
 541 management plan or land use plan and in a form and manner
 542 prescribed by rule by the board, each manager shall evaluate and
 543 indicate to the board those lands that are not being used for
 544 the purpose for which they were originally leased. For
 545 conservation lands, the council shall review and shall recommend
 546 to the board whether such lands should be retained in public
 547 ownership or disposed of by the board. For nonconservation
 548 lands, the division shall review such lands and shall recommend
 549 to the board whether such lands should be retained in public
 550 ownership or disposed of by the board.

(d) Lands owned by the board which are not actively
 551 managed by any state agency or for which a land management plan
 552 has not been completed pursuant to subsection (5) shall be
 553 reviewed by the council or its successor for its recommendation
 554 as to whether such lands should be disposed of by the board.
 555
 556

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557 (e) Prior to any decision by the board to surplus lands,
 558 the Acquisition and Restoration Council shall review and make
 559 recommendations to the board concerning the request for
 560 surplus. The council shall determine whether the request for
 561 surplus is compatible with the resource values of and
 562 management objectives for such lands.
 563 (f)1. In reviewing lands owned by the board, the council
 564 shall consider whether such lands would be more appropriately
 565 owned or managed by the county or other unit of local government
 566 in which the land is located. The council shall recommend to the
 567 board whether a sale, lease, or other conveyance to a local
 568 government would be in the best interests of the state and local
 569 government. The provisions of this paragraph in no way limit the
 570 provisions of ss. 253.111 and 253.115. Such lands shall be
 571 offered to the state, county, or local government for a period
 572 of 30 days. Permittable uses for such surplus lands may include
 573 public schools; public libraries; fire or law enforcement
 574 substations; governmental, judicial, or recreational centers;
 575 and affordable housing meeting the criteria of s. 420.0004(3).
 576 County or local government requests for surplus lands shall be
 577 expedited throughout the surplus process. If the county or
 578 local government does not elect to purchase such lands in
 579 accordance with s. 253.111, then any surplus determination
 580 involving other governmental agencies shall be made upon the
 581 board deciding the best public use of the lands. Surplus
 582 properties in which governmental agencies have expressed no
 583 interest shall then be available for sale on the private market.

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584 2. Notwithstanding subparagraph 1., any parcel of surplus
 585 lands less than 3 acres in size which was acquired by the state
 586 before 1955 by gift or other conveyance or for \$1 consideration
 587 from a fair association incorporated under chapter 616 for the
 588 purpose of conducting and operating public fairs or expositions,
 589 and concerning which the department has filed by July 1, 2008, a
 590 notice of intent to dispose of as surplus lands, shall be
 591 offered for reconveyance to such fair association for no
 592 consideration; however, the agency that last held the lease from
 593 the board for management of such lands may remove from the lands
 594 any improvements, fixtures, goods, wares, and merchandise within
 595 180 days after the effective date of the reconveyance. This
 596 subparagraph expires July 1, 2008.
 597 (g) The sale price of lands determined to be surplus
 598 pursuant to this subsection shall be determined by the division
 599 and shall take into consideration an appraisal of the property,
 600 or, when the estimated value of the land is less than \$100,000,
 601 a comparable sales analysis or a broker's opinion of value, and
 602 the price paid by the state to originally acquire the lands.
 603 l.a. A written valuation of land determined to be surplus
 604 pursuant to this subsection, and related documents used to form
 605 the valuation or which pertain to the valuation, are
 606 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 607 of the State Constitution until 2 weeks before the contract or
 608 agreement regarding the purchase, exchange, or disposal of the
 609 surplus land is first considered for approval by the board.
 610 Notwithstanding the exemption provided under this subparagraph,
 611 the division may disclose appraisals, valuations, or valuation

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612 information regarding surplus land during negotiations for the
 613 sale or exchange of the land, during the marketing effort or
 614 bidding process associated with the sale, disposal, or exchange
 615 of the land to facilitate closure of such effort or process,
 616 when the passage of time has made the conclusions of value
 617 invalid, or when negotiations or marketing efforts concerning
 618 the land are concluded.
 619 b. This subparagraph is subject to the Open Government
 620 Sunset Review Act of 1995 in accordance with s. 119.15, and
 621 shall stand repealed on October 2, 2009, unless reviewed and
 622 saved from repeal through reenactment by the Legislature.
 623 2. A unit of government that acquires title to lands
 624 hereunder for less than appraised value may not sell or transfer
 625 title to all or any portion of the lands to any private owner
 626 for a period of 10 years. Any unit of government seeking to
 627 transfer or sell lands pursuant to this paragraph shall first
 628 allow the board of trustees to reacquire such lands for the
 629 price at which the board sold such lands.
 630 (h) Where a unit of government acquired land by gift,
 631 donation, grant, quitclaim deed, or other such conveyance where
 632 no monetary consideration was exchanged, the price of land sold
 633 as surplus may be based on one appraisal. In the event that a
 634 single appraisal yields a value equal to or greater than \$1
 635 million, a second appraisal is required. The individual or
 636 entity requesting the surplus shall select and use appraisers
 637 from the list of approved appraisers maintained by the Division
 638 of State Lands in accordance with s. 253.025(6) (b) . The

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639 individual or entity requesting the surplus is to incur all
 640 costs of the appraisals.
 641 (i) After reviewing the recommendations of the council,
 642 the board shall determine whether lands identified for surplus
 643 are to be held for other public purposes or whether such lands
 644 are no longer needed. The board may require an agency to release
 645 its interest in such lands. For an agency that has requested the
 646 use of a property that was to be declared as surplus, said
 647 agency must have the property under lease within 6 months of the
 648 date of expiration of the notice provisions required under this
 649 subsection and s. 253.111.
 650 (j) Requests for surplusing may be made by any public or
 651 private entity or person. All requests shall be submitted to the
 652 lead managing agency for review and recommendation to the
 653 council or its successor. Lead managing agencies shall have 90
 654 days to review such requests and make recommendations. Any
 655 surplusing requests that have not been acted upon within the 90-
 656 day time period shall be immediately scheduled for hearing at
 657 the next regularly scheduled meeting of the council or its
 658 successor. Requests for surplusing pursuant to this paragraph
 659 shall not be required to be offered to local or state
 660 governments as provided in paragraph (f).
 661 (k) Proceeds from any sale of surplus lands pursuant to
 662 this subsection shall be deposited into the fund from which such
 663 lands were acquired. However, if the fund from which the lands
 664 were originally acquired no longer exists, such proceeds shall
 665 be deposited into an appropriate account to be used for land
 666 management by the lead managing agency assigned the lands prior

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667 to the lands being declared surplus. Funds received from the
 668 sale of surplus nonconservation lands, or lands that were
 669 acquired by gift, by donation, or for no consideration, shall be
 670 deposited into the Internal Improvement Trust Fund.
 671 (l) Notwithstanding the provisions of this subsection, no
 672 such disposition of land shall be made if such disposition would
 673 have the effect of causing all or any portion of the interest on
 674 any revenue bonds issued to lose the exclusion from gross income
 675 for federal income tax purposes.
 676 (m) The sale of filled, formerly submerged land that does
 677 not exceed 5 acres in area is not subject to review by the
 678 council or its successor.
 679 (n) The board may adopt rules to implement the provisions
 680 of this section, which may include procedures for administering
 681 surplus land requests and criteria for when the division may
 682 approve requests to surplus nonconservation lands on behalf of
 683 the board.
 684 (12) (7) This section shall not be construed so as to
 685 affect:
 686 (a) Other provisions of this chapter relating to oil, gas,
 687 or mineral resources.
 688 (b) The exclusive use of state-owned land subject to a
 689 lease by the Board of Trustees of the Internal Improvement Trust
 690 Fund of state-owned land for private uses and purposes.
 691 (c) Sovereignty lands not leased for private uses and
 692 purposes.
 693 (13) (4)

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694 (a) Notwithstanding other provisions of this section, the
 695 Division of State Lands is directed to prepare a state inventory
 696 of all federal lands and all lands titled in the name of the
 697 state, a state agency, a water management district, or a local
 698 government on a county-by-county basis. To facilitate the
 699 development of the state inventory, each county shall direct the
 700 appropriate county office with authority over the information to
 701 provide the division with a county inventory of all lands
 702 identified as federal lands and lands titled in the name of the
 703 state, a state agency, a water management district, or a local
 704 government.
 705 (b) The state inventory must distinguish between lands
 706 purchased by the state or a water management district as part of
 707 a core parcel or within original project boundaries, as those
 708 terms are used to meet the surplus requirements of subsection
 709 (6), and lands purchased by the state, a state agency, or a
 710 water management district which are not essential or necessary
 711 for conservation purposes.
 712 (c) In any county having a population of 75,000 or less,
 713 or a county having a population of 100,000 or less that is
 714 contiguous to a county having a population of 75,000 or less, in
 715 which more than 50 percent of the lands within the county
 716 boundary are federal lands and lands titled in the name of the
 717 state, a state agency, a water management district, or a local
 718 government, those lands titled in the name of the state or a
 719 state agency which are not essential or necessary to meet
 720 conservation purposes may, upon request of a public or private
 721 entity, be made available for purchase through the state's

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722 surplusing process. Rights-of-way for existing, proposed, or
 723 anticipated transportation facilities are exempt from the
 724 requirements of this paragraph. Priority consideration shall be
 725 given to buyers, public or private, willing to return the
 726 property to productive use so long as the property can be
 727 reentered onto the county ad valorem tax roll. Property acquired
 728 with matching funds from a local government shall not be made
 729 available for purchase without the consent of the local
 730 government.

731 ~~(14)(9)~~ Land management plans required to be submitted by
 732 the Department of Corrections, the Department of Juvenile
 733 Justice, the Department of Children and Family Services, or the
 734 Department of Education are not subject to the provisions for
 735 review by the council or its successor described in subsection
 736 (5). Management plans filed by these agencies shall be made
 737 available to the public for a period of 90 days at the
 738 administrative offices of the parcel or project affected by the
 739 management plan and at the Tallahassee offices of each agency.
 740 Any plans not objected to during the public comment period shall
 741 be deemed approved. Any plans for which an objection is filed
 742 shall be submitted to the Board of Trustees of the Internal
 743 Improvement Trust Fund for consideration. The Board of Trustees
 744 of the Internal Improvement Trust Fund shall approve the plan
 745 with or without modification, or reject the plan. The use or
 746 possession of any such lands which is not in accordance with an
 747 approved land management plan is subject to termination by the
 748 board.

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749 ~~(15)(10)~~ The following additional uses of conservation
 750 lands acquired pursuant to the Florida Forever program and other
 751 state-funded conservation land purchase programs shall be
 752 authorized, upon a finding by the board of trustees, if they
 753 meet the criteria specified in paragraphs (a)-(e): water
 754 resource development projects, water supply development
 755 projects, stormwater management projects, linear facilities, and
 756 sustainable agriculture and forestry. Such additional uses are
 757 authorized where:
 758 (a) Not inconsistent with the management plan for such
 759 lands;
 760 (b) Compatible with the natural ecosystem and resource
 761 values of such lands;
 762 (c) The proposed use is appropriately located on such
 763 lands and where due consideration is given to the use of other
 764 available lands;
 765 (d) The using entity reasonably compensates the
 766 titleholder for such use based upon an appropriate measure of
 767 value; and
 768 (e) The use is consistent with the public interest.
 769
 770 A decision by the board of trustees pursuant to this section
 771 shall be given a presumption of correctness. Moneys received
 772 from the use of state lands pursuant to this section shall be
 773 returned to the lead managing entity in accordance with the
 774 provisions of s. 259.032(11)(d).
 775 ~~(16)(11)~~ Lands listed as projects for acquisition may be
 776 managed for conservation pursuant to s. 259.032, on an interim

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777 basis by a private party in anticipation of a state purchase in
778 accordance with a contractual arrangement between the acquiring
779 agency and the private party that may include management service
780 contracts, leases, cost-share arrangements or resource
781 conservation agreements. Lands designated as eligible under this
782 subsection shall be managed to maintain or enhance the resources
783 the state is seeking to protect by acquiring the land. Funding
784 for these contractual arrangements may originate from the
785 documentary stamp tax revenue deposited into the Conservation
786 and Recreation Lands Trust Fund and Water Management Lands Trust
787 Fund. No more than 5 percent of funds allocated under the trust
788 funds shall be expended for this purpose.
789 ~~(17)-(12)~~ Any lands available to governmental employees,
790 including water management district employees, for hunting or
791 other recreational purposes shall also be made available to the
792 general public for such purposes.
793 ~~(18)-(13)~~ Notwithstanding the provisions of this section,
794 funds from the sale of property by the Department of Highway
795 Safety and Motor Vehicles located in Palm Beach County are
796 authorized to be deposited into the Highway Safety Operating
797 Trust Fund to facilitate the exchange as provided in the General
798 Appropriations Act, provided that at the conclusion of both
799 exchanges the values are equalized. This subsection expires July
800 1, 2008.
801 Note.--Section 33, ch. 2007-73, amended subsection (13)
802 "[i]n order to implement Section 36 of the 2007-2008 General
803 Appropriations Act."
804 Section 5. This act shall take effect July 1, 2008.



COMMITTEE ON CONSERVATION & STATE LANDS

**WEDNESDAY, MARCH 19, 2008
3:00 PM – 6:00 PM
216 THE CAPITOL**

3rd ADDENDUM

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1 A bill to be entitled
 2 An act relating to amending s. 259.032, F.S.; amending s.
 3 amending s. 259.037, F.S.; A bill to be entitled;
 4 providing an effective date.
 5

6 Be It Enacted by the Legislature of the State of Florida:
 7

8
 9 Section 1. Section 259.032, Florida Statutes, is amended
 10 to read:

11 259.032 Conservation and Recreation Lands Trust Fund;
 12 purpose.--

13 (1) It is the policy of the state that the citizens of
 14 this state shall be assured public ownership of natural areas
 15 for purposes of maintaining this state's unique natural
 16 resources; protecting air, land, and water quality; promoting
 17 water resource development to meet the needs of natural systems
 18 and citizens of this state; promoting restoration activities on
 19 public lands; and providing lands for ~~natural resource-based~~
 20 recreation. In recognition of this policy, it is the intent of
 21 the Legislature to provide such public lands for the people
 22 residing in urban and metropolitan areas of the state, as well
 23 as those residing in less populated, rural areas. ~~It is the~~
 24 ~~further intent of the Legislature, with regard to the lands~~
 25 ~~described in paragraph (3)(e), that a high priority be given to~~
 26 ~~the acquisition of such lands in or near counties exhibiting the~~
 27 ~~greatest concentration of population and, with regard to the~~
 28 ~~lands described in subsection (3), that a high priority be given~~

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29 to acquiring lands or rights or interests in lands within any
 30 area designated as an area of critical state concern under s.
 31 380.05 which, in the judgment of the advisory council
 32 established pursuant to s. 259.035, or its successor, cannot be
 33 adequately protected by application of land development
 34 regulations adopted pursuant to s. 380.05. Finally, it is the
 35 Legislature's intent that lands acquired through this program
 36 and any successor programs be managed in such a way as to
 37 protect or restore their natural resource values, and provide
 38 the greatest benefit, including public access, to the citizens
 39 of this state.

40 (2)

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

- 46 1. The excise taxes on documents as provided in s. 201.15;
- 47 and
- 48 2. The excise tax on the severance of phosphate rock as
- 49 provided in s. 211.3103.
- 50

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

- 53 (b) There shall annually be transferred from the
- 54 Conservation and Recreation Lands Trust Fund to the Land
- 55 Acquisition Trust Fund that amount, not to exceed \$20 million
- 56 annually, as shall be necessary to pay the debt service on, or

57 fund debt service reserve funds, rebate obligations, or other
 58 amounts with respect to bonds issued pursuant to s. 375.051 to
 59 acquire lands on the established priority list developed
 60 pursuant to ss. 259.101(4) and 259.105; however, no moneys
 61 transferred to the Land Acquisition Trust Fund pursuant to this
 62 paragraph, or earnings thereon, shall be used or made available
 63 to pay debt service on the Save Our Coast revenue bonds. Amounts
 64 transferred annually from the Conservation and Recreation Lands
 65 Trust Fund to the Land Acquisition Trust Fund pursuant to this
 66 paragraph shall have the highest priority over other payments or
 67 transfers from the Conservation and Recreation Lands Trust Fund,
 68 and no other payments or transfers shall be made from the
 69 Conservation and Recreation Lands Trust Fund until such
 70 transfers to the Land Acquisition Trust Fund have been made.
 71 Moneys in the Conservation and Recreation Lands Trust Fund also
 72 shall be used to manage lands and to pay for related costs,
 73 activities, and functions pursuant to the provisions of this
 74 section.
 75 (3) The Governor and Cabinet, sitting as the Board of
 76 Trustees of the Internal Improvement Trust Fund, may allocate
 77 moneys from the fund in any one year to acquire the fee or any
 78 lesser interest in lands for the following public purposes:
 79 (a) To conserve and protect environmentally unique and
 80 irreplaceable lands that contain native, relatively unaltered
 81 flora and fauna representing a natural area unique to, or scarce
 82 within, a region of this state or a larger geographic area;

83 (b) To conserve and protect lands within designated areas
 84 of critical state concern, if the proposed acquisition relates
 85 to the natural resource protection purposes of the designation;
 86 (c) To conserve and protect native species habitat or
 87 endangered or threatened species, emphasizing long-term
 88 protection for endangered or threatened species designated G-1
 89 or G-2 by the Florida Natural Areas Inventory, and especially
 90 those areas that are special locations for breeding and
 91 reproduction;
 92 (d) To conserve, protect, manage, or restore important
 93 ecosystems, landscapes, and forests, if the protection and
 94 conservation of such lands is necessary to enhance or protect
 95 significant surface water, groundwater, coastal, recreational,
 96 timber, or fish or wildlife resources which cannot otherwise be
 97 accomplished through local and state regulatory programs;
 98 (e) To promote water resource development that benefits
 99 natural systems and citizens of the state;
 100 (f) To facilitate the restoration and subsequent health
 101 and vitality of the Florida Everglades;
 102 (g) To provide areas, including recreational trails, for
 103 ~~natural resource-based~~ recreation and other activities ~~entirely~~
 104 ~~restricted~~ on any part of any site compatible with conservation
 105 purposes;
 106 (h) To preserve significant archaeological or historic
 107 sites; or
 108 (i) To conserve urban open spaces suitable for greenways
 109 or ~~outdoor~~ recreation which are compatible with conservation
 110 purposes.

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111 (4)

112 (a) Lands acquired under this section shall be for use as

113 state-designated parks, recreation areas, preserves, reserves,

114 historic or archaeological sites, geologic or botanical sites,

115 recreational trails, forests, wilderness areas, wildlife

116 management areas, urban open space, or other state-designated

117 recreation or conservation lands; or they shall qualify for such

118 state designation and use if they are to be managed by other

119 governmental agencies or nonstate entities as provided for in

120 this section.

121 ~~(b) In addition to the uses allowed in paragraph (a)7~~

122 ~~moneys may be transferred from the Conservation and Recreation~~

123 ~~Lands Trust Fund to the Florida Forever Trust Fund or the Land~~

124 ~~Acquisition Trust Fund. This paragraph expires July 1, 2007.~~

125 (5) The board of trustees may allocate, in any year, an

126 amount not to exceed 5 percent of the money credited to the fund

127 in that year, such allocation to be used for the initiation and

128 maintenance of a natural areas inventory to aid in the

129 identification of critical natural areas to be acquired pursuant

130 to this section.

131 (6) Moneys in the fund not needed to meet obligations

132 incurred under this section shall be deposited with the Chief

133 Financial Officer to the credit of the fund and may be invested

134 in the manner provided by law. Interest received on such

135 investments shall be credited to the Conservation and Recreation

136 Lands Trust Fund.

137 (7) The board of trustees may enter into any contract

138 necessary to accomplish the purposes of this section. The lead

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139 land managing agencies designated by the board of trustees also

140 are directed by the Legislature to enter into contracts or

141 interagency agreements with other governmental entities,

142 including local soil and water conservation districts, or

143 private land managers who have the expertise to perform specific

144 management activities which a lead agency lacks, or which would

145 cost more to provide in-house. Such activities shall include,

146 but not be limited to, controlled burning, road and ditch

147 maintenance, mowing, and wildlife assessments.

148 (8) Lands to be considered for purchase under this section

149 are subject to the selection procedures of s. 259.035 and

150 related rules and shall be acquired in accordance with

151 acquisition procedures for state lands provided for in s.

152 259.041, except as otherwise provided by the Legislature. An

153 inholding or an addition to a project selected for purchase

154 pursuant to this chapter is not subject to the selection

155 procedures of s. 259.035 if the estimated value of such

156 inholding or addition does not exceed \$500,000. When at least 90

157 percent of the acreage of a project has been purchased pursuant

158 to this chapter, the project must ~~may~~ be removed from the list

159 and the remaining acreage may continue to be purchased. Moneys

160 from the fund may be used for title work, appraisal fees,

161 environmental audits, and survey costs related to acquisition

162 expenses for lands to be acquired, donated, or exchanged which

163 qualify under the categories of this section, at the discretion

164 of the board. When the Legislature has authorized the Department

165 of Environmental Protection to condemn a specific parcel of land

166 and such parcel has already been approved for acquisition under

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167 this section, the land may be acquired in accordance with the
 168 provisions of chapter 73 or chapter 74, and the fund may be used
 169 to pay the condemnation award and all costs, including a
 170 reasonable attorney's fee, associated with condemnation.
 171 (9) All lands managed under this chapter and s. 253.034
 172 shall be:
 173 (a) Managed in a manner that will provide the greatest
 174 combination of benefits to the public and to the resources.
 175 (b) Managed for public outdoor recreation which is
 176 compatible with the conservation and protection of public lands.
 177 Such management may include, but not be limited to, the
 178 following public recreational uses: fishing, hunting, camping,
 179 bicycling, hiking, nature study, swimming, boating, canoeing,
 180 horseback riding, diving, model hobbyist activities, birding,
 181 sailing, jogging, and other related outdoor activities
 182 compatible with the purposes for which the lands were acquired.
 183 (c) Managed for the purposes for which the lands were
 184 acquired, consistent with paragraph (11)(a).
 185 (d) Concurrent with its adoption of the annual
 186 Conservation and Recreation Lands list of acquisition projects
 187 pursuant to s. 259.035, the board of trustees, in cooperation
 188 with the Department of Agriculture and Consumer Services, shall
 189 adopt a management prospectus for each project. The management
 190 prospectus shall delineate:
 191 1. The desired outcome and management goals for the
 192 property;
 193 2. The conditions that will affect the intensity of
 194 management;

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195 3. An estimate of the revenue-generating potential of the
 196 property ~~if appropriate~~;
 197 4. A timetable for implementing the various stages of
 198 management and for providing access to the public, if
 199 applicable;
 200 5. A description of potential multiple-use activities as
 201 described in this section and s. 253.034;
 202 6. Provisions for protecting existing infrastructure and
 203 for ensuring the security of the project upon acquisition;
 204 7. The anticipated costs of management and projected
 205 sources of revenue, including legislative appropriations, to
 206 fund management needs; and
 207 8. Recommendations as to how many employees will be needed
 208 to manage the property, and recommendations as to whether local
 209 governments, volunteer groups, the former landowner, or other
 210 interested parties can be involved in the management.
 211 (e) Concurrent with the approval of the acquisition
 212 contract pursuant to s. 259.041(3)(c) for any interest in lands
 213 except these lands being acquired under the provisions of s.
 214 259.1053, the board of trustees shall designate an agency or
 215 agencies to manage such lands. The board shall evaluate and
 216 amend, as appropriate, the management policy statement for the
 217 project as provided by s. 259.035, consistent with the purposes
 218 for which the lands are acquired. For any fee simple acquisition
 219 of a parcel which is or will be leased back for agricultural
 220 purposes, or any acquisition of a less-than-fee interest in land
 221 that is or will be used for agricultural purposes, the
 222 Department of Agriculture and Consumer Services Board of

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223 ~~Trustees of the Internal Improvement Trust Fund shall first~~
 224 ~~consider having a soil and water conservation district created~~
 225 ~~pursuant to chapter 582, manage and monitor such interests.~~
 226 (f) State agency ~~agencies~~ designated to manage lands
 227 acquired under this chapter except those lands acquired under s.
 228 259.1052 may contract with local governments and soil and water
 229 conservation districts to assist in management activities,
 230 including the responsibility of being the lead land manager.
 231 Such land management contracts may include a provision for the
 232 transfer of management funding to the local government or soil
 233 and water conservation district from the Conservation and
 234 Recreation Lands Trust Fund in an amount adequate for the local
 235 government or soil and water conservation district to perform
 236 its contractual land management responsibilities and
 237 proportionate to its responsibilities, and which otherwise would
 238 have been expended by the state agency to manage the property.
 239 (g) Immediately following the acquisition of any interest
 240 in lands under this chapter, the Department of Environmental
 241 Protection, acting on behalf of the board of trustees, may issue
 242 to the lead managing entity an interim assignment letter to be
 243 effective until the execution of a formal lease.
 244 (10)
 245 (a) State, regional, or local governmental agencies or
 246 private entities designated to manage lands under this section
 247 shall develop and adopt, with the approval of the board of
 248 trustees, an individual management plan for each project
 249 designed to conserve and protect such lands and their associated

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250 natural resources. Private sector involvement in management plan
 251 development may be used to expedite the planning process.
 252 (b) Individual management plans required by s. 253.034(5),
 253 for parcels over 160 acres, shall be developed with input from
 254 an advisory group. Members of this advisory group shall include,
 255 at a minimum, representatives of the Department of Agriculture
 256 and Consumer Services, the Fish and Wildlife Commission lead
 257 ~~land managing agency, managing entities,~~ local private
 258 property owners, the appropriate soil and water conservation
 259 district, a local conservation organization, and a local elected
 260 official. The advisory group shall conduct at least two ~~one~~
 261 public hearing within the county in which the parcel or project
 262 is located. For those parcels or projects that are within more
 263 than one county, at least ~~two one~~ areawide public hearing shall
 264 be acceptable and the lead managing agency shall invite a local
 265 elected official from each county. The areawide public hearing
 266 shall be held in the county in which the core parcels are
 267 located. Notice of such public hearing shall be posted on the
 268 parcel or project designated for management, advertised in a
 269 paper of general circulation, and announced at a scheduled
 270 meeting of the local governing body before the actual public
 271 hearing. ~~The two public meetings shall be held at least 30 days~~
 272 ~~apart.~~ The management prospectus required pursuant to paragraph
 273 (9) (d) shall be available to the public for a period of 30 days
 274 prior to the public hearing.
 275 (c) Once a plan is adopted, the managing agency or entity
 276 shall update the plan at least every 10 years in a form and
 277 ~~maner prescribed by rule of the board of trustees.~~ Such

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278 updates, for parcels over 160 acres, shall be developed with
 279 input from an advisory group. Such plans may include transfers
 280 of leasehold interests to appropriate conservation organizations
 281 or governmental entities designated by the Land Acquisition and
 282 Management Advisory Council or its successor, for uses
 283 consistent with the purposes of the organizations and the
 284 protection, preservation, conservation, restoration, and proper
 285 management of the lands and their resources. Volunteer
 286 management assistance is encouraged, including, but not limited
 287 to, assistance by youths participating in programs sponsored by
 288 state or local agencies, by volunteers sponsored by
 289 environmental or civic organizations, and by individuals
 290 participating in programs for committed delinquents and adults.
 291 (d)1. For each project for which lands are acquired after
 292 July 1, 1995, a land an individual management plan shall be
 293 adopted and in place no later than 1 year after the acquisition.
 294 essential parcel or parcels identified in the priority list
 295 developed pursuant to s. 259.101(4) and 259.105 have been
 296 acquired. The Department of Environmental Protection shall
 297 distribute only 75 percent of the acquisition funds to which a
 298 budget entity or water management district would otherwise be
 299 entitled from the Preservation 2000 Trust Fund to any budget
 300 entity or any water management district that has more than one-
 301 third of its management plans overdue.
 302 2. The requirements of subparagraph 1. do not apply to the
 303 individual management plan for the Babcock Crescent B Ranch
 304 being acquired pursuant to s. 259.1052. The management plan for

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305 the ranch shall be adopted and in place no later than 2 years
 306 following the date of acquisition by the state.
 307 (e) Land individual management plans shall conform to the
 308 provisions of 253.034(5) appropriate policies and guidelines of
 309 the state land management plan and shall include, but not be
 310 limited to-
 311 1. A statement of the purpose for which the lands were
 312 acquired, the projected use or uses as defined in s. 253.034,
 313 and the statutory authority for such use or uses-
 314 2. Key management activities necessary to preserve and
 315 protect natural resources and restore habitat, and for
 316 controlling the spread of nonnative plants and animals, and for
 317 prescribed fire and other appropriate resource management
 318 activities-
 319 3. A specific description of how the managing agency plans
 320 to identify, locate, protect, and preserve, or otherwise use
 321 fragile, nonrenewable natural and cultural resources-
 322 4. A priority schedule for conducting management
 323 activities, based on the purposes for which the lands were
 324 acquired-
 325 5. A cost estimate for conducting priority management
 326 activities, to include recommendations for cost-effective
 327 methods of accomplishing those activities-
 328 6. A cost estimate for conducting other management
 329 activities which would enhance the natural resource value or
 330 public recreation value for which the lands were acquired. The
 331 cost estimate shall include recommendations for cost-effective
 332 methods of accomplishing those activities-

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333 ~~7. A determination of the public uses and public access~~
 334 ~~that would be consistent with the purposes for which the lands~~
 335 ~~were acquired.~~
 336 ~~(f) The Division of State Lands shall submit a copy of~~
 337 ~~each individual management plan for parcels which exceed 160~~
 338 ~~acres in size to each member of the Land Acquisition and~~
 339 ~~Management Advisory Council or its successor, which shall~~
 340 ~~_____1. Within 60 days after receiving a plan from the~~
 341 ~~division, review each plan for compliance with the requirements~~
 342 ~~of this subsection and with the requirements of the rules~~
 343 ~~established by the board pursuant to this subsection.~~
 344 ~~_____2. Consider the propriety of the recommendations of the~~
 345 ~~managing agency with regard to the future use or protection of~~
 346 ~~the property.~~
 347 ~~_____3. After its review, submit the plan, along with its~~
 348 ~~recommendations and comments, to the board of trustees, with~~
 349 ~~recommendations as to whether to approve the plan as submitted,~~
 350 ~~approve the plan with modifications, or reject the plan.~~
 351 ~~_____ (g) The board of trustees shall consider the individual~~
 352 ~~management plan submitted by each state agency and the~~
 353 ~~recommendations of the Land Acquisition and Management Advisory~~
 354 ~~Council, or its successor, and the Division of State Lands and~~
 355 ~~shall approve the plan with or without modification or reject~~
 356 ~~such plan. The use or possession of any lands owned by the board~~
 357 ~~of trustees which is not in accordance with an approved~~
 358 ~~individual management plan is subject to termination by the~~
 359 ~~board of trustees.~~
 360

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361 By July 1 of each year, each governmental agency and each
 362 private entity designated to manage lands shall report to the
 363 Secretary of Environmental Protection on the progress of
 364 funding, staffing, and resource management of every project for
 365 which the agency or entity is responsible.
 366 (11)
 367 (a) The Legislature recognizes that acquiring lands
 368 pursuant to this chapter serves the public interest by
 369 protecting land, air, and water resources which contribute to
 370 the public health and welfare, providing areas for natural
 371 resource-based recreation, and ensuring the survival of unique
 372 and irreplaceable plant and animal species. The Legislature
 373 intends for these lands to be managed and maintained for the
 374 purposes for which they were acquired and for the public to have
 375 access to and use of these lands where it is consistent with
 376 acquisition purposes and would not harm the resources the state
 377 is seeking to protect on the public's behalf.
 378 (b) An amount up to 3 1-5 percent of the cumulative total
 379 of funds ever deposited into the Florida Preservation 2000 Trust
 380 Fund and the Florida Forever Trust Fund shall be made available
 381 for the purposes of management, maintenance, and capital
 382 improvements not eligible for funding pursuant to s. 11(e), Art.
 383 VII of the State Constitution, and for associated contractual
 384 services, for lands acquired pursuant to this section, or
 385 259.101, s. 259.105, s. 259.1052, or previous programs for the
 386 acquisition of lands for conservation and recreation, including
 387 state forests, to which title is vested in the board of trustees
 388 and other conservation and recreation for lands managed by the

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389 Department of Agriculture and Consumer Services ~~a state agency.~~
 390 Of this amount, \$250,000 shall be transferred annually to the
 391 Plant Industry Trust Fund within the Department of Agriculture
 392 and Consumer Services for the purpose of implementing the
 393 Endangered or Threatened Native Flora Conservation Grants
 394 Program pursuant to s. 581.185(11). ~~The~~ ~~Each~~ agency with
 395 management responsibilities shall annually request from the
 396 Legislature funds sufficient to fulfill such responsibilities.
 397 For the purposes of this paragraph, capital improvements shall
 398 include, but need not be limited to, perimeter fencing, signs,
 399 firelanes, access roads and trails, and minimal public
 400 accommodations, such as primitive campsites, garbage
 401 receptacles, and toilets. ~~Any equipment purchased with funds~~
 402 ~~provided pursuant to this paragraph may be used for the purpose~~
 403 ~~described in this paragraph on any conservation and recreation~~
 404 ~~lands managed by a state agency.~~
 405 (c) In requesting funds provided for in paragraph (b) for
 406 long-term management of all acquisitions pursuant to this
 407 chapter and for associated contractual services, the managing
 408 agencies shall recognize, at a minimum, the following categories
 409 of land management needs:
 410 1. Lands which are low-need tracts, requiring basic
 411 resource management and protection, such as state reserves,
 412 state preserves, state forests, and wildlife management areas.
 413 These lands generally are open to the public but have no more
 414 than minimum facilities development.
 415 2. Lands which are moderate-need tracts, requiring more
 416 than basic resource management and protection, such as state

417 parks and state recreation areas. These lands generally have
 418 extra restoration or protection needs, higher concentrations of
 419 public use, or more highly developed facilities.
 420 3. Lands which are high-need tracts, with identified needs
 421 requiring unique site-specific resource management and
 422 protection. These lands generally are sites with historic
 423 significance, unique natural features, or very high intensity
 424 public use, or sites that require extra funds to stabilize or
 425 protect resources, such as lands with heavy infestations of
 426 nonnative, invasive plants.
 427
 428 In evaluating the management funding needs of lands based on the
 429 above categories, the lead land managing agencies shall include
 430 in their considerations the impacts of, and needs created or
 431 addressed by, multiple-use management strategies.
 432 (d) All revenues generated through multiple-use management
 433 or compatible secondary-use management shall be returned to the
 434 lead agency responsible for such management and shall be used to
 435 pay for management activities on all conservation, preservation,
 436 and recreation lands under the agency's jurisdiction. In
 437 addition, such revenues shall be segregated in an agency trust
 438 fund and shall remain available to the agency in subsequent
 439 fiscal years to support land management appropriations. For the
 440 purposes of this paragraph, compatible secondary-use management
 441 shall be those activities described in subsection (9) undertaken
 442 on parcels designated as single use pursuant to s.
 443 253.034(2) (b).

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444 (e) Up to one-fifth of the funds provided for in paragraph
 445 (b) shall be reserved by the board of trustees for interim
 446 management of acquisitions and for associated contractual
 447 services, to ensure the conservation and protection of natural
 448 resources on project sites and to allow limited public
 449 recreational use of lands. Interim management activities may
 450 include, but not be limited to, resource assessments, control of
 451 invasive, nonnative species, habitat restoration, fencing, law
 452 enforcement, controlled burning, and public access consistent
 453 with preliminary determinations made pursuant to paragraph
 454 (9)(g). The board of trustees shall make these interim funds
 455 available immediately upon purchase.
 456 ~~(f) The department shall set long-range and annual goals~~
 457 ~~for the control and removal of nonnative, invasive plant species~~
 458 ~~on public lands. Such goals shall differentiate between aquatic~~
 459 ~~plant species and upland plant species. In setting such goals,~~
 460 ~~the department may rank, in order of adverse impact, species~~
 461 ~~that impede or destroy the functioning of natural systems.~~
 462 ~~Notwithstanding paragraph (a), up to one-fourth of the funds~~
 463 ~~provided for in paragraph (b) may be used by the agencies~~
 464 ~~receiving these funds for control and removal of nonnative~~
 465 ~~invasive species on public lands.~~
 466 ~~(g) In addition to the purposes specified in paragraph~~
 467 ~~(b), funds from the 1.5 percent of the cumulative total of funds~~
 468 ~~ever deposited into the Florida Preservation 2000 Trust Fund and~~
 469 ~~the Florida Forever Trust Fund may be appropriated for the 2006-~~
 470 ~~2007 fiscal year for the construction of replacement museum~~
 471 ~~facilities. This paragraph expires July 1, 2007.~~

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472 (12)
 473 (a) Beginning July 1, 1999, the Legislature shall make
 474 available sufficient funds annually from the Conservation and
 475 Recreation Lands Trust Fund to the department for payment in
 476 lieu of taxes to qualifying counties and local governments as
 477 defined in paragraph (b) for all actual tax losses incurred as a
 478 result of board of trustees acquisitions for state agencies
 479 under the Florida Forever program or the Florida Preservation
 480 2000 program during any year. Reserved funds not used for
 481 payments in lieu of taxes in any year shall revert to the fund
 482 to be used for land management in accordance with the provisions
 483 of this section.
 484 (b) Payment in lieu of taxes shall be available:
 485 1. To all counties that have a population of 150,000 or
 486 fewer. Population levels shall be determined pursuant to s.
 487 11.031.
 488 2. To all local governments located in eligible counties.
 489 3. To Glades County, where a privately owned and operated
 490 prison leased to the state has recently been opened and where
 491 privately owned and operated juvenile justice facilities leased
 492 to the state have recently been constructed and opened, a
 493 payment in lieu of taxes, in an amount that offsets the loss of
 494 property tax revenue, which funds have already been appropriated
 495 and allocated from the Department of Correction's budget for the
 496 purpose of reimbursing amounts equal to lost ad valorem taxes.
 497 (c) If insufficient funds are available in any year to
 498 make full payments to all qualifying counties and local

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499 governments, such counties and local governments shall receive a
500 pro rata share of the moneys available.
501 (d) The payment amount shall be based on the average
502 amount of actual taxes paid on the property for the 3 years
503 preceding acquisition. Applications for payment in lieu of taxes
504 shall be made no later than January 31 of the year following
505 acquisition. No payment in lieu of taxes shall be made for
506 properties which were exempt from ad valorem taxation for the
507 year immediately preceding acquisition.
508 (e) If property which was subject to ad valorem taxation
509 was acquired by a tax-exempt entity for ultimate conveyance to
510 the state under this chapter, payment in lieu of taxes shall be
511 made for such property based upon the average amount of taxes
512 paid on the property for the 3 years prior to its being removed
513 from the tax rolls. The department shall certify to the
514 Department of Revenue those properties that may be eligible
515 under this provision. Once eligibility has been established,
516 that county or local government shall receive 10 consecutive
517 annual payments for each tax loss, and no further eligibility
518 determination shall be made during that period.
519 (f) Payment in lieu of taxes pursuant to this subsection
520 shall be made annually to qualifying counties and local
521 governments after certification by the Department of Revenue
522 that the amounts applied for are reasonably appropriate, based
523 on the amount of actual taxes paid on the eligible property.
524 With the assistance of the local government requesting payment
525 in lieu of taxes, the state agency that acquired the land is

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526 responsible for preparing and submitting application requests
527 for payment to the Department of Revenue for certification.
528 (g) If the board of trustees conveys to a local government
529 title to any land owned by the board, any payments in lieu of
530 taxes on the land made to the local government shall be
531 discontinued as of the date of the conveyance.
532
533 For the purposes of this subsection, "local government" includes
534 municipalities, the county school board, mosquito control
535 districts, and any other local government entity which levies ad
536 valorem taxes, with the exception of a water management
537 district.
538 (13) Moneys credited to the fund each year which are not
539 used for management, maintenance, or capital improvements
540 pursuant to subsection (11); for payment in lieu of taxes
541 pursuant to subsection (12); or for the purposes of subsection
542 (5), shall be available for the acquisition of land pursuant to
543 this section.
544 (14) The board of trustees may adopt rules to further
545 define the categories of land for acquisition under this
546 chapter.
547 (15) Within 90 days after receiving a certified letter
548 from the owner of a property on the Conservation and Recreation
549 Lands list or the priority list established pursuant to s.
550 259.105 objecting to the property being included in an
551 acquisition project, where such property is a project or part of
552 a project which has not been listed for purchase in the current
553 year's land acquisition work plan, the board of trustees shall

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554 delete the property from the list or from the boundary of an
 555 acquisition project on the list.
 556 Note.--Former s. 253.023.
 557 259.036 Management review teams.--
 558 (1) To determine whether state ~~conservation, preservation,~~
 559 ~~and-recreation~~ lands titled in the name of the Board of Trustees
 560 of the Internal Improvement Trust Fund are being managed for the
 561 purposes for which they were acquired and in accordance with a
 562 land management plan adopted pursuant to s. 253.034(5) ~~259-032,~~
 563 the board of trustees, acting through the Department of
 564 Environmental Protection, shall cause periodic management
 565 reviews to be conducted as follows:
 566 (a) The department shall establish a regional land
 567 management review team composed of the following members:
 568 1. One individual who is from the county or local
 569 community in which the parcel or project is located and who is
 570 selected by the county commission in the county which is most
 571 impacted by the acquisition.
 572 2. One individual from the Division of Recreation and
 573 Parks of the department.
 574 3. One individual from the Division of Forestry of the
 575 Department of Agriculture and Consumer Services.
 576 4. One individual from the Fish and Wildlife Conservation
 577 Commission.
 578 5. One individual from the department's district office in
 579 which the parcel is located.
 580 6. A private land manager mutually agreeable to the state
 581 agency representatives.

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582 7. A member of the local soil and water conservation
 583 district board of supervisors.
 584 8. A member of a conservation organization.
 585 (b) The staff of the Division of State Lands shall act as
 586 the review team coordinator for the purposes of establishing
 587 schedules for the reviews and other staff functions. The
 588 Legislature shall appropriate funds necessary to implement land
 589 management review team functions.
 590 (2) The land management review team shall review select
 591 management areas prior to the date the manager is required to
 592 submit a 10-year land management plan update. For management
 593 areas that exceed 1,000 acres in size, the Division of State
 594 Lands shall schedule a land management review at least every 5
 595 years. A copy of the review shall be provided to the manager,
 596 the Division of State Lands, and the Acquisition and Restoration
 597 Council. The manager shall consider the findings and
 598 recommendations of the land management review team in finalizing
 599 the required 10-year update of its management plan.
 600 (3) In conducting a review, the land management review
 601 team shall evaluate the extent to which the existing management
 602 plan provides sufficient protection to threatened or endangered
 603 species, unique or important natural or physical features,
 604 geological or hydrological functions, or archaeological
 605 features. The primary purpose of the review shall also evaluate
 606 the extent to which the land is being managed for the purposes
 607 for which it was acquired and the degree to which actual
 608 management practices, including public access, are in compliance
 609 with the adopted land management plan.

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610 (4) ~~In the event a land management plan has not been~~
 611 ~~adopted within the timeframe specified in s. 259.032(10), the~~
 612 ~~department may direct a management review of the property, to be~~
 613 ~~conducted by the land management review team. The review shall~~
 614 ~~consider the extent to which the land is being managed for the~~
 615 ~~purpose for which it was acquired and the degree to which~~
 616 ~~actual management practices are in compliance with the~~
 617 ~~management policy statement and management prospectus for that~~
 618 ~~property.~~
 619 (5) If the land management review team determines that
 620 reviewed lands are not being managed for the purposes for which
 621 they were acquired or in compliance with the adopted land
 622 management plan, management policy statement, or management
 623 prospectus, or if the managing agency fails to address the
 624 review findings in the updated management plan, the department
 625 shall provide the review findings to the board, and the managing
 626 ~~agency must report to the board its reasons for managing the~~
 627 ~~lands as it has.~~
 628 (6) No later than the second board meeting in October of
 629 each year, the department shall report the annual review
 630 findings of its land management review team.
 631 Section 2. Section 259.037, Florida Statutes, is amended
 632 to read:
 633 259.037 Land Management Uniform Accounting Council.--
 634 (1) The Land Management Uniform Accounting Council is
 635 created within the Department of Agriculture and Consumer
 636 Services ~~Environmental Protection~~ and shall consist of the
 637 ~~director of the Division of State Lands, the director of the~~

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638 ~~Division of Recreation and Parks, the director of the Office of~~
 639 ~~Coastal and Aquatic Managed Areas, and the director of the~~
 640 ~~Office of Greenways and Trails of the Department of~~
 641 ~~Environmental Protection; the director of the Division of~~
 642 ~~Forestry of the Department of Agriculture and Consumer Services;~~
 643 ~~the executive director of the Fish and Wildlife Conservation~~
 644 ~~Commission; and the director of the Division of Historical~~
 645 ~~Resources of the Department of State, or their respective~~
 646 ~~designees. Each state agency represented on the council shall~~
 647 ~~have one vote. The chair of the council shall rotate annually in~~
 648 ~~the foregoing order of state agencies. The agency of the~~
 649 ~~representative serving as chair of the council shall provide~~
 650 ~~staff support for the council. The Department of Agriculture and~~
 651 ~~Consumer Services ~~Division of State Lands~~ shall serve as the~~
 652 ~~recipient of and repository for the council's documents. The~~
 653 ~~council shall meet at the request of the chair.~~
 654 (2) The Auditor General and the director of the Office of
 655 Program Policy Analysis and Government Accountability, or their
 656 designees, shall advise the council to ensure that appropriate
 657 accounting procedures are utilized and that a uniform method of
 658 collecting and reporting accurate costs of land management
 659 activities are created and can be used by all agencies.
 660 (3) All land management activities and costs must be
 661 assigned to a specific category, and any single activity or cost
 662 may not be assigned to more than one category. Administrative
 663 costs, such as planning or training, shall be segregated from
 664 other management activities. Specific management activities and

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665 costs must initially be grouped, at a minimum, within the
 666 following categories:
 667 (a) Resource management.
 668 (b) Administration.
 669 (c) New facility construction.
 670 (d) Facility maintenance.
 671
 672 Upon adoption of the initial list of Land management categories
 673 by the council, agencies assigned to manage conservation or
 674 recreation lands shall, on July 1, 2000, begin to account for
 675 Land management costs in accordance with the category to which
 676 an expenditure is assigned.
 677 (4) The council shall report agencies' expenditures
 678 pursuant to the adopted categories to the President of the
 679 Senate and the Speaker of the House of Representatives annually,
 680 beginning July 1, 2001. The council shall also provide this
 681 report to the Acquisition and Restoration Council for inclusion
 682 in its annual report required pursuant to s. 259.105.
 683 (5) Should the council determine that the list of Land
 684 management categories needs to be revised, it shall meet upon
 685 the call of the chair.
 686 Section 3. This act shall take effect July 1, 2008.