

20222508e1

1                   A bill to be entitled  
2     An act relating to environmental resources; amending  
3     s. 253.025, F.S.; providing that certain land  
4     acquisitions are not required to meet specified  
5     valuation procedures; authorizing the Board of  
6     Trustees of the Internal Improvement Trust Fund to  
7     direct the Department of Agriculture and Consumer  
8     Services to purchase lands according to certain  
9     provisions; amending s. 373.026, F.S.; providing  
10    requirements for budget amendments requesting the  
11    release of state funds for specified water project  
12    components; conforming provisions to changes made by  
13    the act; authorizing the release of state funds for  
14    specified water projects; amending s. 373.036, F.S.;  
15    requiring modifications to water management district  
16    annual work plans to be submitted to the Secretary of  
17    Environmental Protection for review and approval;  
18    amending s. 373.1501, F.S.; requiring the South  
19    Florida Water Management District to make a specified  
20    certification to the Legislature regarding its  
21    recommendations to the United States Army Corps of  
22    Engineers; providing legislative findings; requiring  
23    water shortages within the Lake Okeechobee Region to  
24    be managed in accordance with certain provisions;  
25    amending s. 373.4141, F.S.; authorizing the Department  
26    of Environmental Protection to enter into agreements  
27    or contracts with certain entities to expedite the  
28    evaluation of certain environmental permits; providing  
29    requirements for such agreements or contracts;

20222508e1

30 authorizing the department to receive funds received  
31 pursuant to such an agreement or contract; requiring  
32 such funds to be deposited into the Grants and  
33 Donations Trust Fund; amending s. 570.71, F.S.;  
34 specifying that the Department of Agriculture and  
35 Consumer Services may acquire land or certain related  
36 interests in land for specified public purposes;  
37 revising the types of project proposals for which the  
38 department may accept applications; revising the  
39 activities prohibited under certain easements;  
40 removing a requirement that certain department rules  
41 give preference to certain types of lands; amending s.  
42 570.715, F.S.; revising the procedures the department  
43 must comply with for certain land acquisitions;  
44 providing for a type two transfer of the William J.  
45 "Billy Joe" Rish Recreational Park within the Agency  
46 for Persons with Disabilities to the Department of  
47 Environmental Protection; providing for the  
48 continuation of certain contracts and interagency  
49 agreements; reenacting ss. 253.0251(7) and  
50 259.105(3)(i), F.S., relating to alternatives to fee  
51 simple acquisition and the Florida Forever Act,  
52 respectively, to incorporate the amendment made to s.  
53 570.715, F.S., in references thereto; reenacting s.  
54 570.93(1)(a), F.S., relating to an agricultural water  
55 conservation program; providing effective dates.

56  
57 Be It Enacted by the Legislature of the State of Florida:  
58

20222508e1

59 Section 1. Effective January 1, 2023, paragraph (j) of  
60 subsection (8) and subsection (22) of section 253.025, Florida  
61 Statutes, are amended to read:

62 253.025 Acquisition of state lands.—

63 (8) Before approval by the board of trustees, or, when  
64 applicable, the Department of Environmental Protection, of any  
65 agreement to purchase land pursuant to this chapter, chapter  
66 259, chapter 260, or chapter 375, and before negotiations with  
67 the parcel owner to purchase any other land, title to which will  
68 vest in the board of trustees, an appraisal of the parcel shall  
69 be required as follows:

70 (j)1. The board of trustees shall adopt by rule the method  
71 for determining the value of parcels sought to be acquired by  
72 state agencies pursuant to this section. An offer by a state  
73 agency may not exceed the value for that parcel as determined  
74 pursuant to the highest approved appraisal or the value  
75 determined pursuant to the rules of the board of trustees,  
76 whichever value is less.

77 2. For a joint acquisition by a state agency and a local  
78 government or other entity apart from the state, the joint  
79 purchase price may not exceed 150 percent of the value for a  
80 parcel as determined in accordance with the limits in  
81 subparagraph 1. The state agency share of a joint purchase offer  
82 may not exceed what the agency may offer singly pursuant to  
83 subparagraph 1.

84 3. This paragraph does not apply to the acquisition of  
85 historically unique or significant property as determined by the  
86 Division of Historical Resources of the Department of State or  
87 to land, including interests in land, acquired pursuant to

20222508e1

88 chapter 570.

89  
90 Notwithstanding this subsection, on behalf of the board of  
91 trustees and before the appraisal of parcels approved for  
92 purchase under this chapter or chapter 259, the Secretary of  
93 Environmental Protection or the director of the Division of  
94 State Lands may enter into option contracts to buy such parcels.  
95 Any such option contract shall state that the final purchase  
96 price is subject to approval by the board of trustees or, if  
97 applicable, the Secretary of Environmental Protection, and that  
98 the final purchase price may not exceed the maximum offer  
99 allowed by law. Any such option contract presented to the board  
100 of trustees for final purchase price approval shall explicitly  
101 state that payment of the final purchase price is subject to an  
102 appropriation from the Legislature. The consideration for such  
103 an option may not exceed \$1,000 or 0.01 percent of the estimate  
104 by the department of the value of the parcel, whichever amount  
105 is greater.

106 (22) The board of trustees, by an affirmative vote of at  
107 least three members, may direct the Department of Agriculture  
108 and Consumer Services to purchase lands pursuant to chapter 570  
109 or the Department of Environmental Protection to purchase lands  
110 on an immediate basis using up to 15 percent of the funds  
111 allocated to the department pursuant to s. 259.105 for the  
112 acquisition of lands that:

113 (a) Are listed or placed at auction by the Federal  
114 Government as part of the Resolution Trust Corporation sale of  
115 lands from failed savings and loan associations;

116 (b) Are listed or placed at auction by the Federal

20222508e1

117 Government as part of the Federal Deposit Insurance Corporation  
118 sale of lands from failed banks;

119 (c) Will be developed or otherwise lost to potential public  
120 ownership, or for which federal ~~matching~~ funds will be lost, by  
121 the time the land can be purchased under the program within  
122 which the land is listed for acquisition; or

123 (d) Will prevent or satisfy private property rights claims  
124 resulting from limitations imposed by the designation of an area  
125 of critical state concern pursuant to chapter 380.

126

127 Lands acquired pursuant to this subsection must, at the time of  
128 purchase, be on one of the acquisition lists established  
129 pursuant to chapter 259 or chapter 570, or be essential for  
130 water resource development, protection, or restoration, or a  
131 significant portion of the lands must contain natural  
132 communities or plant or animal species that are listed by the  
133 Florida Natural Areas Inventory as critically imperiled,  
134 imperiled, or rare, or as excellent quality occurrences of  
135 natural communities.

136 Section 2. Effective upon becoming a law, paragraph (b) of  
137 subsection (8) of section 373.026, Florida Statutes, is amended  
138 to read:

139 373.026 General powers and duties of the department.—The  
140 department, or its successor agency, shall be responsible for  
141 the administration of this chapter at the state level. However,  
142 it is the policy of the state that, to the greatest extent  
143 possible, the department may enter into interagency or  
144 interlocal agreements with any other state agency, any water  
145 management district, or any local government conducting programs

20222508e1

146 related to or materially affecting the water resources of the  
147 state. All such agreements shall be subject to the provisions of  
148 s. 373.046. In addition to its other powers and duties, the  
149 department shall, to the greatest extent possible:

150 (8)

151 (b) To ensure to the greatest extent possible that project  
152 components will go forward as planned, the department shall  
153 collaborate with the South Florida Water Management District in  
154 implementing the comprehensive plan as defined in s.  
155 373.470(2)(b), the Lake Okeechobee Watershed Protection Plan as  
156 defined in s. 373.4595(2), and the River Watershed Protection  
157 Plans as defined in s. 373.4595(2). Before any project component  
158 is submitted to Congress for authorization or receives an  
159 appropriation of state funds, the department must approve, or  
160 approve with amendments, each project component within 60 days  
161 following formal submittal of the project component to the  
162 department. Prior to the release of state funds for the  
163 implementation of the comprehensive plan, department approval  
164 shall be based upon a determination of the South Florida Water  
165 Management District's compliance with s. 373.1501(5) and (7).  
166 Additionally, each budget amendment requesting the release of  
167 state funds for the implementation of a project component or a  
168 water control plan or regulation schedule required for the  
169 operation of the project shall be contingent on the submission  
170 of the certification required in s. 373.1501(7). Once a project  
171 component is approved, the South Florida Water Management  
172 District shall provide to the President of the Senate and the  
173 Speaker of the House of Representatives a schedule for  
174 implementing the project component, the estimated total cost of

20222508e1

175 the project component, any existing federal or nonfederal  
176 credits, the estimated remaining federal and nonfederal share of  
177 costs, and an estimate of the amount of state funds that will be  
178 needed to implement the project component. All requests for an  
179 appropriation of state funds needed to implement the project  
180 component shall be submitted to the department, and such  
181 requests shall be included in the department's annual request to  
182 the Governor. Prior to the release of state funds for the  
183 implementation of the Lake Okeechobee Watershed Protection Plan  
184 or the River Watershed Protection Plans, on an annual basis, the  
185 South Florida Water Management District shall prepare an annual  
186 work plan as part of the consolidated annual report required in  
187 s. 373.036(7). Upon a determination by the secretary of the  
188 annual work plan's consistency with the goals and objectives of  
189 ss. 373.1501(7) and 373.4595 ~~s. 373.4595~~, the secretary may  
190 approve the release of state funds. Any modifications to the  
191 annual work plan shall be submitted to the secretary for review  
192 and approval. Notwithstanding the requirements of this  
193 paragraph, the release of state funds for the Everglades  
194 Agricultural Area reservoir project, the Lake Okeechobee  
195 Watershed project, the C-43 West Basin Reservoir Storage  
196 project, and the Indian River Lagoon-South project is  
197 authorized.

198 Section 3. Effective upon becoming a law, paragraph (a) of  
199 subsection (7) of section 373.036, Florida Statutes, is amended  
200 to read:

201 373.036 Florida water plan; district water management  
202 plans.—

203 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

20222508e1

204 (a) By March 1, annually, each water management district  
205 shall prepare and submit to the Office of Economic and  
206 Demographic Research, the department, the Governor, the  
207 President of the Senate, and the Speaker of the House of  
208 Representatives a consolidated water management district annual  
209 report on the management of water resources. In addition, copies  
210 must be provided by the water management districts to the chairs  
211 of all legislative committees having substantive or fiscal  
212 jurisdiction over the districts and the governing board of each  
213 county in the district having jurisdiction or deriving any funds  
214 for operations of the district. Copies of the consolidated  
215 annual report must be made available to the public, either in  
216 printed or electronic format. Any modifications to the annual  
217 work plan shall be submitted to the secretary for review and  
218 approval.

219 Section 4. Effective upon becoming a law, subsection (7) of  
220 section 373.1501, Florida Statutes, is amended, subsections (10)  
221 and (11) are added to that section, and subsection (4) of that  
222 section is reenacted, to read:

223 373.1501 South Florida Water Management District as local  
224 sponsor.—

225 (4) The district is authorized to act as local sponsor of  
226 the project for those project features within the district as  
227 provided in this subsection and subject to the oversight of the  
228 department as further provided in s. 373.026. The district shall  
229 exercise the authority of the state to allocate quantities of  
230 water within its jurisdiction, including the water supply in  
231 relation to the project, and be responsible for allocating water  
232 and assigning priorities among the other water uses served by



20222508e1

233 the project pursuant to state law. The district may:

234 (a) Act as local sponsor for all project features  
235 previously authorized by Congress.

236 (b) Continue data gathering, analysis, research, and design  
237 of project components, participate in preconstruction  
238 engineering and design documents for project components, and  
239 further refine the Comprehensive Plan of the restudy as a guide  
240 and framework for identifying other project components.

241 (c) Construct pilot projects that will assist in  
242 determining the feasibility of technology included in the  
243 Comprehensive Plan of the restudy.

244 (d) Act as local sponsor for project components.

245 (7) When developing or implementing water control plans or  
246 regulation schedules required for the operation of the project,  
247 the district shall provide recommendations to the United States  
248 Army Corps of Engineers which are consistent with all district  
249 programs and plans. The district shall certify to the President  
250 of the Senate and the Speaker of the House of Representatives,  
251 with a copy to the department, that its recommendations made  
252 pursuant to this subsection comply with all district programs  
253 and plans.

254 (10) The Legislature finds that the Lake Okeechobee  
255 Regulation Schedule and any operating manual must balance the  
256 different interests across the system, including, but not  
257 limited to, safeguarding the water supply to society and the  
258 environment, reducing high-volume discharges to coastal  
259 estuaries, and providing for flood control.

260 (11) Water shortages within the Lake Okeechobee Region must  
261 be managed in accordance with Chapters 40E-21 and 40E-22,

20222508e1

262 Florida Administrative Code, in effect as of January 1, 2022, as  
263 such region is set forth therein.

264 Section 5. Effective upon becoming a law, section 373.4141,  
265 Florida Statutes, is amended to read:

266 373.4141 Permits; processing.—

267 (1) GENERAL PROCESSING; TIME LIMITATIONS.—

268 (a) Within 30 days after receipt of an application for a  
269 permit under this part, the department or the water management  
270 district shall review the application and shall request  
271 submittal of all additional information the department or the  
272 water management district is permitted by law to require. If the  
273 applicant believes any request for additional information is not  
274 authorized by law or rule, the applicant may request a hearing  
275 pursuant to s. 120.57. Within 30 days after receipt of such  
276 additional information, the department or water management  
277 district shall review it and may request only that information  
278 needed to clarify such additional information or to answer new  
279 questions raised by or directly related to such additional  
280 information. If the applicant believes the request of the  
281 department or water management district for such additional  
282 information is not authorized by law or rule, the department or  
283 water management district, at the applicant's request, must  
284 ~~shall~~ proceed to process the permit application.

285 (b) ~~(2)~~ A permit must ~~shall~~ be approved, denied, or subject  
286 to a notice of proposed agency action within 60 days after  
287 receipt of the original application, the last item of timely  
288 requested additional material, or the applicant's written  
289 request to begin processing the permit application.

290 (c) ~~(3)~~ Processing of applications for permits for

20222508e1

291 affordable housing projects must ~~shall~~ be expedited to a greater  
292 degree than other projects.

293 (d)(4) A state agency or an agency of the state may not  
294 require as a condition of approval for a permit or as an item to  
295 complete a pending permit application that an applicant obtain a  
296 permit or approval from any other local, state, or federal  
297 agency without explicit statutory authority to require such  
298 permit or approval.

299 (2) AGREEMENTS TO PROCESS PERMITS.—

300 (a) The department may enter into an agreement or a  
301 contract with a public entity, which includes a utility  
302 regulated under chapter 366, to expedite the evaluation of  
303 environmental resource permits or section 404 permits related to  
304 a project or an activity that serves a public purpose. Any  
305 agreement or contract entered into pursuant to this subsection  
306 must be effective for at least 3 years.

307 (b) The department must ensure that any agreement or  
308 contract entered into by the department does not affect  
309 impartial decisionmaking, either substantively or procedurally.  
310 The department must use the same procedures for decisions that  
311 would otherwise be required for the evaluation of permits for  
312 similar projects or activities not carried out under an  
313 agreement or contract authorized under this subsection.

314 (c) The department must make all active agreements or  
315 contracts entered into under this subsection available on its  
316 website.

317 (d) The department may receive funds pursuant to an  
318 agreement or contract entered into under this subsection. Any  
319 funds received pursuant to this subsection must be deposited

20222508e1

320 into the Grants and Donations Trust Fund and used in accordance  
321 with the agreement or contract.

322 Section 6. Effective January 1, 2023, section 570.71,  
323 Florida Statutes, is amended to read:

324 570.71 Land acquisition; conservation easements and  
325 agreements.—

326 (1) The department, on behalf of the Board of Trustees of  
327 the Internal Improvement Trust Fund, may allocate moneys to  
328 acquire land or related interests in land, such as perpetual,  
329 less-than-fee acquisitions ~~interest in land~~, to enter into  
330 agricultural protection agreements, and to enter into resource  
331 conservation agreements for any of the following public  
332 purposes:

333 (a) Promotion and improvement of wildlife habitat.~~†~~

334 (b) Protection and enhancement of water bodies, aquifer  
335 recharge areas, wetlands, and watersheds.~~†~~

336 (c) Perpetuation of open space on lands with significant  
337 natural areas.~~†~~ ~~or~~

338 (d) Protection of agricultural lands threatened by  
339 conversion to other uses.

340 (e) Preservation and protection of natural and working  
341 landscapes.

342 (f) Preservation, protection, and enhancement of wildlife  
343 corridors and linkages.

344 (2) To achieve the purposes of this section, the department  
345 may accept applications for project proposals that:

346 (a) Purchase land or interests in land, such as  
347 conservation easements, as defined in s. 704.06.

348 (b) Purchase rural-lands-protection easements pursuant to

20222508e1

349 this section.

350 (c) Fund resource conservation agreements pursuant to this  
351 section.

352 (d) Fund agricultural protection agreements pursuant to  
353 this section.

354 (3) Rural-lands-protection easements are ~~shall be~~ a  
355 perpetual right or interest in agricultural land which is  
356 appropriate to retain such land in predominantly its current  
357 state and to prevent the subdivision and conversion of such land  
358 into other uses. This right or interest in property shall  
359 prohibit only the following:

360 (a) Construction or placing of buildings, roads, billboards  
361 or other advertising, utilities, or structures, except those  
362 structures and unpaved roads necessary for the agricultural  
363 operations on the land or structures necessary for other  
364 activities allowed under the easement, and except for linear  
365 facilities described in s. 704.06(11).†

366 (b) Subdivision of the property.†

367 (c) Dumping or placing of trash, waste, or offensive  
368 materials.† ~~and~~

369 (d) Activities that detrimentally affect the natural  
370 hydrology of the land or that detrimentally affect water  
371 conservation, erosion control, soil conservation, or fish or  
372 wildlife habitat, except those required for environmental  
373 restoration; federal, state, or local government regulatory  
374 programs; or best management practices.

375 (4) Resource conservation agreements will be contracts for  
376 services which provide annual payments to landowners for  
377 services that actively improve habitat and water restoration or

20222508e1

378 conservation on their lands over and above that which is already  
379 required by law or which provide recreational opportunities.  
380 They will be for a term of not less than 5 years and not more  
381 than 10 years. Property owners will become eligible to enter  
382 into a resource conservation agreement only upon entering into a  
383 conservation easement or rural lands protection easement.

384 (5) Agricultural protection agreements shall be for terms  
385 of 30 years and will provide payments to landowners having  
386 significant natural areas on their land. Public access and  
387 public recreational opportunities may be negotiated at the  
388 request of the landowner.

389 (a) For the length of the agreement, the landowner shall  
390 agree to prohibit:

391 1. Construction or placing of buildings, roads, billboards  
392 or other advertising, utilities, or structures, except those  
393 structures and unpaved roads necessary for the agricultural  
394 operations on the land or structures necessary for other  
395 activities allowed under the easement, and except for linear  
396 facilities described in s. 704.06(11);

397 2. Subdivision of the property;

398 3. Dumping or placing of trash, waste, or offensive  
399 materials; and

400 4. Activities that affect the natural hydrology of the  
401 land, or that detrimentally affect water conservation, erosion  
402 control, soil conservation, or fish or wildlife habitat.

403 (b) As part of the agricultural protection agreement, the  
404 parties shall agree that the state shall have a right to buy a  
405 conservation easement or rural land protection easement at the  
406 end of the 30-year term. If the landowner tenders the easement

20222508e1

407 for the purchase and the state does not timely exercise its  
408 right to buy the easement, the landowner shall be released from  
409 the agricultural agreement. The purchase price of the easement  
410 shall be established in the agreement and shall be based on the  
411 value of the easement at the time the agreement is entered into,  
412 plus a reasonable escalator multiplied by the number of full  
413 calendar years following the date of the commencement of the  
414 agreement. The landowner may transfer or sell the property  
415 before the expiration of the 30-year term, but only if the  
416 property is sold subject to the agreement and the buyer becomes  
417 the successor in interest to the agricultural protection  
418 agreement. Upon mutual consent of the parties, a landowner may  
419 enter into a perpetual easement at any time during the term of  
420 an agricultural protection agreement.

421 (6) Payment for conservation easements and rural land  
422 protection easements shall be a lump-sum payment at the time the  
423 easement is entered into.

424 (7) Landowners entering into an agricultural protection  
425 agreement may receive up to 50 percent of the purchase price at  
426 the time the agreement is entered into, and remaining payments  
427 on the balance shall be equal annual payments over the term of  
428 the agreement.

429 (8) Payments for the resource conservation agreements shall  
430 be equal annual payments over the term of the agreement.

431 (9) Easements purchased pursuant to this act may not:

432 (a) Prevent landowners from transferring the remaining fee  
433 value with the easement; or

434 (b) At the request of the landowner, restrict a landowner's  
435 ability to use, or authorize the use of by third parties,

20222508e1

436 specific parcels of land within a conservation easement for  
437 conservation banking or recipient sites for imperiled species as  
438 defined in s. 259.105(2)(a)11. or wetlands mitigation banking  
439 pursuant to chapter 373, provided the specific parcels of land  
440 include wetland or upland areas that may be enhanced, restored,  
441 or created under the conditions of a wetlands mitigation bank  
442 permit.

443 (10) The department, in consultation with the Department of  
444 Environmental Protection, the water management districts, the  
445 Department of Economic Opportunity, and the Florida Fish and  
446 Wildlife Conservation Commission, shall adopt rules that  
447 establish an application process, a process and criteria for  
448 setting priorities for use of funds consistent with the purposes  
449 specified in subsection (1) and giving preference to ~~ranch and~~  
450 ~~timber~~ lands managed using sustainable practices, an appraisal  
451 process, and a process for title review and compliance and  
452 approval of the rules by the Board of Trustees of the Internal  
453 Improvement Trust Fund.

454 (11) If a landowner objects to having his or her property  
455 included in any lists or maps developed to implement this act,  
456 the department must ~~shall~~ remove the property from any such  
457 lists or maps upon receipt of the landowner's written request to  
458 do so.

459 (12) The department may use appropriated funds from the  
460 following sources to implement this section:

- 461 (a) State funds;  
462 (b) Federal funds;  
463 (c) Other governmental entities;  
464 (d) Nongovernmental organizations; or



20222508e1

465 (e) Private individuals.

466  
467 Any such funds provided, other than from the Land Acquisition  
468 Trust Fund, shall be deposited into the Incidental Trust Fund  
469 within the Department of Agriculture and Consumer Services and  
470 used for the purposes of this section, including administrative  
471 and operating expenses related to appraisals, mapping, title  
472 process, personnel, and other real estate expenses.

473 (13) No more than 10 percent of any funds made available to  
474 implement this act may ~~shall~~ be expended for resource  
475 conservation agreements and agricultural protection agreements.

476 Section 7. Effective January 1, 2023, section 570.715,  
477 Florida Statutes, is amended to read:

478 570.715 Land ~~Conservation easement~~ acquisition procedures.-

479 (1) For land acquisitions, including less than fee simple  
480 acquisitions, pursuant to s. 570.71, the Department of  
481 Agriculture and Consumer Services shall comply with the  
482 following acquisition procedures:

483 (a) Before conveyance of title by the department, evidence  
484 of marketable title in the form of a commitment for title  
485 insurance or an abstract of title with a title opinion must  
486 ~~shall~~ be obtained.

487 (b) Before approval by the board of trustees of an  
488 agreement to purchase ~~less than fee simple title to land~~  
489 pursuant to s. 570.71, an appraisal of the parcel is ~~shall be~~  
490 required as follows:

491 1. Each parcel to be acquired must ~~shall~~ have at least one  
492 appraisal. Two appraisals are required when the estimated value  
493 of the parcel exceeds \$1 million. However, when both appraisals

20222508e1

494 exceed \$1 million and differ significantly, a third appraisal  
495 may be obtained.

496 2. Appraisal fees and associated costs must ~~shall~~ be paid  
497 by the department. All appraisals used for the acquisition of  
498 ~~less than fee simple interest in~~ lands pursuant to this section  
499 must ~~shall~~ be prepared by a state-certified appraiser who meets  
500 the standards and criteria established by rule of the board of  
501 trustees. Each appraiser selected to appraise a particular  
502 parcel shall, before contracting with the department or a  
503 participant in a multiparty agreement, submit to the department  
504 or participant an affidavit substantiating that he or she has no  
505 vested or fiduciary interest in such parcel.

506 (c) A certified survey must be made that meets the minimum  
507 requirements for upland parcels established in the Standards of  
508 Practice for Land Surveying in Florida published by the  
509 department and that accurately portrays, to the greatest extent  
510 practicable, the condition of the parcel as it currently exists.  
511 The requirement for a certified survey may, in whole or in part,  
512 be waived by the board of trustees any time before the land  
513 ~~acquisition of the less than fee simple interest~~. If an existing  
514 boundary map and description of a parcel are determined by the  
515 department to be sufficient for appraisal purposes, the  
516 department may temporarily waive the requirement for a survey  
517 until any time before conveyance of title to the parcel.

518 (d) On behalf of the board of trustees and before the  
519 appraisal of parcels approved for purchase under ss.  
520 259.105(3)(i) and 570.71, the department may enter into option  
521 contracts to buy ~~less than fee simple interest in~~ such parcels.  
522 Any such option contract must ~~shall~~ state that the final

20222508e1

523 purchase price is subject to approval by the board of trustees  
524 and that the final purchase price may not exceed a fair market  
525 value as determined by the department, so long as the public's  
526 interest is reasonably protected ~~the maximum offer authorized by~~  
527 ~~law~~. Any such option contract presented to the board of trustees  
528 for final purchase price approval must ~~shall~~ explicitly state  
529 that payment of the final purchase price is subject to an  
530 appropriation by the Legislature. The consideration for any such  
531 option contract may not exceed \$1,000 or 0.01 percent of the  
532 estimate by the department of the value of the parcel, whichever  
533 amount is greater.

534 (e) A final offer must ~~shall~~ be in the form of an option  
535 contract or agreement for purchase of the land ~~less than fee~~  
536 ~~simple interest~~ and must ~~shall~~ be signed and attested to by the  
537 owner and the department. Before the department signs the  
538 agreement for purchase of the land ~~less than fee simple interest~~  
539 or exercises the option contract, the requirements of s. 286.23  
540 must ~~shall~~ be complied with.

541 (f) The procedures provided in s. 253.025(9) (a)-(d) and  
542 (10) must ~~shall~~ be followed.

543 (2) If the public's interest is reasonably protected, the  
544 board of trustees may:

545 (a) Waive any requirement of this section.

546 (b) Waive any rules adopted pursuant to s. 570.71,  
547 notwithstanding chapter 120.

548 (c) Substitute any other reasonably prudent procedures,  
549 including federally mandated acquisition procedures, for the  
550 procedures in this section, if federal funds are available and  
551 will be used for the purchase of land ~~a less than fee simple~~

20222508e1

552 ~~interest in lands~~, title to which will vest in the board of  
553 trustees, and qualification for such federal funds requires  
554 compliance with federally mandated acquisition procedures.

555 (3) The ~~less than fee simple~~ land acquisition procedures  
556 provided in this section are for voluntary, negotiated  
557 acquisitions.

558 (4) For purposes of this section, the term "negotiations"  
559 does not include preliminary contacts with the property owner to  
560 determine availability or eligibility of the property, existing  
561 appraisal data, existing abstracts, and surveys.

562 (5) Appraisal reports are confidential and exempt from s.  
563 119.07(1), for use by the department and the board of trustees,  
564 until an option contract is executed or, if an option contract  
565 is not executed, until 2 weeks before a contract or agreement  
566 for purchase is considered for approval by the board of  
567 trustees. However, the department has the authority, at its  
568 discretion, to disclose appraisal reports to private landowners  
569 during negotiations for acquisitions using alternatives to fee  
570 simple techniques, if the department determines that disclosure  
571 of such reports will bring the proposed acquisition to closure.  
572 The department may also disclose appraisal information to public  
573 agencies or nonprofit organizations that agree to maintain the  
574 confidentiality of the reports or information when joint  
575 acquisition of property is contemplated, or when a public agency  
576 or nonprofit organization enters into a written multiparty  
577 agreement with the department. For purposes of this subsection,  
578 the term "nonprofit organization" means an organization whose  
579 purposes include the preservation of natural resources, and  
580 which is exempt from federal income tax under s. 501(c)(3) of

20222508e1

581 the Internal Revenue Code. The department may release an  
582 appraisal report when the passage of time has rendered the  
583 conclusions of value in the report invalid or when the  
584 department has terminated negotiations.

585 Section 8. Type two transfer from the Agency for Persons  
586 with Disabilities.—

587 (1) All powers, duties, functions, records, offices,  
588 personnel, associated administrative support positions,  
589 property, pending issues, existing contracts, administrative  
590 authority, administrative rules, and unexpended balances of  
591 appropriations, allocations, and other funds relating to the  
592 William J. "Billy Joe" Rish Recreational Park within the Agency  
593 for Persons with Disabilities are transferred by a type two  
594 transfer, as defined in s. 20.06(2), Florida Statutes, to the  
595 Department of Environmental Protection.

596 (2) Any binding contract or interagency agreement existing  
597 before July 1, 2022, between the Agency for Persons with  
598 Disabilities, or an entity or agency of the department, and any  
599 other agency, entity, or person relating to the William J.  
600 "Billy Joe" Rish Recreational Park shall continue as a binding  
601 contract or agreement for the remainder of the term of the  
602 contract or agreement on the successor entity responsible for  
603 the program, activity, or functions relative to the contract or  
604 agreement.

605 Section 9. Effective January 1, 2023, for the purpose of  
606 incorporating the amendment made by this act to section 570.715,  
607 Florida Statutes, in a reference thereto, subsection (7) of  
608 section 253.0251, Florida Statutes, is reenacted to read:

609 253.0251 Alternatives to fee simple acquisition.—

20222508e1

610 (7) For less than fee simple acquisitions pursuant to s.  
611 570.71, the Department of Agriculture and Consumer Services  
612 shall comply with the acquisition procedures set forth in s.  
613 570.715.

614 Section 10. Effective January 1, 2023, for the purpose of  
615 incorporating the amendment made by this act to section 570.715,  
616 Florida Statutes, in a reference thereto, paragraph (i) of  
617 subsection (3) of section 259.105, Florida Statutes, is  
618 reenacted to read:

619 259.105 The Florida Forever Act.—

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

626 (i) Three and five-tenths percent to the Department of  
627 Agriculture and Consumer Services for the acquisition of  
628 agricultural lands, through perpetual conservation easements and  
629 other perpetual less than fee techniques, which will achieve the  
630 objectives of Florida Forever and s. 570.71. Rules concerning  
631 the application, acquisition, and priority ranking process for  
632 such easements shall be developed pursuant to s. 570.71(10) and  
633 as provided by this paragraph. The board shall ensure that such  
634 rules are consistent with the acquisition process provided for  
635 in s. 570.715. The rules developed pursuant to s. 570.71(10),  
636 shall also provide for the following:

637 1. An annual priority list shall be developed pursuant to  
638 s. 570.71(10), submitted to the council for review, and approved

20222508e1

639 by the board pursuant to s. 259.04.

640 2. Terms of easements and acquisitions proposed pursuant to  
641 this paragraph shall be approved by the board and may not be  
642 delegated by the board to any other entity receiving funds under  
643 this section.

644 3. All acquisitions pursuant to this paragraph shall  
645 contain a clear statement that they are subject to legislative  
646 appropriation.

647  
648 Funds provided under this paragraph may not be expended until  
649 final adoption of rules by the board pursuant to s. 570.71.

650 Section 11. Notwithstanding the reversion and expiration of  
651 paragraph (a) of subsection (1) of section 570.93, Florida  
652 Statutes, by section 44 of chapter 2021-37, Laws of Florida,  
653 that paragraph is not amended as provided by that act, but is  
654 reenacted to read:

655 570.93 Department of Agriculture and Consumer Services;  
656 agricultural water conservation and agricultural water supply  
657 planning.—

658 (1) The department shall establish an agricultural water  
659 conservation program that includes the following:

660 (a) A cost-share program, coordinated with the United  
661 States Department of Agriculture and other federal, state,  
662 regional, and local agencies when appropriate, for irrigation  
663 system retrofit and application of mobile irrigation laboratory  
664 evaluations, and for water conservation and water quality  
665 improvement pursuant to s. 403.067(7)(c).

666 Section 12. Except as otherwise expressly provided in this  
667 act and except for this section, which shall take effect upon

20222508e1

668 this act becoming a law, this act shall take effect July 1,  
669 2022.