

By the Committee on Natural Resources and Senators Latvala and Laurent

312-2216-98

1 A bill to be entitled
2 An act relating to the Florida Forever Program;
3 creating s. 259.202, F.S.; providing for the
4 Florida Forever Program Act; providing
5 legislative findings and intent relating to the
6 acquisition of lands for conservation,
7 ecosystem restoration, recreation, water
8 resource and water supply development, and
9 urban green space and recreational
10 opportunities; providing a process for
11 surplusing Florida Forever lands; authorizing
12 the sale of up to \$3 billion in bonds to
13 implement the Florida Forever Program;
14 providing for alternatives to fee simple
15 acquisitions, providing a limitation on such
16 acquisitions; providing a funding mechanism for
17 the State Lands Management Trust Fund, which is
18 to be created by general law; providing for the
19 continuation of existing debt service payments
20 for prior bond issues; providing uses for the
21 State Lands Management Trust Fund; creating the
22 Preservation 2000 Program Review Study
23 Commission; providing for membership of the
24 commission and its duties; requiring a report;
25 providing an appropriation; amending s.
26 259.032, F.S.; revising eligibility
27 requirements for payments in lieu of taxes;
28 providing for payments in lieu of taxes to
29 school boards, as well as to Glades County to
30 compensate the county for its tax loss due to
31 the opening of a prison; amending s. 259.041,

1 F.S.; authorizing the Division of State Lands
2 to use appraisal reports provided by nonprofit
3 organizations or public agencies; amending s.
4 259.101, F.S.; requiring the Department of
5 Environmental Protection to fund certain fixed
6 capital outlay projects; requiring the
7 Southwest Florida Water Management District to
8 fund water supply development activities;
9 providing a limitation and requirements;
10 requiring the South Florida Water Management
11 District to fund Everglades restoration;
12 requiring an extraordinary vote of the Board of
13 Trustees of the Internal Improvement Trust Fund
14 before an acquisition may be made in a county
15 having more than 35 percent of its lands in
16 public ownership; providing a limitation on the
17 acquisition of projects using less than fee
18 acquisition alternatives; delaying the
19 redistribution of certain funds; revising
20 accounting procedures relating to a
21 redistribution of certain Preservation 2000
22 moneys; amending s. 373.59, F.S.; revising
23 eligibility requirements for payments in lieu
24 of taxes; providing for payments in lieu of
25 taxes to school boards; authorizing the Board
26 of Trustees of the Internal Improvement Trust
27 Fund to transfer specified lands to Walton
28 County at a specified price, providing
29 limitations on the use of those lands; amending
30 s. 253.82, F.S.; providing for all
31 transportation easements acquired under the

1 Murphy Act to be conveyed to the Department of
2 Transportation or the governmental entity
3 currently having title to the adjacent roadway;
4 requiring the establishment of a procedure for
5 review of deeds containing transportation
6 reservations acquired under the Murphy Act;
7 setting requirements for the review process;
8 providing for compensation of certain property
9 owners when the reservation denies current
10 economic use of the property; providing for
11 mediation or arbitration; amending ss. 712.04,
12 712.05, F.S.; providing for the release of
13 certain easements held by governmental
14 entities; providing for preservation of certain
15 road easement reservations pursuant to a road
16 project scheduled to begin within a specified
17 period; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Section 259.202, Florida Statutes, is
22 created to read:

23 259.202 The Florida Forever Program Act.--

24 (1) This section may be cited as the "Florida Forever
25 Program Act."

26 (2) The Legislature finds and declares that:

27 (a) The alteration and development of Florida's
28 natural areas to accommodate its rapidly growing population
29 have contributed to the degradation of water resources, the
30 fragmentation and destruction of wildlife habitats, the loss
31

1 of outdoor recreation space, and the diminishment of wetlands,
2 forests, and public beaches.

3 (b) The potential development of Florida's remaining
4 natural areas and escalation of land values require a
5 continuation of government efforts to restore, bring under
6 public protection, or acquire lands and water areas to
7 preserve the state's invaluable quality of life.

8 (c) Florida's ground waters, surface waters, and
9 springs are under tremendous pressure due to population growth
10 and economic expansion and require special protection and
11 restoration efforts. To ensure that sufficient quantities of
12 water are available to meet the current and future needs of
13 the natural systems, and to assist in achieving the planning
14 goals of the department and the water management districts,
15 water resource development projects on public lands, where
16 compatible with the resource values of and management
17 objectives for such lands, are appropriate. All lands acquired
18 in the future under the Florida Forever Program and other
19 state land acquisition programs may be used for water supply
20 and water resource development projects compatible with their
21 resource values and management objectives. Funds provided
22 under the Florida Forever Program shall not be used for the
23 construction of wells or pipeline facilities. As used in this
24 legislation, multiple use also includes public recreation,
25 water supply, water resource development projects, and
26 sustainable forestry management, where appropriate. As
27 provided herein, permittable water resource development and
28 water supply development projects may be allowed only under
29 the following conditions: the minimum flows and levels have
30 been established for those waters potentially affected by the
31 project; the project complies with all conditions for the

1 issuance of permits under part II of chapter 373; and the
2 project is consistent with the Regional Water Supply Plan of
3 the water management district.

4 (d) The availability of public hunting lands is being
5 reduced as more landowners are leasing their lands for private
6 hunting. Additional emphasis should be placed on the
7 acquisition and management of lands that will be open for
8 appropriate public hunting and wildlife management strategies.

9 (e) The needs of urban Florida for high-quality
10 outdoor recreational opportunities, greenways, trails, and
11 open space have not been fully met by previous acquisition
12 programs. Through such programs as the Florida Communities
13 Trust, the state shall place additional emphasis and increase
14 funding for acquiring, protecting, preserving, and restoring
15 open space, greenways and trails, and recreation properties
16 within urban areas where pristine natural communities or water
17 bodies no longer exist because of their proximity to developed
18 property.

19 (f) Access to public lands to support a broad range of
20 outdoor recreational opportunities and the development of
21 necessary infrastructure, where compatible with the resource
22 values of and management objectives for such lands, promotes
23 an appreciation for Florida's natural assets and improves the
24 quality of life.

25 (g) Acquisition of lands, in fee simple or in any
26 lesser interest, should be based on a comprehensive assessment
27 of Florida's natural resources and planned so as to protect
28 the integrity of ecological systems and to provide multiple
29 benefits, including preservation of fish and wildlife habitat,
30 recreation space for urban as well as rural areas, and water
31 recharge.

1 (h) The acquisition of lands needed to complete
2 projects undertaken under the Preservation 2000 program should
3 be emphasized, to enhance management efficiency and protect
4 extensive natural areas.

5 (i) Public agencies or other entities that receive
6 funds under this act are encouraged to better coordinate their
7 expenditures so that project acquisitions, when combined with
8 acquisitions under the Preservation 2000, Save Our Rivers, the
9 Florida Communities Trust, and other public land acquisition
10 programs, will form more complete patterns of protection for
11 natural areas and functioning ecosystems, to better accomplish
12 the intent of the Florida Forever Act.

13 (j) A long-term financial commitment to managing
14 Florida's public lands must accompany any new land acquisition
15 program to ensure that the natural resource values of such
16 lands are protected, that the public has the opportunity to
17 enjoy the lands to their fullest potential, and that the state
18 achieves the full benefits of its investment of public
19 dollars.

20 (k) Many of Florida's unique ecosystems such as the
21 Florida Everglades are facing ecological collapse due to
22 Florida's burgeoning population. To preserve these valuable
23 ecosystems for future generations, parcels of land must be
24 acquired to facilitate ecosystem restoration.

25 (3)(a) Any lands acquired pursuant to this program,
26 where title is vested in the Board of Trustees of the Internal
27 Improvement Trust Fund, may be disposed of by the board in
28 accordance with the procedures set forth in s. 253.034(6).
29 Lands whose titles vest in a water management district
30 governing board may be disposed of by the owning water
31 management district in accordance with the procedures set

1 forth in ss. 373.056 and 373.089. All agencies that hold title
2 to lands acquired under the Florida Forever Program shall
3 biennially evaluate their inventory of such lands to determine
4 whether any of the properties are suitable for surplus.

5 (b) Lands determined to be surplus pursuant to this
6 subsection shall be sold for fair market value, except that
7 the price of lands sold as surplus to a local government shall
8 not exceed the price paid by the state or a water management
9 district to originally acquire the lands and such lands shall
10 be used for public purposes.

11 (c) Before land can be determined to be of no further
12 benefit to the public as required by s. 253.034(6), or to be
13 no longer required for its purposes under s. 373.056(4), there
14 shall first be a determination by the Land Acquisition and
15 Management Advisory Council that such land no longer needs to
16 be preserved in furtherance of the intent of the Florida
17 Forever Program Act.

18 1. For lands proposed for surplus within the original
19 project boundaries or the core parcel there must be a finding
20 by the council that the land has no unique or high-quality
21 natural resources, is of low natural resource values, as
22 determined by a biological assessment or survey conducted by
23 the Florida Natural Areas Inventory or its successor, or is of
24 lower natural resource values than the land proposed to be
25 purchased with the proceeds from its sale. The board of
26 trustees shall review and approve or deny surplus decisions
27 pursuant to this subparagraph.

28 2. For lands proposed for surplus located outside of
29 the original project boundary the council shall presume that
30 the lands are to be surplus unless:

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1 a. A biological assessment or survey conducted by the
2 Florida Natural Areas Inventory or its successor has
3 determined that the lands are of such quality that surplusing
4 should not be approved; or

5 b. The lead managing agency can provide sufficient
6 evidence that the loss of such lands would substantially harm
7 the purposes for which the land was purchased.

8 3. Decisions regarding surplusing pursuant to
9 subparagraph 2. shall be reviewed and approved or denied by
10 the board of trustees.

11 (d) Requests for surplusing may be made by any public
12 or private entity or person. All requests are to be submitted
13 to the lead managing agency for review and recommendation to
14 the council. Lead managing agencies shall have 90 days to
15 review such requests and make recommendations. Any surplusing
16 requests that have not been acted upon within the requirements
17 of this paragraph shall be immediately scheduled for hearing
18 at the next regularly scheduled council meeting.

19 (e) Notwithstanding paragraphs (a)-(c), no such
20 disposition of land shall be made if such disposition would
21 have the effect of causing all or any portion of the interest
22 on any revenue bonds issued to fund the Florida Forever
23 Program Act to lose the exclusion from gross income for
24 purposes of federal income taxation. Any revenue derived from
25 the disposal of such lands may not be used for any purpose
26 except for deposit into the Florida Forever Trust Fund, the
27 Water Management Lands Trust Fund, or the appropriate local
28 government trust fund, depending on the entity that held title
29 to the land, for the acquisition of new lands which meet the
30 criteria pursuant to this section.

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1 (f) Lands identified as suitable for surplus shall
2 first be offered to local governmental entities for a period
3 of 90 days. Local governmental uses for such surplus lands may
4 include public schools, public libraries, fire or law
5 enforcement substations, and recreational centers. Local
6 governmental requests for surplus lands shall be expedited
7 throughout the surplusing process. State agencies shall have
8 the subsequent opportunity to acquire the surplus lands for a
9 period not to exceed 30 days after the offer to local
10 governments expires. Surplus properties in which governmental
11 agencies have expressed no interest shall then be available
12 for sale on the private market.

13 Section 2. The Legislature finds that the sale of
14 bonds to implement the Florida Forever Program is an
15 appropriate mechanism to meet the needs of future generations
16 to enjoy the outdoors and natural resources of Florida Forever
17 and intends that the sale of up to \$3 billion in bonds be
18 authorized over the 10-year period beginning July 1, 2001, and
19 ending July 1, 2010.

20 Section 3. The Legislature finds that, with the
21 increasing pressures on the natural areas of this state, the
22 state must develop creative techniques to maximize the use of
23 acquisition and management moneys. The Legislature also finds
24 that the state's environmental land-buying agencies should be
25 encouraged to augment their traditional, fee simple
26 acquisition programs with the use of alternatives to fee
27 simple acquisition techniques. The Legislature also finds that
28 using alternatives to fee simple acquisition by public
29 land-buying agencies will achieve the following public policy
30 goals:

31

1 (1) Allow more lands to be brought under public
2 protection for preservation, conservation, and recreational
3 purposes at less expense using public funds.

4 (2) Retain, on local government tax rolls, some
5 portion of or interest in lands which are under public
6 protection.

7 (3) Reduce long-term management costs by allowing
8 private property owners to continue acting as stewards of the
9 land, where appropriate.

10
11 Florida Forever projects to be acquired using alternatives to
12 fee simple acquisition, after meeting applicable selection
13 criteria, shall be ranked based on price, with the highest
14 priority given to projects for which the sellers are willing
15 to accept the greatest reduction below the appraised value of
16 the property. However, no projects using alternatives to fee
17 simple acquisition may be undertaken if the purchase price
18 exceeds two-thirds of the project's appraised value.

19 Section 4. The Legislature finds that sufficient funds
20 must be made available for management, maintenance, capital
21 improvements, and protection of lands acquired through the
22 Florida Forever and Preservation 2000 programs and other
23 programs for the acquisition of lands for conservation and
24 recreation. Therefore, effective July 1, 2000, new funds, not
25 including bond proceeds, which are credited to the
26 Conservation and Recreation Lands Trust Fund created pursuant
27 to section 259.032(2)(a), Florida Statutes, and the Water
28 Management Lands Trust Fund created pursuant to section
29 373.59(1), Florida Statutes, after payment of debt service
30 requirements for prior bond issues, shall be transferred to
31 the State Lands Management Trust Fund which is to be created

1 pursuant to general law. Moneys in the State Lands Management
2 Trust Fund shall be used for management, maintenance, and
3 capital improvements on eligible lands to be determined by the
4 Legislature and also for water supply development and fixed
5 capital outlay projects to implement approved Surface Water
6 Improvement and Management plans. Up to 1.5 percent of the
7 total deposits ever deposited into the Water Resources
8 Development Account, the Conservation and Recreation Lands
9 Trust Fund, the Water Management Lands Trust Fund, the
10 Preservation 2000 Trust Fund, and the Florida Forever Trust
11 Fund shall be reserved annually in the State Lands Management
12 Trust Fund for management, maintenance, and capital
13 improvements on eligible lands.

14 Section 5. Preservation 2000 Program Review Study
15 Commission.--

16 (1)(a) There is created the Preservation 2000 Program
17 Review Study Commission consisting of 15 members. The Governor
18 shall appoint five members of the commission. The President of
19 the Senate and the Speaker of the House of Representatives
20 each shall appoint five members, three of whom must be
21 legislative members. The membership of the commission shall
22 reflect a broad range of interests, including legislative
23 interests and expertise related to land restoration,
24 acquisition, and management, including, but not limited to,
25 persons with training in hydrogeology, wildlife biology,
26 engineering, real estate, and forestry management, and persons
27 with substantial expertise representing environmental
28 interests; agricultural and silvicultural interests; outdoor
29 recreational interests; and land development interests. Each
30 appointing authority shall consider gender and racial balance
31 in addition to particular expertise when making appointments.

1 (b) Each member of the commission may receive per diem
2 and expenses for travel, as provided in section 112.061,
3 Florida Statutes, while carrying out the official business of
4 the commission. No person who is or has been a lobbyist as
5 defined in section 112.3148, Florida Statutes, at any time
6 during the 24 months preceding the nomination with any entity
7 whose interests could be affected by recommendations of the
8 commission, shall be appointed.

9 (c) The commission is assigned, for administrative
10 purposes, to the Department of Environmental Protection.

11 (d) Appointments must be made by September 15, 1998,
12 and the commission's first meeting must be held by October 15,
13 1998. The commission shall exist until August 31, 1999. The
14 Study Commission shall designate which of its members will
15 chair the commission.

16 (2) The study commission shall develop information and
17 recommendations based on its critical review and evaluation of
18 the Preservation 2000 Program that will assist the Legislature
19 in implementing the Florida Forever Act by determining:

20 (a) Appropriate modifications and funding levels for
21 the program or a similarly constituted program after June 30,
22 2000, especially for funding additional emphasis on open space
23 and recreation in urban areas.

24 (b) Appropriate changes in legislative policies for
25 managing conservation lands purchased with bond proceeds,
26 including, but not limited to:

- 27 1. Multiple uses of such lands;
28 2. Use for water supply purposes;
29 3. Use of state funds for management to assist local
30 governments in managing lands purchased for conservation and
31 recreation;

1 4. Use of state funds for management for exotic plant
2 control; and

3 5. Appropriate levels of funding to be allocated for
4 management of lands management plans.

5 (c) Appropriate circumstances for declaring lands to
6 be surplus and returning them to private or public use.

7 (d) Appropriate changes in legislative policies for
8 providing payment in lieu of taxes to local governments where
9 substantial public lands are removed from local tax rolls.

10 (e) Appropriate changes in legislative policies for
11 the acquisition of inholdings and additions to lands in state
12 ownership.

13 (f) Appropriate changes in legislative policies
14 relating to the involvement of local governments in
15 acquisition decisions for purchases within their boundaries,
16 including the possibility of allowing local governments to
17 have veto power over acquisitions in their jurisdiction where
18 public land ownership accounts for over 35 percent of the tax
19 roll.

20 (g) Appropriate strategies for evaluating the state's
21 progress in the acquisition of conservation and recreation
22 lands, to be based, in part, on a review of the "Florida
23 Preservation 2000 Needs and Priorities Addendum Report"
24 published by the department in December 1997.

25 (h) Appropriate changes in legislative policies
26 relating to land acquisition procedures.

27 (i) Appropriate changes in legislative policies
28 relating to funding categories to be eligible to receive bond
29 proceeds, and whether such categories should receive annual
30 allocations for each year of the funding program.

31

1 (3) The Preservation 2000 Program Review Study
2 Commission shall submit a report of its findings and
3 recommendations to the Governor, the President of the Senate,
4 and the Speaker of the House of Representatives by September
5 1, 1999.

6 (4) There is hereby appropriated \$75,000 to the
7 Department of Environmental Protection from the Water
8 Management Lands Trust Fund for fiscal year 1998-1999 to fund
9 the activities of the study commission. Staff service needs of
10 the study commission shall be provided primarily by the
11 Department of Environmental Protection with staff assistance
12 also provided by other agencies that have received funding
13 from the Preservation 2000 program.

14 Section 6. Subsection (12) of section 259.032, Florida
15 Statutes, is amended to read:

16 259.032 Conservation and Recreation Lands Trust Fund;
17 purpose.--

18 (12)(a) Beginning in fiscal year 1994-1995, not more
19 than 3.75 percent of the Conservation and Recreation Lands
20 Trust Fund shall be made available annually to the department
21 for payment in lieu of taxes to qualifying counties, cities,
22 and local governments as defined in paragraph (b) for all
23 actual tax losses incurred as a result of board of trustees
24 acquisitions for state agencies under the Florida Preservation
25 2000 Program during any year. Reserved funds not used for
26 payments in lieu of taxes in any year shall revert to the fund
27 to be used for land acquisition in accordance with the
28 provisions of this section.

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

30 1. To counties which levy an ad valorem tax of at
31 least 8.25 mills or the amount of the tax loss from all

1 completed Preservation 2000 and Florida Forever acquisitions
2 in the county exceeds 0.01 percent of the county's total
3 taxable value, and have a population of 100,000 ~~75,000~~ or
4 less.

5 2. To counties with a population of less than 100,000
6 which contain all or a portion of an area of critical state
7 concern designated pursuant to chapter 380 and to local
8 governments within such counties.

9 3. To school boards in counties with a population of
10 100,000 or less which levy the maximum millage pursuant to s.
11 236.25(1) and (2).

12 ~~4.3. For the 1997-1998 fiscal year only, and~~
13 Notwithstanding the limitations of paragraph (a), to Glades
14 County, where a privately owned and operated prison leased to
15 the state has been opened ~~within the last 2 years~~ for which no
16 other state moneys have been allocated to the county to offset
17 ad valorem revenues. ~~This subparagraph expires July 1, 1998.~~

18
19 For the purposes of this paragraph, "local government"
20 includes municipalities, the county school board, mosquito
21 control districts, and any other local government entity which
22 levies ad valorem taxes, with the exception of a water
23 management district.

24 (c) Payment in lieu of taxes shall be available to any
25 city which has a population of 10,000 or less and which levies
26 an ad valorem tax of at least 8.25 mills or the amount of the
27 tax loss from all completed Preservation 2000 and Florida
28 Forever acquisitions in the city exceeds 0.01 percent of the
29 city's total taxable value.

30 (d) If insufficient funds are available in any year to
31 make full payments to all qualifying counties, cities, school

1 districts,and local governments, such counties, cities,
2 school districts,and local governments shall receive a pro
3 rata share of the moneys available.

4 (e) The payment amount shall be based on the average
5 amount of actual taxes paid on the property for the 3 years
6 preceding acquisition. Applications for payment in lieu of
7 taxes shall be made no later than January 31 of the year
8 following acquisition. No payment in lieu of taxes shall be
9 made for properties which were exempt from ad valorem taxation
10 for the year immediately preceding acquisition. If property
11 which was subject to ad valorem taxation was acquired by a
12 tax-exempt entity for ultimate conveyance to the state under
13 this chapter, payment in lieu of taxes shall be made for such
14 property based upon the average amount of taxes paid on the
15 property for the 3 years prior to its being removed from the
16 tax rolls. The department shall certify to the Department of
17 Revenue those properties that may be eligible under this
18 provision. Payment in lieu of taxes shall be limited to a
19 total of 15 ~~10~~ consecutive years of annual payments, beginning
20 the year a local government becomes eligible.

21 (f) Payment in lieu of taxes pursuant to this
22 paragraph shall be made annually to qualifying counties,
23 cities, school districts,and local governments after
24 certification by the Department of Revenue that the amounts
25 applied for are reasonably appropriate, based on the amount of
26 actual taxes paid on the eligible property, and after the
27 Department of Environmental Protection has provided supporting
28 documents to the Comptroller and has requested that payment be
29 made in accordance with the requirements of this section.

30 (g) If the board of trustees conveys to a local
31 government title to any land owned by the board, any payments

1 in lieu of taxes on the land made to the local government
2 shall be discontinued as of the date of the conveyance.

3 Section 7. Paragraph (f) is added to subsection (7) of
4 section 259.041, Florida Statutes, to read:

5 259.041 Acquisition of state-owned lands for
6 preservation, conservation, and recreation purposes.--

7 (7) Prior to approval by the board of trustees or,
8 when applicable, the Department of Environmental Protection,
9 of any agreement to purchase land pursuant to this chapter,
10 chapter 260, or chapter 375, and prior to negotiations with
11 the parcel owner to purchase any other land, title to which
12 will vest in the board of trustees, an appraisal of the parcel
13 shall be required as follows:

14 (f) The Division of State Lands may use, as its own,
15 appraisals obtained by a public agency or nonprofit
16 organization, provided that the appraiser is selected from the
17 division's list of appraisers and the appraisal is reviewed
18 and approved by the division. For the purposes of this
19 chapter, the term "nonprofit organization" means an
20 organization whose purposes include the preservation of
21 natural resources and which is exempt from federal income tax
22 under s. 501(c)(3) of the Internal Revenue Code.

23 Section 8. Paragraphs (a) and (b) of subsection (3) of
24 section 259.101, Florida Statutes, are amended, paragraph (h)
25 is added to subsection (4) of that section, and subsection (9)
26 of that section is amended to read:

27 259.101 Florida Preservation 2000 Act.--

28 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
29 costs of issuance, the costs of funding reserve accounts, and
30 other costs with respect to the bonds, the proceeds of bonds
31 issued pursuant to this act shall be deposited into the

1 Florida Preservation 2000 Trust Fund created by s. 375.045.
2 Ten percent of the proceeds of any bonds deposited into the
3 Preservation 2000 Trust Fund shall be distributed by the
4 Department of Environmental Protection to the Department of
5 Environmental Protection for the purchase by the South Florida
6 Water Management District of lands in Dade, Broward, and Palm
7 Beach Counties identified in s. 7, chapter 95-349, Laws of
8 Florida. This distribution shall apply for any bond issue for
9 the 1995-1996 fiscal year. For the 1997-1998 fiscal year only,
10 \$20 million per year from the proceeds of any bonds deposited
11 into the Florida Preservation 2000 Trust Fund shall be
12 distributed by the Department of Environmental Protection to
13 the St. Johns Water Management District for the purchase of
14 lands necessary to restore Lake Apopka. The remaining proceeds
15 shall be distributed by the Department of Environmental
16 Protection in the following manner:

17 (a) Fifty percent to the Department of Environmental
18 Protection for the purchase of public lands as described in s.
19 259.032. Of this 50 percent, at least one-fifth shall be used
20 for the acquisition of coastal lands and one-tenth may be used
21 for fixed capital outlay projects to benefit lands acquired
22 for conservation and recreation.

23 (b) Thirty percent to the Department of Environmental
24 Protection for the purchase of water management lands pursuant
25 to s. 373.59, to be distributed among the water management
26 districts as provided in that section. The Southwest Florida
27 Water Management District must use at least 20 percent of its
28 annual allocation for water supply development activities.
29 However, such water supply development activities shall not
30 include the construction of wellfields or distribution
31 facilities. Whenever a water management district considers the

1 purchase of lands for water supply purposes, it must establish
2 as a priority the development of minimum flows and levels for
3 those lands pursuant to s. 373.042. The South Florida Water
4 Management District must use at least 20 percent of its annual
5 allocation for Everglades restoration activities.Funds
6 received by each district may also be used for acquisition of
7 lands necessary to implement surface water improvement and
8 management plans approved in accordance with s. 373.456 or for
9 acquisition of lands necessary to implement the Everglades
10 Construction Project authorized by s. 373.4592.

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12 Local governments may use federal grants or loans, private
13 donations, or environmental mitigation funds, including
14 environmental mitigation funds required pursuant to s.
15 338.250, for any part or all of any local match required for
16 the purposes described in this subsection. Bond proceeds
17 allocated pursuant to paragraph (c) may be used to purchase
18 lands on the priority lists developed pursuant to s. 259.035.
19 Title to lands purchased pursuant to paragraphs (a), (d), (e),
20 (f), and (g) shall be vested in the Board of Trustees of the
21 Internal Improvement Trust Fund, except that title to lands,
22 or rights or interests therein, acquired by either the
23 Southwest Florida Water Management District or the St. Johns
24 River Water Management District in furtherance of the Green
25 Swamp Land Authority's mission pursuant to s. 380.0677(3),
26 shall be vested in the district where the acquisition project
27 is located. Title to lands purchased pursuant to paragraph
28 (c) may be vested in the Board of Trustees of the Internal
29 Improvement Trust Fund, except that title to lands, or rights
30 or interests therein, acquired by either the Southwest Florida
31 Water Management District or the St. Johns River Water

1 Management District in furtherance of the Green Swamp Land
2 Authority's mission pursuant to s. 380.0677(3), shall be
3 vested in the district where the acquisition project is
4 located. This subsection is repealed effective October 1,
5 2000. Prior to repeal, the Legislature shall review the
6 provisions scheduled for repeal and shall determine whether to
7 reenact or modify the provisions or to take no action.

8 (4) PROJECT CRITERIA.--

9 (h) In recognition that the state's land acquisition
10 programs may have a disproportionate impact on some counties,
11 no additional acquisition under the Preservation 2000 Program
12 may be undertaken in a county having more than 35 percent of
13 its land in public ownership without the approval of at least
14 five members of the Board of Trustees of the Internal
15 Improvement Trust Fund.

16 (9)(a) The Legislature finds that, with the increasing
17 pressures on the natural areas of this state, the state must
18 develop creative techniques to maximize the use of acquisition
19 and management moneys. The Legislature also finds that the
20 state's environmental land-buying agencies should be
21 encouraged to augment their traditional, fee simple
22 acquisition programs with the use of alternatives to fee
23 simple acquisition techniques. The Legislature also finds
24 that using alternatives to fee simple acquisition by public
25 land-buying agencies will achieve the following public policy
26 goals:

27 1. Allow more lands to be brought under public
28 protection for preservation, conservation, and recreational
29 purposes at less expense using public funds.

30 2. Retain, on local government tax rolls, some portion
31 of or interest in lands which are under public protection.

1 3. Reduce long-term management costs by allowing
2 private property owners to continue acting as stewards of the
3 land, where appropriate.

4
5 Therefore, it is the intent of the Legislature that public
6 land-buying agencies develop programs to pursue alternatives
7 to fee simple acquisition and to educate private landowners
8 about such alternatives and the benefits of such alternatives.
9 It also is the intent of the Legislature that the department
10 and the water management districts spend a portion of their
11 shares of Preservation 2000 bond proceeds to purchase eligible
12 properties using alternatives to fee simple acquisition.
13 Finally, it is the intent of the Legislature that public
14 agencies acquire lands in fee simple for public access and
15 recreational activities. Lands protected using alternatives
16 to fee simple acquisition techniques shall not be accessible
17 to the public unless such access is negotiated with and agreed
18 to by the private landowners who retain interests in such
19 lands.

20 (b) Projects to be acquired using alternatives to fee
21 simple acquisition, after meeting applicable selection
22 criteria, shall be ranked based on price, with the highest
23 priority given to projects for which the sellers are willing
24 to accept the greatest reduction below the appraised value of
25 the property. However, no projects using alternatives to fee
26 simple acquisition may be undertaken if the purchase price
27 exceeds two-thirds of the project's appraised value.

28 ~~(c)~~(b) The Land Acquisition Advisory Council and the
29 water management districts shall identify, within their 1997
30 acquisition plans, those projects which require a full fee
31 simple interest to achieve the public policy goals, along with

1 the reasons why full title is determined to be necessary. The
2 council and the water management districts may use
3 alternatives to fee simple acquisition to bring the remaining
4 projects in their acquisition plans under public protection.
5 For the purposes of this subsection, the term "alternatives to
6 fee simple acquisition" includes, but is not limited to:
7 purchase of development rights; conservation easements;
8 flowage easements; purchase of timber rights, mineral rights,
9 or hunting rights; purchase of agricultural interests or
10 silvicultural interests; land protection agreements; fee
11 simple acquisitions with reservations; or any other
12 acquisition technique which achieves the public policy goals
13 listed in paragraph (a). It is presumed that a private
14 landowner retains the full range of uses for all the rights or
15 interests in the landowner's land which are not specifically
16 acquired by the public agency. Life estates and fee simple
17 acquisitions with leaseback provisions shall not qualify as an
18 alternative to fee simple acquisition under this subsection,
19 although the department and the districts are encouraged to
20 use such techniques where appropriate.

21 (d)~~(c)~~ Beginning in fiscal year 1996-1997, the
22 department and each water management district shall implement
23 initiatives to use alternatives to fee simple acquisition and
24 to educate private landowners about such alternatives. These
25 initiatives shall include at least two acquisitions a year by
26 the department and each water management district utilizing
27 alternatives to fee simple.

28 (e)~~(d)~~ The Legislature finds that the lack of direct
29 sales comparison information has served as an impediment to
30 successful implementation of alternatives to fee simple
31 acquisition. It is the intent of the Legislature that, in the

1 absence of direct comparable sales information, appraisals of
2 alternatives to fee simple acquisitions be based on the
3 difference between the full fee simple valuation and the value
4 of the interests remaining with the seller after acquisition.

5 (f)~~(e)~~ The public agency which has been assigned
6 management responsibility shall inspect and monitor any
7 less-than-fee-simple interest according to the terms of the
8 purchase agreement relating to such interest.

9 (g)~~(f)~~1. Pursuant to subsection (3) and beginning in
10 fiscal year 1999-2000 ~~1998-1999~~, that portion of the
11 unencumbered balances of each program described in paragraphs
12 (3)(c), (d), (e), (f), and (g) which has been on deposit in
13 such program's Preservation 2000 account for more than two
14 fiscal years shall be redistributed equally to the Department
15 of Environmental Protection; Division of State Lands P-2000
16 subaccount for the purchase of state lands as described in s.
17 259.032 and Water Management District P-2000 subaccount for
18 the purchase of water management lands pursuant to ss. 373.59,
19 373.456 and 373.4592 ~~Conservation and Recreation Lands Trust~~
20 ~~Fund and the Water Management Lands Trust Fund~~. For the
21 purposes of this subsection, the term "unencumbered balances"
22 means the portion of Preservation 2000 bond proceeds which is
23 not obligated through the signing of a purchase contract
24 between a public agency and a private landowner, except that
25 the program described in paragraph (3)(c) may not lose any
26 portion of its unencumbered funds which remain unobligated
27 because of extraordinary circumstances that hampered the
28 affected local governments' abilities to close on land
29 acquisition projects approved through the Florida Communities
30 Trust program. Extraordinary circumstances shall be
31 determined by the Florida Communities Trust governing body and

1 may include such things as death or bankruptcy of the owner of
2 property; a change in the land use designation of the
3 property; natural disasters that affected a local government's
4 ability to consummate the sales contract on such property; or
5 any other condition that the Florida Communities Trust
6 governing board determined to be extraordinary. The portion of
7 the funds redistributed ~~deposited~~ in the Water Management
8 District P-2000 subaccount ~~Lands Trust Fund~~ shall be
9 distributed to the water management districts as provided in
10 s. 373.59(8) ~~s. 373.59(7)~~.

11 2. The department and the water management districts
12 may enter into joint acquisition agreements to jointly fund
13 the purchase of lands using alternatives to fee simple
14 techniques.

15 (h) ~~(g)~~ If the department or any water management
16 district is unable to spend the funds it receives pursuant to
17 paragraph (g) ~~(f)~~ within the same fiscal year, the unspent
18 funds shall be carried forward to the subsequent fiscal year.

19 (i) ~~(h)~~ This subsection is repealed July 1 of the year
20 following the final authorization of Preservation 2000 bonds.

21 Section 9. Subsection (14) of section 373.59, Florida
22 Statutes, is amended to read:

23 373.59 Water Management Lands Trust Fund.--

24 (14)(a) Beginning in fiscal year 1992-1993, not more
25 than one-fourth of the land management funds provided for in
26 subsections (1) and (9) in any year shall be reserved annually
27 by a governing board, during the development of its annual
28 operating budget, for payment in lieu of taxes to qualifying
29 counties and school districts for actual ad valorem tax losses
30 incurred as a result of lands purchased with funds allocated
31 pursuant to s. 259.101(3)(b) and the Florida Forever Program.

1 In addition, the Northwest Florida Water Management District,
2 the South Florida Water Management District, the Southwest
3 Florida Water Management District, the St. Johns River Water
4 Management District, and the Suwannee River Water Management
5 District shall pay to qualifying counties and school districts
6 payments in lieu of taxes for district lands acquired with
7 funds allocated pursuant to subsection (8). Reserved funds
8 that are not used for payment in lieu of taxes in any year
9 shall revert to the fund to be used for management purposes or
10 land acquisition in accordance with this section.

11 (b) Payment in lieu of taxes shall be available to
12 counties for each year in which the levy of ad valorem tax is
13 at least 8.25 mills or the amount of the tax loss from all
14 completed Preservation 2000 and Florida Forever acquisitions
15 in the county exceeds 0.01 percent of the county's total
16 taxable value, and the population is 100,000 ~~75,000~~ or less
17 and to counties with a population of less than 100,000 which
18 contain all or a portion of an area of critical state concern
19 designated pursuant to chapter 380; and to school boards in
20 counties with a population of 100,000 or less which levy the
21 maximum millage pursuant to s. 236.25(1) and (2); and to
22 school boards in counties with a population of less than
23 100,000 which contain all or a portion of an area of critical
24 state concern designated pursuant to chapter 380 if such
25 school boards levy the maximum millage pursuant to s.
26 236.25(1) and (2).

27 (c) If insufficient funds are available in any year to
28 make full payments to all qualifying counties and school
29 districts, such counties and school districts shall receive a
30 pro rata share of the moneys available.

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1 (d) The payment amount shall be based on the average
2 amount of actual taxes paid on the property for the 3 years
3 immediately preceding acquisition. For lands purchased prior
4 to July 1, 1992, applications for payment in lieu of taxes
5 shall be made to the districts by January 1, 1993. For lands
6 purchased after July 1, 1992, applications for payment in lieu
7 of taxes shall be made no later than January 31 of the year
8 following acquisition. No payment in lieu of taxes shall be
9 made for properties which were exempt from ad valorem taxation
10 for the year immediately preceding acquisition. Payment in
11 lieu of taxes shall be limited to a period of 15 ~~10~~
12 consecutive years of annual payments.

13 (e) Payment in lieu of taxes shall be made within 30
14 days after: certification by the Department of Revenue that
15 the amounts applied for are appropriate, certification by the
16 Department of Environmental Protection that funds are
17 available, and completion of any fund transfers to the
18 district. The governing board may reduce the amount of a
19 payment in lieu of taxes to any county or school district by
20 the amount of other payments, grants, or in-kind services
21 provided to that county or school district by the district
22 during the year. The amount of any reduction in payments shall
23 remain in the Water Management Lands Trust Fund for purposes
24 provided by law.

25 (f) If a district governing board conveys to a local
26 government title to any land owned by the board, any payments
27 in lieu of taxes on the land made to the local government
28 shall be discontinued as of the date of the conveyance.

29 Section 10. (1) Notwithstanding section 259.101(6),
30 (7), and (8), Florida Statutes, the Board of Trustees of the
31 Internal Improvement Trust Fund may under chapters 93-184,

1 95-334, and 95-275, Laws of Florida, convey the lands located
2 in Walton County specifically identified as the New Town,
3 consistent with the Walton County Comprehensive Plan, to
4 Walton County at a price not to exceed the price paid by the
5 board for the lands plus any applicable interest, if the
6 disposition of the land would not have the effect of causing
7 all or any portion of the interest on any revenue bonds issued
8 to fund the Florida Preservation 2000 Trust Act to lose their
9 exclusion from gross income for purposes of federal income
10 taxation. Any revenue derived from the disposal of the lands
11 may not be used for any purpose except for deposit into the
12 Florida Preservation 2000 Trust Fund for recredit to the share
13 held under section 259.101(3), Florida Statutes, in which the
14 disposed of land is described.

15 (2) The New Town Center shall be developed consistent
16 with the October 31, 1996, South Walton New Town Master Plan
17 of Development, incorporated in its entirety into the Walton
18 County Comprehensive Plan and Land Development Code.

19 (3) If any lands acquired by Walton County pursuant to
20 subsection (1) are resold to private interests, they must be
21 sold at fair market value and the proceeds from such resale
22 must be used exclusively for development of the New Town
23 Center, including its infrastructure and related school
24 facilities.

25 Section 11. Subsections (6), (7), and (8) are added to
26 section 253.82, Florida Statutes, to read:

27 253.82 Title of state or private owners to Murphy Act
28 lands.--

29 (6)(a) All reservations of easements on deeds by the
30 Board of Trustees of the Internal Improvement Trust Fund
31 conveying land acquired under chapter 18296, Laws of Florida,

1 1937, are hereby vested, by operation of law and without the
2 necessity of instruments of conveyance from the Board of
3 Trustees of the Internal Improvement Trust Fund, in the
4 governmental entity having right and title to the road to
5 which the reservations are adjacent. All reservations adjacent
6 to a road that was designated as a state road at the time of
7 the reservation, which road is currently held by the state,
8 are conveyed to the Department of Transportation. All
9 reservations adjacent to a road that was designated as a state
10 road at the time of the reservation, which road is located in
11 an unincorporated area of a county or owned by the county
12 within any incorporated area, are conveyed to the respective
13 county. Any other reservation within an incorporated area
14 adjacent to a road that was designated as a state road at the
15 time of the reservation, which reservation is not otherwise
16 conveyed to the state or the county, is conveyed to the
17 incorporated area. The conveyance includes all rights, title,
18 and interest in the reservation held by the Board of Trustees
19 of the Internal Improvement Trust Fund.

20 (b) Each entity that holds title to Murphy Act
21 reservations must establish a procedure for reviewing any deed
22 that contains a reservation when a review is requested or a
23 road project is anticipated. The review process must provide
24 for:

25 1. A determination of whether the language of the deed
26 created a reservation at the time of the original conveyance.

27 2. A review of any release of the reservation provided
28 by the property owner.

29 3. The recording of a notice of the nonexistence of a
30 reservation if reservation language in the deed does not
31 impact the property.

1 4. A determination of whether any or all of the
2 reservation may be released, and a form for recording the
3 release.

4 5. A process to allow for review through mediation if
5 requested by the property owner or through binding arbitration
6 under chapter 44.

7
8 Any fee charged may not exceed the actual cost to review the
9 deed, perform an appeal, and pay any recording expenses. Any
10 such fee may not exceed \$300.

11 (c)1. Any owner of property encumbered by a Murphy Act
12 reservation who has been denied a release of all or part of
13 the reservation or who has received notice of a governmental
14 entity's intent to preserve the reservation under s. 712.05,
15 may appeal to the entity and show that the reservation
16 substantially denies the property owner the current economic
17 use of the property held by the owner. For purposes of this
18 determination, the term "current economic use" means the use
19 of the property on the date notice of the easement is filed
20 under s. 712.05.

21 2. Upon a determination by the governmental entity
22 that the reservation substantially denies the property owner
23 the current economic use of the property held by the owner,
24 the governmental entity must purchase the real property and
25 improvements not retained by the property owner in fee simple
26 title or release all or part of the reservation as necessary
27 to allow for beneficial use of the property.

28 3. If the governmental entity and property owner are
29 unable to agree as to whether the reservation substantially
30 denies the current economic use of the property or as to the
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1 purchase price, the property owner may request mediation or
2 binding arbitration under chapter 44 to resolve these issues.

3 4. Before the payment of any compensation, the
4 property owner must provide to the governmental entity copies
5 of any title insurance policies and notice of any compensation
6 received from a title company with respect to the easement.

7 (7) The process for release of any road reservation
8 covered by this section or payment for property impacted by
9 the use of a reservation covered by this section shall be
10 solely in accordance with this section. Any action for the
11 taking of property related to road construction is separate
12 and distinct from an action under this section.

13 (8) The governmental entity is not liable for
14 attorney's fees or costs incurred by the owner in establishing
15 the impact of the road reservation on the property.

16 Section 12. Section 712.04, Florida Statutes, is
17 amended to read:

18 712.04 Interests extinguished by marketable record
19 title.--Subject to the matters stated in s. 712.03, such
20 marketable record title shall be free and clear of all
21 estates, interests, claims, or charges whatsoever, the
22 existence of which depends upon any act, title transaction,
23 event or omission that occurred prior to the effective date of
24 the root of title. All such estates, interests, claims, or
25 charges, however denominated, whether such estates, interests,
26 claims, or charges are or appear to be held or asserted by a
27 person sui juris or under a disability, whether such person is
28 within or without the state, whether such person is natural or
29 corporate, or is private or governmental, are hereby declared
30 to be null and void, except that this chapter shall not be
31 deemed to affect any right, title, or interest of the United

1 States, Florida, or any of its officers, boards, commissions,
2 or other agencies reserved in the patent or deed by which the
3 United States, Florida, or any of its agencies parted with
4 title. However, all reservations of easements in deeds by the
5 Board of Trustees of the Internal Improvement Trust Fund
6 conveying land acquired under chapter 18296, Laws of Florida,
7 1937, shall be extinguished by the Marketable Record Title Act
8 on July 1, 2001, subject to the provisions of s. 712.03, and
9 further subject to the right of any governmental entity that
10 holds title to the reservations to preserve such reservations
11 that are necessary for future transportation projects in
12 adopted transportation plans by filing notice under s. 712.05,
13 before July 1, 2001.

14 Section 13. Subsection (3) is added to section 712.05,
15 Florida Statutes, to read:

16 712.05 Effect of filing notice.--

17 (3) Any governmental entity that claims a road
18 reservation pursuant to a deed conveyed under the Murphy Act
19 may preserve the reservation, or any portion thereof,
20 necessary for future transportation projects in adopted
21 transportation plans and protect the reservation from
22 extinguishment by the operation of this chapter by filing for
23 record, prior to July 1, 2001, a notice, in writing, in
24 accordance with this chapter. The notice shall preserve the
25 reservation or portion thereof for 10 years following the date
26 of record if the reservation is used or identified by the
27 governmental entity in the final design plans of a road
28 project scheduled for construction to begin before the end of
29 the 10-year period. Any reservation used or identified in the
30 final design plans of a road project scheduled for

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1 construction to begin before the end of the 10-year period is
2 not extinguished.

3 Section 14. The Legislature finds that balancing
4 property interests of private citizens and governmental
5 entities is an important function of the Legislature.
6 Therefore, the Legislature finds that sections 11, 12, 13, and
7 14 of this act fulfill an important state interest.

8 Section 15. Sections 1, 2, 3, and 4 of this act shall
9 take effect July 1, 2000, but only upon approval by the
10 electorate of a constitutional amendment permitting the sale
11 of bonds as provided by law for the purposes of conservation,
12 outdoor recreation, water resource development, restoration of
13 natural systems, and historic preservation, as provided in SB
14 528 or similar legislation. Otherwise, this act shall take
15 effect upon becoming a law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB's 2024 and 2648

4 With the exception of several provisions from SB 2648 that
5 have been continued as "intent" for the Florida Forever
6 Program, the provisions of SB 2024 and SB 2648 have been
7 deleted. The committee substitute now includes:

8 Section 1. Section 259.202, F.S., is created to provide for
9 the Florida Forever Program, effective July 1, 2000.
10 Legislative findings and intent are provided that the program
11 should address:

- 12 - Water resource and water supply development;
- 13 - Sufficient availability of hunting lands;
- 14 - Urban needs for outdoor recreation, greenways, trails,
15 and open space;
- 16 - Public access to conservation and recreation lands and
17 the development of recreational infrastructure;
- 18 - Protection of ecological systems and the acquisition of
19 lands for multiple benefits;
- 20 - The completion of P-2000 projects;
- 21 - Land management funding; and
- 22 - Ecosystem restoration.

23 The section also provides a process for the disposition of
24 Florida Forever lands when deemed appropriate.

25 Section 2. The sale of \$3 billion in lands during the period
26 July 1, 2001 - July 1, 2010 to fund the Florida Forever
27 Program is authorized.

28 Section 3. Less than fee acquisition projects may only be
29 undertaken if the price is two-thirds or less of the appraised
30 value.

31 Section 4. A process for generating land management funding
for the Florida Forever Program is established.

Section 5. The Preservation 2000 Program Review Study
Commission is created to provide recommendations to the 2000
Legislature for implementing the Florida Forever Program.

Section 6. Section 259.032, F.S., is amended to revise the
eligibility requirements for payments in lieu of taxes.

Section 7. Section 259.041, F.S., is amended to permit the
Division of State Lands to use as its own appraisal reports
provided by nonprofit organizations.

Section 8. Section 259.101, F.S., is amended to specify uses
of P-2000 funds for the Department of Environmental

1 Protection's CARL program and water management districts,
2 require an extraordinary vote of the Trustees to acquire lands
3 in counties having a large amount of land in public ownership,
4 limit the price to be paid for less than fee purchases, and
5 revise the date for redistribution of certain P-2000 funds.
6
7 Section 9. Section 373.59, F.S., is amended to revise the
8 eligibility requirements for payments in lieu of taxes.
9
10 Section 10. The Trustees are authorized to sell specified
11 lands to Walton County, at cost, for a new town center.
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13 Sections 11, 12, 13, and 14 provide a process for the release
14 of road reservations on Murphy Act parcels and provide
15 compensation for the use of the reservations to property
16 owners whose current economic use is substantially impaired by
17 the reservation.
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19 Section 15. Effective date.
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