

By Senator Bronson

312-964-99

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled
An act relating to Water Management Lands Trust
Fund; amending s. 373.59, F.S.; deleting an
obsolete provision relating to an appropriation
for fiscal year 1998-1999; providing an
effective date.

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

Section 1. Section 373.59, Florida Statutes, 1998
Supplement, is amended to read:

373.59 Water Management Lands Trust Fund.--
(1) There is established within the Department of
Environmental Protection the Water Management Lands Trust Fund
to be used as a nonlapsing fund for the purposes of this
section. The moneys in this fund are hereby continually
appropriated for the purposes of land acquisition, management,
maintenance, capital improvements, payments in lieu of taxes,
and administration of the fund in accordance with the
provisions of this section.

(2)(a) By January 15 of each year, each district shall
file with the Legislature and the Secretary of Environmental
Protection a report of acquisition activity together with
modifications or additions to its 5-year plan of acquisition.
Included in the report shall be an identification of those
lands which require a full fee simple interest to achieve
water management goals and those lands which can be acquired
using alternatives to fee simple acquisition techniques and
still achieve such goals. In their evaluation of which lands
would be appropriate for acquisition through alternatives to
fee simple, district staff shall consider criteria including,

1 but not limited to, acquisition costs, the net present value
2 of future land management costs, the net present value of ad
3 valorem revenue loss to the local government, and the
4 potential for revenue generated from activities compatible
5 with acquisition objectives. The report shall also include a
6 description of land management activity. Expenditure of moneys
7 from the Water Management Lands Trust Fund shall be limited to
8 the costs for acquisition, management, maintenance, and
9 capital improvements of lands included within the 5-year plan
10 as filed by each district and to the department's costs of
11 administration of the fund. The department's costs of
12 administration shall be charged proportionally against each
13 district's allocation using the formula provided in subsection
14 (7). However, no acquisition of lands shall occur without a
15 public hearing similar to those held pursuant to the
16 provisions set forth in s. 120.54. In the annual update of its
17 5-year plan for acquisition, each district shall identify
18 lands needed to protect or recharge groundwater and shall
19 establish a plan for their acquisition as necessary to protect
20 potable water supplies. Lands which serve to protect or
21 recharge groundwater identified pursuant to this paragraph
22 shall also serve to protect other valuable natural resources
23 or provide space for natural resource based recreation.

24 (b) Moneys from the fund shall be used for continued
25 acquisition, management, maintenance, and capital improvements
26 of the following lands and lands set forth in the 5-year land
27 acquisition plan of the district:

28 1. By South Florida Water Management District--lands
29 in the water conservation areas and areas adversely affected
30 by raising water levels of Lake Okeechobee in accordance with
31

1 present regulation schedules, and the Savannahs Wetland area
2 in Martin County and St. Lucie County.

3 2. By Southwest Florida Water Management
4 District--lands in the Four River Basins areas, including
5 Green Swamp, Upper Hillsborough and Cypress Creek, Anclote
6 Water Storage Lands (Starkey), Withlacoochee and Hillsborough
7 riverine corridors, and Sawgrass Lake addition.

8 3. By St. Johns River Water Management
9 District--Seminole Ranch, Latt Maxey and Evans properties in
10 the upper St. Johns River Basin.

11 4. By Suwannee River Water Management District--lands
12 in Suwannee River Valley.

13 5. By Northwest Florida Water Management
14 District--lands in the Choctawhatchee and Apalachicola River
15 Valleys.

16 (3) Each district shall remove the property of an
17 unwilling seller from its plan of acquisition at the next
18 scheduled update of the plan, if in receipt of a request to do
19 so by the property owner.

20 (4)(a) Moneys from the Water Management Lands Trust
21 Fund shall be used for acquiring the fee or other interest in
22 lands necessary for water management, water supply, and the
23 conservation and protection of water resources, except that
24 such moneys shall not be used for the acquisition of
25 rights-of-way for canals or pipelines. Such moneys shall also
26 be used for management, maintenance, and capital improvements.
27 Interests in real property acquired by the districts under
28 this section may be used for permittable water resource
29 development and water supply development purposes under the
30 following conditions: the minimum flows and levels of priority
31 water bodies on such lands have been established; the project

1 complies with all conditions for issuance of a permit under
2 part II of this chapter; and the project is compatible with
3 the purposes for which the land was acquired. Lands acquired
4 with moneys from the fund shall be managed and maintained in
5 an environmentally acceptable manner and, to the extent
6 practicable, in such a way as to restore and protect their
7 natural state and condition.

8 (b) The Secretary of Environmental Protection shall
9 release moneys from the Water Management Lands Trust Fund to a
10 district for preacquisition costs within 30 days after receipt
11 of a resolution adopted by the district's governing board
12 which identifies and justifies any such preacquisition costs
13 necessary for the purchase of any lands listed in the
14 district's 5-year plan. The district shall return to the
15 department any funds not used for the purposes stated in the
16 resolution, and the department shall deposit the unused funds
17 into the Water Management Lands Trust Fund.

18 (c) The Secretary of Environmental Protection shall
19 release acquisition moneys from the Water Management Lands
20 Trust Fund to a district following receipt of a resolution
21 adopted by the governing board identifying the lands being
22 acquired and certifying that such acquisition is consistent
23 with the plan of acquisition and other provisions of this act.
24 The governing board shall also provide to the Secretary of
25 Environmental Protection a copy of all certified appraisals
26 used to determine the value of the land to be purchased. Each
27 parcel to be acquired must have at least one appraisal. Two
28 appraisals are required when the estimated value of the parcel
29 exceeds \$500,000. However, when both appraisals exceed
30 \$500,000 and differ significantly, a third appraisal may be
31 obtained. If the purchase price is greater than the appraisal

1 price, the governing board shall submit written justification
2 for the increased price. The Secretary of Environmental
3 Protection may withhold moneys for any purchase that is not
4 consistent with the 5-year plan or the intent of this act or
5 that is in excess of appraised value. The governing board may
6 appeal any denial to the Land and Water Adjudicatory
7 Commission pursuant to s. 373.114.

8 (d) The Secretary of Environmental Protection shall
9 release to the districts moneys for management, maintenance,
10 and capital improvements following receipt of a resolution and
11 request adopted by the governing board which specifies the
12 designated managing agency, specific management activities,
13 public use, estimated annual operating costs, and other
14 acceptable documentation to justify release of moneys.

15 (5) Water management land acquisition costs shall
16 include payments to owners and costs and fees associated with
17 such acquisition.

18 (6) If a district issues revenue bonds or notes under
19 s. 373.584, the district may pledge its share of the moneys in
20 the Water Management Lands Trust Fund as security for such
21 bonds or notes. The Department of Environmental Protection
22 shall pay moneys from the trust fund to a district or its
23 designee sufficient to pay the debt service, as it becomes
24 due, on the outstanding bonds and notes of the district;
25 however, such payments shall not exceed the district's
26 cumulative portion of the trust fund. However, any moneys
27 remaining after payment of the amount due on the debt service
28 shall be released to the district pursuant to subsection (3).

29 (7) Any unused portion of a district's share of the
30 fund shall accumulate in the trust fund to the credit of that
31 district. Interest earned on such portion shall also

1 accumulate to the credit of that district to be used for land
2 acquisition, management, maintenance, and capital improvements
3 as provided in this section. The total moneys over the life
4 of the fund available to any district under this section shall
5 not be reduced except by resolution of the district governing
6 board stating that the need for the moneys no longer exists.

7 (8) Moneys from the Water Management Lands Trust Fund
8 shall be allocated to the five water management districts in
9 the following percentages:

10 (a) Thirty percent to the South Florida Water
11 Management District.

12 (b) Twenty-five percent to the Southwest Florida Water
13 Management District.

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

16 (d) Ten percent to the Suwannee River Water Management
17 District.

18 (e) Ten percent to the Northwest Florida Water
19 Management District.

20 (9) Each district may use its allocation under
21 subsection (8) for management, maintenance, and capital
22 improvements. Capital improvements shall include, but need not
23 be limited to, perimeter fencing, signs, firelanes, control of
24 invasive exotic species, controlled burning, habitat inventory
25 and restoration, law enforcement, access roads and trails, and
26 minimal public accommodations, such as primitive campsites,
27 garbage receptacles, and toilets.

28 (10) Moneys in the fund not needed to meet current
29 obligations incurred under this section shall be transferred
30 to the State Board of Administration, to the credit of the
31

1 fund, to be invested in the manner provided by law. Interest
2 received on such investments shall be credited to the fund.

3 (11) Lands acquired for the purposes enumerated in
4 this section shall also be used for general public
5 recreational purposes. General public recreational purposes
6 shall include, but not be limited to, fishing, hunting,
7 horseback riding, swimming, camping, hiking, canoeing,
8 boating, diving, birding, sailing, jogging, and other related
9 outdoor activities to the maximum extent possible considering
10 the environmental sensitivity and suitability of those lands.
11 These public lands shall be evaluated for their resource value
12 for the purpose of establishing which parcels, in whole or in
13 part, annually or seasonally, would be conducive to general
14 public recreational purposes. Such findings shall be included
15 in management plans which are developed for such public lands.
16 These lands shall be made available to the public for these
17 purposes, unless the district governing board can demonstrate
18 that such activities would be incompatible with the purposes
19 for which these lands were acquired. For any fee simple
20 acquisition of a parcel which is or will be leased back for
21 agricultural purposes, or for any acquisition of a
22 less-than-fee interest in land that is or will be used for
23 agricultural purposes, the district governing board shall
24 first consider having a soil and water conservation district
25 created pursuant to chapter 582 manage and monitor such
26 interest.

27 (12) A district may dispose of land acquired under
28 this section, pursuant to s. 373.056 or s. 373.089. However,
29 revenue derived from such disposal may not be used for any
30 purpose except the purchase of other lands meeting the
31 criteria specified in this section or payment of debt service

1 on revenue bonds or notes issued under s. 373.584, as provided
2 in this section.

3 (13) No moneys generated pursuant to this act may be
4 applied or expended subsequent to July 1, 1985, to reimburse
5 any district for prior expenditures for land acquisition from
6 ad valorem taxes or other funds other than its share of the
7 funds provided herein or to refund or refinance outstanding
8 debt payable solely from ad valorem taxes or other funds other
9 than its share of the funds provided herein.

10 (14)(a) Beginning in fiscal year 1992-1993, not more
11 than one-fourth of the land management funds provided for in
12 subsections (1) and (9) in any year shall be reserved annually
13 by a governing board, during the development of its annual
14 operating budget, for payment in lieu of taxes to qualifying
15 counties for actual ad valorem tax losses incurred as a result
16 of lands purchased with funds allocated pursuant to s.
17 259.101(3)(b). In addition, the Northwest Florida Water
18 Management District, the South Florida Water Management
19 District, the Southwest Florida Water Management District, the
20 St. Johns River Water Management District, and the Suwannee
21 River Water Management District shall pay to qualifying
22 counties payments in lieu of taxes for district lands acquired
23 with funds allocated pursuant to subsection (8). Reserved
24 funds that are not used for payment in lieu of taxes in any
25 year shall revert to the fund to be used for management
26 purposes or land acquisition in accordance with this section.

27 (b) Payment in lieu of taxes shall be available to
28 counties for each year in which the levy of ad valorem tax is
29 at least 8.25 mills or the amount of the tax loss from all
30 completed Preservation 2000 acquisitions in the county exceeds
31 0.01 percent of the county's total taxable value, and the

1 population is 75,000 or less and to counties with a population
2 of less than 100,000 which contain all or a portion of an area
3 of critical state concern designated pursuant to chapter 380.

4 (c) If insufficient funds are available in any year to
5 make full payments to all qualifying counties, such counties
6 shall receive a pro rata share of the moneys available.

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

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

30 (f) If a district governing board 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 (15) Each district is encouraged to use volunteers to
4 provide land management and other services. Volunteers shall
5 be covered by liability protection and workers' compensation
6 in the same manner as district employees, unless waived in
7 writing by such volunteers or unless such volunteers otherwise
8 provide equivalent insurance.

9 (16) Each water management district is authorized and
10 encouraged to enter into cooperative land management
11 agreements with state agencies or local governments to provide
12 for the coordinated and cost-effective management of lands to
13 which the water management districts, the Board of Trustees of
14 the Internal Improvement Trust Fund, or local governments hold
15 title. Any such cooperative land management agreement must be
16 consistent with any applicable laws governing land use,
17 management duties, and responsibilities and procedures of each
18 cooperating entity. Each cooperating entity is authorized to
19 expend such funds as are made available to it for land
20 management on any such lands included in a cooperative land
21 management agreement.

22 ~~(17) Notwithstanding any provision of this section to~~
23 ~~the contrary and for the 1998-1999 fiscal year only, the~~
24 ~~governing board of a water management district may request,~~
25 ~~and the Secretary of Environmental Protection shall release~~
26 ~~upon such request, moneys allocated to the districts pursuant~~
27 ~~to subsection (8) for the purpose of carrying out the~~
28 ~~provisions of ss. 373.451-373.4595. No funds may be used~~
29 ~~pursuant to this subsection until necessary debt service~~
30 ~~obligations and requirements for payments in lieu of taxes~~

31

1 ~~that may be required pursuant to this section are provided~~
2 ~~for. This subsection is repealed on July 1, 1999.~~

3 Section 2. This act shall take effect July 1, 1999.

4

5 *****

6 SENATE SUMMARY

7 Repeals an obsolete provision relating to an
8 appropriation for fiscal year 1998-1999 from the Water
9 Management Lands Trust Fund.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31