

**STORAGE NAME:** h2021.ep  
**DATE:** March 23, 1999

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
ENVIRONMENTAL PROTECTION  
ANALYSIS**

**BILL #:** HB 2021(PCB EP 99-01c)  
**RELATING TO:** State land acquisition and management  
**SPONSOR(S):** Committee on Environmental Protection; and Representative Dockery  
**COMPANION BILL(S):** CS/SB 908 (s)

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) ENVIRONMENTAL PROTECTION YEAS 15 NAYS 1
- (2) WATER & RESOURCE MANAGEMENT
- (3) GENERAL GOVERNMENT APPROPRIATIONS
- (4)
- (5)

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I. SUMMARY:

This bill creates the *Stewardship Florida* program which authorizes the issuance of bonds in an amount not to exceed \$3 billion for acquisitions of land and water areas. This revenue is to be used for the purposes of restoration, conservation, recreation, water resource development, historical preservation and capital improvements to such lands and water areas. This program is intended to accomplish environmental restoration, enhance public access and recreational enjoyment, promote long-term management goals, and facilitate water resource development.

The bond proceeds are to be distributed from the Fund as follows: 35 percent for the acquisition of lands and capital projects; 35 percent for acquisition of lands and capital project expenditures necessary to implement the water management districts priority lists; 20 percent to Florida Communities Trust Program; 4 percent to the Division of Recreation and Parks; 1.5 percent for purchases of inholdings and additions to state parks; 1.5 percent to fund state forest inholdings and addition and implement reforestation plans or management practices; 1.5 percent to the Game and Fresh Water Fish Commission and 1.5 percent to the Florida Greenways and Trails Programs.

This bill further authorizes the debt service relating to said bonds to be payable with Documentary Stamp tax revenues. Documentary Stamp tax revenues are to be transferred into the Land Acquisition Trust for such purposes and shall be paid to the State Treasury not to exceed specified amounts. This bill allows the Stewardship Florida bonds to refund P2000 bonds. Both the Stewardship Florida and P2000 bonds are to be considered on a parity and secured by the Land Acquisition Trust Fund.

This bill sets forth the purposes of the Conservation and Recreational Lands Trust Fund, how the fund is to be credited and the reasons for distribution; creates the Florida Greenways and Trail Council, the Stewardship Florida Study Commission and the Acquisition and Restoration Commission (ARC) and establishes their memberships, duties and compensation.

This bill sets forth numerous other substantive provisions, including those relating to: the procedures and guidance to be used when purchasing state owned lands for preservation, conservation and recreational purposes; criteria for the water management districts to evaluate and recommend projects in assisting ARC; uses of funds within the Water Management Trust Fund; lands managed for multiple use; and financial assistance funding programs to local governments. This bill also provides rulemaking authority to the Department of Environmental Protection and the water management districts for implementation of this Act.

This bill has significant fiscal impacts on state and local governments and shall take effect upon becoming a law.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

**Status of Public Land Acquisition Programs in Florida**

Florida began acquiring lands for public use in the 1920s, but had no formal land-buying program until the 1960's. The Legislature established a \$20 million bond program to acquire lands for outdoor recreation in 1964, followed four years later by an additional \$40 million bond program to acquire more outdoor recreational lands. In 1972, the Legislature, at the urging of then-Governor Rubin Askew, created the Environmentally Endangered Lands (EEL) program. A state referendum later that year approved a \$240 million bond issue, most of which was earmarked to acquire environmentally sensitive lands.

Subsequent land-buying programs relied on either bond issues or earmarked general revenues. The Conservation and Recreation Lands (CARL) Program was created by the Legislature in 1979 to acquire and manage public lands, conserve and protect environmentally unique and irreplaceable lands and lands with critical state concern, among other specified statutory purposes. Documentary stamp tax revenues, a \$10 million annual transfer and lease fees remain the primary sources of funds for the CARL program, which in recent years receives between \$45 million and \$55 million.

In 1981, the Legislature created two additional land-acquisition programs. The Save Our Coast program, funded with \$250 million in bond proceeds, acquired beachfront properties to protect them from development; this program has expired and its bonds paid off. Acquiring buffer areas along surface water bodies was the original purpose of the Save Our Rivers (SOR) program, created expressly for the five water management districts (WMDs), but over the years the program has been expanded to include all types of land acquired by the WMDs. The original source of funding for the SOR program -- state documentary stamp tax revenues -- continues to contribute \$50 million to \$55 million a year to the WMDs.

The funding levels of the early programs, although significant for their time, pale in comparison to the Florida Preservation 2000 (P2000) program. Conceived in 1990 by then-Governor Bob Martinez, P2000 is a 10-year, \$3 billion program to acquire environmentally significant lands for preservation, conservation and recreational purposes. Bond issuance finances the \$3 billion P2000 acquisition program. Debt service is paid from the Documentary Stamp proceeds. By all accounts, it remains the largest state-funded land acquisition program in the United States. P2000, per its name, is set to expire in the year 2000, although in all likelihood the agencies which receive shares of the program's bond proceeds will be spending down the balances in their P2000 accounts for at least two years beyond the date of the last bond issuance.

As expressed in s. 259.101, F.S., the Legislature intended P2000 funds to be spent to acquire lands so as to "protect the integrity of ecological systems and to provide multiple benefits, including preservation of fish and wildlife habitat, recreation space, and water recharge areas," as well as acquire, protect and preserve open space and recreational areas in urban settings.

In the seven years of its existence, the P2000 program has provided \$2.37 billion for environmental and recreational land acquisition. As of February 1999 more than \$1.77 billion of the available funds has been spent to acquire just over 1,000,000 acres. About one-half of the \$602 million balance of unspent P2000 funds is considered encumbered, or earmarked for project acquisitions that have yet to close.

Section 259.101, F.S., lists agencies which are to receive a share of the P2000 funds. Of these agencies, the Department of Environmental Protection is to receive 1.3 percent of the bond proceeds for the Florida Greenways and Trails Program in order to acquire greenways and trails, including, but not limited to abandoned railroad rights-of-way and the Florida Scenic Trail. In 1979, the Florida Legislature created, s. 260.011, F.S., the Florida Greenways and Trails Act ("ACT"). This Act establishes the "Florida Greenways and Trails System" which is the means and procedures of a statewide system for recreation and conservation of greenways and trails. The purpose of this system is to implement ecosystem management and recreational opportunities, e.g., hiking, bicycling, canoeing, jogging and historical and archeological interpretation, in order to improve the health and welfare of the people of Florida. The Florida Scenic Trail represents a first step in statewide trails planning and runs from the Florida panhandle to the Everglades. In 1987, the Legislature created the Rails-to-Trails Program in order to acquire additions to the Florida National Scenic Trail and abandoned railroad rights-of-way for recreational purposes. In 1996, the Legislature expanded the

Rails-to-Trails program to include the acquisition of greenways and renamed the program the "Florida Greenways and Trails Program", ultimately allowing the department to acquire greenways and trails in addition to abandoned railroad rights-of-ways.

Under the Florida Greenways and Trails Act, the Legislature authorized the department to establish the Florida Recreational Trails Council ("FRTC"). The FRTC advises the department in the execution of its powers and duties under this Act. The FRTC also assists in selecting acquisition projects and establishing minimum standards for the recreational trails in Florida. In 1995, the Legislature also created the "Florida Greenways Coordinating Council" ("FGCC") within the department. The purpose of this Council is to promote greenways initiatives throughout the state and provide technical support, leadership, education, advocacy and other services. This Council is to serve as a facilitator for partnerships, environmental organizations and community based organizations. This Council is to employ its own staff and is funded through the department's budget. It is comprised of 26 members who serve 4 year terms. This Council is to measure the progress of implementing the greenways system and submit a report to the Governor and the Legislature making specific recommendations for actions necessary to manage the greenways system.

Among the agencies listed in s. 259.101, F.S., the Department of Community Affairs is to receive ten percent of the P2000 bond proceeds for land acquisition grants and loans to local governments through the Florida Communities Trust. As the Legislature recognized that the primary responsibility for establishing well-planned land use rests at the local government level, it enacted the "Florida Communities Trust Act" (Act). This Act created a non-regulatory state agency called the "Florida Communities Trust" (Trust). The Trust is composed of the Secretary of Community Affairs and the Secretary of Environmental Protection along with 3 members appointed by the Governor with Senate confirmation. The Trust provides financial and technical assistance to local governments to help buy coastal, conservation and recreation and open space lands that further the local governments' comprehensive goals. The Trust receives an annual appropriation of \$30 million from the P2000 program. Of this, \$3 million is reserved for the Green Swamp Land Authority for the purchase of lands in the Green Swamp Area of Critical State Concern. In addition, \$3 million is allocated to the Monroe County Comprehensive Plan Land Authority to purchase certain lands subject to the Rate of Growth Ordinances or approved by CARL. Of the remaining funds allocated under the Trust, one-half shall be matched by the local governments on a dollar-for-dollar basis.

The remaining agencies listed under s. 259.101, F.S., to receive bond proceeds from the P2000 program are as follows: The Department of Environmental Protection's (DEP's) Division of State Lands and Division of Recreation and Parks; the Department of Agriculture and Consumer Services' Division of Forestry; the Florida Game and Fresh Water Fish Commission (GFC) and the five water management districts (WMDs).

The additional allocations break down this way:

- DEP's Division of State Lands received 50 percent of the annual bond proceeds, or about \$134 million (after bonding expenses), to acquire properties through the Conservation and Recreation Lands (CARL) program;
- the WMDs share 30 percent of the annual proceeds, or about \$81 million, to acquire lands through the Save Our Rivers (SOR) program;
- the Division of Recreation and Parks, Division of Forestry and GFC each receive 2.9 percent, or about \$7.7 million, to purchase inholdings and additions to their existing properties; and

At various times over the years, the Legislature has diverted portions of FCT's \$30 million annual share of P2000 funding to the Florida Recreation Development Assistance Program (FRDAP) and the Green Swamp Land Authority and the Monroe County Comprehensive Planning Land Authority (as previously mentioned above).

A certain sum of CARL and Water Management Lands funds are made available for payment in lieu of taxes (PILT) to qualifying counties, cities and municipalities which sustained a tax loss as the result of land acquisition by state agencies under the P2000 program. Payment in lieu of taxes shall be made available to counties which levy an ad valorem tax of at least 8.25 mills (or the amount of tax loss from the P2000 program exceeds .01 percent of the county's total taxable value) and have a

population of 75,000 or less; which have a population of 100,000 or less and contain a portion of lands of critical state concern; and to Glades County for the 1997-1998 fiscal year only. For local governments which levy ad valorem taxes, including: municipalities, the county school board and mosquito control districts, payment in lieu of taxes for tax losses incurred as a result of the P2000 program is available if the city has a population of less than 10,000; levies at least 8.25 mills or the tax loss from P2000 exceeds .01 percent of the city's total taxable value. The payment amount is to be based upon the actual taxes paid on the property for 3 years preceding acquisition subject to certain conditions. Payments are limited to 10 consecutive years beginning the year the property becomes eligible.

During the 1997 legislative session, various members initiated discussion with the agencies and environmental advocates on how to best begin the process of winding down the P2000 program. Chapter 97-164, Laws of Florida (CS/CS/HBs 1119 and 1577 by Reps. Minton and Sembler), established guidelines by which DEP and the WMDs were to evaluate the accomplishments of the P2000 program, and to draft a report making recommendations on how to close out the program so that it would meet its goals. The "Florida Preservation 2000 Program Remaining Needs and Priorities" report was published in November 1997, and proved to be a disappointment to the bill sponsors and other legislators, who had expected recommendations more in line with their explicit instructions. Instead, the report focused more on explaining what P2000 has accomplished, rather than how to wind down the program. The number one recommendation of the report was to create a successor program, to be operated much as P2000 is now. A subsequent addendum to the report, published in December 1997, better identified which properties on current acquisition lists have the highest resource or historical values, would protect the habitat of endangered or threatened species, or protect water recharge areas.

### **Land Management Issues**

Besides concerns with public land acquisition, legislators have raised concerns over whether the lands already under public ownership are being properly managed; whether there are enough outdoor recreational opportunities, especially in the urban areas of Florida; and whether the state should shift its environmental focus to restoring lands and waterbodies already in public ownership.

A number of reports written over the last six years have concluded that funding land management activities has been deferred in favor of land acquisition, because of the perception that environmentally sensitive lands must be acquired now before they are irretrievably lost to development. The reports also concluded that ignoring land management increases the risk of losing unique and irreplaceable natural resources, not only to development but to displacement by invasive, non-native species.

Also, there is continuing criticism of land managing agencies which either have not completed a management plan, or which are behind on updating the plans they do have every five years. The Land Acquisition and Management Advisory Council (LAMAC), pursuant to s. 253.034, F.S., reviews land management plans for all agencies that manage properties whose title vests in the Board of Trustees; final approval of the plans officially rests with the Board of Trustees. Serving on LAMAC are: the Commissioner of Agriculture; the Secretary of State; the executive director of the game commission; the secretary of DEP and a designee; and the secretary of the Department of Community Affairs.

Further concerns have been raised over the perception that the state and the water management districts are buying land, and either not managing it, or managing it for a single purpose. Some legislators have contended for years that more public lands should be managed for multiple uses -- some mix of conservation, recreation and revenue-generating activities such as timber harvesting or pasturing, where appropriate. They also have sought to promote public-private partnerships to share in the costs of land management -- a concept called "stewardship."

Research conducted by House staff revealed that many of the state land-managing agencies were not complying with statutory guidelines and deadlines for management plans; that some agencies have incorporated multiple-use management strategies into their overall management activities, but that it is difficult to measure and track those activities; and that there is a lack of data on long-term managing funding needs.

Chapter 97-164, L.O.F., directed the public land-managing agencies to consider whether multiple uses and revenue-generating activities are compatible with the properties under their jurisdictions, and to address the issue in their management plans. The Division of Forestry and the GFC for many years have derived revenues from their lands -- timbering sales in the case of Forestry, and recreational use fees for GFC. Typically, the water management districts have taken the lead in leasing lands to private entities. In fiscal year 1994-1995, four districts had signed a total of 50 leases, most of them for livestock grazing, which generated in excess of \$295,000 in revenues for the districts.

For the most part, revenue-generating activities are uncommon on the state's CARL acquisitions. One reason the state and the districts have been reluctant to explore that option is uncertainty about what is allowable under the federal Internal Revenue Service (IRS) Code. DEP's bond counsels generally have taken an extremely conservative position on allowable activities, because any activity which jeopardizes the tax-exempt status of the interest earned on P2000 bonds could result in serious consequences for Florida, such as having to immediately repay the bonds. DEP's position has been to review proposals for revenue-generating activities on a case-by-case basis. For example, DEP's bond counsel concludes in a January 23, 1998, letter that a proposal to develop a wetlands mitigation bank on lands owned by the South Florida WMD and acquired with P2000 dollars would not violate IRS guidelines.

### **Restoration Issues**

Some of the state's land and waterbody management needs are expensive, long-term restoration projects. The estimated 500,000-acre infestation of melaleuca on public lands is only one example of non-native, invasive plants running amok in a state ideal for vegetation that prefers hot, humid conditions and no natural enemies. Florida also owns many acres of forest land that for decades were pine plantations, with a few pockets of long-leaf pine or old-growth native trees that managed to survive. Some state land managers are attempting to restore native plant communities on these lands -- an expensive, long-range proposition.

Numerous significant waterbodies have been degraded, as well, over the decades. Poor surface water quality adversely impacts wildlife, natural areas and, if part of an interconnected hydrogeologic system, groundwater. There are economic and quality-of-life ramifications, as well, of failing to address water-quality problems. In 1987, the Legislature enacted the Surface Water Improvement and Management (SWIM) Act, intended to address statewide surface water quality problems and other environmental issues for six regionally significant waterbodies: Lake Okeechobee, Biscayne Bay, the Indian River Lagoon system, the Tampa Bay system, Lake Apopka and the Lower St. Johns River. Over the last decade, the five WMDs have designated 73 other waterbodies as SWIM priorities. Approved SWIM action plans exist for only 29 of the designated waterbodies.

While the number of SWIM waterbodies has grown over the years, state funding has been inconsistent -- ranging from \$15 million to zero. In FY 1997-1998, SWIM received a \$6 million transfer from the Solid Waste Management Trust Fund, using dollars typically earmarked for local-government recycling grants. A report issued earlier this year by the Solid Waste Management Trust Fund Review Commission recommended that the state appropriate \$25 million to \$30 million to SWIM. But SWIM's funding level is not the only issue. A March 1998 follow-up report from the Office of Program Policy Analysis and Government Accountability (OPPAGA) on SWIM indicated that while state, federal and other participating agencies have spent more than \$265 million on SWIM waterbodies over the years, there is little data to indicate what these expenditures have accomplished. OPPAGA recommended that DEP and the WMDs develop measurable program objectives, and tie these objectives to strategies and expenditures.

#### **B. EFFECT OF PROPOSED CHANGES:**

**Section 1:** Amends s. 201.15, F.S., 1998 Supplement, relating to Documentary Stamp tax proceeds, to provide that a general revenue service charge shall not be levied against any portion of the tax revenues pledged to pay the debt service on any bonds and provide for the distribution of documentary tax proceeds.

Requires amounts as necessary, not to exceed \$300 million, to be transferred to the Land Acquisition Trust Fund to pay the debt service on P2000 and Stewardship Florida bonds from the 62.63 percent

portion of tax revenues collected under this chapter. The amounts transferred shall not exceed \$300 million in the fiscal year 1999-2000 and thereafter.

Provides that bonds are equally and ratably secured and may be transferred between the P2000 and Stewardship Florida programs.

Distributes the tax revenues as follows: reduces from 5.84% to 4.20% to the CARL and the Water Management Lands trust funds representing an estimated \$45.2 million distribution to each fund -- which is not to be used for land acquisition but may be used for preacquisition costs associated with land purchases (ARC shall review and make recommendations to the Legislature concerning the repeal of this provision.); 2.78% to the Aquatic Plant Control Trust Fund representing approximately \$29.9 million; and one-half of one percent to the State Game Trust Fund representing approximately \$5.4 million.

**Section 2:** Amends s. 161.05301, F.S., to provide for technical changes relating to beach erosion control project staffing in order to be consistent with the statutory citations in this Act.

**Section 3:** Amends s. 161.091, F.S., to provide for technical changes relating to beach management in order to be consistent with the statutory citations in this Act.

**Section 4:** Creates s. 201.155, F.S., to provide for distribution of Documentary Stamp revenues for Stewardship Florida and states that debt service is to be paid from the Stewardship Florida Trust Fund into the State Treasury, in an amount not to exceed \$30 million during the first fiscal year, however, transfers may be increased by \$30 million in each subsequent fiscal year, but not to exceed \$300 million during any fiscal year. All bonds are to be retired by 12/31/30.

**Section 5:** Creates s. 215.618, F.S., to provide for the purpose of issuing Stewardship Florida bonds, e.g., to finance or refinance the cost of acquisition and improvement of land, water areas and other related property interests and resources. These bonds may be issued to refund P2000 bonds. Provides that the State covenants with the holders of the Stewardship Florida and P2000 bonds that it will take no action which materially or adversely affects the holders' rights, including reducing the amount transferred to the Land Acquisition Trust Fund to pay for debt service.

Directs that the bonds do not constitute a general obligation or pledge of full faith and credit of the State. The Department of Environmental protection shall direct the Division of Bond Finance to issue the bonds pursuant to the State Bond Act. These bonds are to be distributed by the department, except that there shall be no sale, disposition, lease, easement, license or other use of land, water areas or related property interests, acquired or improved by the bonds, which could cause all or a portion of such bond interest to lose its tax exemption.

Provides that certain bonds are to be validated and any complaint relating to validation is to be filed in the Circuit Court in Tallahassee.

Recreates the Land Acquisition Trust Fund, so long as P2000 and Stewardship Florida bonds are outstanding and secured by taxes, for a period of time sufficient to pay off the bonds.

**Section 6:** Amends s. 216.331, F.S., to provide for technical changes in order to be consistent with the statutory citations in this Act.

**Section 7:** Amends s. 253.027, F.S., to provide that \$2 million shall be reserved annually within the Stewardship Florida Trust Fund (not the CARL Trust Fund) for the purpose of emergency archaeological acquisitions or for acquisitions listed on the annual priority lists. Deletes reference to fiscal years and deletes the authority to spend the funds for other purposes in s. 259.032, F.S., upon approval of the Board of Trustees of the Internal Improvement Trust Fund.

**Section 8:** Amends s. 253.034, F.S., 1998 Supplement, to update the greenways and trails provisions to allow use of the funds from the Stewardship Florida program.

Brings statutory language into compliance with the constitutional amendment adopted in November 1998 regarding disposition or surplus of state-owned lands. More specifically, allows certain lands, in which the title is vested in the Board of Trustees of the Internal Improvement Trust Fund, to be

surplused. For those lands which are designated as acquired for conservation purposes, the Board is to make a determination that such lands are "no longer needed for conservation purposes" and has the authority to dispose of the lands with two-thirds vote (all other lands are disposed of with majority vote).

Provides that all lands acquired i.e., core parcels or within original projects boundaries, prior to July 1, 1999, using proceeds from the Preservation 2000 bonds, the CARL Trust Fund or the Water Management Lands Trust Fund, and titled with the board, are deemed to be acquired for conservation purposes. For all lands acquired after July 1, 1999, the board shall determine which lands shall be designated as having been acquired for conservation purposes. No lands purchased by the Department of Corrections; Department of Management Services; Department of Transportation; state university system or state community college system are to be designated as having been purchased for conservation purposes.

Each agency is to indicate to the board every three years which lands are not being used for their original purpose for which they were acquired. Prior to any decision by the board, the Acquisition and Restoration Commission is to make a determination that any surplus lands are no longer needed for the purposes for which they were acquired.

Provides procedures for surplusings to public and private entities. Lands determined to be surplusd shall be offered first to the government for period of 90 days at the acquisition price. A unit of government which acquires title to lands for less than fair market value, may not sell or transfer title to any private owner for a period of ten years. Lands not surplusd to the government will be sold on the open market for fair market value. All proceeds are to be deposited into the fund.

Authorizes additional uses such as linear facilities and water resource development projects on lands acquired by the state pursuant to the Stewardship Florida program and other state funded land acquisition programs if they meet the specified criteria as listed in this section.

**Section 9:** Amends s. 259.02, F.S., to authorize issuance of bonds pledging documentary stamp taxes, not to exceed three billion dollars in the principal amount, to be deposited into the Stewardship Florida Trust Fund. This section references the new Constitutional bonding provision and the State Bond Act. This section also details the purposes for which the bonds are to be used and deletes obsolete statutory provisions.

**Section 10:** Creates s. 259.021, F.S., to provide that bonds may be issued for financing or refinancing the acquisition or restoration of, or capital improvements to, lands, water areas, and related resources under the Stewardship Florida Act, subject to constitutional authority. All bonds must be submitted to the State Board of Administration for prior approval.

**Section 11:** Amends s. 259.03, F.S., to delete the definitions of "state capital projects for environmentally endangered lands" and "state capital project for outdoor recreation lands" as these terms are now obsolete. The term "capital improvement" is defined to mean those activities relating to the restoration or acquisition of lands, water areas, and related resources necessary to further the purpose of this chapter. Such activities include, but are not limited to, initial removal of invasive plants and the construction of facilities' signs, firelanes, access roads, and trails. The term "water resource development project" is defined to mean a project eligible for certain funding which increases the amount of water available to the system by enhancing or restoring the aquifer recharge, facilitating the capture and storage of surface waters or promoting reuse. This term does not include the constuction of treatment, transmission or distribution facilities. Lastly, the term "department" is defined to mean the Department of Environmental Protection.

**Section 12:** Amends s. 259.032, F.S., 1998 Supplement, to describe the purposes of the Conservation and Recreational Lands Trust Fund. Provides additional policy that the purpose of this Fund is to promote water resource development, and restoration and reclamation activities on public lands. Also provides additional legislative intent that lands acquired through this program are to be managed so as to protect and restore their natural values as well as provide the greatest benefit to citizens of the state.

Deletes the provision that allows this trust fund to be spent for acquisition of lands identified on the annual CARL list which is associated with the P2000 program.

Expands the ability of the Board of Trustees to acquire lands which emphasize long term protection of certain endangered species; promote water resource development and facilitate the restoration of the Florida Everglades.

Provides for certain outdoor recreational uses for which lands managed under this section may be used.

Requires that state, regional, or local governmental agencies designated to manage lands under this section shall develop and adopt an individual management plan which shall be updated every five years. For parcels over 160 acres, the original plan and subsequent updates are to be developed with input from advisory groups.

Provides that up to 1.5 percent of the cumulative funds deposited into the P2000 and the Stewardship Florida Trust Fund shall be made available for maintenance and management. Any capital improvements not eligible for funding pursuant to the state Constitution are eligible for funding with these management dollars.

Also, this section makes substantive changes to the payment in lieu of taxes program. As of July 1, 1999, not more than 3.75 percent of the CARL Trust Fund shall be made available to the department for payment in lieu of taxes to qualifying counties and any local governments as further defined in this section. Payment in lieu of taxes shall be available to all counties that have a population of 100,000 or less (as determined pursuant to s. 11.031) and all local governments located in eligible counties. This section eliminates a series of specific requirements, such as millage, geography and population. Once eligibility has been established, that entity is to receive 10 consecutive annual payments without regard to further eligibility. The definition of "local government" is set forth and includes any government which levies an ad valorem tax.

This section also reduces the time in which the board has to remove any projects from the list from 180 days to 90 days.

**Section 13:** Creates s. 259.034, F.S., to establish the Acquisition and Restoration Commission (ARC), effective September 1, 1999, and provides for membership, duties, and compensation.

ARC is to consist of nine voting members, three of which are to be appointed by the Governor. These three members shall consist of the following: one person from a land-based scientific field; one person from a water-based scientific field; and one person from an environmental science. The remaining six members shall be: 1) one person to represent the five water management districts, as selected by the districts; 2) the Secretary of Environmental Protection or a designee; 3) the director of the Division of Forestry of the Department of Agriculture and Consumer Services or a designee; 4) the executive director of the Fish and Wildlife Conservation Commission or a designee; 5) the director of the Division of Historical Resources of the Department of State or a designee; and 6) the Secretary of Community Affairs or a designee.

ARC is authorized to adopt rules for its organizational structure, selection and employment of an executive director and staff as well as administrative functions. ARC will develop a budget and will be housed in the Department of Environmental Protection.

As of July 1, 2000, the duties, powers and responsibilities of the Land Acquisition and Management Advisory Council will be transferred to ARC which may then adopt rules to provide for its organizational structure and employment within.

**Section 14:** Amends s. 259.035, F.S., 1998 Supplement, to provide for technical changes relating to advisory council's powers and duties in order to be consistent with the statutory citations in this Act.

**Section 15:** Amends s. 259.036, F.S., to provide for the creation of a successor to the Land Acquisition and Management Advisory Council.

**Section 16:** Amends s. 259.04, F.S., to provide technical changes to conform the Board of Trustee's powers and duties with the creation of the Stewardship Florida program and its objectives.



**Section 17:** Amends s. 259.041, F.S., 1998 Supplement, to provide for the procedures and guidance used when purchasing state-owned lands for preservation, conservation and recreation purposes. This section changes statutory cites in order to maintain the requirement that five members of the board of trustees must approve any emergency purchase.

In addition, it creates a requirement to have nonprofit organizations or private land trusts which have entered into multi-party agreements with the division to acquire lands to disclose the total direct, indirect and overhead costs incurred, income earned and participation in certain third-party agreements.

Lastly, this section encourages the use of alternatives to fee simple acquisition and the development of certain programs to implement alternatives to fee simple acquisition. More specifically, this section provides Legislative findings that the state must develop techniques to maximize the use of acquisition and management funds. The state's land buying agencies are encouraged to use alternatives to fee simple acquisitions, develop programs to pursue alternatives and educate private landowners regarding such alternatives. The applications for such programs shall identify those projects which require a fee simple interest and the reasons why. The Commission is authorized to give preference to those less-than-fee-simple acquisitions that provide any public access.

In the absence of direct comparable sales information, appraisals of alternative fee simple acquisitions are to be the difference between the fee simple value and the value of interest remaining in the seller after the acquisition.

**Section 18:** Amends s. 259.101, F.S., 1998 Supplement, to provide appropriation language to authorize the redistribution of unencumbered funds from P2000 to be divided equally among the Department of Environmental Protection and water management districts.

**Section 19:** Creates s. 259.105, F.S., the *Stewardship Florida Act*. This section sets forth the legislative findings, declarations and intent of the Stewardship Florida Act, including:

- Endorsing the P2000 program;
- Recognizing the degradation of water resources in this state;
- A commitment to protection, restoration and preservation of lands and water areas.
- Access to public lands is important;
- Acquisition should be based upon an assessment of natural resources;
- The intent to change the direction and focus of the land acquisition program to extend bonding and financing capabilities; and
- The program be contingent on goals and objectives.

This section also provides that the overall distribution of funds under this act (subject to review by certain legislative committees by 1/1/05) is to be as follows:

- 35% (\$105m) to ARC for land acquisition and capitol expenditures in order to implement the priority lists submitted by the water management districts;
- 35% (\$105m) to ARC for land acquisition and capitol expenditures pursuant to this section, of which, a minimum of 40 percent but no more than 50 percent are to be used for acquisitions of lands for water resource development;
- 20% (\$60m) to the Department of Community Affairs to provide grants and loans to local governments through the Florida Communities Trust, of this 20%, 75% is to be matched by local governments on a dollar for dollar basis;
- 1.5% (\$4.5) to each of following: the department to purchase inholdings and additions to state parks; the Division of Forestry to fund acquisitions and inholdings and additions pursuant to this section, along with reforestation plans or sustainable forestry management; the Game and Fresh Water Fish Commission to fund acquisitions and inholdings and additions to land to further the conservation of fish and wildlife; the Florida Greenways and Trails Program to acquire greenways and trails; and
- 4% (\$12m) to the Division of Recreation and Parks to provide grants to local governments.

Funding under the first two 35% provisions is contingent upon the project contributing to the achievement of certain goals and their performance measures, in addition to meeting ARC's numeric goals. In addition, this section provides for the requirements and contents of project applications for funding eligibility and for project ranking. The commission shall develop two project lists, and shall consider whether the project has multiple benefits, including, but not limited to habitat protection, recreational and aesthetic values, natural community preservation or promotes groundwater recharge or improves water quality. Water resource development projects are allowed if the project complies with applicable permitting. Any lands purchased under this program shall be managed for multiple use.

This section further grants specific rulemaking authority to the Department of Environmental Protection, the Commission and the water management districts for implementation of the act.

**Section 20:** Amends s. 260.0125, F.S., 1998 Supplement, to update statutory citations, relating to liability of landowners participating in the greenways and trails program to be consistent with this Act.

**Section 21:** Creates s. 260.0142, F.S., to establish the Florida Greenways and Trail Council which would advise the department in the execution of its powers and duties under Chapter 260, F.S. This Council merges the Florida Recreation Trails Council and the Florida Greenways Coordinating Council into one entity. The new Council is composed of 21 members and is authorized to accept gifts, grants, loans or other aid from the government or any person. This section establishes Council membership, duties of the members and addresses compensation.

**Section 22:** Amends s. 260.016, F.S., 1998 Supplement, to change *may* to *shall* which expands the department's powers to include, among other duties: publishing maps of greenways and trails; establishing access routes and related public facilities; adopting appropriate rules to implement this Act; coordinating the activities of all governmental bodies that desire to participate in the greenways system; develop greenways and trails in a manner that will permit public recreation without damaging natural resources; entering into agreements with other entities for management; charge reasonable fees for the use of or operation of facilities and evaluate lands and compile a priority list for proposed acquisitions.

**Section 23:** Amends s. 260.018, F.S., 1998 Supplement, to correct a statutory cite relating to agency recognition of the Florida Greenways and Trails Council.

**Section 24:** Amends s. 288.1224, F.S., to provide technical changes relating to the general powers and duties of the Florida Commission on Tourism necessary due to the creation of the Florida Greenways and Trails Council.

**Section 25:** Amends s. 369.252, F.S., to direct that the board use 20 percent of the amount credited to the Aquatic Plant Control Trust Fund pursuant to s. 201.15(6) for specified purposes. Of this amount, 5 percent (\$6million) shall be used for upland invasives.

**Section 26:** Amends s. 369.307, F.S., to provide for the advisory council's successor in order to be consistent with this Act.

**Section 27:** Amends s. 373.089, F.S., to provide that the title to any lands which vest in the governing board of a water management district may be surplused pursuant to certain procedures mentioned herein. Those lands which the board decides are no longer needed for conservation purposes may be disposed of by two-thirds vote; all other lands no longer needed are to be disposed of by majority vote. If the title vests prior to July 1, 1999, all lands will be deemed to be acquired for conservation purposes. For all lands after this date, the board is to make a determination, for such lands, as to whether the parcels were acquired for conservational purposes or not.

**Section 28:** Creates s. 373.199, F.S., to provide criteria to the water management districts to evaluate and recommend projects in order to assist the Acquisition and Restoration Commission and further the goals of the Stewardship Florida Act.

**Section 29:** Amends s. 373.59, F.S., 1998 Supplement, to provide for the uses of funds within the Water Management Lands Trust Fund. Specific rulemaking authority is granted to the districts regarding certain activities. Language is stricken regarding: 1) land acquisition with moneys from the

fund and related reporting requirements; and 2) payment in lieu of taxes (however, a new process is provided for in its place identical to that described in s. 259.032, F.S., as referenced in Section 12 herein.)

**Section 30:** Amends s. 375.075, F.S., to recognize the creation of a dedicated funding source under the Stewardship Florida program.

**Section 31:** Amends s. 380.0666, F.S., to provide for the creation of a successor to the Land Acquisition and Management Advisory Council.

**Section 32:** Amends s. 380.22, F.S., 1998 Supplement, to provide for the creation of a successor to the Land Acquisition and Management Advisory Council.

**Section 33:** Amends s. 380.503, F.S., to define the term "metropolitan" and "urban area" and provides for additional technical changes to be consistent with this Act.

**Section 34:** Amend s. 380.504, F.S., to increase from three to four public members of the Florida Communities Trust to be appointed by the Governor.

**Section 35:** Amends s. 380.505, F.S., to change the voting requirements necessary for a quorum for board actions relating to Florida Communities Trust which is necessary due to the increase in membership of the trust.

**Section 36:** Amends s. 380.507, F.S., to provide for certain powers of the Florida Communities Trust which would permit the titling of land to a local government when they are a partner in the acquisition. Also, a technical change is made to recognize the creation of Stewardship Florida.

**Section 37:** Amends s. 380.510, F.S., to provide conditions for awarding grants and loans from the Florida Communities Trust and to ensure that any deeds or leases acquired by the trust contain covenants and restrictions which ensure that the use of real property complies with Constitutional provisions at all times. Technical amendments are made to recognize the creation of Stewardship Florida.

**Section 38:** Amends s. 420.5092, F.S., to provide for technical changes relating to Florida Affordable Housing Guarantee Program to be consistent with this Act.

**Section 39:** Amends s. 420.9073, F.S., to provide for technical changes relating to local housing distributions to be consistent with this Act.

**Section 40:** Repeals s. 253.787, F.S., the Florida Greenways Coordinating Council which is necessary due to the creation of a new council in s. 260.0142, F.S., as referenced in Section 21 herein.

**Section 41:** Repeals s. 259.035, F.S., 1998 Supplement, and s. 259.07, F.S., effective July 1, 2000. This is necessary to recognize the Acquisition and Restoration Commission assuming the duties of Land Acquisition and Management Advisory Council.

**Section 42:** Creates the Stewardship Florida Study Commission in Chapter Law. This study commission is to aid the Acquisition and Restoration Commission in the development of specific numeric goals for the Stewardship Florida program. In addition, this section establishes membership, staffing and reporting requirements of the commission.

**Section 43:** Unless otherwise provided herein, this act shall take effect upon becoming a law.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

This bill creates and/or increases rulemaking authority for the Department of Environmental Protection, or other appropriate state agencies, and the Acquisition and Restoration Commission because of the creation of and in order to implement the provisions of the Stewardship Florida program.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

See the "Effects of Proposed Changes" section herein above.

E. SECTION-BY-SECTION ANALYSIS:

See the "Effects of Proposed Changes" section herein above.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects

**Distribution of the Bond Proceeds from the Stewardship Florida Trust Fund  
 According to the Stewardship Florida Act**

*Based upon \$300 million annual bond proceeds:*

<u>Amount of Proceeds</u>	<u>Percentage of Proceeds</u>	<u>Distribution of Proceeds</u>
1) \$105 million	35%	Department of Environmental Protection re: acquisition of lands and capital projects.
2) \$105 million	35%	Department of Environmental Protection re: projects by the water management districts for water resource development, e.g., SWIM.
3) \$ 60 million	20%	Florida Communities Trust Fund re: grants and loans to local governments.
4) \$ 12 million	4%	Florida Recreation Development Assistance Program (FRDAP) re: grants to local governments.
5) \$ 4.5 million	1.5%	Florida Greenways and Trails Program re: acquire greenways and trails, e.g., abandoned railroad rights of way and the Florida National Scenic Trail.
6) \$ 4.5 million	1.5%	Game and Fresh Water Fish Commission re: acquisitions of inholdings and lands important to the conservation of fish and wildlife.
7) \$ 4.5 million	1.5%	Division of Recreation and Parks re: purchase of inholdings and additions to state parks.

8) \$ 4.5 million	1.5%	Division of Forestry re: acquisition of state forest inholdings and additions and the implementation of reforestation plans or sustainable forestry management practices.
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**Distribution of Documentary Stamp Tax Revenues**

*Based upon the estimated Documentary Stamp Tax Collections for 1999-2000 provided by the Revenue Estimating Conference:*

<u>Amount of Revenues</u>	<u>Percentage of Revenues</u>	<u>Distribution</u>
1) \$45.2 million	4.2%	CARL Trust Fund
2) \$45.2 million	4.2%	Water Management Lands Trust Fund.
3) \$29.9 million	2.78%	Aquatic Plant Control Trust Fund
4) \$ 5.4 million	.5%	State Game Trust Fund re: implementing the Lake Restoration 2020 Program.

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON ENVIRONMENTAL PROTECTION:

Prepared by:

Staff Director:

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Wayne S. Kiger

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Wayne S. Kiger