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****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
ENVIRONMENTAL PROTECTION
FINAL ANALYSIS**

BILL #: CS/CS/HB 2021(Passed as CS/CS/SB 908, Chapter Law #99-247)

RELATING TO: State land acquisition and management

SPONSOR(S): Committees on General Government Appropriations (FRC); Water and Resource Management (RLC); Environmental Protection (RLC); and Representatives Alexander and Dockery

COMPANION BILL(S): CS/SB 908 (s)

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

- (1) ENVIRONMENTAL PROTECTION YEAS 14 NAYS 1
- (2) WATER & RESOURCE MANAGEMENT YEAS 13 NAYS 0
- (3) GENERAL GOVERNMENT APPROPRIATIONS YEAS 11 NAYS 0

I. FINAL ACTION STATUS:

On April 22, 1999, HB 2021 was placed on Special Order Calendar and read a second time. At that time, fifteen amendments were adopted on the House floor. (See "Amendments of Committee Substitute Changes" section herein for a description of each amendment).

On April 29, 1999, the House brought up CS/CS/SB 908 in lieu of HB 2021. The House adopted a strike everything amendment onto CS/CS/SB 908 and CS/CS/SB 908, as amended, passed the House by a vote of YEAS 118, NAYS 1. On April 30, 1999, the Senate concurred with the contents of CS/CS/SB 908, as amended, and passed the bill by a vote of YEAS 40 NAYS 0. Ultimately, House bill 2021 died on the House Calendar upon adjournment of the regular session and CS/CS/SB 908, as amended, passed into law as Chapter Law #99-247. See the Final Analysis for CS/CS/SB 908.

II. 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 Fish and Wildlife Conservation 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; usage 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.

III. 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, trails and 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 other 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. The Legislature recognized that the primary responsibility for establishing well-planned land use rested at the local government level and 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 approval 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).

These 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 (e.g., municipalities, the county school board and mosquito control districts) payment in lieu of tax revenues lost 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.

Creates a provision the prohibits the proceeds deposited into the Water Management Lands Trust Fund and the Conservation and Recreation Lands Trust Fund shall not be used for acquisition, but may be used for preacquisition costs. Directs that the Legislature review this provision prior to the 2005 Regular Session and determine if it needs to be repealed.

Section 2: Amends s. 201.15, F.S., 1998 Supplement, changing the distribution of documentary stamp tax revenues, effective July 1, 2001, 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.); 2.28% (approximately \$24.5 million) to the Aquatic Plant Control Trust Fund to carry out the purposes set forth in ss. 369.22 and 369.252; one-half of one percent (approximately \$5.4 million) to the State Game Trust Fund for the implementation of the Lake Restoration 2020 Program; and one-half of one percent (approximately \$5.4 million) to the State Treasury to be divided equally between the Department of Environmental Protection Grants and Donations Trust Fund and the Department of Agriculture and Consumer Services General Inspection Trust Fund to address water quality issues.

Section 3: Amends s. 161.05301, F.S., effective July 1, 2001, 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 4: Amends s. 161.091, F.S., effective July 1, 2001, to provide for technical changes relating to beach management in order to be consistent with the statutory citations in this Act.

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. 253.03, F.S., to provide for the restoration of historic structures which have submerged land leases and are over the waters of the state to continue to have the leases provided the lessee maintains the structure in a state of repair consistent with the guidelines for listing. If the structure is damaged or destroyed the lessee may reconstruct consistent with the integrity of the

structure. If the structure falls into disrepair and the lessee is not willing to repair and maintain it, the state may cancel the submerged land lease and dispose of the property or repair the property.

Section 9: 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 surplus. 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 surplus to public and private entities. Lands determined to be surplus 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 surplus to the government will be sold on the open market for fair market value. All proceeds from any sale of surplus lands are to be deposited into the fund from which the lands were acquired. However, if the fund no longer exists, proceeds are to be deposited into an account to be used by the respective managing agency for land management.

Creates a new provision of law to allow for additional uses of lands acquired under state-funded land purchase programs if they met certain criteria. The uses, such as: water resource development projects; water supply development projects; stormwater management projects; linear facilities; and sustainable agriculture and forestry, shall be authorized where:

- A. Not inconsistent with the management plan for such lands;
- B. Compatible with the ecosystem and resource value of such lands;
- C. The use is appropriately located and consideration given to other locations;
- D. The titleholder is reasonably compensated; and
- E. The use provides a significant public benefit.

All funds received in compensation for allowing the additional use shall be returned to the lead managing agency.

Section 10: Amends s. 253.7825, F.S., to increase from 250 to 500 acres on which the horse park-agricultural center may be built on former canal lands in cooperation with the Department of Agriculture and Consumer Services.

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 construction 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 policies which state that the purpose of this Fund is to promote water resource development and restoration 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. For those parcels or projects that are within more than one county, at least one public hearing shall be acceptable and a local elected official from each county shall be invited. The hearing is to take place in the county where the core parcels are located.

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. In addition a new provision allows that any equipment purchased with these funds may be used on any conservation and recreation lands managed by a state agency.

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. "Local governments" includes municipalities, the county school board, mosquito control districts, and any other local government which levies ad valorem taxes (this does not include water management districts.)

Payment in lieu of taxes shall be available to all counties that have a population of 150,000 or less (as determined pursuant to s. 11.031 which provides for the basis of the official census) 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.

A provision is created to direct that payment-in-lieu of dollars be given to Glades County for the lands on which a privately owned and operated prison and juvenile justice facility leased to the state are being operated.

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.

For the purpose of expending any remaining funds in the Florida Preservation 2000 Trust Fund, ARC shall only use funds to acquire lands identified in the annual Conservation and Recreational Lands list as approved by the board in 2000.

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. Lands upon which hunting rights are specifically acquired are available for hunting in accordance with the management plan or hunting regulations adopted by the Fish and Wildlife Conservation Commission -- unless purchased to protect activities on adjacent lands. 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, such as:

- Endorsing the P2000 program;
- Recognizing the degradation of water resources in this state;

- Committing to protect, restore and preserve lands and water areas.
- Providing access to public lands is important;
- Providing that acquisition should be based upon an assessment of natural resources;
- Changing the direction and focus of the land acquisition program to extend bonding and financing capabilities; and
- Stating that the bond proceeds are to be used to implement the goals and objectives developed by ARC.

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 these proceeds, a priority is to be given to acquisitions which achieve a combination of: conservation and preservation goals, water restoration goals and water resource development goals.
- 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. However, at least 5 percent of these funds are to be allocated to acquire lands for recreational trail systems. If the full 5 percent is not used, such funds may be expended for other purposes authorized by this section;
- 1.5% (\$4.5m) to each of following: DEP for the purchase of inholdings and additions to state parks; the Division of Forestry at DACS to fund acquisitions and inholdings and additions pursuant to this section, along with reforestation plans or sustainable forestry management; the Fish and Wildlife Conservation 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 at DEP to provide grants to local governments.

Funding under the first two 35% provisions is contingent upon the project contributing to the achievement of certain specified goals. ARC shall adopt numeric goals and performance measures for these goals. ARC is to utilize the Stewardship Florida Study Commission in establishing its numeric and performance measures. The goals and performance measures are to be submitted to the board of trustees for their review by January 1, 2001 and then submitted for review by the appropriate Legislative committees no later than 30 days prior to the 2001 regular legislative session. The Legislature may reject, modify or take no action relative to the goals and performance measures. If no action is taken, the goals are to be implemented.

All lands are to be used for "multiple-use" purposes. Beginning July 1, 2000, the commission will accept project applications and determine whether the proposals meet certain criteria. Project applications shall contain a minimum of two numeric performance measures which relate directly to overall goals and proof that owners within the acquisition area have been notified of their inclusion in the project. ARC shall use specific goals and criteria set forth in this section to evaluate, select and rank projects eligible for Stewardship Florida funds. Projects selected pursuant to the first two 35 percent provisions above, should reflect a balance between ecological and geographic interests in order to allow for flexibility within Stewardship Florida. ARC is to review that year's approved project lists and by the first board meeting in May, ARC is to submit the lists to the board of trustees. In developing the list of projects for funding under the first 35 percent provision mentioned above, ARC should give increased priority to those projects which have a cost-sharing agreement to allocate responsibility for the clean up of point and non-point sources of pollution. Water resource or water supply development projects may be allowed only if conditions as set forth in this provision are met.

Under the remaining provisions, the agencies are to develop their individual acquisition or restoration lists. Proposed additions may be acquired if they are within the original project boundary, management plan or management prospectus. Proposed additions which do not meet these

requirements may be submitted to ARC for approval if the additions meet certain criteria set forth herein.

This section further grants specific rulemaking authority to the Department of Environmental Protection, ARC and the water management districts for implementation of the act. Rules promulgated by ARC are to become effective only after submission to the President of Senate and Speaker of the House of Representatives for legislative review no later than 30 days prior to the 2000 regular session. ARC's rules become effective if no action is taken by the Legislature.

The board of trustees or water management district may authorize the granting of a lease, easement, or license for the use of certain lands. Particular uses are to be determined by the appropriate board to be compatible with resource values and management objectives.

Creates a section that allows the board of trustees to allow lands identified or acquired under the program to be managed by a private entity in accordance with a contractual arrangement with the acquiring agency. Funding for these contracts may originate from the documentary stamp tax revenues deposited into the CARL Trust Fund and Water Management District Lands Trust Fund.

Section 20: Amends s. 260.012, F.S., 1998 Supplement, to provide that it is the intent of the Legislature to include waterways in the statewide system of greenways and trails.

Section 21: Amends s. 260.013, F.S., 1998 Supplement, to redefine the term "designation" to include waterways as a part of the statewide system of greenways and trails pursuant to a formal public process and written consent of the landowner. Provides that mapping of waterways does not constitute designation.

Section 22: Amends s. 260.014, F.S., 1998 Supplement, to provide that greenways may be located on waterways, and therefore, waterways are subject to acquisition, planning and management for use as greenways and trails.

Section 23: Creates s. 260.0142, F.S., to establish the Florida Greenways and Trail Council. This Council is composed of a total of 21 members. Five members are to be appointed by the Governor, including: two members representing trail-users, two members representing the greenway-user community and one member representing landowners. Three members are to be appointed by the President of the Senate, including: one member representing the trail-user community and two members representing the greenway-user community. Three members are to be appointed by the Speaker of the House of Representatives, including: two members representing trail-user community and one member representing the greenway-user community.

The ten remaining members shall include: 1) the Secretary of Environmental Protection; 2) the executive director of the Fish and Wildlife Conservation Commission or designee; 3) the Secretary of Community Affairs or a designee; 4) the Secretary of Transportation; 5) the director of the Division of Forestry or designee; 6) the director of the Division of Historical Resources or designee; 7) a representative of the water management districts; 8) a representative of a federal land management agency; 9) a representative of the regional planning councils; and 10) a representative of local governments.

This Council's duties are set forth in this section and include: advising certain state agencies on policies relating to the Florida Greenways and Trails System; facilitating a statewide system of trails; review project applications for funding and other activities which encourage and support the greenways and trails system.

This Council replaces both the Florida Recreation Trails Council (FRTC) and the Florida Greenways Coordinating Council (FGCC). The FRTC currently advises the department in the execution of its powers and duties under this Act. The FRTC also assists in selecting acquisition projects and establishes minimum standards for the recreational trails in Florida. In 1995, the Legislature created the "Florida Greenways Coordinating Council". The purpose of this Council was to promote greenways initiatives throughout the state and provide technical support, leadership, education, advocacy and other services. This bill repeals both the FRTC and the FGCC and creates one entity in their place, the Florida Greenways and Trail Council.

Section 24: Amends s. 260.016, F.S., 1998 Supplement, to provide technical and clarifying changes to the department's permissive duties, which include: 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.

Technical and clarifying changes are also made to those duties that the department shall perform. These include: striking a requirement that the department contact railroad companies on a quarterly basis regarding railroad abandonments; striking a requirement that the department acquisition cost data on those railroad corridors; and adds a duty that the department implement the plan for the Florida Greenways and Trails System that was adopted in September of 1998.

Section 25: Amends s. 260.018, F.S., 1998 Supplement, to correct a statutory cite relating to agency recognition of the Florida Greenways and Trails Council and to recognize that waterways are also part of greenways and trails.

Section 26: 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 27: Creates a chapter law provision that exempts trails designated prior to May 30, 1998, pursuant to Chapter 260, and located upon or within public lands or waterways from the designation process established for greenways and trails.

Section 28: Amends s. 369.252, F.S., effective July 1, 2001, 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 (\$6 million) shall be used for upland invasives.

Section 29: Amends s. 369.307, F.S., to provide for the advisory council's successor in order to be consistent with this Act.

Section 30: 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 surplusd 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 31: Amends s. 373.139, F.S., to state that each water management district is to maintain a separate five-year plan of land acquisition and land management activities which incorporates certain lands. This section allows the governing board of the district to acquire less than fee simple title to real property. In addition, the property is to be used for specified activities, including: aquifer recharge, water resource and water supply development. If lands are purchased with funds other than those appropriated for projects defined in s. 373.199, F.S., the lands may be used for permittable water resource development and water supply development if certain conditions are met. All acquisitions must have a public hearing. Each district is to remove the property of an unwilling seller from its plan of acquisition if requested to do so by the property owner. The Secretary of the department is to release monies for preacquisition costs after a resolution is adopted by the district's governing board if certain conditions are met. All funds not used are to be returned to the department. Similarly, the Secretary of the department is to release acquisition monies after a resolution is adopted and certain conditions are met. A district may dispose of land acquired under this section as long as it would not cause all or any portion of the interest on the revenue bonds to lose its exclusion from gross income under federal taxation.

This section further provides that each district is to file with the Legislature and the Secretary of the department a report of all acquisition activity which is to include specified criteria.

The districts have rule making authority for certain activities set forth herein. However, such rules are not effective until ratified by the Legislature.

Section 32: Creates s. 373.199, F.S., which states that in order to further the goals of Stewardship Florida Act and to assist Acquisition and Restoration Commission, the water management districts are to compile and send a list of recommended projects to the commission for consideration in developing a priority list pursuant to the Stewardship Florida Act. These lists are to be submitted annually beginning January 1, 2000.

In developing their lists, each water management district shall work cooperatively with the state agencies and integrate the following into it's lists: surface water improvement and management plans, Save Our Rivers land acquisition lists, storm water management projects, proposed water resource development projects and proposed water body restoration projects along with other related activities.

The district's lists shall also include, for each project, several factors, including: a description of the water body system; an identification of all governmental agencies having jurisdiction over the water body; a description of the land uses within the project area's drainage basin; a description of strategies or studies; and a schedule for restoration.

Section 33: 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. However, rules promulgated pursuant to this section are effective only after submission to the President of the Senate and Speaker of the House of Representatives for review no later than 30 days prior to the 2001 regular session. If no action is taken by the Legislature, then the rules become effective.

Language in this section 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.)

Creates a new provision of law to allow for additional uses of lands acquired under state-funded land purchase programs if they met certain criteria. The uses, such as: water resource development projects; water supply development projects; stormwater management projects; linear facilities; and sustainable agriculture and forestry, shall be authorized where:

- A. Not inconsistent with the management plan for such lands;
- B. Compatible with the ecosystem and resource value of such lands;
- C. The use is appropriately located and consideration given to other locations;
- D. The titleholder is reasonably compensated; and
- E. The use provides a significant public benefit.

All funds received in compensation for allowing the additional use shall be returned to the lead managing agency.

Section 34: Amends s. 375.075, F.S., to recognize the creation of a dedicated funding source under the Stewardship Florida program and direct that any expenditures be done in accordance with plans developed by the department.

Section 35: Amends s. 380.0666, F.S., to provide for the creation of a successor to the Land Acquisition and Management Advisory Council.

Section 36: 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 37: 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 38: 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. These four members are to consist of: a former elected official of a county government; a former elected official of a metropolitan municipal

government; a representative of a nonprofit organization and a representative of the development industry.

Section 39: 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 40: 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 41: 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 42: Amends s. 420.5092, F.S., effective July 1, 2001, to provide for technical changes relating to Florida Affordable Housing Guarantee Program to be consistent with this Act.

Section 43: Amends s. 420.9073, F.S., effective July 1, 2001, to provide for technical changes relating to local housing distributions to be consistent with this Act.

Section 44: 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 45: 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 46: Creates the Stewardship Florida Study Commission into Chapter Law. This Commission is assigned to the Executive Office of the Governor and is to consist of 11 members, five of which are to be appointed by the Governor; the President of the Senate and Speaker of the House of Representatives are authorized to appoint three members each. These members are to reflect a broad range of interests such as hydrogeology training, wildlife biology, engineering, real estate and forestry management. The Commission is to appoint an executive director who would staff the Commission.

The Commission is to submit a report to ARC by September 1, 2000, which establishes specific goals for those requirements established in ss. 259.105(4) of the Stewardship Florida Act and makes recommendations on expanding the goals identified that section. This report is to also provide recommendations for the development of performance measures and recommendations for the process by which projects are to be submitted, reviewed and approved by ARC. The study commission is to streamline the process to be utilized by ARC. This report shall be based on comments received during public hearings, an evaluation of Florida's existing public land acquisition programs and material developed by the Florida Natural Areas Inventory regarding conservation.

This section appropriates \$125,000 from the CARL Trust Fund and \$125,000 from the Water Management Lands Trust Fund to the Executive Office of the Governor for the fiscal year 1999-2000 for the purposes of this Commission.

Section 47: 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?

This bill creates and/or increases responsibilities for the Department of Environmental Protection, or other 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.

(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.

IV. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

	<u>FY 99-00</u>
Department of Environmental Protection Transfer to the Executive Office of the Governor	
Conservation and Recreation Lands Trust Fund	\$125,000
Water Management Lands Trust Fund	\$125,000

2. Recurring Effects

- 1) This bill changes the eligibility requirements for entities to qualify for payment-in-lieu-of-taxes (PILT). The new requirements include all counties, school districts and local governments with a population of 150,000 or less, with no millage requirement. As a result, seventeen additional counties would be eligible for PILT. According to the State Land Acquisition Interim Project Report of February 1, 1999, it may cost the CARL fund an additional \$198,681.30 in PILT payments for eligible counties and local governments. This is approximately an 18 % growth in expenditures. In addition, it may cost an additional \$197,265.65 for eligible school districts under these requirements. (See Interim Report). This estimate does not include the mosquito control districts and other local governments which may levy ad valorem taxes and thus be eligible under this bill. However, these are anticipated to be minimal.

The water management districts would be governed by the same new requirements. During the 1997-1998 fiscal year, the water management districts paid approximately \$162,028 in PILT payments. If an 18% growth formula is applied, similar to that above, the wmd's expenditures may increase to approximately \$190,000. These figures will fluctuate district to district, as each district applies slightly different PILT procedures.

- 2) Bond proceeds are to be distributed as follows:

**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%	Fish and Wildlife Conservation 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.

3) Documentary tax revenues are to be distributed as follows:

Distribution of Documentary Stamp Tax Revenues

Based upon the estimated Documentary Stamp Tax Collections for 2001-2002 provided by the Revenue Estimating Conference:

<u>Amount of Revenues</u>	<u>Percentage of Revenues</u>	<u>Distribution</u>
1) \$47.9 million	4.2%	CARL Trust Fund
2) \$47.9 million	4.2%	Water Management Lands Trust Fund
3) \$25.9 million	2.28%	Aquatic Plant Control Trust Fund
4) \$ 5.7 million	.5%	State Game Trust Fund re: implementing the Lake Restoration 2020 Program
5) \$ 5.7 million	.5%	State Treasury to be divided equally between the Department of Environmental Protection Grants and Donations Trust Fund and the Department of Agriculture and Consumer Services General Inspection Trust Fund to address water quality issues

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:

See "fiscal impact on state agencies/state funds" above.

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

V. 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

VI. COMMENTS:

N/A

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 7, 1999, the Committee on Water and Resource Management adopted 27 amendments and passed the bill as a Committee Substitute. The amendments are as follows:

1. Proceeds from the sale of any surplus lands are to be deposited into the fund from which lands were acquired, however, if the fund no longer exists, the proceeds are to be deposited into an account for use by the respective lead managing agency for land management;
2. Moves the provision which allows additional uses of state lands, such as: water resource development, water supply development and linear facilities pursuant to certain criterium out of Section 8;
3. Removes promoting 'reclamation activities' on public lands as a purpose of the CARL Trust Fund;
4. Requires that a public hearing be held for management plans for parcels or projects within more than one county, the hearing is to be held in the county where the core parcel is located. In addition, provides that a local elected official from each county must be invited to the hearing;
5. Provides that ARC is only entitled to expend funds in the Florida Preservation 2000 Trust Fund for acquisitions identified in the annual Conservation and Recreation Lands list approved by the board of trustees in 2000;
6. Clarifies language to provide that any bond proceeds are to be used to implement ARC's goals and objectives;
7. Deletes the provision requiring a certain expenditure of bond proceeds for acquisition of lands for water resource development projects. Adds a provision that increased priority is to be given to those acquisitions which achieve a combination of conservation and preservation goals, water restoration goals and water resource development goals;
8. Authorizes acquisitions of additions if they are identified within original project boundaries, required management plans, or a management prospectus. If this criteria is not met, the additions may be submitted to ARC for approval provided they meet certain criteria;
9. Adds additional goals relating to water issues including: protection of natural floodplain; restoration of degraded water bodies and wetlands; preservation of wetlands and the reduction in contaminants in aquifers;
10. Requires that ARC is to provide numeric goals and performance measures to the board for review and approval by January 1, 2001 and is to be submitted to the Legislature no later than 30 days prior to the 2001 regular session. Such goals and measures will be implemented if the Legislature takes no action;
11. Clarifies legislative review of ARC's rules;
12. Clarifies review and approval of the wmd's rules;
13. Changes the date that ARC is to begin accepting project applications from January 1, 2001 to July 1, 2000;
14. Provides that ARC is to submit an approved project lists to the board for approval by the first board meeting in May;
15. Changes the date in which each water management district is to begin submitting an annual list of recommended projects to ARC from June 1, 2000 to January 1, 2000;

16. Sets forth the conditions in which water resource development projects are allowed;
17. Directs ARC to seek an equitable distribution of bond proceeds based upon a balance between ecological and geographic interests;
18. Provides that ARC is to give increased priority to those projects which have secured a cost-sharing agreement allocating responsibility for the clean up of point and non point sources;
19. Allows for certain land acquisitions relating to water development, disposal of acquired lands and release of acquisition and pre-acquisitions costs. Also provides for reporting requirements of acquisition activity;
20. Authorizes water management districts to spend Water Management Lands Trust Fund balances as of March 1, 1999 for land acquisition purposes herein;
21. Conforms the statutory cites to changes made to the Water Management Lands Trust Fund;
22. Provides that Stewardship Florida Study Commission is to give recommendations to ARC for the process by which projects are to be submitted, reviewed and approved;
23. Reduces aquatic plant funding from 2.78% to 2.28% (\$24.5 million); provides that one-half of one percent (\$5.4 million) is to be paid into the State Treasury for the Lake Restoration 2020 Program and one-half of one percent (\$5.4 million) is to be paid into the State Treasury to the credit of the Department of Environmental Protection Grants and Donations Trust Fund and the Department of Agriculture and Consumer Services General Inspection Trust to address water quality;
24. Removes designated governmental uses of lands and provides that the Board of Trustees or the water management district is authorized to grant a lease, easement or license for the use of certain lands. Uses are to be determined by the appropriate board to be compatible with the resource values and management objectives for such lands;
25. Raises the population requirement from 100,000 to 150,000 in order to be eligible for payment in lieu of taxes;
26. Provides that no less than 5% (\$3 million) of the FCT funds are to be spent on acquiring recreational trail systems;
27. Provides that unless hunting rights are acquired to protect activities on adjacent land, such lands which have hunting rights are available for hunting in accordance with the management plan or hunting regulations as adopted by the Fish and Wildlife Conservation Commission.

On April 16, 1999, the Committee on General Government Appropriations adopted 12 amendments and passed the bill as a Committee Substitute. The amendments are as follows:

1. Reinstated language related to additional uses of state-owned lands and the criteria they must meet in Section 8 of the bill.
2. Identical to amendment one, and needed to replicate the language within statutes governing water management district oversight of lands.
3. Updated provisions related to the creation of a new Greenways and Trails Council. The amendment updated existing language to reflect changes made to the separate Greenways and Trails bill.
4. Eliminates duplicative language relating to the authorization and pledge of revenues for the Stewardship Florida bonds. Also incorporates technical changes to the bonding language as recommended by the Division of Bond Finance.
5. Delays the effective date of modifications to the distribution of documentary stamp tax revenues in order to prevent conflicts with the General Appropriations Act. Reductions to the CARL TF and Water Management Lands TF revenues, and distributions to the Aquatic Plant Control TF, State Game TF, Grants and Donations TF and General Inspection TF would begin July 1, 2001.

6. Technical, conforming amendment to the aquatic plant language.
7. Technical, conforming amendment to correct cross-references.
8. Added a provision related to the rights of those who own structures over waters of the state and have submerged land leases.
9. Expanded the allowable uses of equipment bought for management to include all state lands acquired for conservation and recreation purposes.
10. Directed that payment in lieu of taxes be paid for juvenile justice and correction facilities located on state lands within Glades County.
11. Allows for the management of lands identified for acquisition or acquired, under Stewardship Florida, to be managed by private entities under contractual arrangement with the lead management agency.
12. Continues requirement for the department to develop and plan a program for the FRDAP program utilizing specified bond proceeds.

On April 22, 1999, HB 2021 was read a second time and then fifteen amendments were adopted on the House floor. The amendments are as follows:

1. Directs that of the thirty-five percent of the bond proceeds distributed by the ARC for acquisition of lands, ARC is to give an increased priority to those land acquisitions which achieve a combination of conservation and preservation goals, water restoration goals, and water resource development goals.
2. Provides that the portion of unencumbered balances of certain programs which are deposited in the Preservation 2000 account for more than three years (instead of two years) shall be redistributed equally to the DEP, Division of State Lands and the Water management District P2000 sub accounts.
3. Changes the Stewardship Florida Study Commission to consist of 9 members (as opposed to 11 members) with the President of the Senate and the Speaker of the House each appointing two members (as opposed to three members). In addition, the Commission shall sign a contract with the Florida Natural Areas Inventory for necessary specified scientific assistance.
4. Directs that ARC, DEP and the Governor's office are to work together to submit a report to the President of the Senate and Speaker of the House 30 days prior to the regular session in 2002, 2004, 2006 and 2008 which will assist the Legislature in reviewing the bond distributions and making recommendations where adjustments may be needed.
5. This bill authorizes additional uses of state owned land such as: water resource development and water supply development projects, if they meet certain specified criteria, e.g. not inconsistent with the management plan for such lands and compatible with the natural ecosystem and resource values of such lands.
6. In relation to the Water Management Lands Trust Fund, this bill authorizes additional uses of land such as: water resource development and water supply development projects, if they meet certain specified criteria, e.g. not inconsistent with the management plan for such lands and compatible with the natural ecosystem and resource values of such lands.
7. Adds a section relating to management of real property, stating that lands are to be open to the general public and used for recreational purposes. In addition, interests in real property acquired by the districts with funds other than "Stewardship Florida" funds may be used for water supply development under certain conditions. Furthermore, each district is encouraged to enter into cooperative land management agreements with state or local agencies to provide for management of certain lands. Additional uses of lands shall be authorized if certain criteria are met e.g., not inconsistent with the management plan for such lands and compatible with the natural ecosystem and resource values of such lands. The district may adopt certain rules which specify activities, fees, licensing etc. for district-owned lands. Provides that by January 1 of each year each district is to file a report of acquisitions or modifications to its 5 year work plan. Repeals subsection (6) of s. 373.250,

F.S. relating to reuse of reclaimed water. Revamps the Water Management Lands Trust Fund under s. 373.59, F.S. see this statutory section for further detail.

8. Repeals s. 380.0677, F.S. and creates into chapter law, effective July 1, 2000, that all powers, duties, functions along with all other activities of the Green Swamp Land Authority, are to be transferred to the DEP.
9. Amends ARC's distribution of funding to the water management districts for ranking and selecting projects. Accordingly, the water management districts will receive the following apportionment of annual funds: the SFWMD will receive 35 percent; SWFWMD will receive 25 percent; St. Johns WMD will receive 25 percent; and the Suwannee River WMD and the NFWMD will receive 7.5 percent each.
10. Deletes the provision that each nonprofit organization or private land trust which has entered into a written multiparty agreement must disclose the total overhead costs, income earned and participation in third-party agreements.
11. Creates a section which provides that lands identified for acquisition may be managed by a private party in lieu of state purchase or in combination with a state purchase pursuant to a contractual agreement. Funding for these agreements may originate from the documentary tax revenues.
12. Creates criteria in which the ARC shall consider when developing rules to evaluate, select and rank projects eligible for "Stewardship Florida" funding.
13. States that private owners may request that their name be removed from a proposed project list by submitting a request to the sponsor or commission, however, the board of trustees may add the property back onto the project list if a super-majority of its members determines that the property is critical to achieve the purposes of the project.
14. Of the thirty-five percent of the bond proceeds distributed by ARC for certain land acquisitions and capital expenditures, protection capital project expenditures may not exceed 10 percent of these funds.
15. Provides that the remainder of the sixty-two and sixty-three hundredths percent of the taxes used to pay the P2000 and Stewardship Florida bonds shall be paid the State Treasury to the credit of the Land Acquisition Trust Fund and may be used for the lawful purposes in which the funds are to be deposited into the LATF.

VIII. SIGNATURES:

COMMITTEE ON ENVIRONMENTAL PROTECTION:

Prepared by:

Wayne S. Kiger

Staff Director:

Wayne S. Kiger

AS REVISED BY THE COMMITTEE ON WATER & RESOURCE MANAGEMENT:

Prepared by:

Karon Molloy

Staff Director:

Joyce Pugh

AS FURTHER REVISED BY THE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS:

Prepared by:

Cynthia P. Kelly

Staff Director:

Cynthia P. Kelly

STORAGE NAME: h2021z2.ep
DATE: June 16, 1999
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FINAL ANALYSIS PREPARED BY THE COMMITTEE ON ENVIRONMENTAL PROTECTION:

Prepared by:

Staff Director:

Wayne S. Kiger

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