

By the Committee on Environmental Protection and Representatives Dockery, Constantine, Alexander, Putnam, Pruitt, Sembler, Logan, Hart, Eggelletion, Minton, Greenstein, Kyle, Tullis, Murman and Prieguez

1 A bill to be entitled
2 An act relating to state land acquisition and
3 management; amending s. 201.15, F.S.; revising
4 distribution of certain documentary stamp tax
5 revenues; amending ss. 161.05301 and 161.091,
6 F.S.; correcting cross references; creating s.
7 201.155, F.S.; providing for annual
8 appropriation to pay debt service; creating s.
9 215.618, F.S.; providing for the issuance of
10 Stewardship Florida bonds; providing
11 limitations; providing procedures and
12 legislative intent; amending s. 216.331, F.S.;
13 correcting a cross reference; amending s.
14 253.027, F.S.; providing for the reservation of
15 funds; revising the criteria for expenditures
16 for archaeological property to include lands on
17 the acquisition list for the Stewardship
18 Florida program; amending s. 253.034, F.S.;
19 providing for the use of state-owned lands;
20 providing for the sale of surplus state lands;
21 amending s. 259.02, F.S.; providing bonding
22 authority for the Stewardship Florida program;
23 creating s. 259.021, F.S.; subjecting bond
24 issuance to constitutional authorization;
25 providing requirements and limitations;
26 amending s. 259.03; F.S.; deleting obsolete
27 definitions; providing new definitions;
28 amending s. 259.032, F.S.; providing
29 legislative intent; specifying certain uses of
30 funds from the Conservation and Recreation
31 Lands Trust Fund; revising eligibility for

1 payment in lieu of taxes; deleting obsolete
2 language; revising timeframe for removal of
3 certain projects from a priority list; creating
4 s. 259.034, F.S.; creating the Acquisition and
5 Restoration Commission; specifying membership
6 and duties; providing for compensation;
7 authorizing adoption of rules; providing for
8 per diem and travel expenses; amending s.
9 259.035, F.S.; correcting a cross reference;
10 amending s. 259.036, F.S.; providing conforming
11 language; amending s. 259.04, F.S.; conforming
12 language and cross references; amending s.
13 259.041, F.S.; providing procedures and
14 guidelines for land acquisition; providing
15 legislative intent and guidelines for use of
16 less than fee land acquisition alternatives;
17 amending s. 259.101, F.S.; providing for
18 redistribution for certain unencumbered P2000
19 funds; conforming language and cross
20 references; creating s. 259.105, F.S.; creating
21 the Stewardship Florida Act; providing
22 legislative findings and intent; providing for
23 issuing bonds; providing for distribution and
24 use of bond proceeds; providing project goals
25 and selection criteria; providing application
26 and selection procedures; authorizing certain
27 governmental uses of acquired lands;
28 authorizing adoption of rules; amending s.
29 260.0125, F.S.; correcting cross references;
30 creating s. 260.0142, F.S.; creating the
31 Florida Greenways and Trails Council within the

1 Department of Environmental Protection;
2 providing for membership, powers, and duties;
3 amending s. 260.016, F.S.; revising powers of
4 the Department of Environmental Protection with
5 respect to greenways and trails; deleting
6 reference to the Florida Recreational Trails
7 Council; amending s. 260.018, F.S.; correcting
8 cross references; amending s. 288.1224, F.S.;
9 providing conforming language; amending s.
10 369.252, F.S.; providing for the use of certain
11 funds from the Aquatic Plant Control Trust
12 Fund; amending s. 369.307, F.S.; providing
13 conforming language; amending s. 373.089, F.S.;
14 providing procedure for the surplusing of water
15 management district lands; creating s. 373.199,
16 F.S.; providing duties of the water management
17 districts in assisting the Acquisition and
18 Restoration Commission; requiring development
19 of recommended project lists; specifying
20 required information; amending s. 373.59, F.S.;
21 revising authorized uses of funds from the
22 Water Management Lands Trust Fund; providing
23 district rulemaking authority; revising
24 eligibility criteria for payment in lieu of
25 taxes; amending s. 375.075, F.S.; revising
26 funding and procedures for the Florida
27 Recreation Development Assistance Program;
28 amending ss. 380.0666 and 380.22, F.S.;
29 providing conforming language; amending s.
30 380.503, F.S.; providing definitions; amending
31 s. 380.504, F.S.; revising the composition of

1 the Florida Communities Trust; amending s.
2 380.505, F.S.; revising quorum requirements;
3 amending s. 380.507, F.S.; providing for
4 titling of certain acquired property to a local
5 government; revising rulemaking authority;
6 amending s. 380.510, F.S.; requiring covenants
7 and restrictions for certain property,
8 necessary to comply with constitutional
9 requirements; amending ss. 420.5092 and
10 420.9073, F.S.; correcting cross references;
11 repealing s. 253.787, F.S., relating to the
12 Florida Greenways Coordinating Council;
13 repealing s. 259.035, F.S., relating to the
14 Land Acquisition and Management Advisory
15 Council; repealing s. 259.07, F.S., relating to
16 public meetings of the council; creating the
17 Stewardship Florida Study Commission; providing
18 membership and duties; providing an
19 appropriation; providing effective dates.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 201.15, Florida Statutes, 1998
24 Supplement, is amended to read:

25 201.15 Distribution of taxes collected.--All taxes
26 collected under this chapter shall be distributed as follows
27 and shall be subject to the service charge imposed in s.
28 215.20(1), except that such service charge shall not be levied
29 against any portion of taxes pledged to debt service on bonds
30 to the extent that the amount of the service charge is
31

1 required to pay any amounts relating to the bonds and shall be
2 distributed as follows:
3 (1) Sixty-two and sixty-three hundredths percent of
4 the remaining taxes collected under this chapter shall be used
5 for the following purposes:
6 (a) Amounts Subject to the maximum amount limitations
7 ~~set forth in this paragraph, an amount~~ as shall be necessary
8 to pay the debt service on, or fund debt service reserve
9 funds, rebate obligations, or other amounts with respect to
10 Preservation 2000 bonds issued pursuant to s. 375.051 and
11 Stewardship Florida bonds issued pursuant to s. 215.618, bonds
12 ~~issued pursuant to s. 375.051 and payable from moneys~~
13 ~~transferred to the Land Acquisition Trust Fund pursuant to~~
14 ~~this paragraph~~ shall be paid into the State Treasury to the
15 credit of the Land Acquisition Trust Fund to be used for such
16 purposes. The amount transferred to the Land Acquisition Trust
17 Fund for such purposes shall not exceed ~~\$90 million in fiscal~~
18 ~~year 1992-1993, \$120 million in fiscal year 1993-1994, \$150~~
19 ~~million in fiscal year 1994-1995, \$180 million in fiscal year~~
20 ~~1995-1996, \$210 million in fiscal year 1996-1997, \$240 million~~
21 ~~in fiscal year 1997-1998, \$270 million in fiscal year~~
22 ~~1998-1999, and \$300 million in fiscal year 1999-2000 and~~
23 thereafter for Preservation 2000 bonds and bonds issued to
24 refund Preservation 2000 bonds, and \$300 million in fiscal
25 year 2000-2001 and thereafter for Stewardship Florida bonds.
26 Except for bonds issued to refund previously issued bonds, no
27 ~~individual~~ series of bonds may be issued pursuant to this
28 paragraph unless such bonds and the first year's debt service
29 for such bonds are is specifically appropriated in the General
30 Appropriations Act. For purposes of refunding Preservation
31 2000 bonds, amounts designated within this section for

1 Preservation 2000 and Stewardship Florida bonds may be
2 transferred between the two programs to the extent provided
3 for in the documents authorizing the issuance of the bonds.
4 The Preservation 2000 bonds and Stewardship Florida bonds
5 shall be equally and ratably secured by moneys distributable
6 to the Land Acquisition Trust Fund pursuant to this section,
7 except to the extent specifically provided otherwise by the
8 documents authorizing the issuance of the bonds. No moneys
9 transferred to the Land Acquisition Trust Fund pursuant to
10 this paragraph, or earnings thereon, shall be used or made
11 available to pay debt service on the Save Our Coast revenue
12 bonds.

13 ~~(b) The remainder of the moneys distributed under this~~
14 ~~subsection, after the required payment under paragraph (a),~~
15 ~~shall be paid into the State Treasury to the credit of the~~
16 ~~Land Acquisition Trust Fund and may be used for any purpose~~
17 ~~for which funds deposited in the Land Acquisition Trust Fund~~
18 ~~may lawfully be used. Payments made under this paragraph shall~~
19 ~~continue until the cumulative amount credited to the Land~~
20 ~~Acquisition Trust Fund for the fiscal year under this~~
21 ~~paragraph and paragraph (2)(b) equals 70 percent of the~~
22 ~~current official forecast for distributions of taxes collected~~
23 ~~under this chapter pursuant to subsection (2). As used in this~~
24 ~~paragraph, the term "current official forecast" means the most~~
25 ~~recent forecast as determined by the Revenue Estimating~~
26 ~~Conference. If the current official forecast for a fiscal year~~
27 ~~changes after payments under this paragraph have ended during~~
28 ~~that fiscal year, no further payments are required under this~~
29 ~~paragraph during the fiscal year.~~

30 (b)(c) The remainder of the moneys distributed under
31 this subsection, after the required payments under paragraph

1 ~~(a) paragraphs (a) and (b)~~, shall be paid into the State
2 Treasury to the credit of the General Revenue Fund of the
3 state to be used and expended for the purposes for which the
4 General Revenue Fund was created and exists by law or to the
5 Ecosystem Management and Restoration Trust Fund as provided in
6 subsection (10)~~(8)~~.

7 (2) Seven and fifty-six hundredths percent of the
8 remaining taxes collected under this chapter shall be used for
9 the following purposes:

10 (a) Beginning in the month following the final payment
11 for a fiscal year under paragraph (1)~~(a)(b)~~, available moneys
12 shall be paid into the State Treasury to the credit of the
13 General Revenue Fund of the state to be used and expended for
14 the purposes for which the General Revenue Fund was created
15 and exists by law or to the Ecosystem Management and
16 Restoration Trust Fund as provided in subsection (10)~~(8)~~.

17 Payments made under this paragraph shall continue until the
18 cumulative amount credited to the General Revenue Fund for the
19 fiscal year under this paragraph equals the cumulative
20 payments made under paragraph (1)(b) for the same fiscal year.

21 (b) The remainder of the moneys distributed under this
22 subsection shall be paid into the State Treasury to the credit
23 of the Land Acquisition Trust Fund. Sums deposited in the fund
24 pursuant to this subsection may be used for any purpose for
25 which funds deposited in the Land Acquisition Trust Fund may
26 lawfully be used.

27 (3) One and ninety-four hundredths percent of the
28 remaining taxes collected under this chapter shall be paid
29 into the State Treasury to the credit of the Land Acquisition
30 Trust Fund. Moneys deposited in the trust fund pursuant to
31 this section shall be used for the following purposes:

1 (a) Sixty percent of the moneys shall be used to
2 acquire coastal lands or to pay debt service on bonds issued
3 to acquire coastal lands; and
4 (b) Forty percent of the moneys shall be used to
5 develop and manage lands acquired with moneys from the Land
6 Acquisition Trust Fund.
7 (4) Four and two-tenths ~~Five and eighty-four~~
8 ~~hundredths~~ percent of the remaining taxes collected under this
9 chapter shall be paid into the State Treasury to the credit of
10 the Water Management Lands Trust Fund. Sums deposited in that
11 fund may be used for any purpose authorized in s. 373.59.
12 (5) Four and two-tenths ~~Five and eighty-four~~
13 ~~hundredths~~ percent of the remaining taxes collected under this
14 chapter shall be paid into the State Treasury to the credit of
15 the Conservation and Recreation Lands Trust Fund to carry out
16 the purposes set forth in s. 259.032.
17 (6) Two and seventy-eight hundredths percent of the
18 remaining taxes collected under this chapter shall be paid
19 into the State Treasury to the credit of the Aquatic Plant
20 Control Trust Fund to carry out the purposes set forth in ss.
21 369.22 and 369.252.
22 (7) One-half of one percent of the remaining taxes
23 collected under this chapter shall be paid into the State
24 Treasury to the credit of the State Game Trust Fund to be used
25 exclusively for the purpose of implementing the Lake
26 Restoration 2020 Program.
27 (8)~~(6)~~ Seven and fifty-three hundredths percent of the
28 remaining taxes collected under this chapter shall be paid
29 into the State Treasury to the credit of the State Housing
30 Trust Fund and shall be used as follows:
31

1 (a) Half of that amount shall be used for the purposes
2 for which the State Housing Trust Fund was created and exists
3 by law.

4 (b) Half of that amount shall be paid into the State
5 Treasury to the credit of the Local Government Housing Trust
6 Fund and shall be used for the purposes for which the Local
7 Government Housing Trust Fund was created and exists by law.

8 (9)~~(7)~~ Eight and sixty-six hundredths percent of the
9 remaining taxes collected under this chapter shall be paid
10 into the State Treasury to the credit of the State Housing
11 Trust Fund and shall be used as follows:

12 (a) Twelve and one-half percent of that amount shall
13 be deposited into the State Housing Trust Fund and be expended
14 by the Department of Community Affairs and by the Florida
15 Housing Finance Agency for the purposes for which the State
16 Housing Trust Fund was created and exists by law.

17 (b) Eighty-seven and one-half percent of that amount
18 shall be distributed to the Local Government Housing Trust
19 Fund and shall be used for the purposes for which the Local
20 Government Housing Trust Fund was created and exists by law.
21 Funds from this category may also be used to provide for state
22 and local services to assist the homeless.

23 (10)~~(8)~~ From the moneys specified in paragraphs
24 (1)(b)~~(c)~~ and (2)(a) and prior to deposit of any moneys into
25 the General Revenue Fund, \$10 million shall be paid into the
26 State Treasury to the credit of the Ecosystem Management and
27 Restoration Trust Fund in fiscal year 1998-1999, \$20 million
28 in fiscal year 1999-2000, and \$30 million in fiscal year
29 2000-2001 and each fiscal year thereafter, to be used for the
30 preservation and repair of the state's beaches as provided in
31 ss. 161.091-161.212.

1 ~~(11)(9)~~ The Department of Revenue may use the payments
2 credited to trust funds pursuant to paragraphs (1)~~(a)(b)~~ and
3 (2)(b) and subsections (3), (4), (5), (6), ~~and~~ (7), (8), and
4 ~~(9)~~ to pay the costs of the collection and enforcement of the
5 tax levied by this chapter. The percentage of such costs which
6 may be assessed against a trust fund is a ratio, the numerator
7 of which is payments credited to that trust fund under this
8 section and the denominator of which is the sum of payments
9 made under paragraphs (1)~~(a)(b)~~ and (2)(b) and subsections
10 (3), (4), (5), (6), ~~and~~ (7), (8), and (9).

11 (12) The distribution of proceeds deposited into the
12 Water Management Lands Trust Fund and the Conservation and
13 Recreation Lands Trust Fund, pursuant to subsections (4) and
14 (5), shall not be used for land acquisition, but may be used
15 for preacquisition costs associated with land purchases. The
16 Legislature intends that the Stewardship Florida program
17 supplant the acquisition programs formerly authorized under
18 ss. 259.032 and 373.59. Prior to the 2005 Regular Session of
19 the Legislature, the Acquisition and Restoration Commission
20 shall review and make recommendations to the Legislature
21 concerning the need to repeal this provision. Based on these
22 recommendations, the Legislature shall review the need to
23 repeal this provision during the 2005 Regular Session.

24 Section 2. Subsection (1) of section 161.05301,
25 Florida Statutes, 1998 Supplement, is amended to read:

26 161.05301 Beach erosion control project staffing;
27 coastal construction building codes review.--

28 (1) There are hereby appropriated to the Department of
29 Environmental Protection six positions and \$449,918 for fiscal
30 year 1998-1999 from the Ecosystem Management and Restoration
31 Trust Fund from revenues provided by this act pursuant to s.

1 201.15(10)(8). These positions and funding are provided to
2 assist local project sponsors, and shall be used to facilitate
3 and promote enhanced beach erosion control project
4 administration. Such staffing resources shall be directed
5 toward more efficient contract development and oversight,
6 promoting cost-sharing strategies and regional coordination or
7 projects among local governments, providing assistance to
8 local governments to ensure timely permit review, and
9 improving billing review and disbursement processes.

10 Section 3. Subsection (3) of section 161.091, Florida
11 Statutes, 1998 Supplement, is amended to read:

12 161.091 Beach management; funding; repair and
13 maintenance strategy.--

14 (3) In accordance with the intent expressed in s.
15 161.088 and the legislative finding that erosion of the
16 beaches of this state is detrimental to tourism, the state's
17 major industry, further exposes the state's highly developed
18 coastline to severe storm damage, and threatens beach-related
19 jobs, which, if not stopped, could significantly reduce state
20 sales tax revenues, funds deposited into the State Treasury to
21 the credit of the Ecosystem Management and Restoration Trust
22 Fund, in the annual amounts provided in s. 201.15(10)(8),
23 shall be used, for a period of not less than 15 years, to fund
24 the development, implementation, and administration of the
25 state's beach management plan, as provided in ss.
26 161.091-161.212, prior to the use of such funds deposited
27 pursuant to s. 201.15(10)(8) in that trust fund for any other
28 purpose.

29 Section 4. Section 201.155, Florida Statutes, is
30 created to read:

31

1 201.155 Distribution of taxes for Stewardship Florida
2 Trust Fund.--Subject to the maximum amount of limitations set
3 forth in this section, an amount as shall be necessary to pay
4 the debt service on, or fund debt service reserve funds,
5 rebate obligations, or other amounts with respect to bonds
6 issued pursuant to s. 259.02 and payable from moneys
7 transferred to the Stewardship Florida Trust Fund pursuant to
8 this section, shall be paid into the State Treasury to the
9 credit of the Stewardship Florida Trust Fund to be used for
10 such purposes. The annual amount transferred to the
11 Stewardship Florida Trust Fund shall not exceed \$30 million in
12 the first fiscal year in which bonds are issued. The
13 limitation on the amount transferred shall be increased by an
14 additional \$30 million in each subsequent fiscal year in which
15 bonds are authorized to be issued, but shall not exceed a
16 total of \$300 million in any fiscal year for all bonds issued.
17 It is the intent of the Legislature that all bonds issued to
18 fund the Stewardship Florida Act be retired by December 31,
19 2030. No individual series of bonds may be issued pursuant to
20 this section unless the first year's debt service for such
21 bonds is specifically appropriated in the General
22 Appropriations Act.

23 Section 5. Section 215.618, Florida Statutes, is
24 created to read:

25 215.618 Bonds for acquisition and improvement of land,
26 water areas, and related property interests and resources.--

27 (1) The issuance of Stewardship Florida bonds to
28 finance or refinance the cost of acquisition and improvement
29 of land, water areas, and related property interests and
30 resources for the purposes of conservation, outdoor
31 recreation, water resource development, restoration of natural

1 systems, and historic preservation is hereby authorized
2 pursuant to s. 11(e), Art. VII of the State Constitution.
3 Stewardship Florida bonds may also be issued to refund
4 Preservation 2000 bonds issued pursuant to s. 375.051. The
5 duration of Stewardship Florida bonds issued may not exceed 20
6 annual maturities. Preservation 2000 bonds and Stewardship
7 Florida bonds shall be equally and ratably secured by moneys
8 distributable to the Land Acquisition Trust Fund pursuant to
9 s. 201.15(1)(a), except to the extent specifically provided
10 otherwise by the documents authorizing the issuance of the
11 bonds.

12 (2) The state does hereby covenant with the holders of
13 Stewardship Florida bonds and Preservation 2000 bonds that it
14 will not take any action which will materially and adversely
15 affect the rights of such holders so long as such bonds are
16 outstanding, including, but not limited to, a reduction in the
17 portion of documentary stamp taxes distributable to the Land
18 Acquisition Trust Fund for payment of debt service on
19 Preservation 2000 bonds or Stewardship Florida bonds.

20 (3) Bonds issued pursuant to this section shall be
21 payable from taxes distributable to the Land Acquisition Trust
22 Fund pursuant to s. 201.15(1)(a). Bonds issued pursuant to
23 this section shall not constitute a general obligation of, or
24 a pledge of the full faith and credit of, the state.

25 (4) The Department of Environmental Protection shall
26 request the Division of Bond Finance of the State Board of
27 Administration to issue the Stewardship Florida bonds
28 authorized by this section. The Division of Bond Finance shall
29 issue such bonds pursuant to the State Bond Act.

30 (5) The proceeds from the sale of bonds issued
31 pursuant to this section, less the costs of issuance, the

1 costs of funding reserve accounts, and other costs with
2 respect to the bonds, shall be deposited into the Stewardship
3 Florida Trust Fund. The bond proceeds deposited into the
4 Stewardship Florida Trust Fund shall be distributed by the
5 Department of Environmental Protection as provided in s.
6 259.105.

7 (6) Pursuant to authority granted by s. 11(e), Art.
8 VII of the State Constitution, there is hereby continued and
9 recreated the Land Acquisition Trust Fund which shall be a
10 continuation of the Land Acquisition Trust Fund which exists
11 for purposes of s. 9(a)(1), Art. XII of the State
12 Constitution. The Land Acquisition Trust Fund shall continue
13 beyond the termination of bonding authority provided for in s.
14 9(a)(1), Art. XII of the State Constitution, pursuant to the
15 authority provided by s. 11(e), Art. VII of the State
16 Constitution and shall continue for so long as Preservation
17 2000 bonds or Stewardship Florida bonds are outstanding and
18 secured by taxes distributable thereto.

19 (7) There shall be no sale, disposition, lease,
20 easement, license, or other use of any land, water areas, or
21 related property interests acquired or improved with proceeds
22 of Stewardship Florida bonds which would cause all or any
23 portion of the interest of such bonds to lose the exclusion
24 from gross income for federal income tax purposes.

25 (8) The initial series of Stewardship Florida bonds
26 shall be validated in addition to any other bonds required to
27 be validated pursuant to s. 215.82. Any complaint for
28 validation of bonds issued pursuant to this section shall be
29 filed only in the circuit court of the county where the seat
30 of state government is situated, the notice required to be
31 published by s. 75.06 shall be published only in the county

1 where the complaint is filed, and the complaint and order of
2 the circuit court shall be served only on the state attorney
3 of the circuit in which the action is pending.

4 Section 6. Section 216.331, Florida Statutes, is
5 amended to read:

6 216.331 Disbursement of state moneys.--Except as
7 provided in s. 17.076, s. 253.025(14), s. 259.041(18)~~(17)~~, s.
8 717.124(5), s. 732.107(6), or s. 733.816(5), all moneys in the
9 State Treasury shall be disbursed by state warrant, drawn by
10 the Comptroller upon the State Treasury and payable to the
11 ultimate beneficiary. This authorization shall include
12 electronic disbursement.

13 Section 7. Subsection (4) and paragraph (a) of
14 subsection (5) of section 253.027, Florida Statutes, are
15 amended to read:

16 253.027 Emergency archaeological property
17 acquisition.--

18 (4) EMERGENCY ARCHAEOLOGICAL ACQUISITION.--The sum of
19 \$2 million shall be reserved annually ~~segregated in an account~~
20 within the Stewardship Florida Conservation and Recreation
21 ~~lands~~ Trust Fund for the purpose of emergency archaeological
22 acquisition ~~for fiscal year 1988-1989, and each year~~
23 ~~thereafter~~. Any portion of that amount ~~the account~~ not spent
24 or obligated by the end of the third quarter of the fiscal
25 year may be used for approved acquisitions pursuant to s.
26 259.105(3)(b) ~~spent for other purposes specified in s.~~
27 ~~259.032, upon approval of the Board of Trustees of the~~
28 ~~Internal Improvement Trust Fund.~~

29 (5) ACCOUNT EXPENDITURES.--
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31

1 (a) No moneys shall be spent for the acquisition of
2 any property, including title works, appraisal fees, and
3 survey costs, unless:

4 1. The property is an archaeological property of major
5 statewide significance.

6 2. The structures, artifacts, or relics, or their
7 historic significance, will be irretrievably lost if the state
8 cannot acquire the property.

9 3. The site is presently on an acquisition list for
10 ~~the~~ Conservation and Recreation Lands or for Stewardship
11 Florida lands, acquisition list or complies with the criteria
12 for inclusion on any such ~~the~~ list but has yet to be included
13 on the list.

14 4. No other source of immediate funding is available
15 to purchase or otherwise protect the property.

16 5. The site is not otherwise protected by local,
17 state, or federal laws.

18 6. The acquisition is not inconsistent with the state
19 comprehensive plan and the state land acquisition program.

20 Section 8. Subsections (3), (4), (5), (6), and (8) of
21 section 253.034, Florida Statutes, 1998 Supplement, are
22 amended, and subsection (10) is added to said section, to
23 read:

24 253.034 State-owned lands; uses.--

25 (3) In recognition that recreational trails purchased
26 with rails-to-trails funds pursuant to s. 259.101(3)(g) or s.
27 259.105(3)(g) have had historic transportation uses and that
28 their linear character may extend many miles, the Legislature
29 intends that when the necessity arises to serve public needs,
30 after balancing the need to protect trail users from
31 collisions with automobiles and a preference for the use of

1 overpasses and underpasses to the greatest extent feasible and
2 practical, transportation uses shall be allowed to cross
3 recreational trails purchased pursuant to s. 259.101(3)(g) or
4 s. 259.105(3)(g). When these crossings are needed, the
5 location and design should consider and mitigate the impact on
6 humans and environmental resources, and the value of the land
7 shall be paid based on fair market value.

8 (4) No management agreement, lease, or other
9 instrument authorizing the use of lands owned by the Board of
10 Trustees of the Internal Improvement Trust Fund shall be
11 executed for a period greater than is necessary to provide for
12 the reasonable use of the land for the existing or planned
13 life cycle or amortization of the improvements, except that an
14 easement in perpetuity may be granted by the Board of Trustees
15 of the Internal Improvement Trust Fund if the improvement is a
16 transportation facility. An agency managing or leasing
17 state-owned lands from the Board of Trustees of the Internal
18 Improvement Trust Fund may not sublease such lands without
19 prior review by the division and by the Land Acquisition and
20 Management Advisory Council created in s. 259.035 or its
21 successor and approval by the board. The Land Acquisition and
22 Management Advisory Council is not required to review
23 subleases of parcels which are less than 160 acres in size.

24 (5) Each state agency managing lands owned by the
25 Board of Trustees of the Internal Improvement Trust Fund shall
26 submit to the Division of State Lands a land management plan
27 at least every 5 years in a form and manner prescribed by rule
28 by the board. All management plans, whether for single-use or
29 multiple-use properties, shall specifically describe how the
30 managing agency plans to identify, locate, protect and
31 preserve, or otherwise use fragile nonrenewable resources,

1 such as archaeological and historic sites, as well as other
2 fragile resources, including endangered plant and animal
3 species, and provide for the conservation of soil and water
4 resources and for the control and prevention of soil erosion.
5 Land management plans submitted by an agency shall include
6 reference to appropriate statutory authority for such use or
7 uses and shall conform to the appropriate policies and
8 guidelines of the state land management plan. All land
9 management plans for parcels larger than 1,000 acres shall
10 contain an analysis of the multiple-use potential of the
11 parcel, which analysis shall include the potential of the
12 parcel to generate revenues to enhance the management of the
13 parcel. Additionally, the land management plan shall contain
14 an analysis of the potential use of private land managers to
15 facilitate the restoration or management of these lands. In
16 those cases where a newly acquired property has a valid
17 conservation plan, the plan shall be used to guide management
18 of the property until a formal land management plan is
19 completed.

20 (a) The Division of State Lands shall make available
21 to the public a copy of each land management plan for parcels
22 which exceed 160 acres in size. The council or its successor
23 shall review each plan for compliance with the requirements of
24 this subsection and with the requirements of the rules
25 established by the board pursuant to this subsection. The
26 council or its successor shall also consider the propriety of
27 the recommendations of the managing agency with regard to the
28 future use of the property, the protection of fragile or
29 nonrenewable resources, the potential for alternative or
30 multiple uses not recognized by the managing agency, and the
31 possibility of disposal of the property by the board. After

1 its review, the council or its successor shall submit the
2 plan, along with its recommendations and comments, to the
3 board. The council or its successor shall specifically
4 recommend to the board whether to approve the plan as
5 submitted, approve the plan with modifications, or reject the
6 plan.

7 (b) The Board of Trustees of the Internal Improvement
8 Trust Fund shall consider the land management plan submitted
9 by each state agency and the recommendations of the council or
10 its successor and the Division of State Lands and shall
11 approve the plan with or without modification or reject such
12 plan. The use or possession of any such lands which is not in
13 accordance with an approved land management plan is subject to
14 termination by the board.

15 (6) The Board of Trustees of the Internal Improvement
16 Trust Fund shall determine which lands, the title to which is
17 vested in the board, may be surplusued ~~are of no benefit to the~~
18 ~~public and shall dispose of such lands pursuant to law. For~~
19 those lands designated as acquired for conservation purposes,
20 the board shall make a determination that the lands are no
21 longer needed for conservation purposes and may dispose of
22 them by a two-thirds vote. For all other lands, the board
23 shall make a determination that the lands are no longer needed
24 and may dispose of them by majority vote.

25 (a) For the purposes of this subsection, all lands
26 acquired by the state prior to July 1, 1999, using proceeds
27 from the Preservation 2000 bonds, the Conservation and
28 Recreation Lands Trust Fund, or the Water Management Lands
29 Trust Fund, and titled to the board, which lands are
30 identified as core parcels or within original projects
31

1 boundaries, shall be deemed to have been acquired for
2 conservation purposes.

3 (b) For any lands purchased by the state on or after
4 July 1, 1999, a determination shall be made by the board as to
5 those parcels that shall be designated as having been acquired
6 for conservation purposes. No lands acquired for use by the
7 Department of Corrections, the Department of Management
8 Services for use as state offices, the Department of
9 Transportation, or the State University System or state
10 community college system shall be designated as having been
11 purchased for conservation purposes.

12 (c)~~(a)~~ At least every 3 5 years, in a form and manner
13 prescribed by rule by the board, each state agency shall
14 indicate to the board those lands which the agency manages
15 which are not being used for the purpose for which they were
16 originally leased. Such lands shall be reviewed by the council
17 or its successor for its recommendation as to whether such
18 lands should be disposed of by the board.

19 (d)~~(b)~~ Lands owned by the board which are not actively
20 managed by any state agency or for which a land management
21 plan has not been completed pursuant to subsection(5)~~(4)~~
22 shall be reviewed by the council or its successor for its
23 recommendation as to whether such lands should be disposed of
24 by the board.

25 (e) Prior to any decision by the board to surplus
26 lands, the Acquisition and Restoration Commission shall review
27 and make recommendations to the board concerning the request
28 for surplusings. The commission shall determine whether the
29 request for surplusings is compatible with the resource values
30 of and management objectives for such lands.

31

1 ~~(f)(e)~~ In reviewing lands owned by the board ~~pursuant~~
2 ~~to paragraphs (a) and (b)~~, the council or its successor shall
3 consider whether such lands would be more appropriately owned
4 or managed by the county or other unit of local government in
5 which the land is located. The council or its successor shall
6 recommend to the board whether a sale, lease, or other
7 conveyance to a local government would be in the best
8 interests of the state and local government. The provisions of
9 this paragraph in no way limit the provisions of ss. 253.111
10 and 253.115. Such lands shall be offered to the county or
11 local government for a period of 90 days. Permittable uses for
12 such surplus lands may include public schools, public
13 libraries, fire or law enforcement substations, and
14 governmental, judicial, or recreational centers. County or
15 local government requests for surplus lands shall be expedited
16 throughout the surplus process. State agencies shall have
17 the subsequent opportunity to acquire the surplus lands for a
18 period not to exceed 30 days after the offer to a county or
19 local government expires. Surplus properties in which
20 governmental agencies have expressed no interest shall then be
21 available for sale on the private market.

22 (g) Lands determined to be surplus pursuant to this
23 subsection shall be sold for fair market value or the price
24 paid by the state or a water management district to originally
25 acquire the lands, whichever is greater, except that the price
26 of lands sold as surplus to any unit of government shall not
27 exceed the price paid by the state or a water management
28 district to originally acquire the lands. A unit of government
29 which acquires title to lands hereunder for less than fair
30 market value may not sell or transfer title to all or any
31

1 portion of the lands to any private owner for a period of 10
2 years.

3 (h)~~(d)~~ After reviewing the recommendations of the
4 council or its successor, the board shall determine whether
5 lands identified for surplus ~~in paragraphs (a) and (b)~~ are to
6 be held for other public purposes or whether such lands are no
7 longer needed ~~of no benefit to the public~~. The board may
8 require an agency to release its interest in such lands.
9 ~~Lands determined to be of no benefit to the public shall be~~
10 ~~disposed of pursuant to law. Each fiscal year, up to \$500,000~~
11 ~~of the proceeds from the disposal of such lands shall be~~
12 ~~placed in the Internal Improvement Trust Fund to be used to~~
13 ~~pay the costs of any administration, appraisal, management,~~
14 ~~conservation, protection, sales, or real estate sales~~
15 ~~services; any such proceeds in excess of \$500,000 shall be~~
16 ~~placed in the Conservation and Recreation Lands Trust Fund.~~

17 (i) Requests for surplusing may be made by any public
18 or private entity or person. All requests shall be submitted
19 to the lead managing agency for review and recommendation to
20 the council or its successor. Lead managing agencies shall
21 have 90 days to review such requests and make recommendations.
22 Any surplusing requests that have not been acted upon within
23 the 90-day time period shall be immediately scheduled for
24 hearing at the next regularly scheduled meeting of the council
25 or its successor.

26 (j) Proceeds from any sale of surplus lands pursuant
27 to this subsection shall be deposited into the fund from which
28 such lands were acquired.

29 (k) Notwithstanding the provisions of this subsection,
30 no such disposition of land shall be made if such disposition
31 would have the effect of causing all or any portion of the

1 interest on any revenue bonds issued to lose the exclusion
2 from gross income for federal income tax purposes.

3 ~~(1)(e)~~ The sale of filled, formerly submerged land
4 that does not exceed 5 acres in area is not subject to review
5 by the council or its successor.

6 (8) Land management plans required to be submitted by
7 the Department of Corrections or the Department of Education
8 shall not be subject to the ~~council review~~ provisions for
9 review by the council or its successor described in subsection

10 (5). Management plans filed by these agencies shall be made
11 available to the public for a period of 90 days at the
12 administrative offices of the parcel or project affected by
13 the management plan and at the Tallahassee offices of each
14 agency. Any plans not objected to during the public comment
15 period shall be deemed approved. Any plans for which an
16 objection is filed shall be submitted to the Board of Trustees
17 of the Internal Improvement Trust Fund for consideration. The
18 Board of Trustees of the Internal Improvement Trust Fund shall
19 approve the plan with or without modification, or reject the
20 plan. The use or possession of any such lands which is not in
21 accordance with an approved land management plan is subject to
22 termination by the board.

23 (10) The following additional uses of lands acquired
24 by the state pursuant to the Stewardship Florida program and
25 other state-funded land purchase programs shall be authorized,
26 if they meet the criteria specified in paragraphs (a)-(e):
27 water resource development projects, water supply development
28 projects, stormwater management projects, linear facilities,
29 and sustainable agriculture and forestry. However, the policy
30 adopted by the board of trustees on January 23, 1996, relating
31

1 to linear facilities shall govern transportation uses. Such
2 additional uses are authorized where:

3 (a) Not inconsistent with the management plan for such
4 lands;

5 (b) Compatible with the natural ecosystem and resource
6 values of such lands;

7 (c) The proposed use is appropriately located on such
8 lands and where due consideration is given to the use of other
9 available lands;

10 (d) The using entity reasonably compensates the
11 titleholder for such use based upon an appropriate measure of
12 value; and

13 (e) The use provides a significant public benefit.
14

15 Moneys received from the use of state lands pursuant to this
16 section shall be returned to the lead managing agency in
17 accordance with the provisions of s. 259.032(11)(d).

18 Section 9. Section 259.02, Florida Statutes, is
19 amended to read:

20 259.02 Authority; full faith and credit
21 bonds.--Pursuant to the provisions of s. 11(e)(a), Art. VII of
22 the State Constitution and the State Bond Act s. 215.59, the
23 issuance of state bonds pledging documentary stamp taxes ~~the~~
24 ~~full faith and credit of the state~~ in the principal amount,
25 including any refinancing, not to exceed \$3 billion, on behalf
26 of and at the request of the Department of Environmental
27 Protection, to be deposited into the Stewardship Florida Trust
28 Fund for state capital projects for the acquisition of lands,
29 water areas, and related interests and resources, in urban and
30 rural settings, for the purposes of restoration, conservation,
31 recreation, water resource development, or historical

1 preservation, and for capital improvements to lands and water
2 areas that accomplish environmental restoration, enhance
3 public access and recreational enjoyment, promote long-term
4 management goals, and facilitate water resource development is
5 hereby authorized, subject to the provisions of s. 259.105
6 ~~\$200 million for state capital projects for environmentally~~
7 ~~endangered lands and \$40 million for state capital projects~~
8 ~~for outdoor recreation lands is hereby authorized, subject to~~
9 ~~the provisions of ss. 259.01-259.06.~~

10 Section 10. Section 259.021, Florida Statutes, is
11 created to read:

12 259.021 Issuance of bonds subject to constitutional
13 authorization.--Financing or refinancing the acquisition or
14 restoration of, or capital improvements to, lands, water
15 areas, and related resources by public agencies under the
16 Stewardship Florida Act is a public purpose for which bonds
17 may be issued, subject to specific authorization in the State
18 Constitution to issue bonds to pay the cost of acquiring or
19 restoring such lands, water areas, and related resources and
20 to construct, improve, enlarge, and extend capital
21 improvements and facilities thereon as determined to be
22 necessary for the purposes of this chapter. No bonds,
23 certificates, or other evidences of indebtedness shall be
24 issued for the purposes of this chapter except as specifically
25 authorized by the State Constitution. All bonds,
26 certificates, or other evidences of indebtedness issued
27 pursuant to this chapter shall be issued at the request of the
28 Department of Environmental Protection pursuant to the State
29 Bond Act and shall be submitted to the State Board of
30 Administration for approval as to fiscal sufficiency. No
31 individual series of bonds may be issued pursuant to this

1 section unless the first year's debt service for such bonds is
2 specifically appropriated in the General Appropriations Act.

3 Section 11. Section 259.03, Florida Statutes, is
4 amended to read:

5 259.03 Definitions.--The following terms and phrases
6 when used in this chapter ~~ss. 259.01-259.06~~ shall have the
7 meaning ascribed to them in this section, except where the
8 context clearly indicates a different meaning:

9 (1) "Advisory council" means that council established
10 pursuant to s. 259.035.

11 ~~(2) "State capital projects for environmentally~~
12 ~~endangered lands" means a state capital project, as required~~
13 ~~by s. 11(a), Art. VII of the State Constitution, which shall~~
14 ~~have as its purpose the conservation and protection of~~
15 ~~environmentally unique and irreplaceable lands as valued~~
16 ~~ecological resources of this state.~~

17 ~~(3) "State capital project for outdoor recreation~~
18 ~~lands" means a state capital project, as required by s. 11(a),~~
19 ~~Art. VII of the State Constitution, which shall be for the~~
20 ~~purposes set out in chapter 375.~~

21 (2)(4) "Board" means the Governor and Cabinet, as the
22 Board of Trustees of the Internal Improvement Trust Fund.

23 (3) "Capital improvement" means those activities
24 relating to the acquisition, restoration, public access, and
25 recreational uses of such lands, water areas, and related
26 resources deemed necessary to accomplish the purposes of this
27 chapter. Eligible activities include, but are not limited to:
28 the initial removal of invasive plants; the construction,
29 improvement, enlargement or extension of facilities' signs,
30 firelanes, access roads, and trails; or any other activities
31 that serve to restore, conserve, protect, or provide public

1 access, recreational opportunities, or necessary services for
2 land or water areas. Such activities shall be identified prior
3 to the acquisition of a parcel or the approval of a project.
4 The continued expenditures necessary for a capital improvement
5 approved under this subsection shall not be eligible for
6 funding provided in this chapter.

7 (4) "Department" means the Department of Environmental
8 Protection.

9 (5) "Division" means the Division of Bond Finance of
10 the State Board of Administration.

11 (6) "Water resource development project" means a
12 project eligible for funding pursuant to s. 259.105 that
13 increases the amount of water available to meet the needs of
14 natural systems and the citizens of the state by enhancing or
15 restoring aquifer recharge, facilitating the capture and
16 storage of excess flows in surface waters, or promoting reuse.
17 The implementation of eligible projects under s. 259.105
18 includes land acquisition, land and water body restoration,
19 aquifer storage and recovery facilities, surface water
20 reservoirs, and other capital improvements. The term does not
21 include construction of treatment, transmission, or
22 distribution facilities.

23 Section 12. Subsections (1), (2), (3), (7), (8), (9),
24 (10), (11), (12), and (16) of section 259.032, Florida
25 Statutes, is amended to read:

26 259.032 Conservation and Recreation Lands Trust Fund;
27 purpose.--

28 (1) It is the policy of the state that the citizens of
29 this state shall be assured public ownership of natural areas
30 for purposes of maintaining this state's unique natural
31 resources; protecting air, land, and water quality; promoting

1 water resource development to meet the needs of natural
2 systems and citizens of this state; promoting restoration and
3 reclamation activities on public lands; and providing lands
4 for natural resource based recreation. In recognition of this
5 policy, it is the intent of the Legislature to provide such
6 public lands for the people residing in urban and metropolitan
7 areas of the state, as well as those residing in less
8 populated, rural areas. It is the further intent of the
9 Legislature, with regard to the lands described in paragraph
10 (3)(c), that a high priority be given to the acquisition of
11 such lands in or near counties exhibiting the greatest
12 concentration of population and, with regard to the lands
13 described in subsection (3), that a high priority be given to
14 acquiring lands or rights or interests in lands within any
15 area designated as an area of critical state concern under s.
16 380.05 which, in the judgment of the advisory council
17 established pursuant to s. 259.035, or its successor, cannot
18 be adequately protected by application of land development
19 regulations adopted pursuant to s. 380.05. Finally, it is the
20 Legislature's intent that lands acquired through this program
21 and any successor programs be managed in such a way as to
22 protect or restore their natural resource values, and provide
23 the greatest benefit, including public access, to the citizens
24 of this state.

25 (2)(a) The Conservation and Recreation Lands Trust
26 Fund is established within the Department of Environmental
27 Protection. The fund shall be used as a nonlapsing, revolving
28 fund exclusively for the purposes of this section. The fund
29 shall be credited with proceeds from the following excise
30 taxes:

31

1 1. The excise taxes on documents as provided in s.
2 201.15; and

3 2. The excise tax on the severance of phosphate rock
4 as provided in s. 211.3103.

5
6 The Department of Revenue shall credit to the fund each month
7 the proceeds from such taxes as provided in this paragraph.

8 (b) There shall annually be transferred from the
9 Conservation and Recreation Lands Trust Fund to the Land
10 Acquisition Trust Fund that amount, not to exceed \$20 million
11 annually, as shall be necessary to pay the debt service on, or
12 fund debt service reserve funds, rebate obligations, or other
13 amounts with respect to bonds issued pursuant to s. 375.051 to
14 acquire lands on the established priority list developed
15 pursuant to this section ~~as determined by the advisory council~~
16 ~~pursuant to s. 259.035~~; however, no moneys transferred to the
17 Land Acquisition Trust Fund pursuant to this paragraph, or
18 earnings thereon, shall be used or made available to pay debt
19 service on the Save Our Coast revenue bonds. Amounts
20 transferred annually from the Conservation and Recreation
21 Lands Trust Fund to the Land Acquisition Trust Fund pursuant
22 to this paragraph shall have the highest priority over other
23 payments or transfers from the Conservation and Recreation
24 Lands Trust Fund, and no other payments or transfers shall be
25 made from the Conservation and Recreation Lands Trust Fund
26 until such transfers to the Land Acquisition Trust Fund have
27 been made. Effective July 1, 2001, moneys in the Conservation
28 and Recreation Lands Trust Fund also shall be used to manage
29 lands and to pay related costs, activities, and functions
30 pursuant to the provisions of this section.

31

1 (3) The Governor and Cabinet, sitting as the Board of
2 Trustees of the Internal Improvement Trust Fund, may allocate
3 moneys from the fund in any one year to acquire the fee or any
4 lesser interest in lands for the following public purposes:

5 (a) To conserve and protect environmentally unique and
6 irreplaceable lands that contain native, relatively unaltered
7 flora and fauna representing a natural area unique to, or
8 scarce within, a region of this state or a larger geographic
9 area;

10 (b) To conserve and protect lands within designated
11 areas of critical state concern, if the proposed acquisition
12 relates to the natural resource protection purposes of the
13 designation;

14 (c) To conserve and protect native species habitat or
15 endangered or threatened species, emphasizing long-term
16 protection for endangered or threatened species designated G-1
17 or G-2 by the Florida Natural Areas Inventory, and especially
18 those areas that are special locations for breeding and
19 reproduction;

20 (d) To conserve, protect, manage, or restore important
21 ecosystems, landscapes, and forests, if the protection and
22 conservation of such lands is necessary to enhance or protect
23 significant surface water, groundwater, coastal, recreational,
24 timber, or fish or wildlife resources which cannot otherwise
25 be accomplished through local and state regulatory programs;

26 (e) To promote water resource development that
27 benefits natural systems and citizens of the state;

28 (f) To facilitate the restoration and subsequent
29 health and vitality of the Florida Everglades;

30 (g)~~(e)~~ To provide areas, including recreational
31 trails, for natural resource based recreation and other

1 outdoor recreation on any part of any site compatible with
2 conservation purposes;

3 (h)~~(f)~~ To preserve significant archaeological or
4 historic sites; or

5 (i)~~(g)~~ To conserve urban open spaces suitable for
6 greenways or outdoor recreation which are compatible with
7 conservation purposes.

8 (7) The board of trustees may enter into any contract
9 necessary to accomplish the purposes of this section. The lead
10 land managing agencies designated by the board of trustees
11 also are directed by the Legislature to enter into contracts
12 or interagency agreements with other governmental entities,
13 including local soil and water conservation districts, or
14 private land managers who have the expertise to perform
15 specific management activities which a lead agency lacks, or
16 which would cost more to provide in-house. Such activities
17 shall include, but not be limited to, controlled burning, road
18 and ditch maintenance, mowing, and wildlife assessments.

19 (8) Lands to be considered for purchase under this
20 section are subject to the selection procedures of s. 259.035
21 and related rules and shall be acquired in accordance with
22 acquisition procedures for state lands provided for in s.
23 259.041, except as otherwise provided by the Legislature. An
24 inholding or an addition to a project selected for purchase
25 pursuant to this chapter ~~or s. 259.035~~ is not subject to the
26 selection procedures of s. 259.035 if the estimated value of
27 such inholding or addition does not exceed \$500,000. When at
28 least 90 percent of the acreage of a project has been
29 purchased pursuant to this chapter ~~or s. 259.035~~, the project
30 may be removed from the list and the remaining acreage may
31 continue to be purchased. Moneys from the fund may be used for

1 title work, appraisal fees, environmental audits, and survey
2 costs related to acquisition expenses for lands to be
3 acquired, donated, or exchanged which qualify under the
4 categories of this section, at the discretion of the board.
5 When the Legislature has authorized the Department of
6 Environmental Protection to condemn a specific parcel of land
7 and such parcel has already been approved for acquisition
8 under this section, the land may be acquired in accordance
9 with the provisions of chapter 73 or chapter 74, and the fund
10 may be used to pay the condemnation award and all costs,
11 including a reasonable attorney's fee, associated with
12 condemnation.

13 (9)~~(a)~~ All lands managed under this chapter and s.
14 253.034 section shall be:

15 (a)1. Managed in a manner that will provide the
16 greatest combination of benefits to the public and to the
17 resources.

18 (b)2. Managed for public outdoor recreation which is
19 compatible with the conservation and protection of public
20 lands. Such management may include, but not be limited to, the
21 following public recreational uses: fishing, hunting,
22 camping, bicycling, hiking, nature study, swimming, boating,
23 canoeing, horseback riding, diving, model hobbyist activities,
24 birding, sailing, jogging, and other related outdoor
25 activities compatible with the purposes for which the lands
26 were acquired.

27 (c)3. Managed for the purposes for which the lands
28 were acquired, consistent with paragraph (11)(a).

29
30 ~~Management may include the following public uses: fishing,~~
31 ~~hunting, camping, bicycling, hiking, nature study, swimming,~~

1 ~~boating, canoeing, horseback riding, diving, birding, sailing,~~
2 ~~jogging, and other related outdoor activities.~~

3 ~~(d)(b)1.~~ Concurrent with its adoption of the annual
4 Conservation and Recreation ~~Recreational~~ Lands list of
5 acquisition projects pursuant to s. 259.035, the board of
6 trustees shall adopt a management prospectus for each project.
7 The management prospectus shall delineate:

8 1. The management goals for the property;

9 2. The conditions that will affect the intensity of
10 management;

11 3. An estimate of the revenue-generating potential of
12 the property, if appropriate;

13 4. A timetable for implementing the various stages of
14 management and for providing access to the public, if
15 applicable;

16 5. A description of potential multiple-use activities
17 as described in this section and s. 253.034;

18 6. Provisions for protecting existing infrastructure
19 and for ensuring the security of the project upon acquisition;

20 7. The anticipated costs of management and projected
21 sources of revenue, including legislative appropriations, to
22 fund management needs; and

23 8. Recommendations as to how many employees will be
24 needed to manage the property, ~~and~~ recommendations as to
25 whether local governments, volunteer groups, the former
26 landowner, or other interested parties can be involved in the
27 management.

28 ~~(e)2.~~ Concurrent with the approval of the acquisition
29 contract pursuant to s. 259.041(3)(c) for any interest in
30 lands, the board of trustees shall designate an agency or
31 agencies to manage such lands and shall evaluate and amend, as

1 appropriate, the management policy statement for the project
2 as provided by s. 259.035, consistent with the purposes for
3 which the lands are acquired. For any fee simple acquisition
4 of a parcel which is or will be leased back for agricultural
5 purposes, or any acquisition of a less-than-fee interest in
6 land that is or will be used for agricultural purposes, the
7 Board of Trustees of the Internal Improvement Trust Fund shall
8 first consider having a soil and water conservation district,
9 created pursuant to chapter 582, manage and monitor such
10 interests.

11 (f)~~3~~. State agencies designated to manage lands
12 acquired under this chapter may contract with local
13 governments and soil and water conservation districts to
14 assist in management activities, including the responsibility
15 of being the lead land manager. Such land management
16 contracts may include a provision for the transfer of
17 management funding to the local government or soil and water
18 conservation district from the Conservation and Recreation
19 Lands Trust Fund in an amount adequate for the local
20 government or soil and water conservation district to perform
21 its contractual land management responsibilities and
22 proportionate to its responsibilities, and which otherwise
23 would have been expended by the state agency to manage the
24 property.

25 (g)~~4~~. Immediately following the acquisition of any
26 interest in lands under this chapter, the Department of
27 Environmental Protection, acting on behalf of the board of
28 trustees, may issue to the lead managing entity an interim
29 assignment letter to be effective until the execution of a
30 formal lease.

31

1 (10)(a) State, regional, or local governmental
2 agencies or private entities designated to manage lands under
3 this section shall develop and adopt, with the approval of the
4 board of trustees, an individual management plan for each
5 project designed to conserve and protect such lands and their
6 associated natural resources. Private sector involvement in
7 management plan development may be used to expedite the
8 planning process.

9 **(b)** ~~Beginning fiscal year 1998-1999,~~ Individual
10 management plans required by s. 253.034(5)(4), for parcels
11 over 160 acres, shall be developed with input from an advisory
12 group. Members of this advisory group shall include, at a
13 minimum, representatives of the lead land managing agency,
14 comanaging entities, local private property owners, the
15 appropriate soil and water conservation district, a local
16 conservation organization, and a local elected official. The
17 advisory group shall conduct at least one public hearing
18 within the county in which the parcel or project is located.
19 Notice of such public hearing shall be posted on the parcel or
20 project designated for management, advertised in a paper of
21 general circulation, and announced at a scheduled meeting of
22 the local governing body before the actual public hearing.
23 The management prospectus required pursuant to paragraph
24 (9)(d)(b) shall be available to the public for a period of 30
25 days prior to the public hearing.

26 (c) Once a plan is adopted, the managing agency or
27 entity shall update the plan at least every 5 years in a form
28 and manner prescribed by rule of the board of trustees. Such
29 updates, for parcels over 160 acres, shall be developed with
30 input from an advisory group. Such plans may include transfers
31 of leasehold interests to appropriate conservation

1 organizations or governmental entities designated by the Land
2 Acquisition and Management Advisory Council or its successor,
3 for uses consistent with the purposes of the organizations and
4 the protection, preservation, conservation, restoration, and
5 proper management of the lands and their resources. Volunteer
6 management assistance is encouraged, including, but not
7 limited to, assistance by youths participating in programs
8 sponsored by state or local agencies, by volunteers sponsored
9 by environmental or civic organizations, and by individuals
10 participating in programs for committed delinquents and
11 adults.

12 (d) For each project for which lands are acquired
13 after July 1, 1995, an individual management plan shall be
14 adopted and in place no later than 1 year after the essential
15 parcel or parcels identified in the annual Conservation and
16 Recreation Lands report prepared pursuant to s. 259.035(2)(a)
17 have been acquired. Beginning in fiscal year 1998-1999, the
18 Department of Environmental Protection shall distribute only
19 75 percent of the acquisition funds to which a budget entity
20 or water management district would otherwise be entitled from
21 the Preservation 2000 Trust Fund to any budget entity or any
22 water management district that has more than one-third of its
23 management plans overdue.

24 (e)~~(a)~~ Individual management plans shall conform to
25 the appropriate policies and guidelines of the state land
26 management plan and shall include, but not be limited to:

27 1. A statement of the purpose for which the lands were
28 acquired, the projected use or uses as defined in s. 253.034,
29 and the statutory authority for such use or uses.

30 2. Key management activities necessary to preserve and
31 protect natural resources and restore habitat, and for

1 controlling the spread of nonnative plants and animals, and
2 for prescribed fire and other appropriate resource management
3 activities.

4 3. A specific description of how the managing agency
5 plans to identify, locate, protect, and preserve, or otherwise
6 use fragile, nonrenewable natural and cultural resources.

7 4. A priority schedule for conducting management
8 activities, based on the purposes for which the lands were
9 acquired.

10 5. A cost estimate for conducting priority management
11 activities, to include recommendations for cost-effective
12 methods of accomplishing those activities.

13 6. A cost estimate for conducting other management
14 activities which would enhance the natural resource value or
15 public recreation value for which the lands were acquired. The
16 cost estimate shall include recommendations for cost-effective
17 methods of accomplishing those activities.

18 7. A determination of the public uses and public
19 access that would be consistent with the purposes for which
20 the lands were acquired.

21 ~~(f)(b)~~ The Division of State Lands shall submit a copy
22 of each individual management plan for parcels which exceed
23 160 acres in size to each member of the Land Acquisition and
24 Management Advisory Council or its successor, which shall:-

25 1. ~~The council shall,~~ Within 60 days after receiving a
26 plan from the division, review each plan for compliance with
27 the requirements of this subsection and with the requirements
28 of the rules established by the board pursuant to this
29 subsection.

30
31

1 2. ~~The council shall also~~ Consider the propriety of
2 the recommendations of the managing agency with regard to the
3 future use or protection of the property.

4 3. After its review, ~~the council shall~~ submit the
5 plan, along with its recommendations and comments, to the
6 board of trustees, with recommendations as to. ~~The council~~
7 ~~shall specifically recommend to the board of trustees~~ whether
8 to approve the plan as submitted, approve the plan with
9 modifications, or reject the plan.

10 (g)(c) ~~The~~ board of trustees shall consider the
11 individual management plan submitted by each state agency and
12 the recommendations of the Land Acquisition and Management
13 Advisory Council, or its successor,and the Division of State
14 Lands and shall approve the plan with or without modification
15 or reject such plan. The use or possession of any lands owned
16 by the board of trustees which is not in accordance with an
17 approved individual management plan is subject to termination
18 by the board of trustees.

19
20 By July 1 of each year, each governmental agency, including
21 the water management districts, and each private entity
22 designated to manage lands shall report to the Secretary of
23 Environmental Protection on the progress of funding, staffing,
24 and resource management of every project for which the agency
25 or entity is responsible.

26 (11)(a) The Legislature recognizes that acquiring
27 lands pursuant to this chapter serves the public interest by
28 protecting land, air, and water resources which contribute to
29 the public health and welfare, providing areas for natural
30 resource based recreation, and ensuring the survival of unique
31 and irreplaceable plant and animal species. The Legislature

1 intends for these lands to be managed and maintained for the
2 purposes for which they were acquired and for the public to
3 have access to and use of these lands where it is consistent
4 with acquisition purposes and would not harm the resources the
5 state is seeking to protect on the public's behalf.

6 (b) An amount up to 1.5 percent of the cumulative
7 total of funds ever deposited into the Florida Preservation
8 2000 Trust Fund and the Stewardship Florida Trust Fund shall
9 be made available for the purposes of management, maintenance,
10 and capital improvements not eligible for funding pursuant to
11 s. 11(e), Art. VII of the State Constitution, and for
12 associated contractual services, for lands acquired pursuant
13 to this section, ~~and~~ s. 259.101, s. 259.105, or previous
14 programs for the acquisition of lands for conservation and
15 recreation, including state forests, to which title is vested
16 in the board of trustees. Each agency with management
17 responsibilities shall annually request from the Legislature
18 funds sufficient to fulfill such responsibilities. ~~Capital~~
19 ~~improvements shall include, but need not be limited to,~~
20 ~~perimeter fencing, signs, firelanes, access roads and trails,~~
21 ~~and minimal public accommodations, such as primitive~~
22 ~~campsites, garbage receptacles, and toilets.~~

23 (c) In requesting funds provided for in paragraph (b)
24 for long-term management of all acquisitions pursuant to this
25 chapter and for associated contractual services, the managing
26 agencies shall recognize the following categories of land
27 management needs:

28 1. Lands which are low-need tracts, requiring basic
29 resource management and protection, such as state reserves,
30 state preserves, state forests, and wildlife management areas.

31

1 These lands generally are open to the public but have no more
2 than minimum facilities development.

3 2. Lands which are moderate-need tracts, requiring
4 more than basic resource management and protection, such as
5 state parks and state recreation areas. These lands generally
6 have extra restoration or protection needs, higher
7 concentrations of public use, or more highly developed
8 facilities.

9 3. Lands which are high-need tracts, with identified
10 needs requiring unique site-specific resource management and
11 protection. These lands generally are sites with historic
12 significance, unique natural features, or very high intensity
13 public use, or sites that require extra funds to stabilize or
14 protect resources, such as lands with heavy infestations of
15 nonnative, invasive plants.

16
17 In evaluating the management funding needs of lands based on
18 the above categories, the lead land managing agencies shall
19 include in their considerations the impacts of, and needs
20 created or addressed by, multiple-use management strategies.

21 (d) All revenues generated through multiple-use
22 management or compatible secondary-use management shall be
23 returned to the lead agency responsible for such management
24 and shall be used to pay for management activities on all
25 conservation, preservation, and recreation lands under the
26 agency's jurisdiction. In addition, such revenues shall be
27 segregated in an agency trust fund and shall remain available
28 to the agency in subsequent fiscal years to support land
29 management appropriations. For the purposes of this paragraph,
30 compatible secondary-use management shall be those activities

31

1 described in subsection (9) undertaken on parcels designated
2 as single use pursuant to s. 253.034(2)(b).

3 (e) Up to one-fifth of the funds provided for in
4 paragraph (b) shall be reserved by the board of trustees for
5 interim management of acquisitions and for associated
6 contractual services, to ensure the conservation and
7 protection of natural resources on project sites and to allow
8 limited public recreational use of lands. Interim management
9 activities may include, but not be limited to, resource
10 assessments, control of invasive, nonnative ~~exotic~~ species,
11 habitat restoration, fencing, law enforcement, controlled
12 burning, and public access consistent with preliminary
13 determinations made pursuant to paragraph (9)(g)(~~b~~). The
14 board of trustees shall make these interim funds available
15 immediately upon purchase.

16 (f) The department shall set long-range and annual
17 goals for the control and removal of nonnative, ~~upland,~~
18 invasive plant species on public lands. Such goals shall
19 differentiate between aquatic plant species and upland plant
20 species. In setting such goals, the department may rank, in
21 order of adverse impact, species that ~~which~~ impede or destroy
22 the functioning of natural systems. Notwithstanding paragraph
23 (a), up to one-fourth of the funds provided for in paragraph
24 (b) may shall be used by the agencies receiving those funds
25 ~~reserved~~ for control and removal of nonnative, ~~upland,~~
26 invasive species on public lands.

27 (12)(a) Beginning July 1, 1999 ~~in fiscal year~~
28 ~~1994-1995~~, not more than 3.75 percent of the Conservation and
29 Recreation Lands Trust Fund shall be made available annually
30 to the department for payment in lieu of taxes to qualifying
31 ~~counties, cities, and~~ local governments as defined in

1 paragraph (b) for all actual tax losses incurred as a result
2 of board of trustees acquisitions for state agencies under the
3 Stewardship Florida program or the Florida Preservation 2000
4 program during any year. Reserved funds not used for payments
5 in lieu of taxes in any year shall revert to the fund to be
6 used for land acquisition in accordance with the provisions of
7 this section.

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

9 1. To all counties that have a population of 100,000
10 or less. Population levels shall be determined pursuant to s.
11 11.031.~~To counties which levy an ad valorem tax of at least~~
12 ~~8.25 mills or the amount of the tax loss from all completed~~
13 ~~Preservation 2000 acquisitions in the county exceeds 0.01~~
14 ~~percent of the county's total taxable value, and have a~~
15 ~~population of 75,000 or less.~~

16 2. To all local governments located in eligible
17 counties.~~To counties with a population of less than 100,000~~
18 ~~which contain all or a portion of an area of critical state~~
19 ~~concern designated pursuant to chapter 380 and to local~~
20 ~~governments within such counties.~~

21 3. ~~For the 1997-1998 fiscal year only, and~~
22 ~~notwithstanding the limitations of paragraph (a), to Glades~~
23 ~~County, where a privately owned and operated prison leased to~~
24 ~~the state has been opened within the last 2 years for which no~~
25 ~~other state moneys have been allocated to the county to offset~~
26 ~~ad valorem revenues. This subparagraph expires July 1, 1998.~~

27
28 ~~For the purposes of this paragraph, "local government"~~
29 ~~includes municipalities, the county school board, mosquito~~
30 ~~control districts, and any other local government entity which~~
31

1 ~~levies ad valorem taxes, with the exception of a water~~
2 ~~management district.~~

3 ~~(c) Payment in lieu of taxes shall be available to any~~
4 ~~city which has a population of 10,000 or less and which levies~~
5 ~~an ad valorem tax of at least 8.25 mills or the amount of the~~
6 ~~tax loss from all completed Preservation 2000 acquisitions in~~
7 ~~the city exceeds 0.01 percent of the city's total taxable~~
8 ~~value.~~

9 ~~(c)(d)~~ If insufficient funds are available in any year
10 to make full payments to all qualifying counties, ~~cities,~~ and
11 local governments, such counties, ~~cities,~~ and local
12 governments shall receive a pro rata share of the moneys
13 available.

14 ~~(d)(e)~~ The payment amount shall be based on the
15 average amount of actual taxes paid on the property for the 3
16 years preceding acquisition. Applications for payment in lieu
17 of taxes shall be made no later than January 31 of the year
18 following acquisition. No payment in lieu of taxes shall be
19 made for properties which were exempt from ad valorem taxation
20 for the year immediately preceding acquisition. If property
21 which was subject to ad valorem taxation was acquired by a
22 tax-exempt entity for ultimate conveyance to the state under
23 this chapter, payment in lieu of taxes shall be made for such
24 property based upon the average amount of taxes paid on the
25 property for the 3 years prior to its being removed from the
26 tax rolls. The department shall certify to the Department of
27 Revenue those properties that may be eligible under this
28 provision. Once eligibility has been established, that county
29 or local government shall receive 10 consecutive annual
30 payments, and no further eligibility determination shall be
31 made during that period. ~~Payment in lieu of taxes shall be~~

1 ~~limited to a total of 10 consecutive years of annual payments,~~
2 ~~beginning the year a local government becomes eligible.~~

3 ~~(e)(f)~~ Payment in lieu of taxes pursuant to this
4 ~~subsection paragraph~~ shall be made annually to qualifying
5 ~~counties, cities,~~ and local governments after certification by
6 the Department of Revenue that the amounts applied for are
7 reasonably appropriate, based on the amount of actual taxes
8 paid on the eligible property, and after the Department of
9 Environmental Protection has provided supporting documents to
10 the Comptroller and has requested that payment be made in
11 accordance with the requirements of this section.

12 ~~(f)(g)~~ If the board of trustees conveys to a local
13 government title to any land owned by the board, any payments
14 in lieu of taxes on the land made to the local government
15 shall be discontinued as of the date of the conveyance.

16
17 For the purposes of this subsection, "local government"
18 includes municipalities, the county school board, mosquito
19 control districts, and any other local government entity which
20 levies ad valorem taxes, with the exception of a water
21 management district.

22 (16) Within 90 ~~180~~ days after receiving a certified
23 letter from the owner of a property on the Conservation and
24 Recreation Lands list or the priority list established
25 pursuant to s. 259.105 objecting to the property being
26 included in an acquisition project, where such property is a
27 project or part of a project which has not been listed for
28 purchase in the current year's land acquisition work plan, the
29 board of trustees shall delete the property from the list or
30 from the boundary of an acquisition project on the list.

31

1 Section 13. Section 259.034, Florida Statutes, is
2 created to read:

3 259.034 Acquisition and Restoration Commission.--

4 (1) There is created, effective September 1, 1999,
5 within the Board of Trustees of the Internal Improvement Trust
6 Fund, the Acquisition and Restoration Commission.

7 (a) The commission shall be composed of nine voting
8 members, three of whom shall be appointed by the Governor,
9 with the concurrence of the board of trustees. These three
10 appointees shall consist of the following: one person from a
11 land-based scientific field; one person from a water-based
12 scientific field; and one person from an environmental
13 science. The members appointed by the Governor shall serve
14 4-year terms, except that, initially, to provide for staggered
15 terms, two of the appointees shall serve 2-year terms. All
16 subsequent appointments shall be for 4-year terms. No
17 appointee shall serve more than 6 years. The Governor may at
18 any time fill a vacancy for the unexpired term of a member
19 appointed under this paragraph.

20 (b) The six remaining voting members of the commission
21 shall be as follows:

22 1. One person selected by the water management
23 districts, who shall represent the five districts and shall be
24 reappointed on an annual basis.

25 2. The Secretary of Environmental Protection or a
26 designee.

27 3. The director of the Division of Forestry of the
28 Department of Agriculture and Consumer Services or a designee.

29 4. The executive director of the Fish and Wildlife
30 Conservation Commission or a designee.

31

1 5. The director of the Division of Historical
2 Resources of the Department of State or a designee.

3 6. The Secretary of Community Affairs or a designee.

4 (c) Additionally, the President of the Senate and the
5 Speaker of the House of Representatives shall each appoint one
6 ad hoc, nonvoting member of the commission from their
7 respective chambers. Such members shall be selected from
8 among the members of a standing committee that has
9 jurisdictional responsibility for the Department of
10 Environmental Protection. These members shall serve for the
11 duration of the term of the appointing legislative officer.

12 (d) No person who is or has been a lobbyist as defined
13 in s. 112.3148, at any time during the 24 months preceding
14 nomination to the commission, for any entity whose interests
15 could be affected by actions or decisions of the commission,
16 shall be appointed to the commission. This prohibition shall
17 not apply to the appointees representing state agencies or
18 water management districts or to the ad hoc, nonvoting members
19 of the commission.

20 (2) The Governor shall appoint the chair of the
21 commission, and a vice chair shall be elected from among the
22 voting members.

23 (3) The three members of the commission appointed by
24 the Governor shall receive \$75 per day while engaged in the
25 business of the commission, as well as expenses and per diem
26 for travel, including attendance at meetings, as allowed state
27 officers and employees while in the performance of their
28 duties, pursuant to s. 112.061.

29 (4) Immediately upon appointment, the commission may
30 employ an executive director, who shall be selected by the
31 voting members of the commission and confirmed by the board of

1 trustees. The commission may also employ other staff as
2 necessary to the performance of its duties.

3 (5) The commission is authorized to adopt rules to
4 provide for the organizational structure, selection, and
5 employment of an executive director and staff, and
6 administrative functions related to its operational needs.

7 (6) The commission shall develop a budget pursuant to
8 chapter 216. The budget shall be transmitted to the board of
9 trustees as head of the commission, for submission to the
10 Governor in the exercise of the Governor's constitutional
11 duties.

12 (7) The commission shall provide assistance to the
13 board of trustees in reviewing the recommendations and plans
14 for state-owned lands required under s. 253.034. The
15 commission shall, in reviewing such recommendations and plans,
16 consider the optimization of multiple-use and conservation
17 strategies to accomplish the provisions of s. 253.034.

18 However, no multiple-use activity shall be allowed if such use
19 would cause all or any portion of the interest on any bonds
20 issued to finance the Stewardship Florida program to lose the
21 exclusion from gross income for federal income tax purposes.

22 (8) Additionally, on July 1, 2000, the duties, powers,
23 and responsibilities of the Land Acquisition and Management
24 Advisory Council established pursuant to s. 259.035 shall be
25 assumed by the commission, and the provisions of law
26 authorizing the advisory council shall be repealed.

27 Section 14. Paragraph (a) of subsection (2) of section
28 259.035, Florida Statutes, 1998 Supplement, is amended to
29 read:

30 259.035 Advisory council; powers and duties.--
31

1 (2)(a) The council shall, by the time of the first
2 board meeting in February of each year, establish or update a
3 list of acquisition projects selected for purchase pursuant to
4 this chapter. In scoring potential projects for inclusion on
5 the acquisition list, the council shall give greater
6 consideration to projects that can serve as corridors between
7 lands already in public ownership or under management for
8 conservation and recreational purposes. Acquisition projects
9 shall be ranked, in order of priority, individually as a
10 single group or individually within up to 10 separate groups.
11 The council shall submit to the board of trustees, together
12 with its list of acquisition projects, a Conservation and
13 Recreation Lands report. For each project on an acquisition
14 list, the council shall include in its report the stated
15 purpose for acquiring the project, an identification of the
16 essential parcel or parcels within the project without which
17 the project cannot be properly managed, an identification of
18 those projects or parcels within projects which should be
19 acquired in fee simple or in other than fee simple, an
20 explanation of the reasons why the council selected a
21 particular acquisition technique, a management policy
22 statement for the project, a management prospectus pursuant to
23 s. 259.032(9)(d)~~(b)~~, an estimate of land value based on county
24 tax assessed values, a map delineating project boundaries, a
25 brief description of the important natural and cultural
26 resources to be protected, preacquisition planning and
27 budgeting, coordination with other public and nonprofit
28 public-lands acquisition programs, a preliminary statement of
29 the extent and nature of public use, an interim management
30 budget, and designation of a management agency or agencies.
31 The Department of Environmental Protection shall prepare the

1 information required by this section for each acquisition
2 project selected for purchase pursuant to this chapter. In
3 addition, the department shall prepare, by July 1 of each
4 year, an acquisition work plan for each project on the
5 acquisition list for which funds will be available for
6 acquisition during the fiscal year. The work plan need not
7 disclose any information that is required by this chapter or
8 chapter 253 to remain confidential.

9 Section 15. Subsection (2) of section 259.036, Florida
10 Statutes, is amended to read:

11 259.036 Management review teams.--

12 (2) The land management review team shall review
13 select parcels of managed land prior to the date the managing
14 agency is required to submit its 5-year land management plan
15 update. A copy of the review shall be provided to the
16 managing agency, the Division of State Lands, and the Land
17 Acquisition and Management Advisory Council or its successor.
18 The managing agency shall consider the findings and
19 recommendations of the land management review team in
20 finalizing the required 5-year update of its management plan.

21 Section 16. Subsection (1) of section 259.04, Florida
22 Statutes, is amended to read:

23 259.04 Board; powers and duties.--

24 (1) For ~~state capital~~ projects and acquisitions
25 selected for purchase pursuant to ss. 259.034, 259.035, ~~and~~
26 259.101, and 259.105:

27 (a) The board is given the responsibility, authority,
28 and power to develop and execute a comprehensive, statewide
29 5-year plan to conserve, restore, and protect environmentally
30 endangered lands, ecosystems, lands necessary for outdoor
31 recreational needs, and other lands as identified in ss.

1 259.032, ~~and~~ 259.101, and 259.105. This plan shall be kept
2 current through continual reevaluation and revision. The
3 advisory council or its successor shall assist the board in
4 the development, reevaluation, and revision of the plan.

5 (b) The board may enter into contracts with the
6 government of the United States or any agency or
7 instrumentality thereof; the state or any county,
8 municipality, district authority, or political subdivision; or
9 any private corporation, partnership, association, or person
10 providing for or relating to the conservation or protection of
11 certain lands in accomplishing the purposes of this chapter
12 ~~ss. 259.01-259.06~~.

13 (c) Within 45 days after the advisory council or its
14 successor submits the lists of ~~either list of acquisition~~
15 projects to the board, the board shall approve, in whole or in
16 part, the lists of ~~list of acquisition~~ projects in the order
17 of priority in which such projects are presented. To the
18 greatest extent practicable, projects on the lists ~~list~~ shall
19 be acquired in their approved order of priority.

20 (d) The board is authorized to acquire, by purchase,
21 gift, or devise or otherwise, the fee title or any lesser
22 interest of lands, water areas, and related resources
23 ~~sufficient to meet the purposes specified in s. 259.03(2) for~~
24 environmentally endangered lands.

25 (2) For state capital projects for outdoor recreation
26 lands, the provisions of chapter 375 and s. 253.025 shall also
27 apply.

28 Section 17. Subsections (1) and (3), paragraph (e) of
29 subsection (7), and present subsection (14) of section
30 259.041, Florida Statutes, 1998 Supplement, are amended,
31 subsections (11) through (18) are renumbered as subsections

1 (12) through (19), respectively, and a new subsection (11) is
2 added to said section, to read:

3 259.041 Acquisition of state-owned lands for
4 preservation, conservation, and recreation purposes.--

5 (1) Neither the Board of Trustees of the Internal
6 Improvement Trust Fund nor its duly authorized agent shall
7 commit the state, through any instrument of negotiated
8 contract or agreement for purchase, to the purchase of lands
9 with or without appurtenances unless the provisions of this
10 section have been fully complied with. However, the board of
11 trustees may waive any requirement of this section, except the
12 requirements of subsections (3), ~~(13)~~, and (14), and (15); or,
13 notwithstanding chapter 120, may waive any rules adopted
14 pursuant to this section, except rules adopted pursuant to
15 subsections (3), ~~(13)~~, and (14), and (15); or may substitute
16 other reasonably prudent procedures, provided the public's
17 interest is reasonably protected. The title to lands acquired
18 pursuant to this section shall vest in the board of trustees
19 as provided in s. 253.03(1), unless otherwise provided by law.
20 All such lands, title to which is vested in the board of
21 trustees pursuant to this section, shall be administered
22 pursuant to the provisions of s. 253.03.

23 (3) No agreement to acquire real property for the
24 purposes described in this chapter, chapter 260, or chapter
25 375, title to which will vest in the board of trustees, may
26 bind the state unless and until the agreement has been
27 reviewed and approved by the Department of Environmental
28 Protection as complying with the requirements of this section
29 and any rules adopted pursuant to this section. ~~However,~~
30 ~~review and approval of agreements for acquisitions for Florida~~
31 ~~Greenways and Trails Program properties pursuant to chapter~~

1 ~~260 may be waived by the department in any contract with~~
2 ~~nonprofit corporations who have agreed to assist the~~
3 ~~department with this program.~~ Where any of the following
4 conditions exist, the agreement shall be submitted to and
5 approved by the board of trustees:

6 (a) The purchase price agreed to by the seller exceeds
7 the value as established pursuant to the rules of the board of
8 trustees;

9 (b) The contract price agreed to by the seller and
10 acquiring agency exceeds \$1 million;

11 (c) The acquisition is the initial purchase in a
12 project; or

13 (d) Other conditions that the board of trustees may
14 adopt by rule. Such conditions may include, but not be limited
15 to, projects where title to the property being acquired is
16 considered nonmarketable or is encumbered in such a way as to
17 significantly affect its management.

18
19 Where approval of the board of trustees is required pursuant
20 to this subsection, the acquiring agency must provide a
21 justification as to why it is in the public's interest to
22 acquire the parcel or project. Approval of the board of
23 trustees also is required for projects the department
24 recommends acquiring pursuant to subsections ~~(14)~~ and
25 ~~(15)~~ ~~(14)~~. Review and approval of agreements for acquisitions
26 for Florida Greenways and Trails Program properties pursuant
27 to chapter 260 may be waived by the department in any contract
28 with nonprofit corporations that have agreed to assist the
29 department with this program.

30 (7) Prior to approval by the board of trustees or,
31 when applicable, the Department of Environmental Protection,

1 of any agreement to purchase land pursuant to this chapter,
2 chapter 260, or chapter 375, and prior to negotiations with
3 the parcel owner to purchase any other land, title to which
4 will vest in the board of trustees, an appraisal of the parcel
5 shall be required as follows:

6 (e) Generally, appraisal reports are confidential and
7 exempt from the provisions of s. 119.07(1), for use by the
8 agency and the board of trustees, until an option contract is
9 executed or, if no option contract is executed, until 2 weeks
10 before a contract or agreement for purchase is considered for
11 approval by the board of trustees. However, the department has
12 the authority, at its discretion, to disclose appraisal
13 reports to private landowners during negotiations for
14 acquisitions using alternatives to fee simple techniques, if
15 the department determines that disclosure of such reports will
16 bring the proposed acquisition to closure. The Division of
17 State Lands may also disclose appraisal information to public
18 agencies or nonprofit organizations that agree to maintain the
19 confidentiality of the reports or information when joint
20 acquisition of property is contemplated, or when a public
21 agency or nonprofit organization enters into a written
22 multiparty agreement with the division to purchase and hold
23 property for subsequent resale to the division. The division
24 shall also require each nonprofit organization or private land
25 trust which has entered into a written multiparty agreement
26 with the division to acquire lands to disclose the total
27 direct, indirect, and overhead costs incurred, income earned,
28 and participation in third-party agreements with brokers,
29 attorneys, title insurers, appraisers, surveyors, and other
30 providers of services associated with specific purchases
31 included in the multiparty agreement.In addition, the

1 division may use, as its own, appraisals obtained by a public
2 agency or nonprofit organization, provided the appraiser is
3 selected from the division's list of appraisers and the
4 appraisal is reviewed and approved by the division. For the
5 purposes of this chapter, "nonprofit organization" means an
6 organization whose purposes include ~~purpose is~~ the
7 preservation of natural resources, and which is exempt from
8 federal income tax under s. 501(c)(3) of the Internal Revenue
9 Code. The agency may release an appraisal report when the
10 passage of time has rendered the conclusions of value in the
11 report invalid or when the acquiring agency has terminated
12 negotiations.

13

14 Notwithstanding the provisions of this subsection, on behalf
15 of the board and before the appraisal of parcels approved for
16 purchase under this chapter, the Secretary of Environmental
17 Protection or the director of the Division of State Lands may
18 enter into option contracts to buy such parcels. Any such
19 option contract shall state that the final purchase price is
20 subject to approval by the board or, when applicable, the
21 secretary and that the final purchase price may not exceed the
22 maximum offer allowed by law. The consideration for such an
23 option may not exceed \$1,000 or 0.01 percent of the estimate
24 by the department of the value of the parcel, whichever amount
25 is greater.

26 (11)(a) The Legislature finds that, with the
27 increasing pressures on the natural areas of this state and on
28 open space suitable for recreational use, the state must
29 develop creative techniques to maximize the use of acquisition
30 and management funds. The Legislature also finds that the
31 state's conservation and recreational land acquisition

1 agencies should be encouraged to augment their traditional,
2 fee simple acquisition programs with the use of alternatives
3 to fee simple acquisition techniques. Additionally, the
4 Legislature finds that generations of private landowners have
5 been good stewards of their land, protecting or restoring
6 native habitats and ecosystems to the benefit of the natural
7 resources of this state, its heritage, and its citizens. The
8 Legislature also finds that using alternatives to fee simple
9 acquisition by public land acquisition agencies will achieve
10 the following public policy goals:

11 1. Allow more lands to be brought under public
12 protection for preservation, conservation, and recreational
13 purposes with less expenditure of public funds.

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

16 3. Reduce long-term management costs by allowing
17 private property owners to continue acting as stewards of
18 their land, where appropriate.

19
20 Therefore, it is the intent of the Legislature that public
21 land acquisition agencies develop programs to pursue
22 alternatives to fee simple acquisition and to educate private
23 landowners about such alternatives and the benefits of such
24 alternatives. It is also the intent of the Legislature that a
25 portion of the shares of Preservation 2000 and Stewardship
26 Florida bond proceeds be used to purchase eligible properties
27 using alternatives to fee simple acquisition.

28 (b) All project applications shall identify, within
29 their acquisition plans, those projects which require a full
30 fee simple interest to achieve the public policy goals,
31 together with the reasons full title is determined to be

1 necessary. The state agencies and the water management
2 districts may use alternatives to fee simple acquisition to
3 bring the remaining projects in their acquisition plans under
4 public protection. For the purposes of this subsection, the
5 term "alternatives to fee simple acquisition" includes, but is
6 not limited to: purchase of development rights; obtaining
7 conservation easements; obtaining flowage easements; purchase
8 of timber rights, mineral rights, or hunting rights; purchase
9 of agricultural interests or silvicultural interests; entering
10 into land protection agreements as defined in s. 380.0677(5);
11 fee simple acquisitions with reservations; creating life
12 estates; or any other acquisition technique which achieves the
13 public policy goals listed in paragraph (a). It is presumed
14 that a private landowner retains the full range of uses for
15 all the rights or interests in the landowner's land which are
16 not specifically acquired by the public agency.

17 (c) When developing the acquisition plan pursuant to
18 s. 259.105 the commission may give preference to those less
19 than fee simple acquisitions that provide any public access.
20 However, the Legislature recognizes that public access is not
21 always appropriate for certain less than fee simple
22 acquisitions; therefore no proposed less than fee simple
23 acquisition shall be rejected simply because public access
24 would be limited.

25 (d) Beginning in fiscal year 1999-2000, the department
26 and each water management district shall implement initiatives
27 to use alternatives to fee simple acquisition and to educate
28 private landowners about such alternatives. The department
29 and the water management districts may enter into joint
30 acquisition agreements to jointly fund the purchase of lands
31 using alternatives to fee simple techniques.

1 (e) The Legislature finds that the lack of direct
2 sales comparison information has served as an impediment to
3 successful implementation of alternatives to fee simple
4 acquisition. It is the intent of the Legislature that, in the
5 absence of direct comparable sales information, appraisals of
6 alternatives to fee simple acquisitions be based on the
7 difference between the full fee simple valuation and the value
8 of the interests remaining with the seller after acquisition.

9 (f) The public agency which has been assigned
10 management responsibility shall inspect and monitor any less
11 than fee simple interest according to the terms of the
12 purchase agreement relating to such interest.

13 ~~(15)~~(14) The board of trustees, by an affirmative vote
14 of five members, may direct the department to purchase lands
15 on an immediate basis using up to 15 percent of the funds
16 allocated to the department pursuant to ~~ss.~~ss.259.101(3)(a)
17 and 259.105 for the acquisition of lands that:

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

21 (b) Are listed or placed at auction by the Federal
22 Government as part of the Federal Deposit Insurance
23 Corporation sale of lands from failed banks; or

24 (c) Will be developed or otherwise lost to potential
25 public ownership, or for which federal matching funds will be
26 lost, by the time the land can be purchased under the program
27 within which the land is listed for acquisition.

28
29 For such acquisitions, the board of trustees may waive or
30 modify all procedures required for land acquisition pursuant
31 to this chapter and all competitive bid procedures required

1 pursuant to chapters 255 and 287. Lands acquired pursuant to
2 this subsection must, at the time of purchase, be on one of
3 the acquisition lists established pursuant to this chapter, or
4 be essential for water resource development, protection, or
5 restoration, or a significant portion of the lands must
6 contain natural communities or plant or animal species which
7 are listed by the Florida Natural Areas Inventory as
8 critically imperiled, imperiled, or rare, or as excellent
9 quality occurrences of natural communities.

10 Section 18. Paragraphs (a) and (b) of subsection (6)
11 and paragraph (f) of subsection (9) of section 259.101,
12 Florida Statutes, 1998 Supplement, are amended to read:

13 259.101 Florida Preservation 2000 Act.--

14 (6) DISPOSITION OF LANDS.--

15 (a) Any lands acquired pursuant to paragraph (3)(a),
16 paragraph (3)(c), paragraph (3)(d), paragraph (3)(e),
17 paragraph (3)(f), or paragraph (3)(g), if title to such lands
18 is vested in the Board of Trustees of the Internal Improvement
19 Trust Fund, may be disposed of by the Board of Trustees of the
20 Internal Improvement Trust Fund in accordance with the
21 provisions and procedures set forth in s. 253.034(6)~~(5)~~, and
22 lands acquired pursuant to paragraph (3)(b) may be disposed of
23 by the owning water management district in accordance with the
24 procedures and provisions set forth in ss. 373.056 and 373.089
25 provided such disposition also shall satisfy the requirements
26 of paragraphs (b) and (c).

27 (b) Before land may be surplused ~~can be determined to~~
28 ~~be of no further benefit to the public~~ as required by s.
29 253.034(6)~~(5)~~, or determined to be no longer required for its
30 purposes under s. 373.056(4), whichever may be applicable,
31 there shall first be a determination by the Board of Trustees

1 of the Internal Improvement Trust Fund, or, in the case of
2 water management district lands, by the owning water
3 management district, that such land no longer needs to be
4 preserved in furtherance of the intent of the Florida
5 Preservation 2000 Act. Any lands eligible to be disposed of
6 under this procedure also may be used to acquire other lands
7 through an exchange of lands, provided such lands obtained in
8 an exchange are described in the same paragraph of subsection
9 (3) as the lands disposed.

10 (9)

11 (f)1. Pursuant to subsection (3) and beginning in
12 fiscal year 1999-2000, that portion of the unencumbered
13 balances of each program described in paragraphs (3)(c), (d),
14 (e), (f), and (g) which has been on deposit in such program's
15 Preservation 2000 account for more than two fiscal years shall
16 be redistributed equally to the Department of Environmental
17 Protection, Division of State Lands P2000 sub account for the
18 purchase of State Lands as described in s. 259.032 and Water
19 Management District P2000 sub account for the purchase of
20 Water Management Lands pursuant to ss. 373.456, 373.4592 and
21 373.59. For the purposes of this subsection, the term
22 "unencumbered balances" means the portion of Preservation 2000
23 bond proceeds which is not obligated through the signing of a
24 purchase contract between a public agency and a private
25 landowner, except that the program described in paragraph
26 (3)(c) may not lose any portion of its unencumbered funds
27 which remain unobligated because of extraordinary
28 circumstances that hampered the affected local governments'
29 abilities to close on land acquisition projects approved
30 through the Florida Communities Trust program. Extraordinary
31 circumstances shall be determined by the Florida Communities

1 Trust governing body and may include such things as death or
2 bankruptcy of the owner of property; a change in the land use
3 designation of the property; natural disasters that affected a
4 local government's ability to consummate the sales contract on
5 such property; or any other condition that the Florida
6 Communities Trust governing board determined to be
7 extraordinary. The portion of the funds redistributed
8 ~~deposited~~ in the Water Management District P2000 sub account
9 ~~Lands Trust Fund~~ shall be distributed to the water management
10 districts as provided in s. 373.59(7).

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

15 Section 19. Section 259.105, Florida Statutes is
16 created to read:

17 259.105 The Stewardship Florida Act.--

18 (1) This section may be cited as the "Stewardship
19 Florida Act."

20 (2)(a) The Legislature finds and declares that:

21 1. The Preservation 2000 program provided tremendous
22 financial resources for purchasing environmentally significant
23 lands to protect those lands from imminent development,
24 thereby assuring present and future generations access to
25 important open spaces and recreation and conservation lands.

26 2. The continued alteration and development of
27 Florida's natural areas to accommodate the state's rapidly
28 growing population have contributed to the degradation of
29 water resources, the fragmentation and destruction of wildlife
30 habitats, the loss of outdoor recreation space, and the
31 diminishment of wetlands, forests, and public beaches.

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

6 4. Florida's groundwater, surface waters, and springs
7 are under tremendous pressure due to population growth and
8 economic expansion and require special protection and
9 restoration efforts. To ensure that sufficient quantities of
10 water are available to meet the current and future needs of
11 the natural systems and citizens of the state, and assist in
12 achieving the planning goals of the department and the water
13 management districts, water resource development projects on
14 public lands, where compatible with the resource values of and
15 management objectives for the lands, are appropriate.

16 5. The needs of urban Florida for high-quality outdoor
17 recreational opportunities, greenways, trails, and open space
18 have not been fully met by previous acquisition programs.
19 Through such programs as the Florida Communities Trust and the
20 Florida Recreation Development Assistance Program, the state
21 shall place additional emphasis on acquiring, protecting,
22 preserving, and restoring open space, greenways, and
23 recreation properties within urban areas where pristine
24 natural communities or water bodies no longer exist because of
25 the proximity of developed property.

26 6. Many of Florida's unique ecosystems, such as the
27 Florida Everglades, are facing ecological collapse due to
28 Florida's burgeoning population. To preserve these valuable
29 ecosystems for future generations, parcels of land must be
30 acquired to facilitate ecosystem restoration.

31

1 7. Access to public lands to support a broad range of
2 outdoor recreational opportunities and the development of
3 necessary infrastructure, where compatible with the resource
4 values of and management objectives for such lands, promotes
5 an appreciation for Florida's natural assets and improves the
6 quality of life.

7 8. Acquisition of lands, in fee simple or in any
8 lesser interest, should be based on a comprehensive assessment
9 of Florida's natural resources and planned so as to protect
10 the integrity of ecological systems and provide multiple
11 benefits, including preservation of fish and wildlife habitat,
12 recreation space for urban as well as rural areas, and water
13 recharge.

14 9. The state has embraced performance-based program
15 budgeting as a tool to evaluate the achievements of publicly
16 funded agencies, build in accountability, and reward those
17 agencies which are able to consistently achieve quantifiable
18 goals. While previous and existing state environmental
19 programs have achieved varying degrees of success, few of
20 these programs can be evaluated as to the extent of their
21 achievements, primarily because performance measures,
22 standards, outcomes, and goals were not established at the
23 outset. Therefore, the Stewardship Florida program shall be
24 developed and implemented in the context of measurable state
25 goals and objectives.

26 10. It is the intent of the Legislature to change the
27 focus and direction of the state's major land acquisition
28 programs and to extend funding and bonding capabilities, so
29 that future generations may enjoy the natural resources of
30 Florida.

31

1 (b) The Legislature recognizes that acquisition is
2 only one way to achieve the aforementioned goals and
3 encourages the development of creative partnerships between
4 governmental agencies and private landowners. Land protection
5 agreements and similar tools should be used, where
6 appropriate, to bring environmentally sensitive tracts under
7 an acceptable level of protection at a lower financial cost to
8 the public, and to provide private landowners with the
9 opportunity to enjoy and benefit from their property.

10 (c) Public agencies or other entities that receive
11 funds under this section are encouraged to better coordinate
12 their expenditures so that project acquisitions, when combined
13 with acquisitions under Preservation 2000, Save Our Rivers,
14 the Florida Communities Trust, and other public land
15 acquisition programs, will form more complete patterns of
16 protection for natural areas and functioning ecosystems, to
17 better accomplish the intent of this section.

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

25 (e) With limited dollars available for restoration and
26 acquisition of land and water areas and for providing
27 long-term management and capital improvements, a competitive
28 selection process can select those projects best able to meet
29 the goals of Stewardship Florida and maximize the efficient
30 use of the program's funding.

31

1 (f) To ensure success and provide accountability to
2 the citizens of this state, it is the intent of the
3 Legislature that any bond proceeds used pursuant to this
4 section be contingent upon the development of goals and
5 objectives and a process for ensuring that implementation.

6 (g) As it has with previous land acquisition programs,
7 the Legislature recognizes the desires of the citizens of this
8 state to prosper through economic development and to preserve
9 the natural areas and recreational open space of Florida. The
10 Legislature further recognizes the urgency of restoring the
11 natural functions of public lands or water bodies before they
12 are degraded to a point where recovery may never occur, yet
13 acknowledges the difficulty of ensuring adequate funding for
14 restoration efforts in light of other equally critical
15 financial needs of the state. It is the Legislature's desire
16 and intent to fund the implementation of this section and to
17 do so in a fiscally responsible manner, by issuing bonds to be
18 repaid with documentary stamp tax revenue.

19 (3) Less the costs of issuing and the costs of funding
20 reserve accounts and other costs associated with bonds, the
21 proceeds of bonds issued pursuant to this section shall be
22 deposited into the Stewardship Florida Trust Fund created by
23 s. 259.1051. The proceeds shall be distributed by the
24 Department of Environmental Protection in the following
25 manner:

26 (a) Thirty-five percent to Department of Environmental
27 Protection for distribution by the Acquisition and Restoration
28 Commission for the acquisition of lands and capital project
29 expenditures necessary to implement the water management
30 districts' priority lists submitted pursuant to s. 373.199.
31

1 (b) Thirty-five percent to the Department of
2 Environmental Protection for distribution by the Acquisition
3 and Restoration Commission for the acquisition of lands and
4 capital project expenditures described in this section. Of the
5 proceeds distributed pursuant to this paragraph, a minimum of
6 40 percent, but no more than 50 percent, shall be used for the
7 acquisition of lands needed for water resource development
8 projects.

9 (c) Twenty percent to the Department of Community
10 Affairs to provide grants and loans to local governments
11 through the Florida Communities Trust pursuant to part III of
12 chapter 380. Of this 20 percent, 75 percent shall be matched
13 by local governments on a dollar-for-dollar basis.

14 (d) One and five-tenths percent to the Department of
15 Environmental Protection for the purchase of inholdings and
16 additions to state parks. For the purposes of this paragraph,
17 "state park" means any real property in the state which is
18 under the jurisdiction of the Division of Recreation and Parks
19 of the department, or which may come under its jurisdiction.

20 (e) One and five-tenths percent to the Division of
21 Forestry of the Department of Agriculture and Consumer
22 Services to fund the acquisition of state forest inholdings
23 and additions pursuant to s. 589.07 and the implementation of
24 reforestation plans or sustainable forestry management
25 practices.

26 (f) One and five-tenths percent to the Fish and
27 Wildlife Conservation Commission to fund the acquisition of
28 inholdings and additions to lands managed by the commission
29 which are important to the conservation of fish and wildlife.

30 (g) One and five-tenths percent to the Department of
31 Environmental Protection for the Florida Greenways and Trails

1 Program, to acquire greenways and trails or greenways and
2 trail systems pursuant to chapter 260, including, but not
3 limited to, abandoned railroad rights-of-way and the Florida
4 National Scenic Trail.

5 (h) Four percent to the Division of Recreation and
6 Parks of the Department of Environmental Protection to provide
7 grants to local governments through the Florida Recreation
8 Development Assistance Program pursuant to s. 375.075.

9 (i) For the purposes of paragraphs (d), (e), and (f),
10 the agencies which receive the funds shall develop their
11 individual acquisition or restoration lists. Proposed
12 projects to acquire additions to existing properties shall
13 meet two or more of the following criteria: the addition will
14 serve as a link or corridor to other publicly owned property;
15 the addition has a high resource value that otherwise would be
16 unprotected; the addition is within the original project
17 boundary; or the addition can be acquired at less than fair
18 market value. Any proposal to purchase an addition outside the
19 original project boundary shall be reviewed and approved or
20 disapproved by the Acquisition and Restoration Commission.

21 (j) The appropriate legislative committees with
22 jurisdiction over the Stewardship Florida program shall
23 conduct a review by January 1, 2005, which shall examine the
24 need for and, if necessary, make recommendations related to
25 the percentage distributions provided for in this subsection
26 for consideration during the 2005 Regular Session of the
27 Legislature.

28 (4) It is the intent of the Legislature that projects
29 or acquisitions funded pursuant to paragraphs (3)(a) and (b)
30 contribute to the achievement of the following goals:

31

1 (a) An increase in the level of protection for, or an
2 increase in the populations of, listed plant species, as
3 measured by the number of occurrences, acres of strategic
4 habitat areas, or delisting or redesignation of such species.

5 (b) An increase in the level of protection for, or an
6 increase in the populations of, listed animal species, as
7 measured by the number of occurrences, acres of strategic
8 habitat areas, delisting or redesignation of such species, or
9 the change in long-term survival rates.

10 (c) The restoration of land areas, as measured by a
11 reduction in nonnative species, level of maintenance control
12 of invasive species, reforestation rates, or regeneration of
13 natural communities.

14 (d) An increase in public landholdings needed to meet
15 the goals of this subsection, as measured by the acquisition
16 of lands in fee simple or with less than fee simple
17 alternatives.

18 (e) The completion of projects begun under previous
19 land acquisition programs, as measured through the acquisition
20 of land under inholdings and additions programs.

21 (f) An increase in the amount of forest land for
22 sustainable natural resources.

23 (g) An increase in public recreational opportunities,
24 as measured by the acreage available for recreational
25 opportunities or the number of miles available for greenways
26 or trails.

27 (h) A reduction in the amount of pollutants flowing
28 into Florida's surface waters, as measured by a reduction in
29 the number of surface water bodies designated as impaired.

30
31

1 (i) The improvement of water recharge rates on public
2 lands, as measured by increased speed of recharge and amount
3 of cubic feet of water made available.

4 (j) The restoration of water areas, as measured by a
5 reduction of nonnative species, level of maintenance control
6 of invasive species, regeneration of natural communities,
7 reduction of excessive sedimentation, removal of impediments,
8 or reduction of shoreline erosion.

9 (5) The Acquisition and Restoration Commission shall
10 adopt and submit to the appropriate legislative committees
11 with jurisdiction over the department for review and comment
12 in the 2001 Regular Session of the Legislature, numeric goals
13 and performance measures for those goals enumerated in
14 subsection (4). The commission may also develop and submit
15 additional goals and suggested performance measures to be used
16 for implementation of this section. The commission shall
17 utilize the findings of the Stewardship Florida Study
18 Commission in establishing numeric goals and performance
19 measures.

20 (6) All lands acquired pursuant to this section shall
21 be managed for multiple-use purposes, where compatible with
22 the resource values of and management objectives for such
23 lands. As used in this section, "multiple-use" includes, but
24 is not limited to, outdoor recreational activities as
25 described in ss. 253.034 and 259.032(9)(b), water resource
26 development projects, and sustainable forestry management.

27 (7) As provided in this section, water resource
28 development projects may be allowed only if the project
29 complies with all applicable permitting requirements.

30 (8)(a) Beginning January 1, 2001, and every year
31 thereafter, the commission shall accept applications from

1 state agencies, local governments, nonprofit and for-profit
2 organizations, private land trusts, and individuals for
3 project proposals eligible for funding pursuant to paragraph
4 (3)(b). The commission shall evaluate the proposals received
5 pursuant to this subsection to ensure that they meet at least
6 one of the criteria under subsection (10).
7 (b) Project applications shall contain, at a minimum,
8 the following:
9 1. A minimum of two numeric performance measures that
10 directly relate to the overall goals adopted by the
11 commission. Each performance measure shall include a baseline
12 measurement, which is the current situation; a performance
13 standard which the project sponsor anticipates the project
14 will achieve; and the performance measurement itself, which
15 should reflect the incremental improvements the project
16 accomplishes towards achieving the performance standard.
17 2. Proof that property owners within any proposed
18 acquisition have been notified of their inclusion in the
19 proposed project. Any property owner may request the removal
20 of such property from further consideration by submitting a
21 request to the project sponsor or commission by certified
22 mail. Upon receiving this request, the commission shall delete
23 the property from the proposed project.
24 (c) The title to lands acquired under this section
25 shall vest in the Board of Trustees of the Internal
26 Improvement Trust Fund, except that title to lands acquired by
27 a water management district shall vest in the name of that
28 district and lands acquired by a local government shall vest
29 in the name of the purchasing local government.
30 (9) The commission shall develop two project lists:
31

- 1 (a) One list shall represent those projects submitted
2 pursuant to subsection (8).
- 3 (b) One list shall represent those projects submitted
4 pursuant to s. 373.199.
- 5 (10) In developing the proposed project lists pursuant
6 to subsection (9), the commission shall consider, when
7 applicable, whether the project:
- 8 (a) Has multiple benefits, including, but not limited
9 to, habitat protection, recreational and aesthetic values, and
10 natural community preservation, or promotes groundwater
11 recharge or improves water quality.
- 12 (b) Meets multiple goals as described in subsection
13 (4).
- 14 (c) Includes attributes or natural resource values
15 underrepresented in the state's inventory of public lands.
- 16 (d) Is part of an ongoing governmental effort to
17 restore, protect, or develop land areas or water resources.
- 18 (e) Will be funded by contributions from multiple
19 entities; and whether local, regional, state, and federal
20 entities will form partnerships to implement project
21 activities.
- 22 (f) Furthers conservation goals of the program through
23 the acquisition of lands that:
- 24 1. Have imperiled, critically imperiled, or rare
25 natural communities of native vegetation and wildlife, or have
26 excellent quality occurrences of natural communities;
- 27 2. Serve as habitat for endangered or threatened plant
28 or animal species;
- 29 3. Have significant archeological or historical sites;
- 30 4. Provide for outdoor recreational activities as
31 described in s. 259.032(9)(b); or

1 5. Enhance or facilitate management of properties
2 already under public ownership.

3 (g) Provides for the completion of projects in which
4 acquisition activities were begun under previous state land
5 acquisition initiatives.

6 (h) Restores land and water areas to conditions that
7 improve their natural functions and attributes.

8 (i) Makes capital improvements to land or water areas
9 that improve public access, develop recreational facilities,
10 or promote more efficient and effective management of such
11 land or water areas.

12 (j) Restores and reclaims forestry lands to enhance
13 and ensure their continued value as ecosystems, through the
14 implementation of reforestation plans or sustainable forestry
15 management practices.

16 (k) Has funding sources that are identified and
17 assured through at least the first 2 years of the project.

18 (l) Contributes to the solution of water resource
19 problems on a regional basis.

20 (m) Has a significant portion of its land area in
21 imminent danger of development, in imminent danger of losing
22 its significant natural attributes or recreational open space,
23 or in imminent danger of subdivision which would result in
24 multiple ownership and make acquisition of the project costly
25 or less likely to be accomplished.

26 (n) Will implement an element from a plan developed by
27 an ecosystem management team.

28 (o) Exhibits compelling evidence that the land is
29 likely to be developed during the next 12 months, or
30 appraisals made during the past 5 years indicate an escalation
31

1 in land value at an average rate that exceeds the average rate
2 of interest likely to be paid on the bonds.

3 (p) Is one of the components of the Everglades
4 restoration effort.

5 (q) May be purchased at 80 percent of appraised value
6 or less.

7 (r) May be acquired, in whole or part, using
8 alternatives to fee simple, including, but not limited to,
9 purchase of development rights, hunting rights, agricultural
10 or silvicultural rights, or mineral rights; obtaining
11 conservation easements or flowage easements; or use of land
12 protection agreements as defined in s. 380.0677(5).

13 (s) Is a joint acquisition, either among public
14 agencies, nonprofit organizations, or private entities, or by
15 a public-private partnership.

16 (t) Involves the acquisition of coastal lands. In
17 acquiring coastal lands pursuant to this section, the
18 following additional criteria shall be considered:

19 1. The value of acquiring coastal high-hazard parcels,
20 consistent with hazard mitigation and postdisaster
21 redevelopment policies, in order to minimize the risk to life
22 and property and to reduce the need for future disaster
23 assistance.

24 2. The value of acquiring beachfront parcels,
25 irrespective of size, to provide public access and
26 recreational opportunities in highly developed urban areas.

27 3. The value of acquiring identified parcels the
28 development of which would adversely affect coastal resources.
29 It is expected that projects selected will accrue multiple
30 benefits, such as: protecting and restoring habitat for
31 wildlife, aquatic life, and plants, including species

1 designated as endangered, threatened, and of special concern;
2 providing aesthetic and recreational pleasure for the citizens
3 of the state; attracting visitors; and generating substantial
4 economic benefits.

5 (11) Projects that are otherwise eligible for funding
6 under this section and for which matching funds are available
7 shall be given increased priority.

8 (12) When a nonprofit organization, whose purposes
9 include preservation of natural resources and which is tax
10 exempt pursuant to s. 501(c)(3) of the United States Internal
11 Revenue Code, sells land to the state, such land at the time
12 of such sale shall be deemed to meet multiple criteria listed
13 in subsection (10) if such land met multiple criteria at the
14 time the organization purchased the land.

15 (13) The Acquisition and Restoration Commission shall
16 use the goals and criteria listed in subsections (4) and (10)
17 to competitively evaluate, select, and rank projects eligible
18 for Stewardship Florida funds.

19 (14) An affirmative vote of five members of the
20 commission shall be required in order to place a proposed
21 project on either list. Any member of the commission who by
22 family or a business relationship has a connection with any
23 project proposed to be ranked shall declare such interest
24 prior to voting for a project's inclusion on the list.

25 (15) Each year that bonds are to be issued pursuant to
26 this section, the commission shall review that year's approved
27 project lists and shall, by the first board meeting in
28 February, present to the Board of Trustees of the Internal
29 Improvement Trust Fund for approval a listing of projects
30 developed pursuant to subsection (9). The board of trustees
31 may remove projects from the list developed pursuant to this

1 subsection, but may not add projects or rearrange project
2 rankings.
3 (16) The commission shall submit to the board of
4 trustees, with its list of projects, a report that includes,
5 but shall not be limited to, the following information for
6 each project listed:
7 (a) The stated purpose for inclusion.
8 (b) Projected costs to achieve the project goals.
9 (c) An interim management budget.
10 (d) Specific performance measures.
11 (e) Plans for public access.
12 (f) An identification of the essential parcel or
13 parcels within the project without which the project cannot be
14 properly managed.
15 (g) Where applicable, an identification of those
16 projects or parcels within projects which should be acquired
17 in fee simple or in less than fee simple.
18 (h) An identification of those lands being purchased
19 for conservation purposes.
20 (i) A management policy statement for the project and
21 a management prospectus pursuant to s. 259.032(9)(d).
22 (j) An estimate of land value based on county tax
23 assessed values.
24 (k) A map delineating project boundaries.
25 (l) An assessment of the project's ecological value,
26 outdoor recreational value, forest resources, wildlife
27 resources, ownership pattern, utilization, and location.
28 (m) A discussion of whether alternative uses are
29 proposed for the property and what those uses are.
30 (n) A designation of the management agency or
31 agencies.

1 (17) All proposals for projects pursuant to this
2 section shall be implemented only if adopted by the commission
3 and approved by the board of trustees. The commission shall
4 consider and evaluate in writing the merits and demerits of
5 each project that is proposed for Stewardship Florida funding
6 and shall ensure that each proposed project will meet a stated
7 public purpose for the restoration, conservation, or
8 preservation of environmentally sensitive lands and water
9 areas or for providing outdoor recreational opportunities.
10 The commission also shall determine if the project conforms,
11 where applicable, with the comprehensive plan developed
12 pursuant to s. 259.04(1)(a), the comprehensive multipurpose
13 outdoor recreation plan developed pursuant to s. 375.021, the
14 state lands management plan adopted pursuant to s. 253.03(7),
15 the water resources work plans developed pursuant to s.
16 373.199, and the provisions of this section.

17 (18)(a) The Board of Trustees of the Internal
18 Improvement Trust Fund, or, in the case of water management
19 district lands, the owning water management district, may
20 authorize the granting of a lease, easement, or license for
21 the use of certain lands acquired pursuant to this section,
22 for certain governmental uses that are determined by the
23 appropriate board to be compatible with the resource values of
24 and management objectives for such lands. Such governmental
25 uses may include, but not be limited to, public schools,
26 public libraries, fire or law enforcement substations, and
27 governmental, judicial, or recreational centers.

28 (b) Any existing lease, easement, or license acquired
29 for incidental public or private use on, under, or across any
30 lands acquired pursuant to this section shall be presumed to
31

1 be compatible with the purposes for which such lands were
2 acquired.

3 (c) Notwithstanding the provisions of paragraph (a),
4 no such lease, easement, or license shall be entered into by
5 the Department of Environmental Protection or other
6 appropriate state agency if the granting of such lease,
7 easement, or license would adversely affect the exclusion of
8 the interest on any revenue bonds issued to fund the
9 acquisition of the affected lands from gross income for
10 federal income tax purposes, pursuant to Internal Revenue
11 Service regulations.

12 (19) The Acquisition and Restoration Commission may
13 adopt rules necessary to implement the provisions of this
14 section relating to: solicitation, scoring, selecting, and
15 ranking of Stewardship Florida project proposals; the
16 development and annual reevaluation of the 5-year plan;
17 disposing or leasing of lands or water areas selected for
18 funding through the Stewardship Florida program; and the
19 process of reviewing and recommending for approval or
20 rejection the land management plans associated with publicly
21 owned properties. The rules adopted pursuant to this
22 subsection shall not become effective until ratified by the
23 Legislature. These rules shall be submitted for consideration
24 by the Legislature during the 2000 Regular Session of the
25 Legislature.

26 Section 20. Paragraph (a) of subsection (1) and
27 subsections (2) and (6) of section 260.0125, Florida Statutes,
28 1998 Supplement, are amended to read:

29 260.0125 Limitation on liability of private landowners
30 whose property is designated as part of the statewide system
31 of greenways and trails.--

1 (1)(a) A private landowner whose land is designated as
2 part of the statewide system of greenways and trails pursuant
3 to s. 260.016(1)(k)~~(2)(d)~~, including a person holding a
4 subservient interest, owes no duty of care to keep that land
5 safe for entry or use by others or to give warning to persons
6 entering that land of any hazardous conditions, structures, or
7 activities thereon. Such landowner shall not:

8 1. Be presumed to extend any assurance that such land
9 is safe for any purpose;

10 2. Incur any duty of care toward a person who goes on
11 the land; or

12 3. Become liable or responsible for any injury to
13 persons or property caused by the act or omission of a person
14 who goes on the land.

15 (2) Any private landowner who consents to designation
16 of his or her land as part of the statewide system of
17 greenways and trails pursuant to s. 260.016(1)(k)~~(2)(d)~~
18 without compensation shall be considered a volunteer, as
19 defined in s. 110.501, and shall be covered by state liability
20 protection pursuant to s. 768.28, including s. 768.28(9).

21 (6) If agreed to by the department and the landowner
22 in the designation agreement, a landowner whose land is
23 designated as part of the statewide system of greenways and
24 trails pursuant to s. 260.016(1)(k)~~(2)(d)~~ shall be indemnified
25 for:

26 (a) Any injury or damage incurred by a third party
27 arising out of the use of the designated greenway or trail;

28 (b) Any injury or damage incurred by a third party on
29 lands adjacent to and accessed through the designated greenway
30 or trail; and
31

1 (c) Any damage to the landowner's property, including
2 land adjacent to and accessed through the designated greenway
3 or trail, caused by the act or omission of a third person
4 resulting from any use of the land so designated.

5 Section 21. Section 260.0142, Florida Statutes, is
6 created to read:

7 260.0142 Florida Greenways and Trails Council;
8 composition; powers and duties.--

9 (1) There is hereby created within the Department of
10 Environmental Protection the Florida Greenways and Trails
11 Council which shall advise the department in the execution of
12 the department's powers and duties under this chapter. The
13 council shall be composed of 21 members, consisting of:

14 (a)1. Five members appointed by the Governor, with two
15 members representing the trail-user community, two members
16 representing the greenway-user community, and one member
17 representing landowners. Of the initial appointments, two
18 shall be appointed for 2-year terms and three shall be
19 appointed for 1-year terms. Subsequent appointments shall be
20 for 2-year terms.

21 2. Three members appointed by the President of the
22 Senate, with one member representing the trail-user community
23 and two members representing the greenway-user community. Of
24 the initial appointments, two shall be appointed for 2-year
25 terms and one shall be appointed for a 1-year term. Subsequent
26 appointments shall be for 2-year terms.

27 3. Three members appointed by the Speaker of the House
28 of Representatives, with two members representing the
29 trail-user community and one member representing the
30 greenway-user community. Of the initial appointments, two
31 shall be appointed for 2-year terms and one shall be appointed

1 for a 1-year term. Subsequent appointments shall be for
2 2-year terms.
3
4 Those eligible to represent the trail-user community shall be
5 chosen from, but not be limited to, paved-trail users, hikers,
6 off-road bicyclists, paddlers, equestrians, disabled outdoor
7 recreational users, and commercial recreational interests.
8 Those eligible to represent the greenway-user community shall
9 be chosen from, but not be limited to, conservation
10 organizations, nature study organizations, and scientists and
11 university experts.
12 (b) The 10 remaining members shall include:
13 1. The Secretary of Environmental Protection or a
14 designee;
15 2. The executive director of the Fish and Wildlife
16 Conservation Commission or a designee;
17 3. The Secretary of Community Affairs or a designee;
18 4. The Secretary of Transportation or a designee;
19 5. The director of the Division of Forestry of the
20 Department of Agriculture and Consumer Services or a designee;
21 6. The director of the Division of Historical
22 Resources of the Department of State or a designee;
23 7. A representative of the water management districts,
24 who shall serve for 1 year. Membership on the council shall
25 rotate among the five districts. The districts shall
26 determine the order of rotation;
27 8. A representative of a federal land management
28 agency. The Secretary of Environmental Protection shall
29 identify the appropriate federal agency and request
30 designation of a representative from the agency to serve on
31 the council;

1 9. A representative of the regional planning councils
2 to be appointed by the Secretary of Environmental Protection,
3 in consultation with the Secretary of Community Affairs, for a
4 single 2-year term. Successive representatives may not be
5 selected from the same regional planning council; and

6 10. A representative of local governments to be
7 appointed by the Secretary of Environmental Protection, in
8 consultation with the Secretary of Community Affairs, for a
9 single 2-year term. Membership shall alternate between a
10 county representative and a municipal representative.

11 (2) The department shall provide necessary staff
12 assistance to the council.

13 (3) The council is authorized to contract for and to
14 accept gifts, grants, loans, or other aid from the United
15 States Government or any person or corporation.

16 (4) The duties of the council shall include, but not
17 be limited to, the following:

18 (a) Advising the Department of Environmental
19 Protection, the Department of Community Affairs, the
20 Department of Transportation, the Fish and Wildlife
21 Conservation Commission, the Division of Forestry of the
22 Department of Agriculture and Consumer Services, the water
23 management districts, and the regional planning councils on
24 policies relating to the Florida Greenways and Trails System,
25 and promoting intergovernmental cooperation.

26 (b) Facilitating a statewide system of interconnected
27 land-based trails that connect urban, suburban, and rural
28 areas of the state, and facilitating expansion of the
29 statewide system of freshwater and saltwater paddling trails.

30 (c) Recommending priorities for critical links in the
31 Florida Greenways and Trails System.

1 (d) Reviewing applications for acquisition funding
2 under the Florida Greenways and Trails Program, and
3 recommending to the Secretary of Environmental Protection
4 which projects should be acquired.

5 (e) Providing recommendations to those agencies and
6 organizations which fund acquisition, development, and
7 management of lands, and promoting private landowner
8 incentives.

9 (f) Reviewing designation proposals for inclusion in
10 the Florida Greenways and Trails System.

11 (g) Providing advocacy and education to benefit the
12 statewide system of greenways and trails by encouraging
13 communication and conferencing.

14 (h) Encouraging public-private partnerships.

15 (i) Reviewing progress toward meeting established
16 benchmarks and recommending appropriate action.

17 (j) Making recommendations for updating and revising
18 the implementation plan for the Florida Greenways and Trails
19 System.

20 (k) Advising the Land Acquisition and Management
21 Advisory Council, or its successor, to ensure the
22 incorporation of trails in land management plans on lands
23 managed by the Department of Environmental Protection, the
24 Fish and Wildlife Conservation Commission, the Division of
25 Historical Resources of the Department of State, and the
26 Division of Forestry of the Department of Agriculture and
27 Consumer Services.

28 (l) Providing advice and assistance to the Department
29 of Transportation and the water management districts regarding
30 the incorporation of trails into their planning efforts.

31

1 (m) Encouraging land use, environmental, and
2 coordinated linear infrastructure planning to facilitate the
3 implementation of local, regional, and statewide greenways and
4 trails systems.

5 (n) Promoting greenways and trails support
6 organizations.

7 (o) Supporting the Florida Greenways and Trails System
8 in any other appropriate way.

9 (5) The council shall determine who shall serve as
10 council chair through its operating procedures. The council
11 shall meet at the call of the chair, or at such times as may
12 be prescribed by its operating procedures. The council may
13 establish committees to conduct the work of the council, and
14 the committees may include nonmembers as appropriate.

15 (6) A vacancy in the council shall be filled for the
16 remainder of the unexpired term in the same manner as the
17 original appointment. Members whose terms have expired may
18 continue to serve until replaced or reappointed. No member
19 shall serve on the council for more than two consecutive
20 terms.

21 (7) Members of the council shall not receive any
22 compensation for their services but shall be entitled to
23 receive reimbursement for per diem and travel expenses
24 incurred in the performance of their duties, as provided in s.
25 112.061.

26 Section 22. Section 260.016, Florida Statutes, 1998
27 Supplement, is amended, to read:

28 260.016 General powers of the department.--

29 (1) The department shall ~~may~~:

30 (a) Publish and distribute appropriate maps of
31 designated greenways and trails. The description shall include

1 a generalized map delineating the area designated, location of
2 suitable ingress and egress sites, as well as other points of
3 interest to enhance the recreational opportunities of the
4 public.

5 (b) Establish access routes and related public-use
6 facilities along greenways and trails which will not
7 substantially interfere with the nature and purposes of the
8 greenway or trail.

9 (c) Adopt appropriate rules to implement or interpret
10 this act and portions of chapter 253 relating to greenways and
11 trails, which may include, but are not limited to, rules for
12 the following:

- 13 1. Establishing a designation process.
- 14 2. Negotiating and executing agreements with private
15 landowners.
- 16 3. Establishing prohibited activities or restrictions
17 on activities to protect the health, safety, and welfare of
18 the public.
- 19 4. Charging fees for use.
- 20 5. Providing public access.
- 21 6. Providing for maintenance.
- 22 7. Any matter necessary to the evaluation, selection,
23 operation, and maintenance of greenways and trails.

24
25 Any person who violates or otherwise fails to comply with the
26 rules adopted pursuant to subparagraph 3. commits a
27 noncriminal infraction for which a fine of up to \$500 may be
28 imposed.

29 (d) Coordinate the activities of all governmental
30 units and bodies and special districts that desire to

31

1 participate in the development and implementation of the
2 Florida Greenways and Trails System.

3 ~~(e) Appoint an advisory body to be known as the~~
4 ~~"Florida Recreational Trails Council" which shall advise the~~
5 ~~department in the execution of its powers and duties under~~
6 ~~this chapter. The department may establish by rule the~~
7 ~~duties, structure, and responsibilities of the council.~~
8 ~~Members of the Florida Recreational Trails Council shall serve~~
9 ~~without compensation, but are entitled to be reimbursed for~~
10 ~~per diem and travel expenses as provided in s. 112.061.~~

11 (e)(f) Establish, develop, and publicize greenways and
12 trails saltwater paddling trails in a manner that will permit
13 public recreation, when appropriate, without damaging natural
14 resources. The Big Bend Historic Saltwater Paddling Trail from
15 the St. Marks River to the Suwannee River is hereby designated
16 as part of the Florida Greenways and Trails System. Additions
17 to this trail may be added by the department from time to time
18 as part of a statewide saltwater circumnavigation trail.

19 (f)(g) Enter into sublease agreements or other use
20 agreements with any federal, state, or local governmental
21 agency, or any other entity local governmental agencies for
22 the management of greenways and trails for recreation and
23 conservation purposes consistent with the intent of this
24 chapter.

25 ~~(h) Enter into management agreements with other~~
26 ~~entities only if a federal agency, another state agency, local~~
27 ~~government, county, or municipality is unable to manage the~~
28 ~~greenways or trails lands. Such entities must demonstrate~~
29 ~~their capabilities of management for the purposes defined in~~
30 ~~ss. 260.011-260.018.~~

31

1 (g)~~(i)~~ Charge reasonable fees or rentals for the use
2 or operation of facilities and concessions. All such fees,
3 rentals, or other charges collected shall be deposited in the
4 account or trust fund of the managing entity. ~~All such fees,~~
5 ~~rentals, or other charges collected by the Division of~~
6 ~~Recreation and Parks under this paragraph shall be deposited~~
7 ~~in the State Park Trust Fund pursuant to s. 258.014.~~

8 ~~(2) The department shall:~~

9 (h)~~(a)~~ Evaluate lands for the acquisition of greenways
10 and trails and compile a list of suitable corridors,
11 greenways, and trails, ranking them in order of priority for
12 proposed acquisition. The department shall devise a method of
13 evaluation which includes, but is not limited to, the
14 consideration of:

15 1. The importance and function of such corridors
16 within the statewide system.

17 2. Potential for local sharing in the acquisition,
18 development, operation, or maintenance of greenway and trail
19 corridors.

20 3. Costs of acquisition, development, operation, and
21 maintenance.

22 (i)~~(b)~~ Maintain an updated list of abandoned and
23 to-be-abandoned railroad rights-of-way. ~~The department shall~~
24 ~~request information on current and potential railroad~~
25 ~~abandonments from the Department of Transportation and~~
26 ~~railroad companies operating within the state. At a minimum,~~
27 ~~the department shall make such requests on a quarterly basis.~~

28 (j)~~(c)~~ Provide information to public and private
29 agencies and organizations on abandoned rail corridors which
30 are or will be available for acquisition from the railroads or
31 for lease for interim recreational use from the Department of

1 ~~Transportation. Such information shall include, at a minimum,~~
2 ~~probable costs of purchase or lease of the identified~~
3 ~~corridors.~~
4 (k)~~(d)~~ Develop and implement a process for designation
5 of lands and waterways as a part of the statewide system of
6 greenways and trails, which shall include:
7 1. Development and dissemination of criteria for
8 designation.
9 2. Development and dissemination of criteria for
10 changes in the terms or conditions of designation, including
11 withdrawal or termination of designation. A landowner may have
12 his or her property removed from designation by providing the
13 department with a written request that contains an adequate
14 description of such lands to be removed. Provisions shall be
15 made in the designation agreement for disposition of any
16 future improvements made to the land by the department.
17 3. Compilation of available information on and field
18 verification of the characteristics of the lands or waterways
19 as they relate to the developed criteria.
20 4. Public notice pursuant to s. 120.525 in all phases
21 of the process.
22 5. Actual notice to the landowner by certified mail at
23 least 7 days before any public meeting regarding the
24 department's intent to designate.
25 6. Written authorization from the landowner in the
26 form of a lease or other instrument for the designation and
27 granting of public access, if appropriate, to a landowner's
28 property.
29 7. Development of a greenway or trail use plan as a
30 part of the designation agreement. In any particular segment
31 of a greenway or trail, the plan components must be compatible

1 with connecting segments and, at a minimum, describe the types
2 and intensities of uses of the property.

3 (1) Implement the plan for the Florida Greenways and
4 Trails System as adopted by the Florida Greenways Coordinating
5 Council on September 11, 1998.

6 (2)~~(3)~~ The department or its designee is authorized to
7 negotiate with potentially affected private landowners as to
8 the terms under which such landowners would consent to the
9 public use of their lands as part of the greenways and trails
10 system. The department shall be authorized to agree to
11 incentives for a private landowner who consents to this public
12 use of his or her lands for conservation or recreational
13 purposes, including, but not limited to, the following:

14 (a) Retention by the landowner of certain specific
15 rights in his or her lands, including, but not limited to, the
16 right to farm, hunt, graze, harvest timber, or use the lands
17 for other purposes which are consistent with use as greenways
18 or trails.

19 (b) Agreement to exchange, subject to the approval of
20 the Board of Trustees of the Internal Improvement Trust Fund
21 or other applicable unit of government, ownership or other
22 rights of use of public lands for the ownership or other
23 rights of use of privately owned property. Any exchange of
24 state-owned lands, title to which is vested in the Board of
25 Trustees of the Internal Improvement Trust Fund, for privately
26 owned lands shall be subject to the requirements of s.
27 259.041.

28 (c) Contracting with the landowner to provide
29 management or other services on the lands.

30 (d) At the option of the landowner, acceleration of
31 the acquisition process or higher consideration in the ranking

1 process when any lands owned by the landowner are under
2 consideration for acquisition by the state or other unit of
3 government.

4 (e) At the option of the landowner, removal of any
5 lands owned by the landowner from consideration for acquisition
6 by the state or other unit of government.

7 (f) Execution of patrol and protection agreements.

8 (g) Where applicable and appropriate, providing lease
9 fees, not to exceed fair market value of the leasehold
10 interest.

11 Section 23. Section 260.018, Florida Statutes, 1998
12 Supplement, is amended to read:

13 260.018 Agency recognition.--All agencies of the
14 state, regional planning councils through their comprehensive
15 plans, and local governments through their local comprehensive
16 planning process pursuant to chapter 163 shall recognize the
17 special character of publicly owned lands and waters
18 designated by the state as greenways and trails and shall not
19 take any action which will impair their use as designated.
20 Identification of lands in planning materials, maps, data, and
21 other information developed or used in the greenways and
22 trails program shall not be cause for such lands to be subject
23 to this section, unless such lands have been designated as a
24 part of the statewide system or greenways and trails pursuant
25 to s. 260.016(1)(k)~~(2)(d)~~.

26 Section 24. Paragraph (a) of subsection (11) of
27 section 288.1224, Florida Statutes, is amended to read:

28 288.1224 Powers and duties.--The commission:

29 (11) Shall create an advisory committee of the
30 commission which shall be charged with developing a regionally
31 based plan to protect and promote all of the natural, coastal,

1 historical, cultural, and commercial tourism assets of this
2 state.

3 (a) Members of the advisory committee shall be
4 appointed by the chair of the commission and shall include
5 representatives of the commission, the Departments of
6 Agriculture and Consumer Services, Environmental Protection,
7 Community Affairs, Transportation, and State, the Florida
8 Greenways and Trails ~~Coordinating~~ Council, the ~~Florida Game~~
9 ~~and Freshwater Fish~~ and Wildlife Conservation Commission, and,
10 as deemed appropriate by the chair of the commission,
11 representatives from other federal, state, regional, local,
12 and private sector associations representing environmental,
13 historical, cultural, recreational, and tourism-related
14 activities.

15 Section 25. Subsection (4) of section 369.252, Florida
16 Statutes, is amended to read:

17 369.252 Invasive exotic plant control on public
18 lands.--The department shall establish a program to:

19 (4) Use funds in the Aquatic Plant Control Trust Fund
20 as authorized by the Legislature for carrying out activities
21 under this section on public lands. Twenty percent of the
22 amount credited to the Aquatic Plant Control Trust Fund
23 pursuant to s. 201.15(6) shall be used for the purpose of
24 controlling nonnative, upland, invasive plant species on
25 public lands.

26 Section 26. Subsection (5) of section 369.307, Florida
27 Statutes, is amended to read:

28 369.307 Developments of regional impact in the Wekiva
29 River Protection Area; land acquisition.--

30 (5) The Department of Environmental Protection is
31 directed to proceed to negotiate for acquisition of

1 conservation and recreation lands projects within the Wekiva
2 River Protection Area provided that such projects have been
3 deemed qualified under statutory and rule criteria for
4 purchase and have been placed on the priority list for
5 acquisition by the advisory council created in s. 259.035 or
6 its successor.

7 Section 27. Subsection (5) is added to section
8 373.089, Florida Statutes, to read:

9 373.089 Sale or exchange of lands, or interests or
10 rights in lands.--The governing board of the district may sell
11 lands, or interests or rights in lands, to which the district
12 has acquired title or to which it may hereafter acquire title
13 in the following manner:

14 (5) Any lands the title to which is vested in the
15 governing board of a water management district may be
16 surplused pursuant to the procedures set forth in this section
17 and s. 373.056 and the following:

18 (a) For those lands designated as acquired for
19 conservation purposes, the governing board shall make a
20 determination that the lands are no longer needed for
21 conservation purposes and may dispose of them by a two-thirds
22 vote.

23 (b) For all other lands, the governing board shall
24 make a determination that such lands are no longer needed and
25 may dispose of them by majority vote.

26 (c) For the purposes of this subsection, all lands for
27 which title has vested in the governing board prior to July 1,
28 1999, shall be deemed to have been acquired for conservation
29 purposes.

30 (d) For any lands acquired on or after July 1, 1999,
31 for which title is vested in the governing board, the

1 governing board shall determine which parcels shall be
2 designated as having been acquired for conservation purposes.

3 Section 28. Section 373.199, Florida Statutes, is
4 created to read:

5 373.199 Assistance to Acquisition and Restoration
6 Commission.--

7 (1) Over the years, the Legislature has created
8 numerous programs and funded several initiatives intended to
9 restore, conserve, protect, and manage Florida's water
10 resources and the lands and ecosystems associated with them.
11 Although these programs and initiatives have yielded
12 individual successes, the overall quality of Florida's water
13 resources continues to degrade; natural systems associated
14 with surface waters continue to be altered or have not been
15 restored to a fully functioning level; and sufficient
16 quantities of water for current and future reasonable
17 beneficial uses and for natural systems remain in doubt.

18 (2) Therefore, in order to further the goals of the
19 Stewardship Florida Act and to assist the Acquisition and
20 Restoration Commission in evaluating and ranking projects,
21 each water management district shall compile and send a list
22 of recommended projects to the commission for its
23 consideration in developing a priority list pursuant to the
24 Stewardship Florida Act. Such list of projects shall be
25 submitted annually by June 1, beginning in 2000.

26 (3) In developing the list, each water management
27 district shall:

28 (a) Integrate its existing surface water improvement
29 and management plans, Save Our Rivers land acquisition lists,
30 stormwater management projects, proposed water resource
31 development projects, proposed water body restoration

1 projects, and other properties or activities that would assist
2 in meeting the goals of Stewardship Florida.

3 (b) Work cooperatively with the applicable ecosystem
4 management area teams and other citizen advisory groups, the
5 Department of Environmental Protection and its district
6 offices, the Department of Agriculture and Consumer Services,
7 the Fish and Wildlife Conservation Commission, the Department
8 of Community Affairs, the Department of Transportation, other
9 state agencies, and federal agencies, where applicable.

10 (4) The list submitted by the districts shall include,
11 where applicable, the following information for each project:

12 (a) A description of the water body system, its
13 historical and current uses, and its hydrology; a history of
14 the conditions which have led to the need for restoration or
15 protection; and a synopsis of restoration efforts that have
16 occurred to date, if applicable.

17 (b) An identification of all governmental units that
18 have jurisdiction over the water body and its drainage basin
19 within the approved surface water improvement and management
20 plan area, including local, regional, state, and federal
21 units.

22 (c) A description of land uses within the project
23 area's drainage basin, and of important tributaries, point and
24 nonpoint sources of pollution, and permitted discharge
25 activities associated with that basin.

26 (d) A description of strategies and potential
27 strategies, including improved stormwater management, for
28 restoring or protecting the water body to Class III or better
29 surface water quality status.

30
31

1 (e) A listing and synopsis of studies that are being
2 or have been prepared for the water body, stormwater
3 management project, or water resource development project.

4 (f) A description of the measures needed to manage and
5 maintain the water body once it has been restored and to
6 prevent future degradation, to manage and maintain the
7 stormwater management system, or to manage and maintain the
8 water resource development project.

9 (g) A schedule for restoration and protection of the
10 water body, implementation of the stormwater management
11 project, or development of the water resource development
12 project.

13 (h) An estimate of the funding needed to carry out the
14 restoration, protection, or improvement project, or the
15 development of new water resources, where applicable, and the
16 projected sources of the funding.

17 (i) Numeric performance measures for each project.
18 Each performance measure shall include a baseline measurement,
19 which is the current situation; a performance standard, which
20 water management district staff anticipates the project will
21 achieve; and the performance measurement itself, which should
22 reflect the incremental improvements the project accomplishes
23 towards achieving the performance standard.

24 (j) A discussion of permitting and other regulatory
25 issues related to the project.

26 (k) An identification of the proposed public access
27 for projects with land acquisition components.

28 (5) The list of recommended projects shall indicate
29 the relative significance of each project within the
30 particular water management district's boundaries, and the
31 schedule of activities and sums of money earmarked should

1 reflect those rankings as much as possible over a 5-year
2 planning horizon.

3 Section 29. Section 373.59, Florida Statutes, 1998
4 Supplement, is amended to read:

5 373.59 Water Management Lands Trust Fund.--

6 (1) There is established within the Department of
7 Environmental Protection the Water Management Lands Trust Fund
8 to be used as a nonlapsing fund for the purposes of this
9 section. The moneys in this fund are hereby continually
10 appropriated for the purposes of land acquisition, management,
11 maintenance, capital improvements, payments in lieu of taxes,
12 debt service on bonds issued prior to July 1, 1999,
13 preacquisition costs associated with land purchases, and
14 administration of the fund in accordance with the provisions
15 of this section.

16 (2)(a) ~~By January 15 of each year, each district shall~~
17 ~~file with the Legislature and the Secretary of Environmental~~
18 ~~Protection a report of acquisition activity together with~~
19 ~~modifications or additions to its 5-year plan of acquisition.~~
20 ~~Included in the report shall be an identification of those~~
21 ~~lands which require a full fee simple interest to achieve~~
22 ~~water management goals and those lands which can be acquired~~
23 ~~using alternatives to fee simple acquisition techniques and~~
24 ~~still achieve such goals. In their evaluation of which lands~~
25 ~~would be appropriate for acquisition through alternatives to~~
26 ~~fee simple, district staff shall consider criteria including,~~
27 ~~but not limited to, acquisition costs, the net present value~~
28 ~~of future land management costs, the net present value of ad~~
29 ~~valorem revenue loss to the local government, and the~~
30 ~~potential for revenue generated from activities compatible~~
31 ~~with acquisition objectives. The report shall also include a~~

1 ~~description of land management activity.~~Expenditure of moneys
2 from the Water Management Lands Trust Fund shall be limited to
3 the costs for ~~acquisition~~,management, maintenance, and
4 capital improvements of lands titled to the governing boards
5 of the districts and acquired under current or future
6 conservation, preservation, water resources, or recreational
7 land acquisition programs,~~included within the 5-year plan as~~
8 ~~filed by each district~~ and to the department's costs of
9 administration of the fund. The department's costs of
10 administration shall be charged proportionally against each
11 district's allocation using the formula provided in subsection
12 (7). ~~However, no acquisition of lands shall occur without a~~
13 ~~public hearing similar to those held pursuant to the~~
14 ~~provisions set forth in s. 120.54. In the annual update of its~~
15 ~~5-year plan for acquisition, each district shall identify~~
16 ~~lands needed to protect or recharge groundwater and shall~~
17 ~~establish a plan for their acquisition as necessary to protect~~
18 ~~potable water supplies. Lands which serve to protect or~~
19 ~~recharge groundwater identified pursuant to this paragraph~~
20 ~~shall also serve to protect other valuable natural resources~~
21 ~~or provide space for natural resource based recreation.~~

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

26 1. By the South Florida Water Management
27 District--lands in the water conservation areas and areas
28 adversely affected by raising water levels of Lake Okeechobee
29 in accordance with present regulation schedules, and the
30 Savannahs Wetland area in Martin County and St. Lucie County.

31

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

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

9 4. By the Suwannee River Water Management
10 District--lands in Suwannee River Valley.

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

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

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

1 ~~the purposes for which the land was acquired. Lands acquired~~
2 ~~with moneys from the fund shall be managed and maintained in~~
3 ~~an environmentally acceptable manner and, to the extent~~
4 ~~practicable, in such a way as to restore and protect their~~
5 ~~natural state and condition.~~

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

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

1 ~~Protection may withhold moneys for any purchase that is not~~
2 ~~consistent with the 5-year plan or the intent of this act or~~
3 ~~that is in excess of appraised value. The governing board may~~
4 ~~appeal any denial to the Land and Water Adjudicatory~~
5 ~~Commission pursuant to s. 373.114.~~

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

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

16 (5)~~(6)~~ If a district issues revenue bonds or notes
17 under s. 373.584 prior to July 1, 1999, the district may
18 pledge its share of the moneys in the Water Management Lands
19 Trust Fund as security for such bonds or notes. The Department
20 of Environmental Protection shall pay moneys from the trust
21 fund to a district or its designee sufficient to pay the debt
22 service, as it becomes due, on the outstanding bonds and notes
23 of the district; however, such payments shall not exceed the
24 district's cumulative portion of the trust fund. However, any
25 moneys remaining after payment of the amount due on the debt
26 service shall be released to the district pursuant to
27 subsection(4)~~(3)~~.

28 (6)~~(7)~~ Any unused portion of a district's share of the
29 fund shall accumulate in the trust fund to the credit of that
30 district. Interest earned on such portion shall also
31 accumulate to the credit of that district to be used for ~~land~~

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

6 (7)~~(8)~~ Moneys from the Water Management Lands Trust
7 Fund shall be allocated to the five water management districts
8 in the following percentages:

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

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

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

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

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

19 (8)~~(9)~~ Each district may use its allocation under
20 subsection (7)~~(8)~~ for management, maintenance, and capital
21 improvements. Capital improvements shall include, but need not
22 be limited to, perimeter fencing, signs, firelanes, control of
23 invasive exotic species, controlled burning, habitat inventory
24 and restoration, law enforcement, access roads and trails, and
25 minimal public accommodations, such as primitive campsites,
26 garbage receptacles, and toilets.

27 (9)~~(10)~~ Moneys in the fund not needed to meet current
28 obligations incurred under this section shall be transferred
29 to the State Board of Administration, to the credit of the
30 fund, to be invested in the manner provided by law. Interest
31 received on such investments shall be credited to the fund.

1 (10)~~(11)~~ Lands titled to the governing boards of the
2 districts shall be managed and maintained, to the extent
3 practicable, in such a way as to ensure a balance between
4 public access, general public recreational purposes, and
5 restoration and protection of their natural state and
6 condition ~~Lands acquired for the purposes enumerated in this~~
7 ~~section shall also be used for general public recreational~~
8 ~~purposes.~~ General public recreational purposes shall include,
9 but not be limited to, fishing, hunting, horseback riding,
10 swimming, camping, hiking, canoeing, boating, diving, birding,
11 sailing, jogging, and other related outdoor activities to the
12 maximum extent possible considering the environmental
13 sensitivity and suitability of those lands. These public
14 lands shall be evaluated for their resource value for the
15 purpose of establishing which parcels, in whole or in part,
16 annually or seasonally, would be conducive to general public
17 recreational purposes. Such findings shall be included in
18 management plans which are developed for such public lands.
19 These lands shall be made available to the public for these
20 purposes, unless the district governing board can demonstrate
21 that such activities would be incompatible with the purposes
22 for which these lands were acquired. For any fee simple
23 acquisition of a parcel which is or will be leased back for
24 agricultural purposes, or for any acquisition of a
25 less-than-fee interest in land that is or will be used for
26 agricultural purposes, the district governing board shall
27 first consider having a soil and water conservation district
28 created pursuant to chapter 582 manage and monitor such
29 interest.
30 (11) The districts have the authority to adopt rules
31 that specify: allowable activities on district-owned lands;

1 the amount of fees, licenses, or other charges for users of
2 district-owned lands; the application and reimbursement
3 process for payments in lieu of taxes; the use of volunteers
4 for management activities; and the processes related to
5 entering into or severing cooperative land management
6 agreements. Any rules adopted by the water management
7 districts pursuant to this subsection shall not become
8 effective until ratified by the Legislature and shall be
9 submitted to the Legislature during the 2001 Regular Session.

10 (12)(a) Beginning July 1, 1999, not more than
11 one-fourth of the land management funds provided for in
12 subsections (1) and (8) in any year shall be reserved annually
13 by a governing board, during the development of its annual
14 operating budget, for payments in lieu of taxes for all actual
15 tax losses incurred as a result of governing board
16 acquisitions for water management districts under the
17 Stewardship Florida program during any year. Reserved funds
18 not used for payments in lieu of taxes in any year shall
19 revert to the Water Management Lands Trust Fund to be used in
20 accordance with the provisions of this section.

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

22 1. To all counties that have a population of 100,000
23 or less. Population levels shall be determined pursuant to s.
24 11.031.

25 2. To all local governments located in eligible
26 counties.

27
28 For the purposes of this subsection, "local government"
29 includes municipalities, the county school board, mosquito
30 control districts, and any other local government entity which
31 levies ad valorem taxes.

1 (c) If insufficient funds are available in any year to
2 make full payments to all qualifying counties and local
3 governments, such counties and local governments shall receive
4 a pro rata share of the moneys available.

5 (d) The payment amount shall be based on the average
6 amount of actual taxes paid on the property for the 3 years
7 preceding acquisition. Applications for payment in lieu of
8 taxes shall be made no later than January 31 of the year
9 following acquisition. No payment in lieu of taxes shall be
10 made for properties which were exempt from ad valorem taxation
11 for the year immediately preceding acquisition. If property
12 that was subject to ad valorem taxation was acquired by a
13 tax-exempt entity for ultimate conveyance to the state under
14 this chapter, payment in lieu of taxes shall be made for such
15 property based upon the average amount of taxes paid on the
16 property for the 3 years prior to its being removed from the
17 tax rolls. The water management districts shall certify to the
18 Department of Revenue those properties that may be eligible
19 under this provision. Once eligibility has been established,
20 that governmental entity shall receive 10 consecutive annual
21 payments, and no further eligibility determination shall be
22 made during that period.

23 (e) Payment in lieu of taxes pursuant to this
24 subsection shall be made annually to qualifying counties and
25 local governments after certification by the Department of
26 Revenue that the amounts applied for are reasonably
27 appropriate, based on the amount of actual taxes paid on the
28 eligible property, and after the water management districts
29 have provided supporting documents to the Comptroller and have
30 requested that payment be made in accordance with the
31 requirements of this section.

1 (f) If a water management district conveys to a county
2 or local government title to any land owned by the district,
3 any payments in lieu of taxes on the land made to the county
4 or local government shall be discontinued as of the date of
5 the conveyance.

6 ~~(12) A district may dispose of land acquired under~~
7 ~~this section, pursuant to s. 373.056 or s. 373.089. However,~~
8 ~~revenue derived from such disposal may not be used for any~~
9 ~~purpose except the purchase of other lands meeting the~~
10 ~~criteria specified in this section or payment of debt service~~
11 ~~on revenue bonds or notes issued under s. 373.584, as provided~~
12 ~~in this section.~~

13 ~~(13) No moneys generated pursuant to this act may be~~
14 ~~applied or expended subsequent to July 1, 1985, to reimburse~~
15 ~~any district for prior expenditures for land acquisition from~~
16 ~~ad valorem taxes or other funds other than its share of the~~
17 ~~funds provided herein or to refund or refinance outstanding~~
18 ~~debt payable solely from ad valorem taxes or other funds other~~
19 ~~than its share of the funds provided herein.~~

20 ~~(14)(a) Beginning in fiscal year 1992-1993, not more~~
21 ~~than one-fourth of the land management funds provided for in~~
22 ~~subsections (1) and (9) in any year shall be reserved annually~~
23 ~~by a governing board, during the development of its annual~~
24 ~~operating budget, for payment in lieu of taxes to qualifying~~
25 ~~counties for actual ad valorem tax losses incurred as a result~~
26 ~~of lands purchased with funds allocated pursuant to s.~~
27 ~~259.101(3)(b). In addition, the Northwest Florida Water~~
28 ~~Management District, the South Florida Water Management~~
29 ~~District, the Southwest Florida Water Management District, the~~
30 ~~St. Johns River Water Management District, and the Suwannee~~
31 ~~River Water Management District shall pay to qualifying~~

1 ~~counties payments in lieu of taxes for district lands acquired~~
2 ~~with funds allocated pursuant to subsection (8). Reserved~~
3 ~~funds that are not used for payment in lieu of taxes in any~~
4 ~~year shall revert to the fund to be used for management~~
5 ~~purposes or land acquisition in accordance with this section.~~

6 ~~(b) Payment in lieu of taxes shall be available to~~
7 ~~counties for each year in which the levy of ad valorem tax is~~
8 ~~at least 8.25 mills or the amount of the tax loss from all~~
9 ~~completed Preservation 2000 acquisitions in the county exceeds~~
10 ~~0.01 percent of the county's total taxable value, and the~~
11 ~~population is 75,000 or less and to counties with a population~~
12 ~~of less than 100,000 which contain all or a portion of an area~~
13 ~~of critical state concern designated pursuant to chapter 380.~~

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

17 ~~(d) The payment amount shall be based on the average~~
18 ~~amount of actual taxes paid on the property for the 3 years~~
19 ~~immediately preceding acquisition. For lands purchased prior~~
20 ~~to July 1, 1992, applications for payment in lieu of taxes~~
21 ~~shall be made to the districts by January 1, 1993. For lands~~
22 ~~purchased after July 1, 1992, applications for payment in lieu~~
23 ~~of taxes shall be made no later than January 31 of the year~~
24 ~~following acquisition. No payment in lieu of taxes shall be~~
25 ~~made for properties which were exempt from ad valorem taxation~~
26 ~~for the year immediately preceding acquisition. Payment in~~
27 ~~lieu of taxes shall be limited to a period of 10 consecutive~~
28 ~~years of annual payments.~~

29 ~~(e) Payment in lieu of taxes shall be made within 30~~
30 ~~days after: certification by the Department of Revenue that~~
31 ~~the amounts applied for are appropriate, certification by the~~

1 ~~Department of Environmental Protection that funds are~~
2 ~~available, and completion of any fund transfers to the~~
3 ~~district. The governing board may reduce the amount of a~~
4 ~~payment in lieu of taxes to any county by the amount of other~~
5 ~~payments, grants, or in-kind services provided to that county~~
6 ~~by the district during the year. The amount of any reduction~~
7 ~~in payments shall remain in the Water Management Lands Trust~~
8 ~~Fund for purposes provided by law.~~

9 ~~(f) If a district governing board conveys to a local~~
10 ~~government title to any land owned by the board, any payments~~
11 ~~in lieu of taxes on the land made to the local government~~
12 ~~shall be discontinued as of the date of the conveyance.~~

13 (13)~~(15)~~ Each district is encouraged to use volunteers
14 to provide land management and other services. Volunteers
15 shall be covered by liability protection and workers'
16 compensation in the same manner as district employees, unless
17 waived in writing by such volunteers or unless such volunteers
18 otherwise provide equivalent insurance.

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

1 ~~(15)~~~~(17)~~ Notwithstanding any provision of this section
2 to the contrary and for the 1998-1999 fiscal year only, the
3 governing board of a water management district may request,
4 and the Secretary of Environmental Protection shall release
5 upon such request, moneys allocated to the districts pursuant
6 to subsection~~(7)~~~~(8)~~ for the purpose of carrying out the
7 provisions of ss. 373.451-373.4595. No funds may be used
8 pursuant to this subsection until necessary debt service
9 obligations and requirements for payments in lieu of taxes
10 that may be required pursuant to this section are provided
11 for. This subsection is repealed on July 1, 1999.

12 Section 30. Section 375.075, Florida Statutes, is
13 amended to read:

14 375.075 Outdoor recreation; financial assistance to
15 local governments.--

16 (1) The Department of Environmental Protection is
17 authorized, pursuant to s. 370.023, to establish the Florida
18 Recreation Development Assistance Program to provide grants to
19 qualified local governmental entities to acquire or develop
20 land for public outdoor recreation purposes. To the extent not
21 needed for debt service on bonds issued pursuant to s.
22 375.051, each fiscal year through fiscal year 2000-2001, the
23 department shall develop and plan a program which shall be
24 based upon funding of not less than 5 percent of the money
25 credited to the Land Acquisition Trust Fund pursuant to s.
26 201.15(2) and (3) in that year.

27 (2)(a) The department shall adopt, by rule, procedures
28 to govern the program, which shall include, but need not be
29 limited to, a competitive project selection process designed
30 to maximize the outdoor recreation benefit to the public.

31 (b) Selection criteria shall, at a minimum, rank:

1 1. The extent to which the project would implement the
2 outdoor recreation goals, objectives, and priorities specified
3 in the state comprehensive outdoor recreation plan; and

4 2. The extent to which the project would provide for
5 priority resource or facility needs in the region as specified
6 in the state comprehensive outdoor recreation plan.

7 (c) No release of funds from the Land Acquisition
8 Trust Fund, or from the Stewardship Florida Trust Fund
9 beginning in fiscal year 2001-2002, for this program may be
10 made for these public recreation projects until the projects
11 have been selected through the competitive selection process
12 provided for in this section.

13 (3) A local government may submit up to two grant
14 applications during each application period announced by the
15 department. However, a local government may not have more
16 than three active projects expending grant funds during any
17 state fiscal year. The maximum project grant for each project
18 application may not exceed \$200,000 in state funds.

19 Section 31. Subsection (13) of section 380.0666,
20 Florida Statutes, is amended to read:

21 380.0666 Powers of land authority.--The land authority
22 shall have all the powers necessary or convenient to carry out
23 and effectuate the purposes and provisions of this act,
24 including the following powers, which are in addition to all
25 other powers granted by other provisions of this act:

26 (13) To identify parcels of land within the area or
27 areas of critical state concern that would be appropriate
28 acquisitions by the state from the Conservation and
29 Recreational Lands Trust Fund and recommend such acquisitions
30 to the advisory council established pursuant to s. 259.035 or
31 its successor.

1 Section 32. Subsection (4) of section 380.22, Florida
2 Statutes, 1998 Supplement, is amended to read:

3 380.22 Lead agency authority and duties.--

4 (4) The department shall establish a county-based
5 process for identifying, and setting priorities for acquiring,
6 coastal properties in coordination with the Land Acquisition
7 and Management Advisory Council, or its successor,and the
8 Coastal Resources Interagency Management Committee so these
9 properties may be acquired as part of the state's land
10 acquisition programs. This process shall include the
11 establishment of criteria for prioritizing coastal
12 acquisitions which, in addition to recognizing pristine
13 coastal properties and coastal properties of significant or
14 important environmental sensitivity, recognize hazard
15 mitigation, beach access, beach management, urban recreation,
16 and other policies necessary for effective coastal management.

17 Section 33. Section 380.503, Florida Statutes, is
18 amended to read:

19 380.503 Definitions.--As used in ss. 380.501-380.515,
20 unless the context indicates a different meaning or intent:

21 ~~(1)(4)~~ "Comprehensive plan" means a plan that meets
22 the requirements of ss. 163.3177, 163.3178, and 163.3191.

23 ~~(2)(13)~~ "Department" means the Department of Community
24 Affairs.

25 ~~(3)(2)~~ "Local government" means a county or
26 municipality.

27 (4) "Metropolitan" means a population area consisting
28 of a central city with adjacent cities and smaller surrounding
29 communities: a major urban area and its environs.

30 ~~(5)(3)~~ "Nonprofit organization" means any private
31 nonprofit organization, existing under the provisions of s.

1 501(c)(3) of the United States Internal Revenue Code, which
2 has among its principal goals the conservation of natural
3 resources or protection of the environment.
4 (6)~~(14)~~ "Program" means a plan that is established or
5 will be established by a local government to create innovative
6 approaches that will assist in the implementation of the
7 conservation, recreation and open space, or coastal management
8 elements of the local comprehensive plan, such as a transfer
9 of development rights program or an environmental or
10 recreational land acquisition program.
11 (7)~~(5)~~ "Project" means any work on, improvement to, or
12 acquisition of real property, buildings, or any other
13 property.
14 (8)~~(10)~~ "Public access project" means action taken
15 pursuant to this part to create or improve public accessways
16 to surface waters.
17 (9)~~(6)~~ "Real property" means any interest in land and
18 may also include any appurtenances and improvements to the
19 land.
20 (10)~~(8)~~ "Redevelopment project" means action taken
21 pursuant to this part to correct undesirable development
22 patterns.
23 (11)~~(9)~~ "Resource enhancement project" means action
24 taken pursuant to this part to restore, as nearly as possible,
25 degraded natural areas to their original condition or to
26 enhance the resource values of a natural area.
27 (12) "Site reservation" means temporarily acquiring
28 and holding areas identified for public use, then transferring
29 the land to an appropriate state agency, local government, or
30 nonprofit organization for management for public use.
31

1 (13)~~(7)~~ "Surface waters" means publicly owned waters
2 upon the surface of the earth, whether contained in bounds
3 created naturally or artificially or diffused.

4 (14)~~(1)~~ "Trust" means the Florida Communities Trust
5 created pursuant to this part.

6 (15) "Urban area" means an area of or for development
7 characterized by social, economic, and institutional
8 activities that are predominantly based on the manufacture,
9 production, distribution, or provision of goods and services,
10 in a setting that typically includes residential and
11 nonresidential development uses other than those
12 characteristic of rural areas.

13 (16)~~(15)~~ "Urban greenways and open space project"
14 means action taken pursuant to this part to acquire lands or
15 interest in lands to create a linear open space protected and
16 managed as part of linked conservation lands or recreational
17 opportunities in an urban area, or to preserve open space or
18 historic sites to enhance recreational and cultural
19 opportunities in an urban area.

20 (17)~~(11)~~ "Urban waterfront restoration project" means
21 action taken pursuant to this part to restore deteriorated or
22 deteriorating urban waterfronts for public use and enjoyment.

23 Section 34. Subsection (1) of section 380.504, Florida
24 Statutes, is amended to read:

25 380.504 Florida Communities Trust; creation;
26 membership; expenses.--

27 (1) There is created within the Department of
28 Community Affairs a nonregulatory state agency and
29 instrumentality, which shall be a public body corporate and
30 politic, known as the "Florida Communities Trust." The
31 governing body of the trust shall consist of:

1 (a) The Secretary of Community Affairs and the
2 Secretary of Environmental Protection; and

3 (b) Four ~~Three~~ public members whom the Governor shall
4 appoint subject to Senate confirmation.

5
6 The Governor shall appoint a former elected official of a
7 county local government, a former elected official of a
8 metropolitan municipal government, a representative of a
9 nonprofit organization as defined in this part, and a
10 representative of the development industry. The Secretary of
11 Community Affairs may designate his or her assistant secretary
12 or the director of the Division of Community Resource Planning
13 ~~and Management~~ to serve in his or her absence. The Secretary
14 of Environmental Protection may appoint his or her deputy
15 secretary assistant executive director, the deputy assistant
16 ~~director for Land Resources,~~ the director of the Division of
17 State Lands, or the director of the Division of Recreation and
18 Parks to serve in his or her absence. The Secretary of
19 Community Affairs shall be the chair of the governing body of
20 the trust. The Governor shall make his or her appointments
21 upon the expiration of any current terms or within 60 days
22 after the effective date of the resignation of any member.

23 Section 35. Section 380.505, Florida Statutes, is
24 amended to read:

25 380.505 Meetings; quorum; voting.--The powers of the
26 trust shall be vested in its governing body members. The
27 governing body may delegate such powers to department staff as
28 it deems necessary. Four ~~Three~~ members of the governing body
29 shall constitute a quorum for the purpose of conducting its
30 business and exercising its powers and for all other purposes.
31 However, the governing body may take action only upon an

1 affirmative vote of at least four ~~three~~ members. The
2 governing body shall meet at least quarterly, and may meet
3 more often at the call of the chair or upon an affirmative
4 vote of three members.

5 Section 36. Subsections (4) and (11) of section
6 380.507, Florida Statutes, are amended to read:

7 380.507 Powers of the trust.--The trust shall have all
8 the powers necessary or convenient to carry out the purposes
9 and provisions of this part, including:

10 (4) To acquire and dispose of real and personal
11 property or any interest therein when necessary or appropriate
12 to protect the natural environment, provide public access or
13 public recreational facilities, preserve wildlife habitat
14 areas, provide access for managing acquired lands, or
15 otherwise carry out the purposes of this part. If the trust
16 acquires land for permanent state ownership, title to such
17 land shall be vested in the Board of Trustees of the Internal
18 Improvement Trust Fund; otherwise, title to property acquired
19 in partnership with a county or municipality shall vest in the
20 name of the local government. Notwithstanding any other
21 provision of law, the trust may enter into an option agreement
22 to purchase lands included in projects approved according to
23 this part, when necessary to reserve lands during the
24 preparation of project plans and during acquisition
25 proceedings. The consideration for an option shall not exceed
26 \$100,000.

27 (11) To make rules necessary to carry out the purposes
28 of this part and to exercise any power granted in this part,
29 pursuant to the provisions of chapter 120. The trust shall
30 adopt rules governing the acquisition of lands by local
31 governments or the trust using proceeds from the Preservation

1 2000 Trust Fund and the Stewardship Florida Trust Fund,
2 consistent with the intent expressed in the Stewardship
3 Florida Act. Such rules must include, but are not limited to,
4 procedures for appraisals and confidentiality consistent with
5 ss. 125.355(1)(a) and (b) and 166.045(1)(a) and (b), a method
6 of determining a maximum purchase price, and procedures to
7 assure that the land is acquired in a voluntarily negotiated
8 transaction, surveyed, conveyed with marketable title, and
9 examined for hazardous materials contamination. Land
10 acquisition procedures of a local land authority created
11 pursuant to s. 380.0663 or s. 380.0677 may ~~shall~~ be used for
12 the land acquisition programs described by ss. s-
13 259.101(3)(c) and 259.105 if within areas of critical state
14 concern designated pursuant to s. 380.05, subject to approval
15 of the trust.

16 Section 37. Subsection (7) of section 380.510, Florida
17 Statutes, is amended to read:

18 380.510 Conditions of grants and loans.--

19 (7) Any funds received by the trust from the
20 Preservation 2000 Trust Fund pursuant to s. 259.101(3)(c) and
21 the Stewardship Florida Trust Fund pursuant to s.
22 259.105(3)(c) shall be held separate and apart from any other
23 funds held by the trust and shall be used only to pay the cost
24 of the acquisition of lands by a local government or the state
25 for the purposes of this part. Such funds may not be used to
26 pay for a redevelopment project or an urban waterfront
27 restoration project or for site reservation except to acquire
28 lands to help implement the goals, objectives, and policies of
29 the coastal, the conservation, or recreation and open space
30 elements of the local comprehensive plan. In addition to the
31 other conditions set forth in this section, the disbursement

1 of Preservation 2000 and Stewardship Florida funds from the
2 trust shall be subject to the following conditions:
3 (a) The administration and use of any funds received
4 by the trust from the Preservation 2000 Trust Fund and the
5 Stewardship Florida Trust Fund shall be subject to such terms
6 and conditions imposed thereon by the agency of the state
7 responsible for the ~~revenue~~ bonds, the proceeds of which are
8 deposited in the Preservation 2000 Trust Fund and the
9 Stewardship Florida Trust Fund, including restrictions imposed
10 to ensure that the interest on any such ~~revenue~~ bonds issued
11 by the state as tax-exempt ~~revenue~~ bonds will not be included
12 in the gross income of the holders of such bonds for federal
13 income tax purposes.
14 (b) All deeds or leases with respect to any real
15 property acquired with funds received by the trust from the
16 Preservation 2000 Trust Fund shall contain such covenants and
17 restrictions as are sufficient to ensure that the use of such
18 real property at all times complies with s. 375.051 and s. 9,
19 Art. XII of the State Constitution. All deeds or leases with
20 respect to any real property acquired with funds received by
21 the trust from the Stewardship Florida Trust Fund shall
22 contain such covenants and restrictions as are sufficient to
23 ensure that the use of such real property at all times
24 complies with s. 11(e), Art. VII of the State Constitution.
25 Each deed or lease shall contain a reversion, conveyance, or
26 termination clause that will vest title in the Board of
27 Trustees of the Internal Improvement Trust Fund if any of the
28 covenants or restrictions are violated by the titleholder or
29 leaseholder or by some third party with the knowledge of the
30 titleholder or leaseholder.
31

1 Section 38. Subsections (5) and (6) of section
2 420.5092, Florida Statutes, are amended to read:

3 420.5092 Florida Affordable Housing Guarantee
4 Program.--

5 (5) Pursuant to s. 16, Art. VII of the State
6 Constitution, the corporation may issue, in accordance with s.
7 420.509, revenue bonds of the corporation to establish the
8 guarantee fund. Such revenue bonds shall be primarily payable
9 from and secured by annual debt service reserves, from
10 interest earned on funds on deposit in the guarantee fund,
11 from fees, charges, and reimbursements established by the
12 corporation for the issuance of affordable housing guarantees,
13 and from any other revenue sources received by the corporation
14 and deposited by the corporation into the guarantee fund for
15 the issuance of affordable housing guarantees. To the extent
16 such primary revenue sources are considered insufficient by
17 the corporation, pursuant to the certification provided in
18 subsection (6), to fully fund the annual debt service reserve,
19 the certified deficiency in such reserve shall be additionally
20 payable from the first proceeds of the documentary stamp tax
21 moneys deposited into the State Housing Trust Fund pursuant to
22 s. 201.15~~(8)~~(6)(a) and~~(9)~~(7)(a) during the ensuing state
23 fiscal year.

24 (6)(a) If the primary revenue sources to be used for
25 repayment of revenue bonds used to establish the guarantee
26 fund are insufficient for such repayment, the annual principal
27 and interest due on each series of revenue bonds shall be
28 payable from funds in the annual debt service reserve. The
29 corporation shall, before June 1 of each year, perform a
30 financial audit to determine whether at the end of the state
31 fiscal year there will be on deposit in the guarantee fund an

1 annual debt service reserve from interest earned pursuant to
2 the investment of the guarantee fund, fees, charges, and
3 reimbursements received from issued affordable housing
4 guarantees and other revenue sources available to the
5 corporation. Based upon the findings in such guarantee fund
6 financial audit, the corporation shall certify to the
7 Comptroller the amount of any projected deficiency in the
8 annual debt service reserve for any series of outstanding
9 bonds as of the end of the state fiscal year and the amount
10 necessary to maintain such annual debt service reserve. Upon
11 receipt of such certification, the Comptroller shall transfer
12 to the annual debt service reserve, from the first available
13 taxes distributed to the State Housing Trust Fund pursuant to
14 s. 201.15(8)~~(6)~~(a) and(9)~~(7)~~(a) during the ensuing state
15 fiscal year, the amount certified as necessary to maintain the
16 annual debt service reserve.

17 (b) If the claims payment obligations under affordable
18 housing guarantees from amounts on deposit in the guarantee
19 fund would cause the claims paying rating assigned to the
20 guarantee fund to be less than the third-highest rating
21 classification of any nationally recognized rating service,
22 which classifications being consistent with s. 215.84(3) and
23 rules adopted thereto by the State Board of Administration,
24 the corporation shall certify to the Comptroller the amount of
25 such claims payment obligations. Upon receipt of such
26 certification, the Comptroller shall transfer to the guarantee
27 fund, from the first available taxes distributed to the State
28 Housing Trust Fund pursuant to s. 201.15(8)~~(6)~~(a) and
29 (9)~~(7)~~(a) during the ensuing state fiscal year, the amount
30 certified as necessary to meet such obligations, such transfer
31 to be subordinate to any transfer referenced in paragraph (a)

1 and not to exceed 50 percent of the amounts distributed to the
2 State Housing Trust Fund pursuant to s. 201.15(8)~~(6)~~(a) and
3 ~~(9)~~~~(7)~~(a) during the preceding state fiscal year.

4 Section 39. Section 420.9073, Florida Statutes, 1998
5 Supplement, is amended to read:

6 420.9073 Local housing distributions.--

7 (1) Distributions calculated in this section shall be
8 disbursed on a monthly basis by the agency beginning the first
9 day of the month after program approval pursuant to s.
10 420.9072. Each county's share of the funds to be distributed
11 from the portion of the funds in the Local Government Housing
12 Trust Fund received pursuant to s. 201.15(8)~~(6)~~shall be
13 calculated by the agency for each fiscal year as follows:

14 (a) Each county other than a county that has
15 implemented the provisions of chapter 83-220, Laws of Florida,
16 as amended by chapters 84-270, 86-152, and 89-252, Laws of
17 Florida, shall receive the guaranteed amount for each fiscal
18 year.

19 (b) Each county other than a county that has
20 implemented the provisions of chapter 83-220, Laws of Florida,
21 as amended by chapters 84-270, 86-152, and 89-252, Laws of
22 Florida, may receive an additional share calculated as
23 follows:

24 1. Multiply each county's percentage of the total
25 state population excluding the population of any county that
26 has implemented the provisions of chapter 83-220, Laws of
27 Florida, as amended by chapters 84-270, 86-152, and 89-252,
28 Laws of Florida, by the total funds to be distributed.

29 2. If the result in subparagraph 1. is less than the
30 guaranteed amount as determined in subsection (3), that
31 county's additional share shall be zero.

1 3. For each county in which the result in subparagraph
2 1. is greater than the guaranteed amount as determined in
3 subsection (3), the amount calculated in subparagraph 1. shall
4 be reduced by the guaranteed amount. The result for each such
5 county shall be expressed as a percentage of the amounts so
6 determined for all counties. Each such county shall receive
7 an additional share equal to such percentage multiplied by the
8 total funds received by the Local Government Housing Trust
9 Fund pursuant to s. 201.15(8)~~(6)~~ reduced by the guaranteed
10 amount paid to all counties.

11 (2) Effective July 1, 1995, distributions calculated
12 in this section shall be disbursed on a monthly basis by the
13 agency beginning the first day of the month after program
14 approval pursuant to s. 420.9072. Each county's share of the
15 funds to be distributed from the portion of the funds in the
16 Local Government Housing Trust Fund received pursuant to s.
17 201.15(9)~~(7)~~ shall be calculated by the agency for each fiscal
18 year as follows:

19 (a) Each county shall receive the guaranteed amount
20 for each fiscal year.

21 (b) Each county may receive an additional share
22 calculated as follows:

23 1. Multiply each county's percentage of the total
24 state population, by the total funds to be distributed.

25 2. If the result in subparagraph 1. is less than the
26 guaranteed amount as determined in subsection (3), that
27 county's additional share shall be zero.

28 3. For each county in which the result in subparagraph
29 1. is greater than the guaranteed amount, the amount
30 calculated in subparagraph 1. shall be reduced by the
31 guaranteed amount. The result for each such county shall be

1 expressed as a percentage of the amounts so determined for all
2 counties. Each such county shall receive an additional share
3 equal to this percentage multiplied by the total funds
4 received by the Local Government Housing Trust Fund pursuant
5 to s. 201.15~~(9)(7)~~ as reduced by the guaranteed amount paid to
6 all counties.

7 (3) Calculation of guaranteed amounts:

8 (a) The guaranteed amount under subsection (1) shall
9 be calculated for each state fiscal year by multiplying
10 \$350,000 by a fraction, the numerator of which is the amount
11 of funds distributed to the Local Government Housing Trust
12 Fund pursuant to s. 201.15~~(8)(6)~~ and the denominator of which
13 is the total amount of funds distributed to the Local
14 Government Housing Trust Fund pursuant to s. 201.15.

15 (b) The guaranteed amount under subsection (2) shall
16 be calculated for each state fiscal year by multiplying
17 \$350,000 by a fraction, the numerator of which is the amount
18 of funds distributed to the Local Government Housing Trust
19 Fund pursuant to s. 201.15~~(9)(7)~~ and the denominator of which
20 is the total amount of funds distributed to the Local
21 Government Housing Trust Fund pursuant to s. 201.15.

22 (4) Funds distributed pursuant to this section may not
23 be pledged to pay debt service on any bonds.

24 Section 40. Section 253.787, Florida Statutes, is
25 repealed.

26 Section 41. Effective July 1, 2000, section 259.035,
27 Florida Statutes, 1998 Supplement, and section 259.07, Florida
28 Statutes, are repealed.

29 Section 42. Stewardship Florida Study Commission.--

30 (1)(a) There is hereby created the Stewardship Florida
31 Study Commission, consisting of 11 members. The Governor shall

1 appoint five members and the President of the Senate and the
2 Speaker of the House of Representatives shall each appoint
3 three members. The membership of the commission shall reflect
4 a broad range of interests and expertise related to land
5 restoration, acquisition, and management and shall include,
6 but not be limited to, persons with training in hydrogeology,
7 wildlife biology, engineering, real estate, and forestry
8 management, and persons with substantial expertise
9 representing environmental interests, agricultural and
10 silvicultural interests, outdoor recreational interests, and
11 land development interests.

12 (b) Each member of the commission may receive per diem
13 and travel expenses, as provided in s. 112.061, Florida
14 Statutes, while carrying out the official business of the
15 commission.

16 (c) The commission shall be staffed by an executive
17 director and other personnel who are appointed by the
18 commission and who are exempt from part II of chapter 110,
19 Florida Statutes, relating to the Career Service System.

20 (d) The commission is assigned, for administrative
21 purposes, to the Executive Office of the Governor.

22 (e) Appointments shall be made by August 15, 1999, and
23 the commission's first meeting shall be held by September 15,
24 1999. The commission shall exist until December 31, 2000. The
25 Governor shall designate, from among the appointees, the chair
26 of the commission.

27 (2) The Stewardship Florida Study Commission shall:

28 (a) Provide a report to the Acquisition and
29 Restoration Commission, by September 1, 2000, which meets the
30 following requirements:

31

1 1. Establishes specific goals for those identified in
2 s. 259.105(4), Florida Statutes.

3 2. Provides recommendations expanding or refining the
4 goals identified in s. 259.105(4), Florida Statutes.

5 3. Provides recommendations for the development and
6 identification of performance measures to be used for
7 analyzing the progress made towards the goals established
8 pursuant to s. 259.105(4), Florida Statutes.

9 (b) The report shall be based on the following:

10 1. Comments received during a minimum of four public
11 hearings, in different areas of the state, held for the
12 purpose of gathering public input and recommendations.

13 2. An evaluation of Florida's existing public land
14 acquisition programs for conservation, preservation, and
15 recreational purposes, including those administered by the
16 water management districts, to determine the extent of
17 Florida's unmet needs for restoration, acquisition, and
18 management of public lands and water areas and for acquisition
19 of privately owned lands and water areas.

20 3. Material and data developed by the Florida Natural
21 Areas Inventory concerning Florida's conservation lands.

22 (3) There is hereby appropriated the sum of \$125,000
23 from the Conservation and Recreation Lands Trust Fund and the
24 sum of \$125,000 from the Water Management Lands Trust Fund to
25 the Executive Office of the Governor for fiscal year 1999-2000
26 to fund the administrative expenses of the Stewardship Florida
27 Study Commission.

28 Section 43. Except as otherwise provided herein, this
29 act shall take effect July 1, 1999.

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HOUSE SUMMARY

Creates the "Stewardship Florida Act" to replace the "Florida Preservation 2000 Act" and provide for continuation of the state's land acquisition and management programs. Creates the Acquisition and Restoration Commission to assist the Board of Trustees of the Internal Improvement Trust Fund in Stewardship Florida project selection, and to succeed the Land Acquisition and Management Advisory Council on July 1, 2000. Provides for issuance of Stewardship Florida bonds and for payment of debt service on Preservation 2000 and Stewardship Florida bonds. Specifies goals, criteria, distribution, and uses of Stewardship Florida funding. Provides project application and selection procedures, and provides for certain involvement by the water management districts in project development and ranking. Revises provisions relating to payment in lieu of taxes. Revises requirements relating to the disposition of surplus lands. Provides for alternatives to fee simple acquisitions. Creates the Florida Greenways and Trails Council to replace the Florida Recreational Trails Council and the Florida Greenways Coordinating Council. Revises composition and operations of the Florida Communities Trust. Creates the Stewardship Florida Study Commission to assist the commission in the development of Stewardship Florida goals, and provides an appropriation for the study commission. See bill for details.