

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

1 Florida Greenways and Trails Council within the
2 Department of Environmental Protection;
3 providing for membership, powers, and duties;
4 amending s. 260.016, F.S.; revising powers of
5 the Department of Environmental Protection with
6 respect to greenways and trails; deleting
7 reference to the Florida Recreational Trails
8 Council; amending s. 260.018, F.S.; correcting
9 cross references; amending s. 288.1224, F.S.;
10 providing conforming language; amending s.
11 369.252, F.S.; providing for the use of certain
12 funds from the Aquatic Plant Control Trust
13 Fund; amending s. 369.307, F.S.; providing
14 conforming language; amending s. 373.089, F.S.;
15 providing procedure for the surplusing of water
16 management district lands; amending s. 373.139,
17 F.S.; revising authority and requirements for
18 acquisition and disposition of lands by the
19 water management districts; requiring a 5-year
20 plan of acquisition and management activities;
21 providing procedures and requirements for
22 purchase and funding; requiring an annual
23 report; providing district rulemaking
24 authority, subject to legislative review;
25 creating s. 373.199, F.S.; providing duties of
26 the water management districts in assisting the
27 Acquisition and Restoration Commission;
28 requiring development of recommended project
29 lists; specifying required information;
30 amending s. 373.59, F.S.; revising authorized
31 uses of funds from the Water Management Lands

1 Trust Fund; providing district rulemaking
2 authority, subject to legislative review;
3 revising eligibility criteria for payment in
4 lieu of taxes; amending s. 375.075, F.S.;
5 revising funding and procedures for the Florida
6 Recreation Development Assistance Program;
7 amending ss. 380.0666 and 380.22, F.S.;
8 providing conforming language; amending s.
9 380.503, F.S.; providing definitions; amending
10 s. 380.504, F.S.; revising the composition of
11 the Florida Communities Trust; amending s.
12 380.505, F.S.; revising quorum requirements;
13 amending s. 380.507, F.S.; providing for
14 titling of certain acquired property to a local
15 government; revising rulemaking authority;
16 amending s. 380.510, F.S.; requiring covenants
17 and restrictions for certain property,
18 necessary to comply with constitutional
19 requirements; amending ss. 420.5092 and
20 420.9073, F.S.; correcting cross references;
21 repealing s. 253.787, F.S., relating to the
22 Florida Greenways Coordinating Council;
23 repealing s. 259.035, F.S., relating to the
24 Land Acquisition and Management Advisory
25 Council; repealing s. 259.07, F.S., relating to
26 public meetings of the council; creating the
27 Stewardship Florida Study Commission; providing
28 membership and duties; providing an
29 appropriation; providing effective dates.

30
31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Section 201.15, Florida Statutes, 1998
2 Supplement, is amended to read:

3 201.15 Distribution of taxes collected.--All taxes
4 collected under this chapter shall be distributed as follows
5 and shall be subject to the service charge imposed in s.
6 215.20(1), except that such service charge shall not be levied
7 against any portion of taxes pledged to debt service on bonds
8 to the extent that the amount of the service charge is
9 required to pay any amounts relating to the bonds ~~and shall be~~
10 ~~distributed as follows:~~

11 (1) Sixty-two and sixty-three hundredths percent of
12 the remaining taxes collected under this chapter shall be used
13 for the following purposes:

14 (a) ~~Amounts Subject to the maximum amount limitations~~
15 ~~set forth in this paragraph, an amount~~ as shall be necessary
16 to pay the debt service on, or fund debt service reserve
17 funds, rebate obligations, or other amounts with respect to
18 Preservation 2000 bonds issued pursuant to s. 375.051 and
19 Stewardship Florida bonds issued pursuant to s. 215.618, bonds
20 ~~issued pursuant to s. 375.051 and payable from moneys~~
21 ~~transferred to the Land Acquisition Trust Fund pursuant to~~
22 ~~this paragraph~~ shall be paid into the State Treasury to the
23 credit of the Land Acquisition Trust Fund to be used for such
24 purposes. The amount transferred to the Land Acquisition Trust
25 Fund for such purposes shall not exceed ~~\$90 million in fiscal~~
26 ~~year 1992-1993, \$120 million in fiscal year 1993-1994, \$150~~
27 ~~million in fiscal year 1994-1995, \$180 million in fiscal year~~
28 ~~1995-1996, \$210 million in fiscal year 1996-1997, \$240 million~~
29 ~~in fiscal year 1997-1998, \$270 million in fiscal year~~
30 ~~1998-1999, and \$300 million in fiscal year 1999-2000 and~~
31 ~~thereafter~~ for Preservation 2000 bonds and bonds issued to

1 refund Preservation 2000 bonds, and \$300 million in fiscal
2 year 2000-2001 and thereafter for Stewardship Florida bonds.
3 Except for bonds issued to refund previously issued bonds, no
4 individual series of bonds may be issued pursuant to this
5 paragraph unless such bonds and the first year's debt service
6 for such bonds are is specifically appropriated in the General
7 Appropriations Act. For purposes of refunding Preservation
8 2000 bonds, amounts designated within this section for
9 Preservation 2000 and Stewardship Florida bonds may be
10 transferred between the two programs to the extent provided
11 for in the documents authorizing the issuance of the bonds.
12 The Preservation 2000 bonds and Stewardship Florida bonds
13 shall be equally and ratably secured by moneys distributable
14 to the Land Acquisition Trust Fund pursuant to this section,
15 except to the extent specifically provided otherwise by the
16 documents authorizing the issuance of the bonds. No moneys
17 transferred to the Land Acquisition Trust Fund pursuant to
18 this paragraph, or earnings thereon, shall be used or made
19 available to pay debt service on the Save Our Coast revenue
20 bonds.

21 ~~(b) The remainder of the moneys distributed under this~~
22 ~~subsection, after the required payment under paragraph (a),~~
23 ~~shall be paid into the State Treasury to the credit of the~~
24 ~~Land Acquisition Trust Fund and may be used for any purpose~~
25 ~~for which funds deposited in the Land Acquisition Trust Fund~~
26 ~~may lawfully be used. Payments made under this paragraph shall~~
27 ~~continue until the cumulative amount credited to the Land~~
28 ~~Acquisition Trust Fund for the fiscal year under this~~
29 ~~paragraph and paragraph (2)(b) equals 70 percent of the~~
30 ~~current official forecast for distributions of taxes collected~~
31 ~~under this chapter pursuant to subsection (2). As used in this~~

1 ~~paragraph, the term "current official forecast" means the most~~
2 ~~recent forecast as determined by the Revenue Estimating~~
3 ~~Conference. If the current official forecast for a fiscal year~~
4 ~~changes after payments under this paragraph have ended during~~
5 ~~that fiscal year, no further payments are required under this~~
6 ~~paragraph during the fiscal year.~~

7 ~~(b)(c)~~ The remainder of the moneys distributed under
8 this subsection, after the required payments under paragraph
9 ~~(a) paragraphs (a) and (b)~~, shall be paid into the State

10 Treasury to the credit of the General Revenue Fund of the
11 state to be used and expended for the purposes for which the
12 General Revenue Fund was created and exists by law or to the
13 Ecosystem Management and Restoration Trust Fund as provided in
14 subsection (11)~~(8)~~.

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

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

25 Payments made under this paragraph shall continue until the
26 cumulative amount credited to the General Revenue Fund for the
27 fiscal year under this paragraph equals the cumulative
28 payments made under paragraph (1) ~~(b)~~ for the same fiscal year.

29 (b) The remainder of the moneys distributed under this
30 subsection shall be paid into the State Treasury to the credit
31 of the Land Acquisition Trust Fund. Sums deposited in the fund

1 pursuant to this subsection may be used for any purpose for
2 which funds deposited in the Land Acquisition Trust Fund may
3 lawfully be used.

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

9 (a) Sixty percent of the moneys shall be used to
10 acquire coastal lands or to pay debt service on bonds issued
11 to acquire coastal lands; and

12 (b) Forty percent of the moneys shall be used to
13 develop and manage lands acquired with moneys from the Land
14 Acquisition Trust Fund.

15 (4) Four and two-tenths ~~Five and eighty-four~~
16 ~~hundredths~~ percent of the remaining taxes collected under this
17 chapter shall be paid into the State Treasury to the credit of
18 the Water Management Lands Trust Fund. Sums deposited in that
19 fund may be used for any purpose authorized in s. 373.59.

20 (5) Four and two-tenths ~~Five and eighty-four~~
21 ~~hundredths~~ percent of the remaining taxes collected under this
22 chapter shall be paid into the State Treasury to the credit of
23 the Conservation and Recreation Lands Trust Fund to carry out
24 the purposes set forth in s. 259.032.

25 (6) Two and twenty-eight hundredths percent of the
26 remaining taxes collected under this chapter shall be paid
27 into the State Treasury to the credit of the Aquatic Plant
28 Control Trust Fund to carry out the purposes set forth in ss.
29 369.22 and 369.252.

30 (7) One-half of one percent of the remaining taxes
31 collected under this chapter shall be paid into the State

1 Treasury to the credit of the State Game Trust Fund to be used
2 exclusively for the purpose of implementing the Lake
3 Restoration 2020 Program.

4 (8) One-half of one percent of the remaining taxes
5 collected under this chapter shall be paid into the State
6 Treasury and divided equally to the credit of the Department
7 of Environmental Protection Grants and Donations Trust Fund to
8 address water quality impacts associated with nonagricultural
9 nonpoint sources and to the credit of Department of
10 Agriculture and Consumer Services General Inspection Trust
11 Fund to address water quality impacts associated with
12 agricultural nonpoint sources, respectively. These funds
13 shall be used for research, development, demonstration, and
14 implementation of suitable best management practices or other
15 measures used to achieve water quality standards in surface
16 waters and water segments identified pursuant to ss. 303(d) of
17 the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251
18 et. seq. Implementation of best management practices and
19 other measures may include cost-share grants, technical
20 assistance, implementation tracking, and conservation leases
21 or other agreements for water quality improvement.

22 (9)~~(6)~~ Seven and fifty-three hundredths percent of the
23 remaining taxes collected under this chapter shall be paid
24 into the State Treasury to the credit of the State Housing
25 Trust Fund and shall be used as follows:

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

29 (b) Half of that amount shall be paid into the State
30 Treasury to the credit of the Local Government Housing Trust
31

1 Fund and shall be used for the purposes for which the Local
2 Government Housing Trust Fund was created and exists by law.

3 (10)~~(7)~~ Eight and sixty-six hundredths percent of the
4 remaining taxes collected under this chapter shall be paid
5 into the State Treasury to the credit of the State Housing
6 Trust Fund and shall be used as follows:

7 (a) Twelve and one-half percent of that amount shall
8 be deposited into the State Housing Trust Fund and be expended
9 by the Department of Community Affairs and by the Florida
10 Housing Finance Agency for the purposes for which the State
11 Housing Trust Fund was created and exists by law.

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

18 (11)~~(8)~~ From the moneys specified in paragraphs
19 (1)(b)~~(c)~~ and (2)(a) and prior to deposit of any moneys into
20 the General Revenue Fund, \$10 million shall be paid into the
21 State Treasury to the credit of the Ecosystem Management and
22 Restoration Trust Fund in fiscal year 1998-1999, \$20 million
23 in fiscal year 1999-2000, and \$30 million in fiscal year
24 2000-2001 and each fiscal year thereafter, to be used for the
25 preservation and repair of the state's beaches as provided in
26 ss. 161.091-161.212.

27 (12)~~(9)~~ The Department of Revenue may use the payments
28 credited to trust funds pursuant to paragraphs (1)(a)~~(b)~~ and
29 (2)(b) and subsections (3), (4), (5), (6), ~~and~~ (7), (8), (9),
30 and (10) to pay the costs of the collection and enforcement of
31 the tax levied by this chapter. The percentage of such costs

1 which may be assessed against a trust fund is a ratio, the
2 numerator of which is payments credited to that trust fund
3 under this section and the denominator of which is the sum of
4 payments made under paragraphs (1)(a)~~(b)~~ and (2)(b) and
5 subsections (3), (4), (5), (6), ~~and (7)~~, (8), (9), and (10).

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

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

21 161.05301 Beach erosion control project staffing;
22 coastal construction building codes review.--

23 (1) There are hereby appropriated to the Department of
24 Environmental Protection six positions and \$449,918 for fiscal
25 year 1998-1999 from the Ecosystem Management and Restoration
26 Trust Fund from revenues provided by this act pursuant to s.
27 201.15(11)~~(8)~~. These positions and funding are provided to
28 assist local project sponsors, and shall be used to facilitate
29 and promote enhanced beach erosion control project
30 administration. Such staffing resources shall be directed
31 toward more efficient contract development and oversight,

1 promoting cost-sharing strategies and regional coordination or
2 projects among local governments, providing assistance to
3 local governments to ensure timely permit review, and
4 improving billing review and disbursement processes.

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

7 161.091 Beach management; funding; repair and
8 maintenance strategy.--

9 (3) In accordance with the intent expressed in s.
10 161.088 and the legislative finding that erosion of the
11 beaches of this state is detrimental to tourism, the state's
12 major industry, further exposes the state's highly developed
13 coastline to severe storm damage, and threatens beach-related
14 jobs, which, if not stopped, could significantly reduce state
15 sales tax revenues, funds deposited into the State Treasury to
16 the credit of the Ecosystem Management and Restoration Trust
17 Fund, in the annual amounts provided in s. 201.15(~~11~~)(~~8~~),
18 shall be used, for a period of not less than 15 years, to fund
19 the development, implementation, and administration of the
20 state's beach management plan, as provided in ss.
21 161.091-161.212, prior to the use of such funds deposited
22 pursuant to s. 201.15(~~11~~)(~~8~~) in that trust fund for any other
23 purpose.

24 Section 4. Section 201.155, Florida Statutes, is
25 created to read:

26 201.155 Distribution of taxes for Stewardship Florida
27 Trust Fund.--Subject to the maximum amount of limitations set
28 forth in this section, an amount as shall be necessary to pay
29 the debt service on, or fund debt service reserve funds,
30 rebate obligations, or other amounts with respect to bonds
31 issued pursuant to s. 259.02 and payable from moneys

1 transferred to the Stewardship Florida Trust Fund pursuant to
2 this section, shall be paid into the State Treasury to the
3 credit of the Stewardship Florida Trust Fund to be used for
4 such purposes. The annual amount transferred to the
5 Stewardship Florida Trust Fund shall not exceed \$30 million in
6 the first fiscal year in which bonds are issued. The
7 limitation on the amount transferred shall be increased by an
8 additional \$30 million in each subsequent fiscal year in which
9 bonds are authorized to be issued, but shall not exceed a
10 total of \$300 million in any fiscal year for all bonds issued.
11 It is the intent of the Legislature that all bonds issued to
12 fund the Stewardship Florida Act be retired by December 31,
13 2030. No individual series of bonds may be issued pursuant to
14 this section unless the first year's debt service for such
15 bonds is specifically appropriated in the General
16 Appropriations Act.

17 Section 5. Section 215.618, Florida Statutes, is
18 created to read:

19 215.618 Bonds for acquisition and improvement of land,
20 water areas, and related property interests and resources.--

21 (1) The issuance of Stewardship Florida bonds to
22 finance or refinance the cost of acquisition and improvement
23 of land, water areas, and related property interests and
24 resources for the purposes of conservation, outdoor
25 recreation, water resource development, restoration of natural
26 systems, and historic preservation is hereby authorized
27 pursuant to s. 11(e), Art. VII of the State Constitution.
28 Stewardship Florida bonds may also be issued to refund
29 Preservation 2000 bonds issued pursuant to s. 375.051. The
30 duration of Stewardship Florida bonds issued may not exceed 20
31 annual maturities. Preservation 2000 bonds and Stewardship

1 Florida bonds shall be equally and ratably secured by moneys
2 distributable to the Land Acquisition Trust Fund pursuant to
3 s. 201.15(1)(a), except to the extent specifically provided
4 otherwise by the documents authorizing the issuance of the
5 bonds.

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

14 (3) Bonds issued pursuant to this section shall be
15 payable from taxes distributable to the Land Acquisition Trust
16 Fund pursuant to s. 201.15(1)(a). Bonds issued pursuant to
17 this section shall not constitute a general obligation of, or
18 a pledge of the full faith and credit of, the state.

19 (4) The Department of Environmental Protection shall
20 request the Division of Bond Finance of the State Board of
21 Administration to issue the Stewardship Florida bonds
22 authorized by this section. The Division of Bond Finance shall
23 issue such bonds pursuant to the State Bond Act.

24 (5) The proceeds from the sale of bonds issued
25 pursuant to this section, less the costs of issuance, the
26 costs of funding reserve accounts, and other costs with
27 respect to the bonds, shall be deposited into the Stewardship
28 Florida Trust Fund. The bond proceeds deposited into the
29 Stewardship Florida Trust Fund shall be distributed by the
30 Department of Environmental Protection as provided in s.
31 259.105.

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

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

19 (8) The initial series of Stewardship Florida bonds
20 shall be validated in addition to any other bonds required to
21 be validated pursuant to s. 215.82. Any complaint for
22 validation of bonds issued pursuant to this section shall be
23 filed only in the circuit court of the county where the seat
24 of state government is situated, the notice required to be
25 published by s. 75.06 shall be published only in the county
26 where the complaint is filed, and the complaint and order of
27 the circuit court shall be served only on the state attorney
28 of the circuit in which the action is pending.

29 Section 6. Section 216.331, Florida Statutes, is
30 amended to read:
31

1 216.331 Disbursement of state moneys.--Except as
2 provided in s. 17.076, s. 253.025(14), s. 259.041~~(18)~~~~(17)~~, s.
3 717.124(5), s. 732.107(6), or s. 733.816(5), all moneys in the
4 State Treasury shall be disbursed by state warrant, drawn by
5 the Comptroller upon the State Treasury and payable to the
6 ultimate beneficiary. This authorization shall include
7 electronic disbursement.

8 Section 7. Subsection (4) and paragraph (a) of
9 subsection (5) of section 253.027, Florida Statutes, are
10 amended to read:

11 253.027 Emergency archaeological property
12 acquisition.--

13 (4) EMERGENCY ARCHAEOLOGICAL ACQUISITION.--The sum of
14 \$2 million shall be reserved annually ~~segregated in an account~~
15 within the Stewardship Florida Conservation and Recreation
16 ~~Lands Trust Fund~~ for the purpose of emergency archaeological
17 acquisition ~~for fiscal year 1988-1989, and each year~~
18 ~~thereafter~~. Any portion of that amount ~~the account~~ not spent
19 or obligated by the end of the third quarter of the fiscal
20 year may be used for approved acquisitions pursuant to s.
21 259.105(3)(b) ~~spent for other purposes specified in s.~~
22 ~~259.032, upon approval of the Board of Trustees of the~~
23 ~~Internal Improvement Trust Fund.~~

24 (5) ACCOUNT EXPENDITURES.--

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

28 1. The property is an archaeological property of major
29 statewide significance.

30
31

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

4 3. The site is presently on an acquisition list for
5 ~~the~~ Conservation and Recreation Lands or for Stewardship
6 Florida lands, acquisition list or complies with the criteria
7 for inclusion on any such ~~the~~ list but has yet to be included
8 on the list.

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

11 5. The site is not otherwise protected by local,
12 state, or federal laws.

13 6. The acquisition is not inconsistent with the state
14 comprehensive plan and the state land acquisition program.

15 Section 8. Subsections (3), (4), (5), (6), and (8) of
16 section 253.034, Florida Statutes, 1998 Supplement, are
17 amended to read:

18 253.034 State-owned lands; uses.--

19 (3) In recognition that recreational trails purchased
20 with rails-to-trails funds pursuant to s. 259.101(3)(g) or s.
21 259.105(3)(g) have had historic transportation uses and that
22 their linear character may extend many miles, the Legislature
23 intends that when the necessity arises to serve public needs,
24 after balancing the need to protect trail users from
25 collisions with automobiles and a preference for the use of
26 overpasses and underpasses to the greatest extent feasible and
27 practical, transportation uses shall be allowed to cross
28 recreational trails purchased pursuant to s. 259.101(3)(g) or
29 s. 259.105(3)(g). When these crossings are needed, the
30 location and design should consider and mitigate the impact on
31

1 humans and environmental resources, and the value of the land
2 shall be paid based on fair market value.

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

19 (5) Each state agency managing lands owned by the
20 Board of Trustees of the Internal Improvement Trust Fund shall
21 submit to the Division of State Lands a land management plan
22 at least every 5 years in a form and manner prescribed by rule
23 by the board. All management plans, whether for single-use or
24 multiple-use properties, shall specifically describe how the
25 managing agency plans to identify, locate, protect and
26 preserve, or otherwise use fragile nonrenewable resources,
27 such as archaeological and historic sites, as well as other
28 fragile resources, including endangered plant and animal
29 species, and provide for the conservation of soil and water
30 resources and for the control and prevention of soil erosion.
31 Land management plans submitted by an agency shall include

1 reference to appropriate statutory authority for such use or
2 uses and shall conform to the appropriate policies and
3 guidelines of the state land management plan. All land
4 management plans for parcels larger than 1,000 acres shall
5 contain an analysis of the multiple-use potential of the
6 parcel, which analysis shall include the potential of the
7 parcel to generate revenues to enhance the management of the
8 parcel. Additionally, the land management plan shall contain
9 an analysis of the potential use of private land managers to
10 facilitate the restoration or management of these lands. In
11 those cases where a newly acquired property has a valid
12 conservation plan, the plan shall be used to guide management
13 of the property until a formal land management plan is
14 completed.

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

1 submitted, approve the plan with modifications, or reject the
2 plan.

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

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

21 (a) For the purposes of this subsection, all lands
22 acquired by the state prior to July 1, 1999, using proceeds
23 from the Preservation 2000 bonds, the Conservation and
24 Recreation Lands Trust Fund, or the Water Management Lands
25 Trust Fund, and titled to the board, which lands are
26 identified as core parcels or within original projects
27 boundaries, shall be deemed to have been acquired for
28 conservation purposes.

29 (b) For any lands purchased by the state on or after
30 July 1, 1999, a determination shall be made by the board as to
31 those parcels that shall be designated as having been acquired

1 for conservation purposes. No lands acquired for use by the
2 Department of Corrections, the Department of Management
3 Services for use as state offices, the Department of
4 Transportation, or the State University System or state
5 community college system shall be designated as having been
6 purchased for conservation purposes.

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

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

20 (e) Prior to any decision by the board to surplus
21 lands, the Acquisition and Restoration Commission shall review
22 and make recommendations to the board concerning the request
23 for surplusizing. The commission shall determine whether the
24 request for surplusizing is compatible with the resource values
25 of and management objectives for such lands.

26 (f)~~(c)~~ In reviewing lands owned by the board ~~pursuant~~
27 ~~to paragraphs (a) and (b)~~, the council or its successor shall
28 consider whether such lands would be more appropriately owned
29 or managed by the county or other unit of local government in
30 which the land is located. The council or its successor shall
31 recommend to the board whether a sale, lease, or other

1 conveyance to a local government would be in the best
2 interests of the state and local government. The provisions of
3 this paragraph in no way limit the provisions of ss. 253.111
4 and 253.115. Such lands shall be offered to the county or
5 local government for a period of 90 days. Permittable uses for
6 such surplus lands may include public schools, public
7 libraries, fire or law enforcement substations, and
8 governmental, judicial, or recreational centers. County or
9 local government requests for surplus lands shall be expedited
10 throughout the surplusing process. State agencies shall have
11 the subsequent opportunity to acquire the surplus lands for a
12 period not to exceed 30 days after the offer to a county or
13 local government expires. Surplus properties in which
14 governmental agencies have expressed no interest shall then be
15 available for sale on the private market.

16 (g) Lands determined to be surplus pursuant to this
17 subsection shall be sold for fair market value or the price
18 paid by the state or a water management district to originally
19 acquire the lands, whichever is greater, except that the price
20 of lands sold as surplus to any unit of government shall not
21 exceed the price paid by the state or a water management
22 district to originally acquire the lands. A unit of government
23 which acquires title to lands hereunder for less than fair
24 market value may not sell or transfer title to all or any
25 portion of the lands to any private owner for a period of 10
26 years.

27 (h)(d) After reviewing the recommendations of the
28 council or its successor, the board shall determine whether
29 lands identified for surplus in paragraphs (a) and (b) are to
30 be held for other public purposes or whether such lands are no
31 longer needed of no benefit to the public. The board may

1 require an agency to release its interest in such lands.
2 ~~Lands determined to be of no benefit to the public shall be~~
3 ~~disposed of pursuant to law. Each fiscal year, up to \$500,000~~
4 ~~of the proceeds from the disposal of such lands shall be~~
5 ~~placed in the Internal Improvement Trust Fund to be used to~~
6 ~~pay the costs of any administration, appraisal, management,~~
7 ~~conservation, protection, sales, or real estate sales~~
8 ~~services; any such proceeds in excess of \$500,000 shall be~~
9 ~~placed in the Conservation and Recreation Lands Trust Fund.~~
10 (i) Requests for surplusing may be made by any public
11 or private entity or person. All requests shall be submitted
12 to the lead managing agency for review and recommendation to
13 the council or its successor. Lead managing agencies shall
14 have 90 days to review such requests and make recommendations.
15 Any surplusing requests that have not been acted upon within
16 the 90-day time period shall be immediately scheduled for
17 hearing at the next regularly scheduled meeting of the council
18 or its successor.
19 (j) Proceeds from any sale of surplus lands pursuant
20 to this subsection shall be deposited into the fund from which
21 such lands were acquired. However, if the fund from which the
22 lands were originally acquired no longer exists, such proceeds
23 shall be deposited into an appropriate account for use by the
24 lead managing agency for land management.
25 (k) Notwithstanding the provisions of this subsection,
26 no such disposition of land shall be made if such disposition
27 would have the effect of causing all or any portion of the
28 interest on any revenue bonds issued to lose the exclusion
29 from gross income for federal income tax purposes.
30
31

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

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

21 Section 9. Section 259.02, Florida Statutes, is
22 amended to read:

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

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

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

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

1 Bond Act and shall be submitted to the State Board of
2 Administration for approval as to fiscal sufficiency. No
3 individual series of bonds may be issued pursuant to this
4 section unless the first year's debt service for such bonds is
5 specifically appropriated in the General Appropriations Act.

6 Section 11. Section 259.03, Florida Statutes, is
7 amended to read:

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

12 (1) "Advisory council" means that council established
13 pursuant to s. 259.035.

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

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

24 (2)(4) "Board" means the Governor and Cabinet, as the
25 Board of Trustees of the Internal Improvement Trust Fund.

26 (3) "Capital improvement" means those activities
27 relating to the acquisition, restoration, public access, and
28 recreational uses of such lands, water areas, and related
29 resources deemed necessary to accomplish the purposes of this
30 chapter. Eligible activities include, but are not limited to:
31 the initial removal of invasive plants; the construction,

1 improvement, enlargement or extension of facilities' signs,
2 firelanes, access roads, and trails; or any other activities
3 that serve to restore, conserve, protect, or provide public
4 access, recreational opportunities, or necessary services for
5 land or water areas. Such activities shall be identified prior
6 to the acquisition of a parcel or the approval of a project.
7 The continued expenditures necessary for a capital improvement
8 approved under this subsection shall not be eligible for
9 funding provided in this chapter.

10 (4) "Department" means the Department of Environmental
11 Protection.

12 (5) "Division" means the Division of Bond Finance of
13 the State Board of Administration.

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

26 Section 12. Subsections (1), (2), (3), (7), (8), (9),
27 (10), (11), (12), and (16) of section 259.032, Florida
28 Statutes, is amended to read:

29 259.032 Conservation and Recreation Lands Trust Fund;
30 purpose.--

31

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

28 (2)(a) The Conservation and Recreation Lands Trust
29 Fund is established within the Department of Environmental
30 Protection. The fund shall be used as a nonlapsing, revolving
31 fund exclusively for the purposes of this section. The fund

1 shall be credited with proceeds from the following excise
2 taxes:

3 1. The excise taxes on documents as provided in s.
4 201.15; and

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

7

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

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

31

1 lands and to pay related costs, activities, and functions
2 pursuant to the provisions of this section.

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

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

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

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

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

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

30 (f) To facilitate the restoration and subsequent
31 health and vitality of the Florida Everglades;

1 (g)~~(e)~~ To provide areas, including recreational
2 trails, for natural resource based recreation and other
3 outdoor recreation on any part of any site compatible with
4 conservation purposes;

5 (h)~~(f)~~ To preserve significant archaeological or
6 historic sites; or

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

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

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

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

15 (9)~~(a)~~ All lands managed under this chapter and s.
16 253.034 section shall be:

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

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

29 (c)~~3~~. Managed for the purposes for which the lands
30 were acquired, consistent with paragraph (11)(a).

31

1 ~~Management may include the following public uses: fishing,~~
2 ~~hunting, camping, bicycling, hiking, nature study, swimming,~~
3 ~~boating, canoeing, horseback riding, diving, birding, sailing,~~
4 ~~jogging, and other related outdoor activities.~~

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

10 1. The management goals for the property;

11 2. The conditions that will affect the intensity of
12 management;

13 3. An estimate of the revenue-generating potential of
14 the property, if appropriate;

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

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

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

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

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

30 (e)~~2.~~ Concurrent with the approval of the acquisition
31 contract pursuant to s. 259.041(3)(c) for any interest in

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

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

27 (g)~~4~~. Immediately following the acquisition of any
28 interest in lands under this chapter, the Department of
29 Environmental Protection, acting on behalf of the board of
30 trustees, may issue to the lead managing entity an interim
31

1 assignment letter to be effective until the execution of a
2 formal lease.

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

11 (b) ~~Beginning fiscal year 1998-1999,~~ Individual
12 management plans required by s. 253.034(5)(4), for parcels
13 over 160 acres, shall be developed with input from an advisory
14 group. Members of this advisory group shall include, at a
15 minimum, representatives of the lead land managing agency,
16 comanaging entities, local private property owners, the
17 appropriate soil and water conservation district, a local
18 conservation organization, and a local elected official. The
19 advisory group shall conduct at least one public hearing
20 within the county in which the parcel or project is located.
21 For those parcels or projects that are within more than one
22 county, at least one areawide public hearing shall be
23 acceptable and the lead managing agency shall invite a local
24 elected official from each county. The areawide public hearing
25 shall be held in the county in which the core parcels are
26 located. Notice of such public hearing shall be posted on the
27 parcel or project designated for management, advertised in a
28 paper of general circulation, and announced at a scheduled
29 meeting of the local governing body before the actual public
30 hearing. The management prospectus required pursuant to
31

1 paragraph (9)~~(d)(b)~~ shall be available to the public for a
2 period of 30 days prior to the public hearing.

3 (c) Once a plan is adopted, the managing agency or
4 entity shall update the plan at least every 5 years in a form
5 and manner prescribed by rule of the board of trustees. Such
6 updates, for parcels over 160 acres, shall be developed with
7 input from an advisory group. Such plans may include transfers
8 of leasehold interests to appropriate conservation
9 organizations or governmental entities designated by the Land
10 Acquisition and Management Advisory Council or its successor,
11 for uses consistent with the purposes of the organizations and
12 the protection, preservation, conservation, restoration, and
13 proper management of the lands and their resources. Volunteer
14 management assistance is encouraged, including, but not
15 limited to, assistance by youths participating in programs
16 sponsored by state or local agencies, by volunteers sponsored
17 by environmental or civic organizations, and by individuals
18 participating in programs for committed delinquents and
19 adults.

20 (d) For each project for which lands are acquired
21 after July 1, 1995, an individual management plan shall be
22 adopted and in place no later than 1 year after the essential
23 parcel or parcels identified in the annual Conservation and
24 Recreation Lands report prepared pursuant to s. 259.035(2)(a)
25 have been acquired. Beginning in fiscal year 1998-1999, the
26 Department of Environmental Protection shall distribute only
27 75 percent of the acquisition funds to which a budget entity
28 or water management district would otherwise be entitled from
29 the Preservation 2000 Trust Fund to any budget entity or any
30 water management district that has more than one-third of its
31 management plans overdue.

1 ~~(e)(a)~~ Individual management plans shall conform to
2 the appropriate policies and guidelines of the state land
3 management plan and shall include, but not be limited to:
4 1. A statement of the purpose for which the lands were
5 acquired, the projected use or uses as defined in s. 253.034,
6 and the statutory authority for such use or uses.
7 2. Key management activities necessary to preserve and
8 protect natural resources and restore habitat, and for
9 controlling the spread of nonnative plants and animals, and
10 for prescribed fire and other appropriate resource management
11 activities.
12 3. A specific description of how the managing agency
13 plans to identify, locate, protect, and preserve, or otherwise
14 use fragile, nonrenewable natural and cultural resources.
15 4. A priority schedule for conducting management
16 activities, based on the purposes for which the lands were
17 acquired.
18 5. A cost estimate for conducting priority management
19 activities, to include recommendations for cost-effective
20 methods of accomplishing those activities.
21 6. A cost estimate for conducting other management
22 activities which would enhance the natural resource value or
23 public recreation value for which the lands were acquired. The
24 cost estimate shall include recommendations for cost-effective
25 methods of accomplishing those activities.
26 7. A determination of the public uses and public
27 access that would be consistent with the purposes for which
28 the lands were acquired.
29 ~~(f)(b)~~ The Division of State Lands shall submit a copy
30 of each individual management plan for parcels which exceed
31

1 160 acres in size to each member of the Land Acquisition and
2 Management Advisory Council or its successor, which shall:-
3 1. The council shall,Within 60 days after receiving a
4 plan from the division, review each plan for compliance with
5 the requirements of this subsection and with the requirements
6 of the rules established by the board pursuant to this
7 subsection.
8 2. The council shall also Consider the propriety of
9 the recommendations of the managing agency with regard to the
10 future use or protection of the property.
11 3. After its review, the council shall submit the
12 plan, along with its recommendations and comments, to the
13 board of trustees, with recommendations as to. ~~The council~~
14 ~~shall specifically recommend to the board of trustees~~ whether
15 to approve the plan as submitted, approve the plan with
16 modifications, or reject the plan.
17 (g)(e) The board of trustees shall consider the
18 individual management plan submitted by each state agency and
19 the recommendations of the Land Acquisition and Management
20 Advisory Council, or its successor,and the Division of State
21 Lands and shall approve the plan with or without modification
22 or reject such plan. The use or possession of any lands owned
23 by the board of trustees which is not in accordance with an
24 approved individual management plan is subject to termination
25 by the board of trustees.
26
27 By July 1 of each year, each governmental agency, including
28 the water management districts, and each private entity
29 designated to manage lands shall report to the Secretary of
30 Environmental Protection on the progress of funding, staffing,
31

1 and resource management of every project for which the agency
2 or entity is responsible.

3 (11)(a) The Legislature recognizes that acquiring
4 lands pursuant to this chapter serves the public interest by
5 protecting land, air, and water resources which contribute to
6 the public health and welfare, providing areas for natural
7 resource based recreation, and ensuring the survival of unique
8 and irreplaceable plant and animal species. The Legislature
9 intends for these lands to be managed and maintained for the
10 purposes for which they were acquired and for the public to
11 have access to and use of these lands where it is consistent
12 with acquisition purposes and would not harm the resources the
13 state is seeking to protect on the public's behalf.

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

31

1 (c) In requesting funds provided for in paragraph (b)
2 for long-term management of all acquisitions pursuant to this
3 chapter and for associated contractual services, the managing
4 agencies shall recognize the following categories of land
5 management needs:

6 1. Lands which are low-need tracts, requiring basic
7 resource management and protection, such as state reserves,
8 state preserves, state forests, and wildlife management areas.
9 These lands generally are open to the public but have no more
10 than minimum facilities development.

11 2. Lands which are moderate-need tracts, requiring
12 more than basic resource management and protection, such as
13 state parks and state recreation areas. These lands generally
14 have extra restoration or protection needs, higher
15 concentrations of public use, or more highly developed
16 facilities.

17 3. Lands which are high-need tracts, with identified
18 needs requiring unique site-specific resource management and
19 protection. These lands generally are sites with historic
20 significance, unique natural features, or very high intensity
21 public use, or sites that require extra funds to stabilize or
22 protect resources, such as lands with heavy infestations of
23 nonnative, invasive plants.

24
25 In evaluating the management funding needs of lands based on
26 the above categories, the lead land managing agencies shall
27 include in their considerations the impacts of, and needs
28 created or addressed by, multiple-use management strategies.

29 (d) All revenues generated through multiple-use
30 management or compatible secondary-use management shall be
31 returned to the lead agency responsible for such management

1 and shall be used to pay for management activities on all
2 conservation, preservation, and recreation lands under the
3 agency's jurisdiction. In addition, such revenues shall be
4 segregated in an agency trust fund and shall remain available
5 to the agency in subsequent fiscal years to support land
6 management appropriations. For the purposes of this paragraph,
7 compatible secondary-use management shall be those activities
8 described in subsection (9) undertaken on parcels designated
9 as single use pursuant to s. 253.034(2)(b).

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

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

1 ~~reserved~~ for control and removal of nonnative, ~~upland,~~
2 invasive species on public lands.

3 (12)(a) Beginning July 1, 1999 ~~in fiscal year~~
4 ~~1994-1995~~, not more than 3.75 percent of the Conservation and
5 Recreation Lands Trust Fund shall be made available annually
6 to the department for payment in lieu of taxes to qualifying
7 counties, ~~cities,~~ and local governments as defined in
8 paragraph (b) for all actual tax losses incurred as a result
9 of board of trustees acquisitions for state agencies under the
10 Stewardship Florida program or the Florida Preservation 2000
11 program during any year. Reserved funds not used for payments
12 in lieu of taxes in any year shall revert to the fund to be
13 used for land acquisition in accordance with the provisions of
14 this section.

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

16 1. To all counties that have a population of 150,000
17 or less. Population levels shall be determined pursuant to s.
18 11.031. ~~To counties which levy an ad valorem tax of at least~~
19 ~~8.25 mills or the amount of the tax loss from all completed~~
20 ~~Preservation 2000 acquisitions in the county exceeds 0.01~~
21 ~~percent of the county's total taxable value, and have a~~
22 ~~population of 75,000 or less.~~

23 2. To all local governments located in eligible
24 counties. ~~To counties with a population of less than 100,000~~
25 ~~which contain all or a portion of an area of critical state~~
26 ~~concern designated pursuant to chapter 380 and to local~~
27 ~~governments within such counties.~~

28 3. ~~For the 1997-1998 fiscal year only, and~~
29 ~~notwithstanding the limitations of paragraph (a), to Glades~~
30 ~~County, where a privately owned and operated prison leased to~~
31 ~~the state has been opened within the last 2 years for which no~~

1 ~~other state moneys have been allocated to the county to offset~~
2 ~~ad valorem revenues. This subparagraph expires July 1, 1998.~~

3
4 ~~For the purposes of this paragraph, "local government"~~
5 ~~includes municipalities, the county school board, mosquito~~
6 ~~control districts, and any other local government entity which~~
7 ~~levies ad valorem taxes, with the exception of a water~~
8 ~~management district.~~

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

15 ~~(c)~~(d) If insufficient funds are available in any year
16 to make full payments to all qualifying counties, ~~cities,~~and
17 local governments, such counties, ~~cities,~~and local
18 governments shall receive a pro rata share of the moneys
19 available.

20 ~~(d)~~(e) The payment amount shall be based on the
21 average amount of actual taxes paid on the property for the 3
22 years preceding acquisition. 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. If property
27 which was subject to ad valorem taxation was acquired by a
28 tax-exempt entity for ultimate conveyance to the state under
29 this chapter, payment in lieu of taxes shall be made for such
30 property based upon the average amount of taxes paid on the
31 property for the 3 years prior to its being removed from the

1 tax rolls. The department shall certify to the Department of
2 Revenue those properties that may be eligible under this
3 provision. Once eligibility has been established, that county
4 or local government shall receive 10 consecutive annual
5 payments, and no further eligibility determination shall be
6 made during that period. ~~Payment in lieu of taxes shall be~~
7 ~~limited to a total of 10 consecutive years of annual payments,~~
8 ~~beginning the year a local government becomes eligible.~~

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

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

22
23 For the purposes of this subsection, "local government"
24 includes municipalities, the county school board, mosquito
25 control districts, and any other local government entity which
26 levies ad valorem taxes, with the exception of a water
27 management district.

28 (16) Within 90 ~~180~~ days after receiving a certified
29 letter from the owner of a property on the Conservation and
30 Recreation Lands list or the priority list established
31 pursuant to s. 259.105 objecting to the property being

1 included in an acquisition project, where such property is a
2 project or part of a project which has not been listed for
3 purchase in the current year's land acquisition work plan, the
4 board of trustees shall delete the property from the list or
5 from the boundary of an acquisition project on the list.

6 Section 13. Section 259.034, Florida Statutes, is
7 created to read:

8 259.034 Acquisition and Restoration Commission.--

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

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

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

27 1. One person selected by the water management
28 districts, who shall represent the five districts and shall be
29 reappointed on an annual basis.

30 2. The Secretary of Environmental Protection or a
31 designee.

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

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

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

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

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

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

24 (2) The Governor shall appoint the chair of the
25 commission, and a vice chair shall be elected from among the
26 voting members.

27 (3) The three members of the commission appointed by
28 the Governor shall receive \$75 per day while engaged in the
29 business of the commission, as well as expenses and per diem
30 for travel, including attendance at meetings, as allowed state
31

1 officers and employees while in the performance of their
2 duties, pursuant to s. 112.061.

3 (4) Immediately upon appointment, the commission may
4 employ an executive director, who shall be selected by the
5 voting members of the commission and confirmed by the board of
6 trustees. The commission may also employ other staff as
7 necessary to the performance of its duties.

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

12 (6) The commission shall develop a budget pursuant to
13 chapter 216. The budget shall be transmitted to the board of
14 trustees as head of the commission, for submission to the
15 Governor in the exercise of the Governor's constitutional
16 duties.

17 (7) The commission shall provide assistance to the
18 board of trustees in reviewing the recommendations and plans
19 for state-owned lands required under s. 253.034. The
20 commission shall, in reviewing such recommendations and plans,
21 consider the optimization of multiple-use and conservation
22 strategies to accomplish the provisions of s. 253.034.
23 However, no multiple-use activity shall be allowed if such use
24 would cause all or any portion of the interest on any bonds
25 issued to finance the Stewardship Florida program to lose the
26 exclusion from gross income for federal income tax purposes.

27 (8) Additionally, on July 1, 2000, the duties, powers,
28 and responsibilities of the Land Acquisition and Management
29 Advisory Council established pursuant to s. 259.035 shall be
30 assumed by the commission, and the provisions of law
31 authorizing the advisory council shall be repealed.

1 (9) For the purposes of expending any remaining funds
2 deposited into the Florida Preservation 2000 Trust Fund and
3 distributed pursuant to the provisions of s. 259.101(3)(a),
4 the commission shall only use such funds to acquire lands
5 identified in the annual Conservation and Recreation Lands
6 list approved by the board of trustees in the year 2000.

7 Section 14. Paragraph (a) of subsection (2) of section
8 259.035, Florida Statutes, 1998 Supplement, is amended to
9 read:

10 259.035 Advisory council; powers and duties.--

11 (2)(a) The council shall, by the time of the first
12 board meeting in February of each year, establish or update a
13 list of acquisition projects selected for purchase pursuant to
14 this chapter. In scoring potential projects for inclusion on
15 the acquisition list, the council shall give greater
16 consideration to projects that can serve as corridors between
17 lands already in public ownership or under management for
18 conservation and recreational purposes. Acquisition projects
19 shall be ranked, in order of priority, individually as a
20 single group or individually within up to 10 separate groups.
21 The council shall submit to the board of trustees, together
22 with its list of acquisition projects, a Conservation and
23 Recreation Lands report. For each project on an acquisition
24 list, the council shall include in its report the stated
25 purpose for acquiring the project, an identification of the
26 essential parcel or parcels within the project without which
27 the project cannot be properly managed, an identification of
28 those projects or parcels within projects which should be
29 acquired in fee simple or in other than fee simple, an
30 explanation of the reasons why the council selected a
31 particular acquisition technique, a management policy

1 statement for the project, a management prospectus pursuant to
2 s. 259.032(9)~~(d)(b)~~, an estimate of land value based on county
3 tax assessed values, a map delineating project boundaries, a
4 brief description of the important natural and cultural
5 resources to be protected, preacquisition planning and
6 budgeting, coordination with other public and nonprofit
7 public-lands acquisition programs, a preliminary statement of
8 the extent and nature of public use, an interim management
9 budget, and designation of a management agency or agencies.
10 The Department of Environmental Protection shall prepare the
11 information required by this section for each acquisition
12 project selected for purchase pursuant to this chapter. In
13 addition, the department shall prepare, by July 1 of each
14 year, an acquisition work plan for each project on the
15 acquisition list for which funds will be available for
16 acquisition during the fiscal year. The work plan need not
17 disclose any information that is required by this chapter or
18 chapter 253 to remain confidential.

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

21 259.036 Management review teams.--

22 (2) The land management review team shall review
23 select parcels of managed land prior to the date the managing
24 agency is required to submit its 5-year land management plan
25 update. A copy of the review shall be provided to the
26 managing agency, the Division of State Lands, and the Land
27 Acquisition and Management Advisory Council or its successor.
28 The managing agency shall consider the findings and
29 recommendations of the land management review team in
30 finalizing the required 5-year update of its management plan.

31

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

3 259.04 Board; powers and duties.--

4 (1) For ~~state capital~~ projects and acquisitions
5 selected for purchase pursuant to ss. 259.034, 259.035, ~~and~~
6 259.101, and 259.105:

7 (a) The board is given the responsibility, authority,
8 and power to develop and execute a comprehensive, statewide
9 5-year plan to conserve, restore, and protect environmentally
10 endangered lands, ecosystems, lands necessary for outdoor
11 recreational needs, and other lands as identified in ss.
12 259.032, and 259.101, and 259.105. This plan shall be kept
13 current through continual reevaluation and revision. The
14 advisory council or its successor shall assist the board in
15 the development, reevaluation, and revision of the plan.

16 (b) The board may enter into contracts with the
17 government of the United States or any agency or
18 instrumentality thereof; the state or any county,
19 municipality, district authority, or political subdivision; or
20 any private corporation, partnership, association, or person
21 providing for or relating to the conservation or protection of
22 certain lands in accomplishing the purposes of this chapter
23 ~~ss. 259.01-259.06.~~

24 (c) Within 45 days after the advisory council or its
25 successor submits the lists of ~~either list of acquisition~~
26 projects to the board, the board shall approve, in whole or in
27 part, the lists of ~~list of acquisition~~ projects in the order
28 of priority in which such projects are presented. To the
29 greatest extent practicable, projects on the lists ~~list~~ shall
30 be acquired in their approved order of priority.

31

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

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

9 Section 17. Subsections (1) and (3), paragraph (e) of
10 subsection (7), and present subsection (14) of section
11 259.041, Florida Statutes, 1998 Supplement, are amended,
12 subsections (11) through (18) are renumbered as subsections
13 (12) through (19), respectively, and a new subsection (11) is
14 added to said section, to read:

15 259.041 Acquisition of state-owned lands for
16 preservation, conservation, and recreation purposes.--

17 (1) Neither the Board of Trustees of the Internal
18 Improvement Trust Fund nor its duly authorized agent shall
19 commit the state, through any instrument of negotiated
20 contract or agreement for purchase, to the purchase of lands
21 with or without appurtenances unless the provisions of this
22 section have been fully complied with. However, the board of
23 trustees may waive any requirement of this section, except the
24 requirements of subsections (3), ~~(13)~~, and (14), and (15); or,
25 notwithstanding chapter 120, may waive any rules adopted
26 pursuant to this section, except rules adopted pursuant to
27 subsections (3), ~~(13)~~, and (14), and (15); or may substitute
28 other reasonably prudent procedures, provided the public's
29 interest is reasonably protected. The title to lands acquired
30 pursuant to this section shall vest in the board of trustees
31 as provided in s. 253.03(1), unless otherwise provided by law.

1 All such lands, title to which is vested in the board of
2 trustees pursuant to this section, shall be administered
3 pursuant to the provisions of s. 253.03.

4 (3) No agreement to acquire real property for the
5 purposes described in this chapter, chapter 260, or chapter
6 375, title to which will vest in the board of trustees, may
7 bind the state unless and until the agreement has been
8 reviewed and approved by the Department of Environmental
9 Protection as complying with the requirements of this section
10 and any rules adopted pursuant to this section. ~~However,~~
11 ~~review and approval of agreements for acquisitions for Florida~~
12 ~~Greenways and Trails Program properties pursuant to chapter~~
13 ~~260 may be waived by the department in any contract with~~
14 ~~nonprofit corporations who have agreed to assist the~~
15 ~~department with this program.~~ Where any of the following
16 conditions exist, the agreement shall be submitted to and
17 approved by the board of trustees:

18 (a) The purchase price agreed to by the seller exceeds
19 the value as established pursuant to the rules of the board of
20 trustees;

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

23 (c) The acquisition is the initial purchase in a
24 project; or

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

30
31

1 Where approval of the board of trustees is required pursuant
2 to this subsection, the acquiring agency must provide a
3 justification as to why it is in the public's interest to
4 acquire the parcel or project. Approval of the board of
5 trustees also is required for projects the department
6 recommends acquiring pursuant to subsections ~~(14)~~ and
7 ~~(15)~~ ~~(14)~~. Review and approval of agreements for acquisitions
8 for Florida Greenways and Trails Program properties pursuant
9 to chapter 260 may be waived by the department in any contract
10 with nonprofit corporations that have agreed to assist the
11 department with this program.

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

19 (e) Generally, appraisal reports are confidential and
20 exempt from the provisions of s. 119.07(1), for use by the
21 agency and the board of trustees, until an option contract is
22 executed or, if no option contract is executed, until 2 weeks
23 before a contract or agreement for purchase is considered for
24 approval by the board of trustees. However, the department has
25 the authority, at its discretion, to disclose appraisal
26 reports to private landowners during negotiations for
27 acquisitions using alternatives to fee simple techniques, if
28 the department determines that disclosure of such reports will
29 bring the proposed acquisition to closure. The Division of
30 State Lands may also disclose appraisal information to public
31 agencies or nonprofit organizations that agree to maintain the

1 confidentiality of the reports or information when joint
2 acquisition of property is contemplated, or when a public
3 agency or nonprofit organization enters into a written
4 multiparty agreement with the division to purchase and hold
5 property for subsequent resale to the division. The division
6 shall also require each nonprofit organization or private land
7 trust which has entered into a written multiparty agreement
8 with the division to acquire lands to disclose the total
9 direct, indirect, and overhead costs incurred, income earned,
10 and participation in third-party agreements with brokers,
11 attorneys, title insurers, appraisers, surveyors, and other
12 providers of services associated with specific purchases
13 included in the multiparty agreement.In addition, the
14 division may use, as its own, appraisals obtained by a public
15 agency or nonprofit organization, provided the appraiser is
16 selected from the division's list of appraisers and the
17 appraisal is reviewed and approved by the division. For the
18 purposes of this chapter, "nonprofit organization" means an
19 organization whose purposes include ~~purpose is~~ the
20 preservation of natural resources, and which is exempt from
21 federal income tax under s. 501(c)(3) of the Internal Revenue
22 Code. The agency may release an appraisal report when the
23 passage of time has rendered the conclusions of value in the
24 report invalid or when the acquiring agency has terminated
25 negotiations.

26
27 Notwithstanding the provisions of this subsection, on behalf
28 of the board and before the appraisal of parcels approved for
29 purchase under this chapter, the Secretary of Environmental
30 Protection or the director of the Division of State Lands may
31 enter into option contracts to buy such parcels. Any such

1 option contract shall state that the final purchase price is
2 subject to approval by the board or, when applicable, the
3 secretary and that the final purchase price may not exceed the
4 maximum offer allowed by law. The consideration for such an
5 option may not exceed \$1,000 or 0.01 percent of the estimate
6 by the department of the value of the parcel, whichever amount
7 is greater.

8 (11)(a) The Legislature finds that, with the
9 increasing pressures on the natural areas of this state and on
10 open space suitable for recreational use, the state must
11 develop creative techniques to maximize the use of acquisition
12 and management funds. The Legislature also finds that the
13 state's conservation and recreational land acquisition
14 agencies should be encouraged to augment their traditional,
15 fee simple acquisition programs with the use of alternatives
16 to fee simple acquisition techniques. Additionally, the
17 Legislature finds that generations of private landowners have
18 been good stewards of their land, protecting or restoring
19 native habitats and ecosystems to the benefit of the natural
20 resources of this state, its heritage, and its citizens. The
21 Legislature also finds that using alternatives to fee simple
22 acquisition by public land acquisition agencies will achieve
23 the following public policy goals:

24 1. Allow more lands to be brought under public
25 protection for preservation, conservation, and recreational
26 purposes with less expenditure of public funds.

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

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

1
2 Therefore, it is the intent of the Legislature that public
3 land acquisition agencies develop programs to pursue
4 alternatives to fee simple acquisition and to educate private
5 landowners about such alternatives and the benefits of such
6 alternatives. It is also the intent of the Legislature that a
7 portion of the shares of Preservation 2000 and Stewardship
8 Florida bond proceeds be used to purchase eligible properties
9 using alternatives to fee simple acquisition.

10 (b) All project applications shall identify, within
11 their acquisition plans, those projects which require a full
12 fee simple interest to achieve the public policy goals,
13 together with the reasons full title is determined to be
14 necessary. The state agencies and the water management
15 districts may use alternatives to fee simple acquisition to
16 bring the remaining projects in their acquisition plans under
17 public protection. For the purposes of this subsection, the
18 term "alternatives to fee simple acquisition" includes, but is
19 not limited to: purchase of development rights; obtaining
20 conservation easements; obtaining flowage easements; purchase
21 of timber rights, mineral rights, or hunting rights; purchase
22 of agricultural interests or silvicultural interests; entering
23 into land protection agreements as defined in s. 380.0677(5);
24 fee simple acquisitions with reservations; creating life
25 estates; or any other acquisition technique which achieves the
26 public policy goals listed in paragraph (a). It is presumed
27 that a private landowner retains the full range of uses for
28 all the rights or interests in the landowner's land which are
29 not specifically acquired by the public agency. The lands upon
30 which hunting rights are specifically acquired pursuant to
31 this paragraph shall be available for hunting in accordance

1 with the management plan or hunting regulations adopted by the
2 Florida Fish and Wildlife Conservation Commission, unless the
3 hunting rights are purchased specifically to protect
4 activities on adjacent lands.

5 (c) When developing the acquisition plan pursuant to
6 s. 259.105 the commission may give preference to those less
7 than fee simple acquisitions that provide any public access.
8 However, the Legislature recognizes that public access is not
9 always appropriate for certain less than fee simple
10 acquisitions; therefore no proposed less than fee simple
11 acquisition shall be rejected simply because public access
12 would be limited.

13 (d) Beginning in fiscal year 1999-2000, the department
14 and each water management district shall implement initiatives
15 to use alternatives to fee simple acquisition and to educate
16 private landowners about such alternatives. The department
17 and the water management districts may enter into joint
18 acquisition agreements to jointly fund the purchase of lands
19 using alternatives to fee simple techniques.

20 (e) The Legislature finds that the lack of direct
21 sales comparison information has served as an impediment to
22 successful implementation of alternatives to fee simple
23 acquisition. It is the intent of the Legislature that, in the
24 absence of direct comparable sales information, appraisals of
25 alternatives to fee simple acquisitions be based on the
26 difference between the full fee simple valuation and the value
27 of the interests remaining with the seller after acquisition.

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

1 ~~(14)~~ (15) The board of trustees, by an affirmative vote
2 of five members, may direct the department to purchase lands
3 on an immediate basis using up to 15 percent of the funds
4 allocated to the department pursuant to ~~ss. 259.101(3)(a)~~
5 and 259.105 for the acquisition of lands that:

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

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

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

16
17 For such acquisitions, the board of trustees may waive or
18 modify all procedures required for land acquisition pursuant
19 to this chapter and all competitive bid procedures required
20 pursuant to chapters 255 and 287. Lands acquired pursuant to
21 this subsection must, at the time of purchase, be on one of
22 the acquisition lists established pursuant to this chapter, or
23 be essential for water resource development, protection, or
24 restoration, or a significant portion of the lands must
25 contain natural communities or plant or animal species which
26 are listed by the Florida Natural Areas Inventory as
27 critically imperiled, imperiled, or rare, or as excellent
28 quality occurrences of natural communities.

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

1 259.101 Florida Preservation 2000 Act.--
2 (6) DISPOSITION OF LANDS.--
3 (a) Any lands acquired pursuant to paragraph (3)(a),
4 paragraph (3)(c), paragraph (3)(d), paragraph (3)(e),
5 paragraph (3)(f), or paragraph (3)(g), if title to such lands
6 is vested in the Board of Trustees of the Internal Improvement
7 Trust Fund, may be disposed of by the Board of Trustees of the
8 Internal Improvement Trust Fund in accordance with the
9 provisions and procedures set forth in s. 253.034(6)+5), and
10 lands acquired pursuant to paragraph (3)(b) may be disposed of
11 by the owning water management district in accordance with the
12 procedures and provisions set forth in ss. 373.056 and 373.089
13 provided such disposition also shall satisfy the requirements
14 of paragraphs (b) and (c).
15 (b) Before land may be surplused ~~can be determined to~~
16 ~~be of no further benefit to the public~~ as required by s.
17 253.034(6)+5), or determined to be no longer required for its
18 purposes under s. 373.056(4), whichever may be applicable,
19 there shall first be a determination by the Board of Trustees
20 of the Internal Improvement Trust Fund, or, in the case of
21 water management district lands, by the owning water
22 management district, that such land no longer needs to be
23 preserved in furtherance of the intent of the Florida
24 Preservation 2000 Act. Any lands eligible to be disposed of
25 under this procedure also may be used to acquire other lands
26 through an exchange of lands, provided such lands obtained in
27 an exchange are described in the same paragraph of subsection
28 (3) as the lands disposed.
29 (9)
30 (f)1. Pursuant to subsection (3) and beginning in
31 fiscal year 1999-2000, that portion of the unencumbered

1 balances of each program described in paragraphs (3)(c), (d),
2 (e), (f), and (g) which has been on deposit in such program's
3 Preservation 2000 account for more than two fiscal years shall
4 be redistributed equally to the Department of Environmental
5 Protection, Division of State Lands P2000 sub account for the
6 purchase of State Lands as described in s. 259.032 and Water
7 Management District P2000 sub account for the purchase of
8 Water Management Lands pursuant to ss. 373.456, 373.4592 and
9 373.59. For the purposes of this subsection, the term
10 "unencumbered balances" means the portion of Preservation 2000
11 bond proceeds which is not obligated through the signing of a
12 purchase contract between a public agency and a private
13 landowner, except that the program described in paragraph
14 (3)(c) may not lose any portion of its unencumbered funds
15 which remain unobligated because of extraordinary
16 circumstances that hampered the affected local governments'
17 abilities to close on land acquisition projects approved
18 through the Florida Communities Trust program. Extraordinary
19 circumstances shall be determined by the Florida Communities
20 Trust governing body and may include such things as death or
21 bankruptcy of the owner of property; a change in the land use
22 designation of the property; natural disasters that affected a
23 local government's ability to consummate the sales contract on
24 such property; or any other condition that the Florida
25 Communities Trust governing board determined to be
26 extraordinary. The portion of the funds redistributed
27 ~~deposited~~ in the Water Management District P2000 sub account
28 ~~Lands Trust Fund~~ shall be distributed to the water management
29 districts as provided in s. 373.59(7).

30 2. The department and the water management districts
31 may enter into joint acquisition agreements to jointly fund

1 the purchase of lands using alternatives to fee simple
2 techniques.

3 Section 19. Section 259.105, Florida Statutes is
4 created to read:

5 259.105 The Stewardship Florida Act.--

6 (1) This section may be cited as the "Stewardship
7 Florida Act."

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

9 1. The Preservation 2000 program provided tremendous
10 financial resources for purchasing environmentally significant
11 lands to protect those lands from imminent development,
12 thereby assuring present and future generations access to
13 important open spaces and recreation and conservation lands.

14 2. The continued alteration and development of
15 Florida's natural areas to accommodate the state's rapidly
16 growing population have contributed to the degradation of
17 water resources, the fragmentation and destruction of wildlife
18 habitats, the loss of outdoor recreation space, and the
19 diminishment of wetlands, forests, and public beaches.

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

25 4. Florida's groundwater, surface waters, and springs
26 are under tremendous pressure due to population growth and
27 economic expansion and require special protection and
28 restoration efforts. To ensure that sufficient quantities of
29 water are available to meet the current and future needs of
30 the natural systems and citizens of the state, and assist in
31 achieving the planning goals of the department and the water

1 management districts, water resource development projects on
2 public lands, where compatible with the resource values of and
3 management objectives for the lands, are appropriate.

4 5. The needs of urban Florida for high-quality outdoor
5 recreational opportunities, greenways, trails, and open space
6 have not been fully met by previous acquisition programs.
7 Through such programs as the Florida Communities Trust and the
8 Florida Recreation Development Assistance Program, the state
9 shall place additional emphasis on acquiring, protecting,
10 preserving, and restoring open space, greenways, and
11 recreation properties within urban areas where pristine
12 natural communities or water bodies no longer exist because of
13 the proximity of developed property.

14 6. Many of Florida's unique ecosystems, such as the
15 Florida Everglades, are facing ecological collapse due to
16 Florida's burgeoning population. To preserve these valuable
17 ecosystems for future generations, parcels of land must be
18 acquired to facilitate ecosystem restoration.

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

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

1 9. The state has embraced performance-based program
2 budgeting as a tool to evaluate the achievements of publicly
3 funded agencies, build in accountability, and reward those
4 agencies which are able to consistently achieve quantifiable
5 goals. While previous and existing state environmental
6 programs have achieved varying degrees of success, few of
7 these programs can be evaluated as to the extent of their
8 achievements, primarily because performance measures,
9 standards, outcomes, and goals were not established at the
10 outset. Therefore, the Stewardship Florida program shall be
11 developed and implemented in the context of measurable state
12 goals and objectives.

13 10. It is the intent of the Legislature to change the
14 focus and direction of the state's major land acquisition
15 programs and to extend funding and bonding capabilities, so
16 that future generations may enjoy the natural resources of
17 Florida.

18 (b) The Legislature recognizes that acquisition is
19 only one way to achieve the aforementioned goals and
20 encourages the development of creative partnerships between
21 governmental agencies and private landowners. Land protection
22 agreements and similar tools should be used, where
23 appropriate, to bring environmentally sensitive tracts under
24 an acceptable level of protection at a lower financial cost to
25 the public, and to provide private landowners with the
26 opportunity to enjoy and benefit from their property.

27 (c) Public agencies or other entities that receive
28 funds under this section are encouraged to better coordinate
29 their expenditures so that project acquisitions, when combined
30 with acquisitions under Preservation 2000, Save Our Rivers,
31 the Florida Communities Trust, and other public land

1 acquisition programs, will form more complete patterns of
2 protection for natural areas and functioning ecosystems, to
3 better accomplish the intent of this section.

4 (d) A long-term financial commitment to managing
5 Florida's public lands must accompany any new land acquisition
6 program to ensure that the natural resource values of such
7 lands are protected, that the public has the opportunity to
8 enjoy the lands to their fullest potential, and that the state
9 achieves the full benefits of its investment of public
10 dollars.

11 (e) With limited dollars available for restoration and
12 acquisition of land and water areas and for providing
13 long-term management and capital improvements, a competitive
14 selection process can select those projects best able to meet
15 the goals of Stewardship Florida and maximize the efficient
16 use of the program's funding.

17 (f) To ensure success and provide accountability to
18 the citizens of this state, it is the intent of the
19 Legislature that any bond proceeds used pursuant to this
20 section be used to implement the goals and objectives
21 developed by the Acquisition and Restoration Commission.

22 (g) As it has with previous land acquisition programs,
23 the Legislature recognizes the desires of the citizens of this
24 state to prosper through economic development and to preserve
25 the natural areas and recreational open space of Florida. The
26 Legislature further recognizes the urgency of restoring the
27 natural functions of public lands or water bodies before they
28 are degraded to a point where recovery may never occur, yet
29 acknowledges the difficulty of ensuring adequate funding for
30 restoration efforts in light of other equally critical
31 financial needs of the state. It is the Legislature's desire

1 and intent to fund the implementation of this section and to
2 do so in a fiscally responsible manner, by issuing bonds to be
3 repaid with documentary stamp tax revenue.

4 (3) Less the costs of issuing and the costs of funding
5 reserve accounts and other costs associated with bonds, the
6 proceeds of bonds issued pursuant to this section shall be
7 deposited into the Stewardship Florida Trust Fund created by
8 s. 259.1051. The proceeds shall be distributed by the
9 Department of Environmental Protection in the following
10 manner:

11 (a) Thirty-five percent to Department of Environmental
12 Protection for distribution by the Acquisition and Restoration
13 Commission for the acquisition of lands and capital project
14 expenditures necessary to implement the water management
15 districts' priority lists submitted pursuant to s. 373.199.

16 (b) Thirty-five percent to the Department of
17 Environmental Protection for distribution by the Acquisition
18 and Restoration Commission for the acquisition of lands and
19 capital project expenditures described in this section. Of the
20 proceeds distributed pursuant to this paragraph, it is the
21 intent of the Legislature that an increased priority be given
22 to those acquisitions which achieve a combination of
23 conservation and preservation goals, water restoration goals,
24 and water resource development goals.

25 (c) Twenty percent to the Department of Community
26 Affairs to provide grants and loans to local governments
27 through the Florida Communities Trust pursuant to part III of
28 chapter 380. Of this 20 percent, 75 percent shall be matched
29 by local governments on a dollar-for-dollar basis. However, no
30 less than 5 percent of the funds allocated through the Florida
31 Communities Trust shall be used to acquire lands for

1 recreational trail systems. In the event these designated
2 funds are not fully expended on recreational trail
3 acquisitions, the Florida Communities Trust may expend such
4 funds for other purposes authorized by this section.

5 (d) One and five-tenths percent to the Department of
6 Environmental Protection for the purchase of inholdings and
7 additions to state parks. For the purposes of this paragraph,
8 "state park" means any real property in the state which is
9 under the jurisdiction of the Division of Recreation and Parks
10 of the department, or which may come under its jurisdiction.

11 (e) One and five-tenths percent to the Division of
12 Forestry of the Department of Agriculture and Consumer
13 Services to fund the acquisition of state forest inholdings
14 and additions pursuant to s. 589.07 and the implementation of
15 reforestation plans or sustainable forestry management
16 practices.

17 (f) One and five-tenths percent to the Fish and
18 Wildlife Conservation Commission to fund the acquisition of
19 inholdings and additions to lands managed by the commission
20 which are important to the conservation of fish and wildlife.

21 (g) One and five-tenths percent to the Department of
22 Environmental Protection for the Florida Greenways and Trails
23 Program, to acquire greenways and trails or greenways and
24 trail systems pursuant to chapter 260, including, but not
25 limited to, abandoned railroad rights-of-way and the Florida
26 National Scenic Trail.

27 (h) Four percent to the Division of Recreation and
28 Parks of the Department of Environmental Protection to provide
29 grants to local governments through the Florida Recreation
30 Development Assistance Program pursuant to s. 375.075.
31

1 (i) For the purposes of paragraphs (d), (e), and (f),
2 the agencies which receive the funds shall develop their
3 individual acquisition or restoration lists. Proposed
4 additions may be acquired if they are identified within the
5 original project boundary, the management plan required
6 pursuant to s. 253.034(5), or the management prospectus
7 required pursuant to s. 259.032(9)(d). Proposed additions not
8 meeting the requirements of this paragraph shall be submitted
9 to the Acquisition and Restoration Commission for approval.
10 The commission may only approve the proposed addition if it
11 meets two or more of the following criteria: serves as a link
12 or corridor to other publicly owned property; enhances the
13 protection or management of the property; would add a
14 desirable resource to the property; would create a more
15 manageable boundary configuration; has a high resource value
16 that otherwise would be unprotected; or can be acquired at
17 less than fair market value.

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

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

28 (a) An increase in the level of protection for, or an
29 increase in the populations of, listed plant species, as
30 measured by the number of occurrences, acres of strategic
31 habitat areas, or delisting or redesignation of such species.

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

6 (c) The restoration of land areas, as measured by a
7 reduction in nonnative species, level of maintenance control
8 of invasive species, reforestation rates, or regeneration of
9 natural communities.

10 (d) An increase in public landholdings needed to meet
11 the goals of this subsection, as measured by the acquisition
12 of lands in fee simple or with less than fee simple
13 alternatives.

14 (e) The completion of projects begun under previous
15 land acquisition programs, as measured through the acquisition
16 of land under inholdings and additions programs.

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

19 (g) An increase in public recreational opportunities,
20 as measured by the acreage available for recreational
21 opportunities or the number of miles available for greenways
22 or trails.

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

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

29 (j) The restoration of water areas, as measured by a
30 reduction of nonnative species, level of maintenance control
31 of invasive species, regeneration of natural communities,

1 reduction of excessive sedimentation, removal of impediments,
2 or reduction of shoreline erosion.

3 (k) The protection of natural floodplain functions and
4 prevention of or reduction in flood damage, as measured by the
5 number of acres of floodplain in public ownership.

6 (l) The restoration of degraded water bodies, as
7 measured by the number of goals implemented under a surface
8 water improvement plan or other restoration plans.

9 (m) The restoration of wetlands, as measured by the
10 number of acres of previously converted wetlands returned to a
11 functioning status.

12 (n) The preservation of strategic wetlands, as
13 measured by the number of acres acquired.

14 (o) The preservation of, or reduction of contaminants
15 in, aquifers and springs, as measured by contaminant levels or
16 the number of acres of recharge areas acquired.

17 (5) The Acquisition and Restoration Commission shall
18 adopt numeric goals and performance measures for those goals
19 enumerated in subsection (4). The commission may also develop
20 and submit additional goals and suggested performance measures
21 to be used for implementation of this section. The commission
22 shall utilize the findings of the Stewardship Florida Study
23 Commission in establishing numeric goals and performance
24 measures. The goals and performance measures developed
25 pursuant to this subsection shall be submitted to the board of
26 trustees for their review and approval by January 1, 2001, and
27 subsequently submitted no later than 30 days prior to the 2001
28 Regular Session for review by the appropriate legislative
29 committees with jurisdiction over the department. The
30 Legislature may reject, modify, or take no action relative to
31

1 the goals and performance measures. If no action is taken,
2 the goals and performance measures shall be implemented.

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

10 (7) As provided in this section, a water resource or
11 water supply development project may be allowed only if the
12 following conditions are met: minimum flows and levels have
13 been established for those waters, if any, which may
14 reasonably be expected to experience significant adverse
15 effects as a result of the project; the project complies with
16 all applicable permitting requirements; and the project is
17 consistent with the regional water supply plan, if any, of the
18 water management district and with relevant recovery or
19 prevention strategies if required pursuant to s. 373.0421(2).

20 (8)(a) Beginning July 1, 2000, and every year
21 thereafter, the commission shall accept applications from
22 state agencies, local governments, nonprofit and for-profit
23 organizations, private land trusts, and individuals for
24 project proposals eligible for funding pursuant to paragraph
25 (3)(b). The commission shall evaluate the proposals received
26 pursuant to this subsection to ensure that they meet at least
27 one of the criteria under subsection (10).

28 (b) Project applications shall contain, at a minimum,
29 the following:

30 1. A minimum of two numeric performance measures that
31 directly relate to the overall goals adopted by the

1 commission. Each performance measure shall include a baseline
2 measurement, which is the current situation; a performance
3 standard which the project sponsor anticipates the project
4 will achieve; and the performance measurement itself, which
5 should reflect the incremental improvements the project
6 accomplishes towards achieving the performance standard.

7 2. Proof that property owners within any proposed
8 acquisition have been notified of their inclusion in the
9 proposed project. Any property owner may request the removal
10 of such property from further consideration by submitting a
11 request to the project sponsor or commission by certified
12 mail. Upon receiving this request, the commission shall delete
13 the property from the proposed project.

14 (c) The title to lands acquired under this section
15 shall vest in the Board of Trustees of the Internal
16 Improvement Trust Fund, except that title to lands acquired by
17 a water management district shall vest in the name of that
18 district and lands acquired by a local government shall vest
19 in the name of the purchasing local government.

20 (9) The commission shall develop two project lists:

21 (a) One list shall represent those projects submitted
22 pursuant to subsection (8).

23 (b) One list shall represent those projects submitted
24 pursuant to s. 373.199.

25 (10) In developing the proposed project lists pursuant
26 to subsection (9), the commission shall consider, when
27 applicable, whether the project:

28 (a) Has multiple benefits, including, but not limited
29 to, habitat protection, recreational and aesthetic values, and
30 natural community preservation, or promotes groundwater
31 recharge or improves water quality.

- 1 (b) Meets multiple goals as described in subsection
2 (4).
- 3 (c) Includes attributes or natural resource values
4 underrepresented in the state's inventory of public lands.
- 5 (d) Is part of an ongoing governmental effort to
6 restore, protect, or develop land areas or water resources.
- 7 (e) Will be funded by contributions from multiple
8 entities; and whether local, regional, state, and federal
9 entities will form partnerships to implement project
10 activities.
- 11 (f) Furthers conservation goals of the program through
12 the acquisition of lands that:
- 13 1. Have imperiled, critically imperiled, or rare
14 natural communities of native vegetation and wildlife, or have
15 excellent quality occurrences of natural communities;
- 16 2. Serve as habitat for endangered or threatened plant
17 or animal species;
- 18 3. Have significant archeological or historical sites;
- 19 4. Provide for outdoor recreational activities as
20 described in s. 259.032(9)(b); or
- 21 5. Enhance or facilitate management of properties
22 already under public ownership.
- 23 (g) Provides for the completion of projects in which
24 acquisition activities were begun under previous state land
25 acquisition initiatives.
- 26 (h) Restores land and water areas to conditions that
27 improve their natural functions and attributes.
- 28 (i) Makes capital improvements to land or water areas
29 that improve public access, develop recreational facilities,
30 or promote more efficient and effective management of such
31 land or water areas.

1 (j) Restores and reclaims forestry lands to enhance
2 and ensure their continued value as ecosystems, through the
3 implementation of reforestation plans or sustainable forestry
4 management practices.

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

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

9 (m) Has a significant portion of its land area in
10 imminent danger of development, in imminent danger of losing
11 its significant natural attributes or recreational open space,
12 or in imminent danger of subdivision which would result in
13 multiple ownership and make acquisition of the project costly
14 or less likely to be accomplished.

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

17 (o) Exhibits compelling evidence that the land is
18 likely to be developed during the next 12 months, or
19 appraisals made during the past 5 years indicate an escalation
20 in land value at an average rate that exceeds the average rate
21 of interest likely to be paid on the bonds.

22 (p) Is one of the components of the Everglades
23 restoration effort.

24 (q) May be purchased at 80 percent of appraised value
25 or less.

26 (r) May be acquired, in whole or part, using
27 alternatives to fee simple, including, but not limited to,
28 purchase of development rights, hunting rights, agricultural
29 or silvicultural rights, or mineral rights; obtaining
30 conservation easements or flowage easements; or use of land
31 protection agreements as defined in s. 380.0677(5).

1 (s) Is a joint acquisition, either among public
2 agencies, nonprofit organizations, or private entities, or by
3 a public-private partnership.

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

7 1. The value of acquiring coastal high-hazard parcels,
8 consistent with hazard mitigation and postdisaster
9 redevelopment policies, in order to minimize the risk to life
10 and property and to reduce the need for future disaster
11 assistance.

12 2. The value of acquiring beachfront parcels,
13 irrespective of size, to provide public access and
14 recreational opportunities in highly developed urban areas.

15 3. The value of acquiring identified parcels the
16 development of which would adversely affect coastal resources.
17 It is expected that projects selected will accrue multiple
18 benefits, such as: protecting and restoring habitat for
19 wildlife, aquatic life, and plants, including species
20 designated as endangered, threatened, and of special concern;
21 providing aesthetic and recreational pleasure for the citizens
22 of the state; attracting visitors; and generating substantial
23 economic benefits.

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

27 (12) When a nonprofit organization, whose purposes
28 include preservation of natural resources and which is tax
29 exempt pursuant to s. 501(c)(3) of the United States Internal
30 Revenue Code, sells land to the state, such land at the time
31 of such sale shall be deemed to meet multiple criteria listed

1 in subsection (10) if such land met multiple criteria at the
2 time the organization purchased the land.

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

7 (14) In developing the list of projects for funding
8 pursuant to paragraph (3)(a), it is not the intent of the
9 Legislature that these funds be used to abrogate the financial
10 responsibility of those point and nonpoint sources that have
11 contributed to the degradation of water or land areas.

12 Therefore, the Acquisition and Restoration Commission shall
13 give increased priority to those projects that have secured a
14 cost-sharing agreement allocating responsibility for the
15 cleanup of point and nonpoint sources.

16 (15) The Legislature recognizes that Stewardship
17 Florida is a goal-oriented, performance-driven,
18 competition-based program and that, in order to further these
19 principles, flexibility is a critical element of the program.
20 The Legislature further recognizes that the needs of certain
21 projects or regions of the state will vary over time and that,
22 as a result, there will be occasions when the priorities of
23 the state should be directed to a given project or region. To
24 allow for this flexibility but also seek an equitable
25 distribution of bond proceeds, it is the intent of the
26 Legislature that, upon the completion of Stewardship Florida,
27 those projects selected pursuant to paragraphs (3)(a) and (b)
28 will reflect a balance between ecological and geographic
29 interests.

30 (16) An affirmative vote of five members of the
31 commission shall be required in order to place a proposed

1 project on either list. Any member of the commission who by
2 family or a business relationship has a connection with any
3 project proposed to be ranked shall declare such interest
4 prior to voting for a project's inclusion on the list.

5 (17) Each year that bonds are to be issued pursuant to
6 this section, the commission shall review that year's approved
7 project lists and shall, by the first board meeting in May,
8 present to the Board of Trustees of the Internal Improvement
9 Trust Fund for approval a listing of projects developed
10 pursuant to subsection (9). The board of trustees may remove
11 projects from the list developed pursuant to this subsection,
12 but may not add projects or rearrange project rankings.

13 (18) The commission shall submit to the board of
14 trustees, with its list of projects, a report that includes,
15 but shall not be limited to, the following information for
16 each project listed:

17 (a) The stated purpose for inclusion.

18 (b) Projected costs to achieve the project goals.

19 (c) An interim management budget.

20 (d) Specific performance measures.

21 (e) Plans for public access.

22 (f) An identification of the essential parcel or
23 parcels within the project without which the project cannot be
24 properly managed.

25 (g) Where applicable, an identification of those
26 projects or parcels within projects which should be acquired
27 in fee simple or in less than fee simple.

28 (h) An identification of those lands being purchased
29 for conservation purposes.

30 (i) A management policy statement for the project and
31 a management prospectus pursuant to s. 259.032(9)(d).

1 (j) An estimate of land value based on county tax
2 assessed values.

3 (k) A map delineating project boundaries.

4 (l) An assessment of the project's ecological value,
5 outdoor recreational value, forest resources, wildlife
6 resources, ownership pattern, utilization, and location.

7 (m) A discussion of whether alternative uses are
8 proposed for the property and what those uses are.

9 (n) A designation of the management agency or
10 agencies.

11 (19) All proposals for projects pursuant to this
12 section shall be implemented only if adopted by the commission
13 and approved by the board of trustees. The commission shall
14 consider and evaluate in writing the merits and demerits of
15 each project that is proposed for Stewardship Florida funding
16 and shall ensure that each proposed project will meet a stated
17 public purpose for the restoration, conservation, or
18 preservation of environmentally sensitive lands and water
19 areas or for providing outdoor recreational opportunities.
20 The commission also shall determine if the project conforms,
21 where applicable, with the comprehensive plan developed
22 pursuant to s. 259.04(1)(a), the comprehensive multipurpose
23 outdoor recreation plan developed pursuant to s. 375.021, the
24 state lands management plan adopted pursuant to s. 253.03(7),
25 the water resources work plans developed pursuant to s.
26 373.199, and the provisions of this section.

27 (20)(a) The Board of Trustees of the Internal
28 Improvement Trust Fund, or, in the case of water management
29 district lands, the owning water management district, may
30 authorize the granting of a lease, easement, or license for
31 the use of certain lands acquired pursuant to this section,

1 for certain uses that are determined by the appropriate board
2 to be compatible with the resource values of and management
3 objectives for such lands.

4 (b) Any existing lease, easement, or license acquired
5 for incidental public or private use on, under, or across any
6 lands acquired pursuant to this section shall be presumed to
7 be compatible with the purposes for which such lands were
8 acquired.

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

18 (21) The Acquisition and Restoration Commission may
19 adopt rules necessary to implement the provisions of this
20 section relating to: solicitation, scoring, selecting, and
21 ranking of Stewardship Florida project proposals; the
22 development and annual reevaluation of the 5-year plan;
23 disposing of or leasing lands or water areas selected for
24 funding through the Stewardship Florida program; and the
25 process of reviewing and recommending for approval or
26 rejection the land management plans associated with publicly
27 owned properties. Rules promulgated pursuant to this
28 subsection shall be submitted to the President of the Senate
29 and the Speaker of the House of Representatives, for review by
30 the Legislature, no later than 30 days prior to the 2000
31 Regular Session and shall become effective only after

1 legislative review. In its review, the Legislature may reject,
2 modify, or take no action relative to such rules. The
3 commission shall conform such rules to changes made by the
4 Legislature, or, if no action was taken by the Legislature,
5 such rules shall become effective.

6 Section 20. Paragraph (a) of subsection (1) and
7 subsections (2) and (6) of section 260.0125, Florida Statutes,
8 1998 Supplement, are amended to read:

9 260.0125 Limitation on liability of private landowners
10 whose property is designated as part of the statewide system
11 of greenways and trails.--

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

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

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

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

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

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

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

8 (b) Any injury or damage incurred by a third party on
9 lands adjacent to and accessed through the designated greenway
10 or trail; and

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

15 Section 21. Section 260.0142, Florida Statutes, is
16 created to read:

17 260.0142 Florida Greenways and Trails Council;
18 composition; powers and duties.--

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

24 (a)1. Five members appointed by the Governor, with two
25 members representing the trail-user community, two members
26 representing the greenway-user community, and one member
27 representing landowners. Of the initial appointments, two
28 shall be appointed for 2-year terms and three shall be
29 appointed for 1-year terms. Subsequent appointments shall be
30 for 2-year terms.

31

1 2. Three members appointed by the President of the
2 Senate, with one member representing the trail-user community
3 and two members representing the greenway-user community. Of
4 the initial appointments, two shall be appointed for 2-year
5 terms and one shall be appointed for a 1-year term. Subsequent
6 appointments shall be for 2-year terms.

7 3. Three members appointed by the Speaker of the House
8 of Representatives, with two members representing the
9 trail-user community and one member representing the
10 greenway-user community. Of the initial appointments, two
11 shall be appointed for 2-year terms and one shall be appointed
12 for a 1-year term. Subsequent appointments shall be for
13 2-year terms.

14
15 Those eligible to represent the trail-user community shall be
16 chosen from, but not be limited to, paved-trail users, hikers,
17 off-road bicyclists, paddlers, equestrians, disabled outdoor
18 recreational users, and commercial recreational interests.
19 Those eligible to represent the greenway-user community shall
20 be chosen from, but not be limited to, conservation
21 organizations, nature study organizations, and scientists and
22 university experts.

23 (b) The 10 remaining members shall include:

24 1. The Secretary of Environmental Protection or a
25 designee;

26 2. The executive director of the Fish and Wildlife
27 Conservation Commission or a designee;

28 3. The Secretary of Community Affairs or a designee;

29 4. The Secretary of Transportation or a designee;

30 5. The director of the Division of Forestry of the
31 Department of Agriculture and Consumer Services or a designee;

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

3 7. A representative of the water management districts,
4 who shall serve for 1 year. Membership on the council shall
5 rotate among the five districts. The districts shall
6 determine the order of rotation;

7 8. A representative of a federal land management
8 agency. The Secretary of Environmental Protection shall
9 identify the appropriate federal agency and request
10 designation of a representative from the agency to serve on
11 the council;

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

17 10. A representative of local governments to be
18 appointed by the Secretary of Environmental Protection, in
19 consultation with the Secretary of Community Affairs, for a
20 single 2-year term. Membership shall alternate between a
21 county representative and a municipal representative.

22 (2) The department shall provide necessary staff
23 assistance to the council.

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

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

29 (a) Advising the Department of Environmental
30 Protection, the Department of Community Affairs, the
31 Department of Transportation, the Fish and Wildlife

1 Conservation Commission, the Division of Forestry of the
2 Department of Agriculture and Consumer Services, the water
3 management districts, and the regional planning councils on
4 policies relating to the Florida Greenways and Trails System,
5 and promoting intergovernmental cooperation.

6 (b) Facilitating a statewide system of interconnected
7 land-based trails that connect urban, suburban, and rural
8 areas of the state, and facilitating expansion of the
9 statewide system of freshwater and saltwater paddling trails.

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

12 (d) Reviewing applications for acquisition funding
13 under the Florida Greenways and Trails Program, and
14 recommending to the Secretary of Environmental Protection
15 which projects should be acquired.

16 (e) Providing recommendations to those agencies and
17 organizations which fund acquisition, development, and
18 management of lands, and promoting private landowner
19 incentives.

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

22 (g) Providing advocacy and education to benefit the
23 statewide system of greenways and trails by encouraging
24 communication and conferencing.

25 (h) Encouraging public-private partnerships.

26 (i) Reviewing progress toward meeting established
27 benchmarks and recommending appropriate action.

28 (j) Making recommendations for updating and revising
29 the implementation plan for the Florida Greenways and Trails
30 System.

31

1 (k) Advising the Land Acquisition and Management
2 Advisory Council, or its successor, to ensure the
3 incorporation of trails in land management plans on lands
4 managed by the Department of Environmental Protection, the
5 Fish and Wildlife Conservation Commission, the Division of
6 Historical Resources of the Department of State, and the
7 Division of Forestry of the Department of Agriculture and
8 Consumer Services.

9 (l) Providing advice and assistance to the Department
10 of Transportation and the water management districts regarding
11 the incorporation of trails into their planning efforts.

12 (m) Encouraging land use, environmental, and
13 coordinated linear infrastructure planning to facilitate the
14 implementation of local, regional, and statewide greenways and
15 trails systems.

16 (n) Promoting greenways and trails support
17 organizations.

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

20 (5) The council shall determine who shall serve as
21 council chair through its operating procedures. The council
22 shall meet at the call of the chair, or at such times as may
23 be prescribed by its operating procedures. The council may
24 establish committees to conduct the work of the council, and
25 the committees may include nonmembers as appropriate.

26 (6) A vacancy in the council shall be filled for the
27 remainder of the unexpired term in the same manner as the
28 original appointment. Members whose terms have expired may
29 continue to serve until replaced or reappointed. No member
30 shall serve on the council for more than two consecutive
31 terms.

1 (7) Members of the council shall not receive any
2 compensation for their services but shall be entitled to
3 receive reimbursement for per diem and travel expenses
4 incurred in the performance of their duties, as provided in s.
5 112.061.

6 Section 22. Section 260.016, Florida Statutes, 1998
7 Supplement, is amended, to read:

8 260.016 General powers of the department.--

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

10 (a) Publish and distribute appropriate maps of
11 designated greenways and trails. The description shall include
12 a generalized map delineating the area designated, location of
13 suitable ingress and egress sites, as well as other points of
14 interest to enhance the recreational opportunities of the
15 public.

16 (b) Establish access routes and related public-use
17 facilities along greenways and trails which will not
18 substantially interfere with the nature and purposes of the
19 greenway or trail.

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

24 1. Establishing a designation process.

25 2. Negotiating and executing agreements with private
26 landowners.

27 3. Establishing prohibited activities or restrictions
28 on activities to protect the health, safety, and welfare of
29 the public.

30 4. Charging fees for use.

31 5. Providing public access.

1 6. Providing for maintenance.

2 7. Any matter necessary to the evaluation, selection,
3 operation, and maintenance of greenways and trails.

4
5 Any person who violates or otherwise fails to comply with the
6 rules adopted pursuant to subparagraph 3. commits a
7 noncriminal infraction for which a fine of up to \$500 may be
8 imposed.

9 (d) Coordinate the activities of all governmental
10 units and bodies and special districts that desire to
11 participate in the development and implementation of the
12 Florida Greenways and Trails System.

13 ~~(e) Appoint an advisory body to be known as the~~
14 ~~"Florida Recreational Trails Council" which shall advise the~~
15 ~~department in the execution of its powers and duties under~~
16 ~~this chapter. The department may establish by rule the~~
17 ~~duties, structure, and responsibilities of the council.~~
18 ~~Members of the Florida Recreational Trails Council shall serve~~
19 ~~without compensation, but are entitled to be reimbursed for~~
20 ~~per diem and travel expenses as provided in s. 112.061.~~

21 (e)(f) Establish, develop, and publicize greenways and
22 trails ~~saltwater paddling trails~~ in a manner that will permit
23 public recreation, when appropriate, without damaging natural
24 resources. The Big Bend Historic Saltwater Paddling Trail from
25 the St. Marks River to the Suwannee River is hereby designated
26 as part of the Florida Greenways and Trails System. Additions
27 to this trail may be added by the department from time to time
28 as part of a statewide saltwater circumnavigation trail.

29 (f)(g) Enter into ~~sublease agreements or other use~~
30 agreements with any federal, state, or local governmental
31 agency, or any other entity ~~local governmental agencies~~ for

1 the management of greenways and trails for recreation and
2 conservation purposes consistent with the intent of this
3 chapter.

4 ~~(h) Enter into management agreements with other~~
5 ~~entities only if a federal agency, another state agency, local~~
6 ~~government, county, or municipality is unable to manage the~~
7 ~~greenways or trails lands.~~ Such entities must demonstrate
8 their capabilities of management for the purposes defined in
9 ss. 260.011-260.018.

10 (g)~~(i)~~ Charge reasonable fees or rentals for the use
11 or operation of facilities and concessions. All such fees,
12 rentals, or other charges collected shall be deposited in the
13 account or trust fund of the managing entity. ~~All such fees,~~
14 ~~rentals, or other charges collected by the Division of~~
15 ~~Recreation and Parks under this paragraph shall be deposited~~
16 ~~in the State Park Trust Fund pursuant to s. 258.014.~~

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

18 (h)~~(a)~~ Evaluate lands for the acquisition of greenways
19 and trails and compile a list of suitable corridors,
20 greenways, and trails, ranking them in order of priority for
21 proposed acquisition. The department shall devise a method of
22 evaluation which includes, but is not limited to, the
23 consideration of:

24 1. The importance and function of such corridors
25 within the statewide system.

26 2. Potential for local sharing in the acquisition,
27 development, operation, or maintenance of greenway and trail
28 corridors.

29 3. Costs of acquisition, development, operation, and
30 maintenance.

31

1 (i)~~(b)~~ Maintain an updated list of abandoned and
2 to-be-abandoned railroad rights-of-way. ~~The department shall~~
3 ~~request information on current and potential railroad~~
4 ~~abandonments from the Department of Transportation and~~
5 ~~railroad companies operating within the state. At a minimum,~~
6 ~~the department shall make such requests on a quarterly basis.~~

7 (j)~~(c)~~ Provide information to public and private
8 agencies and organizations on abandoned rail corridors which
9 are or will be available for acquisition from the railroads or
10 for lease for interim recreational use from the Department of
11 Transportation. ~~Such information shall include, at a minimum,~~
12 ~~probable costs of purchase or lease of the identified~~
13 ~~corridors.~~

14 (k)~~(d)~~ Develop and implement a process for designation
15 of lands and waterways as a part of the statewide system of
16 greenways and trails, which shall include:

17 1. Development and dissemination of criteria for
18 designation.

19 2. Development and dissemination of criteria for
20 changes in the terms or conditions of designation, including
21 withdrawal or termination of designation. A landowner may have
22 his or her property removed from designation by providing the
23 department with a written request that contains an adequate
24 description of such lands to be removed. Provisions shall be
25 made in the designation agreement for disposition of any
26 future improvements made to the land by the department.

27 3. Compilation of available information on and field
28 verification of the characteristics of the lands or waterways
29 as they relate to the developed criteria.

30 4. Public notice pursuant to s. 120.525 in all phases
31 of the process.

1 5. Actual notice to the landowner by certified mail at
2 least 7 days before any public meeting regarding the
3 department's intent to designate.

4 6. Written authorization from the landowner in the
5 form of a lease or other instrument for the designation and
6 granting of public access, if appropriate, to a landowner's
7 property.

8 7. Development of a greenway or trail use plan as a
9 part of the designation agreement. In any particular segment
10 of a greenway or trail, the plan components must be compatible
11 with connecting segments and, at a minimum, describe the types
12 and intensities of uses of the property.

13 (1) Implement the plan for the Florida Greenways and
14 Trails System as adopted by the Florida Greenways Coordinating
15 Council on September 11, 1998.

16 ~~(2)~~~~(3)~~ The department or its designee is authorized to
17 negotiate with potentially affected private landowners as to
18 the terms under which such landowners would consent to the
19 public use of their lands as part of the greenways and trails
20 system. The department shall be authorized to agree to
21 incentives for a private landowner who consents to this public
22 use of his or her lands for conservation or recreational
23 purposes, including, but not limited to, the following:

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

29 (b) Agreement to exchange, subject to the approval of
30 the Board of Trustees of the Internal Improvement Trust Fund
31 or other applicable unit of government, ownership or other

1 rights of use of public lands for the ownership or other
2 rights of use of privately owned property. Any exchange of
3 state-owned lands, title to which is vested in the Board of
4 Trustees of the Internal Improvement Trust Fund, for privately
5 owned lands shall be subject to the requirements of s.

6 259.041.

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

9 (d) At the option of the landowner, acceleration of
10 the acquisition process or higher consideration in the ranking
11 process when any lands owned by the landowner are under
12 consideration for acquisition by the state or other unit of
13 government.

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

17 (f) Execution of patrol and protection agreements.

18 (g) Where applicable and appropriate, providing lease
19 fees, not to exceed fair market value of the leasehold
20 interest.

21 Section 23. Section 260.018, Florida Statutes, 1998
22 Supplement, is amended to read:

23 260.018 Agency recognition.--All agencies of the
24 state, regional planning councils through their comprehensive
25 plans, and local governments through their local comprehensive
26 planning process pursuant to chapter 163 shall recognize the
27 special character of publicly owned lands and waters
28 designated by the state as greenways and trails and shall not
29 take any action which will impair their use as designated.
30 Identification of lands in planning materials, maps, data, and
31 other information developed or used in the greenways and

1 trails program shall not be cause for such lands to be subject
2 to this section, unless such lands have been designated as a
3 part of the statewide system or greenways and trails pursuant
4 to s. 260.016(1)(k)~~(2)(d)~~.

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

7 288.1224 Powers and duties.--The commission:

8 (11) Shall create an advisory committee of the
9 commission which shall be charged with developing a regionally
10 based plan to protect and promote all of the natural, coastal,
11 historical, cultural, and commercial tourism assets of this
12 state.

13 (a) Members of the advisory committee shall be
14 appointed by the chair of the commission and shall include
15 representatives of the commission, the Departments of
16 Agriculture and Consumer Services, Environmental Protection,
17 Community Affairs, Transportation, and State, the Florida
18 Greenways and Trails ~~Coordinating~~ Council, the ~~Florida Game~~
19 ~~and Freshwater~~ Fish and Wildlife Conservation Commission, and,
20 as deemed appropriate by the chair of the commission,
21 representatives from other federal, state, regional, local,
22 and private sector associations representing environmental,
23 historical, cultural, recreational, and tourism-related
24 activities.

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

27 369.252 Invasive exotic plant control on public
28 lands.--The department shall establish a program to:

29 (4) Use funds in the Aquatic Plant Control Trust Fund
30 as authorized by the Legislature for carrying out activities
31 under this section on public lands. Twenty percent of the

1 amount credited to the Aquatic Plant Control Trust Fund
2 pursuant to s. 201.15(6) shall be used for the purpose of
3 controlling nonnative, upland, invasive plant species on
4 public lands.

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

7 369.307 Developments of regional impact in the Wekiva
8 River Protection Area; land acquisition.--

9 (5) The Department of Environmental Protection is
10 directed to proceed to negotiate for acquisition of
11 conservation and recreation lands projects within the Wekiva
12 River Protection Area provided that such projects have been
13 deemed qualified under statutory and rule criteria for
14 purchase and have been placed on the priority list for
15 acquisition by the advisory council created in s. 259.035 or
16 its successor.

17 Section 27. Subsection (5) is added to section
18 373.089, Florida Statutes, to read:

19 373.089 Sale or exchange of lands, or interests or
20 rights in lands.--The governing board of the district may sell
21 lands, or interests or rights in lands, to which the district
22 has acquired title or to which it may hereafter acquire title
23 in the following manner:

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

28 (a) For those lands designated as acquired for
29 conservation purposes, the governing board shall make a
30 determination that the lands are no longer needed for
31

1 conservation purposes and may dispose of them by a two-thirds
2 vote.

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

6 (c) For the purposes of this subsection, all lands for
7 which title has vested in the governing board prior to July 1,
8 1999, shall be deemed to have been acquired for conservation
9 purposes.

10 (d) For any lands acquired on or after July 1, 1999,
11 for which title is vested in the governing board, the
12 governing board shall determine which parcels shall be
13 designated as having been acquired for conservation purposes.

14 Section 28. Section 373.139, Florida Statutes, is
15 amended to read:

16 373.139 Acquisition of real property.--

17 (1) The Legislature declares it to be necessary for
18 the public health and welfare that water and water-related
19 resources be conserved and protected. The acquisition of real
20 property for this objective shall constitute a public purpose
21 for which public funds may be expended. Each water management
22 district shall maintain a separate 5-year plan of land
23 acquisition and land management activities that incorporates
24 the properties purchased pursuant to s. 373.199.

25 (2)(a) The governing board of the district is
26 empowered and authorized to acquire in fee or less than fee
27 title to real property, and easements therein, by purchase,
28 gift, devise, lease, eminent domain, or otherwise for flood
29 control, water storage, water management, aquifer recharge,
30 water resource and water supply development, and preservation
31 of wetlands, streams, and lakes, ~~except that~~ Eminent domain

1 powers may be used only for acquiring real property for flood
2 control and water storage or for curing title defects or
3 encumbrances to real property to be acquired from a willing
4 seller.

5 (b) Interests in real property acquired by the
6 districts under this section with funds other than those
7 appropriated pursuant to s. 373.199 may be used for
8 permissible water resource development and water supply
9 development purposes under the following conditions: the
10 minimum flows and levels of priority water bodies on such
11 lands have been established; the project complies with all
12 conditions for issuance of a permit under part II; and the
13 project is compatible with the purposes for which the land was
14 acquired.

15 (3)(a) No acquisition of lands shall occur without a
16 public hearing similar to those held pursuant to the
17 provisions set forth in s. 120.54. Each district shall remove
18 the property of an unwilling seller from its plan of
19 acquisition at the next scheduled update of the plan, if in
20 receipt of a request to do so by the property owner.

21 (b) Title information, appraisal reports, offers, and
22 counteroffers are confidential and exempt from the provisions
23 of s. 119.07(1) until an option contract is executed or, if no
24 option contract is executed, until 30 days before a contract
25 or agreement for purchase is considered for approval by the
26 governing board. However, each district may, at its
27 discretion, disclose appraisal reports to private landowners
28 during negotiations for acquisitions using alternatives to fee
29 simple techniques, if the district determines that disclosure
30 of such reports will bring the proposed acquisition to
31 closure. In the event that negotiation is terminated by the

1 district, the title information, appraisal report, offers, and
2 counteroffers shall become available pursuant to s. 119.07(1).
3 Notwithstanding the provisions of this section and s. 259.041,
4 a district and the Division of State Lands may share and
5 disclose title information, appraisal reports, appraisal
6 information, offers, and counteroffers when joint acquisition
7 of property is contemplated. A district and the Division of
8 State Lands shall maintain the confidentiality of such title
9 information, appraisal reports, appraisal information, offers,
10 and counteroffers in conformance with this section and s.
11 259.041, except in those cases in which a district and the
12 division have exercised discretion to disclose such
13 information.

14 (c) The Secretary of Environmental Protection shall
15 release moneys from the appropriate account or trust fund to a
16 district for preacquisition costs within 30 days after receipt
17 of a resolution adopted by the district's governing board
18 which identifies and justifies any such preacquisition costs
19 necessary for the purchase of any lands listed in the
20 district's 5-year plan. The district shall return to the
21 department any funds not used for the purposes stated in the
22 resolution, and the department shall deposit the unused funds
23 into the appropriate account or trust fund.

24 (d) The Secretary of Environmental Protection shall
25 release acquisition moneys from the appropriate account or
26 trust fund to a district following receipt of a resolution
27 adopted by the governing board identifying the lands being
28 acquired and certifying that such acquisition is consistent
29 with the plan of acquisition and other provisions of this
30 section. The governing board also shall provide to the
31 Secretary of Environmental Protection a copy of all certified

1 appraisals used to determine the value of the land to be
2 purchased. Each parcel to be acquired must have at least one
3 appraisal. Two appraisals are required when the estimated
4 value of the parcel exceeds \$500,000. However, when both
5 appraisals exceed \$500,000 and differ significantly, a third
6 appraisal may be obtained. If the purchase price is greater
7 than the appraisal price, the governing board shall submit
8 written justification for the increased price. The Secretary
9 of Environmental Protection may withhold moneys for any
10 purchase that is not consistent with the 5-year plan or the
11 intent of this section or that is in excess of appraised
12 value. The governing board may appeal any denial to the Land
13 and Water Adjudicatory Commission pursuant to s. 373.114.

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

17 (4) The governing board of the district may purchase
18 tax certificates or tax deeds issued in accordance with
19 chapter 197 relating to property eligible for purchase under
20 this section.

21 (5) Lands acquired for the purposes enumerated in
22 subsection (2) may also be used for recreational purposes, and
23 whenever practicable such lands shall be open to the general
24 public for recreational uses. Except when prohibited by a
25 covenant or condition described in s. 373.056(2), lands owned,
26 managed, and controlled by the district may be used for
27 multiple purposes, including, but not limited to, agriculture,
28 silviculture, and water supply, as well as boating and other
29 recreational uses.

30 (6) For the purpose of introducing water into, or
31 drawing water from, the underlying aquifer for storage or

1 supply, the governing board is authorized to hold, control,
2 and acquire by donation, lease, or purchase any land, public
3 or private.

4 (7) This section shall not limit the exercise of
5 similar powers delegated by statute to any state or local
6 governmental agency or other person.

7 (8) A district may dispose of land acquired under this
8 section pursuant to s. 373.056 or s. 373.089. However, no
9 such disposition of land shall be made if it would have the
10 effect of causing all or any portion of the interest on any
11 revenue bonds issued pursuant to s. 259.101 or s. 259.105 to
12 fund the acquisition programs detailed in this section to lose
13 the exclusion from gross income for purposes of federal income
14 taxation. Revenue derived from such disposition may not be
15 used for any purpose except the purchase of other lands
16 meeting the criteria specified in this section or payment of
17 debt service on revenue bonds or notes issued under s.
18 373.584.

19 (9) By January 15 of each year, each district shall
20 file with the Legislature and the Secretary of Environmental
21 Protection a report of acquisition activity together with
22 modifications or additions to its 5-year plan of acquisition
23 and land management. Included in the report shall be:

24 (a) An identification of those lands which require a
25 full fee simple interest to achieve water management goals and
26 those lands which can be acquired using alternatives to fee
27 simple acquisition techniques and still achieve such goals. In
28 their evaluation of which lands would be appropriate for
29 acquisition through alternatives to fee simple, district staff
30 shall consider criteria including, but not limited to,
31 acquisition costs, the net present value of future land

1 management costs, the net present value of advalorem revenue
2 loss to the local government, and potential for revenue
3 generated from activities compatible with acquisition
4 objectives.

5 (b) An identification of lands needed to protect or
6 recharge groundwater and a plan for their acquisition as
7 necessary to protect potable water supplies. Lands which serve
8 to protect or recharge groundwater identified pursuant to this
9 paragraph shall also serve to protect other valuable natural
10 resources or provide space for natural resource based
11 recreation.

12 (c) An identification of lands acquired through the
13 Florida Watershed Reserve Program, pursuant to s. 259.105(6),
14 and which would comply with the provisions of paragraphs (a)
15 and (b).

16 (d) A description of land management activity for each
17 property or project area owned by the water management
18 district.

19 (e) A list of any lands surplused and the amount of
20 compensation received.

21 (10) The districts have the authority to promulgate
22 rules that include the specific process by which land is
23 acquired; the selection and retention of outside appraisers,
24 surveyors, and acquisition agents; and public
25 notification. Rules adopted pursuant to this subsection shall
26 be submitted to the President of the Senate and the Speaker of
27 the House of Representatives, for review by the Legislature,
28 no later than 30 days prior to the 2001 Regular Session and
29 shall become effective only after legislative review. In its
30 review, the Legislature may reject, modify, or take no action
31 relative to such rules. The districts shall conform such

1 rules to changes made by the Legislature, or, if no action was
2 taken by the Legislature, such rules shall become effective.

3 Section 29. 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 January 1, beginning in the year 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 30. 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. However, any water management district with
16 fund balances in the Water Management Lands Trust Fund as of
17 March 1, 1999, may expend those funds for land acquisition
18 pursuant to s. 373.139, in addition to the other purposes
19 specified in this subsection.

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

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

27 (b) Moneys from the fund shall also be used for
28 continued ~~acquisition,~~management, maintenance, and capital
29 improvements of the following lands ~~and lands set forth in the~~
30 ~~5-year land acquisition plan of the district:~~
31

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

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

11 3. By the St. Johns River Water Management
12 District--Seminole Ranch, Latt Maxey and Evans properties in
13 the upper St. Johns River Basin.

14 4. By the Suwannee River Water Management
15 District--lands in Suwannee River Valley.

16 5. By the Northwest Florida Water Management
17 District--lands in the Choctawhatchee and Apalachicola River
18 Valleys.

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

23 ~~(4)(a) Moneys from the Water Management Lands Trust~~
24 ~~Fund shall be used for acquiring the fee or other interest in~~
25 ~~lands necessary for water management, water supply, and the~~
26 ~~conservation and protection of water resources, except that~~
27 ~~such moneys shall not be used for the acquisition of~~
28 ~~rights-of-way for canals or pipelines. Such moneys shall also~~
29 ~~be used for management, maintenance, and capital improvements.~~
30 ~~Interests in real property acquired by the districts under~~
31 ~~this section may be used for permittable water resource~~

1 ~~development and water supply development purposes under the~~
2 ~~following conditions: the minimum flows and levels of priority~~
3 ~~water bodies on such lands have been established; the project~~
4 ~~complies with all conditions for issuance of a permit under~~
5 ~~part II of this chapter; and the project is compatible with~~
6 ~~the purposes for which the land was acquired. Lands acquired~~
7 ~~with moneys from the fund shall be managed and maintained in~~
8 ~~an environmentally acceptable manner and, to the extent~~
9 ~~practicable, in such a way as to restore and protect their~~
10 ~~natural state and condition.~~

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

21 ~~(c) The Secretary of Environmental Protection shall~~
22 ~~release acquisition moneys from the Water Management Lands~~
23 ~~Trust Fund to a district following receipt of a resolution~~
24 ~~adopted by the governing board identifying the lands being~~
25 ~~acquired and certifying that such acquisition is consistent~~
26 ~~with the plan of acquisition and other provisions of this act.~~
27 ~~The governing board shall also provide to the Secretary of~~
28 ~~Environmental Protection a copy of all certified appraisals~~
29 ~~used to determine the value of the land to be purchased. Each~~
30 ~~parcel to be acquired must have at least one appraisal. Two~~
31 ~~appraisals are required when the estimated value of the parcel~~

1 ~~exceeds \$500,000. However, when both appraisals exceed~~
2 ~~\$500,000 and differ significantly, a third appraisal may be~~
3 ~~obtained. If the purchase price is greater than the appraisal~~
4 ~~price, the governing board shall submit written justification~~
5 ~~for the increased price. The Secretary of Environmental~~
6 ~~Protection may withhold moneys for any purchase that is not~~
7 ~~consistent with the 5-year plan or the intent of this act or~~
8 ~~that is in excess of appraised value. The governing board may~~
9 ~~appeal any denial to the Land and Water Adjudicatory~~
10 ~~Commission pursuant to s. 373.114.~~

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

18 ~~(5) Water management land acquisition costs shall~~
19 ~~include payments to owners and costs and fees associated with~~
20 ~~such acquisition.~~

21 (5)~~(6)~~ If a district issues revenue bonds or notes
22 under s. 373.584 prior to July 1, 1999, the district may
23 pledge its share of the moneys in the Water Management Lands
24 Trust Fund as security for such bonds or notes. The Department
25 of Environmental Protection shall pay moneys from the trust
26 fund to a district or its designee sufficient to pay the debt
27 service, as it becomes due, on the outstanding bonds and notes
28 of the district; however, such payments shall not exceed the
29 district's cumulative portion of the trust fund. However, any
30 moneys remaining after payment of the amount due on the debt
31

1 service shall be released to the district pursuant to
2 subsection (4)~~(3)~~.

3 (6)~~(7)~~ Any unused portion of a district's share of the
4 fund shall accumulate in the trust fund to the credit of that
5 district. Interest earned on such portion shall also
6 accumulate to the credit of that district to be used for ~~land~~
7 ~~acquisition~~, management, maintenance, and capital improvements
8 as provided in this section. The total moneys over the life
9 of the fund available to any district under this section shall
10 not be reduced except by resolution of the district governing
11 board stating that the need for the moneys no longer exists.

12 (7)~~(8)~~ Moneys from the Water Management Lands Trust
13 Fund shall be allocated to the five water management districts
14 in the following percentages:

15 (a) Thirty percent to the South Florida Water
16 Management District.

17 (b) Twenty-five percent to the Southwest Florida Water
18 Management District.

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

21 (d) Ten percent to the Suwannee River Water Management
22 District.

23 (e) Ten percent to the Northwest Florida Water
24 Management District.

25 (8)~~(9)~~ Each district may use its allocation under
26 subsection (7)~~(8)~~ for management, maintenance, and capital
27 improvements. Capital improvements shall include, but need not
28 be limited to, perimeter fencing, signs, firelanes, control of
29 invasive exotic species, controlled burning, habitat inventory
30 and restoration, law enforcement, access roads and trails, and
31

1 minimal public accommodations, such as primitive campsites,
2 garbage receptacles, and toilets.

3 (9)~~(10)~~ Moneys in the fund not needed to meet current
4 obligations incurred under this section shall be transferred
5 to the State Board of Administration, to the credit of the
6 fund, to be invested in the manner provided by law. Interest
7 received on such investments shall be credited to the fund.

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

1 less-than-fee interest in land that is or will be used for
2 agricultural purposes, the district governing board shall
3 first consider having a soil and water conservation district
4 created pursuant to chapter 582 manage and monitor such
5 interest.

6 (11) The districts have the authority to adopt rules
7 that specify: allowable activities on district-owned lands;
8 the amount of fees, licenses, or other charges for users of
9 district-owned lands; the application and reimbursement
10 process for payments in lieu of taxes; the use of volunteers
11 for management activities; and the processes related to
12 entering into or severing cooperative land management
13 agreements. Rules promulgated pursuant to this subsection
14 shall be submitted to the President of the Senate and the
15 Speaker of the House of Representatives, for review by the
16 Legislature, no later than 30 days prior to the 2001 Regular
17 Session and shall become effective only after legislative
18 review. In its review, the Legislature may reject, modify, or
19 take no action relative to such rules. The districts shall
20 conform such rules to changes made by the Legislature, or, if
21 no action was taken by the Legislature, such rules shall
22 become effective.

23 (12)(a) Beginning July 1, 1999, not more than
24 one-fourth of the land management funds provided for in
25 subsections (1) and (7) in any year shall be reserved annually
26 by a governing board, during the development of its annual
27 operating budget, for payments in lieu of taxes for all actual
28 tax losses incurred as a result of governing board
29 acquisitions for water management districts under the
30 Stewardship Florida program during any year. Reserved funds
31 not used for payments in lieu of taxes in any year shall

1 revert to the Water Management Lands Trust Fund to be used in
2 accordance with the provisions of this section.

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

4 1. To all counties that have a population of 150,000
5 or less. Population levels shall be determined pursuant to s.
6 11.031.

7 2. To all local governments located in eligible
8 counties.

9
10 For the purposes of this subsection, "local government"
11 includes municipalities, the county school board, mosquito
12 control districts, and any other local government entity which
13 levies ad valorem taxes.

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

18 (d) The payment amount shall be based on the average
19 amount of actual taxes paid on the property for the 3 years
20 preceding acquisition. Applications for payment in lieu of
21 taxes shall be made no later than January 31 of the year
22 following acquisition. No payment in lieu of taxes shall be
23 made for properties which were exempt from ad valorem taxation
24 for the year immediately preceding acquisition. If property
25 that was subject to ad valorem taxation was acquired by a
26 tax-exempt entity for ultimate conveyance to the state under
27 this chapter, payment in lieu of taxes shall be made for such
28 property based upon the average amount of taxes paid on the
29 property for the 3 years prior to its being removed from the
30 tax rolls. The water management districts shall certify to the
31 Department of Revenue those properties that may be eligible

1 under this provision. Once eligibility has been established,
2 that governmental entity shall receive 10 consecutive annual
3 payments, and no further eligibility determination shall be
4 made during that period.

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

14 (f) If a water management district conveys to a county
15 or local government title to any land owned by the district,
16 any payments in lieu of taxes on the land made to the county
17 or local government shall be discontinued as of the date of
18 the conveyance.

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

26 ~~(13) No moneys generated pursuant to this act may be~~
27 ~~applied or expended subsequent to July 1, 1985, to reimburse~~
28 ~~any district for prior expenditures for land acquisition from~~
29 ~~ad valorem taxes or other funds other than its share of the~~
30 ~~funds provided herein or to refund or refinance outstanding~~
31

1 ~~debt payable solely from ad valorem taxes or other funds other~~
2 ~~than its share of the funds provided herein.~~

3 ~~(14)(a) Beginning in fiscal year 1992-1993, not more~~
4 ~~than one-fourth of the land management funds provided for in~~
5 ~~subsections (1) and (9) in any year shall be reserved annually~~
6 ~~by a governing board, during the development of its annual~~
7 ~~operating budget, for payment in lieu of taxes to qualifying~~
8 ~~counties for actual ad valorem tax losses incurred as a result~~
9 ~~of lands purchased with funds allocated pursuant to s.~~

10 ~~259.101(3)(b). In addition, the Northwest Florida Water~~
11 ~~Management District, the South Florida Water Management~~
12 ~~District, the Southwest Florida Water Management District, the~~
13 ~~St. Johns River Water Management District, and the Suwannee~~
14 ~~River Water Management District shall pay to qualifying~~
15 ~~counties payments in lieu of taxes for district lands acquired~~
16 ~~with funds allocated pursuant to subsection (8). Reserved~~
17 ~~funds that are not used for payment in lieu of taxes in any~~
18 ~~year shall revert to the fund to be used for management~~
19 ~~purposes or land acquisition in accordance with this section.~~

20 ~~(b) Payment in lieu of taxes shall be available to~~
21 ~~counties for each year in which the levy of ad valorem tax is~~
22 ~~at least 8.25 mills or the amount of the tax loss from all~~
23 ~~completed Preservation 2000 acquisitions in the county exceeds~~
24 ~~0.01 percent of the county's total taxable value, and the~~
25 ~~population is 75,000 or less and to counties with a population~~
26 ~~of less than 100,000 which contain all or a portion of an area~~
27 ~~of critical state concern designated pursuant to chapter 380.~~

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

31

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

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

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

28 (13)~~(15)~~ Each district is encouraged to use volunteers
29 to provide land management and other services. Volunteers
30 shall be covered by liability protection and workers'
31 compensation in the same manner as district employees, unless

1 waived in writing by such volunteers or unless such volunteers
2 otherwise provide equivalent insurance.

3 (14)~~(16)~~ Each water management district is authorized
4 and encouraged to enter into cooperative land management
5 agreements with state agencies or local governments to provide
6 for the coordinated and cost-effective management of lands to
7 which the water management districts, the Board of Trustees of
8 the Internal Improvement Trust Fund, or local governments hold
9 title. Any such cooperative land management agreement must be
10 consistent with any applicable laws governing land use,
11 management duties, and responsibilities and procedures of each
12 cooperating entity. Each cooperating entity is authorized to
13 expend such funds as are made available to it for land
14 management on any such lands included in a cooperative land
15 management agreement.

16 (15)~~(17)~~ Notwithstanding any provision of this section
17 to the contrary and for the 1998-1999 fiscal year only, the
18 governing board of a water management district may request,
19 and the Secretary of Environmental Protection shall release
20 upon such request, moneys allocated to the districts pursuant
21 to subsection (7)~~(8)~~ for the purpose of carrying out the
22 provisions of ss. 373.451-373.4595. No funds may be used
23 pursuant to this subsection until necessary debt service
24 obligations and requirements for payments in lieu of taxes
25 that may be required pursuant to this section are provided
26 for. This subsection is repealed on July 1, 1999.

27 Section 31. Section 375.075, Florida Statutes, is
28 amended to read:

29 375.075 Outdoor recreation; financial assistance to
30 local governments.--

31

1 (1) The Department of Environmental Protection is
2 authorized, pursuant to s. 370.023, to establish the Florida
3 Recreation Development Assistance Program to provide grants to
4 qualified local governmental entities to acquire or develop
5 land for public outdoor recreation purposes. To the extent not
6 needed for debt service on bonds issued pursuant to s.
7 375.051, each fiscal year through fiscal year 2000-2001, the
8 department shall develop and plan a program which shall be
9 based upon funding of not less than 5 percent of the money
10 credited to the Land Acquisition Trust Fund pursuant to s.
11 201.15(2) and (3) in that year.

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

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

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

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

23 (c) No release of funds from the Land Acquisition
24 Trust Fund, or from the Stewardship Florida Trust Fund
25 beginning in fiscal year 2001-2002, for this program may be
26 made for these public recreation projects until the projects
27 have been selected through the competitive selection process
28 provided for in this section.

29 (3) A local government may submit up to two grant
30 applications during each application period announced by the
31 department. However, a local government may not have more

1 than three active projects expending grant funds during any
2 state fiscal year. The maximum project grant for each project
3 application may not exceed \$200,000 in state funds.

4 Section 32. Subsection (13) of section 380.0666,
5 Florida Statutes, is amended to read:

6 380.0666 Powers of land authority.--The land authority
7 shall have all the powers necessary or convenient to carry out
8 and effectuate the purposes and provisions of this act,
9 including the following powers, which are in addition to all
10 other powers granted by other provisions of this act:

11 (13) To identify parcels of land within the area or
12 areas of critical state concern that would be appropriate
13 acquisitions by the state from the Conservation and
14 Recreational Lands Trust Fund and recommend such acquisitions
15 to the advisory council established pursuant to s. 259.035 or
16 its successor.

17 Section 33. Subsection (4) of section 380.22, Florida
18 Statutes, 1998 Supplement, is amended to read:

19 380.22 Lead agency authority and duties.--

20 (4) The department shall establish a county-based
21 process for identifying, and setting priorities for acquiring,
22 coastal properties in coordination with the Land Acquisition
23 and Management Advisory Council, or its successor, and the
24 Coastal Resources Interagency Management Committee so these
25 properties may be acquired as part of the state's land
26 acquisition programs. This process shall include the
27 establishment of criteria for prioritizing coastal
28 acquisitions which, in addition to recognizing pristine
29 coastal properties and coastal properties of significant or
30 important environmental sensitivity, recognize hazard

31

1 mitigation, beach access, beach management, urban recreation,
2 and other policies necessary for effective coastal management.

3 Section 34. Section 380.503, Florida Statutes, is
4 amended to read:

5 380.503 Definitions.--As used in ss. 380.501-380.515,
6 unless the context indicates a different meaning or intent:

7 (1)~~(4)~~ "Comprehensive plan" means a plan that meets
8 the requirements of ss. 163.3177, 163.3178, and 163.3191.

9 (2)~~(13)~~ "Department" means the Department of Community
10 Affairs.

11 (3)~~(2)~~ "Local government" means a county or
12 municipality.

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

16 (5)~~(3)~~ "Nonprofit organization" means any private
17 nonprofit organization, existing under the provisions of s.
18 501(c)(3) of the United States Internal Revenue Code, which
19 has among its principal goals the conservation of natural
20 resources or protection of the environment.

21 (6)~~(14)~~ "Program" means a plan that is established or
22 will be established by a local government to create innovative
23 approaches that will assist in the implementation of the
24 conservation, recreation and open space, or coastal management
25 elements of the local comprehensive plan, such as a transfer
26 of development rights program or an environmental or
27 recreational land acquisition program.

28 (7)~~(5)~~ "Project" means any work on, improvement to, or
29 acquisition of real property, buildings, or any other
30 property.

31

1 ~~(8)~~~~(10)~~ "Public access project" means action taken
2 pursuant to this part to create or improve public accessways
3 to surface waters.

4 ~~(9)~~~~(6)~~ "Real property" means any interest in land and
5 may also include any appurtenances and improvements to the
6 land.

7 ~~(10)~~~~(8)~~ "Redevelopment project" means action taken
8 pursuant to this part to correct undesirable development
9 patterns.

10 ~~(11)~~~~(9)~~ "Resource enhancement project" means action
11 taken pursuant to this part to restore, as nearly as possible,
12 degraded natural areas to their original condition or to
13 enhance the resource values of a natural area.

14 (12) "Site reservation" means temporarily acquiring
15 and holding areas identified for public use, then transferring
16 the land to an appropriate state agency, local government, or
17 nonprofit organization for management for public use.

18 ~~(13)~~~~(7)~~ "Surface waters" means publicly owned waters
19 upon the surface of the earth, whether contained in bounds
20 created naturally or artificially or diffused.

21 ~~(14)~~~~(1)~~ "Trust" means the Florida Communities Trust
22 created pursuant to this part.

23 (15) "Urban area" means an area of or for development
24 characterized by social, economic, and institutional
25 activities that are predominantly based on the manufacture,
26 production, distribution, or provision of goods and services,
27 in a setting that typically includes residential and
28 nonresidential development uses other than those
29 characteristic of rural areas.

30 ~~(16)~~~~(15)~~ "Urban greenways and open space project"
31 means action taken pursuant to this part to acquire lands or

1 interest in lands to create a linear open space protected and
2 managed as part of linked conservation lands or recreational
3 opportunities in an urban area, or to preserve open space or
4 historic sites to enhance recreational and cultural
5 opportunities in an urban area.

6 (17)~~(11)~~ "Urban waterfront restoration project" means
7 action taken pursuant to this part to restore deteriorated or
8 deteriorating urban waterfronts for public use and enjoyment.

9 Section 35. Subsection (1) of section 380.504, Florida
10 Statutes, is amended to read:

11 380.504 Florida Communities Trust; creation;
12 membership; expenses.--

13 (1) There is created within the Department of
14 Community Affairs a nonregulatory state agency and
15 instrumentality, which shall be a public body corporate and
16 politic, known as the "Florida Communities Trust." The
17 governing body of the trust shall consist of:

18 (a) The Secretary of Community Affairs and the
19 Secretary of Environmental Protection; and

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

22
23 The Governor shall appoint a former elected official of a
24 county local government, a former elected official of a
25 metropolitan municipal government, a representative of a
26 nonprofit organization as defined in this part, and a
27 representative of the development industry. The Secretary of
28 Community Affairs may designate his or her assistant secretary
29 or the director of the Division of Community Resource Planning
30 ~~and Management~~ to serve in his or her absence. The Secretary
31 of Environmental Protection may appoint his or her deputy

1 ~~secretary assistant executive director, the deputy assistant~~
2 ~~director for Land Resources,~~ the director of the Division of
3 State Lands, or the director of the Division of Recreation and
4 Parks to serve in his or her absence. The Secretary of
5 Community Affairs shall be the chair of the governing body of
6 the trust. The Governor shall make his or her appointments
7 upon the expiration of any current terms or within 60 days
8 after the effective date of the resignation of any member.

9 Section 36. Section 380.505, Florida Statutes, is
10 amended to read:

11 380.505 Meetings; quorum; voting.--The powers of the
12 trust shall be vested in its governing body members. The
13 governing body may delegate such powers to department staff as
14 it deems necessary. Four ~~Three~~ members of the governing body
15 shall constitute a quorum for the purpose of conducting its
16 business and exercising its powers and for all other purposes.
17 However, the governing body may take action only upon an
18 affirmative vote of at least four ~~three~~ members. The
19 governing body shall meet at least quarterly, and may meet
20 more often at the call of the chair or upon an affirmative
21 vote of three members.

22 Section 37. Subsections (4) and (11) of section
23 380.507, Florida Statutes, are amended to read:

24 380.507 Powers of the trust.--The trust shall have all
25 the powers necessary or convenient to carry out the purposes
26 and provisions of this part, including:

27 (4) To acquire and dispose of real and personal
28 property or any interest therein when necessary or appropriate
29 to protect the natural environment, provide public access or
30 public recreational facilities, preserve wildlife habitat
31 areas, provide access for managing acquired lands, or

1 otherwise carry out the purposes of this part. If the trust
2 acquires land for permanent state ownership, title to such
3 land shall be vested in the Board of Trustees of the Internal
4 Improvement Trust Fund; otherwise, title to property acquired
5 in partnership with a county or municipality shall vest in the
6 name of the local government. Notwithstanding any other
7 provision of law, the trust may enter into an option agreement
8 to purchase lands included in projects approved according to
9 this part, when necessary to reserve lands during the
10 preparation of project plans and during acquisition
11 proceedings. The consideration for an option shall not exceed
12 \$100,000.

13 (11) To make rules necessary to carry out the purposes
14 of this part and to exercise any power granted in this part,
15 pursuant to the provisions of chapter 120. The trust shall
16 adopt rules governing the acquisition of lands by local
17 governments or the trust using proceeds from the Preservation
18 2000 Trust Fund and the Stewardship Florida Trust Fund,
19 consistent with the intent expressed in the Stewardship
20 Florida Act. Such rules must include, but are not limited to,
21 procedures for appraisals and confidentiality consistent with
22 ss. 125.355(1)(a) and (b) and 166.045(1)(a) and (b), a method
23 of determining a maximum purchase price, and procedures to
24 assure that the land is acquired in a voluntarily negotiated
25 transaction, surveyed, conveyed with marketable title, and
26 examined for hazardous materials contamination. Land
27 acquisition procedures of a local land authority created
28 pursuant to s. 380.0663 or s. 380.0677 may ~~shall~~ be used for
29 the land acquisition programs described by ss. s-
30 259.101(3)(c) and 259.105 if within areas of critical state
31

1 concern designated pursuant to s. 380.05, subject to approval
2 of the trust.

3 Section 38. Subsection (7) of section 380.510, Florida
4 Statutes, is amended to read:

5 380.510 Conditions of grants and loans.--

6 (7) Any funds received by the trust from the
7 Preservation 2000 Trust Fund pursuant to s. 259.101(3)(c) and
8 the Stewardship Florida Trust Fund pursuant to s.
9 259.105(3)(c) shall be held separate and apart from any other
10 funds held by the trust and shall be used only to pay the cost
11 of the acquisition of lands by a local government or the state
12 for the purposes of this part. Such funds may not be used to
13 pay for a redevelopment project or an urban waterfront
14 restoration project or for site reservation except to acquire
15 lands to help implement the goals, objectives, and policies of
16 the coastal, the conservation, or recreation and open space
17 elements of the local comprehensive plan. In addition to the
18 other conditions set forth in this section, the disbursement
19 of Preservation 2000 and Stewardship Florida funds from the
20 trust shall be subject to the following conditions:

21 (a) The administration and use of any funds received
22 by the trust from the Preservation 2000 Trust Fund and the
23 Stewardship Florida Trust Fund shall be subject to such terms
24 and conditions imposed thereon by the agency of the state
25 responsible for the ~~revenue~~ bonds, the proceeds of which are
26 deposited in the Preservation 2000 Trust Fund and the
27 Stewardship Florida Trust Fund, including restrictions imposed
28 to ensure that the interest on any such ~~revenue~~ bonds issued
29 by the state as tax-exempt ~~revenue~~ bonds will not be included
30 in the gross income of the holders of such bonds for federal
31 income tax purposes.

1 (b) All deeds or leases with respect to any real
2 property acquired with funds received by the trust from the
3 Preservation 2000 Trust Fund shall contain such covenants and
4 restrictions as are sufficient to ensure that the use of such
5 real property at all times complies with s. 375.051 and s. 9,
6 Art. XII of the State Constitution. All deeds or leases with
7 respect to any real property acquired with funds received by
8 the trust from the Stewardship Florida Trust Fund shall
9 contain such covenants and restrictions as are sufficient to
10 ensure that the use of such real property at all times
11 complies with s. 11(e), Art. VII of the State Constitution.
12 Each deed or lease shall contain a reversion, conveyance, or
13 termination clause that will vest title in the Board of
14 Trustees of the Internal Improvement Trust Fund if any of the
15 covenants or restrictions are violated by the titleholder or
16 leaseholder or by some third party with the knowledge of the
17 titleholder or leaseholder.

18 Section 39. Subsections (5) and (6) of section
19 420.5092, Florida Statutes, are amended to read:

20 420.5092 Florida Affordable Housing Guarantee
21 Program.--

22 (5) Pursuant to s. 16, Art. VII of the State
23 Constitution, the corporation may issue, in accordance with s.
24 420.509, revenue bonds of the corporation to establish the
25 guarantee fund. Such revenue bonds shall be primarily payable
26 from and secured by annual debt service reserves, from
27 interest earned on funds on deposit in the guarantee fund,
28 from fees, charges, and reimbursements established by the
29 corporation for the issuance of affordable housing guarantees,
30 and from any other revenue sources received by the corporation
31 and deposited by the corporation into the guarantee fund for

1 the issuance of affordable housing guarantees. To the extent
2 such primary revenue sources are considered insufficient by
3 the corporation, pursuant to the certification provided in
4 subsection (6), to fully fund the annual debt service reserve,
5 the certified deficiency in such reserve shall be additionally
6 payable from the first proceeds of the documentary stamp tax
7 moneys deposited into the State Housing Trust Fund pursuant to
8 s. 201.15(9)(~~6~~)(a) and(10)(~~7~~)(a) during the ensuing state
9 fiscal year.

10 (6)(a) If the primary revenue sources to be used for
11 repayment of revenue bonds used to establish the guarantee
12 fund are insufficient for such repayment, the annual principal
13 and interest due on each series of revenue bonds shall be
14 payable from funds in the annual debt service reserve. The
15 corporation shall, before June 1 of each year, perform a
16 financial audit to determine whether at the end of the state
17 fiscal year there will be on deposit in the guarantee fund an
18 annual debt service reserve from interest earned pursuant to
19 the investment of the guarantee fund, fees, charges, and
20 reimbursements received from issued affordable housing
21 guarantees and other revenue sources available to the
22 corporation. Based upon the findings in such guarantee fund
23 financial audit, the corporation shall certify to the
24 Comptroller the amount of any projected deficiency in the
25 annual debt service reserve for any series of outstanding
26 bonds as of the end of the state fiscal year and the amount
27 necessary to maintain such annual debt service reserve. Upon
28 receipt of such certification, the Comptroller shall transfer
29 to the annual debt service reserve, from the first available
30 taxes distributed to the State Housing Trust Fund pursuant to
31 s. 201.15(9)(~~6~~)(a) and(10)(~~7~~)(a) during the ensuing state

1 fiscal year, the amount certified as necessary to maintain the
2 annual debt service reserve.

3 (b) If the claims payment obligations under affordable
4 housing guarantees from amounts on deposit in the guarantee
5 fund would cause the claims paying rating assigned to the
6 guarantee fund to be less than the third-highest rating
7 classification of any nationally recognized rating service,
8 which classifications being consistent with s. 215.84(3) and
9 rules adopted thereto by the State Board of Administration,
10 the corporation shall certify to the Comptroller the amount of
11 such claims payment obligations. Upon receipt of such
12 certification, the Comptroller shall transfer to the guarantee
13 fund, from the first available taxes distributed to the State
14 Housing Trust Fund pursuant to s. 201.15(9)~~(6)~~(a) and
15 ~~(10)~~~~(7)~~(a) during the ensuing state fiscal year, the amount
16 certified as necessary to meet such obligations, such transfer
17 to be subordinate to any transfer referenced in paragraph (a)
18 and not to exceed 50 percent of the amounts distributed to the
19 State Housing Trust Fund pursuant to s. 201.15(9)~~(6)~~(a) and
20 ~~(10)~~~~(7)~~(a) during the preceding state fiscal year.

21 Section 40. Section 420.9073, Florida Statutes, 1998
22 Supplement, is amended to read:

23 420.9073 Local housing distributions.--

24 (1) Distributions calculated in this section shall be
25 disbursed on a monthly basis by the agency beginning the first
26 day of the month after program approval pursuant to s.
27 420.9072. Each county's share of the funds to be distributed
28 from the portion of the funds in the Local Government Housing
29 Trust Fund received pursuant to s. 201.15(9)~~(6)~~ shall be
30 calculated by the agency for each fiscal year as follows:
31

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

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

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

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

19 3. For each county in which the result in subparagraph
20 1. is greater than the guaranteed amount as determined in
21 subsection (3), the amount calculated in subparagraph 1. shall
22 be reduced by the guaranteed amount. The result for each such
23 county shall be expressed as a percentage of the amounts so
24 determined for all counties. Each such county shall receive
25 an additional share equal to such percentage multiplied by the
26 total funds received by the Local Government Housing Trust
27 Fund pursuant to s. 201.15(9)~~(6)~~ reduced by the guaranteed
28 amount paid to all counties.

29 (2) Effective July 1, 1995, distributions calculated
30 in this section shall be disbursed on a monthly basis by the
31 agency beginning the first day of the month after program

1 approval pursuant to s. 420.9072. Each county's share of the
2 funds to be distributed from the portion of the funds in the
3 Local Government Housing Trust Fund received pursuant to s.
4 201.15(10)~~(7)~~ shall be calculated by the agency for each
5 fiscal year as follows:

6 (a) Each county shall receive the guaranteed amount
7 for each fiscal year.

8 (b) Each county may receive an additional share
9 calculated as follows:

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

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

15 3. For each county in which the result in subparagraph
16 1. is greater than the guaranteed amount, the amount
17 calculated in subparagraph 1. shall be reduced by the
18 guaranteed amount. The result for each such county shall be
19 expressed as a percentage of the amounts so determined for all
20 counties. Each such county shall receive an additional share
21 equal to this percentage multiplied by the total funds
22 received by the Local Government Housing Trust Fund pursuant
23 to s. 201.15(10)~~(7)~~ as reduced by the guaranteed amount paid
24 to all counties.

25 (3) Calculation of guaranteed amounts:

26 (a) The guaranteed amount under subsection (1) shall
27 be calculated for each state fiscal year by multiplying
28 \$350,000 by a fraction, the numerator of which is the amount
29 of funds distributed to the Local Government Housing Trust
30 Fund pursuant to s. 201.15(9)~~(6)~~ and the denominator of which
31

1 is the total amount of funds distributed to the Local
2 Government Housing Trust Fund pursuant to s. 201.15.

3 (b) The guaranteed amount under subsection (2) shall
4 be calculated for each state fiscal year by multiplying
5 \$350,000 by a fraction, the numerator of which is the amount
6 of funds distributed to the Local Government Housing Trust
7 Fund pursuant to s. 201.15~~(10)~~~~(7)~~ and the denominator of which
8 is the total amount of funds distributed to the Local
9 Government Housing Trust Fund pursuant to s. 201.15.

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

12 Section 41. Section 253.787, Florida Statutes, is
13 repealed.

14 Section 42. Effective July 1, 2000, section 259.035,
15 Florida Statutes, 1998 Supplement, and section 259.07, Florida
16 Statutes, are repealed.

17 Section 43. Stewardship Florida Study Commission.--

18 (1)(a) There is hereby created the Stewardship Florida
19 Study Commission, consisting of 11 members. The Governor shall
20 appoint five members and the President of the Senate and the
21 Speaker of the House of Representatives shall each appoint
22 three members. The membership of the commission shall reflect
23 a broad range of interests and expertise related to land
24 restoration, acquisition, and management and shall include,
25 but not be limited to, persons with training in hydrogeology,
26 wildlife biology, engineering, real estate, and forestry
27 management, and persons with substantial expertise
28 representing environmental interests, agricultural and
29 silvicultural interests, outdoor recreational interests, and
30 land development interests.

31

1 (b) Each member of the commission may receive per diem
2 and travel expenses, as provided in s. 112.061, Florida
3 Statutes, while carrying out the official business of the
4 commission.

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

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

11 (e) Appointments shall be made by August 15, 1999, and
12 the commission's first meeting shall be held by September 15,
13 1999. The commission shall exist until December 31, 2000. The
14 Governor shall designate, from among the appointees, the chair
15 of the commission.

16 (2) The Stewardship Florida Study Commission shall:

17 (a) Provide a report to the Acquisition and
18 Restoration Commission, by September 1, 2000, which meets the
19 following requirements:

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

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

24 3. Provides recommendations for the development and
25 identification of performance measures to be used for
26 analyzing the progress made towards the goals established
27 pursuant to s. 259.105(4), Florida Statutes.

28 4. Provides recommendations for the process by which
29 projects are to be submitted, reviewed, and approved by the
30 Acquisition and Restoration Commission. The study commission
31

1 is specifically to examine ways to streamline the process
2 created by the Stewardship Florida Act.

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

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

7 2. An evaluation of Florida's existing public land
8 acquisition programs for conservation, preservation, and
9 recreational purposes, including those administered by the
10 water management districts, to determine the extent of
11 Florida's unmet needs for restoration, acquisition, and
12 management of public lands and water areas and for acquisition
13 of privately owned lands and water areas.

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

16 (3) There is hereby appropriated the sum of \$125,000
17 from the Conservation and Recreation Lands Trust Fund and the
18 sum of \$125,000 from the Water Management Lands Trust Fund to
19 the Executive Office of the Governor for fiscal year 1999-2000
20 to fund the administrative expenses of the Stewardship Florida
21 Study Commission.

22 Section 44. Except as otherwise provided herein, this
23 act shall take effect July 1, 1999.
24
25
26
27
28
29
30
31