

By the Committees on General Government Appropriations,  
 Water & Resource Management, Environmental Protection and  
 Representatives Dockery, Constantine, Alexander, Putnam,  
 Pruitt, Sembler, Logan, Hart, Eggelletion, Minton, Greenstein,  
 Kyle, Tullis, Murman and Prieguez

1   A bill to be entitled  
 2           An act relating to state land acquisition and  
 3           management; amending s. 201.15, F.S.; revising  
 4           provisions relating to distribution of certain  
 5           documentary stamp tax revenues; providing  
 6           limitations; providing for legislative review;  
 7           providing certain future distributions;  
 8           amending ss. 161.05301 and 161.091, F.S.;  
 9           correcting cross references; creating s.  
 10          215.618, F.S.; providing for the issuance of  
 11          Stewardship Florida bonds; providing  
 12          limitations; providing procedures and  
 13          legislative intent; amending s. 216.331, F.S.;  
 14          correcting a cross reference; amending s.  
 15          253.027, F.S.; providing for the reservation of  
 16          funds; revising the criteria for expenditures  
 17          for archaeological property to include lands on  
 18          the acquisition list for the Stewardship  
 19          Florida program; amending s. 253.03, F.S.;  
 20          providing certain structures entitled to  
 21          continue sovereignty submerged lands leases;  
 22          amending s. 253.034, F.S.; providing for the  
 23          use of state-owned lands; providing for the  
 24          sale of surplus state lands; amending s.  
 25          253.7825, F.S.; revising acreage requirements  
 26          for a horse park-agricultural center; amending  
 27          s. 259.03; F.S.; deleting obsolete definitions;  
 28          providing new definitions; amending s. 259.032,  
 29          F.S.; providing legislative intent; specifying  
 30          certain uses of funds from the Conservation and  
 31          Recreation Lands Trust Fund; revising

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

1 lands identified for acquisition under  
2 Stewardship Florida program; amending s.  
3 260.012, F.S.; clarifying legislative intent  
4 relating to the statewide system of greenways  
5 and trails; amending s. 260.013, F.S.;  
6 clarifying a definition; amending s. 260.014,  
7 F.S.; including waterways in the statewide  
8 system of greenways and trails; creating s.  
9 260.0142, F.S.; creating the Florida Greenways  
10 and Trails Council within the Department of  
11 Environmental Protection; providing for  
12 membership, powers, and duties; amending s.  
13 260.016, F.S.; revising powers of the  
14 Department of Environmental Protection with  
15 respect to greenways and trails; deleting  
16 reference to the Florida Recreational Trails  
17 Council; amending s. 260.018, F.S., to conform  
18 to the act; amending s. 288.1224, F.S.;  
19 providing conforming language; providing  
20 exceptions to the designation process for  
21 certain recreational trails; amending s.  
22 369.252, F.S.; providing for the use of certain  
23 funds from the Aquatic Plant Control Trust  
24 Fund; amending s. 369.307, F.S.; providing  
25 conforming language; amending s. 373.089, F.S.;  
26 providing procedure for the surplusing of water  
27 management district lands; amending s. 373.139,  
28 F.S.; revising authority and requirements for  
29 acquisition and disposition of lands by the  
30 water management districts; requiring a 5-year  
31 plan of acquisition and management activities;

1 providing procedures and requirements for  
2 purchase and funding; requiring an annual  
3 report; providing district rulemaking  
4 authority, subject to legislative review;  
5 creating s. 373.199, F.S.; providing duties of  
6 the water management districts in assisting the  
7 Acquisition and Restoration Commission;  
8 requiring development of recommended project  
9 lists; specifying required information;  
10 amending s. 373.59, F.S.; revising authorized  
11 uses of funds from the Water Management Lands  
12 Trust Fund; providing district rulemaking  
13 authority, subject to legislative review;  
14 revising eligibility criteria for payment in  
15 lieu of taxes; amending s. 375.075, F.S.;  
16 revising funding and procedures for the Florida  
17 Recreation Development Assistance Program;  
18 amending ss. 380.0666 and 380.22, F.S.;  
19 providing conforming language; amending s.  
20 380.503, F.S.; providing definitions; amending  
21 s. 380.504, F.S.; revising the composition of  
22 the Florida Communities Trust; amending s.  
23 380.505, F.S.; revising quorum requirements;  
24 amending s. 380.507, F.S.; providing for  
25 titling of certain acquired property to a local  
26 government; revising rulemaking authority;  
27 amending s. 380.510, F.S.; requiring covenants  
28 and restrictions for certain property,  
29 necessary to comply with constitutional  
30 requirements; amending ss. 420.5092 and  
31 420.9073, F.S.; correcting cross references;

1           repealing s. 253.787, F.S., relating to the  
2           Florida Greenways Coordinating Council;  
3           repealing s. 259.035, F.S., relating to the  
4           Land Acquisition and Management Advisory  
5           Council; repealing s. 259.07, F.S., relating to  
6           public meetings of the council; creating the  
7           Stewardship Florida Study Commission; providing  
8           membership and duties; providing an  
9           appropriation; providing effective dates.

10

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

12

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

15           201.15 Distribution of taxes collected.--All taxes  
16 collected under this chapter shall be distributed as follows  
17 and shall be subject to the service charge imposed in s.  
18 215.20(1), except that such service charge shall not be levied  
19 against any portion of taxes pledged to debt service on bonds  
20 to the extent that the amount of the service charge is  
21 required to pay any amounts relating to the bonds ~~and shall be~~  
22 ~~distributed as follows:~~

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

26           (a) Amounts ~~Subject to the maximum amount limitations~~  
27 ~~set forth in this paragraph, an amount~~ as shall be necessary  
28 to pay the debt service on, or fund debt service reserve  
29 funds, rebate obligations, or other amounts with respect to  
30 Preservation 2000 bonds issued pursuant to s. 375.051 and  
31 Stewardship Florida bonds issued pursuant to s. 215.618, ~~bonds~~

1 ~~issued pursuant to s. 375.051 and payable from moneys~~  
2 ~~transferred to the Land Acquisition Trust Fund pursuant to~~  
3 ~~this paragraph shall be paid into the State Treasury to the~~  
4 ~~credit of the Land Acquisition Trust Fund to be used for such~~  
5 ~~purposes. The amount transferred to the Land Acquisition Trust~~  
6 ~~Fund for such purposes shall not exceed \$90 million in fiscal~~  
7 ~~year 1992-1993, \$120 million in fiscal year 1993-1994, \$150~~  
8 ~~million in fiscal year 1994-1995, \$180 million in fiscal year~~  
9 ~~1995-1996, \$210 million in fiscal year 1996-1997, \$240 million~~  
10 ~~in fiscal year 1997-1998, \$270 million in fiscal year~~  
11 ~~1998-1999, and \$300 million in fiscal year 1999-2000 and~~  
12 ~~thereafter for Preservation 2000 bonds and bonds issued to~~  
13 ~~refund Preservation 2000 bonds, and \$300 million in fiscal~~  
14 ~~year 2000-2001 and thereafter for Stewardship Florida bonds.~~  
15 The annual amount transferred to the Land Acquisition Trust  
16 Fund for Stewardship Florida bonds shall not exceed \$30  
17 million in the first fiscal year in which bonds are issued.  
18 The limitation on the amount transferred shall be increased by  
19 an additional \$30 million in each subsequent fiscal year in  
20 which bonds are authorized to be issued, but shall not exceed  
21 a total of \$300 million in any fiscal year for all bonds  
22 issued. It is the intent of the Legislature that all bonds  
23 issued to fund the Stewardship Florida Act be retired by  
24 December 31, 2030. Except for bonds issued to refund  
25 previously issued bonds, no individual series of bonds may be  
26 issued pursuant to this paragraph unless such bonds are  
27 approved and the first year's debt service for such bonds is  
28 specifically appropriated in the General Appropriations Act.  
29 For purposes of refunding Preservation 2000 bonds, amounts  
30 designated within this section for Preservation 2000 and  
31 Stewardship Florida bonds may be transferred between the two

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

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

28 (b)(c) The remainder of the moneys distributed under  
29 this subsection, after the required payments under paragraph  
30 (a) ~~paragraphs (a) and (b)~~, shall be paid into the State  
31 Treasury to the credit of the General Revenue Fund of the

1 state to be used and expended for the purposes for which the  
2 General Revenue Fund was created and exists by law or to the  
3 Ecosystem Management and Restoration Trust Fund as provided in  
4 subsection (8).

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

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

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

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

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1           (a) Sixty percent of the moneys shall be used to  
2 acquire coastal lands or to pay debt service on bonds issued  
3 to acquire coastal lands; and  
4           (b) Forty percent of the moneys shall be used to  
5 develop and manage lands acquired with moneys from the Land  
6 Acquisition Trust Fund.  
7           (4) Five and eighty-four hundredths percent of the  
8 remaining taxes collected under this chapter shall be paid  
9 into the State Treasury to the credit of the Water Management  
10 Lands Trust Fund. Sums deposited in that fund may be used for  
11 any purpose authorized in s. 373.59.  
12           (5) Five and eighty-four hundredths percent of the  
13 remaining taxes collected under this chapter shall be paid  
14 into the State Treasury to the credit of the Conservation and  
15 Recreation Lands Trust Fund to carry out the purposes set  
16 forth in s. 259.032.  
17           (6) Seven and fifty-three hundredths percent of the  
18 remaining taxes collected under this chapter shall be paid  
19 into the State Treasury to the credit of the State Housing  
20 Trust Fund and shall be used as follows:  
21           (a) Half of that amount shall be used for the purposes  
22 for which the State Housing Trust Fund was created and exists  
23 by law.  
24           (b) Half of that amount shall be paid into the State  
25 Treasury to the credit of the Local Government Housing Trust  
26 Fund and shall be used for the purposes for which the Local  
27 Government Housing Trust Fund was created and exists by law.  
28           (7) Eight and sixty-six hundredths percent of the  
29 remaining taxes collected under this chapter shall be paid  
30 into the State Treasury to the credit of the State Housing  
31 Trust Fund and shall be used as follows:

1           (a) Twelve and one-half percent of that amount shall  
2 be deposited into the State Housing Trust Fund and be expended  
3 by the Department of Community Affairs and by the Florida  
4 Housing Finance Agency for the purposes for which the State  
5 Housing Trust Fund was created and exists by law.

6           (b) Eighty-seven and one-half percent of that amount  
7 shall be distributed to the Local Government Housing Trust  
8 Fund and shall be used for the purposes for which the Local  
9 Government Housing Trust Fund was created and exists by law.  
10 Funds from this category may also be used to provide for state  
11 and local services to assist the homeless.

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

21           (9) The Department of Revenue may use the payments  
22 credited to trust funds pursuant to paragraphs (1)(a)~~(b)~~ and  
23 (2)(b) and subsections (3), (4), (5), (6), and (7) to pay the  
24 costs of the collection and enforcement of the tax levied by  
25 this chapter. The percentage of such costs which may be  
26 assessed against a trust fund is a ratio, the numerator of  
27 which is payments credited to that trust fund under this  
28 section and the denominator of which is the sum of payments  
29 made under paragraphs (1)(a)~~(b)~~ and (2)(b) and subsections  
30 (3), (4), (5), (6), and (7).

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

14           Section 2. Effective July 1, 2001, section 201.15,  
15 Florida Statutes, 1998 Supplement, as amended by this act, is  
16 amended to read:

17           201.15 Distribution of taxes collected.--All taxes  
18 collected under this chapter shall be distributed as follows  
19 and shall be subject to the service charge imposed in s.  
20 215.20(1), except that such service charge shall not be levied  
21 against any portion of taxes pledged to debt service on bonds  
22 to the extent that the amount of the service charge is  
23 required to pay any amounts relating to the bonds:

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

27           (a) Amounts as shall be necessary to pay the debt  
28 service on, or fund debt service reserve funds, rebate  
29 obligations, or other amounts with respect to Preservation  
30 2000 bonds issued pursuant to s. 375.051 and Stewardship  
31 Florida bonds issued pursuant to s. 215.618, shall be paid

1 into the State Treasury to the credit of the Land Acquisition  
2 Trust Fund to be used for such purposes. The amount  
3 transferred to the Land Acquisition Trust Fund for such  
4 purposes shall not exceed \$300 million in fiscal year  
5 1999-2000 and thereafter for Preservation 2000 bonds and bonds  
6 issued to refund Preservation 2000 bonds, and \$300 million in  
7 fiscal year 2000-2001 and thereafter for Stewardship Florida  
8 bonds. The annual amount transferred to the Land Acquisition  
9 Trust Fund for Stewardship Florida bonds shall not exceed \$30  
10 million in the first fiscal year in which bonds are issued.  
11 The limitation on the amount transferred shall be increased by  
12 an additional \$30 million in each subsequent fiscal year in  
13 which bonds are authorized to be issued, but shall not exceed  
14 a total of \$300 million in any fiscal year for all bonds  
15 issued. It is the intent of the Legislature that all bonds  
16 issued to fund the Stewardship Florida Act be retired by  
17 December 31, 2030. Except for bonds issued to refund  
18 previously issued bonds, no series of bonds may be issued  
19 pursuant to this paragraph unless such bonds are approved and  
20 the first year's debt service for such bonds is specifically  
21 appropriated in the General Appropriations Act. For purposes  
22 of refunding Preservation 2000 bonds, amounts designated  
23 within this section for Preservation 2000 and Stewardship  
24 Florida bonds may be transferred between the two programs to  
25 the extent provided for in the documents authorizing the  
26 issuance of the bonds. The Preservation 2000 bonds and  
27 Stewardship Florida bonds shall be equally and ratably secured  
28 by moneys distributable to the Land Acquisition Trust Fund  
29 pursuant to this section, except to the extent specifically  
30 provided otherwise by the documents authorizing the issuance  
31 of the bonds. No moneys transferred to the Land Acquisition

1 Trust Fund pursuant to this paragraph, or earnings thereon,  
2 shall be used or made available to pay debt service on the  
3 Save Our Coast revenue bonds.

4 (b) The remainder of the moneys distributed under this  
5 subsection, after the required payments under paragraph (a),  
6 shall be paid into the State Treasury to the credit of the  
7 General Revenue Fund of the state to be used and expended for  
8 the purposes for which the General Revenue Fund was created  
9 and exists by law or to the Ecosystem Management and  
10 Restoration Trust Fund as provided in subsection (11)~~(8)~~.

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

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

21 Payments made under this paragraph shall continue until the  
22 cumulative amount credited to the General Revenue Fund for the  
23 fiscal year under this paragraph equals the cumulative  
24 payments made under paragraph (1)(b) for the same fiscal year.

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

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

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

19       ~~(9)(6)~~ Seven and fifty-three hundredths percent of the  
20 remaining taxes collected under this chapter shall be paid  
21 into the State Treasury to the credit of the State Housing  
22 Trust Fund and shall be used as follows:

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

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

30       ~~(10)(7)~~ Eight and sixty-six hundredths percent of the  
31 remaining taxes collected under this chapter shall be paid

1 into the State Treasury to the credit of the State Housing  
2 Trust Fund and shall be used as follows:

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

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

14 (11)~~(8)~~ From the moneys specified in paragraphs (1)(b)  
15 and (2)(a) and prior to deposit of any moneys into the General  
16 Revenue Fund, \$10 million shall be paid into the State  
17 Treasury to the credit of the Ecosystem Management and  
18 Restoration Trust Fund in fiscal year 1998-1999, \$20 million  
19 in fiscal year 1999-2000, and \$30 million in fiscal year  
20 2000-2001 and each fiscal year thereafter, to be used for the  
21 preservation and repair of the state's beaches as provided in  
22 ss. 161.091-161.212.

23 (12)~~(9)~~ The Department of Revenue may use the payments  
24 credited to trust funds pursuant to paragraphs (1)(a) and  
25 (2)(b) and subsections (3), (4), (5), (6), ~~and~~ (7), (8), (9),  
26 and (10) to pay the costs of the collection and enforcement of  
27 the tax levied by this chapter. The percentage of such costs  
28 which may be assessed against a trust fund is a ratio, the  
29 numerator of which is payments credited to that trust fund  
30 under this section and the denominator of which is the sum of  
31



1 payments made under paragraphs (1)(a) and (2)(b) and  
2 subsections (3), (4), (5), (6), ~~and (7)~~, (8), (9), and (10).  
3 ~~(13)(10)~~ The distribution of proceeds deposited into  
4 the Water Management Lands Trust Fund and the Conservation and  
5 Recreation Lands Trust Fund, pursuant to subsections (4) and  
6 (5), shall not be used for land acquisition, but may be used  
7 for preacquisition costs associated with land purchases. The  
8 Legislature intends that the Stewardship Florida program  
9 supplant the acquisition programs formerly authorized under  
10 ss. 259.032 and 373.59. Prior to the 2005 Regular Session of  
11 the Legislature, the Acquisition and Restoration Commission  
12 shall review and make recommendations to the Legislature  
13 concerning the need to repeal this provision. Based on these  
14 recommendations, the Legislature shall review the need to  
15 repeal this provision during the 2005 Regular Session.

16 Section 3. Effective July 1, 2001, subsection (1) of  
17 section 161.05301, Florida Statutes, 1998 Supplement, is  
18 amended to read:

19 161.05301 Beach erosion control project staffing;  
20 coastal construction building codes review.--

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

1 local governments to ensure timely permit review, and  
2 improving billing review and disbursement processes.

3 Section 4. Effective July 1, 2001, subsection (3) of  
4 section 161.091, Florida Statutes, 1998 Supplement, is amended  
5 to read:

6 161.091 Beach management; funding; repair and  
7 maintenance strategy.--

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

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

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

27 (1) The issuance of Stewardship Florida bonds, not to  
28 exceed \$3 billion, to finance or refinance the cost of  
29 acquisition and improvement of land, water areas, and related  
30 property interests and resources, in urban and rural settings,  
31 for the purposes of restoration, conservation, recreation,

1 water resource development, or historical preservation, and  
2 for capital improvements to lands and water areas that  
3 accomplish environmental restoration, enhance public access  
4 and recreational enjoyment, promote long-term management  
5 goals, and facilitate water resource development is hereby  
6 authorized, subject to the provisions of s. 259.105 and  
7 pursuant to s. 11(e), Art. VII of the State Constitution.  
8 Stewardship Florida bonds may also be issued to refund  
9 Preservation 2000 bonds issued pursuant to s. 375.051. The  
10 duration of each series of Stewardship Florida bonds issued  
11 may not exceed 20 annual maturities. Preservation 2000 bonds  
12 and Stewardship Florida bonds shall be equally and ratably  
13 secured by moneys distributable to the Land Acquisition Trust  
14 Fund pursuant to s. 201.15(1)(a), except to the extent  
15 specifically provided otherwise by the documents authorizing  
16 the issuance of the bonds.

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

25 (3) Bonds issued pursuant to this section shall be  
26 payable from taxes distributable to the Land Acquisition Trust  
27 Fund pursuant to s. 201.15(1)(a). Bonds issued pursuant to  
28 this section shall not constitute a general obligation of, or  
29 a pledge of the full faith and credit of, the state.

30 (4) The Department of Environmental Protection shall  
31 request the Division of Bond Finance of the State Board of

1 Administration to issue the Stewardship Florida bonds  
2 authorized by this section. The Division of Bond Finance shall  
3 issue such bonds pursuant to the State Bond Act.

4 (5) The proceeds from the sale of bonds issued  
5 pursuant to this section, less the costs of issuance, the  
6 costs of funding reserve accounts, and other costs with  
7 respect to the bonds, shall be deposited into the Stewardship  
8 Florida Trust Fund. The bond proceeds deposited into the  
9 Stewardship Florida Trust Fund shall be distributed by the  
10 Department of Environmental Protection as provided in s.  
11 259.105.

12 (6) Pursuant to authority granted by s. 11(e), Art.  
13 VII of the State Constitution, there is hereby continued and  
14 recreated the Land Acquisition Trust Fund which shall be a  
15 continuation of the Land Acquisition Trust Fund which exists  
16 for purposes of s. 9(a)(1), Art. XII of the State  
17 Constitution. The Land Acquisition Trust Fund shall continue  
18 beyond the termination of bonding authority provided for in s.  
19 9(a)(1), Art. XII of the State Constitution, pursuant to the  
20 authority provided by s. 11(e), Art. VII of the State  
21 Constitution and shall continue for so long as Preservation  
22 2000 bonds or Stewardship Florida bonds are outstanding and  
23 secured by taxes distributable thereto.

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

30 (8) The initial series of Stewardship Florida bonds  
31 shall be validated in addition to any other bonds required to

1 be validated pursuant to s. 215.82. Any complaint for  
2 validation of bonds issued pursuant to this section shall be  
3 filed only in the circuit court of the county where the seat  
4 of state government is situated, the notice required to be  
5 published by s. 75.06 shall be published only in the county  
6 where the complaint is filed, and the complaint and order of  
7 the circuit court shall be served only on the state attorney  
8 of the circuit in which the action is pending.

9           Section 6. Section 216.331, Florida Statutes, is  
10 amended to read:

11           216.331 Disbursement of state moneys.--Except as  
12 provided in s. 17.076, s. 253.025(14), s. 259.041(18)~~(17)~~, s.  
13 717.124(5), s. 732.107(6), or s. 733.816(5), all moneys in the  
14 State Treasury shall be disbursed by state warrant, drawn by  
15 the Comptroller upon the State Treasury and payable to the  
16 ultimate beneficiary. This authorization shall include  
17 electronic disbursement.

18           Section 7. Subsection (4) and paragraph (a) of  
19 subsection (5) of section 253.027, Florida Statutes, are  
20 amended to read:

21           253.027 Emergency archaeological property  
22 acquisition.--

23           (4) EMERGENCY ARCHAEOLOGICAL ACQUISITION.--The sum of  
24 \$2 million shall be reserved annually ~~segregated in an account~~  
25 within the Stewardship Florida Conservation and Recreation  
26 ~~Lands~~ Trust Fund for the purpose of emergency archaeological  
27 acquisition ~~for fiscal year 1988-1989, and each year~~  
28 ~~thereafter~~. Any portion of that amount ~~the account~~ not spent  
29 or obligated by the end of the third quarter of the fiscal  
30 year may be used for approved acquisitions pursuant to s.  
31 259.105(3)(b) ~~spent for other purposes specified in s.~~

1 ~~259.032, upon approval of the Board of Trustees of the~~  
2 ~~Internal Improvement Trust Fund.~~  
3 (5) ACCOUNT EXPENDITURES.--  
4 (a) No moneys shall be spent for the acquisition of  
5 any property, including title works, appraisal fees, and  
6 survey costs, unless:  
7 1. The property is an archaeological property of major  
8 statewide significance.  
9 2. The structures, artifacts, or relics, or their  
10 historic significance, will be irretrievably lost if the state  
11 cannot acquire the property.  
12 3. The site is presently on an acquisition list for  
13 ~~the~~ Conservation and Recreation Lands or for Stewardship  
14 Florida lands,~~acquisition list~~ or complies with the criteria  
15 for inclusion on any such ~~the~~ list but has yet to be included  
16 on the list.  
17 4. No other source of immediate funding is available  
18 to purchase or otherwise protect the property.  
19 5. The site is not otherwise protected by local,  
20 state, or federal laws.  
21 6. The acquisition is not inconsistent with the state  
22 comprehensive plan and the state land acquisition program.  
23 Section 8. Paragraph (c) of subsection (7) of section  
24 253.03, Florida Statutes, 1998 Supplement, is amended to read:  
25 253.03 Board of trustees to administer state lands;  
26 lands enumerated.--  
27 (7)  
28 (c) Structures which are listed in or are eligible for  
29 the National Register of Historic Places or the State  
30 Inventory of Historic Places which are over the waters of the  
31 State of Florida and which have a submerged land lease, or

1 have been grandfathered-in to use sovereignty submerged lands  
2 until January 1, 1998, pursuant to chapter 18-21.00405,  
3 Florida Administrative Code, shall have the right to continue  
4 such submerged land leases ~~be allowed to apply for an~~  
5 ~~extension of such lease~~, regardless of the fact that the  
6 present landholder is not an adjacent riparian landowner, so  
7 long as the lessee maintains the structure in a good state of  
8 repair consistent with the guidelines for listing. If the  
9 structure is damaged or destroyed, the lessee shall be allowed  
10 to reconstruct, so long as the reconstruction is consistent  
11 with the integrity of the listed structure. If a structure so  
12 listed falls into disrepair and the lessee is not willing to  
13 repair and maintain it consistent with its listing, the state  
14 may cancel the submerged lease and either repair and maintain  
15 the property or require that the structure be removed from  
16 sovereignty submerged lands.

17 Section 9. Subsections (3), (4), (5), (6), and (8) of  
18 section 253.034, Florida Statutes, 1998 Supplement, are  
19 amended, and subsection (10) is added to said section, to  
20 read:

21 253.034 State-owned lands; uses.--

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

1 s. 259.105(3)(g). When these crossings are needed, the  
2 location and design should consider and mitigate the impact on  
3 humans and environmental resources, and the value of the land  
4 shall be paid based on fair market value.

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

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



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

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

1 recommend to the board whether to approve the plan as  
2 submitted, approve the plan with modifications, or reject the  
3 plan.

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

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

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

30 (b) For any lands purchased by the state on or after  
31 July 1, 1999, a determination shall be made by the board as to

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

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

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

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

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

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

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

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

1 ~~longer needed of no benefit to the public.~~ The board may  
2 require an agency to release its interest in such lands.  
3 ~~lands determined to be of no benefit to the public shall be~~  
4 ~~disposed of pursuant to law. Each fiscal year, up to \$500,000~~  
5 ~~of the proceeds from the disposal of such lands shall be~~  
6 ~~placed in the Internal Improvement Trust Fund to be used to~~  
7 ~~pay the costs of any administration, appraisal, management,~~  
8 ~~conservation, protection, sales, or real estate sales~~  
9 ~~services; any such proceeds in excess of \$500,000 shall be~~  
10 ~~placed in the Conservation and Recreation Lands Trust Fund.~~

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

20 (j) Proceeds from any sale of surplus lands pursuant  
21 to this subsection shall be deposited into the fund from which  
22 such lands were acquired. However, if the fund from which the  
23 lands were originally acquired no longer exists, such proceeds  
24 shall be deposited into an appropriate account for use by the  
25 lead managing agency for land management.

26 (k) Notwithstanding the provisions of this subsection,  
27 no such disposition of land shall be made if such disposition  
28 would have the effect of causing all or any portion of the  
29 interest on any revenue bonds issued to lose the exclusion  
30 from gross income for federal income tax purposes.

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           (10) The following additional uses of lands acquired  
22 pursuant to the Stewardship Florida program and other  
23 state-funded land purchase programs shall be authorized, if  
24 they meet the criteria specified in paragraphs (a)-(e): water  
25 resource development projects, water supply development  
26 projects, stormwater management projects, linear facilities,  
27 and sustainable agriculture and forestry. Such additional  
28 uses are authorized where:

29           (a) Not inconsistent with the management plan for such  
30 lands;

31

1           (b) Compatible with the natural ecosystem and resource  
2 values of such lands;

3           (c) The proposed use is appropriately located on such  
4 lands and where due consideration is given to the use of other  
5 available lands;

6           (d) The using entity reasonably compensates the  
7 titleholder for such use based upon an appropriate measure of  
8 value; and

9           (e) The use provides a significant public benefit.

10  
11 Moneys received from the use of state lands pursuant to this  
12 subsection shall be returned to the lead managing agency in  
13 accordance with the provisions of s. 259.032(11)(d).

14           Section 10. Paragraph (a) of subsection (4) of section  
15 253.7825, Florida Statutes is amended to read:

16           253.7825 Recreational uses.--

17           (4)(a) A horse park-agricultural center may be  
18 constructed by or on behalf of the Florida Department of  
19 Agriculture and Consumer Services on not more than 500 ~~250~~  
20 acres of former canal lands ~~which meet the criteria for~~  
21 ~~surplus lands and which lie outside the greenways boundary.~~

22           Section 11. Section 259.03, Florida Statutes, is  
23 amended to read:

24           259.03 Definitions.--The following terms and phrases  
25 when used in this chapter ~~ss. 259.01-259.06~~ shall have the  
26 meaning ascribed to them in this section, except where the  
27 context clearly indicates a different meaning:

28           (1) "Advisory council" means that council established  
29 pursuant to s. 259.035.

30           ~~(2) "State capital projects for environmentally~~  
31 ~~endangered lands" means a state capital project, as required~~

1 ~~by s. 11(a), Art. VII of the State Constitution, which shall~~  
2 ~~have as its purpose the conservation and protection of~~  
3 ~~environmentally unique and irreplaceable lands as valued~~  
4 ~~ecological resources of this state.~~

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

9 (2)(4) "Board" means the Governor and Cabinet, as the  
10 Board of Trustees of the Internal Improvement Trust Fund.

11 (3) "Capital improvement" means those activities  
12 relating to the acquisition, restoration, public access, and  
13 recreational uses of such lands, water areas, and related  
14 resources deemed necessary to accomplish the purposes of this  
15 chapter. Eligible activities include, but are not limited to:  
16 the initial removal of invasive plants; the construction,  
17 improvement, enlargement or extension of facilities' signs,  
18 firelanes, access roads, and trails; or any other activities  
19 that serve to restore, conserve, protect, or provide public  
20 access, recreational opportunities, or necessary services for  
21 land or water areas. Such activities shall be identified prior  
22 to the acquisition of a parcel or the approval of a project.  
23 The continued expenditures necessary for a capital improvement  
24 approved under this subsection shall not be eligible for  
25 funding provided in this chapter.

26 (4) "Department" means the Department of Environmental  
27 Protection.

28 (5) "Division" means the Division of Bond Finance of  
29 the State Board of Administration.

30 (6) "Water resource development project" means a  
31 project eligible for funding pursuant to s. 259.105 that



1 increases the amount of water available to meet the needs of  
2 natural systems and the citizens of the state by enhancing or  
3 restoring aquifer recharge, facilitating the capture and  
4 storage of excess flows in surface waters, or promoting reuse.  
5 The implementation of eligible projects under s. 259.105  
6 includes land acquisition, land and water body restoration,  
7 aquifer storage and recovery facilities, surface water  
8 reservoirs, and other capital improvements. The term does not  
9 include construction of treatment, transmission, or  
10 distribution facilities.

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

14           259.032 Conservation and Recreation Lands Trust Fund;  
15 purpose.--

16           (1) It is the policy of the state that the citizens of  
17 this state shall be assured public ownership of natural areas  
18 for purposes of maintaining this state's unique natural  
19 resources; protecting air, land, and water quality; promoting  
20 water resource development to meet the needs of natural  
21 systems and citizens of this state; promoting restoration  
22 activities on public lands;and providing lands for natural  
23 resource based recreation. In recognition of this policy, it  
24 is the intent of the Legislature to provide such public lands  
25 for the people residing in urban and metropolitan areas of the  
26 state,as well as those residing in less populated, rural  
27 areas.It is the further intent of the Legislature, with  
28 regard to the lands described in paragraph (3)(c), that a high  
29 priority be given to the acquisition of such lands in or near  
30 counties exhibiting the greatest concentration of population  
31 and, with regard to the lands described in subsection (3),

1 that a high priority be given to acquiring lands or rights or  
2 interests in lands within any area designated as an area of  
3 critical state concern under s. 380.05 which, in the judgment  
4 of the advisory council established pursuant to s. 259.035, or  
5 its successor, cannot be adequately protected by application  
6 of land development regulations adopted pursuant to s. 380.05.  
7 Finally, it is the Legislature's intent that lands acquired  
8 through this program and any successor programs be managed in  
9 such a way as to protect or restore their natural resource  
10 values, and provide the greatest benefit, including public  
11 access, to the citizens of this state.

12 (2)(a) The Conservation and Recreation Lands Trust  
13 Fund is established within the Department of Environmental  
14 Protection. The fund shall be used as a nonlapsing, revolving  
15 fund exclusively for the purposes of this section. The fund  
16 shall be credited with proceeds from the following excise  
17 taxes:

18 1. The excise taxes on documents as provided in s.  
19 201.15; and

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

22  
23 The Department of Revenue shall credit to the fund each month  
24 the proceeds from such taxes as provided in this paragraph.

25 (b) There shall annually be transferred from the  
26 Conservation and Recreation Lands Trust Fund to the Land  
27 Acquisition Trust Fund that amount, not to exceed \$20 million  
28 annually, as shall be necessary to pay the debt service on, or  
29 fund debt service reserve funds, rebate obligations, or other  
30 amounts with respect to bonds issued pursuant to s. 375.051 to  
31 acquire lands on the established priority list developed

1 ~~pursuant to this section as determined by the advisory council~~  
2 ~~pursuant to s. 259.035;~~ however, no moneys transferred to the  
3 Land Acquisition Trust Fund pursuant to this paragraph, or  
4 earnings thereon, shall be used or made available to pay debt  
5 service on the Save Our Coast revenue bonds. Amounts  
6 transferred annually from the Conservation and Recreation  
7 Lands Trust Fund to the Land Acquisition Trust Fund pursuant  
8 to this paragraph shall have the highest priority over other  
9 payments or transfers from the Conservation and Recreation  
10 Lands Trust Fund, and no other payments or transfers shall be  
11 made from the Conservation and Recreation Lands Trust Fund  
12 until such transfers to the Land Acquisition Trust Fund have  
13 been made. Effective July 1, 2001, moneys in the Conservation  
14 and Recreation Lands Trust Fund also shall be used to manage  
15 lands and to pay related costs, activities, and functions  
16 pursuant to the provisions of this section.

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

21 (a) To conserve and protect environmentally unique and  
22 irreplaceable lands that contain native, relatively unaltered  
23 flora and fauna representing a natural area unique to, or  
24 scarce within, a region of this state or a larger geographic  
25 area;

26 (b) To conserve and protect lands within designated  
27 areas of critical state concern, if the proposed acquisition  
28 relates to the natural resource protection purposes of the  
29 designation;

30 (c) To conserve and protect native species habitat or  
31 endangered or threatened species, emphasizing long-term

1 protection for endangered or threatened species designated G-1  
2 or G-2 by the Florida Natural Areas Inventory, and especially  
3 those areas that are special locations for breeding and  
4 reproduction;

5 (d) To conserve, protect, manage, or restore important  
6 ecosystems, landscapes, and forests, if the protection and  
7 conservation of such lands is necessary to enhance or protect  
8 significant surface water, groundwater, coastal, recreational,  
9 timber, or fish or wildlife resources which cannot otherwise  
10 be accomplished through local and state regulatory programs;

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

13 (f) To facilitate the restoration and subsequent  
14 health and vitality of the Florida Everglades;

15 (g)~~(e)~~ To provide areas, including recreational  
16 trails, for natural resource based recreation and other  
17 outdoor recreation on any part of any site compatible with  
18 conservation purposes;

19 (h)~~(f)~~ To preserve significant archaeological or  
20 historic sites; or

21 (i)~~(g)~~ To conserve urban open spaces suitable for  
22 greenways or outdoor recreation which are compatible with  
23 conservation purposes.

24 (7) The board of trustees may enter into any contract  
25 necessary to accomplish the purposes of this section. The lead  
26 land managing agencies designated by the board of trustees  
27 also are directed by the Legislature to enter into contracts  
28 or interagency agreements with other governmental entities,  
29 including local soil and water conservation districts, or  
30 private land managers who have the expertise to perform  
31 specific management activities which a lead agency lacks, or

1 which would cost more to provide in-house. Such activities  
2 shall include, but not be limited to, controlled burning, road  
3 and ditch maintenance, mowing, and wildlife assessments.

4 (8) Lands to be considered for purchase under this  
5 section are subject to the selection procedures of s. 259.035  
6 and related rules and shall be acquired in accordance with  
7 acquisition procedures for state lands provided for in s.  
8 259.041, except as otherwise provided by the Legislature. An  
9 inholding or an addition to a project selected for purchase  
10 pursuant to this chapter ~~or s. 259.035~~ is not subject to the  
11 selection procedures of s. 259.035 if the estimated value of  
12 such inholding or addition does not exceed \$500,000. When at  
13 least 90 percent of the acreage of a project has been  
14 purchased pursuant to this chapter ~~or s. 259.035~~, the project  
15 may be removed from the list and the remaining acreage may  
16 continue to be purchased. Moneys from the fund may be used for  
17 title work, appraisal fees, environmental audits, and survey  
18 costs related to acquisition expenses for lands to be  
19 acquired, donated, or exchanged which qualify under the  
20 categories of this section, at the discretion of the board.  
21 When the Legislature has authorized the Department of  
22 Environmental Protection to condemn a specific parcel of land  
23 and such parcel has already been approved for acquisition  
24 under this section, the land may be acquired in accordance  
25 with the provisions of chapter 73 or chapter 74, and the fund  
26 may be used to pay the condemnation award and all costs,  
27 including a reasonable attorney's fee, associated with  
28 condemnation.

29 (9)~~(a)~~ All lands managed under this chapter and s.  
30 253.034 ~~section~~ shall be:  
31

1            (a)1- Managed in a manner that will provide the  
2 greatest combination of benefits to the public and to the  
3 resources.  
4            (b)2- Managed for public outdoor recreation which is  
5 compatible with the conservation and protection of public  
6 lands. Such management may include, but not be limited to, the  
7 following public recreational uses: fishing, hunting,  
8 camping, bicycling, hiking, nature study, swimming, boating,  
9 canoeing, horseback riding, diving, model hobbyist activities,  
10 birding, sailing, jogging, and other related outdoor  
11 activities compatible with the purposes for which the lands  
12 were acquired.  
13            (c)3- Managed for the purposes for which the lands  
14 were acquired, consistent with paragraph (11)(a).  
15  
16 ~~Management may include the following public uses: fishing,~~  
17 ~~hunting, camping, bicycling, hiking, nature study, swimming,~~  
18 ~~boating, canoeing, horseback riding, diving, birding, sailing,~~  
19 ~~jogging, and other related outdoor activities.~~  
20            (d)(b)1- Concurrent with its adoption of the annual  
21 Conservation and Recreation ~~Recreational~~ Lands list of  
22 acquisition projects pursuant to s. 259.035, the board of  
23 trustees shall adopt a management prospectus for each project.  
24 The management prospectus shall delineate:  
25            1. The management goals for the property;  
26            2. The conditions that will affect the intensity of  
27 management;  
28            3. An estimate of the revenue-generating potential of  
29 the property, if appropriate;  
30  
31

1           4. A timetable for implementing the various stages of  
2 management and for providing access to the public, if  
3 applicable;

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

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

8           7. The anticipated costs of management and projected  
9 sources of revenue, including legislative appropriations, to  
10 fund management needs; and

11           8. Recommendations as to how many employees will be  
12 needed to manage the property, and recommendations as to  
13 whether local governments, volunteer groups, the former  
14 landowner, or other interested parties can be involved in the  
15 management.

16           ~~(e)2.~~ Concurrent with the approval of the acquisition  
17 contract pursuant to s. 259.041(3)(c) for any interest in  
18 lands, the board of trustees shall designate an agency or  
19 agencies to manage such lands and shall evaluate and amend, as  
20 appropriate, the management policy statement for the project  
21 as provided by s. 259.035, consistent with the purposes for  
22 which the lands are acquired. For any fee simple acquisition  
23 of a parcel which is or will be leased back for agricultural  
24 purposes, or any acquisition of a less-than-fee interest in  
25 land that is or will be used for agricultural purposes, the  
26 Board of Trustees of the Internal Improvement Trust Fund shall  
27 first consider having a soil and water conservation district,  
28 created pursuant to chapter 582, manage and monitor such  
29 interests.

30           ~~(f)3.~~ State agencies designated to manage lands  
31 acquired under this chapter may contract with local

1 governments and soil and water conservation districts to  
2 assist in management activities, including the responsibility  
3 of being the lead land manager. Such land management  
4 contracts may include a provision for the transfer of  
5 management funding to the local government or soil and water  
6 conservation district from the Conservation and Recreation  
7 Lands Trust Fund in an amount adequate for the local  
8 government or soil and water conservation district to perform  
9 its contractual land management responsibilities and  
10 proportionate to its responsibilities, and which otherwise  
11 would have been expended by the state agency to manage the  
12 property.

13 (g)~~4~~. Immediately following the acquisition of any  
14 interest in lands under this chapter, the Department of  
15 Environmental Protection, acting on behalf of the board of  
16 trustees, may issue to the lead managing entity an interim  
17 assignment letter to be effective until the execution of a  
18 formal lease.

19 (10)(a) State, regional, or local governmental  
20 agencies or private entities designated to manage lands under  
21 this section shall develop and adopt, with the approval of the  
22 board of trustees, an individual management plan for each  
23 project designed to conserve and protect such lands and their  
24 associated natural resources. Private sector involvement in  
25 management plan development may be used to expedite the  
26 planning process.

27 (b) ~~Beginning fiscal year 1998-1999,~~ Individual  
28 management plans required by s. 253.034~~(5)(4)~~, for parcels  
29 over 160 acres, shall be developed with input from an advisory  
30 group. Members of this advisory group shall include, at a  
31 minimum, representatives of the lead land managing agency,



1 comanaging entities, local private property owners, the  
2 appropriate soil and water conservation district, a local  
3 conservation organization, and a local elected official. The  
4 advisory group shall conduct at least one public hearing  
5 within the county in which the parcel or project is located.  
6 For those parcels or projects that are within more than one  
7 county, at least one areawide public hearing shall be  
8 acceptable and the lead managing agency shall invite a local  
9 elected official from each county. The areawide public hearing  
10 shall be held in the county in which the core parcels are  
11 located. Notice of such public hearing shall be posted on the  
12 parcel or project designated for management, advertised in a  
13 paper of general circulation, and announced at a scheduled  
14 meeting of the local governing body before the actual public  
15 hearing. The management prospectus required pursuant to  
16 paragraph (9) ~~(d)(b)~~ shall be available to the public for a  
17 period of 30 days prior to the public hearing.

18 (c) Once a plan is adopted, the managing agency or  
19 entity shall update the plan at least every 5 years in a form  
20 and manner prescribed by rule of the board of trustees. Such  
21 updates, for parcels over 160 acres, shall be developed with  
22 input from an advisory group. Such plans may include transfers  
23 of leasehold interests to appropriate conservation  
24 organizations or governmental entities designated by the Land  
25 Acquisition and Management Advisory Council or its successor,  
26 for uses consistent with the purposes of the organizations and  
27 the protection, preservation, conservation, restoration, and  
28 proper management of the lands and their resources. Volunteer  
29 management assistance is encouraged, including, but not  
30 limited to, assistance by youths participating in programs  
31 sponsored by state or local agencies, by volunteers sponsored

1 by environmental or civic organizations, and by individuals  
2 participating in programs for committed delinquents and  
3 adults.

4 (d) For each project for which lands are acquired  
5 after July 1, 1995, an individual management plan shall be  
6 adopted and in place no later than 1 year after the essential  
7 parcel or parcels identified in the annual Conservation and  
8 Recreation Lands report prepared pursuant to s. 259.035(2)(a)  
9 have been acquired. Beginning in fiscal year 1998-1999, the  
10 Department of Environmental Protection shall distribute only  
11 75 percent of the acquisition funds to which a budget entity  
12 or water management district would otherwise be entitled from  
13 the Preservation 2000 Trust Fund to any budget entity or any  
14 water management district that has more than one-third of its  
15 management plans overdue.

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

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

22 2. Key management activities necessary to preserve and  
23 protect natural resources and restore habitat, and for  
24 controlling the spread of nonnative plants and animals, and  
25 for prescribed fire and other appropriate resource management  
26 activities.

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

30  
31

- 1           4. A priority schedule for conducting management  
2 activities, based on the purposes for which the lands were  
3 acquired.
- 4           5. A cost estimate for conducting priority management  
5 activities, to include recommendations for cost-effective  
6 methods of accomplishing those activities.
- 7           6. A cost estimate for conducting other management  
8 activities which would enhance the natural resource value or  
9 public recreation value for which the lands were acquired. The  
10 cost estimate shall include recommendations for cost-effective  
11 methods of accomplishing those activities.
- 12           7. A determination of the public uses and public  
13 access that would be consistent with the purposes for which  
14 the lands were acquired.
- 15           (f)(b) The Division of State Lands shall submit a copy  
16 of each individual management plan for parcels which exceed  
17 160 acres in size to each member of the Land Acquisition and  
18 Management Advisory Council or its successor, which shall:-
- 19           1. ~~The council shall,~~ Within 60 days after receiving a  
20 plan from the division, review each plan for compliance with  
21 the requirements of this subsection and with the requirements  
22 of the rules established by the board pursuant to this  
23 subsection.
- 24           2. ~~The council shall also~~ Consider the propriety of  
25 the recommendations of the managing agency with regard to the  
26 future use or protection of the property.
- 27           3. After its review, ~~the council shall~~ submit the  
28 plan, along with its recommendations and comments, to the  
29 board of trustees, with recommendations as to. ~~The council~~  
30 ~~shall specifically recommend to the board of trustees whether~~  
31

1 to approve the plan as submitted, approve the plan with  
2 modifications, or reject the plan.  
3 (g)~~(e)~~ The board of trustees shall consider the  
4 individual management plan submitted by each state agency and  
5 the recommendations of the Land Acquisition and Management  
6 Advisory Council, or its successor, and the Division of State  
7 Lands and shall approve the plan with or without modification  
8 or reject such plan. The use or possession of any lands owned  
9 by the board of trustees which is not in accordance with an  
10 approved individual management plan is subject to termination  
11 by the board of trustees.

12  
13 By July 1 of each year, each governmental agency, including  
14 the water management districts, and each private entity  
15 designated to manage lands shall report to the Secretary of  
16 Environmental Protection on the progress of funding, staffing,  
17 and resource management of every project for which the agency  
18 or entity is responsible.

19 (11)(a) The Legislature recognizes that acquiring  
20 lands pursuant to this chapter serves the public interest by  
21 protecting land, air, and water resources which contribute to  
22 the public health and welfare, providing areas for natural  
23 resource based recreation, and ensuring the survival of unique  
24 and irreplaceable plant and animal species. The Legislature  
25 intends for these lands to be managed and maintained for the  
26 purposes for which they were acquired and for the public to  
27 have access to and use of these lands where it is consistent  
28 with acquisition purposes and would not harm the resources the  
29 state is seeking to protect on the public's behalf.

30 (b) An amount up to 1.5 percent of the cumulative  
31 total of funds ever deposited into the Florida Preservation

1 2000 Trust Fund and the Stewardship Florida Trust Fund shall  
2 be made available for the purposes of management, maintenance,  
3 and capital improvements not eligible for funding pursuant to  
4 s. 11(e), Art. VII of the State Constitution, and for  
5 associated contractual services, for lands acquired pursuant  
6 to this section, ~~and~~ s. 259.101, s. 259.105, or previous  
7 programs for the acquisition of lands for conservation and  
8 recreation, including state forests, to which title is vested  
9 in the board of trustees. Each agency with management  
10 responsibilities shall annually request from the Legislature  
11 funds sufficient to fulfill such responsibilities. For the  
12 purposes of this subsection, capital improvements shall  
13 include, but need not be limited to, perimeter fencing, signs,  
14 firelanes, access roads and trails, and minimal public  
15 accommodations, such as primitive campsites, garbage  
16 receptacles, and toilets. Any equipment purchased with funds  
17 provided pursuant to this paragraph may be used for the  
18 purposes described in this paragraph on any conservation and  
19 recreation lands managed by a state agency.

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

25 1. Lands which are low-need tracts, requiring basic  
26 resource management and protection, such as state reserves,  
27 state preserves, state forests, and wildlife management areas.  
28 These lands generally are open to the public but have no more  
29 than minimum facilities development.

30 2. Lands which are moderate-need tracts, requiring  
31 more than basic resource management and protection, such as

1 state parks and state recreation areas. These lands generally  
2 have extra restoration or protection needs, higher  
3 concentrations of public use, or more highly developed  
4 facilities.

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

12  
13 In evaluating the management funding needs of lands based on  
14 the above categories, the lead land managing agencies shall  
15 include in their considerations the impacts of, and needs  
16 created or addressed by, multiple-use management strategies.

17 (d) All revenues generated through multiple-use  
18 management or compatible secondary-use management shall be  
19 returned to the lead agency responsible for such management  
20 and shall be used to pay for management activities on all  
21 conservation, preservation, and recreation lands under the  
22 agency's jurisdiction. In addition, such revenues shall be  
23 segregated in an agency trust fund and shall remain available  
24 to the agency in subsequent fiscal years to support land  
25 management appropriations. For the purposes of this paragraph,  
26 compatible secondary-use management shall be those activities  
27 described in subsection (9) undertaken on parcels designated  
28 as single use pursuant to s. 253.034(2)(b).

29 (e) Up to one-fifth of the funds provided for in  
30 paragraph (b) shall be reserved by the board of trustees for  
31 interim management of acquisitions and for associated

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

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

22 (12)(a) Beginning July 1, 1999 ~~in fiscal year~~  
23 ~~1994-1995~~, not more than 3.75 percent of the Conservation and  
24 Recreation Lands Trust Fund shall be made available annually  
25 to the department for payment in lieu of taxes to qualifying  
26 counties, ~~cities~~, and local governments as defined in  
27 paragraph (b) for all actual tax losses incurred as a result  
28 of board of trustees acquisitions for state agencies under the  
29 Stewardship Florida program or the Florida Preservation 2000  
30 program during any year. Reserved funds not used for payments  
31 in lieu of taxes in any year shall revert to the fund to be

1 used for land acquisition in accordance with the provisions of  
2 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.~~To counties which levy an ad valorem tax of at least~~  
7 ~~8.25 mills or the amount of the tax loss from all completed~~  
8 ~~Preservation 2000 acquisitions in the county exceeds 0.01~~  
9 ~~percent of the county's total taxable value, and have a~~  
10 ~~population of 75,000 or less.~~

11 2. To all local governments located in eligible  
12 counties.~~To counties with a population of less than 100,000~~  
13 ~~which contain all or a portion of an area of critical state~~  
14 ~~concern designated pursuant to chapter 380 and to local~~  
15 ~~governments within such counties.~~

16 3. To Glades county, where a privately owned and  
17 operated prison leased to the state has recently been opened  
18 and where privately owned and operated juvenile justice  
19 facilities leased to the state have recently been constructed  
20 and opened, a payment in lieu of taxes, in an amount that  
21 offsets the loss of property tax revenue, which funds have  
22 already been appropriated and allocated for the purpose of  
23 reimbursing amounts equal to ad valorem taxes.

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

30  
31



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

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

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

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

1 or local government shall receive 10 consecutive annual  
2 payments, and no further eligibility determination shall be  
3 made during that period. ~~Payment in lieu of taxes shall be~~  
4 ~~limited to a total of 10 consecutive years of annual payments,~~  
5 ~~beginning the year a local government becomes eligible.~~

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

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

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

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

1 board of trustees shall delete the property from the list or  
2 from the boundary of an acquisition project on the list.

3 Section 13. Section 259.034, Florida Statutes, is  
4 created to read:

5 259.034 Acquisition and Restoration Commission.--

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

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

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

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

27 2. The Secretary of Environmental Protection or a  
28 designee.

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

31

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

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

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

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

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

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

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

31

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

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

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

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

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

30           (9) For the purposes of expending any remaining funds  
31 deposited into the Florida Preservation 2000 Trust Fund and

1 distributed pursuant to the provisions of s. 259.101(3)(a),  
2 the commission shall only use such funds to acquire lands  
3 identified in the annual Conservation and Recreation Lands  
4 list approved by the board of trustees in the year 2000.

5 Section 14. Paragraph (a) of subsection (2) of section  
6 259.035, Florida Statutes, 1998 Supplement, is amended to  
7 read:

8 259.035 Advisory council; powers and duties.--

9 (2)(a) The council shall, by the time of the first  
10 board meeting in February of each year, establish or update a  
11 list of acquisition projects selected for purchase pursuant to  
12 this chapter. In scoring potential projects for inclusion on  
13 the acquisition list, the council shall give greater  
14 consideration to projects that can serve as corridors between  
15 lands already in public ownership or under management for  
16 conservation and recreational purposes. Acquisition projects  
17 shall be ranked, in order of priority, individually as a  
18 single group or individually within up to 10 separate groups.  
19 The council shall submit to the board of trustees, together  
20 with its list of acquisition projects, a Conservation and  
21 Recreation Lands report. For each project on an acquisition  
22 list, the council shall include in its report the stated  
23 purpose for acquiring the project, an identification of the  
24 essential parcel or parcels within the project without which  
25 the project cannot be properly managed, an identification of  
26 those projects or parcels within projects which should be  
27 acquired in fee simple or in other than fee simple, an  
28 explanation of the reasons why the council selected a  
29 particular acquisition technique, a management policy  
30 statement for the project, a management prospectus pursuant to  
31 s. 259.032(9)(d)~~(b)~~, an estimate of land value based on county

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

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

19 259.036 Management review teams.--

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

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

31 259.04 Board; powers and duties.--

1           (1) For ~~state capital~~ projects and acquisitions  
2 selected for purchase pursuant to ss. 259.034, 259.035,~~and~~  
3 259.101, and 259.105:  
4           (a) The board is given the responsibility, authority,  
5 and power to develop and execute a comprehensive, statewide  
6 5-year plan to conserve, restore, and protect environmentally  
7 endangered lands, ecosystems, lands necessary for outdoor  
8 recreational needs,and other lands as identified in ss.  
9 259.032,~~and~~ 259.101, and 259.105. This plan shall be kept  
10 current through continual reevaluation and revision. The  
11 advisory council or its successor shall assist the board in  
12 the development, reevaluation, and revision of the plan.  
13           (b) The board may enter into contracts with the  
14 government of the United States or any agency or  
15 instrumentality thereof; the state or any county,  
16 municipality, district authority, or political subdivision; or  
17 any private corporation, partnership, association, or person  
18 providing for or relating to the conservation or protection of  
19 certain lands in accomplishing the purposes of this chapter  
20 ~~ss. 259.01-259.06.~~  
21           (c) Within 45 days after the advisory council or its  
22 successor submits the lists of ~~either list of acquisition~~  
23 projects to the board, the board shall approve, in whole or in  
24 part, the lists of ~~list of acquisition~~ projects in the order  
25 of priority in which such projects are presented. To the  
26 greatest extent practicable, projects on the lists ~~list~~ shall  
27 be acquired in their approved order of priority.  
28           (d) The board is authorized to acquire, by purchase,  
29 gift, or devise or otherwise, the fee title or any lesser  
30 interest of lands, water areas, and related resources  
31



1 ~~sufficient to meet the purposes specified in s. 259.03(2) for~~  
2 environmentally endangered lands.

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

6 Section 17. Subsections (1) and (3), paragraph (e) of  
7 subsection (7), and present subsection (14) of section  
8 259.041, Florida Statutes, 1998 Supplement, are amended,  
9 subsections (11) through (18) are renumbered as subsections  
10 (12) through (19), respectively, and a new subsection (11) is  
11 added to said section, to read:

12 259.041 Acquisition of state-owned lands for  
13 preservation, conservation, and recreation purposes.--

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

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

15           (a) The purchase price agreed to by the seller exceeds  
16 the value as established pursuant to the rules of the board of  
17 trustees;

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

20           (c) The acquisition is the initial purchase in a  
21 project; or

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

27  
28 Where approval of the board of trustees is required pursuant  
29 to this subsection, the acquiring agency must provide a  
30 justification as to why it is in the public's interest to  
31 acquire the parcel or project. Approval of the board of

1 trustees also is required for projects the department  
2 recommends acquiring pursuant to subsections ~~(14)~~ ~~(13)~~ and  
3 ~~(15)~~ ~~(14)~~. Review and approval of agreements for acquisitions  
4 for Florida Greenways and Trails Program properties pursuant  
5 to chapter 260 may be waived by the department in any contract  
6 with nonprofit corporations that have agreed to assist the  
7 department with this program.

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

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

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

22  
23 Notwithstanding the provisions of this subsection, on behalf  
24 of the board and before the appraisal of parcels approved for  
25 purchase under this chapter, the Secretary of Environmental  
26 Protection or the director of the Division of State Lands may  
27 enter into option contracts to buy such parcels. Any such  
28 option contract shall state that the final purchase price is  
29 subject to approval by the board or, when applicable, the  
30 secretary and that the final purchase price may not exceed the  
31 maximum offer allowed by law. The consideration for such an

1 option may not exceed \$1,000 or 0.01 percent of the estimate  
2 by the department of the value of the parcel, whichever amount  
3 is greater.

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

20 1. Allow more lands to be brought under public  
21 protection for preservation, conservation, and recreational  
22 purposes with less expenditure of public funds.

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

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

28  
29 Therefore, it is the intent of the Legislature that public  
30 land acquisition agencies develop programs to pursue  
31 alternatives to fee simple acquisition and to educate private

1 landowners about such alternatives and the benefits of such  
2 alternatives. It is also the intent of the Legislature that a  
3 portion of the shares of Preservation 2000 and Stewardship  
4 Florida bond proceeds be used to purchase eligible properties  
5 using alternatives to fee simple acquisition.  
6 (b) All project applications shall identify, within  
7 their acquisition plans, those projects which require a full  
8 fee simple interest to achieve the public policy goals,  
9 together with the reasons full title is determined to be  
10 necessary. The state agencies and the water management  
11 districts may use alternatives to fee simple acquisition to  
12 bring the remaining projects in their acquisition plans under  
13 public protection. For the purposes of this subsection, the  
14 term "alternatives to fee simple acquisition" includes, but is  
15 not limited to: purchase of development rights; obtaining  
16 conservation easements; obtaining flowage easements; purchase  
17 of timber rights, mineral rights, or hunting rights; purchase  
18 of agricultural interests or silvicultural interests; entering  
19 into land protection agreements as defined in s. 380.0677(5);  
20 fee simple acquisitions with reservations; creating life  
21 estates; or any other acquisition technique which achieves the  
22 public policy goals listed in paragraph (a). It is presumed  
23 that a private landowner retains the full range of uses for  
24 all the rights or interests in the landowner's land which are  
25 not specifically acquired by the public agency. The lands upon  
26 which hunting rights are specifically acquired pursuant to  
27 this paragraph shall be available for hunting in accordance  
28 with the management plan or hunting regulations adopted by the  
29 Florida Fish and Wildlife Conservation Commission, unless the  
30 hunting rights are purchased specifically to protect  
31 activities on adjacent lands.

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

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

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

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

28       (15)~~(14)~~ The board of trustees, by an affirmative vote  
29 of five members, may direct the department to purchase lands  
30 on an immediate basis using up to 15 percent of the funds  
31

1 allocated to the department pursuant to ~~ss.s-~~259.101(3)(a)  
2 and 259.105 for the acquisition of lands that:  
3 (a) Are listed or placed at auction by the Federal  
4 Government as part of the Resolution Trust Corporation sale of  
5 lands from failed savings and loan associations;  
6 (b) Are listed or placed at auction by the Federal  
7 Government as part of the Federal Deposit Insurance  
8 Corporation sale of lands from failed banks; or  
9 (c) Will be developed or otherwise lost to potential  
10 public ownership, or for which federal matching funds will be  
11 lost, by the time the land can be purchased under the program  
12 within which the land is listed for acquisition.

13  
14 For such acquisitions, the board of trustees may waive or  
15 modify all procedures required for land acquisition pursuant  
16 to this chapter and all competitive bid procedures required  
17 pursuant to chapters 255 and 287. Lands acquired pursuant to  
18 this subsection must, at the time of purchase, be on one of  
19 the acquisition lists established pursuant to this chapter, or  
20 be essential for water resource development, protection, or  
21 restoration, or a significant portion of the lands must  
22 contain natural communities or plant or animal species which  
23 are listed by the Florida Natural Areas Inventory as  
24 critically imperiled, imperiled, or rare, or as excellent  
25 quality occurrences of natural communities.

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

29 259.101 Florida Preservation 2000 Act.--

30 (6) DISPOSITION OF LANDS.--

31



1           (a) Any lands acquired pursuant to paragraph (3)(a),  
2 paragraph (3)(c), paragraph (3)(d), paragraph (3)(e),  
3 paragraph (3)(f), or paragraph (3)(g), if title to such lands  
4 is vested in the Board of Trustees of the Internal Improvement  
5 Trust Fund, may be disposed of by the Board of Trustees of the  
6 Internal Improvement Trust Fund in accordance with the  
7 provisions and procedures set forth in s. 253.034(6)~~(5)~~, and  
8 lands acquired pursuant to paragraph (3)(b) may be disposed of  
9 by the owning water management district in accordance with the  
10 procedures and provisions set forth in ss. 373.056 and 373.089  
11 provided such disposition also shall satisfy the requirements  
12 of paragraphs (b) and (c).

13           (b) Before land may be surplused ~~can be determined to~~  
14 ~~be of no further benefit to the public~~ as required by s.  
15 253.034(6)~~(5)~~, or determined to be no longer required for its  
16 purposes under s. 373.056(4), whichever may be applicable,  
17 there shall first be a determination by the Board of Trustees  
18 of the Internal Improvement Trust Fund, or, in the case of  
19 water management district lands, by the owning water  
20 management district, that such land no longer needs to be  
21 preserved in furtherance of the intent of the Florida  
22 Preservation 2000 Act. Any lands eligible to be disposed of  
23 under this procedure also may be used to acquire other lands  
24 through an exchange of lands, provided such lands obtained in  
25 an exchange are described in the same paragraph of subsection  
26 (3) as the lands disposed.

27           (9)

28           (f)1. Pursuant to subsection (3) and beginning in  
29 fiscal year 1999-2000, that portion of the unencumbered  
30 balances of each program described in paragraphs (3)(c), (d),  
31 (e), (f), and (g) which has been on deposit in such program's

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

28         2. The department and the water management districts  
29 may enter into joint acquisition agreements to jointly fund  
30 the purchase of lands using alternatives to fee simple  
31 techniques.

1           Section 19. Section 259.105, Florida Statutes is  
2 created to read:

3           259.105 The Stewardship Florida Act.--

4           (1) This section may be cited as the "Stewardship  
5 Florida Act."

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

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

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

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

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

31

1 public lands, where compatible with the resource values of and  
2 management objectives for the lands, are appropriate.

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

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

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

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

31

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       (22) Lands identified for acquisition under the  
7 Stewardship Florida program may be managed by a private party  
8 in lieu of state purchase or in combination with a state  
9 purchase in accordance with a contractual arrangement between  
10 the acquiring agency and the private party that may include  
11 service contracts, leases, cost-share arrangements, or  
12 resource conservation agreements. Funding for these  
13 contractual arrangements may originate from the documentary  
14 stamp tax revenue deposited into the Conservation and  
15 Recreation Lands Trust Fund and the Water Management District  
16 Lands Trust Fund.

17       Section 20. Subsections (2), (3), and (4) of section  
18 260.012, Florida Statutes, 1998 Supplement, are amended to  
19 read:

20       260.012 Declaration of policy and legislative  
21 intent.--

22       (2) It is the intent of the Legislature that a  
23 statewide system of greenways and trails be established to  
24 provide open space benefiting environmentally sensitive lands  
25 and wildlife and providing people with access to healthful  
26 outdoor activities. It is also the intent of the Legislature  
27 to acquire or designate lands and waterways to facilitate the  
28 establishment of a statewide system of greenways and trails;  
29 to encourage the multiple use of public rights-of-way and use  
30 to the fullest extent existing and future scenic roads,  
31 highways, park roads, parkways, greenways, trails, and

1 national recreational trails; to encourage the development of  
2 greenways and trails by counties, cities, and special  
3 districts and to assist in such development by any means  
4 available; to coordinate greenway and trail plans and  
5 development by local governments with one another and with the  
6 state government and Federal Government; to encourage,  
7 whenever possible, the development of greenways and trails on  
8 federal lands by the Federal Government; and to encourage the  
9 owners of private lands to protect the existing ecological,  
10 historical, and cultural values of their lands, including  
11 those values derived from working landscapes.

12 (3) It is the intent of the Legislature that  
13 designated greenways and trails be located on public lands and  
14 waterways and, subject to the written agreement of the private  
15 landowner, on private lands. Designated greenways and trails  
16 located on public lands or waterways or on private lands may  
17 or may not provide public access, as agreed by the department  
18 or the landowner, respectively.

19 (4) It is the intent of the Legislature that  
20 information produced for the purpose of the identification of  
21 lands and waterways, both public and private, that are  
22 suitable for greenways and trails be used only for the  
23 purposes of:

24 (a) Setting priorities for acquisition, planning, and  
25 management of public lands and waterways for use as greenways  
26 and trails; and

27 (b) Identification of private lands which are eligible  
28 for designation as part of the greenways and trails system and  
29 are thereby eligible for incentives.

30 Section 21. Subsection (3) of section 260.013, Florida  
31 Statutes, 1998 Supplement, is amended to read:

1           260.013 Definitions.--As used in ss. 260.011-260.018,  
2 unless the context otherwise requires:

3           (3) "Designation" means the identification and  
4 inclusion of specific lands and waterways as part of the  
5 statewide system of greenways and trails pursuant to a formal  
6 public process, including the specific written consent of the  
7 landowner. When the department determines that public access  
8 is appropriate for greenways and trails, written authorization  
9 must be granted by the landowner to the department permitting  
10 public access to all or a specified part of the landowner's  
11 property. The department's determination shall be noticed  
12 pursuant to s. 120.525, and the department shall also notify  
13 the landowner by certified mail at least 7 days before any  
14 public meeting regarding the intent to designate.

15           Section 22. Section 260.014, Florida Statutes, 1998  
16 Supplement, is amended to read:

17           260.014 Florida Greenways and Trails System.--The  
18 Florida Greenways and Trails System shall be a statewide  
19 system of greenways and trails which shall consist of  
20 individual greenways and trails and networks of greenways and  
21 trails which may be designated as a part of the statewide  
22 system by the department. Mapping or other forms of  
23 identification of lands and waterways as suitable for  
24 inclusion in the system of greenways and trails, mapping of  
25 ecological characteristics for any purpose, or development of  
26 information for planning purposes shall not constitute  
27 designation. No lands or waterways may be designated as a part  
28 of the statewide system of greenways and trails without the  
29 specific written consent of the landowner.

30           Section 23. Section 260.0142, Florida Statutes, is  
31 created to read:

1           260.0142 Florida Greenways and Trails Council;  
2 composition; powers and duties.--  
3           (1) There is hereby created within the Department of  
4 Environmental Protection the Florida Greenways and Trails  
5 Council which shall advise the department in the execution of  
6 the department's powers and duties under this chapter. The  
7 council shall be composed of 21 members, consisting of:  
8           (a) Five members appointed by the Governor, with two  
9 members representing the trail user community, two members  
10 representing the greenway user community, and one member  
11 representing private landowners. Of the initial appointments,  
12 two shall be appointed for 2-year terms and three shall be  
13 appointed for 1-year terms. Subsequent appointments shall be  
14 for 2-year terms.  
15           (b) Three members appointed by the President of the  
16 Senate, with one member representing the trail user community  
17 and two members representing the greenway user community. Of  
18 the initial appointments, two shall be appointed for 2-year  
19 terms and one shall be appointed for a 1-year term. Subsequent  
20 appointments shall be for 2-year terms.  
21           (c) Three members appointed by the Speaker of the  
22 House of Representatives, with two members representing the  
23 trail user community and one member representing the greenway  
24 user community. Of the initial appointments, two shall be  
25 appointed for 2-year terms and one shall be appointed for a  
26 1-year term. Subsequent appointments shall be for 2-year  
27 terms.  
28  
29 Those eligible to represent the trail user community shall be  
30 chosen from, but not be limited to, paved trail users, hikers,  
31 off-road bicyclists, paddlers, equestrians, disabled outdoor



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

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

6           (2) The department shall provide necessary staff  
7 assistance to the council.

8           (3) The council is authorized to contract for and to  
9 accept gifts, grants, or other aid from the United States  
10 Government or any person or corporation.

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

13           (a) Advise the Department of Environmental Protection,  
14 the Department of Community Affairs, the Department of  
15 Transportation, the Fish and Wildlife Conservation Commission,  
16 the Division of Forestry of the Department of Agriculture and  
17 Consumer Services, the water management districts, and the  
18 regional planning councils on policies relating to the Florida  
19 Greenways and Trails System, and promote intergovernmental  
20 cooperation;

21           (b) Facilitate a statewide system of interconnected  
22 landscape linkages, conservation corridors, greenbelts,  
23 recreational corridors and trails, scenic corridors,  
24 utilitarian corridors, reserves, regional parks and preserves,  
25 ecological sites, and historical/historic/recreational sites;

26           (c) Facilitate a statewide system of interconnected  
27 land-based trails that connect urban, suburban, and rural  
28 areas of the state and facilitate expansion of the statewide  
29 system of freshwater and saltwater paddling trails;

30           (d) Recommend priorities for critical links in the  
31 Florida Greenways and Trails System;

- 1       (e) Review applications for acquisition funding under  
2 the Florida Greenways and Trails Program and recommend to the  
3 Secretary of Environmental Protection which projects should be  
4 acquired;
- 5       (f) Provide funding recommendations to agencies and  
6 organizations regarding the acquisition, development, and  
7 management of greenways and trails, including the promotion of  
8 private landowner incentives;
- 9       (g) Review designation proposals for inclusion in the  
10 Florida Greenways and Trails System;
- 11       (h) Provide advocacy and education to benefit the  
12 statewide system of greenways and trails by encouraging  
13 communication and conferencing;
- 14       (i) Encourage public-private partnerships to develop  
15 and manage greenways and trails;
- 16       (j) Review progress toward meeting established  
17 benchmarks and recommend appropriate action;
- 18       (k) Make recommendations for updating and revising the  
19 implementation plan for the Florida Greenways and Trails  
20 System;
- 21       (l) Advise the Land Acquisition and Management  
22 Advisory Council or its successor to ensure the incorporation  
23 of greenways and trails in land management plans on lands  
24 managed by the Department of Environmental Protection, the  
25 Fish and Wildlife Conservation Commission, the Division of  
26 Historical Resources of the Department of State, and the  
27 Division of Forestry of the Department of Agriculture and  
28 Consumer Services;
- 29       (m) Provide advice and assistance to the Department of  
30 Transportation and the water management districts regarding  
31

1 the incorporation of greenways and trails into their planning  
2 efforts;  
3 (n) Encourage land use, environmental, and coordinated  
4 linear infrastructure planning to facilitate the  
5 implementation of local, regional, and statewide greenways and  
6 trails systems;  
7 (o) Promote greenways and trails support  
8 organizations; and  
9 (p) Support the Florida Greenways and Trails System in  
10 any other appropriate way.  
11 (5) The council shall establish procedures for  
12 conducting its affairs in execution of the duties and  
13 responsibilities stated in this section, which operating  
14 procedures shall include determination of a council chair and  
15 other appropriate operational guidelines. The council shall  
16 meet at the call of the chair, or at such times as may be  
17 prescribed by its operating procedures. The council may  
18 establish committees to conduct the work of the council and  
19 the committees may include nonmembers as appropriate.  
20 (6) A vacancy on the council shall be filled for the  
21 remainder of the unexpired term in the same manner as the  
22 original appointment. Members whose terms have expired may  
23 continue to serve until replaced or reappointed. No member  
24 shall serve on the council for more than two consecutive  
25 terms.  
26 (7) Members of the council shall not receive any  
27 compensation for their services but shall be entitled to  
28 receive reimbursement for per diem and travel expenses  
29 incurred in the performance of their duties, as provided in s.  
30 112.061.  
31

1           Section 24. Section 260.016, Florida Statutes, 1998  
2 Supplement, is amended, to read:  
3           260.016 General powers of the department.--  
4           (1) The department may:  
5           (a) Publish and distribute appropriate maps of  
6 designated greenways and trails. The description shall include  
7 a generalized map delineating the area designated, location of  
8 suitable ingress and egress sites, as well as other points of  
9 interest to enhance the recreational opportunities of the  
10 public.  
11           (b) Establish access routes and related public-use  
12 facilities along greenways and trails which will not  
13 substantially interfere with the nature and purposes of the  
14 greenway or trail.  
15           (c) Adopt appropriate rules to implement or interpret  
16 this act and portions of chapter 253 relating to greenways and  
17 trails, which may include, but are not limited to, rules for  
18 the following:  
19           1. Establishing a designation process.  
20           2. Negotiating and executing agreements with private  
21 landowners.  
22           3. Establishing prohibited activities or restrictions  
23 on activities to protect the health, safety, and welfare of  
24 the public.  
25           4. Charging fees for use.  
26           5. Providing public access.  
27           6. Providing for maintenance.  
28           7. Any matter necessary to the evaluation, selection,  
29 operation, and maintenance of greenways and trails.  
30  
31

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

5 (d) Coordinate the activities of all governmental  
6 units and bodies and special districts that desire to  
7 participate in the development and implementation of the  
8 Florida Greenways and Trails System.

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

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

25 (f)(g) Enter into ~~sublease agreements or other use~~  
26 agreements with any federal, state, or local governmental  
27 agency, or any other entity ~~local governmental agencies~~ for  
28 the management of greenways and trails for recreation and  
29 conservation purposes consistent with the intent of this  
30 chapter.

31

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

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

14           (2) The department shall:

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

21           1. The importance and function of such corridors  
22 within the statewide system.

23           2. Potential for local sharing in the acquisition,  
24 development, operation, or maintenance of greenway and trail  
25 corridors.

26           3. Costs of acquisition, development, operation, and  
27 maintenance.

28           (b) Maintain an updated list of abandoned and  
29 to-be-abandoned railroad rights-of-way. ~~The department shall~~  
30 ~~request information on current and potential railroad~~  
31 ~~abandonments from the Department of Transportation and~~

1 ~~railroad companies operating within the state. At a minimum,~~  
2 ~~the department shall make such requests on a quarterly basis.~~

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

10 (d) Develop and implement a process for designation of  
11 lands and waterways as a part of the statewide system of  
12 greenways and trails, which shall include:

13 1. Development and dissemination of criteria for  
14 designation.

15 2. Development and dissemination of criteria for  
16 changes in the terms or conditions of designation, including  
17 withdrawal or termination of designation. A landowner may have  
18 his or her lands ~~property~~ removed from designation by  
19 providing the department with a written request that contains  
20 an adequate description of such lands to be removed.

21 Provisions shall be made in the designation agreement for  
22 disposition of any future improvements made to the land by the  
23 department.

24 3. Compilation of available information on and field  
25 verification of the characteristics of the lands and waterways  
26 as they relate to the developed criteria.

27 4. Public notice pursuant to s. 120.525 in all phases  
28 of the process.

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



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

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

10           (e) Implement the plan for the Florida Greenways and  
11 Trails System as adopted by the Florida Greenways Coordinating  
12 Council on September 11, 1998.

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

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

26           (b) Agreement to exchange, subject to the approval of  
27 the Board of Trustees of the Internal Improvement Trust Fund  
28 or other applicable unit of government, ownership or other  
29 rights of use of public lands for the ownership or other  
30 rights of use of privately owned lands ~~property~~. Any exchange  
31 of state-owned lands, title to which is vested in the Board of

1 Trustees of the Internal Improvement Trust Fund, for privately  
2 owned lands shall be subject to the requirements of s.  
3 259.041.

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

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

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

14 (f) Execution of patrol and protection agreements.

15 (g) Where applicable and appropriate, providing lease  
16 fees, not to exceed fair market value of the leasehold  
17 interest.

18 Section 25. Section 260.018, Florida Statutes, 1998  
19 Supplement, is amended to read:

20 260.018 Agency recognition.--All agencies of the  
21 state, regional planning councils through their comprehensive  
22 plans, and local governments through their local comprehensive  
23 planning process pursuant to chapter 163 shall recognize the  
24 special character of publicly owned lands and waters  
25 designated by the state as greenways and trails and shall not  
26 take any action which will impair their use as designated.  
27 Identification of lands or waterways in planning materials,  
28 maps, data, and other information developed or used in the  
29 greenways and trails program shall not be cause for such lands  
30 or waterways to be subject to this section, unless such lands  
31

1 or waterways have been designated as a part of the statewide  
2 system or greenways and trails pursuant to s. 260.016(2)(d).

3 Section 26. Paragraph (a) of subsection (11) of section  
4 288.1224, Florida Statutes, is amended to read:

5 288.1224 Powers and duties.--The commission:

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

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

23 Section 27. The following trails located upon or  
24 within public lands or waterways and designated prior to May  
25 30, 1998, shall not be subject to the designation process  
26 established in chapter 260, Florida Statutes, 1998  
27 Supplement: thirty-six canoe trails designated by the  
28 Governor and Cabinet in 1970 and redesignated by the Governor  
29 and Cabinet on December 8, 1981; the Historic Big Bend  
30 Saltwater Paddling Trail; Hillsborough River State  
31

1 Recreational Canoe Trail; and trails located within state  
2 parks and forests.

3 Section 28. Effective July 1, 2001, subsection (4) of  
4 section 369.252, Florida Statutes, is amended to read:

5 369.252 Invasive exotic plant control on public  
6 lands.--The department shall establish a program to:

7 (4) Use funds in the Aquatic Plant Control Trust Fund  
8 as authorized by the Legislature for carrying out activities  
9 under this section on public lands. Twenty percent of the  
10 amount credited to the Aquatic Plant Control Trust Fund  
11 pursuant to s. 201.15(6) shall be used for the purpose of  
12 controlling nonnative, upland, invasive plant species on  
13 public lands.

14 Section 29. Subsection (5) of section 369.307, Florida  
15 Statutes, is amended to read:

16 369.307 Developments of regional impact in the Wekiva  
17 River Protection Area; land acquisition.--

18 (5) The Department of Environmental Protection is  
19 directed to proceed to negotiate for acquisition of  
20 conservation and recreation lands projects within the Wekiva  
21 River Protection Area provided that such projects have been  
22 deemed qualified under statutory and rule criteria for  
23 purchase and have been placed on the priority list for  
24 acquisition by the advisory council created in s. 259.035 or  
25 its successor.

26 Section 30. Subsection (5) is added to section  
27 373.089, Florida Statutes, to read:

28 373.089 Sale or exchange of lands, or interests or  
29 rights in lands.--The governing board of the district may sell  
30 lands, or interests or rights in lands, to which the district  
31

1 has acquired title or to which it may hereafter acquire title  
2 in the following manner:

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

7 (a) For those lands designated as acquired for  
8 conservation purposes, the governing board shall make a  
9 determination that the lands are no longer needed for  
10 conservation purposes and may dispose of them by a two-thirds  
11 vote.

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

15 (c) For the purposes of this subsection, all lands for  
16 which title has vested in the governing board prior to July 1,  
17 1999, shall be deemed to have been acquired for conservation  
18 purposes.

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

23 Section 31. Section 373.139, Florida Statutes, is  
24 amended to read:

25 373.139 Acquisition of real property.--

26 (1) The Legislature declares it to be necessary for  
27 the public health and welfare that water and water-related  
28 resources be conserved and protected. The acquisition of real  
29 property for this objective shall constitute a public purpose  
30 for which public funds may be expended. Each water management  
31 district shall maintain a separate 5-year plan of land

1 acquisition and land management activities that incorporates  
2 the properties purchased pursuant to s. 373.199.

3 (2)(a) The governing board of the district is  
4 empowered and authorized to acquire in fee or less than fee  
5 title to real property, and easements therein, by purchase,  
6 gift, devise, lease, eminent domain, or otherwise for flood  
7 control, water storage, water management, aquifer recharge,  
8 water resource and water supply development, and preservation  
9 of wetlands, streams, and lakes. ~~except that~~ Eminent domain  
10 powers may be used only for acquiring real property for flood  
11 control and water storage or for curing title defects or  
12 encumbrances to real property to be acquired from a willing  
13 seller.

14 (b) Interests in real property acquired by the  
15 districts under this section with funds other than those  
16 appropriated pursuant to s. 373.199 may be used for  
17 permissible water resource development and water supply  
18 development purposes under the following conditions: the  
19 minimum flows and levels of priority water bodies on such  
20 lands have been established; the project complies with all  
21 conditions for issuance of a permit under part II; and the  
22 project is compatible with the purposes for which the land was  
23 acquired.

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

30 (b) Title information, appraisal reports, offers, and  
31 counteroffers are confidential and exempt from the provisions

1 of s. 119.07(1) until an option contract is executed or, if no  
2 option contract is executed, until 30 days before a contract  
3 or agreement for purchase is considered for approval by the  
4 governing board. However, each district may, at its  
5 discretion, disclose appraisal reports to private landowners  
6 during negotiations for acquisitions using alternatives to fee  
7 simple techniques, if the district determines that disclosure  
8 of such reports will bring the proposed acquisition to  
9 closure. In the event that negotiation is terminated by the  
10 district, the title information, appraisal report, offers, and  
11 counteroffers shall become available pursuant to s. 119.07(1).  
12 Notwithstanding the provisions of this section and s. 259.041,  
13 a district and the Division of State Lands may share and  
14 disclose title information, appraisal reports, appraisal  
15 information, offers, and counteroffers when joint acquisition  
16 of property is contemplated. A district and the Division of  
17 State Lands shall maintain the confidentiality of such title  
18 information, appraisal reports, appraisal information, offers,  
19 and counteroffers in conformance with this section and s.  
20 259.041, except in those cases in which a district and the  
21 division have exercised discretion to disclose such  
22 information.

23 (c) The Secretary of Environmental Protection shall  
24 release moneys from the appropriate account or trust fund to a  
25 district for preacquisition costs within 30 days after receipt  
26 of a resolution adopted by the district's governing board  
27 which identifies and justifies any such preacquisition costs  
28 necessary for the purchase of any lands listed in the  
29 district's 5-year plan. The district shall return to the  
30 department any funds not used for the purposes stated in the  
31

1 resolution, and the department shall deposit the unused funds  
2 into the appropriate account or trust fund.

3 (d) The Secretary of Environmental Protection shall  
4 release acquisition moneys from the appropriate account or  
5 trust fund to a district following receipt of a resolution  
6 adopted by the governing board identifying the lands being  
7 acquired and certifying that such acquisition is consistent  
8 with the plan of acquisition and other provisions of this  
9 section. The governing board also shall provide to the  
10 Secretary of Environmental Protection a copy of all certified  
11 appraisals used to determine the value of the land to be  
12 purchased. Each parcel to be acquired must have at least one  
13 appraisal. Two appraisals are required when the estimated  
14 value of the parcel exceeds \$500,000. However, when both  
15 appraisals exceed \$500,000 and differ significantly, a third  
16 appraisal may be obtained. If the purchase price is greater  
17 than the appraisal price, the governing board shall submit  
18 written justification for the increased price. The Secretary  
19 of Environmental Protection may withhold moneys for any  
20 purchase that is not consistent with the 5-year plan or the  
21 intent of this section or that is in excess of appraised  
22 value. The governing board may appeal any denial to the Land  
23 and Water Adjudicatory Commission pursuant to s. 373.114.

24 (e) Water management land acquisition costs shall  
25 include payments to owners and costs and fees associated with  
26 such acquisition.

27 (4) The governing board of the district may purchase  
28 tax certificates or tax deeds issued in accordance with  
29 chapter 197 relating to property eligible for purchase under  
30 this section.

31



1           (5) Lands acquired for the purposes enumerated in  
2 subsection (2) may also be used for recreational purposes, and  
3 whenever practicable such lands shall be open to the general  
4 public for recreational uses. Except when prohibited by a  
5 covenant or condition described in s. 373.056(2), lands owned,  
6 managed, and controlled by the district may be used for  
7 multiple purposes, including, but not limited to, agriculture,  
8 silviculture, and water supply, as well as boating and other  
9 recreational uses.

10           (6) For the purpose of introducing water into, or  
11 drawing water from, the underlying aquifer for storage or  
12 supply, the governing board is authorized to hold, control,  
13 and acquire by donation, lease, or purchase any land, public  
14 or private.

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

18           (8) A district may dispose of land acquired under this  
19 section pursuant to s. 373.056 or s. 373.089. However, no  
20 such disposition of land shall be made if it would have the  
21 effect of causing all or any portion of the interest on any  
22 revenue bonds issued pursuant to s. 259.101 or s. 259.105 to  
23 fund the acquisition programs detailed in this section to lose  
24 the exclusion from gross income for purposes of federal income  
25 taxation. Revenue derived from such disposition may not be  
26 used for any purpose except the purchase of other lands  
27 meeting the criteria specified in this section or payment of  
28 debt service on revenue bonds or notes issued under s.  
29 373.584.

30           (9) By January 15 of each year, each district shall  
31 file with the Legislature and the Secretary of Environmental

1 Protection a report of acquisition activity together with  
2 modifications or additions to its 5-year plan of acquisition  
3 and land management. Included in the report shall be:  
4 (a) An identification of those lands which require a  
5 full fee simple interest to achieve water management goals and  
6 those lands which can be acquired using alternatives to fee  
7 simple acquisition techniques and still achieve such goals. In  
8 their evaluation of which lands would be appropriate for  
9 acquisition through alternatives to fee simple, district staff  
10 shall consider criteria including, but not limited to,  
11 acquisition costs, the net present value of future land  
12 management costs, the net present value of advalorem revenue  
13 loss to the local government, and potential for revenue  
14 generated from activities compatible with acquisition  
15 objectives.  
16 (b) An identification of lands needed to protect or  
17 recharge groundwater and a plan for their acquisition as  
18 necessary to protect potable water supplies. Lands which serve  
19 to protect or recharge groundwater identified pursuant to this  
20 paragraph shall also serve to protect other valuable natural  
21 resources or provide space for natural resource based  
22 recreation.  
23 (c) An identification of lands acquired through the  
24 Florida Watershed Reserve Program, pursuant to s. 259.105(6),  
25 and which would comply with the provisions of paragraphs (a)  
26 and (b).  
27 (d) A description of land management activity for each  
28 property or project area owned by the water management  
29 district.  
30 (e) A list of any lands surplused and the amount of  
31 compensation received.

1       (10) The districts have the authority to promulgate  
2 rules that include the specific process by which land is  
3 acquired; the selection and retention of outside appraisers,  
4 surveyors, and acquisition agents; and public  
5 notification. Rules adopted pursuant to this subsection shall  
6 be submitted to the President of the Senate and the Speaker of  
7 the House of Representatives, for review by the Legislature,  
8 no later than 30 days prior to the 2001 Regular Session and  
9 shall become effective only after legislative review. In its  
10 review, the Legislature may reject, modify, or take no action  
11 relative to such rules. The districts shall conform such  
12 rules to changes made by the Legislature, or, if no action was  
13 taken by the Legislature, such rules shall become effective.

14           Section 32. Section 373.199, Florida Statutes, is  
15 created to read:

16           373.199 Assistance to Acquisition and Restoration  
17 Commission.--

18           (1) Over the years, the Legislature has created  
19 numerous programs and funded several initiatives intended to  
20 restore, conserve, protect, and manage Florida's water  
21 resources and the lands and ecosystems associated with them.  
22 Although these programs and initiatives have yielded  
23 individual successes, the overall quality of Florida's water  
24 resources continues to degrade; natural systems associated  
25 with surface waters continue to be altered or have not been  
26 restored to a fully functioning level; and sufficient  
27 quantities of water for current and future reasonable  
28 beneficial uses and for natural systems remain in doubt.

29           (2) Therefore, in order to further the goals of the  
30 Stewardship Florida Act and to assist the Acquisition and  
31 Restoration Commission in evaluating and ranking projects,

1 each water management district shall compile and send a list  
2 of recommended projects to the commission for its  
3 consideration in developing a priority list pursuant to the  
4 Stewardship Florida Act. Such list of projects shall be  
5 submitted annually by January 1, beginning in the year 2000.

6 (3) In developing the list, each water management  
7 district shall:

8 (a) Integrate its existing surface water improvement  
9 and management plans, Save Our Rivers land acquisition lists,  
10 stormwater management projects, proposed water resource  
11 development projects, proposed water body restoration  
12 projects, and other properties or activities that would assist  
13 in meeting the goals of Stewardship Florida.

14 (b) Work cooperatively with the applicable ecosystem  
15 management area teams and other citizen advisory groups, the  
16 Department of Environmental Protection and its district  
17 offices, the Department of Agriculture and Consumer Services,  
18 the Fish and Wildlife Conservation Commission, the Department  
19 of Community Affairs, the Department of Transportation, other  
20 state agencies, and federal agencies, where applicable.

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

23 (a) A description of the water body system, its  
24 historical and current uses, and its hydrology; a history of  
25 the conditions which have led to the need for restoration or  
26 protection; and a synopsis of restoration efforts that have  
27 occurred to date, if applicable.

28 (b) An identification of all governmental units that  
29 have jurisdiction over the water body and its drainage basin  
30 within the approved surface water improvement and management  
31

1 plan area, including local, regional, state, and federal  
2 units.

3 (c) A description of land uses within the project  
4 area's drainage basin, and of important tributaries, point and  
5 nonpoint sources of pollution, and permitted discharge  
6 activities associated with that basin.

7 (d) A description of strategies and potential  
8 strategies, including improved stormwater management, for  
9 restoring or protecting the water body to Class III or better  
10 surface water quality status.

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

14 (f) A description of the measures needed to manage and  
15 maintain the water body once it has been restored and to  
16 prevent future degradation, to manage and maintain the  
17 stormwater management system, or to manage and maintain the  
18 water resource development project.

19 (g) A schedule for restoration and protection of the  
20 water body, implementation of the stormwater management  
21 project, or development of the water resource development  
22 project.

23 (h) An estimate of the funding needed to carry out the  
24 restoration, protection, or improvement project, or the  
25 development of new water resources, where applicable, and the  
26 projected sources of the funding.

27 (i) Numeric performance measures for each project.  
28 Each performance measure shall include a baseline measurement,  
29 which is the current situation; a performance standard, which  
30 water management district staff anticipates the project will  
31 achieve; and the performance measurement itself, which should

1 reflect the incremental improvements the project accomplishes  
2 towards achieving the performance standard.

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

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

7 (5) The list of recommended projects shall indicate  
8 the relative significance of each project within the  
9 particular water management district's boundaries, and the  
10 schedule of activities and sums of money earmarked should  
11 reflect those rankings as much as possible over a 5-year  
12 planning horizon.

13 Section 33. Section 373.59, Florida Statutes, 1998  
14 Supplement, is amended to read:

15 373.59 Water Management Lands Trust Fund.--

16 (1) There is established within the Department of  
17 Environmental Protection the Water Management Lands Trust Fund  
18 to be used as a nonlapsing fund for the purposes of this  
19 section. The moneys in this fund are hereby continually  
20 appropriated for the purposes of land ~~acquisition~~,management,  
21 maintenance, capital improvements, payments in lieu of taxes,  
22 debt service on bonds issued prior to July 1, 1999,  
23 preacquisition costs associated with land purchases,and  
24 administration of the fund in accordance with the provisions  
25 of this section. However, any water management district with  
26 fund balances in the Water Management Lands Trust Fund as of  
27 March 1, 1999, may expend those funds for land acquisition  
28 pursuant to s. 373.139, in addition to the other purposes  
29 specified in this subsection.

30 ~~(2)(a) By January 15 of each year, each district shall~~  
31 ~~file with the Legislature and the Secretary of Environmental~~

1 ~~Protection a report of acquisition activity together with~~  
2 ~~modifications or additions to its 5-year plan of acquisition.~~  
3 ~~Included in the report shall be an identification of those~~  
4 ~~lands which require a full fee simple interest to achieve~~  
5 ~~water management goals and those lands which can be acquired~~  
6 ~~using alternatives to fee simple acquisition techniques and~~  
7 ~~still achieve such goals. In their evaluation of which lands~~  
8 ~~would be appropriate for acquisition through alternatives to~~  
9 ~~fee simple, district staff shall consider criteria including,~~  
10 ~~but not limited to, acquisition costs, the net present value~~  
11 ~~of future land management costs, the net present value of ad~~  
12 ~~valorem revenue loss to the local government, and the~~  
13 ~~potential for revenue generated from activities compatible~~  
14 ~~with acquisition objectives. The report shall also include a~~  
15 ~~description of land management activity.~~Expenditure of moneys  
16 from the Water Management Lands Trust Fund shall be limited to  
17 the costs for ~~acquisition,~~management, maintenance, and  
18 capital improvements of lands titled to the governing boards  
19 of the districts and acquired under current or future  
20 conservation, preservation, water resources, or recreational  
21 land acquisition programs, except as otherwise provided in  
22 subsection (1),~~included within the 5-year plan as filed by~~  
23 ~~each district~~ and to the department's costs of administration  
24 of the fund. The department's costs of administration shall be  
25 charged proportionally against each district's allocation  
26 using the formula provided in subsection (7). ~~However, no~~  
27 ~~acquisition of lands shall occur without a public hearing~~  
28 ~~similar to those held pursuant to the provisions set forth in~~  
29 ~~s. 120.54. In the annual update of its 5-year plan for~~  
30 ~~acquisition, each district shall identify lands needed to~~  
31 ~~protect or recharge groundwater and shall establish a plan for~~

1 ~~their acquisition as necessary to protect potable water~~  
2 ~~supplies. Lands which serve to protect or recharge groundwater~~  
3 ~~identified pursuant to this paragraph shall also serve to~~  
4 ~~protect other valuable natural resources or provide space for~~  
5 ~~natural resource based recreation.~~

6 (b) Moneys from the fund shall also be used for  
7 continued ~~acquisition,~~management, maintenance, and capital  
8 improvements of the following lands ~~and lands set forth in the~~  
9 ~~5-year land acquisition plan of the district:~~

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

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

20 3. By the St. Johns River Water Management  
21 District--Seminole Ranch, Latt Maxey and Evans properties in  
22 the upper St. Johns River Basin.

23 4. By the Suwannee River Water Management  
24 District--lands in Suwannee River Valley.

25 5. By the Northwest Florida Water Management  
26 District--lands in the Choctawhatchee and Apalachicola River  
27 Valleys.

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



1           ~~(4)(a) Moneys from the Water Management Lands Trust~~  
2 ~~Fund shall be used for acquiring the fee or other interest in~~  
3 ~~lands necessary for water management, water supply, and the~~  
4 ~~conservation and protection of water resources, except that~~  
5 ~~such moneys shall not be used for the acquisition of~~  
6 ~~rights-of-way for canals or pipelines. Such moneys shall also~~  
7 ~~be used for management, maintenance, and capital improvements.~~  
8 ~~Interests in real property acquired by the districts under~~  
9 ~~this section may be used for permittable water resource~~  
10 ~~development and water supply development purposes under the~~  
11 ~~following conditions: the minimum flows and levels of priority~~  
12 ~~water bodies on such lands have been established; the project~~  
13 ~~complies with all conditions for issuance of a permit under~~  
14 ~~part II of this chapter; and the project is compatible with~~  
15 ~~the purposes for which the land was acquired. Lands acquired~~  
16 ~~with moneys from the fund shall be managed and maintained in~~  
17 ~~an environmentally acceptable manner and, to the extent~~  
18 ~~practicable, in such a way as to restore and protect their~~  
19 ~~natural state and condition.~~

20           (3)(b) The Secretary of Environmental Protection shall  
21 release moneys from the Water Management Lands Trust Fund to a  
22 district for preacquisition costs within 30 days after receipt  
23 of a resolution adopted by the district's governing board  
24 which identifies and justifies any such preacquisition costs  
25 necessary for the purchase of any lands listed in the  
26 district's 5-year plan. The district shall return to the  
27 department any funds not used for the purposes stated in the  
28 resolution, and the department shall deposit the unused funds  
29 into the Water Management Lands Trust Fund.

30           ~~(c) The Secretary of Environmental Protection shall~~  
31 ~~release acquisition moneys from the Water Management Lands~~

1 ~~Trust Fund to a district following receipt of a resolution~~  
2 ~~adopted by the governing board identifying the lands being~~  
3 ~~acquired and certifying that such acquisition is consistent~~  
4 ~~with the plan of acquisition and other provisions of this act.~~  
5 ~~The governing board shall also provide to the Secretary of~~  
6 ~~Environmental Protection a copy of all certified appraisals~~  
7 ~~used to determine the value of the land to be purchased. Each~~  
8 ~~parcel to be acquired must have at least one appraisal. Two~~  
9 ~~appraisals are required when the estimated value of the parcel~~  
10 ~~exceeds \$500,000. However, when both appraisals exceed~~  
11 ~~\$500,000 and differ significantly, a third appraisal may be~~  
12 ~~obtained. If the purchase price is greater than the appraisal~~  
13 ~~price, the governing board shall submit written justification~~  
14 ~~for the increased price. The Secretary of Environmental~~  
15 ~~Protection may withhold moneys for any purchase that is not~~  
16 ~~consistent with the 5-year plan or the intent of this act or~~  
17 ~~that is in excess of appraised value. The governing board may~~  
18 ~~appeal any denial to the Land and Water Adjudicatory~~  
19 ~~Commission pursuant to s. 373.114.~~

20 (4)(d) The Secretary of Environmental Protection shall  
21 release to the districts moneys for management, maintenance,  
22 and capital improvements following receipt of a resolution and  
23 request adopted by the governing board which specifies the  
24 designated managing agency, specific management activities,  
25 public use, estimated annual operating costs, and other  
26 acceptable documentation to justify release of moneys.

27 ~~(5) Water management land acquisition costs shall~~  
28 ~~include payments to owners and costs and fees associated with~~  
29 ~~such acquisition.~~

30 (5)(6) If a district issues revenue bonds or notes  
31 under s. 373.584 prior to July 1, 1999, the district may

1 pledge its share of the moneys in the Water Management Lands  
2 Trust Fund as security for such bonds or notes. The Department  
3 of Environmental Protection shall pay moneys from the trust  
4 fund to a district or its designee sufficient to pay the debt  
5 service, as it becomes due, on the outstanding bonds and notes  
6 of the district; however, such payments shall not exceed the  
7 district's cumulative portion of the trust fund. However, any  
8 moneys remaining after payment of the amount due on the debt  
9 service shall be released to the district pursuant to  
10 subsection (4) ~~(3)~~.

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

20 (7) ~~(8)~~ Moneys from the Water Management Lands Trust  
21 Fund shall be allocated to the five water management districts  
22 in the following percentages:

23 (a) Thirty percent to the South Florida Water  
24 Management District.

25 (b) Twenty-five percent to the Southwest Florida Water  
26 Management District.

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

29 (d) Ten percent to the Suwannee River Water Management  
30 District.

31

1           (e) Ten percent to the Northwest Florida Water  
2 Management District.  
3           ~~(8)(9)~~ Each district may use its allocation under  
4 subsection~~(7)(8)~~for management, maintenance, and capital  
5 improvements. Capital improvements shall include, but need not  
6 be limited to, perimeter fencing, signs, firelanes, control of  
7 invasive exotic species, controlled burning, habitat inventory  
8 and restoration, law enforcement, access roads and trails, and  
9 minimal public accommodations, such as primitive campsites,  
10 garbage receptacles, and toilets.  
11           ~~(9)(10)~~ Moneys in the fund not needed to meet current  
12 obligations incurred under this section shall be transferred  
13 to the State Board of Administration, to the credit of the  
14 fund, to be invested in the manner provided by law. Interest  
15 received on such investments shall be credited to the fund.  
16           ~~(10)(11)~~ Lands titled to the governing boards of the  
17 districts shall be managed and maintained, to the extent  
18 practicable, in such a way as to ensure a balance between  
19 public access, general public recreational purposes, and  
20 restoration and protection of their natural state and  
21 condition ~~Lands acquired for the purposes enumerated in this~~  
22 ~~section shall also be used for general public recreational~~  
23 ~~purposes.~~ General public recreational purposes shall include,  
24 but not be limited to, fishing, hunting, horseback riding,  
25 swimming, camping, hiking, canoeing, boating, diving, birding,  
26 sailing, jogging, and other related outdoor activities to the  
27 maximum extent possible considering the environmental  
28 sensitivity and suitability of those lands. These public  
29 lands shall be evaluated for their resource value for the  
30 purpose of establishing which parcels, in whole or in part,  
31 annually or seasonally, would be conducive to general public

1 recreational purposes. Such findings shall be included in  
2 management plans which are developed for such public lands.  
3 These lands shall be made available to the public for these  
4 purposes, unless the district governing board can demonstrate  
5 that such activities would be incompatible with the purposes  
6 for which these lands were acquired. For any fee simple  
7 acquisition of a parcel which is or will be leased back for  
8 agricultural purposes, or for any acquisition of a  
9 less-than-fee interest in land that is or will be used for  
10 agricultural purposes, the district governing board shall  
11 first consider having a soil and water conservation district  
12 created pursuant to chapter 582 manage and monitor such  
13 interest.

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

31

1           (12)(a) Beginning July 1, 1999, not more than  
2 one-fourth of the land management funds provided for in  
3 subsections (1) and (7) in any year shall be reserved annually  
4 by a governing board, during the development of its annual  
5 operating budget, for payments in lieu of taxes for all actual  
6 tax losses incurred as a result of governing board  
7 acquisitions for water management districts under the  
8 Stewardship Florida program during any year. Reserved funds  
9 not used for payments in lieu of taxes in any year shall  
10 revert to the Water Management Lands Trust Fund to be used in  
11 accordance with the provisions of this section.

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

13           1. To all counties that have a population of 150,000  
14 or less. Population levels shall be determined pursuant to s.  
15 11.031.

16           2. To all local governments located in eligible  
17 counties.

18  
19 For the purposes of this subsection, "local government"  
20 includes municipalities, the county school board, mosquito  
21 control districts, and any other local government entity which  
22 levies ad valorem taxes.

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

27           (d) The payment amount shall be based on the average  
28 amount of actual taxes paid on the property for the 3 years  
29 preceding acquisition. Applications for payment in lieu of  
30 taxes shall be made no later than January 31 of the year  
31 following acquisition. No payment in lieu of taxes shall be

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

14 (e) Payment in lieu of taxes pursuant to this  
15 subsection shall be made annually to qualifying counties and  
16 local governments after certification by the Department of  
17 Revenue that the amounts applied for are reasonably  
18 appropriate, based on the amount of actual taxes paid on the  
19 eligible property, and after the water management districts  
20 have provided supporting documents to the Comptroller and have  
21 requested that payment be made in accordance with the  
22 requirements of this section.

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

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

1 ~~criteria specified in this section or payment of debt service~~  
2 ~~on revenue bonds or notes issued under s. 373.584, as provided~~  
3 ~~in this section.~~

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

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

28 ~~(b) Payment in lieu of taxes shall be available to~~  
29 ~~counties for each year in which the levy of ad valorem tax is~~  
30 ~~at least 8.25 mills or the amount of the tax loss from all~~  
31 ~~completed Preservation 2000 acquisitions in the county exceeds~~



1 ~~0.01 percent of the county's total taxable value, and the~~  
2 ~~population is 75,000 or less and to counties with a population~~  
3 ~~of less than 100,000 which contain all or a portion of an area~~  
4 ~~of critical state concern designated pursuant to chapter 380.~~

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

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

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

31

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

5           (13)~~(15)~~ Each district is encouraged to use volunteers  
6 to provide land management and other services. Volunteers  
7 shall be covered by liability protection and workers'  
8 compensation in the same manner as district employees, unless  
9 waived in writing by such volunteers or unless such volunteers  
10 otherwise provide equivalent insurance.

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

24           (15)~~(17)~~ Notwithstanding any provision of this section  
25 to the contrary and for the 1998-1999 fiscal year only, the  
26 governing board of a water management district may request,  
27 and the Secretary of Environmental Protection shall release  
28 upon such request, moneys allocated to the districts pursuant  
29 to subsection(7)~~(8)~~ for the purpose of carrying out the  
30 provisions of ss. 373.451-373.4595. No funds may be used  
31 pursuant to this subsection until necessary debt service

1 obligations and requirements for payments in lieu of taxes  
2 that may be required pursuant to this section are provided  
3 for. This subsection is repealed on July 1, 1999.  
4 (16) The following additional uses of lands acquired  
5 pursuant to the Stewardship Florida program and other  
6 state-funded land purchase programs shall be authorized, if  
7 they meet the criteria specified in paragraphs (a)-(e): water  
8 resource development projects, water supply development  
9 projects, stormwater management projects, linear facilities,  
10 and sustainable agriculture and forestry. Such additional  
11 uses are authorized where:  
12 (a) Not inconsistent with the management plan for such  
13 lands;  
14 (b) Compatible with the natural ecosystem and resource  
15 values of such lands;  
16 (c) The proposed use is appropriately located on such  
17 lands and where due consideration is given to the use of other  
18 available lands;  
19 (d) The using entity reasonably compensates the  
20 titleholder for such use based upon an appropriate measure of  
21 value; and  
22 (e) The use provides a significant public benefit.  
23  
24 Moneys received from the use of state lands pursuant to this  
25 subsection shall be returned to the lead managing agency in  
26 accordance with the provisions of s. 259.032(11)(d).  
27 Section 34. 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. Beginning fiscal year  
12 2001-2002, the department shall develop and plan a program  
13 which shall be based upon funding provided from the  
14 Stewardship Florida Trust Fund pursuant to s. 259.105(3)(h).

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

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

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

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

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

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

7           Section 35. Subsection (13) of section 380.0666,  
8 Florida Statutes, is amended to read:

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

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

20           Section 36. Subsection (4) of section 380.22, Florida  
21 Statutes, 1998 Supplement, is amended to read:

22           380.22 Lead agency authority and duties.--

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

1 coastal properties and coastal properties of significant or  
2 important environmental sensitivity, recognize hazard  
3 mitigation, beach access, beach management, urban recreation,  
4 and other policies necessary for effective coastal management.

5 Section 37. Section 380.503, Florida Statutes, is  
6 amended to read:

7 380.503 Definitions.--As used in ss. 380.501-380.515,  
8 unless the context indicates a different meaning or intent:

9 (1)~~(4)~~ "Comprehensive plan" means a plan that meets  
10 the requirements of ss. 163.3177, 163.3178, and 163.3191.

11 (2)~~(13)~~ "Department" means the Department of Community  
12 Affairs.

13 (3)~~(2)~~ "Local government" means a county or  
14 municipality.

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

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

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

30  
31

1           ~~(7)(5)~~ "Project" means any work on, improvement to, or  
2 acquisition of real property, buildings, or any other  
3 property.

4           ~~(8)(10)~~ "Public access project" means action taken  
5 pursuant to this part to create or improve public accessways  
6 to surface waters.

7           ~~(9)(6)~~ "Real property" means any interest in land and  
8 may also include any appurtenances and improvements to the  
9 land.

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

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

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

21           ~~(13)(7)~~ "Surface waters" means publicly owned waters  
22 upon the surface of the earth, whether contained in bounds  
23 created naturally or artificially or diffused.

24           ~~(14)(1)~~ "Trust" means the Florida Communities Trust  
25 created pursuant to this part.

26           (15) "Urban area" means an area of or for development  
27 characterized by social, economic, and institutional  
28 activities that are predominantly based on the manufacture,  
29 production, distribution, or provision of goods and services,  
30 in a setting that typically includes residential and  
31

1 nonresidential development uses other than those  
2 characteristic of rural areas.

3 (16)~~(15)~~ "Urban greenways and open space project"  
4 means action taken pursuant to this part to acquire lands or  
5 interest in lands to create a linear open space protected and  
6 managed as part of linked conservation lands or recreational  
7 opportunities in an urban area, or to preserve open space or  
8 historic sites to enhance recreational and cultural  
9 opportunities in an urban area.

10 (17)~~(11)~~ "Urban waterfront restoration project" means  
11 action taken pursuant to this part to restore deteriorated or  
12 deteriorating urban waterfronts for public use and enjoyment.

13 Section 38. Subsection (1) of section 380.504, Florida  
14 Statutes, is amended to read:

15 380.504 Florida Communities Trust; creation;  
16 membership; expenses.--

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

22 (a) The Secretary of Community Affairs and the  
23 Secretary of Environmental Protection; and

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

26  
27 The Governor shall appoint a former elected official of a  
28 county local government, a former elected official of a  
29 metropolitan municipal government, a representative of a  
30 nonprofit organization as defined in this part, and a  
31 representative of the development industry. The Secretary of



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

13 Section 39. Section 380.505, Florida Statutes, is  
14 amended to read:

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

26 Section 40. Subsections (4) and (11) of section  
27 380.507, Florida Statutes, are amended to read:

28 380.507 Powers of the trust.--The trust shall have all  
29 the powers necessary or convenient to carry out the purposes  
30 and provisions of this part, including:

31

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

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

1 acquisition procedures of a local land authority created  
2 pursuant to s. 380.0663 or s. 380.0677 ~~may shall~~ be used for  
3 the land acquisition programs described by ~~ss. s.~~  
4 259.101(3)(c) and 259.105 if within areas of critical state  
5 concern designated pursuant to s. 380.05, subject to approval  
6 of the trust.

7 Section 41. Subsection (7) of section 380.510, Florida  
8 Statutes, is amended to read:

9 380.510 Conditions of grants and loans.--

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

25 (a) The administration and use of any funds received  
26 by the trust from the Preservation 2000 Trust Fund and the  
27 Stewardship Florida Trust Fund shall be subject to such terms  
28 and conditions imposed thereon by the agency of the state  
29 responsible for the ~~revenue~~ bonds, the proceeds of which are  
30 deposited in the Preservation 2000 Trust Fund and the  
31 Stewardship Florida Trust Fund, including restrictions imposed

1 to ensure that the interest on any such ~~revenue~~ bonds issued  
2 by the state as tax-exempt ~~revenue~~ bonds will not be included  
3 in the gross income of the holders of such bonds for federal  
4 income tax purposes.

5 (b) All deeds or leases with respect to any real  
6 property acquired with funds received by the trust from the  
7 Preservation 2000 Trust Fund shall contain such covenants and  
8 restrictions as are sufficient to ensure that the use of such  
9 real property at all times complies with s. 375.051 and s. 9,  
10 Art. XII of the State Constitution. All deeds or leases with  
11 respect to any real property acquired with funds received by  
12 the trust from the Stewardship Florida Trust Fund shall  
13 contain such covenants and restrictions as are sufficient to  
14 ensure that the use of such real property at all times  
15 complies with s. 11(e), Art. VII of the State Constitution.

16 Each deed or lease shall contain a reversion, conveyance, or  
17 termination clause that will vest title in the Board of  
18 Trustees of the Internal Improvement Trust Fund if any of the  
19 covenants or restrictions are violated by the titleholder or  
20 leaseholder or by some third party with the knowledge of the  
21 titleholder or leaseholder.

22 Section 42. Effective July 1, 2001, subsections (5)  
23 and (6) of section 420.5092, Florida Statutes, are amended to  
24 read:

25 420.5092 Florida Affordable Housing Guarantee  
26 Program.--

27 (5) Pursuant to s. 16, Art. VII of the State  
28 Constitution, the corporation may issue, in accordance with s.  
29 420.509, revenue bonds of the corporation to establish the  
30 guarantee fund. Such revenue bonds shall be primarily payable  
31 from and secured by annual debt service reserves, from

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

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

1 necessary to maintain such annual debt service reserve. Upon  
2 receipt of such certification, the Comptroller shall transfer  
3 to the annual debt service reserve, from the first available  
4 taxes distributed to the State Housing Trust Fund pursuant to  
5 s. 201.15(9)~~(6)~~(a) and(10)~~(7)~~(a) during the ensuing state  
6 fiscal year, the amount certified as necessary to maintain the  
7 annual debt service reserve.

8 (b) If the claims payment obligations under affordable  
9 housing guarantees from amounts on deposit in the guarantee  
10 fund would cause the claims paying rating assigned to the  
11 guarantee fund to be less than the third-highest rating  
12 classification of any nationally recognized rating service,  
13 which classifications being consistent with s. 215.84(3) and  
14 rules adopted thereto by the State Board of Administration,  
15 the corporation shall certify to the Comptroller the amount of  
16 such claims payment obligations. Upon receipt of such  
17 certification, the Comptroller shall transfer to the guarantee  
18 fund, from the first available taxes distributed to the State  
19 Housing Trust Fund pursuant to s. 201.15(9)~~(6)~~(a) and  
20 (10)~~(7)~~(a) during the ensuing state fiscal year, the amount  
21 certified as necessary to meet such obligations, such transfer  
22 to be subordinate to any transfer referenced in paragraph (a)  
23 and not to exceed 50 percent of the amounts distributed to the  
24 State Housing Trust Fund pursuant to s. 201.15(9)~~(6)~~(a) and  
25 (10)~~(7)~~(a) during the preceding state fiscal year.

26 Section 43. Effective July 1, 2001, section 420.9073,  
27 Florida Statutes, 1998 Supplement, is amended to read:

28 420.9073 Local housing distributions.--

29 (1) Distributions calculated in this section shall be  
30 disbursed on a monthly basis by the agency beginning the first  
31 day of the month after program approval pursuant to s.

1 420.9072. Each county's share of the funds to be distributed  
2 from the portion of the funds in the Local Government Housing  
3 Trust Fund received pursuant to s. 201.15(9)~~(6)~~ shall be  
4 calculated by the agency for each fiscal year as follows:  
5 (a) Each county other than a county that has  
6 implemented the provisions of chapter 83-220, Laws of Florida,  
7 as amended by chapters 84-270, 86-152, and 89-252, Laws of  
8 Florida, shall receive the guaranteed amount for each fiscal  
9 year.  
10 (b) Each county other than a county that has  
11 implemented the provisions of chapter 83-220, Laws of Florida,  
12 as amended by chapters 84-270, 86-152, and 89-252, Laws of  
13 Florida, may receive an additional share calculated as  
14 follows:  
15 1. Multiply each county's percentage of the total  
16 state population excluding the population of any county that  
17 has implemented the provisions of chapter 83-220, Laws of  
18 Florida, as amended by chapters 84-270, 86-152, and 89-252,  
19 Laws of Florida, by the total funds to be distributed.  
20 2. If the result in subparagraph 1. is less than the  
21 guaranteed amount as determined in subsection (3), that  
22 county's additional share shall be zero.  
23 3. For each county in which the result in subparagraph  
24 1. is greater than the guaranteed amount as determined in  
25 subsection (3), the amount calculated in subparagraph 1. shall  
26 be reduced by the guaranteed amount. The result for each such  
27 county shall be expressed as a percentage of the amounts so  
28 determined for all counties. Each such county shall receive  
29 an additional share equal to such percentage multiplied by the  
30 total funds received by the Local Government Housing Trust  
31

1 Fund pursuant to s. 201.15(9)~~(6)~~reduced by the guaranteed  
2 amount paid to all counties.

3 (2) Effective July 1, 1995, distributions calculated  
4 in this section shall be disbursed on a monthly basis by the  
5 agency beginning the first day of the month after program  
6 approval pursuant to s. 420.9072. Each county's share of the  
7 funds to be distributed from the portion of the funds in the  
8 Local Government Housing Trust Fund received pursuant to s.  
9 201.15(10)~~(7)~~shall be calculated by the agency for each  
10 fiscal year as follows:

11 (a) Each county shall receive the guaranteed amount  
12 for each fiscal year.

13 (b) Each county may receive an additional share  
14 calculated as follows:

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

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

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

30 (3) Calculation of guaranteed amounts:  
31



1           (a) The guaranteed amount under subsection (1) shall  
2 be calculated for each state fiscal year by multiplying  
3 \$350,000 by a fraction, the numerator of which is the amount  
4 of funds distributed to the Local Government Housing Trust  
5 Fund pursuant to s. 201.15~~(9)~~~~(6)~~ and the denominator of which  
6 is the total amount of funds distributed to the Local  
7 Government Housing Trust Fund pursuant to s. 201.15.

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

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

17           Section 44. Section 253.787, Florida Statutes, is  
18 repealed.

19           Section 45. Effective July 1, 2000, section 259.035,  
20 Florida Statutes, 1998 Supplement, and section 259.07, Florida  
21 Statutes, are repealed.

22           Section 46. Stewardship Florida Study Commission.--

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

1 management, and persons with substantial expertise  
2 representing environmental interests, agricultural and  
3 silvicultural interests, outdoor recreational interests, and  
4 land development interests.

5 (b) Each member of the commission may receive per diem  
6 and travel expenses, as provided in s. 112.061, Florida  
7 Statutes, while carrying out the official business of the  
8 commission.

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

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

15 (e) Appointments shall be made by August 15, 1999, and  
16 the commission's first meeting shall be held by September 15,  
17 1999. The commission shall exist until December 31, 2000. The  
18 Governor shall designate, from among the appointees, the chair  
19 of the commission.

20 (2) The Stewardship Florida Study Commission shall:

21 (a) Provide a report to the Acquisition and  
22 Restoration Commission, by September 1, 2000, which meets the  
23 following requirements:

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

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

28 3. Provides recommendations for the development and  
29 identification of performance measures to be used for  
30 analyzing the progress made towards the goals established  
31 pursuant to s. 259.105(4), Florida Statutes.

1           4. Provides recommendations for the process by which  
2 projects are to be submitted, reviewed, and approved by the  
3 Acquisition and Restoration Commission. The study commission  
4 is specifically to examine ways to streamline the process  
5 created by the Stewardship Florida Act.

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

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

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

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

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

25           Section 47. Except as otherwise provided herein, this  
26 act shall take effect July 1, 1999.

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