

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; authorizing
25 contractual arrangements to manage state owned
26 lands; amending s. 253.7825, F.S.; revising
27 acreage requirements for a horse
28 park-agricultural center; amending s. 259.03;
29 F.S.; deleting obsolete definitions; providing
30 new definitions; amending s. 259.032, F.S.;
31 providing legislative intent; specifying

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

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

1 water management districts; providing district
 2 rulemaking authority, subject to legislative
 3 review; creating s. 373.1391, F.S.; providing
 4 criteria for management and uses of district
 5 lands; providing district rulemaking authority,
 6 subject to legislative review; creating s.
 7 373.199, F.S.; providing duties of the water
 8 management districts in assisting the
 9 Acquisition and Restoration Commission;
 10 requiring development of recommended project
 11 lists; specifying required information;
 12 repealing s. 373.250, F.S.; relating to the
 13 reuse of reclaimed water; amending s.
 14 373.59, F.S.; revising authorized uses of funds
 15 from the Water Management Lands Trust Fund;
 16 revising eligibility criteria for payment in
 17 lieu of taxes; amending s. 375.075, F.S.;
 18 revising funding and procedures for the Florida
 19 Recreation Development Assistance Program;
 20 amending ss. 380.0666 and 380.22, F.S.;
 21 providing conforming language; amending s.
 22 380.503, F.S.; providing definitions; amending
 23 s. 380.504, F.S.; revising the composition of
 24 the Florida Communities Trust; amending s.
 25 380.505, F.S.; revising quorum requirements;
 26 amending s. 380.507, F.S.; providing for
 27 titling of certain acquired property to a local
 28 government; revising rulemaking authority;
 29 amending s. 380.510, F.S.; requiring covenants
 30 and restrictions for certain property,
 31 necessary to comply with constitutional

1 requirements; amending ss. 420.5092 and
2 420.9073, F.S.; correcting cross references;
3 repealing s. 253.787, F.S., relating to the
4 Florida Greenways Coordinating Council;
5 repealing s. 259.035, F.S., relating to the
6 Land Acquisition and Management Advisory
7 Council; repealing s. 259.07, F.S., relating to
8 public meetings of the council; creating the
9 Stewardship Florida Study Commission; providing
10 membership and duties; providing an
11 appropriation; providing effective dates.
12

13 Be It Enacted by the Legislature of the State of Florida:
14

15 Section 1. Section 201.15, Florida Statutes, 1998
16 Supplement, is 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 ~~and shall be~~
24 ~~distributed as follows:~~

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

28 (a) ~~Amounts Subject to the maximum amount limitations~~
29 ~~set forth in this paragraph, an amount~~ as shall be necessary
30 to pay the debt service on, or fund debt service reserve
31 funds, rebate obligations, or other amounts with respect to

1 Preservation 2000 bonds issued pursuant to s. 375.051 and
 2 Stewardship Florida bonds issued pursuant to s. 215.618, bonds
 3 ~~issued pursuant to s. 375.051 and payable from moneys~~
 4 ~~transferred to the Land Acquisition Trust Fund pursuant to~~
 5 ~~this paragraph~~ shall be paid into the State Treasury to the
 6 credit of the Land Acquisition Trust Fund to be used for such
 7 purposes. The amount transferred to the Land Acquisition Trust
 8 Fund for such purposes shall not exceed ~~\$90 million in fiscal~~
 9 ~~year 1992-1993, \$120 million in fiscal year 1993-1994, \$150~~
 10 ~~million in fiscal year 1994-1995, \$180 million in fiscal year~~
 11 ~~1995-1996, \$210 million in fiscal year 1996-1997, \$240 million~~
 12 ~~in fiscal year 1997-1998, \$270 million in fiscal year~~
 13 ~~1998-1999, and \$300 million in fiscal year 1999-2000 and~~
 14 thereafter for Preservation 2000 bonds and bonds issued to
 15 refund Preservation 2000 bonds, and \$300 million in fiscal
 16 year 2000-2001 and thereafter for Stewardship Florida bonds.
 17 The annual amount transferred to the Land Acquisition Trust
 18 Fund for Stewardship Florida bonds shall not exceed \$30
 19 million in the first fiscal year in which bonds are issued.
 20 The limitation on the amount transferred shall be increased by
 21 an additional \$30 million in each subsequent fiscal year in
 22 which bonds are authorized to be issued, but shall not exceed
 23 a total of \$300 million in any fiscal year for all bonds
 24 issued. It is the intent of the Legislature that all bonds
 25 issued to fund the Stewardship Florida Act be retired by
 26 December 31, 2030. Except for bonds issued to refund
 27 previously issued bonds, no individual series of bonds may be
 28 issued pursuant to this paragraph unless such bonds are
 29 approved and the first year's debt service for such bonds is
 30 specifically appropriated in the General Appropriations Act.
 31 For purposes of refunding Preservation 2000 bonds, amounts

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

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

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

1 shall be paid into the State Treasury to the credit of the
2 Land Acquisition Trust Fund and may be used for any purpose
3 for which funds deposited in the Land Acquisition Trust Fund
4 may lawfully be used. Payments made under this paragraph shall
5 continue until the cumulative amount credited to the Land
6 Acquisition Trust Fund for the fiscal year under this
7 paragraph and paragraph (2)(b) equals 70 percent of the
8 current official forecast for distributions of taxes collected
9 under this chapter pursuant to subsection (2). As used in this
10 paragraph, the term "current official forecast" means the most
11 recent forecast as determined by the Revenue Estimating
12 Conference. If the current official forecast for a fiscal year
13 changes after payments under this paragraph have ended during
14 that fiscal year, no further payments are required under this
15 paragraph during the fiscal year.

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

19 (a) Beginning in the month following the final payment
20 for a fiscal year under paragraph (1)(a)~~(b)~~, available moneys
21 shall be paid into the State Treasury to the credit of the
22 General Revenue Fund of the state to be used and expended for
23 the purposes for which the General Revenue Fund was created
24 and exists by law or to the Ecosystem Management and
25 Restoration Trust Fund as provided in subsection (8). Payments
26 made under this paragraph shall continue until the cumulative
27 amount credited to the General Revenue Fund for the fiscal
28 year under this paragraph equals the cumulative payments made
29 under paragraph (1)(b) for the same fiscal year.

30 (b) The remainder of the moneys distributed under this
31 subsection shall be paid into the State Treasury to the credit

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

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

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

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

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

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

26 (6) Seven and fifty-three hundredths percent of the
27 remaining taxes collected under this chapter shall be paid
28 into the State Treasury to the credit of the State Housing
29 Trust Fund and shall be used as follows:

30
31

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

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

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

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

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

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

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

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

24 Section 2. Effective July 1, 2001, section 201.15,
25 Florida Statutes, 1998 Supplement, as amended by this act, is
26 amended to read:

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

1 to the extent that the amount of the service charge is
2 required to pay any amounts relating to the bonds:

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

6 (a) Amounts as shall be necessary to pay the debt
7 service on, or fund debt service reserve funds, rebate
8 obligations, or other amounts with respect to Preservation
9 2000 bonds issued pursuant to s. 375.051 and Stewardship
10 Florida bonds issued pursuant to s. 215.618, shall be paid
11 into the State Treasury to the credit of the Land Acquisition
12 Trust Fund to be used for such purposes. The amount
13 transferred to the Land Acquisition Trust Fund for such
14 purposes shall not exceed \$300 million in fiscal year
15 1999-2000 and thereafter for Preservation 2000 bonds and bonds
16 issued to refund Preservation 2000 bonds, and \$300 million in
17 fiscal year 2000-2001 and thereafter for Stewardship Florida
18 bonds. The annual amount transferred to the Land Acquisition
19 Trust Fund for Stewardship Florida bonds shall not exceed \$30
20 million in the first fiscal year in which bonds are issued.
21 The limitation on the amount transferred shall be increased by
22 an additional \$30 million in each subsequent fiscal year in
23 which bonds are authorized to be issued, but shall not exceed
24 a total of \$300 million in any fiscal year for all bonds
25 issued. It is the intent of the Legislature that all bonds
26 issued to fund the Stewardship Florida Act be retired by
27 December 31, 2030. Except for bonds issued to refund
28 previously issued bonds, no series of bonds may be issued
29 pursuant to this paragraph unless such bonds are approved and
30 the first year's debt service for such bonds is specifically
31 appropriated in the General Appropriations Act. For purposes

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

14 (b) The remainder of the moneys distributed under this
 15 subsection, after the required payments under paragraph (a),
 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 (2) Seven and fifty-six hundredths percent of the
 22 remaining taxes collected under this chapter shall be used for
 23 the following purposes:

24 (a) Beginning in the month following the final payment
 25 for a fiscal year under paragraph (1)(a), available moneys
 26 shall be paid into the State Treasury to the credit of the
 27 General Revenue Fund of the state to be used and expended for
 28 the purposes for which the General Revenue Fund was created
 29 and exists by law or to the Ecosystem Management and
 30 Restoration Trust Fund as provided in subsection (11)~~(8)~~.
 31 Payments made under this paragraph shall continue until the

1 cumulative amount credited to the General Revenue Fund for the
2 fiscal year under this paragraph equals the cumulative
3 payments made under paragraph (1)(b) for the same fiscal year.

4 (b) The remainder of the moneys distributed under this
5 subsection shall be paid into the State Treasury to the credit
6 of the Land Acquisition Trust Fund. Sums deposited in the fund
7 pursuant to this subsection may be used for any purpose for
8 which funds deposited in the Land Acquisition Trust Fund may
9 lawfully be used.

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

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

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

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

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

31

1 (6) Two and twenty-eight hundredths percent of the
2 remaining taxes collected under this chapter shall be paid
3 into the State Treasury to the credit of the Aquatic Plant
4 Control Trust Fund to carry out the purposes set forth in ss.
5 369.22 and 369.252.

6 (7) One-half of one percent of the remaining taxes
7 collected under this chapter shall be paid into the State
8 Treasury to the credit of the State Game Trust Fund to be used
9 exclusively for the purpose of implementing the Lake
10 Restoration 2020 Program.

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

29 (9)~~(6)~~ Seven and fifty-three hundredths percent of the
30 remaining taxes collected under this chapter shall be paid
31

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

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

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

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

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

25 (11)~~(8)~~ From the moneys specified in paragraphs (1)(b)
26 and (2)(a) and prior to deposit of any moneys into the General
27 Revenue Fund, \$10 million shall be paid into the State
28 Treasury to the credit of the Ecosystem Management and
29 Restoration Trust Fund in fiscal year 1998-1999, \$20 million
30 in fiscal year 1999-2000, and \$30 million in fiscal year
31 2000-2001 and each fiscal year thereafter, to be used for the

1 preservation and repair of the state's beaches as provided in
2 ss. 161.091-161.212.

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

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

26 Section 3. Effective July 1, 2001, subsection (1) of
27 section 161.05301, Florida Statutes, 1998 Supplement, is
28 amended to read:

29 161.05301 Beach erosion control project staffing;
30 coastal construction building codes review.--

31

1 (1) There are hereby appropriated to the Department of
2 Environmental Protection six positions and \$449,918 for fiscal
3 year 1998-1999 from the Ecosystem Management and Restoration
4 Trust Fund from revenues provided by this act pursuant to s.
5 201.15(11)(~~8~~). These positions and funding are provided to
6 assist local project sponsors, and shall be used to facilitate
7 and promote enhanced beach erosion control project
8 administration. Such staffing resources shall be directed
9 toward more efficient contract development and oversight,
10 promoting cost-sharing strategies and regional coordination or
11 projects among local governments, providing assistance to
12 local governments to ensure timely permit review, and
13 improving billing review and disbursement processes.

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

17 161.091 Beach management; funding; repair and
18 maintenance strategy.--

19 (3) In accordance with the intent expressed in s.
20 161.088 and the legislative finding that erosion of the
21 beaches of this state is detrimental to tourism, the state's
22 major industry, further exposes the state's highly developed
23 coastline to severe storm damage, and threatens beach-related
24 jobs, which, if not stopped, could significantly reduce state
25 sales tax revenues, funds deposited into the State Treasury to
26 the credit of the Ecosystem Management and Restoration Trust
27 Fund, in the annual amounts provided in s. 201.15(11)(~~8~~),
28 shall be used, for a period of not less than 15 years, to fund
29 the development, implementation, and administration of the
30 state's beach management plan, as provided in ss.
31 161.091-161.212, prior to the use of such funds deposited

1 pursuant to s. 201.15~~(11)~~~~(8)~~in that trust fund for any other
2 purpose.

3 Section 5. Section 215.618, Florida Statutes, is
4 created to read:

5 215.618 Bonds for acquisition and improvement of land,
6 water areas, and related property interests and resources.--

7 (1) The issuance of Stewardship Florida bonds, not to
8 exceed \$3 billion, to finance or refinance the cost of
9 acquisition and improvement of land, water areas, and related
10 property interests and resources, in urban and rural settings,
11 for the purposes of restoration, conservation, recreation,
12 water resource development, or historical preservation, and
13 for capital improvements to lands and water areas that
14 accomplish environmental restoration, enhance public access
15 and recreational enjoyment, promote long-term management
16 goals, and facilitate water resource development is hereby
17 authorized, subject to the provisions of s. 259.105 and
18 pursuant to s. 11(e), Art. VII of the State Constitution.
19 Stewardship Florida bonds may also be issued to refund
20 Preservation 2000 bonds issued pursuant to s. 375.051. The
21 duration of each series of Stewardship Florida bonds issued
22 may not exceed 20 annual maturities. Preservation 2000 bonds
23 and Stewardship Florida bonds shall be equally and ratably
24 secured by moneys distributable to the Land Acquisition Trust
25 Fund pursuant to s. 201.15(1)(a), except to the extent
26 specifically provided otherwise by the documents authorizing
27 the issuance of the bonds.

28 (2) The state does hereby covenant with the holders of
29 Stewardship Florida bonds and Preservation 2000 bonds that it
30 will not take any action which will materially and adversely
31 affect the rights of such holders so long as such bonds are

1 outstanding, including, but not limited to, a reduction in the
2 portion of documentary stamp taxes distributable to the Land
3 Acquisition Trust Fund for payment of debt service on
4 Preservation 2000 bonds or Stewardship Florida bonds.

5 (3) Bonds issued pursuant to this section shall be
6 payable from taxes distributable to the Land Acquisition Trust
7 Fund pursuant to s. 201.15(1)(a). Bonds issued pursuant to
8 this section shall not constitute a general obligation of, or
9 a pledge of the full faith and credit of, the state.

10 (4) The Department of Environmental Protection shall
11 request the Division of Bond Finance of the State Board of
12 Administration to issue the Stewardship Florida bonds
13 authorized by this section. The Division of Bond Finance shall
14 issue such bonds pursuant to the State Bond Act.

15 (5) The proceeds from the sale of bonds issued
16 pursuant to this section, less the costs of issuance, the
17 costs of funding reserve accounts, and other costs with
18 respect to the bonds, shall be deposited into the Stewardship
19 Florida Trust Fund. The bond proceeds deposited into the
20 Stewardship Florida Trust Fund shall be distributed by the
21 Department of Environmental Protection as provided in s.
22 259.105.

23 (6) Pursuant to authority granted by s. 11(e), Art.
24 VII of the State Constitution, there is hereby continued and
25 recreated the Land Acquisition Trust Fund which shall be a
26 continuation of the Land Acquisition Trust Fund which exists
27 for purposes of s. 9(a)(1), Art. XII of the State
28 Constitution. The Land Acquisition Trust Fund shall continue
29 beyond the termination of bonding authority provided for in s.
30 9(a)(1), Art. XII of the State Constitution, pursuant to the
31 authority provided by s. 11(e), Art. VII of the State

1 Constitution and shall continue for so long as Preservation
2 2000 bonds or Stewardship Florida bonds are outstanding and
3 secured by taxes distributable thereto.

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

10 (8) The initial series of Stewardship Florida bonds
11 shall be validated in addition to any other bonds required to
12 be validated pursuant to s. 215.82. Any complaint for
13 validation of bonds issued pursuant to this section shall be
14 filed only in the circuit court of the county where the seat
15 of state government is situated, the notice required to be
16 published by s. 75.06 shall be published only in the county
17 where the complaint is filed, and the complaint and order of
18 the circuit court shall be served only on the state attorney
19 of the circuit in which the action is pending.

20 Section 6. Section 216.331, Florida Statutes, is
21 amended to read:

22 216.331 Disbursement of state moneys.--Except as
23 provided in s. 17.076, s. 253.025(14), s. 259.041(18)~~(17)~~, s.
24 717.124(5), s. 732.107(6), or s. 733.816(5), all moneys in the
25 State Treasury shall be disbursed by state warrant, drawn by
26 the Comptroller upon the State Treasury and payable to the
27 ultimate beneficiary. This authorization shall include
28 electronic disbursement.

29 Section 7. Subsection (4) and paragraph (a) of
30 subsection (5) of section 253.027, Florida Statutes, are
31 amended to read:

1 253.027 Emergency archaeological property
2 acquisition.--
3 (4) EMERGENCY ARCHAEOLOGICAL ACQUISITION.--The sum of
4 \$2 million shall be reserved annually ~~segregated in an account~~
5 within the Stewardship Florida Conservation and Recreation
6 ~~Lands~~ Trust Fund for the purpose of emergency archaeological
7 acquisition ~~for fiscal year 1988-1989, and each year~~
8 ~~thereafter~~. Any portion of that amount ~~the account~~ not spent
9 or obligated by the end of the third quarter of the fiscal
10 year may be used for approved acquisitions pursuant to s.
11 259.105(3)(b) ~~spent for other purposes specified in s.~~
12 ~~259.032, upon approval of the Board of Trustees of the~~
13 ~~Internal Improvement Trust Fund.~~
14 (5) ACCOUNT EXPENDITURES.--
15 (a) No moneys shall be spent for the acquisition of
16 any property, including title works, appraisal fees, and
17 survey costs, unless:
18 1. The property is an archaeological property of major
19 statewide significance.
20 2. The structures, artifacts, or relics, or their
21 historic significance, will be irretrievably lost if the state
22 cannot acquire the property.
23 3. The site is presently on an acquisition list for
24 ~~the~~ Conservation and Recreation Lands or for Stewardship
25 Florida lands, ~~acquisition list~~ or complies with the criteria
26 for inclusion on any such ~~the~~ list but has yet to be included
27 on the list.
28 4. No other source of immediate funding is available
29 to purchase or otherwise protect the property.
30 5. The site is not otherwise protected by local,
31 state, or federal laws.

1 6. The acquisition is not inconsistent with the state
2 comprehensive plan and the state land acquisition program.

3 Section 8. Paragraph (c) of subsection (7) of section
4 253.03, Florida Statutes, 1998 Supplement, is amended to read:

5 253.03 Board of trustees to administer state lands;
6 lands enumerated.--

7 (7)

8 (c) Structures which are listed in or are eligible for
9 the National Register of Historic Places or the State
10 Inventory of Historic Places which are over the waters of the
11 State of Florida and which have a submerged land lease, or
12 have been grandfathered-in to use sovereignty submerged lands
13 until January 1, 1998, pursuant to chapter 18-21.00405,
14 Florida Administrative Code, shall have the right to continue
15 such submerged land leases ~~be allowed to apply for an~~
16 ~~extension of such lease~~, regardless of the fact that the
17 present landholder is not an adjacent riparian landowner, so
18 long as the lessee maintains the structure in a good state of
19 repair consistent with the guidelines for listing. If the
20 structure is damaged or destroyed, the lessee shall be allowed
21 to reconstruct, so long as the reconstruction is consistent
22 with the integrity of the listed structure. If a structure so
23 listed falls into disrepair and the lessee is not willing to
24 repair and maintain it consistent with its listing, the state
25 may cancel the submerged lease and either repair and maintain
26 the property or require that the structure be removed from
27 sovereignty submerged lands.

28 Section 9. Subsections (3), (4), (5), (6), and (8) of
29 section 253.034, Florida Statutes, 1998 Supplement, are
30 amended, and subsections (10) and (11) are added to said
31 section, to read:

1 253.034 State-owned lands; uses.--

2 (3) In recognition that recreational trails purchased
3 with rails-to-trails funds pursuant to s. 259.101(3)(g) or s.
4 259.105(3)(g) have had historic transportation uses and that
5 their linear character may extend many miles, the Legislature
6 intends that when the necessity arises to serve public needs,
7 after balancing the need to protect trail users from
8 collisions with automobiles and a preference for the use of
9 overpasses and underpasses to the greatest extent feasible and
10 practical, transportation uses shall be allowed to cross
11 recreational trails purchased pursuant to s. 259.101(3)(g) or
12 s. 259.105(3)(g). When these crossings are needed, the
13 location and design should consider and mitigate the impact on
14 humans and environmental resources, and the value of the land
15 shall be paid based on fair market value.

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

1 (5) Each state agency managing lands owned by the
2 Board of Trustees of the Internal Improvement Trust Fund shall
3 submit to the Division of State Lands a land management plan
4 at least every 5 years in a form and manner prescribed by rule
5 by the board. All management plans, whether for single-use or
6 multiple-use properties, shall specifically describe how the
7 managing agency plans to identify, locate, protect and
8 preserve, or otherwise use fragile nonrenewable resources,
9 such as archaeological and historic sites, as well as other
10 fragile resources, including endangered plant and animal
11 species, and provide for the conservation of soil and water
12 resources and for the control and prevention of soil erosion.
13 Land management plans submitted by an agency shall include
14 reference to appropriate statutory authority for such use or
15 uses and shall conform to the appropriate policies and
16 guidelines of the state land management plan. All land
17 management plans for parcels larger than 1,000 acres shall
18 contain an analysis of the multiple-use potential of the
19 parcel, which analysis shall include the potential of the
20 parcel to generate revenues to enhance the management of the
21 parcel. Additionally, the land management plan shall contain
22 an analysis of the potential use of private land managers to
23 facilitate the restoration or management of these lands. In
24 those cases where a newly acquired property has a valid
25 conservation plan, the plan shall be used to guide management
26 of the property until a formal land management plan is
27 completed.

28 (a) The Division of State Lands shall make available
29 to the public a copy of each land management plan for parcels
30 which exceed 160 acres in size. The council or its successor
31 shall review each plan for compliance with the requirements of

1 this subsection and with the requirements of the rules
2 established by the board pursuant to this subsection. The
3 council or its successor shall also consider the propriety of
4 the recommendations of the managing agency with regard to the
5 future use of the property, the protection of fragile or
6 nonrenewable resources, the potential for alternative or
7 multiple uses not recognized by the managing agency, and the
8 possibility of disposal of the property by the board. After
9 its review, the council or its successor shall submit the
10 plan, along with its recommendations and comments, to the
11 board. The council or its successor shall specifically
12 recommend to the board whether to approve the plan as
13 submitted, approve the plan with modifications, or reject the
14 plan.

15 (b) The Board of Trustees of the Internal Improvement
16 Trust Fund shall consider the land management plan submitted
17 by each state agency and the recommendations of the council or
18 its successor and the Division of State Lands and shall
19 approve the plan with or without modification or reject such
20 plan. The use or possession of any such lands which is not in
21 accordance with an approved land management plan is subject to
22 termination by the board.

23 (6) The Board of Trustees of the Internal Improvement
24 Trust Fund shall determine which lands, the title to which is
25 vested in the board, may be surplused ~~are of no benefit to the~~
26 ~~public and shall dispose of such lands pursuant to law.~~ For
27 those lands designated as acquired for conservation purposes,
28 the board shall make a determination that the lands are no
29 longer needed for conservation purposes and may dispose of
30 them by a two-thirds vote. For all other lands, the board

31

1 shall make a determination that the lands are no longer needed
2 and may dispose of them by majority vote.

3 (a) For the purposes of this subsection, all lands
4 acquired by the state prior to July 1, 1999, using proceeds
5 from the Preservation 2000 bonds, the Conservation and
6 Recreation Lands Trust Fund, or the Water Management Lands
7 Trust Fund, and titled to the board, which lands are
8 identified as core parcels or within original projects
9 boundaries, shall be deemed to have been acquired for
10 conservation purposes.

11 (b) For any lands purchased by the state on or after
12 July 1, 1999, a determination shall be made by the board as to
13 those parcels that shall be designated as having been acquired
14 for conservation purposes. No lands acquired for use by the
15 Department of Corrections, the Department of Management
16 Services for use as state offices, the Department of
17 Transportation, or the State University System or state
18 community college system shall be designated as having been
19 purchased for conservation purposes.

20 (c)(a) At least every 3 5 years, in a form and manner
21 prescribed by rule by the board, each state agency shall
22 indicate to the board those lands which the agency manages
23 which are not being used for the purpose for which they were
24 originally leased. Such lands shall be reviewed by the council
25 or its successor for its recommendation as to whether such
26 lands should be disposed of by the board.

27 (d)(b) Lands owned by the board which are not actively
28 managed by any state agency or for which a land management
29 plan has not been completed pursuant to subsection(5)(4)
30 shall be reviewed by the council or its successor for its
31

1 recommendation as to whether such lands should be disposed of
 2 by the board.

3 (e) Prior to any decision by the board to surplus
 4 lands, the Acquisition and Restoration Commission shall review
 5 and make recommendations to the board concerning the request
 6 for surplusings. The commission shall determine whether the
 7 request for surplusings is compatible with the resource values
 8 of and management objectives for such lands.

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

30 (g) Lands determined to be surplus pursuant to this
 31 subsection shall be sold for fair market value or the price

1 paid by the state or a water management district to originally
2 acquire the lands, whichever is greater, except that the price
3 of lands sold as surplus to any unit of government shall not
4 exceed the price paid by the state or a water management
5 district to originally acquire the lands. A unit of government
6 which acquires title to lands hereunder for less than fair
7 market value may not sell or transfer title to all or any
8 portion of the lands to any private owner for a period of 10
9 years.

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

24 (i) Requests for surplusing may be made by any public
25 or private entity or person. All requests shall be submitted
26 to the lead managing agency for review and recommendation to
27 the council or its successor. Lead managing agencies shall
28 have 90 days to review such requests and make recommendations.
29 Any surplusing requests that have not been acted upon within
30 the 90-day time period shall be immediately scheduled for
31

1 hearing at the next regularly scheduled meeting of the council
2 or its successor.

3 (j) Proceeds from any sale of surplus lands pursuant
4 to this subsection shall be deposited into the fund from which
5 such lands were acquired. However, if the fund from which the
6 lands were originally acquired no longer exists, such proceeds
7 shall be deposited into an appropriate account for use by the
8 lead managing agency for land management.

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

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

17 (8) Land management plans required to be submitted by
18 the Department of Corrections or the Department of Education
19 shall not be subject to the ~~council review~~ provisions for
20 review by the council or its successor described in subsection
21 (5). Management plans filed by these agencies shall be made
22 available to the public for a period of 90 days at the
23 administrative offices of the parcel or project affected by
24 the management plan and at the Tallahassee offices of each
25 agency. Any plans not objected to during the public comment
26 period shall be deemed approved. Any plans for which an
27 objection is filed shall be submitted to the Board of Trustees
28 of the Internal Improvement Trust Fund for consideration. The
29 Board of Trustees of the Internal Improvement Trust Fund shall
30 approve the plan with or without modification, or reject the
31 plan. The use or possession of any such lands which is not in

1 accordance with an approved land management plan is subject to
2 termination by the board.

3 (10) The following additional uses of lands acquired
4 pursuant to the Stewardship Florida program and other
5 state-funded land purchase programs shall be authorized, upon
6 a finding by the board of trustees, if they meet the criteria
7 specified in paragraphs (a)-(e): water resource development
8 projects, water supply development projects, stormwater
9 management projects, linear facilities, and sustainable
10 agriculture and forestry. Such additional uses are authorized
11 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 interest. A
23 decision by the board of trustees pursuant to this subsection
24 shall be given a presumption of correctness.

25
26 Moneys received from the use of state lands pursuant to this
27 subsection shall be returned to the lead managing agency in
28 accordance with the provisions of s. 259.032(11)(d).

29 (11) Lands identified for acquisition may be managed
30 by a private party in lieu of state purchase or in combination
31 with a state purchase in accordance with a contractual

1 arrangement between the acquiring agency and the private party
2 that may include service contracts, leases, cost share
3 arrangements, or resource conservation agreements. Funding
4 for these contractual arrangements may originate from the
5 documentary stamp tax revenue deposited into the Conservation
6 and Recreation Lands Trust Fund and Water Management District
7 Lands Trust Fund.

8 Section 10. Paragraph (a) of subsection (4) of section
9 253.7825, Florida Statutes is amended to read:

10 253.7825 Recreational uses.--

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

16 Section 11. Section 259.03, Florida Statutes, is
17 amended to read:

18 259.03 Definitions.--The following terms and phrases
19 when used in this chapter ~~ss. 259.01-259.06~~ shall have the
20 meaning ascribed to them in this section, except where the
21 context clearly indicates a different meaning:

22 (1) "Advisory council" means that council established
23 pursuant to s. 259.035.

24 ~~(2) "State capital projects for environmentally~~
25 ~~endangered lands" means a state capital project, as required~~
26 ~~by s. 11(a), Art. VII of the State Constitution, which shall~~
27 ~~have as its purpose the conservation and protection of~~
28 ~~environmentally unique and irreplaceable lands as valued~~
29 ~~ecological resources of this state.~~

30 ~~(3) "State capital project for outdoor recreation~~
31 ~~lands" means a state capital project, as required by s. 11(a),~~

1 ~~Art. VII of the State Constitution, which shall be for the~~
2 ~~purposes set out in chapter 375.~~

3 (2)(4) "Board" means the Governor and Cabinet, as the
4 Board of Trustees of the Internal Improvement Trust Fund.

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

20 (4) "Department" means the Department of Environmental
21 Protection.

22 (5) "Division" means the Division of Bond Finance of
23 the State Board of Administration.

24 (6) "Water resource development project" means a
25 project eligible for funding pursuant to s. 259.105 that
26 increases the amount of water available to meet the needs of
27 natural systems and the citizens of the state by enhancing or
28 restoring aquifer recharge, facilitating the capture and
29 storage of excess flows in surface waters, or promoting reuse.
30 The implementation of eligible projects under s. 259.105
31 includes land acquisition, land and water body restoration,

1 aquifer storage and recovery facilities, surface water
2 reservoirs, and other capital improvements. The term does not
3 include construction of treatment, transmission, or
4 distribution facilities.

5 Section 12. Subsections (1), (2), (3), (7), (8), (9),
6 (10), (11), (12), and (16) of section 259.032, Florida
7 Statutes, is amended to read:

8 259.032 Conservation and Recreation Lands Trust Fund;
9 purpose.--

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

1 Finally, it is the Legislature's intent that lands acquired
2 through this program and any successor programs be managed in
3 such a way as to protect or restore their natural resource
4 values, and provide the greatest benefit, including public
5 access, to the citizens of this state.

6 (2)(a) The Conservation and Recreation Lands Trust
7 Fund is established within the Department of Environmental
8 Protection. The fund shall be used as a nonlapsing, revolving
9 fund exclusively for the purposes of this section. The fund
10 shall be credited with proceeds from the following excise
11 taxes:

12 1. The excise taxes on documents as provided in s.
13 201.15; and

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

16
17 The Department of Revenue shall credit to the fund each month
18 the proceeds from such taxes as provided in this paragraph.

19 (b) There shall annually be transferred from the
20 Conservation and Recreation Lands Trust Fund to the Land
21 Acquisition Trust Fund that amount, not to exceed \$20 million
22 annually, as shall be necessary to pay the debt service on, or
23 fund debt service reserve funds, rebate obligations, or other
24 amounts with respect to bonds issued pursuant to s. 375.051 to
25 acquire lands on the established priority list developed
26 pursuant to this section ~~as determined by the advisory council~~
27 ~~pursuant to s. 259.035~~; however, no moneys transferred to the
28 Land Acquisition Trust Fund pursuant to this paragraph, or
29 earnings thereon, shall be used or made available to pay debt
30 service on the Save Our Coast revenue bonds. Amounts
31 transferred annually from the Conservation and Recreation

1 Lands Trust Fund to the Land Acquisition Trust Fund pursuant
2 to this paragraph shall have the highest priority over other
3 payments or transfers from the Conservation and Recreation
4 Lands Trust Fund, and no other payments or transfers shall be
5 made from the Conservation and Recreation Lands Trust Fund
6 until such transfers to the Land Acquisition Trust Fund have
7 been made. Effective July 1, 2001, moneys in the Conservation
8 and Recreation Lands Trust Fund also shall be used to manage
9 lands and to pay related costs, activities, and functions
10 pursuant to the provisions of this section.

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

15 (a) To conserve and protect environmentally unique and
16 irreplaceable lands that contain native, relatively unaltered
17 flora and fauna representing a natural area unique to, or
18 scarce within, a region of this state or a larger geographic
19 area;

20 (b) To conserve and protect lands within designated
21 areas of critical state concern, if the proposed acquisition
22 relates to the natural resource protection purposes of the
23 designation;

24 (c) To conserve and protect native species habitat or
25 endangered or threatened species, emphasizing long-term
26 protection for endangered or threatened species designated G-1
27 or G-2 by the Florida Natural Areas Inventory, and especially
28 those areas that are special locations for breeding and
29 reproduction;

30 (d) To conserve, protect, manage, or restore important
31 ecosystems, landscapes, and forests, if the protection and

1 conservation of such lands is necessary to enhance or protect
2 significant surface water, groundwater, coastal, recreational,
3 timber, or fish or wildlife resources which cannot otherwise
4 be accomplished through local and state regulatory programs;

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

7 (f) To facilitate the restoration and subsequent
8 health and vitality of the Florida Everglades;

9 (g)~~(e)~~ To provide areas, including recreational
10 trails, for natural resource based recreation and other
11 outdoor recreation on any part of any site compatible with
12 conservation purposes;

13 (h)~~(f)~~ To preserve significant archaeological or
14 historic sites; or

15 (i)~~(g)~~ To conserve urban open spaces suitable for
16 greenways or outdoor recreation which are compatible with
17 conservation purposes.

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

29 (8) Lands to be considered for purchase under this
30 section are subject to the selection procedures of s. 259.035
31 and related rules and shall be acquired in accordance with

1 acquisition procedures for state lands provided for in s.
2 259.041, except as otherwise provided by the Legislature. An
3 inholding or an addition to a project selected for purchase
4 pursuant to this chapter ~~or s. 259.035~~ is not subject to the
5 selection procedures of s. 259.035 if the estimated value of
6 such inholding or addition does not exceed \$500,000. When at
7 least 90 percent of the acreage of a project has been
8 purchased pursuant to this chapter ~~or s. 259.035~~, the project
9 may be removed from the list and the remaining acreage may
10 continue to be purchased. Moneys from the fund may be used for
11 title work, appraisal fees, environmental audits, and survey
12 costs related to acquisition expenses for lands to be
13 acquired, donated, or exchanged which qualify under the
14 categories of this section, at the discretion of the board.
15 When the Legislature has authorized the Department of
16 Environmental Protection to condemn a specific parcel of land
17 and such parcel has already been approved for acquisition
18 under this section, the land may be acquired in accordance
19 with the provisions of chapter 73 or chapter 74, and the fund
20 may be used to pay the condemnation award and all costs,
21 including a reasonable attorney's fee, associated with
22 condemnation.

23 (9)~~(a)~~ All lands managed under this chapter and s.
24 253.034 ~~section~~ shall be:

25 (a)1. Managed in a manner that will provide the
26 greatest combination of benefits to the public and to the
27 resources.

28 (b)2. Managed for public outdoor recreation which is
29 compatible with the conservation and protection of public
30 lands. Such management may include, but not be limited to, the
31 following public recreational uses: fishing, hunting,

1 camping, bicycling, hiking, nature study, swimming, boating,
2 canoeing, horseback riding, diving, model hobbyist activities,
3 birding, sailing, jogging, and other related outdoor
4 activities compatible with the purposes for which the lands
5 were acquired.

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

8
9 ~~Management may include the following public uses: fishing,~~
10 ~~hunting, camping, bicycling, hiking, nature study, swimming,~~
11 ~~boating, canoeing, horseback riding, diving, birding, sailing,~~
12 ~~jogging, and other related outdoor activities.~~

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

18 1. The management goals for the property;

19 2. The conditions that will affect the intensity of
20 management;

21 3. An estimate of the revenue-generating potential of
22 the property, if appropriate;

23 4. A timetable for implementing the various stages of
24 management and for providing access to the public, if
25 applicable;

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

28 6. Provisions for protecting existing infrastructure
29 and for ensuring the security of the project upon acquisition;
30
31

1 7. The anticipated costs of management and projected
2 sources of revenue, including legislative appropriations, to
3 fund management needs; and

4 8. Recommendations as to how many employees will be
5 needed to manage the property, ~~and~~ recommendations as to
6 whether local governments, volunteer groups, the former
7 landowner, or other interested parties can be involved in the
8 management.

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

23 ~~(f)3.~~ State agencies designated to manage lands
24 acquired under this chapter may contract with local
25 governments and soil and water conservation districts to
26 assist in management activities, including the responsibility
27 of being the lead land manager. Such land management
28 contracts may include a provision for the transfer of
29 management funding to the local government or soil and water
30 conservation district from the Conservation and Recreation
31 Lands Trust Fund in an amount adequate for the local

1 government or soil and water conservation district to perform
2 its contractual land management responsibilities and
3 proportionate to its responsibilities, and which otherwise
4 would have been expended by the state agency to manage the
5 property.

6 (g)~~4.~~ Immediately following the acquisition of any
7 interest in lands under this chapter, the Department of
8 Environmental Protection, acting on behalf of the board of
9 trustees, may issue to the lead managing entity an interim
10 assignment letter to be effective until the execution of a
11 formal lease.

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

20 (b) ~~Beginning fiscal year 1998-1999,~~ Individual
21 management plans required by s. 253.034~~(5)(4)~~, for parcels
22 over 160 acres, shall be developed with input from an advisory
23 group. Members of this advisory group shall include, at a
24 minimum, representatives of the lead land managing agency,
25 comanaging entities, local private property owners, the
26 appropriate soil and water conservation district, a local
27 conservation organization, and a local elected official. The
28 advisory group shall conduct at least one public hearing
29 within the county in which the parcel or project is located.
30 For those parcels or projects that are within more than one
31 county, at least one areawide public hearing shall be

1 acceptable and the lead managing agency shall invite a local
2 elected official from each county. The areawide public hearing
3 shall be held in the county in which the core parcels are
4 located. Notice of such public hearing shall be posted on the
5 parcel or project designated for management, advertised in a
6 paper of general circulation, and announced at a scheduled
7 meeting of the local governing body before the actual public
8 hearing. The management prospectus required pursuant to
9 paragraph (9) (d) ~~(b)~~ shall be available to the public for a
10 period of 30 days prior to the public hearing.

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

28 (d) For each project for which lands are acquired
29 after July 1, 1995, an individual management plan shall be
30 adopted and in place no later than 1 year after the essential
31 parcel or parcels identified in the annual Conservation and

1 Recreation Lands report prepared pursuant to s. 259.035(2)(a)
2 have been acquired. Beginning in fiscal year 1998-1999, the
3 Department of Environmental Protection shall distribute only
4 75 percent of the acquisition funds to which a budget entity
5 or water management district would otherwise be entitled from
6 the Preservation 2000 Trust Fund to any budget entity or any
7 water management district that has more than one-third of its
8 management plans overdue.

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

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

15 2. Key management activities necessary to preserve and
16 protect natural resources and restore habitat, and for
17 controlling the spread of nonnative plants and animals, and
18 for prescribed fire and other appropriate resource management
19 activities.

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

23 4. A priority schedule for conducting management
24 activities, based on the purposes for which the lands were
25 acquired.

26 5. A cost estimate for conducting priority management
27 activities, to include recommendations for cost-effective
28 methods of accomplishing those activities.

29 6. A cost estimate for conducting other management
30 activities which would enhance the natural resource value or
31 public recreation value for which the lands were acquired. The

1 cost estimate shall include recommendations for cost-effective
2 methods of accomplishing those activities.

3 7. A determination of the public uses and public
4 access that would be consistent with the purposes for which
5 the lands were acquired.

6 (f)~~(b)~~ The Division of State Lands shall submit a copy
7 of each individual management plan for parcels which exceed
8 160 acres in size to each member of the Land Acquisition and
9 Management Advisory Council or its successor, which shall:-

10 1. ~~The council shall,~~ Within 60 days after receiving a
11 plan from the division, review each plan for compliance with
12 the requirements of this subsection and with the requirements
13 of the rules established by the board pursuant to this
14 subsection.

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

18 3. After its review, ~~the council shall~~ submit the
19 plan, along with its recommendations and comments, to the
20 board of trustees, with recommendations as to. ~~The council~~
21 ~~shall specifically recommend to the board of trustees~~ whether
22 to approve the plan as submitted, approve the plan with
23 modifications, or reject the plan.

24 (g)~~(c)~~ The board of trustees shall consider the
25 individual management plan submitted by each state agency and
26 the recommendations of the Land Acquisition and Management
27 Advisory Council, or its successor, and the Division of State
28 Lands and shall approve the plan with or without modification
29 or reject such plan. The use or possession of any lands owned
30 by the board of trustees which is not in accordance with an
31

1 approved individual management plan is subject to termination
2 by the board of trustees.

3

4 By July 1 of each year, each governmental agency, including
5 the water management districts, and each private entity
6 designated to manage lands shall report to the Secretary of
7 Environmental Protection on the progress of funding, staffing,
8 and resource management of every project for which the agency
9 or entity is responsible.

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

21 (b) An amount up to 1.5 percent of the cumulative
22 total of funds ever deposited into the Florida Preservation
23 2000 Trust Fund and the Stewardship Florida Trust Fund shall
24 be made available for the purposes of management, maintenance,
25 and capital improvements not eligible for funding pursuant to
26 s. 11(e), Art. VII of the State Constitution, and for
27 associated contractual services, for lands acquired pursuant
28 to this section, ~~and~~ s. 259.101, s. 259.105, or previous
29 programs for the acquisition of lands for conservation and
30 recreation, including state forests, to which title is vested
31 in the board of trustees. Each agency with management

1 responsibilities shall annually request from the Legislature
2 funds sufficient to fulfill such responsibilities. For the
3 purposes of this subsection, capital improvements shall
4 include, but need not be limited to, perimeter fencing, signs,
5 firelanes, access roads and trails, and minimal public
6 accommodations, such as primitive campsites, garbage
7 receptacles, and toilets. Any equipment purchased with funds
8 provided pursuant to this paragraph may be used for the
9 purposes described in this paragraph on any conservation and
10 recreation lands managed by a state agency.

11 (c) In requesting funds provided for in paragraph (b)
12 for long-term management of all acquisitions pursuant to this
13 chapter and for associated contractual services, the managing
14 agencies shall recognize the following categories of land
15 management needs:

16 1. Lands which are low-need tracts, requiring basic
17 resource management and protection, such as state reserves,
18 state preserves, state forests, and wildlife management areas.
19 These lands generally are open to the public but have no more
20 than minimum facilities development.

21 2. Lands which are moderate-need tracts, requiring
22 more than basic resource management and protection, such as
23 state parks and state recreation areas. These lands generally
24 have extra restoration or protection needs, higher
25 concentrations of public use, or more highly developed
26 facilities.

27 3. Lands which are high-need tracts, with identified
28 needs requiring unique site-specific resource management and
29 protection. These lands generally are sites with historic
30 significance, unique natural features, or very high intensity
31 public use, or sites that require extra funds to stabilize or

1 protect resources, such as lands with heavy infestations of
 2 nonnative, invasive plants.

3
 4 In evaluating the management funding needs of lands based on
 5 the above categories, the lead land managing agencies shall
 6 include in their considerations the impacts of, and needs
 7 created or addressed by, multiple-use management strategies.

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

20 (e) Up to one-fifth of the funds provided for in
 21 paragraph (b) shall be reserved by the board of trustees for
 22 interim management of acquisitions and for associated
 23 contractual services, to ensure the conservation and
 24 protection of natural resources on project sites and to allow
 25 limited public recreational use of lands. Interim management
 26 activities may include, but not be limited to, resource
 27 assessments, control of invasive, nonnative ~~exotic~~ species,
 28 habitat restoration, fencing, law enforcement, controlled
 29 burning, and public access consistent with preliminary
 30 determinations made pursuant to paragraph (9)(g)~~(b)~~. The
 31

1 board of trustees shall make these interim funds available
 2 immediately upon purchase.

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

14 (12)(a) Beginning July 1, 1999 ~~in fiscal year~~
 15 ~~1994-1995~~, not more than 3.75 percent of the Conservation and
 16 Recreation Lands Trust Fund shall be made available annually
 17 to the department for payment in lieu of taxes to qualifying
 18 ~~counties, cities,~~ and local governments as defined in
 19 paragraph (b) for all actual tax losses incurred as a result
 20 of board of trustees acquisitions for state agencies under the
 21 Stewardship Florida program or the Florida Preservation 2000
 22 program during any year. Reserved funds not used for payments
 23 in lieu of taxes in any year shall revert to the fund to be
 24 used for land acquisition in accordance with the provisions of
 25 this section.

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

27 1. To all counties that have a population of 150,000
 28 or less. Population levels shall be determined pursuant to s.
 29 ~~11.031. To counties which levy an ad valorem tax of at least~~
 30 ~~8.25 mills or the amount of the tax loss from all completed~~
 31 ~~Preservation 2000 acquisitions in the county exceeds 0.01~~

1 ~~percent of the county's total taxable value, and have a~~
2 ~~population of 75,000 or less.~~

3 2. To all local governments located in eligible
4 counties.~~To counties with a population of less than 100,000~~
5 ~~which contain all or a portion of an area of critical state~~
6 ~~concern designated pursuant to chapter 380 and to local~~
7 ~~governments within such counties.~~

8 3. To Glades county, where a privately owned and
9 operated prison leased to the state has recently been opened
10 and where privately owned and operated juvenile justice
11 facilities leased to the state have recently been constructed
12 and opened, a payment in lieu of taxes, in an amount that
13 offsets the loss of property tax revenue, which funds have
14 already been appropriated and allocated for the purpose of
15 reimbursing amounts equal to ad valorem taxes.

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

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

28 ~~(c) Payment in lieu of taxes shall be available to any~~
29 ~~city which has a population of 10,000 or less and which levies~~
30 ~~an ad valorem tax of at least 8.25 mills or the amount of the~~
31 ~~tax loss from all completed Preservation 2000 acquisitions in~~

1 ~~the city exceeds 0.01 percent of the city's total taxable~~
 2 ~~value.~~

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

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

28 (e)~~(f)~~ Payment in lieu of taxes pursuant to this
 29 subsection ~~paragraph~~ shall be made annually to qualifying
 30 counties, ~~cities,~~ and local governments after certification by
 31 the Department of Revenue that the amounts applied for are

1 reasonably appropriate, based on the amount of actual taxes
2 paid on the eligible property, and after the Department of
3 Environmental Protection has provided supporting documents to
4 the Comptroller and has requested that payment be made in
5 accordance with the requirements of this section.

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

10
11 For the purposes of this subsection, "local government"
12 includes municipalities, the county school board, mosquito
13 control districts, and any other local government entity which
14 levies ad valorem taxes, with the exception of a water
15 management district.

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

25 Section 13. Section 259.034, Florida Statutes, is
26 created to read:

27 259.034 Acquisition and Restoration Commission.--

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

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

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

16 1. One person selected by the water management
17 districts, who shall represent the five districts and shall be
18 reappointed on an annual basis.

19 2. The Secretary of Environmental Protection or a
20 designee.

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

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

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

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

28 (c) Additionally, the President of the Senate and the
29 Speaker of the House of Representatives shall each appoint one
30 ad hoc, nonvoting member of the commission from their
31 respective chambers. Such members shall be selected from

1 among the members of a standing committee that has
2 jurisdictional responsibility for the Department of
3 Environmental Protection. These members shall serve for the
4 duration of the term of the appointing legislative officer.

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

13 (2) The Governor shall appoint the chair of the
14 commission, and a vice chair shall be elected from among the
15 voting members.

16 (3) The three members of the commission appointed by
17 the Governor shall receive \$75 per day while engaged in the
18 business of the commission, as well as expenses and per diem
19 for travel, including attendance at meetings, as allowed state
20 officers and employees while in the performance of their
21 duties, pursuant to s. 112.061.

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

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

31

1 (6) The commission shall develop a budget pursuant to
2 chapter 216. The budget shall be transmitted to the board of
3 trustees as head of the commission, for submission to the
4 Governor in the exercise of the Governor's constitutional
5 duties.

6 (7) The commission shall provide assistance to the
7 board of trustees in reviewing the recommendations and plans
8 for state-owned lands required under s. 253.034. The
9 commission shall, in reviewing such recommendations and plans,
10 consider the optimization of multiple-use and conservation
11 strategies to accomplish the provisions of s. 253.034.
12 However, no multiple-use activity shall be allowed if such use
13 would cause all or any portion of the interest on any bonds
14 issued to finance the Stewardship Florida program to lose the
15 exclusion from gross income for federal income tax purposes.

16 (8) Additionally, on July 1, 2000, the duties, powers,
17 and responsibilities of the Land Acquisition and Management
18 Advisory Council established pursuant to s. 259.035 shall be
19 assumed by the commission, and the provisions of law
20 authorizing the advisory council shall be repealed.

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

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

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

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

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

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

11 259.036 Management review teams.--

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

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

23 259.04 Board; powers and duties.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18
19 Where approval of the board of trustees is required pursuant
20 to this subsection, the acquiring agency must provide a
21 justification as to why it is in the public's interest to
22 acquire the parcel or project. Approval of the board of
23 trustees also is required for projects the department
24 recommends acquiring pursuant to subsections ~~(14)~~~~(13)~~ and
25 ~~(15)~~~~(14)~~. Review and approval of agreements for acquisitions
26 for Florida Greenways and Trails Program properties pursuant
27 to chapter 260 may be waived by the department in any contract
28 with nonprofit corporations that have agreed to assist the
29 department with this program.

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

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

6 (e) Generally, appraisal reports are confidential and
7 exempt from the provisions of s. 119.07(1), for use by the
8 agency and the board of trustees, until an option contract is
9 executed or, if no option contract is executed, until 2 weeks
10 before a contract or agreement for purchase is considered for
11 approval by the board of trustees. However, the department has
12 the authority, at its discretion, to disclose appraisal
13 reports to private landowners during negotiations for
14 acquisitions using alternatives to fee simple techniques, if
15 the department determines that disclosure of such reports will
16 bring the proposed acquisition to closure. The Division of
17 State Lands may also disclose appraisal information to public
18 agencies or nonprofit organizations that agree to maintain the
19 confidentiality of the reports or information when joint
20 acquisition of property is contemplated, or when a public
21 agency or nonprofit organization enters into a written
22 multiparty agreement with the division to purchase and hold
23 property for subsequent resale to the division. In addition,
24 the division may use, as its own, appraisals obtained by a
25 public agency or nonprofit organization, provided the
26 appraiser is selected from the division's list of appraisers
27 and the appraisal is reviewed and approved by the division.
28 For the purposes of this chapter, "nonprofit organization"
29 means an organization whose purposes include ~~purpose is~~ the
30 preservation of natural resources, and which is exempt from
31 federal income tax under s. 501(c)(3) of the Internal Revenue

1 Code. The agency may release an appraisal report when the
2 passage of time has rendered the conclusions of value in the
3 report invalid or when the acquiring agency has terminated
4 negotiations.

5
6 Notwithstanding the provisions of this subsection, on behalf
7 of the board and before the appraisal of parcels approved for
8 purchase under this chapter, the Secretary of Environmental
9 Protection or the director of the Division of State Lands may
10 enter into option contracts to buy such parcels. Any such
11 option contract shall state that the final purchase price is
12 subject to approval by the board or, when applicable, the
13 secretary and that the final purchase price may not exceed the
14 maximum offer allowed by law. The consideration for such an
15 option may not exceed \$1,000 or 0.01 percent of the estimate
16 by the department of the value of the parcel, whichever amount
17 is greater.

18 (11)(a) The Legislature finds that, with the
19 increasing pressures on the natural areas of this state and on
20 open space suitable for recreational use, the state must
21 develop creative techniques to maximize the use of acquisition
22 and management funds. The Legislature also finds that the
23 state's conservation and recreational land acquisition
24 agencies should be encouraged to augment their traditional,
25 fee simple acquisition programs with the use of alternatives
26 to fee simple acquisition techniques. Additionally, the
27 Legislature finds that generations of private landowners have
28 been good stewards of their land, protecting or restoring
29 native habitats and ecosystems to the benefit of the natural
30 resources of this state, its heritage, and its citizens. The
31 Legislature also finds that using alternatives to fee simple

1 acquisition by public land acquisition agencies will achieve
2 the following public policy goals:

3 1. Allow more lands to be brought under public
4 protection for preservation, conservation, and recreational
5 purposes with less expenditure of public funds.

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

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

11
12 Therefore, it is the intent of the Legislature that public
13 land acquisition agencies develop programs to pursue
14 alternatives to fee simple acquisition and to educate private
15 landowners about such alternatives and the benefits of such
16 alternatives. It is also the intent of the Legislature that a
17 portion of the shares of Preservation 2000 and Stewardship
18 Florida bond proceeds be used to purchase eligible properties
19 using alternatives to fee simple acquisition.

20 (b) All project applications shall identify, within
21 their acquisition plans, those projects which require a full
22 fee simple interest to achieve the public policy goals,
23 together with the reasons full title is determined to be
24 necessary. The state agencies and the water management
25 districts may use alternatives to fee simple acquisition to
26 bring the remaining projects in their acquisition plans under
27 public protection. For the purposes of this subsection, the
28 term "alternatives to fee simple acquisition" includes, but is
29 not limited to: purchase of development rights; obtaining
30 conservation easements; obtaining flowage easements; purchase
31 of timber rights, mineral rights, or hunting rights; purchase

1 of agricultural interests or silvicultural interests; entering
2 into land protection agreements as defined in s. 380.0677(5);
3 fee simple acquisitions with reservations; creating life
4 estates; or any other acquisition technique which achieves the
5 public policy goals listed in paragraph (a). It is presumed
6 that a private landowner retains the full range of uses for
7 all the rights or interests in the landowner's land which are
8 not specifically acquired by the public agency. The lands upon
9 which hunting rights are specifically acquired pursuant to
10 this paragraph shall be available for hunting in accordance
11 with the management plan or hunting regulations adopted by the
12 Florida Fish and Wildlife Conservation Commission, unless the
13 hunting rights are purchased specifically to protect
14 activities on adjacent lands.

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

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

30 (e) The Legislature finds that the lack of direct
31 sales comparison information has served as an impediment to

1 successful implementation of alternatives to fee simple
2 acquisition. It is the intent of the Legislature that, in the
3 absence of direct comparable sales information, appraisals of
4 alternatives to fee simple acquisitions be based on the
5 difference between the full fee simple valuation and the value
6 of the interests remaining with the seller after acquisition.

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

11 (15)(14) The board of trustees, by an affirmative vote
12 of five members, may direct the department to purchase lands
13 on an immediate basis using up to 15 percent of the funds
14 allocated to the department pursuant to ss. ~~s.~~259.101(3)(a)
15 and 259.105 for the acquisition of lands that:

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

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

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

26
27 For such acquisitions, the board of trustees may waive or
28 modify all procedures required for land acquisition pursuant
29 to this chapter and all competitive bid procedures required
30 pursuant to chapters 255 and 287. Lands acquired pursuant to
31 this subsection must, at the time of purchase, be on one of

1 the acquisition lists established pursuant to this chapter, or
 2 be essential for water resource development, protection, or
 3 restoration, or a significant portion of the lands must
 4 contain natural communities or plant or animal species which
 5 are listed by the Florida Natural Areas Inventory as
 6 critically imperiled, imperiled, or rare, or as excellent
 7 quality occurrences of natural communities.

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

11 259.101 Florida Preservation 2000 Act.--

12 (6) DISPOSITION OF LANDS.--

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

25 (b) Before land may be surplused ~~can be determined to~~
 26 ~~be of no further benefit to the public~~ as required by s.
 27 253.034(6)~~(5)~~, or determined to be no longer required for its
 28 purposes under s. 373.056(4), whichever may be applicable,
 29 there shall first be a determination by the Board of Trustees
 30 of the Internal Improvement Trust Fund, or, in the case of
 31 water management district lands, by the owning water

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

8 (9)

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

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

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

13 Section 19. Section 259.105, Florida Statutes is
14 created to read:

15 259.105 The Stewardship Florida Act.--

16 (1) This section may be cited as the "Stewardship
17 Florida Act."

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

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

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

30 3. The potential development of Florida's remaining
31 natural areas and escalation of land values require a

1 continuation of government efforts to restore, bring under
2 public protection, or acquire lands and water areas to
3 preserve the state's invaluable quality of life.

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

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

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

29 7. Access to public lands to support a broad range of
30 outdoor recreational opportunities and the development of
31 necessary infrastructure, where compatible with the resource

1 values of and management objectives for such lands, promotes
2 an appreciation for Florida's natural assets and improves the
3 quality of life.

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

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

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

28 (b) The Legislature recognizes that acquisition is
29 only one way to achieve the aforementioned goals and
30 encourages the development of creative partnerships between
31 governmental agencies and private landowners. Land protection

1 agreements and similar tools should be used, where
2 appropriate, to bring environmentally sensitive tracts under
3 an acceptable level of protection at a lower financial cost to
4 the public, and to provide private landowners with the
5 opportunity to enjoy and benefit from their property.

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

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

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

27 (f) To ensure success and provide accountability to
28 the citizens of this state, it is the intent of the
29 Legislature that any bond proceeds used pursuant to this
30 section be used to implement the goals and objectives
31 developed by the Acquisition and Restoration Commission.

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

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

21 (a) Thirty-five percent to Department of Environmental
22 Protection for distribution by the Acquisition and Restoration
23 Commission for the acquisition of lands and capital project
24 expenditures necessary to implement the water management
25 districts' priority lists submitted pursuant to s. 373.199.

26 (b) Thirty-five percent to the Department of
27 Environmental Protection for distribution by the Acquisition
28 and Restoration Commission for the acquisition of lands and
29 capital project expenditures described in this section. Of the
30 proceeds distributed pursuant to this paragraph, it is the
31 intent of the Legislature that an increased priority be given

1 to those acquisitions which achieve a combination of
2 conservation goals, including protecting Florida's water
3 resources and natural groundwater recharge. Protection Capital
4 project expenditures may not exceed 10 percent of the funds
5 allocated pursuant to this paragraph.

6 (c) Twenty percent to the Department of Community
7 Affairs to provide grants and loans to local governments
8 through the Florida Communities Trust pursuant to part III of
9 chapter 380. Of this 20 percent, 75 percent shall be matched
10 by local governments on a dollar-for-dollar basis. However, no
11 less than 5 percent of the funds allocated through the Florida
12 Communities Trust shall be used to acquire lands for
13 recreational trail systems. In the event these designated
14 funds are not fully expended on recreational trail
15 acquisitions, the Florida Communities Trust may expend such
16 funds for other purposes authorized by this section.

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

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

29 (f) One and five-tenths percent to the Fish and
30 Wildlife Conservation Commission to fund the acquisition of
31

1 inholdings and additions to lands managed by the commission
2 which are important to the conservation of fish and wildlife.

3 (g) One and five-tenths percent to the Department of
4 Environmental Protection for the Florida Greenways and Trails
5 Program, to acquire greenways and trails or greenways and
6 trail systems pursuant to chapter 260, including, but not
7 limited to, abandoned railroad rights-of-way and the Florida
8 National Scenic Trail.

9 (h) Four percent to the Division of Recreation and
10 Parks of the Department of Environmental Protection to provide
11 grants to local governments through the Florida Recreation
12 Development Assistance Program pursuant to s. 375.075.

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

30 (j) It is the intent of the Legislature that the
31 percentage distributions prescribed within this subsection be

1 reviewed and recommendations be made on whether adjustments
2 are needed. To assist the Legislature in performing these
3 reviews the Acquisition and Restoration Commission with
4 cooperation from the Department of Environmental Protection
5 and the Executive Office of the Governor shall submit a report
6 that details: specific expenditures made under each paragraph
7 of this section; recommendations for adjusting or expanding
8 the goals; and recommendations for adjusting the percentage
9 distributions. Such report shall be submitted to the
10 President of the Senate and Speaker of the House 30 days prior
11 to the regular legislative sessions in the following years:
12 2002, 2004, 2006, and 2008.

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

16 (a) An increase in the level of protection for, or an
17 increase in the populations of, listed plant species, as
18 measured by the number of occurrences, acres of strategic
19 habitat areas, or delisting or redesignation of such species.

20 (b) An increase in the level of protection for, or an
21 increase in the populations of, listed animal species, as
22 measured by the number of occurrences, acres of strategic
23 habitat areas, delisting or redesignation of such species, or
24 the change in long-term survival rates.

25 (c) The restoration of land areas, as measured by a
26 reduction in nonnative species, level of maintenance control
27 of invasive species, reforestation rates, or regeneration of
28 natural communities.

29 (d) An increase in public landholdings needed to meet
30 the goals of this subsection, as measured by the acquisition
31

1 of lands in fee simple or with less than fee simple
2 alternatives.

3 (e) The completion of projects begun under previous
4 land acquisition programs, as measured through the acquisition
5 of land under inholdings and additions programs.

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

8 (g) An increase in public recreational opportunities,
9 as measured by the acreage available for recreational
10 opportunities or the number of miles available for greenways
11 or trails.

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

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

18 (j) The restoration of water areas, as measured by a
19 reduction of nonnative species, level of maintenance control
20 of invasive species, regeneration of natural communities,
21 reduction of excessive sedimentation, removal of impediments,
22 or reduction of shoreline erosion.

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

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

29 (m) The restoration of wetlands, as measured by the
30 number of acres of previously converted wetlands returned to a
31 functioning status.

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

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

6 (5) The Acquisition and Restoration Commission shall
7 adopt numeric goals and performance measures for those goals
8 enumerated in subsection (4). The commission may also develop
9 and submit additional goals and suggested performance measures
10 to be used for implementation of this section. The commission
11 shall utilize the findings of the Stewardship Florida Study
12 Commission in establishing numeric goals and performance
13 measures. The goals and performance measures developed
14 pursuant to this subsection shall be submitted to the board of
15 trustees for their review and approval by January 1, 2001, and
16 subsequently submitted no later than 30 days prior to the 2001
17 Regular Session for review by the appropriate legislative
18 committees with jurisdiction over the department. The
19 Legislature may reject, modify, or take no action relative to
20 the goals and performance measures. If no action is taken,
21 the goals and performance measures shall be implemented.

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

29 (7) As provided in this section, a water resource or
30 water supply development project may be allowed only if the
31 following conditions are met: minimum flows and levels have

1 been established for those waters, if any, which may
2 reasonably be expected to experience significant adverse
3 effects as a result of the project; the project complies with
4 all applicable permitting requirements; and the project is
5 consistent with the regional water supply plan, if any, of the
6 water management district and with relevant recovery or
7 prevention strategies if required pursuant to s. 373.0421(2).

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

16 (b) Project applications shall contain, at a minimum,
17 the following:

18 1. A minimum of two numeric performance measures that
19 directly relate to the overall goals adopted by the
20 commission. Each performance measure shall include a baseline
21 measurement, which is the current situation; a performance
22 standard which the project sponsor anticipates the project
23 will achieve; and the performance measurement itself, which
24 should reflect the incremental improvements the project
25 accomplishes towards achieving the performance standard.

26 2. Proof that property owners within any proposed
27 acquisition have been notified of their inclusion in the
28 proposed project. Any property owner may request the removal
29 of such property from further consideration by submitting a
30 request to the project sponsor or commission by certified
31 mail. Upon receiving this request, the commission shall delete

1 the property from the proposed project; however, the board of
2 trustees, at the time it votes to approve the proposed project
3 lists pursuant to subsection (17), may add the property back
4 on to the project lists if it determines by a super majority
5 of its members that such property is critical to achieve the
6 purposes of the project.

7 (c) The title to lands acquired under this section
8 shall vest in the Board of Trustees of the Internal
9 Improvement Trust Fund, except that title to lands acquired by
10 a water management district shall vest in the name of that
11 district and lands acquired by a local government shall vest
12 in the name of the purchasing local government.

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

14 (a) One list shall represent those projects submitted
15 pursuant to subsection (8).

16 (b) One list shall represent those projects submitted
17 pursuant to s. 373.199.

18 (10) The Acquisition and Restoration Commission shall
19 develop a rule to competitively evaluate, select, and rank
20 projects eligible for Stewardship Florida funds pursuant to
21 paragraphs (3)(a) and (b). In developing this rule the
22 commission shall give weight to the following criteria:

23 (a) The project meets multiple goals described in
24 subsection (4).

25 (b) The project is part of an ongoing governmental
26 effort to restore, protect, or develop land areas or water
27 resources.

28 (c) The project enhances or facilitates management of
29 properties already under public ownership.

30 (d) The project has significant archeological or
31 historic value.

1 (e) The project has funding sources that are
2 identified and assured through at least the first two years of
3 the project.

4 (f) The project contributes to the solution of water
5 resource problems on a regional basis.

6 (g) The project has a significant portion of its land
7 area in imminent danger of development, in imminent danger of
8 losing its significant natural attributes or recreational open
9 space, or in imminent danger of subdivision which would result
10 in multiple ownership and make acquisition of the project
11 costly or less likely to be accomplished.

12 (h) The project implements an element from a plan
13 developed by an ecosystem management team.

14 (i) The project is one of the components of the
15 Everglades restoration effort.

16 (j) The project may be purchased at 80 percent of
17 appraised value.

18 (k) The project may be acquired, in whole or in part,
19 using alternatives to fee simple, including but not limited
20 to, purchase of development rights, hunting rights,
21 agricultural or silvicultural rights, or mineral rights;
22 obtaining conservation easements or flowage easements; or use
23 of land protection agreements as defined in s. 380.0677(5).

24 (l) Is a joint acquisition, either among public
25 agencies, nonprofit organizations, or private entities, or by
26 a public-private partnership.

27 (11) The Acquisition and Restoration Commission shall
28 give increased priority to those projects for which matching
29 funds are available.

30 (14) For the purposes of ranking and selecting
31 projects for funding pursuant to paragraph (3)(a) the

1 Acquisition and Restoration Commission shall ensure that each
2 water management district receives the following percentage of
3 funds annually:

4 (a) 35 percent to the South Florida Water Management
5 District.

6 (b) 25 percent to the Southwest Florida Water
7 Management District.

8 (c) 25 percent to the St. John's River Water
9 Management District.

10 (d) 7.5 percent to the Suwannee River Water Management
11 District.

12 (e) 7.5 percent to the Northwest Florida Water
13 Management District.

14 (15) It is the intent of the Legislature that in
15 developing the list of projects for funding pursuant to
16 paragraph (3)(a), that these funds not be used to abrogate the
17 financial responsibility of those point and nonpoint sources
18 that have contributed to the degradation of water or land
19 areas. Therefore an increased priority shall be given by the
20 Acquisition and Restoration Commission to those projects that
21 have secured a cost-sharing agreement allocating
22 responsibility for the cleanup of point and nonpoint sources.

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

29 (17) Each year that bonds are to be issued pursuant to
30 this section, the commission shall review that year's approved
31 project lists and shall, by the first board meeting in May,

1 present to the Board of Trustees of the Internal Improvement
2 Trust Fund for approval a listing of projects developed
3 pursuant to subsection (9). The board of trustees may remove
4 projects from the list developed pursuant to this subsection,
5 but may not add projects or rearrange project rankings.

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

10 (a) The stated purpose for inclusion.

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

12 (c) An interim management budget.

13 (d) Specific performance measures.

14 (e) Plans for public access.

15 (f) An identification of the essential parcel or
16 parcels within the project without which the project cannot be
17 properly managed.

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

21 (h) An identification of those lands being purchased
22 for conservation purposes.

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

25 (j) An estimate of land value based on county tax
26 assessed values.

27 (k) A map delineating project boundaries.

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

31

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

3 (n) A designation of the management agency or
4 agencies.

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

21 (20)(a) The Board of Trustees of the Internal
22 Improvement Trust Fund, or, in the case of water management
23 district lands, the owning water management district, may
24 authorize the granting of a lease, easement, or license for
25 the use of certain lands acquired pursuant to this section,
26 for certain uses that are determined by the appropriate board
27 to be compatible with the resource values of and management
28 objectives for such lands.

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

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

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

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

31

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

12 Section 20. Subsections (2), (3), and (4) of section
13 260.012, Florida Statutes, 1998 Supplement, are amended to
14 read:

15 260.012 Declaration of policy and legislative
16 intent.--

17 (2) It is the intent of the Legislature that a
18 statewide system of greenways and trails be established to
19 provide open space benefiting environmentally sensitive lands
20 and wildlife and providing people with access to healthful
21 outdoor activities. It is also the intent of the Legislature
22 to acquire or designate lands and waterways to facilitate the
23 establishment of a statewide system of greenways and trails;
24 to encourage the multiple use of public rights-of-way and use
25 to the fullest extent existing and future scenic roads,
26 highways, park roads, parkways, greenways, trails, and
27 national recreational trails; to encourage the development of
28 greenways and trails by counties, cities, and special
29 districts and to assist in such development by any means
30 available; to coordinate greenway and trail plans and
31 development by local governments with one another and with the

1 state government and Federal Government; to encourage,
2 whenever possible, the development of greenways and trails on
3 federal lands by the Federal Government; and to encourage the
4 owners of private lands to protect the existing ecological,
5 historical, and cultural values of their lands, including
6 those values derived from working landscapes.

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

14 (4) It is the intent of the Legislature that
15 information produced for the purpose of the identification of
16 lands and waterways, both public and private, that are
17 suitable for greenways and trails be used only for the
18 purposes of:

19 (a) Setting priorities for acquisition, planning, and
20 management of public lands and waterways for use as greenways
21 and trails; and

22 (b) Identification of private lands which are eligible
23 for designation as part of the greenways and trails system and
24 are thereby eligible for incentives.

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

27 260.013 Definitions.--As used in ss. 260.011-260.018,
28 unless the context otherwise requires:

29 (3) "Designation" means the identification and
30 inclusion of specific lands and waterways as part of the
31 statewide system of greenways and trails pursuant to a formal

1 public process, including the specific written consent of the
2 landowner. When the department determines that public access
3 is appropriate for greenways and trails, written authorization
4 must be granted by the landowner to the department permitting
5 public access to all or a specified part of the landowner's
6 property. The department's determination shall be noticed
7 pursuant to s. 120.525, and the department shall also notify
8 the landowner by certified mail at least 7 days before any
9 public meeting regarding the intent to designate.

10 Section 22. Section 260.014, Florida Statutes, 1998
11 Supplement, is amended to read:

12 260.014 Florida Greenways and Trails System.--The
13 Florida Greenways and Trails System shall be a statewide
14 system of greenways and trails which shall consist of
15 individual greenways and trails and networks of greenways and
16 trails which may be designated as a part of the statewide
17 system by the department. Mapping or other forms of
18 identification of lands and waterways as suitable for
19 inclusion in the system of greenways and trails, mapping of
20 ecological characteristics for any purpose, or development of
21 information for planning purposes shall not constitute
22 designation. No lands or waterways may be designated as a part
23 of the statewide system of greenways and trails without the
24 specific written consent of the landowner.

25 Section 23. Section 260.0142, Florida Statutes, is
26 created to read:

27 260.0142 Florida Greenways and Trails Council;
28 composition; powers and duties.--

29 (1) There is hereby created within the Department of
30 Environmental Protection the Florida Greenways and Trails
31 Council which shall advise the department in the execution of

1 the department's powers and duties under this chapter. The
2 council shall be composed of 21 members, consisting of:

3 (a) Five members appointed by the Governor, with two
4 members representing the trail user community, two members
5 representing the greenway user community, and one member
6 representing private landowners. Of the initial appointments,
7 two shall be appointed for 2-year terms and three shall be
8 appointed for 1-year terms. Subsequent appointments shall be
9 for 2-year terms.

10 (b) Three members appointed by the President of the
11 Senate, with one member representing the trail user community
12 and two members representing the greenway user community. Of
13 the initial appointments, two shall be appointed for 2-year
14 terms and one shall be appointed for a 1-year term. Subsequent
15 appointments shall be for 2-year terms.

16 (c) Three members appointed by the Speaker of the
17 House of Representatives, with two members representing the
18 trail user community and one member representing the greenway
19 user community. Of the initial appointments, two shall be
20 appointed for 2-year terms and one shall be appointed for a
21 1-year term. Subsequent appointments shall be for 2-year
22 terms.

23
24 Those eligible to represent the trail user community shall be
25 chosen from, but not be limited to, paved trail users, hikers,
26 off-road bicyclists, paddlers, equestrians, disabled outdoor
27 recreational users, and commercial recreational interests.
28 Those eligible to represent the greenway user community shall
29 be chosen from, but not be limited to, conservation
30 organizations, nature study organizations, and scientists and
31 university experts.

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

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

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

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

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

16 (b) Facilitate a statewide system of interconnected
17 landscape linkages, conservation corridors, greenbelts,
18 recreational corridors and trails, scenic corridors,
19 utilitarian corridors, reserves, regional parks and preserves,
20 ecological sites, and historical/historic/recreational sites;

21 (c) Facilitate a statewide system of interconnected
22 land-based trails that connect urban, suburban, and rural
23 areas of the state and facilitate expansion of the statewide
24 system of freshwater and saltwater paddling trails;

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

27 (e) Review applications for acquisition funding under
28 the Florida Greenways and Trails Program and recommend to the
29 Secretary of Environmental Protection which projects should be
30 acquired;

31

1 (f) Provide funding recommendations to agencies and
2 organizations regarding the acquisition, development, and
3 management of greenways and trails, including the promotion of
4 private landowner incentives;

5 (g) Review designation proposals for inclusion in the
6 Florida Greenways and Trails System;

7 (h) Provide advocacy and education to benefit the
8 statewide system of greenways and trails by encouraging
9 communication and conferencing;

10 (i) Encourage public-private partnerships to develop
11 and manage greenways and trails;

12 (j) Review progress toward meeting established
13 benchmarks and recommend appropriate action;

14 (k) Make recommendations for updating and revising the
15 implementation plan for the Florida Greenways and Trails
16 System;

17 (l) Advise the Land Acquisition and Management
18 Advisory Council or its successor to ensure the incorporation
19 of greenways and trails in land management plans on lands
20 managed by the Department of Environmental Protection, the
21 Fish and Wildlife Conservation Commission, the Division of
22 Historical Resources of the Department of State, and the
23 Division of Forestry of the Department of Agriculture and
24 Consumer Services;

25 (m) Provide advice and assistance to the Department of
26 Transportation and the water management districts regarding
27 the incorporation of greenways and trails into their planning
28 efforts;

29 (n) Encourage land use, environmental, and coordinated
30 linear infrastructure planning to facilitate the
31

1 implementation of local, regional, and statewide greenways and
2 trails systems;

3 (o) Promote greenways and trails support
4 organizations; and

5 (p) Support the Florida Greenways and Trails System in
6 any other appropriate way.

7 (5) The council shall establish procedures for
8 conducting its affairs in execution of the duties and
9 responsibilities stated in this section, which operating
10 procedures shall include determination of a council chair and
11 other appropriate operational guidelines. The council shall
12 meet at the call of the chair, or at such times as may be
13 prescribed by its operating procedures. The council may
14 establish committees to conduct the work of the council and
15 the committees may include nonmembers as appropriate.

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

22 (7) Members of the council shall not receive any
23 compensation for their services but shall be entitled to
24 receive reimbursement for per diem and travel expenses
25 incurred in the performance of their duties, as provided in s.
26 112.061.

27 Section 24. Section 260.016, Florida Statutes, 1998
28 Supplement, is amended, to read:

29 260.016 General powers of the department.--

30 (1) The department may:

31

1 (a) Publish and distribute appropriate maps of
2 designated greenways and trails. The description shall include
3 a generalized map delineating the area designated, location of
4 suitable ingress and egress sites, as well as other points of
5 interest to enhance the recreational opportunities of the
6 public.

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

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

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

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

31

1 (d) Coordinate the activities of all governmental
2 units and bodies and special districts that desire to
3 participate in the development and implementation of the
4 Florida Greenways and Trails System.

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

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

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

27 ~~(h) Enter into management agreements with other~~
28 ~~entities only if a federal agency, another state agency, local~~
29 ~~government, county, or municipality is unable to manage the~~
30 ~~greenways or trails lands.~~ Such entities must demonstrate
31

1 their capabilities of management for the purposes defined in
2 ss. 260.011-260.018.

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

10 (2) The department shall:

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

17 1. The importance and function of such corridors
18 within the statewide system.

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

22 3. Costs of acquisition, development, operation, and
23 maintenance.

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

30 (c) Provide information to public and private agencies
31 and organizations on abandoned rail corridors which are or

1 will be available for acquisition from the railroads or for
2 lease for interim recreational use from the Department of
3 Transportation. ~~Such information shall include, at a minimum,~~
4 ~~probable costs of purchase or lease of the identified~~
5 ~~corridors.~~

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

9 1. Development and dissemination of criteria for
10 designation.

11 2. Development and dissemination of criteria for
12 changes in the terms or conditions of designation, including
13 withdrawal or termination of designation. A landowner may have
14 his or her lands ~~property~~ removed from designation by
15 providing the department with a written request that contains
16 an adequate description of such lands to be removed.
17 Provisions shall be made in the designation agreement for
18 disposition of any future improvements made to the land by the
19 department.

20 3. Compilation of available information on and field
21 verification of the characteristics of the lands and waterways
22 as they relate to the developed criteria.

23 4. Public notice pursuant to s. 120.525 in all phases
24 of the process.

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

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

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

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

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

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

22 (b) Agreement to exchange, subject to the approval of
23 the Board of Trustees of the Internal Improvement Trust Fund
24 or other applicable unit of government, ownership or other
25 rights of use of public lands for the ownership or other
26 rights of use of privately owned lands ~~property~~. Any exchange
27 of state-owned lands, title to which is vested in the Board of
28 Trustees of the Internal Improvement Trust Fund, for privately
29 owned lands shall be subject to the requirements of s.
30 259.041.

31

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

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

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

11 (f) Execution of patrol and protection agreements.

12 (g) Where applicable and appropriate, providing lease
13 fees, not to exceed fair market value of the leasehold
14 interest.

15 Section 25. Section 260.018, Florida Statutes, 1998
16 Supplement, is amended to read:

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

30 Section 26. Paragraph (a) of subsection (11) of ection
31 288.1224, Florida Statutes, is amended to read:

1 288.1224 Powers and duties.--The commission:

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

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

19 Section 27. The following trails located upon or
20 within public lands or waterways and designated prior to May
21 30, 1998, shall not be subject to the designation process
22 established in chapter 260, Florida Statutes, 1998
23 Supplement: thirty-six canoe trails designated by the
24 Governor and Cabinet in 1970 and redesignated by the Governor
25 and Cabinet on December 8, 1981; the Historic Big Bend
26 Saltwater Paddling Trail; Hillsborough River State
27 Recreational Canoe Trail; and trails located within state
28 parks and forests.

29 Section 28. Effective July 1, 2001, subsection (4) of
30 section 369.252, Florida Statutes, is amended to read:
31

1 369.252 Invasive exotic plant control on public
2 lands.--The department shall establish a program to:

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

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

12 369.307 Developments of regional impact in the Wekiva
13 River Protection Area; land acquisition.--

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

22 Section 30. Subsection (5) is added to section
23 373.089, Florida Statutes, to read:

24 373.089 Sale or exchange of lands, or interests or
25 rights in lands.--The governing board of the district may sell
26 lands, or interests or rights in lands, to which the district
27 has acquired title or to which it may hereafter acquire title
28 in the following manner:

29 (5) Any lands the title to which is vested in the
30 governing board of a water management district may be
31

1 surplused pursuant to the procedures set forth in this section
2 and s. 373.056 and the following:

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

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

11 (c) For the purposes of this subsection, all lands for
12 which title has vested in the governing board prior to July 1,
13 1999, shall be deemed to have been acquired for conservation
14 purposes.

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

19 Section 31. Section 373.139, Florida Statutes, is
20 amended to read:

21 373.139 Acquisition of real property.--

22 (1) The Legislature declares it to be necessary for
23 the public health and welfare that water and water-related
24 resources be conserved and protected. The acquisition of real
25 property for this objective shall constitute a public purpose
26 for which public funds may be expended.

27 (2)(a) The governing board of the district is
28 empowered and authorized to acquire in fee or less than fee
29 title to real property, and easements therein, by purchase,
30 gift, devise, lease, eminent domain, or otherwise for flood
31 control, water storage, water management, aquifer recharge,

1 water resource and water supply development, and preservation
2 of wetlands, streams, and lakes., ~~except that~~ Eminent domain
3 powers may be used only for acquiring real property for flood
4 control and water storage or for curing title defects or
5 encumbrances to real property to be acquired from a willing
6 seller.

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

12 (3)(a) No acquisition of lands shall occur without a
13 public hearing similar to those held pursuant to the
14 provisions set forth in s. 120.54.

15 (b) Title information, appraisal reports, offers, and
16 counteroffers are confidential and exempt from the provisions
17 of s. 119.07(1) until an option contract is executed or, if no
18 option contract is executed, until 30 days before a contract
19 or agreement for purchase is considered for approval by the
20 governing board. However, each district may, at its
21 discretion, disclose appraisal reports to private landowners
22 during negotiations for acquisitions using alternatives to fee
23 simple techniques, if the district determines that disclosure
24 of such reports will bring the proposed acquisition to
25 closure. In the event that negotiation is terminated by the
26 district, the title information, appraisal report, offers, and
27 counteroffers shall become available pursuant to s. 119.07(1).
28 Notwithstanding the provisions of this section and s. 259.041,
29 a district and the Division of State Lands may share and
30 disclose title information, appraisal reports, appraisal
31 information, offers, and counteroffers when joint acquisition

1 of property is contemplated. A district and the Division of
2 State Lands shall maintain the confidentiality of such title
3 information, appraisal reports, appraisal information, offers,
4 and counteroffers in conformance with this section and s.
5 259.041, except in those cases in which a district and the
6 division have exercised discretion to disclose such
7 information.

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

18 (d) The Secretary of Environmental Protection shall
19 release acquisition moneys from the appropriate account or
20 trust fund to a district following receipt of a resolution
21 adopted by the governing board identifying the lands being
22 acquired and certifying that such acquisition is consistent
23 with the 5-year workplan of acquisition and other provisions
24 of this section. The governing board also shall provide to
25 the Secretary of Environmental Protection a copy of all
26 certified appraisals used to determine the value of the land
27 to be purchased. Each parcel to be acquired must have at
28 least one appraisal. Two appraisals are required when the
29 estimated value of the parcel exceeds \$500,000. However, when
30 both appraisals exceed \$500,000 and differ significantly, a
31 third appraisal may be obtained. If the purchase price is

1 greater than the appraisal price, the governing board shall
 2 submit written justification for the increased price. The
 3 Secretary of Environmental Protection may withhold moneys for
 4 any purchase that is not consistent with the 5-year plan or
 5 the intent of this section or that is in excess of appraised
 6 value. The governing board may appeal any denial to the Land
 7 and Water Adjudicatory Commission pursuant to s. 373.114.

8 (4) The governing board of the district may purchase
 9 tax certificates or tax deeds issued in accordance with
 10 chapter 197 relating to property eligible for purchase under
 11 this section.

12 ~~(5) Lands acquired for the purposes enumerated in~~
 13 ~~subsection (2) may also be used for recreational purposes, and~~
 14 ~~whenever practicable such lands shall be open to the general~~
 15 ~~public for recreational uses. Except when prohibited by a~~
 16 ~~covenant or condition described in s. 373.056(2), lands owned,~~
 17 ~~managed, and controlled by the district may be used for~~
 18 ~~multiple purposes, including, but not limited to, agriculture,~~
 19 ~~silviculture, and water supply, as well as boating and other~~
 20 ~~recreational uses.~~

21 ~~(6) For the purpose of introducing water into, or~~
 22 ~~drawing water from, the underlying aquifer for storage or~~
 23 ~~supply, the governing board is authorized to hold, control,~~
 24 ~~and acquire by donation, lease, or purchase any land, public~~
 25 ~~or private.~~

26 (5)(7) This section shall not limit the exercise of
 27 similar powers delegated by statute to any state or local
 28 governmental agency or other person.

29 (6) A district may dispose of land acquired under this
 30 section pursuant to s. 373.056 or s. 373.089. However, no
 31 such disposition of land shall be made if it would have the

1 effect of causing all or any portion of the interest on any
2 revenue bonds issued pursuant to s. 259.101 or s. 259.105 to
3 fund the acquisition programs detailed in this section to lose
4 the exclusion from gross income for purposes of federal income
5 taxation. Revenue derived from such disposition may not be
6 used for any purpose except the purchase of other lands
7 meeting the criteria specified in this section or payment of
8 debt service on revenue bonds or notes issued under s.
9 373.584.

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

23 Section 32. Section 373.1391, Florida Statutes, is
24 created to read:

25 373.1391--Management of Real Property.

26 (1)(a) Lands titled to the governing boards of the
27 districts shall be managed and maintained, to the extent
28 practicable, in such a way as to ensure a balance between
29 public access, general public recreational purposes, and
30 restoration and protection of their natural state and
31 condition. Except when prohibited by a covenant or condition

1 described in s. 373.056(2), lands owned, managed, and
 2 controlled by the district may be used for multiple purposes,
 3 including, but not limited to, agriculture, silviculture, and
 4 water supply, as well as boating and other recreational uses.

5 (b) Whenever practicable such lands shall be open to
 6 the general public for recreational uses. General public
 7 recreational purposes shall include, but not be limited to,
 8 fishing, hunting, horseback riding, swimming, camping, hiking,
 9 canoeing, boating, diving, birding, sailing, jogging, and
 10 other related outdoor activities to the maximum extent
 11 possible considering the environmental sensitivity and
 12 suitability of those lands. These public lands shall be
 13 evaluated for their resource value for the purpose of
 14 establishing which parcels, in whole or in part, annually or
 15 seasonally, would be conducive to general public recreational
 16 purposes. Such findings shall be included in management plans
 17 which are developed for such public lands. These lands shall
 18 be made available to the public for these purposes, unless
 19 the district governing board can demonstrate that such
 20 activities would be incompatible with the purposes for which
 21 these lands were acquired.

22 (c) For any fee simple acquisition of a parcel which
 23 is or will be leased back for agricultural purposes, or for
 24 any acquisition of a less-than-fee interest in lands that is
 25 or will be used for agricultural purposes, the district
 26 governing board shall first consider having a soil and water
 27 conservation district created pursuant to chapter 582 manage
 28 and monitor such interest.

29 (2) interests in real property acquired by the
 30 districts under this section with funds other than those
 31 appropriated under the Stewardship Florida Act, may be used

1 for permittable water resource development and water supply
2 development purposes under the following conditions: the
3 minimum flows and levels of priority water bodies on such
4 lands have been established; the project complies with all
5 conditions for issuance of a permit under part II of this
6 chapter; and the project is compatible with the purposes for
7 which the land was acquired.

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

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

27 (5) The following additional uses of lands acquired
28 pursuant to the Stewardship Florida program and other
29 state-funded land purchase programs shall be authorized, upon
30 a finding by the governing board, if they meet the criteria
31 specified in paragraphs (a)-(e): water resource development

1 projects, water supply development projects, stormwater
2 management projects, linear facilities, and sustainable
3 agriculture and forestry. Such additional uses are authorized
4 where:

5 (a) Not inconsistent with the management plan for such
6 lands;

7 (b) Compatible with the natural ecosystem and resource
8 values of such lands;

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

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

15 (e) The use provides a significant public interest. A
16 decision by the governing board pursuant to this subsection
17 shall be given a presumption of correctness.

18
19 Moneys received from the use of state lands pursuant to this
20 subsection shall be returned to the lead managing agency in
21 accordance with the provisions of s. 259.032(11)(d).

22 (6) The districts have the authority to adopt rules
23 that specify: allowable activities on district-owned lands;
24 the amount of fees, licenses, or other charges for users of
25 district-owned lands; the application and reimbursement
26 process for payments in lieu of taxes; the use of volunteers
27 for management activities; and the processes related to
28 entering into or severing cooperative land management
29 agreements. Rules promulgated pursuant to the subsection
30 shall become effective only after submitted to the President
31 of the Senate and Speaker of the House of Representatives for

1 review by the Legislature not later than 30 days prior to the
2 next regular session. In its review, the Legislature may
3 reject, modify, or take no action relative to such rules. The
4 districts shall conform such rules to changes made by the
5 Legislature, or, if no action is taken, such rules shall
6 become effective.

7 Section 33. Section 373.199, Florida Statutes, is
8 created to read:

9 373.199 Assistance to Acquisition and Restoration
10 Commission.--

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

22 (2) Therefore, in order to further the goals of the
23 Stewardship Florida Act and to assist the Acquisition and
24 Restoration Commission in evaluating and ranking projects,
25 each water management district shall develop a 5-year workplan
26 that identifies projects that meet the criteria in subsections
27 (3), (4), and (5). The 5-year workplan shall be sent to the
28 Commission for its consideration in developing a funding
29 priority list pursuant to the Stewardship Florida Act. EAcH
30 district must submit its 5-year workplan by January 1 each
31 year, beginning in 2000. Nothing herein shall preclude each

1 water management districts from using funds other than
2 Stewardship Florida funds for projects contained in its 5-year
3 workplan that are not approved for funding under the
4 Stewardship Florida Act.

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

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

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

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

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

27 (b) An identification of all governmental units that
28 have jurisdiction over the water body and its drainage basin
29 within the approved surface water improvement and management
30 plan area, including local, regional, state, and federal
31 units.

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

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

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

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

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

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

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

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

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

5 (l) An identification of those lands which require a
6 full fee simple interest to achieve water management goals and
7 those lands which can be acquired using alternatives to fee
8 simple acquisition techniques and still achieve such goals. In
9 their evaluation of which lands would be appropriate for
10 acquisition through alternatives to fee simple, district staff
11 shall consider criteria including, but not limited to,
12 acquisition costs, the net present value of future land
13 management costs, the net present value of advalorem revenue
14 loss to the local government, and potential for revenue
15 generated from activities compatible with acquisition
16 objectives.

17 (m) An identification of lands needed to protect or
18 recharge groundwater and a plan for their acquisition as
19 necessary to protect potable water supplies. Lands which serve
20 to protect or recharge groundwater identified pursuant to this
21 paragraph shall also serve to protect other valuable natural
22 resources or provide space for natural resource based
23 recreation.

24 (5) The list of recommended projects shall indicate
25 the relative significance of each project within the
26 particular water management district's boundaries, and the
27 schedule of activities and sums of money earmarked should
28 reflect those rankings as much as possible over a 5-year
29 planning horizon.

30 (6) Each district shall remove the property of an
31 unwilling seller from its 5-year workplan at the next

1 scheduled update of the plan, if in receipt of a request to do
2 so by the property owner.

3 (7) By January 1 of each year, each district shall
4 file with the Legislature and the Secretary of Environmental
5 Protection a report of acquisitions completed during the year
6 modifications or additions to its 5-year workplan. Included in
7 the report shall be:

8 (a) An identification of lands acquired through the
9 Florida Watershed Reserve Program, pursuant to s. 259.105(6),
10 and which would comply with the provisions of paragraphs (a)
11 and (b).

12 (b) A description of land management activity for each
13 property or project area owned by the water management
14 district.

15 (c) A list of any lands surplused and the amount of
16 compensation received.

17 Section 34. Subsection (6) of section 373.250, Florida
18 Statutes, is repealed.

19 373.250 Reuse of reclaimed water.--

20 ~~(6) Each water management district shall submit to the~~
21 ~~Legislature, by June 1 of each year, an annual report which~~
22 ~~describes the district's progress in promoting the reuse of~~
23 ~~reclaimed water. The report shall include, but not be limited~~
24 ~~to:~~

25 ~~(a) The number of permits issued during the year which~~
26 ~~required reuse of reclaimed water and, by categories, the~~
27 ~~percentages of reuse required.~~

28 ~~(b) The number of permits issued during the year which~~
29 ~~did not require the reuse of reclaimed water and, of those~~
30 ~~permits, the number which reasonably could have required~~
31 ~~reuse.~~

1 ~~(c) In the second and subsequent annual reports, a~~
2 ~~statistical comparison of reuse required through consumptive~~
3 ~~use permitting between the current and preceding years.~~

4 ~~(d) A comparison of the volume of reclaimed water~~
5 ~~available in the district to the volume of reclaimed water~~
6 ~~required to be reused through consumptive use permits.~~

7 ~~(e) A comparison of the volume of reuse of reclaimed~~
8 ~~water required in water resource caution areas through~~
9 ~~consumptive use permitting to the volume required in other~~
10 ~~areas in the district through consumptive use permitting.~~

11 ~~(f) An explanation of the factors the district~~
12 ~~considered when determining how much, if any, reuse of~~
13 ~~reclaimed water to require through consumptive use permitting.~~

14 ~~(g) A description of the district's efforts to work in~~
15 ~~cooperation with local government and private domestic~~
16 ~~wastewater treatment facilities to increase the reuse of~~
17 ~~reclaimed water. The districts, in consultation with the~~
18 ~~department, shall devise a uniform format for the report~~
19 ~~required by this subsection and for presenting the information~~
20 ~~provided in the report.~~

21 Section 35. Section 373.59, Florida Statutes, 1998
22 Supplement, is amended to read:

23 373.59 Water Management Lands Trust Fund.--

24 (1) There is established within the Department of
25 Environmental Protection the Water Management Lands Trust Fund
26 to be used as a nonlapsing fund for the purposes of this
27 section. The moneys in this fund are hereby continually
28 appropriated for the purposes of land ~~acquisition,~~management,
29 maintenance, capital improvements of land titled to the
30 districts, payments in lieu of taxes, debt service on bonds
31 issued prior to July 1, 1999, preacquisition costs associated

1 with land purchases, and administration of the fund in
2 accordance with the provisions of this section to the
3 department's cost of administration of the fund. The
4 department's costs of administration shall be charged
5 proportionally against each district's allocation using the
6 formula provided in subsection (8). Capital improvements
7 shall include, but need not be limited to, perimeter fencing,
8 signs, firelanes, control of invasive exotic species,
9 controlled burning, habitat inventory and restoration, law
10 enforcement, access roads, and trails, and minimal public
11 accommodations, such as primitive campsites, garbage
12 receptacles, and toilets.

13 (2)(a) Until the Preservation 2000 Program is
14 concluded, By January 15 of each year, each district shall
15 file with the Legislature and the Secretary of Environmental
16 Protection a report of acquisition activity, by January 15 of
17 each year together with modifications or additions to its
18 5-year plan of acquisition. Included in the report shall be
19 an identification of those lands which require a full fee
20 simple interest to achieve water management goals and those
21 lands which can be acquired using alternatives to fee simple
22 acquisition techniques and still achieve such goals. In their
23 evaluation of which lands would be appropriate for acquisition
24 through alternatives to fee simple, district staff shall
25 consider criteria including, but not limited to, acquisition
26 costs, the net present value of future land management costs,
27 the net present value of ad valorem revenue loss to the local
28 government, and the potential for revenue generated from
29 activities compatible with acquisition objectives. The report
30 shall also include a description of land management activity.
31 ~~Expenditure of moneys from the Water Management Lands Trust~~

1 ~~Fund shall be limited to the costs for acquisition,~~
2 ~~management, maintenance, and capital improvements of lands~~
3 ~~included within the 5-year plan as filed by each district and~~
4 ~~to the department's costs of administration of the fund. The~~
5 ~~department's costs of administration shall be charged~~
6 ~~proportionally against each district's allocation using the~~
7 ~~formula provided in subsection (7). However, no acquisition of~~
8 ~~lands shall occur without a public hearing similar to those~~
9 ~~held pursuant to the provisions set forth in s. 120.54. In the~~
10 ~~annual update of its 5-year plan for acquisition, each~~
11 ~~district shall identify lands needed to protect or recharge~~
12 ~~groundwater and shall establish a plan for their acquisition~~
13 ~~as necessary to protect potable water supplies. Lands which~~
14 ~~serve to protect or recharge groundwater identified pursuant~~
15 ~~to this paragraph shall also serve to protect other valuable~~
16 ~~natural resources or provide space for natural resource based~~
17 ~~recreation. Once all Preservation 2000 funds allocated to the~~
18 ~~water management districts have been expended or committed,~~
19 ~~this subsection shall be repealed.~~

20 (3) Each district shall remove the property of an
21 unwilling seller from its plan of acquisition at the next
22 scheduled update of the plan, if in receipt of a request to do
23 so by the property owner. This subsection shall be repealed at
24 the conclusion of the Preservation 2000 program.

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

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

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

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

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

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

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

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

1 moneys remaining after payment of the amount due on the debt
2 service shall be released to the district pursuant to
3 subsection (4) ~~(3)~~.

4 ~~(7)~~ ~~(7)~~ Any unused portion of a district's share of the
5 fund shall accumulate in the trust fund to the credit of that
6 district. Interest earned on such portion shall also
7 accumulate to the credit of that district to be used for ~~land~~
8 ~~acquisition~~, management, maintenance, and capital improvements
9 as provided in this section. The total moneys over the life
10 of the fund available to any district under this section shall
11 not be reduced except by resolution of the district governing
12 board stating that the need for the moneys no longer exists.
13 Any water management district with fund balances in the Water
14 Management Lands Trust Fund as of March 1, 1999, may expend
15 those funds for land acquisitions pursuant to s. 373.139, or
16 for the purpose specified in this subsection.

17 (8) Moneys from the Water Management Lands Trust Fund
18 shall be allocated to the five water management districts in
19 the following percentages:

20 (a) Thirty percent to the South Florida Water
21 Management District.

22 (b) Twenty-five percent to the Southwest Florida Water
23 Management District.

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

26 (d) Ten percent to the Suwannee River Water Management
27 District.

28 (e) Ten percent to the Northwest Florida Water
29 Management District.

30 ~~(9) Each district may use its allocation under~~
31 ~~subsection (8) for management, maintenance, and capital~~

1 ~~improvements. Capital improvements shall include, but need not~~
2 ~~be limited to, perimeter fencing, signs, firelanes, control of~~
3 ~~invasive exotic species, controlled burning, habitat inventory~~
4 ~~and restoration, law enforcement, access roads and trails, and~~
5 ~~minimal public accommodations, such as primitive campsites,~~
6 ~~garbage receptacles, and toilets.~~

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

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

1 ~~agricultural purposes, the district governing board shall~~
2 ~~first consider having a soil and water conservation district~~
3 ~~created pursuant to chapter 582 manage and monitor such~~
4 ~~interest.~~

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

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

17 1. To all counties that have a population of 150,000
18 or less. Population levels shall be determined pursuant to s.
19 11.031.

20 2. To all local governments who are located in
21 eligible counties and whose lands are bought and taken off the
22 tax rolls.

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

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

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

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

28 (f) If a water management district conveys to a county
29 or local government title to any land owned by the district,
30 any payments in lieu of taxes on the land made to the county
31

1 or local government shall be discontinued as of the date of
 2 the conveyance.

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

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

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

1 ~~year shall revert to the fund to be used for management~~
2 ~~purposes or land acquisition in accordance with this section.~~

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

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

14 ~~(d) The payment amount shall be based on the average~~
15 ~~amount of actual taxes paid on the property for the 3 years~~
16 ~~immediately preceding acquisition. For lands purchased prior~~
17 ~~to July 1, 1992, applications for payment in lieu of taxes~~
18 ~~shall be made to the districts by January 1, 1993. For lands~~
19 ~~purchased after July 1, 1992, 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. Payment in~~
24 ~~lieu of taxes shall be limited to a period of 10 consecutive~~
25 ~~years of annual payments.~~

26 ~~(e) Payment in lieu of taxes shall be made within 30~~
27 ~~days after: certification by the Department of Revenue that~~
28 ~~the amounts applied for are appropriate, certification by the~~
29 ~~Department of Environmental Protection that funds are~~
30 ~~available, and completion of any fund transfers to the~~
31 ~~district. The governing board may reduce the amount of a~~

1 ~~payment in lieu of taxes to any county by the amount of other~~
2 ~~payments, grants, or in-kind services provided to that county~~
3 ~~by the district during the year. The amount of any reduction~~
4 ~~in payments shall remain in the Water Management Lands Trust~~
5 ~~Fund for purposes provided by law.~~

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

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

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

29 ~~(11)~~(17) Notwithstanding any provision of this section
30 to the contrary and for the 1998-1999 fiscal year only, the
31 governing board of a water management district may request,

1 and the Secretary of Environmental Protection shall release
2 upon such request, moneys allocated to the districts pursuant
3 to subsection~~(7)~~~~(8)~~for the purpose of carrying out the
4 provisions of ss. 373.451-373.4595. No funds may be used
5 pursuant to this subsection until necessary debt service
6 obligations and requirements for payments in lieu of taxes
7 that may be required pursuant to this section are provided
8 for. This subsection is repealed on July 1, 1999.

9 Section 36. Section 375.075, Florida Statutes, is
10 amended to read:

11 375.075 Outdoor recreation; financial assistance to
12 local governments.--

13 (1) The Department of Environmental Protection is
14 authorized, pursuant to s. 370.023, to establish the Florida
15 Recreation Development Assistance Program to provide grants to
16 qualified local governmental entities to acquire or develop
17 land for public outdoor recreation purposes. To the extent not
18 needed for debt service on bonds issued pursuant to s.
19 375.051, each fiscal year through fiscal year 2000-2001, the
20 department shall develop and plan a program which shall be
21 based upon funding of not less than 5 percent of the money
22 credited to the Land Acquisition Trust Fund pursuant to s.
23 201.15(2) and (3) in that year. Beginning fiscal year
24 2001-2002, the department shall develop and plan a program
25 which shall be based upon funding provided from the
26 Stewardship Florida Trust Fund pursuant to s. 259.105(3)(h).

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

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

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

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

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

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

19 Section 37. Subsection (13) of section 380.0666,
20 Florida Statutes, is amended to read:

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

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

1 Section 38. Subsection (4) of section 380.22, Florida
2 Statutes, 1998 Supplement, is amended to read:

3 380.22 Lead agency authority and duties.--

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

17 Section 39. Section 380.503, Florida Statutes, is
18 amended to read:

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

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

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

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

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

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

1 501(c)(3) of the United States Internal Revenue Code, which
2 has among its principal goals the conservation of natural
3 resources or protection of the environment.

4 (6)~~(14)~~ "Program" means a plan that is established or
5 will be established by a local government to create innovative
6 approaches that will assist in the implementation of the
7 conservation, recreation and open space, or coastal management
8 elements of the local comprehensive plan, such as a transfer
9 of development rights program or an environmental or
10 recreational land acquisition program.

11 (7)~~(5)~~ "Project" means any work on, improvement to, or
12 acquisition of real property, buildings, or any other
13 property.

14 (8)~~(10)~~ "Public access project" means action taken
15 pursuant to this part to create or improve public accessways
16 to surface waters.

17 (9)~~(6)~~ "Real property" means any interest in land and
18 may also include any appurtenances and improvements to the
19 land.

20 (10)~~(8)~~ "Redevelopment project" means action taken
21 pursuant to this part to correct undesirable development
22 patterns.

23 (11)~~(9)~~ "Resource enhancement project" means action
24 taken pursuant to this part to restore, as nearly as possible,
25 degraded natural areas to their original condition or to
26 enhance the resource values of a natural area.

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

31

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

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

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

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

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

23 Section 40. Subsection (1) of section 380.504, Florida
24 Statutes, is amended to read:

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

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

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

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

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

23 Section 41. Section 380.505, Florida Statutes, is
 24 amended to read:

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

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

5 Section 42. Subsections (4) and (11) of section
6 380.507, Florida Statutes, are amended to read:

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

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

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

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

16 Section 43. Subsection (7) of section 380.510, Florida
17 Statutes, is amended to read:

18 380.510 Conditions of grants and loans.--

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

1 of Preservation 2000 and Stewardship Florida funds from the
2 trust shall be subject to the following conditions:

3 (a) The administration and use of any funds received
4 by the trust from the Preservation 2000 Trust Fund and the
5 Stewardship Florida Trust Fund shall be subject to such terms
6 and conditions imposed thereon by the agency of the state
7 responsible for the ~~revenue~~ bonds, the proceeds of which are
8 deposited in the Preservation 2000 Trust Fund and the
9 Stewardship Florida Trust Fund, including restrictions imposed
10 to ensure that the interest on any such ~~revenue~~ bonds issued
11 by the state as tax-exempt ~~revenue~~ bonds will not be included
12 in the gross income of the holders of such bonds for federal
13 income tax purposes.

14 (b) All deeds or leases with respect to any real
15 property acquired with funds received by the trust from the
16 Preservation 2000 Trust Fund shall contain such covenants and
17 restrictions as are sufficient to ensure that the use of such
18 real property at all times complies with s. 375.051 and s. 9,
19 Art. XII of the State Constitution. All deeds or leases with
20 respect to any real property acquired with funds received by
21 the trust from the Stewardship Florida Trust Fund shall
22 contain such covenants and restrictions as are sufficient to
23 ensure that the use of such real property at all times
24 complies with s. 11(e), Art. VII of the State Constitution.
25 Each deed or lease shall contain a reversion, conveyance, or
26 termination clause that will vest title in the Board of
27 Trustees of the Internal Improvement Trust Fund if any of the
28 covenants or restrictions are violated by the titleholder or
29 leaseholder or by some third party with the knowledge of the
30 titleholder or leaseholder.

31

1 Section 44. Effective July 1, 2001, subsections (5)
2 and (6) of section 420.5092, Florida Statutes, are amended to
3 read:

4 420.5092 Florida Affordable Housing Guarantee
5 Program.--

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

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

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

18 (b) If the claims payment obligations under affordable
19 housing guarantees from amounts on deposit in the guarantee
20 fund would cause the claims paying rating assigned to the
21 guarantee fund to be less than the third-highest rating
22 classification of any nationally recognized rating service,
23 which classifications being consistent with s. 215.84(3) and
24 rules adopted thereto by the State Board of Administration,
25 the corporation shall certify to the Comptroller the amount of
26 such claims payment obligations. Upon receipt of such
27 certification, the Comptroller shall transfer to the guarantee
28 fund, from the first available taxes distributed to the State
29 Housing Trust Fund pursuant to s. 201.15~~(9)(6)~~(a) and
30 ~~(10)(7)~~(a) during the ensuing state fiscal year, the amount
31 certified as necessary to meet such obligations, such transfer

1 to be subordinate to any transfer referenced in paragraph (a)
2 and not to exceed 50 percent of the amounts distributed to the
3 State Housing Trust Fund pursuant to s. 201.15~~(9)~~~~(6)~~(a) and
4 ~~(10)~~~~(7)~~(a) during the preceding state fiscal year.

5 Section 45. Effective July 1, 2001, section 420.9073,
6 Florida Statutes, 1998 Supplement, is amended to read:

7 420.9073 Local housing distributions.--

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

11 420.9072. Each county's share of the funds to be distributed
12 from the portion of the funds in the Local Government Housing
13 Trust Fund received pursuant to s. 201.15~~(9)~~~~(6)~~shall be
14 calculated by the agency for each fiscal year as follows:

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

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

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

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

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

14 (2) Effective July 1, 1995, distributions calculated
15 in this section shall be disbursed on a monthly basis by the
16 agency beginning the first day of the month after program
17 approval pursuant to s. 420.9072. Each county's share of the
18 funds to be distributed from the portion of the funds in the
19 Local Government Housing Trust Fund received pursuant to s.
20 201.15~~(10)~~(7) shall be calculated by the agency for each
21 fiscal year as follows:

22 (a) Each county shall receive the guaranteed amount
23 for each fiscal year.

24 (b) Each county may receive an additional share
25 calculated as follows:

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

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

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

11 (3) Calculation of guaranteed amounts:

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

19 (b) The guaranteed amount under subsection (2) shall
20 be calculated for each state fiscal year by multiplying
21 \$350,000 by a fraction, the numerator of which is the amount
22 of funds distributed to the Local Government Housing Trust
23 Fund pursuant to s. 201.15~~(10)(7)~~and the denominator of which
24 is the total amount of funds distributed to the Local
25 Government Housing Trust Fund pursuant to s. 201.15.

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

28 Section 46. Section 253.787, Florida Statutes, is
29 repealed.

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1 Section 47. Effective July 1, 2000, section 259.035,
2 Florida Statutes, 1998 Supplement, and section 259.07, Florida
3 Statutes, are repealed.

4 Section 48. Effective July 1, 2000, subsection (2) of
5 section 380.0677, Florida Statutes, is repealed and the power,
6 duties, functions, and all other activities performed by the
7 Green Swamp Land Authority are hereby transferred by a Type II
8 transfer, pursuant to section 20.06, Florida Statutes, to the
9 Department of Environmental Protection. All rules of the
10 authority in effect on the effective date of the transfer
11 shall be included in the transfer. Henceforth, the Green
12 Swamp Land Authority shall mean the Department of
13 Environmental Protection for purposes of section 380.0677,
14 Florida Statutes, and statutes related thereto.

15 Section 49. Stewardship Florida Study Commission.--

16 (1)(a) There is hereby created the Stewardship Florida
17 Study Commission, consisting of 9 members. The Governor shall
18 appoint five members and the President of the Senate and the
19 Speaker of the House of Representatives shall each appoint two
20 members. The membership of the commission shall reflect a
21 broad range of interests and expertise related to land
22 restoration, acquisition, and management and shall include,
23 but not be limited to, persons with training in hydrogeology,
24 wildlife biology, engineering, real estate, and forestry
25 management, and persons with substantial expertise
26 representing environmental interests, agricultural and
27 silvicultural interests, outdoor recreational interests, and
28 land development interests.

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

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

7 (d) The commission shall execute a contract with the
8 Florida Natural Areas Inventory for the scientific assistance
9 necessary to fulfill the requirements of subsection (2).

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

15 (2) The Stewardship Florida Study Commission shall:

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

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

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

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

27 4. Provides recommendations for the process by which
28 projects are to be submitted, reviewed, and approved by the
29 Acquisition and Restoration Commission. The study commission
30 is specifically to examine ways to streamline the process
31 created by the Stewardship Florida Act.

- 1 (b) The report shall be based on the following:
2 1. Comments received during a minimum of four public
3 hearings, in different areas of the state, held for the
4 purpose of gathering public input and recommendations.
5 2. An evaluation of Florida's existing public land
6 acquisition programs for conservation, preservation, and
7 recreational purposes, including those administered by the
8 water management districts, to determine the extent of
9 Florida's unmet needs for restoration, acquisition, and
10 management of public lands and water areas and for acquisition
11 of privately owned lands and water areas.
12 3. Material and data developed by the Florida Natural
13 Areas Inventory concerning Florida's conservation lands.

14 (c) The commission may make recommendations concerning
15 other aspects of the "Stewardship Florida Act."

16 (3) There is hereby appropriated the sum of \$150,000
17 from the Conservation and Recreation Lands Trust Fund and the
18 sum of \$150,000 from the Water Management Lands Trust Fund to
19 the Executive Office of the Governor for fiscal year 1999-2000
20 to fund the expenses of the Stewardship Florida Study
21 Commission. Of this appropriation the Florida Natural Areas
22 Inventory shall receive no less than \$50,000 for the
23 contractual services required under paragraph (1)(d).

24 Section 50. Except as otherwise provided herein, this
25 act shall take effect July 1, 1999.
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