

By Representatives Edwards, Ritchie, Henriquez, Wilson, C. Smith, Chestnut, Healey, Greenstein, Wasserman Schultz, Sobel, Gottlieb, Levine, Hill, L. Miller, Frankel, Brown, Turnbull, Kosmas, Cosgrove, Heyman, Bloom, A. Greene, Dennis, Logan,
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1 A bill to be entitled
2 An act relating to the Florida Forever Program;
3 creating s. 259.202, F.S.; creating the Florida
4 Forever Act; providing legislative findings;
5 providing for the proceeds of bond sales to be
6 deposited into the Florida Forever Trust Fund;
7 providing for the distribution and use of
8 funds; providing project criteria for land
9 acquisition under the Florida Forever Program;
10 providing procedures for determining the
11 priority of projects; restricting the use of
12 funds from the Florida Forever Trust Fund by
13 the Division of Forestry within the Department
14 of Agriculture and Consumer Services;
15 establishing procedures for the disposition of
16 lands; authorizing alternate uses of acquired
17 lands; providing a limitation on alternate
18 uses; encouraging and requiring the use of
19 alternatives to fee simple acquisition of
20 lands; requiring higher priority for a project
21 if matching funds are available; requiring
22 higher priority if the project is priced below
23 appraised value; amending s. 201.15, F.S.;
24 authorizing the use of revenues for the debt
25 service on bonds; revising the distribution of
26 proceeds from the excise tax on documents;
27 amending s. 253.027, F.S.; revising the
28 criteria for expenditures for archaeological
29 property to include lands on the acquisition
30 list for the Florida Forever Program; amending
31 s. 253.034, F.S., relating to uses of

1 state-owned lands; conforming cross references
2 to changes made by the act; amending s.
3 259.032, F.S.; conforming a cross reference;
4 conforming provisions; requiring the adoption
5 of a management plan within a specified period
6 after the acquisition of a parcel under the
7 Florida Forever Program; providing a
8 restriction on funding for an agency with
9 overdue management plans; providing a formula
10 and funding source for funding management,
11 maintenance, capital improvements, and payments
12 in lieu of taxes; specifying eligible lands;
13 providing for the distribution of funds;
14 revising the criteria and eligibility for
15 payments in lieu of taxes; limiting the total
16 consecutive years of such payments; providing
17 for the deletion of certain property from an
18 acquisition list; deleting obsolete provisions;
19 amending s. 259.035, F.S.; revising procedures
20 for the Land Acquisition and Management
21 Advisory Council to propose projects to be
22 funded from the Florida Forever Trust Fund;
23 providing a cross reference; amending s.
24 338.250, F.S.; providing for certain mitigation
25 funds to be used in coordination with funds
26 from the Florida Forever Trust Fund; amending
27 s. 373.59, F.S.; requiring water management
28 district governing boards to adopt priority
29 lists for certain fixed capital outlay
30 projects; providing a process for releasing
31 funds for such projects; deleting provisions

1 authorizing the use of specified funds for debt
2 service on bonds issued pursuant to s. 373.584,
3 F.S.; providing timeframes for required
4 management plans; revising the criteria and
5 eligibility for payments in lieu of taxes;
6 limiting the total consecutive years of such
7 payments; amending s. 380.504, F.S.; revising
8 the membership of the Florida Communities Trust
9 within the Department of Community Affairs;
10 amending s. 380.508, F.S.; requiring the
11 governing body of the Florida Communities Trust
12 to adopt by rule criteria for selecting
13 projects to be funded from the Florida Forever
14 Trust Fund; amending ss. 420.5092 and 420.9073,
15 F.S., relating to affordable housing programs;
16 conforming cross references to changes made by
17 the act; repealing s. 373.584, F.S., relating
18 to revenue bonds; providing that the repeal of
19 s. 373.584, F.S., does not impair the validity
20 of certain bonds outstanding on the effective
21 date of the act; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 259.202, Florida Statutes, is
26 created to read:

27 259.202 Florida Forever Act.--

28 (1) SHORT TITLE.--This section may be cited as the
29 "Florida Forever Act."

30 (2) LEGISLATIVE FINDINGS.--The Legislature finds and
31 declares that:

1 (a) The continued growth in the state's population
2 contributes to degradation of water resources, destruction of
3 wildlife habitats, loss of recreation space, and diminishment
4 of wetlands and forests.

5 (b) The Preservation 2000 Program provided tremendous
6 financial resources for purchasing environmentally significant
7 lands to protect those lands from imminent development,
8 thereby assuring present and future generations access to
9 important open spaces and recreation and conservation lands.

10 (c) It is the Legislature's intent to change the focus
11 and direction of the state's major land acquisition programs
12 and to extend funding and bonding capabilities so that future
13 generations may enjoy the natural resources of Florida
14 forever.

15 (d) Although the Florida Forever Program authorizes
16 the continued purchase of lands and interests in lands of the
17 type acquired through the Preservation 2000 Program, the
18 Florida Forever Program will focus on priority needs of the
19 state for acquiring parcels to facilitate ecosystem
20 restoration and management, water resource development, the
21 implementation of surface water improvement and management
22 plans, and the provision of green space and recreation
23 opportunities.

24 (3) DISTRIBUTION OF BOND PROCEEDS.--Proceeds of bonds
25 issued under s. 375.051, less the costs of issuance, the costs
26 of funding reserve accounts, and other costs incurred with
27 respect to the bonds, shall be deposited into the Florida
28 Forever Trust Fund created by s. 375.046. The Department of
29 Environmental Protection shall allocate 25 percent of the bond
30 proceeds for ecosystem restoration projects as determined by
31 the Land Acquisition and Management Advisory Council. The

1 department shall distribute the remaining bond proceeds as
2 follows:

3 (a) Thirty-five percent to the Department of
4 Environmental Protection for purchasing public lands described
5 in s. 259.032. Priority shall be given to acquisitions that,
6 when combined with previous acquisitions, will form more
7 complete patterns of protection for natural areas and
8 functioning ecosystems. All lands acquired under this
9 paragraph shall be managed pursuant to s. 253.034(1) and may
10 be used for water resource development projects if such
11 projects are not inconsistent with s. 253.034(1). Water supply
12 activities on these lands shall be limited to wellfields,
13 aquifer storage and recovery facilities, and surface water
14 reservoirs. As provided in this paragraph, permittable water
15 resource development and water supply development projects may
16 be allowed only if: the minimum flows and levels have been
17 established for those waters potentially affected by the
18 project; the project complies with all conditions for the
19 issuance of permits under part II of chapter 373; and the
20 project is consistent with the regional water supply plan of
21 the water management district.

22 (b) Thirty percent to the Department of Environmental
23 Protection for water management district projects and
24 activities and for the purchase of water management lands
25 pursuant to s. 373.59, to be distributed among the water
26 management districts as provided in s. 373.59(7). Funds
27 received by each district may also be used for: acquisition
28 of lands necessary to implement surface water improvement and
29 management plans approved in accordance with s. 373.456 and
30 which exist on July 1, 2000; water resource development; water
31 supply development; or acquisition of lands necessary to

1 implement ecosystem restoration projects. The South Florida
2 Water Management District must use at least 20 percent of its
3 annual allocation for Everglades restoration activities, and
4 the Southwest Florida Water Management District must use at
5 least 20 percent of its annual allocation for water supply
6 development activities as specified in this section.

7 (c) Twenty-five percent to the Department of Community
8 Affairs for use by the Florida Communities Trust for the
9 purposes of part III of chapter 380, including providing
10 matching grants to local governments and nonprofit
11 organizations as defined in s. 380.503 to assist in the
12 acquisition of community-based urban open spaces, parks, and
13 greenways. Of this 25 percent, 50 percent shall be matched by
14 local governments on a dollar-for-dollar basis. The Florida
15 Communities Trust shall give special consideration to funding
16 projects proposing to provide outdoor recreation opportunities
17 in low-income or otherwise disadvantaged communities in urban
18 areas currently lacking adequate recreational and open space
19 lands. From funds allocated to the trust, no less than 6
20 percent shall be used for the acquisition of lands for
21 recreational trail systems, provided that in the event these
22 funds are not needed for such projects, they shall be
23 available for other trust projects.

24 (d) Two and nine-tenths percent to the Fish and
25 Wildlife Conservation Commission for the purchase of
26 inholdings and additions to lands managed by the commission
27 which are important to the conservation of fish and wildlife.

28 (e) Two and nine-tenths percent to the Department of
29 Environmental Protection for the purchase of inholdings and
30 additions to state parks. As used in this paragraph, the term
31 "state park" means any real property in the state under the

1 jurisdiction, or which may come under the jurisdiction, of the
2 Division of Recreation and Parks of the Department of
3 Environmental Protection.

4 (f) Two and nine-tenths percent to the Division of
5 Forestry of the Department of Agriculture and Consumer
6 Services to fund the acquisition of state forest inholdings
7 and additions pursuant to s. 589.07.

8 (g) One and three-tenths percent to the Department of
9 Environmental Protection for the Florida Greenways and Trails
10 Program to acquire greenways and trails or systems of
11 greenways and trails pursuant to chapter 260, including, but
12 not limited to, abandoned railroad rights-of-way and lands for
13 the Florida National Scenic Trail, and to construct associated
14 fixed capital outlay projects.

15
16 Title to lands purchased under paragraphs (a), (d), (e), (f),
17 and (g) shall be vested in the Board of Trustees of the
18 Internal Improvement Trust Fund. Lands purchased under
19 paragraph (c) may be vested in the Board of Trustees of the
20 Internal Improvement Trust Fund or the acquiring local
21 government. Lands purchased under paragraph (b) shall be
22 vested in the water management district where the acquisition
23 project is located.

24 (4) PROJECT CRITERIA.--

25 (a) Proceeds of bonds issued under the Florida Forever
26 Program and distributed pursuant to paragraphs (3)(a) and (b)
27 shall be spent only on projects and acquisitions that meet at
28 least two of the following criteria, as determined pursuant to
29 paragraphs (b) and (c):

30 1. A significant portion of the land in the project is
31 in imminent danger of being developed, losing significant

1 natural attributes, or being subdivided, which will result in
2 multiple ownership of the land and may make acquisition more
3 costly or less likely to be accomplished.

4 2. Compelling evidence exists that the land is likely
5 to be developed during the next 12 months, or appraisals made
6 during the past 5 years indicate an escalation in land value
7 at an average rate that exceeds the average rate of interest
8 likely to be paid on the bonds.

9 3. A significant portion of the land in the project
10 serves to protect or recharge ground water and protects other
11 valuable natural resources or provides space for
12 natural-resource-based recreation.

13 4. The project can be purchased at 80 percent of
14 appraised value or less.

15 5. A significant portion of the land in the project
16 serves as habitat for endangered, threatened, or rare species
17 or serves to protect natural communities that are listed by
18 the Florida Natural Areas Inventory as critically imperiled,
19 imperiled, or rare, or as excellent quality occurrences of
20 natural communities.

21 6. A significant portion of the land serves to
22 preserve important archeological or historical sites.

23 7. The acquisition is needed to implement a surface
24 water improvement and management plan in effect on July 1,
25 2000.

26 8. The project will assist in water resource
27 development.

28 9. The project will assist in ecosystem restoration.

29 (b) Each year that bonds are to be issued under the
30 Florida Forever Program, the Land Acquisition and Management
31 Advisory Council shall review that year's approved land

1 acquisition priority list and shall, by the first board
2 meeting in February, present to the Board of Trustees of the
3 Internal Improvement Trust Fund for approval a listing of
4 projects on the priority list which meet two or more of the
5 criteria specified in paragraph (a). The board may remove
6 projects from the list developed pursuant to this paragraph
7 but may not add projects. In any county in which the total ad
8 valorem tax exemptions due to government ownership exceed 37
9 percent of the county's total market value valuation, the
10 board may not approve additional acquisitions except by an
11 extraordinary vote of a majority plus one. The list may be
12 amended to include eligible projects that can be acquired at
13 85 percent of appraised value or less if such properties
14 become available at a later date.

15 (c) Each year that bonds are to be issued under the
16 Florida Forever Program, each water management district
17 governing board shall review the lands on its current year's
18 land acquisition 5-year plan and shall, by January 15, adopt a
19 listing of projects from the plan which meet two or more of
20 the criteria specified in paragraph (a). The list may be
21 amended to include projects that can be acquired at 85 percent
22 of appraised value or less if such properties become available
23 at a later date. In any county in which the total ad valorem
24 tax exemptions due to government ownership exceed 37 percent
25 of the county's total market value valuation, the governing
26 board may not approve additional acquisitions except by an
27 extraordinary vote of a majority plus one.

28 (d) In acquiring any coastal lands, the following
29 additional criteria must be considered:

30 1. The value of acquiring coastal high-hazard parcels,
31 consistent with hazard mitigation and postdisaster

1 redevelopment policies, in order to minimize the risk to life
2 and property and reduce the need for future disaster
3 assistance.

4 2. The value of acquiring beachfront parcels,
5 irrespective of size, to provide public access and
6 recreational opportunities in highly developed urban areas.

7 3. The value of acquiring identified parcels the
8 development of which would adversely affect coastal resources.

9
10 When a nonprofit environmental organization that is tax exempt
11 under s. 501(c)(3) of the United States Internal Revenue Code
12 sells land to the state, such land at the time of the sale
13 shall be deemed to meet two or more of the criteria listed in
14 paragraph (a) if such land meets two or more of the criteria
15 at the time the organization purchases it. Listings of
16 projects compiled pursuant to paragraphs (b) and (c) may be
17 revised to include projects on the state's land acquisition
18 priority list or in a water management district's 5-year plan
19 which come under the criteria in paragraph (a) after the dates
20 specified in paragraph (b) or paragraph (c).

21 (e) The Legislature finds that the Preservation 2000
22 Program has provided financial resources that have enabled the
23 acquisition of significant natural areas for public ownership
24 during the program's existence. In implementing the Florida
25 Forever Program, agencies that receive funds are encouraged to
26 coordinate their expenditures more effectively so that future
27 acquisitions, when combined with previous acquisitions, will
28 form more complete patterns of protection for natural areas
29 and functioning ecosystems.

30 (f) The Legislature intends that, in implementing the
31 Florida Forever Program, agencies emphasize the completion of

1 projects in which one or more parcels have already been
2 acquired and the acquisition of lands that contain ecological
3 resources that are unrepresented or underrepresented on lands
4 currently in public ownership.

5 (g) An assessment of appropriate management strategies
6 for property acquired under the Florida Forever Program should
7 be completed early in the acquisition process and should
8 emphasize the development of a management prospectus that
9 details management goals for the property, if appropriate; a
10 timetable for implementing the various stages of management
11 and for providing access to the public, if applicable;
12 provisions for protecting existing infrastructure and for
13 ensuring the security of the project upon acquisition; the
14 anticipated costs of management and projected sources of
15 revenue; and other information required under s.
16 259.032(9)(b)1.

17 (5) FUNDS RECEIVED BY THE DIVISION OF FORESTRY.--Any
18 funds received by the Division of Forestry from the Florida
19 Forever Trust Fund shall be used only to pay the cost of
20 acquiring lands in furtherance of outdoor recreation and the
21 conservation of natural resources in this state. The
22 administration and use of any funds received by the Division
23 of Forestry from the Florida Forever Trust Fund are subject to
24 the terms and conditions imposed by the state agency
25 responsible for issuing the revenue bonds, the proceeds of
26 which are deposited in the Florida Forever Trust Fund,
27 including the restrictions imposed to ensure that interest on
28 any such revenue bonds issued by the state as tax-exempt
29 revenue bonds will not be included in the gross income of the
30 holders of such bonds for purposes of federal income taxes.
31 All deeds or leases with respect to any real property acquired

1 with funds received by the Division of Forestry from the
2 Florida Forever Trust Fund must contain covenants and
3 restrictions sufficient to ensure that the use of such real
4 property at all times complies with s. 375.051 and s. 11(e),
5 Art. VII or s. 9, Art. XII of the 1968 Constitution of
6 Florida, as amended; and must contain reverter clauses
7 providing for the reversion of title to such property to the
8 Board of Trustees of the Internal Improvement Trust Fund or,
9 in the case of a lease of such property, providing for
10 termination of the lease upon a failure to use the property
11 conveyed thereby for such purposes.

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) and titled in the name
16 of the Board of Trustees of the Internal Improvement Trust
17 Fund may be disposed of by the board in accordance with the
18 procedures set forth in s. 253.034(6), and lands acquired
19 pursuant to paragraph (3)(b) may be disposed of by the owning
20 water management district in accordance with the procedures
21 set forth in ss. 373.056 and 373.089 if such disposition also
22 satisfies the requirements of paragraphs (b) and (c).

23 (b) Land acquired for conservation purposes may be
24 disposed of only after the Board of Trustees of the Internal
25 Improvement Trust Fund or, in the case of water management
26 district lands, by the owning water management district
27 governing board, makes a determination that preservation of
28 the land is no longer necessary for conservation purposes and
29 only upon a two-thirds vote of the appropriate governing
30 board. Following a determination by the governing board that
31 the land is no longer needed for conservation purposes, the

1 governing board must also make a determination that the land
2 is of no further benefit to the public, as required by s.
3 253.034(6), or determined to be surplus under s. 373.089. Any
4 lands eligible for disposal under these procedures also may be
5 exchanged for other lands described in the same paragraph of
6 subsection (3).

7 (c) Notwithstanding paragraphs (a) and (b), such
8 disposition of land may not be made if the disposition would
9 have the effect of causing all or any portion of the interest
10 on any revenue bonds issued to fund the Florida Preservation
11 2000 Act or the Florida Forever Act to lose their exclusion
12 from gross income for purposes of federal income taxation. Any
13 revenue derived from the disposal of such lands may not be
14 used for any purpose except for deposit into the Florida
15 Forever Trust Fund and used for land acquisition.

16 (7) ALTERNATE USES OF ACQUIRED LANDS.--

17 (a) The Board of Trustees of the Internal Improvement
18 Trust Fund, or, in the case of water management district
19 lands, the owning water management district, may authorize the
20 granting of a lease, easement, or license for the use of any
21 lands acquired pursuant to subsection (3), for any
22 governmental use permitted by s. 17, Art. IX of the State
23 Constitution of 1885, as adopted by s. 9(a), Art. XII of the
24 State Constitution, and any other incidental public or private
25 use that is determined by the board or the owning water
26 management district to be compatible with the purposes for
27 which such lands were acquired.

28 (b) Any existing lease, easement, or license acquired
29 for incidental public or private use on, under, or across any
30 lands acquired pursuant to subsection (3) is presumed to be
31

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

3 (c) Notwithstanding paragraph (a), the Department of
4 Environmental Protection, another appropriate state agency, or
5 a water management district may not enter into such lease,
6 easement, or license if the granting of such lease, easement,
7 or license would adversely affect the exclusion of the
8 interest on any revenue bonds issued to fund the acquisition
9 of the affected lands from gross income for federal income tax
10 purposes, as described in s. 375.045(4).

11 (8) PLAN FOR DISPOSAL AND USE OF LANDS.--The Board of
12 Trustees of the Internal Improvement Trust Fund may adopt a
13 plan for a specific geographic area which authorizes the
14 disposal and use of lands acquired pursuant to subsection (3)
15 and which meets the requirements of subsections (6) and (7).

16 (9) ALTERNATIVES TO FEE SIMPLE ACQUISITION.--

17 (a) The Legislature finds that, with increasing
18 pressures on the natural areas of this state, the state must
19 develop creative techniques to maximize the use of acquisition
20 and management moneys. The Legislature also finds that the
21 state's environmental land-buying agencies should be
22 encouraged to augment their traditional, fee simple
23 acquisition programs by using alternatives to fee simple
24 acquisition techniques. The Legislature also finds that using
25 alternatives to fee simple acquisition by public land-buying
26 agencies will achieve the following public policy goals:

27 1. Allow more lands to be brought under public
28 protection for preservation, conservation, and recreational
29 purposes at less expense using public funds.

30 2. Retain, on local government tax rolls, some portion
31 of or interest in lands that are under public protection.

1 3. Reduce long-term management costs by allowing
2 private property owners to continue acting as stewards of the
3 land, where appropriate.

4
5 Therefore, it is the intent of the Legislature that public
6 land-buying agencies develop programs to pursue alternatives
7 to fee simple acquisition and educate private landowners about
8 such alternatives and the benefits of such alternatives. It
9 also is the intent of the Legislature that the department and
10 the water management districts spend a portion of their shares
11 of Florida Forever bond proceeds to purchase eligible
12 properties using alternatives to fee simple acquisition.
13 Finally, it is the intent of the Legislature that public
14 agencies acquire lands in fee simple for public access and
15 recreational activities. Lands protected using alternatives to
16 fee simple acquisition techniques may not be accessible to the
17 public unless such access is negotiated with and agreed to by
18 the private landowners who retain interests in the lands.

19 (b) The Land Acquisition and Management Advisory
20 Council and the water management districts shall identify,
21 within their acquisition plans, those projects that require a
22 full fee simple interest to achieve the public policy goals,
23 along with the reasons why full title is determined to be
24 necessary. The council and the water management districts may
25 use alternatives to fee simple acquisition to bring the
26 remaining projects in their acquisition plans under public
27 protection. As used in this subsection, the term "alternatives
28 to fee simple acquisition" includes, but is not limited to:
29 the purchase of development rights; conservation easements;
30 flowage easements; the purchase of timber rights, mineral
31 rights, or hunting rights; the purchase of agricultural

1 interests or silvicultural interests; land protection
2 agreements; fee simple acquisitions with reservations; or any
3 other acquisition technique that achieves the public policy
4 goals listed in paragraph (a). It is presumed that a private
5 landowner retains the full range of uses for all the rights or
6 interests in the landowner's land which are not specifically
7 acquired by the public agency. Life estates and fee simple
8 acquisitions with leaseback provisions do not qualify as an
9 alternative to fee simple acquisition under this subsection,
10 although the department and the districts are encouraged to
11 use such techniques where appropriate.

12 (c) The Department of Environmental Protection and
13 each water management district shall implement initiatives to
14 use alternatives to fee simple acquisition and educate private
15 landowners about such alternatives. These initiatives must
16 include at least two acquisitions each year by the department
17 and each water management district which use alternatives to
18 fee simple acquisition.

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

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

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1 (10) PRIORITY IF MATCHING FUNDS ARE
2 AVAILABLE.--Projects that are otherwise eligible for
3 acquisition under this section and for which matching funds
4 from local governments or other sources are available shall be
5 given higher priority.

6 (11) PRIORITY FOR PROJECTS PRICED BELOW APPRAISED
7 VALUE.--Acquisition projects that are otherwise eligible for
8 acquisition under this section and for which the seller will
9 accept a price below the appraised value shall be given higher
10 priority.

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

13 201.15 Distribution of taxes collected.--All taxes
14 collected under this chapter shall be subject to the service
15 charge imposed in s. 215.20(1) and shall be distributed as
16 follows:

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

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

1 million in fiscal year 1996-1997, \$240 million in fiscal year
2 1997-1998, \$270 million in fiscal year 1998-1999, and \$300
3 million in fiscal year 1999-2000 and thereafter. No individual
4 series of bonds may be issued pursuant to this paragraph
5 unless the first year's debt service for such bonds is
6 specifically appropriated in the General Appropriations Act.
7 No moneys transferred to the Land Acquisition Trust Fund
8 pursuant to this paragraph, or earnings thereon, shall be used
9 or made available to pay debt service on the Save Our Coast
10 revenue bonds.

11 (b) Subject to the maximum amount limitations set
12 forth in this paragraph, an amount necessary to pay the debt
13 service on, or fund debt service reserve funds, rebate
14 obligations, or other amounts with respect to bonds issued
15 pursuant to s. 375.051 and s. 11(e), Art. VII or s. 9, Art.
16 XII of the State Constitution and payable from moneys
17 transferred to the Florida Forever Trust Fund pursuant to this
18 paragraph shall be paid into the State Treasury to the credit
19 of the Florida Forever Trust Fund to be used for such
20 purposes. The amount transferred to the Florida Forever Trust
21 Fund may not exceed \$40 million in fiscal year 2000-2001, \$80
22 million in fiscal year 2001-2002, \$120 million in fiscal year
23 2002-2003, \$160 million in fiscal year 2003-2004, \$200 million
24 in fiscal year 2004-2005, \$240 million in fiscal year
25 2005-2006, \$280 million in fiscal year 2006-2007, \$320 million
26 in fiscal year 2007-2008, \$360 million in fiscal year
27 2008-2009, and \$400 million in fiscal year 2009-2010 and
28 thereafter. An individual series of bonds may not be issued
29 under this paragraph unless the first year's debt service for
30 such bonds is specifically appropriated in the General
31 Appropriations Act. Moneys transferred to the Florida Forever

1 Trust Fund under this paragraph, or earnings thereon, may not
2 be used or made available to pay debt service on the Save Our
3 Coast revenue bonds.

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

22 (d)~~(c)~~ The remainder of the moneys distributed under
23 this subsection, after the required payments under paragraphs
24 (a), and (b), and (c), shall be paid into the State Treasury
25 to the credit of the General Revenue Fund of the state to be
26 used and expended for the purposes for which the General
27 Revenue Fund was created and exists by law or to the Ecosystem
28 Management and Restoration Trust Fund as provided in
29 subsection (9)~~(8)~~.

30
31

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

4 (a) Beginning in the month following the final payment
5 for a fiscal year under paragraph(1)(c)(1)(b), available
6 moneys shall be paid into the State Treasury to the credit of
7 the General Revenue Fund of the state to be used and expended
8 for the purposes for which the General Revenue Fund was
9 created and exists by law or to the Ecosystem Management and
10 Restoration Trust Fund as provided in subsection(9)(8).

11 Payments made under this paragraph shall continue until the
12 cumulative amount credited to the General Revenue Fund for the
13 fiscal year under this paragraph equals the cumulative
14 payments made under paragraph(1)(c)(1)(b)for the same
15 fiscal year.

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

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

27 (a) Sixty percent of the moneys shall be used to
28 acquire coastal lands or to pay debt service on bonds issued
29 to acquire coastal lands; and
30
31

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

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

9 (5) Three ~~Five~~ and eighty-four hundredths percent of
10 the remaining taxes collected under this chapter shall be paid
11 into the State Treasury to the credit of the Conservation and
12 Recreation Lands Trust Fund to carry out the purposes set
13 forth in s. 259.032.

14 (6) Four percent of the remaining taxes collected
15 under this chapter shall be paid into the State Treasury to
16 the credit of the Surface Water Improvement and Management
17 Trust Fund and shall be used by the water management districts
18 for fixed capital outlay projects, including wastewater
19 treatment and stormwater management facilities, and for
20 implementing surface water improvement and management plans in
21 effect on July 1, 2000.

22 ~~(7)~~(6) Seven and fifty-three hundredths percent of the
23 remaining taxes collected under this chapter shall be paid
24 into the State Treasury to the credit of the State Housing
25 Trust Fund and shall be used as follows:

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

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

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

3 (8)~~(7)~~ Eight and sixty-six hundredths percent of the
4 remaining taxes collected under this chapter shall be paid
5 into the State Treasury to the credit of the State Housing
6 Trust Fund and shall be used as follows:

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

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

18 (9)~~(8)~~ From the moneys specified in paragraphs(1)(d)
19 ~~(1)(c)~~ and (2)(a) and prior to deposit of any moneys into the
20 General Revenue Fund, \$10 million shall be paid into the State
21 Treasury to the credit of the Ecosystem Management and
22 Restoration Trust Fund in fiscal year 1998-1999, \$20 million
23 in fiscal year 1999-2000, and \$30 million in fiscal year
24 2000-2001 and each fiscal year thereafter, to be used for the
25 preservation and repair of the state's beaches as provided in
26 ss. 161.091-161.212.

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

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

6 Section 3. Paragraph (a) of subsection (5) of
7 subsection 253.027, Florida Statutes, is amended to read:

8 253.027 Emergency archaeological property
9 acquisition.--

10 (5) ACCOUNT EXPENDITURES.--

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

14 1. The property is an archaeological property of major
15 statewide significance.

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

19 3. The site is presently on an acquisition list for
20 ~~the~~ Conservation and Recreation Lands or for Florida Forever
21 lands, acquisition list or complies with the criteria for
22 inclusion on any such ~~the~~ list but has yet to be included on
23 the list.

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

26 5. The site is not otherwise protected by local,
27 state, or federal laws.

28 6. The acquisition is not inconsistent with the state
29 comprehensive plan and the state land acquisition program.

30 Section 4. Subsection (3) of section 253.034, Florida
31 Statutes, 1998 Supplement, is amended 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.
4 259.202(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. 259.202(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 Section 5. Subsection (10), paragraphs (b), (c), and
17 (f) of subsection (11), and subsections (12), (13), (14),
18 (15), and (16) of section 259.032, Florida Statutes, 1998
19 Supplement, are amended to read:

20 259.032 Conservation and Recreation Lands Trust Fund;
21 purpose.--

22 (10) State, regional, or local governmental agencies
23 or private entities designated to manage lands under this
24 section shall develop and adopt, with the approval of the
25 board of trustees, an individual management plan for each
26 project designed to conserve and protect such lands and their
27 associated natural resources. Private sector involvement in
28 management plan development may be used to expedite the
29 planning process. Beginning fiscal year 1998-1999, individual
30 management plans required by s. 253.034(5)~~s. 253.034(4)~~ shall
31 be developed with input from an advisory group. Members of

1 this advisory group shall include, at a minimum,
2 representatives of the lead land managing agency, comanaging
3 entities, local private property owners, the appropriate soil
4 and water conservation district, a local conservation
5 organization, and a local elected official. The advisory
6 group shall conduct at least one public hearing within the
7 county in which the parcel or project is located. Notice of
8 such public hearing shall be posted on the parcel or project
9 designated for management, advertised in a paper of general
10 circulation, and announced at a scheduled meeting of the local
11 governing body before the actual public hearing. The
12 management prospectus required pursuant to paragraph (9)(b)
13 shall be available to the public for a period of 30 days prior
14 to the public hearing. Once a plan is adopted, the managing
15 agency or entity shall update the plan at least every 5 years
16 in a form and manner prescribed by rule of the board of
17 trustees. Such plans may include transfers of leasehold
18 interests to appropriate conservation organizations designated
19 by the Land Acquisition and Management Advisory Council for
20 uses consistent with the purposes of the organizations and the
21 protection, preservation, and proper management of the lands
22 and their resources. Volunteer management assistance is
23 encouraged, including, but not limited to, assistance by
24 youths participating in programs sponsored by state or local
25 agencies, by volunteers sponsored by environmental or civic
26 organizations, and by individuals participating in programs
27 for committed delinquents and adults. For each project for
28 which lands are acquired after July 1, 1995, an individual
29 management plan shall be adopted and in place no later than 1
30 year after the essential parcel or parcels identified in the
31 annual Florida Forever report or Conservation and Recreation

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

9 (a) Individual management plans shall conform to the
10 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 that would be
4 consistent with the purposes for which the lands were
5 acquired.

6 (b) The Division of State Lands shall submit a copy of
7 each individual management plan for parcels which exceed 160
8 acres in size to each member of the Land Acquisition and
9 Management Advisory Council. The council shall, within 60 days
10 after receiving a plan from the division, review each plan for
11 compliance with the requirements of this subsection and with
12 the requirements of the rules established by the board
13 pursuant to this subsection. The council shall also consider
14 the propriety of the recommendations of the managing agency
15 with regard to the future use or protection of the property.
16 After its review, the council shall submit the plan, along
17 with its recommendations and comments, to the board of
18 trustees. The council shall specifically recommend to the
19 board of trustees whether to approve the plan as submitted,
20 approve the plan with modifications, or reject the plan.

21 (c) The board of trustees shall consider the
22 individual management plan submitted by each state agency and
23 the recommendations of the Land Acquisition and Management
24 Advisory Council and the Division of State Lands and shall
25 approve the plan with or without modification or reject such
26 plan. The use or possession of any lands owned by the board of
27 trustees which is not in accordance with an approved
28 individual management plan is subject to termination by the
29 board of trustees.

30
31

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

7 (11)

8 (b) An amount equal up to 1.5 percent of the
9 cumulative total of funds ever deposited into the Florida
10 Preservation 2000 Trust Fund and the Florida Forever Trust
11 Fund shall be made available from the Conservation and
12 Recreation Lands Trust Fund for the purposes of management,
13 maintenance, and capital improvements, and for associated
14 contractual services, for lands acquired pursuant to previous
15 programs for the acquisition of lands for conservation and
16 recreation, including state forests, and lands acquired
17 pursuant to this section and ss. ~~s.~~259.101 and 259.202 to
18 which title is vested in the board of trustees. Each agency
19 with management responsibilities shall annually request from
20 the Legislature funds sufficient to fulfill such
21 responsibilities. Capital improvements shall include, but need
22 not be limited to, perimeter fencing, signs, firelanes, access
23 roads and trails, and minimal public accommodations, such as
24 primitive campsites, garbage receptacles, and toilets.

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

30 1. Lands that ~~which~~ are low-need tracts, requiring
31 basic resource management and protection, such as state

1 reserves, state preserves, state forests, and wildlife
2 management areas. These lands generally are open to the
3 public but have no more than minimum facilities development.

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

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

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

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

31

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

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

14 1. To counties which levy an ad valorem tax of at
15 least 8.25 mills or the amount of the tax loss from all
16 completed Preservation 2000 and Florida Forever acquisitions
17 in the county exceeds 0.01 percent of the county's total
18 taxable value, and have a population of 75,000 or less.

19 2. To counties with a population of less than 100,000
20 which contain all or a portion of an area of critical state
21 concern designated pursuant to chapter 380 and to local
22 governments within such counties.

23 3. Beginning in the 2000-2001 fiscal year and
24 thereafter, to school boards in counties with a population of
25 75,000 or less which do not contain all or a portion of an
26 area of critical state concern designated under chapter 380
27 and which levy the maximum millage under s. 236.25(1) and (2).

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

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

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

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

15 ~~(c)(d)~~ If insufficient funds are not sufficient
16 ~~available~~ in any year to make full payments to all qualifying
17 counties, municipalities, school districts, ~~cities,~~ and local
18 governments, such counties, municipalities, school districts,
19 ~~cities,~~ and local governments shall receive a pro rata share
20 of the moneys available.

21 ~~(d)(e)~~ The payment amount shall be based on the
22 average amount of actual taxes paid on the property for the 3
23 years preceding acquisition, except that, for purchases
24 completed after July 1, 2000, the payment amount to school
25 boards in counties with a population of 75,000 or less which
26 do not contain all or a portion of an area of critical state
27 concern designated under chapter 380 shall be calculated based
28 solely on the value of the millage levied under s. 236.25(1)
29 and (2). Applications for payment in lieu of taxes shall be
30 made no later than January 31 of the year following
31 acquisition. No payment in lieu of taxes shall be made for

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

17 (e)~~(f)~~ Payment in lieu of taxes pursuant to this
18 paragraph shall be made annually to qualifying counties,
19 municipalities, school districts ~~cities~~, and local governments
20 after certification by the Department of Revenue that the
21 amounts applied for are reasonably appropriate, based on the
22 amount of actual taxes paid on the eligible property, and
23 after the Department of Environmental Protection has provided
24 supporting documents to the Comptroller and has requested that
25 payment be made in accordance with the requirements of this
26 section.

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

31

1 (13) Moneys credited to the fund each year which are
2 not used for management, maintenance, or capital improvements
3 pursuant to subsection (11); for payment in lieu of taxes
4 pursuant to subsection (12); or for the purposes of subsection
5 (5) shall be available for the acquisition of land pursuant to
6 this section.

7 (14) The board of trustees may adopt rules to further
8 define the categories of land for acquisition under this
9 chapter.

10 ~~(15) For fiscal year 1998-1999 only, moneys credited~~
11 ~~to the fund may be appropriated to provide grants to qualified~~
12 ~~local governmental entities pursuant to the provisions of s.~~
13 ~~375.075. This subsection is repealed on July 1, 1999.~~

14 (15)~~(16)~~ Within 180 days after receiving a certified
15 letter from the owner of a property on the Conservation and
16 Recreation Lands list or the Florida Forever list objecting to
17 the property being included in an acquisition project, where
18 such property is a project or part of a project which has not
19 been listed for purchase in the current year's land
20 acquisition work plan, the board of trustees shall delete the
21 property from the list or from the boundary of an acquisition
22 project on the list.

23 Section 6. Paragraphs (a), (b), and (c) of subsection
24 (2) of section 259.035, Florida Statutes, 1998 Supplement, are
25 amended to read:

26 259.035 Advisory council; powers and duties.--

27 (2)(a) The council shall, by the time of the first
28 board meeting in February of each year, establish or update a
29 list of acquisition projects to be funded from the Florida
30 Forever Trust Fund and selected for purchase pursuant to this
31 chapter. The council may also propose eligible acquisition

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

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

11 (b) An affirmative vote of four members of the council
12 shall be required in order to place a proposed project on a
13 list. ~~Each list shall contain at least twice the number of~~
14 ~~projects in terms of estimated cost as there are anticipated~~
15 ~~funds for purchase.~~The anticipated cost of each project shall
16 include proposed costs for development of the lands necessary
17 to meet the public purpose for which such lands are to be
18 purchased.

19 (c) All proposals for acquisition projects pursuant to
20 this chapter shall be developed and adopted by the council.
21 The council shall consider and evaluate in writing the merits
22 and demerits of each project that is proposed for acquisition
23 and shall ensure that each proposed acquisition project will
24 meet a stated public purpose for the preservation of
25 environmentally endangered lands, for the development of
26 outdoor recreation lands, or as provided in s. 259.032(3) or
27 s. 259.202(4), and shall determine whether each acquisition
28 project conforms with the comprehensive plan developed
29 pursuant to s. 259.04(1)(a), the comprehensive outdoor
30 recreation and conservation plan developed pursuant to s.
31 375.021, and the state lands management plan adopted pursuant

1 to s. 253.03(7). Copies of a written report describing each
2 project proposed for acquisition shall be submitted to the
3 board of trustees. The council shall consider and include in
4 each project description its assessment of a project's
5 ecological value, vulnerability, endangerment, ownership
6 pattern, utilization, location, and cost and other pertinent
7 factors in determining whether to recommend a project for
8 state purchase.

9 Section 7. Paragraph (a) of subsection (2) of section
10 338.250, Florida Statutes, is amended to read:

11 338.250 Central Florida Beltway Mitigation.--

12 (2) Environmental mitigation required as a result of
13 construction of the beltway, or portions thereof, shall be
14 satisfied in the following manner:

15 (a) For those projects which the Department of
16 Transportation is authorized to construct, funds for
17 environmental mitigation shall be deposited in the Central
18 Florida Beltway Trust Fund created within the department at
19 the time bonds for the specific project are sold. If a road
20 building authority other than the department is authorized to
21 construct the project, funds for environmental mitigation
22 shall be deposited in a mitigation fund account established in
23 the construction fund for the bond issues. Said account shall
24 be established at the time bond proceeds are deposited into
25 the construction fund for the specific project. These funds
26 shall be provided from bond proceeds, and the use of such
27 funds from bond proceeds for mitigation shall be deemed a
28 public purpose. The amount to be provided for mitigation for
29 the Eastern Beltway in Seminole County shall be up to \$4
30 million, the amount to be provided for mitigation for the
31 Western Beltway shall be up to \$30.5 million, the amount to be

1 provided for mitigation for the Southern Connector shall be up
2 to \$14.28 million, the amount to be provided for mitigation
3 for the Turnpike/Southern Connector Interchange shall be up to
4 \$1.46 million, and the amount to be provided for mitigation
5 for the Southern Connector Extension shall be in proportion to
6 the amount provided for the Southern Connector based upon the
7 amount of wetlands displaced. To the extent allowed by law,
8 the interest on said funds as earned, after deposit into the
9 Central Florida Beltway Trust Fund, or in a mitigation fund
10 account shall accrue and be paid to the agency responsible for
11 the construction of the appropriate project. Where feasible,
12 mitigation funds shall be used in coordination with funds from
13 the Florida Forever Trust Fund, the Conservation and
14 Recreation Lands Trust Fund, the Save Our Rivers Land
15 Acquisition Program, or from other appropriate sources.

16 Section 8. Section 373.59, Florida Statutes, 1998
17 Supplement, is amended to read:

18 373.59 Water Management Lands Trust Fund.--

19 (1) There is established within the Department of
20 Environmental Protection the Water Management Lands Trust Fund
21 to be used as a nonlapsing fund for the purposes of this
22 section. The moneys in this fund are hereby continually
23 appropriated for the purposes of land acquisition, management,
24 maintenance, capital improvements, payments in lieu of taxes,
25 and administration of the fund in accordance with the
26 provisions of this section.

27 (2)(a) By January 15 of each year, each district shall
28 file with the Legislature and the Secretary of Environmental
29 Protection a report of acquisition activity together with
30 modifications or additions to its 5-year plan of acquisition.
31 Included in the report shall be an identification of those

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

30 (b) Moneys from the fund shall be used for continued
31 acquisition, management, maintenance, and capital improvements

1 of the following lands and lands set forth in the 5-year land
2 acquisition plan of the district:

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

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

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

16 4. By Suwannee River Water Management District--lands
17 in Suwannee River Valley.

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

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

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 (b) Each water management district governing board
14 shall annually adopt, and may amend as necessary, a priority
15 list of fixed capital outlay projects, including wastewater
16 treatment and stormwater management facilities, needed to
17 implement surface water improvement and management plans in
18 effect on July 1, 2000. Funds for such projects shall be
19 available from the Surface Water Improvement and Management
20 Trust Fund and shall be allocated to the districts pursuant to
21 the General Appropriations Act each fiscal year after
22 considering the priority lists prepared by each district. Any
23 unallocated funds not provided for in the General
24 Appropriations Act but for which spending authority is
25 provided in the General Appropriations Act shall be released
26 by the Secretary of Environmental Protection based upon the
27 population size of the districts and following receipt of a
28 resolution adopted by the district's governing board which
29 identifies the project and certifies that the project is on
30 the district's priority list.

31

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

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

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

8 (5) Water management land acquisition costs shall
9 include payments to owners and costs and fees associated with
10 such acquisition.

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

22 (6)~~(7)~~ Any unused portion of a district's share of the
23 fund shall accumulate in the trust fund to the credit of that
24 district. Interest earned on such portion shall also
25 accumulate to the credit of that district to be used for land
26 acquisition, management, maintenance, and capital improvements
27 as provided in this section. The total moneys over the life
28 of the fund available to any district under this section shall
29 not be reduced except by resolution of the district governing
30 board stating that the need for the moneys no longer exists.

31

1 ~~(7)(8)~~ Moneys from the Water Management Lands Trust
2 Fund shall be allocated to the five water management districts
3 in the following percentages:
4 (a) Thirty percent to the South Florida Water
5 Management District.
6 (b) Twenty-five percent to the Southwest Florida Water
7 Management District.
8 (c) Twenty-five percent to the St. Johns River Water
9 Management District.
10 (d) Ten percent to the Suwannee River Water Management
11 District.
12 (e) Ten percent to the Northwest Florida Water
13 Management District.
14 ~~(8)(9)~~ Each district may use its allocation under
15 subsection~~(7)(8)~~for management, maintenance, and capital
16 improvements. Capital improvements shall include, but need not
17 be limited to, perimeter fencing, signs, firelanes, control of
18 invasive exotic species, controlled burning, habitat inventory
19 and restoration, law enforcement, access roads and trails, and
20 minimal public accommodations, such as primitive campsites,
21 garbage receptacles, and toilets.
22 ~~(9)(10)~~ Moneys in the fund not needed to meet current
23 obligations incurred under this section shall be transferred
24 to the State Board of Administration, to the credit of the
25 fund, to be invested in the manner provided by law. Interest
26 received on such investments shall be credited to the fund.
27 ~~(10)(11)~~ Lands acquired for the purposes enumerated in
28 this section shall also be used for general public
29 recreational purposes. General public recreational purposes
30 shall include, but not be limited to, fishing, hunting,
31 horseback riding, swimming, camping, hiking, canoeing,

1 boating, diving, birding, sailing, jogging, and other related
2 outdoor activities to the maximum extent possible considering
3 the environmental sensitivity and suitability of those lands.
4 These public lands shall be evaluated for their resource value
5 for the purpose of establishing which parcels, in whole or in
6 part, annually or seasonally, would be conducive to general
7 public recreational purposes. Such findings must ~~shall~~ be
8 included in management plans, which must be ~~are~~ developed for
9 such public lands within 1 year after acquisition and updated
10 at least every 5 years. These lands shall be made available
11 to the public for these purposes, unless the district
12 governing board can demonstrate that such activities would be
13 incompatible with the purposes for which these lands were
14 acquired. For any fee simple acquisition of a parcel which is
15 or will be leased back for agricultural purposes, or for any
16 acquisition of a less-than-fee interest in land that is or
17 will be used for agricultural purposes, the district governing
18 board shall first consider having a soil and water
19 conservation district created pursuant to chapter 582 manage
20 and monitor such interest.

21 (11)~~(12)~~ A district may dispose of land acquired under
22 this section, pursuant to s. 373.056 or s. 373.089. However,
23 revenue derived from such disposal may not be used for any
24 purpose except the purchase of other lands meeting the
25 criteria specified in this section or payment of debt service
26 on revenue bonds or notes issued under s. 373.584, as provided
27 in this section.

28 (12)~~(13)~~ No moneys generated pursuant to this act may
29 be applied or expended subsequent to July 1, 1985, to
30 reimburse any district for prior expenditures for land
31 acquisition from ad valorem taxes or other funds other than

1 its share of the funds provided herein or to refund or
2 refinance outstanding debt payable solely from ad valorem
3 taxes or other funds other than its share of the funds
4 provided herein.

5 (13)~~(14)~~(a) Funds from the Water Management Lands
6 Trust Fund shall be available ~~Beginning in fiscal year~~
7 ~~1992-1993, not more than one-fourth of the land management~~
8 ~~funds provided for in subsections (1) and (9) in any year~~
9 ~~shall be reserved annually by a governing board, during the~~
10 ~~development of its annual operating budget, for payment in~~
11 ~~lieu of taxes to qualifying counties, municipalities, school~~
12 ~~districts, and local governments, as defined in paragraph (b),~~
13 ~~for actual ad valorem tax losses incurred as a result of lands~~
14 ~~purchased with funds allocated pursuant to paragraph (b) and~~
15 ~~ss.s.259.101(3)(b) and 259.202(3)(b). In addition, the~~
16 ~~Northwest Florida Water Management District, the South Florida~~
17 ~~Water Management District, the Southwest Florida Water~~
18 ~~Management District, the St. Johns River Water Management~~
19 ~~District, and the Suwannee River Water Management District~~
20 ~~shall pay to qualifying counties payments in lieu of taxes for~~
21 ~~district lands acquired with funds allocated pursuant to~~
22 ~~subsection (8). Reserved funds that are not used for payment~~
23 ~~in lieu of taxes in any year shall revert to the fund to be~~
24 ~~used for management purposes or land acquisition in accordance~~
25 ~~with this section.~~

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

27 1. To counties ~~for each year~~ in which the levy of ad
28 valorem tax is at least 8.25 mills or the amount of the tax
29 loss from all completed Preservation 2000 or Florida Forever
30 acquisitions in the county exceeds 0.01 percent of the
31

1 county's total taxable value, and the population is 75,000 or
2 less ~~and~~

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

7 3. Beginning in the 2000-2001 fiscal year, to school
8 boards in counties with a population of 75,000 or less which
9 do not contain all or a portion of an area of critical state
10 concern designated under chapter 380 and which levy the
11 maximum millage under s. 236.25(1) and (2).

12
13 As used in this paragraph, the term "local government"
14 includes municipalities, the county school board, mosquito
15 control districts, and any other local government entity that
16 levies ad valorem taxes, with the exception of a water
17 management district.

18 (c) If ~~insufficient~~ funds are not sufficient available
19 in any year to make full payments to all qualifying counties,
20 municipalities, school districts, and local governments, such
21 counties, municipalities, school districts, and local
22 governments shall receive a pro rata share of the moneys
23 available.

24 (d) The payment amount shall be based on the average
25 amount of actual taxes paid on the property for the 3 years
26 immediately preceding acquisition, except that, for purchases
27 completed after July 1, 2000, the payment amount to school
28 boards in counties with a population of 75,000 or less which
29 do not contain all or a portion of an area of critical state
30 concern designated under chapter 380 shall be calculated based
31 solely on the value of the millage levied under s. 236.25(1)

1 and (2). For lands purchased prior to July 1, 1992,
2 applications for payment in lieu of taxes shall be made to the
3 districts by January 1, 1993. For lands purchased after July
4 1, 1992, applications for payment in lieu of taxes shall be
5 made no later than January 31 of the year following
6 acquisition. No payment in lieu of taxes shall be made for
7 properties that ~~which~~ were exempt from ad valorem taxation for
8 the year immediately preceding acquisition. Payment in lieu
9 of taxes shall be limited to a period of 10 consecutive years
10 of annual payments. The Legislature intends that once a
11 governmental entity has been determined eligible, the entity
12 shall receive 10 consecutive annual payments, and no further
13 eligibility determination shall be made within that period.

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

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

30 ~~(14)(15)~~ Each district is encouraged to use volunteers
31 to provide land management and other services. Volunteers

1 shall be covered by liability protection and workers'
2 compensation in the same manner as district employees, unless
3 waived in writing by such volunteers or unless such volunteers
4 otherwise provide equivalent insurance.

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

18 ~~(16)(17) Notwithstanding any provision of this section~~
19 ~~to the contrary and for the 1998-1999 fiscal year only, the~~
20 ~~governing board of a water management district may request,~~
21 ~~and the Secretary of Environmental Protection shall release~~
22 ~~upon such request, moneys allocated to the districts pursuant~~
23 ~~to subsection (8) for the purpose of carrying out the~~
24 ~~provisions of ss. 373.451-373.4595. No funds may be used~~
25 pursuant to this section ~~subsection~~ until necessary debt
26 service obligations are provided for any bonds issued pursuant
27 to s. 373.584 before the repeal of that section and
28 ~~requirements for payments in lieu of taxes that may be~~
29 ~~required pursuant to this section are provided for. This~~
30 ~~subsection is repealed on July 1, 1999.~~

31

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

3 380.504 Florida Communities Trust; creation;
4 membership; expenses.--

5 (1) There is created within the Department of
6 Community Affairs a nonregulatory state agency and
7 instrumentality, which shall be a public body corporate and
8 politic, known as the "Florida Communities Trust." The
9 governing body of the trust shall consist of:

10 (a) The Secretary of Community Affairs and the
11 Secretary of Environmental Protection; ~~and~~

12 (b) The director of the Division of Historical
13 Resources of the Department of State; and

14 ~~(c)~~ (b) Three public members whom the Governor shall
15 appoint subject to Senate confirmation.

16
17 The Governor shall appoint a former elected official of a
18 local government, a representative of a nonprofit organization
19 as defined in this part, and a representative of the
20 development industry. The Secretary of Community Affairs may
21 designate his or her assistant secretary or the director of
22 the Division of Resource Planning and Management to serve in
23 his or her absence. The Secretary of Environmental Protection
24 may appoint his or her assistant executive director, the
25 deputy assistant director for Land Resources, the director of
26 the Division of State Lands, or the director of the Division
27 of Recreation and Parks to serve in his or her absence. The
28 Secretary of Community Affairs shall be the chair of the
29 governing body of the trust. The Governor shall make his or
30 her appointments upon the expiration of any current terms or
31

1 within 60 days after the effective date of the resignation of
2 any member.

3 Section 10. Subsection (9) is added to section
4 380.508, Florida Statutes, to read:

5 380.508 Projects; development, review, and approval.--

6 (9)(a) The governing body of the trust shall adopt by
7 rule criteria for evaluating and selecting projects to be
8 funded in whole or in part with moneys allocated to the trust
9 from the Forever Florida Trust Fund pursuant to s. 375.046,
10 for the purposes provided in this part.

11 (b) In establishing criteria for the evaluation and
12 selection of projects to be funded, the governing body of the
13 trust shall give priority to projects that will:

14 1. Function to intersperse congested core urban areas
15 located in built-up commercial, residential, industrial, or
16 mixed-use areas with parks and open space;

17 2. Establish, add to, connect, or complete greenways
18 and trails in or near urban population centers;

19 3. Obtain public access and use of waterfronts, lakes,
20 ocean beaches, rivers, streams, and other water bodies in or
21 near urban population centers;

22 4. Be located within a brownfield area as defined in
23 chapter 376;

24 5. Restore or improve wetlands, beaches, or former
25 natural areas in or near urban population centers; or

26 6. Add, connect, or provide public access to existing
27 state, federal, or local parks, preserves, or water management
28 or resource protection areas.

29 Section 11. Subsections (5) and (6) of section
30 420.5092, Florida Statutes, are amended to read:

31

1 420.5092 Florida Affordable Housing Guarantee
2 Program.--
3 (5) Pursuant to s. 16, Art. VII of the State
4 Constitution, the corporation may issue, in accordance with s.
5 420.509, revenue bonds of the corporation to establish the
6 guarantee fund. Such revenue bonds shall be primarily payable
7 from and secured by annual debt service reserves, from
8 interest earned on funds on deposit in the guarantee fund,
9 from fees, charges, and reimbursements established by the
10 corporation for the issuance of affordable housing guarantees,
11 and from any other revenue sources received by the corporation
12 and deposited by the corporation into the guarantee fund for
13 the issuance of affordable housing guarantees. To the extent
14 such primary revenue sources are considered insufficient by
15 the corporation, pursuant to the certification provided in
16 subsection (6), to fully fund the annual debt service reserve,
17 the certified deficiency in such reserve shall be additionally
18 payable from the first proceeds of the documentary stamp tax
19 moneys deposited into the State Housing Trust Fund pursuant to
20 s. 201.15(7)(a) and (8)(a)~~s. 201.15(6)(a) and (7)(a)~~during
21 the ensuing state fiscal year.

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

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

15 (b) If the claims payment obligations under affordable
16 housing guarantees from amounts on deposit in the guarantee
17 fund would cause the claims paying rating assigned to the
18 guarantee fund to be less than the third-highest rating
19 classification of any nationally recognized rating service,
20 which classifications being consistent with s. 215.84(3) and
21 rules adopted thereto by the State Board of Administration,
22 the corporation shall certify to the Comptroller the amount of
23 such claims payment obligations. Upon receipt of such
24 certification, the Comptroller shall transfer to the guarantee
25 fund, from the first available taxes distributed to the State
26 Housing Trust Fund pursuant to s. 201.15(7)(a) and (8)(a)~~s.~~
27 ~~201.15(6)(a) and (7)(a)~~during the ensuing state fiscal year,
28 the amount certified as necessary to meet such obligations,
29 such transfer to be subordinate to any transfer referenced in
30 paragraph (a) and not to exceed 50 percent of the amounts
31 distributed to the State Housing Trust Fund pursuant to s.

1 201.15(7)(a) and (8)(a)~~s. 201.15(6)(a) and (7)(a)~~ during the
2 preceding state fiscal year.

3 Section 12. Section 420.9073, Florida Statutes, 1998
4 Supplement, is amended to read:

5 420.9073 Local housing distributions.--

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

9 420.9072. Each county's share of the funds to be distributed
10 from the portion of the funds in the Local Government Housing
11 Trust Fund received pursuant to s. 201.15(7)~~s. 201.15(6)~~
12 shall be calculated by the agency for each fiscal year as
13 follows:

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

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

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

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

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

11 (2) Effective July 1, 1995, distributions calculated
12 in this section shall be disbursed on a monthly basis by the
13 agency beginning the first day of the month after program
14 approval pursuant to s. 420.9072. Each county's share of the
15 funds to be distributed from the portion of the funds in the
16 Local Government Housing Trust Fund received pursuant to s.
17 201.15(8)~~s. 201.15(7)~~ shall be calculated by the agency for
18 each fiscal year as follows:

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

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

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

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

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

1 expressed as a percentage of the amounts so determined for all
2 counties. Each such county shall receive an additional share
3 equal to this percentage multiplied by the total funds
4 received by the Local Government Housing Trust Fund pursuant
5 to s. 201.15(8)~~s. 201.15(7)~~ as reduced by the guaranteed
6 amount paid to all counties.

7 (3) Calculation of guaranteed amounts:

8 (a) The guaranteed amount under subsection (1) shall
9 be calculated for each state fiscal year by multiplying
10 \$350,000 by a fraction, the numerator of which is the amount
11 of funds distributed to the Local Government Housing Trust
12 Fund pursuant to s. 201.15(7)~~s. 201.15(6)~~ and the denominator
13 of which is the total amount of funds distributed to the Local
14 Government Housing Trust Fund pursuant to s. 201.15.

15 (b) The guaranteed amount under subsection (2) shall
16 be calculated for each state fiscal year by multiplying
17 \$350,000 by a fraction, the numerator of which is the amount
18 of funds distributed to the Local Government Housing Trust
19 Fund pursuant to s. 201.15(8)~~s. 201.15(7)~~ and the denominator
20 of which is the total amount of funds distributed to the Local
21 Government Housing Trust Fund pursuant to s. 201.15.

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

24 Section 13. Section 373.584, Florida Statutes, is
25 repealed.

26 Section 14. The repeal of section 373.584, Florida
27 Statutes, does not impair the validity of any bonds or
28 obligations issued under that section which are outstanding on
29 July 1, 2000.

30 Section 15. This act shall take effect July 1, 2000.
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HOUSE SUMMARY

Creates the Florida Forever Act to provide for the purchase of environmentally significant lands. Provides criteria for acquiring lands under the Florida Forever Program. Provides procedures for determining the priority of acquisition projects. Authorizes alternate uses of acquired lands. Provides for using alternatives to fee simple acquisition. Requires that a project be given higher priority if matching funds are available or if the project is priced below appraised value. Authorizes the issuance of bonds under the program. Provides that certain proceeds from the excise tax on documents be used to pay the debt service on bonds issued under the Florida Forever Program. Requires that the managing state agency adopt a management plan within a specified period after acquiring a parcel under the Florida Forever Program. Provides a formula and funding source for funding management, maintenance, capital improvements, and payments in lieu of taxes. Revises procedures for the Land Acquisition and Management Advisory Council in proposing projects to be funded from the Florida Forever Trust Fund. Requires the Florida Communities Trust to adopt criteria for selecting projects to be funded from the Florida Forever Trust Fund. Revises requirements for water management districts in adopting priority lists and issuing bonds. See bill for details.

ADDITIONAL SPONSORS

Lawson, Merchant, Hafner, Effman, Stafford, Sublette, Casey, Diaz de la Portilla, C. Green, Betancourt, Rojas, Reddick, Barreiro, Morroni and Rayson