

By Representative Logan

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

1 s. 253.034, F.S., relating to uses of
2 state-owned lands; conforming cross references
3 to changes made by the act; amending s.
4 259.032, F.S.; conforming a cross reference;
5 conforming provisions; requiring the adoption
6 of a management plan within a specified period
7 after the acquisition of a parcel under the
8 Florida Forever Program; providing a
9 restriction on funding for an agency with
10 overdue management plans; providing a formula
11 and funding source for funding management,
12 maintenance, capital improvements, and payments
13 in lieu of taxes; specifying eligible lands;
14 providing for the distribution of funds;
15 revising the criteria and eligibility for
16 payments in lieu of taxes; limiting the total
17 consecutive years of such payments; providing
18 for the deletion of certain property from an
19 acquisition list; deleting obsolete provisions;
20 amending s. 259.035, F.S.; revising procedures
21 for the Land Acquisition and Management
22 Advisory Council to propose projects to be
23 funded from the Florida Forever Trust Fund;
24 providing a cross reference; amending s.
25 338.250, F.S.; providing for certain mitigation
26 funds to be used in coordination with funds
27 from the Florida Forever Trust Fund; amending
28 s. 373.59, F.S.; requiring water management
29 district governing boards to adopt priority
30 lists for certain fixed capital outlay
31 projects; providing a process for releasing

1 funds for such projects; deleting provisions
2 authorizing the use of specified funds for debt
3 service on bonds issued pursuant to s. 373.584,
4 F.S.; providing timeframes for required
5 management plans; revising the criteria and
6 eligibility for payments in lieu of taxes;
7 limiting the total consecutive years of such
8 payments; amending s. 380.504, F.S.; revising
9 the membership of the Florida Communities Trust
10 within the Department of Community Affairs;
11 amending s. 380.508, F.S.; requiring the
12 governing body of the Florida Communities Trust
13 to adopt by rule criteria for selecting
14 projects to be funded from the Florida Forever
15 Trust Fund; amending ss. 420.5092 and 420.9073,
16 F.S., relating to affordable housing programs;
17 conforming cross references to changes made by
18 the act; repealing s. 373.584, F.S., relating
19 to revenue bonds; providing that the repeal of
20 s. 373.584, F.S., does not impair the validity
21 of certain bonds outstanding on the effective
22 date of the act; providing an effective date.
23

24 Be It Enacted by the Legislature of the State of Florida:
25

26 Section 1. The Legislature finds and declares that:

27 (1) As Florida has one of the fastest growing
28 populations in the nation and is rapidly urbanizing, a new
29 land conservation and outdoor recreation program must be
30 developed, targeted to those areas of the state where the
31

1 majority of Floridians now live and work and will live and
2 work in the future: Florida's cities and urban areas.

3 (2) Urban areas of the state frequently lack adequate
4 land and facilities for active and passive outdoor
5 recreational activities, including hiking, bicycling, jogging,
6 walking, swimming, nature study, canoeing, and other
7 nonmotorized uses. The Legislature finds that such facilities
8 would improve the health and welfare of the residents of our
9 cities and towns and would assist in helping youth avoid
10 becoming involved in unhealthy or criminal activities.

11 Section 2. Section 259.202, Florida Statutes, is
12 created to read:

13 259.202 Florida Forever Act.--

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

16 (2) LEGISLATIVE FINDINGS.--The Legislature finds and
17 declares that:

18 (a) The continued growth in the state's population
19 contributes to degradation of water resources, destruction of
20 wildlife habitats, loss of recreation space, and diminishment
21 of wetlands and forests.

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

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

1 (d) Although the Florida Forever Program authorizes
2 the continued purchase of lands and interests in lands of the
3 type acquired through the Preservation 2000 Program, the
4 Florida Forever Program will focus on priority needs of the
5 state for acquiring parcels to facilitate ecosystem
6 restoration and management, water resource development, the
7 implementation of surface water improvement and management
8 plans, and the provision of green space and recreation
9 opportunities.

10 (3) DISTRIBUTION OF BOND PROCEEDS.--Proceeds of bonds
11 issued under s. 375.051, less the costs of issuance, the costs
12 of funding reserve accounts, and other costs incurred with
13 respect to the bonds, shall be deposited into the Florida
14 Forever Trust Fund created by s. 375.046. The Department of
15 Environmental Protection shall allocate 25 percent of the bond
16 proceeds for ecosystem restoration projects as determined by
17 the Land Acquisition and Management Advisory Council. The
18 department shall distribute the remaining bond proceeds as
19 follows:

20 (a) Thirty-five percent to the Department of
21 Environmental Protection for purchasing public lands described
22 in s. 259.032. Priority shall be given to acquisitions that,
23 when combined with previous acquisitions, will form more
24 complete patterns of protection for natural areas and
25 functioning ecosystems. All lands acquired under this
26 paragraph shall be managed pursuant to s. 253.034(1) and may
27 be used for water resource development projects if such
28 projects are not inconsistent with s. 253.034(1). Water supply
29 activities on these lands shall be limited to wellfields,
30 aquifer storage and recovery facilities, and surface water
31 reservoirs. As provided in this paragraph, permittable water

1 resource development and water supply development projects may
2 be allowed only if: the minimum flows and levels have been
3 established for those waters potentially affected by the
4 project; the project complies with all conditions for the
5 issuance of permits under part II of chapter 373; and the
6 project is consistent with the regional water supply plan of
7 the water management district.

8 (b) Thirty percent to the Department of Environmental
9 Protection for water management district projects and
10 activities and for the purchase of water management lands
11 pursuant to s. 373.59, to be distributed among the water
12 management districts as provided in s. 373.59(7). Funds
13 received by each district may also be used for: acquisition
14 of lands necessary to implement surface water improvement and
15 management plans approved in accordance with s. 373.456 and
16 which exist on July 1, 2000; water resource development; water
17 supply development; or acquisition of lands necessary to
18 implement ecosystem restoration projects. The South Florida
19 Water Management District must use at least 20 percent of its
20 annual allocation for Everglades restoration activities, and
21 the Southwest Florida Water Management District must use at
22 least 20 percent of its annual allocation for water supply
23 development activities as specified in this section.

24 (c) Twenty-five percent to the Department of Community
25 Affairs for use by the Florida Communities Trust for the
26 purposes of part III of chapter 380, including providing
27 matching grants to local governments and nonprofit
28 organizations as defined in s. 380.503 to assist in the
29 acquisition of community-based urban open spaces, parks, and
30 greenways. Of this 25 percent, 50 percent shall be matched by
31 local governments on a dollar-for-dollar basis. The Florida

1 Communities Trust shall give special consideration to funding
2 projects proposing to provide outdoor recreation opportunities
3 in low-income or otherwise disadvantaged communities in urban
4 areas currently lacking adequate recreational and open space
5 lands. From funds allocated to the trust, no less than 6
6 percent shall be used for the acquisition of lands for
7 recreational trail systems, provided that in the event these
8 funds are not needed for such projects, they shall be
9 available for other trust projects.

10 (d) Two and nine-tenths percent to the Fish and
11 Wildlife Conservation Commission for the purchase of
12 inholdings and additions to lands managed by the commission
13 which are important to the conservation of fish and wildlife.

14 (e) Two and nine-tenths percent to the Department of
15 Environmental Protection for the purchase of inholdings and
16 additions to state parks. As used in this paragraph, the term
17 "state park" means any real property in the state under the
18 jurisdiction, or which may come under the jurisdiction, of the
19 Division of Recreation and Parks of the Department of
20 Environmental Protection.

21 (f) Two and nine-tenths percent to the Division of
22 Forestry of the Department of Agriculture and Consumer
23 Services to fund the acquisition of state forest inholdings
24 and additions pursuant to s. 589.07.

25 (g) One and three-tenths percent to the Department of
26 Environmental Protection for the Florida Greenways and Trails
27 Program to acquire greenways and trails or systems of
28 greenways and trails pursuant to chapter 260, including, but
29 not limited to, abandoned railroad rights-of-way and lands for
30 the Florida National Scenic Trail, and to construct associated
31 fixed capital outlay projects.

1
2 Title to lands purchased under paragraphs (a), (d), (e), (f),
3 and (g) shall be vested in the Board of Trustees of the
4 Internal Improvement Trust Fund. Lands purchased under
5 paragraph (c) may be vested in the Board of Trustees of the
6 Internal Improvement Trust Fund or the acquiring local
7 government. Lands purchased under paragraph (b) shall be
8 vested in the water management district where the acquisition
9 project is located.

10 (4) PROJECT CRITERIA.--

11 (a) Proceeds of bonds issued under the Florida Forever
12 Program and distributed pursuant to paragraphs (3)(a) and (b)
13 shall be spent only on projects and acquisitions that meet at
14 least two of the following criteria, as determined pursuant to
15 paragraphs (b) and (c):

16 1. A significant portion of the land in the project is
17 in imminent danger of being developed, losing significant
18 natural attributes, or being subdivided, which will result in
19 multiple ownership of the land and may make acquisition more
20 costly or less likely to be accomplished.

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

26 3. A significant portion of the land in the project
27 serves to protect or recharge ground water and protects other
28 valuable natural resources or provides space for
29 natural-resource-based recreation.

30 4. The project can be purchased at 80 percent of
31 appraised value or less.

1 5. A significant portion of the land in the project
2 serves as habitat for endangered, threatened, or rare species
3 or serves to protect natural communities that are listed by
4 the Florida Natural Areas Inventory as critically imperiled,
5 imperiled, or rare, or as excellent quality occurrences of
6 natural communities.

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

9 7. The acquisition is needed to implement a surface
10 water improvement and management plan in effect on July 1,
11 2000.

12 8. The project will assist in water resource
13 development.

14 9. The project will assist in ecosystem restoration.

15 (b) Each year that bonds are to be issued under the
16 Florida Forever Program, the Land Acquisition and Management
17 Advisory Council shall review that year's approved land
18 acquisition priority list and shall, by the first board
19 meeting in February, present to the Board of Trustees of the
20 Internal Improvement Trust Fund for approval a listing of
21 projects on the priority list which meet two or more of the
22 criteria specified in paragraph (a). The board may remove
23 projects from the list developed pursuant to this paragraph
24 but may not add projects. In any county in which the total ad
25 valorem tax exemptions due to government ownership exceed 37
26 percent of the county's total market value valuation, the
27 board may not approve additional acquisitions except by an
28 extraordinary vote of a majority plus one. The list may be
29 amended to include eligible projects that can be acquired at
30 85 percent of appraised value or less if such properties
31 become available at a later date.

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

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

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

21 2. The value of acquiring beachfront parcels,
22 irrespective of size, to provide public access and
23 recreational opportunities in highly developed urban areas.

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

26
27 When a nonprofit environmental organization that is tax exempt
28 under s. 501(c)(3) of the United States Internal Revenue Code
29 sells land to the state, such land at the time of the sale
30 shall be deemed to meet two or more of the criteria listed in
31 paragraph (a) if such land meets two or more of the criteria

1 at the time the organization purchases it. Listings of
2 projects compiled pursuant to paragraphs (b) and (c) may be
3 revised to include projects on the state's land acquisition
4 priority list or in a water management district's 5-year plan
5 which come under the criteria in paragraph (a) after the dates
6 specified in paragraph (b) or paragraph (c).

7 (e) The Legislature finds that the Preservation 2000
8 Program has provided financial resources that have enabled the
9 acquisition of significant natural areas for public ownership
10 during the program's existence. In implementing the Florida
11 Forever Program, agencies that receive funds are encouraged to
12 coordinate their expenditures more effectively so that future
13 acquisitions, when combined with previous acquisitions, will
14 form more complete patterns of protection for natural areas
15 and functioning ecosystems.

16 (f) The Legislature intends that, in implementing the
17 Florida Forever Program, agencies emphasize the completion of
18 projects in which one or more parcels have already been
19 acquired and the acquisition of lands that contain ecological
20 resources that are unrepresented or underrepresented on lands
21 currently in public ownership.

22 (g) An assessment of appropriate management strategies
23 for property acquired under the Florida Forever Program should
24 be completed early in the acquisition process and should
25 emphasize the development of a management prospectus that
26 details management goals for the property, if appropriate; a
27 timetable for implementing the various stages of management
28 and for providing access to the public, if applicable;
29 provisions for protecting existing infrastructure and for
30 ensuring the security of the project upon acquisition; the
31 anticipated costs of management and projected sources of

1 revenue; and other information required under s.
2 259.032(9)(b)1.

3 (5) FUNDS RECEIVED BY THE DIVISION OF FORESTRY.--Any
4 funds received by the Division of Forestry from the Florida
5 Forever Trust Fund shall be used only to pay the cost of
6 acquiring lands in furtherance of outdoor recreation and the
7 conservation of natural resources in this state. The
8 administration and use of any funds received by the Division
9 of Forestry from the Florida Forever Trust Fund are subject to
10 the terms and conditions imposed by the state agency
11 responsible for issuing the revenue bonds, the proceeds of
12 which are deposited in the Florida Forever Trust Fund,
13 including the restrictions imposed to ensure that interest on
14 any such revenue bonds issued by the state as tax-exempt
15 revenue bonds will not be included in the gross income of the
16 holders of such bonds for purposes of federal income taxes.
17 All deeds or leases with respect to any real property acquired
18 with funds received by the Division of Forestry from the
19 Florida Forever Trust Fund must contain covenants and
20 restrictions sufficient to ensure that the use of such real
21 property at all times complies with s. 375.051 and s. 11(e),
22 Art. VII or s. 9, Art. XII of the 1968 Constitution of
23 Florida, as amended; and must contain reverter clauses
24 providing for the reversion of title to such property to the
25 Board of Trustees of the Internal Improvement Trust Fund or,
26 in the case of a lease of such property, providing for
27 termination of the lease upon a failure to use the property
28 conveyed thereby for such purposes.

29 (6) DISPOSITION OF LANDS.--

30 (a) Any lands acquired pursuant to paragraph (3)(a),
31 paragraph (3)(c), paragraph (3)(d), paragraph (3)(e),

1 paragraph (3)(f), or paragraph (3)(g) and titled in the name
2 of the Board of Trustees of the Internal Improvement Trust
3 Fund may be disposed of by the board in accordance with the
4 procedures set forth in s. 253.034(6), and lands acquired
5 pursuant to paragraph (3)(b) may be disposed of by the owning
6 water management district in accordance with the procedures
7 set forth in ss. 373.056 and 373.089 if such disposition also
8 satisfies the requirements of paragraphs (b) and (c).

9 (b) Land acquired for conservation purposes may be
10 disposed of only after the Board of Trustees of the Internal
11 Improvement Trust Fund or, in the case of water management
12 district lands, by the owning water management district
13 governing board, makes a determination that preservation of
14 the land is no longer necessary for conservation purposes and
15 only upon a two-thirds vote of the appropriate governing
16 board. Following a determination by the governing board that
17 the land is no longer needed for conservation purposes, the
18 governing board must also make a determination that the land
19 is of no further benefit to the public, as required by s.
20 253.034(6), or determined to be surplus under s. 373.089. Any
21 lands eligible for disposal under these procedures also may be
22 exchanged for other lands described in the same paragraph of
23 subsection (3).

24 (c) Notwithstanding paragraphs (a) and (b), such
25 disposition of land may not be made if the disposition would
26 have the effect of causing all or any portion of the interest
27 on any revenue bonds issued to fund the Florida Preservation
28 2000 Act or the Florida Forever Act to lose their exclusion
29 from gross income for purposes of federal income taxation. Any
30 revenue derived from the disposal of such lands may not be
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1 used for any purpose except for deposit into the Florida
2 Forever Trust Fund and used for land acquisition.
3 (7) ALTERNATE USES OF ACQUIRED LANDS.--
4 (a) The Board of Trustees of the Internal Improvement
5 Trust Fund, or, in the case of water management district
6 lands, the owning water management district, may authorize the
7 granting of a lease, easement, or license for the use of any
8 lands acquired pursuant to subsection (3), for any
9 governmental use permitted by s. 17, Art. IX of the State
10 Constitution of 1885, as adopted by s. 9(a), Art. XII of the
11 State Constitution, and any other incidental public or private
12 use that is determined by the board or the owning water
13 management district to be compatible with the purposes for
14 which such lands were acquired.
15 (b) Any existing lease, easement, or license acquired
16 for incidental public or private use on, under, or across any
17 lands acquired pursuant to subsection (3) is presumed to be
18 compatible with the purposes for which such lands were
19 acquired.
20 (c) Notwithstanding paragraph (a), the Department of
21 Environmental Protection, another appropriate state agency, or
22 a water management district may not enter into such lease,
23 easement, or license if the granting of such lease, easement,
24 or license would adversely affect the exclusion of the
25 interest on any revenue bonds issued to fund the acquisition
26 of the affected lands from gross income for federal income tax
27 purposes, as described in s. 375.045(4).
28 (8) PLAN FOR DISPOSAL AND USE OF LANDS.--The Board of
29 Trustees of the Internal Improvement Trust Fund may adopt a
30 plan for a specific geographic area which authorizes the
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1 disposal and use of lands acquired pursuant to subsection (3)
2 and which meets the requirements of subsections (6) and (7).
3 (9) ALTERNATIVES TO FEE SIMPLE ACQUISITION.--
4 (a) The Legislature finds that, with increasing
5 pressures on the natural areas of this state, the state must
6 develop creative techniques to maximize the use of acquisition
7 and management moneys. The Legislature also finds that the
8 state's environmental land-buying agencies should be
9 encouraged to augment their traditional, fee simple
10 acquisition programs by using alternatives to fee simple
11 acquisition techniques. The Legislature also finds that using
12 alternatives to fee simple acquisition by public land-buying
13 agencies will achieve the following public policy goals:
14 1. Allow more lands to be brought under public
15 protection for preservation, conservation, and recreational
16 purposes at less expense using public funds.
17 2. Retain, on local government tax rolls, some portion
18 of or interest in lands that are under public protection.
19 3. Reduce long-term management costs by allowing
20 private property owners to continue acting as stewards of the
21 land, where appropriate.
22
23 Therefore, it is the intent of the Legislature that public
24 land-buying agencies develop programs to pursue alternatives
25 to fee simple acquisition and educate private landowners about
26 such alternatives and the benefits of such alternatives. It
27 also is the intent of the Legislature that the department and
28 the water management districts spend a portion of their shares
29 of Florida Forever bond proceeds to purchase eligible
30 properties using alternatives to fee simple acquisition.
31 Finally, it is the intent of the Legislature that public

1 agencies acquire lands in fee simple for public access and
2 recreational activities. Lands protected using alternatives to
3 fee simple acquisition techniques may not be accessible to the
4 public unless such access is negotiated with and agreed to by
5 the private landowners who retain interests in the lands.

6 (b) The Land Acquisition and Management Advisory
7 Council and the water management districts shall identify,
8 within their acquisition plans, those projects that require a
9 full fee simple interest to achieve the public policy goals,
10 along with the reasons why full title is determined to be
11 necessary. The council and the water management districts may
12 use alternatives to fee simple acquisition to bring the
13 remaining projects in their acquisition plans under public
14 protection. As used in this subsection, the term "alternatives
15 to fee simple acquisition" includes, but is not limited to:
16 the purchase of development rights; conservation easements;
17 flowage easements; the purchase of timber rights, mineral
18 rights, or hunting rights; the purchase of agricultural
19 interests or silvicultural interests; land protection
20 agreements; fee simple acquisitions with reservations; or any
21 other acquisition technique that achieves the public policy
22 goals listed in paragraph (a). It is presumed that a private
23 landowner retains the full range of uses for all the rights or
24 interests in the landowner's land which are not specifically
25 acquired by the public agency. Life estates and fee simple
26 acquisitions with leaseback provisions do not qualify as an
27 alternative to fee simple acquisition under this subsection,
28 although the department and the districts are encouraged to
29 use such techniques where appropriate.

30 (c) The Department of Environmental Protection and
31 each water management district shall implement initiatives to

1 use alternatives to fee simple acquisition and educate private
2 landowners about such alternatives. These initiatives must
3 include at least two acquisitions each year by the department
4 and each water management district which use alternatives to
5 fee simple acquisition.

6 (d) The Legislature finds that the lack of direct
7 sales comparison information has served as an impediment to
8 successfully implementing alternatives to fee simple
9 acquisition. It is the intent of the Legislature that, in the
10 absence of direct comparable sales information, appraisals of
11 alternatives to fee simple acquisitions be based on the
12 difference between the full fee simple valuation and the value
13 of the interests remaining with the seller after acquisition.

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

18 (10) PRIORITY IF MATCHING FUNDS ARE
19 AVAILABLE.--Projects that are otherwise eligible for
20 acquisition under this section and for which matching funds
21 from local governments or other sources are available shall be
22 given higher priority.

23 (11) PRIORITY FOR PROJECTS PRICED BELOW APPRAISED
24 VALUE.--Acquisition projects that are otherwise eligible for
25 acquisition under this section and for which the seller will
26 accept a price below the appraised value shall be given higher
27 priority.

28 Section 3. Section 201.15, Florida Statutes, 1998
29 Supplement, is amended to read:

30 201.15 Distribution of taxes collected.--All taxes
31 collected under this chapter shall be subject to the service

1 charge imposed in s. 215.20(1) and shall be distributed as
2 follows:

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

6 (a) Subject to the maximum amount limitations set
7 forth in this paragraph, an amount as shall be necessary to
8 pay the debt service on, or fund debt service reserve funds,
9 rebate obligations, or other amounts with respect to bonds
10 issued pursuant to s. 375.051 and payable from moneys
11 transferred to the Land Acquisition Trust Fund pursuant to
12 this paragraph shall be paid into the State Treasury to the
13 credit of the Land Acquisition Trust Fund to be used for such
14 purposes. The amount transferred to the Land Acquisition Trust
15 Fund shall not exceed \$90 million in fiscal year 1992-1993,
16 \$120 million in fiscal year 1993-1994, \$150 million in fiscal
17 year 1994-1995, \$180 million in fiscal year 1995-1996, \$210
18 million in fiscal year 1996-1997, \$240 million in fiscal year
19 1997-1998, \$270 million in fiscal year 1998-1999, and \$300
20 million in fiscal year 1999-2000 and thereafter. No individual
21 series of bonds may be issued pursuant to this paragraph
22 unless the first year's debt service for such bonds is
23 specifically appropriated in the General Appropriations Act.
24 No moneys transferred to the Land Acquisition Trust Fund
25 pursuant to this paragraph, or earnings thereon, shall be used
26 or made available to pay debt service on the Save Our Coast
27 revenue bonds.

28 (b) Subject to the maximum amount limitations set
29 forth in this paragraph, an amount necessary to pay the debt
30 service on, or fund debt service reserve funds, rebate
31 obligations, or other amounts with respect to bonds issued

1 pursuant to s. 375.051 and s. 11(e), Art. VII or s. 9, Art.
2 XII of the State Constitution and payable from moneys
3 transferred to the Florida Forever Trust Fund pursuant to this
4 paragraph shall be paid into the State Treasury to the credit
5 of the Florida Forever Trust Fund to be used for such
6 purposes. The amount transferred to the Florida Forever Trust
7 Fund may not exceed \$40 million in fiscal year 2000-2001, \$80
8 million in fiscal year 2001-2002, \$120 million in fiscal year
9 2002-2003, \$160 million in fiscal year 2003-2004, \$200 million
10 in fiscal year 2004-2005, \$240 million in fiscal year
11 2005-2006, \$280 million in fiscal year 2006-2007, \$320 million
12 in fiscal year 2007-2008, \$360 million in fiscal year
13 2008-2009, and \$400 million in fiscal year 2009-2010 and
14 thereafter. An individual series of bonds may not be issued
15 under this paragraph unless the first year's debt service for
16 such bonds is specifically appropriated in the General
17 Appropriations Act. Moneys transferred to the Florida Forever
18 Trust Fund under this paragraph, or earnings thereon, may not
19 be used or made available to pay debt service on the Save Our
20 Coast revenue bonds.

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

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

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

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

19 (a) Beginning in the month following the final payment
20 for a fiscal year under paragraph (1)(c)~~(1)(b)~~, available
21 moneys shall be paid into the State Treasury to the credit of
22 the General Revenue Fund of the state to be used and expended
23 for the purposes for which the General Revenue Fund was
24 created and exists by law or to the Ecosystem Management and
25 Restoration Trust Fund as provided in subsection (9)~~(8)~~.
26 Payments made under this paragraph shall continue until the
27 cumulative amount credited to the General Revenue Fund for the
28 fiscal year under this paragraph equals the cumulative
29 payments made under paragraph (1)(c)~~(1)(b)~~ for the same
30 fiscal year.

31

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

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

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

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

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

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

28 (6) Four percent of the remaining taxes collected
29 under this chapter shall be paid into the State Treasury to
30 the credit of the Surface Water Improvement and Management
31 Trust Fund and shall be used by the water management districts

1 for fixed capital outlay projects, including wastewater
2 treatment and stormwater management facilities, and for
3 implementing surface water improvement and management plans in
4 effect on July 1, 2000.

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

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

12 (b) Half of that amount shall be paid into the State
13 Treasury to the credit of 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 (8)~~(7)~~ Eight and sixty-six hundredths percent of the
17 remaining taxes collected under this chapter shall be paid
18 into the State Treasury to the credit of the State Housing
19 Trust Fund and shall be used as follows:

20 (a) Twelve and one-half percent of that amount shall
21 be deposited into the State Housing Trust Fund and be expended
22 by the Department of Community Affairs and by the Florida
23 Housing Finance Agency for the purposes for which the State
24 Housing Trust Fund was created and exists by law.

25 (b) Eighty-seven and one-half percent of that amount
26 shall be distributed to the Local Government Housing Trust
27 Fund and shall be used for the purposes for which the Local
28 Government Housing Trust Fund was created and exists by law.
29 Funds from this category may also be used to provide for state
30 and local services to assist the homeless.

31

1 (9)~~(8)~~ From the moneys specified in paragraphs(1)(d)
2 ~~(1)(c)~~ and (2)(a) and prior to deposit of any moneys into the
3 General Revenue Fund, \$10 million shall be paid into the State
4 Treasury to the credit of the Ecosystem Management and
5 Restoration Trust Fund in fiscal year 1998-1999, \$20 million
6 in fiscal year 1999-2000, and \$30 million in fiscal year
7 2000-2001 and each fiscal year thereafter, to be used for the
8 preservation and repair of the state's beaches as provided in
9 ss. 161.091-161.212.

10 (10)~~(9)~~ The Department of Revenue may use the payments
11 credited to trust funds pursuant to paragraphs(1)(c)~~(1)(b)~~
12 and (2)(b) and subsections (3), (4), (5), (7)~~(6)~~, and (8)~~(7)~~
13 to pay the costs of the collection and enforcement of the tax
14 levied by this chapter. The percentage of such costs which may
15 be assessed against a trust fund is a ratio, the numerator of
16 which is payments credited to that trust fund under this
17 section and the denominator of which is the sum of payments
18 made under paragraphs(1)(c)~~(1)(b)~~ and (2)(b) and subsections
19 (3), (4), (5), (7)~~(6)~~, and (8)~~(7)~~.

20 Section 4. Paragraph (a) of subsection (5) of
21 subsection 253.027, Florida Statutes, is amended to read:

22 253.027 Emergency archaeological property
23 acquisition.--

24 (5) ACCOUNT EXPENDITURES.--

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

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

30
31

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

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

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

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

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

15 Section 5. Subsection (3) of section 253.034, Florida
16 Statutes, 1998 Supplement, is amended to read:

17 253.034 State-owned lands; uses.--

18 (3) In recognition that recreational trails purchased
19 with rails-to-trails funds pursuant to s. 259.101(3)(g) or s.
20 259.202(3)(g) have had historic transportation uses and that
21 their linear character may extend many miles, the Legislature
22 intends that when the necessity arises to serve public needs,
23 after balancing the need to protect trail users from
24 collisions with automobiles and a preference for the use of
25 overpasses and underpasses to the greatest extent feasible and
26 practical, transportation uses shall be allowed to cross
27 recreational trails purchased pursuant to s. 259.101(3)(g) or
28 s. 259.202(3)(g). When these crossings are needed, the
29 location and design should consider and mitigate the impact on
30 humans and environmental resources, and the value of the land
31 shall be paid based on fair market value.

1 Section 6. Subsection (10), paragraphs (b), (c), and
2 (f) of subsection (11), and subsections (12), (13), (14),
3 (15), and (16) of section 259.032, Florida Statutes, 1998
4 Supplement, are amended to read:

5 259.032 Conservation and Recreation Lands Trust Fund;
6 purpose.--

7 (10) State, regional, or local governmental agencies
8 or private entities designated to manage lands under this
9 section shall develop and adopt, with the approval of the
10 board of trustees, an individual management plan for each
11 project designed to conserve and protect such lands and their
12 associated natural resources. Private sector involvement in
13 management plan development may be used to expedite the
14 planning process. Beginning fiscal year 1998-1999, individual
15 management plans required by s. 253.034(5)~~s. 253.034(4)~~ shall
16 be developed with input from an advisory group. Members of
17 this advisory group shall include, at a minimum,
18 representatives of the lead land managing agency, comanaging
19 entities, local private property owners, the appropriate soil
20 and water conservation district, a local conservation
21 organization, and a local elected official. The advisory
22 group shall conduct at least one public hearing within the
23 county in which the parcel or project is located. Notice of
24 such public hearing shall be posted on the parcel or project
25 designated for management, advertised in a paper of general
26 circulation, and announced at a scheduled meeting of the local
27 governing body before the actual public hearing. The
28 management prospectus required pursuant to paragraph (9)(b)
29 shall be available to the public for a period of 30 days prior
30 to the public hearing. Once a plan is adopted, the managing
31 agency or entity shall update the plan at least every 5 years

1 in a form and manner prescribed by rule of the board of
2 trustees. Such plans may include transfers of leasehold
3 interests to appropriate conservation organizations designated
4 by the Land Acquisition and Management Advisory Council for
5 uses consistent with the purposes of the organizations and the
6 protection, preservation, and proper management of the lands
7 and their resources. Volunteer management assistance is
8 encouraged, including, but not limited to, assistance by
9 youths participating in programs sponsored by state or local
10 agencies, by volunteers sponsored by environmental or civic
11 organizations, and by individuals participating in programs
12 for committed delinquents and adults. For each project for
13 which lands are acquired after July 1, 1995, an individual
14 management plan shall be adopted and in place no later than 1
15 year after the essential parcel or parcels identified in the
16 annual Florida Forever report or Conservation and Recreation
17 Lands report prepared pursuant to s. 259.035(2)(a) have been
18 acquired. Beginning in fiscal year 1998-1999, the Department
19 of Environmental Protection shall distribute only 75 percent
20 of the acquisition funds to which a budget entity or water
21 management district would otherwise be entitled from the
22 Florida Forever Trust Fund or the Preservation 2000 Trust Fund
23 to any budget entity or any water management district that has
24 more than one-third of its management plans overdue.

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

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

31

1 2. Key management activities necessary to preserve and
2 protect natural resources and restore habitat, and for
3 controlling the spread of nonnative plants and animals, and
4 for prescribed fire and other appropriate resource management
5 activities.

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

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

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

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

20 7. A determination of the public uses that would be
21 consistent with the purposes for which the lands were
22 acquired.

23 (b) The Division of State Lands shall submit a copy of
24 each individual management plan for parcels which exceed 160
25 acres in size to each member of the Land Acquisition and
26 Management Advisory Council. The council shall, within 60 days
27 after receiving a plan from the division, review each plan for
28 compliance with the requirements of this subsection and with
29 the requirements of the rules established by the board
30 pursuant to this subsection. The council shall also consider
31 the propriety of the recommendations of the managing agency

1 with regard to the future use or protection of the property.
2 After its review, the council shall submit the plan, along
3 with its recommendations and comments, to the board of
4 trustees. The council shall specifically recommend to the
5 board of trustees whether to approve the plan as submitted,
6 approve the plan with modifications, or reject the plan.

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

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

23 (11)

24 (b) An amount equal ~~up~~ to 1.5 percent of the
25 cumulative total of funds ever deposited into the Florida
26 Preservation 2000 Trust Fund and the Florida Forever Trust
27 Fund shall be made available from the Conservation and
28 Recreation Lands Trust Fund for the purposes of management,
29 maintenance, and capital improvements, and for associated
30 contractual services, for lands acquired pursuant to previous
31 programs for the acquisition of lands for conservation and

1 recreation, including state forests, and lands acquired
2 pursuant to this section and ss. ~~s.~~259.101 and 259.202 to
3 which title is vested in the board of trustees. Each agency
4 with management responsibilities shall annually request from
5 the Legislature funds sufficient to fulfill such
6 responsibilities. Capital improvements shall include, but need
7 not be limited to, perimeter fencing, signs, firelanes, access
8 roads and trails, and minimal public accommodations, such as
9 primitive campsites, garbage receptacles, and toilets.

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

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

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

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

1
2 In evaluating the management funding needs of lands based on
3 the above categories, the lead land managing agencies shall
4 include in their considerations the impacts of, and needs
5 created or addressed by, multiple-use management strategies.
6 (f) The department shall set long-range and annual
7 goals for the control and removal of nonnative, upland,
8 invasive plant species on public lands. Such goals shall
9 differentiate between aquatic plant species and upland plant
10 species. In setting such goals, the department may rank, in
11 order of adverse impact, species that ~~which~~ impede or destroy
12 the functioning of natural systems. ~~Notwithstanding paragraph~~
13 ~~(a), up to one-fourth of the funds provided for in paragraph~~
14 ~~(b) shall be reserved for control and removal of nonnative,~~
15 ~~upland, invasive species on public lands.~~
16 (12)(a) Beginning in fiscal year 1994-1995, not more
17 than 3.75 percent of the Conservation and Recreation Lands
18 Trust Fund shall be made available annually to the department
19 for payment in lieu of taxes to qualifying counties,
20 municipalities, school districts ~~cities~~, and local governments
21 as defined in paragraph (b) for all actual tax losses incurred
22 as a result of board of trustees acquisitions for state
23 agencies under the Florida Preservation 2000 Program and
24 Florida Forever Program during any year. Reserved funds not
25 used for payments in lieu of taxes in any year shall revert to
26 the Florida Forever Trust Fund to be used for land acquisition
27 in accordance with the provisions of this section.
28 (b) Payment in lieu of taxes shall be available:
29 1. To counties which levy an ad valorem tax of at
30 least 8.25 mills or the amount of the tax loss from all
31 completed Preservation 2000 and Florida Forever acquisitions

1 in the county exceeds 0.01 percent of the county's total
2 taxable value, and have a population of 75,000 or less.

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

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

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

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

30 ~~(c)(d)~~ If insufficient funds are not sufficient
31 available in any year to make full payments to all qualifying

1 counties, municipalities, school districts,~~cities,~~ and local
2 governments, such counties, municipalities, school districts,
3 ~~cities,~~ and local governments shall receive a pro rata share
4 of the moneys available.

5 (d)~~(e)~~ The payment amount shall be based on the
6 average amount of actual taxes paid on the property for the 3
7 years preceding acquisition, except that, for purchases
8 completed after July 1, 2000, the payment amount to school
9 boards in counties with a population of 75,000 or less which
10 do not contain all or a portion of an area of critical state
11 concern designated under chapter 380 shall be calculated based
12 solely on the value of the millage levied under s. 236.25(1)
13 and (2). Applications for payment in lieu of taxes shall be
14 made no later than January 31 of the year following
15 acquisition. No payment in lieu of taxes shall be made for
16 properties which were exempt from ad valorem taxation for the
17 year immediately preceding acquisition. If property which was
18 subject to ad valorem taxation was acquired by a tax-exempt
19 entity for ultimate conveyance to the state under this
20 chapter, payment in lieu of taxes shall be made for such
21 property based upon the average amount of taxes paid on the
22 property for the 3 years prior to its being removed from the
23 tax rolls. The department shall certify to the Department of
24 Revenue those properties that may be eligible under this
25 provision. Payment in lieu of taxes shall be limited to a
26 total of 10 consecutive years of annual payments, beginning
27 the year a local government becomes eligible. The Legislature
28 intends that once a governmental entity has been determined
29 eligible, the entity shall receive 10 consecutive annual
30 payments, and no further eligibility determination shall be
31 made during that period.

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

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

15 (13) Moneys credited to the fund each year which are
16 not used for management, maintenance, or capital improvements
17 pursuant to subsection (11); for payment in lieu of taxes
18 pursuant to subsection (12); or for the purposes of subsection
19 (5) shall be available for the acquisition of land pursuant to
20 this section.

21 (14) The board of trustees may adopt rules to further
22 define the categories of land for acquisition under this
23 chapter.

24 ~~(15) For fiscal year 1998-1999 only, moneys credited~~
25 ~~to the fund may be appropriated to provide grants to qualified~~
26 ~~local governmental entities pursuant to the provisions of s.~~
27 ~~375.075. This subsection is repealed on July 1, 1999.~~

28 (15)~~(16)~~ Within 180 days after receiving a certified
29 letter from the owner of a property on the Conservation and
30 Recreation Lands list or the Florida Forever list objecting to
31 the property being included in an acquisition project, where

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

6 Section 7. Paragraphs (a), (b), and (c) of subsection
7 (2) of section 259.035, Florida Statutes, 1998 Supplement, are
8 amended to read:

9 259.035 Advisory council; powers and duties.--

10 (2)(a) The council shall, by the time of the first
11 board meeting in February of each year, establish or update a
12 list of acquisition projects to be funded from the Florida
13 Forever Trust Fund and selected for purchase pursuant to this
14 chapter. The council may also propose eligible acquisition
15 projects to the board of trustees at any time if the projects
16 can be acquired at a price at least 15 percent below appraised
17 value.In scoring potential projects for inclusion on the
18 acquisition list, the council shall give greater consideration
19 to projects that can serve as corridors between lands already
20 in public ownership or under management for conservation and
21 recreational purposes. Acquisition projects shall be ranked,
22 in order of priority, ~~individually as a single group or~~
23 ~~individually~~ within six up to 10 separate groups, which must
24 include substantially complete projects, mega-multiparcels
25 projects, less-than-fee projects, priority projects,
26 negotiations impasse, and bargain or shared projects. The
27 council shall submit to the board of trustees, together with
28 its list of acquisition projects, a Florida Forever
29 ~~Conservation and Recreation~~ Lands report. For each project on
30 an acquisition list, the council shall include in its report
31 the stated purpose for acquiring the project, an

1 identification of the essential parcel or parcels within the
2 project without which the project cannot be properly managed,
3 an identification of those projects or parcels within projects
4 which should be acquired in fee simple or in other than fee
5 simple, an explanation of the reasons why the council selected
6 a particular acquisition technique, a management policy
7 statement for the project, a management prospectus pursuant to
8 s. 259.032(9)(b), an estimate of land value based on county
9 tax assessed values, a map delineating project boundaries, a
10 brief description of the important natural and cultural
11 resources to be protected, preacquisition planning and
12 budgeting, coordination with other public and nonprofit
13 public-lands acquisition programs, a preliminary statement of
14 the extent and nature of public use, an interim management
15 budget, and designation of a management agency or agencies.
16 The Department of Environmental Protection shall prepare the
17 information required by this section for each acquisition
18 project selected for purchase pursuant to this chapter. In
19 addition, the department shall prepare, by July 1 of each
20 year, an acquisition work plan for each project on the
21 acquisition list for which funds will be available for
22 acquisition during the fiscal year. The work plan need not
23 disclose any information that is required by this chapter or
24 chapter 253 to remain confidential.

25 (b) An affirmative vote of four members of the council
26 shall be required in order to place a proposed project on a
27 list. ~~Each list shall contain at least twice the number of~~
28 ~~projects in terms of estimated cost as there are anticipated~~
29 ~~funds for purchase.~~ The anticipated cost of each project shall
30 include proposed costs for development of the lands necessary
31

1 to meet the public purpose for which such lands are to be
2 purchased.

3 (c) All proposals for acquisition projects pursuant to
4 this chapter shall be developed and adopted by the council.
5 The council shall consider and evaluate in writing the merits
6 and demerits of each project that is proposed for acquisition
7 and shall ensure that each proposed acquisition project will
8 meet a stated public purpose for the preservation of
9 environmentally endangered lands, for the development of
10 outdoor recreation lands, or as provided in s. 259.032(3) or
11 s. 259.202(4), and shall determine whether each acquisition
12 project conforms with the comprehensive plan developed
13 pursuant to s. 259.04(1)(a), the comprehensive outdoor
14 recreation and conservation plan developed pursuant to s.
15 375.021, and the state lands management plan adopted pursuant
16 to s. 253.03(7). Copies of a written report describing each
17 project proposed for acquisition shall be submitted to the
18 board of trustees. The council shall consider and include in
19 each project description its assessment of a project's
20 ecological value, vulnerability, endangerment, ownership
21 pattern, utilization, location, and cost and other pertinent
22 factors in determining whether to recommend a project for
23 state purchase.

24 Section 8. Paragraph (a) of subsection (2) of section
25 338.250, Florida Statutes, is amended to read:

26 338.250 Central Florida Beltway Mitigation.--

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

30 (a) For those projects which the Department of
31 Transportation is authorized to construct, funds for

1 environmental mitigation shall be deposited in the Central
2 Florida Beltway Trust Fund created within the department at
3 the time bonds for the specific project are sold. If a road
4 building authority other than the department is authorized to
5 construct the project, funds for environmental mitigation
6 shall be deposited in a mitigation fund account established in
7 the construction fund for the bond issues. Said account shall
8 be established at the time bond proceeds are deposited into
9 the construction fund for the specific project. These funds
10 shall be provided from bond proceeds, and the use of such
11 funds from bond proceeds for mitigation shall be deemed a
12 public purpose. The amount to be provided for mitigation for
13 the Eastern Beltway in Seminole County shall be up to \$4
14 million, the amount to be provided for mitigation for the
15 Western Beltway shall be up to \$30.5 million, the amount to be
16 provided for mitigation for the Southern Connector shall be up
17 to \$14.28 million, the amount to be provided for mitigation
18 for the Turnpike/Southern Connector Interchange shall be up to
19 \$1.46 million, and the amount to be provided for mitigation
20 for the Southern Connector Extension shall be in proportion to
21 the amount provided for the Southern Connector based upon the
22 amount of wetlands displaced. To the extent allowed by law,
23 the interest on said funds as earned, after deposit into the
24 Central Florida Beltway Trust Fund, or in a mitigation fund
25 account shall accrue and be paid to the agency responsible for
26 the construction of the appropriate project. Where feasible,
27 mitigation funds shall be used in coordination with funds from
28 the Florida Forever Trust Fund, the Conservation and
29 Recreation Lands Trust Fund, the Save Our Rivers Land
30 Acquisition Program, or from other appropriate sources.
31

1 Section 9. Section 373.59, Florida Statutes, 1998
2 Supplement, is amended to read:

3 373.59 Water Management Lands Trust Fund.--

4 (1) There is established within the Department of
5 Environmental Protection the Water Management Lands Trust Fund
6 to be used as a nonlapsing fund for the purposes of this
7 section. The moneys in this fund are hereby continually
8 appropriated for the purposes of land acquisition, management,
9 maintenance, capital improvements, payments in lieu of taxes,
10 and administration of the fund in accordance with the
11 provisions of this section.

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

1 as filed by each district and to the department's costs of
2 administration of the fund. The department's costs of
3 administration shall be charged proportionally against each
4 district's allocation using the formula provided in subsection
5 (7). However, no acquisition of lands shall occur without a
6 public hearing similar to those held pursuant to the
7 provisions set forth in s. 120.54. In the annual update of its
8 5-year plan for acquisition, each district shall identify
9 lands needed to protect or recharge groundwater and shall
10 establish a plan for their acquisition as necessary to protect
11 potable water supplies. Lands which serve to protect or
12 recharge groundwater identified pursuant to this paragraph
13 shall also serve to protect other valuable natural resources
14 or provide space for natural resource based recreation.

15 (b) Moneys from the fund shall be used for continued
16 acquisition, management, maintenance, and capital improvements
17 of the following lands and lands set forth in the 5-year land
18 acquisition plan of the district:

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

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

29 3. By St. Johns River Water Management
30 District--Seminole Ranch, Latt Maxey and Evans properties in
31 the upper St. Johns River Basin.

1 4. By Suwannee River Water Management District--lands
2 in Suwannee River Valley.

3 5. By Northwest Florida Water Management
4 District--lands in the Choctawhatchee and Apalachicola River
5 Valleys.

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

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

29 (b) Each water management district governing board
30 shall annually adopt, and may amend as necessary, a priority
31 list of fixed capital outlay projects, including wastewater

1 treatment and stormwater management facilities, needed to
2 implement surface water improvement and management plans in
3 effect on July 1, 2000. Funds for such projects shall be
4 available from the Surface Water Improvement and Management
5 Trust Fund and shall be allocated to the districts pursuant to
6 the General Appropriations Act each fiscal year after
7 considering the priority lists prepared by each district. Any
8 unallocated funds not provided for in the General
9 Appropriations Act but for which spending authority is
10 provided in the General Appropriations Act shall be released
11 by the Secretary of Environmental Protection based upon the
12 population size of the districts and following receipt of a
13 resolution adopted by the district's governing board which
14 identifies the project and certifies that the project is on
15 the district's priority list.

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

26 (d)~~(e)~~ The Secretary of Environmental Protection shall
27 release acquisition moneys from the Water Management Lands
28 Trust Fund to a district following receipt of a resolution
29 adopted by the governing board identifying the lands being
30 acquired and certifying that such acquisition is consistent
31 with the plan of acquisition and other provisions of this act.

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

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

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

26 ~~(6) If a district issues revenue bonds or notes under~~
27 ~~s. 373.584, the district may pledge its share of the moneys in~~
28 ~~the Water Management Lands Trust Fund as security for such~~
29 ~~bonds or notes. The Department of Environmental Protection~~
30 ~~shall pay moneys from the trust fund to a district or its~~
31 ~~designee sufficient to pay the debt service, as it becomes~~

1 ~~due, on the outstanding bonds and notes of the district;~~
2 ~~however, such payments shall not exceed the district's~~
3 ~~cumulative portion of the trust fund. However, any moneys~~
4 ~~remaining after payment of the amount due on the debt service~~
5 ~~shall be released to the district pursuant to subsection (3).~~

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

15 (7)~~(8)~~ Moneys from the Water Management Lands Trust
16 Fund shall be allocated to the five water management districts
17 in the following percentages:

18 (a) Thirty percent to the South Florida Water
19 Management District.

20 (b) Twenty-five percent to the Southwest Florida Water
21 Management District.

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

24 (d) Ten percent to the Suwannee River Water Management
25 District.

26 (e) Ten percent to the Northwest Florida Water
27 Management District.

28 (8)~~(9)~~ Each district may use its allocation under
29 subsection (7)~~(8)~~ for management, maintenance, and capital
30 improvements. Capital improvements shall include, but need not
31 be limited to, perimeter fencing, signs, firelanes, control of

1 | invasive exotic species, controlled burning, habitat inventory
2 | and restoration, law enforcement, access roads and trails, and
3 | minimal public accommodations, such as primitive campsites,
4 | garbage receptacles, and toilets.

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

10 | (10)~~(11)~~ Lands acquired for the purposes enumerated in
11 | this section shall also be used for general public
12 | recreational purposes. General public recreational purposes
13 | shall include, but not be limited to, fishing, hunting,
14 | horseback riding, swimming, camping, hiking, canoeing,
15 | boating, diving, birding, sailing, jogging, and other related
16 | outdoor activities to the maximum extent possible considering
17 | the environmental sensitivity and suitability of those lands.
18 | These public lands shall be evaluated for their resource value
19 | for the purpose of establishing which parcels, in whole or in
20 | part, annually or seasonally, would be conducive to general
21 | public recreational purposes. Such findings must ~~shall~~ be
22 | included in management plans, which must be ~~are~~ developed for
23 | such public lands within 1 year after acquisition and updated
24 | at least every 5 years. These lands shall be made available
25 | to the public for these purposes, unless the district
26 | governing board can demonstrate that such activities would be
27 | incompatible with the purposes for which these lands were
28 | acquired. For any fee simple acquisition of a parcel which is
29 | or will be leased back for agricultural purposes, or for any
30 | acquisition of a less-than-fee interest in land that is or
31 | will be used for agricultural purposes, the district governing

1 board shall first consider having a soil and water
2 conservation district created pursuant to chapter 582 manage
3 and monitor such interest.

4 (11)~~(12)~~ A district may dispose of land acquired under
5 this section, pursuant to s. 373.056 or s. 373.089. However,
6 revenue derived from such disposal may not be used for any
7 purpose except the purchase of other lands meeting the
8 criteria specified in this section or payment of debt service
9 on revenue bonds or notes issued under s. 373.584, as provided
10 in this section.

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

19 (13)~~(14)~~(a) Funds from the Water Management Lands
20 Trust Fund shall be available Beginning in fiscal year
21 ~~1992-1993, not more than one-fourth of the land management~~
22 ~~funds provided for in subsections (1) and (9) in any year~~
23 ~~shall be reserved annually by a governing board, during the~~
24 ~~development of its annual operating budget, for payment in~~
25 ~~lieu of taxes to qualifying counties, municipalities, school~~
26 ~~districts, and local governments, as defined in paragraph (b),~~
27 ~~for actual ad valorem tax losses incurred as a result of lands~~
28 ~~purchased with funds allocated pursuant to paragraph (b) and~~
29 ~~ss. s-259.101(3)(b) and 259.202(3)(b). In addition, the~~
30 ~~Northwest Florida Water Management District, the South Florida~~
31 ~~Water Management District, the Southwest Florida Water~~

1 ~~Management District, the St. Johns River Water Management~~
2 ~~District, and the Suwannee River Water Management District~~
3 ~~shall pay to qualifying counties payments in lieu of taxes for~~
4 ~~district lands acquired with funds allocated pursuant to~~
5 ~~subsection (8).~~Reserved funds that are not used for payment
6 in lieu of taxes in any year shall revert to the fund to be
7 used for management purposes ~~or land acquisition~~ in accordance
8 with this section.

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

10 1. To counties ~~for each year~~ in which the levy of ad
11 valorem tax is at least 8.25 mills or the amount of the tax
12 loss from all completed Preservation 2000 or Florida Forever
13 acquisitions in the county exceeds 0.01 percent of the
14 county's total taxable value, and the population is 75,000 or
15 less, ~~and~~

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

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

25
26 As used in this paragraph, the term "local government"
27 includes municipalities, the county school board, mosquito
28 control districts, and any other local government entity that
29 levies ad valorem taxes, with the exception of a water
30 management district.

31

1 (c) If ~~insufficient~~ funds are not sufficient ~~available~~
2 in any year to make full payments to all qualifying counties,
3 municipalities, school districts, and local governments, such
4 counties, municipalities, school districts, and local
5 governments shall receive a pro rata share of the moneys
6 available.

7 (d) The payment amount shall be based on the average
8 amount of actual taxes paid on the property for the 3 years
9 immediately preceding acquisition, except that, for purchases
10 completed after July 1, 2000, the payment amount to school
11 boards in counties with a population of 75,000 or less which
12 do not contain all or a portion of an area of critical state
13 concern designated under chapter 380 shall be calculated based
14 solely on the value of the millage levied under s. 236.25(1)
15 and (2). For lands purchased prior to July 1, 1992,
16 applications for payment in lieu of taxes shall be made to the
17 districts by January 1, 1993. For lands purchased after July
18 1, 1992, applications for payment in lieu of taxes shall be
19 made no later than January 31 of the year following
20 acquisition. No payment in lieu of taxes shall be made for
21 properties that ~~which~~ were exempt from ad valorem taxation for
22 the year immediately preceding acquisition. Payment in lieu
23 of taxes shall be limited to a period of 10 consecutive years
24 of annual payments. The Legislature intends that once a
25 governmental entity has been determined eligible, the entity
26 shall receive 10 consecutive annual payments, and no further
27 eligibility determination shall be made within that period.

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

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

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

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

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

1 ~~(16)(17)~~ Notwithstanding any provision of this section
2 to the contrary and for the 1998-1999 fiscal year only, the
3 governing board of a water management district may request,
4 and the Secretary of Environmental Protection shall release
5 upon such request, moneys allocated to the districts pursuant
6 to subsection (8) for the purpose of carrying out the
7 provisions of ~~ss. 373.451-373.4595~~. No funds may be used
8 pursuant to this section ~~subsection~~ until necessary debt
9 service obligations are provided for any bonds issued pursuant
10 to s. 373.584 before the repeal of that section and
11 ~~requirements for payments in lieu of taxes that may be~~
12 ~~required pursuant to this section are provided for. This~~
13 ~~subsection is repealed on July 1, 1999.~~

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

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

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

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

25 **(b) The director of the Division of Historical**
26 **Resources of the Department of State; and**

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

29
30 The Governor shall appoint a former elected official of a
31 local government, a representative of a nonprofit organization

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

15 Section 11. Subsection (9) is added to section
16 380.508, Florida Statutes, to read:

17 380.508 Projects; development, review, and approval.--

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

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

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

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

31

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

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

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

8 6. Add, connect, or provide public access to existing
9 state, federal, or local parks, preserves, or water management
10 or resource protection areas.

11 Section 12. Subsections (5) and (6) of section
12 420.5092, Florida Statutes, are amended to read:

13 420.5092 Florida Affordable Housing Guarantee
14 Program.--

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

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

3 (6)(a) If the primary revenue sources to be used for
4 repayment of revenue bonds used to establish the guarantee
5 fund are insufficient for such repayment, the annual principal
6 and interest due on each series of revenue bonds shall be
7 payable from funds in the annual debt service reserve. The
8 corporation shall, before June 1 of each year, perform a
9 financial audit to determine whether at the end of the state
10 fiscal year there will be on deposit in the guarantee fund an
11 annual debt service reserve from interest earned pursuant to
12 the investment of the guarantee fund, fees, charges, and
13 reimbursements received from issued affordable housing
14 guarantees and other revenue sources available to the
15 corporation. Based upon the findings in such guarantee fund
16 financial audit, the corporation shall certify to the
17 Comptroller the amount of any projected deficiency in the
18 annual debt service reserve for any series of outstanding
19 bonds as of the end of the state fiscal year and the amount
20 necessary to maintain such annual debt service reserve. Upon
21 receipt of such certification, the Comptroller shall transfer
22 to the annual debt service reserve, from the first available
23 taxes distributed to the State Housing Trust Fund pursuant to
24 s. 201.15(7)(a) and (8)(a)~~s. 201.15(6)(a) and (7)(a)~~ during
25 the ensuing state fiscal year, the amount certified as
26 necessary to maintain the annual debt service reserve.

27 (b) If the claims payment obligations under affordable
28 housing guarantees from amounts on deposit in the guarantee
29 fund would cause the claims paying rating assigned to the
30 guarantee fund to be less than the third-highest rating
31 classification of any nationally recognized rating service,

1 which classifications being consistent with s. 215.84(3) and
2 rules adopted thereto by the State Board of Administration,
3 the corporation shall certify to the Comptroller the amount of
4 such claims payment obligations. Upon receipt of such
5 certification, the Comptroller shall transfer to the guarantee
6 fund, from the first available taxes distributed to the State
7 Housing Trust Fund pursuant to s. 201.15(7)(a) and (8)(a)~~s.~~
8 ~~201.15(6)(a) and (7)(a)~~during the ensuing state fiscal year,
9 the amount certified as necessary to meet such obligations,
10 such transfer to be subordinate to any transfer referenced in
11 paragraph (a) and not to exceed 50 percent of the amounts
12 distributed to the State Housing Trust Fund pursuant to s.
13 201.15(7)(a) and (8)(a)~~s. 201.15(6)(a) and (7)(a)~~during the
14 preceding state fiscal year.

15 Section 13. Section 420.9073, Florida Statutes, 1998
16 Supplement, is amended to read:

17 420.9073 Local housing distributions.--

18 (1) Distributions calculated in this section shall be
19 disbursed on a monthly basis by the agency beginning the first
20 day of the month after program approval pursuant to s.
21 420.9072. Each county's share of the funds to be distributed
22 from the portion of the funds in the Local Government Housing
23 Trust Fund received pursuant to s. 201.15(7)~~s. 201.15(6)~~
24 shall be calculated by the agency for each fiscal year as
25 follows:

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

31

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

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

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

14 3. For each county in which the result in subparagraph
15 1. is greater than the guaranteed amount as determined in
16 subsection (3), the amount calculated in subparagraph 1. shall
17 be reduced by the guaranteed amount. The result for each such
18 county shall be expressed as a percentage of the amounts so
19 determined for all counties. Each such county shall receive
20 an additional share equal to such percentage multiplied by the
21 total funds received by the Local Government Housing Trust
22 Fund pursuant to s. 201.15(7)~~s. 201.15(6)~~ reduced by the
23 guaranteed amount paid to all counties.

24 (2) Effective July 1, 1995, distributions calculated
25 in this section shall be disbursed on a monthly basis by the
26 agency beginning the first day of the month after program
27 approval pursuant to s. 420.9072. Each county's share of the
28 funds to be distributed from the portion of the funds in the
29 Local Government Housing Trust Fund received pursuant to s.
30 201.15(8)~~s. 201.15(7)~~ shall be calculated by the agency for
31 each fiscal year as follows:

1 (a) Each county shall receive the guaranteed amount
2 for each fiscal year.

3 (b) Each county may receive an additional share
4 calculated as follows:

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

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

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

20 (3) Calculation of guaranteed amounts:

21 (a) The guaranteed amount under subsection (1) shall
22 be calculated for each state fiscal year by multiplying
23 \$350,000 by a fraction, the numerator of which is the amount
24 of funds distributed to the Local Government Housing Trust
25 Fund pursuant to s. 201.15(7)~~s. 201.15(6)~~ and the denominator
26 of which is the total amount of funds distributed to the Local
27 Government Housing Trust Fund pursuant to s. 201.15.

28 (b) The guaranteed amount under subsection (2) shall
29 be calculated for each state fiscal year by multiplying
30 \$350,000 by a fraction, the numerator of which is the amount
31 of funds distributed to the Local Government Housing Trust

1 Fund pursuant to s. 201.15(8)~~s. 201.15(7)~~ and the denominator
2 of which is the total amount of funds distributed to the Local
3 Government Housing Trust Fund pursuant to s. 201.15.

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

6 Section 14. Section 373.584, Florida Statutes, is
7 repealed.

8 Section 15. The repeal of section 373.584, Florida
9 Statutes, does not impair the validity of any bonds or
10 obligations issued under that section which are outstanding on
11 July 1, 2000.

12 Section 16. This act shall take effect July 1, 2000.

13
14 *****

15 HOUSE SUMMARY

16
17 Creates the Florida Forever Act to provide for the
18 purchase of environmentally significant lands. Provides
19 criteria for acquiring lands under the Florida Forever
20 Program. Provides procedures for determining the priority
21 of acquisition projects. Authorizes alternate uses of
22 acquired lands. Provides for using alternatives to fee
23 simple acquisition. Requires that a project be given
24 higher priority if matching funds are available or if the
25 project is priced below appraised value. Authorizes the
26 issuance of bonds under the program. Provides that
27 certain proceeds from the excise tax on documents be used
28 to pay the debt service on bonds issued under the Florida
29 Forever Program. Requires that the managing state agency
30 adopt a management plan within a specified period after
31 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.