

By the Committee on Fiscal Policy

301-169A-99

1                                   A bill to be entitled  
 2           An act terminating specified trust funds and  
 3           fund accounts within the Department of  
 4           Environmental Protection; providing for  
 5           disposition of balances in and revenues of such  
 6           trust funds and fund accounts; prescribing  
 7           procedures for the termination of such trust  
 8           funds and fund accounts; amending ss. 253.781,  
 9           253.7824, 253.7829, 253.783, F.S.; removing  
 10          reference to the Cross Florida Barge Canal  
 11          Trust Fund; providing an effective date.

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

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 15           Section 1. (1) The following trust funds and fund  
 16 accounts within the Department of Environmental Protection are  
 17 terminated:

18           (a) The Cross Florida Barge Canal Trust Fund, FLAIR  
 19 number 37-2-888.

20           (b) The Hurricane Andrew Disaster Relief Trust Fund,  
 21 FLAIR number 37-2-200.

22           (2) Unless otherwise provided, all current balances  
 23 remaining in, and all revenues of, the trust funds terminated  
 24 by this act shall be transferred to the General Revenue Fund.

25           (3) For each trust fund and fund account terminated by  
 26 this act, the agency or branch that administers the trust fund  
 27 or fund account shall pay any outstanding debts and  
 28 obligations of the terminated fund or account as soon as  
 29 practicable, and the Comptroller shall close out and remove  
 30 the terminated fund or account from the various state  
 31 accounting systems using generally accepted accounting

1 principles concerning warrants outstanding, assets, and  
2 liabilities.

3 Section 2. Subsection (3) of section 253.781, Florida  
4 Statutes, is amended to read:

5 253.781 Retention of state-owned lands along former  
6 Cross Florida Barge Canal route; creation of Cross Florida  
7 Greenways State Recreation and Conservation Area; authorizing  
8 transfer to the Federal Government for inclusion in Ocala  
9 National Forest.--

10 (3) The Board of Trustees of the Internal Improvement  
11 Trust Fund may acquire by purchase, exchange of other state  
12 lands, or the exercise of the power of eminent domain the fee  
13 title to lands acquired in less-than-fee title and to  
14 privately owned lands that break the continuity of publicly  
15 owned lands within the original canal corridor as specified in  
16 the University Planning Team Greenway Management Plan along  
17 the canal route, using canal authority assets transferred to  
18 the department or using state, local, or federal funds  
19 dedicated to acquiring lands for conservation and recreation  
20 ~~or using funds from the Cross Florida Barge Canal Trust Fund.~~  
21 The Legislature finds that such exercise of the power of  
22 eminent domain to accomplish the purposes of this section is  
23 necessary and for a public purpose. Such power of eminent  
24 domain must be exercised pursuant to chapter 73.

25 Section 3. Section 253.7824, Florida Statutes, is  
26 amended to read:

27 253.7824 Sale of products; proceeds.--The department  
28 may authorize the removal and sale of products from the land  
29 where environmentally appropriate, ~~the proceeds from which~~  
30 ~~shall be deposited in the Cross Florida Barge Canal Trust~~  
31 ~~Fund.~~

1           Section 4. Subsection (1) of section 253.7829, Florida  
2 Statutes, is amended to read:

3           253.7829 Management plan for retention or disposition  
4 of former Cross Florida Barge Canal lands; authority to manage  
5 lands until disposition.--

6           (1) It is declared to be in the public interest that  
7 the department shall do and is hereby authorized to do any and  
8 all things and incur and pay ~~from the Cross Florida Barge~~  
9 ~~Canal Trust Fund or~~ from the canal authority assets, for the  
10 public purposes described herein, any and all expenses  
11 necessary, convenient, and proper to:

12           (a) Develop a management plan for the retention or  
13 disposition of lands acquired for the Cross Florida Barge  
14 Canal to be submitted to the Governor and Cabinet no later  
15 than 2 years after the date of enactment of the Cross Florida  
16 Barge Canal deauthorization act, which plan shall reflect a  
17 consideration of alternatives for disposition as provided in  
18 this section of all lands in fee or less than fee owned by the  
19 Board of Trustees of the Internal Improvement Trust Fund,  
20 including those lands previously owned by the canal authority  
21 and the United States Army Corps of Engineers, and lands to be  
22 transferred to the state by the United States Army Corps of  
23 Engineers. The management plan shall establish a plan for  
24 delineating the specific boundaries of the Cross Florida  
25 Greenways State Recreation and Conservation Area. The  
26 Legislature intends that such boundaries include, at a  
27 minimum, a 300-yard-wide corridor, except where the original  
28 corridor is a lesser width or except in areas where bridges  
29 and roads cross the canal corridor, on former canal lands  
30 within the original canal corridor extending from the St.  
31 Johns River to the Gulf of Mexico, including all of the

1 Oklawaha River Valley and Rodman Reservoir, and all canal  
2 works in all areas whether completed and in use or not, but  
3 excluding all parts of Lake Rousseau. Such boundaries may  
4 include other former canal lands according to the following  
5 criteria:

6           1. The proximity of the lands to former canal corridor  
7 lands.

8           2. The environmental sensitivity or importance of the  
9 lands or its characteristics as a unique or significant  
10 wildlife habitat.

11           3. The proximity of the lands to existing state or  
12 federal land which is maintained, at least in part, as natural  
13 wildlife habitat, so that the addition of the parcel would  
14 function as a wildlife corridor, or as additional habitat.

15           4. The potential of the lands to be developed as  
16 outdoor recreation lands.

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18 Commercially valuable parcels, including those parcels near  
19 road crossings, within the canal corridor which do not meet  
20 the criteria of subparagraphs 1.-4. and other former canal  
21 lands which are not included within the boundaries of the  
22 Cross Florida Greenways State Recreation and Conservation Area  
23 under the criteria of subparagraphs 1.-4., may be disposed of  
24 as surplus lands pursuant to s. 253.783(2)(a)-(d). Such  
25 alternatives for disposition will include retention by the  
26 state or any agency thereof for the specific public purposes  
27 outlined in this paragraph or by the counties or adjacent  
28 municipalities for recreational or conservation purposes, and  
29 a declaration of lands not to be retained as surplus lands to  
30 be disposed of pursuant to s. 253.783(2)(a)-(d). The  
31 management plan shall also address any remedial measures

1 necessary to correct any environmental or economic damage  
2 caused by works constructed as a part of or as a result of the  
3 Cross Florida Barge Canal.

4 (b) Operate and maintain existing lands and interests  
5 in lands, appurtenances, structures, and facilities. Operation  
6 and maintenance of water control structures may be delegated  
7 by the department to the St. Johns River Water Management  
8 District or the Southwest Florida Water Management District,  
9 as necessary. Rights-of-way necessary for the construction and  
10 maintenance of electric transmission lines may be authorized.

11 Section 5. Subsection (2) of section 253.783, Florida  
12 Statutes, is amended to read:

13 253.783 Additional powers and duties of the  
14 department; disposition of surplus lands; payments to  
15 counties.--

16 (2) It is declared to be in the public interest that  
17 the department shall do and is hereby authorized to do any and  
18 all things and incur and pay ~~from the Cross Florida Barge~~  
19 ~~Canal Trust Fund~~, for the public purposes described herein,  
20 any and all expenses necessary, convenient, and proper to:

21 (a) Offer any land declared to be surplus, at current  
22 appraised value, to the counties in which the surplus land  
23 lies, for acquisition for specific public purposes. Any  
24 county, at its option, may elect to acquire any lands so  
25 offered without monetary payment. The fair market value of  
26 any parcels so transferred shall be subtracted from the  
27 county's reimbursement under paragraph (e). These offers will  
28 be made within 3 calendar months after the date the management  
29 plan is adopted and will be valid for 180 days after the date  
30 of the offer.

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1           (b) Extend the second right of refusal, at current  
2 appraised value, to the original owner from whom the Canal  
3 Authority of the State of Florida or the United States Army  
4 Corps of Engineers acquired the land or the original owner's  
5 heirs. These offers shall be made by public advertisement in  
6 not fewer than three newspapers of general circulation within  
7 the area of the canal route, one of which shall be a newspaper  
8 in the county in which the lands declared to be surplus are  
9 located. The public advertisements shall be run for a period  
10 of 14 days. These offers will be valid for 30 days after the  
11 expiration date of any offers made under paragraph (a), or 30  
12 days after the date publication begins, whichever is later.

13           (c) Extend the third right of refusal, at current  
14 appraised value, to any person having a leasehold interest in  
15 the land from the canal authority. These offers shall be  
16 advertised as provided in paragraph (b) and will be valid for  
17 30 days after the expiration date of the offers made under  
18 paragraph (b), or 30 days after the date publication begins,  
19 whichever is later.

20           (d) Offer surplus lands not purchased or transferred  
21 under paragraphs (a)-(c) to the highest bidder at public sale.  
22 Such surplus lands and the public sale shall be described and  
23 advertised in a newspaper of general circulation within the  
24 county in which the lands are located not less than 14  
25 calendar days prior to the date on which the public sale is to  
26 be held. The current appraised value of such surplus lands  
27 will be the minimum acceptable bid.

28           (e) Refund to the counties of the Cross Florida Canal  
29 Navigation District moneys pursuant to this paragraph ~~from the~~  
30 ~~funds remaining in the Cross Florida Barge Canal Trust Fund~~  
31 from the funds derived from the conveyance of lands of the

1 project to the Federal Government or any agency thereof,  
2 pursuant to s. 253.781, and from the sales of surplus lands  
3 pursuant to this section. Following federal deauthorization of  
4 the project, such refunds shall consist of the \$9,340,720  
5 principal in ad valorem taxes contributed by the counties and  
6 the interest which had accrued on that amount from the time of  
7 payment to June 30, 1985. In no event shall the counties be  
8 paid less than the aggregate sum of \$32 million in cash or the  
9 appraised values of the surplus lands. Such refunds shall be  
10 in proportion to the ad valorem tax share paid to the Cross  
11 Florida Canal Navigation District by the respective counties.  
12 ~~Should the remaining funds in the Cross Florida Barge Canal~~  
13 ~~Trust Fund and~~ the funds derived from the conveyance of lands  
14 of the project to the Federal Government for payment or from  
15 the sale of surplus land be inadequate to pay the total of the  
16 principal plus interest, first priority shall be given to  
17 repaying the principal and second priority shall be given to  
18 repaying the interest. Interest to be refunded to the counties  
19 shall be compounded annually at the following rates:  
20 1937-1950, 4 percent; 1951-1960, 5 percent; 1961-1970, 6  
21 percent; 1971-1975, 7 percent; 1976-June 30, 1985, 8 percent.  
22 In computing interest, amounts already repaid to the counties  
23 shall not be subject to further assessments of interest. Any  
24 partial repayments provided to the counties under this act  
25 shall be considered as contributing to the total repayment  
26 owed to the counties. Should the funds generated by conveyance  
27 to the Federal Government and sales of surplus lands be more  
28 than sufficient to repay said counties in accordance with this  
29 section, such excess funds may be used for the maintenance of  
30 the greenways corridor.

31 (f) Carry out the purposes of this act.

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Section 6. This act shall take effect July 1, 1999.

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SENATE SUMMARY

Terminates various trust funds and fund accounts within  
the Department of Environmental Protection.