

Bill No. CS for CS for SB 908, 1st Eng.

Amendment No. (for drafter's use only)

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Dockery, Constantine, and Greenstein offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

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

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

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

(a) Amounts ~~Subject to the maximum amount limitations~~

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

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

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

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

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

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

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

28 (3) One and ninety-four hundredths percent of the
29 remaining taxes collected under this chapter shall be paid
30 into the State Treasury to the credit of the Land Acquisition
31 Trust Fund. Moneys deposited in the trust fund pursuant to

1 this section shall be used for the following purposes:

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

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

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

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

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

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

25 (b) Half of that amount shall be paid into the State
26 Treasury to the credit of 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 (7) Eight and sixty-six hundredths percent of the
30 remaining taxes collected under this chapter shall be paid
31 into the State Treasury to the credit of the State Housing

1 Trust Fund and shall be used as follows:

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

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

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

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

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

4 201.15 Distribution of taxes collected.--All taxes
5 collected under this chapter shall be distributed as follows
6 and shall be subject to the service charge imposed in s.
7 215.20(1), except that such service charge shall not be levied
8 against any portion of taxes pledged to debt service on bonds
9 to the extent that the amount of the service charge is
10 required to pay any amounts relating to the bonds:

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

14 (a) Amounts as shall be necessary to pay the debt
15 service on, or fund debt service reserve funds, rebate
16 obligations, or other amounts payable with respect to
17 Preservation 2000 bonds issued pursuant to s. 375.051 and
18 Florida Forever bonds issued pursuant to s. 215.618, shall be
19 paid into the State Treasury to the credit of the Land
20 Acquisition Trust Fund to be used for such purposes. The
21 amount transferred to the Land Acquisition Trust Fund for such
22 purposes shall not exceed \$300 million in fiscal year
23 1999-2000 and thereafter for Preservation 2000 bonds and bonds
24 issued to refund Preservation 2000 bonds, and \$300 million in
25 fiscal year 2000-2001 and thereafter for Florida Forever
26 bonds. The annual amount transferred to the Land Acquisition
27 Trust Fund for Florida Forever bonds shall not exceed \$30
28 million in the first fiscal year in which bonds are issued.
29 The limitation on the amount transferred shall be increased by
30 an additional \$30 million in each subsequent fiscal year in
31 which bonds are authorized to be issued, but shall not exceed

1 a total of \$300 million in any fiscal year for all bonds
2 issued. It is the intent of the Legislature that all bonds
3 issued to fund the Florida Forever Act be retired by December
4 31, 2030. Except for bonds issued to refund previously issued
5 bonds, no series of bonds may be issued pursuant to this
6 paragraph unless such bonds are approved and the first year's
7 debt service for such bonds is specifically appropriated in
8 the General Appropriations Act. For purposes of refunding
9 Preservation 2000 bonds, amounts designated within this
10 section for Preservation 2000 and Florida Forever bonds may be
11 transferred between the two programs to the extent provided
12 for in the documents authorizing the issuance of the bonds.
13 The Preservation 2000 bonds and Florida Forever bonds shall be
14 equally and ratably secured by moneys distributable to the
15 Land Acquisition Trust Fund pursuant to this section, except
16 to the extent specifically provided otherwise by the documents
17 authorizing the issuance of the bonds. No moneys transferred
18 to the Land Acquisition Trust Fund pursuant to this paragraph,
19 or earnings thereon, shall be used or made available to pay
20 debt service on the Save Our Coast revenue bonds.

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

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

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

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

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

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

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

1 which funds deposited in the Land Acquisition Trust Fund may
2 lawfully be used.

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

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

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

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

19 (5) Four and two-tenths ~~Five and eighty-four~~
20 ~~hundredths~~ percent of the remaining taxes collected under this
21 chapter shall be paid into the State Treasury to the credit of
22 the Conservation and Recreation Lands Trust Fund to carry out
23 the purposes set forth in s. 259.032. Nine and one-half
24 percent of the amount credited to the Conservation and
25 Recreation Lands Trust Fund pursuant to this subsection shall
26 be transferred to the State Game Trust Fund and used for land
27 management activities.

28 (6) Two and twenty-eight hundredths percent of the
29 remaining taxes collected under this chapter shall be paid
30 into the State Treasury to the credit of the Aquatic Plant
31 Control Trust Fund to carry out the purposes set forth in ss.

1 369.22 and 369.252.

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

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

25 (9)~~(6)~~ Seven and fifty-three hundredths percent of the
26 remaining taxes collected under this chapter shall be paid
27 into the State Treasury to the credit of the State Housing
28 Trust Fund and shall be used as follows:

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

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

5 ~~(10)(7)~~ Eight and sixty-six 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) Twelve and one-half percent of that amount shall
10 be deposited into the State Housing Trust Fund and be expended
11 by the Department of Community Affairs and by the Florida
12 Housing Finance Agency for the purposes for which the State
13 Housing Trust Fund was created and exists by law.

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

20 ~~(11)(8)~~ From the moneys specified in paragraphs (1)(c)
21 and (2)(a) and prior to deposit of any moneys into the General
22 Revenue Fund, \$10 million shall be paid into the State
23 Treasury to the credit of the Ecosystem Management and
24 Restoration Trust Fund in fiscal year 1998-1999, \$20 million
25 in fiscal year 1999-2000, and \$30 million in fiscal year
26 2000-2001 and each fiscal year thereafter, to be used for the
27 preservation and repair of the state's beaches as provided in
28 ss. 161.091-161.212.

29 ~~(12)(9)~~ The Department of Revenue may use the payments
30 credited to trust funds pursuant to paragraphs (1)(b) and
31 (2)(b) and subsections (3), (4), (5), (6), ~~and~~ (7), (8), (9),

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

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

21 (14) Amounts distributed pursuant to subsections (5),
22 (6), (7) and (8) are subject to the payment of debt service on
23 outstanding Conservation and Recreation Lands revenue bonds.

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

27 161.05301 Beach erosion control project staffing;
28 coastal construction building codes review.--

29 (1) There are hereby appropriated to the Department of
30 Environmental Protection six positions and \$449,918 for fiscal
31 year 1998-1999 from the Ecosystem Management and Restoration

1 Trust Fund from revenues provided by this act pursuant to s.
2 201.15(11)~~(8)~~. These positions and funding are provided to
3 assist local project sponsors, and shall be used to facilitate
4 and promote enhanced beach erosion control project
5 administration. Such staffing resources shall be directed
6 toward more efficient contract development and oversight,
7 promoting cost-sharing strategies and regional coordination or
8 projects among local governments, providing assistance to
9 local governments to ensure timely permit review, and
10 improving billing review and disbursement processes.

11 Section 4. Subsection (2) of section 161.085, Florida
12 Statutes, is amended to read:

13 161.085 Rigid coastal armoring structures.--

14 (2) In order to allow state and federal agencies,
15 political subdivisions of the state, and municipalities to
16 preplan for emergency response for the protection of private
17 structures and public infrastructure, the department, pursuant
18 to s. 161.041 or s. 161.053, may issue permits for the present
19 or future installation of rigid coastal armoring structures or
20 other emergency response measures to protect private
21 structures, and public infrastructure and private and public
22 property.

23 (a) Permits for present installations may be issued if
24 it is determined that private structures or public
25 infrastructure is vulnerable to damage from frequent coastal
26 storms.

27 (b) Permits for future installations of coastal
28 armoring structures may be issued contingent upon the
29 occurrence of specified changes to the coastal system which
30 would leave upland structures vulnerable to damage from
31 frequent coastal storms. The department may assist agencies,

1 political subdivisions of the state, or municipalities, at
2 their request, in identifying areas within their jurisdictions
3 which may require permits for future installations of rigid
4 coastal armoring structures.

5 (c) Permits for present installations of coastal
6 armoring may be issued where such installation is between and
7 adjoins at both ends rigid coastal armoring structures,
8 follows a continuous and uniform armoring structure
9 construction line with existing coastal armoring structures,
10 and is no more than 250 feet in length.

11
12 Structures built pursuant to permits granted under this
13 subsection may be ordered removed by the department only if
14 such structures are determined to be unnecessary or to
15 interfere with the installation of a beach restoration
16 project.

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

20 161.091 Beach management; funding; repair and
21 maintenance strategy.--

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

1 the development, implementation, and administration of the
2 state's beach management plan, as provided in ss.
3 161.091-161.212, prior to the use of such funds deposited
4 pursuant to s. 201.15(11)~~(8)~~ in that trust fund for any other
5 purpose.

6 Section 6. Section 215.618, Florida Statutes, is
7 created to read:

8 215.618 Bonds for acquisition and improvement of land,
9 water areas, and related property interests and resources.--

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

31 (2) The state does hereby covenant with the holders of

1 Florida Forever bonds and Preservation 2000 bonds that it will
2 not take any action which will materially and adversely affect
3 the rights of such holders so long as such bonds are
4 outstanding, including, but not limited to, a reduction in the
5 portion of documentary stamp taxes distributable to the Land
6 Acquisition Trust Fund for payment of debt service on
7 Preservation 2000 bonds or Florida Forever bonds.

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

13 (4) The Department of Environmental Protection shall
14 request the Division of Bond Finance of the State Board of
15 Administration to issue the Florida Forever bonds authorized
16 by this section. The Division of Bond Finance shall issue such
17 bonds pursuant to the State Bond Act.

18 (5) The proceeds from the sale of bonds issued
19 pursuant to this section, less the costs of issuance, the
20 costs of funding reserve accounts, and other costs with
21 respect to the bonds, shall be deposited into the Florida
22 Forever Trust Fund. The bond proceeds deposited into the
23 Florida Forever Trust Fund shall be distributed by the
24 Department of Environmental Protection as provided in s.
25 259.105.

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

1 beyond the termination of bonding authority provided for in s.
2 9(a)(1), Art. XII of the State Constitution, pursuant to the
3 authority provided by s. 11(e), Art. VII of the State
4 Constitution and shall continue for so long as Preservation
5 2000 bonds or Florida Forever bonds are outstanding and
6 secured by taxes distributable thereto.

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

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

23 Section 7. Section 216.331, Florida Statutes, is
24 amended to read:

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

1 Section 8. Subsection (4) and paragraph (a) of
2 subsection (5) of section 253.027, Florida Statutes, are
3 amended to read:

4 253.027 Emergency archaeological property
5 acquisition.--

6 (4) EMERGENCY ARCHAEOLOGICAL ACQUISITION.--The sum of
7 \$2 million shall be reserved annually ~~segregated in an account~~
8 within the Florida Forever Conservation and Recreation Lands
9 Trust Fund for the purpose of emergency archaeological
10 acquisition ~~for fiscal year 1988-1989, and each year~~
11 ~~thereafter~~. Any portion of that amount ~~the account~~ not spent
12 or obligated by the end of the third quarter of the fiscal
13 year may be used for approved acquisitions pursuant to s.
14 259.105(3)(b) ~~spent for other purposes specified in s.~~
15 ~~259.032, upon approval of the Board of Trustees of the~~
16 ~~Internal Improvement Trust Fund.~~

17 (5) ACCOUNT EXPENDITURES.--

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

21 1. The property is an archaeological property of major
22 statewide significance.

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

26 3. The site is presently on an acquisition list for
27 the Conservation and Recreation Lands or for Florida Forever
28 lands, acquisition list or complies with the criteria for
29 inclusion on any such ~~the~~ list but has yet to be included on
30 the list.

31 4. No other source of immediate funding is available

1 to purchase or otherwise protect the property.

2 5. The site is not otherwise protected by local,
3 state, or federal laws.

4 6. The acquisition is not inconsistent with the state
5 comprehensive plan and the state land acquisition program.

6 Section 9. Paragraph (c) of subsection (7) of section
7 253.03, Florida Statutes, 1998 Supplement, is amended and
8 paragraph (d) is added to said section to read:

9 253.03 Board of trustees to administer state lands;
10 lands enumerated.--

11 (7)

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

1 sovereignty submerged lands.
2 (d) By January 1, 2000, the owners of habitable
3 structures built on or before January 1, 1998, located in
4 conservation areas 2 or 3, on district or state owned lands,
5 the existence or use which will not impede the restoration of
6 the Everglades, whether pursuant to a submerged lease or not,
7 must provide written notification to the South Florida Water
8 Management District of their existence and location, including
9 an identification of the footprint of the structure. This
10 notification will grant the leaseholders an automatic 20 year
11 lease at a reasonable fee established by the district, or the
12 Department of Environmental Protection, as appropriate, to
13 expire on January 1, 2020. Where the structures are located
14 on state owned lands, the South Florida Water Management
15 District shall submit this notification to the Department of
16 Environmental Protection on the owner's behalf. At the
17 expiration of this 20 year lease, the South Florida Water
18 Management District or the Department of Environmental
19 Protection, as appropriate, shall have the right to require
20 that the leaseholder remove the structure if the district
21 determines that the structures or their use are causing harm
22 to the water or land resources of the district, or to renew
23 the lease agreement. The structure of any owner who does not
24 provide notification to the South Florida Water Management
25 District as required under this subsection, shall be
26 considered illegal and subject to immediate removal. Any
27 structure built in any water conservation area after May 1,
28 1999, without necessary permits from the South Florida Water
29 Management District, or the Department of Environmental
30 Protection, as appropriate, shall be considered illegal and
31 subject to removal.

1 Section 10. Subsections (3), (4), (5), (6), and (8) of
2 section 253.034, Florida Statutes, 1998 Supplement, are
3 amended, and subsections (10), (11), and (12) are added to
4 said section, to read:

5 253.034 State-owned lands; uses.--

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

20 (4) No management agreement, lease, or other
21 instrument authorizing the use of lands owned by the Board of
22 Trustees of the Internal Improvement Trust Fund shall be
23 executed for a period greater than is necessary to provide for
24 the reasonable use of the land for the existing or planned
25 life cycle or amortization of the improvements, except that an
26 easement in perpetuity may be granted by the Board of Trustees
27 of the Internal Improvement Trust Fund if the improvement is a
28 transportation facility. An agency managing or leasing
29 state-owned lands from the Board of Trustees of the Internal
30 Improvement Trust Fund may not sublease such lands without
31 prior review by the division and by the Land Acquisition and

1 Management Advisory Council created in s. 259.035 or its
2 successor and approval by the board. The Land Acquisition and
3 Management Advisory Council is not required to review
4 subleases of parcels which are less than 160 acres in size.

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

1 (a) The Division of State Lands shall make available
2 to the public a copy of each land management plan for parcels
3 which exceed 160 acres in size. The council or its successor
4 shall review each plan for compliance with the requirements of
5 this subsection and with the requirements of the rules
6 established by the board pursuant to this subsection. The
7 council or its successor shall also consider the propriety of
8 the recommendations of the managing agency with regard to the
9 future use of the property, the protection of fragile or
10 nonrenewable resources, the potential for alternative or
11 multiple uses not recognized by the managing agency, and the
12 possibility of disposal of the property by the board. After
13 its review, the council or its successor shall submit the
14 plan, along with its recommendations and comments, to the
15 board. The council or its successor shall specifically
16 recommend to the board whether to approve the plan as
17 submitted, approve the plan with modifications, or reject the
18 plan.

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

27 (6) The Board of Trustees of the Internal Improvement
28 Trust Fund shall determine which lands, the title to which is
29 vested in the board, may be surplusued ~~are of no benefit to the~~
30 ~~public and shall dispose of such lands pursuant to law.~~
31 Notwithstanding s. 253.111, for those lands designated as

1 acquired for conservation purposes, the board shall make a
2 determination that the lands are no longer needed for
3 conservation purposes and may dispose of them by a two-thirds
4 vote. For all other lands, the board shall make a
5 determination that the lands are no longer needed and may
6 dispose of them by majority vote.

7 (a) For the purposes of this subsection, all lands
8 acquired by the state prior to July 1, 1999, using proceeds
9 from the Preservation 2000 bonds, the Conservation and
10 Recreation Lands Trust Fund, the Water Management Lands Trust
11 Fund, Environmentally Endangered Lands Program, and the Save
12 Our Coast Program and titled to the board, which lands are
13 identified as core parcels or within original project
14 boundaries, shall be deemed to have been acquired for
15 conservation purposes.

16 (b) For any lands purchased by the state on or after
17 July 1, 1999, a determination shall be made by the board prior
18 to acquisition as to those parcels that shall be designated as
19 having been acquired for conservation purposes. No lands
20 acquired for use by the Department of Corrections, the
21 Department of Management Services for use as state offices,
22 the Department of Transportation, except those specifically
23 managed for conservation or recreation purposes or the State
24 University System or state community college system shall be
25 designated as having been purchased for conservation purposes.

26 (c)(a) At least every 3 5 years, in a form and manner
27 prescribed by rule by the board, each state agency shall
28 indicate to the board those lands which the agency manages
29 which are not being used for the purpose for which they were
30 originally leased. Such lands shall be reviewed by the council
31 or its successor for its recommendation as to whether such

1 lands should be disposed of by the board.

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

8 (e) Prior to any decision by the board to surplus
9 lands, the Acquisition and Restoration Council shall review
10 and make recommendations to the board concerning the request
11 for surplusings. The council shall determine whether the
12 request for surplusings is compatible with the resource values
13 of and management objectives for such lands.

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

1 local government expires. Surplus properties in which
2 governmental agencies have expressed no interest shall then be
3 available for sale on the private market.

4 (g) Lands determined to be surplus pursuant to this
5 subsection shall be sold for fair market value or the price
6 paid by the state or a water management district to originally
7 acquire the lands, whichever is greater, except that the price
8 of lands sold as surplus to any unit of government shall not
9 exceed the price paid by the state or a water management
10 district to originally acquire the lands. A unit of government
11 which acquires title to lands hereunder for less than fair
12 market value may not sell or transfer title to all or any
13 portion of the lands to any private owner for a period of 10
14 years. Any unit of government seeking to transfer or sell
15 lands pursuant to this paragraph shall first allow the board
16 of trustees to reacquire such lands. The board of trustees
17 may reacquire such lands for the price at which they sold such
18 lands.

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

1 ~~placed in the Conservation and Recreation Lands Trust Fund.~~

2 (i) Requests for surplusing may be made by any public
3 or private entity or person. All requests shall be submitted
4 to the lead managing agency for review and recommendation to
5 the council or its successor. Lead managing agencies shall
6 have 90 days to review such requests and make recommendations.
7 Any surplusing requests that have not been acted upon within
8 the 90-day time period shall be immediately scheduled for
9 hearing at the next regularly scheduled meeting of the council
10 or its successor. Requests for surplusing pursuant to this
11 paragraph shall not be required to be offered to local or
12 state governments as provided in paragraph (f).

13 (j) Proceeds from any sale of surplus lands pursuant
14 to this subsection shall be deposited into the fund from which
15 such lands were acquired. However, if the fund from which the
16 lands were originally acquired no longer exists, such proceeds
17 shall be deposited into an appropriate account for use by the
18 lead managing agency for land management.

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

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

27 (8) Land management plans required to be submitted by
28 the Department of Corrections or the Department of Education
29 shall not be subject to the ~~council review~~ provisions for
30 review by the council or its successor described in subsection
31 (5). Management plans filed by these agencies shall be made

1 available to the public for a period of 90 days at the
2 administrative offices of the parcel or project affected by
3 the management plan and at the Tallahassee offices of each
4 agency. Any plans not objected to during the public comment
5 period shall be deemed approved. Any plans for which an
6 objection is filed shall be submitted to the Board of Trustees
7 of the Internal Improvement Trust Fund for consideration. The
8 Board of Trustees of the Internal Improvement Trust Fund shall
9 approve the plan with or without modification, or reject the
10 plan. The use or possession of any such lands which is not in
11 accordance with an approved land management plan is subject to
12 termination by the board.

13 (10) The following additional uses of lands acquired
14 pursuant to the Florida Forever program and other state-funded
15 land purchase programs shall be authorized, upon a finding by
16 the board of trustees, if they meet the criteria specified in
17 paragraphs (a)-(e): water resource development projects, water
18 supply development projects, stormwater management projects,
19 linear facilities, and sustainable agriculture and forestry.
20 Such additional uses are authorized where:

21 (a) Not inconsistent with the management plan for such
22 lands;

23 (b) Compatible with the natural ecosystem and resource
24 values of such lands;

25 (c) The proposed use is appropriately located on such
26 lands and where due consideration is given to the use of other
27 available lands;

28 (d) The using entity reasonably compensates the
29 titleholder for such use based upon an appropriate measure of
30 value; and

31 (e) The use is consistent with the public interest.

1
2 A decision by the board of trustees pursuant to this
3 subsection shall be given a presumption of correctness.
4 Moneys received from the use of state lands pursuant to this
5 subsection shall be returned to the lead managing agency in
6 accordance with the provisions of s. 259.032(11)(d).

7 (11) Lands listed as projects for acquisition may be
8 managed for conservation pursuant to s. 259.032, on an interim
9 basis by a private party in anticipation of a state purchase
10 in accordance with a contractual arrangement between the
11 acquiring agency and the private party that may include
12 management service contracts, leases, cost share arrangements
13 or resource conservation agreements. Lands designated as
14 eligible under this subsection shall be managed to maintain or
15 enhance the resources the state is seeking to protect by
16 acquiring the land. Funding for these contractual
17 arrangements may originate from the documentary stamp tax
18 revenue deposited into the Conservation and Recreation Lands
19 Trust Fund and Water Management Lands Trust Fund. No more
20 than five percent of funds allocated under the trust funds
21 shall be expended for this purpose.

22 (12) Any lands available to governmental employees,
23 including water management district employees, for hunting or
24 other recreational purposes shall also be made available to
25 the general public for such purposes.

26 Section 11. Paragraph (a) of subsection (4) of section
27 253.7825, Florida Statutes is amended to read:

28 253.7825 Recreational uses.--

29 (4)(a) A horse park-agricultural center may be
30 constructed by or on behalf of the Florida Department of
31 Agriculture and Consumer Services on not more than 500 ~~250~~

1 acres of former canal lands ~~which meet the criteria for~~
2 ~~surplus lands and which lie outside the greenways boundary.~~

3 Section 12. Section 259.03, Florida Statutes, is
4 amended to read:

5 259.03 Definitions.--The following terms and phrases
6 when used in this chapter ~~ss. 259.01-259.06~~ shall have the
7 meaning ascribed to them in this section, except where the
8 context clearly indicates a different meaning:

9 (1) "Council" means that council established pursuant
10 to s. 259.035.

11 ~~(2) "State capital projects for environmentally~~
12 ~~endangered lands" means a state capital project, as required~~
13 ~~by s. 11(a), Art. VII of the State Constitution, which shall~~
14 ~~have as its purpose the conservation and protection of~~
15 ~~environmentally unique and irreplaceable lands as valued~~
16 ~~ecological resources of this state.~~

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

21 (2)(4) "Board" means the Governor and Cabinet, as the
22 Board of Trustees of the Internal Improvement Trust Fund.

23 (3) "Capital improvement" means those activities
24 relating to the acquisition, restoration, public access, and
25 recreational uses of such lands, water areas, and related
26 resources deemed necessary to accomplish the purposes of this
27 chapter. Eligible activities include, but are not limited to:
28 the initial removal of invasive plants; the construction,
29 improvement, enlargement or extension of facilities' signs,
30 firelanes, access roads, and trails; or any other activities
31 that serve to restore, conserve, protect, or provide public

1 access, recreational opportunities, or necessary services for
2 land or water areas. Such activities shall be identified prior
3 to the acquisition of a parcel or the approval of a project.
4 The continued expenditures necessary for a capital improvement
5 approved under this subsection shall not be eligible for
6 funding provided in this chapter.

7 (4) "Department" means the Department of Environmental
8 Protection.

9 (5) "Division" means the Division of Bond Finance of
10 the State Board of Administration.

11 (6) "Water resource development project" means a
12 project eligible for funding pursuant to s. 259.105 that
13 increases the amount of water available to meet the needs of
14 natural systems and the citizens of the state by enhancing or
15 restoring aquifer recharge, facilitating the capture and
16 storage of excess flows in surface waters, or promoting reuse.
17 The implementation of eligible projects under s. 259.105
18 includes land acquisition, land and water body restoration,
19 aquifer storage and recovery facilities, surface water
20 reservoirs, and other capital improvements. The term does not
21 include construction of treatment, transmission, or
22 distribution facilities.

23 Section 13. Subsections (1), (2), (3), (7), (8), (9),
24 (10), (11), (12), and (16) of section 259.032, Florida
25 Statutes, is amended to read:

26 259.032 Conservation and Recreation Lands Trust Fund;
27 purpose.--

28 (1) It is the policy of the state that the citizens of
29 this state shall be assured public ownership of natural areas
30 for purposes of maintaining this state's unique natural
31 resources; protecting air, land, and water quality; promoting

1 water resource development to meet the needs of natural
2 systems and citizens of this state; promoting restoration
3 activities on public lands;and providing lands for natural
4 resource based recreation. In recognition of this policy, it
5 is the intent of the Legislature to provide such public lands
6 for the people residing in urban and metropolitan areas of the
7 state,as well as those residing in less populated, rural
8 areas.†It is the further intent of the Legislature, with
9 regard to the lands described in paragraph (3)(c), that a high
10 priority be given to the acquisition of such lands in or near
11 counties exhibiting the greatest concentration of population
12 and, with regard to the lands described in subsection (3),
13 that a high priority be given to acquiring lands or rights or
14 interests in lands within any area designated as an area of
15 critical state concern under s. 380.05 which, in the judgment
16 of the advisory council established pursuant to s. 259.035, or
17 its successor,cannot be adequately protected by application
18 of land development regulations adopted pursuant to s. 380.05.
19 Finally, it is the Legislature's intent that lands acquired
20 through this program and any successor programs be managed in
21 such a way as to protect or restore their natural resource
22 values, and provide the greatest benefit, including public
23 access, to the citizens of this state.

24 (2)(a) The Conservation and Recreation Lands Trust
25 Fund is established within the Department of Environmental
26 Protection. The fund shall be used as a nonlapsing, revolving
27 fund exclusively for the purposes of this section. The fund
28 shall be credited with proceeds from the following excise
29 taxes:

30 1. The excise taxes on documents as provided in s.
31 201.15; and

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

3
4 The Department of Revenue shall credit to the fund each month
5 the proceeds from such taxes as provided in this paragraph.

6 (b) There shall annually be transferred from the
7 Conservation and Recreation Lands Trust Fund to the Land
8 Acquisition Trust Fund that amount, not to exceed \$20 million
9 annually, as shall be necessary to pay the debt service on, or
10 fund debt service reserve funds, rebate obligations, or other
11 amounts with respect to bonds issued pursuant to s. 375.051 to
12 acquire lands on the established priority list developed
13 pursuant to this section as determined by the advisory council
14 pursuant to s. 259.035; however, no moneys transferred to the
15 Land Acquisition Trust Fund pursuant to this paragraph, or
16 earnings thereon, shall be used or made available to pay debt
17 service on the Save Our Coast revenue bonds. Amounts
18 transferred annually from the Conservation and Recreation
19 Lands Trust Fund to the Land Acquisition Trust Fund pursuant
20 to this paragraph shall have the highest priority over other
21 payments or transfers from the Conservation and Recreation
22 Lands Trust Fund, and no other payments or transfers shall be
23 made from the Conservation and Recreation Lands Trust Fund
24 until such transfers to the Land Acquisition Trust Fund have
25 been made. Effective July 1, 2001, moneys in the Conservation
26 and Recreation Lands Trust Fund also shall be used to manage
27 lands and to pay for related costs, activities, and functions
28 pursuant to the provisions of this section.

29 (3) The Governor and Cabinet, sitting as the Board of
30 Trustees of the Internal Improvement Trust Fund, may allocate
31 moneys from the fund in any one year to acquire the fee or any

1 lesser interest in lands for the following public purposes:

2 (a) To conserve and protect environmentally unique and
3 irreplaceable lands that contain native, relatively unaltered
4 flora and fauna representing a natural area unique to, or
5 scarce within, a region of this state or a larger geographic
6 area;

7 (b) To conserve and protect lands within designated
8 areas of critical state concern, if the proposed acquisition
9 relates to the natural resource protection purposes of the
10 designation;

11 (c) To conserve and protect native species habitat or
12 endangered or threatened species, emphasizing long-term
13 protection for endangered or threatened species designated G-1
14 or G-2 by the Florida Natural Areas Inventory, and especially
15 those areas that are special locations for breeding and
16 reproduction;

17 (d) To conserve, protect, manage, or restore important
18 ecosystems, landscapes, and forests, if the protection and
19 conservation of such lands is necessary to enhance or protect
20 significant surface water, groundwater, coastal, recreational,
21 timber, or fish or wildlife resources which cannot otherwise
22 be accomplished through local and state regulatory programs;

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

25 (f) To facilitate the restoration and subsequent
26 health and vitality of the Florida Everglades;

27 (g)(e) To provide areas, including recreational
28 trails, for natural resource based recreation and other
29 outdoor recreation on any part of any site compatible with
30 conservation purposes;

31 (h)(f) To preserve significant archaeological or

1 historic sites; or

2 (i)~~(g)~~ To conserve urban open spaces suitable for
3 greenways or outdoor recreation which are compatible with
4 conservation purposes.

5 (7) The board of trustees may enter into any contract
6 necessary to accomplish the purposes of this section. The lead
7 land managing agencies designated by the board of trustees
8 also are directed by the Legislature to enter into contracts
9 or interagency agreements with other governmental entities,
10 including local soil and water conservation districts, or
11 private land managers who have the expertise to perform
12 specific management activities which a lead agency lacks, or
13 which would cost more to provide in-house. Such activities
14 shall include, but not be limited to, controlled burning, road
15 and ditch maintenance, mowing, and wildlife assessments.

16 (8) Lands to be considered for purchase under this
17 section are subject to the selection procedures of s. 259.035
18 and related rules and shall be acquired in accordance with
19 acquisition procedures for state lands provided for in s.
20 259.041, except as otherwise provided by the Legislature. An
21 inholding or an addition to a project selected for purchase
22 pursuant to this chapter ~~or s. 259.035~~ is not subject to the
23 selection procedures of s. 259.035 if the estimated value of
24 such inholding or addition does not exceed \$500,000. When at
25 least 90 percent of the acreage of a project has been
26 purchased pursuant to this chapter ~~or s. 259.035~~, the project
27 may be removed from the list and the remaining acreage may
28 continue to be purchased. Moneys from the fund may be used for
29 title work, appraisal fees, environmental audits, and survey
30 costs related to acquisition expenses for lands to be
31 acquired, donated, or exchanged which qualify under the

1 categories of this section, at the discretion of the board.
2 When the Legislature has authorized the Department of
3 Environmental Protection to condemn a specific parcel of land
4 and such parcel has already been approved for acquisition
5 under this section, the land may be acquired in accordance
6 with the provisions of chapter 73 or chapter 74, and the fund
7 may be used to pay the condemnation award and all costs,
8 including a reasonable attorney's fee, associated with
9 condemnation.

10 (9)(a) All lands managed under this chapter and s.
11 253.034 section shall be:

12 (a)1. Managed in a manner that will provide the
13 greatest combination of benefits to the public and to the
14 resources.

15 (b)2. Managed for public outdoor recreation which is
16 compatible with the conservation and protection of public
17 lands. Such management may include, but not be limited to, the
18 following public recreational uses: fishing, hunting,
19 camping, bicycling, hiking, nature study, swimming, boating,
20 canoeing, horseback riding, diving, model hobbyist activities,
21 birding, sailing, jogging, and other related outdoor
22 activities compatible with the purposes for which the lands
23 were acquired.

24 (c)3. Managed for the purposes for which the lands
25 were acquired, consistent with paragraph (11)(a).

26
27 ~~Management may include the following public uses: fishing,~~
28 ~~hunting, camping, bicycling, hiking, nature study, swimming,~~
29 ~~boating, canoeing, horseback riding, diving, birding, sailing,~~
30 ~~jogging, and other related outdoor activities.~~

31 (d)(b)1. Concurrent with its adoption of the annual

1 Conservation and Recreation ~~Recreational~~ Lands list of
2 acquisition projects pursuant to s. 259.035, the board of
3 trustees shall adopt a management prospectus for each project.
4 The management prospectus shall delineate:
5 1. The management goals for the property;
6 2. The conditions that will affect the intensity of
7 management;
8 3. An estimate of the revenue-generating potential of
9 the property, if appropriate;
10 4. A timetable for implementing the various stages of
11 management and for providing access to the public, if
12 applicable;
13 5. A description of potential multiple-use activities
14 as described in this section and s. 253.034;
15 6. Provisions for protecting existing infrastructure
16 and for ensuring the security of the project upon acquisition;
17 7. The anticipated costs of management and projected
18 sources of revenue, including legislative appropriations, to
19 fund management needs; and
20 8. Recommendations as to how many employees will be
21 needed to manage the property, ~~and~~ recommendations as to
22 whether local governments, volunteer groups, the former
23 landowner, or other interested parties can be involved in the
24 management.
25 (e)2. Concurrent with the approval of the acquisition
26 contract pursuant to s. 259.041(3)(c) for any interest in
27 lands, the board of trustees shall designate an agency or
28 agencies to manage such lands and shall evaluate and amend, as
29 appropriate, the management policy statement for the project
30 as provided by s. 259.035, consistent with the purposes for
31 which the lands are acquired. For any fee simple acquisition

1 of a parcel which is or will be leased back for agricultural
2 purposes, or any acquisition of a less-than-fee interest in
3 land that is or will be used for agricultural purposes, the
4 Board of Trustees of the Internal Improvement Trust Fund shall
5 first consider having a soil and water conservation district,
6 created pursuant to chapter 582, manage and monitor such
7 interests.

8 (f)~~3~~. State agencies designated to manage lands
9 acquired under this chapter may contract with local
10 governments and soil and water conservation districts to
11 assist in management activities, including the responsibility
12 of being the lead land manager. Such land management
13 contracts may include a provision for the transfer of
14 management funding to the local government or soil and water
15 conservation district from the Conservation and Recreation
16 Lands Trust Fund in an amount adequate for the local
17 government or soil and water conservation district to perform
18 its contractual land management responsibilities and
19 proportionate to its responsibilities, and which otherwise
20 would have been expended by the state agency to manage the
21 property.

22 (g)~~4~~. Immediately following the acquisition of any
23 interest in lands under this chapter, the Department of
24 Environmental Protection, acting on behalf of the board of
25 trustees, may issue to the lead managing entity an interim
26 assignment letter to be effective until the execution of a
27 formal lease.

28 (10)(a) State, regional, or local governmental
29 agencies or private entities designated to manage lands under
30 this section shall develop and adopt, with the approval of the
31 board of trustees, an individual management plan for each

1 project designed to conserve and protect such lands and their
2 associated natural resources. Private sector involvement in
3 management plan development may be used to expedite the
4 planning process.

5 (b) Beginning fiscal year 1998-1999, Individual
6 management plans required by s. 253.034(5)(4), for parcels
7 over 160 acres, shall be developed with input from an advisory
8 group. Members of this advisory group shall include, at a
9 minimum, representatives of the lead land managing agency,
10 comanaging entities, local private property owners, the
11 appropriate soil and water conservation district, a local
12 conservation organization, and a local elected official. The
13 advisory group shall conduct at least one public hearing
14 within the county in which the parcel or project is located.
15 For those parcels or projects that are within more than one
16 county, at least one areawide public hearing shall be
17 acceptable and the lead managing agency shall invite a local
18 elected official from each county. The areawide public hearing
19 shall be held in the county in which the core parcels are
20 located. Notice of such public hearing shall be posted on the
21 parcel or project designated for management, advertised in a
22 paper of general circulation, and announced at a scheduled
23 meeting of the local governing body before the actual public
24 hearing. The management prospectus required pursuant to
25 paragraph (9)(d)(b) shall be available to the public for a
26 period of 30 days prior to the public hearing.

27 (c) Once a plan is adopted, the managing agency or
28 entity shall update the plan at least every 5 years in a form
29 and manner prescribed by rule of the board of trustees. Such
30 updates, for parcels over 160 acres, shall be developed with
31 input from an advisory group. Such plans may include transfers

1 of leasehold interests to appropriate conservation
2 organizations or governmental entities designated by the Land
3 Acquisition and Management Advisory Council or its successor,
4 for uses consistent with the purposes of the organizations and
5 the protection, preservation, conservation, restoration, and
6 proper management of the lands and their resources. Volunteer
7 management assistance is encouraged, including, but not
8 limited to, assistance by youths participating in programs
9 sponsored by state or local agencies, by volunteers sponsored
10 by environmental or civic organizations, and by individuals
11 participating in programs for committed delinquents and
12 adults.

13 (d) For each project for which lands are acquired
14 after July 1, 1995, an individual management plan shall be
15 adopted and in place no later than 1 year after the essential
16 parcel or parcels identified in the annual Conservation and
17 Recreation Lands report prepared pursuant to s. 259.035(2)(a)
18 have been acquired. Beginning in fiscal year 1998-1999, the
19 Department of Environmental Protection shall distribute only
20 75 percent of the acquisition funds to which a budget entity
21 or water management district would otherwise be entitled from
22 the Preservation 2000 Trust Fund to any budget entity or any
23 water management district that has more than one-third of its
24 management plans overdue.

25 (e)~~(a)~~ Individual management plans shall conform to
26 the 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 2. Key management activities necessary to preserve and

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

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

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

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

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

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

22 ~~(f)(b)~~ The Division of State Lands shall submit a copy
23 of each individual management plan for parcels which exceed
24 160 acres in size to each member of the Land Acquisition and
25 Management Advisory Council or its successor, which shall:-

26 1. ~~The council shall,~~ Within 60 days after receiving a
27 plan from the division, review each plan for compliance with
28 the requirements of this subsection and with the requirements
29 of the rules established by the board pursuant to this
30 subsection.

31 2. ~~The council shall also~~ Consider the propriety of

1 the recommendations of the managing agency with regard to the
2 future use or protection of the property.

3 3. After its review, ~~the council shall~~ submit the
4 plan, along with its recommendations and comments, to the
5 board of trustees, with recommendations as to. ~~The council~~
6 ~~shall specifically recommend to the board of trustees~~ whether
7 to approve the plan as submitted, approve the plan with
8 modifications, or reject the plan.

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

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

25 (11)(a) The Legislature recognizes that acquiring
26 lands pursuant to this chapter serves the public interest by
27 protecting land, air, and water resources which contribute to
28 the public health and welfare, providing areas for natural
29 resource based recreation, and ensuring the survival of unique
30 and irreplaceable plant and animal species. The Legislature
31 intends for these lands to be managed and maintained for the

1 purposes for which they were acquired and for the public to
2 have access to and use of these lands where it is consistent
3 with acquisition purposes and would not harm the resources the
4 state is seeking to protect on the public's behalf.

5 (b) An amount up to 1.5 percent of the cumulative
6 total of funds ever deposited into the Florida Preservation
7 2000 Trust Fund and the Florida Forever Trust Fund shall be
8 made available for the purposes of management, maintenance,
9 and capital improvements not eligible for funding pursuant to
10 s. 11(e), Art. VII of the State Constitution, and for
11 associated contractual services, for lands acquired pursuant
12 to this section, and s. 259.101, s. 259.105, or previous
13 programs for the acquisition of lands for conservation and
14 recreation, including state forests, to which title is vested
15 in the board of trustees. Of this amount, \$250,000 shall be
16 transferred annually to the Plant Industry Trust Fund within
17 the Department of Agriculture and Consumer Services for the
18 purpose of implementing the Endangered or Threatened Native
19 Flora Conservation Grants Program pursuant to s. 581.185(11).

20 Each agency with management responsibilities shall annually
21 request from the Legislature funds sufficient to fulfill such
22 responsibilities. For the purposes of this paragraph, capital
23 improvements shall include, but need not be limited to,
24 perimeter fencing, signs, firelanes, access roads and trails,
25 and minimal public accommodations, such as primitive
26 campsites, garbage receptacles, and toilets. Any equipment
27 purchased with funds provided pursuant to this paragraph may
28 be used for the purposes described in this paragraph on any
29 conservation and recreation lands managed by a state agency.

30 (c) In requesting funds provided for in paragraph (b)
31 for long-term management of all acquisitions pursuant to this

1 chapter and for associated contractual services, the managing
2 agencies shall recognize the following categories of land
3 management needs:

4 1. Lands which are low-need tracts, requiring basic
5 resource management and protection, such as state reserves,
6 state preserves, state forests, and wildlife management areas.
7 These lands generally are open to the public but have no more
8 than minimum facilities development.

9 2. Lands which are moderate-need tracts, requiring
10 more than basic resource management and protection, such as
11 state parks and state recreation areas. These lands generally
12 have extra restoration or protection needs, higher
13 concentrations of public use, or more highly developed
14 facilities.

15 3. Lands which are high-need tracts, with identified
16 needs requiring unique site-specific resource management and
17 protection. These lands generally are sites with historic
18 significance, unique natural features, or very high intensity
19 public use, or sites that require extra funds to stabilize or
20 protect resources, such as lands with heavy infestations of
21 nonnative, invasive plants.

22
23 In evaluating the management funding needs of lands based on
24 the above categories, the lead land managing agencies shall
25 include in their considerations the impacts of, and needs
26 created or addressed by, multiple-use management strategies.

27 (d) All revenues generated through multiple-use
28 management or compatible secondary-use management shall be
29 returned to the lead agency responsible for such management
30 and shall be used to pay for management activities on all
31 conservation, preservation, and recreation lands under the

1 agency's jurisdiction. In addition, such revenues shall be
2 segregated in an agency trust fund and shall remain available
3 to the agency in subsequent fiscal years to support land
4 management appropriations. For the purposes of this paragraph,
5 compatible secondary-use management shall be those activities
6 described in subsection (9) undertaken on parcels designated
7 as single use pursuant to s. 253.034(2)(b).

8 (e) Up to one-fifth of the funds provided for in
9 paragraph (b) shall be reserved by the board of trustees for
10 interim management of acquisitions and for associated
11 contractual services, to ensure the conservation and
12 protection of natural resources on project sites and to allow
13 limited public recreational use of lands. Interim management
14 activities may include, but not be limited to, resource
15 assessments, control of invasive, nonnative ~~exotic~~ species,
16 habitat restoration, fencing, law enforcement, controlled
17 burning, and public access consistent with preliminary
18 determinations made pursuant to paragraph (9)(g)(~~b~~). The
19 board of trustees shall make these interim funds available
20 immediately upon purchase.

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

1 (12)(a) Beginning July 1, 1999 in fiscal year
2 ~~1994-1995, the Legislature shall make available sufficient~~
3 ~~funds annually from not more than 3.75 percent of the~~
4 ~~Conservation and Recreation Lands Trust Fund shall be made~~
5 ~~available annually~~ to the department for payment in lieu of
6 taxes to qualifying counties, ~~cities,~~ and local governments as
7 defined in paragraph (b) for all actual tax losses incurred as
8 a result of board of trustees acquisitions for state agencies
9 under the Florida Forever program or the Florida Preservation
10 2000 program during any year. Reserved funds not used for
11 payments in lieu of taxes in any year shall revert to the fund
12 to be used for land acquisition in accordance with the
13 provisions of this section.

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

15 1. To all counties that have a population of 150,000
16 or less and in which the amount of the tax loss from all
17 completed Preservation 2000 and Florida Forever acquisitions
18 in the county exceeds 0.01 percent of the county's total
19 taxable value. Population levels shall be determined pursuant
20 to s. 11.031. ~~To counties which levy an ad valorem tax of at~~
21 ~~least 8.25 mills or the amount of the tax loss from all~~
22 ~~completed Preservation 2000 acquisitions in the county exceeds~~
23 ~~0.01 percent of the county's total taxable value, and have a~~
24 ~~population of 75,000 or less.~~

25 2. To all local governments located in eligible
26 counties. ~~To counties with a population of less than 100,000~~
27 ~~which contain all or a portion of an area of critical state~~
28 ~~concern designated pursuant to chapter 380 and to local~~
29 ~~governments within such counties.~~

30 3. To Glades county, where a privately owned and
31 operated prison leased to the state has recently been opened

1 and where privately owned and operated juvenile justice
2 facilities leased to the state have recently been constructed
3 and opened, a payment in lieu of taxes, in an amount that
4 offsets the loss of property tax revenue, which funds have
5 already been appropriated and allocated from the Department of
6 Correction's budget for the purpose of reimbursing amounts
7 equal to lost ad valorem taxes.

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

14
15 ~~For the purposes of this paragraph, "local government"~~
16 ~~includes municipalities, the county school board, mosquito~~
17 ~~control districts, and any other local government entity which~~
18 ~~levies ad valorem taxes, with the exception of a water~~
19 ~~management district.~~

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

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

31 ~~(d)(e)~~ The payment amount shall be based on the

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

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

30 (f)~~(g)~~ If the board of trustees conveys to a local
31 government title to any land owned by the board, any payments

1 in lieu of taxes on the land made to the local government
2 shall be discontinued as of the date of the conveyance.

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

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

18 Section 14. Section 259.0345, Florida Statutes, is
19 created to read:

20 259.0345 Florida Forever Advisory Council.--

21 (1)(a) There is hereby created the Florida Forever
22 Advisory Council, consisting of seven residents of this state
23 who shall be appointed by the Governor. The appointments
24 shall include one member from within the geographic boundaries
25 of each water management district who has resided in the
26 district for at least 1 year. The remaining appointments
27 shall come from the state at large. The membership of the
28 council shall be representative of agriculture, the
29 development community, local government, the environmental
30 community, and the scientific and technical community who have
31 substantial experience in areas of land, water, and wildlife

1 management and other related areas.

2 (b) The members appointed by the Governor shall serve
3 4-year terms, except that, initially, to provide for staggered
4 terms, three of the appointees shall serve 2-year terms. No
5 appointee shall serve more than 6 years. The Governor may at
6 any time fill a vacancy for the unexpired term of a member
7 appointed under paragraph (a).

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

16 (d) No person who is or has been a lobbyist as defined
17 in s. 112.3148, at any time during the 24 months preceding
18 appointment to the council, for any entity whose interests
19 could be affected by actions or decisions of the council,
20 shall be appointed to the council.

21 (e) Appointments shall be made by August 15, 1999, and
22 the council's first meeting shall be held by September 15,
23 1999. Beginning, January 1, 2000, the council shall, at a
24 minimum, meet twice a year.

25 (2) The Governor shall appoint the chair of the
26 council, and a vice chair shall be elected from among the
27 voting members.

28 (3) Each member of the council shall receive \$75 per
29 day while engaged in the business of the council, as well as
30 expenses and per diem for travel, including attendance at
31 meetings, as provided in s. 112.061.

1 (4) The department shall provide primary staff support
2 to the council and shall ensure that council meetings are
3 electronically recorded. Such recordings shall be preserved
4 pursuant to chapters 119 and 257. The department may adopt
5 any rule or form necessary to implement this section.

6 (5) The department shall execute a contract with the
7 Florida Natural Areas Inventory for the scientific assistance
8 necessary to fulfill the requirements of this section.

9 (6) The department may request the assistance of other
10 state agencies, water management districts, or universities to
11 provide information or expertise to the council.

12 (7) The council shall provide a report, by November 1,
13 2000, to the Secretary of Environmental Protection, who shall
14 forward the report to the board of trustees for their
15 approval. After approval by the board of trustees the
16 secretary shall forward the approved report to the President
17 of the Senate and the Speaker of the House of Representatives,
18 at least 30 days prior to the 2001 Regular Legislative
19 Session, for review by the appropriate legislative committees
20 with jurisdiction over the department. The Legislature may
21 reject, modify, or take no action relative to the goals and
22 performance measures established by the report. If no action
23 is taken the goals and performance measures shall be
24 implemented. The report shall meet the following
25 requirements:

26 (a) Establish specific goals for those identified in
27 s. 259.105(4).

28 (b) Provide recommendations expanding or refining the
29 goals identified in s. 259.105(4).

30 (c) Provide recommendations for the development and
31 identification of performance measures to be used for

1 analyzing the progress made towards the goals established
2 pursuant to s. 259.105(4).

3 (d) Provide recommendations for the process by which
4 projects are to be submitted, reviewed, and approved by the
5 Acquisition and Restoration Council. The advisory council is
6 to specifically examine ways to streamline the process created
7 by the Florida Forever Act.

8 (8) The council shall provide a report, at least 30
9 days prior to the regular legislative sessions in the
10 following years: 2002, 2004, 2006 and 2008. The report shall
11 be provided to the Secretary of Environmental Protection, who
12 shall forward the report to the board of trustees for their
13 approval. After approval by the board of trustees, the
14 secretary shall forward the approved report to the President
15 of the Senate and the Speaker of the House of Representatives.
16 The report shall provide: recommendations for adjusting or
17 expanding the goals detailed in s. 259.105(4); recommendations
18 for adjusting the percentage distributions detailed in s.
19 259.105(3); and recommendations concerning other aspects of
20 the Florida Forever Act.

21 (9) The reports required pursuant to subsections (7)
22 and (8) are to be based upon and developed through:

23 (a) Comments received during public hearings, in
24 different areas of the state, held for the purpose of
25 gathering public input and recommendations.

26 (b) Evaluations of Florida's existing public land
27 acquisition programs for conservation, preservation, and
28 recreational purposes, including those administered by the
29 water management districts and the Department of Community
30 Affairs, to determine the extent of Florida's unmet needs for
31 restoration, acquisition, and management of public lands and

1 water areas and for acquisition of privately owned lands and
2 water areas.

3 (c) Material and data developed by the Florida Natural
4 Areas Inventory concerning Florida's conservation lands.

5 Section 15. There is hereby appropriated the sum of
6 \$150,000 from the Conservation and Recreation Lands Trust Fund
7 and the sum of \$150,000 from the Water Management Lands Trust
8 Fund to the Department of Environmental Protection for fiscal
9 year 1999-2000 to fund the expenses of the Florida Forever
10 Advisory Council. Of this appropriation the Florida Natural
11 Areas Inventory shall receive no less than \$50,000 for the
12 contractual services required under s. 259.035(5), Florida
13 Statutes.

14 Section 16. Effective March 1, 2000, section 259.035,
15 Florida Statutes, 1998 Supplement, is amended to read:

16 (Substantial rewording of section. See s. 259.035,
17 F.S., 1998 Supp., for present text.)

18 259.035 Acquisition and Restoration Council.--

19 (1) There is created, effective March 1, 2000, the
20 Acquisition and Restoration Council.

21 (a) The council shall be composed of nine voting
22 members, four of whom shall be appointed by the Governor.
23 These four appointees shall be from scientific disciplines
24 related to land, water or environmental sciences. They shall
25 serve 4-year terms, except that, initially, to provide for
26 staggered terms, two of the appointees shall serve 2-year
27 terms. All subsequent appointments shall be for 4-year terms.
28 No appointee shall serve more than 6 years. The Governor may
29 at any time fill a vacancy for the unexpired term of a member
30 appointed under this paragraph.

31 (b) The five remaining appointees shall be composed of

1 the secretary of the department, the director of the Division
2 of Forestry of the Department of Agriculture and Consumer
3 Services, the executive director of the Fish and Wildlife
4 Conservation Commission, the director of the Division of
5 Historial Resources of the Department of State, and the
6 Secretary of Department of Community Affairs, or their
7 respective designees.

8 (c) The Governor shall appoint the chair of the
9 council, and a vice chair shall be elected from among the
10 members.

11 (d) The council shall hold periodic meetings at the
12 request of the chair.

13 (e) The Department of Environmental Protection shall
14 provide primary staff support to the council and shall ensure
15 that council meetings are electronically recorded. Such
16 recording shall be preserved pursuant to chapters 119 and 257.

17 (f) The department has authority to adopt rules
18 pursuant to ss. 120.536(1) and 120.54 to implement the
19 provisions of this section.

20 (2) The four members of the council appointed by the
21 Governor shall receive \$75 per day while engaged in the
22 business of the council, as well as expenses and per diem for
23 travel, including attendance at meetings, as allowed state
24 officers and employees while in the performance of their
25 duties, pursuant to s. 112.061.

26 (3) The council shall provide assistance to the board
27 of trustees in reviewing the recommendations and plans for
28 state-owned lands required under s. 253.034. The council
29 shall, in reviewing such recommendations and plans, consider
30 the optimization of multiple-use and conservation strategies
31 to accomplish the provisions funded pursuant to s.

1 259.101(3)(a). Such funds shall only be used to acquire lands
2 identified in the annual Conservation and Recreation Lands
3 list approved by the board of trustees in the year 2000.

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

6 259.036 Management review teams.--

7 (2) The land management review team shall review
8 select parcels of managed land prior to the date the managing
9 agency is required to submit its 5-year land management plan
10 update. A copy of the review shall be provided to the
11 managing agency, the Division of State Lands, and the Land
12 Acquisition and Management Advisory Council or its successor.

13 The managing agency shall consider the findings and
14 recommendations of the land management review team in
15 finalizing the required 5-year update of its management plan.

16 Section 18. Subsection (1) of section 259.04, Florida
17 Statutes, is amended to read:

18 259.04 Board; powers and duties.--

19 (1) For ~~state capital~~ projects and acquisitions
20 selected for purchase pursuant to ss. 259.034, 259.035, and
21 259.101, and 259.105:

22 (a) The board is given the responsibility, authority,
23 and power to develop and execute a comprehensive, statewide
24 5-year plan to conserve, restore, and protect environmentally
25 endangered lands, ecosystems, lands necessary for outdoor
26 recreational needs, and other lands as identified in ss.

27 259.032, and 259.101, and 259.105. This plan shall be kept
28 current through continual reevaluation and revision. The
29 advisory council or its successor shall assist the board in
30 the development, reevaluation, and revision of the plan.

31 (b) The board may enter into contracts with the

1 government of the United States or any agency or
2 instrumentality thereof; the state or any county,
3 municipality, district authority, or political subdivision; or
4 any private corporation, partnership, association, or person
5 providing for or relating to the conservation or protection of
6 certain lands in accomplishing the purposes of this chapter
7 ~~ss. 259.01-259.06.~~

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

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

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

23 Section 19. Subsections (1) and (3), paragraph (e) of
24 subsection (7), and present subsection (14) of section
25 259.041, Florida Statutes, 1998 Supplement, are amended,
26 subsections (11) through (18) are renumbered as subsections
27 (12) through (19), respectively, and a new subsection (11) is
28 added to said section, to read:

29 259.041 Acquisition of state-owned lands for
30 preservation, conservation, and recreation purposes.--

31 (1) Neither the Board of Trustees of the Internal

Amendment No. ____ (for drafter's use only)

1 Improvement Trust Fund nor its duly authorized agent shall
2 commit the state, through any instrument of negotiated
3 contract or agreement for purchase, to the purchase of lands
4 with or without appurtenances unless the provisions of this
5 section have been fully complied with. However, the board of
6 trustees may waive any requirement of this section, except the
7 requirements of subsections (3), ~~(13)~~, ~~and (14)~~, and (15); or,
8 notwithstanding chapter 120, may waive any rules adopted
9 pursuant to this section, except rules adopted pursuant to
10 subsections (3), ~~(13)~~, ~~and (14)~~, and (15); or may substitute
11 other reasonably prudent procedures, provided the public's
12 interest is reasonably protected. The title to lands acquired
13 pursuant to this section shall vest in the board of trustees
14 as provided in s. 253.03(1), unless otherwise provided by law.
15 All such lands, title to which is vested in the board of
16 trustees pursuant to this section, shall be administered
17 pursuant to the provisions of s. 253.03.

18 (3) No agreement to acquire real property for the
19 purposes described in this chapter, chapter 260, or chapter
20 375, title to which will vest in the board of trustees, may
21 bind the state unless and until the agreement has been
22 reviewed and approved by the Department of Environmental
23 Protection as complying with the requirements of this section
24 and any rules adopted pursuant to this section. ~~However,~~
25 ~~review and approval of agreements for acquisitions for Florida~~
26 ~~Greenways and Trails Program properties pursuant to chapter~~
27 ~~260 may be waived by the department in any contract with~~
28 ~~nonprofit corporations who have agreed to assist the~~
29 ~~department with this program.~~ Where any of the following
30 conditions exist, the agreement shall be submitted to and
31 approved by the board of trustees:

1 (a) The purchase price agreed to by the seller exceeds
2 the value as established pursuant to the rules of the board of
3 trustees;

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

6 (c) The acquisition is the initial purchase in a
7 project; or

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

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

25 (7) Prior to approval by the board of trustees or,
26 when applicable, the Department of Environmental Protection,
27 of any agreement to purchase land pursuant to this chapter,
28 chapter 260, or chapter 375, and prior to negotiations with
29 the parcel owner to purchase any other land, title to which
30 will vest in the board of trustees, an appraisal of the parcel
31 shall be required as follows:

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

31

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

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

29 1. Allow more lands to be brought under public
30 protection for preservation, conservation, and recreational
31 purposes with less expenditure of public funds.

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

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

6
7 Therefore, it is the intent of the Legislature that public
8 land acquisition agencies develop programs to pursue
9 alternatives to fee simple acquisition and to educate private
10 landowners about such alternatives and the benefits of such
11 alternatives. It is also the intent of the Legislature that a
12 portion of the shares of Preservation 2000 and Florida Forever
13 bond proceeds be used to purchase eligible properties using
14 alternatives to fee simple acquisition.

15 (b) All project applications shall identify, within
16 their acquisition plans, those projects which require a full
17 fee simple interest to achieve the public policy goals,
18 together with the reasons full title is determined to be
19 necessary. The state agencies and the water management
20 districts may use alternatives to fee simple acquisition to
21 bring the remaining projects in their acquisition plans under
22 public protection. For the purposes of this subsection, the
23 term "alternatives to fee simple acquisition" includes, but is
24 not limited to: purchase of development rights; obtaining
25 conservation easements; obtaining flowage easements; purchase
26 of timber rights, mineral rights, or hunting rights; purchase
27 of agricultural interests or silvicultural interests; entering
28 into land protection agreements as defined in s. 380.0677(5);
29 fee simple acquisitions with reservations; creating life
30 estates; or any other acquisition technique which achieves the
31 public policy goals listed in paragraph (a). It is presumed

1 that a private landowner retains the full range of uses for
2 all the rights or interests in the landowner's land which are
3 not specifically acquired by the public agency. The lands upon
4 which hunting rights are specifically acquired pursuant to
5 this paragraph shall be available for hunting in accordance
6 with the management plan or hunting regulations adopted by the
7 Florida Fish and Wildlife Conservation Commission, unless the
8 hunting rights are purchased specifically to protect
9 activities on adjacent lands.

10 (c) When developing the acquisition plan pursuant to
11 s. 259.105 the Acquisition and Restoration Council may give
12 preference to those less than fee simple acquisitions that
13 provide any public access. However, the Legislature
14 recognizes that public access is not always appropriate for
15 certain less than fee simple acquisitions; therefore no
16 proposed less than fee simple acquisition shall be rejected
17 simply because public access would be limited.

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

25 (e) The Legislature finds that the lack of direct
26 sales comparison information has served as an impediment to
27 successful implementation of alternatives to fee simple
28 acquisition. It is the intent of the Legislature that, in the
29 absence of direct comparable sales information, appraisals of
30 alternatives to fee simple acquisitions be based on the
31 difference between the full fee simple valuation and the value

1 of the interests remaining with the seller after acquisition.

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

6 (15)(14) The board of trustees, by an affirmative vote
7 of five members, may direct the department to purchase lands
8 on an immediate basis using up to 15 percent of the funds
9 allocated to the department pursuant to ss. ~~s.~~259.101(3)(a)
10 and 259.105 for the acquisition of lands that:

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

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

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

21
22 For such acquisitions, the board of trustees may waive or
23 modify all procedures required for land acquisition pursuant
24 to this chapter and all competitive bid procedures required
25 pursuant to chapters 255 and 287. Lands acquired pursuant to
26 this subsection must, at the time of purchase, be on one of
27 the acquisition lists established pursuant to this chapter, or
28 be essential for water resource development, protection, or
29 restoration, or a significant portion of the lands must
30 contain natural communities or plant or animal species which
31 are listed by the Florida Natural Areas Inventory as

1 critically imperiled, imperiled, or rare, or as excellent
2 quality occurrences of natural communities.

3 Section 20. Paragraphs (a) and (b) of subsection (6)
4 and paragraph (f) of subsection (9) of section 259.101,
5 Florida Statutes, 1998 Supplement, are amended to read:

6 259.101 Florida Preservation 2000 Act.--

7 (6) DISPOSITION OF LANDS.--

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

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

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

1 ~~deposited~~ in the Water Management District P2000 sub account
2 ~~Lands Trust Fund~~ shall be distributed to the water management
3 districts as provided in s. 373.59(7).

4 2. The department and the water management districts
5 may enter into joint acquisition agreements to jointly fund
6 the purchase of lands using alternatives to fee simple
7 techniques.

8 Section 21. Section 259.105, Florida Statutes is
9 created to read:

10 259.105 The Florida Forever Act.--

11 (1) This section may be cited as the "Florida Forever
12 Act."

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

14 1. The Preservation 2000 program provided tremendous
15 financial resources for purchasing environmentally significant
16 lands to protect those lands from imminent development,
17 thereby assuring present and future generations access to
18 important open spaces and recreation and conservation lands.

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

25 3. The potential development of Florida's remaining
26 natural areas and escalation of land values require a
27 continuation of government efforts to restore, bring under
28 public protection, or acquire lands and water areas to
29 preserve the state's invaluable quality of life.

30 4. Florida's groundwater, surface waters, and springs
31 are under tremendous pressure due to population growth and

1 economic expansion and require special protection and
2 restoration efforts. To ensure that sufficient quantities of
3 water are available to meet the current and future needs of
4 the natural systems and citizens of the state, and assist in
5 achieving the planning goals of the department and the water
6 management districts, water resource development projects on
7 public lands, where compatible with the resource values of and
8 management objectives for the lands, are appropriate.

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

19 6. Many of Florida's unique ecosystems, such as the
20 Florida Everglades, are facing ecological collapse due to
21 Florida's burgeoning population. To preserve these valuable
22 ecosystems for future generations, parcels of land must be
23 acquired to facilitate ecosystem restoration.

24 7. Access to public lands to support a broad range of
25 outdoor recreational opportunities and the development of
26 necessary infrastructure, where compatible with the resource
27 values of and management objectives for such lands, promotes
28 an appreciation for Florida's natural assets and improves the
29 quality of life.

30 8. Acquisition of lands, in fee simple or in any
31 lesser interest, should be based on a comprehensive assessment

1 of Florida's natural resources and planned so as to protect
2 the integrity of ecological systems and provide multiple
3 benefits, including preservation of fish and wildlife habitat,
4 recreation space for urban as well as rural areas, and water
5 recharge.

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

18 10. It is the intent of the Legislature to change the
19 focus and direction of the state's major land acquisition
20 programs and to extend funding and bonding capabilities, so
21 that future generations may enjoy the natural resources of
22 Florida.

23 (b) The Legislature recognizes that acquisition is
24 only one way to achieve the aforementioned goals and
25 encourages the development of creative partnerships between
26 governmental agencies and private landowners. Land protection
27 agreements and similar tools should be used, where
28 appropriate, to bring environmentally sensitive tracts under
29 an acceptable level of protection at a lower financial cost to
30 the public, and to provide private landowners with the
31 opportunity to enjoy and benefit from their property.

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

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

16 (e) With limited dollars available for restoration and
17 acquisition of land and water areas and for providing
18 long-term management and capital improvements, a competitive
19 selection process can select those projects best able to meet
20 the goals of Florida Forever and maximize the efficient use of
21 the program's funding.

22 (f) To ensure success and provide accountability to
23 the citizens of this state, it is the intent of the
24 Legislature that any bond proceeds used pursuant to this
25 section be used to implement the goals and objectives
26 recommended by the Florida Forever Advisory Council as
27 approved by the Board of Trustees of the Internal Improvement
28 Trust Fund and the Legislature.

29 (g) As it has with previous land acquisition programs,
30 the Legislature recognizes the desires of the citizens of this
31 state to prosper through economic development and to preserve

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

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

17 (a) Thirty-five percent to the Department of
18 Environmental Protection for the acquisition of lands and
19 capital project expenditures necessary to implement the water
20 management districts' priority lists developed pursuant to s.
21 373.199. The funds are to be distributed to the water
22 management districts as provided in subsection (11). A
23 minimum of fifty percent of the total funds provided over the
24 life of the Florida Forever Program pursuant to this paragraph
25 shall be used for the acquisition of lands.

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

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

5 (c) Twenty-four percent to the Department of Community
6 Affairs for use by the Florida Communities Trust for the
7 purposes of part III of chapter 380, and grants to local
8 governments or nonprofit environmental organizations that are
9 tax exempt under s. 501(c)(3) of the United States Internal
10 Revenue Code for the acquisition of community-based projects,
11 urban open spaces, parks, and greenways to implement local
12 government comprehensive plans. From funds available to the
13 trust, 8 percent shall be transferred annually to the Land
14 Acquisition Trust Fund for grants pursuant to s. 375.075.
15 From funds available to the trust and used for land
16 acquisition, 75 percent shall be matched by local governments
17 on a dollar-for-dollar basis. The Legislature intends that
18 the Florida Communities Trust emphasize funding projects in
19 low-income or otherwise disadvantaged communities. Thirty
20 percent of the total allocation provided to the trust shall be
21 used in Standard Metropolitan Statistical Areas, but one-half
22 of that amount shall be used in localities in which the
23 project site is located in built-up commercial, industrial, or
24 mixed-use areas and functions to intersperse open spaces
25 within congested urban core areas. From funds allocated to
26 the trust, no less than 5 percent shall be used to acquire
27 lands for recreational trail systems, provided that in the
28 event these funds are not needed for such projects, they will
29 be available for other trust projects. Local governments may
30 use federal grants or loans, private donations, or
31 environmental mitigation funds, including environmental

1 mitigation funds required pursuant to s. 338.250, for any part
2 or all of any local match required for acquisitions funded
3 through the Florida Communities Trust. Any lands purchased by
4 nonprofit organizations using funds allocated under this
5 paragraph must provide for such lands to remain permanently in
6 public use through a reversion of title to local or state
7 government, conservation easement, or other appropriate
8 mechanism. Projects funded with funds allocated to the Trust
9 shall be selected in a competitive process measured against
10 criteria adopted in rule by the Trust.

11 (d) One and five-tenths percent to the Department of
12 Environmental Protection for the purchase of inholdings and
13 additions to state parks. For the purposes of this paragraph,
14 "state park" means any real property in the state which is
15 under the jurisdiction of the Division of Recreation and Parks
16 of the department, or which may come under its jurisdiction.

17 (e) One and five-tenths percent to the Division of
18 Forestry of the Department of Agriculture and Consumer
19 Services to fund the acquisition of state forest inholdings
20 and additions pursuant to s. 589.07 and the implementation of
21 reforestation plans or sustainable forestry management
22 practices.

23 (f) One and five-tenths percent to the Fish and
24 Wildlife Conservation Commission to fund the acquisition of
25 inholdings and additions to lands managed by the commission
26 which are important to the conservation of fish and wildlife.

27 (g) One and five-tenths percent to the Department of
28 Environmental Protection for the Florida Greenways and Trails
29 Program, to acquire greenways and trails or greenways and
30 trail systems pursuant to chapter 260, including, but not
31 limited to, abandoned railroad rights-of-way and the Florida

1 National Scenic Trail.

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

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

22 (a) An increase in the level of protection for, or an
23 increase in the populations of, listed plant species, as
24 measured by the number of occurrences, acres of strategic
25 habitat areas, or delisting or redesignation of such species.

26 (b) An increase in the level of protection for, or an
27 increase in the populations of, listed animal species, as
28 measured by the number of occurrences, acres of strategic
29 habitat areas, delisting or redesignation of such species, or
30 the change in long-term survival rates.

31 (c) The restoration of land areas, as measured by a

1 reduction in nonnative species, level of maintenance control
2 of invasive species, reforestation rates, or regeneration of
3 natural communities.

4 (d) An increase in public landholdings needed to meet
5 the goals of this subsection, as measured by the acquisition
6 of lands in fee simple or with less than fee simple
7 alternatives.

8 (e) The completion of projects begun under previous
9 land acquisition programs, as measured through the acquisition
10 of land under inholdings and additions programs.

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

13 (g) An increase in public recreational opportunities,
14 as measured by the acreage available for recreational
15 opportunities or the number of miles available for greenways
16 or trails.

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

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

23 (j) The restoration of water areas, as measured by a
24 reduction of nonnative species, level of maintenance control
25 of invasive species, regeneration of natural communities,
26 reduction of excessive sedimentation, removal of impediments,
27 or reduction of shoreline erosion.

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

31 (l) The restoration of degraded water bodies, as

1 measured by the number of goals implemented under a surface
2 water improvement plan or other restoration plans.

3 (m) The restoration of wetlands, as measured by the
4 number of acres of previously converted wetlands returned to a
5 functioning status.

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

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

11 (5)(a) All lands acquired pursuant to this section
12 shall be managed for multiple-use purposes, where compatible
13 with the resource values of and management objectives for such
14 lands. As used in this section, "multiple-use" includes, but
15 is not limited to, outdoor recreational activities as
16 described in ss. 253.034 and 259.032(9)(b), water resource
17 development projects, and sustainable forestry management.

18 (b) Upon a decision by the entity in which title to
19 lands acquired pursuant to this section has vested such lands
20 may be designated single use as defined in s. 253.034(2)(b).

21 (6) As provided in this section, a water resource or
22 water supply development project may be allowed only if the
23 following conditions are met: minimum flows and levels have
24 been established for those waters, if any, which may
25 reasonably be expected to experience significant harm to water
26 resources as a result of the project; the project complies
27 with all applicable permitting requirements; and the project
28 is consistent with the regional water supply plan, if any, of
29 the water management district and with relevant recovery or
30 prevention strategies if required pursuant to s. 373.0421(2).

31 (7)(a) Beginning July 1, 2000, and every year

1 thereafter, the Acquisition and Restoration Council shall
2 accept applications from state agencies, local governments,
3 nonprofit and for-profit organizations, private land trusts,
4 and individuals for project proposals eligible for funding
5 pursuant to paragraph (3)(b). The council shall evaluate the
6 proposals received pursuant to this subsection to ensure that
7 they meet at least one of the criteria under subsection (9).

8 (b) Project applications shall contain, at a minimum,
9 the following:

10 1. A minimum of two numeric performance measures that
11 directly relate to the overall goals adopted by the council.
12 Each performance measure shall include a baseline measurement,
13 which is the current situation; a performance standard which
14 the project sponsor anticipates the project will achieve; and
15 the performance measurement itself, which should reflect the
16 incremental improvements the project accomplishes towards
17 achieving the performance standard.

18 2. Proof that property owners within any proposed
19 acquisition have been notified of their inclusion in the
20 proposed project. Any property owner may request the removal
21 of such property from further consideration by submitting a
22 request to the project sponsor or the Acquisition and
23 Restoration Council by certified mail. Upon receiving this
24 request, the council shall delete the property from the
25 proposed project; however, the board of trustees, at the time
26 it votes to approve the proposed project lists pursuant to
27 subsection (16), may add the property back on to the project
28 lists if it determines by a super majority of its members that
29 such property is critical to achieve the purposes of the
30 project.

31 (c) The title to lands acquired under this section

1 shall vest in the Board of Trustees of the Internal
2 Improvement Trust Fund, except that title to lands acquired by
3 a water management district shall vest in the name of that
4 district and lands acquired by a local government shall vest
5 in the name of the purchasing local government.

6 (8) The Acquisition and Restoration Council shall
7 develop a project list that shall represent those projects
8 submitted pursuant to subsection (7).

9 (9) The Acquisition and Restoration Council shall
10 develop a rule to competitively evaluate, select, and rank
11 projects eligible for Florida Forever funds pursuant to
12 paragraph (3)(b). In developing this rule the Acquisition and
13 Restoration Council shall give weight to the following
14 criteria:

15 (a) The project meets multiple goals described in
16 subsection (4).

17 (b) The project is part of an ongoing governmental
18 effort to restore, protect, or develop land areas or water
19 resources.

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

22 (d) The project has significant archeological or
23 historic value.

24 (e) The project has funding sources that are
25 identified and assured through at least the first 2 years of
26 the project.

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

29 (g) The project has a significant portion of its land
30 area in imminent danger of development, in imminent danger of
31 losing its significant natural attributes or recreational open

1 space, or in imminent danger of subdivision which would result
2 in multiple ownership and make acquisition of the project
3 costly or less likely to be accomplished.

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

6 (i) The project is one of the components of the
7 Everglades restoration effort.

8 (j) The project may be purchased at 80 percent of
9 appraised value.

10 (k) The project may be acquired, in whole or in part,
11 using alternatives to fee simple, including but not limited
12 to, purchase of development rights, hunting rights,
13 agricultural or silvicultural rights, or mineral rights;
14 obtaining conservation easements or flowage easements; or use
15 of land protection agreements as defined in s. 380.0677(5).

16 (l) The project is a joint acquisition, either among
17 public agencies, nonprofit organizations, or private entities,
18 or by a public-private partnership.

19 (10) The Acquisition and Restoration Council shall
20 give increased priority to those projects for which matching
21 funds are available and to project elements previously
22 identified on an acquisition list pursuant to this section
23 that can be acquired at 80 percent or less of appraised value.

24 (11) For the purposes of funding projects pursuant to
25 paragraph (3)(a) the Secretary of Environmental Protection
26 shall ensure that each water management district receives the
27 following percentage of funds annually:

28 (a) 35 percent to the South Florida Water Management
29 District.

30 (b) 25 percent to the Southwest Florida Water
31 Management District.

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

3 (d) 7.5 percent to the Suwannee River Water Management
4 District.

5 (e) 7.5 percent to the Northwest Florida Water
6 Management District.

7 (12) It is the intent of the Legislature that in
8 developing the list of projects for funding pursuant to
9 paragraph (3)(a), that these funds not be used to abrogate the
10 financial responsibility of those point and nonpoint sources
11 that have contributed to the degradation of water or land
12 areas. Therefore an increased priority shall be given by the
13 water management district governing boards to those projects
14 that have secured a cost-sharing agreement allocating
15 responsibility for the cleanup of point and nonpoint sources.

16 (13) An affirmative vote of five members of the
17 Acquisition and Restoration Council shall be required in order
18 to place a proposed project on the list developed pursuant to
19 subsection (8). Any member of the council who by family or a
20 business relationship has a connection with any project
21 proposed to be ranked shall declare such interest prior to
22 voting for a project's inclusion on the list.

23 (14) Each year that bonds are to be issued pursuant to
24 this section, the Acquisition and Restoration Council shall
25 review that year's approved project list and shall, by the
26 first board meeting in May, present to the Board of Trustees
27 of the Internal Improvement Trust Fund for approval a listing
28 of projects developed pursuant to subsection (8). The board of
29 trustees may remove projects from the list developed pursuant
30 to this subsection, but may not add projects or rearrange
31 project rankings.

- 1 (15) The Acquisition and Restoration Council shall
2 submit to the board of trustees, with its list of projects, a
3 report that includes, but shall not be limited to, the
4 following information for each project listed:
- 5 (a) The stated purpose for inclusion.
 - 6 (b) Projected costs to achieve the project goals.
 - 7 (c) An interim management budget.
 - 8 (d) Specific performance measures.
 - 9 (e) Plans for public access.
 - 10 (f) An identification of the essential parcel or
11 parcels within the project without which the project cannot be
12 properly managed.
 - 13 (g) Where applicable, an identification of those
14 projects or parcels within projects which should be acquired
15 in fee simple or in less than fee simple.
 - 16 (h) An identification of those lands being purchased
17 for conservation purposes.
 - 18 (i) A management policy statement for the project and
19 a management prospectus pursuant to s. 259.032(9)(d).
 - 20 (j) An estimate of land value based on county tax
21 assessed values.
 - 22 (k) A map delineating project boundaries.
 - 23 (l) An assessment of the project's ecological value,
24 outdoor recreational value, forest resources, wildlife
25 resources, ownership pattern, utilization, and location.
 - 26 (m) A discussion of whether alternative uses are
27 proposed for the property and what those uses are.
 - 28 (n) A designation of the management agency or
29 agencies.
- 30 (16) All proposals for projects pursuant to paragraph
31 (3)(b) shall be implemented only if adopted by the Acquisition

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

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

23 (b) Any existing lease, easement, or license acquired
24 for incidental public or private use on, under, or across any
25 lands acquired pursuant to this section shall be presumed to
26 be compatible with the purposes for which such lands were
27 acquired.

28 (c) Notwithstanding the provisions of paragraph (a),
29 no such lease, easement, or license shall be entered into by
30 the Department of Environmental Protection or other
31 appropriate state agency if the granting of such lease,

1 easement, or license would adversely affect the exclusion of
2 the interest on any revenue bonds issued to fund the
3 acquisition of the affected lands from gross income for
4 federal income tax purposes, pursuant to Internal Revenue
5 Service regulations.

6 (18) The Acquisition and Restoration Council may
7 recommend adoption of rules by the board of trustees
8 necessary to implement the provisions of this section relating
9 to: solicitation, scoring, selecting, and ranking of Florida
10 Forever project proposals; disposing of or leasing lands or
11 water areas selected for funding through the Florida Forever
12 program; and the process of reviewing and recommending for
13 approval or rejection the land management plans associated
14 with publicly owned properties. Rules promulgated pursuant to
15 this subsection shall be submitted to the President of the
16 Senate and the Speaker of the House of Representatives, for
17 review by the Legislature, no later than 30 days prior to the
18 2000 Regular Session and shall become effective only after
19 legislative review. In its review, the Legislature may reject,
20 modify, or take no action relative to such rules. The council
21 shall conform such rules to changes made by the Legislature,
22 or, if no action was taken by the Legislature, such rules
23 shall become effective.

24 (19) Lands listed as projects for acquisition under
25 the Florida Forever program may be managed for conservation
26 pursuant to s. 259.032, on an interim basis by a private party
27 in anticipation of a state purchase in accordance with a
28 contractual arrangement between the acquiring agency and the
29 private party that may include management service contracts,
30 leases, cost share arrangements or resource conservation
31 agreements. Lands designated as eligible under this

1 subsection shall be managed to maintain or enhance the
2 resources the state is seeking to protect by acquiring the
3 land. Funding for these contractual arrangements may
4 originiate from the doumentary stamp tax revenue deposited
5 into the Conservation and Recreation Lands Trust Fund and
6 Water Management Lands Trust Fund. No more than five percent
7 of funds allocated under the trust funds shall be expended for
8 this purpose.

9 Section 22. Subsections (2), (3), and (4) of section
10 260.012, Florida Statutes, 1998 Supplement, are amended to
11 read:

12 260.012 Declaration of policy and legislative
13 intent.--

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

1 owners of private lands to protect the existing ecological,
2 historical, and cultural values of their lands, including
3 those values derived from working landscapes.

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

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

16 (a) Setting priorities for acquisition, planning, and
17 management of public lands and waterways for use as greenways
18 and trails; and

19 (b) Identification of private lands which are eligible
20 for designation as part of the greenways and trails system and
21 are thereby eligible for incentives.

22 Section 23. Subsection (3) of section 260.013, Florida
23 Statutes, 1998 Supplement, is amended to read:

24 260.013 Definitions.--As used in ss. 260.011-260.018,
25 unless the context otherwise requires:

26 (3) "Designation" means the identification and
27 inclusion of specific lands and waterways as part of the
28 statewide system of greenways and trails pursuant to a formal
29 public process, including the specific written consent of the
30 landowner. When the department determines that public access
31 is appropriate for greenways and trails, written authorization

1 must be granted by the landowner to the department permitting
2 public access to all or a specified part of the landowner's
3 property. The department's determination shall be noticed
4 pursuant to s. 120.525, and the department shall also notify
5 the landowner by certified mail at least 7 days before any
6 public meeting regarding the intent to designate.

7 Section 24. Section 260.014, Florida Statutes, 1998
8 Supplement, is amended to read:

9 260.014 Florida Greenways and Trails System.--The
10 Florida Greenways and Trails System shall be a statewide
11 system of greenways and trails which shall consist of
12 individual greenways and trails and networks of greenways and
13 trails which may be designated as a part of the statewide
14 system by the department. Mapping or other forms of
15 identification of lands and waterways as suitable for
16 inclusion in the system of greenways and trails, mapping of
17 ecological characteristics for any purpose, or development of
18 information for planning purposes shall not constitute
19 designation. No lands or waterways may be designated as a part
20 of the statewide system of greenways and trails without the
21 specific written consent of the landowner.

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

24 260.0142 Florida Greenways and Trails Council;
25 composition; powers and duties.--

26 (1) There is hereby created within the Department of
27 Environmental Protection the Florida Greenways and Trails
28 Council which shall advise the department in the execution of
29 the department's powers and duties under this chapter. The
30 council shall be composed of 21 members, consisting of:

31 (a) Five members appointed by the Governor, with two

1 members representing the trail user community, two members
2 representing the greenway user community, and one member
3 representing private landowners. Of the initial appointments,
4 two shall be appointed for 2-year terms and three shall be
5 appointed for 1-year terms. Subsequent appointments shall be
6 for 2-year terms.

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

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

20
21 Those eligible to represent the trail user community shall be
22 chosen from, but not be limited to, paved trail users, hikers,
23 off-road bicyclists, paddlers, equestrians, disabled outdoor
24 recreational users, and commercial recreational interests.

25 Those eligible to represent the greenway user community shall
26 be chosen from, but not be limited to, conservation
27 organizations, nature study organizations, and scientists and
28 university experts.

29 (d) The 10 remaining members shall include:

30 1. The Secretary of Environmental Protection or a
31 designee;

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

3 3. The Secretary of Community Affairs or a designee;

4 4. The Secretary of Transportation or a designee;

5 5. The Director of the Division of Forestry of the
6 Department of Agriculture and Consumer Services or a designee;

7 6. The director of the Division of Historical
8 Resources of the Department of State or a designee;

9 7. A representative of the water management districts
10 who shall serve for 1 year. Membership on the council shall
11 rotate among the five districts. The districts shall
12 determine the order of rotation;

13 8. A representative of a federal land management
14 agency. The Secretary of Environmental Protection shall
15 identify the appropriate federal agency and request
16 designation of a representative from the agency to serve on
17 the council;

18 9. A representative of the regional planning councils
19 to be appointed by the Secretary of Environmental Protection,
20 in consultation with the Secretary of Community Affairs, for a
21 single 2-year term. The representative shall not be selected
22 from the same regional planning council for successive terms;
23 and

24 10. A representative of local governments to be
25 appointed by the Secretary of Environmental Protection, in
26 consultation with the Secretary of Community Affairs, for a
27 single 2-year term. Membership shall alternate between a
28 county representative and a municipal representative.

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

31 (3) The council is authorized to contract for and to

1 accept gifts, grants, or other aid from the United States
2 Government or any person or corporation.
3 (4) The duties of the council shall include, but not
4 be limited to, the following:
5 (a) Advise the Department of Environmental Protection,
6 the Department of Community Affairs, the Department of
7 Transportation, the Fish and Wildlife Conservation Commission,
8 the Division of Forestry of the Department of Agriculture and
9 Consumer Services, the water management districts, and the
10 regional planning councils on policies relating to the Florida
11 Greenways and Trails System, and promote intergovernmental
12 cooperation;
13 (b) Facilitate a statewide system of interconnected
14 landscape linkages, conservation corridors, greenbelts,
15 recreational corridors and trails, scenic corridors,
16 utilitarian corridors, reserves, regional parks and preserves,
17 ecological sites, and cultural/historic/recreational sites;
18 (c) Facilitate a statewide system of interconnected
19 land-based trails that connect urban, suburban, and rural
20 areas of the state and facilitate expansion of the statewide
21 system of freshwater and saltwater paddling trails;
22 (d) Recommend priorities for critical links in the
23 Florida Greenways and Trails System;
24 (e) Review applications for acquisition funding under
25 the Florida Greenways and Trails Program and recommend to the
26 Secretary of Environmental Protection which projects should be
27 acquired;
28 (f) Provide funding recommendations to agencies and
29 organizations regarding the acquisition, development, and
30 management of greenways and trails, including the promotion of
31 private landowner incentives;

- 1 (g) Review designation proposals for inclusion in the
2 Florida Greenways and Trails System;
- 3 (h) Provide advocacy and education to benefit the
4 statewide system of greenways and trails by encouraging
5 communication and conferencing;
- 6 (i) Encourage public-private partnerships to develop
7 and manage greenways and trails;
- 8 (j) Review progress toward meeting established
9 benchmarks and recommend appropriate action;
- 10 (k) Make recommendations for updating and revising the
11 implementation plan for the Florida Greenways and Trails
12 System;
- 13 (l) Advise the Land Acquisition and Management
14 Advisory Council or its successor to ensure the incorporation
15 of greenways and trails in land management plans on lands
16 managed by the Department of Environmental Protection, the
17 Fish and Wildlife Conservation Commission, the Division of
18 Historical Resources of the Department of State, and the
19 Division of Forestry of the Department of Agriculture and
20 Consumer Services;
- 21 (m) Provide advice and assistance to the Department of
22 Transportation and the water management districts regarding
23 the incorporation of greenways and trails into their planning
24 efforts;
- 25 (n) Encourage land use, environmental, and coordinated
26 linear infrastructure planning to facilitate the
27 implementation of local, regional, and statewide greenways and
28 trails systems;
- 29 (o) Promote greenways and trails support
30 organizations; and
- 31 (p) Support the Florida Greenways and Trails System in

1 any other appropriate way.

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

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

17 (7) Members of the council shall not receive any
18 compensation for their services but shall be entitled to
19 receive reimbursement for per diem and travel expenses
20 incurred in the performance of their duties, as provided in s.
21 112.061.

22 Section 26. Section 260.016, Florida Statutes, 1998
23 Supplement, is amended, to read:

24 260.016 General powers of the department.--

25 (1) The department may:

26 (a) Publish and distribute appropriate maps of
27 designated greenways and trails. The description shall include
28 a generalized map delineating the area designated, location of
29 suitable ingress and egress sites, as well as other points of
30 interest to enhance the recreational opportunities of the
31 public.

1 (b) Establish access routes and related public-use
2 facilities along greenways and trails which will not
3 substantially interfere with the nature and purposes of the
4 greenway or trail.

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

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

20
21 Any person who violates or otherwise fails to comply with the
22 rules adopted pursuant to subparagraph 3. commits a
23 noncriminal infraction for which a fine of up to \$500 may be
24 imposed.

25 (d) Coordinate the activities of all governmental
26 units and bodies and special districts that desire to
27 participate in the development and implementation of the
28 Florida Greenways and Trails System.

29 ~~(e) Appoint an advisory body to be known as the~~
30 ~~"Florida Recreational Trails Council" which shall advise the~~
31 ~~department in the execution of its powers and duties under~~

1 ~~this chapter. The department may establish by rule the~~
2 ~~duties, structure, and responsibilities of the council.~~
3 ~~Members of the Florida Recreational Trails Council shall serve~~
4 ~~without compensation, but are entitled to be reimbursed for~~
5 ~~per diem and travel expenses as provided in s. 112.061.~~

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

14 ~~(f)(g)~~ Enter into ~~sublease agreements or other use~~
15 agreements with any federal, state, or local governmental
16 agency, or any other entity ~~local governmental agencies~~ for
17 the management of greenways and trails for recreation and
18 conservation purposes consistent with the intent of this
19 chapter.

20 ~~(h)~~ Enter into management agreements with other
21 ~~entities only if a federal agency, another state agency, local~~
22 ~~government, county, or municipality is unable to manage the~~
23 ~~greenways or trails lands.~~ Such entities must demonstrate
24 their capabilities of management for the purposes defined in
25 ss. 260.011-260.018.

26 ~~(g)(i)~~ Charge reasonable fees or rentals for the use
27 or operation of facilities and concessions. All such fees,
28 rentals, or other charges collected shall be deposited in the
29 account or trust fund of the managing entity. ~~All such fees,~~
30 ~~rentals, or other charges collected by the Division of~~
31 ~~Recreation and Parks under this paragraph shall be deposited~~

1 ~~in the State Park Trust Fund pursuant to s. 258.014.~~

2 (2) The department shall:

3 (a) Evaluate lands for the acquisition of greenways
4 and trails and compile a list of suitable corridors,
5 greenways, and trails, ranking them in order of priority for
6 proposed acquisition. The department shall devise a method of
7 evaluation which includes, but is not limited to, the
8 consideration of:

9 1. The importance and function of such corridors
10 within the statewide system.

11 2. Potential for local sharing in the acquisition,
12 development, operation, or maintenance of greenway and trail
13 corridors.

14 3. Costs of acquisition, development, operation, and
15 maintenance.

16 (b) Maintain an updated list of abandoned and
17 to-be-abandoned railroad rights-of-way. ~~The department shall~~
18 ~~request information on current and potential railroad~~
19 ~~abandonments from the Department of Transportation and~~
20 ~~railroad companies operating within the state. At a minimum,~~
21 ~~the department shall make such requests on a quarterly basis.~~

22 (c) Provide information to public and private agencies
23 and organizations on abandoned rail corridors which are or
24 will be available for acquisition from the railroads or for
25 lease for interim recreational use from the Department of
26 Transportation. ~~Such information shall include, at a minimum,~~
27 ~~probable costs of purchase or lease of the identified~~
28 ~~corridors.~~

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

- 1 1. Development and dissemination of criteria for
2 designation.
- 3 2. Development and dissemination of criteria for
4 changes in the terms or conditions of designation, including
5 withdrawal or termination of designation. A landowner may have
6 his or her lands ~~property~~ removed from designation by
7 providing the department with a written request that contains
8 an adequate description of such lands to be removed.
9 Provisions shall be made in the designation agreement for
10 disposition of any future improvements made to the land by the
11 department.
- 12 3. Compilation of available information on and field
13 verification of the characteristics of the lands and waterways
14 as they relate to the developed criteria.
- 15 4. Public notice pursuant to s. 120.525 in all phases
16 of the process.
- 17 5. Actual notice to the landowner by certified mail at
18 least 7 days before any public meeting regarding the
19 department's intent to designate.
- 20 6. Written authorization from the landowner in the
21 form of a lease or other instrument for the designation and
22 granting of public access, if appropriate, to a landowner's
23 property.
- 24 7. Development of a greenway or trail use plan as a
25 part of the designation agreement. In any particular segment
26 of a greenway or trail, the plan components must be compatible
27 with connecting segments and, at a minimum, describe the types
28 and intensities of uses of the property.
- 29 (e) Implement the plan for the Florida Greenways and
30 Trails System as adopted by the Florida Greenways Coordinating
31 Council on September 11, 1998.

1 (3) The department or its designee is authorized to
2 negotiate with potentially affected private landowners as to
3 the terms under which such landowners would consent to the
4 public use of their lands as part of the greenways and trails
5 system. The department shall be authorized to agree to
6 incentives for a private landowner who consents to this public
7 use of his or her lands for conservation or recreational
8 purposes, including, but not limited to, the following:

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

14 (b) Agreement to exchange, subject to the approval of
15 the Board of Trustees of the Internal Improvement Trust Fund
16 or other applicable unit of government, ownership or other
17 rights of use of public lands for the ownership or other
18 rights of use of privately owned lands ~~property~~. Any exchange
19 of state-owned lands, title to which is vested in the Board of
20 Trustees of the Internal Improvement Trust Fund, for privately
21 owned lands shall be subject to the requirements of s.
22 259.041.

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

25 (d) At the option of the landowner, acceleration of
26 the acquisition process or higher consideration in the ranking
27 process when any lands owned by the landowner are under
28 consideration for acquisition by the state or other unit of
29 government.

30 (e) At the option of the landowner, removal of any
31 lands owned by the landowner from consideration for acquisition

1 by the state or other unit of government.

2 (f) Execution of patrol and protection agreements.

3 (g) Where applicable and appropriate, providing lease
4 fees, not to exceed fair market value of the leasehold
5 interest.

6 Section 27. Section 260.018, Florida Statutes, 1998
7 Supplement, is amended to read:

8 260.018 Agency recognition.--All agencies of the
9 state, regional planning councils through their comprehensive
10 plans, and local governments through their local comprehensive
11 planning process pursuant to chapter 163 shall recognize the
12 special character of publicly owned lands and waters
13 designated by the state as greenways and trails and shall not
14 take any action which will impair their use as designated.
15 Identification of lands or waterways in planning materials,
16 maps, data, and other information developed or used in the
17 greenways and trails program shall not be cause for such lands
18 or waterways to be subject to this section, unless such lands
19 or waterways have been designated as a part of the statewide
20 system or greenways and trails pursuant to s. 260.016(2)(d).

21 Section 28. Paragraph (a) of subsection (11) of ection
22 288.1224, Florida Statutes, is amended to read:

23 288.1224 Powers and duties.--The commission:

24 (11) Shall create an advisory committee of the
25 commission which shall be charged with developing a regionally
26 based plan to protect and promote all of the natural, coastal,
27 historical, cultural, and commercial tourism assets of this
28 state.

29 (a) Members of the advisory committee shall be
30 appointed by the chair of the commission and shall include
31 representatives of the commission, the Departments of

1 Agriculture and Consumer Services, Environmental Protection,
2 Community Affairs, Transportation, and State, the Florida
3 Greenways and Trails Coordinating Council, the Fish and
4 Wildlife Conservation Commission ~~Florida Game and Freshwater~~
5 ~~Fish Commission~~, and, as deemed appropriate by the chair of
6 the commission, representatives from other federal, state,
7 regional, local, and private sector associations representing
8 environmental, historical, cultural, recreational, and
9 tourism-related activities.

10 Section 29. The following trails located upon or
11 within public lands or waterways and designated prior to May
12 30, 1998, shall not be subject to the designation process
13 established in chapter 260, Florida Statutes, 1998
14 Supplement: thirty-six canoe trails designated by the
15 Governor and Cabinet in 1970 and redesignated by the Governor
16 and Cabinet on December 8, 1981; the Historic Big Bend
17 Saltwater Paddling Trail; Hillsborough River State
18 Recreational Canoe Trail; and trails located within state
19 parks and forests.

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

22 369.252 Invasive exotic plant control on public
23 lands.--The department shall establish a program to:

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

31 Section 31. Subsection (5) of section 369.307, Florida

1 Statutes, is amended to read:

2 369.307 Developments of regional impact in the Wekiva
3 River Protection Area; land acquisition.--

4 (5) The Department of Environmental Protection is
5 directed to proceed to negotiate for acquisition of
6 conservation and recreation lands projects within the Wekiva
7 River Protection Area provided that such projects have been
8 deemed qualified under statutory and rule criteria for
9 purchase and have been placed on the priority list for
10 acquisition by the advisory council created in s. 259.035 or
11 its successor.

12 Section 32. Subsection (5) is added to section
13 373.089, Florida Statutes, to read:

14 373.089 Sale or exchange of lands, or interests or
15 rights in lands.--The governing board of the district may sell
16 lands, or interests or rights in lands, to which the district
17 has acquired title or to which it may hereafter acquire title
18 in the following manner:

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

23 (a) For those lands designated as acquired for
24 conservation purposes, the governing board shall make a
25 determination that the lands are no longer needed for
26 conservation purposes and may dispose of them by a two-thirds
27 vote.

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

31 (c) For the purposes of this subsection, all lands for

1 which title has vested in the governing board prior to July 1,
2 1999, shall be deemed to have been acquired for conservation
3 purposes.

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

8 Section 33. Section 373.139, Florida Statutes, is
9 amended to read:

10 373.139 Acquisition of real property.--

11 (1) The Legislature declares it to be necessary for
12 the public health and welfare that water and water-related
13 resources be conserved and protected. The acquisition of real
14 property for this objective shall constitute a public purpose
15 for which public funds may be expended.

16 (2) The governing board of the district is empowered
17 and authorized to acquire in fee or less than fee title to
18 real property, and easements therein, by purchase, gift,
19 devise, lease, eminent domain, or otherwise for flood control,
20 water storage, water management, aquifer recharge, water
21 resource and water supply development, and preservation of
22 wetlands, streams, and lakes, ~~except that~~ Eminent domain
23 powers may be used only for acquiring real property for flood
24 control and water storage or for curing title defects or
25 encumbrances to real property to be acquired from a willing
26 seller.

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

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

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

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

1 into the appropriate account or trust fund.

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

23 (4) The governing board of the district may purchase
24 tax certificates or tax deeds issued in accordance with
25 chapter 197 relating to property eligible for purchase under
26 this section.

27 ~~(5) Lands acquired for the purposes enumerated in~~
28 ~~subsection (2) may also be used for recreational purposes, and~~
29 ~~whenever practicable such lands shall be open to the general~~
30 ~~public for recreational uses. Except when prohibited by a~~
31 ~~covenant or condition described in s. 373.056(2), lands owned,~~

1 ~~managed, and controlled by the district may be used for~~
2 ~~multiple purposes, including, but not limited to, agriculture,~~
3 ~~silviculture, and water supply, as well as boating and other~~
4 ~~recreational uses.~~

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

10 ~~(5)(7)~~ This section shall not limit the exercise of
11 similar powers delegated by statute to any state or local
12 governmental agency or other person.

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

25 (7) The districts have the authority to promulgate
26 rules that include the specific process by which land is
27 acquired; the selection and retention of outside appraisers,
28 surveyors, and acquisition agents; and public
29 notification. Rules adopted pursuant to this subsection shall
30 be submitted to the President of the Senate and the Speaker of
31 the House of Representatives, for review by the Legislature,

1 no later than 30 days prior to the 2001 Regular Session and
2 shall become effective only after legislative review. In its
3 review, the Legislature may reject, modify, or take no action
4 relative to such rules. The districts shall conform such
5 rules to changes made by the Legislature, or, if no action was
6 taken by the Legislature, such rules shall become effective.

7 Section 34. Section 373.1391, Florida Statutes, is
8 created to read:

9 373.1391 Management of real property.--

10 (1)(a) Lands titled to the governing boards of the
11 districts shall be managed and maintained, to the extent
12 practicable, in such a way as to ensure a balance between
13 public access, general public recreational purposes, and
14 restoration and protection of their natural state and
15 condition. Except when prohibited by a covenant or condition
16 described in s. 373.056(2), lands owned, managed, and
17 controlled by the district may be used for multiple purposes,
18 including, but not limited to, agriculture, silviculture, and
19 water supply, as well as boating and other recreational uses.

20 (b) Whenever practicable such lands shall be open to
21 the general public for recreational uses. General public
22 recreational purposes shall include, but not be limited to,
23 fishing, hunting, horseback riding, swimming, camping, hiking,
24 canoeing, boating, diving, birding, sailing, jogging, and
25 other related outdoor activities to the maximum extent
26 possible considering the environmental sensitivity and
27 suitability of those lands. These public lands shall be
28 evaluated for their resource value for the purpose of
29 establishing which parcels, in whole or in part, annually or
30 seasonally, would be conducive to general public recreational
31 purposes. Such findings shall be included in management plans

1 which are developed for such public lands. These lands shall
2 be made available to the public for these purposes, unless the
3 district governing board can demonstrate that such activities
4 would be incompatible with the purposes for which these lands
5 were acquired.

6 (c) In developing or reviewing land management plans
7 should a dispute arise that cannot be resolved by the water
8 management districts, that issue shall be forwarded to the
9 Secretary of Environmental Protection who shall submit it to
10 the Florida Forever Advisory Council.

11 (d) For any fee simple acquisition of a parcel which
12 is or will be leased back for agricultural purposes, or for
13 any acquisition of a less-than-fee interest in lands that is
14 or will be used for agricultural purposes, the district
15 governing board shall first consider having a soil and water
16 conservation district created pursuant to chapter 582 manage
17 and monitor such interest.

18 (2) Interests in real property acquired by the
19 districts under this section with funds other than those
20 appropriated under the Florida Forever Act may be used for
21 permissible water resource development and water supply
22 development purposes under the following conditions: the
23 minimum flows and levels of priority water bodies on such
24 lands have been established; the project complies with all
25 conditions for issuance of a permit under part II of this
26 chapter; and the project is compatible with the purposes for
27 which the land was acquired.

28 (3) Each district is encouraged to use volunteers to
29 provide land management and other services. Volunteers shall
30 be covered by liability protection and workers' compensation
31 in the same manner as district employees, unless waived in

1 writing by such volunteers or unless such volunteers otherwise
2 provide equivalent insurance.

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

16 (5) The following additional uses of lands acquired
17 pursuant to the Florida Forever program and other state-funded
18 land purchase programs shall be authorized, upon a finding by
19 the governing board, if they meet the criteria specified in
20 paragraphs (a)-(e): water resource development projects, water
21 supply development projects, stormwater management projects,
22 linear facilities, and sustainable agriculture and forestry.
23 Such additional uses are authorized where:

24 (a) Not inconsistent with the management plan for such
25 lands;

26 (b) Compatible with the natural ecosystem and resource
27 values of such lands;

28 (c) The proposed use is appropriately located on such
29 lands and where due consideration is given to the use of other
30 available lands;

31 (d) The using entity reasonably compensates the

1 titleholder for such use based upon an appropriate measure of
2 value; and

3 (e) The use is consistent with the public interest.
4

5 A decision by the governing board pursuant to this subsection
6 shall be given a presumption of correctness.

7 Moneys received from the use of state lands pursuant to this
8 subsection shall be returned to the lead managing agency in
9 accordance with the provisions of s. 373.59.

10 (6) The districts have the authority to adopt rules
11 that specify: allowable activities on district-owned lands;
12 the amount of fees, licenses, or other charges for users of
13 district-owned lands; the application and reimbursement
14 process for payments in lieu of taxes; the use of volunteers
15 for management activities; and the processes related to
16 entering into or severing cooperative land management
17 agreements. Rules promulgated pursuant to the subsection
18 shall become effective only after submitted to the President
19 of the Senate and Speaker of the House of Representatives for
20 review by the Legislature not later than 30 days prior to the
21 next regular session. In its review, the Legislature may
22 reject, modify, or take no action relative to such rules. The
23 districts shall conform such rules to changes made by the
24 Legislature, or, if no action is taken, such rules shall
25 become effective.

26 Section 35. Section 373.146, Florida Statutes, is
27 amended to read:

28 373.146 Publication of notices, process, and papers.--

29 (1)Whenever in this chapter the publication of any
30 notice, process, or paper is required or provided for, unless
31 otherwise provided by law, the publication thereof in some

1 newspaper or newspapers as defined in chapter 50 having
2 general circulation within the area to be affected shall be
3 taken and considered as being sufficient.

4 (2) Notwithstanding any other provision of law to the
5 contrary, and except in the case of emergency meetings, water
6 management districts may provide reasonable notice of public
7 meetings held to evaluate responses to solicitations issued by
8 the water management district, by publication in a newspaper
9 of general paid circulation in the county where the principal
10 office of the water management district is located, or in the
11 county or counties where the public work will be performed, no
12 less than 7 days before such meeting.

13 Section 36. Section 373.199, Florida Statutes, is
14 created to read:

15 373.199 Florida Forever Water Management District
16 Workplan.--

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

28 (2) Therefore, in order to further the goals of the
29 Florida Forever Act each water management district shall
30 develop a 5-year workplan that identifies projects that meet
31 the criteria in subsections (3), (4), and (5).

1 (3) In developing the list, each water management
2 district shall:

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

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

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

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

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

28 (c) A description of land uses within the project
29 area's drainage basin, and of important tributaries, point and
30 nonpoint sources of pollution, and permitted discharge
31 activities associated with that basin.

1 (d) A description of strategies and potential
2 strategies, including improved stormwater management, for
3 restoring or protecting the water body to Class III or better
4 surface water quality status.

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

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

13 (g) A schedule for restoration and protection of the
14 water body, implementation of the stormwater management
15 project, or development of the water resource development
16 project.

17 (h) An estimate of the funding needed to carry out the
18 restoration, protection, or improvement project, or the
19 development of new water resources, where applicable, and the
20 projected sources of the funding.

21 (i) Numeric performance measures for each project.
22 Each performance measure shall include a baseline measurement,
23 which is the current situation; a performance standard, which
24 water management district staff anticipates the project will
25 achieve; and the performance measurement itself, which should
26 reflect the incremental improvements the project accomplishes
27 towards achieving the performance standard. These measures
28 shall reflect the relevant goals detailed in s. 259.105(4).

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

31 (k) An identification of the proposed public access

1 for projects with land acquisition components.

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

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

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

26 (6) Each district shall remove the property of an
27 unwilling seller from its 5-year workplan at the next
28 scheduled update of the plan, if in receipt of a request to do
29 so by the property owner.

30 (7) By January 1 of each year, each district shall
31 file with the Legislature and the Secretary of Environmental

1 Protection a report of acquisitions completed during the year
2 together with modifications or additions to its 5-year
3 workplan. Included in the report shall be:

4 (a) A description of land management activity for each
5 property or project area owned by the water management
6 district.

7 (b) A list of any lands surplused and the amount of
8 compensation received.

9 The secretary shall submit the report required pursuant to
10 this subsection along with the Florida Forever report required
11 under s. 259.105.

12 Section 37. Subsection (6) of section 373.250, Florida
13 Statutes, is repealed;

14 373.250 Reuse of reclaimed water.--

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

20 ~~(a) The number of permits issued during the year which~~
21 ~~required reuse of reclaimed water and, by categories, the~~
22 ~~percentages of reuse required.~~

23 ~~(b) The number of permits issued during the year which~~
24 ~~did not require the reuse of reclaimed water and, of those~~
25 ~~permits, the number which reasonably could have required~~
26 ~~reuse.~~

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

30 ~~(d) A comparison of the volume of reclaimed water~~
31 ~~available in the district to the volume of reclaimed water~~

1 ~~required to be reused through consumptive use permits.~~

2 ~~(e) A comparison of the volume of reuse of reclaimed~~
3 ~~water required in water resource caution areas through~~
4 ~~consumptive use permitting to the volume required in other~~
5 ~~areas in the district through consumptive use permitting.~~

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

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

16 Section 38. Section 373.59, Florida Statutes, 1998
17 Supplement, is amended to read:

18 373.59 Water Management Lands Trust Fund.--

19 (1) There is established within the Department of
20 Environmental Protection the Water Management Lands Trust Fund
21 to be used as a nonlapsing fund for the purposes of this
22 section. The moneys in this fund are hereby continually
23 appropriated for the purposes of land acquisition, management,
24 maintenance, capital improvements of land titled to the
25 districts, payments in lieu of taxes, debt service on bonds
26 issued prior to July 1, 1999, preacquisition costs associated
27 with land purchases, and the department's costs of
28 administration of the fund. The department's costs of
29 administration shall be charged proportionally against each
30 district's allocation using the formula provided in subsection
31 (8). Capital improvements shall include, but need not be

1 limited to, perimeter fencing, signs, firelanes, control of
2 invasive exotic species, controlled burning, habitat inventory
3 and restoration, law enforcement, access roads and trails, and
4 minimal public accommodations, such as primitive campsites,
5 garbage receptacles, and toilets.~~administration of the fund~~
6 ~~in accordance with the provisions of this section.~~

7 (2)~~(a)~~ Until the Preservation 2000 Program is
8 concluded, By January 15 of each year, each district shall
9 file with the Legislature and the Secretary of Environmental
10 Protection a report of acquisition activity, by January 15 of
11 each year together with modifications or additions to its
12 5-year plan of acquisition. Included in the report shall be
13 an identification of those lands which require a full fee
14 simple interest to achieve water management goals and those
15 lands which can be acquired using alternatives to fee simple
16 acquisition techniques and still achieve such goals. In their
17 evaluation of which lands would be appropriate for acquisition
18 through alternatives to fee simple, district staff shall
19 consider criteria including, but not limited to, acquisition
20 costs, the net present value of future land management costs,
21 the net present value of ad valorem revenue loss to the local
22 government, and the potential for revenue generated from
23 activities compatible with acquisition objectives. The report
24 shall also include a description of land management activity.
25 ~~Expenditure of moneys from the Water Management Lands Trust~~
26 ~~Fund shall be limited to the costs for acquisition,~~
27 ~~management, maintenance, and capital improvements of lands~~
28 ~~included within the 5-year plan as filed by each district and~~
29 ~~to the department's costs of administration of the fund. The~~
30 ~~department's costs of administration shall be charged~~
31 ~~proportionally against each district's allocation using the~~

1 ~~formula provided in subsection (7).~~ However, no acquisition of
2 lands shall occur without a public hearing similar to those
3 held pursuant to the provisions set forth in s. 120.54. In the
4 annual update of its 5-year plan for acquisition, each
5 district shall identify lands needed to protect or recharge
6 groundwater and shall establish a plan for their acquisition
7 as necessary to protect potable water supplies. Lands which
8 serve to protect or recharge groundwater identified pursuant
9 to this paragraph shall also serve to protect other valuable
10 natural resources or provide space for natural resource based
11 recreation. Once all Preservation 2000 funds allocated to the
12 water management districts have been expended or committed,
13 this subsection shall be repealed.

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

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

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

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

31 ~~4. By Suwannee River Water Management District--lands~~

1 ~~in Suwannee River Valley.~~

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

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

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 ~~(4)(b)~~ The Secretary of Environmental Protection shall
30 release moneys from the Water Management Lands Trust Fund to a
31 district for preacquisition costs within 30 days after receipt

1 of a resolution adopted by the district's governing board
2 which identifies and justifies any such preacquisition costs
3 necessary for the purchase of any lands listed in the
4 district's 5-year plan. The district shall return to the
5 department any funds not used for the purposes stated in the
6 resolution, and the department shall deposit the unused funds
7 into the Water Management Lands Trust Fund.

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

29 (5)(d) The Secretary of Environmental Protection shall
30 release to the districts moneys for management, maintenance,
31 and capital improvements following receipt of a resolution and

1 request adopted by the governing board which specifies the
2 designated managing agency, specific management activities,
3 public use, estimated annual operating costs, and other
4 acceptable documentation to justify release of moneys.

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

8 (6) If a district issues revenue bonds or notes under
9 s. 373.584 prior to July 1, 1999, the district may pledge its
10 share of the moneys in the Water Management Lands Trust Fund
11 as security for such bonds or notes. The Department of
12 Environmental Protection shall pay moneys from the trust fund
13 to a district or its designee sufficient to pay the debt
14 service, as it becomes due, on the outstanding bonds and notes
15 of the district; however, such payments shall not exceed the
16 district's cumulative portion of the trust fund. However, any
17 moneys remaining after payment of the amount due on the debt
18 service shall be released to the district pursuant to
19 subsection ~~(5)~~(3).

20 (7) Any unused portion of a district's share of the
21 fund shall accumulate in the trust fund to the credit of that
22 district. Interest earned on such portion shall also
23 accumulate to the credit of that district to be used for ~~land~~
24 ~~acquisition~~, management, maintenance, and capital improvements
25 as provided in this section. The total moneys over the life
26 of the fund available to any district under this section shall
27 not be reduced except by resolution of the district governing
28 board stating that the need for the moneys no longer exists.
29 Any water management district with fund balances in the Water
30 Management Lands Trust Fund as of March 1, 1999, may expend
31 those funds for land acquisitions pursuant to s. 373.139, or

1 for the purpose specified in this subsection.

2 (8) Moneys from the Water Management Lands Trust Fund
3 shall be allocated to the five water management districts in
4 the following percentages:

5 (a) Thirty percent to the South Florida Water
6 Management District.

7 (b) Twenty-five percent to the Southwest Florida Water
8 Management District.

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

11 (d) Ten percent to the Suwannee River Water Management
12 District.

13 (e) Ten percent to the Northwest Florida Water
14 Management District.

15 ~~(9) Each district may use its allocation under~~
16 ~~subsection (8) for management, maintenance, and capital~~
17 ~~improvements. Capital improvements shall include, but need not~~
18 ~~be limited to, perimeter fencing, signs, firelanes, control of~~
19 ~~invasive exotic species, controlled burning, habitat inventory~~
20 ~~and restoration, law enforcement, access roads and trails, and~~
21 ~~minimal public accommodations, such as primitive campsites,~~
22 ~~garbage receptacles, and toilets.~~

23 (9)~~(10)~~ Moneys in the fund not needed to meet current
24 obligations incurred under this section shall be transferred
25 to the State Board of Administration, to the credit of the
26 fund, to be invested in the manner provided by law. Interest
27 received on such investments shall be credited to the fund.

28 ~~(11) Lands acquired for the purposes enumerated in~~
29 ~~this section shall also be used for general public~~
30 ~~recreational purposes. General public recreational purposes~~
31 ~~shall include, but not be limited to, fishing, hunting,~~

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

21 (10)(a) Beginning July 1, 1999, not more than
22 one-fourth of the land management funds provided for in
23 subsections (1) and (8) in any year shall be reserved annually
24 by a governing board, during the development of its annual
25 operating budget, for payments in lieu of taxes for all actual
26 tax losses incurred as a result of governing board
27 acquisitions for water management districts under the Florida
28 Forever program during any year. Reserved funds not used for
29 payments in lieu of taxes in any year shall revert to the
30 Water Management Lands Trust Fund to be used in accordance
31 with the provisions of this section.

1 (b) Payment in lieu of taxes shall be available:
2 1. To all counties that have a population of 150,000
3 or less and in which the amount of tax loss from all completed
4 Preservation 2000 and Florida Forever acquisitions in the
5 county exceeds 0.01 percent of the county's total taxable
6 value. Population levels shall be determined pursuant to s.
7 11.031

8 2. To all local governments located in eligible
9 counties and whose lands are bought and taken off the tax
10 rolls.

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

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

20 (d) The payment amount shall be based on the average
21 amount of actual taxes paid on the property for the 3 years
22 preceding acquisition. Applications for payment in lieu of
23 taxes shall be made no later than January 31 of the year
24 following acquisition. No payment in lieu of taxes shall be
25 made for properties which were exempt from ad valorem taxation
26 for the year immediately preceding acquisition. If property
27 that was subject to ad valorem taxation was acquired by a
28 tax-exempt entity for ultimate conveyance to the state under
29 this chapter, payment in lieu of taxes shall be made for such
30 property based upon the average amount of taxes paid on the
31 property for the 3 years prior to its being removed from the

1 tax rolls. The water management districts shall certify to the
2 Department of Revenue those properties that may be eligible
3 under this provision. Once eligibility has been established,
4 that governmental entity shall receive 10 consecutive annual
5 payments for each tax loss, and no further eligibility
6 determination shall be made during that period.

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

16 (f) If a water management district conveys to a county
17 or local government title to any land owned by the district,
18 any payments in lieu of taxes on the land made to the county
19 or local government shall be discontinued as of the date of
20 the conveyance.

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

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

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

4 ~~(14)(a) Beginning in fiscal year 1992-1993, not more~~
5 ~~than one-fourth of the land management funds provided for in~~
6 ~~subsections (1) and (9) in any year shall be reserved annually~~
7 ~~by a governing board, during the development of its annual~~
8 ~~operating budget, for payment in lieu of taxes to qualifying~~
9 ~~counties for actual ad valorem tax losses incurred as a result~~
10 ~~of lands purchased with funds allocated pursuant to s.~~

11 ~~259.101(3)(b). In addition, the Northwest Florida Water~~
12 ~~Management District, the South Florida Water Management~~
13 ~~District, the Southwest Florida Water Management District, the~~
14 ~~St. Johns River Water Management District, and the Suwannee~~
15 ~~River Water Management District shall pay to qualifying~~
16 ~~counties payments in lieu of taxes for district lands acquired~~
17 ~~with funds allocated pursuant to subsection (8). Reserved~~
18 ~~funds that are not used for payment in lieu of taxes in any~~
19 ~~year shall revert to the fund to be used for management~~
20 ~~purposes or land acquisition in accordance with this section.~~

21 ~~(b) Payment in lieu of taxes shall be available to~~
22 ~~counties for each year in which the levy of ad valorem tax is~~
23 ~~at least 8.25 mills or the amount of the tax loss from all~~
24 ~~completed Preservation 2000 acquisitions in the county exceeds~~
25 ~~0.01 percent of the county's total taxable value, and the~~
26 ~~population is 75,000 or less and to counties with a population~~
27 ~~of less than 100,000 which contain all or a portion of an area~~
28 ~~of critical state concern designated pursuant to chapter 380.~~

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

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

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

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

28 ~~(15) Each district is encouraged to use volunteers to~~
29 ~~provide land management and other services. Volunteers shall~~
30 ~~be covered by liability protection and workers' compensation~~
31 ~~in the same manner as district employees, unless waived in~~

1 ~~writing by such volunteers or unless such volunteers otherwise~~
2 ~~provide equivalent insurance.~~

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

16 ~~(11)(17)~~ Notwithstanding any provision of this section
17 to the contrary ~~and for the 1998-1999 fiscal year only~~, the
18 governing board of a water management district may request,
19 and the Secretary of Environmental Protection shall release
20 upon such request, moneys allocated to the districts pursuant
21 to subsection (8) for the purpose of carrying out the purposes
22 provisions of s. 373.0361, s. 375.0831, s. 373.139, or ss.
23 373.451-373.4595. No funds may be used pursuant to this
24 subsection until necessary debt service obligations, and
25 requirements for payments in lieu of taxes and land management
26 obligations that may be required by this chapter pursuant to
27 ~~this section~~ are provided for. ~~This subsection is repealed on~~
28 ~~July 1, 1999.~~

29 Section 39. Section 375.075, Florida Statutes, is
30 amended to read:

31 375.075 Outdoor recreation; financial assistance to

1 local governments.--

2 (1) The Department of Environmental Protection is
3 authorized, pursuant to s. 370.023, to establish the Florida
4 Recreation Development Assistance Program to provide grants to
5 qualified local governmental entities to acquire or develop
6 land for public outdoor recreation purposes. To the extent not
7 needed for debt service on bonds issued pursuant to s.
8 375.051, each fiscal year through fiscal year 2000-2001, the
9 department shall develop and plan a program which shall be
10 based upon funding of not less than 5 percent of the money
11 credited to the Land Acquisition Trust Fund pursuant to s.
12 201.15(2) and (3) in that year. Beginning fiscal year
13 2001-2002, the department shall develop and plan a program
14 which shall be based upon funding provided from the Florida
15 Forever Trust Fund pursuant to s. 259.105(3)(c).

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

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

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

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

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

1 for in this section.

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

8 Section 40. Subsection (13) of section 380.0666,
9 Florida Statutes, is amended to read:

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

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

21 Section 41. Subsection (8) of section 380.0677,
22 Florida Statutes, is amended to read:

23 380.0677 Green Swamp Land Authority.--

24 (8) APPROPRIATIONS.--From funds appropriated to the
25 Department of Environmental Protection for land acquisition
26 from the Conservation and Recreation Lands Trust Fund for
27 fiscal years 1994-1995, 1995-1996, and 1996-1997, \$4 million
28 shall be reserved each fiscal year to carry out the purposes
29 of this section. To the extent practicable, moneys
30 appropriated from the Conservation and Recreation Lands Trust
31 Fund, Save Our Rivers Trust Fund, and Florida Communities

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1 Trust Fund shall be used to acquire lands, or interests or
2 rights in lands, on the Conservation and Recreation Lands,
3 Save Our Rivers, or Florida Communities Trust land acquisition
4 plans or lists, as defined in s. 259.035, or a land
5 acquisition plan under s. 373.59 or s. 380.508. However,
6 nothing in this subsection prohibits the Green Swamp Land
7 Authority from entering into land protection agreements with
8 any property owner whose property is not on any of such lists.
9 From sums appropriated to the Department of Environmental
10 Protection from the Water Management District Lands Trust Fund
11 for fiscal years 1994-1995, 1995-1996, and 1996-1997, \$3
12 million shall be reserved each fiscal year to carry out the
13 purposes of this section. Such amounts as are used from the
14 Water Management District Lands Trust Fund shall be credited
15 against the allocations as provided in s. 373.59 to the St.
16 Johns River Water Management District or the Southwest Florida
17 Water Management District in proportion to the amount of lands
18 for which an interest was acquired, and shall not be required
19 by a district for debt service payments or land management
20 purposes. From funds appropriated to the Department of
21 Community Affairs for the Florida Communities Trust Program
22 from the Preservation 2000 Trust Fund for fiscal years
23 1994-1995 through 1999-2000, \$3 million shall be reserved each
24 fiscal year to carry out the purposes of this section.
25 Appropriations identified pursuant to this subsection shall
26 fund the acquisition of lands, or the interests or rights in
27 lands, and related costs of acquisition. Such funds shall be
28 available for expenditure after the land authority has adopted
29 rules to begin its program. Funds reserved pursuant to this
30 subsection, for each of the referenced fiscal years, shall
31 remain available for the purposes specified in this subsection

1 for 24 ~~12~~ months from the date on which such funds become
2 available for disbursement. After such time has elapsed, any
3 funds which are not legally obligated for expenditure shall be
4 released for the lawful purposes for which they were otherwise
5 appropriated.

6 Section 42. Subsection (4) of section 380.22, Florida
7 Statutes, 1998 Supplement, is amended to read:

8 380.22 Lead agency authority and duties.--

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

22 Section 43. Section 380.503, Florida Statutes, is
23 amended to read:

24 380.503 Definitions.--As used in ss. 380.501-380.515,
25 unless the context indicates a different meaning or intent:

26 (1)~~(4)~~ "Comprehensive plan" means a plan that meets
27 the requirements of ss. 163.3177, 163.3178, and 163.3191.

28 (2)~~(13)~~ "Department" means the Department of Community
29 Affairs.

30 (3)~~(2)~~ "Local government" means a county or
31 municipality.

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

4 (5)~~(3)~~ "Nonprofit organization" means any private
5 nonprofit organization, existing under the provisions of s.
6 501(c)(3) of the United States Internal Revenue Code, which
7 has among its principal goals the conservation of natural
8 resources or protection of the environment.

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

16 (7)~~(5)~~ "Project" means any work on, improvement to, or
17 acquisition of real property, buildings, or any other
18 property.

19 (8)~~(10)~~ "Public access project" means action taken
20 pursuant to this part to create or improve public accessways
21 to surface waters.

22 (9)~~(6)~~ "Real property" means any interest in land and
23 may also include any appurtenances and improvements to the
24 land.

25 (10)~~(8)~~ "Redevelopment project" means action taken
26 pursuant to this part to correct undesirable development
27 patterns.

28 (11)~~(9)~~ "Resource enhancement project" means action
29 taken pursuant to this part to restore, as nearly as possible,
30 degraded natural areas to their original condition or to
31 enhance the resource values of a natural area.

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

5 ~~(13)(7)~~ "Surface waters" means publicly owned waters
6 upon the surface of the earth, whether contained in bounds
7 created naturally or artificially or diffused.

8 ~~(14)(1)~~ "Trust" means the Florida Communities Trust
9 created pursuant to this part.

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

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

24 ~~(17)(11)~~ "Urban waterfront restoration project" means
25 action taken pursuant to this part to restore deteriorated or
26 deteriorating urban waterfronts for public use and enjoyment.

27 Section 44. Subsection (1) of section 380.504, Florida
28 Statutes, is amended to read:

29 380.504 Florida Communities Trust; creation;
30 membership; expenses.--

31 (1) There is created within the Department of

1 Community Affairs a nonregulatory state agency and
2 instrumentality, which shall be a public body corporate and
3 politic, known as the "Florida Communities Trust." The
4 governing body of the trust shall consist of:

5 (a) The Secretary of Community Affairs and the
6 Secretary of Environmental Protection; and

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

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

27 Section 45. Section 380.505, Florida Statutes, is
28 amended to read:

29 380.505 Meetings; quorum; voting.--The powers of the
30 trust shall be vested in its governing body members. The
31 governing body may delegate such powers to department staff as

1 it deems necessary. Four ~~Three~~ members of the governing body
2 shall constitute a quorum for the purpose of conducting its
3 business and exercising its powers and for all other purposes.
4 However, the governing body may take action only upon an
5 affirmative vote of at least four ~~three~~ members. The
6 governing body shall meet at least quarterly, and may meet
7 more often at the call of the chair or upon an affirmative
8 vote of three members.

9 Section 46. Subsections (4) and (11) of section
10 380.507, Florida Statutes, are amended to read:

11 380.507 Powers of the trust.--The trust shall have all
12 the powers necessary or convenient to carry out the purposes
13 and provisions of this part, including:

14 (4) To acquire and dispose of real and personal
15 property or any interest therein when necessary or appropriate
16 to protect the natural environment, provide public access or
17 public recreational facilities, preserve wildlife habitat
18 areas, provide access for managing acquired lands, or
19 otherwise carry out the purposes of this part. If the trust
20 acquires land for permanent state ownership, title to such
21 land shall be vested in the Board of Trustees of the Internal
22 Improvement Trust Fund; otherwise, title to property acquired
23 in partnership with a county or municipality shall vest in the
24 name of the local government. Notwithstanding any other
25 provision of law, the trust may enter into an option agreement
26 to purchase lands included in projects approved according to
27 this part, when necessary to reserve lands during the
28 preparation of project plans and during acquisition
29 proceedings. The consideration for an option shall not exceed
30 \$100,000.

31 (11) To make rules necessary to carry out the purposes

1 of this part and to exercise any power granted in this part,
2 pursuant to the provisions of chapter 120. The trust shall
3 adopt rules governing the acquisition of lands by local
4 governments or the trust using proceeds from the Preservation
5 2000 Trust Fund and the Florida Forever Trust Fund, consistent
6 with the intent expressed in the Florida Forever Act. Such
7 rules must include, but are not limited to, procedures for
8 appraisals and confidentiality consistent with ss.
9 125.355(1)(a) and (b) and 166.045(1)(a) and (b), a method of
10 determining a maximum purchase price, and procedures to assure
11 that the land is acquired in a voluntarily negotiated
12 transaction, surveyed, conveyed with marketable title, and
13 examined for hazardous materials contamination. Land
14 acquisition procedures of a local land authority created
15 pursuant to s. 380.0663 or s. 380.0677 may ~~shall~~ be used for
16 the land acquisition programs described by ss. ~~s.~~
17 259.101(3)(c) and 259.105 if within areas of critical state
18 concern designated pursuant to s. 380.05, subject to approval
19 of the trust.

20 Section 47. Subsection (7) of section 380.510, Florida
21 Statutes, is amended to read:

22 380.510 Conditions of grants and loans.--
23 (7) Any funds received by the trust from the
24 Preservation 2000 Trust Fund pursuant to s. 259.101(3)(c) and
25 the Florida Forever Trust Fund pursuant to s. 259.105(3)(c)
26 shall be held separate and apart from any other funds held by
27 the trust and shall be used only to pay the cost of the
28 acquisition of lands by a local government or the state for
29 the purposes of this part. ~~Such funds may not be used to pay~~
30 ~~for a redevelopment project or an urban waterfront restoration~~
31 ~~project or for site reservation except to acquire lands to~~

1 ~~help implement the goals, objectives, and policies of the~~
2 ~~coastal, the conservation, or recreation and open space~~
3 ~~elements of the local comprehensive plan.~~ In addition to the
4 other conditions set forth in this section, the disbursement
5 of Preservation 2000 and Florida Forever funds from the trust
6 shall be subject to the following conditions:

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

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

1 restrictions are violated by the titleholder or leaseholder or
2 by some third party with the knowledge of the titleholder or
3 leaseholder.

4 Section 48. Effective July 1, 2001, subsections (5)
5 and (6) of section 420.5092, Florida Statutes, are amended to
6 read:

7 420.5092 Florida Affordable Housing Guarantee
8 Program.--

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

28 (6)(a) If the primary revenue sources to be used for
29 repayment of revenue bonds used to establish the guarantee
30 fund are insufficient for such repayment, the annual principal
31 and interest due on each series of revenue bonds shall be

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

21 (b) If the claims payment obligations under affordable
22 housing guarantees from amounts on deposit in the guarantee
23 fund would cause the claims paying rating assigned to the
24 guarantee fund to be less than the third-highest rating
25 classification of any nationally recognized rating service,
26 which classifications being consistent with s. 215.84(3) and
27 rules adopted thereto by the State Board of Administration,
28 the corporation shall certify to the Comptroller the amount of
29 such claims payment obligations. Upon receipt of such
30 certification, the Comptroller shall transfer to the guarantee
31 fund, from the first available taxes distributed to the State

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

8 Section 49. Effective July 1, 2001, section 420.9073,
9 Florida Statutes, 1998 Supplement, is amended to read:

10 420.9073 Local housing distributions.--

11 (1) Distributions calculated in this section shall be
12 disbursed on a monthly basis by the agency beginning the first
13 day of the month after program approval pursuant to s.
14 420.9072. Each county's share of the funds to be distributed
15 from the portion of the funds in the Local Government Housing
16 Trust Fund received pursuant to s. 201.15~~(9)(6)~~ shall be
17 calculated by the agency for each fiscal year as follows:

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

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

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

1 Laws of Florida, by the total funds to be distributed.

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

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

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

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

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

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

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

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

11 (3) Calculation of guaranteed amounts:

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

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

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

28 Section 50. Section 253.787, Florida Statutes, is
29 repealed.

30 Section 51. Effective July 1, 1999, subsection (2) of
31 section 380.0677, Florida Statutes, is repealed and the power,

1 duties, functions, and all other activities performed by the
 2 Green Swamp Land Authority are hereby transferred by a Type
 3 Two transfer, pursuant to section 20.06, Florida Statutes, to
 4 the Department of Environmental Protection. All rules of the
 5 authority in effect on the effective date of the transfer
 6 shall be included in the transfer. Henceforth, the Green
 7 Swamp Land Authority shall mean the Department of
 8 Environmental Protection for purposes of section 380.0677,
 9 Florida Statutes, and statutes related thereto.

10 Section 52. If the Department of Environmental
 11 Protection or a water management district has made a payment
 12 in lieu of taxes to a governmental entity and subsequently
 13 suspended such payment, the department or water management
 14 district shall reinstitute appropriate payments and continue
 15 the payments in consecutive years until the governmental
 16 entity has received a total of ten payments for each tax loss.

17 Section 53. Except as otherwise provided herein, this
 18 act shall take effect July 1, 1999.

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21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 On page 1, line 8 thru page 5 line 11
 24 remove from the title of the bill: all of said lines

25
 26

and insert in lieu thereof:
 27 amending s. 161.05301, F.S.; correcting cross
 28 references; amending s. 161.085, F.S. ;
 29 providing for permitting of certain coastal
 30 armoring structures; amending s. 161.091, F.S. ;
 31 correcting cross references; creating s.

Amendment No. ____ (for drafter's use only)

1 215.618, F.S.; providing for the issuance of
2 Florida Forever bonds; providing limitations;
3 providing procedures and legislative intent;
4 amending s. 216.331, F.S.; correcting a cross
5 reference; amending s. 253.027, F.S.; providing
6 for the reservation of funds; revising the
7 criteria for expenditures for archaeological
8 property to include lands on the acquisition
9 list for the Florida Forever program; amending
10 s. 253.03, F.S.; providing certain structures
11 entitled to continue sovereignty submerged
12 lands leases; amending s. 253.034, F.S.;
13 providing for the use of state-owned lands;
14 providing for the sale of surplus state lands;
15 authorizing contractual arrangements to manage
16 state owned lands; amending s. 253.7825, F.S.;
17 revising acreage requirements for a horse
18 park-agricultural center; amending s. 259.03;
19 F.S.; deleting obsolete definitions; providing
20 new definitions; amending s. 259.032, F.S.;
21 providing legislative intent; specifying
22 certain uses of funds from the Conservation and
23 Recreation Lands Trust Fund; revising
24 provisions relating to individual land
25 management plans; revising eligibility for
26 payment in lieu of taxes; deleting obsolete
27 language; revising timeframe for removal of
28 certain projects from a priority list; creating
29 s. 259.0345, F.S.; creating the Florida Forever
30 Advisory Council; specifying membership and
31 duties; providing for per diem and travel

Amendment No. ____ (for drafter's use only)

1 expenses; providing for a report; providing an
2 appropriation; amending s. 259.035, F.S.;
3 creating the Acquisition and Restoration
4 Council; specifying membership and duties;
5 providing for compensation; authorizing
6 adoption of rules; providing for per diem and
7 travel expenses; amending s. 259.036, F.S.;
8 providing conforming language; amending s.
9 259.04, F.S.; conforming language and cross
10 references; amending s. 259.041, F.S.;
11 providing procedures and guidelines for land
12 acquisition; providing legislative intent and
13 guidelines for use of less than fee land
14 acquisition alternatives; amending s. 259.101,
15 F.S.; providing for redistribution for certain
16 unencumbered P2000 funds; conforming language
17 and cross references; creating s. 259.105,
18 F.S.; creating the Florida Forever Act;
19 providing legislative findings and intent;
20 providing for issuing bonds; providing for
21 distribution and use of bond proceeds;
22 providing project goals and selection criteria;
23 providing application and selection procedures;
24 authorizing certain uses of acquired lands;
25 authorizing adoption of rules, subject to
26 legislative review; authorizing contractual
27 arrangements to manage lands identified for
28 acquisition under Florida Forever program;
29 amending s. 260.012, F.S.; clarifying
30 legislative intent relating to the statewide
31 system of greenways and trails; amending s.

Amendment No. ____ (for drafter's use only)

1 260.013, F.S.; clarifying a definition;
2 amending s. 260.014, F.S.; including waterways
3 in the statewide system of greenways and
4 trails; creating s. 260.0142, F.S.; creating
5 the Florida Greenways and Trails Council within
6 the Department of Environmental Protection;
7 providing for membership, powers, and duties;
8 amending s. 260.016, F.S.; revising powers of
9 the Department of Environmental Protection with
10 respect to greenways and trails; deleting
11 reference to the Florida Recreational Trails
12 Council; amending s. 260.018, F.S., to conform
13 to the act; amending s. 288.1224, F.S.;
14 providing conforming language; providing
15 exceptions to the designation process for
16 certain recreational trails; amending s.
17 369.252, F.S.; providing for the use of certain
18 funds from the Aquatic Plant Control Trust
19 Fund; amending s. 369.307, F.S.; providing
20 conforming language; amending s. 373.089, F.S.;
21 providing procedure for the surplusing of water
22 management district lands; amending s. 373.139,
23 F.S.; revising authority and requirements for
24 acquisition and disposition of lands by the
25 water management districts; providing district
26 rulemaking authority, subject to legislative
27 review; amending s. 373.146, F.S.; providing
28 for public notice of certain public meetings;
29 creating s. 373.1391, F.S.; providing criteria
30 for management and uses of district lands;
31 providing district rulemaking authority,

Amendment No. ____ (for drafter's use only)

1 subject to legislative review; creating s.
2 373.199, F.S.; providing for Florida Forever
3 water management districts' workplans;
4 requiring development of recommended project
5 lists; specifying required information;
6 repealing s. 373.250, F.S.; relating to the
7 reuse of reclaimed water; amending s.
8 373.59, F.S.; revising authorized uses of funds
9 from the Water Management Lands Trust Fund;
10 revising eligibility criteria for payment in
11 lieu of taxes; amending s. 375.075, F.S.;
12 revising funding and procedures for the Florida
13 Recreation Development Assistance Program;
14 amending s. 380.0666, F.S.; providing
15 conforming language; amending s. 380.0677,
16 F.S.; extending the availability of funds for
17 specified purposes; amending s. 380.22, F.S.;
18 providing conforming language; amending s.
19 380.503, F.S.; providing definitions; amending
20 s. 380.504, F.S.; revising the composition of
21 the Florida Communities Trust; amending s.
22 380.505, F.S.; revising quorum requirements;
23 amending s. 380.507, F.S.; providing for
24 titling of certain acquired property to a local
25 government; revising rulemaking authority;
26 amending s. 380.510, F.S.; requiring covenants
27 and restrictions for certain property,
28 necessary to comply with constitutional
29 requirements; amending ss. 420.5092 and
30 420.9073, F.S.; correcting cross references;
31 repealing s. 253.787, F.S.; relating to the

1 Florida Greenways Coordinating Council;
2 repealing of s. 380.0677(2), F.S.; relating to
3 membership of the Green Swamp Land Authority;
4 transferring powers, duties and functions of
5 the Green Swamp Land Authority to the
6 Department of Environmental Protection;
7 providing that payments in lieu of taxes be
8 reinstated under specified circumstances;
9 providing effective dates.
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