

STORAGE NAME: s908z.ep
DATE: July 26, 1999

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
ENVIRONMENTAL PROTECTION
FINAL ANALYSIS**

BILL #: CS/CS/SB 908, Chapter Law #99-247

RELATING TO: State land acquisition and management

SPONSOR(S): Committee on Fiscal Policy; Committee on Natural Resources; Senator Latvala; and others.

COMPANION BILL(S): CS/CS/HB 2021

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) Committee on Natural Resources YEAS 8 NAYS 0
- (2) Committee on Fiscal Policy YEAS 6 NAYS 0

I. FINAL ACTION STATUS:

On April 29, 1999, the House brought up CS/CS/SB 908 in lieu of its companion CS/CS/HB 2021. The House adopted a strike everything amendment onto CS/CS/SB 908 and CS/CS/SB 908, as amended, passed the House by a vote of YEAS 118, NAY 1. On April 30, 1999, the Senate concurred with the contents of CS/CS/SB 908, as amended, and passed the bill by a vote of YEAS 40 NAYS 0. Ultimately, the House companion, CS/CS/HB 2021, died on the House Calendar upon adjournment of the regular session and CS/CS/SB 908, as amended, passed into law as Chapter Law #99-247.

II. SUMMARY:

CS/CS/SB 908 creates the *Florida Forever* program which authorizes the issuance of bonds in an amount not to exceed \$3 billion for acquisitions of land and water areas. This revenue is to be used for the purposes of restoration, conservation, recreation, water resource development, historical preservation and capital improvements to such land and water areas. This program is intended to accomplish environmental restoration, enhance public access and recreational enjoyment, promote long-term management goals, and facilitate water resource development.

The bond proceeds are to be distributed annually from the Fund as follows: 35 percent to the Department of Environmental Protection (DEP or department) for the acquisition of land and capital projects; 35 percent to the department for the acquisition of land and capital project expenditures necessary to implement the water management districts priority lists; 24 percent to Florida Communities Trust Program; 1.5 percent for purchases of inholdings and additions to state parks; 1.5 percent to fund state forest inholdings and additions and implement reforestation plans or management practices; 1.5 percent to the Fish and Wildlife Conservation Commission; and 1.5 percent to the Florida Greenways and Trails Programs.

CS/CS/SB 908 amends the distribution of the documentary stamp tax revenue that is payable to the State Treasury to be as follows: reduces from 5.84 percent to 4.2 percent of the remaining taxes to be paid to the credit of the Water Management Lands Trust Fund; reduces from 5.84 percent to 4.20 percent of the remaining taxes to be paid to the credit of the Conservation and Recreational Lands Trust Fund (CARL)(9.5 percent of this amount is to be transferred to the State Game Trust Fund and used for land management activities); 2.28 percent of the remaining taxes are to be paid to the credit of the Aquatic Plant Control Trust Fund to carry out the purposes of ss. 369.22 and 369.252; one-half of one percent of the remaining taxes are to be used exclusively for implementing the Lake Restoration 2020 Program; and one-half of one percent to be divided equally to the credit of the DEP Grants and Donations Trust Fund and to the credit of the Department of Agriculture and Consumer Services General Inspection Trust Fund. The distribution deposited into the Water Management Lands Trust Fund and the CARL Trust Fund are no to be used for land acquisition, but may be used for preacquisition costs.

Moreover, this bill sets forth numerous other substantive provisions, including those relating to: sovereignty submerged land leases; use and management of state-owned lands; sale of surplus state lands; use of funds within the CARL and Water Management Lands Trust Funds; payment in lieu of taxes; the Florida Forever Advisory Council; the Acquisition and Restoration Council; procedures and guidelines for land acquisition and less than fee land acquisition alternatives; and the Florida Greenways and Trails Council. In addition, this bill sets forth the criteria for the water management districts to evaluate and recommend projects and financial assistance funding programs to local governments. This bill also provides rulemaking authority to the Department of Environmental Protection and the water management districts for implementation of the Florida Forever Act. This bill has significant fiscal impacts on state and local governments and shall take effect on July 1, 1999 unless otherwise specified therein.

III. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Status of Public Land Acquisition Programs in Florida

Florida began acquiring lands for public use in the 1920s, but had no formal land-buying program until the 1960's. The Legislature established a \$20 million bond program to acquire lands for outdoor recreation in 1964, followed four years later by an additional \$40 million bond program to acquire more outdoor recreational lands. In 1972, the Legislature, at the urging of then-Governor Rubin Askew, created the Environmentally Endangered Lands (EEL) program. A state referendum later that year approved a \$240 million bond issue, most of which was earmarked to acquire environmentally sensitive lands.

Subsequent land-buying programs relied on either bond issues or earmarked general revenues. The Conservation and Recreation Lands (CARL) Program was created by the Legislature in 1979 to acquire and manage public lands, conserve and protect environmentally unique and irreplaceable lands and lands with critical state concern, among other specified statutory purposes. Documentary stamp tax revenues, a \$10 million annual transfer and lease fees remain the primary sources of funds for the CARL program, which in recent years received between \$45 million and \$55 million.

In 1981, the Legislature created two additional land-acquisition programs. The Save Our Coast program, funded with \$250 million in bond proceeds, acquired beachfront properties to protect them from development; this program has expired and its bonds paid off. Acquiring buffer areas along surface water bodies was the original purpose of the Save Our Rivers (SOR) program, created expressly for the five water management districts (WMD's), but over the years the program has been expanded to include all types of land acquired by the WMDs. The original source of funding for the SOR program -- state documentary stamp tax revenues -- continues to contribute \$50 million to \$55 million a year to the WMDs.

The funding levels of the early programs, although significant for their time, pale in comparison to the Florida Preservation 2000 (P2000) program. Conceived in 1990 by then-Governor Bob Martinez, P2000 is a 10-year, \$3 billion program to acquire environmentally significant lands for preservation, conservation and recreational purposes. Bond issuance finances the \$3 billion P2000 acquisition program. Debt service is paid from the documentary stamp proceeds. By all accounts, it remains the largest state-funded land acquisition program in the United States. P2000, per its name, is set to expire in the year 2000, although in all likelihood the agencies which receive shares of the program's bond proceeds will be spending down the balances in their P2000 accounts for at least two years beyond the date of the last bond issuance.

As expressed in s. 259.101, F.S., the Legislature intended P2000 funds to be spent to acquire lands so as to "protect the integrity of ecological systems and to provide multiple benefits, including preservation of fish and wildlife habitat, recreation space, and water recharge areas," as well as acquire, protect and preserve open space and recreational areas in urban settings.

In the eight years of its existence, the P2000 program has provided \$2.37 billion for environmental and recreational land acquisition. As of February 1999 more than \$1.77 billion of the available funds has been spent to acquire just over 1,000,000 acres. About one-half of the \$602 million balance of unspent P2000 funds is considered encumbered, or earmarked for project acquisitions that have yet to close.

Section 259.101, F.S., lists agencies which are to receive a share of the P2000 funds. Of these agencies, the Department of Environmental Protection is to receive 1.3 percent of the bond proceeds for the Florida Greenways and Trails Program in order to acquire greenways and trails including, but not limited to, abandoned railroad rights-of-way and the Florida Scenic Trail. In 1979, the Florida Legislature created, s. 260.011, F.S., the Florida Greenways and Trails Act ("ACT"). This Act establishes the Florida Greenways and Trails System which is the means and procedures of a statewide system for recreation and conservation of greenways and trails. The purpose of this system is to implement ecosystem management and recreational opportunities, e.g., hiking, bicycling, canoeing, jogging and historical and archeological interpretation, in order to improve the health and welfare of the people of Florida. The Florida Scenic Trail represents a first step in statewide trails planning and runs from the Florida panhandle to the Everglades. In 1987, the Legislature created the

Rails-to-Trails Program in order to acquire additions to the Florida National Scenic Trail and abandoned railroad rights-of-way for recreational purposes. In 1996, the Legislature expanded the Rails-to-Trails program to include the acquisition of greenways and renamed the program the Florida Greenways and Trails Program, ultimately allowing the department to acquire greenways, trails and abandoned railroad rights-of-ways.

Under the Florida Greenways and Trails Act, the Legislature authorized the department to establish the Florida Recreational Trails Council (FRTC). The FRTC advises the department in the execution of its powers and duties under this Act. The FRTC also assists in selecting acquisition projects and establishing minimum standards for the recreational trails in Florida. In 1995, the Legislature also created the Florida Greenways Coordinating Council (FGCC) within the department. The purpose of this Council is to promote greenways initiatives throughout the state and provide technical support, leadership, education, advocacy and other services. This Council is to serve as a facilitator for partnerships, environmental organizations and community based organizations. This Council is to employ its own staff and is funded through the department's budget. It is comprised of 26 members who serve 4 year terms. This Council is to measure the progress of implementing the greenways system and submit a report to the Governor and the Legislature making specific recommendations for actions necessary to manage the greenways system.

Among the other agencies listed in s. 259.101, F.S., the Department of Community Affairs is to receive ten percent of the P2000 bond proceeds for land acquisition grants and loans to local governments through the Florida Communities Trust. The Legislature recognized that the primary responsibility for establishing well-planned land use rested at the local government level and enacted the Florida Communities Trust Act (Act). This Act created a non-regulatory state agency called the Florida Communities Trust (Trust). The Trust is composed of the Secretary of Community Affairs and the Secretary of Environmental Protection along with 3 members appointed by the Governor with Senate confirmation. The Trust provides financial and technical assistance to local governments to help buy coastal, conservation and recreation and open space lands that further the local governments' comprehensive goals. The Trust receives an annual appropriation of \$30 million from the P2000 program. Of this, \$3 million is reserved for the Green Swamp Land Authority for the purchase of lands in the Green Swamp Area of Critical State Concern. In addition, \$3 million is allocated to the Monroe County Comprehensive Plan Land Authority to purchase certain lands subject to the Rate of Growth Ordinances or approval by CARL. Of the remaining funds allocated under the Trust, one-half shall be matched by the local governments on a dollar-for-dollar basis.

The remaining agencies listed under s. 259.101, F.S., to receive bond proceeds from the P2000 program are as follows: The Department of Environmental Protection's (DEP) Division of State Lands and Division of Recreation and Parks; the Department of Agriculture and Consumer Services' Division of Forestry; the Florida Game and Fresh Water Fish Commission (GFC) and the five water management districts.

These additional allocations break down this way:

- DEP's Division of State Lands received 50 percent of the annual bond proceeds, or about \$134 million (after bonding expenses), to acquire properties through the Conservation and Recreation Lands program;
- the WMDs share 30 percent of the annual proceeds, or about \$81 million, to acquire lands through the Save Our Rivers program;
- the Division of Recreation and Parks, Division of Forestry and GFC each receive 2.9 percent, or about \$7.7 million, to purchase inholdings and additions to their existing properties; and

At various times over the years, the Legislature has diverted portions of FCT's \$30 million annual share of P2000 funding to the Florida Recreation Development Assistance Program (FRDAP) and the Green Swamp Land Authority and the Monroe County Comprehensive Plan Land Authority (as previously mentioned above).

A certain sum of CARL and Water Management Lands funds are made available for payment in lieu of taxes (PILT) to qualifying counties, cities and municipalities which sustained a tax loss as the result of land acquisition by state agencies under the P2000 program. Payment in lieu of taxes shall be

made available to counties which levy an ad valorem tax of at least 8.25 mills (or the amount of tax loss from the P2000 program exceeds .01 percent of the county's total taxable value) and have a population of 75,000 or less; which have a population of 100,000 or less and contain a portion of lands of critical state concern; and to Glades County for the 1997-1998 fiscal year only. For local governments which levy ad valorem taxes (e.g., municipalities, the county school board and mosquito control districts) payment in lieu of tax revenues lost as a result of the P2000 program is available if the city has a population of less than 10,000; levies at least 8.25 mills or the tax loss from P2000 exceeds .01 percent of the city's total taxable value. The payment amount is to be based upon the actual taxes paid on the property for 3 years preceding acquisition subject to certain conditions. Payments are limited to 10 consecutive years beginning the year the property becomes eligible.

During the 1997 legislative session, various members initiated discussion with the agencies and environmental advocates on how to best begin the process of winding down the P2000 program. Chapter 97-164, Laws of Florida (CS/CS/HBs 1119 and 1577 by Reps. Minton and Sembler), established guidelines by which DEP and the WMDs were to evaluate the accomplishments of the P2000 program, and to draft a report making recommendations on how to close out the program so that it would meet its goals. The "Florida Preservation 2000 Program Remaining Needs and Priorities" report was published in November 1997, and proved to be a disappointment to the bill sponsors and other legislators, who had expected recommendations more in line with their explicit instructions. Instead, the report focused more on explaining what P2000 has accomplished, rather than how to wind down the program. The number one recommendation of the report was to create a successor program, to be operated much as P2000 is now. A subsequent addendum to the report, published in December 1997, better identified which properties on current acquisition lists have the highest resource or historical values, would protect the habitat of endangered or threatened species, or protect water recharge areas.

Land Management Issues

Besides concerns with public land acquisition, legislators have raised concerns over whether the lands already under public ownership are being properly managed; whether there are enough outdoor recreational opportunities, especially in the urban areas of Florida; and whether the state should shift its environmental focus to restoring lands and waterbodies already in public ownership.

A number of reports written over the last six years have concluded that funding land management activities has been deferred in favor of land acquisition, because of the perception that environmentally sensitive lands must be acquired now before they are irretrievably lost to development. The reports also concluded that ignoring land management increases the risk of losing unique and irreplaceable natural resources, not only to development but to displacement by invasive, non-native species.

Also, there is continuing criticism of land managing agencies which either have not completed a management plan, or which are behind on updating the plans they do have every five years. The Land Acquisition and Management Advisory Council (LAMAC), pursuant to s. 253.034, F.S., reviews land management plans for all agencies that manage properties whose title vests in the Board of Trustees; final approval of the plans officially rests with the Board of Trustees. Serving on LAMAC are: the Commissioner of Agriculture; the Secretary of State; the executive director of the game commission; the secretary of DEP and a designee; and the secretary of the Department of Community Affairs.

Further concerns have been raised over the perception that the state and the water management districts are buying land, and either not managing it, or managing it for a single purpose. Some legislators have contended for years that more public lands should be managed for multiple uses -- some mix of conservation, recreation and revenue-generating activities such as timber harvesting or pasturing, where appropriate. They also have sought to promote public-private partnerships to share in the costs of land management -- a concept called "stewardship."

Research conducted by House staff revealed that many of the state land-managing agencies were not complying with statutory guidelines and deadlines for management plans; that some agencies have incorporated multiple-use management strategies into their overall management activities, but that it is difficult to measure and track those activities; and that there is a lack of data on long-term management funding needs.

Chapter 97-164, L.O.F., directed the public land-managing agencies to consider whether multiple uses and revenue-generating activities are compatible with the properties under their jurisdictions, and to address the issue in their management plans. The Division of Forestry and the GFC for many years have derived revenues from their lands -- timbering sales in the case of Forestry, and recreational use fees for GFC. Typically, the water management districts have taken the lead in leasing lands to private entities. In fiscal year 1994-1995, four districts had signed a total of 50 leases, most of them for livestock grazing, which generated in excess of \$295,000 in revenues for the districts.

For the most part, revenue-generating activities are uncommon on the state's CARL acquisitions. One reason the state and the districts have been reluctant to explore that option is uncertainty about what is allowable under the federal Internal Revenue Service (IRS) Code. DEP's bond counsels generally have taken an extremely conservative position on allowable activities, because any activity which jeopardizes the tax-exempt status of the interest earned on P2000 bonds could result in serious consequences for Florida, such as having to immediately repay the bonds. DEP's position has been to review proposals for revenue-generating activities on a case-by-case basis. For example, DEP's bond counsel concludes in a January 23, 1998, letter that a proposal to develop a wetlands mitigation bank on lands owned by the South Florida WMD and acquired with P2000 dollars would not violate IRS guidelines.

Restoration Issues

Some of the state's land and waterbody management needs are expensive, long-term restoration projects. The estimated 500,000-acre infestation of melaleuca on public lands is only one example of non-native, invasive plants running amok in a state ideal for vegetation that prefers hot, humid conditions and no natural enemies. Florida also owns many acres of forest land that for decades were pine plantations, with a few pockets of long-leaf pine or old-growth native trees that managed to survive. Some state land managers are attempting to restore native plant communities on these lands -- an expensive, long-range proposition.

Numerous significant waterbodies have been degraded, as well, over the decades. Poor surface water quality adversely impacts wildlife, natural areas and, if part of an interconnected hydro geologic system, groundwater. There are economic and quality-of-life ramifications, as well, of failing to address water-quality problems. In 1987, the Legislature enacted the Surface Water Improvement and Management (SWIM) Act, intended to address statewide surface water quality problems and other environmental issues for six regionally significant waterbodies: Lake Okeechobee, Biscayne Bay, the Indian River Lagoon system, the Tampa Bay system, Lake Apopka and the Lower St. Johns River. Over the last decade, the five WMDs have designated 73 other waterbodies as SWIM priorities. Approved SWIM action plans exist for only 29 of the designated waterbodies.

While the number of SWIM waterbodies has grown over the years, state funding has been inconsistent -- ranging from \$15 million to zero. In FY 1997-1998, SWIM received a \$6 million transfer from the Solid Waste Management Trust Fund, using dollars typically earmarked for local-government recycling grants. A report issued earlier this year by the Solid Waste Management Trust Fund Review Commission recommended that the state appropriate \$25 million to \$30 million to SWIM. But SWIM's funding level is not the only issue. A March 1998 follow-up report from the Office of Program Policy Analysis and Government Accountability (OPPAGA) on SWIM indicated that while state, federal and other participating agencies have spent more than \$265 million on SWIM waterbodies over the years, there is little data to indicate what these expenditures have accomplished. OPPAGA recommended that DEP and the WMDs develop measurable program objectives, and tie these objectives to strategies and expenditures.

B. EFFECT OF PROPOSED CHANGES:

Section 1: Amends s. 201.15, F.S., 1998 Supplement, relating to Documentary Stamp Tax proceeds, to provide that a general revenue service charge shall not be levied against any portion of the tax revenues pledged to pay the debt service on any bonds and to provide for the distribution of documentary tax proceeds.

Requires amounts as necessary, not to exceed \$300 million, to be transferred to the Land Acquisition Trust Fund to pay the debt service on P2000 and Florida Forever bonds from the 62.63 percent portion of tax revenues collected under this chapter. The amounts transferred shall not exceed \$300

million in fiscal year 1999-00 and thereafter for the P2000 bonds and bonds issued to refund P2000 bonds, and \$300 million in fiscal year 2000-01 and thereafter for Florida Forever bonds.

The amount transferred to the Land Acquisition Trust Fund for the Florida Forever bonds is not to exceed \$30 million during the first fiscal year. This amount transferred is to be increased by an additional \$30 million in each subsequent fiscal year in which the bonds are authorized to be issued, but is not to exceed \$300 million in any fiscal year for all bonds issued. All bonds issued to fund Florida Forever are to be retired by December 31, 2030, except for bonds issued to refund previously issued bonds

For the purpose of refunding P2000 bonds, amounts may be transferred between the P2000 and Florida Forever programs but only to the extent provided for in the documents which authorize the issuance of such bonds. The P2000 and Florida Forever bonds are to be equally and ratably secured by moneys distributable to the Lands Acquisition Trust Fund, except as otherwise provided in the documents which authorize the issuance of bonds.

Section 2: Amends s. 201.15, F.S., 1998 Supplement, changing the distribution of documentary stamp tax revenues, effective July 1, 2001, as follows: reduces from 5.84% to 4.20% to the CARL and the Water Management Lands Trust Funds, representing an estimated \$45.2 million distribution to each fund. Nine and one-half percent of the amount credited to the CARL Trust Fund is to be transferred to the State Game Trust Fund for land management activities. This 4.20% distribution is not to be used for land acquisition but may be used for preacquisition costs associated with land purchases (ARC shall review and make recommendations to the Legislature concerning the need to repeal this provision and the Legislature is to review the need for repeal during the 2005 Regular Session); 2.28% (approximately \$24.5 million) to the Aquatic Plant Control Trust Fund to carry out the purposes set forth in ss. 369.22 and 369.252, F.S; one-half of one percent (approximately \$5.4 million) to the State Game Trust Fund for the implementation of the Lake Restoration 2020 Program; and one-half of one percent (approximately \$5.4 million) to the State Treasury to be divided equally between the Department of Environmental Protection Grants and Donations Trust Fund to address water quality impacts associated with nonagricultural nonpoint sources and the Department of Agriculture and Consumer Services General Inspection Trust Fund to address water quality impacts associated with agricultural nonpoint sources. This funding is to be used for development and implementation of measures related to ss. 303(d) of the Clean Water Act. Other measures may include cost-share agreements or other agreements for water quality improvement.

Section 3: Amends s. 161.05301, F.S., 1998 Supplement, effective July 1, 2001, to provide for technical changes relating to beach erosion control project staffing in order to be consistent with the statutory citations in the Florida Forever Act.

Section 4: Amends s. 161.085, F.S., to provide that permits for present installations of coastal armoring are to be issued where: 1) the installation is between and adjoins the rigid coastal armoring structures at both ends; 2) follows a continuous and uniform armoring structure construction line with existing coastal armoring structure; and 3) is no more than 250 feet in length.

Section 5: Amends s. 161.091, F.S., 1998 Supplement, effective July 1, 2001, to provide for technical changes relating to the beach erosion management plan in order to be consistent with the statutory citations in the Florida Forever Act.

Section 6: Creates s. 215.618, F.S., to provide for the purpose of issuing Florida Forever bonds, not to exceed \$3 billion, is to finance or refinance the cost of acquisition and improvement of land, water areas and other related property interests for the purpose of restoration, conservation, recreation, preservation and water resource development. This not only accomplishes environmental restoration but also enhances public access and recreational enjoyment, promotes long-term management goals and facilitates certain water resource development subject to certain specified statutory and constitutional provisions. These bonds may be issued to refund P2000 bonds. The duration of each series of Florida Forever bonds issued is not to exceed 20 annual maturities.

This bill provides that the State covenants with the holders of the Florida Forever and P2000 bonds that will not materially or adversely affect the holders' rights, including, but not limited to: reducing the amount transferred to the Land Acquisition Trust Fund to pay for debt service on the P2000 or Florida Forever bonds.

Directs that the bonds do not constitute a general obligation or pledge of full faith and credit of the State. The Department of Environmental Protection shall direct the Division of Bond Finance to issue the Florida Forever bonds pursuant to the State Bond Act. The proceeds from the sale of bonds issued shall be deposited into the Florida Forever Trust Fund, less the costs of issuance, funding reserve accounts, and other bond related costs. These bonds are to be distributed by the department pursuant to s. 259.105, F.S., except that there shall be no sale or disposition, lease, easement, license or other use of land, water areas or related property interests, acquired or improved by the bonds, which would cause all or a portion of such bond interest to lose its exclusion from gross income for federal income tax purposes.

Recreates the Land Acquisition Trust Fund and provides that LATF is to exist beyond the termination of the bonding authority provided for in the Florida Constitution and shall continue to exist so long as P2000 and Florida Forever bonds are outstanding and secured by taxes.

Provides that certain bonds are to be validated and any complaint relating to validation is to be filed in the Circuit Court in Tallahassee.

Section 7: Amends s. 216.331, F.S., to provide for technical changes regarding disbursement of state moneys in order to be consistent with the statutory citations in the Florida Forever Act.

Section 8: Amends s. 253.027, F.S., to provide that \$2 million shall be reserved annually within the Florida Forever Trust Fund (not the CARL Trust Fund) for the purpose of emergency archaeological acquisitions or where such funds are not spent by the end of the third quarter, for acquisitions listed on annual priority lists. Deletes reference to certain fiscal years and deletes the authority to spend the funds for other specified purposes in s. 259.032, F.S., upon approval of the Board of Trustees of the Internal Improvement Trust Fund.

Section 9: Amends s. 253.03, F.S., 1998 Supplement, to provide for the restoration of eligible historic structures which are over the waters of the state and have submerged land leases (or are grandfathered in) and provides that such structures shall have the right to continue to have the leases provided that the lessee maintains the structure in a state of repair consistent with the guidelines for listing on the National Register of Historic Places or the State Inventory of Historic Places. If the structure is damaged or destroyed the lessee may reconstruct consistent with the integrity of the structure and does not increase the footprint of the structure. If the structure falls into disrepair and the lessee is not willing to repair and maintain it accordingly, the state may cancel the submerged land lease and either repair the structure and maintain the property or require that the structure be removed from the lands.

By January 1, 2000, owners of certain structures built on or before January 1, 1998 located in certain Everglades districts must provide written notification to South Florida Water Management District of their existence and location and an identification of the footprint of the structure, and upon such notice, the leaseholders will be granted an automatic 20 year lease, at a reasonable fee, to expire on January 1, 2020. Where the structures are on state-owned lands, the South Florida Water Management District is to notify the department, and at the end of the 20 year lease, the district or department shall have the right to renew the lease or require the leaseholder to remove the structures if the district determines that the structures are causing harm to the water or land resources. The structure of any owner who does not provide notification to the South Florida Water Management District as required, or which is built in any water conservation area after May 1, 1999 without the necessary permits, is to be considered illegal and subject to immediate removal.

Section 10: Amends s. 253.034, F.S., 1998 Supplement, to update the rails-to-trails provisions in order to allow use of the funds from the Florida Forever program.

Brings statutory language into compliance with the constitutional amendment adopted in November 1998 regarding disposition of surplus state-owned lands. More specifically, allows certain lands, in which the title is vested in the Board of Trustees of the Internal Improvement Trust Fund, to be surplus. For those lands which are acquired for conservation purposes, the board has the authority to make a determination that such lands are "no longer needed for conservation purposes" and has the authority to dispose of the lands with two-thirds vote (all other lands are disposed of with majority vote.) Any governmental unit seeking to transfer lands shall allow the board of trustees to reacquire such lands for the price at which they sold the lands.

Provides that all lands acquired (i.e., core parcels or within original projects boundaries) prior to July 1, 1999; using proceeds from the Preservation 2000 bonds, the CARL Trust Fund, the Water Management Lands Trust Fund, Environmentally Endangered Lands Program, and the Save Our Coast Program; and titled with the board, are deemed to be acquired for conservation purposes. For all lands acquired after July 1, 1999, the board shall determine which lands shall be designated as having been acquired for conservation purposes. No lands purchased by the Department of Corrections; Department of Management Services; Department of Transportation; state university system; or state community college system, are to be designated as having been purchased for conservation purposes.

Each agency is to indicate to the board every three years which lands are not being used for the original purpose for which they were acquired. Prior to this decision by the board, the Acquisition and Restoration Council is to make a recommendation whether surplusing is compatible with the objectives of such lands.

This bill provides procedures for surplusing to public and private entities. Lands determined to be surplus shall be offered first to the county or local government for period of 90 days at the acquisition price. State agencies shall have a subsequent opportunity to acquire the surplus lands not to exceed 30 days after the offer to county or local governments expired. Lands determined to be surplus are to be sold at the greater of the fair market value or the price paid by the State or the water management district to originally acquire the lands. A unit of government which acquires title to lands for less than fair market value, may not sell or transfer title to any private owner for a period of ten years. Any government unit seeking to transfer lands pursuant to this statutory section shall first allow the board of trustees to reacquire such lands for the price at which they sold the lands. Deletes the requirement that a portion of the proceeds from surplusing goes to pay for real estate services.

Surplusing requests may be made by any public or private entity or person. All requests are to be submitted to the managing agency for review and recommendation to the council within a 90 day period. Surplusing requests which have not been acted upon within this 90 day period will be immediately scheduled for hearing at the next scheduled meeting of the council. Such surplusing is not required to be offered to local or state governments as otherwise indicated above.

Lands not surplus to the government will be sold on the open market for fair market value. All proceeds from any sale of surplus lands are to be deposited into the fund from which the lands were acquired. However, if the fund no longer exists, proceeds are to be deposited into an account to be used by the respective managing agency for land management. No disposition is to be made if it causes all or part of the interest of any revenue bond to lose its exclusion from gross income for federal income tax purposes.

This bill creates a new provision of law to allow for additional uses of lands acquired under state-funded land purchase programs if, upon a finding by the board of trustees, the lands met certain criteria. Such additional uses of lands include: water resource development projects; water supply development projects; storm water management projects; linear facilities; and sustainable agriculture and forestry. These land uses shall be authorized where:

- A. not inconsistent with the management plan for such lands;
- B. compatible with the ecosystem and resource value of such lands;
- C. the use is appropriately located and consideration is given to other locations;
- D. the titleholder is reasonably compensated; and
- E. the use is consistent with the public interest.

A decision by the board of trustees carries a presumption of correctness. All funds received in compensation for allowing the additional use shall be returned to the lead managing agency.

Lands listed as acquisition projects may managed for conservation by private parties in anticipation of a state purchase with a contract between the acquiring agency and the private party which includes management service, leases, cost-share arrangements or resource conservation agreements. Funding for such contractual arrangements may originate from the documentary stamp tax revenue deposited into CARL and Water Management Lands Trust Funds as long as no more than 5 percent of the funds allocated under these trust funds is to be expended for this purpose.

Section 11: Amends s. 253.7825, F.S., to increase from 250 to 500 acres on which a planned horse park-agricultural center may be built on former canal lands in cooperation with the Department of Agriculture and Consumer Services.

Section 12: Amends s. 259.03, F.S., to delete the definitions of "state capital projects for environmentally endangered lands" and "state capital project for outdoor recreation lands" as these terms are now obsolete. The term "capital improvement" is defined to mean those activities relating to the restoration or acquisition of lands, water areas, and related resources necessary to further the purpose of this chapter. Such activities include, but are not limited to, initial removal of invasive plants and the construction of facilities' signs, fire lanes, access roads, and trails. Continuing expenditures are not eligible for funding under this chapter. The term "water resource development project" is defined to mean a project eligible for certain funding which increases the amount of water available to the system by enhancing or restoring aquifer recharge, facilitating the capture and storage of surface waters or promoting reuse. This term does not include the construction of treatment, transmission or distribution facilities. Lastly, the term "department" is defined to mean the Department of Environmental Protection.

Section 13: Amends s. 259.032, F.S., to describe the purposes of the Conservation and Recreational Lands Trust Fund. Provides additional policies which state that the purpose of this fund is to promote water resource development and restoration activities on public lands. Also provides additional legislative intent that lands acquired through this program are to be managed so as to protect and restore their natural values as well as provide the greatest benefit to citizens of the state.

Deletes the provision that allows this trust fund to be spent for acquisition of lands identified on the annual CARL list which is associated with the P2000 program.

Provides that moneys in the CARL Trust Fund is to be used to manage lands and pay for related costs.

Expands the ability of the board of trustees to acquire lands which emphasize long term protection of certain endangered species; promotes water resource development and facilitates the restoration of the Florida Everglades.

Provides for certain outdoor recreational uses for which lands managed under this section may be used.

Requires that state, regional, or local governmental agencies designated to manage lands under this section shall develop and adopt an individual management plan which shall be updated every five years. For parcels over 160 acres, the original plan and subsequent updates are to be developed with input from advisory groups. For those parcels or projects that are within more than one county, at least one public hearing shall be acceptable and a local elected official from each county shall be invited. The hearing is to take place in the county where the core parcels are located.

Provides that up to 1.5 percent of the cumulative funds deposited into the P2000 and the Florida Forever Trust Fund shall be made available for maintenance, management and capital improvements not eligible for funding under s. 11(e), Art. VII of the Florida Constitution and for associated contractual services. Any capital improvements not eligible for funding pursuant to the state Constitution are eligible for funding with these management dollars. Of this total amount, \$250,000 shall be transferred annually to the Plant Industry Trust Fund within the Department of Agriculture and Consumer Services for the purpose of implementing the Endangered or Threatened Native Flora Conservation Grants Program under s. 581.185(11), F.S. (The Endangered or Threatened Native Flora Conservation Grants Program is created within the department under s. 581.185(11), F.S. The department is authorized pursuant to s. 581.185(11)(a), F.S., to contract with qualified corporations in order to provide recognition, encourage protection and monitor the flora that is native to this state. A qualified corporation may apply for a grant from state funds to support programs that are designed to protect, conserve, reintroduce and monitor endangered or threatened native flora. The department shall establish certain criteria for awarding grants which include: evaluating facilities, programs and documentation.) Any equipment purchased with funds from this paragraph may be used on any conservation/ recreation lands managed by a state agency.

Also, this section makes substantive changes to the payment in lieu of taxes program. As of July 1, 1999, the Legislature shall make available sufficient funds from the CARL Trust Fund to the

department for payment in lieu of taxes to qualifying counties and any local governments. "Local governments" includes municipalities, the county school board, mosquito control districts, and any other local government which levies ad valorem taxes (this does not include water management districts.)

Payment in lieu of taxes shall be available to all counties and all local governments located within eligible counties that have a population of 150,000 or less (as determined pursuant to s. 11.031, FS., which provides for the basis of the official census) and where the amount of the tax loss from all completed Preservation 2000 and Florida Forever acquisitions in the county exceed 0.01 percent of the county's total taxable value. Once eligibility has been established, that entity is to receive 10 consecutive annual payments without regard to further eligibility.

A provision is created to direct that payment in lieu of taxes is to be available to Glades county for the lands on which a privately owned and operated prison and juvenile justice facility leased to the state are being operated.

This section also reduces the time from 180 days to 90 days in which the board has to remove properties from the Conservation and Recreation Lands list or the priority list established pursuant to s. 259.105, F.S. where the landowner objects.

Section 14: Creates s. 259.0345, F.S., which develops a Florida Forever Advisory Council, consisting of seven members to be appointed from certain demographic areas by the Governor. The appointed members shall serve 4 year terms, except initially where three appointees shall serve 2 year terms to provide for staggered terms. No one member may serve more than 6 years. In addition, the President of the Senate and the Speaker of the House of Representatives shall each appoint one qualifying nonvoting member from their respective chamber. Appointments are to be made by August 15, 1999 and the council meetings are to take place as scheduled herein. The Governor is to appoint the chair of the council and the vice-chair is elected from the voting members. Each council member would receive \$75 per day while engaged in the business of the council and per diem expenses for traveling.

The department is to provide primary staff support to the council and electronically record all council meetings. The department is authorized to adopt any rules necessary to implement this statutory section. The department shall contract with the Florida Natural Areas Inventory for scientific assistance necessary to fulfill the requirements of this section and may request assistance of other state agencies, water management districts, or universities to provide information or expertise to the council.

By November 1, 2000, the council is to provide a report to the Secretary of Environmental Protection and the board of trustees for approval. The report shall meet the following requirements: establish specific goals for those identified in s. 259.105(4), F.S.; provide recommendations for expanding goals identified in s. 259.105(4), F.S.; provide recommendations for development and identification of certain performance measures; and provide recommendations for the process by which projects are to be submitted, reviewed and approved by ARC. This report is to be based upon comments received during public hearings; evaluations of Florida existing public land acquisition programs for conservation, preservation and recreational purposes and certain material developed by Florida Natural Areas Inventory. Once the report is approved, it is to be forwarded to the President of the Senate and the Speaker of the House of Representatives 30 days prior to the 2001 Regular Session. The Legislature may choose to implement or modify the goals and performance measures.

The council shall provide another report to the Secretary of Environmental Protection, at least 30 days prior to the following Regular Sessions: 2002, 2004, 2006 and 2008. This report shall provide recommendations for adjusting or expanding the goals detailed in s. 259.105(4), F.S.; recommendations for adjusting the percentage distributions detailed in s. 259.105(3), F.S., and recommendations concerning other aspects of the Florida Forever Act. This report is to be passed on to the board of trustees, for approval, then forwarded to the President of the Senate and the Speaker of the House of Representatives.

Section 15: Creates into Chapter Law an appropriation of \$150,000 from the CARL Trust Fund and \$150,000 from the Water Management Lands Trust Fund to be distributed to the department for the fiscal year 1999-00 to fund the expenses of the Florida Forever Council. Of this amount the Florida

Natural Areas Inventory shall receive no less than \$50,000 for their contractual services as required pursuant to s. 259.035(5), F.S.

Section 16: As of March 1, 2000, s. 259.035, F.S., 1998 Supplement, is substantially reworded to establish the Acquisition and Restoration Council ("ARC") and provides for its membership, duties, and compensation.

ARC is to consist of nine voting members, four of which are to be appointed by the Governor. These four members shall come from scientific disciplines related to land, water or environmental sciences. These members are to serve a four-year term, except two initial members which shall serve a two-year term. Terms are limited to six years. The remaining five members shall be: 1) the Secretary of Environmental Protection; 2) the director of the Division of Forestry of the Department of Agriculture and Consumer Services; 3) the executive director of the Fish and Wildlife Conservation Commission; 4) the director of the Division of Historical Resources of the Department of State; and 5) the Secretary of Community Affairs, or their designee. The Governor is to appoint the chair of the council, and a vice-chair is to be elected among the members. The department is to provide primary staff support and ensure that all meetings are recorded. Four appointees are to receive \$75 per day while engaged in the business of the council as well as travel expenses. This council is to provide certain assistance to the board of trustees relating to state-owned lands pursuant to s. 253.034, F.S.

For the purpose of expending any remaining funds in the Florida Preservation 2000 Trust Fund, ARC shall only use funds to acquire lands identified in the annual Conservation and Recreational Lands list as approved by the board in 2000.

Section 17: Amends s. 259.036, F.S., to provide for the creation of a successor to the Land Acquisition and Management Advisory Council.

Section 18: Amends s. 259.04, F.S., to provide technical changes to conform the board of trustee's powers and duties with the creation of the Florida Forever program and its objectives.

Section 19: Amends s. 259.041, F.S., 1998 Supplement, to encourage the use of alternatives to fee simple acquisition and development of certain programs to implement such alternatives. More specifically, this section provides legislative findings that the state must develop techniques to maximize the use of acquisition and management funds. The state's land buying agencies are encouraged to use alternatives to fee simple acquisitions, develop programs to pursue such alternatives and educate private landowners regarding such alternatives. The applications for such programs shall identify those projects which require a fee simple interest. Lands upon which hunting rights are specifically acquired are available for hunting in accordance with the management plan or hunting regulations adopted by the Fish and Wildlife Conservation Commission -- unless purchased to protect activities on adjacent lands. The Commission is authorized to give preference to those less-than-fee-simple acquisitions that provide any public access.

In the absence of direct comparable sales information, appraisals of alternative fee simple acquisitions are to be the difference between the full fee simple valuation and the value of interests remaining in the seller after the acquisition.

Section 20: Amends s. 259.101, F.S., 1998 Supplement, to provide appropriation language to authorize the redistribution of certain unencumbered funds from P2000 to be divided equally among the Department of Environmental Protection and water management districts.

Section 21: Creates s. 259.105, F.S., the *Florida Forever Act*. This section sets forth the legislative findings, declarations and intent of the Florida Forever Act, such as:

- Endorsing the P2000 program;
- Recognizing the degradation of water resources in this state;
- Committing to protect, restore and preserve lands and water areas;
- Providing access to public lands as important;
- Providing that acquisition should be based upon an assessment of natural resources;
- Changing the direction and focus of the land acquisition program to extend bonding and financing capabilities; and

- Stating that the bond proceeds are to be used to implement the goals and objectives developed by ARC.

The Florida Forever Act also provides that bond proceeds are to be distributed as follows:

- 35% (\$105m) to the Department of Environmental Protection for land acquisition and capital expenditures in order to implement the priority lists submitted by the water management districts. A minimum of fifty percent of these funds shall be used for the land acquisitions;
- 35% (\$105m) to the Department of Environmental Protection for land acquisition and capital expenditures pursuant to this section. Of these proceeds, a priority is to be given to acquisitions which achieve a combination of: conservation goals, including: protecting Florida's water resources and natural groundwater recharge. Capital expenditures are not to exceed 10 percent of the these funds;
- 24% (\$72m) to the Department of Community Affairs to provide grants to local governments through the Florida Communities Trust. From these funds, 8 percent are to be transferred annually to the Land Acquisition Trust Fund for grants awarded under the Florida Recreation Development Assistance Program in s. 375.075, F.S. Seventy-five percent of the funds which are used for land acquisition and are available to the trust are to be matched by local governments on a dollar for dollar basis. Thirty percent of the total trust funds are to be used in Standard Metropolitan Statistical Areas, but one-half of that amount is to be used in localities in which the project site is located in built-up commercial, industrial or mixed-use areas and functions to intersperse open spaces within congested urban core areas. No less than 5 percent of the funds allocated to the trust are to be used to acquire lands for recreational trail systems. If the full 5 percent is not used, such funds may be expended for other purposes authorized by this section; and
- 1.5% (\$4.5m) to each of following: DEP for the purchase of inholdings and additions to state parks under the jurisdiction of the Division of Recreation and Parks; the Division of Forestry at DACS to fund acquisitions and inholdings and additions pursuant to this section, along with reforestation plans or sustainable forestry management; the Fish and Wildlife Conservation Commission to fund acquisitions and inholdings and additions to land to further the conservation of fish and wildlife; the Florida Greenways and Trails Program to acquire greenways and trails, including railroad rights-of-way and the Florida National Scenic Trail.

All lands acquired pursuant to this section are to be used for "multiple-use" purposes. "Multiple use" includes: outdoor recreational activities pursuant to ss. 253.034 and 259.032(9)(b), F.S., water resource development projects, and sustainable forestry management. Water resource or water supply projects may be allowed only if the following specified conditions are met: minimum flows and levels have been established for those waters which may incur significant harm to water resources, the project complies with permitting requirements, and the project is consistent with the regional water supply plan. The entity which vests title in the lands may designate the lands as single use.

Funding under the two 35% provisions mentioned above, is contingent upon the project contributing to the achievement of certain specified goals. Out of the *first* 35 percent funding provision mentioned above, the Secretary of Environmental Protection is to ensure that each water management district receives the following percentage of funds: 35% to the South Florida Water Management District; 25% to the Southwest Florida Water Management District; 25% to the St. John's River Water Management District; 7.5% to the Suwannee River Water management District; 7.5% to the Northwest Florida Water Management District. An increased priority will be given to such projects which have secured a cost-sharing agreement allocating responsibility for the cleanup of point and nonpoint sources of pollution.

Under the *second* 35% funding provision mentioned above, ARC will accept applications for eligible project proposals beginning July 1, 2000. Project applications shall contain a minimum of two numeric performance measures which relate directly to overall goals and proof that owners within the acquisition area have been notified of their inclusion in the project. ARC shall develop a rule to competitively evaluate, select and rank projects eligible for Florida Forever funds under s.

259.105(3)(b), F.S. In developing this rule, ARC shall give weight to certain specified criteria, e.g., the project meets multiple goals, the project is a part of an ongoing governmental effort to restore, protect or develop land areas or water resources, and the project facilitates management of properties already under public ownership. ARC is to review that year's approved project lists and by the first board meeting in May, ARC is to submit the lists to the board of trustees. ARC is also required to submit to the board of trustees, with its project list, a report containing certain specified information regarding each project listed.

Under the remaining funding provisions mentioned above, the agencies are to develop their individual acquisition or restoration lists. Proposed additions may be acquired if they are within the original project boundary, management plan or management prospectus. Proposed additions which do not meet these requirements may be submitted to ARC for approval if the additions meet two or more of the criteria listed, e.g., serves as a link or corridor to other publicly owned property or enhances the protection or management of the property.

This section further grants specific rulemaking authority to the Department of Environmental Protection, ARC and the water management districts for implementation of the Florida Forever Act. Rules promulgated by ARC are to become effective only after submission to the President of Senate and Speaker of the House of Representatives for legislative review no later than 30 days prior to the 2000 Regular Session. ARC's rules become effective if no action is taken by the Legislature.

The board of trustees or water management district may authorize the granting of a lease, easement, or license for the use of certain lands. Particular uses are to be reviewed by the appropriate board and shall be compatible with resource values and management objectives for the land.

This bill creates a section that allows the board of trustees to allow lands identified or acquired under the program to be managed by a private entity in accordance with a contractual arrangement with the acquiring agency. Funding for these contracts may only originate from the documentary stamp tax revenues deposited into the CARL Trust Fund and Water Management District Lands Trust Fund.

Section 22: Amends s. 260.012, F.S., 1998 Supplement, to provide that it is the intent of the Legislature to include waterways in the statewide system of greenways and trails.

Section 23: Amends s. 260.013, F.S., 1998 Supplement, to redefine the term "designation" to include waterways as a part of the statewide system of greenways and trails pursuant to a formal public process and written consent of the landowner. Provides that mapping of waterways does not constitute designation.

Section 24: Amends s. 260.014, F.S., 1998 Supplement, to provide that greenways may be located on waterways, and therefore, waterways are subject to acquisition, planning and management for use as greenways and trails.

Section 25: Creates s. 260.0142, F.S., to establish the Florida Greenways and Trail Council. This Council is composed of a total of twenty-one members. Five members are to be appointed by the Governor, which include: two members representing the trail-user community, two members representing the greenway-user community and one member representing private landowners. Three members are to be appointed by the President of the Senate, including: one member representing the trail-user community and two members representing the greenway-user community. Three members are to be appointed by the Speaker of the House of Representatives, including: two members representing trail-user community and one member representing the greenway-user community. Term limits are provided.

The ten remaining members shall include: 1) the Secretary of Environmental Protection; 2) the executive director of the Fish and Wildlife Conservation Commission or designee; 3) the Secretary of Community Affairs or a designee; 4) the Secretary of Transportation; 5) the director of the Division of Forestry or designee; 6) the director of the Division of Historical Resources or designee; 7) a representative of the water management districts; 8) a representative of a federal land management agency; 9) a representative of the regional planning councils as appointed by the Secretary of the Department of Environmental Protection; and 10) a representative of local governments as appointed by the Secretary of the Department of Environmental Protection.

The department is to provide the necessary staff support to the Council. This Council's duties are set forth in this section and include: advising certain state agencies on policies relating to the Florida Greenways and Trails System; facilitating a statewide system of trails and other linkages; reviewing project applications for funding and other specified duties which encourage and support the greenways and trails system.

This Council is to establish its own procedure for conducting its affairs. Members are not to receive any compensation for their services.

This Council replaces both the Florida Recreation Trails Council ("FRTC") and the Florida Greenways Coordinating Council ("FGCC"). The FRTC currently advises the department in the execution of its powers and duties. The FRTC also assists in selecting acquisition projects and establishes minimum standards for the recreational trails in Florida. In 1995, the Legislature created the "Florida Greenways Coordinating Council". The purpose of this Council was to promote greenways initiatives throughout the state and provide technical support, leadership, education, advocacy and other services. This bill repeals both the FRTC and the FGCC and creates one entity in their place, the Florida Greenways and Trail Council.

Section 26: Amends s. 260.016, F.S., 1998 Supplement, to provide technical and clarifying changes to the department's permissive duties related to greenways and trails, which include: publishing maps of greenways and trails; establishing access routes and related public facilities; adopting appropriate rules to implement this Act; coordinating the activities of all governmental bodies that desire to participate in the greenways system; developing greenways and trails in a manner that will permit public recreation without damaging natural resources; entering into agreements with other entities for management; and charging reasonable fees for the use of or operation of facilities.

Technical and clarifying changes are also made to the department's mandatory duties. These changes include: striking a requirement that the department contact railroad companies on a quarterly basis regarding railroad abandonments; striking a requirement that the department provide the probable cost of purchase or lease of abandoned rail corridors available for acquisition or lease; and adding a duty that the department implement the plan for the Florida Greenways and Trails System that was adopted in September of 1998.

Section 27: Amends s. 260.018, F.S., 1998 Supplement, to correct a statutory cite relating to agency recognition of the Florida Greenways and Trails Council and to recognize that waterways are also part of greenways and trails.

Section 28: Amends s. 288.1224, F.S., to provide technical changes relating to the general powers and duties of the Florida Commission on Tourism necessary due to the creation of the Florida Greenways and Trails Council.

Section 29: Creates into chapter law a provision that exempts certain trails that were designated prior to May 30, 1998 from the designation process established in chapter 260.

Section 30: Amends s. 369.252, F.S., effective July 1, 2001, to direct that 20 percent of the amount credited to the Aquatic Plant Control Trust Fund pursuant to s. 201.15(6), F.S., is to be used for controlling nonnative, upland, invasive plants on public lands. Of this amount, 5 percent (\$6 million) shall be used for upland invasives.

Section 31: Amends s. 369.307, F.S., to provide technical changes necessary due to the creation of the ARC, the successor to the Land Acquisition and Management Council.

Section 32: Amends s. 373.089, F.S., to provide that the title to any lands which vest in the governing board of a water management district may be surplused pursuant to certain procedures mentioned herein. Those lands which the board decides are no longer needed for conservation purposes may be disposed of by two-thirds vote; all other lands no longer needed are to be disposed of by majority vote. If the title vests prior to July 1, 1999, all lands will be deemed to be acquired for conservation purposes. For all lands after this date, the board is to make a determination, for such lands, as to whether the parcels were acquired for conservational purposes or not.

Section 33: Amends s. 373.139, F.S., to allow the governing board of a district to acquire less than fee simple title to real property for aquifer recharge, water resource and water supply development. All acquisitions must have a public hearing similar to those held pursuant to s. 120.54, F.S.

The Secretary of the department is to release monies for preacquisition costs within thirty days after receipt of a resolution adopted by the district's governing board. All funds not used for the purposes in the resolution are to be returned to the department. Similarly, the Secretary of the department is to release acquisition monies to a district after receipt of a resolution adopted by the governing board.

A district may dispose of land acquired under this section as long as it would not cause all or any portion of the interest on the revenue bonds to lose its exclusion from gross income under federal taxation.

The districts have rule making authority for certain activities set forth herein. However, such rules shall be submitted to the Legislature for review. If no action is taken by the Legislature then the rules shall become effective.

Section 34: Creates s. 373.0391, F.S., to provide that lands titled to the governing boards of the districts are to be managed to ensure a balance between public access, general public recreational purposes and restoration and protection of their natural state and condition. Whenever possible such lands are to be opened to the public for recreational uses.

The Secretary of Environmental Protection shall submit any dispute which arises in developing or reviewing land management plans to the Florida Forever Advisory Council.

Interests in real property acquired by the districts with funds other than those appropriated pursuant to the Florida Forever Act may be used for permissible water resource development and water supply development purposes if the minimum flows and levels have been established; the project complies with all conditions for issuance of a permit; and the project is compatible with the purposes for which the land was acquired.

Each district is encouraged and authorized to enter into cooperative land management agreements with governmental units to provide for cost effective land management of certain lands.

Upon meeting certain listed criteria, lands acquired pursuant to the Florida Forever program and other programs shall be authorized for the following uses: water resource development projects, water supply development projects, storm water management projects, linear facilities, and sustainable agriculture and forestry. This provision is identical to that contained in Section 10 of this bill.

However, such rules shall be submitted to the Legislature for review. If no action is taken by the Legislature then the rules shall become effective.

Section 35: Amends s. 373.146, F.S., to provide that water management districts may provide reasonable notice by publication in the newspaper no less than 7 days before a meeting scheduled to evaluate responses to solicitations issued by the water management district.

Section 36: Creates s. 373.199, F.S., which provides for the Florida Forever Water Management District Workplan. This provision states that in order to further the goals of Florida Forever Act, the water management districts are to create a five-year plan which identifies projects that meet certain criteria. In developing their lists, each water management district shall integrate its surface water improvement and management plans and other specified lists and projects that would assist meeting the goals of Florida Forever and work cooperatively with applicable ecosystem management area teams and other advisory groups where applicable. The district's lists shall also include, for each project, several factors, including: a description of the water body system; an identification of all governmental agencies having jurisdiction over the water body; a description of the land uses within the project area's drainage basin; a description of strategies or studies; and a schedule for restoration, among other factors.

The lists are to indicate the relative significance of each project; the schedule of activities; the sums of monies earmarked; and rankings as much as possible.

Each district is to remove the property of an unwanted seller from its five year plan at the next scheduled update of the plan. By January 1 of each year, each district is to submit a report to the Secretary of Environmental Protection which includes a description of land management activity for each property and a list of any lands surplus. The Secretary shall submit this report along with the Florida Forever report required under s. 259.105, F.S.

Section 37: Repeals s. 373.250(6), F.S. regarding reuse and reclaimed water.

Section 38: Amends s. 373.59, F.S., 1998 Supplement, to provide for the uses of funds within the Water Management Lands Trust Fund.

The following language in this section is stricken: 1) land acquisition with moneys from the fund and related reporting requirements; and 2) payment in lieu of taxes (however, a new process is provided for in its place identical to that described in s. 259.032, F.S., as referenced in Section 12 herein.)

Provides that any water management district with fund balances in the Water Management Lands Trust Fund as of March 1, 1999, may expend those funds for land acquisitions pursuant to s. 373.139, F.S., or for other purposes as specified within this section.

As of July 1, 1999, not more than one-fourth of certain land management funds are to be reserved annually by a governing board for payment in lieu of taxes for all tax losses incurred as a result of acquisitions for water management districts under the Florida Forever program. Payment in lieu of taxes is available to all counties with a population of 150,000 or less and in which the amount of tax loss from the P2000 and Florida Forever programs exceeds .01 percent of the county's total taxable value. This bill provides for payment and application of and exemption from payment in lieu of taxes.

Section 39: Amends s. 375.075, F.S., to recognize the creation of a dedicated funding source under the Florida Forever program and directs that any expenditures be done in accordance with plans developed by the department.

Section 40: Amends s. 380.0666, F.S., to provide for the creation of a successor to the Land Acquisition and Management Council established in s. 259.035, F.S.

Section 41: Amends s. 380.0677, F.S., to provide that certain funds relating to the Green Swamp Land Authority are to remain available for a period of 24 months for the purposes specified herein.

Section 42: Amends s. 380.22, F.S., 1998 Supplement, to provide for the creation of a successor to the Land Acquisition and Management Advisory Council.

Section 43: Amends s. 380.503, F.S., to define the term "metropolitan" and "urban area" as used for implementing the Florida Communities Trust program and provides for additional technical changes.

Section 44: Amends s. 380.504, F.S., to increase from three to four the membership of the Florida Communities Trust as appointed by the Governor. These four members are to consist of: a former elected official of a county government; a former elected official of a metropolitan municipal government; a representative of a nonprofit organization; and a representative of the development industry.

Section 45: Amends s. 380.505, F.S., to change the voting requirements necessary for a quorum for board actions relating to Florida Communities Trust which is necessary due to the increase in membership of the trust.

Section 46: Amends s. 380.507, F.S., to provide for certain powers of the Florida Communities Trust which would permit titling of land to a local government when acquired in partnership with a county or municipality. Also, a technical change is made to recognize the creation of the Florida Forever Act.

Section 47: Amends s. 380.510, F.S., to provide conditions for awarding grants and loans from the Florida Communities Trust and ensures that any deeds or leases acquired by the trust contain covenants and restrictions which ensure that the use of real property complies with Constitutional provisions at all times. Technical amendments are made to recognize the creation of the Florida Forever Act.

Section 48: Amends s. 420.5092, F.S., effective July 1, 2001, to provide for technical changes relating to Florida Affordable Housing Guarantee Program to be consistent with the Florida Forever Act.

Section 49: Amends s. 420.9073, F.S., effective July 1, 2001, to provide for technical changes relating to local housing distributions to be consistent with the Florida Forever Act.

Section 50: Repeals s. 253.787, F.S., the Florida Greenways Coordinating Council which is necessary due to the creation of a new council in s. 260.0142, F.S., as referenced in Section 25 herein.

Section 51: Repeals s. 380.0677(2), F.S., effective July 1, 1999, and transfers the powers, duties and functions performed by the Green Swamp Land Authority to the Department of Environmental Protection.

Section 52: Creates into Chapter Law that the department shall reinstitute appropriate payments in lieu of taxes which were suspended and continue the payments in consecutive years until the governmental entity has received a total of ten payments for each tax loss.

Section 53: Unless otherwise provided herein, this act takes effect July 1, 1999.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

This bill creates and/or increases rulemaking authority for the Department of Environmental Protection, or other appropriate state agencies, and the Acquisition and Restoration Council because of the creation of and in order to implement the provisions of the Florida Forever program.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

This bill creates and/or increases responsibilities for the Department of Environmental Protection, or other state agencies, and the Acquisition and Restoration Council because of the creation of and in order to implement the provisions of the Florida Forever program.

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

See the "Effects of Proposed Changes" section herein above.

E. SECTION-BY-SECTION ANALYSIS:

See the "Effects of Proposed Changes" section herein above.

IV. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Department of Environmental Protection
Transfer to the Executive Office of the Governor

Conservation and Recreation Lands Trust Fund

FY 99-00

\$125,000

Water Management Lands Trust Fund

\$125,000

2. Recurring Effects

- 1) This bill changes the eligibility requirements for entities to qualify for payment in lieu of taxes (PILT). The new requirements make eligible all counties, school districts and local governments with a population of 150,000 or less, and no millage requirement. As a result, seventeen additional counties would be eligible for PILT. According to the State Land Acquisition Interim Project Report of February 1, 1999, it may cost the CARL fund an additional \$198,681 in PILT payments for eligible counties and local governments. This is approximately an 18 % growth in expenditures. In addition, it may cost an additional \$197,265 for eligible school districts under these requirements. (See Interim Report). This estimate does not include the mosquito control districts and other local governments which may levy ad valorem taxes and thus be eligible under this bill. However, these are anticipated to be minimal.

The water management districts would be governed by the same new requirements. During the 1997-1998 fiscal year, the water management districts paid approximately \$162,028 in PILT payments. If an 18% growth formula is applied, similar to that above, the wmd's expenditures may increase to approximately \$190,000. These figures will fluctuate district to district, as each district applies slightly different PILT procedures.

- 2) Bond proceeds are to be distributed as follows:

**Distribution of the Bond Proceeds from
 the Florida Forever Trust Fund
 According to the Florida Forever Act**

Based upon \$300 million annual bond proceeds:

<u>Amount of Proceeds</u>	<u>Percentage of Proceeds</u>	<u>Distribution of Proceeds</u>
1) \$105 million	35%	Department of Environmental Protection for acquisition of lands and capital project expenditures in order to implement the wmd's priority lists developed pursuant to s. 373.199, F.S. A minimum of fifty percent of these total funds as provided over the life of the Florida Forever Program shall be used for land acquisition.
2) \$105 million	35%	Department of Environmental Protection re: acquisition of lands and capital projects. Of these proceeds, increased priority is to be given to those acquisitions which achieve a combination of conservation goals. Capital project expenditures may not exceed 10 percent of these funds.
3) \$ 72 million	24%	Florida Communities Trust Fund re: grants to local governments for the acquisition of community-based projects, urban open spaces, parks, and greenways to implement local government comprehensive plans. From the funds available to the trust, eight percent shall be transferred annually to the LATF for grants pursuant to s. 375.075, F.S. From funds

available to the trust and used for land acquisition, seventy-five percent is to be matched dollar-for-dollar by local governments. Thirty percent of the total allocation of funds provided to the trust shall be used in Standard Metropolitan Statistical Areas, one-half of that amount is to be used in certain specified localities. From the funds allocated to the trust, no less than five percent is to be used to acquire lands for recreational trail systems if needed.

4)	\$ 4.5 million	1.5%	Department of Environmental Protection for the purchase of inholdings and additions to state parks under the jurisdiction of the Division of Recreation and Parks.
5)	\$ 4.5 million	1.5%	Division of Forestry re: acquisition of state forest inholdings and additions and the implementation of reforestation plans or sustainable forestry management practices.
6)	\$ 4.5 million	1.5%	Fish and Wildlife Conservation Commission re: acquisitions of inholdings and lands important to the conservation of fish and wildlife.
7)	\$ 4.5 million	1.5%	Department of Environmental Protection for the Florida Greenways and Trails Program re: acquire greenways and trails, e.g., abandoned railroad rights of way and the Florida National Scenic Trail.

3) Documentary tax revenues are to be distributed as follows:

Distribution of Estimated Documentary Stamp Tax Revenues (in millions)

Based upon the estimated Documentary Stamp Tax Collections, as provided by the General Revenue Consensus Estimating Conference Comparison Report of March 8, 1999, estimated revenues are:

<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>FY 2003-04</u>	<u>Based on the Following Percentage of Total Doc. Stamp Revenues</u>	<u>Distribution</u>
\$47.9	\$49.6	\$51.5	4.2%	CARL Trust Fund to carry out purposes set forth in s. 259.032, F.S. Nine and one-half percent of this amount shall be transferred to the State Game Trust Fund for land management activities.
\$47.9	\$49.6	\$51.5	4.2%	Water Management Lands Trust Fund to be used for the purposes set forth in s. 373.59, F.S.
\$25.9	\$26.9	\$27.9	2.28%	Aquatic Plant Control Trust Fund to carry out the purposes set forth in ss. 369.22 and 369.252, F.S.
\$ 5.7	\$ 5.9	\$ 6.1	.5%	State Game Trust Fund to be used exclusively for the purpose of implementing the Lake Restoration 2020 Program.
\$ 5.7	\$ 5.9	\$ 6.1	.5%	State Treasury to be divided equally between the Department of Environmental Protection Grants

and Donations Trust Fund to address water quality impacts associated with nonagricultural nonpoint sources and the Department of Agriculture and Consumer Services General Inspection Trust Fund to address water quality impacts associated with agricultural nonpoint sources.

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

See Recurring Effects above.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

See "fiscal impact on state agencies/state funds" above.

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

N/A

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

VI. COMMENTS:

None.

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VIII. SIGNATURES:

COMMITTEE ON ENVIRONMENTAL PROTECTION:

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Staff Director:

Wayne S. Kiger

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