

By the Committee on Natural Resources and Senators Latvala,
Laurent, Carlton, Saunders and Kirkpatrick

312-1703A-99

1 A bill to be entitled
2 An act relating to the Florida Forever Program;
3 creating s. 259.202, F.S.; creating the Florida
4 Forever Act; providing legislative findings;
5 prohibiting the use of certain funds in the
6 Conservation and Recreation Lands and Water
7 Management Lands Trust Funds for land
8 acquisition; providing for the proceeds of bond
9 sales to be deposited into the Florida Forever
10 Trust Fund; providing for the distribution and
11 use of funds; providing project criteria for
12 land acquisition under the Florida Forever
13 Program; requiring increased priority for the
14 acquisition of lands providing protection of
15 certain threatened or endangered species;
16 providing procedures for determining the
17 priority of projects; restricting the use of
18 funds from the Florida Forever Trust Fund by
19 the Division of Forestry within the Department
20 of Agriculture and Consumer Services;
21 establishing procedures for the disposition of
22 lands; authorizing alternate uses of acquired
23 lands; providing a limitation on alternate
24 uses; encouraging and requiring the use of
25 alternatives to fee simple acquisition of
26 lands; requiring increased priority for a
27 project if matching funds are available;
28 requiring increased priority if the project is
29 priced below appraised value; creating s.
30 259.2021, F.S.; creating the Florida Forever
31 Commission to approve the expenditure of

1 certain funds; requiring the development of
2 goals; requiring a report; amending s. 201.15,
3 F.S.; authorizing the use of revenues for the
4 debt service on bonds; revising the
5 distribution of proceeds from the excise tax on
6 documents; amending s. 253.027, F.S.; revising
7 the criteria for expenditures for
8 archaeological property to include lands on the
9 acquisition list for the Florida Forever
10 Program; amending s. 253.034, F.S., relating to
11 uses of state-owned lands; authorizing
12 additional uses of state lands under specified
13 circumstances; conforming cross-references to
14 changes made by the act; amending s. 259.032,
15 F.S.; authorizing the Florida Forever
16 Commission to allocate funds for land
17 acquisition; emphasizing protection of
18 endangered and threatened species; conforming a
19 cross-reference; conforming provisions;
20 requiring the adoption of a management plan
21 within a specified period after the acquisition
22 of a parcel under the Florida Forever Program;
23 providing a restriction on funding for an
24 agency with overdue management plans; providing
25 a formula and funding source for funding
26 management, maintenance, capital improvements,
27 and payments in lieu of taxes; providing funds
28 for the control of exotic species; providing
29 funds for lake restoration from the State Game
30 Trust Fund; specifying eligible lands;
31 providing for the distribution of funds;

1 revising the criteria and eligibility for
2 payments in lieu of taxes; limiting the total
3 consecutive years of such payments; providing
4 for the deletion of certain property from an
5 acquisition list; deleting obsolete provisions;
6 amending s. 259.035, F.S.; revising procedures
7 for the Land Acquisition and Management
8 Advisory Council to propose projects to be
9 funded from the Florida Forever Trust Fund;
10 providing a cross-reference; amending s.
11 338.250, F.S.; providing for certain mitigation
12 funds to be used in coordination with funds
13 from the Florida Forever Trust Fund; amending
14 s. 373.59, F.S.; requiring a report to the
15 Florida Forever Commission; providing a process
16 for releasing funds for water resource
17 development and land acquisition projects;
18 deleting provisions authorizing the use of
19 specified funds for debt service on bonds
20 issued pursuant to s. 373.584, F.S.; requiring
21 payment of debt service before other uses of
22 funds; providing due dates for required
23 management plans; revising the criteria and
24 eligibility for payments in lieu of taxes;
25 requiring that payments be made in consecutive
26 years; amending s. 380.503, F.S.; providing
27 definitions; amending s. 380.504, F.S.;
28 revising the membership of the Florida
29 Communities Trust within the Department of
30 Community Affairs; conforming outdated
31 provisions; amending s. 380.507, F.S.;

1 authorizing the development of rules; amending
2 ss. 420.5092, 420.9073, F.S., relating to
3 affordable housing programs; conforming
4 cross-references to changes made by the act;
5 repealing s. 373.584, F.S., relating to revenue
6 bonds; providing that the repeal of s. 373.584,
7 F.S., does not impair the validity of certain
8 bonds outstanding on the effective date of the
9 act; requiring reinstatement of payments in
10 lieu of taxes in specified circumstances;
11 providing an educational program; providing an
12 effective date.

13

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

15

16 Section 1. Section 259.202, Florida Statutes, is
17 created to read:

18 259.202 Florida Forever Act.--

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

21 (2) LEGISLATIVE FINDINGS.--The Legislature finds and
22 declares that:

23 (a) The continued growth in the state's population
24 contributes to degradation of water resources, destruction of
25 wildlife habitats, loss of recreation space, and diminishment
26 of wetlands and forests and requires that additional sources
27 of water be available in the future.

28 (b) The Preservation 2000 Program provided tremendous
29 financial resources for purchasing environmentally significant
30 lands to protect those lands from imminent development,

31

1 thereby assuring present and future generations access to
2 important open spaces and recreation and conservation lands.

3 (c) It is the Legislature's intent to change the focus
4 and direction of the state's major land acquisition programs
5 and to extend funding and bonding capabilities so that future
6 generations may enjoy the natural resources of Florida
7 forever.

8 (d) Although the Florida Forever Program authorizes
9 the continued purchase of lands and interests in lands of the
10 type acquired through the Preservation 2000 Program, the
11 Florida Forever Program will focus on priority needs of the
12 state for acquiring parcels to restore and preserve water
13 quality, facilitate ecosystem management, water resource
14 development, the implementation of surfacewater improvement
15 and management plans, and the provision of green space and
16 recreation opportunities.

17 (e) To ensure sufficient funding for land management,
18 payments in lieu of taxes, and related activities, revenues
19 from documentary stamp tax proceeds deposited into the Water
20 Management Lands Trust Fund and the Conservation and
21 Recreation Lands Trust Fund may not be used for land
22 acquisition. The Legislature intends that the Florida Forever
23 Program supplant the acquisition programs formerly authorized
24 under ss. 259.032 and 373.59. The Legislature shall review, by
25 July 1, 2005, the need for funds to be available for land
26 acquisition from the Water Management Lands Trust Fund after
27 2010, and take appropriate action to provide funding to meet
28 anticipated needs.

29 (3) DISTRIBUTION OF BOND PROCEEDS.--Proceeds of bonds
30 issued under s. 375.051, less the costs of issuance, the costs
31 of funding reserve accounts, and other costs incurred with

1 respect to the bonds, shall be deposited into the Florida
2 Forever Trust Fund created by s. 375.046. The Department of
3 Environmental Protection shall distribute the bond proceeds as
4 follows:

5 (a) Thirty-five percent to the Florida Forever
6 Commission, created pursuant to s. 259.2021, for the purchase
7 of public lands described in s. 259.032, using the procedures
8 set out in that statute. In the acquisition of lands pursuant
9 to this paragraph, priority shall be given to acquisitions
10 that, when combined with previous acquisitions, will form more
11 complete patterns of protection for natural areas and
12 functioning ecosystems. All lands acquired under this
13 paragraph shall be managed pursuant to s. 253.034(1), and may
14 be used for water resource development projects if such
15 projects are not inconsistent with s. 253.034(1). Water
16 resource development projects may include aquifer storage and
17 recovery facilities, surface water reservoirs, and other
18 alternative water resource development activities. As provided
19 in this paragraph, permittable water resource development
20 projects may be allowed only if: the minimum flows and levels
21 have been established for those waters potentially affected by
22 the project; the project complies with all conditions for the
23 issuance of permits under part II of chapter 373; and the
24 project is consistent with the regional water supply plan of
25 the water management district.

26 (b) Thirty percent to the Department of Environmental
27 Protection for the purchase of water management lands pursuant
28 to s. 373.59, to be distributed among the water management
29 districts as provided in s. 373.597. Funds received by each
30 district may also be used for: acquisition of lands necessary
31 to implement surfacewater improvement and management plans

1 approved in accordance with s. 373.456 and which exist on July
2 1, 2000; water resource development; water supply development;
3 or acquisition of lands necessary to implement ecosystem
4 restoration projects. Of this thirty percent, at least
5 one-third must be used for water resource development
6 projects. The South Florida Water Management District must use
7 at least 20 percent of its annual allocation for Everglades
8 restoration activities.

9 (c) Twenty-five percent to the Department of Community
10 Affairs for use by the Florida Communities Trust for the
11 purposes of part III of chapter 380, grants to local
12 governments or nonprofit environmental organizations that are
13 tax exempt under s. 501(c)(3) of the United States Internal
14 Revenue Code for the acquisition of community-based, urban
15 open spaces, parks, and greenways to implement local
16 government comprehensive plans, and grants for fixed capital
17 outlay to construct facilities associated with public outdoor
18 recreation or open space projects. Of this 25 percent, 75
19 percent shall be matched by local governments on a
20 dollar-for-dollar basis. At least 10 percent and not more than
21 20 percent of the allocation must be used for fixed capital
22 outlay projects for improvements on lands acquired for
23 conservation or recreation. The Legislature intends that the
24 Florida Communities Trust emphasize funding projects in
25 low-income or otherwise disadvantaged communities. Up to 15
26 percent of the allocation should be used in localities in
27 which the project site is located in built-up commercial,
28 industrial, or mixed-use areas and functions to intersperse
29 congested urban core areas with open spaces. Local governments
30 may 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.

9 (d) Two and nine-tenths percent to the Fish and
10 Wildlife Conservation Commission for the purchase of
11 inholdings, connections, and contiguous additions to lands
12 managed by the commission which are important to the
13 conservation of fish and wildlife. In developing its
14 recommendations for acquisition under this paragraph, priority
15 must be given to the purchase of inholdings.

16 (e) Two and nine-tenths percent to the Department of
17 Environmental Protection for the purchase of inholdings,
18 connections, and contiguous additions to state parks. As used
19 in this paragraph, the term "state park" means all real
20 property in the state under the jurisdiction, or which may
21 come under the jurisdiction, of the Division of Recreation and
22 Parks of the Department of Environmental Protection. In
23 developing its recommendations for acquisition under this
24 paragraph, priority must be given to the purchase of
25 inholdings.

26 (f) Two and nine-tenths percent to the Division of
27 Forestry of the Department of Agriculture and Consumer
28 Services to fund the acquisition of state forest inholdings,
29 connections, and contiguous additions pursuant to s. 589.07.
30 In developing its recommendations for acquisition under this
31

1 paragraph, priority must be given to the purchase of
2 inholdings.

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

10
11 Up to ten percent of the funds allocated pursuant to
12 paragraphs (a), (b), and (d)-(g) may be used for fixed capital
13 outlay projects for improvements on lands acquired for
14 conservation or recreation.

15
16 Title to lands purchased by a water management district shall
17 be vested in the water management district. Title to lands
18 purchased with funds from the Florida Communities Trust may be
19 vested in the Board of Trustees of the Internal Improvement
20 Trust Fund or the acquiring local government. Title to all
21 other lands acquired with Florida Forever funds shall be
22 vested in the Board of Trustees of the Internal Improvement
23 Trust Fund.

24 (4) PROJECT CRITERIA.--

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

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

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

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

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

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

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

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

24 7. The acquisition is needed to implement a
25 surfacewater improvement and management plan in effect on July
26 1, 2000;

27 8. The project will assist in water resource
28 development to meet the needs of humans and natural systems
29 anticipated in 2020;

30 9. The project will assist in ecosystem restoration;
31

1 10. The acquisition will implement an element from a
2 plan developed by an ecosystem management team;

3 11. The project will significantly promote attainment
4 of Class III water quality or higher;

5 12. The project will significantly reduce the
6 pollution of surface water or groundwater;

7 13. The project is identified in a surface water
8 improvement or management plan;

9 14. The project will improve or maintain water quality
10 in a waterbody designated as an Outstanding Florida Water;

11 15. The acquisition has been identified by the Fish
12 and Wildlife Conservation Commission as part of a strategic
13 habitat conservation area; or

14 16. The project will establish or expand a greenway or
15 recreational trail system.

16
17 Increased priority shall be given to acquisitions that, in
18 addition to meeting at least three of the criteria under
19 subparagraphs 1. through 16., will also provide long-term
20 protection for threatened or endangered species designated G-1
21 or G-2 by the Florida Natural Areas Inventory, and especially
22 for those areas that are special locations for breeding and
23 reproduction.

24 (b) Each year that bonds are to be issued under the
25 Florida Forever Program, the Land Acquisition and Management
26 Advisory Council shall review that year's approved land
27 acquisition priority list and shall, by the first commission
28 meeting in February, present to the Florida Forever
29 Commission, established pursuant to s. 259.2021, for its
30 consideration and approval a listing of projects on the
31 priority list which meet three or more of the criteria

1 specified in paragraph (a). The commission may remove projects
2 from the list and may reprioritize the list, but may not add
3 projects. The list may be amended to include eligible projects
4 that can be acquired at 85 percent of appraised value or less
5 if such properties become available at a later date. In any
6 county in which the total ad valorem tax exemptions due to
7 government ownership exceed 37 percent of the county's total
8 market value valuation, the council must consult with the
9 county commission to obtain its recommendation regarding any
10 proposed acquisition. In such a circumstance, a project may
11 not be included on an acquisition list unless it is approved
12 by an extraordinary vote of a majority plus one. If a county's
13 total ad valorem tax exemptions due to government ownership
14 exceed 50 percent of the county's total market value
15 valuation, an affirmative vote of the county commission is
16 required before a project may be included on an acquisition
17 list.

18 (c)1. Each year that bonds are to be issued under the
19 Florida Forever Program, each water management district
20 governing board shall review the lands on its current year's
21 land acquisition 5-year plan and shall, by January 15, adopt
22 a listing of projects from the plan which meet three or more
23 of the criteria specified in paragraph (a). The lists must be
24 presented to the commission for its consideration by its first
25 meeting in February. The commission may remove projects from
26 the lists and may reprioritize the lists, but may not add
27 projects. The lists may be amended to include projects that
28 can be acquired at 85 percent of appraised value or less if
29 such properties become available at a later date. In any
30 county in which the total ad valorem tax exemptions due to
31 government ownership exceed 37 percent of the county's total

1 market value valuation, the board must consult with the county
2 commission to obtain its recommendation regarding any proposed
3 acquisition. In such a circumstance, a project may not be
4 included on an acquisition list unless it is approved by an
5 extraordinary vote of a majority plus one. If a county's total
6 ad valorem tax exemptions due to government ownership exceed
7 50 percent of the county's total market value valuation, an
8 affirmative vote of the county commission is required before a
9 project may be included on an acquisition list.

10 2. Each year that bonds are to be issued under the
11 Florida Forever Program, each water management district shall
12 propose a list of water resource development projects for
13 consideration and approval by the commission. Such lists shall
14 include proposals made by local governments within the
15 district and the district's recommendations regarding approval
16 of such projects. The total value of the list must comprise at
17 least one-third of the district's Florida Forever allocation.
18 The commission may remove projects from the lists and may
19 reprioritize the lists, but may not add projects.

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

22 1. The value of acquiring coastal high-hazard parcels,
23 consistent with hazard mitigation and postdisaster
24 redevelopment policies, in order to minimize the risk to life
25 and property and reduce the need for future disaster
26 assistance.

27 2. The value of acquiring beachfront parcels,
28 irrespective of size, to provide public access and
29 recreational opportunities in highly developed urban areas.

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

1
2 When a nonprofit environmental organization that is tax exempt
3 under s. 501(c)(3) of the United States Internal Revenue Code
4 sells land to the state, such land at the time of the sale
5 shall be deemed to meet three or more of the criteria listed
6 in paragraph (a) if such land meets three or more of the
7 criteria at the time the organization purchases it. Listings
8 of projects compiled pursuant to paragraphs (b) and (c) may be
9 revised to include projects on the state's land acquisition
10 priority list or in a water management district's 5-year plan
11 which come under the criteria in paragraph (a) after the dates
12 specified in paragraph (b) or paragraph (c).

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

22 (g) The Legislature intends that, in implementing the
23 Florida Forever Program, agencies emphasize the completion of
24 projects in which one or more parcels have already been
25 acquired and the acquisition of lands that contain ecological
26 resources that are unrepresented or underrepresented on lands
27 currently in public ownership.

28 (h) An assessment of appropriate management strategies
29 for property acquired under the Florida Forever Program should
30 be completed early in the acquisition process and should
31 emphasize the development of a management prospectus that

1 details management goals for the property, if appropriate; a
2 timetable for implementing the various stages of management
3 and for providing access to the public, if applicable;
4 provisions for protecting existing infrastructure and for
5 ensuring the security of the project upon acquisition; the
6 anticipated costs of management and projected sources of
7 revenue; and other information required under s.
8 259.032(9)(b)1.

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

1 in the case of a lease of such property, providing for
2 termination of the lease upon a failure to use the property
3 conveyed thereby for such purposes.

4 (6) DISPOSITION OF LANDS.--

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

15 (b) Land acquired for conservation purposes may be
16 disposed of only after the Board of Trustees of the Internal
17 Improvement Trust Fund or, in the case of water management
18 district lands, by the owning water management district
19 governing board, makes a determination that preservation of
20 the land is no longer necessary for conservation purposes and
21 only upon a two-thirds vote of the appropriate governing
22 board. Following a determination by the governing board that
23 the land is no longer needed for conservation purposes, the
24 governing board must also make a determination that the land
25 is of no further benefit to the public, as required by s.
26 253.034(6), or determined to be surplus under s. 373.089. Any
27 lands eligible for disposal under these procedures also may be
28 exchanged for other lands described in the same paragraph of
29 subsection (3).

30 (c) Notwithstanding paragraphs (a) and (b), such
31 disposition of land may not be made if the disposition would

1 have the effect of causing all or any portion of the interest
2 on any revenue bonds issued to fund the Florida Preservation
3 2000 Act or the Florida Forever Act to lose their exclusion
4 from gross income for purposes of federal income taxation. Any
5 revenue derived from the disposal of such lands may not be
6 used for any purpose except for deposit into the Florida
7 Forever Trust Fund and used for land acquisition.

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

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

20 (b) Any existing lease, easement, or license acquired
21 for incidental public or private use on, under, or across any
22 lands acquired pursuant to subsection (3) is presumed to be
23 compatible with the purposes for which such lands were
24 acquired.

25 (c) Notwithstanding paragraph (a), the Department of
26 Environmental Protection, another appropriate state agency, or
27 a water management district may not enter into such lease,
28 easement, or license if the granting of such lease, easement,
29 or license would adversely affect the exclusion of the
30 interest on any revenue bonds issued to fund the acquisition
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1 of the affected lands from gross income for federal income tax
2 purposes, as described in s. 375.045(4).

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

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

9 (a) The Legislature finds that, with increasing
10 pressures on the natural areas of this state, the state must
11 develop creative techniques to maximize the use of acquisition
12 and management moneys. The Legislature also finds that the
13 state's environmental land-buying agencies should be
14 encouraged to augment their traditional, fee simple
15 acquisition programs by using alternatives to fee simple
16 acquisition techniques. The Legislature also finds that using
17 alternatives to fee simple acquisition by public land-buying
18 agencies will achieve the following public policy goals:

19 1. Allow more lands to be brought under public
20 protection for preservation, conservation, and recreational
21 purposes at less expense using public funds.

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

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

27
28 Therefore, it is the intent of the Legislature that public
29 land-buying agencies develop programs to pursue alternatives
30 to fee simple acquisition and educate private landowners about
31 such alternatives and the benefits of such alternatives. It

1 also is the intent of the Legislature that the department and
2 the water management districts spend a portion of their shares
3 of Florida Forever bond proceeds to purchase eligible
4 properties using alternatives to fee simple acquisition.
5 Finally, it is the intent of the Legislature that public
6 agencies acquire lands in fee simple for public access and
7 recreational activities. Lands protected using alternatives to
8 fee simple acquisition techniques may not be accessible to the
9 public unless such access is negotiated with and agreed to by
10 the private landowners who retain interests in the lands.

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

1 alternative to fee simple acquisition under this subsection,
2 although the department and the districts are encouraged to
3 use such techniques where appropriate.

4 (c) The Department of Environmental Protection and
5 each water management district shall implement initiatives to
6 use alternatives to fee simple acquisition and educate private
7 landowners about such alternatives. These initiatives must
8 include at least two acquisitions each year by the department
9 and each water management district which use alternatives to
10 fee simple acquisition.

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

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

23 (10) PRIORITY IF MATCHING FUNDS ARE
24 AVAILABLE.--Projects that are otherwise eligible for
25 acquisition under this section and for which matching funds
26 from local governments or other sources are available shall be
27 given increased priority.

28 (11) PRIORITY FOR PROJECTS PRICED BELOW APPRAISED
29 VALUE.--Acquisition projects that are otherwise eligible for
30 acquisition under this section and for which the seller will
31

1 accept a price below the appraised value shall be given
2 increased priority.

3 Section 2. Section 259.2021, Florida Statutes, is
4 created to read:

5 259.2021 Florida Forever Commission.--

6 (1) The Florida Forever Commission shall consist of
7 nine members, who shall be private citizens. The Governor
8 shall appoint the chairperson and four other members, each of
9 whom must reside within the geographic area encompassed by a
10 water management district. Each district must be represented
11 by one commissioner. The President of the Senate and the
12 Speaker of the House of Representatives shall each appoint two
13 members. Commissioners shall serve four-year terms, beginning
14 on July 1. The commission must conduct its first meeting by
15 September 15, 2000.

16 (2) The commission shall approve the expenditure of
17 funds allocated pursuant to s. 259.202(3)(a) and (b) for land
18 acquisition projects and water resource development projects.

19 (3) In selecting water resource development projects
20 for funding, the commission shall evaluate proposals based on
21 the following criteria:

22 (a) the cost-effectiveness and benefits of the
23 project; and

24 (b) the environmental impacts associated with the
25 project.

26 (4) The commission is directed to establish goals to
27 guide its expenditures for land acquisition projects,
28 ecosystem restoration projects and projects to implement
29 surface water improvement and management projects by February
30 15, 2001. The goals must be designed to produce specific,
31 measurable, results within a specified period of time. The

1 commission shall give priority to projects which appear likely
2 to implement its goals.

3 (5) The Department of Environmental Protection shall
4 provide staff to the commission, including the provision of
5 any necessary legal, financial, or accounting services.

6 (6) Each member of the commission shall receive per
7 diem and expenses for travel, as provided in s. 112.061, while
8 carrying out the official business of the commission.

9 (7) No person shall be appointed to the commission who
10 in the twenty-four months preceding his or her term on the
11 commission has been a lobbyist as defined in s. 112.3148 for
12 an entity whose interests may be affected by projects approved
13 by the commission.

14 (8) The commission shall evaluate its success in
15 attaining its goals and report its findings to the Governor,
16 President of the Senate, and Speaker of the House of
17 Representatives by July 1, 2004.

18 Section 3. Section 201.15, Florida Statutes, 1998
19 Supplement, is amended to read:

20 201.15 Distribution of taxes collected.--All taxes
21 collected under this chapter shall be subject to the service
22 charge imposed in s. 215.20(1) and shall be distributed as
23 follows:

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

27 (a) Subject to the maximum amount limitations set
28 forth in this paragraph, an amount as shall be necessary to
29 pay the debt service on, or fund debt service reserve funds,
30 rebate obligations, or other amounts with respect to bonds
31 issued pursuant to s. 375.051 and payable from moneys

1 transferred to the Land Acquisition Trust Fund pursuant to
2 this paragraph shall be paid into the State Treasury to the
3 credit of the Land Acquisition Trust Fund to be used for such
4 purposes. The amount transferred to the Land Acquisition Trust
5 Fund shall not exceed \$90 million in fiscal year 1992-1993,
6 \$120 million in fiscal year 1993-1994, \$150 million in fiscal
7 year 1994-1995, \$180 million in fiscal year 1995-1996, \$210
8 million in fiscal year 1996-1997, \$240 million in fiscal year
9 1997-1998, \$270 million in fiscal year 1998-1999, and \$300
10 million in fiscal year 1999-2000 and thereafter. No individual
11 series of bonds may be issued pursuant to this paragraph
12 unless the first year's debt service for such bonds is
13 specifically appropriated in the General Appropriations Act.
14 No moneys transferred to the Land Acquisition Trust Fund
15 pursuant to this paragraph, or earnings thereon, shall be used
16 or made available to pay debt service on the Save Our Coast
17 revenue bonds.

18 (b) Subject to the maximum amount limitations set
19 forth in this paragraph, an amount necessary to pay the debt
20 service on, or fund debt service reserve funds, rebate
21 obligations, or other amounts with respect to bonds issued
22 pursuant to s. 375.051 and s. 11(e), Art. VII or s. 9, Art.
23 XII of the State Constitution and payable from moneys
24 transferred to the Florida Forever Trust Fund pursuant to this
25 paragraph shall be paid into the State Treasury to the credit
26 of the Florida Forever Trust Fund to be used for such
27 purposes. The amount transferred to the Florida Forever Trust
28 Fund may not exceed \$30 million in fiscal year 2000-2001, \$60
29 million in fiscal year 2001-2002, \$90 million in fiscal year
30 2002-2003, \$120 million in fiscal year 2003-2004, \$150 million
31 in fiscal year 2004-2005, \$180 million in fiscal year

1 2005-2006, \$210 million in fiscal year 2006-2007, \$240 million
2 in fiscal year 2007-2008, \$270 million in fiscal year
3 2008-2009, and \$300 million in fiscal year 2009-2010 and
4 thereafter. An individual series of bonds may not be issued
5 under this paragraph unless the first year's debt service for
6 such bonds is specifically appropriated in the General
7 Appropriations Act. Moneys transferred to the Florida Forever
8 Trust Fund under this paragraph, or earnings thereon, may not
9 be used or made available to pay debt service on the Save Our
10 Coast revenue bonds.

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

29 (d)~~(c)~~ The remainder of the moneys distributed under
30 this subsection, after the required payments under paragraphs
31 (a), and (b), and (c), shall be paid into the State Treasury

1 to the credit of the General Revenue Fund of the state to be
2 used and expended for the purposes for which the General
3 Revenue Fund was created and exists by law or to the Ecosystem
4 Management and Restoration Trust Fund as provided in
5 subsection (9)~~(8)~~.

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

9 (a) Beginning in the month following the final payment
10 for a fiscal year under paragraph (1)(c)~~(1)(b)~~, available
11 moneys shall be paid into the State Treasury to the credit of
12 the General Revenue Fund of the state to be used and expended
13 for the purposes for which the General Revenue Fund was
14 created and exists by law or to the Ecosystem Management and
15 Restoration Trust Fund as provided in subsection (9)~~(8)~~.
16 Payments made under this paragraph shall continue until the
17 cumulative amount credited to the General Revenue Fund for the
18 fiscal year under this paragraph equals the cumulative
19 payments made under paragraph (1)(c)~~(1)(b)~~ for the same
20 fiscal year.

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

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

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

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

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

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 except for the acquisition of land. Of
18 this 5.84 percent, 0.7 percent shall be transferred to the
19 State Game Trust Fund and used for land management activities.
20 These moneys are in addition to moneys received pursuant to s.
21 259.032(11).

22 (6) Two percent of the remaining taxes collected under
23 this chapter shall be paid into the State Treasury to the
24 credit of the Surface Water Improvement and Management Trust
25 Fund and shall be used by the water management districts for
26 fixed capital outlay projects, including wastewater treatment
27 and stormwater management facilities, for implementing
28 surfacewater improvement and management plans in effect on
29 July 1, 2000.

30 ~~(7)~~(6) Seven and fifty-three hundredths percent of the
31 remaining taxes collected under this chapter shall be paid

1 into the State Treasury to the credit of the State Housing
2 Trust Fund and shall be used as follows:

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

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

10 (8)~~(7)~~ Eight and sixty-six hundredths percent of the
11 remaining taxes collected under this chapter shall be paid
12 into the State Treasury to the credit of the State Housing
13 Trust Fund and shall be used as follows:

14 (a) Twelve and one-half percent of that amount shall
15 be deposited into the State Housing Trust Fund and be expended
16 by the Department of Community Affairs and by the Florida
17 Housing Finance Agency for the purposes for which the State
18 Housing Trust Fund was created and exists by law.

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

25 (9)~~(8)~~ From the moneys specified in paragraphs (1)(d)
26 ~~(1)(c)~~ and (2)(a) and prior to deposit of any moneys into the
27 General Revenue Fund, \$10 million shall be paid into the State
28 Treasury to the credit of the Ecosystem Management and
29 Restoration Trust Fund in fiscal year 1998-1999, \$20 million
30 in fiscal year 1999-2000, and \$30 million in fiscal year
31 2000-2001 and each fiscal year thereafter, to be used for the

1 preservation and repair of the state's beaches as provided in
2 ss. 161.091-161.212.

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

13 Section 4. Paragraph (a) of subsection (5) of section
14 253.027, Florida Statutes, is amended to read:

15 253.027 Emergency archaeological property
16 acquisition.--

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

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

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

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

7 Section 5. Subsection (3) of section 253.034, Florida
8 Statutes, 1998 Supplement, is amended, present subsection (9)
9 is redesignated as subsection (10), and a new subsection (9)
10 is added to that section, to read:

11 253.034 State-owned lands; uses.--

12 (3) In recognition that recreational trails purchased
13 with rails-to-trails funds pursuant to s. 259.101(3)(g) or s.
14 259.202(3)(g) have had historic transportation uses and that
15 their linear character may extend many miles, the Legislature
16 intends that when the necessity arises to serve public needs,
17 after balancing the need to protect trail users from
18 collisions with automobiles and a preference for the use of
19 overpasses and underpasses to the greatest extent feasible and
20 practical, transportation uses shall be allowed to cross
21 recreational trails purchased pursuant to s. 259.101(3)(g) or
22 s. 259.202(3)(g). When these crossings are needed, the
23 location and design should consider and mitigate the impact on
24 humans and environmental resources, and the value of the land
25 shall be paid based on fair market value.

26 (9) The following additional uses of lands acquired by
27 the state pursuant to the Florida Forever Program and other
28 state-funded land purchase programs shall be authorized if
29 they meet the criteria specified in paragraphs (a) through
30 (e): water resource development projects, water supply
31 development projects, stormwater management projects, linear

1 facilities, and sustainable agriculture and forestry. For
2 purposes of this provision, linear facilities shall not
3 include petroleum product pipelines, paved roads, rail
4 corridors, or other facilities for motorized vehicles not
5 servicing a use designated in the management plan or ancillary
6 to the uses described above. However, the policy adopted by
7 the Board of Trustees of the Internal Improvement Trust Fund
8 on January 23, 1996, relating to linear facilities shall
9 govern transportation uses. The uses described above are
10 authorized:
11 (a) Where not inconsistent with the management plan
12 for such lands;
13 (b) Where compatible with the natural ecosystem and
14 resource values of such lands;
15 (c) Where the proposed use is appropriately located on
16 such lands;
17 (d) Where the using entity reasonably compensates the
18 title holder for such use based upon an appropriate measure of
19 value; and
20 (e) Where the use provides a public benefit.
21
22 Money received from the use of state lands pursuant to this
23 section shall be deposited into the Conservation and
24 Recreation Lands Trust Fund to the account of the managing
25 agency to be used for management of lands from the program
26 from which the original purchase moneys came, as appropriated
27 by the Legislature.
28 Section 6. Subsections (3), (8), and (10), paragraph
29 (b) of subsection (9), paragraphs (b), (c), and (f) of
30 subsection (11), and subsections (12), (13), (14), (15), and
31

1 (16) of section 259.032, Florida Statutes, 1998 Supplement,
2 are amended to read:

3 259.032 Conservation and Recreation Lands Trust Fund;
4 purpose.--

5 (3) The Florida Forever Commission ~~Governor and~~
6 ~~Cabinet, sitting as the Board of Trustees of the Internal~~
7 ~~Improvement Trust Fund,~~ may allocate moneys from the Florida
8 Forever Trust Fund in any one year to acquire the fee or any
9 lesser interest in lands for the following public purposes:

10 (a) To conserve and protect environmentally unique and
11 irreplaceable lands that contain native, relatively unaltered
12 flora and fauna representing a natural area unique to, or
13 scarce within, a region of this state or a larger geographic
14 area;

15 (b) To conserve and protect lands within designated
16 areas of critical state concern, if the proposed acquisition
17 relates to the natural resource protection purposes of the
18 designation;

19 (c) To conserve and protect native species habitat or
20 endangered or threatened species, emphasizing long-term
21 protection for endangered or threatened species designated G-1
22 or G-2 by the Florida Natural Areas Inventory, and especially
23 those areas that are special locations for breeding and
24 reproduction;

25 (d) To conserve, protect, manage, or restore important
26 ecosystems, landscapes, and forests, if the protection and
27 conservation of such lands is necessary to enhance or protect
28 significant surface water, groundwater, coastal, recreational,
29 timber, or fish or wildlife resources which cannot otherwise
30 be accomplished through local and state regulatory programs;

31

1 (e) To provide areas, including recreational trails,
2 for natural resource based recreation and other outdoor
3 recreation on any part of any site compatible with
4 conservation purposes;

5 (f) To preserve significant archaeological or historic
6 sites; or

7 (g) To conserve urban open spaces suitable for
8 greenways or outdoor recreation which are compatible with
9 conservation purposes.

10 (8) Lands to be considered for purchase under this
11 section are subject to the selection procedures of s. 259.035
12 and related rules and shall be acquired in accordance with
13 acquisition procedures for state lands provided for in s.
14 259.041, except as otherwise provided by the Legislature. An
15 inholding, connection, or an addition to a project selected
16 for purchase pursuant to this chapter or s. 259.035 is not
17 subject to the selection procedures of s. 259.035 if the
18 estimated value of such inholding or addition does not exceed
19 \$500,000. When at least 90 percent of the acreage of a project
20 has been purchased pursuant to this chapter or s. 259.035, the
21 project may be removed from the list and the remaining acreage
22 may continue to be purchased. Moneys from the fund may be used
23 for title work, appraisal fees, environmental audits, and
24 survey costs related to acquisition expenses for lands to be
25 acquired, donated, or exchanged which qualify under the
26 categories of this section, at the discretion of the board.
27 When the Legislature has authorized the Department of
28 Environmental Protection to condemn a specific parcel of land
29 and such parcel has already been approved for acquisition
30 under this section, the land may be acquired in accordance
31 with the provisions of chapter 73 or chapter 74, and the fund

1 may be used to pay the condemnation award and all costs,
2 including a reasonable attorney's fee, associated with
3 condemnation.

4 (9)

5 (b)1. Concurrent with the its adoption of the annual
6 Florida Forever Conservation and Recreational Lands list of
7 acquisition projects by the Florida Forever Commission
8 pursuant to s. 259.202(4)(b)~~s. 259.035~~, the board of trustees
9 shall adopt a management prospectus for each project. The
10 management prospectus shall delineate: the management goals
11 for the property; the conditions that will affect the
12 intensity of management; an estimate of the revenue-generating
13 potential of the property, if appropriate; a timetable for
14 implementing the various stages of management and for
15 providing access to the public, if applicable; provisions for
16 protecting existing infrastructure and for ensuring the
17 security of the project upon acquisition; the anticipated
18 costs of management and projected sources of revenue,
19 including legislative appropriations, to fund management
20 needs; recommendations as to how many employees will be needed
21 to manage the property; and recommendations as to whether
22 local governments, volunteer groups, the former landowner, or
23 other interested parties can be involved in the management.

24 2. Concurrent with the approval of the acquisition
25 contract pursuant to s. 259.041(3)(c) for any interest in
26 lands, the board of trustees shall designate an agency or
27 agencies to manage such lands and shall evaluate and amend, as
28 appropriate, the management policy statement for the project
29 as provided by s. 259.035, consistent with the purposes for
30 which the lands are acquired. For any fee simple acquisition
31 of a parcel which is or will be leased back for agricultural

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

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

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

26 (10) State, regional, or local governmental agencies
27 or private entities designated to manage lands under this
28 section shall develop and adopt, with the approval of the
29 board of trustees, an individual management plan for each
30 project designed to conserve and protect such lands and their
31 associated natural resources. Private sector involvement in

1 management plan development may be used to expedite the
2 planning process. Beginning fiscal year 1998-1999, individual
3 management plans required by s. 253.034(5)~~s. 253.034(4)~~ shall
4 be developed with input from an advisory group. Members of
5 this advisory group shall include, at a minimum,
6 representatives of the lead land managing agency, comanaging
7 entities, local private property owners, the appropriate soil
8 and water conservation district, a local conservation
9 organization, and a local elected official. The advisory
10 group shall conduct at least one public hearing within the
11 county in which the parcel or project is located. Notice of
12 such public hearing shall be posted on the parcel or project
13 designated for management, advertised in a paper of general
14 circulation, and announced at a scheduled meeting of the local
15 governing body before the actual public hearing. The
16 management prospectus required pursuant to paragraph (9)(b)
17 shall be available to the public for a period of 30 days prior
18 to the public hearing. Once a plan is adopted, the managing
19 agency or entity shall update the plan at least every 5 years
20 in a form and manner prescribed by rule of the board of
21 trustees. Such plans may include transfers of leasehold
22 interests to appropriate conservation organizations designated
23 by the Land Acquisition and Management Advisory Council for
24 uses consistent with the purposes of the organizations and the
25 protection, preservation, and proper management of the lands
26 and their resources. Volunteer management assistance is
27 encouraged, including, but not limited to, assistance by
28 youths participating in programs sponsored by state or local
29 agencies, by volunteers sponsored by environmental or civic
30 organizations, and by individuals participating in programs
31 for committed delinquents and adults. For each project for

1 which lands are acquired after July 1, 1995, an individual
2 management plan shall be adopted and in place no later than 1
3 year after the essential parcel or parcels identified in the
4 annual Florida Forever report or Conservation and Recreation
5 Lands report prepared pursuant to s. 259.035(2)(a) have been
6 acquired. Beginning in fiscal year 1998-1999, the Department
7 of Environmental Protection shall distribute only 75 percent
8 of the acquisition funds to which a budget entity or water
9 management district would otherwise be entitled from the
10 Florida Forever Trust Fund or the Preservation 2000 Trust Fund
11 to any budget entity or any water management district that has
12 more than one-third of its management plans overdue.

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

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

19 2. Key management activities necessary to preserve and
20 protect natural resources and restore habitat, and for
21 controlling the spread of nonnative plants and animals, and
22 for prescribed fire and other appropriate resource management
23 activities.

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

27 4. A priority schedule for conducting management
28 activities, based on the purposes for which the lands were
29 acquired.

30
31

1 5. A cost estimate for conducting priority management
2 activities, to include recommendations for cost-effective
3 methods of accomplishing those activities.

4 6. A cost estimate for conducting other management
5 activities which would enhance the natural resource value or
6 public recreation value for which the lands were acquired. The
7 cost estimate shall include recommendations for cost-effective
8 methods of accomplishing those activities.

9 7. A determination of the public uses that would be
10 consistent with the purposes for which the lands were
11 acquired.

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

27 (c) The board of trustees shall consider the
28 individual management plan submitted by each state agency and
29 the recommendations of the Land Acquisition and Management
30 Advisory Council and the Division of State Lands and shall
31 approve the plan with or without modification or reject such

1 plan. The use or possession of any lands owned by the board of
2 trustees which is not in accordance with an approved
3 individual management plan is subject to termination by the
4 board of trustees.

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

12 (11)

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

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

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

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

21
22 In evaluating the management funding needs of lands based on
23 the above categories, the lead land managing agencies shall
24 include in their considerations the impacts of, and needs
25 created or addressed by, multiple-use management strategies.

26 (f) The department shall set long-range and annual
27 goals for the control and removal of nonnative, upland,
28 invasive plant species on public lands. Such goals shall
29 differentiate between aquatic plant species and upland plant
30 species. In setting such goals, the department may rank, in
31 order of adverse impact, species that ~~which~~ impede or destroy

1 the functioning of natural systems. Notwithstanding paragraph
2 (a), ~~up to~~ one-fourth of the funds provided for in paragraph
3 (b) shall be used by the agencies receiving those funds
4 ~~reserved~~ for control and removal of nonnative, upland,
5 invasive species on public lands. In addition, one-fourth of
6 the additional funds available for management pursuant to s.
7 259.202(2)(e) shall be used by the agencies receiving those
8 funds for the control and removal of nonnative, invasive
9 aquatic plant species in waters of the state, and one-fourth
10 of the additional funds for management shall be transferred to
11 the State Game Trust Fund and used for lake restoration
12 activities.

13 (12)(a) Beginning in fiscal year 1994-1995, not more
14 than 3.75 percent of the Conservation and Recreation Lands
15 Trust Fund shall be made available annually to the department
16 for payment in lieu of taxes to qualifying counties, school
17 districts, cities, and local governments as defined in
18 paragraph (b) for all actual tax losses incurred as a result
19 of board of trustees acquisitions for state agencies under the
20 Florida Preservation 2000 Program and Florida Forever Program
21 during any year. Reserved funds not used for payments in lieu
22 of taxes in any year shall revert to the Florida Forever Trust
23 Fund to be used for land acquisition in accordance with the
24 provisions of this section.

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

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

31

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

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

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

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

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

28 (d) If ~~insufficient~~ funds are not sufficient ~~available~~
29 in any year to make full payments to all qualifying counties,
30 school districts, cities, and local governments, such

31

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

3 (e) The payment amount shall be based on the average
4 amount of actual taxes paid on the property for the 3 years
5 preceding acquisition, except that, for purchases completed
6 after July 1, 2000, the payment amount to school boards in
7 counties with a population of 75,000 or less which do not
8 contain all or a portion of an area of critical state concern
9 designated under chapter 380 shall be calculated based solely
10 on the value of the millage levied under s. 236.25(1) and (2).

11 Applications for payment in lieu of taxes shall be made no
12 later than January 31 of the year following acquisition. No
13 payment in lieu of taxes shall be made for properties which
14 were exempt from ad valorem taxation for the year immediately
15 preceding acquisition. If property which was subject to ad
16 valorem taxation was acquired by a tax-exempt entity for
17 ultimate conveyance to the state under this chapter, payment
18 in lieu of taxes shall be made for such property based upon
19 the average amount of taxes paid on the property for the 3
20 years prior to its being removed from the tax rolls. The
21 department shall certify to the Department of Revenue those
22 properties that may be eligible under this provision. Payment
23 in lieu of taxes shall be limited to a total of 10 consecutive
24 years of annual payments, beginning the year a local
25 government becomes eligible. The Legislature intends that once
26 a governmental entity has been determined eligible, the entity
27 shall receive 10 consecutive annual payments, and no further
28 eligibility determination shall be made during that period.

29 (f) Payment in lieu of taxes pursuant to this
30 paragraph shall be made annually to qualifying counties,
31 school districts, cities, and local governments after

1 certification by the Department of Revenue that the amounts
2 applied for are reasonably appropriate, based on the amount of
3 actual taxes paid on the eligible property, and after the
4 Department of Environmental Protection has provided supporting
5 documents to the Comptroller and has requested that payment be
6 made in accordance with the requirements of this section.

7 (g) If the board of trustees conveys to a local
8 government title to any land owned by the board, any payments
9 in lieu of taxes on the land made to the local government
10 shall be discontinued as of the date of the conveyance.

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

17 (14) The board of trustees may adopt rules to further
18 define the categories of land for acquisition under this
19 chapter.

20 ~~(15) For fiscal year 1998-1999 only, moneys credited~~
21 ~~to the fund may be appropriated to provide grants to qualified~~
22 ~~local governmental entities pursuant to the provisions of s.~~
23 ~~375.075. This subsection is repealed on July 1, 1999.~~

24 (15)~~(16)~~ Within 180 days after receiving a certified
25 letter from the owner of a property on the Conservation and
26 Recreation Lands list or the Florida Forever list objecting to
27 the property being included in an acquisition project, where
28 such property is a project or part of a project which has not
29 been listed for purchase in the current year's land
30 acquisition work plan, the commission ~~board of trustees~~ shall
31

1 delete the property from the list or from the boundary of an
2 acquisition project on the list.

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

6 259.035 Advisory council; powers and duties.--

7 (2)(a) The council shall, by the time of the first
8 ~~board~~ meeting of the Florida Forever Commission in February of
9 each year, establish or update a list of acquisition projects
10 to be funded from the Florida Forever Trust Fund and selected
11 for purchase pursuant to this chapter. The council may also
12 propose eligible acquisition projects to the board of trustees
13 at any time if the projects can be acquired at a price at
14 least 15 percent below appraised value.In scoring potential
15 projects for inclusion on the acquisition list, the council
16 shall give greater consideration to projects that can serve as
17 corridors between lands already in public ownership or under
18 management for conservation and recreational purposes.
19 Acquisition projects shall be ranked, in order of priority,
20 ~~individually as a single group or individually~~ within 7 up to
21 ~~10~~ separate groups, which must include substantially complete
22 projects, mega-multiparcels projects, less-than-fee projects,
23 priority projects, negotiations impasse, projects providing
24 long-term protection for threatened or endangered species, and
25 bargain or shared projects. The council shall submit to the
26 commission ~~board of trustees~~, together with its list of
27 acquisition projects, a Florida Forever Conservation and
28 ~~Recreation~~ Lands report. For each project on an acquisition
29 list, the council shall include in its report the stated
30 purpose for acquiring the project, an identification of the
31 essential parcel or parcels within the project without which

1 the project cannot be properly managed, an identification of
2 those projects or parcels within projects which should be
3 acquired in fee simple or in other than fee simple, an
4 explanation of the reasons why the council selected a
5 particular acquisition technique, a management policy
6 statement for the project, a management prospectus pursuant to
7 s. 259.032(9)(b), an estimate of land value based on county
8 tax assessed values, a map delineating project boundaries, a
9 brief description of the important natural and cultural
10 resources to be protected, preacquisition planning and
11 budgeting, coordination with other public and nonprofit
12 public-lands acquisition programs, a preliminary statement of
13 the extent and nature of public use, an interim management
14 budget, and designation of a management agency or agencies.
15 The Department of Environmental Protection shall prepare the
16 information required by this section for each acquisition
17 project selected for purchase pursuant to this chapter. In
18 addition, the department shall prepare, by July 1 of each
19 year, an acquisition work plan for each project on the
20 acquisition list for which funds will be available for
21 acquisition during the fiscal year. The work plan need not
22 disclose any information that is required by this chapter or
23 chapter 253 to remain confidential.

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

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

22 Section 8. Paragraph (a) of subsection (2) of section
23 338.250, Florida Statutes, is amended to read:

24 338.250 Central Florida Beltway Mitigation.--

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

28 (a) For those projects which the Department of
29 Transportation is authorized to construct, funds for
30 environmental mitigation shall be deposited in the Central
31 Florida Beltway Trust Fund created within the department at

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

29 Section 9. Section 373.59, Florida Statutes, 1998
30 Supplement, is amended to read:

31 373.59 Water Management Lands Trust Fund.--

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

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

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

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

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

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

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

30 4. By Suwannee River Water Management District--lands
31 in Suwannee River Valley.

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

4 (3) The Florida Forever Commission ~~Each district~~ shall
5 remove the property of an unwilling seller from its plan of
6 acquisition at the next scheduled update of the plan, if in
7 receipt of a request to do so by the property owner.

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

28 (b) The Secretary of Environmental Protection shall
29 release moneys from the Florida Forever ~~Water Management Lands~~
30 Trust Fund to a district for preacquisition costs for projects
31 approved by the commission within 30 days after receipt of a

1 resolution adopted by the district's governing board which
2 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 Florida Forever ~~Water Management Lands~~ Trust Fund.

8 (c) The Secretary of Environmental Protection shall
9 release acquisition moneys from the Florida Forever ~~Water~~
10 ~~Management Lands~~ Trust Fund to a district for a project
11 approved by the commission following receipt of a resolution
12 adopted by the governing board identifying the lands being
13 acquired ~~and certifying that such acquisition is consistent~~
14 ~~with the plan of acquisition and other provisions of this act.~~

15 The governing board shall also provide to the Secretary of
16 Environmental Protection a copy of all certified appraisals
17 used to determine the value of the land to be purchased. Each
18 parcel to be acquired must have at least one appraisal. Two
19 appraisals are required when the estimated value of the parcel
20 exceeds \$500,000. However, when both appraisals exceed
21 \$500,000 and differ significantly, a third appraisal may be
22 obtained. If the purchase price is greater than the appraisal
23 price, the governing board shall submit written justification
24 for the increased price. ~~The Secretary of Environmental~~
25 ~~Protection may withhold moneys for any purchase that is not~~
26 ~~consistent with the 5-year plan or the intent of this act or~~
27 ~~that is in excess of appraised value. The governing board may~~
28 ~~appeal any denial to the Land and Water Adjudicatory~~
29 ~~Commission pursuant to s. 373.114.~~

30 (d) The Secretary of Environmental Protection shall
31 release moneys from the Florida Forever Trust Fund to a

1 district for a water resource development project following
2 receipt of a resolution adopted by the governing board
3 identifying the project and certifying its approval by the
4 commission.

5 (e)~~(d)~~ The Secretary of Environmental Protection shall
6 release to the districts moneys from the Water Management
7 Lands Trust Fund for management, maintenance, and capital
8 improvements following receipt of a resolution and request
9 adopted by the governing board which specifies the designated
10 managing agency, specific management activities, public use,
11 estimated annual operating costs, and other acceptable
12 documentation to justify release of moneys.

13 (5) Water management land acquisition costs shall
14 include payments to owners and costs and fees associated with
15 such acquisition.

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

27 (6) No funds may be used pursuant to this section
28 until necessary debt service obligations are provided for any
29 bonds issued pursuant to s. 373.584 before the repeal of that
30 section.

31

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

11 (8) Moneys from the Water Management Lands Trust Fund
12 shall be allocated to the five water management districts in
13 the following percentages:

14 (a) Thirty percent to the South Florida Water
15 Management District.

16 (b) Twenty-five percent to the Southwest Florida Water
17 Management District.

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

20 (d) Ten percent to the Suwannee River Water Management
21 District.

22 (e) Ten percent to the Northwest Florida Water
23 Management District.

24 (9) Each district may use its allocation under
25 subsection (8) for management, maintenance, and capital
26 improvements. Capital improvements shall include, but need not
27 be limited to, perimeter fencing, signs, firelanes, control of
28 invasive exotic species, controlled burning, habitat inventory
29 and restoration, law enforcement, access roads and trails, and
30 minimal public accommodations, such as primitive campsites,
31 garbage receptacles, and toilets.

1 (10) Moneys in the Water Management Lands Trust Fund
2 ~~fund~~ not needed to meet current obligations incurred under
3 this section shall be transferred to the State Board of
4 Administration, to the credit of the fund, to be invested in
5 the manner provided by law. Interest received on such
6 investments shall be credited to the fund.

7 (11) Lands acquired for the purposes enumerated in
8 this section shall also be used for general public
9 recreational purposes. General public recreational purposes
10 shall include, but not be limited to, fishing, hunting,
11 horseback riding, swimming, camping, hiking, canoeing,
12 boating, diving, birding, sailing, jogging, and other related
13 outdoor activities to the maximum extent possible considering
14 the environmental sensitivity and suitability of those lands.
15 These public lands shall be evaluated for their resource value
16 for the purpose of establishing which parcels, in whole or in
17 part, annually or seasonally, would be conducive to general
18 public recreational purposes. Such findings must ~~shall~~ be
19 included in management plans, which must be ~~are~~ developed for
20 such public lands within 1 year after acquisition and updated
21 at least every 5 years. These lands shall be made available
22 to the public for these purposes, unless the district
23 governing board can demonstrate that such activities would be
24 incompatible with the purposes for which these lands were
25 acquired. For any fee simple acquisition of a parcel which is
26 or will be leased back for agricultural purposes, or for any
27 acquisition of a less-than-fee interest in land that is or
28 will be used for agricultural purposes, the district governing
29 board shall first consider having a soil and water
30 conservation district created pursuant to chapter 582 manage
31 and monitor such interest.

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

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

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

1 ~~(8)~~-Reserved funds that are not used for payment in lieu of
2 taxes in any year shall revert to the fund to be used for
3 management purposes ~~or land acquisition~~ in accordance with
4 this section.

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

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

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

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

21
22 As used in this paragraph, the term "local government"
23 includes municipalities, the county school board, mosquito
24 control districts, and any other local government entity that
25 levies ad valorem taxes, with the exception of a water
26 management district.

27 (c) Payment in lieu of taxes shall be available to any
28 city that has a population of 10,000 or less and that levies
29 an ad valorem tax of at least 8.25 mills or the amount of the
30 tax loss from all completed Preservation 2000 acquisitions in
31

1 the city which exceeds 0.01 percent of the city's total
2 taxable value.

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

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

31

1 (f)~~(e)~~ Payment in lieu of taxes shall be made within
2 30 days after: certification by the Department of Revenue that
3 the amounts applied for are appropriate, certification by the
4 Department of Environmental Protection that funds are
5 available, and completion of any fund transfers to the
6 district. The governing board may reduce the amount of a
7 payment in lieu of taxes to any county, school district, city,
8 or local government by the amount of other payments, grants,
9 or in-kind services provided to that governmental entity
10 ~~county~~ by the district during the year. The amount of any
11 reduction in payments shall remain in the Water Management
12 Lands Trust Fund for purposes provided by law.

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

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

24 (16) Each water management district is authorized and
25 encouraged to enter into cooperative land management
26 agreements with state agencies or local governments to provide
27 for the coordinated and cost-effective management of lands to
28 which the water management districts, the Board of Trustees of
29 the Internal Improvement Trust Fund, or local governments hold
30 title. Any such cooperative land management agreement must be
31 consistent with any applicable laws governing land use,

1 management duties, and responsibilities and procedures of each
2 cooperating entity. Each cooperating entity is authorized to
3 expend such funds as are made available to it for land
4 management on any such lands included in a cooperative land
5 management agreement.

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

17 Section 10. Subsections (16) and (17) are added to
18 section 380.503, Florida Statutes, to read:

19 380.503 Definitions.--As used in ss. 380.501-380.515,
20 unless the context indicates a different meaning or intent:

21 (16) "Metropolitan" means a population area consisting
22 of a central city; adjacent cities and smaller surrounding
23 communities; or a major urban area and its environs.

24 (17) "Urban area" means an area of or for development
25 characterized by social, economic, and institutional
26 activities that are predominantly based on the manufacture,
27 production, distribution, or provision of goods and services,
28 in a setting that typically includes residential and
29 nonresidential development uses other than those
30 characteristic of rural areas.

31

1 Section 11. Subsection (1) of section 380.504, Florida
2 Statutes, is amended to read:

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

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

10 (a) The Secretary of Community Affairs, ~~and~~ the
11 Secretary of Environmental Protection, and the director of the
12 Division of Historical Resources in the Department of State;
13 and

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

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

1 upon the expiration of any current terms or within 60 days
2 after the effective date of the resignation of any member.

3 Section 12. Subsection (11) of section 380.507,
4 Florida Statutes, is amended to read:

5 380.507 Powers of the trust.--The trust shall have all
6 the powers necessary or convenient to carry out the purposes
7 and provisions of this part, including:

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

27 Section 13. Subsections (5) and (6) of section
28 420.5092, Florida Statutes, are amended to read:

29 420.5092 Florida Affordable Housing Guarantee
30 Program.--

31

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

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

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

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

1 Section 14. Section 420.9073, Florida Statutes, 1998
2 Supplement, is amended to read:

3 420.9073 Local housing distributions.--

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

7 420.9072. Each county's share of the funds to be distributed
8 from the portion of the funds in the Local Government Housing
9 Trust Fund received pursuant to s. 201.15(7)~~s. 201.15(6)~~

10 shall be calculated by the agency for each fiscal year as
11 follows:

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

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

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

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

30 3. For each county in which the result in subparagraph
31 1. is greater than the guaranteed amount as determined in

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

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

17 (a) Each county shall receive the guaranteed amount
18 for each fiscal year.

19 (b) Each county may receive an additional share
20 calculated as follows:

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

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

26 3. For each county in which the result in subparagraph
27 1. is greater than the guaranteed amount, the amount
28 calculated in subparagraph 1. shall be reduced by the
29 guaranteed amount. The result for each such county shall be
30 expressed as a percentage of the amounts so determined for all
31 counties. Each such county shall receive an additional share

1 equal to this percentage multiplied by the total funds
2 received by the Local Government Housing Trust Fund pursuant
3 to s. 201.15(8)~~s. 201.15(7)~~ as reduced by the guaranteed
4 amount paid to all counties.

5 (3) Calculation of guaranteed amounts:

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

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

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

22 Section 15. (1) An educational program to enhance the
23 state's schools, community colleges, and universities, which
24 will foster business, industry, research, and development, is
25 created. This program will integrate into existing curricula
26 the knowledge, skills, and experience that will result in
27 informed decisions, responsible behavior, and constructive
28 actions through project-based learning.

29 (2) The education program will be based on present and
30 future projects involving ecosystem restoration. The program
31 will include teacher training and curriculum development in

1 all disciplines, with cooperative efforts between schools,
2 colleges, universities, and businesses, to provide practical,
3 hands-on experience and to encourage enrollment in
4 mathematics, engineering, and science, such as Broward
5 County's Saturday-Science Summer Academy, SECME-Southeastern
6 Consortium for Minorities in Engineering Program, Miami-Dade
7 County's Urban Systemic Initiative, and others in rural areas
8 to be administered through the Commissioner of Education,
9 school districts, the Board of Regents, and the State Board of
10 Community Colleges.

11 (3) An advisory council appointed by the Governor, the
12 President of the Senate, and the Speaker of the House of
13 Representatives shall be created and shall consist of members
14 from all relevant industries, government agencies, and
15 educational components, and from relevant counties. Such
16 advisory council shall make a report with recommendations to
17 the Legislature by December 31, 2000.

18 (4) No moneys from the Florida Forever Trust Fund will
19 be appropriated to implement this program.

20 Section 16. Section 373.584, Florida Statutes, is
21 repealed.

22 Section 17. The repeal of section 373.584, Florida
23 Statutes, does not impair the validity of any bonds or
24 obligations issued under that section which are outstanding on
25 July 1, 2000.

26 Section 18. If the Department of Environmental
27 Protection or a water management district has made a payment
28 in lieu of taxes to a governmental entity and subsequently
29 suspended such payment, the department or water management
30 district shall reinstitute appropriate payments and continue

31

1 the payments in consecutive years until the governmental
2 entity has received a total of ten payments.

3 Section 19. Except for section 17, which shall take
4 effect upon becoming a law, this act shall take effect July 1,
5 2000.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 908

4 Land acquisitions would no longer occur with documentary stamp
5 tax proceeds from the CARL Trust Fund or the Water Management
6 Lands (WML) Trust Fund. This should result in approximately
7 \$20 million annually in additional funding for management in
8 the CARL TF.

9 Documentary stamp tax proceeds currently deposited into the
10 CARL TF are not reduced, but the 2 percent reduction in
11 documentary stamp tax proceeds deposited into the WML TF will
12 continue to be transferred to the SWIM TF.

13 WMD funding is reduced to 30 percent. Of this funding, at
14 least one-third must be used for water resource development
15 projects. The Southwest Florida WMD does not have to use 20
16 percent of its allocation for water supply development
17 projects.

18 The FCT funding is increased to 25 percent. There is no
19 requirement that a specified amount of funding be provided for
20 greenways and trails.

21 Except for the FCT, which must use at least 10 percent, but no
22 more than 20 percent of its funds for fixed capital outlay
23 projects, the agencies may use up to 10 percent of their funds
24 for fixed capital outlay projects for improvements on
25 conservation or recreation lands.

26 In addition to current criteria, new or revised criteria
27 include:

- 28 - A significant portion of the land in the project serves
29 as habitat for endangered, threatened, or rare species;
30 serves to protect natural communities that are listed by
31 the Florida Natural Areas Inventory as critically
imperiled, imperiled, or rare, or as excellent quality
occurrences of natural communities; or will assist
implementation of a state or federal species recovery
plan;
- The acquisition is needed to implement a surface water
improvement and management plan in effect on July 1,
2000;
- The project will assist in water resource development to
meet the needs of humans and natural systems anticipated
in 2020;
- The project will assist in ecosystem restoration;
- The acquisition will implement an element from a plan
developed by an ecosystem management team;
- The project will significantly promote attainment of
Class III water quality or higher;
- The project will significantly reduce the pollution of

- 1 surface water or groundwater;
- 2 - The project is identified in a surface water improvement
and management plan;
- 3 - The project will improve or maintain water quality in a
4 waterbody designated as an Outstanding Florida Water;
- 5 - The acquisition has been identified by the Fish and
Wildlife Conservation Commission as part of a strategic
6 habitat conservation area; or
- 7 - The project will establish or expand a greenway or
recreational trail system.

8 For acquisition, each project must meet at least three
9 criteria.

10 The bill creates the Florida Forever Commission to expend bond
proceeds allocated for CARL and the WMDs (65 percent of the
11 total funding). There will be 9 commissioners, 5 appointed by
the Governor (including the chairperson), 2 by the President
12 of the Senate, and 2 by the Speaker of the House who will
serve 4-year terms. The commission is to develop goals
13 designed to produce measurable results to guide its
expenditures for projects other than water resource
14 development projects. Criteria are provided for water resource
development projects.

15 Acquisition projects from the 65 percent administered by the
commission would be prioritized by the Land Acquisition and
16 Management Advisory Council (LAMAC) for CARL and by the WMD
governing boards. The WMDs would prepare a separate list of
17 proposed water resource development projects, including
proposals by local governments. The lists would be presented
18 to the Florida Forever Commission, which can delete projects
and reprioritize the lists, but may not add projects.

19 The bill authorizes the following additional uses of Florida
Forever and other state lands if the use meets specified
20 criteria: water resource development projects, water supply
development projects, stormwater management projects, linear
21 facilities, and sustainable agriculture and forestry. For
purposes of this provision, linear facilities shall not
22 include petroleum product pipelines, paved roads, rail
corridors or other facilities for motorized vehicles not
23 serving a use designated in the management plan or ancillary
to the uses described above. The provisions of the Trustees'
24 policy regarding the use of natural resource lands for linear
facilities will govern transportation uses. The uses described
25 above are authorized:

- 26
- 27 (a) Where not inconsistent with the management plan for such
lands;
- 28 (b) Where compatible with the natural ecosystem and resource
29 values of such lands;
- 30 (c) Where the proposed use is appropriately located on such
lands;
- 31 (c) Where the using entity reasonably compensates the title

1 holder for such use based upon an appropriate measure of
2 value; and
3 (e) Where the use provides a public benefit.
4 Funds from such uses will be used for management.
5 Additional funding is provided for exotic species control.
6 One-fourth of the CARL management funding is to be used for
7 upland exotic species control. One-fourth of the approximately
8 \$20 million made available in the CARL TF due to cessation of
9 land acquisition is to be used for aquatic exotic species
10 control. Of the CARL documentary stamp tax revenues,
11 seven-tenths of one percent will be transferred to the State
12 Game Trust Fund and used for land management activities. These
13 moneys are in addition to moneys received pursuant to s.
14 259.032(11), F.S. One-fourth of the additional CARL TF funding
15 will be used by the Fish and Wildlife Conservation Commission
16 for lake restoration.
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18 Cities will be eligible for payments in lieu of taxes.
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20 A former elected official of a metropolitan municipal
21 government is added to the FCT board.
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