

By the Committees on Fiscal Policy, Natural Resources and
Senators Latvala, Laurent, Carlton, Saunders, Kirkpatrick and
Cowin

309-1764A-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; establishing procedures
18 for the disposition of lands; authorizing
19 alternate uses of acquired lands; providing a
20 limitation on alternate uses; encouraging and
21 requiring the use of alternatives to fee simple
22 acquisition of lands; requiring increased
23 priority for a project if matching funds are
24 available; requiring increased priority if the
25 project is priced below appraised value;
26 amending s. 201.15, F.S.; authorizing the use
27 of revenues for the debt service on bonds;
28 revising the distribution of proceeds from the
29 excise tax on documents; creating s. 215.618,
30 F.S.; providing for the issuance of Florida
31 Forever bonds; providing limitations; providing

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

1 acquisition list; deleting obsolete provisions;
2 amending s. 259.035, F.S.; revising the
3 membership of the Land Acquisition and
4 Management Advisory Council and renaming the
5 council as the Florida Forever Commission;
6 revising its duties; requiring the development
7 of goals and a report; amending s. 259.036,
8 F.S.; conforming provisions; providing a
9 cross-reference; amending s. 338.250, F.S.;
10 providing for certain mitigation funds to be
11 used in coordination with funds from the
12 Florida Forever Trust Fund; amending s. 373.59,
13 F.S.; requiring a report to the Florida Forever
14 Commission; providing a process for releasing
15 funds for water resource development and land
16 acquisition projects; deleting provisions
17 authorizing the use of specified funds for debt
18 service on bonds issued pursuant to s. 373.584,
19 F.S.; requiring payment of debt service before
20 other uses of funds; providing due dates for
21 required management plans; revising the
22 criteria and eligibility for payments in lieu
23 of taxes; requiring that payments be made in
24 consecutive years; amending s. 380.503, F.S.;
25 providing definitions; amending s. 380.504,
26 F.S.; revising the membership of the governing
27 body of the Florida Communities Trust within
28 the Department of Community Affairs; conforming
29 outdated provisions; amending s. 380.507, F.S.;
30 authorizing the development of rules; amending
31 ss. 420.5092, 420.9073, F.S., relating to

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

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 259.202, Florida Statutes, is
15 created to read:

16 259.202 Florida Forever Act.--

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

19 (2) LEGISLATIVE FINDINGS.--The Legislature finds and
20 declares that:

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

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

31

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

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

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

30 (3) DISTRIBUTION OF BOND PROCEEDS.--Proceeds of bonds
31 issued under s. 375.051, less the costs of issuance, the costs

1 of funding reserve accounts, and other costs incurred with
2 respect to the bonds, shall be deposited into the Florida
3 Forever Trust Fund created by s. 375.046. The Department of
4 Environmental Protection shall distribute the bond proceeds as
5 follows:

6 (a) Thirty-five percent to the Florida Forever
7 Commission, created pursuant to s. 259.2021, for the purchase
8 of public lands described in s. 259.032, pursuant to the
9 requirements of chapter 259. In the acquisition of lands
10 pursuant to this paragraph, priority shall be given to
11 acquisitions that, when combined with previous acquisitions,
12 will form more complete patterns of protection for natural
13 areas and functioning ecosystems. All lands acquired under
14 this paragraph shall be managed pursuant to s. 253.034(1), and
15 may be used for water resource development projects if such
16 projects are not inconsistent with s. 253.034(1). Water
17 resource development projects may include aquifer storage and
18 recovery facilities, surface water reservoirs, and other
19 alternative water resource development activities. As provided
20 in this paragraph, permittable water resource development
21 projects may be allowed only if: the minimum flows and levels
22 have been established for those waters potentially affected by
23 the project; the project complies with all conditions for the
24 issuance of permits under part II of chapter 373; and the
25 project is consistent with the regional water supply plan of
26 the water management district.

27 (b) Thirty percent to the Department of Environmental
28 Protection for the purchase of water management lands pursuant
29 to s. 373.59, to be distributed among the water management
30 districts as provided in s. 373.59(8). Funds received by each
31 district may also be used for: acquisition of lands necessary

1 to implement surfacewater improvement and management plans
2 approved in accordance with s. 373.456 which exist on July 1,
3 2000; water resource development; or acquisition of lands
4 necessary to implement ecosystem restoration projects. Of this
5 thirty percent, at least one-third must be used for water
6 resource development projects. The South Florida Water
7 Management District must use at least 20 percent of its annual
8 allocation for Everglades 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 projects,
15 urban 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 may be used for
22 natural-resource-based capital improvements, including
23 projects to improve public access, on lands acquired for
24 conservation or recreation. The Legislature intends that the
25 Florida Communities Trust emphasize funding projects in
26 low-income or otherwise disadvantaged communities. Thirty
27 percent of the total allocation provided to the trust shall be
28 used in Standard Metropolitan Statistical Areas, but one-half
29 of that amount shall be used in localities in which the
30 project site is located in built-up commercial, industrial, or
31 mixed-use areas and functions to intersperse congested urban

1 core areas with open spaces. From funds allocated to the
2 trust, no less than 5 percent shall be used to acquire lands
3 for recreational trail systems, provided that in the event
4 these funds are not needed for such projects, they will be
5 available for other trust projects. Local governments may use
6 federal grants or loans, private donations, or environmental
7 mitigation funds, including environmental mitigation funds
8 required pursuant to s. 338.250, for any part or all of any
9 local match required for acquisitions funded through the
10 Florida Communities Trust. Any lands purchased by nonprofit
11 organizations using funds allocated under this paragraph must
12 provide for such lands to remain permanently in public use
13 through a reversion of title to local or state government,
14 conservation easement, or other appropriate mechanism.

15 (d) Two and nine-tenths percent to the Fish and
16 Wildlife Conservation Commission for the purchase of
17 inholdings, connections, and contiguous additions to lands
18 managed by the commission which are important to the
19 conservation of fish and wildlife. In developing its
20 recommendations for acquisition under this paragraph, priority
21 must be given to the purchase of inholdings.

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

1 (f) Two and nine-tenths percent to the Division of
2 Forestry of the Department of Agriculture and Consumer
3 Services to fund the acquisition of state forest inholdings,
4 connections, and contiguous additions pursuant to s. 589.07.
5 In developing its recommendations for acquisition under this
6 paragraph, priority must be given to the purchase of
7 inholdings.

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

15
16 Up to 10 percent of the funds allocated pursuant to paragraphs
17 (a), (b), and (d)-(g) may be used for fixed capital outlay
18 projects for improvements on lands acquired for conservation
19 or recreation.

20
21 Title to lands purchased by a water management district shall
22 be vested in the water management district. Except for lands
23 acquired by nonprofit environmental organizations, title to
24 lands purchased with funds from the Florida Communities Trust
25 may be vested in the Board of Trustees of the Internal
26 Improvement Trust Fund or the acquiring local government.

27 Title to all other lands acquired with Florida Forever funds
28 shall be vested in the Board of Trustees of the Internal
29 Improvement Trust Fund.

30 (4) PROJECT CRITERIA.--
31

1 (a) Except for acquisitions in which a significant
2 portion of the land serves to preserve important archeological
3 or historical sites on the habitat of threatened or endangered
4 species, proceeds of bonds issued under the Florida Forever
5 Program and distributed pursuant to paragraphs (3)(a) and (b)
6 shall be spent only on projects and acquisitions that meet at
7 least three of the following criteria, as determined pursuant
8 to paragraphs (b) and (c):

9 1. A significant portion of the land in the project is
10 in imminent danger of being developed, losing significant
11 natural attributes, or being subdivided, which will result in
12 multiple ownership of the land and may make acquisition more
13 costly or less likely to be accomplished;

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

19 3. A significant portion of the land in the project
20 serves to protect or recharge ground water and protects other
21 valuable natural resources or provides space for
22 natural-resource-based recreation;

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

25 5. A significant portion of the land in the project
26 serves as habitat for endangered, threatened, or rare species;
27 serves to protect natural communities that are listed by the
28 Florida Natural Areas Inventory as critically imperiled,
29 imperiled, or rare, or as excellent quality occurrences of
30 natural communities; or will assist implementation of a state
31 or federal species recovery plan;

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

3 7. The acquisition is needed to implement a
4 surfacewater improvement and management plan in effect on July
5 1, 2000;

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

9 9. The project will assist in ecosystem restoration;

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

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

14 12. The project will significantly reduce the
15 pollution of surface water or groundwater;

16 13. The project is appropriate and needed for an
17 aquifer storage and recovery project, surfacewater reservoir,
18 or an alternative water resource development project;

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

21 15. The acquisition has been identified by the Fish
22 and Wildlife Conservation Commission as part of a strategic
23 habitat conservation area;

24 16. The project will establish or expand a greenway or
25 recreational trail system; or

26 17. A significant portion of the land preserves the
27 inventory of community open-space or the project preserves
28 endangered open-spaces from development.

29
30 Increased priority shall be given to acquisitions that, in
31 addition to meeting at least three of the criteria under

1 subparagraphs 1. through 17., will also provide long-term
2 protection for threatened or endangered species designated G-1
3 or G-2 by the Florida Natural Areas Inventory, and especially
4 for those areas that are special locations for breeding and
5 reproduction.

6 (b) Each year that bonds are to be issued under the
7 Florida Forever Program, the Florida Forever Commission shall
8 review that year's approved land acquisition priority list and
9 shall, by the first board meeting in February, present to the
10 Board of Trustees of the Internal Improvement Trust Fund, for
11 its consideration and approval, a listing of projects on the
12 priority list which, except for projects to preserve important
13 archeological or historical sites or the habitat of threatened
14 or endangered species, meet three or more of the criteria
15 specified in paragraph (a). The board may remove projects from
16 the list, but may not add projects. The list may be amended to
17 include eligible projects that can be acquired at 85 percent
18 of appraised value or less if such properties become available
19 at a later date. In any county in which the total ad valorem
20 tax exemptions due to government ownership exceed 20 percent
21 of the county's total market value valuation, the Florida
22 Forever Commission must consult with the county commission to
23 obtain its recommendation regarding any proposed acquisition.
24 In such a circumstance, a project may not be included on an
25 acquisition list unless it is approved by an extraordinary
26 vote of a majority plus one. If a county's total ad valorem
27 tax exemptions due to government ownership exceed 37 percent
28 of the county's total market value valuation, an affirmative
29 vote of the county commission is required before a project may
30 be included on an acquisition list.

31

1 (c)1. Each year that bonds are to be issued under the
2 Florida Forever Program, each water management district shall
3 propose a list of water resource development projects for
4 consideration and approval by its governing board. Such lists
5 shall include proposals made by local governments within the
6 district. The total value of the list must comprise at least
7 one-third of the district's Florida Forever allocation.

8 2. Each year that bonds are to be issued under the
9 Florida Forever Program, each water management district
10 governing board shall review the lands on its current year's
11 land acquisition 5-year plan and shall, by January 15, adopt
12 a listing of projects from the plan which, except for projects
13 to preserve important archeological or historical sites or
14 habitat of threatened or endangered species, meet three or
15 more of the criteria specified in paragraph (a). The lists
16 must be presented to the Florida Forever Commission for its
17 consideration and approval by its first meeting in February.
18 The commission may remove projects from the lists and may
19 reprioritize the lists, but may not add projects. The lists
20 may be amended to include projects that can be acquired at 85
21 percent of appraised value or less if such properties become
22 available at a later date. In any county in which the total ad
23 valorem tax exemptions due to government ownership exceed 20
24 percent of the county's total market value valuation, the
25 governing board must consult with the county commission to
26 obtain its recommendation regarding any proposed acquisition.
27 In such a circumstance, a project may not be included on an
28 acquisition list unless it is approved by an extraordinary
29 vote of a majority plus one. If a county's total ad valorem
30 tax exemptions due to government ownership exceed 37 percent
31 of the county's total market value valuation, an affirmative

1 vote of the county commission is required before a project may
2 be included on an acquisition list.

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

5 1. The value of acquiring coastal high-hazard parcels,
6 consistent with hazard mitigation and postdisaster
7 redevelopment policies, in order to minimize the risk to life
8 and property and reduce the need for future disaster
9 assistance.

10 2. The value of acquiring beachfront parcels,
11 irrespective of size, to provide public access and
12 recreational opportunities in highly developed urban areas.

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

15
16 When a nonprofit environmental organization that is tax exempt
17 under s. 501(c)(3) of the United States Internal Revenue Code
18 sells land to the state, such land at the time of the sale
19 shall be deemed to meet three or more of the criteria listed
20 in paragraph (a) if such land meets three or more of the
21 criteria at the time the organization purchases it.

22 (e) Listings of projects compiled pursuant to
23 paragraphs (b) and (c) may be revised to include projects on
24 the state's land acquisition priority list or in a water
25 management district's 5-year plan which come under the
26 criteria in paragraph (a) after the dates specified in
27 paragraph (b) or paragraph (c).

28 (f) The Legislature finds that the Preservation 2000
29 Program has provided financial resources that have enabled the
30 acquisition of significant natural areas for public ownership
31 during the program's existence. In implementing the Florida

1 Forever Program, agencies that receive funds are encouraged to
2 coordinate their expenditures more effectively so that future
3 acquisitions, when combined with previous acquisitions, will
4 form more complete patterns of protection for natural areas
5 and functioning ecosystems.

6 (g) The Legislature intends that, in implementing the
7 Florida Forever Program, agencies emphasize the completion of
8 projects in which one or more parcels have already been
9 acquired and the acquisition of lands that contain ecological
10 resources that are unrepresented or underrepresented on lands
11 currently in public ownership.

12 (h) An assessment of appropriate management strategies
13 for property acquired under the Florida Forever Program should
14 be completed early in the acquisition process and should
15 emphasize the development of a management prospectus that
16 details management goals for the property, if appropriate; a
17 timetable for implementing the various stages of management
18 and for providing access to the public, if applicable;
19 provisions for protecting existing infrastructure and for
20 ensuring the security of the project upon acquisition; the
21 anticipated costs of management and projected sources of
22 revenue; and other information required under s.
23 259.032(9)(b)1.

24 (5) DISPOSITION OF LANDS.--

25 (a) Any lands acquired pursuant to paragraph (3)(a),
26 paragraph (3)(c), paragraph (3)(d), paragraph (3)(e),
27 paragraph (3)(f), or paragraph (3)(g) and titled in the name
28 of the Board of Trustees of the Internal Improvement Trust
29 Fund may be disposed of by the board in accordance with the
30 procedures set forth in s. 253.034(6), and lands acquired
31 pursuant to paragraph (3)(b) may be disposed of by the owning

1 water management district in accordance with the procedures
2 set forth in ss. 373.056 and 373.089 if such disposition also
3 satisfies the requirements of paragraphs (b) and (c).

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

19 (c) Notwithstanding paragraphs (a) and (b), such
20 disposition of land may not be made if the disposition would
21 have the effect of causing all or any portion of the interest
22 on any revenue bonds issued to fund the Florida Preservation
23 2000 Act or the Florida Forever Act to lose their exclusion
24 from gross income for purposes of federal income taxation. Any
25 revenue derived from the disposal of such lands may not be
26 used for any purpose except for deposit into the Florida
27 Forever Trust Fund and used for land acquisition.

28 (6) ALTERNATE USES OF ACQUIRED LANDS.--

29 (a) The Board of Trustees of the Internal Improvement
30 Trust Fund, or, in the case of water management district
31 lands, the owning water management district, may authorize the

1 granting of a lease, easement, or license for the use of any
2 lands acquired pursuant to subsection (3), for any
3 governmental use permitted by s. 17, Art. IX of the State
4 Constitution of 1885, as adopted by s. 9(a), Art. XII or s.
5 11(e), Art. VII of the State Constitution, and any other
6 incidental public or private use that is determined by the
7 board or the owning water management district to be compatible
8 with the purposes for which such lands were acquired.

9 (b) Any existing lease, easement, or license acquired
10 for incidental public or private use on, under, or across any
11 lands acquired pursuant to subsection (3) is presumed to be
12 compatible with the purposes for which such lands were
13 acquired.

14 (c) Notwithstanding paragraph (a), the Department of
15 Environmental Protection, another appropriate state agency, or
16 a water management district may not enter into such lease,
17 easement, or license if the granting of such lease, easement,
18 or license would adversely affect the exclusion of the
19 interest on any revenue bonds issued to fund the acquisition
20 of the affected lands from gross income for federal income tax
21 purposes, as described in s. 375.045(4).

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

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

28 (a) The Legislature finds that, with increasing
29 pressures on the natural areas of this state, the state must
30 develop creative techniques to maximize the use of acquisition
31 and management moneys. The Legislature also finds that the

1 state's environmental land-buying agencies should be
2 encouraged to augment their traditional, fee simple
3 acquisition programs by using alternatives to fee simple
4 acquisition techniques. The Legislature also finds that using
5 alternatives to fee simple acquisition by public land-buying
6 agencies will achieve the following public policy goals:

7 1. Allow more lands to be brought under public
8 protection for preservation, conservation, and recreational
9 purposes at less expense using public funds.

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

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

15
16 Therefore, it is the intent of the Legislature that public
17 land-buying agencies develop programs to pursue alternatives
18 to fee simple acquisition and educate private landowners about
19 such alternatives and the benefits of such alternatives. It
20 also is the intent of the Legislature that the department and
21 the water management districts spend a portion of their shares
22 of Florida Forever bond proceeds to purchase eligible
23 properties using alternatives to fee simple acquisition.

24 Finally, it is the intent of the Legislature that public
25 agencies acquire lands in fee simple for public access and
26 recreational activities. Lands protected using alternatives to
27 fee simple acquisition techniques may not be accessible to the
28 public unless such access is negotiated with and agreed to by
29 the private landowners who retain interests in the lands.

30 (b) The Florida Forever Commission and the water
31 management districts shall identify, within their acquisition

1 plans, those projects that require a full fee simple interest
2 to achieve the public policy goals, along with the reasons why
3 full title is determined to be necessary. The commission and
4 the water management districts may use alternatives to fee
5 simple acquisition to bring the remaining projects in their
6 acquisition plans under public protection. As used in this
7 subsection, the term "alternatives to fee simple acquisition"
8 includes, but is not limited to: the purchase of development
9 rights; conservation easements; flowage easements; the
10 purchase of timber rights, mineral rights, or hunting rights;
11 the purchase of agricultural interests or silvicultural
12 interests; land protection agreements; fee simple acquisitions
13 with reservations; or any other acquisition technique that
14 achieves the public policy goals listed in paragraph (a). It
15 is presumed that a private landowner retains the full range of
16 uses for all the rights or interests in the landowner's land
17 which are not specifically acquired by the public agency. Life
18 estates and fee simple acquisitions with leaseback provisions
19 qualify as alternatives to fee simple acquisition under this
20 subsection, and the department and the districts are
21 encouraged to use such techniques where appropriate. The
22 commission shall analyze existing stewardship programs and
23 recommend new private-land-management incentives and funding
24 sources to assist private landowners in keeping their land in
25 private ownership and implementing sound environmental
26 stewardship practices, including, but not limited to,
27 potential forms of local, state, and federal tax relief,
28 including inheritance taxes; long-term management and use
29 agreements; technical assistance; mitigation agreements;
30 whole-farm planning; and multi-agency cooperative stewardship
31 initiatives, including federal, state, and local programs.

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

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

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

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

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

30 Section 2. Section 201.15, Florida Statutes, 1998
31 Supplement, is amended to read:

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

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

12 (a) ~~Amounts Subject to the maximum amount limitations~~
13 ~~set forth in this paragraph, an amount~~ as shall be necessary
14 to pay the debt service on, or fund debt service reserve
15 funds, rebate obligations, or other amounts payable with
16 respect to Preservation 2000 bonds issued pursuant to s.
17 375.051 and Florida Forever bonds issued pursuant to s.
18 ~~215.618 bonds issued pursuant to s. 375.051 and payable from~~
19 ~~moneys transferred to the Land Acquisition Trust Fund pursuant~~
20 ~~to this paragraph~~ shall be paid into the State Treasury to the
21 credit of the Land Acquisition Trust Fund to be used for such
22 purposes. The amount transferred to the Land Acquisition Trust
23 Fund for such purposes shall not exceed \$600 million in any
24 fiscal year \$90 million in fiscal year 1992-1993, \$120 million
25 in fiscal year 1993-1994, \$150 million in fiscal year
26 ~~1994-1995, \$180 million in fiscal year 1995-1996, \$210 million~~
27 ~~in fiscal year 1996-1997, \$240 million in fiscal year~~
28 ~~1997-1998, \$270 million in fiscal year 1998-1999, and \$300~~
29 ~~million in fiscal year 1999-2000 and thereafter.~~ Debt service
30 on Florida Forever bonds, excluding refunding bonds, shall not
31 exceed \$30 million in fiscal year 2000-2001; \$60 million in

1 fiscal year 2001-2002; \$90 million in fiscal year 2002-2003;
2 \$120 million in fiscal year 2003-2004; \$150 million in fiscal
3 year 2004-2005; \$180 million in fiscal year 2005-2006; \$210
4 million in fiscal year 2006-2007; \$240 million in fiscal year
5 2007-2008; \$270 million in fiscal year 2008-2009; and \$300
6 million in fiscal year 2009-2010 and thereafter. Except for
7 bonds issued to refund previously issued bonds, no individual
8 series of bonds may be issued pursuant to this paragraph
9 unless such bonds and the first year's debt service for such
10 bonds is specifically appropriated in the General
11 Appropriations Act. The Preservation 2000 bonds and Florida
12 Forever bonds shall be equally and ratably secured by moneys
13 distributable to the Land Acquisition Trust Fund pursuant to
14 this section, except to the extent specifically provided
15 otherwise by the documents authorizing the issuance of the
16 bonds. No moneys transferred to the Land Acquisition Trust
17 Fund pursuant to this paragraph, or earnings thereon, shall be
18 used or made available to pay debt service on the Save Our
19 Coast revenue bonds.

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

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

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

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

16 (a) Beginning in the month following the final payment
17 for a fiscal year under paragraph (1)(b), available moneys
18 shall be paid into the State Treasury to the credit of the
19 General Revenue Fund of the state to be used and expended for
20 the purposes for which the General Revenue Fund was created
21 and exists by law or to the Ecosystem Management and
22 Restoration Trust Fund as provided in subsection (9)~~(8)~~.

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

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

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

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

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

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

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

20 (5) Five and eighty-four hundredths percent of the
21 remaining taxes collected under this chapter shall be paid
22 into the State Treasury to the credit of the Conservation and
23 Recreation Lands Trust Fund to carry out the purposes set
24 forth in s. 259.032 except for the acquisition of land. Of
25 this 5.84 percent, 0.7 percent shall be transferred to the
26 State Game Trust Fund and used for land management activities.
27 An additional 0.5 percent shall be transferred to the Aquatic
28 Plant Control Trust Fund and used pursuant to s. 369.22, and
29 0.5 percent shall be transferred to the State Game Trust Fund
30 and used for lake restoration. These moneys are in addition to
31 moneys received pursuant to s. 259.032(11).

1 (6) Two percent of the remaining taxes collected under
2 this chapter shall be paid into the State Treasury to the
3 credit of the Surface Water Improvement and Management Trust
4 Fund and shall be used by the water management districts for
5 fixed capital outlay projects, including stormwater management
6 facilities, for implementing surfacewater improvement and
7 management plans in effect on July 1, 2000 and shall be
8 allocated to the districts pursuant to the General
9 Appropriations Act each fiscal year after considering priority
10 lists to be prepared by each district. Any unallocated funds
11 not provided for in the General Appropriations Act but for
12 which spending authority is provided in the General
13 Appropriations Act shall be released by the Secretary of
14 Environmental Protection based upon the population size of the
15 districts and following receipt of a resolution adopted by the
16 district's governing board which identifies the project and
17 certifies that the project is on the district's priority list.

18 ~~(7)~~(6) Seven and fifty-three hundredths percent of the
19 remaining taxes collected under this chapter shall be paid
20 into the State Treasury to the credit of the State Housing
21 Trust Fund and shall be used as follows:

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

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

29 ~~(8)~~(7) Eight and sixty-six hundredths percent of the
30 remaining taxes collected under this chapter shall be paid
31

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

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

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

14 (9)~~(8)~~ From the moneys specified in paragraphs (1)(c)
15 and (2)(a) and prior to deposit of any moneys into the General
16 Revenue Fund, \$10 million shall be paid into the State
17 Treasury to the credit of the Ecosystem Management and
18 Restoration Trust Fund in fiscal year 1998-1999, \$20 million
19 in fiscal year 1999-2000, and \$30 million in fiscal year
20 2000-2001 and each fiscal year thereafter, to be used for the
21 preservation and repair of the state's beaches as provided in
22 ss. 161.091-161.212.

23 (10)~~(9)~~ The Department of Revenue may use the payments
24 credited to trust funds pursuant to paragraphs (1)(b) and
25 (2)(b) and subsections (3), (4), (5), (7)~~(6)~~, and (8)~~(7)~~ to
26 pay the costs of the collection and enforcement of the tax
27 levied by this chapter. The percentage of such costs which may
28 be assessed against a trust fund is a ratio, the numerator of
29 which is payments credited to that trust fund under this
30 section and the denominator of which is the sum of payments

31

1 made under paragraphs (1)(b) and (2)(b) and subsections (3),
2 (4), (5), ~~(7)(6)~~, and ~~(8)(7)~~.

3 Section 3. Section 215.618, Florida Statutes, is
4 created to read:

5 215.618 Bonds for acquisition and improvement of land,
6 water areas, and related property interests and resources.--

7 (1) The issuance of Florida Forever bonds to finance
8 or refinance the cost of acquisition and improvement of land,
9 water areas, and related property interests and resources for
10 the purposes of conservation, outdoor recreation, water
11 resource development, restoration of natural systems and
12 historic preservation, is authorized pursuant to s. 11(e),
13 Art. VII of the State Constitution. Florida Forever bonds may
14 also be issued to refund Preservation 2000 bonds issued
15 pursuant to s. 375.051. The duration of Florida Forever bonds
16 issued may not exceed 20 annual maturities. Preservation 2000
17 bonds and Florida Forever bonds shall be equally and ratably
18 secured by moneys distributable to the Land Acquisition Trust
19 Fund pursuant to s. 201.15(1)(a), except to the extent
20 specifically provided otherwise by the documents authorizing
21 the issuance of bonds.

22 (2) The state does covenant with the holders of
23 Florida Forever bonds and Preservation 2000 bonds that it will
24 not take any action that will materially and adversely affect
25 the rights of such holders as long as such bonds are
26 outstanding, including, but not limited to, a reduction in the
27 portion of documentary stamp taxes distributable to the Land
28 Acquisition Trust Fund for payment of debt service on
29 Preservation 2000 bonds or Florida Forever bonds.

30 (3) Bonds issued pursuant to this section shall be
31 payable from taxes distributable to the Land Acquisition Trust

1 Fund pursuant to s. 201.15(1)(a). Bonds issued pursuant to
2 this section shall not constitute a general obligation of or a
3 pledge of the full faith and credit of the State of Florida.

4 (4) The Department of Environmental Protection shall
5 request the Division of Bond Finance to issue the Florida
6 Forever bonds authorized by this section. The Division of Bond
7 Finance shall issue such bonds pursuant to the State Bond Act.

8 (5) The proceeds from the sale of bonds issued
9 pursuant to this section, less the costs of issuance, the
10 costs of funding reserve accounts, and other costs with
11 respect to the bonds, shall be deposited into the Florida
12 Forever Trust Fund. The bond proceeds deposited into the
13 Florida Forever Trust Fund shall be distributed by the
14 Department of Environmental Protection as provided in s.
15 259.202.

16 (6) The Legislature intends, at the appropriate time,
17 to re-create the Land Acquisition Trust Fund, which shall be
18 continued beyond the termination of bonding authority provided
19 for in s. 9(a)(1), Art. XII of the State Constitution,
20 pursuant to the authority provided by s. 11(e), Art. VII of
21 the State Constitution and shall be continued for so long as
22 Preservation 2000 bonds or Florida Forever bonds are
23 outstanding and secured by taxes distributable thereto.

24 (7) There shall be no sale, disposition, lease,
25 easement, license, or other use of any land, water areas, or
26 related property interests acquired or improved with proceeds
27 of Florida Forever bonds which would cause all or any portion
28 of the interest of such bonds to be included in gross income
29 for federal income tax purposes.

30 (8) The initial series of Florida Forever bonds shall
31 be validated in addition to any other bonds required to be

1 validated pursuant to s. 215.82. Any complaint for validation
2 of bonds issued pursuant to this section shall be filed only
3 in the circuit court of the county where the seat of state
4 government is situated, the notice required to be published by
5 s. 75.06 shall be published only in the county where the
6 complaint is filed, and the complaint and order of the circuit
7 court shall be served only on the state attorney of the
8 circuit in which the action is pending.

9 Section 4. Subsection (4) and paragraph (a) of
10 subsection (5) of section 253.027, Florida Statutes, are
11 amended to read:

12 253.027 Emergency archaeological property
13 acquisition.--

14 (4) EMERGENCY ARCHAEOLOGICAL ACQUISITION.--The sum of
15 \$2 million shall be reserved annually ~~segregated in an account~~
16 within the Florida Forever Conservation and Recreation Lands
17 Trust Fund for the purpose of emergency archaeological
18 acquisition ~~for fiscal year 1988-1989, and each year~~
19 ~~thereafter~~. Any portion of that amount ~~the account~~ not spent
20 or obligated by the end of the third quarter of the fiscal
21 year may be used for acquisitions pursuant to s. 259.202(3)(a)
22 ~~spent for other purposes specified in s. 259.032, upon~~
23 ~~approval of the Board of Trustees of the Internal Improvement~~
24 ~~Trust Fund.~~

25 (5) ACCOUNT EXPENDITURES.--

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

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

31

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

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

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

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

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

15 Section 5. Subsections (3), (4), (5), (6), and (8) of
16 section 253.034, Florida Statutes, 1998 Supplement, are
17 amended, present subsection (9) is redesignated as subsection
18 (10), and a new subsection (9) is added to that section, to
19 read:

20 253.034 State-owned lands; uses.--

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

1 location and design should consider and mitigate the impact on
2 humans and environmental resources, and the value of the land
3 shall be paid based on fair market value.

4 (4) No management agreement, lease, or other
5 instrument authorizing the use of lands owned by the Board of
6 Trustees of the Internal Improvement Trust Fund shall be
7 executed for a period greater than is necessary to provide for
8 the reasonable use of the land for the existing or planned
9 life cycle or amortization of the improvements, except that an
10 easement in perpetuity may be granted by the Board of Trustees
11 of the Internal Improvement Trust Fund if the improvement is a
12 transportation facility. An agency managing or leasing
13 state-owned lands from the Board of Trustees of the Internal
14 Improvement Trust Fund may not sublease such lands without
15 prior review by the division and by the Florida Forever
16 Commission ~~Land Acquisition and Management Advisory Council~~
17 created in s. 259.035 and approval by the board. The Florida
18 Forever Commission ~~Land Acquisition and Management Advisory~~
19 ~~Council~~ is not required to review subleases of parcels which
20 are less than 160 acres in size.

21 (5) Each state agency managing lands owned by the
22 Board of Trustees of the Internal Improvement Trust Fund shall
23 submit to the Division of State Lands a land management plan
24 at least every 5 years in a form and manner prescribed by rule
25 by the board. All management plans, whether for single-use or
26 multiple-use properties, shall specifically describe how the
27 managing agency plans to identify, locate, protect and
28 preserve, or otherwise use fragile nonrenewable resources,
29 such as archaeological and historic sites, as well as other
30 fragile resources, including endangered plant and animal
31 species, and provide for the conservation of soil and water

1 resources and for the control and prevention of soil erosion.
2 Land management plans submitted by an agency shall include
3 reference to appropriate statutory authority for such use or
4 uses and shall conform to the appropriate policies and
5 guidelines of the state land management plan. All land
6 management plans for parcels larger than 1,000 acres shall
7 contain an analysis of the multiple-use potential of the
8 parcel, which analysis shall include the potential of the
9 parcel to generate revenues to enhance the management of the
10 parcel. Additionally, the land management plan shall contain
11 an analysis of the potential use of private land managers to
12 facilitate the restoration or management of these lands. In
13 those cases where a newly acquired property has a valid
14 conservation plan, the plan shall be used to guide management
15 of the property until a formal land management plan is
16 completed.

17 (a) The Division of State Lands shall make available
18 to the public a copy of each land management plan for parcels
19 which exceed 160 acres in size. The commission ~~council~~ shall
20 review each plan for compliance with the requirements of this
21 subsection and with the requirements of the rules established
22 by the board pursuant to this subsection. The commission
23 ~~council~~ shall also consider the propriety of the
24 recommendations of the managing agency with regard to the
25 future use of the property, the protection of fragile or
26 nonrenewable resources, the potential for alternative or
27 multiple uses not recognized by the managing agency, and the
28 possibility of disposal of the property by the board. After
29 its review, the commission ~~council~~ shall submit the plan,
30 along with its recommendations and comments, to the board. The
31 commission ~~council~~ shall specifically recommend to the board

1 whether to approve the plan as submitted, approve the plan
2 with modifications, or reject the plan.

3 (b) The Board of Trustees of the Internal Improvement
4 Trust Fund shall consider the land management plan submitted
5 by each state agency and the recommendations of the commission
6 ~~council~~ and the Division of State Lands and shall approve the
7 plan with or without modification or reject such plan. The
8 use or possession of any such lands which is not in accordance
9 with an approved land management plan is subject to
10 termination by the board.

11 (6) The Board of Trustees of the Internal Improvement
12 Trust Fund shall determine which lands, the title to which is
13 vested in the board, are of no benefit to the public and shall
14 dispose of such lands pursuant to law.

15 (a) At least every 5 years, in a form and manner
16 prescribed by rule by the board, each state agency shall
17 indicate to the board those lands which the agency manages
18 which are not being used for the purpose for which they were
19 originally leased. Such lands shall be reviewed by the
20 commission ~~council~~ for its recommendation as to whether such
21 lands should be disposed of by the board.

22 (b) Lands owned by the board which are not actively
23 managed by any state agency or for which a land management
24 plan has not been completed pursuant to subsection (4) shall
25 be reviewed by the commission ~~council~~ for its recommendation
26 as to whether such lands should be disposed of by the board.

27 (c) In reviewing lands owned by the board pursuant to
28 paragraphs (a) and (b), the commission ~~council~~ shall consider
29 whether such lands would be more appropriately owned or
30 managed by the county or other unit of local government in
31 which the land is located. The commission ~~council~~ shall

1 recommend to the board whether a sale, lease, or other
2 conveyance to a local government would be in the best
3 interests of the state and local government. The provisions of
4 this paragraph in no way limit the provisions of ss. 253.111
5 and 253.115.

6 (d) After reviewing the recommendations of the
7 commission ~~council~~, the board shall determine whether lands
8 identified in paragraphs (a) and (b) are to be held for other
9 public purposes or whether such lands are of no benefit to the
10 public. The board may require an agency to release its
11 interest in such lands. Lands determined to be of no benefit
12 to the public shall be disposed of pursuant to law. Each
13 fiscal year, up to \$500,000 of the proceeds from the disposal
14 of such lands shall be placed in the Internal Improvement
15 Trust Fund to be used to pay the costs of any administration,
16 appraisal, management, conservation, protection, sales, or
17 real estate sales services; any such proceeds in excess of
18 \$500,000 shall be placed in the Conservation and Recreation
19 Lands Trust Fund.

20 (e) The sale of filled, formerly submerged land that
21 does not exceed 5 acres in area is not subject to review by
22 the commission ~~council~~.

23 (8) Land management plans required to be submitted by
24 the Department of Corrections or the Department of Education
25 shall not be subject to the commission ~~council~~ review
26 provisions described in subsection (5). Management plans
27 filed by these agencies shall be made available to the public
28 for a period of 90 days at the administrative offices of the
29 parcel or project affected by the management plan and at the
30 Tallahassee offices of each agency. Any plans not objected to
31 during the public comment period shall be deemed approved.

1 Any plans for which an objection is filed shall be submitted
2 to the Board of Trustees of the Internal Improvement Trust
3 Fund for consideration. The Board of Trustees of the Internal
4 Improvement Trust Fund shall approve the plan with or without
5 modification, or reject the plan. The use or possession of
6 any such lands which is not in accordance with an approved
7 land management plan is subject to termination by the board.

8 (9) The following additional uses of lands acquired by
9 the state pursuant to the Florida Forever Program and other
10 state-funded land purchase programs shall be authorized if
11 they meet the criteria specified in paragraphs (a) through
12 (e): water resource development projects, water supply
13 development projects, stormwater management projects, linear
14 facilities, and sustainable agriculture and forestry. For
15 purposes of this provision, linear facilities shall not
16 include petroleum product pipelines, paved roads, rail
17 corridors, or other facilities for motorized vehicles not
18 serving a use designated in the management plan or ancillary
19 to the uses described above. However, the policy adopted by
20 the Board of Trustees of the Internal Improvement Trust Fund
21 on January 23, 1996, relating to linear facilities shall
22 govern transportation uses. The uses described above are
23 authorized:

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

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

28 (c) Where the proposed use is appropriately located on
29 such lands;

30
31

1 (d) Where the using entity reasonably compensates the
2 title holder for such use based upon an appropriate measure of
3 value; and

4 (e) Where the use provides a public benefit.

5
6 Money received from the use of state lands pursuant to this
7 section shall be returned to the managing agency in accordance
8 with the provisions of s. 259.032(11)(d).

9 Section 6. Subsections (3), (8), and (10), paragraph
10 (b) of subsection (9), paragraphs (b), (c), and (f) of
11 subsection (11), and subsections (12), (13), (14), (15), and
12 (16) of section 259.032, Florida Statutes, 1998 Supplement,
13 are amended to read:

14 259.032 Conservation and Recreation Lands Trust Fund;
15 purpose.--

16 (3) The Governor and Cabinet, sitting as the Board of
17 Trustees of the Internal Improvement Trust Fund, may allocate
18 moneys from the Florida Forever Trust Fund in any one year to
19 acquire the fee or any lesser interest in lands for the
20 following public purposes:

21 (a) To conserve and protect environmentally unique and
22 irreplaceable lands that contain native, relatively unaltered
23 flora and fauna representing a natural area unique to, or
24 scarce within, a region of this state or a larger geographic
25 area;

26 (b) To conserve and protect lands within designated
27 areas of critical state concern, if the proposed acquisition
28 relates to the natural resource protection purposes of the
29 designation;

30 (c) To conserve and protect native species habitat or
31 endangered or threatened species, emphasizing long-term

1 protection for endangered or threatened species designated G-1
2 or G-2 by the Florida Natural Areas Inventory, and especially
3 those areas that are special locations for breeding and
4 reproduction;

5 (d) To conserve, protect, manage, or restore important
6 ecosystems, landscapes, and forests, if the protection and
7 conservation of such lands is necessary to enhance or protect
8 significant surface water, groundwater, coastal, recreational,
9 timber, or fish or wildlife resources which cannot otherwise
10 be accomplished through local and state regulatory programs;

11 (e) To provide areas, including recreational trails,
12 for natural resource based recreation and other outdoor
13 recreation on any part of any site compatible with
14 conservation purposes;

15 (f) To preserve significant archaeological or historic
16 sites; or

17 (g) To conserve urban open spaces suitable for
18 greenways or outdoor recreation which are compatible with
19 conservation purposes.

20 (8) Lands to be considered for purchase under this
21 section are subject to the selection procedures of s. 259.035
22 and related rules and shall be acquired in accordance with
23 acquisition procedures for state lands provided for in s.
24 259.041, except as otherwise provided by the Legislature. An
25 inholding, connection, or an addition to a project selected
26 for purchase pursuant to this chapter or s. 259.035 is not
27 subject to the selection procedures of s. 259.035 if the
28 estimated value of such inholding or addition does not exceed
29 \$500,000. When at least 90 percent of the acreage of a project
30 has been purchased pursuant to this chapter or s. 259.035, the
31 project may be removed from the list and the remaining acreage

1 may continue to be purchased. Moneys from the fund may be used
2 for title work, appraisal fees, environmental audits, and
3 survey costs related to acquisition expenses for lands to be
4 acquired, donated, or exchanged which qualify under the
5 categories of this section, at the discretion of the board.
6 When the Legislature has authorized the Department of
7 Environmental Protection to condemn a specific parcel of land
8 and such parcel has already been approved for acquisition
9 under this section, the land may be acquired in accordance
10 with the provisions of chapter 73 or chapter 74, and the fund
11 may be used to pay the condemnation award and all costs,
12 including a reasonable attorney's fee, associated with
13 condemnation.

14 (9)

15 (b)1. Concurrent with its adoption of the annual
16 Florida Forever Conservation and Recreational Lands list of
17 acquisition projects pursuant to s. 259.202(4)(b)~~s. 259.035~~,
18 the board of trustees shall adopt a management prospectus for
19 each project. The management prospectus shall delineate: the
20 management goals for the property; the conditions that will
21 affect the intensity of management; an estimate of the
22 revenue-generating potential of the property, if appropriate;
23 a timetable for implementing the various stages of management
24 and for providing access to the public, if applicable;
25 provisions for protecting existing infrastructure and for
26 ensuring the security of the project upon acquisition; the
27 anticipated costs of management and projected sources of
28 revenue, including legislative appropriations, to fund
29 management needs; recommendations as to how many employees
30 will be needed to manage the property; and recommendations as
31 to whether local governments, volunteer groups, the former

1 | landowner, or other interested parties can be involved in the
2 | management.

3 | 2. Concurrent with the approval of the acquisition
4 | contract pursuant to s. 259.041(3)(c) for any interest in
5 | lands, the board of trustees shall designate an agency or
6 | agencies to manage such lands and shall evaluate and amend, as
7 | appropriate, the management policy statement for the project
8 | as provided by s. 259.035, consistent with the purposes for
9 | which the lands are acquired. For any fee simple acquisition
10 | of a parcel which is or will be leased back for agricultural
11 | purposes, or any acquisition of a less-than-fee interest in
12 | land that is or will be used for agricultural purposes, the
13 | Board of Trustees of the Internal Improvement Trust Fund shall
14 | first consider having a soil and water conservation district,
15 | created pursuant to chapter 582, manage and monitor such
16 | interests.

17 | 3. State agencies designated to manage lands acquired
18 | under this chapter may contract with local governments and
19 | soil and water conservation districts to assist in management
20 | activities, including the responsibility of being the lead
21 | land manager. Such land management contracts may include a
22 | provision for the transfer of management funding to the local
23 | government or soil and water conservation district from the
24 | Conservation and Recreation Lands Trust Fund in an amount
25 | adequate for the local government or soil and water
26 | conservation district to perform its contractual land
27 | management responsibilities and proportionate to its
28 | responsibilities, and which otherwise would have been expended
29 | by the state agency to manage the property.

30 | 4. Immediately following the acquisition of any
31 | interest in lands under this chapter, the Department of

1 Environmental Protection, acting on behalf of the board of
2 trustees, may issue to the lead managing entity an interim
3 assignment letter to be effective until the execution of a
4 formal lease.

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

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

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

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

30 2. Key management activities necessary to preserve and
31 protect natural resources and restore habitat, and for

1 controlling the spread of nonnative plants and animals, and
2 for prescribed fire and other appropriate resource management
3 activities.

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

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

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

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

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

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

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

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

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

23 (11)

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

1 recreation, including state forests, and lands acquired
2 pursuant to this section and ss. ~~s.~~259.101 and 259.202 to
3 which title is vested in the board of trustees. Of this
4 amount, \$250,000 shall be transferred annually to the Plant
5 Industry Trust Fund within the Department of Agriculture and
6 Consumer Services for the purpose of implementing the
7 Endangered or Threatened Native Flora Conservation Grants
8 Program pursuant to s. 581.185(11).Each agency with
9 management responsibilities shall annually request from the
10 Legislature funds sufficient to fulfill such responsibilities.
11 Capital improvements shall include, but need not be limited
12 to, perimeter fencing, signs, firelanes, access roads and
13 trails, and minimal public accommodations, such as primitive
14 campsites, garbage receptacles, and toilets.

15 (c) In requesting funds provided for in paragraph (b)
16 for long-term management of ~~all~~ acquisitions ~~pursuant to this~~
17 ~~chapter~~ and for associated contractual services, the managing
18 agencies shall recognize the following categories of land
19 management needs:

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

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

31

1 3. Lands that ~~which~~ are high-need tracts, with
2 identified needs requiring unique site-specific resource
3 management and protection. These lands generally are sites
4 with historic significance, unique natural features, or very
5 high intensity public use, or sites that require extra funds
6 to stabilize or protect resources.

7
8 In evaluating the management funding needs of lands based on
9 the above categories, the lead land managing agencies shall
10 include in their considerations the impacts of, and needs
11 created or addressed by, multiple-use management strategies.

12 (f) The department shall set long-range and annual
13 goals for the control and removal of nonnative, upland,
14 invasive plant species on public lands. Such goals shall
15 differentiate between aquatic plant species and upland plant
16 species. In setting such goals, the department may rank, in
17 order of adverse impact, species that ~~which~~ impede or destroy
18 the functioning of natural systems. Notwithstanding paragraph
19 (a), ~~up to~~ one-fourth of the funds provided for in paragraph
20 (b) shall be used by the agencies receiving those funds
21 ~~reserved~~ for control and removal of nonnative, upland,
22 invasive species on public lands.

23 (12)(a) Beginning in fiscal year 1994-1995, not more
24 than 3.75 percent of the Conservation and Recreation Lands
25 Trust Fund shall be made available annually to the department
26 for payment in lieu of taxes to qualifying counties, school
27 districts, cities, and local governments as defined in
28 paragraph (b) for all actual tax losses incurred as a result
29 of board of trustees acquisitions for state agencies under the
30 Florida Preservation 2000 Program and Florida Forever Program
31 during any year. Reserved funds not used for payments in lieu

1 of taxes in any year shall revert to the Florida Forever Trust
2 Fund to be used for land acquisition in accordance with the
3 provisions of this section.

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

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

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

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

20 4. Notwithstanding the limitations of paragraph (a),
21 to Glades County, where a privately owned and operated prison
22 leased to the state has recently been opened and where
23 privately owned and operated juvenile justice facilities
24 leased to the state have recently been constructed and opened,
25 in an amount that offsets the loss of property tax revenues,
26 which funds have already been appropriated and allocated for
27 the purpose of reimbursing amounts equal to ad valorem taxes.

28 ~~3. For the 1997-1998 fiscal year only, and~~
29 ~~Notwithstanding the limitations of paragraph (a), to Glades~~
30 ~~County, where a privately owned and operated prison leased to~~
31 ~~the state has been opened within the last 2 years for which no~~

1 ~~other state moneys have been allocated to the county to offset~~
2 ~~ad valorem revenues. This subparagraph expires July 1, 1998.~~

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

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

15 (d) If ~~insufficient~~ funds are not sufficient ~~available~~
16 in any year to make full payments to all qualifying counties,
17 school districts, cities, and local governments, such
18 counties, school districts, cities, and local governments
19 shall receive a pro rata share of the moneys available.

20 (e) The payment amount shall be based on the average
21 amount of actual taxes paid on the property for the 3 years
22 preceding acquisition, except that, for purchases completed
23 after July 1, 2000, the payment amount to school boards in
24 counties with a population of 75,000 or less which do not
25 contain all or a portion of an area of critical state concern
26 designated under chapter 380 shall be calculated based solely
27 on the value of the millage levied under s. 236.25(1) and (2).
28 Applications for payment in lieu of taxes shall be made no
29 later than January 31 of the year following acquisition. No
30 payment in lieu of taxes shall be made for properties which
31 were exempt from ad valorem taxation for the year immediately

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

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

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

31

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

7 (14) The board of trustees may adopt rules to further
8 define the categories of land for acquisition under this
9 chapter.

10 ~~(15) For fiscal year 1998-1999 only, moneys credited~~
11 ~~to the fund may be appropriated to provide grants to qualified~~
12 ~~local governmental entities pursuant to the provisions of s.~~
13 ~~375.075. This subsection is repealed on July 1, 1999.~~

14 (15)~~(16)~~ Within 180 days after receiving a certified
15 letter from the owner of a property on the Conservation and
16 Recreation Lands list or the Florida Forever list objecting to
17 the property being included in an acquisition project, where
18 such property is a project or part of a project which has not
19 been listed for purchase in the current year's land
20 acquisition work plan, the board of trustees shall delete the
21 property from the list or from the boundary of an acquisition
22 project on the list.

23 Section 7. Section 259.035, Florida Statutes, 1998
24 Supplement, is amended to read:

25 259.035 Advisory council; powers and duties.--

26 (1) There is created a Florida Forever Commission ~~and~~
27 ~~Acquisition and Management Advisory Council~~ to be composed of
28 the secretary ~~and a designee~~ of the department, the director
29 of the Division of Forestry of the Department of Agriculture
30 and Consumer Services, the executive director of the Game and
31 Fresh Water Fish Commission, the director of the Division of

1 Historical Resources of the Department of State, and the
2 secretary of the Department of Community Affairs, or their
3 respective designees, in addition, the Governor shall appoint
4 four members of the commission, one of which shall be the
5 chairman. Each member appointed by the Governor must reside in
6 a different water management district. No person shall be
7 appointed to the commission who in the 24 months preceding his
8 or her term on the commission has been a lobbyist as defined
9 in s. 112.3148 for an entity whose interests may be affected
10 by projects approved by the commission. ~~The chairmanship of~~
11 ~~the council shall rotate annually in the foregoing order.~~The
12 commission ~~council~~ shall hold periodic meetings at the request
13 of the chair. The department shall provide primary staff
14 support to the ~~commission council~~ and shall ensure that
15 commission ~~council~~ meetings are electronically recorded. Such
16 recordings shall be preserved pursuant to chapters 119 and
17 257. The department has authority to adopt rules pursuant to
18 ss. 120.536(1) and 120.54 to implement the provisions of this
19 section.

20 (2) The commission is directed to establish goals to
21 guide its expenditures by February 15, 2001. The goals must be
22 designed to produce specific, measurable results within a
23 specified period of time. The commission shall give priority
24 to projects which appear likely to implement its goals. The
25 commission shall evaluate its success in attaining its goals
26 and report its findings to the Governor, the President of the
27 Senate, and the Speaker of the House of Representatives by
28 July 1, 2004.

29 (3)~~(2)~~(a) The ~~commission council~~ shall, by the time of
30 the first ~~board~~ meeting of the board of trustees in February
31 of each year, establish or update a list of acquisition

1 projects to be funded from the Florida Forever Trust Fund and
2 selected for purchase pursuant to this chapter. The commission
3 may also propose eligible acquisition projects to the board of
4 trustees at any time if the projects can be acquired at a
5 price at least 15 percent below appraised value.In scoring
6 potential projects for inclusion on the acquisition list, the
7 commission council shall give greater consideration to
8 projects that can serve as corridors between lands already in
9 public ownership or under management for conservation and
10 recreational purposes. Acquisition projects shall be ranked,
11 in order of priority, ~~individually as a single group or~~
12 individually within 7 ~~up to 10~~ separate groups, which must
13 include substantially complete projects, mega-multiparcels
14 projects, less-than-fee projects, priority projects,
15 negotiations impasse, projects providing long-term protection
16 for threatened or endangered species, and bargain or shared
17 projects. The commission council shall submit to the board of
18 trustees, together with its list of acquisition projects, a
19 Florida Forever Conservation and Recreation Lands report. For
20 each project on an acquisition list, the commission council
21 shall include in its report the stated purpose for acquiring
22 the project, an identification of the essential parcel or
23 parcels within the project without which the project cannot be
24 properly managed, an identification of those projects or
25 parcels within projects which should be acquired in fee simple
26 or in other than fee simple, an explanation of the reasons why
27 the commission council selected a particular acquisition
28 technique, a management policy statement for the project, a
29 management prospectus pursuant to s. 259.032(9)(b), an
30 estimate of land value based on county tax assessed values, a
31 map delineating project boundaries, a brief description of the

1 important natural and cultural resources to be protected,
2 preacquisition planning and budgeting, coordination with other
3 public and nonprofit public-lands acquisition programs, a
4 preliminary statement of the extent and nature of public use,
5 an interim management budget, and designation of a management
6 agency or agencies. The Department of Environmental Protection
7 shall prepare the information required by this section for
8 each acquisition project selected for purchase pursuant to
9 this chapter. In addition, the department shall prepare, by
10 July 1 of each year, an acquisition work plan for each project
11 on the acquisition list for which funds will be available for
12 acquisition during the fiscal year. The work plan need not
13 disclose any information that is required by this chapter or
14 chapter 253 to remain confidential.

15 (b) An affirmative vote of six ~~four~~ members of the
16 commission ~~council~~ shall be required in order to place a
17 proposed project on a list. ~~Each list shall contain at least~~
18 ~~twice the number of projects in terms of estimated cost as~~
19 ~~there are anticipated funds for purchase.~~The anticipated cost
20 of each project shall include proposed costs for development
21 of the lands necessary to meet the public purpose for which
22 such lands are to be purchased.

23 (c) All proposals for acquisition projects pursuant to
24 this chapter shall be developed and adopted by the commission
25 ~~council~~. The commission ~~council~~ shall consider and evaluate in
26 writing the merits and demerits of each project that is
27 proposed for acquisition and shall ensure that each proposed
28 acquisition project will meet a stated public purpose for the
29 preservation of environmentally endangered lands, for the
30 development of outdoor recreation lands, or as provided in s.
31 259.032(3) or s. 259.202(4), and shall determine whether each

1 acquisition project conforms with the comprehensive plan
2 developed pursuant to s. 259.04(1)(a), the comprehensive
3 outdoor recreation and conservation plan developed pursuant to
4 s. 375.021, and the state lands management plan adopted
5 pursuant to s. 253.03(7). Copies of a written report
6 describing each project proposed for acquisition shall be
7 submitted to the board of trustees. The commission ~~council~~
8 shall consider and include in each project description its
9 assessment of a project's ecological value, vulnerability,
10 endangerment, ownership pattern, utilization, location, and
11 cost and other pertinent factors in determining whether to
12 recommend a project for state purchase.

13 ~~(4)(3)~~ Members of the commission ~~council~~ shall serve
14 without compensation but shall be entitled to receive
15 reimbursement by their respective agencies for per diem and
16 travel expenses incurred in the performance of their duties as
17 provided in s. 112.061.

18 Section 8. Subsection (2) of section 259.036, Florida
19 Statutes, is amended to read:

20 259.036 Management review teams.--

21 (2) The land management review team shall review
22 select parcels of managed land prior to the date the managing
23 agency is required to submit its 5-year land management plan
24 update. A copy of the review shall be provided to the
25 managing agency, the Division of State Lands, and the Florida
26 Forever Commission ~~Land Acquisition and Management Advisory~~
27 ~~Council~~. The managing agency shall consider the findings and
28 recommendations of the land management review team in
29 finalizing the required 5-year update of its management plan.

30 Section 9. Paragraph (a) of subsection (2) of section
31 338.250, Florida Statutes, is amended to read:

1 338.250 Central Florida Beltway Mitigation.--
2 (2) Environmental mitigation required as a result of
3 construction of the beltway, or portions thereof, shall be
4 satisfied in the following manner:
5 (a) For those projects which the Department of
6 Transportation is authorized to construct, funds for
7 environmental mitigation shall be deposited in the Central
8 Florida Beltway Trust Fund created within the department at
9 the time bonds for the specific project are sold. If a road
10 building authority other than the department is authorized to
11 construct the project, funds for environmental mitigation
12 shall be deposited in a mitigation fund account established in
13 the construction fund for the bond issues. Said account shall
14 be established at the time bond proceeds are deposited into
15 the construction fund for the specific project. These funds
16 shall be provided from bond proceeds, and the use of such
17 funds from bond proceeds for mitigation shall be deemed a
18 public purpose. The amount to be provided for mitigation for
19 the Eastern Beltway in Seminole County shall be up to \$4
20 million, the amount to be provided for mitigation for the
21 Western Beltway shall be up to \$30.5 million, the amount to be
22 provided for mitigation for the Southern Connector shall be up
23 to \$14.28 million, the amount to be provided for mitigation
24 for the Turnpike/Southern Connector Interchange shall be up to
25 \$1.46 million, and the amount to be provided for mitigation
26 for the Southern Connector Extension shall be in proportion to
27 the amount provided for the Southern Connector based upon the
28 amount of wetlands displaced. To the extent allowed by law,
29 the interest on said funds as earned, after deposit into the
30 Central Florida Beltway Trust Fund, or in a mitigation fund
31 account shall accrue and be paid to the agency responsible for

1 the construction of the appropriate project. Where feasible,
2 mitigation funds shall be used in coordination with funds from
3 the Florida Forever Trust Fund, the Conservation and
4 Recreation Lands Trust Fund, the Save Our Rivers Land
5 Acquisition Program, or from other appropriate sources.

6 Section 10. Section 373.59, Florida Statutes, 1998
7 Supplement, is amended to read:

8 373.59 Water Management Lands Trust Fund.--

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

17 (2)(a) By January 15 of each year, each district shall
18 file with the Legislature, the Florida Forever Commission, and
19 the Secretary of Environmental Protection a report of
20 acquisition activity together with modifications or additions
21 to its 5-year plan of acquisition. Included in the report
22 shall be an identification of those lands which require a full
23 fee simple interest to achieve water management goals and
24 those lands which can be acquired using alternatives to fee
25 simple acquisition techniques and still achieve such goals.
26 In their evaluation of which lands would be appropriate for
27 acquisition through alternatives to fee simple, district staff
28 shall consider criteria including, but not limited to,
29 acquisition costs, the net present value of future land
30 management costs, the net present value of ad valorem revenue
31 loss to the local government, and the potential for revenue

1 generated from activities compatible with acquisition
2 objectives. The report shall also include a description of
3 land management activity. Expenditure of moneys from the Water
4 Management Lands Trust Fund shall be limited to the costs for
5 acquisition, management, maintenance, and capital improvements
6 of lands included within the 5-year plan as filed by each
7 district and to the department's costs of administration of
8 the fund. The department's costs of administration shall be
9 charged proportionally against each district's allocation
10 using the formula provided in subsection (7). However, no
11 acquisition of lands shall occur without a public hearing
12 similar to those held pursuant to the provisions set forth in
13 s. 120.54. In the annual update of its 5-year plan for
14 acquisition, each district shall identify lands needed to
15 protect or recharge groundwater and shall establish a plan for
16 their acquisition as necessary to protect potable water
17 supplies. Lands which serve to protect or recharge groundwater
18 identified pursuant to this paragraph shall also serve to
19 protect other valuable natural resources or provide space for
20 natural resource based recreation.

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

25 1. By South Florida Water Management District--lands
26 in the water conservation areas and areas adversely affected
27 by raising water levels of Lake Okeechobee in accordance with
28 present regulation schedules, and the Savannahs Wetland area
29 in Martin County and St. Lucie County.

30 2. By Southwest Florida Water Management
31 District--lands in the Four River Basins areas, including

1 Green Swamp, Upper Hillsborough and Cypress Creek, Anclote
2 Water Storage Lands (Starkey), Withlacoochee and Hillsborough
3 riverine corridors, and Sawgrass Lake addition.

4 3. By St. Johns River Water Management
5 District--Seminole Ranch, Latt Maxey and Evans properties in
6 the upper St. Johns River Basin.

7 4. By Suwannee River Water Management District--lands
8 in Suwannee River Valley.

9 5. By Northwest Florida Water Management
10 District--lands in the Choctawhatchee and Apalachicola River
11 Valleys.

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

16 (4)(a) Moneys from the Florida Forever ~~Water~~
17 ~~Management Lands~~ Trust Fund shall be used for acquiring the
18 fee or other interest in lands necessary for water management,
19 water supply, and the conservation and protection of water
20 resources, except that such moneys shall not be used for the
21 acquisition of rights-of-way for canals or pipelines. ~~Such~~
22 Moneys from the Water Management Lands Trust Fund shall ~~also~~
23 be used for management, maintenance, and capital improvements.
24 Interests in real property acquired by the districts under
25 this section may be used for permittable water resource
26 development and water supply development purposes under the
27 following conditions: the minimum flows and levels of priority
28 water bodies on such lands have been established; the project
29 complies with all conditions for issuance of a permit under
30 part II of this chapter; and the project is compatible with
31 the purposes for which the land was acquired. Lands acquired

1 pursuant to this section ~~with moneys from the fund~~ shall be
2 managed and maintained in an environmentally acceptable manner
3 and, to the extent practicable, in such a way as to restore
4 and protect their natural state and condition.

5 (b) The Secretary of Environmental Protection shall
6 release moneys from the Water Management Lands Trust Fund to a
7 district for preacquisition costs for projects approved by the
8 Florida Forever Commission within 30 days after receipt of a
9 resolution adopted by the district's governing board which
10 identifies and justifies any such preacquisition costs
11 necessary for the purchase of any lands listed in the
12 district's 5-year plan. The district shall return to the
13 department any funds not used for the purposes stated in the
14 resolution, and the department shall deposit the unused funds
15 into the Water Management Lands Trust Fund.

16 (c) The Secretary of Environmental Protection shall
17 release acquisition moneys from the Florida Forever Water
18 ~~Management Lands~~ Trust Fund to a district for a project
19 approved by the commission following receipt of a resolution
20 adopted by the governing board identifying the lands being
21 acquired ~~and certifying that such acquisition is consistent~~
22 ~~with the plan of acquisition and other provisions of this act.~~
23 The governing board shall also provide to the Secretary of
24 Environmental Protection a copy of all certified appraisals
25 used to determine the value of the land to be purchased. Each
26 parcel to be acquired must have at least one appraisal. Two
27 appraisals are required when the estimated value of the parcel
28 exceeds \$500,000. However, when both appraisals exceed
29 \$500,000 and differ significantly, a third appraisal may be
30 obtained. If the purchase price is greater than the appraisal
31 price, the governing board shall submit written justification

1 for the increased price. ~~The Secretary of Environmental~~
2 ~~Protection may withhold moneys for any purchase that is not~~
3 ~~consistent with the 5-year plan or the intent of this act or~~
4 ~~that is in excess of appraised value. The governing board may~~
5 ~~appeal any denial to the Land and Water Adjudicatory~~
6 ~~Commission pursuant to s. 373.114.~~

7 (d) The Secretary of Environmental Protection shall
8 release moneys from the Florida Forever Trust Fund to a
9 district for a water resource development project following
10 receipt of a resolution adopted by the governing board
11 identifying the project and certifying its approval by the
12 commission.

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

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

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

28 ~~(6) If a district issues revenue bonds or notes under~~
29 ~~s. 373.584, the district may pledge its share of the moneys in~~
30 ~~the Water Management Lands Trust Fund as security for such~~
31 ~~bonds or notes. The Department of Environmental Protection~~

1 ~~shall pay moneys from the trust fund to a district or its~~
2 ~~designee sufficient to pay the debt service, as it becomes~~
3 ~~due, on the outstanding bonds and notes of the district;~~
4 ~~however, such payments shall not exceed the district's~~
5 ~~cumulative portion of the trust fund. However, any moneys~~
6 ~~remaining after payment of the amount due on the debt service~~
7 ~~shall be released to the district pursuant to subsection (3).~~

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

18 (8) Moneys from the Water Management Lands Trust Fund
19 shall be allocated to the five water management districts in
20 the following percentages:

21 (a) Thirty percent to the South Florida Water
22 Management District.

23 (b) Twenty-five percent to the Southwest Florida Water
24 Management District.

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

27 (d) Ten percent to the Suwannee River Water Management
28 District.

29 (e) Ten percent to the Northwest Florida Water
30 Management District.

31

1 (9) Each district may use its allocation under
2 subsection (8) for management, maintenance, and capital
3 improvements. Capital improvements shall include, but need not
4 be limited to, perimeter fencing, signs, firelanes, control of
5 invasive exotic species, controlled burning, habitat inventory
6 and restoration, law enforcement, access roads and trails, and
7 minimal public accommodations, such as primitive campsites,
8 garbage receptacles, and toilets.

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

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

1 incompatible with the purposes for which these lands were
2 acquired. For any fee simple acquisition of a parcel which is
3 or will be leased back for agricultural purposes, or for any
4 acquisition of a less-than-fee interest in land that is or
5 will be used for agricultural purposes, the district governing
6 board shall first consider having a soil and water
7 conservation district created pursuant to chapter 582 manage
8 and monitor such interest.

9 (12) A district may dispose of land acquired under
10 this section, pursuant to s. 373.056 or s. 373.089. Revenues
11 derived from the disposition of lands acquired with funds from
12 the Preservation 2000 or Florida Forever programs must be used
13 to acquire other lands eligible for acquisition pursuant to
14 those programs. ~~However, Revenue derived from the such~~
15 ~~disposal of other lands may not be used for any purpose~~
16 ~~specified except the purchase of other lands meeting the~~
17 ~~criteria specified in this section or payment of debt service~~
18 ~~on revenue bonds or notes issued under s. 373.584, as provided~~
19 in this section.

20 (13) No moneys generated pursuant to this act may be
21 applied or expended subsequent to July 1, 1985, to reimburse
22 any district for prior expenditures for land acquisition from
23 ad valorem taxes or other funds other than its share of the
24 funds provided herein or to refund or refinance outstanding
25 debt payable solely from ad valorem taxes or other funds other
26 than its share of the funds provided herein.

27 (14)(a) Funds from the Water Management Lands Trust
28 Fund shall be available ~~Beginning in fiscal year 1992-1993,~~
29 ~~not more than one-fourth of the land management funds provided~~
30 ~~for in subsections (1) and (9) in any year shall be reserved~~
31 ~~annually by a governing board, during the development of its~~

1 ~~annual operating budget~~, for payment in lieu of taxes to
2 qualifying counties, school districts, cities, and local
3 governments, as defined in paragraph (b), for actual ad
4 valorem tax losses incurred as a result of lands purchased
5 with funds allocated pursuant to paragraph (b) and ss s-
6 259.101(3)(b) and 259.202(3)(c). ~~In addition, the Northwest~~
7 ~~Florida Water Management District, the South Florida Water~~
8 ~~Management District, the Southwest Florida Water Management~~
9 ~~District, the St. Johns River Water Management District, and~~
10 ~~the Suwannee River Water Management District shall pay to~~
11 ~~qualifying counties payments in lieu of taxes for district~~
12 ~~lands acquired with funds allocated pursuant to subsection~~
13 ~~(8)~~. Reserved funds that are not used for payment in lieu of
14 taxes in any year shall revert to the fund to be used for
15 management purposes ~~or land acquisition~~ in accordance with
16 this section.

17 (b) Payment in lieu of taxes shall be available:
18 1. To counties ~~for each year~~ in which the levy of ad
19 valorem tax is at least 8.25 mills or the amount of the tax
20 loss from all completed Preservation 2000 or Florida Forever
21 acquisitions in the county exceeds 0.01 percent of the
22 county's total taxable value, and the population is 75,000 or
23 less and
24 2. To counties with a population of less than 100,000
25 which contain all or a portion of an area of critical state
26 concern designated pursuant to chapter 380, and to local
27 governments within such counties.
28 3. Beginning in the 2000-2001 fiscal year, to school
29 boards in counties with a population of 75,000 or less which
30 do not contain all or a portion of an area of critical state
31 concern designated under chapter 380 and which levy the

1 maximum millage under s. 236.25(1) and levy at least 1 mill
2 pursuant to s. 236.25(2).

3
4 As used in this paragraph, the term "local government"
5 includes municipalities, the county school board, mosquito
6 control districts, and any other local government entity that
7 levies ad valorem taxes, with the exception of a water
8 management district.

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

15 (d)(c) If ~~insufficient~~ funds are not sufficient
16 ~~available~~ in any year to make full payments to all qualifying
17 counties, school districts, cities, and local governments,
18 such counties, school districts, cities, and local governments
19 shall receive a pro rata share of the moneys available.

20 (e)(d) The payment amount shall be based on the
21 average amount of actual taxes paid on the property for the 3
22 years immediately preceding acquisition, except that, for
23 purchases completed after July 1, 2000, the payment amount to
24 school boards in counties with a population of 75,000 or less
25 which do not contain all or a portion of an area of critical
26 state concern designated under chapter 380 shall be calculated
27 based solely on the value of the millage levied under s.
28 236.25(1) and (2). For lands purchased prior to July 1, 1992,
29 applications for payment in lieu of taxes shall be made to the
30 districts by January 1, 1993. For lands purchased after July
31 1, 1992, applications for payment in lieu of taxes shall be

1 made no later than January 31 of the year following
2 acquisition. No payment in lieu of taxes shall be made for
3 properties that ~~which~~ were exempt from ad valorem taxation for
4 the year immediately preceding acquisition. Payment in lieu
5 of taxes shall be limited to a period of 10 consecutive years
6 of annual payments. The Legislature intends that once a
7 governmental entity has been determined eligible for a
8 payment, the entity shall receive 10 consecutive annual
9 payments for each tax loss, and no further eligibility
10 determination shall be made within the period of payment for
11 each tax loss. However, no governmental entity shall receive
12 more than 10 payments for each tax loss.

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

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

30 (15) Each district is encouraged to use volunteers to
31 provide land management and other services. Volunteers shall

1 be covered by liability protection and workers' compensation
2 in the same manner as district employees, unless waived in
3 writing by such volunteers or unless such volunteers otherwise
4 provide equivalent insurance.

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

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

29 Section 11. Subsections (16) and (17) are added to
30 section 380.503, Florida Statutes, to read:

31

1 380.503 Definitions.--As used in ss. 380.501-380.515,
2 unless the context indicates a different meaning or intent:

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

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

13 Section 12. Subsection (1) of section 380.504, Florida
14 Statutes, is amended to read:

15 380.504 Florida Communities Trust; creation;
16 membership; expenses.--

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

22 (a) The Secretary of Community Affairs,~~and~~ the
23 Secretary of Environmental Protection, and the director of the
24 Division of Historical Resources in the Department of State;
25 and

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

28
29 The Governor shall appoint a former elected official of a
30 county local government, a former elected official of a
31 metropolitan municipal government, a representative of a

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

15 Section 13. Section 380.505, Florida Statutes, is
16 amended to read:

17 380.505 Meetings; quorum; voting.--The powers of the
18 trust shall be vested in its governing body members. The
19 governing body may delegate such powers to department staff as
20 it deems necessary. Four ~~Three~~ members of the governing body
21 shall constitute a quorum for the purpose of conducting its
22 business and exercising its powers and for all other purposes.
23 However, the governing body may take action only upon an
24 affirmative vote of at least four ~~three~~ members. The
25 governing body shall meet at least quarterly, and may meet
26 more often at the call of the chair or upon an affirmative
27 vote of three members.

28 Section 14. Subsection (11) of section 380.507,
29 Florida Statutes, is amended to read:

30
31

1 380.507 Powers of the trust.--The trust shall have all
2 the powers necessary or convenient to carry out the purposes
3 and provisions of this part, including:

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

23 Section 15. Subsections (5) and (6) of section
24 420.5092, Florida Statutes, are amended to read:

25 420.5092 Florida Affordable Housing Guarantee
26 Program.--

27 (5) Pursuant to s. 16, Art. VII of the State
28 Constitution, the corporation may issue, in accordance with s.
29 420.509, revenue bonds of the corporation to establish the
30 guarantee fund. Such revenue bonds shall be primarily payable
31 from and secured by annual debt service reserves, from

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

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

1 necessary to maintain such annual debt service reserve. Upon
2 receipt of such certification, the Comptroller shall transfer
3 to the annual debt service reserve, from the first available
4 taxes distributed to the State Housing Trust Fund pursuant to
5 s. 201.15(7)(a) and (8)(a)~~s. 201.15(6)(a) and (7)(a)~~during
6 the ensuing state fiscal year, the amount certified as
7 necessary to maintain the annual debt service reserve.

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

27 Section 16. Section 420.9073, Florida Statutes, 1998
28 Supplement, is amended to read:

29 420.9073 Local housing distributions.--

30 (1) Distributions calculated in this section shall be
31 disbursed on a monthly basis by the agency beginning the first

1 day of the month after program approval pursuant to s.
2 420.9072. Each county's share of the funds to be distributed
3 from the portion of the funds in the Local Government Housing
4 Trust Fund received pursuant to s. 201.15(7)~~s. 201.15(6)~~
5 shall be calculated by the agency for each fiscal year as
6 follows:

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

12 (b) 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, may receive an additional share calculated as
16 follows:

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

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

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

1 total funds received by the Local Government Housing Trust
2 Fund pursuant to s. 201.15(7)~~s. 201.15(6)~~ reduced by the
3 guaranteed amount paid to all counties.

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

12 (a) Each county shall receive the guaranteed amount
13 for each fiscal year.

14 (b) Each county may receive an additional share
15 calculated as follows:

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

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

21 3. For each county in which the result in subparagraph
22 1. is greater than the guaranteed amount, the amount
23 calculated in subparagraph 1. shall be reduced by the
24 guaranteed amount. The result for each such county shall be
25 expressed as a percentage of the amounts so determined for all
26 counties. Each such county shall receive an additional share
27 equal to this percentage multiplied by the total funds
28 received by the Local Government Housing Trust Fund pursuant
29 to s. 201.15(8)~~s. 201.15(7)~~ as reduced by the guaranteed
30 amount paid to all counties.

31 (3) Calculation of guaranteed amounts:

1 (a) The guaranteed amount under subsection (1) shall
2 be calculated for each state fiscal year by multiplying
3 \$350,000 by a fraction, the numerator of which is the amount
4 of funds distributed to the Local Government Housing Trust
5 Fund pursuant to s. 201.15(7)~~s. 201.15(6)~~and the denominator
6 of which is the total amount of funds distributed to the Local
7 Government Housing Trust Fund pursuant to s. 201.15.

8 (b) The guaranteed amount under subsection (2) shall
9 be calculated for each state fiscal year by multiplying
10 \$350,000 by a fraction, the numerator of which is the amount
11 of funds distributed to the Local Government Housing Trust
12 Fund pursuant to s. 201.15(8)~~s. 201.15(7)~~and the denominator
13 of which is the total amount of funds distributed to the Local
14 Government Housing Trust Fund pursuant to s. 201.15.

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

17 Section 17. (1) An educational program to enhance the
18 state's schools, community colleges, and universities, which
19 will foster business, industry, research, and development, is
20 created. This program will integrate into existing curricula
21 the knowledge, skills, and experience that will result in
22 informed decisions, responsible behavior, and constructive
23 actions through project-based learning.

24 (2) The education program will be based on present and
25 future projects involving ecosystem restoration. The program
26 will include teacher training and curriculum development in
27 all disciplines, with cooperative efforts between schools,
28 colleges, universities, and businesses, to provide practical,
29 hands-on experience and to encourage enrollment in
30 mathematics, engineering, and science, such as Broward
31 County's Saturday-Science Summer Academy, SECME-Southeastern

1 Consortium for Minorities in Engineering Program, Miami-Dade
2 County's Urban Systemic Initiative, and others in rural areas
3 to be administered through the Commissioner of Education,
4 school districts, the Board of Regents, and the State Board of
5 Community Colleges.

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

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

15 Section 18. Agencies and water management districts
16 receiving funds from the Florida Forever Program shall adopt
17 rules pursuant to chapter 120, Florida Statutes, to implement
18 the program which, at a minimum, establish procedures for
19 evaluating, selecting, and prioritizing proposed acquisitions
20 and water resource development projects.

21 Section 19. Subsection (3) is added to section
22 375.075, Florida Statutes, to read:

23 375.075 Outdoor recreation; financial assistance to
24 local governments.--

25 (3) Grants awarded to individual local governments may
26 not exceed \$200,000 per year.

27 Section 20. Section 373.584, Florida Statutes, is
28 repealed.

29 Section 21. The repeal of section 373.584, Florida
30 Statutes, does not impair the validity of any bonds or

31

1 obligations issued under that section which are outstanding on
2 July 1, 2000.

3 Section 22. If the Department of Environmental
4 Protection or a water management district has made a payment
5 in lieu of taxes to a governmental entity and subsequently
6 suspended such payment, the department or water management
7 district shall reinstitute appropriate payments and continue
8 the payments in consecutive years until the governmental
9 entity has received a total of ten payments for each tax loss.

10 Section 23. Except for this section and section 22,
11 which shall take effect upon becoming a law, this act shall
12 take effect July 1, 2000.

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

4 Provisions permitting Florida Forever funds to be used for
5 water supply development and SWIM Trust Fund moneys for
6 wastewater treatment plants have been deleted. Also deleted
7 are provisions establishing a Florida Forever Commission
8 appointed by the Governor to approve Florida Forever
9 expenditures.

10 The bill now authorizes not less than 10 nor more than 20
11 percent of the FCT's funding to be used for
12 natural-resource-based capital improvements, including
13 projects to improve public access. Thirty percent of the FCT's
14 total allocation must be spent in standard metropolitan
15 statistical areas; one-half of that amount must be used in
16 localities in which the project site is located in built-up
17 commercial, industrial, or mixed-use areas and functions to
18 intersperse congested urban core areas with open spaces.

19 The LAMAC is renamed the Florida Forever Commission
20 (commission) and its membership is expanded by four members
21 appointed by the Governor, who will also appoint the
22 chairperson. Each appointed member must reside in a different
23 water management district (WMD). The commission will continue
24 the LAMAC's current functions, but will also approve land
25 acquisition projects proposed by the WMDs. The commission is
26 directed to develop goals to guide its approval process and
27 recommend incentives and funding sources to encourage
28 landowners to implement sound stewardship practices.

29 Two new criteria have been added to the criteria for
30 acquisition projects, replacing a duplicative provision
31 relating to SWIM plan implementation with provisions
32 addressing whether the project is appropriate and needed for
33 an aquifer storage and recovery project, surface water
34 reservoir, or alternative water resource development projects;
35 and whether the project preserves the inventory of community
36 open space or the project preserves endangered open spaces
37 from development.

38 Projects to preserve archeological or historical sites or the
39 habitat of threatened or endangered species are exempted from
40 the need to meet three acquisition criteria.

41 Provisions requiring an extraordinary vote for an acquisition
42 in a county in which the total ad valorem tax exemptions due
43 to government ownership exceed 37 percent of the county's
44 total market value valuation have been changed to 20 percent;
45 the requirement that a county commission approve an
46 acquisition when that percent exceeds 50 percent have been
47 changed to 37 percent. Provisions authorizing the sale of
48 Florida Forever bonds and the use of documentary stamp tax
49 proceeds for repayment have been revised to enhance the
50 marketability of the bonds, as recommended by the Division of
51 Bond Finance.

52 The bill now requires the annual reservation of \$2 million in
53 the Florida Forever Trust Fund for emergency archaeological

1 acquisitions, authorizes rulemaking, and provides payments in
2 lieu of taxes to Glades County to compensate for tax losses
3 due to the construction of a privately-owned prison facility.
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