

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; creating the  
10 Florida Forever Advisory Council on Ecosystem  
11 Restoration Education; providing an effective  
12 date.

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

15  
16 Section 1. Section 259.202, Florida Statutes, is  
17 created to read:

18 259.202 Florida Forever Act.--

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

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

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

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

31

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

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

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

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

1           (3) DISTRIBUTION OF BOND PROCEEDS.--Proceeds of bonds  
2 issued under s. 375.051, less the costs of issuance, the costs  
3 of funding reserve accounts, and other costs incurred with  
4 respect to the bonds, shall be deposited into the Florida  
5 Forever Trust Fund created by s. 375.046. The Department of  
6 Environmental Protection shall distribute the bond proceeds as  
7 follows:

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

29           (b) Thirty percent to the Department of Environmental  
30 Protection for the purchase of water management lands pursuant  
31 to s. 373.59, to be distributed among the water management

1 districts as provided in s. 373.59(8). Funds received by each  
2 district may also be used for: acquisition of lands necessary  
3 to implement surfacewater improvement and management plans  
4 approved in accordance with s. 373.456 which exist on July 1,  
5 2000; water resource development; or acquisition of lands  
6 necessary to implement ecosystem restoration projects. Of this  
7 thirty percent, at least one-third must be used for water  
8 resource development projects. The South Florida Water  
9 Management District must use at least 20 percent of its annual  
10 allocation for Everglades restoration activities.

11 (c) Twenty-five percent to the Department of Community  
12 Affairs for use by the Florida Communities Trust for the  
13 purposes of part III of chapter 380, grants to local  
14 governments or nonprofit environmental organizations that are  
15 tax exempt under s. 501(c)(3) of the United States Internal  
16 Revenue Code for the acquisition of community-based projects,  
17 urban open spaces, parks, and greenways to implement local  
18 government comprehensive plans, and grants for fixed capital  
19 outlay to construct facilities associated with public outdoor  
20 recreation or open space projects. Of this 25 percent, 75  
21 percent shall be matched by local governments on a  
22 dollar-for-dollar basis. At least 10 percent and not more than  
23 20 percent of the allocation may be used for  
24 natural-resource-based capital improvements, including  
25 projects to improve public access, on lands acquired for  
26 conservation or recreation. The Legislature intends that the  
27 Florida Communities Trust emphasize funding projects in  
28 low-income or otherwise disadvantaged communities. Thirty  
29 percent of the total allocation provided to the trust shall be  
30 used in Standard Metropolitan Statistical Areas, but one-half  
31 of that amount shall be used in localities in which the

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

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

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



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

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

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

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

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

1           (4) PROJECT CRITERIA.--

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

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

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

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

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

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

31

1 natural communities; or will assist implementation of a state  
2 or federal species recovery plan;

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

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

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

11 9. The project will assist in ecosystem restoration;

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

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

16 12. The project will significantly reduce the  
17 pollution of surface water or groundwater;

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

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

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

26 16. The project will establish or expand a greenway or  
27 recreational trail system; or

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

31

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

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

31

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

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

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

1 tax exemptions due to government ownership exceed 37 percent  
2 of the county's total market value valuation, an affirmative  
3 vote of the county commission is required before a project may  
4 be included on an acquisition list.

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

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

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

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

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

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

30 (f) The Legislature finds that the Preservation 2000  
31 Program has provided financial resources that have enabled the

1 acquisition of significant natural areas for public ownership  
2 during the program's existence. In implementing the Florida  
3 Forever Program, agencies that receive funds are encouraged to  
4 coordinate their expenditures more effectively so that future  
5 acquisitions, when combined with previous acquisitions, will  
6 form more complete patterns of protection for natural areas  
7 and functioning ecosystems.

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

14 (h) An assessment of appropriate management strategies  
15 for property acquired under the Florida Forever Program should  
16 be completed early in the acquisition process and should  
17 emphasize the development of a management prospectus that  
18 details management goals for the property, if appropriate; a  
19 timetable for implementing the various stages of management  
20 and for providing access to the public, if applicable;  
21 provisions for protecting existing infrastructure and for  
22 ensuring the security of the project upon acquisition; the  
23 anticipated costs of management and projected sources of  
24 revenue; and other information required under s.  
25 259.032(9)(b)1.

26 (5) DISPOSITION OF LANDS.--

27 (a) Any lands acquired pursuant to paragraph (3)(a),  
28 paragraph (3)(c), paragraph (3)(d), paragraph (3)(e),  
29 paragraph (3)(f), or paragraph (3)(g) and titled in the name  
30 of the Board of Trustees of the Internal Improvement Trust  
31 Fund may be disposed of by the board in accordance with the

1 procedures set forth in s. 253.034(6), and lands acquired  
2 pursuant to paragraph (3)(b) may be disposed of by the owning  
3 water management district in accordance with the procedures  
4 set forth in ss. 373.056 and 373.089 if such disposition also  
5 satisfies the requirements of paragraphs (b) and (c).

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

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

30 (6) ALTERNATE USES OF ACQUIRED LANDS.--  
31



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

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

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

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

30           (8) ALTERNATIVES TO FEE SIMPLE ACQUISITION.--  
31

1           (a) The Legislature finds that, with increasing  
2 pressures on the natural areas of this state, the state must  
3 develop creative techniques to maximize the use of acquisition  
4 and management moneys. The Legislature also finds that the  
5 state's environmental land-buying agencies should be  
6 encouraged to augment their traditional, fee simple  
7 acquisition programs by using alternatives to fee simple  
8 acquisition techniques. The Legislature also finds that using  
9 alternatives to fee simple acquisition by public land-buying  
10 agencies will achieve the following public policy goals:

11           1. Allow more lands to be brought under public  
12 protection for preservation, conservation, and recreational  
13 purposes at less expense using public funds.

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

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

19  
20 Therefore, it is the intent of the Legislature that public  
21 land-buying agencies develop programs to pursue alternatives  
22 to fee simple acquisition and educate private landowners about  
23 such alternatives and the benefits of such alternatives. It  
24 also is the intent of the Legislature that the department and  
25 the water management districts spend a portion of their shares  
26 of Florida Forever bond proceeds to purchase eligible  
27 properties using alternatives to fee simple acquisition.  
28 Finally, it is the intent of the Legislature that public  
29 agencies acquire lands in fee simple for public access and  
30 recreational activities. Lands protected using alternatives to  
31 fee simple acquisition techniques may not be accessible to the

1 public unless such access is negotiated with and agreed to by  
2 the private landowners who retain interests in the lands.

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

1 including inheritance taxes; long-term management and use  
2 agreements; technical assistance; mitigation agreements;  
3 whole-farm planning; and multi-agency cooperative stewardship  
4 initiatives, including federal, state, and local programs.

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

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

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

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

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

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

3 Section 2. Section 201.15, Florida Statutes, 1998  
4 Supplement, is amended to read:

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

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

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

1 ~~1997-1998, \$270 million in fiscal year 1998-1999, and \$300~~  
2 ~~million in fiscal year 1999-2000 and thereafter. Debt service~~  
3 ~~on Florida Forever bonds, excluding refunding bonds, shall not~~  
4 ~~exceed \$30 million in fiscal year 2000-2001; \$60 million in~~  
5 ~~fiscal year 2001-2002; \$90 million in fiscal year 2002-2003;~~  
6 ~~\$120 million in fiscal year 2003-2004; \$150 million in fiscal~~  
7 ~~year 2004-2005; \$180 million in fiscal year 2005-2006; \$210~~  
8 ~~million in fiscal year 2006-2007; \$240 million in fiscal year~~  
9 ~~2007-2008; \$270 million in fiscal year 2008-2009; and \$300~~  
10 ~~million in fiscal year 2009-2010 and thereafter. Except for~~  
11 ~~bonds issued to refund previously issued bonds, no individual~~  
12 ~~series of bonds may be issued pursuant to this paragraph~~  
13 ~~unless such bonds and the first year's debt service for such~~  
14 ~~bonds is specifically appropriated in the General~~  
15 ~~Appropriations Act. The Preservation 2000 bonds and Florida~~  
16 ~~Forever bonds shall be equally and ratably secured by moneys~~  
17 ~~distributable to the Land Acquisition Trust Fund pursuant to~~  
18 ~~this section, except to the extent specifically provided~~  
19 ~~otherwise by the documents authorizing the issuance of the~~  
20 ~~bonds. No moneys transferred to the Land Acquisition Trust~~  
21 ~~Fund pursuant to this paragraph, or earnings thereon, shall be~~  
22 ~~used or made available to pay debt service on the Save Our~~  
23 ~~Coast revenue bonds.~~

24 (b) The remainder of the moneys distributed under this  
25 subsection, after the required payment under paragraph (a),  
26 shall be paid into the State Treasury to the credit of the  
27 Land Acquisition Trust Fund and may be used for any purpose  
28 for which funds deposited in the Land Acquisition Trust Fund  
29 may lawfully be used. Payments made under this paragraph shall  
30 continue until the cumulative amount credited to the Land  
31 Acquisition Trust Fund for the fiscal year under this

1 paragraph and paragraph (2)(b) equals 70 percent of the  
2 current official forecast for distributions of taxes collected  
3 under this chapter pursuant to subsection (2). As used in this  
4 paragraph, the term "current official forecast" means the most  
5 recent forecast as determined by the Revenue Estimating  
6 Conference. If the current official forecast for a fiscal year  
7 changes after payments under this paragraph have ended during  
8 that fiscal year, no further payments are required under this  
9 paragraph during the fiscal year.

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

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

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

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

31

1 (b) The remainder of the moneys distributed under this  
2 subsection shall be paid into the State Treasury to the credit  
3 of the Land Acquisition Trust Fund. Sums deposited in the fund  
4 pursuant to this subsection may be used for any purpose for  
5 which funds deposited in the Land Acquisition Trust Fund may  
6 lawfully be used.

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

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

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

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

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



1 Plant Control Trust Fund and used pursuant to s. 369.22, and  
2 0.5 percent shall be transferred to the State Game Trust Fund  
3 and used for lake restoration. These moneys are in addition to  
4 moneys received pursuant to s. 259.032(11).

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

22 (7)(6) Seven and fifty-three hundredths percent of the  
23 remaining taxes collected under this chapter shall be paid  
24 into the State Treasury to the credit of the State Housing  
25 Trust Fund and shall be used as follows:

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

29 (b) Half of that amount shall be paid into the State  
30 Treasury to the credit of the Local Government Housing Trust  
31

1 Fund and shall be used for the purposes for which the Local  
2 Government Housing Trust Fund was created and exists by law.

3 (8)~~(7)~~ Eight and sixty-six hundredths percent of the  
4 remaining taxes collected under this chapter shall be paid  
5 into the State Treasury to the credit of the State Housing  
6 Trust Fund and shall be used as follows:

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

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

18 (9)~~(8)~~ From the moneys specified in paragraphs (1)(c)  
19 and (2)(a) and prior to deposit of any moneys into the General  
20 Revenue Fund, \$10 million shall be paid into the State  
21 Treasury to the credit of the Ecosystem Management and  
22 Restoration Trust Fund in fiscal year 1998-1999, \$20 million  
23 in fiscal year 1999-2000, and \$30 million in fiscal year  
24 2000-2001 and each fiscal year thereafter, to be used for the  
25 preservation and repair of the state's beaches as provided in  
26 ss. 161.091-161.212.

27 (10)~~(9)~~ The Department of Revenue may use the payments  
28 credited to trust funds pursuant to paragraphs (1)(b) and  
29 (2)(b) and subsections (3), (4), (5), (7)~~(6)~~, and (8)~~(7)~~ to  
30 pay the costs of the collection and enforcement of the tax  
31 levied by this chapter. The percentage of such costs which may

1 be assessed against a trust fund is a ratio, the numerator of  
2 which is payments credited to that trust fund under this  
3 section and the denominator of which is the sum of payments  
4 made under paragraphs (1)(b) and (2)(b) and subsections (3),  
5 (4), (5), ~~(7)(6)~~, and ~~(8)(7)~~.

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

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

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

25 (2) The state does covenant with the holders of  
26 Florida Forever bonds and Preservation 2000 bonds that it will  
27 not take any action that will materially and adversely affect  
28 the rights of such holders as long as such bonds are  
29 outstanding, including, but not limited to, a reduction in the  
30 portion of documentary stamp taxes distributable to the Land  
31

1 Acquisition Trust Fund for payment of debt service on  
2 Preservation 2000 bonds or Florida Forever bonds.

3 (3) Bonds issued pursuant to this section shall be  
4 payable from taxes distributable to the Land Acquisition Trust  
5 Fund pursuant to s. 201.15(1)(a). Bonds issued pursuant to  
6 this section shall not constitute a general obligation of or a  
7 pledge of the full faith and credit of the State of Florida.

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

12 (5) The proceeds from the sale of bonds issued  
13 pursuant to this section, less the costs of issuance, the  
14 costs of funding reserve accounts, and other costs with  
15 respect to the bonds, shall be deposited into the Florida  
16 Forever Trust Fund. The bond proceeds deposited into the  
17 Florida Forever Trust Fund shall be distributed by the  
18 Department of Environmental Protection as provided in s.  
19 259.202.

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

28 (7) There shall be no sale, disposition, lease,  
29 easement, license, or other use of any land, water areas, or  
30 related property interests acquired or improved with proceeds  
31 of Florida Forever bonds which would cause all or any portion

1 of the interest of such bonds to be included in gross income  
2 for federal income tax purposes.

3 (8) The initial series of Florida Forever bonds shall  
4 be validated in addition to any other bonds required to be  
5 validated pursuant to s. 215.82. Any complaint for validation  
6 of bonds issued pursuant to this section shall be filed only  
7 in the circuit court of the county where the seat of state  
8 government is situated, the notice required to be published by  
9 s. 75.06 shall be published only in the county where the  
10 complaint is filed, and the complaint and order of the circuit  
11 court shall be served only on the state attorney of the  
12 circuit in which the action is pending.

13 Section 4. Subsection (4) and paragraph (a) of  
14 subsection (5) of section 253.027, Florida Statutes, are  
15 amended to read:

16 253.027 Emergency archaeological property  
17 acquisition.--

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

29 (5) ACCOUNT EXPENDITURES.--  
30  
31

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

4 1. The property is an archaeological property of major  
5 statewide significance.

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

9 3. The site is presently on an acquisition list for  
10 ~~the~~ Conservation and Recreation Lands or for Florida Forever  
11 lands, acquisition list or complies with the criteria for  
12 inclusion on any such ~~the~~ list but has yet to be included on  
13 the list.

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

16 5. The site is not otherwise protected by local,  
17 state, or federal laws.

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

20 Section 5. Subsections (3), (4), (5), (6), and (8) of  
21 section 253.034, Florida Statutes, 1998 Supplement, are  
22 amended, present subsection (9) is redesignated as subsection  
23 (10), and a new subsection (9) is added to that section, to  
24 read:

25 253.034 State-owned lands; uses.--

26 (3) In recognition that recreational trails purchased  
27 with rails-to-trails funds pursuant to s. 259.101(3)(g) or s.  
28 259.202(3)(g) have had historic transportation uses and that  
29 their linear character may extend many miles, the Legislature  
30 intends that when the necessity arises to serve public needs,  
31 after balancing the need to protect trail users from

1 collisions with automobiles and a preference for the use of  
2 overpasses and underpasses to the greatest extent feasible and  
3 practical, transportation uses shall be allowed to cross  
4 recreational trails purchased pursuant to s. 259.101(3)(g) or  
5 s. 259.202(3)(g). When these crossings are needed, the  
6 location and design should consider and mitigate the impact on  
7 humans and environmental resources, and the value of the land  
8 shall be paid based on fair market value.

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

26 (5) Each state agency managing lands owned by the  
27 Board of Trustees of the Internal Improvement Trust Fund shall  
28 submit to the Division of State Lands a land management plan  
29 at least every 5 years in a form and manner prescribed by rule  
30 by the board. All management plans, whether for single-use or  
31 multiple-use properties, shall specifically describe how the

1 managing agency plans to identify, locate, protect and  
2 preserve, or otherwise use fragile nonrenewable resources,  
3 such as archaeological and historic sites, as well as other  
4 fragile resources, including endangered plant and animal  
5 species, and provide for the conservation of soil and water  
6 resources and for the control and prevention of soil erosion.  
7 Land management plans submitted by an agency shall include  
8 reference to appropriate statutory authority for such use or  
9 uses and shall conform to the appropriate policies and  
10 guidelines of the state land management plan. All land  
11 management plans for parcels larger than 1,000 acres shall  
12 contain an analysis of the multiple-use potential of the  
13 parcel, which analysis shall include the potential of the  
14 parcel to generate revenues to enhance the management of the  
15 parcel. Additionally, the land management plan shall contain  
16 an analysis of the potential use of private land managers to  
17 facilitate the restoration or management of these lands. In  
18 those cases where a newly acquired property has a valid  
19 conservation plan, the plan shall be used to guide management  
20 of the property until a formal land management plan is  
21 completed.

22 (a) The Division of State Lands shall make available  
23 to the public a copy of each land management plan for parcels  
24 which exceed 160 acres in size. The commission ~~council~~ shall  
25 review each plan for compliance with the requirements of this  
26 subsection and with the requirements of the rules established  
27 by the board pursuant to this subsection. The commission  
28 ~~council~~ shall also consider the propriety of the  
29 recommendations of the managing agency with regard to the  
30 future use of the property, the protection of fragile or  
31 nonrenewable resources, the potential for alternative or



1 multiple uses not recognized by the managing agency, and the  
2 possibility of disposal of the property by the board. After  
3 its review, the commission ~~council~~ shall submit the plan,  
4 along with its recommendations and comments, to the board. The  
5 commission ~~council~~ shall specifically recommend to the board  
6 whether to approve the plan as submitted, approve the plan  
7 with modifications, or reject the plan.

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

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

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

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

1           (c) In reviewing lands owned by the board pursuant to  
2 paragraphs (a) and (b), the commission ~~council~~ shall consider  
3 whether such lands would be more appropriately owned or  
4 managed by the county or other unit of local government in  
5 which the land is located. The commission ~~council~~ shall  
6 recommend to the board whether a sale, lease, or other  
7 conveyance to a local government would be in the best  
8 interests of the state and local government. The provisions of  
9 this paragraph in no way limit the provisions of ss. 253.111  
10 and 253.115.

11           (d) After reviewing the recommendations of the  
12 commission ~~council~~, the board shall determine whether lands  
13 identified in paragraphs (a) and (b) are to be held for other  
14 public purposes or whether such lands are of no benefit to the  
15 public. The board may require an agency to release its  
16 interest in such lands. Lands determined to be of no benefit  
17 to the public shall be disposed of pursuant to law. Each  
18 fiscal year, up to \$500,000 of the proceeds from the disposal  
19 of such lands shall be placed in the Internal Improvement  
20 Trust Fund to be used to pay the costs of any administration,  
21 appraisal, management, conservation, protection, sales, or  
22 real estate sales services; any such proceeds in excess of  
23 \$500,000 shall be placed in the Conservation and Recreation  
24 Lands Trust Fund.

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

28           (8) Land management plans required to be submitted by  
29 the Department of Corrections or the Department of Education  
30 shall not be subject to the commission ~~council~~ review  
31 provisions described in subsection (5). Management plans

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

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

26 (a) Where not inconsistent with the management plan  
27 for such lands;

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

30 (c) Where the proposed use is appropriately located on  
31 such lands;

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 significant public  
5 benefit.

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

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

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

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

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

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

31

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

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

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

17 (f) To preserve significant archaeological or historic  
18 sites; or

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

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

1 has been purchased pursuant to this chapter or s. 259.035, the  
2 project may be removed from the list and the remaining acreage  
3 may continue to be purchased. Moneys from the fund may be used  
4 for title work, appraisal fees, environmental audits, and  
5 survey costs related to acquisition expenses for lands to be  
6 acquired, donated, or exchanged which qualify under the  
7 categories of this section, at the discretion of the board.  
8 When the Legislature has authorized the Department of  
9 Environmental Protection to condemn a specific parcel of land  
10 and such parcel has already been approved for acquisition  
11 under this section, the land may be acquired in accordance  
12 with the provisions of chapter 73 or chapter 74, and the fund  
13 may be used to pay the condemnation award and all costs,  
14 including a reasonable attorney's fee, associated with  
15 condemnation.

16 (9)

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

1 will be needed to manage the property; and recommendations as  
2 to whether local governments, volunteer groups, the former  
3 landowner, or other interested parties can be involved in the  
4 management.

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

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

1           4. Immediately following the acquisition of any  
2 interest in lands under this chapter, the Department of  
3 Environmental Protection, acting on behalf of the board of  
4 trustees, may issue to the lead managing entity an interim  
5 assignment letter to be effective until the execution of a  
6 formal lease.

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



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

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

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

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

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

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

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

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

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

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

1 propriety of the recommendations of the managing agency with  
2 regard to the future use or protection of the property. After  
3 its review, the commission ~~council~~ shall submit the plan,  
4 along with its recommendations and comments, to the board of  
5 trustees. The commission ~~council~~ shall specifically recommend  
6 to the board of trustees whether to approve the plan as  
7 submitted, approve the plan with modifications, or reject the  
8 plan.

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

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

25 (11)

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

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

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

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

27 2. Lands that ~~which~~ are moderate-need tracts,  
28 requiring more than basic resource management and protection,  
29 such as state parks and state recreation areas. These lands  
30 generally have extra restoration or protection needs, higher  
31

1 concentrations of public use, or more highly developed  
2 facilities.

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

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

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

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

1 Florida Preservation 2000 Program and Florida Forever Program  
2 during any year. Reserved funds not used for payments in lieu  
3 of taxes in any year shall revert to the Florida Forever Trust  
4 Fund to be used for land acquisition in accordance with the  
5 provisions of this section.

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

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

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

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

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

30 ~~3. For the 1997-1998 fiscal year only, and~~  
31 ~~Notwithstanding the limitations of paragraph (a), to Glades~~

1 ~~County, where a privately owned and operated prison leased to~~  
2 ~~the state has been opened within the last 2 years for which no~~  
3 ~~other state moneys have been allocated to the county to offset~~  
4 ~~ad valorem revenues. This subparagraph expires July 1, 1998.~~

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

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

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

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

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

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

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



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

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

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

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

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

25 Section 7. Section 259.035, Florida Statutes, 1998  
26 Supplement, is amended to read:

27 259.035 Advisory council; powers and duties.--

28 (1) There is created a Florida Forever Commission ~~Land~~  
29 ~~Acquisition and Management Advisory Council~~ to be composed of  
30 the secretary ~~and a designee~~ of the department, the director  
31 of the Division of Forestry of the Department of Agriculture

1 and Consumer Services, the executive director of the Game and  
2 Fresh Water Fish Commission, the director of the Division of  
3 Historical Resources of the Department of State, and the  
4 secretary of the Department of Community Affairs, or their  
5 respective designees, in addition, the Governor shall appoint  
6 four members of the commission, one of which shall be the  
7 chairman. Each member appointed by the Governor must reside in  
8 a different water management district. No person shall be  
9 appointed to the commission who in the 24 months preceding his  
10 or her term on the commission has been a lobbyist as defined  
11 in s. 112.3148 for an entity whose interests may be affected  
12 by projects approved by the commission. Members of the  
13 commission appointed by the Governor shall not receive any  
14 compensation for their services but shall be entitled to  
15 receive reimbursement for per diem and travel expenses  
16 incurred in the performance of their duties, as provided in s.  
17 112.061. Notwithstanding that s. 112.3143 governs public  
18 officers, for the purposes of the Florida Forever Act, the  
19 provisions of s. 112.3143 shall apply to members of the  
20 Florida Forever Commission who are appointed by the Governor.  
21 ~~The chairmanship of the council shall rotate annually in the~~  
22 ~~foregoing order.~~The commission ~~council~~ shall hold periodic  
23 meetings at the request of the chair. The department shall  
24 provide primary staff support to the commission ~~council~~ and  
25 shall ensure that commission ~~council~~ meetings are  
26 electronically recorded. Such recordings shall be preserved  
27 pursuant to chapters 119 and 257. The department has authority  
28 to adopt rules pursuant to ss. 120.536(1) and 120.54 to  
29 implement the provisions of this section.

30 (2) The commission is directed to establish goals to  
31 guide its expenditures by February 15, 2001. The goals must be

1 designed to produce specific, measurable results within a  
2 specified period of time. The commission shall give priority  
3 to projects which appear likely to implement its goals. The  
4 commission shall evaluate its success in attaining its goals  
5 and report its findings to the Governor, the President of the  
6 Senate, and the Speaker of the House of Representatives by  
7 July 1, 2004.

8 (3)~~(2)~~(a) The commission council shall, by the time of  
9 the first ~~board~~ meeting of the board of trustees in February  
10 of each year, establish or update a list of acquisition  
11 projects to be funded from the Florida Forever Trust Fund and  
12 selected for purchase pursuant to this chapter. The commission  
13 may also propose eligible acquisition projects to the board of  
14 trustees at any time if the projects can be acquired at a  
15 price at least 15 percent below appraised value.In scoring  
16 potential projects for inclusion on the acquisition list, the  
17 commission council shall give greater consideration to  
18 projects that can serve as corridors between lands already in  
19 public ownership or under management for conservation and  
20 recreational purposes. Acquisition projects shall be ranked,  
21 in order of priority, ~~individually as a single group or~~  
22 individually within 7 up to 10 separate groups, which must  
23 include substantially complete projects, mega-multiparcel  
24 projects, less-than-fee projects, priority projects,  
25 negotiations impasse, projects providing long-term protection  
26 for threatened or endangered species, and bargain or shared  
27 projects. The commission council shall submit to the board of  
28 trustees, together with its list of acquisition projects, a  
29 Florida Forever Conservation and Recreation Lands report. For  
30 each project on an acquisition list, the commission council  
31 shall include in its report the stated purpose for acquiring

1 the project, an identification of the essential parcel or  
2 parcels within the project without which the project cannot be  
3 properly managed, an identification of those projects or  
4 parcels within projects which should be acquired in fee simple  
5 or in other than fee simple, an explanation of the reasons why  
6 the commission ~~council~~ selected a particular acquisition  
7 technique, a management policy statement for the project, a  
8 management prospectus pursuant to s. 259.032(9)(b), an  
9 estimate of land value based on county tax assessed values, a  
10 map delineating project boundaries, a brief description of the  
11 important natural and cultural resources to be protected,  
12 preacquisition planning and budgeting, coordination with other  
13 public and nonprofit public-lands acquisition programs, a  
14 preliminary statement of the extent and nature of public use,  
15 an interim management budget, and designation of a management  
16 agency or agencies. The Department of Environmental Protection  
17 shall prepare the information required by this section for  
18 each acquisition project selected for purchase pursuant to  
19 this chapter. In addition, the department shall prepare, by  
20 July 1 of each year, an acquisition work plan for each project  
21 on the acquisition list for which funds will be available for  
22 acquisition during the fiscal year. The work plan need not  
23 disclose any information that is required by this chapter or  
24 chapter 253 to remain confidential.

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

1 of the lands necessary to meet the public purpose for which  
2 such lands are to be purchased.

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

24 (4)~~(3)~~ Members of the commission ~~council~~ shall serve  
25 without compensation but shall be entitled to receive  
26 reimbursement by their respective agencies for per diem and  
27 travel expenses incurred in the performance of their duties as  
28 provided in s. 112.061.

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

31 259.036 Management review teams.--

1           (2) The land management review team shall review  
2 select parcels of managed land prior to the date the managing  
3 agency is required to submit its 5-year land management plan  
4 update. A copy of the review shall be provided to the  
5 managing agency, the Division of State Lands, and the Florida  
6 Forever Commission ~~Land Acquisition and Management Advisory~~  
7 ~~Council~~. The managing agency shall consider the findings and  
8 recommendations of the land management review team in  
9 finalizing the required 5-year update of its management plan.

10           Section 9. Paragraph (a) of subsection (2) of section  
11 338.250, Florida Statutes, is amended to read:

12           338.250 Central Florida Beltway Mitigation.--

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

16           (a) For those projects which the Department of  
17 Transportation is authorized to construct, funds for  
18 environmental mitigation shall be deposited in the Central  
19 Florida Beltway Trust Fund created within the department at  
20 the time bonds for the specific project are sold. If a road  
21 building authority other than the department is authorized to  
22 construct the project, funds for environmental mitigation  
23 shall be deposited in a mitigation fund account established in  
24 the construction fund for the bond issues. Said account shall  
25 be established at the time bond proceeds are deposited into  
26 the construction fund for the specific project. These funds  
27 shall be provided from bond proceeds, and the use of such  
28 funds from bond proceeds for mitigation shall be deemed a  
29 public purpose. The amount to be provided for mitigation for  
30 the Eastern Beltway in Seminole County shall be up to \$4  
31 million, the amount to be provided for mitigation for the

1 Western Beltway shall be up to \$30.5 million, the amount to be  
2 provided for mitigation for the Southern Connector shall be up  
3 to \$14.28 million, the amount to be provided for mitigation  
4 for the Turnpike/Southern Connector Interchange shall be up to  
5 \$1.46 million, and the amount to be provided for mitigation  
6 for the Southern Connector Extension shall be in proportion to  
7 the amount provided for the Southern Connector based upon the  
8 amount of wetlands displaced. To the extent allowed by law,  
9 the interest on said funds as earned, after deposit into the  
10 Central Florida Beltway Trust Fund, or in a mitigation fund  
11 account shall accrue and be paid to the agency responsible for  
12 the construction of the appropriate project. Where feasible,  
13 mitigation funds shall be used in coordination with funds from  
14 the Florida Forever Trust Fund, the Conservation and  
15 Recreation Lands Trust Fund, the Save Our Rivers Land  
16 Acquisition Program, or from other appropriate sources.

17 Section 10. Section 373.59, Florida Statutes, 1998  
18 Supplement, is amended to read:

19 373.59 Water Management Lands Trust Fund.--

20 (1) There is established within the Department of  
21 Environmental Protection the Water Management Lands Trust Fund  
22 to be used as a nonlapsing fund for the purposes of this  
23 section. The moneys in this fund are hereby continually  
24 appropriated for the purposes of land acquisition, management,  
25 maintenance, capital improvements, payments in lieu of taxes,  
26 and administration of the fund in accordance with the  
27 provisions of this section.

28 (2)(a) By January 15 of each year, each district shall  
29 file with the Legislature, the Florida Forever Commission, and  
30 the Secretary of Environmental Protection a report of  
31 acquisition activity together with modifications or additions

1 to its 5-year plan of acquisition. Included in the report  
2 shall be an identification of those lands which require a full  
3 fee simple interest to achieve water management goals and  
4 those lands which can be acquired using alternatives to fee  
5 simple acquisition techniques and still achieve such goals.  
6 In their evaluation of which lands would be appropriate for  
7 acquisition through alternatives to fee simple, district staff  
8 shall consider criteria including, but not limited to,  
9 acquisition costs, the net present value of future land  
10 management costs, the net present value of ad valorem revenue  
11 loss to the local government, and the potential for revenue  
12 generated from activities compatible with acquisition  
13 objectives. The report shall also include a description of  
14 land management activity. Expenditure of moneys from the Water  
15 Management Lands Trust Fund shall be limited to the costs for  
16 acquisition, management, maintenance, and capital improvements  
17 of lands included within the 5-year plan as filed by each  
18 district and to the department's costs of administration of  
19 the fund. The department's costs of administration shall be  
20 charged proportionally against each district's allocation  
21 using the formula provided in subsection (7). However, no  
22 acquisition of lands shall occur without a public hearing  
23 similar to those held pursuant to the provisions set forth in  
24 s. 120.54. In the annual update of its 5-year plan for  
25 acquisition, each district shall identify lands needed to  
26 protect or recharge groundwater and shall establish a plan for  
27 their acquisition as necessary to protect potable water  
28 supplies. Lands which serve to protect or recharge groundwater  
29 identified pursuant to this paragraph shall also serve to  
30 protect other valuable natural resources or provide space for  
31 natural resource based recreation.



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

5 1. By South Florida Water Management District--lands  
6 in the water conservation areas and areas adversely affected  
7 by raising water levels of Lake Okeechobee in accordance with  
8 present regulation schedules, and the Savannahs Wetland area  
9 in Martin County and St. Lucie County.

10 2. By Southwest Florida Water Management  
11 District--lands in the Four River Basins areas, including  
12 Green Swamp, Upper Hillsborough and Cypress Creek, Anclote  
13 Water Storage Lands (Starkey), Withlacoochee and Hillsborough  
14 riverine corridors, and Sawgrass Lake addition.

15 3. By St. Johns River Water Management  
16 District--Seminole Ranch, Latt Maxey and Evans properties in  
17 the upper St. Johns River Basin.

18 4. By Suwannee River Water Management District--lands  
19 in Suwannee River Valley.

20 5. By Northwest Florida Water Management  
21 District--lands in the Choctawhatchee and Apalachicola River  
22 Valleys.

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

27 (4)(a) Moneys from the Florida Forever Water  
28 ~~Management Lands~~ Trust Fund shall be used for acquiring the  
29 fee or other interest in lands necessary for water management,  
30 water supply, and the conservation and protection of water  
31 resources, except that such moneys shall not be used for the

1 acquisition of rights-of-way for canals or pipelines. ~~Such~~  
2 Moneys from the Water Management Lands Trust Fund shall ~~also~~  
3 be used for management, maintenance, and capital improvements.  
4 Interests in real property acquired by the districts under  
5 this section may be used for permittable water resource  
6 development and water supply development purposes under the  
7 following conditions: the minimum flows and levels of priority  
8 water bodies on such lands have been established; the project  
9 complies with all conditions for issuance of a permit under  
10 part II of this chapter; and the project is compatible with  
11 the purposes for which the land was acquired. Lands acquired  
12 pursuant to this section ~~with moneys from the fund~~ shall be  
13 managed and maintained in an environmentally acceptable manner  
14 and, to the extent practicable, in such a way as to restore  
15 and protect their natural state and condition.

16 (b) The Secretary of Environmental Protection shall  
17 release moneys from the Water Management Lands Trust Fund to a  
18 district for preacquisition costs for projects approved by the  
19 Florida Forever Commission within 30 days after receipt of a  
20 resolution adopted by the district's governing board which  
21 identifies and justifies any such preacquisition costs  
22 necessary for the purchase of any lands listed in the  
23 district's 5-year plan. The district shall return to the  
24 department any funds not used for the purposes stated in the  
25 resolution, and the department shall deposit the unused funds  
26 into the Water Management Lands Trust Fund.

27 (c) The Secretary of Environmental Protection shall  
28 release acquisition moneys from the Florida Forever ~~Water~~  
29 ~~Management Lands~~ Trust Fund to a district for a project  
30 approved by the commission following receipt of a resolution  
31 adopted by the governing board identifying the lands being

1 ~~acquired and certifying that such acquisition is consistent~~  
2 ~~with the plan of acquisition and other provisions of this act.~~  
3 The governing board shall also provide to the Secretary of  
4 Environmental Protection a copy of all certified appraisals  
5 used to determine the value of the land to be purchased. Each  
6 parcel to be acquired must have at least one appraisal. Two  
7 appraisals are required when the estimated value of the parcel  
8 exceeds \$500,000. However, when both appraisals exceed  
9 \$500,000 and differ significantly, a third appraisal may be  
10 obtained. If the purchase price is greater than the appraisal  
11 price, the governing board shall submit written justification  
12 for the increased price. ~~The Secretary of Environmental~~  
13 ~~Protection may withhold moneys for any purchase that is not~~  
14 ~~consistent with the 5-year plan or the intent of this act or~~  
15 ~~that is in excess of appraised value. The governing board may~~  
16 ~~appeal any denial to the Land and Water Adjudicatory~~  
17 ~~Commission pursuant to s. 373.114.~~

18 (d) The Secretary of Environmental Protection shall  
19 release moneys from the Florida Forever Trust Fund to a  
20 district for a water resource development project following  
21 receipt of a resolution adopted by the governing board  
22 identifying the project and certifying its approval by the  
23 commission.

24 (e)~~(d)~~ The Secretary of Environmental Protection shall  
25 release to the districts moneys from the Water Management  
26 Lands Trust Fund for management, maintenance, and capital  
27 improvements following receipt of a resolution and request  
28 adopted by the governing board which specifies the designated  
29 managing agency, specific management activities, public use,  
30 estimated annual operating costs, and other acceptable  
31 documentation to justify release of moneys.

1 (5) Water management land acquisition costs shall  
2 include payments to owners and costs and fees associated with  
3 such acquisition.

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

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

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

29 (8) Moneys from the Water Management Lands Trust Fund  
30 shall be allocated to the five water management districts in  
31 the following percentages:

1           (a) Thirty percent to the South Florida Water  
2 Management District.

3           (b) Twenty-five percent to the Southwest Florida Water  
4 Management District.

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

7           (d) Ten percent to the Suwannee River Water Management  
8 District.

9           (e) Ten percent to the Northwest Florida Water  
10 Management District.

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

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

25           (11) Lands acquired for the purposes enumerated in  
26 this section shall also be used for general public  
27 recreational purposes. General public recreational purposes  
28 shall include, but not be limited to, fishing, hunting,  
29 horseback riding, swimming, camping, hiking, canoeing,  
30 boating, diving, birding, sailing, jogging, and other related  
31 outdoor activities to the maximum extent possible considering

1 the environmental sensitivity and suitability of those lands.  
2 These public lands shall be evaluated for their resource value  
3 for the purpose of establishing which parcels, in whole or in  
4 part, annually or seasonally, would be conducive to general  
5 public recreational purposes. Such findings must ~~shall~~ be  
6 included in management plans, which must be ~~are~~ developed for  
7 such public lands within 1 year after acquisition and updated  
8 at least every 5 years. These lands shall be made available  
9 to the public for these purposes, unless the district  
10 governing board can demonstrate that such activities would be  
11 incompatible with the purposes for which these lands were  
12 acquired. For any fee simple acquisition of a parcel which is  
13 or will be leased back for agricultural purposes, or for any  
14 acquisition of a less-than-fee interest in land that is or  
15 will be used for agricultural purposes, the district governing  
16 board shall first consider having a soil and water  
17 conservation district created pursuant to chapter 582 manage  
18 and monitor such interest.

19 (12) A district may dispose of land acquired under  
20 this section, pursuant to s. 373.056 or s. 373.089. Revenues  
21 derived from the disposition of lands acquired with funds from  
22 the Preservation 2000 or Florida Forever programs must be used  
23 to acquire other lands eligible for acquisition pursuant to  
24 those programs. ~~However,~~ Revenue derived from the ~~such~~  
25 disposal of other lands may ~~not~~ be used for any purpose  
26 specified ~~except the purchase of other lands meeting the~~  
27 ~~criteria specified in this section or payment of debt service~~  
28 ~~on revenue bonds or notes issued under s. 373.584, as provided~~  
29 in this section.

30 (13) No moneys generated pursuant to this act may be  
31 applied or expended subsequent to July 1, 1985, to reimburse

1 any district for prior expenditures for land acquisition from  
2 ad valorem taxes or other funds other than its share of the  
3 funds provided herein or to refund or refinance outstanding  
4 debt payable solely from ad valorem taxes or other funds other  
5 than its share of the funds provided herein.

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

27 (b) Payment in lieu of taxes shall be available:  
28 1. To counties ~~for each year~~ in which the levy of ad  
29 valorem tax is at least 8.25 mills or the amount of the tax  
30 loss from all completed Preservation 2000 or Florida Forever  
31 acquisitions in the county exceeds 0.01 percent of the

1 county's total taxable value, and the population is 75,000 or  
2 less ~~and~~

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

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

13  
14 As used in this paragraph, the term "local government"  
15 includes municipalities, the county school board, mosquito  
16 control districts, and any other local government entity that  
17 levies ad valorem taxes, with the exception of a water  
18 management district.

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

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

30 (e)(d) The payment amount shall be based on the  
31 average amount of actual taxes paid on the property for the 3



1 years immediately preceding acquisition, except that, for  
2 purchases completed after July 1, 2000, the payment amount to  
3 school boards in counties with a population of 75,000 or less  
4 which do not contain all or a portion of an area of critical  
5 state concern designated under chapter 380 shall be calculated  
6 based solely on the value of the millage levied under s.  
7 236.25(1) and (2). For lands purchased prior to July 1, 1992,  
8 applications for payment in lieu of taxes shall be made to the  
9 districts by January 1, 1993. For lands purchased after July  
10 1, 1992, applications for payment in lieu of taxes shall be  
11 made no later than January 31 of the year following  
12 acquisition. No payment in lieu of taxes shall be made for  
13 properties that ~~which~~ were exempt from ad valorem taxation for  
14 the year immediately preceding acquisition. Payment in lieu  
15 of taxes shall be limited to a period of 10 consecutive years  
16 of annual payments. The Legislature intends that once a  
17 governmental entity has been determined eligible for a  
18 payment, the entity shall receive 10 consecutive annual  
19 payments for each tax loss, and no further eligibility  
20 determination shall be made within the period of payment for  
21 each tax loss. However, no governmental entity shall receive  
22 more than 10 payments for each tax loss.

23 (f)~~(e)~~ Payment in lieu of taxes shall be made within  
24 30 days after: certification by the Department of Revenue that  
25 the amounts applied for are appropriate, certification by the  
26 Department of Environmental Protection that funds are  
27 available, and completion of any fund transfers to the  
28 district. The governing board may reduce the amount of a  
29 payment in lieu of taxes to any county, school district, city,  
30 or local government by the amount of other payments, grants,  
31 or in-kind services provided to that governmental entity

1 ~~county~~ by the district during the year. The amount of any  
2 reduction in payments shall remain in the Water Management  
3 Lands Trust Fund for purposes provided by law.

4 (g)~~(f)~~ If a district governing board conveys to a  
5 local government title to any land owned by the board, any  
6 payments in lieu of taxes on the land made to the local  
7 government shall be discontinued as of the date of the  
8 conveyance.

9 (15) Each district is encouraged to use volunteers to  
10 provide land management and other services. Volunteers shall  
11 be covered by liability protection and workers' compensation  
12 in the same manner as district employees, unless waived in  
13 writing by such volunteers or unless such volunteers otherwise  
14 provide equivalent insurance.

15 (16) Each water management district is authorized and  
16 encouraged to enter into cooperative land management  
17 agreements with state agencies or local governments to provide  
18 for the coordinated and cost-effective management of lands to  
19 which the water management districts, the Board of Trustees of  
20 the Internal Improvement Trust Fund, or local governments hold  
21 title. Any such cooperative land management agreement must be  
22 consistent with any applicable laws governing land use,  
23 management duties, and responsibilities and procedures of each  
24 cooperating entity. Each cooperating entity is authorized to  
25 expend such funds as are made available to it for land  
26 management on any such lands included in a cooperative land  
27 management agreement.

28 ~~(17) Notwithstanding any provision of this section to~~  
29 ~~the contrary and for the 1998-1999 fiscal year only, the~~  
30 ~~governing board of a water management district may request,~~  
31 ~~and the Secretary of Environmental Protection shall release~~

1 ~~upon such request, moneys allocated to the districts pursuant~~  
2 ~~to subsection (8) for the purpose of carrying out the~~  
3 ~~provisions of ss. 373.451-373.4595. No funds may be used~~  
4 ~~pursuant to this subsection until necessary debt service~~  
5 ~~obligations and requirements for payments in lieu of taxes~~  
6 ~~that may be required pursuant to this section are provided~~  
7 ~~for. This subsection is repealed on July 1, 1999.~~

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

10 380.503 Definitions.--As used in ss. 380.501-380.515,  
11 unless the context indicates a different meaning or intent:

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

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

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

24 380.504 Florida Communities Trust; creation;  
25 membership; expenses.--

26 (1) There is created within the Department of  
27 Community Affairs a nonregulatory state agency and  
28 instrumentality, which shall be a public body corporate and  
29 politic, known as the "Florida Communities Trust." The  
30 governing body of the trust shall consist of:  
31

1 (a) The Secretary of Community Affairs, ~~and~~ the  
2 Secretary of Environmental Protection, and the director of the  
3 Division of Historical Resources in the Department of State;  
4 and

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

7  
8 The Governor shall appoint a former elected official of a  
9 county local government, a former elected official of a  
10 metropolitan municipal government, a representative of a  
11 nonprofit organization as defined in this part, and a  
12 representative of the development industry. The Secretary of  
13 Community Affairs may designate his or her assistant secretary  
14 or the director of the Division of Community Resource Planning  
15 ~~and Management~~ to serve in his or her absence. The Secretary  
16 of Environmental Protection may appoint his or her deputy  
17 secretary ~~assistant executive director, the deputy assistant~~  
18 ~~director for Land Resources,~~ the director of the Division of  
19 State Lands, or the director of the Division of Recreation and  
20 Parks to serve in his or her absence. The Secretary of  
21 Community Affairs shall be the chair of the governing body of  
22 the trust. The Governor shall make his or her appointments  
23 upon the expiration of any current terms or within 60 days  
24 after the effective date of the resignation of any member.

25 Section 13. Section 380.505, Florida Statutes, is  
26 amended to read:

27 380.505 Meetings; quorum; voting.--The powers of the  
28 trust shall be vested in its governing body members. The  
29 governing body may delegate such powers to department staff as  
30 it deems necessary. Four ~~Three~~ members of the governing body  
31 shall constitute a quorum for the purpose of conducting its

1 business and exercising its powers and for all other purposes.  
2 However, the governing body may take action only upon an  
3 affirmative vote of at least four ~~three~~ members. The  
4 governing body shall meet at least quarterly, and may meet  
5 more often at the call of the chair or upon an affirmative  
6 vote of three members.

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

9 380.507 Powers of the trust.--The trust shall have all  
10 the powers necessary or convenient to carry out the purposes  
11 and provisions of this part, including:

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

31

1           Section 15. Subsections (5) and (6) of section  
2 420.5092, Florida Statutes, are amended to read:

3           420.5092 Florida Affordable Housing Guarantee  
4 Program.--

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

24           (6)(a) If the primary revenue sources to be used for  
25 repayment of revenue bonds used to establish the guarantee  
26 fund are insufficient for such repayment, the annual principal  
27 and interest due on each series of revenue bonds shall be  
28 payable from funds in the annual debt service reserve. The  
29 corporation shall, before June 1 of each year, perform a  
30 financial audit to determine whether at the end of the state  
31 fiscal year there will be on deposit in the guarantee fund an

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

17 (b) If the claims payment obligations under affordable  
18 housing guarantees from amounts on deposit in the guarantee  
19 fund would cause the claims paying rating assigned to the  
20 guarantee fund to be less than the third-highest rating  
21 classification of any nationally recognized rating service,  
22 which classifications being consistent with s. 215.84(3) and  
23 rules adopted thereto by the State Board of Administration,  
24 the corporation shall certify to the Comptroller the amount of  
25 such claims payment obligations. Upon receipt of such  
26 certification, the Comptroller shall transfer to the guarantee  
27 fund, from the first available taxes distributed to the State  
28 Housing Trust Fund pursuant to s. 201.15(7)(a) and (8)(a)~~s.~~  
29 ~~201.15(6)(a) and (7)(a)~~ during the ensuing state fiscal year,  
30 the amount certified as necessary to meet such obligations,  
31 such transfer to be subordinate to any transfer referenced in

1 paragraph (a) and not to exceed 50 percent of the amounts  
2 distributed to the State Housing Trust Fund pursuant to s.  
3 201.15(7)(a) and (8)(a)~~s. 201.15(6)(a) and (7)(a)~~ during the  
4 preceding state fiscal year.

5 Section 16. Section 420.9073, Florida Statutes, 1998  
6 Supplement, is amended to read:

7 420.9073 Local housing distributions.--

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

11 420.9072. Each county's share of the funds to be distributed  
12 from the portion of the funds in the Local Government Housing  
13 Trust Fund received pursuant to s. 201.15(7)~~s. 201.15(6)~~  
14 shall be calculated by the agency for each fiscal year as  
15 follows:

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

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

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

31



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

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

14           (2) Effective July 1, 1995, distributions calculated  
15 in this section shall be disbursed on a monthly basis by the  
16 agency beginning the first day of the month after program  
17 approval pursuant to s. 420.9072. Each county's share of the  
18 funds to be distributed from the portion of the funds in the  
19 Local Government Housing Trust Fund received pursuant to s.  
20 201.15(8)~~s. 201.15(7)~~ shall be calculated by the agency for  
21 each fiscal year as follows:

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

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

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

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

31

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

11           (3) Calculation of guaranteed amounts:

12           (a) The guaranteed amount under subsection (1) shall  
13 be calculated for each state fiscal year by multiplying  
14 \$350,000 by a fraction, the numerator of which is the amount  
15 of funds distributed to the Local Government Housing Trust  
16 Fund pursuant to s. 201.15(7)~~s. 201.15(6)~~ and the denominator  
17 of which is the total amount of funds distributed to the Local  
18 Government Housing Trust Fund pursuant to s. 201.15.

19           (b) The guaranteed amount under subsection (2) shall  
20 be calculated for each state fiscal year by multiplying  
21 \$350,000 by a fraction, the numerator of which is the amount  
22 of funds distributed to the Local Government Housing Trust  
23 Fund pursuant to s. 201.15(8)~~s. 201.15(7)~~ and the denominator  
24 of which is the total amount of funds distributed to the Local  
25 Government Housing Trust Fund pursuant to s. 201.15.

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

28           Section 17. (1) An educational program to enhance the  
29 state's schools, community colleges, and universities, which  
30 will foster business, industry, research, and development, is  
31 created. This program will integrate into existing curricula

1 the knowledge, skills, and experience that will result in  
2 informed decisions, responsible behavior, and constructive  
3 actions through project-based learning.

4 (2) The education program will be based on present and  
5 future projects involving ecosystem restoration. The program  
6 will include teacher training and curriculum development in  
7 all disciplines, with cooperative efforts between schools,  
8 colleges, universities, and businesses, to provide practical,  
9 hands-on experience and to encourage enrollment in  
10 mathematics, engineering, and science, such as Broward  
11 County's Saturday-Science Summer Academy, SECME-Southeastern  
12 Consortium for Minorities in Engineering Program, Miami-Dade  
13 County's Urban Systemic Initiative, and others in rural areas  
14 to be administered through the Commissioner of Education,  
15 school districts, the Board of Regents, and the State Board of  
16 Community Colleges.

17 (3) There is created the Florida Forever Advisory  
18 Council on Ecosystem Restoration Education. Members will  
19 include:

20 (a) Two members of the Senate, appointed by the  
21 President of the Senate.

22 (b) Two members of the House of Representatives,  
23 appointed by the Speaker of the House of Representatives.

24 (c) The following appointees of the Governor:

25 1. A representative of the business community.

26 2. A representative of the Executive Office of the  
27 Governor.

28 (d) A representative of the State Board of Community  
29 Colleges appointed by the Commissioner of Education.

30 (e) A representative of the Department of Education  
31 appointed by the Commissioner of Education.

1           (f) A representative of the Board of Regents appointed  
2 by its chairperson.

3           (g) A representative of the Fish and Wildlife  
4 Conservation Commission appointed by its chairperson.

5           (h) A representative of the Department of  
6 Environmental Protection appointed by its secretary.

7           (i) The chairman of the Environmental Education  
8 Foundation.

9           (j) A representative of each of the water management  
10 districts appointed by the chairperson of each governing  
11 board.

12  
13 Each member who is a public official shall perform the duties  
14 of council members in addition to the duties of his or her  
15 official position. Legislative members shall be appointed to  
16 terms that correspond to their terms of office. All other  
17 members shall be appointed to staggered 4-year terms and may  
18 be reappointed.

19           (4) The council shall elect a chairperson from its  
20 legislator members and a vice chairperson and other officers  
21 as it finds necessary. Those officers shall serve 1-year terms  
22 but may be reelected. If a council member who is a legislator  
23 ceases to hold that position, the council membership held by  
24 that person becomes vacant and a replacement member shall be  
25 named by the appointing person. A council member may not be  
26 compensated for his or her service, but is entitled to per  
27 diem and travel expenses as provided in section 112.061,  
28 Florida Statutes. The council shall:

29           (a) Serve as a forum for the discussion and study of  
30 problems that affect the education program.

31

1           (b) Recommend a priority list for the types of  
2 programs to be funded.

3           (c) Not less than 90 days before each regular session  
4 of the Legislature, prepare and submit a report of its  
5 findings and recommendations to the Governor, each officer of  
6 the Cabinet, the President of the Senate, and the Speaker of  
7 the House of Representatives. The report must state reasons  
8 and supporting data for its recommendations.

9           (5) The Department of Education shall provide staff  
10 support and related services for the education program. It  
11 shall evaluate the education program and prepare reports and  
12 studies to increase the effectiveness of the program.

13           (6) Moneys from the Florida Forever Trust Fund may not  
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) A local government may submit up to two grant  
26 applications during each application period announced by the  
27 department. However, a local government may not have more than  
28 three active projects expending grant funds during any state  
29 fiscal year. The maximum project grant for each project  
30 application may not exceed \$200,000 in state funds.

31

1           Section 20. Section 373.584, Florida Statutes, is  
2 repealed.  
3           Section 21. The repeal of section 373.584, Florida  
4 Statutes, does not impair the validity of any bonds or  
5 obligations issued under that section which are outstanding on  
6 July 1, 2000.  
7           Section 22. If the Department of Environmental  
8 Protection or a water management district has made a payment  
9 in lieu of taxes to a governmental entity and subsequently  
10 suspended such payment, the department or water management  
11 district shall reinstitute appropriate payments and continue  
12 the payments in consecutive years until the governmental  
13 entity has received a total of ten payments for each tax loss.  
14           Section 23. Except for this section and section 22,  
15 which shall take effect upon becoming a law, this act shall  
16 take effect July 1, 2000.  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31