

1
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; amending s. 161.05301, F.S.;
9 correcting cross-references; amending s.
10 161.085, F.S.; providing for permitting of
11 certain coastal armoring structures; amending
12 s. 161.091, F.S.; correcting cross-references;
13 creating s. 215.618, F.S.; providing for the
14 issuance of Florida Forever bonds; providing
15 limitations; providing procedures and
16 legislative intent; amending s. 216.331, F.S.;
17 correcting a cross-reference; amending s.
18 253.027, F.S.; providing for the reservation of
19 funds; revising the criteria for expenditures
20 for archaeological property to include lands on
21 the acquisition list for the Florida Forever
22 program; amending s. 253.03, F.S.; providing
23 certain structures entitled to continue
24 sovereignty submerged lands leases; amending s.
25 253.034, F.S.; providing for the use of
26 state-owned lands; providing for the sale of
27 surplus state lands; authorizing contractual
28 arrangements to manage state-owned lands;
29 amending s. 253.7825, F.S.; revising acreage
30 requirements for a horse park-agricultural
31 center; amending s. 259.03, F.S.; deleting

1 obsolete definitions; providing new
2 definitions; amending s. 259.032, F.S.;
3 providing legislative intent; specifying
4 certain uses of funds from the Conservation and
5 Recreation Lands Trust Fund; revising
6 provisions relating to individual land
7 management plans; revising eligibility for
8 payment in lieu of taxes; deleting obsolete
9 language; revising timeframe for removal of
10 certain projects from a priority list; creating
11 s. 259.0345, F.S.; creating the Florida Forever
12 Advisory Council; specifying membership and
13 duties; providing for per diem and travel
14 expenses; providing for a report; providing an
15 appropriation; amending s. 259.035, F.S.;
16 creating the Acquisition and Restoration
17 Council; specifying membership and duties;
18 providing for compensation; authorizing
19 adoption of rules; providing for per diem and
20 travel expenses; amending s. 259.036, F.S.;
21 providing conforming language; amending s.
22 259.04, F.S.; conforming language and
23 cross-references; amending s. 259.041, F.S.;
24 providing procedures and guidelines for land
25 acquisition; providing legislative intent and
26 guidelines for use of less than fee land
27 acquisition alternatives; amending s. 259.101,
28 F.S.; providing for redistribution for certain
29 unencumbered P2000 funds; conforming language
30 and cross-references; creating s. 259.105,
31 F.S.; creating the Florida Forever Act;

1 providing legislative findings and intent;
2 providing for issuing bonds; providing for
3 distribution and use of bond proceeds;
4 providing project goals and selection criteria;
5 providing application and selection procedures;
6 authorizing certain uses of acquired lands;
7 authorizing adoption of rules, subject to
8 legislative review; authorizing contractual
9 arrangements to manage lands identified for
10 acquisition under Florida Forever program;
11 amending s. 260.012, F.S.; clarifying
12 legislative intent relating to the statewide
13 system of greenways and trails; amending s.
14 260.013, F.S.; clarifying a definition;
15 amending s. 260.014, F.S.; including waterways
16 in the statewide system of greenways and
17 trails; creating s. 260.0142, F.S.; creating
18 the Florida Greenways and Trails Council within
19 the Department of Environmental Protection;
20 providing for membership, powers, and duties;
21 amending s. 260.016, F.S.; revising powers of
22 the Department of Environmental Protection with
23 respect to greenways and trails; deleting
24 reference to the Florida Recreational Trails
25 Council; amending s. 260.018, F.S., to conform
26 to the act; amending s. 288.1224, F.S.;
27 providing conforming language; providing
28 exceptions to the designation process for
29 certain recreational trails; amending s.
30 369.252, F.S.; providing for the use of certain
31 funds from the Aquatic Plant Control Trust

1 Fund; amending s. 369.307, F.S.; providing
2 conforming language; amending s. 373.089, F.S.;
3 providing procedure for the surplusing of water
4 management district lands; amending s. 373.139,
5 F.S.; revising authority and requirements for
6 acquisition and disposition of lands by the
7 water management districts; providing district
8 rulemaking authority, subject to legislative
9 review; amending s. 373.146, F.S.; providing
10 for public notice of certain public meetings;
11 creating s. 373.1391, F.S.; providing criteria
12 for management and uses of district lands;
13 providing district rulemaking authority,
14 subject to legislative review; creating s.
15 373.199, F.S.; providing for Florida Forever
16 water management districts' workplans;
17 requiring development of recommended project
18 lists; specifying required information;
19 repealing s. 373.250, F.S.; relating to the
20 reuse of reclaimed water; amending s. 373.59,
21 F.S.; revising authorized uses of funds from
22 the Water Management Lands Trust Fund; revising
23 eligibility criteria for payment in lieu of
24 taxes; amending s. 375.075, F.S.; revising
25 funding and procedures for the Florida
26 Recreation Development Assistance Program;
27 amending s. 380.0666, F.S.; providing
28 conforming language; amending s. 380.0677,
29 F.S.; extending the availability of funds for
30 specified purposes; amending s. 380.22, F.S.;
31 providing conforming language; amending s.

1 380.503, F.S.; providing definitions; amending
2 s. 380.504, F.S.; revising the composition of
3 the Florida Communities Trust; amending s.
4 380.505, F.S.; revising quorum requirements;
5 amending s. 380.507, F.S.; providing for
6 titling of certain acquired property to a local
7 government; revising rulemaking authority;
8 amending s. 380.510, F.S.; requiring covenants
9 and restrictions for certain property,
10 necessary to comply with constitutional
11 requirements; amending ss. 420.5092 and
12 420.9073, F.S.; correcting cross-references;
13 repealing s. 253.787, F.S.; relating to the
14 Florida Greenways Coordinating Council;
15 repealing of s. 380.0677(2), F.S.; relating to
16 membership of the Green Swamp Land Authority;
17 transferring powers, duties and functions of
18 the Green Swamp Land Authority to the
19 Department of Environmental Protection;
20 providing that payments in lieu of taxes be
21 reinstated under specified circumstances;
22 providing effective dates.

23

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

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

28

29 201.15 Distribution of taxes collected.--All taxes
30 collected under this chapter shall be distributed as follows
31 and shall be subject to the service charge imposed in s.215.20(1), except that such service charge shall not be levied

1 against any portion of taxes pledged to debt service on bonds
2 to the extent that the amount of the service charge is
3 required to pay any amounts relating to the bonds and shall be
4 distributed as follows:

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

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

1 million in each subsequent fiscal year in which bonds are
2 authorized to be issued, but shall not exceed a total of \$300
3 million in any fiscal year for all bonds issued. It is the
4 intent of the Legislature that all bonds issued to fund the
5 Florida Forever Act be retired by December 31, 2030. Except
6 for bonds issued to refund previously issued bonds, no
7 ~~individual~~ series of bonds may be issued pursuant to this
8 paragraph unless such bonds are approved and the first year's
9 debt service for such bonds is specifically appropriated in
10 the General Appropriations Act. For purposes of refunding
11 Preservation 2000 bonds, amounts designated within this
12 section for Preservation 2000 and Florida Forever bonds may be
13 transferred between the two programs to the extent provided
14 for in the documents authorizing the issuance of the bonds.
15 The Preservation 2000 bonds and Florida Forever bonds shall be
16 equally and ratably secured by moneys distributable to the
17 Land Acquisition Trust Fund pursuant to this section, except
18 to the extent specifically provided otherwise by the documents
19 authorizing the issuance of the bonds. No moneys transferred
20 to the Land Acquisition Trust Fund pursuant to this paragraph,
21 or earnings thereon, shall be used or made available to pay
22 debt service on the Save Our Coast revenue bonds.

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

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

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

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

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

30 (b) The remainder of the moneys distributed under this
31 subsection shall be paid into the State Treasury to the credit

1 of the Land Acquisition Trust Fund. Sums deposited in the fund
2 pursuant to this subsection may be used for any purpose for
3 which funds deposited in the Land Acquisition Trust Fund may
4 lawfully be used.

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

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

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

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

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

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

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

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

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

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

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

23 (8) From the moneys specified in paragraphs (1)(c) and
24 (2)(a) and prior to deposit of any moneys into the General
25 Revenue Fund, \$10 million shall be paid into the State
26 Treasury to the credit of the Ecosystem Management and
27 Restoration Trust Fund in fiscal year 1998-1999, \$20 million
28 in fiscal year 1999-2000, and \$30 million in fiscal year
29 2000-2001 and each fiscal year thereafter, to be used for the
30 preservation and repair of the state's beaches as provided in
31 ss. 161.091-161.212.

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

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

14 201.15 Distribution of taxes collected.--All taxes
15 collected under this chapter shall be distributed as follows
16 and shall be subject to the service charge imposed in s.
17 215.20(1), except that such service charge shall not be levied
18 against any portion of taxes pledged to debt service on bonds
19 to the extent that the amount of the service charge is
20 required to pay any amounts relating to the bonds:

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

24 (a) Amounts as shall be necessary to pay the debt
25 service on, or fund debt service reserve funds, rebate
26 obligations, or other amounts payable with respect to
27 Preservation 2000 bonds issued pursuant to s. 375.051 and
28 Florida Forever bonds issued pursuant to s. 215.618, shall be
29 paid into the State Treasury to the credit of the Land
30 Acquisition Trust Fund to be used for such purposes. The
31 amount transferred to the Land Acquisition Trust Fund for such

1 purposes shall not exceed \$300 million in fiscal year
2 1999-2000 and thereafter for Preservation 2000 bonds and bonds
3 issued to refund Preservation 2000 bonds, and \$300 million in
4 fiscal year 2000-2001 and thereafter for Florida Forever
5 bonds. The annual amount transferred to the Land Acquisition
6 Trust Fund for Florida Forever bonds shall not exceed \$30
7 million in the first fiscal year in which bonds are issued.
8 The limitation on the amount transferred shall be increased by
9 an additional \$30 million in each subsequent fiscal year in
10 which bonds are authorized to be issued, but shall not exceed
11 a total of \$300 million in any fiscal year for all bonds
12 issued. It is the intent of the Legislature that all bonds
13 issued to fund the Florida Forever Act be retired by December
14 31, 2030. Except for bonds issued to refund previously issued
15 bonds, no series of bonds may be issued pursuant to this
16 paragraph unless such bonds are approved and the first year's
17 debt service for such bonds is specifically appropriated in
18 the General Appropriations Act. For purposes of refunding
19 Preservation 2000 bonds, amounts designated within this
20 section for Preservation 2000 and Florida Forever bonds may be
21 transferred between the two programs to the extent provided
22 for in the documents authorizing the issuance of the bonds.
23 The Preservation 2000 bonds and Florida Forever bonds shall be
24 equally and ratably secured by moneys distributable to the
25 Land Acquisition Trust Fund pursuant to this section, except
26 to the extent specifically provided otherwise by the documents
27 authorizing the issuance of the bonds. No moneys transferred
28 to the Land Acquisition Trust Fund pursuant to this paragraph,
29 or earnings thereon, shall be used or made available to pay
30 debt service on the Save Our Coast revenue bonds.
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1 (b) The remainder of the moneys distributed under this
2 subsection, after the required payment under paragraph (a),
3 shall be paid into the State Treasury to the credit of the
4 Land Acquisition Trust Fund and may be used for any purpose
5 for which funds deposited in the Land Acquisition Trust Fund
6 may lawfully be used. Payments made under this paragraph shall
7 continue until the cumulative amount credited to the Land
8 Acquisition Trust Fund for the fiscal year under this
9 paragraph and paragraph (2)(b) equals 70 percent of the
10 current official forecast for distributions of taxes collected
11 under this chapter pursuant to subsection (2). As used in this
12 paragraph, the term "current official forecast" means the most
13 recent forecast as determined by the Revenue Estimating
14 Conference. If the current official forecast for a fiscal year
15 changes after payments under this paragraph have ended during
16 that fiscal year, no further payments are required under this
17 paragraph during the fiscal year.

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

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

28 (a) Beginning in the month following the final payment
29 for a fiscal year under paragraph (1)(b), available moneys
30 shall be paid into the State Treasury to the credit of the
31 General Revenue Fund of the state to be used and expended for

1 the purposes for which the General Revenue Fund was created
2 and exists by law or to the Ecosystem Management and
3 Restoration Trust Fund as provided in subsection (11)~~(8)~~.

4 Payments made under this paragraph shall continue until the
5 cumulative amount credited to the General Revenue Fund for the
6 fiscal year under this paragraph equals the cumulative
7 payments made under paragraph (1)(b) for the same fiscal year.

8 (b) The remainder of the moneys distributed under this
9 subsection shall be paid into the State Treasury to the credit
10 of the Land Acquisition Trust Fund. Sums deposited in the fund
11 pursuant to this subsection may be used for any purpose for
12 which funds deposited in the Land Acquisition Trust Fund may
13 lawfully be used.

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

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

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

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

30 (5) Four and two-tenths ~~Five and eighty-four~~
31 ~~hundredths~~ percent of the remaining taxes collected under this

1 chapter shall be paid into the State Treasury to the credit of
2 the Conservation and Recreation Lands Trust Fund to carry out
3 the purposes set forth in s. 259.032. Nine and one-half
4 percent of the amount credited to the Conservation and
5 Recreation Lands Trust Fund pursuant to this subsection shall
6 be transferred to the State Game Trust Fund and used for land
7 management activities.

8 (6) Two and twenty-eight hundredths percent of the
9 remaining taxes collected under this chapter shall be paid
10 into the State Treasury to the credit of the Aquatic Plant
11 Control Trust Fund to carry out the purposes set forth in ss.
12 369.22 and 369.252.

13 (7) One-half of one percent of the remaining taxes
14 collected under this chapter shall be paid into the State
15 Treasury to the credit of the State Game Trust Fund to be used
16 exclusively for the purpose of implementing the Lake
17 Restoration 2020 Program.

18 (8) One-half of one percent of the remaining taxes
19 collected under this chapter shall be paid into the State
20 Treasury and divided equally to the credit of the Department
21 of Environmental Protection Grants and Donations Trust Fund to
22 address water quality impacts associated with nonagricultural
23 nonpoint sources and to the credit of the Department of
24 Agriculture and Consumer Services General Inspection Trust
25 Fund to address water quality impacts associated with
26 agricultural nonpoint sources, respectively. These funds
27 shall be used for research, development, demonstration, and
28 implementation of suitable best management practices or other
29 measures used to achieve water quality standards in surface
30 waters and water segments identified pursuant to ss. 303(d) of
31 the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et

1 seq. Implementation of best management practices and other
2 measures may include cost-share grants, technical assistance,
3 implementation tracking, and conservation leases or other
4 agreements for water quality improvement.

5 (9)~~(6)~~ Seven and fifty-three hundredths percent of the
6 remaining taxes collected under this chapter shall be paid
7 into the State Treasury to the credit of the State Housing
8 Trust Fund and shall be used as follows:

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

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

20 (a) Twelve and one-half percent of that amount shall
21 be deposited into the State Housing Trust Fund and be expended
22 by the Department of Community Affairs and by the Florida
23 Housing Finance Agency for the purposes for which the State
24 Housing Trust Fund was created and exists by law.

25 (b) Eighty-seven and one-half percent of that amount
26 shall be distributed to the Local Government Housing Trust
27 Fund and shall be used for the purposes for which the Local
28 Government Housing Trust Fund was created and exists by law.
29 Funds from this category may also be used to provide for state
30 and local services to assist the homeless.

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1 ~~(11)(8)~~ From the moneys specified in paragraphs (1)(c)
2 and (2)(a) and prior to deposit of any moneys into the General
3 Revenue Fund, \$10 million shall be paid into the State
4 Treasury to the credit of the Ecosystem Management and
5 Restoration Trust Fund in fiscal year 1998-1999, \$20 million
6 in fiscal year 1999-2000, and \$30 million in fiscal year
7 2000-2001 and each fiscal year thereafter, to be used for the
8 preservation and repair of the state's beaches as provided in
9 ss. 161.091-161.212.

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

20 (13) The distribution of proceeds deposited into the
21 Water Management Lands Trust Fund and the Conservation and
22 Recreation Lands Trust Fund, pursuant to subsections (4) and
23 (5), shall not be used for land acquisition, but may be used
24 for preacquisition costs associated with land purchases. The
25 Legislature intends that the Florida Forever program supplant
26 the acquisition programs formerly authorized under ss. 259.032
27 and 373.59. Prior to the 2005 Regular Session of the
28 Legislature, the Acquisition and Restoration Council shall
29 review and make recommendations to the Legislature concerning
30 the need to repeal this provision. Based on these

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1 recommendations, the Legislature shall review the need to
2 repeal this provision during the 2005 Regular Session.

3 (14) Amounts distributed pursuant to subsections (5),
4 (6), (7) and (8) are subject to the payment of debt service on
5 outstanding Conservation and Recreation Lands revenue bonds.

6 Section 3. Effective July 1, 2001, subsection (1) of
7 section 161.05301, Florida Statutes, 1998 Supplement, is
8 amended to read:

9 161.05301 Beach erosion control project staffing;
10 coastal construction building codes review.--

11 (1) There are hereby appropriated to the Department of
12 Environmental Protection six positions and \$449,918 for fiscal
13 year 1998-1999 from the Ecosystem Management and Restoration
14 Trust Fund from revenues provided by this act pursuant to s.
15 201.15(11)~~(8)~~. These positions and funding are provided to
16 assist local project sponsors, and shall be used to facilitate
17 and promote enhanced beach erosion control project
18 administration. Such staffing resources shall be directed
19 toward more efficient contract development and oversight,
20 promoting cost-sharing strategies and regional coordination or
21 projects among local governments, providing assistance to
22 local governments to ensure timely permit review, and
23 improving billing review and disbursement processes.

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

26 161.085 Rigid coastal armoring structures.--

27 (2) In order to allow state and federal agencies,
28 political subdivisions of the state, and municipalities to
29 preplan for emergency response for the protection of private
30 structures and public infrastructure, the department, pursuant
31 to s. 161.041 or s. 161.053, may issue permits for the present

1 or future installation of rigid coastal armoring structures or
2 other emergency response measures to protect private
3 structures, ~~and~~ public infrastructure and private and public
4 property.

5 (a) Permits for present installations may be issued if
6 it is determined that private structures or public
7 infrastructure is vulnerable to damage from frequent coastal
8 storms.

9 (b) Permits for future installations of coastal
10 armoring structures may be issued contingent upon the
11 occurrence of specified changes to the coastal system which
12 would leave upland structures vulnerable to damage from
13 frequent coastal storms. The department may assist agencies,
14 political subdivisions of the state, or municipalities, at
15 their request, in identifying areas within their jurisdictions
16 which may require permits for future installations of rigid
17 coastal armoring structures.

18 (c) Permits for present installations of coastal
19 armoring may be issued where such installation is between and
20 adjoins at both ends rigid coastal armoring structures,
21 follows a continuous and uniform armoring structure
22 construction line with existing coastal armoring structures,
23 and is no more than 250 feet in length.

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25 Structures built pursuant to permits granted under this
26 subsection may be ordered removed by the department only if
27 such structures are determined to be unnecessary or to
28 interfere with the installation of a beach restoration
29 project.

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

4 161.091 Beach management; funding; repair and
5 maintenance strategy.--

6 (3) In accordance with the intent expressed in s.
7 161.088 and the legislative finding that erosion of the
8 beaches of this state is detrimental to tourism, the state's
9 major industry, further exposes the state's highly developed
10 coastline to severe storm damage, and threatens beach-related
11 jobs, which, if not stopped, could significantly reduce state
12 sales tax revenues, funds deposited into the State Treasury to
13 the credit of the Ecosystem Management and Restoration Trust
14 Fund, in the annual amounts provided in s. 201.15(11)+8),
15 shall be used, for a period of not less than 15 years, to fund
16 the development, implementation, and administration of the
17 state's beach management plan, as provided in ss.
18 161.091-161.212, prior to the use of such funds deposited
19 pursuant to s. 201.15(11)+8)in that trust fund for any other
20 purpose.

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

23 215.618 Bonds for acquisition and improvement of land,
24 water areas, and related property interests and resources.--

25 (1) The issuance of Florida Forever bonds, not to
26 exceed \$3 billion, to finance or refinance the cost of
27 acquisition and improvement of land, water areas, and related
28 property interests and resources, in urban and rural settings,
29 for the purposes of restoration, conservation, recreation,
30 water resource development, or historical preservation, and
31 for capital improvements to lands and water areas that

1 accomplish environmental restoration, enhance public access
2 and recreational enjoyment, promote long-term management
3 goals, and facilitate water resource development is hereby
4 authorized, subject to the provisions of s. 259.105 and
5 pursuant to s. 11(e), Art. VII of the State Constitution.
6 Florida Forever bonds may also be issued to refund
7 Preservation 2000 bonds issued pursuant to s. 375.051. The
8 duration of each series of Florida Forever bonds issued may
9 not exceed 20 annual maturities. Preservation 2000 bonds and
10 Florida Forever bonds shall be equally and ratably secured by
11 moneys distributable to the Land Acquisition Trust Fund
12 pursuant to s. 201.15(1)(a), except to the extent specifically
13 provided otherwise by the documents authorizing the issuance
14 of the bonds.

15 (2) The state does hereby covenant with the holders of
16 Florida Forever bonds and Preservation 2000 bonds that it will
17 not take any action which will materially and adversely affect
18 the rights of such holders so long as such bonds are
19 outstanding, including, but not limited to, a reduction in the
20 portion of documentary stamp taxes distributable to the Land
21 Acquisition Trust Fund for payment of debt service on
22 Preservation 2000 bonds or Florida Forever bonds.

23 (3) Bonds issued pursuant to this section shall be
24 payable from taxes distributable to the Land Acquisition Trust
25 Fund pursuant to s. 201.15(1)(a). Bonds issued pursuant to
26 this section shall not constitute a general obligation of, or
27 a pledge of the full faith and credit of, the state.

28 (4) The Department of Environmental Protection shall
29 request the Division of Bond Finance of the State Board of
30 Administration to issue the Florida Forever bonds authorized
31

1 by this section. The Division of Bond Finance shall issue such
2 bonds pursuant to the State Bond Act.

3 (5) The proceeds from the sale of bonds issued
4 pursuant to this section, less the costs of issuance, the
5 costs of funding reserve accounts, and other costs with
6 respect to the bonds, shall be deposited into the Florida
7 Forever Trust Fund. The bond proceeds deposited into the
8 Florida Forever Trust Fund shall be distributed by the
9 Department of Environmental Protection as provided in s.
10 259.105.

11 (6) Pursuant to authority granted by s. 11(e), Art.
12 VII of the State Constitution, there is hereby continued and
13 recreated the Land Acquisition Trust Fund which shall be a
14 continuation of the Land Acquisition Trust Fund which exists
15 for purposes of s. 9(a)(1), Art. XII of the State
16 Constitution. The Land Acquisition Trust Fund shall continue
17 beyond the termination of bonding authority provided for in s.
18 9(a)(1), Art. XII of the State Constitution, pursuant to the
19 authority provided by s. 11(e), Art. VII of the State
20 Constitution and shall continue for so long as Preservation
21 2000 bonds or Florida Forever bonds are outstanding and
22 secured by taxes distributable thereto.

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

29 (8) The initial series of Florida Forever bonds shall
30 be validated in addition to any other bonds required to be
31 validated pursuant to s. 215.82. Any complaint for validation

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

8 Section 7. Section 216.331, Florida Statutes, is
9 amended to read:

10 216.331 Disbursement of state moneys.--Except as
11 provided in s. 17.076, s. 253.025(14), s. 259.041(18)(17), s.
12 717.124(5), s. 732.107(6), or s. 733.816(5), all moneys in the
13 State Treasury shall be disbursed by state warrant, drawn by
14 the Comptroller upon the State Treasury and payable to the
15 ultimate beneficiary. This authorization shall include
16 electronic disbursement.

17 Section 8. Subsection (4) and paragraph (a) of
18 subsection (5) of section 253.027, Florida Statutes, are
19 amended to read:

20 253.027 Emergency archaeological property
21 acquisition.--

22 (4) EMERGENCY ARCHAEOLOGICAL ACQUISITION.--The sum of
23 \$2 million shall be reserved annually ~~segregated in an account~~
24 within the Florida Forever Conservation and Recreation Lands
25 Trust Fund for the purpose of emergency archaeological
26 acquisition ~~for fiscal year 1988-1989, and each year~~
27 ~~thereafter~~. Any portion of that amount ~~the account~~ not spent
28 or obligated by the end of the third quarter of the fiscal
29 year may be used for approved acquisitions pursuant to s.
30 259.105(3)(b) ~~spent for other purposes specified in s.~~

31

1 ~~259.032, upon approval of the Board of Trustees of the~~
2 ~~Internal Improvement Trust Fund.~~

3 (5) ACCOUNT EXPENDITURES.--

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

7 1. The property is an archaeological property of major
8 statewide significance.

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

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

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

19 5. The site is not otherwise protected by local,
20 state, or federal laws.

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

23 Section 9. Paragraph (c) of subsection (7) of section
24 253.03, Florida Statutes, 1998 Supplement, is amended and
25 paragraph (d) is added to said section to read:

26 253.03 Board of trustees to administer state lands;
27 lands enumerated.--

28 (7)

29 (c) Structures which are listed in or are eligible for
30 the National Register of Historic Places or the State
31 Inventory of Historic Places which are over the waters of the

1 State of Florida and which have a submerged land lease, or
2 have been grandfathered-in to use sovereignty submerged lands
3 until January 1, 1998, pursuant to chapter 18-21.00405,
4 Florida Administrative Code, shall have the right to continue
5 such submerged land leases ~~shall be allowed to apply for an~~
6 ~~extension of such lease~~, regardless of the fact that the
7 present landholder is not an adjacent riparian landowner, so
8 long as the lessee maintains the structure in a good state of
9 repair consistent with the guidelines for listing. If the
10 structure is damaged or destroyed, the lessee shall be allowed
11 to reconstruct, so long as the reconstruction is consistent
12 with the integrity of the listed structure and does not
13 increase the footprint of the structure. If a structure so
14 listed falls into disrepair and the lessee is not willing to
15 repair and maintain it consistent with its listing, the state
16 may cancel the submerged lease and either repair and maintain
17 the property or require that the structure be removed from
18 sovereignty submerged lands.

19 (d) By January 1, 2000, the owners of habitable
20 structures built on or before January 1, 1998, located in
21 conservation areas 2 or 3, on district or state-owned lands,
22 the existence or use which will not impede the restoration of
23 the Everglades, whether pursuant to a submerged lease or not,
24 must provide written notification to the South Florida Water
25 Management District of their existence and location, including
26 an identification of the footprint of the structure. This
27 notification will grant the leaseholders an automatic 20 year
28 lease at a reasonable fee established by the district, or the
29 Department of Environmental Protection, as appropriate, to
30 expire on January 1, 2020. Where the structures are located
31 on state-owned lands, the South Florida Water Management

1 District shall submit this notification to the Department of
2 Environmental Protection on the owner's behalf. At the
3 expiration of this 20 year lease, the South Florida Water
4 Management District or the Department of Environmental
5 Protection, as appropriate, shall have the right to require
6 that the leaseholder remove the structure if the district
7 determines that the structures or their use are causing harm
8 to the water or land resources of the district, or to renew
9 the lease agreement. The structure of any owner who does not
10 provide notification to the South Florida Water Management
11 District as required under this subsection, shall be
12 considered illegal and subject to immediate removal. Any
13 structure built in any water conservation area after May 1,
14 1999, without necessary permits from the South Florida Water
15 Management District, or the Department of Environmental
16 Protection, as appropriate, shall be considered illegal and
17 subject to removal.

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

22 253.034 State-owned lands; uses.--

23 (3) In recognition that recreational trails purchased
24 with rails-to-trails funds pursuant to s. 259.101(3)(g) or s.
25 259.105(3)(g) have had historic transportation uses and that
26 their linear character may extend many miles, the Legislature
27 intends that when the necessity arises to serve public needs,
28 after balancing the need to protect trail users from
29 collisions with automobiles and a preference for the use of
30 overpasses and underpasses to the greatest extent feasible and
31 practical, transportation uses shall be allowed to cross

1 recreational trails purchased pursuant to s. 259.101(3)(g) or
2 s. 259.105(3)(g). When these crossings are needed, the
3 location and design should consider and mitigate the impact on
4 humans and environmental resources, and the value of the land
5 shall be paid based on fair market value.

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

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

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

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

1 board. The council or its successor shall specifically
2 recommend to the board whether to approve the plan as
3 submitted, approve the plan with modifications, or reject the
4 plan.

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

13 (6) The Board of Trustees of the Internal Improvement
14 Trust Fund shall determine which lands, the title to which is
15 vested in the board, may be surplusd ~~are of no benefit to the~~
16 ~~public and shall dispose of such lands pursuant to law.~~
17 Notwithstanding s. 253.111, for those lands designated as
18 acquired for conservation purposes, the board shall make a
19 determination that the lands are no longer needed for
20 conservation purposes and may dispose of them by a two-thirds
21 vote. For all other lands, the board shall make a
22 determination that the lands are no longer needed and may
23 dispose of them by majority vote.

24 (a) For the purposes of this subsection, all lands
25 acquired by the state prior to July 1, 1999, using proceeds
26 from the Preservation 2000 bonds, the Conservation and
27 Recreation Lands Trust Fund, the Water Management Lands Trust
28 Fund, Environmentally Endangered Lands Program, and the Save
29 Our Coast Program and titled to the board, which lands are
30 identified as core parcels or within original project
31

1 boundaries, shall be deemed to have been acquired for
2 conservation purposes.

3 (b) For any lands purchased by the state on or after
4 July 1, 1999, a determination shall be made by the board prior
5 to acquisition as to those parcels that shall be designated as
6 having been acquired for conservation purposes. No lands
7 acquired for use by the Department of Corrections, the
8 Department of Management Services for use as state offices,
9 the Department of Transportation, except those specifically
10 managed for conservation or recreation purposes or the State
11 University System or state community college system shall be
12 designated as having been purchased for conservation purposes.

13 (c)(a) At least every 3 5 years, in a form and manner
14 prescribed by rule by the board, each state agency shall
15 indicate to the board those lands which the agency manages
16 which are not being used for the purpose for which they were
17 originally leased. Such lands shall be reviewed by the council
18 or its successor for its recommendation as to whether such
19 lands should be disposed of by the board.

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

26 (e) Prior to any decision by the board to surplus
27 lands, the Acquisition and Restoration Council shall review
28 and make recommendations to the board concerning the request
29 for surplusings. The council shall determine whether the
30 request for surplusings is compatible with the resource values
31 of and management objectives for such lands.

1 ~~(f)(c)~~ In reviewing lands owned by the board pursuant
2 ~~to paragraphs (a) and (b)~~, the council or its successor shall
3 consider whether such lands would be more appropriately owned
4 or managed by the county or other unit of local government in
5 which the land is located. The council or its successor 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. Such lands shall be offered to the county or
11 local government for a period of 90 days. Permittable uses for
12 such surplus lands may include public schools, public
13 libraries, fire or law enforcement substations, and
14 governmental, judicial, or recreational centers. County or
15 local government requests for surplus lands shall be expedited
16 throughout the surplusing process. State agencies shall have
17 the subsequent opportunity to acquire the surplus lands for a
18 period not to exceed 30 days after the offer to a county or
19 local government expires. Surplus properties in which
20 governmental agencies have expressed no interest shall then be
21 available for sale on the private market.

22 (g) Lands determined to be surplus pursuant to this
23 subsection shall be sold for fair market value or the price
24 paid by the state or a water management district to originally
25 acquire the lands, whichever is greater, except that the price
26 of lands sold as surplus to any unit of government shall not
27 exceed the price paid by the state or a water management
28 district to originally acquire the lands. A unit of government
29 which acquires title to lands hereunder for less than fair
30 market value may not sell or transfer title to all or any
31 portion of the lands to any private owner for a period of 10

1 years. Any unit of government seeking to transfer or sell
2 lands pursuant to this paragraph shall first allow the board
3 of trustees to reacquire such lands. The board of trustees
4 may reacquire such lands for the price at which they sold such
5 lands.

6 (h)(d) After reviewing the recommendations of the
7 council or its successor, the board shall determine whether
8 lands identified for surplus in paragraphs (a) and (b) are to
9 be held for other public purposes or whether such lands are no
10 longer needed of no benefit to the public. The board may
11 require an agency to release its interest in such lands.

12 ~~Lands determined to be of no benefit to the public shall be~~
13 ~~disposed of pursuant to law. Each fiscal year, up to \$500,000~~
14 ~~of the proceeds from the disposal of such lands shall be~~
15 ~~placed in the Internal Improvement Trust Fund to be used to~~
16 ~~pay the costs of any administration, appraisal, management,~~
17 ~~conservation, protection, sales, or real estate sales~~
18 ~~services; any such proceeds in excess of \$500,000 shall be~~
19 ~~placed in the Conservation and Recreation Lands Trust Fund.~~

20 (i) Requests for surplusing may be made by any public
21 or private entity or person. All requests shall be submitted
22 to the lead managing agency for review and recommendation to
23 the council or its successor. Lead managing agencies shall
24 have 90 days to review such requests and make recommendations.
25 Any surplusing requests that have not been acted upon within
26 the 90-day time period shall be immediately scheduled for
27 hearing at the next regularly scheduled meeting of the council
28 or its successor. Requests for surplusing pursuant to this
29 paragraph shall not be required to be offered to local or
30 state governments as provided in paragraph (f).

31

1 (j) Proceeds from any sale of surplus lands pursuant
2 to this subsection shall be deposited into the fund from which
3 such lands were acquired. However, if the fund from which the
4 lands were originally acquired no longer exists, such proceeds
5 shall be deposited into an appropriate account for use by the
6 lead managing agency for land management.

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

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

15 (8) Land management plans required to be submitted by
16 the Department of Corrections or the Department of Education
17 shall not be subject to the ~~council review~~ provisions for
18 review by the council or its successor described in subsection
19 (5). Management plans filed by these agencies shall be made
20 available to the public for a period of 90 days at the
21 administrative offices of the parcel or project affected by
22 the management plan and at the Tallahassee offices of each
23 agency. Any plans not objected to during the public comment
24 period shall be deemed approved. Any plans for which an
25 objection is filed shall be submitted to the Board of Trustees
26 of the Internal Improvement Trust Fund for consideration. The
27 Board of Trustees of the Internal Improvement Trust Fund shall
28 approve the plan with or without modification, or reject the
29 plan. The use or possession of any such lands which is not in
30 accordance with an approved land management plan is subject to
31 termination by the board.

1 (10) The following additional uses of lands acquired
2 pursuant to the Florida Forever program and other state-funded
3 land purchase programs shall be authorized, upon a finding by
4 the board of trustees, if they meet the criteria specified in
5 paragraphs (a)-(e): water resource development projects, water
6 supply development projects, stormwater management projects,
7 linear facilities, and sustainable agriculture and forestry.
8 Such additional uses are authorized where:

9 (a) Not inconsistent with the management plan for such
10 lands;

11 (b) Compatible with the natural ecosystem and resource
12 values of such lands;

13 (c) The proposed use is appropriately located on such
14 lands and where due consideration is given to the use of other
15 available lands;

16 (d) The using entity reasonably compensates the
17 titleholder for such use based upon an appropriate measure of
18 value; and

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

20
21 A decision by the board of trustees pursuant to this
22 subsection shall be given a presumption of correctness.
23 Moneys received from the use of state lands pursuant to this
24 subsection shall be returned to the lead managing agency in
25 accordance with the provisions of s. 259.032(11)(d).

26 (11) Lands listed as projects for acquisition may be
27 managed for conservation pursuant to s. 259.032, on an interim
28 basis by a private party in anticipation of a state purchase
29 in accordance with a contractual arrangement between the
30 acquiring agency and the private party that may include
31 management service contracts, leases, cost share arrangements

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

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

14 Section 11. Paragraph (a) of subsection (4) of section
15 253.7825, Florida Statutes is amended to read:

16 253.7825 Recreational uses.--

17 (4)(a) A horse park-agricultural center may be
18 constructed by or on behalf of the Florida Department of
19 Agriculture and Consumer Services on not more than 500 ~~250~~
20 acres of former canal lands ~~which meet the criteria for~~
21 ~~surplus lands and which lie outside the greenways boundary.~~

22 Section 12. Section 259.03, Florida Statutes, is
23 amended to read:

24 259.03 Definitions.--The following terms and phrases
25 when used in this chapter ~~ss. 259.01-259.06~~ shall have the
26 meaning ascribed to them in this section, except where the
27 context clearly indicates a different meaning:

28 (1) "Council" means that council established pursuant
29 to s. 259.035.

30 ~~(2) "State capital projects for environmentally~~
31 ~~endangered lands" means a state capital project, as required~~

1 ~~by s. 11(a), Art. VII of the State Constitution, which shall~~
2 ~~have as its purpose the conservation and protection of~~
3 ~~environmentally unique and irreplaceable lands as valued~~
4 ~~ecological resources of this state.~~

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

9 ~~(2)(4)~~ "Board" means the Governor and Cabinet, as the
10 Board of Trustees of the Internal Improvement Trust Fund.

11 (3) "Capital improvement" means those activities
12 relating to the acquisition, restoration, public access, and
13 recreational uses of such lands, water areas, and related
14 resources deemed necessary to accomplish the purposes of this
15 chapter. Eligible activities include, but are not limited to:
16 the initial removal of invasive plants; the construction,
17 improvement, enlargement or extension of facilities' signs,
18 firelanes, access roads, and trails; or any other activities
19 that serve to restore, conserve, protect, or provide public
20 access, recreational opportunities, or necessary services for
21 land or water areas. Such activities shall be identified prior
22 to the acquisition of a parcel or the approval of a project.
23 The continued expenditures necessary for a capital improvement
24 approved under this subsection shall not be eligible for
25 funding provided in this chapter.

26 (4) "Department" means the Department of Environmental
27 Protection.

28 (5) "Division" means the Division of Bond Finance of
29 the State Board of Administration.

30 (6) "Water resource development project" means a
31 project eligible for funding pursuant to s. 259.105 that

1 increases the amount of water available to meet the needs of
2 natural systems and the citizens of the state by enhancing or
3 restoring aquifer recharge, facilitating the capture and
4 storage of excess flows in surface waters, or promoting reuse.
5 The implementation of eligible projects under s. 259.105
6 includes land acquisition, land and water body restoration,
7 aquifer storage and recovery facilities, surface water
8 reservoirs, and other capital improvements. The term does not
9 include construction of treatment, transmission, or
10 distribution facilities.

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

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

16 (1) It is the policy of the state that the citizens of
17 this state shall be assured public ownership of natural areas
18 for purposes of maintaining this state's unique natural
19 resources; protecting air, land, and water quality; promoting
20 water resource development to meet the needs of natural
21 systems and citizens of this state; promoting restoration
22 activities on public lands; and providing lands for natural
23 resource based recreation. In recognition of this policy, it
24 is the intent of the Legislature to provide such public lands
25 for the people residing in urban and metropolitan areas of the
26 state, as well as those residing in less populated, rural
27 areas. It is the further intent of the Legislature, with
28 regard to the lands described in paragraph (3)(c), that a high
29 priority be given to the acquisition of such lands in or near
30 counties exhibiting the greatest concentration of population
31 and, with regard to the lands described in subsection (3),

1 that a high priority be given to acquiring lands or rights or
2 interests in lands within any area designated as an area of
3 critical state concern under s. 380.05 which, in the judgment
4 of the advisory council established pursuant to s. 259.035, or
5 its successor, cannot be adequately protected by application
6 of land development regulations adopted pursuant to s. 380.05.
7 Finally, it is the Legislature's intent that lands acquired
8 through this program and any successor programs be managed in
9 such a way as to protect or restore their natural resource
10 values, and provide the greatest benefit, including public
11 access, to the citizens of this state.

12 (2)(a) The Conservation and Recreation Lands Trust
13 Fund is established within the Department of Environmental
14 Protection. The fund shall be used as a nonlapsing, revolving
15 fund exclusively for the purposes of this section. The fund
16 shall be credited with proceeds from the following excise
17 taxes:

18 1. The excise taxes on documents as provided in s.
19 201.15; and

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

22
23 The Department of Revenue shall credit to the fund each month
24 the proceeds from such taxes as provided in this paragraph.

25 (b) There shall annually be transferred from the
26 Conservation and Recreation Lands Trust Fund to the Land
27 Acquisition Trust Fund that amount, not to exceed \$20 million
28 annually, as shall be necessary to pay the debt service on, or
29 fund debt service reserve funds, rebate obligations, or other
30 amounts with respect to bonds issued pursuant to s. 375.051 to
31 acquire lands on the established priority list developed

1 pursuant to this section ~~as determined by the advisory council~~
2 ~~pursuant to s. 259.035~~; however, no moneys transferred to the
3 Land Acquisition Trust Fund pursuant to this paragraph, or
4 earnings thereon, shall be used or made available to pay debt
5 service on the Save Our Coast revenue bonds. Amounts
6 transferred annually from the Conservation and Recreation
7 Lands Trust Fund to the Land Acquisition Trust Fund pursuant
8 to this paragraph shall have the highest priority over other
9 payments or transfers from the Conservation and Recreation
10 Lands Trust Fund, and no other payments or transfers shall be
11 made from the Conservation and Recreation Lands Trust Fund
12 until such transfers to the Land Acquisition Trust Fund have
13 been made. Effective July 1, 2001, moneys in the Conservation
14 and Recreation Lands Trust Fund also shall be used to manage
15 lands and to pay for related costs, activities, and functions
16 pursuant to the provisions of this section.

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 fund in any one year to acquire the fee or any
20 lesser interest in lands for the following public purposes:

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

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

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

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

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

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

13 (f) To facilitate the restoration and subsequent
14 health and vitality of the Florida Everglades;

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

19 (h)~~(f)~~ To preserve significant archaeological or
20 historic sites; or

21 (i)~~(g)~~ To conserve urban open spaces suitable for
22 greenways or outdoor recreation which are compatible with
23 conservation purposes.

24 (7) The board of trustees may enter into any contract
25 necessary to accomplish the purposes of this section. The lead
26 land managing agencies designated by the board of trustees
27 also are directed by the Legislature to enter into contracts
28 or interagency agreements with other governmental entities,
29 including local soil and water conservation districts, or
30 private land managers who have the expertise to perform
31 specific management activities which a lead agency lacks, or

1 which would cost more to provide in-house. Such activities
2 shall include, but not be limited to, controlled burning, road
3 and ditch maintenance, mowing, and wildlife assessments.

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

29 (9)~~(a)~~ All lands managed under this chapter and s.
30 253.034 ~~section~~ shall be:

31

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

4 (b)2. Managed for public outdoor recreation which is
5 compatible with the conservation and protection of public
6 lands. Such management may include, but not be limited to, the
7 following public recreational uses: fishing, hunting,
8 camping, bicycling, hiking, nature study, swimming, boating,
9 canoeing, horseback riding, diving, model hobbyist activities,
10 birding, sailing, jogging, and other related outdoor
11 activities compatible with the purposes for which the lands
12 were acquired.

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

15
16 ~~Management may include the following public uses: fishing,~~
17 ~~hunting, camping, bicycling, hiking, nature study, swimming,~~
18 ~~boating, canoeing, horseback riding, diving, birding, sailing,~~
19 ~~jogging, and other related outdoor activities.~~

20 (d)(b)1. Concurrent with its adoption of the annual
21 Conservation and Recreation ~~Recreational~~ Lands list of
22 acquisition projects pursuant to s. 259.035, the board of
23 trustees shall adopt a management prospectus for each project.
24 The management prospectus shall delineate:

25 1. The management goals for the property;

26 2. The conditions that will affect the intensity of
27 management;

28 3. An estimate of the revenue-generating potential of
29 the property, if appropriate;
30
31

1 4. A timetable for implementing the various stages of
2 management and for providing access to the public, if
3 applicable;

4 5. A description of potential multiple-use activities
5 as described in this section and s. 253.034;

6 6. Provisions for protecting existing infrastructure
7 and for ensuring the security of the project upon acquisition;

8 7. The anticipated costs of management and projected
9 sources of revenue, including legislative appropriations, to
10 fund management needs; and

11 8. Recommendations as to how many employees will be
12 needed to manage the property, and recommendations as to
13 whether local governments, volunteer groups, the former
14 landowner, or other interested parties can be involved in the
15 management.

16 ~~(e)2.~~ Concurrent with the approval of the acquisition
17 contract pursuant to s. 259.041(3)(c) for any interest in
18 lands, the board of trustees shall designate an agency or
19 agencies to manage such lands and shall evaluate and amend, as
20 appropriate, the management policy statement for the project
21 as provided by s. 259.035, consistent with the purposes for
22 which the lands are acquired. For any fee simple acquisition
23 of a parcel which is or will be leased back for agricultural
24 purposes, or any acquisition of a less-than-fee interest in
25 land that is or will be used for agricultural purposes, the
26 Board of Trustees of the Internal Improvement Trust Fund shall
27 first consider having a soil and water conservation district,
28 created pursuant to chapter 582, manage and monitor such
29 interests.

30 ~~(f)3.~~ State agencies designated to manage lands
31 acquired under this chapter may contract with local

1 governments and soil and water conservation districts to
2 assist in management activities, including the responsibility
3 of being the lead land manager. Such land management
4 contracts may include a provision for the transfer of
5 management funding to the local government or soil and water
6 conservation district from the Conservation and Recreation
7 Lands Trust Fund in an amount adequate for the local
8 government or soil and water conservation district to perform
9 its contractual land management responsibilities and
10 proportionate to its responsibilities, and which otherwise
11 would have been expended by the state agency to manage the
12 property.

13 (g)~~4~~. Immediately following the acquisition of any
14 interest in lands under this chapter, the Department of
15 Environmental Protection, acting on behalf of the board of
16 trustees, may issue to the lead managing entity an interim
17 assignment letter to be effective until the execution of a
18 formal lease.

19 (10)(a) State, regional, or local governmental
20 agencies or private entities designated to manage lands under
21 this section shall develop and adopt, with the approval of the
22 board of trustees, an individual management plan for each
23 project designed to conserve and protect such lands and their
24 associated natural resources. Private sector involvement in
25 management plan development may be used to expedite the
26 planning process.

27 (b) ~~Beginning fiscal year 1998-1999,~~ Individual
28 management plans required by s. 253.034~~(5)(4)~~, for parcels
29 over 160 acres, shall be developed with input from an advisory
30 group. Members of this advisory group shall include, at a
31 minimum, representatives of the lead land managing agency,

1 comanaging entities, local private property owners, the
2 appropriate soil and water conservation district, a local
3 conservation organization, and a local elected official. The
4 advisory group shall conduct at least one public hearing
5 within the county in which the parcel or project is located.
6 For those parcels or projects that are within more than one
7 county, at least one areawide public hearing shall be
8 acceptable and the lead managing agency shall invite a local
9 elected official from each county. The areawide public hearing
10 shall be held in the county in which the core parcels are
11 located. Notice of such public hearing shall be posted on the
12 parcel or project designated for management, advertised in a
13 paper of general circulation, and announced at a scheduled
14 meeting of the local governing body before the actual public
15 hearing. The management prospectus required pursuant to
16 paragraph (9) ~~(d)(b)~~ shall be available to the public for a
17 period of 30 days prior to the public hearing.

18 (c) Once a plan is adopted, the managing agency or
19 entity shall update the plan at least every 5 years in a form
20 and manner prescribed by rule of the board of trustees. Such
21 updates, for parcels over 160 acres, shall be developed with
22 input from an advisory group. Such plans may include transfers
23 of leasehold interests to appropriate conservation
24 organizations or governmental entities designated by the Land
25 Acquisition and Management Advisory Council or its successor,
26 for uses consistent with the purposes of the organizations and
27 the protection, preservation, conservation, restoration, and
28 proper management of the lands and their resources. Volunteer
29 management assistance is encouraged, including, but not
30 limited to, assistance by youths participating in programs
31 sponsored by state or local agencies, by volunteers sponsored

1 by environmental or civic organizations, and by individuals
2 participating in programs for committed delinquents and
3 adults.

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

16 (e)~~(a)~~ Individual management plans shall conform to
17 the appropriate policies and guidelines of the state land
18 management plan and shall include, but not be limited to:

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

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

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

30
31

1 4. A priority schedule for conducting management
2 activities, based on the purposes for which the lands were
3 acquired.

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

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

12 7. A determination of the public uses and public
13 access that would be consistent with the purposes for which
14 the lands were acquired.

15 (f)(b) The Division of State Lands shall submit a copy
16 of each individual management plan for parcels which exceed
17 160 acres in size to each member of the Land Acquisition and
18 Management Advisory Council or its successor, which shall:-

19 1. ~~The council shall,~~ Within 60 days after receiving a
20 plan from the division, review each plan for compliance with
21 the requirements of this subsection and with the requirements
22 of the rules established by the board pursuant to this
23 subsection.

24 2. ~~The council shall also~~ Consider the propriety of
25 the recommendations of the managing agency with regard to the
26 future use or protection of the property.

27 3. After its review, ~~the council shall~~ submit the
28 plan, along with its recommendations and comments, to the
29 board of trustees, with recommendations as to. ~~The council~~
30 ~~shall specifically recommend to the board of trustees whether~~
31

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

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

12

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

19 (11)(a) The Legislature recognizes that acquiring
20 lands pursuant to this chapter serves the public interest by
21 protecting land, air, and water resources which contribute to
22 the public health and welfare, providing areas for natural
23 resource based recreation, and ensuring the survival of unique
24 and irreplaceable plant and animal species. The Legislature
25 intends for these lands to be managed and maintained for the
26 purposes for which they were acquired and for the public to
27 have access to and use of these lands where it is consistent
28 with acquisition purposes and would not harm the resources the
29 state is seeking to protect on the public's behalf.

30 (b) An amount up to 1.5 percent of the cumulative
31 total of funds ever deposited into the Florida Preservation

1 2000 Trust Fund and the Florida Forever Trust Fund shall be
2 made available for the purposes of management, maintenance,
3 and capital improvements not eligible for funding pursuant to
4 s. 11(e), Art. VII of the State Constitution, and for
5 associated contractual services, for lands acquired pursuant
6 to this section, ~~and~~ s. 259.101, s. 259.105, or previous
7 programs for the acquisition of lands for conservation and
8 recreation, including state forests, to which title is vested
9 in the board of trustees. Of this amount, \$250,000 shall be
10 transferred annually to the Plant Industry Trust Fund within
11 the Department of Agriculture and Consumer Services for the
12 purpose of implementing the Endangered or Threatened Native
13 Flora Conservation Grants Program pursuant to s. 581.185(11).

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

24 (c) In requesting funds provided for in paragraph (b)
25 for long-term management of all acquisitions pursuant to this
26 chapter and for associated contractual services, the managing
27 agencies shall recognize the following categories of land
28 management needs:

29 1. Lands which are low-need tracts, requiring basic
30 resource management and protection, such as state reserves,
31 state preserves, state forests, and wildlife management areas.

1 These lands generally are open to the public but have no more
2 than minimum facilities development.

3 2. Lands which are moderate-need tracts, requiring
4 more than basic resource management and protection, such as
5 state parks and state recreation areas. These lands generally
6 have extra restoration or protection needs, higher
7 concentrations of public use, or more highly developed
8 facilities.

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

16
17 In evaluating the management funding needs of lands based on
18 the above categories, the lead land managing agencies shall
19 include in their considerations the impacts of, and needs
20 created or addressed by, multiple-use management strategies.

21 (d) All revenues generated through multiple-use
22 management or compatible secondary-use management shall be
23 returned to the lead agency responsible for such management
24 and shall be used to pay for management activities on all
25 conservation, preservation, and recreation lands under the
26 agency's jurisdiction. In addition, such revenues shall be
27 segregated in an agency trust fund and shall remain available
28 to the agency in subsequent fiscal years to support land
29 management appropriations. For the purposes of this paragraph,
30 compatible secondary-use management shall be those activities

31

1 described in subsection (9) undertaken on parcels designated
2 as single use pursuant to s. 253.034(2)(b).

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

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

27 (12)(a) Beginning July 1, 1999 ~~in fiscal year~~
28 ~~1994-1995,~~ the Legislature shall make available sufficient
29 funds annually from not more than 3.75 percent of the
30 Conservation and Recreation Lands Trust Fund ~~shall be made~~
31 ~~available annually~~ to the department for payment in lieu of

1 taxes to qualifying counties, ~~cities,~~ and local governments as
2 defined in paragraph (b) for all actual tax losses incurred as
3 a result of board of trustees acquisitions for state agencies
4 under the Florida Forever program or the Florida Preservation
5 2000 program during any year. Reserved funds not used for
6 payments in lieu of taxes in any year shall revert to the fund
7 to be used for land acquisition in accordance with the
8 provisions of this section.

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

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

20 2. To all local governments located in eligible
21 counties. ~~To counties with a population of less than 100,000~~
22 ~~which contain all or a portion of an area of critical state~~
23 ~~concern designated pursuant to chapter 380 and to local~~
24 ~~governments within such counties.~~

25 3. To Glades county, where a privately owned and
26 operated prison leased to the state has recently been opened
27 and where privately owned and operated juvenile justice
28 facilities leased to the state have recently been constructed
29 and opened, a payment in lieu of taxes, in an amount that
30 offsets the loss of property tax revenue, which funds have
31 already been appropriated and allocated from the Department of

1 Correction's budget for the purpose of reimbursing amounts
2 equal to lost ad valorem taxes.

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

9
10 ~~For the purposes of this paragraph, "local government"~~
11 ~~includes municipalities, the county school board, mosquito~~
12 ~~control districts, and any other local government entity which~~
13 ~~levies ad valorem taxes, with the exception of a water~~
14 ~~management district.~~

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

21 ~~(c)(d)~~ If insufficient funds are available in any year
22 to make full payments to all qualifying counties, cities, and
23 local governments, such counties, cities, and local
24 governments shall receive a pro rata share of the moneys
25 available.

26 ~~(d)(e)~~ The payment amount shall be based on the
27 average amount of actual taxes paid on the property for the 3
28 years preceding acquisition. Applications for payment in lieu
29 of taxes shall be made no later than January 31 of the year
30 following acquisition. No payment in lieu of taxes shall be
31 made for properties which were exempt from ad valorem taxation

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

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

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

29
30 For the purposes of this subsection, "local government"
31 includes municipalities, the county school board, mosquito

1 control districts, and any other local government entity which
2 levies ad valorem taxes, with the exception of a water
3 management district.

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

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

15 259.0345 Florida Forever Advisory Council.--

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

28 (b) The members appointed by the Governor shall serve
29 4-year terms, except that, initially, to provide for staggered
30 terms, three of the appointees shall serve 2-year terms. No
31 appointee shall serve more than 6 years. The Governor may at

1 any time fill a vacancy for the unexpired term of a member
2 appointed under paragraph (a).

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

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

16 (e) Appointments shall be made by August 15, 1999, and
17 the council's first meeting shall be held by September 15,
18 1999. Beginning, January 1, 2000, the council shall, at a
19 minimum, meet twice a year.

20 (2) The Governor shall appoint the chair of the
21 council, and a vice chair shall be elected from among the
22 voting members.

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

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

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

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

7 (7) The council shall provide a report, by November 1,
8 2000, to the Secretary of Environmental Protection, who shall
9 forward the report to the board of trustees for their
10 approval. After approval by the board of trustees the
11 secretary shall forward the approved report to the President
12 of the Senate and the Speaker of the House of Representatives,
13 at least 30 days prior to the 2001 Regular Legislative
14 Session, for review by the appropriate legislative committees
15 with jurisdiction over the department. The Legislature may
16 reject, modify, or take no action relative to the goals and
17 performance measures established by the report. If no action
18 is taken the goals and performance measures shall be
19 implemented. The report shall meet the following
20 requirements:

21 (a) Establish specific goals for those identified in
22 s. 259.105(4).

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

25 (c) Provide recommendations for the development and
26 identification of performance measures to be used for
27 analyzing the progress made towards the goals established
28 pursuant to s. 259.105(4).

29 (d) Provide recommendations for the process by which
30 projects are to be submitted, reviewed, and approved by the
31 Acquisition and Restoration Council. The advisory council is

1 to specifically examine ways to streamline the process created
2 by the Florida Forever Act.

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

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

18 (a) Comments received during public hearings, in
19 different areas of the state, held for the purpose of
20 gathering public input and recommendations.

21 (b) Evaluations of Florida's existing public land
22 acquisition programs for conservation, preservation, and
23 recreational purposes, including those administered by the
24 water management districts and the Department of Community
25 Affairs, to determine the extent of Florida's unmet needs for
26 restoration, acquisition, and management of public lands and
27 water areas and for acquisition of privately owned lands and
28 water areas.

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

31

1 Section 15. There is hereby appropriated the sum of
2 \$150,000 from the Conservation and Recreation Lands Trust Fund
3 and the sum of \$150,000 from the Water Management Lands Trust
4 Fund to the Department of Environmental Protection for fiscal
5 year 1999-2000 to fund the expenses of the Florida Forever
6 Advisory Council. Of this appropriation the Florida Natural
7 Areas Inventory shall receive no less than \$50,000 for the
8 contractual services required under s. 259.035(5), Florida
9 Statutes.

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

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

14 259.035 Acquisition and Restoration Council.--

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

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

27 (b) The five remaining appointees shall be composed of
28 the secretary of the department, the director of the Division
29 of Forestry of the Department of Agriculture and Consumer
30 Services, the executive director of the Fish and Wildlife
31 Conservation Commission, the director of the Division of

1 Historial Resources of the Department of State, and the
2 Secretary of Department of Community Affairs, or their
3 respective designees.

4 (c) The Governor shall appoint the chair of the
5 council, and a vice chair shall be elected from among the
6 members.

7 (d) The council shall hold periodic meetings at the
8 request of the chair.

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

13 (f) The department has authority to adopt rules
14 pursuant to ss. 120.536(1) and 120.54 to implement the
15 provisions of this section.

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

22 (3) The council shall provide assistance to the board
23 of trustees in reviewing the recommendations and plans for
24 state-owned lands required under s. 253.034. The council
25 shall, in reviewing such recommendations and plans, consider
26 the optimization of multiple-use and conservation strategies
27 to accomplish the provisions funded pursuant to s.
28 259.101(3)(a). Such funds shall only be used to acquire lands
29 identified in the annual Conservation and Recreation Lands
30 list approved by the board of trustees in the year 2000.

31

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

3 259.036 Management review teams.--

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

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

15 259.04 Board; powers and duties.--

16 (1) For ~~state capital~~ projects and acquisitions
17 selected for purchase pursuant to ss. 259.034, 259.035,~~and~~
18 259.101, and 259.105:

19 (a) The board is given the responsibility, authority,
20 and power to develop and execute a comprehensive, statewide
21 5-year plan to conserve, restore, and protect environmentally
22 endangered lands, ecosystems, lands necessary for outdoor
23 recreational needs, and other lands as identified in ss.
24 259.032,~~and~~ 259.101, and 259.105. This plan shall be kept
25 current through continual reevaluation and revision. The
26 advisory council or its successor shall assist the board in
27 the development, reevaluation, and revision of the plan.

28 (b) The board may enter into contracts with the
29 government of the United States or any agency or
30 instrumentality thereof; the state or any county,
31 municipality, district authority, or political subdivision; or

1 any private corporation, partnership, association, or person
2 providing for or relating to the conservation or protection of
3 certain lands in accomplishing the purposes of this chapter
4 ~~ss. 259.01-259.06~~.

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

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

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

20 Section 19. Subsections (1) and (3), paragraph (e) of
21 subsection (7), and present subsection (14) of section
22 259.041, Florida Statutes, 1998 Supplement, are amended,
23 subsections (11) through (18) are renumbered as subsections
24 (12) through (19), respectively, and a new subsection (11) is
25 added to said section, to read:

26 259.041 Acquisition of state-owned lands for
27 preservation, conservation, and recreation purposes.--

28 (1) Neither the Board of Trustees of the Internal
29 Improvement Trust Fund nor its duly authorized agent shall
30 commit the state, through any instrument of negotiated
31 contract or agreement for purchase, to the purchase of lands

1 with or without appurtenances unless the provisions of this
2 section have been fully complied with. However, the board of
3 trustees may waive any requirement of this section, except the
4 requirements of subsections (3), ~~(13)~~, and (14), and (15); or,
5 notwithstanding chapter 120, may waive any rules adopted
6 pursuant to this section, except rules adopted pursuant to
7 subsections (3), ~~(13)~~, and (14), and (15); or may substitute
8 other reasonably prudent procedures, provided the public's
9 interest is reasonably protected. The title to lands acquired
10 pursuant to this section shall vest in the board of trustees
11 as provided in s. 253.03(1), unless otherwise provided by law.
12 All such lands, title to which is vested in the board of
13 trustees pursuant to this section, shall be administered
14 pursuant to the provisions of s. 253.03.

15 (3) No agreement to acquire real property for the
16 purposes described in this chapter, chapter 260, or chapter
17 375, title to which will vest in the board of trustees, may
18 bind the state unless and until the agreement has been
19 reviewed and approved by the Department of Environmental
20 Protection as complying with the requirements of this section
21 and any rules adopted pursuant to this section. ~~However,~~
22 ~~review and approval of agreements for acquisitions for Florida~~
23 ~~Greenways and Trails Program properties pursuant to chapter~~
24 ~~260 may be waived by the department in any contract with~~
25 ~~nonprofit corporations who have agreed to assist the~~
26 ~~department with this program.~~ Where any of the following
27 conditions exist, the agreement shall be submitted to and
28 approved by the board of trustees:

29 (a) The purchase price agreed to by the seller exceeds
30 the value as established pursuant to the rules of the board of
31 trustees;

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

3 (c) The acquisition is the initial purchase in a
4 project; or

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

10

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

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

29 (e) Generally, appraisal reports are confidential and
30 exempt from the provisions of s. 119.07(1), for use by the
31 agency and the board of trustees, until an option contract is

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

28
29 Notwithstanding the provisions of this subsection, on behalf
30 of the board and before the appraisal of parcels approved for
31 purchase under this chapter, the Secretary of Environmental

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

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

26 1. Allow more lands to be brought under public
27 protection for preservation, conservation, and recreational
28 purposes with less expenditure of public funds.

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

31

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

4
5 Therefore, it is the intent of the Legislature that public
6 land acquisition agencies develop programs to pursue
7 alternatives to fee simple acquisition and to educate private
8 landowners about such alternatives and the benefits of such
9 alternatives. It is also the intent of the Legislature that a
10 portion of the shares of Preservation 2000 and Florida Forever
11 bond proceeds be used to purchase eligible properties using
12 alternatives to fee simple acquisition.

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

1 not specifically acquired by the public agency. The lands upon
2 which hunting rights are specifically acquired pursuant to
3 this paragraph shall be available for hunting in accordance
4 with the management plan or hunting regulations adopted by the
5 Florida Fish and Wildlife Conservation Commission, unless the
6 hunting rights are purchased specifically to protect
7 activities on adjacent lands.

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

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

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

31

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

5 ~~(15)(14)~~ The board of trustees, by an affirmative vote
6 of five members, may direct the department to purchase lands
7 on an immediate basis using up to 15 percent of the funds
8 allocated to the department pursuant to ~~ss. s-~~259.101(3)(a)
9 and 259.105 for the acquisition of lands that:

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

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

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

20
21 For such acquisitions, the board of trustees may waive or
22 modify all procedures required for land acquisition pursuant
23 to this chapter and all competitive bid procedures required
24 pursuant to chapters 255 and 287. Lands acquired pursuant to
25 this subsection must, at the time of purchase, be on one of
26 the acquisition lists established pursuant to this chapter, or
27 be essential for water resource development, protection, or
28 restoration, or a significant portion of the lands must
29 contain natural communities or plant or animal species which
30 are listed by the Florida Natural Areas Inventory as
31

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

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

6 259.101 Florida Preservation 2000 Act.--

7 (6) DISPOSITION OF LANDS.--

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

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

1 an exchange are described in the same paragraph of subsection
2 (3) as the lands disposed.

3 (9)

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

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

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

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

10 259.105 The Florida Forever Act.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 limited to, abandoned railroad rights-of-way and the Florida
2 National Scenic Trail.

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

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

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

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

1 (c) The restoration of land areas, as measured by a
2 reduction in nonnative species, level of maintenance control
3 of invasive species, reforestation rates, or regeneration of
4 natural communities.

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

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

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

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

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

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

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

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

1 (l) The restoration of degraded water bodies, as
2 measured by the number of goals implemented under a surface
3 water improvement plan or other restoration plans.

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

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

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

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

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

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

1 (7)(a) Beginning July 1, 2000, and every year
2 thereafter, the Acquisition and Restoration Council shall
3 accept applications from state agencies, local governments,
4 nonprofit and for-profit organizations, private land trusts,
5 and individuals for project proposals eligible for funding
6 pursuant to paragraph (3)(b). The council shall evaluate the
7 proposals received pursuant to this subsection to ensure that
8 they meet at least one of the criteria under subsection (9).

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

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

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

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

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

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

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

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

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

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

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

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

30 (g) The project has a significant portion of its land
31 area in imminent danger of development, in imminent danger of

1 losing its significant natural attributes or recreational open
2 space, or in imminent danger of subdivision which would result
3 in multiple ownership and make acquisition of the project
4 costly or less likely to be accomplished.

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

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

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

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

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

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

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

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

31

1 (b) 25 percent to the Southwest Florida Water
2 Management District.

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

5 (d) 7.5 percent to the Suwannee River Water Management
6 District.

7 (e) 7.5 percent to the Northwest Florida Water
8 Management District.

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

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

25 (14) Each year that bonds are to be issued pursuant to
26 this section, the Acquisition and Restoration Council shall
27 review that year's approved project list and shall, by the
28 first board meeting in May, present to the Board of Trustees
29 of the Internal Improvement Trust Fund for approval a listing
30 of projects developed pursuant to subsection (8). The board of
31 trustees may remove projects from the list developed pursuant

1 to this subsection, but may not add projects or rearrange
2 project rankings.

3 (15) The Acquisition and Restoration Council shall
4 submit to the board of trustees, with its list of projects, a
5 report that includes, but shall not be limited to, the
6 following information for each project listed:

7 (a) The stated purpose for inclusion.

8 (b) Projected costs to achieve the project goals.

9 (c) An interim management budget.

10 (d) Specific performance measures.

11 (e) Plans for public access.

12 (f) An identification of the essential parcel or
13 parcels within the project without which the project cannot be
14 properly managed.

15 (g) Where applicable, an identification of those
16 projects or parcels within projects which should be acquired
17 in fee simple or in less than fee simple.

18 (h) An identification of those lands being purchased
19 for conservation purposes.

20 (i) A management policy statement for the project and
21 a management prospectus pursuant to s. 259.032(9)(d).

22 (j) An estimate of land value based on county tax
23 assessed values.

24 (k) A map delineating project boundaries.

25 (l) An assessment of the project's ecological value,
26 outdoor recreational value, forest resources, wildlife
27 resources, ownership pattern, utilization, and location.

28 (m) A discussion of whether alternative uses are
29 proposed for the property and what those uses are.

30 (n) A designation of the management agency or
31 agencies.

1 (16) All proposals for projects pursuant to paragraph
2 (3)(b) shall be implemented only if adopted by the Acquisition
3 and Restoration Council and approved by the board of
4 trustees. The council shall consider and evaluate in writing
5 the merits and demerits of each project that is proposed for
6 Florida Forever funding and shall ensure that each proposed
7 project will meet a stated public purpose for the restoration,
8 conservation, or preservation of environmentally sensitive
9 lands and water areas or for providing outdoor recreational
10 opportunities. The council also shall determine if the
11 project conforms, where applicable, with the comprehensive
12 plan developed pursuant to s. 259.04(1)(a), the comprehensive
13 multipurpose outdoor recreation plan developed pursuant to s.
14 375.021, the state lands management plan adopted pursuant to
15 s. 253.03(7), the water resources work plans developed
16 pursuant to s. 373.199, and the provisions of this section.
17 (17)(a) The Board of Trustees of the Internal
18 Improvement Trust Fund, or, in the case of water management
19 district lands, the owning water management district, may
20 authorize the granting of a lease, easement, or license for
21 the use of certain lands acquired pursuant to this section,
22 for certain uses that are determined by the appropriate board
23 to be compatible with the resource values of and management
24 objectives for such lands.
25 (b) Any existing lease, easement, or license acquired
26 for incidental public or private use on, under, or across any
27 lands acquired pursuant to this section shall be presumed to
28 be compatible with the purposes for which such lands were
29 acquired.
30 (c) Notwithstanding the provisions of paragraph (a),
31 no such lease, easement, or license shall be entered into by

1 the Department of Environmental Protection or other
2 appropriate state agency if the granting of such lease,
3 easement, or license would adversely affect the exclusion of
4 the interest on any revenue bonds issued to fund the
5 acquisition of the affected lands from gross income for
6 federal income tax purposes, pursuant to Internal Revenue
7 Service regulations.

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

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

1 leases, cost share arrangements or resource conservation
2 agreements. Lands designated as eligible under this
3 subsection shall be managed to maintain or enhance the
4 resources the state is seeking to protect by acquiring the
5 land. Funding for these contractual arrangements may
6 originate from the documentary stamp tax revenue deposited
7 into the Conservation and Recreation Lands Trust Fund and
8 Water Management Lands Trust Fund. No more than five percent
9 of funds allocated under the trust funds shall be expended for
10 this purpose.

11 Section 22. Subsections (2), (3), and (4) of section
12 260.012, Florida Statutes, 1998 Supplement, are amended to
13 read:

14 260.012 Declaration of policy and legislative
15 intent.--

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

1 whenever possible, the development of greenways and trails on
2 federal lands by the Federal Government; and to encourage the
3 owners of private lands to protect the existing ecological,
4 historical, and cultural values of their lands, including
5 those values derived from working landscapes.

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

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

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

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

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

26 260.013 Definitions.--As used in ss. 260.011-260.018,
27 unless the context otherwise requires:

28 (3) "Designation" means the identification and
29 inclusion of specific lands and waterways as part of the
30 statewide system of greenways and trails pursuant to a formal
31 public process, including the specific written consent of the

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

9 Section 24. Section 260.014, Florida Statutes, 1998
10 Supplement, is amended to read:

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

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

26 260.0142 Florida Greenways and Trails Council;
27 composition; powers and duties.--

28 (1) There is hereby created within the Department of
29 Environmental Protection the Florida Greenways and Trails
30 Council which shall advise the department in the execution of
31

1 the department's powers and duties under this chapter. The
2 council shall be composed of 21 members, consisting of:

3 (a) Five members appointed by the Governor, with two
4 members representing the trail user community, two members
5 representing the greenway user community, and one member
6 representing private landowners. Of the initial appointments,
7 two shall be appointed for 2-year terms and three shall be
8 appointed for 1-year terms. Subsequent appointments shall be
9 for 2-year terms.

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

16 (c) Three members appointed by the Speaker of the
17 House of Representatives, with two members representing the
18 trail user community and one member representing the greenway
19 user community. Of the initial appointments, two shall be
20 appointed for 2-year terms and one shall be appointed for a
21 1-year term. Subsequent appointments shall be for 2-year
22 terms.

23
24 Those eligible to represent the trail user community shall be
25 chosen from, but not be limited to, paved trail users, hikers,
26 off-road bicyclists, paddlers, equestrians, disabled outdoor
27 recreational users, and commercial recreational interests.
28 Those eligible to represent the greenway user community shall
29 be chosen from, but not be limited to, conservation
30 organizations, nature study organizations, and scientists and
31 university experts.

- 1 (d) The 10 remaining members shall include:
- 2 1. The Secretary of Environmental Protection or a
- 3 designee;
- 4 2. The executive director of the Fish and Wildlife
- 5 Conservation Commission or a designee;
- 6 3. The Secretary of Community Affairs or a designee;
- 7 4. The Secretary of Transportation or a designee;
- 8 5. The Director of the Division of Forestry of the
- 9 Department of Agriculture and Consumer Services or a designee;
- 10 6. The director of the Division of Historical
- 11 Resources of the Department of State or a designee;
- 12 7. A representative of the water management districts
- 13 who shall serve for 1 year. Membership on the council shall
- 14 rotate among the five districts. The districts shall
- 15 determine the order of rotation;
- 16 8. A representative of a federal land management
- 17 agency. The Secretary of Environmental Protection shall
- 18 identify the appropriate federal agency and request
- 19 designation of a representative from the agency to serve on
- 20 the council;
- 21 9. A representative of the regional planning councils
- 22 to be appointed by the Secretary of Environmental Protection,
- 23 in consultation with the Secretary of Community Affairs, for a
- 24 single 2-year term. The representative shall not be selected
- 25 from the same regional planning council for successive terms;
- 26 and
- 27 10. A representative of local governments to be
- 28 appointed by the Secretary of Environmental Protection, in
- 29 consultation with the Secretary of Community Affairs, for a
- 30 single 2-year term. Membership shall alternate between a
- 31 county representative and a municipal representative.

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

3 (3) The council is authorized to contract for and to
4 accept gifts, grants, or other aid from the United States
5 Government or any person or corporation.

6 (4) The duties of the council shall include, but not
7 be limited to, the following:

8 (a) Advise the Department of Environmental Protection,
9 the Department of Community Affairs, the Department of
10 Transportation, the Fish and Wildlife Conservation Commission,
11 the Division of Forestry of the Department of Agriculture and
12 Consumer Services, the water management districts, and the
13 regional planning councils on policies relating to the Florida
14 Greenways and Trails System, and promote intergovernmental
15 cooperation;

16 (b) Facilitate a statewide system of interconnected
17 landscape linkages, conservation corridors, greenbelts,
18 recreational corridors and trails, scenic corridors,
19 utilitarian corridors, reserves, regional parks and preserves,
20 ecological sites, and cultural/historic/recreational sites;

21 (c) Facilitate a statewide system of interconnected
22 land-based trails that connect urban, suburban, and rural
23 areas of the state and facilitate expansion of the statewide
24 system of freshwater and saltwater paddling trails;

25 (d) Recommend priorities for critical links in the
26 Florida Greenways and Trails System;

27 (e) Review applications for acquisition funding under
28 the Florida Greenways and Trails Program and recommend to the
29 Secretary of Environmental Protection which projects should be
30 acquired;

31

1 (f) Provide funding recommendations to agencies and
2 organizations regarding the acquisition, development, and
3 management of greenways and trails, including the promotion of
4 private landowner incentives;

5 (g) Review designation proposals for inclusion in the
6 Florida Greenways and Trails System;

7 (h) Provide advocacy and education to benefit the
8 statewide system of greenways and trails by encouraging
9 communication and conferencing;

10 (i) Encourage public-private partnerships to develop
11 and manage greenways and trails;

12 (j) Review progress toward meeting established
13 benchmarks and recommend appropriate action;

14 (k) Make recommendations for updating and revising the
15 implementation plan for the Florida Greenways and Trails
16 System;

17 (l) Advise the Land Acquisition and Management
18 Advisory Council or its successor to ensure the incorporation
19 of greenways and trails in land management plans on lands
20 managed by the Department of Environmental Protection, the
21 Fish and Wildlife Conservation Commission, the Division of
22 Historical Resources of the Department of State, and the
23 Division of Forestry of the Department of Agriculture and
24 Consumer Services;

25 (m) Provide advice and assistance to the Department of
26 Transportation and the water management districts regarding
27 the incorporation of greenways and trails into their planning
28 efforts;

29 (n) Encourage land use, environmental, and coordinated
30 linear infrastructure planning to facilitate the
31

1 implementation of local, regional, and statewide greenways and
2 trails systems;

3 (o) Promote greenways and trails support
4 organizations; and

5 (p) Support the Florida Greenways and Trails System in
6 any other appropriate way.

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

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

22 (7) Members of the council shall not receive any
23 compensation for their services but shall be entitled to
24 receive reimbursement for per diem and travel expenses
25 incurred in the performance of their duties, as provided in s.
26 112.061.

27 Section 26. Section 260.016, Florida Statutes, 1998
28 Supplement, is amended, to read:

29 260.016 General powers of the department.--

30 (1) The department may:

31

1 (a) Publish and distribute appropriate maps of
2 designated greenways and trails. The description shall include
3 a generalized map delineating the area designated, location of
4 suitable ingress and egress sites, as well as other points of
5 interest to enhance the recreational opportunities of the
6 public.

7 (b) Establish access routes and related public-use
8 facilities along greenways and trails which will not
9 substantially interfere with the nature and purposes of the
10 greenway or trail.

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

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

26
27 Any person who violates or otherwise fails to comply with the
28 rules adopted pursuant to subparagraph 3. commits a
29 noncriminal infraction for which a fine of up to \$500 may be
30 imposed.

31

1 (d) Coordinate the activities of all governmental
2 units and bodies and special districts that desire to
3 participate in the development and implementation of the
4 Florida Greenways and Trails System.

5 ~~(e) Appoint an advisory body to be known as the~~
6 ~~"Florida Recreational Trails Council" which shall advise the~~
7 ~~department in the execution of its powers and duties under~~
8 ~~this chapter. The department may establish by rule the~~
9 ~~duties, structure, and responsibilities of the council.~~
10 ~~Members of the Florida Recreational Trails Council shall serve~~
11 ~~without compensation, but are entitled to be reimbursed for~~
12 ~~per diem and travel expenses as provided in s. 112.061.~~

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

21 (f)(g) Enter into ~~sublease agreements or other use~~
22 agreements with any federal, state, or local governmental
23 agency, or any other entity ~~local governmental agencies~~ for
24 the management of greenways and trails for recreation and
25 conservation purposes consistent with the intent of this
26 chapter.

27 ~~(h) Enter into management agreements with other~~
28 ~~entities only if a federal agency, another state agency, local~~
29 ~~government, county, or municipality is unable to manage the~~
30 ~~greenways or trails lands.~~ Such entities must demonstrate
31

1 their capabilities of management for the purposes defined in
2 ss. 260.011-260.018.

3 (g)~~(i)~~ Charge reasonable fees or rentals for the use
4 or operation of facilities and concessions. All such fees,
5 rentals, or other charges collected shall be deposited in the
6 account or trust fund of the managing entity. ~~All such fees,
7 rentals, or other charges collected by the Division of
8 Recreation and Parks under this paragraph shall be deposited
9 in the State Park Trust Fund pursuant to s. 258.014.~~

10 (2) The department shall:

11 (a) Evaluate lands for the acquisition of greenways
12 and trails and compile a list of suitable corridors,
13 greenways, and trails, ranking them in order of priority for
14 proposed acquisition. The department shall devise a method of
15 evaluation which includes, but is not limited to, the
16 consideration of:

17 1. The importance and function of such corridors
18 within the statewide system.

19 2. Potential for local sharing in the acquisition,
20 development, operation, or maintenance of greenway and trail
21 corridors.

22 3. Costs of acquisition, development, operation, and
23 maintenance.

24 (b) Maintain an updated list of abandoned and
25 to-be-abandoned railroad rights-of-way. ~~The department shall
26 request information on current and potential railroad
27 abandonments from the Department of Transportation and
28 railroad companies operating within the state. At a minimum,
29 the department shall make such requests on a quarterly basis.~~

30 (c) Provide information to public and private agencies
31 and organizations on abandoned rail corridors which are or

1 will be available for acquisition from the railroads or for
2 lease for interim recreational use from the Department of
3 Transportation. ~~Such information shall include, at a minimum,~~
4 ~~probable costs of purchase or lease of the identified~~
5 ~~corridors.~~

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

- 9 1. Development and dissemination of criteria for
10 designation.
- 11 2. Development and dissemination of criteria for
12 changes in the terms or conditions of designation, including
13 withdrawal or termination of designation. A landowner may have
14 his or her lands ~~property~~ removed from designation by
15 providing the department with a written request that contains
16 an adequate description of such lands to be removed.
17 Provisions shall be made in the designation agreement for
18 disposition of any future improvements made to the land by the
19 department.
- 20 3. Compilation of available information on and field
21 verification of the characteristics of the lands and waterways
22 as they relate to the developed criteria.
- 23 4. Public notice pursuant to s. 120.525 in all phases
24 of the process.
- 25 5. Actual notice to the landowner by certified mail at
26 least 7 days before any public meeting regarding the
27 department's intent to designate.
- 28 6. Written authorization from the landowner in the
29 form of a lease or other instrument for the designation and
30 granting of public access, if appropriate, to a landowner's
31 property.

1 7. Development of a greenway or trail use plan as a
2 part of the designation agreement. In any particular segment
3 of a greenway or trail, the plan components must be compatible
4 with connecting segments and, at a minimum, describe the types
5 and intensities of uses of the property.

6 (e) Implement the plan for the Florida Greenways and
7 Trails System as adopted by the Florida Greenways Coordinating
8 Council on September 11, 1998.

9 (3) The department or its designee is authorized to
10 negotiate with potentially affected private landowners as to
11 the terms under which such landowners would consent to the
12 public use of their lands as part of the greenways and trails
13 system. The department shall be authorized to agree to
14 incentives for a private landowner who consents to this public
15 use of his or her lands for conservation or recreational
16 purposes, including, but not limited to, the following:

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

22 (b) Agreement to exchange, subject to the approval of
23 the Board of Trustees of the Internal Improvement Trust Fund
24 or other applicable unit of government, ownership or other
25 rights of use of public lands for the ownership or other
26 rights of use of privately owned lands ~~property~~. Any exchange
27 of state-owned lands, title to which is vested in the Board of
28 Trustees of the Internal Improvement Trust Fund, for privately
29 owned lands shall be subject to the requirements of s.
30 259.041.

31

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

3 (d) At the option of the landowner, acceleration of
4 the acquisition process or higher consideration in the ranking
5 process when any lands owned by the landowner are under
6 consideration for acquisition by the state or other unit of
7 government.

8 (e) At the option of the landowner, removal of any
9 lands owned by the landowner from consideration for acquisition
10 by the state or other unit of government.

11 (f) Execution of patrol and protection agreements.

12 (g) Where applicable and appropriate, providing lease
13 fees, not to exceed fair market value of the leasehold
14 interest.

15 Section 27. Section 260.018, Florida Statutes, 1998
16 Supplement, is amended to read:

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

30 Section 28. Paragraph (a) of subsection (11) of ection
31 288.1224, Florida Statutes, is amended to read:

1 288.1224 Powers and duties.--The commission:

2 (11) Shall create an advisory committee of the
3 commission which shall be charged with developing a regionally
4 based plan to protect and promote all of the natural, coastal,
5 historical, cultural, and commercial tourism assets of this
6 state.

7 (a) Members of the advisory committee shall be
8 appointed by the chair of the commission and shall include
9 representatives of the commission, the Departments of
10 Agriculture and Consumer Services, Environmental Protection,
11 Community Affairs, Transportation, and State, the Florida
12 Greenways and Trails Coordinating Council, the Fish and
13 Wildlife Conservation Commission ~~Florida Game and Freshwater~~
14 ~~Fish Commission~~, and, as deemed appropriate by the chair of
15 the commission, representatives from other federal, state,
16 regional, local, and private sector associations representing
17 environmental, historical, cultural, recreational, and
18 tourism-related activities.

19 Section 29. The following trails located upon or
20 within public lands or waterways and designated prior to May
21 30, 1998, shall not be subject to the designation process
22 established in chapter 260, Florida Statutes, 1998
23 Supplement: thirty-six canoe trails designated by the
24 Governor and Cabinet in 1970 and redesignated by the Governor
25 and Cabinet on December 8, 1981; the Historic Big Bend
26 Saltwater Paddling Trail; Hillsborough River State
27 Recreational Canoe Trail; and trails located within state
28 parks and forests.

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

31

1 369.252 Invasive exotic plant control on public
2 lands.--The department shall establish a program to:

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

10 Section 31. Subsection (5) of section 369.307, Florida
11 Statutes, is amended to read:

12 369.307 Developments of regional impact in the Wekiva
13 River Protection Area; land acquisition.--

14 (5) The Department of Environmental Protection is
15 directed to proceed to negotiate for acquisition of
16 conservation and recreation lands projects within the Wekiva
17 River Protection Area provided that such projects have been
18 deemed qualified under statutory and rule criteria for
19 purchase and have been placed on the priority list for
20 acquisition by the advisory council created in s. 259.035 or
21 its successor.

22 Section 32. Subsection (5) is added to section
23 373.089, Florida Statutes, to read:

24 373.089 Sale or exchange of lands, or interests or
25 rights in lands.--The governing board of the district may sell
26 lands, or interests or rights in lands, to which the district
27 has acquired title or to which it may hereafter acquire title
28 in the following manner:

29 (5) Any lands the title to which is vested in the
30 governing board of a water management district may be
31

1 surplused pursuant to the procedures set forth in this section
2 and s. 373.056 and the following:

3 (a) For those lands designated as acquired for
4 conservation purposes, the governing board shall make a
5 determination that the lands are no longer needed for
6 conservation purposes and may dispose of them by a two-thirds
7 vote.

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

11 (c) For the purposes of this subsection, all lands for
12 which title has vested in the governing board prior to July 1,
13 1999, shall be deemed to have been acquired for conservation
14 purposes.

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

19 Section 33. Section 373.139, Florida Statutes, is
20 amended to read:

21 373.139 Acquisition of real property.--

22 (1) The Legislature declares it to be necessary for
23 the public health and welfare that water and water-related
24 resources be conserved and protected. The acquisition of real
25 property for this objective shall constitute a public purpose
26 for which public funds may be expended.

27 (2) The governing board of the district is empowered
28 and authorized to acquire in fee or less than fee title to
29 real property, and easements therein, by purchase, gift,
30 devise, lease, eminent domain, or otherwise for flood control,
31 water storage, water management, aquifer recharge, water

1 resource and water supply development, and preservation of
2 wetlands, streams, and lakes, ~~except that~~ Eminent domain
3 powers may be used only for acquiring real property for flood
4 control and water storage or for curing title defects or
5 encumbrances to real property to be acquired from a willing
6 seller.

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

10 (b) Title information, appraisal reports, offers, and
11 counteroffers are confidential and exempt from the provisions
12 of s. 119.07(1) until an option contract is executed or, if no
13 option contract is executed, until 30 days before a contract
14 or agreement for purchase is considered for approval by the
15 governing board. However, each district may, at its
16 discretion, disclose appraisal reports to private landowners
17 during negotiations for acquisitions using alternatives to fee
18 simple techniques, if the district determines that disclosure
19 of such reports will bring the proposed acquisition to
20 closure. In the event that negotiation is terminated by the
21 district, the title information, appraisal report, offers, and
22 counteroffers shall become available pursuant to s. 119.07(1).
23 Notwithstanding the provisions of this section and s. 259.041,
24 a district and the Division of State Lands may share and
25 disclose title information, appraisal reports, appraisal
26 information, offers, and counteroffers when joint acquisition
27 of property is contemplated. A district and the Division of
28 State Lands shall maintain the confidentiality of such title
29 information, appraisal reports, appraisal information, offers,
30 and counteroffers in conformance with this section and s.
31 259.041, except in those cases in which a district and the

1 division have exercised discretion to disclose such
2 information.

3 (c) The Secretary of Environmental Protection shall
4 release moneys from the appropriate account or trust fund to a
5 district for preacquisition costs within 30 days after receipt
6 of a resolution adopted by the district's governing board
7 which identifies and justifies any such preacquisition costs
8 necessary for the purchase of any lands listed in the
9 district's 5-year workplan. The district shall return to the
10 department any funds not used for the purposes stated in the
11 resolution, and the department shall deposit the unused funds
12 into the appropriate account or trust fund.

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

1 value. The governing board may appeal any denial to the Land
2 and Water Adjudicatory Commission pursuant to s. 373.114.

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

7 ~~(5) Lands acquired for the purposes enumerated in~~
8 ~~subsection (2) may also be used for recreational purposes, and~~
9 ~~whenever practicable such lands shall be open to the general~~
10 ~~public for recreational uses. Except when prohibited by a~~
11 ~~covenant or condition described in s. 373.056(2), lands owned,~~
12 ~~managed, and controlled by the district may be used for~~
13 ~~multiple purposes, including, but not limited to, agriculture,~~
14 ~~silviculture, and water supply, as well as boating and other~~
15 ~~recreational uses.~~

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

21 (5)(7) This section shall not limit the exercise of
22 similar powers delegated by statute to any state or local
23 governmental agency or other person.

24 (6) A district may dispose of land acquired under this
25 section pursuant to s. 373.056 or s. 373.089. However, no
26 such disposition of land shall be made if it would have the
27 effect of causing all or any portion of the interest on any
28 revenue bonds issued pursuant to s. 259.101 or s. 259.105 to
29 fund the acquisition programs detailed in this section to lose
30 the exclusion from gross income for purposes of federal income
31 taxation. Revenue derived from such disposition may not be

1 used for any purpose except the purchase of other lands
2 meeting the criteria specified in this section or payment of
3 debt service on revenue bonds or notes issued under s.
4 373.584.

5 (7) The districts have the authority to promulgate
6 rules that include the specific process by which land is
7 acquired; the selection and retention of outside appraisers,
8 surveyors, and acquisition agents; and public
9 notification. Rules adopted pursuant to this subsection shall
10 be submitted to the President of the Senate and the Speaker of
11 the House of Representatives, for review by the Legislature,
12 no later than 30 days prior to the 2001 Regular Session and
13 shall become effective only after legislative review. In its
14 review, the Legislature may reject, modify, or take no action
15 relative to such rules. The districts shall conform such
16 rules to changes made by the Legislature, or, if no action was
17 taken by the Legislature, such rules shall become effective.

18 Section 34. Section 373.1391, Florida Statutes, is
19 created to read:

20 373.1391 Management of real property.--

21 (1)(a) Lands titled to the governing boards of the
22 districts shall be managed and maintained, to the extent
23 practicable, in such a way as to ensure a balance between
24 public access, general public recreational purposes, and
25 restoration and protection of their natural state and
26 condition. Except when prohibited by a covenant or condition
27 described in s. 373.056(2), lands owned, managed, and
28 controlled by the district may be used for multiple purposes,
29 including, but not limited to, agriculture, silviculture, and
30 water supply, as well as boating and other recreational uses.

31

1 (b) Whenever practicable such lands shall be open to
2 the general public for recreational uses. General public
3 recreational purposes shall include, but not be limited to,
4 fishing, hunting, horseback riding, swimming, camping, hiking,
5 canoeing, boating, diving, birding, sailing, jogging, and
6 other related outdoor activities to the maximum extent
7 possible considering the environmental sensitivity and
8 suitability of those lands. These public lands shall be
9 evaluated for their resource value for the purpose of
10 establishing which parcels, in whole or in part, annually or
11 seasonally, would be conducive to general public recreational
12 purposes. Such findings shall be included in management plans
13 which are developed for such public lands. These lands shall
14 be made available to the public for these purposes, unless the
15 district governing board can demonstrate that such activities
16 would be incompatible with the purposes for which these lands
17 were acquired.

18 (c) In developing or reviewing land management plans
19 should a dispute arise that cannot be resolved by the water
20 management districts, that issue shall be forwarded to the
21 Secretary of Environmental Protection who shall submit it to
22 the Florida Forever Advisory Council.

23 (d) For any fee simple acquisition of a parcel which
24 is or will be leased back for agricultural purposes, or for
25 any acquisition of a less-than-fee interest in lands that is
26 or will be used for agricultural purposes, the district
27 governing board shall first consider having a soil and water
28 conservation district created pursuant to chapter 582 manage
29 and monitor such interest.

30 (2) Interests in real property acquired by the
31 districts under this section with funds other than those

1 appropriated under the Florida Forever Act may be used for
2 permissible water resource development and water supply
3 development purposes under the following conditions: the
4 minimum flows and levels of priority water bodies on such
5 lands have been established; the project complies with all
6 conditions for issuance of a permit under part II of this
7 chapter; and the project is compatible with the purposes for
8 which the land was acquired.

9 (3) 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 (4) 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 (5) The following additional uses of lands acquired
29 pursuant to the Florida Forever program and other state-funded
30 land purchase programs shall be authorized, upon a finding by
31 the governing board, if they meet the criteria specified in

1 paragraphs (a)-(e): water resource development projects, water
2 supply development projects, stormwater management projects,
3 linear facilities, and sustainable agriculture and forestry.
4 Such additional uses are authorized where:
5 (a) Not inconsistent with the management plan for such
6 lands;
7 (b) Compatible with the natural ecosystem and resource
8 values of such lands;
9 (c) The proposed use is appropriately located on such
10 lands and where due consideration is given to the use of other
11 available lands;
12 (d) The using entity reasonably compensates the
13 titleholder for such use based upon an appropriate measure of
14 value; and
15 (e) The use is consistent with the public interest.
16
17 A decision by the governing board pursuant to this subsection
18 shall be given a presumption of correctness.
19 Moneys received from the use of state lands pursuant to this
20 subsection shall be returned to the lead managing agency in
21 accordance with the provisions of s. 373.59.
22 (6) The districts have the authority to adopt rules
23 that specify: allowable activities on district-owned lands;
24 the amount of fees, licenses, or other charges for users of
25 district-owned lands; the application and reimbursement
26 process for payments in lieu of taxes; the use of volunteers
27 for management activities; and the processes related to
28 entering into or severing cooperative land management
29 agreements. Rules promulgated pursuant to the subsection
30 shall become effective only after submitted to the President
31 of the Senate and Speaker of the House of Representatives for

1 review by the Legislature not later than 30 days prior to the
2 next regular session. In its review, the Legislature may
3 reject, modify, or take no action relative to such rules. The
4 districts shall conform such rules to changes made by the
5 Legislature, or, if no action is taken, such rules shall
6 become effective.

7 Section 35. Section 373.146, Florida Statutes, is
8 amended to read:

9 373.146 Publication of notices, process, and papers.--

10 (1) Whenever in this chapter the publication of any
11 notice, process, or paper is required or provided for, unless
12 otherwise provided by law, the publication thereof in some
13 newspaper or newspapers as defined in chapter 50 having
14 general circulation within the area to be affected shall be
15 taken and considered as being sufficient.

16 (2) Notwithstanding any other provision of law to the
17 contrary, and except in the case of emergency meetings, water
18 management districts may provide reasonable notice of public
19 meetings held to evaluate responses to solicitations issued by
20 the water management district, by publication in a newspaper
21 of general paid circulation in the county where the principal
22 office of the water management district is located, or in the
23 county or counties where the public work will be performed, no
24 less than 7 days before such meeting.

25 Section 36. Section 373.199, Florida Statutes, is
26 created to read:

27 373.199 Florida Forever Water Management District
28 Workplan.--

29 (1) Over the years, the Legislature has created
30 numerous programs and funded several initiatives intended to
31 restore, conserve, protect, and manage Florida's water

1 resources and the lands and ecosystems associated with them.
2 Although these programs and initiatives have yielded
3 individual successes, the overall quality of Florida's water
4 resources continues to degrade; natural systems associated
5 with surface waters continue to be altered or have not been
6 restored to a fully functioning level; and sufficient
7 quantities of water for current and future reasonable
8 beneficial uses and for natural systems remain in doubt.

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

13 (3) In developing the list, each water management
14 district shall:

15 (a) Integrate its existing surface water improvement
16 and management plans, Save Our Rivers land acquisition lists,
17 stormwater management projects, proposed water resource
18 development projects, proposed water body restoration
19 projects, and other properties or activities that would assist
20 in meeting the goals of Florida Forever.

21 (b) Work cooperatively with the applicable ecosystem
22 management area teams and other citizen advisory groups, the
23 Department of Environmental Protection and its district
24 offices, the Department of Agriculture and Consumer Services,
25 the Fish and Wildlife Conservation Commission, the Department
26 of Community Affairs, the Department of Transportation, other
27 state agencies, and federal agencies, where applicable.

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

30 (a) A description of the water body system, its
31 historical and current uses, and its hydrology; a history of

1 the conditions which have led to the need for restoration or
2 protection; and a synopsis of restoration efforts that have
3 occurred to date, if applicable.

4 (b) An identification of all governmental units that
5 have jurisdiction over the water body and its drainage basin
6 within the approved surface water improvement and management
7 plan area, including local, regional, state, and federal
8 units.

9 (c) A description of land uses within the project
10 area's drainage basin, and of important tributaries, point and
11 nonpoint sources of pollution, and permitted discharge
12 activities associated with that basin.

13 (d) A description of strategies and potential
14 strategies, including improved stormwater management, for
15 restoring or protecting the water body to Class III or better
16 surface water quality status.

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

20 (f) A description of the measures needed to manage and
21 maintain the water body once it has been restored and to
22 prevent future degradation, to manage and maintain the
23 stormwater management system, or to manage and maintain the
24 water resource development project.

25 (g) A schedule for restoration and protection of the
26 water body, implementation of the stormwater management
27 project, or development of the water resource development
28 project.

29 (h) An estimate of the funding needed to carry out the
30 restoration, protection, or improvement project, or the
31

1 development of new water resources, where applicable, and the
2 projected sources of the funding.

3 (i) Numeric performance measures for each project.

4 Each performance measure shall include a baseline measurement,
5 which is the current situation; a performance standard, which
6 water management district staff anticipates the project will
7 achieve; and the performance measurement itself, which should
8 reflect the incremental improvements the project accomplishes
9 towards achieving the performance standard. These measures
10 shall reflect the relevant goals detailed in s. 259.105(4).

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

13 (k) An identification of the proposed public access
14 for projects with land acquisition components.

15 (l) An identification of those lands which require a
16 full fee simple interest to achieve water management goals and
17 those lands which can be acquired using alternatives to fee
18 simple acquisition techniques and still achieve such goals. In
19 their evaluation of which lands would be appropriate for
20 acquisition through alternatives to fee simple, district staff
21 shall consider criteria including, but not limited to,
22 acquisition costs, the net present value of future land
23 management costs, the net present value of advalorem revenue
24 loss to the local government, and potential for revenue
25 generated from activities compatible with acquisition
26 objectives.

27 (m) An identification of lands needed to protect or
28 recharge groundwater and a plan for their acquisition as
29 necessary to protect potable water supplies. Lands which serve
30 to protect or recharge groundwater identified pursuant to this
31 paragraph shall also serve to protect other valuable natural

1 resources or provide space for natural resource based
2 recreation.

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

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

12 (7) By January 1 of each year, each district shall
13 file with the Legislature and the Secretary of Environmental
14 Protection a report of acquisitions completed during the year
15 together with modifications or additions to its 5-year
16 workplan. Included in the report shall be:

17 (a) A description of land management activity for each
18 property or project area owned by the water management
19 district.

20 (b) A list of any lands surplused and the amount of
21 compensation received.

22
23 The secretary shall submit the report required pursuant to
24 this subsection along with the Florida Forever report required
25 under s. 259.105.

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

28 373.250 Reuse of reclaimed water.--

29 ~~(6) Each water management district shall submit to the~~
30 ~~Legislature, by June 1 of each year, an annual report which~~
31 ~~describes the district's progress in promoting the reuse of~~

1 ~~reclaimed water. The report shall include, but not be limited~~
2 ~~to:~~

3 ~~(a) The number of permits issued during the year which~~
4 ~~required reuse of reclaimed water and, by categories, the~~
5 ~~percentages of reuse required.~~

6 ~~(b) The number of permits issued during the year which~~
7 ~~did not require the reuse of reclaimed water and, of those~~
8 ~~permits, the number which reasonably could have required~~
9 ~~reuse.~~

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

13 ~~(d) A comparison of the volume of reclaimed water~~
14 ~~available in the district to the volume of reclaimed water~~
15 ~~required to be reused through consumptive use permits.~~

16 ~~(e) A comparison of the volume of reuse of reclaimed~~
17 ~~water required in water resource caution areas through~~
18 ~~consumptive use permitting to the volume required in other~~
19 ~~areas in the district through consumptive use permitting.~~

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

23 ~~(g) A description of the district's efforts to work in~~
24 ~~cooperation with local government and private domestic~~
25 ~~wastewater treatment facilities to increase the reuse of~~
26 ~~reclaimed water. The districts, in consultation with the~~
27 ~~department, shall devise a uniform format for the report~~
28 ~~required by this subsection and for presenting the information~~
29 ~~provided in the report.~~

30 Section 38. Section 373.59, Florida Statutes, 1998
31 Supplement, is amended to read:

1 373.59 Water Management Lands Trust Fund.--
2 (1) There is established within the Department of
3 Environmental Protection the Water Management Lands Trust Fund
4 to be used as a nonlapsing fund for the purposes of this
5 section. The moneys in this fund are hereby continually
6 appropriated for the purposes of land acquisition, management,
7 maintenance, capital improvements of land titled to the
8 districts, payments in lieu of taxes, debt service on bonds
9 issued prior to July 1, 1999, preacquisition costs associated
10 with land purchases, and the department's costs of
11 administration of the fund. The department's costs of
12 administration shall be charged proportionally against each
13 district's allocation using the formula provided in subsection
14 (8). Capital improvements shall include, but need not be
15 limited to, perimeter fencing, signs, firelanes, control of
16 invasive exotic species, controlled burning, habitat inventory
17 and restoration, law enforcement, access roads and trails, and
18 minimal public accommodations, such as primitive campsites,
19 garbage receptacles, and toilets.~~administration of the fund~~
20 ~~in accordance with the provisions of this section.~~
21 (2)(a) Until the Preservation 2000 Program is
22 concluded, By January 15 of each year, each district shall
23 file with the Legislature and the Secretary of Environmental
24 Protection a report of acquisition activity, by January 15 of
25 each year together with modifications or additions to its
26 5-year plan of acquisition. Included in the report shall be
27 an identification of those lands which require a full fee
28 simple interest to achieve water management goals and those
29 lands which can be acquired using alternatives to fee simple
30 acquisition techniques and still achieve such goals. In their
31 evaluation of which lands would be appropriate for acquisition

1 through alternatives to fee simple, district staff shall
2 consider criteria including, but not limited to, acquisition
3 costs, the net present value of future land management costs,
4 the net present value of ad valorem revenue loss to the local
5 government, and the potential for revenue generated from
6 activities compatible with acquisition objectives. The report
7 shall also include a description of land management activity.
8 ~~Expenditure of moneys from the Water Management Lands Trust~~
9 ~~Fund shall be limited to the costs for acquisition,~~
10 ~~management, maintenance, and capital improvements of lands~~
11 ~~included within the 5-year plan as filed by each district and~~
12 ~~to the department's costs of administration of the fund. The~~
13 ~~department's costs of administration shall be charged~~
14 ~~proportionally against each district's allocation using the~~
15 ~~formula provided in subsection (7).~~ However, no acquisition of
16 lands shall occur without a public hearing similar to those
17 held pursuant to the provisions set forth in s. 120.54. In the
18 annual update of its 5-year plan for acquisition, each
19 district shall identify lands needed to protect or recharge
20 groundwater and shall establish a plan for their acquisition
21 as necessary to protect potable water supplies. Lands which
22 serve to protect or recharge groundwater identified pursuant
23 to this paragraph shall also serve to protect other valuable
24 natural resources or provide space for natural resource based
25 recreation. Once all Preservation 2000 funds allocated to the
26 water management districts have been expended or committed,
27 this subsection shall be repealed.
28 (b) ~~Moneys from the fund shall be used for continued~~
29 ~~acquisition, management, maintenance, and capital improvements~~
30 ~~of the following lands and lands set forth in the 5-year land~~
31 ~~acquisition plan of the district:~~

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

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

11 ~~3. By St. Johns River Water Management~~
12 ~~District--Seminole Ranch, Latt Maxey and Evans properties in~~
13 ~~the upper St. Johns River Basin.~~

14 ~~4. By Suwannee River Water Management District--lands~~
15 ~~in Suwannee River Valley.~~

16 ~~5. By Northwest Florida Water Management~~
17 ~~District--lands in the Choctawhatchee and Apalachicola River~~
18 ~~Valleys.~~

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

24 ~~(4)(a) Moneys from the Water Management Lands Trust~~
25 ~~Fund shall be used for acquiring the fee or other interest in~~
26 ~~lands necessary for water management, water supply, and the~~
27 ~~conservation and protection of water resources, except that~~
28 ~~such moneys shall not be used for the acquisition of~~
29 ~~rights-of-way for canals or pipelines. Such moneys shall also~~
30 ~~be used for management, maintenance, and capital improvements.~~
31 ~~Interests in real property acquired by the districts under~~

1 ~~this section may be used for permittable water resource~~
2 ~~development and water supply development purposes under the~~
3 ~~following conditions: the minimum flows and levels of priority~~
4 ~~water bodies on such lands have been established; the project~~
5 ~~complies with all conditions for issuance of a permit under~~
6 ~~part II of this chapter; and the project is compatible with~~
7 ~~the purposes for which the land was acquired. Lands acquired~~
8 ~~with moneys from the fund shall be managed and maintained in~~
9 ~~an environmentally acceptable manner and, to the extent~~
10 ~~practicable, in such a way as to restore and protect their~~
11 ~~natural state and condition.~~

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

22 ~~(c) The Secretary of Environmental Protection shall~~
23 ~~release acquisition moneys from the Water Management Lands~~
24 ~~Trust Fund to a district following receipt of a resolution~~
25 ~~adopted by the governing board identifying the lands being~~
26 ~~acquired and certifying that such acquisition is consistent~~
27 ~~with the plan of acquisition and other provisions of this act.~~
28 ~~The governing board shall also provide to the Secretary of~~
29 ~~Environmental Protection a copy of all certified appraisals~~
30 ~~used to determine the value of the land to be purchased. Each~~
31 ~~parcel to be acquired must have at least one appraisal. Two~~

1 ~~appraisals are required when the estimated value of the parcel~~
2 ~~exceeds \$500,000. However, when both appraisals exceed~~
3 ~~\$500,000 and differ significantly, a third appraisal may be~~
4 ~~obtained. If the purchase price is greater than the appraisal~~
5 ~~price, the governing board shall submit written justification~~
6 ~~for the increased price. The Secretary of Environmental~~
7 ~~Protection may withhold moneys for any purchase that is not~~
8 ~~consistent with the 5-year plan or the intent of this act or~~
9 ~~that is in excess of appraised value. The governing board may~~
10 ~~appeal any denial to the Land and Water Adjudicatory~~
11 ~~Commission pursuant to s. 373.114.~~

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

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

22 (6) If a district issues revenue bonds or notes under
23 s. 373.584 prior to July 1, 1999, the district may pledge its
24 share of the moneys in the Water Management Lands Trust Fund
25 as security for such bonds or notes. The Department of
26 Environmental Protection shall pay moneys from the trust fund
27 to a district or its designee sufficient to pay the debt
28 service, as it becomes due, on the outstanding bonds and notes
29 of the district; however, such payments shall not exceed the
30 district's cumulative portion of the trust fund. However, any
31 moneys remaining after payment of the amount due on the debt

1 service shall be released to the district pursuant to
2 subsection (5)~~(3)~~.

3 (7) Any unused portion of a district's share of the
4 fund shall accumulate in the trust fund to the credit of that
5 district. Interest earned on such portion shall also
6 accumulate to the credit of that district to be used for ~~land~~
7 ~~acquisition~~, management, maintenance, and capital improvements
8 as provided in this section. The total moneys over the life
9 of the fund available to any district under this section shall
10 not be reduced except by resolution of the district governing
11 board stating that the need for the moneys no longer exists.
12 Any water management district with fund balances in the Water
13 Management Lands Trust Fund as of March 1, 1999, may expend
14 those funds for land acquisitions pursuant to s. 373.139, or
15 for the purpose specified in this subsection.

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

19 (a) Thirty percent to the South Florida Water
20 Management District.

21 (b) Twenty-five percent to the Southwest Florida Water
22 Management District.

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

25 (d) Ten percent to the Suwannee River Water Management
26 District.

27 (e) Ten percent to the Northwest Florida Water
28 Management District.

29 ~~(9) Each district may use its allocation under~~
30 ~~subsection (8) for management, maintenance, and capital~~
31 ~~improvements. Capital improvements shall include, but need not~~

1 ~~be limited to, perimeter fencing, signs, firelanes, control of~~
2 ~~invasive exotic species, controlled burning, habitat inventory~~
3 ~~and restoration, law enforcement, access roads and trails, and~~
4 ~~minimal public accommodations, such as primitive campsites,~~
5 ~~garbage receptacles, and toilets.~~

6 (9)~~(10)~~ Moneys in the fund not needed to meet current
7 obligations incurred under this section shall be transferred
8 to the State Board of Administration, to the credit of the
9 fund, to be invested in the manner provided by law. Interest
10 received on such investments shall be credited to the fund.

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

1 ~~first consider having a soil and water conservation district~~
2 ~~created pursuant to chapter 582 manage and monitor such~~
3 ~~interest.~~

4 (10)(a) Beginning July 1, 1999, not more than
5 one-fourth of the land management funds provided for in
6 subsections (1) and (8) in any year shall be reserved annually
7 by a governing board, during the development of its annual
8 operating budget, for payments in lieu of taxes for all actual
9 tax losses incurred as a result of governing board
10 acquisitions for water management districts under the Florida
11 Forever program during any year. Reserved funds not used for
12 payments in lieu of taxes in any year shall revert to the
13 Water Management Lands Trust Fund to be used in accordance
14 with the provisions of this section.

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

16 1. To all counties that have a population of 150,000
17 or less and in which the amount of tax loss from all completed
18 Preservation 2000 and Florida Forever acquisitions in the
19 county exceeds 0.01 percent of the county's total taxable
20 value. Population levels shall be determined pursuant to s.
21 11.031

22 2. To all local governments located in eligible
23 counties and whose lands are bought and taken off the tax
24 rolls.

25
26 For the purposes of this subsection, "local government"
27 includes municipalities, the county school board, mosquito
28 control districts, and any other local government entity which
29 levies ad valorem taxes.

30 (c) If insufficient funds are available in any year to
31 make full payments to all qualifying counties and local

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

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

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

30 (f) If a water management district conveys to a county
31 or local government title to any land owned by the district,

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

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

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

18 ~~(14)(a) Beginning in fiscal year 1992-1993, not more~~
19 ~~than one-fourth of the land management funds provided for in~~
20 ~~subsections (1) and (9) in any year shall be reserved annually~~
21 ~~by a governing board, during the development of its annual~~
22 ~~operating budget, for payment in lieu of taxes to qualifying~~
23 ~~counties for actual ad valorem tax losses incurred as a result~~
24 ~~of lands purchased with funds allocated pursuant to s.~~
25 ~~259.101(3)(b). In addition, the Northwest Florida Water~~
26 ~~Management District, the South Florida Water Management~~
27 ~~District, the Southwest Florida Water Management District, the~~
28 ~~St. Johns River Water Management District, and the Suwannee~~
29 ~~River Water Management District shall pay to qualifying~~
30 ~~counties payments in lieu of taxes for district lands acquired~~
31 ~~with funds allocated pursuant to subsection (8). Reserved~~

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

4 ~~(b) Payment in lieu of taxes shall be available to~~
5 ~~counties for each year in which the levy of ad valorem tax is~~
6 ~~at least 8.25 mills or the amount of the tax loss from all~~
7 ~~completed Preservation 2000 acquisitions in the county exceeds~~
8 ~~0.01 percent of the county's total taxable value, and the~~
9 ~~population is 75,000 or less and to counties with a population~~
10 ~~of less than 100,000 which contain all or a portion of an area~~
11 ~~of critical state concern designated pursuant to chapter 380.~~

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

15 ~~(d) The payment amount shall be based on the average~~
16 ~~amount of actual taxes paid on the property for the 3 years~~
17 ~~immediately preceding acquisition. For lands purchased prior~~
18 ~~to July 1, 1992, applications for payment in lieu of taxes~~
19 ~~shall be made to the districts by January 1, 1993. For lands~~
20 ~~purchased after July 1, 1992, applications for payment in lieu~~
21 ~~of taxes shall be made no later than January 31 of the year~~
22 ~~following acquisition. No payment in lieu of taxes shall be~~
23 ~~made for properties which were exempt from ad valorem taxation~~
24 ~~for the year immediately preceding acquisition. Payment in~~
25 ~~lieu of taxes shall be limited to a period of 10 consecutive~~
26 ~~years of annual payments.~~

27 ~~(e) Payment in lieu of taxes shall be made within 30~~
28 ~~days after: certification by the Department of Revenue that~~
29 ~~the amounts applied for are appropriate, certification by the~~
30 ~~Department of Environmental Protection that funds are~~
31 ~~available, and completion of any fund transfers to the~~

1 ~~district. The governing board may reduce the amount of a~~
2 ~~payment in lieu of taxes to any county by the amount of other~~
3 ~~payments, grants, or in-kind services provided to that county~~
4 ~~by the district during the year. The amount of any reduction~~
5 ~~in payments shall remain in the Water Management Lands Trust~~
6 ~~Fund for purposes provided by law.~~

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

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

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

30 ~~(11)(17)~~ (11) Notwithstanding any provision of this section
31 to the contrary ~~and for the 1998-1999 fiscal year only~~, the

1 governing board of a water management district may request,
2 and the Secretary of Environmental Protection shall release
3 upon such request, moneys allocated to the districts pursuant
4 to subsection (8) for the purpose of carrying out the purposes
5 ~~provisions~~ of s. 373.0361, s. 375.0831, s. 373.139, or ss.
6 373.451-373.4595. No funds may be used pursuant to this
7 subsection until necessary debt service obligations, and
8 requirements for payments in lieu of taxes and land management
9 obligations that may be required by this chapter ~~pursuant to~~
10 ~~this section~~ are provided for. ~~This subsection is repealed on~~
11 ~~July 1, 1999.~~

12 Section 39. Section 375.075, Florida Statutes, is
13 amended to read:

14 375.075 Outdoor recreation; financial assistance to
15 local governments.--

16 (1) The Department of Environmental Protection is
17 authorized, pursuant to s. 370.023, to establish the Florida
18 Recreation Development Assistance Program to provide grants to
19 qualified local governmental entities to acquire or develop
20 land for public outdoor recreation purposes. To the extent not
21 needed for debt service on bonds issued pursuant to s.
22 375.051, each fiscal year through fiscal year 2000-2001, the
23 department shall develop and plan a program which shall be
24 based upon funding of not less than 5 percent of the money
25 credited to the Land Acquisition Trust Fund pursuant to s.
26 201.15(2) and (3) in that year. Beginning fiscal year
27 2001-2002, the department shall develop and plan a program
28 which shall be based upon funding provided from the Florida
29 Forever Trust Fund pursuant to s. 259.105(3)(c).

30 (2)(a) The department shall adopt, by rule, procedures
31 to govern the program, which shall include, but need not be

1 limited to, a competitive project selection process designed
2 to maximize the outdoor recreation benefit to the public.

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

4 1. The extent to which the project would implement the
5 outdoor recreation goals, objectives, and priorities specified
6 in the state comprehensive outdoor recreation plan; and

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

10 (c) No release of funds from the Land Acquisition
11 Trust Fund, or from the Florida Forever Trust Fund beginning
12 in fiscal year 2001-2002, for this program may be made for
13 these public recreation projects until the projects have been
14 selected through the competitive selection process provided
15 for in this section.

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

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

24 380.0666 Powers of land authority.--The land authority
25 shall have all the powers necessary or convenient to carry out
26 and effectuate the purposes and provisions of this act,
27 including the following powers, which are in addition to all
28 other powers granted by other provisions of this act:

29 (13) To identify parcels of land within the area or
30 areas of critical state concern that would be appropriate
31 acquisitions by the state from the Conservation and

1 Recreational Lands Trust Fund and recommend such acquisitions
2 to the advisory council established pursuant to s. 259.035 or
3 its successor.

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

6 380.0677 Green Swamp Land Authority.--

7 (8) APPROPRIATIONS.--From funds appropriated to the
8 Department of Environmental Protection for land acquisition
9 from the Conservation and Recreation Lands Trust Fund for
10 fiscal years 1994-1995, 1995-1996, and 1996-1997, \$4 million
11 shall be reserved each fiscal year to carry out the purposes
12 of this section. To the extent practicable, moneys
13 appropriated from the Conservation and Recreation Lands Trust
14 Fund, Save Our Rivers Trust Fund, and Florida Communities
15 Trust Fund shall be used to acquire lands, or interests or
16 rights in lands, on the Conservation and Recreation Lands,
17 Save Our Rivers, or Florida Communities Trust land acquisition
18 plans or lists, as defined in s. 259.035, or a land
19 acquisition plan under s. 373.59 or s. 380.508. However,
20 nothing in this subsection prohibits the Green Swamp Land
21 Authority from entering into land protection agreements with
22 any property owner whose property is not on any of such lists.
23 From sums appropriated to the Department of Environmental
24 Protection from the Water Management District Lands Trust Fund
25 for fiscal years 1994-1995, 1995-1996, and 1996-1997, \$3
26 million shall be reserved each fiscal year to carry out the
27 purposes of this section. Such amounts as are used from the
28 Water Management District Lands Trust Fund shall be credited
29 against the allocations as provided in s. 373.59 to the St.
30 Johns River Water Management District or the Southwest Florida
31 Water Management District in proportion to the amount of lands

1 for which an interest was acquired, and shall not be required
2 by a district for debt service payments or land management
3 purposes. From funds appropriated to the Department of
4 Community Affairs for the Florida Communities Trust Program
5 from the Preservation 2000 Trust Fund for fiscal years
6 1994-1995 through 1999-2000, \$3 million shall be reserved each
7 fiscal year to carry out the purposes of this section.
8 Appropriations identified pursuant to this subsection shall
9 fund the acquisition of lands, or the interests or rights in
10 lands, and related costs of acquisition. Such funds shall be
11 available for expenditure after the land authority has adopted
12 rules to begin its program. Funds reserved pursuant to this
13 subsection, for each of the referenced fiscal years, shall
14 remain available for the purposes specified in this subsection
15 for 24 ~~12~~ months from the date on which such funds become
16 available for disbursement. After such time has elapsed, any
17 funds which are not legally obligated for expenditure shall be
18 released for the lawful purposes for which they were otherwise
19 appropriated.

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

22 380.22 Lead agency authority and duties.--

23 (4) The department shall establish a county-based
24 process for identifying, and setting priorities for acquiring,
25 coastal properties in coordination with the Land Acquisition
26 and Management Advisory Council, or its successor,and the
27 Coastal Resources Interagency Management Committee so these
28 properties may be acquired as part of the state's land
29 acquisition programs. This process shall include the
30 establishment of criteria for prioritizing coastal
31 acquisitions which, in addition to recognizing pristine

1 coastal properties and coastal properties of significant or
2 important environmental sensitivity, recognize hazard
3 mitigation, beach access, beach management, urban recreation,
4 and other policies necessary for effective coastal management.

5 Section 43. Section 380.503, Florida Statutes, is
6 amended to read:

7 380.503 Definitions.--As used in ss. 380.501-380.515,
8 unless the context indicates a different meaning or intent:

9 (1)~~(4)~~ "Comprehensive plan" means a plan that meets
10 the requirements of ss. 163.3177, 163.3178, and 163.3191.

11 (2)~~(13)~~ "Department" means the Department of Community
12 Affairs.

13 (3)~~(2)~~ "Local government" means a county or
14 municipality.

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

18 (5)~~(3)~~ "Nonprofit organization" means any private
19 nonprofit organization, existing under the provisions of s.
20 501(c)(3) of the United States Internal Revenue Code, which
21 has among its principal goals the conservation of natural
22 resources or protection of the environment.

23 (6)~~(14)~~ "Program" means a plan that is established or
24 will be established by a local government to create innovative
25 approaches that will assist in the implementation of the
26 conservation, recreation and open space, or coastal management
27 elements of the local comprehensive plan, such as a transfer
28 of development rights program or an environmental or
29 recreational land acquisition program.

30
31

1 ~~(7)(5)~~ "Project" means any work on, improvement to, or
2 acquisition of real property, buildings, or any other
3 property.

4 ~~(8)(10)~~ "Public access project" means action taken
5 pursuant to this part to create or improve public accessways
6 to surface waters.

7 ~~(9)(6)~~ "Real property" means any interest in land and
8 may also include any appurtenances and improvements to the
9 land.

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

13 ~~(11)(9)~~ "Resource enhancement project" means action
14 taken pursuant to this part to restore, as nearly as possible,
15 degraded natural areas to their original condition or to
16 enhance the resource values of a natural area.

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

21 ~~(13)(7)~~ "Surface waters" means publicly owned waters
22 upon the surface of the earth, whether contained in bounds
23 created naturally or artificially or diffused.

24 ~~(14)(1)~~ "Trust" means the Florida Communities Trust
25 created pursuant to this part.

26 (15) "Urban area" means an area of or for development
27 characterized by social, economic, and institutional
28 activities that are predominantly based on the manufacture,
29 production, distribution, or provision of goods and services,
30 in a setting that typically includes residential and

31

1 nonresidential development uses other than those
2 characteristic of rural areas.

3 (16)~~(15)~~ "Urban greenways and open space project"
4 means action taken pursuant to this part to acquire lands or
5 interest in lands to create a linear open space protected and
6 managed as part of linked conservation lands or recreational
7 opportunities in an urban area, or to preserve open space or
8 historic sites to enhance recreational and cultural
9 opportunities in an urban area.

10 (17)~~(11)~~ "Urban waterfront restoration project" means
11 action taken pursuant to this part to restore deteriorated or
12 deteriorating urban waterfronts for public use and enjoyment.

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

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

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

22 (a) The Secretary of Community Affairs and the
23 Secretary of Environmental Protection; and

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

26
27 The Governor shall appoint a former elected official of a
28 county local government, a former elected official of a
29 metropolitan municipal government, a representative of a
30 nonprofit organization as defined in this part, and a
31 representative of the development industry. The Secretary of

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

13 Section 45. Section 380.505, Florida Statutes, is
14 amended to read:

15 380.505 Meetings; quorum; voting.--The powers of the
16 trust shall be vested in its governing body members. The
17 governing body may delegate such powers to department staff as
18 it deems necessary. Four ~~Three~~ members of the governing body
19 shall constitute a quorum for the purpose of conducting its
20 business and exercising its powers and for all other purposes.
21 However, the governing body may take action only upon an
22 affirmative vote of at least four ~~three~~ members. The
23 governing body shall meet at least quarterly, and may meet
24 more often at the call of the chair or upon an affirmative
25 vote of three members.

26 Section 46. Subsections (4) and (11) of section
27 380.507, Florida Statutes, are amended to read:

28 380.507 Powers of the trust.--The trust shall have all
29 the powers necessary or convenient to carry out the purposes
30 and provisions of this part, including:

31

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

18 (11) To make rules necessary to carry out the purposes
19 of this part and to exercise any power granted in this part,
20 pursuant to the provisions of chapter 120. The trust shall
21 adopt rules governing the acquisition of lands by local
22 governments or the trust using proceeds from the Preservation
23 2000 Trust Fund and the Florida Forever Trust Fund, consistent
24 with the intent expressed in the Florida Forever Act. Such
25 rules must include, but are not limited to, procedures for
26 appraisals and confidentiality consistent with ss.
27 125.355(1)(a) and (b) and 166.045(1)(a) and (b), a method of
28 determining a maximum purchase price, and procedures to assure
29 that the land is acquired in a voluntarily negotiated
30 transaction, surveyed, conveyed with marketable title, and
31 examined for hazardous materials contamination. Land

1 acquisition procedures of a local land authority created
2 pursuant to s. 380.0663 or s. 380.0677 may ~~shall~~ be used for
3 the land acquisition programs described by ss.s.
4 259.101(3)(c) and 259.105 if within areas of critical state
5 concern designated pursuant to s. 380.05, subject to approval
6 of the trust.

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

9 380.510 Conditions of grants and loans.--

10 (7) Any funds received by the trust from the
11 Preservation 2000 Trust Fund pursuant to s. 259.101(3)(c) and
12 the Florida Forever Trust Fund pursuant to s. 259.105(3)(c)
13 shall be held separate and apart from any other funds held by
14 the trust and shall be used only to pay the cost of the
15 acquisition of lands by a local government or the state for
16 the purposes of this part. ~~Such funds may not be used to pay~~
17 ~~for a redevelopment project or an urban waterfront restoration~~
18 ~~project or for site reservation except to acquire lands to~~
19 ~~help implement the goals, objectives, and policies of the~~
20 ~~coastal, the conservation, or recreation and open space~~
21 ~~elements of the local comprehensive plan.~~ In addition to the
22 other conditions set forth in this section, the disbursement
23 of Preservation 2000 and Florida Forever funds from the trust
24 shall be subject to the following conditions:

25 (a) The administration and use of any funds received
26 by the trust from the Preservation 2000 Trust Fund and the
27 Florida Forever Trust Fund shall be subject to such terms and
28 conditions imposed thereon by the agency of the state
29 responsible for the ~~revenue~~ bonds, the proceeds of which are
30 deposited in the Preservation 2000 Trust Fund and the Florida
31 Forever Trust Fund, including restrictions imposed to ensure

1 that the interest on any such ~~revenue~~ bonds issued by the
2 state as tax-exempt ~~revenue~~ bonds will not be included in the
3 gross income of the holders of such bonds for federal income
4 tax purposes.

5 (b) All deeds or leases with respect to any real
6 property acquired with funds received by the trust from the
7 Preservation 2000 Trust Fund shall contain such covenants and
8 restrictions as are sufficient to ensure that the use of such
9 real property at all times complies with s. 375.051 and s. 9,
10 Art. XII of the State Constitution. All deeds or leases with
11 respect to any real property acquired with funds received by
12 the trust from the Florida Forever Trust Fund shall contain
13 such covenants and restrictions as are sufficient to ensure
14 that the use of such real property at all times complies with
15 s. 11(e), Art. VII of the State Constitution. Each deed or
16 lease shall contain a reversion, conveyance, or termination
17 clause that will vest title in the Board of Trustees of the
18 Internal Improvement Trust Fund if any of the covenants or
19 restrictions are violated by the titleholder or leaseholder or
20 by some third party with the knowledge of the titleholder or
21 leaseholder.

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

25 420.5092 Florida Affordable Housing Guarantee
26 Program.--

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

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

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

1 necessary to maintain such annual debt service reserve. Upon
2 receipt of such certification, the Comptroller shall transfer
3 to the annual debt service reserve, from the first available
4 taxes distributed to the State Housing Trust Fund pursuant to
5 s. 201.15~~(9)~~~~(6)~~(a) and~~(10)~~~~(7)~~(a) during the ensuing state
6 fiscal year, the amount certified as necessary to maintain the
7 annual debt service reserve.

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

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

28 420.9073 Local housing distributions.--

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

1 420.9072. Each county's share of the funds to be distributed
2 from the portion of the funds in the Local Government Housing
3 Trust Fund received pursuant to s. 201.15(9)(6) shall be
4 calculated by the agency for each fiscal year as follows:

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

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

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

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

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

1 Fund pursuant to s. 201.15(9)~~(6)~~ reduced by the guaranteed
2 amount paid to all counties.

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

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

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

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

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

20 3. For each county in which the result in subparagraph
21 1. is greater than the guaranteed amount, the amount
22 calculated in subparagraph 1. shall be reduced by the
23 guaranteed amount. The result for each such county shall be
24 expressed as a percentage of the amounts so determined for all
25 counties. Each such county shall receive an additional share
26 equal to this percentage multiplied by the total funds
27 received by the Local Government Housing Trust Fund pursuant
28 to s. 201.15(10)~~(7)~~ as reduced by the guaranteed amount paid
29 to all counties.

30 (3) Calculation of guaranteed amounts:
31

1 (a) The guaranteed amount under subsection (1) shall
2 be calculated for each state fiscal year by multiplying
3 \$350,000 by a fraction, the numerator of which is the amount
4 of funds distributed to the Local Government Housing Trust
5 Fund pursuant to s. 201.15~~(9)(6)~~ and the denominator of which
6 is the total amount of funds distributed to the Local
7 Government Housing Trust Fund pursuant to s. 201.15.

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

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

17 Section 50. Section 253.787, Florida Statutes, is
18 repealed.

19 Section 51. Effective July 1, 1999, subsection (2) of
20 section 380.0677, Florida Statutes, is repealed and the power,
21 duties, functions, and all other activities performed by the
22 Green Swamp Land Authority are hereby transferred by a Type
23 Two transfer, pursuant to section 20.06, Florida Statutes, to
24 the Department of Environmental Protection. All rules of the
25 authority in effect on the effective date of the transfer
26 shall be included in the transfer. Henceforth, the Green
27 Swamp Land Authority shall mean the Department of
28 Environmental Protection for purposes of section 380.0677,
29 Florida Statutes, and statutes related thereto.

30 Section 52. If the Department of Environmental
31 Protection or a water management district has made a payment

1 in lieu of taxes to a governmental entity and subsequently
2 suspended such payment, the department or water management
3 district shall reinstitute appropriate payments and continue
4 the payments in consecutive years until the governmental
5 entity has received a total of ten payments for each tax loss.

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

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