

By Senator Latvala

312-740-00

1 A bill to be entitled
2 An act relating to land acquisition; amending
3 s. 201.15, F.S.; providing for changes to bond
4 debt service; amending s. 201.15, F.S.;
5 providing for changes to bond debt service;
6 revising the deposit of certain funds and
7 providing limitations, effective July 1, 2001;
8 amending s. 215.618, F.S.; providing for the
9 refunding and sale of Florida Forever bonds;
10 amending s. 253.03, F.S.; providing for the
11 permitting of certain habitable structures;
12 amending s. 253.034, F.S.; clarifying
13 provisions governing the deposit of funds
14 received from the sale of surplus lands;
15 exempting the Department of Juvenile Justice
16 from a requirement for land-management-plan
17 review; amending s. 259.03, F.S.; redefining
18 the terms "capital improvement" and "water
19 resource development project"; amending s.
20 259.0345, F.S.; deleting obsolete provisions;
21 revising the terms of Florida Forever Advisory
22 Council members; amending s. 259.105, F.S.;
23 authorizing changes in the rate of distribution
24 of Florida Forever funds; requiring a specific
25 percentage of the Florida Communities Trust's
26 Florida Forever funds to be expended in
27 standard metropolitan statistical areas;
28 revising a date for acceptance of acquisition
29 applications; authorizing capital expenditures;
30 revising the goals of the Florida Forever
31 program; requiring the recommendation of rules

1 to the board of trustees; amending s. 373.1391,
2 F.S.; providing for the resolution of certain
3 disputes; amending s. 373.199, F.S.; revising
4 the date for submission of a report; amending
5 s. 373.59, F.S.; authorizing the refunding of
6 bonds; amending s. 375.051, F.S.; revising
7 requirements for debt service for bonds issued
8 to acquire lands, water areas, and related
9 resources; amending s. 380.507, F.S.; revising
10 the uses of Florida Forever funds; amending s.
11 380.510, F.S.; revising the uses of Florida
12 Forever funds; providing effective dates.

13

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

15

16 Section 1. Paragraph (a) of subsection (1) of section
17 201.15, Florida Statutes, is amended to read:

18 201.15 Distribution of taxes collected.--All taxes
19 collected under this chapter shall be distributed as follows
20 and shall be subject to the service charge imposed in s.
21 215.20(1), except that such service charge shall not be levied
22 against any portion of taxes pledged to debt service on bonds
23 to the extent that the amount of the service charge is
24 required to pay any amounts relating to the bonds:

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

28 (a) Amounts as shall be necessary to pay the debt
29 service on, or fund debt service reserve funds, rebate
30 obligations, or other amounts payable with respect to
31 Preservation 2000 bonds issued pursuant to s. 375.051 and

1 Florida Forever bonds issued pursuant to s. 215.618, shall be
2 paid into the State Treasury to the credit of the Land
3 Acquisition Trust Fund to be used for such purposes. The
4 amount transferred to the Land Acquisition Trust Fund for such
5 purposes shall not exceed \$300 million in fiscal year
6 1999-2000 and thereafter for Preservation 2000 bonds and bonds
7 issued to refund Preservation 2000 bonds, and \$300 million in
8 fiscal year 2000-2001 and thereafter for Florida Forever
9 bonds. The annual amount transferred to the Land Acquisition
10 Trust Fund for Florida Forever bonds shall not exceed \$30
11 million in the first fiscal year in which bonds are issued.
12 The limitation on the amount transferred shall be increased by
13 an additional \$30 million in each subsequent fiscal year ~~in~~
14 ~~which bonds are authorized to be issued~~, but shall not exceed
15 a total of \$300 million in any fiscal year for all bonds
16 issued. It is the intent of the Legislature that all bonds
17 issued to fund the Florida Forever Act be retired by December
18 31, 2030. Except for bonds issued to refund previously issued
19 bonds, no series of bonds may be issued pursuant to this
20 paragraph unless such bonds are approved and the ~~first year's~~
21 debt service for the remainder of the fiscal year in which the
22 bonds are issued ~~such bonds~~ is specifically appropriated in
23 the General Appropriations Act. For purposes of refunding
24 Preservation 2000 bonds, amounts designated within this
25 section for Preservation 2000 and Florida Forever bonds may be
26 transferred between the two programs to the extent provided
27 for in the documents authorizing the issuance of the bonds.
28 The Preservation 2000 bonds and Florida Forever bonds shall be
29 equally and ratably secured by moneys distributable to the
30 Land Acquisition Trust Fund pursuant to this section, except
31 to the extent specifically provided otherwise by the documents

1 authorizing the issuance of the bonds. No moneys transferred
2 to the Land Acquisition Trust Fund pursuant to this paragraph,
3 or earnings thereon, shall be used or made available to pay
4 debt service on the Save Our Coast revenue bonds.

5 Section 2. Effective July 1, 2001, paragraph (a) of
6 subsection (1) and subsection (8) of section 201.15, Florida
7 Statutes, are amended to read:

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

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

18 (a) Amounts as shall be necessary to pay the debt
19 service on, or fund debt service reserve funds, rebate
20 obligations, or other amounts payable with respect to
21 Preservation 2000 bonds issued pursuant to s. 375.051 and
22 Florida Forever bonds issued pursuant to s. 215.618, shall be
23 paid into the State Treasury to the credit of the Land
24 Acquisition Trust Fund to be used for such purposes. The
25 amount transferred to the Land Acquisition Trust Fund for such
26 purposes shall not exceed \$300 million in fiscal year
27 1999-2000 and thereafter for Preservation 2000 bonds and bonds
28 issued to refund Preservation 2000 bonds, and \$300 million in
29 fiscal year 2000-2001 and thereafter for Florida Forever
30 bonds. The annual amount transferred to the Land Acquisition
31 Trust Fund for Florida Forever bonds shall not exceed \$30

1 million in the first fiscal year in which bonds are issued.
2 The limitation on the amount transferred shall be increased by
3 an additional \$30 million in each subsequent fiscal year ~~in~~
4 ~~which bonds are authorized to be issued~~, but shall not exceed
5 a total of \$300 million in any fiscal year for all bonds
6 issued. It is the intent of the Legislature that all bonds
7 issued to fund the Florida Forever Act be retired by December
8 31, 2030. Except for bonds issued to refund previously issued
9 bonds, no series of bonds may be issued pursuant to this
10 paragraph unless such bonds are approved and the ~~first year's~~
11 debt service for the remainder of the fiscal year in which the
12 bonds are issued ~~such bonds~~ is specifically appropriated in
13 the General Appropriations Act. For purposes of refunding
14 Preservation 2000 bonds, amounts designated within this
15 section for Preservation 2000 and Florida Forever bonds may be
16 transferred between the two programs to the extent provided
17 for in the documents authorizing the issuance of the bonds.
18 The Preservation 2000 bonds and Florida Forever bonds shall be
19 equally and ratably secured by moneys distributable to the
20 Land Acquisition Trust Fund pursuant to this section, except
21 to the extent specifically provided otherwise by the documents
22 authorizing the issuance of the bonds. No moneys transferred
23 to the Land Acquisition Trust Fund pursuant to this paragraph,
24 or earnings thereon, shall be used or made available to pay
25 debt service on the Save Our Coast revenue bonds.

26 (8) One-half of one percent of the remaining taxes
27 collected under this chapter shall be paid into the State
28 Treasury and divided equally to the credit of the Department
29 of Environmental Protection Water Quality Assurance Grants and
30 ~~Donations~~ Trust Fund to address water quality impacts
31 associated with nonagricultural nonpoint sources and to the

1 credit of the Department of Agriculture and Consumer Services
2 General Inspection Trust Fund to address water quality impacts
3 associated with agricultural nonpoint sources, respectively.
4 These funds shall be used for research, development,
5 demonstration, and implementation of suitable best management
6 practices or other measures used to achieve water quality
7 standards in surface waters and water segments identified
8 pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No.
9 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best
10 management practices and other measures may include cost-share
11 grants, technical assistance, implementation tracking, and
12 conservation leases or other agreements for water quality
13 improvement. The unobligated balance of funds received from
14 the distribution of taxes collected under this chapter to
15 address water quality impacts associated with nonagricultural
16 nonpoint sources will be excluded when calculating the
17 unobligated balance of the Water Quality Assurance Trust Fund
18 as it relates to the determination of the applicable excise
19 tax rate.

20 Section 3. Subsections (1) and (4) of section 215.618,
21 Florida Statutes, are amended to read:

22 215.618 Bonds for acquisition and improvement of land,
23 water areas, and related property interests and resources.--

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

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

16 (4) The Department of Environmental Protection shall
17 request the Division of Bond Finance of the State Board of
18 Administration to issue the Florida Forever bonds authorized
19 by this section in an amount supported by projected
20 expenditures. The Division of Bond Finance shall issue such
21 bonds pursuant to the State Bond Act.

22 Section 4. Paragraph (d) of subsection (7) of section
23 253.03, Florida Statutes, is amended and paragraph (e) is
24 added to that subsection to read:

25 253.03 Board of trustees to administer state lands;
26 lands enumerated.--

27 (7)

28 (d) By January 1, 2001 ~~2000~~, the owners of habitable
29 structures built on or before May 1, 1999 ~~January 1, 1998~~,
30 located in conservation areas 2 or 3, on district or
31 state-owned lands, the existence or use which will not impede

1 the restoration of the Everglades, whether pursuant to a
2 submerged lease or not, must provide written notification to
3 the South Florida Water Management District of their existence
4 and location, including an identification of the footprint of
5 the structures. This notification will grant the leaseholders
6 an automatic 20-year lease at a reasonable fee established by
7 the district, or the Department of Environmental Protection,
8 as appropriate, to expire on January 1, 2020. The district or
9 Department of Environmental Protection, as appropriate, may
10 impose reasonable conditions consistent with existing laws and
11 rules. If the structures are located on privately owned lands,
12 the landowners must provide the same notification required for
13 a 20-year permit. If ~~where~~ the structures are located on
14 state-owned lands, the South Florida Water Management District
15 shall submit this notification to the Department of
16 Environmental Protection on the owner's behalf. At the
17 expiration of this 20-year lease or permit, the South Florida
18 Water Management District or the Department of Environmental
19 Protection, as appropriate, shall have the right to require
20 that the leaseholder remove the structures if the district
21 determines that the structures or their use are causing harm
22 to the water or land resources of the district, or to renew
23 the lease agreement. The structure of any owner who does not
24 provide notification to the South Florida Water Management
25 District as required under this subsection, shall be
26 considered illegal and subject to immediate removal. Any
27 structure built in any water conservation area after May 1,
28 1999, without necessary permits and leases from the South
29 Florida Water Management District, ~~or~~ the Department of
30 Environmental Protection, or other local government, as
31

1 appropriate, shall be considered illegal and subject to
2 removal.

3 (e) Failure to comply with the conditions contained in
4 any permit or lease agreement as described in paragraph (d)
5 makes the structure illegal and subject to removal. Any
6 structure built in any water conservation area on or after
7 July 1, 2000 is also illegal and subject to immediate removal.

8 Section 5. Paragraph (j) of subsection (6) and
9 subsection (8) of section 253.034, Florida Statutes, are
10 amended to read:

11 253.034 State-owned lands; uses.--

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

21 (j) Proceeds from any sale of surplus lands pursuant
22 to this subsection shall be deposited into the fund from which
23 such lands were acquired. However, if the fund from which the
24 lands were originally acquired no longer exists, such proceeds
25 shall be deposited into an appropriate account to be used for
26 land management by the lead managing agency assigned the lands
27 prior to the lands' being declared surplus ~~for use by the lead~~
28 ~~managing agency for land management.~~

29 (8) Land management plans required to be submitted by
30 the Department of Corrections, the Department of Juvenile
31 Justice, or the Department of Education ~~are shall not be~~

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

15 Section 6. Subsections (3) and (6) of section 259.03,
16 Florida Statutes, are amended to read:

17 259.03 Definitions.--The following terms and phrases
18 when used in this chapter shall have the meanings ascribed to
19 them in this section, except where the context clearly
20 indicates a different meaning:

21 (3) "Capital improvement" or "capital project
22 expenditure" means those activities relating to the
23 acquisition, restoration, public access, and recreational uses
24 of such lands, water areas, and related resources deemed
25 necessary to accomplish the purposes of this chapter. Eligible
26 activities include, but are not limited to: ~~the initial~~
27 ~~removal of invasive plants,~~ the construction, improvement,
28 enlargement or extension of facilities' signs, firelanes,
29 access roads, and trails; or any other activities that serve
30 to restore, conserve, protect, or provide public access,
31 recreational opportunities, or necessary services for land or

1 water areas. Such activities shall be identified prior to the
2 acquisition of a parcel or the approval of a project. The
3 continued expenditures necessary for a capital improvement
4 approved under this subsection shall not be eligible for
5 funding provided in this chapter. Such capital improvements or
6 capital project expenditures must have a useful life that is
7 at least as long as the debt repayment period of the bond
8 issue from which they were funded.

9 (6) "Water resource development project" means a
10 project eligible for funding pursuant to s. 259.105 that
11 increases the amount of water available to meet the needs of
12 natural systems and the citizens of the state by enhancing or
13 restoring aquifer recharge, facilitating the capture and
14 storage of excess flows in surface waters, or promoting reuse.
15 The implementation of eligible projects under s. 259.105
16 includes land acquisition, land and water body restoration,
17 aquifer storage and recovery facilities, surface water
18 reservoirs, and other capital improvements. With the exclusion
19 of projects that promote reuse, the term does not include
20 construction of treatment, transmission, or distribution
21 facilities.

22 Section 7. Paragraphs (b) and (e) of subsection (1) of
23 section 259.0345, Florida Statutes, are amended to read:

24 259.0345 Florida Forever Advisory Council.--

25 (1)

26 (b) The members appointed by the Governor shall serve
27 3-year ~~4-year~~ terms, except that, initially, to provide for
28 staggered terms, three of the appointees shall serve 2-year
29 terms. No appointee shall serve more than 6 years. The
30 Governor may at any time fill a vacancy for the unexpired term
31 of a member appointed under paragraph (a).

1 (e) ~~Appointments shall be made by August 15, 1999, and~~
2 ~~the council's first meeting shall be held by September 15,~~
3 ~~1999. Beginning, January 1, 2000,~~The council shall, at a
4 minimum, meet twice a year.

5 Section 8. Subsections (3) and (18) and paragraph (a)
6 of subsection (7) of section 259.105, Florida Statutes, are
7 amended, and paragraphs (p) and (q) are added to subsection
8 (4) of that section to read:

9 259.105 The Florida Forever Act.--

10 (3) Less the costs of issuing and the costs of funding
11 reserve accounts and other costs associated with bonds, the
12 proceeds of bonds issued pursuant to this section shall be
13 deposited into the Florida Forever Trust Fund created by s.
14 259.1051. The proceeds shall be distributed by the Department
15 of Environmental Protection in the following manner, except
16 that the distribution rates may be adjusted to facilitate the
17 prompt expenditure of bond proceeds as long as no agency or
18 entity receives more funds than it would otherwise be entitled
19 to receive during the duration of the Florida Forever program:

20 (a) Thirty-five percent to the Department of
21 Environmental Protection for the acquisition of lands and
22 capital project expenditures necessary to implement the water
23 management districts' priority lists developed pursuant to s.
24 373.199. The funds are to be distributed to the water
25 management districts as provided in subsection (11). A
26 minimum of 50 percent of the total funds provided over the
27 life of the Florida Forever program pursuant to this paragraph
28 shall be used for the acquisition of lands.

29 (b) Thirty-five percent to the Department of
30 Environmental Protection for the acquisition of lands and
31 capital project expenditures described in this section. Of the

1 proceeds distributed pursuant to this paragraph, it is the
2 intent of the Legislature that an increased priority be given
3 to those acquisitions which achieve a combination of
4 conservation goals, including protecting Florida's water
5 resources and natural groundwater recharge. Capital project
6 expenditures may not exceed 10 percent of the funds allocated
7 pursuant to this paragraph.

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

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

14 (d) One and five-tenths percent to the Department of
15 Environmental Protection for the purchase of inholdings and
16 additions to state parks and for capital project expenditures
17 as described in this section. Capital project expenditures may
18 not exceed 10 percent of the funds allocated under this
19 paragraph. For the purposes of this paragraph, "state park"
20 means any real property in the state which is under the
21 jurisdiction of the Division of Recreation and Parks of the
22 department, or which may come under its jurisdiction.

23 (e) One and five-tenths percent to the Division of
24 Forestry of the Department of Agriculture and Consumer
25 Services to fund the acquisition of state forest inholdings
26 and additions pursuant to s. 589.07, ~~and~~ the implementation of
27 reforestation plans or sustainable forestry management
28 practices, and for capital project expenditures as described
29 in this section. Capital project expenditures may not exceed
30 10 percent of the funds allocated under this paragraph.

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1 (f) One and five-tenths percent to the Fish and
2 Wildlife Conservation Commission to fund the acquisition of
3 inholdings and additions to lands managed by the commission
4 which are important to the conservation of fish and wildlife
5 and for capital project expenditures as described in this
6 section. Capital project expenditures may not exceed 10
7 percent of the funds allocated under this paragraph.

8 (g) One and five-tenths percent to the Department of
9 Environmental Protection for the Florida Greenways and Trails
10 Program, to acquire greenways and trails or greenways and
11 trail systems pursuant to chapter 260, including, but not
12 limited to, abandoned railroad rights-of-way and the Florida
13 National Scenic Trail and for capital project expenditures as
14 described in this section. Capital project expenditures may
15 not exceed 10 percent of the funds allocated under this
16 paragraph.

17 (h) For the purposes of paragraphs (d), (e), (f), and
18 (g), the agencies which receive the funds shall develop their
19 individual acquisition or restoration lists. Proposed
20 additions may be acquired if they are identified within the
21 original project boundary, the management plan required
22 pursuant to s. 253.034(5), or the management prospectus
23 required pursuant to s. 259.032(9)(d). Proposed additions not
24 meeting the requirements of this paragraph shall be submitted
25 to the Acquisition and Restoration Council for approval. The
26 council may only approve the proposed addition if it meets two
27 or more of the following criteria: serves as a link or
28 corridor to other publicly owned property; enhances the
29 protection or management of the property; would add a
30 desirable resource to the property; would create a more
31 manageable boundary configuration; has a high resource value

1 that otherwise would be unprotected; or can be acquired at
2 less than fair market value.

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

6 (p) Ensure that sufficient quantities of water are
7 available to meet current and future needs of the natural
8 system and the residents of the state, as measured by
9 implementation of the water-resource-development component of
10 the regional water supply plan developed under s. 373.0361.

11 (q) An increase in the state's inventory of historical
12 and cultural sites as measured by the number of sites
13 acquired.

14 (7)(a) Beginning July 1, 2001 ~~2000~~, and every year
15 thereafter, the Acquisition and Restoration Council shall
16 accept applications from state agencies, local governments,
17 nonprofit and for-profit organizations, private land trusts,
18 and individuals for project proposals eligible for funding
19 pursuant to paragraph (3)(b). The council shall evaluate the
20 proposals received pursuant to this subsection to ensure that
21 they meet at least one of the criteria under subsection (9).

22 (18) The Acquisition and Restoration Council shall ~~may~~
23 recommend adoption of rules by the board of trustees necessary
24 to implement the provisions of this section relating to:
25 solicitation, scoring, selecting, and ranking of Florida
26 Forever project proposals; disposing of or leasing lands or
27 water areas selected for funding through the Florida Forever
28 program; and the process of reviewing and recommending for
29 approval or rejection the land management plans associated
30 with publicly owned properties. Rules promulgated pursuant to
31 this subsection shall be submitted to the President of the

1 Senate and the Speaker of the House of Representatives, for
2 review by the Legislature, no later than 30 days prior to the
3 2001 ~~2000~~ Regular Session and shall become effective only
4 after legislative review. In its review, the Legislature may
5 reject, modify, or take no action relative to such rules. The
6 council shall conform such rules to changes made by the
7 Legislature, or, if no action was taken by the Legislature,
8 such rules shall become effective.

9 Section 9. Paragraph (c) of subsection (1) of section
10 373.1391, Florida Statutes, is amended to read:

11 373.1391 Management of real property.--

12 (1)

13 (c) In developing or reviewing land management plans
14 when ~~should~~ a dispute arises ~~arise~~ that has not been ~~cannot be~~
15 resolved by a ~~the~~ water management district's final agency
16 action districts, that dispute must ~~issue shall~~ be resolved
17 under chapter 120 ~~forwarded to the Secretary of Environmental~~
18 ~~Protection who shall submit it to the Florida Forever Advisory~~
19 ~~Council.~~

20 Section 10. Subsection (7) of section 373.199, Florida
21 Statutes, is amended to read:

22 373.199 Florida Forever Water Management District Work
23 Plan.--

24 (7) By June 1, 2001, and ~~January 1~~ of each year
25 thereafter, each district shall file with the Legislature and
26 the Secretary of Environmental Protection a report of
27 acquisitions completed during the year together with
28 modifications or additions to its 5-year work plan. Included
29 in the report shall be:

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1 (a) A description of land management activity for each
2 property or project area owned by the water management
3 district.

4 (b) A list of any lands surplused and the amount of
5 compensation received.

6
7 The secretary shall submit the report required pursuant to
8 this subsection along with the Florida Forever report required
9 under s. 259.105.

10 Section 11. Subsection (1) of section 373.59, Florida
11 Statutes, is amended to read:

12 373.59 Water Management Lands Trust Fund.--

13 (1) There is established within the Department of
14 Environmental Protection the Water Management Lands Trust Fund
15 to be used as a nonlapsing fund for the purposes of this
16 section. The moneys in this fund are hereby continually
17 appropriated for the purposes of land acquisition, management,
18 maintenance, capital improvements of land titled to the
19 districts, payments in lieu of taxes, debt service on bonds
20 issued prior to July 1, 1999, debt service on bonds issued on
21 or after July 1, 1999, which are issued to refund bonds issued
22 before July 1, 1999, preacquisition costs associated with land
23 purchases, and the department's costs of administration of the
24 fund. The department's costs of administration shall be
25 charged proportionally against each district's allocation
26 using the formula provided in subsection (8). Capital
27 improvements shall include, but need not be limited to,
28 perimeter fencing, signs, firelanes, control of invasive
29 exotic species, controlled burning, habitat inventory and
30 restoration, law enforcement, access roads and trails, and

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1 minimal public accommodations, such as primitive campsites,
2 garbage receptacles, and toilets.

3 Section 12. Section 375.051, Florida Statutes, is
4 amended to read:

5 375.051 Issuance of revenue bonds subject to
6 constitutional authorization.--The acquisition of lands, water
7 areas, and related resources by the department under this act
8 is a public purpose for which revenue bonds may be issued when
9 and only when there has been granted in the State Constitution
10 specific authorization for the department to issue revenue
11 bonds to pay the cost of acquiring such lands, water areas,
12 and related resources and to construct, improve, enlarge, and
13 extend capital improvements and facilities thereon as
14 determined by the department to be necessary for the purposes
15 of this act. The department may utilize the services and
16 facilities of the Department of Legal Affairs, the Board of
17 Administration, or any other agency in this regard. No
18 revenue bonds, revenue certificates, or other evidences of
19 indebtedness shall be issued for the purposes of this act
20 except as specifically authorized by the State Constitution.
21 All revenue bonds, revenue certificates, or other evidences of
22 indebtedness issued pursuant to this act shall be submitted to
23 the State Board of Administration for approval or disapproval.
24 No individual series of bonds may be issued pursuant to this
25 section unless the ~~first year's~~ debt service for the remainder
26 of the fiscal year in which the bonds are issued ~~such bonds~~ is
27 specifically appropriated in the General Appropriations Act.

28 Section 13. Subsection (11) of section 380.507,
29 Florida Statutes, is amended to read:

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

4 (11) To make rules necessary to carry out the purposes
5 of this part and to exercise any power granted in this part,
6 pursuant to the provisions of chapter 120. The trust shall
7 adopt rules to carry out the purposes of part III of this
8 chapter and to govern ~~governing~~ the acquisition of lands by
9 local governments or the trust using proceeds from the
10 Preservation 2000 Trust Fund and the Florida Forever Trust
11 Fund, consistent with the intent expressed in the Florida
12 Forever Act. Such rules for land acquisition must include, but
13 are not limited to, procedures for appraisals and
14 confidentiality consistent with ss. 125.355(1)(a) and (b) and
15 166.045(1)(a) and (b), a method of determining a maximum
16 purchase price, and procedures to assure that the land is
17 acquired in a voluntarily negotiated transaction, surveyed,
18 conveyed with marketable title, and examined for hazardous
19 materials contamination. Land acquisition procedures of a
20 local land authority created pursuant to s. 380.0663 or s.
21 380.0677 may be used for the land acquisition programs
22 described by ss. 259.101(3)(c) and 259.105 if within areas of
23 critical state concern designated pursuant to s. 380.05,
24 subject to approval of the trust.

25 Section 14. Subsection (7) of section 380.510, Florida
26 Statutes, is amended to read:

27 380.510 Conditions of grants and loans.--

28 (7) Any funds received by the trust from the
29 Preservation 2000 Trust Fund pursuant to s. 259.101(3)(c) and
30 the Florida Forever Trust Fund pursuant to s. 259.105(3)(c)
31 shall be held separate and apart from any other funds held by

1 the trust and shall be used ~~only to pay the cost of the~~
2 ~~acquisition of lands by a local government or the state~~ for
3 the purposes of this part. In addition to the other conditions
4 set forth in this section, the disbursement of Preservation
5 2000 and Florida Forever funds from the trust shall be subject
6 to the following conditions:

7 (a) The administration and use of any funds received
8 by the trust from the Preservation 2000 Trust Fund and the
9 Florida Forever Trust Fund shall be subject to such terms and
10 conditions imposed thereon by the agency of the state
11 responsible for the bonds, the proceeds of which are deposited
12 in the Preservation 2000 Trust Fund and the Florida Forever
13 Trust Fund, including restrictions imposed to ensure that the
14 interest on any such bonds issued by the state as tax-exempt
15 bonds will not be included in the gross income of the holders
16 of such bonds for federal income tax purposes.

17 (b) All deeds or leases with respect to any real
18 property acquired with funds received by the trust from the
19 Preservation 2000 Trust Fund shall contain such covenants and
20 restrictions as are sufficient to ensure that the use of such
21 real property at all times complies with s. 375.051 and s. 9,
22 Art. XII of the State Constitution. All deeds or leases with
23 respect to any real property acquired with funds received by
24 the trust from the Florida Forever Trust Fund shall contain
25 such covenants and restrictions as are sufficient to ensure
26 that the use of such real property at all times complies with
27 s. 11(e), Art. VII of the State Constitution. Each deed or
28 lease shall contain a reversion, conveyance, or termination
29 clause that will vest title in the Board of Trustees of the
30 Internal Improvement Trust Fund if any of the covenants or
31 restrictions are violated by the titleholder or leaseholder or

