

By the Committee on Natural Resources and Senator Latvala

312-2106-00

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 Departments of Juvenile Justice
16 and Children and Family Services from a
17 requirement for land-management-plan review;
18 requiring the adoption of rules; revising
19 management planning requirements; providing
20 procedures for determining the value of certain
21 lands; amending s. 259.03, F.S.; redefining the
22 terms "capital improvement" and "water resource
23 development project"; providing a limitation on
24 capital project expenditures; amending s.
25 259.032, F.S.; revising the
26 payments-in-lieu-of-taxes program; amending s.
27 259.0345, F.S.; deleting obsolete provisions;
28 revising the terms of Florida Forever Advisory
29 Council members; clarifying the duties of the
30 Florida Forever Advisory Council; amending s.
31 259.035, F.S.; authorizing the Acquisition and

1 Restoration Council to use specified rules;
2 revising procedures; amending s. 259.101, F.S.;
3 authorizing the Board of Trustees of the
4 Internal Improvement Trust Fund to hold title
5 to specified lands; requiring the monitoring of
6 easements and agreements; deleting provisions
7 requiring the redistribution of specified
8 funds; deleting a repeal of Preservation 2000
9 bond allocations; amending s. 259.105, F.S.;
10 requiring the redistribution of funds in
11 specified circumstances; requiring a specific
12 percentage of the Florida Communities Trust's
13 Florida Forever funds to be expended in
14 standard metropolitan statistical areas;
15 revising a date for acceptance of acquisition
16 applications; authorizing capital expenditures;
17 revising the goals of the Florida Forever
18 program; requiring the recommendation of rules
19 to the board of trustees; revising the
20 distribution of funds; amending s. 260.018,
21 F.S.; correcting an error; amending s. 373.139,
22 F.S.; requiring a public hearing and
23 notification to the county of proposed
24 purchases; amending s. 373.1391, F.S.;
25 providing for the resolution of certain
26 disputes; amending s. 373.199, F.S.; revising
27 the date for submission of a report and the
28 content of the report; amending s. 373.59,
29 F.S.; revising payments-in-lieu-of-taxes
30 requirements; authorizing the refunding of
31 bonds; amending s. 375.051, F.S.; revising

1 requirements for debt service for bonds issued
2 to acquire lands, water areas, and related
3 resources; amending s. 375.075, F.S.; revising
4 the funding plan for recreational development;
5 amending s. 380.507, F.S.; revising the uses of
6 Florida Forever funds; amending s. 380.510,
7 F.S.; revising the uses of Florida Forever
8 funds; repealing s. 211.3103(9), F.S., relating
9 to the severance tax on phosphate; prohibiting
10 certain funds from being used for the Florida
11 Forever Advisory Council; providing effective
12 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. Subsection (1) of section 215.618, Florida
21 Statutes, is 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 Section 4. Paragraph (d) of subsection (7) of section
17 253.03, Florida Statutes, is amended and paragraph (e) is
18 added to that subsection to read:

19 253.03 Board of trustees to administer state lands;
20 lands enumerated.--

21 (7)

22 (d) By January 1, 2001 ~~2000~~, the owners of habitable
23 structures built on or before May 1, 1999 ~~January 1, 1998~~,
24 located in conservation areas 2 or 3, on district or
25 state-owned lands, the existence or use which will not impede
26 the restoration of the Everglades, whether pursuant to a
27 submerged lease or not, must provide written notification to
28 the South Florida Water Management District of their existence
29 and location, including an identification of the footprint of
30 the structures. This notification will grant the leaseholders
31 an automatic 20-year lease at a reasonable fee established by

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

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

1 Section 5. Subsections (1), (4), (5), (6), (8), and
2 (10) of section 253.034, Florida Statutes, are amended to
3 read:

4 253.034 State-owned lands; uses.--

5 (1) All lands acquired pursuant to chapter 259 shall
6 be managed to serve the public interest by protecting and
7 conserving land, air, water, and the state's natural
8 resources, which contribute to the public health, welfare, and
9 economy of the state. These lands shall be managed to provide
10 for areas of natural resource based recreation, and to ensure
11 the survival of plant and animal species and the conservation
12 of finite and renewable natural resources. The state's lands
13 and natural resources shall be managed using a stewardship
14 ethic that assures these resources will be available for the
15 benefit and enjoyment of all people of the state, both present
16 and future. It is the intent of the Legislature that, where
17 feasible and consistent with the goals of protection and
18 conservation of natural resources associated with lands held
19 in the public trust by the Board of Trustees of the Internal
20 Improvement Trust Fund, public land not designated for
21 single-use purposes pursuant to paragraph (2)(b) be managed
22 for multiple-use purposes. All multiple-use land management
23 strategies shall address public access and enjoyment, resource
24 conservation and protection, ecosystem maintenance and
25 protection, and protection of threatened and endangered
26 species, and the degree to which public-private partnerships
27 or endowments may allow the agency with management
28 responsibility to enhance its ability to manage these lands.
29 The council created in s. 259.035 shall recommend rules to the
30 board of trustees, and the board of trustees shall adopt rules
31 necessary to carry out the purposes of this section.

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

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

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

17 (a) The Division of State Lands shall make available
18 to the public a copy of each land management plan for parcels
19 that ~~which~~ exceed 160 acres in size. The council ~~or its~~
20 ~~successor~~ shall review each plan for compliance with the
21 requirements of this subsection, the requirements of chapter
22 259, and ~~with~~ the requirements of the rules established by the
23 board pursuant to this section ~~subsection~~. The council ~~or its~~
24 ~~successor~~ shall also consider the propriety of the
25 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 surplused. Notwithstanding s.
16 253.111, for conservation ~~those~~ lands ~~designated as acquired~~
17 ~~for conservation purposes~~, the board shall make a
18 determination that the lands are no longer needed for
19 conservation purposes and may dispose of them by a two-thirds
20 vote. For all other lands, the board shall make a
21 determination that the lands are no longer needed and may
22 dispose of them by majority vote.

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

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

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

20 (d) 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) shall
23 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) In reviewing lands owned by the board, the council
2 or its successor shall consider whether such lands would be
3 more appropriately owned or managed by the county or other
4 unit of local government in which the land is located. The
5 council or its successor shall recommend to the board whether
6 a sale, lease, or other conveyance to a local government would
7 be in the best interests of the state and local government.
8 The provisions of this paragraph in no way limit the
9 provisions of ss. 253.111 and 253.115. Such lands shall be
10 offered to the county or local government for a period of 90
11 days. Permittable uses for such surplus lands may include
12 public schools; public libraries; fire or law enforcement
13 substations; and governmental, judicial, or recreational
14 centers. County or local government requests for surplus
15 lands shall be expedited throughout the surplus process.
16 State agencies shall have the subsequent opportunity to
17 acquire the surplus lands for a period not to exceed 30 days
18 after the offer to a county or local government expires.
19 Surplus properties in which governmental agencies have
20 expressed no interest shall then be available for sale on the
21 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) When a state agency acquired land by gift,
7 donation, grant, quit-claim deed, or other such conveyance and
8 no monetary consideration was exchanged, the price of land
9 sold as surplus shall not exceed the fair market value of the
10 lands. Fair market value is to be determined by the average of
11 two separate appraisals. The individual or entity requesting
12 the surplus is to select and use appraisers from the list of
13 approved appraisers maintained by the Division of State Lands
14 of the Department of Environmental Protection in accordance
15 with s. 253.025(6)(b). The individual or entity requesting the
16 surplus is to incur all costs of the appraisals.

17 (i)~~(h)~~ After reviewing the recommendations of the
18 council or its successor, the board shall determine whether
19 lands identified for surplus are to be held for other public
20 purposes or whether such lands are no longer needed. The
21 board may require an agency to release its interest in such
22 lands.

23 (j)~~(i)~~ Requests for surplusizing may be made by any
24 public or private entity or person. All requests shall be
25 submitted to the lead managing agency for review and
26 recommendation to the council or its successor. Lead managing
27 agencies shall have 90 days to review such requests and make
28 recommendations. Any surplusizing requests that have not been
29 acted upon within the 90-day time period shall be immediately
30 scheduled for hearing at the next regularly scheduled meeting
31 of the council or its successor. Requests for surplusizing

1 pursuant to this paragraph shall not be required to be offered
2 to local or state governments as provided in paragraph (f).

3 (k)~~(j)~~ Proceeds from any sale of surplus lands
4 pursuant to this subsection shall be deposited into the fund
5 from which such lands were acquired. However, if the fund from
6 which the lands were originally acquired no longer exists,
7 such proceeds shall be deposited into an appropriate account
8 to be used for land management by the lead managing agency
9 assigned the lands prior to the lands' being declared surplus
10 ~~for use by the lead managing agency for land management.~~

11 (l)~~(k)~~ Notwithstanding the provisions of this
12 subsection, no such disposition of land shall be made if such
13 disposition would have the effect of causing all or any
14 portion of the interest on any revenue bonds issued to lose
15 the exclusion from gross income for federal income tax
16 purposes.

17 (m)~~(l)~~ The sale of filled, formerly submerged land
18 that does not exceed 5 acres in area is not subject to review
19 by the council or its successor.

20 (8) Land management plans required to be submitted by
21 the Department of Corrections, the Department of Juvenile
22 Justice, the Department of Children and Family Services, or
23 the Department of Education are ~~shall~~ not ~~be~~ subject to the
24 provisions for review by the council or its successor
25 described in subsection (5). Management plans filed by these
26 agencies shall be made available to the public for a period of
27 90 days at the administrative offices of the parcel or project
28 affected by the management plan and at the Tallahassee offices
29 of each agency. Any plans not objected to during the public
30 comment period shall be deemed approved. Any plans for which
31 an objection is filed shall be submitted to the Board of

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

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

16 (a) Not inconsistent with the management plan for such
17 lands;

18 (b) Compatible with the natural ecosystem and resource
19 values of such lands;

20 (c) The proposed use is appropriately located on such
21 lands and where due consideration is given to the use of other
22 available lands;

23 (d) The using entity reasonably compensates the
24 titleholder for such use based upon an appropriate measure of
25 value; and

26 (e) The use is consistent with the public interest.
27

28 A decision by the board of trustees pursuant to this section
29 ~~subsection~~ shall be given a presumption of correctness. Moneys
30 received from the use of state lands pursuant to this section
31

1 ~~subsection~~ shall be returned to the lead managing agency in
2 accordance with the provisions of s. 259.032(11)(d).

3 Section 6. Subsection (3) of section 259.03, Florida
4 Statutes, is amended to read:

5 259.03 Definitions.--The following terms and phrases
6 when used in this chapter shall have the meanings ascribed to
7 them in this section, except where the context clearly
8 indicates a different meaning:

9 (3) "Capital improvement" or "capital project
10 expenditure" means those activities relating to the
11 acquisition, restoration, public access, and recreational uses
12 of such lands, water areas, and related resources deemed
13 necessary to accomplish the purposes of this chapter. Eligible
14 activities include, but are not limited to: ~~the initial~~
15 ~~removal of invasive plants~~; the construction, improvement,
16 enlargement or extension of facilities' signs, firelanes,
17 access roads, and trails; or any other activities that serve
18 to restore, conserve, protect, or provide public access,
19 recreational opportunities, or necessary services for land or
20 water areas. Such activities shall be identified prior to the
21 acquisition of a parcel or the approval of a project. The
22 continued expenditures necessary for a capital improvement
23 approved under this subsection shall not be eligible for
24 funding provided in this chapter. Such capital improvements or
25 capital project expenditures must have a useful life that is
26 at least as long as the debt repayment period of the bond
27 issue from which they were funded.

28 Section 7. Subsection (10) and paragraph (b) of
29 subsection (12) of section 259.032, Florida Statutes, are
30 amended to read:

31

1 259.032 Conservation and Recreation Lands Trust Fund;
2 purpose.--

3 (10)(a) State, regional, or local governmental
4 agencies or private entities designated to manage lands under
5 this section shall develop and adopt, with the approval of the
6 board of trustees, an individual management plan for each
7 project designed to conserve and protect such lands and their
8 associated natural resources. Private sector involvement in
9 management plan development may be used to expedite the
10 planning process.

11 (b) Individual management plans required by s.
12 253.034(5), for parcels over 160 acres, shall be developed
13 with input from an advisory group. Members of this advisory
14 group shall include, at a minimum, representatives of the lead
15 land managing agency, comanaging entities, local private
16 property owners, the appropriate soil and water conservation
17 district, a local conservation organization, and a local
18 elected official. The advisory group shall conduct at least
19 one public hearing within the county in which the parcel or
20 project is located. For those parcels or projects that are
21 within more than one county, at least one areawide public
22 hearing shall be acceptable and the lead managing agency shall
23 invite a local elected official from each county. The areawide
24 public hearing shall be held in the county in which the core
25 parcels are located. Notice of such public hearing shall be
26 posted on the parcel or project designated for management,
27 advertised in a paper of general circulation, and announced at
28 a scheduled meeting of the local governing body before the
29 actual public hearing. The management prospectus required
30 pursuant to paragraph (9)(d) shall be available to the public
31 for a period of 30 days prior to the public hearing.

1 (c) Once a plan is adopted, the managing agency or
2 entity shall update the plan at least every 5 years in a form
3 and manner prescribed by rule of the board of trustees. Such
4 updates, for parcels over 160 acres, shall be developed with
5 input from an advisory group. Such plans may include transfers
6 of leasehold interests to appropriate conservation
7 organizations or governmental entities designated by the Land
8 Acquisition and Management Advisory Council or its successor,
9 for uses consistent with the purposes of the organizations and
10 the protection, preservation, conservation, restoration, and
11 proper management of the lands and their resources. Volunteer
12 management assistance is encouraged, including, but not
13 limited to, assistance by youths participating in programs
14 sponsored by state or local agencies, by volunteers sponsored
15 by environmental or civic organizations, and by individuals
16 participating in programs for committed delinquents and
17 adults.

18 (d) For each project for which lands are acquired
19 after July 1, 1995, an individual management plan shall be
20 adopted and in place no later than 1 year after the essential
21 parcel or parcels identified in the annual Conservation and
22 Recreation Lands report prepared pursuant to s. 259.035(2)(a)
23 have been acquired. Beginning in fiscal year 1998-1999, the
24 Department of Environmental Protection shall distribute only
25 75 percent of the acquisition funds to which a budget entity
26 or water management district would otherwise be entitled from
27 the Preservation 2000 Trust Fund to any budget entity or any
28 water management district that has more than one-third of its
29 management plans overdue.

30
31

1 (e) Individual management plans shall conform to the
2 appropriate policies and guidelines of the state land
3 management plan and shall include, but not be limited to:

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

7 2. Key management activities necessary to preserve and
8 protect natural resources and restore habitat, and for
9 controlling the spread of nonnative plants and animals, and
10 for prescribed fire and other appropriate resource management
11 activities.

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

15 4. A priority schedule for conducting management
16 activities, based on the purposes for which the lands were
17 acquired.

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

21 6. A cost estimate for conducting other management
22 activities which would enhance the natural resource value or
23 public recreation value for which the lands were acquired. The
24 cost estimate shall include recommendations for cost-effective
25 methods of accomplishing those activities.

26 7. A determination of the public uses and public
27 access that would be consistent with the purposes for which
28 the lands were acquired.

29 (f) The Division of State Lands shall submit a copy of
30 each individual management plan for parcels which exceed 160
31

1 acres in size to each member of the Land Acquisition and
2 Management Advisory Council or its successor, which shall:

3 1. Within 60 days after receiving a plan from the
4 division, review each plan for compliance with the
5 requirements of this subsection and with the requirements of
6 the rules established by the board pursuant to this
7 subsection.

8 2. Consider the propriety of the recommendations of
9 the managing agency with regard to the future use or
10 protection of the property.

11 3. After its review, submit the plan, along with its
12 recommendations and comments, to the board of trustees, with
13 recommendations as to whether to approve the plan as
14 submitted, approve the plan with modifications, or reject the
15 plan.

16 (g) The board of trustees shall consider the
17 individual management plan submitted by each state agency and
18 the recommendations of the Land Acquisition and Management
19 Advisory Council, or its successor, and the Division of State
20 Lands and shall approve the plan with or without modification
21 or reject such plan. The use or possession of any lands owned
22 by the board of trustees which is not in accordance with an
23 approved individual management plan is subject to termination
24 by the board of trustees.

25
26 By July 1 of each year, each governmental agency, ~~including~~
27 ~~the water management districts,~~ and each private entity
28 designated to manage lands shall report to the Secretary of
29 Environmental Protection on the progress of funding, staffing,
30 and resource management of every project for which the agency
31 or entity is responsible.

1 (12)
2 (b) Payment in lieu of taxes shall be available:
3 1. To all counties that have a population of 150,000
4 or fewer ~~less and in which the amount of the tax loss from all~~
5 ~~completed Preservation 2000 and Florida Forever acquisitions~~
6 ~~in the county exceeds 0.01 percent of the county's total~~
7 ~~taxable value.~~ Population levels shall be determined pursuant
8 to s. 11.031.
9 2. To all local governments located in eligible
10 counties.
11 3. To Glades County, where a privately owned and
12 operated prison leased to the state has recently been opened
13 and where privately owned and operated juvenile justice
14 facilities leased to the state have recently been constructed
15 and opened, a payment in lieu of taxes, in an amount that
16 offsets the loss of property tax revenue, which funds have
17 already been appropriated and allocated from the Department of
18 Correction's budget for the purpose of reimbursing amounts
19 equal to lost ad valorem taxes.
20
21 Counties and local governments that did not receive payments
22 in lieu of taxes for lands purchased pursuant to s. 259.101
23 during fiscal year 1999-2000, if such counties and local
24 governments would have received payments pursuant to this
25 subsection as that section existed on June 30, 1999, shall
26 receive retroactive payments for such tax losses.
27 Section 8. Paragraphs (b) and (e) of subsection (1)
28 and subsections (7) and (8) of section 259.0345, Florida
29 Statutes, are amended to read:
30 259.0345 Florida Forever Advisory Council.--
31 (1)

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

7 ~~(e) Appointments shall be made by August 15, 1999, and~~
8 ~~the council's first meeting shall be held by September 15,~~
9 ~~1999. Beginning, January 1, 2000,~~The council shall, at a
10 minimum, meet twice a year.

11 (7) The council shall provide a report by December 15,
12 2000, to the Secretary of Environmental Protection, who shall
13 forward the report to the board of trustees for its approval.
14 After approval by the board of trustees, the secretary shall
15 forward the approved report to the President of the Senate and
16 the Speaker of the House of Representatives, before the
17 beginning of the 2001 Regular Session, for review by the
18 appropriate legislative substantive committee. The Legislature
19 may reject, modify, or take no action relative to the goals
20 and performance measures established by the report. If no
21 action is taken the goals and performance measures shall be
22 implemented. The report must meet the following requirements
23 solely with respect to the funding provided pursuant to s.
24 259.105(3)(b):

25 (a) Establish specific goals for those identified in
26 s. 259.105(4).

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

29 (c) Identify specific performance measures that may be
30 used to analyze progress towards the goals established. It is
31 recognized that, during the development of this report, the

1 council may identify other recommendations concerning the
2 implementation of Florida Forever. These recommendations must
3 be incorporated in the reports identified in subsection (8).
4 ~~The council shall provide a report, by November 1, 2000, to~~
5 ~~the Secretary of Environmental Protection, who shall forward~~
6 ~~the report to the board of trustees for their approval. After~~
7 ~~approval by the board of trustees, the secretary shall forward~~
8 ~~the approved report to the President of the Senate and the~~
9 ~~Speaker of the House of Representatives, at least 30 days~~
10 ~~prior to the 2001 Regular Legislative Session, for review by~~
11 ~~the appropriate legislative committees with jurisdiction over~~
12 ~~the department. The Legislature may reject, modify, or take~~
13 ~~no action relative to the goals and performance measures~~
14 ~~established by the report. If no action is taken, the goals~~
15 ~~and performance measures shall be implemented. The report~~
16 ~~shall meet the following requirements:~~
17 ~~(a) Establish specific goals for those identified in~~
18 ~~s. 259.105(4).~~
19 ~~(b) Provide recommendations expanding or refining the~~
20 ~~goals identified in s. 259.105(4).~~
21 ~~(c) Provide recommendations for the development and~~
22 ~~identification of performance measures to be used for~~
23 ~~analyzing the progress made towards the goals established~~
24 ~~pursuant to s. 259.105(4).~~
25 ~~(d) Provide recommendations for the process by which~~
26 ~~projects are to be submitted, reviewed, and approved by the~~
27 ~~Acquisition and Restoration Council. The advisory council is~~
28 ~~to specifically examine ways to streamline the process created~~
29 ~~by the Florida Forever Act.~~
30 (8) The council shall provide a report, at least 30
31 days prior to the regular legislative sessions in the

1 following years: 2002, 2004, 2006 and 2008. The report shall
2 be provided to the Secretary of Environmental Protection, who
3 shall forward the report to the board of trustees for their
4 approval. After approval by the board of trustees, the
5 secretary shall forward the approved report to the President
6 of the Senate and the Speaker of the House of Representatives.
7 The report shall provide: recommendations for adjusting or
8 expanding the goals detailed in s. 259.105(4); recommendations
9 for adjusting the percentage distributions detailed in s.
10 259.105(3); and recommendations concerning other aspects of
11 the Florida Forever Act. In making recommendations for
12 adjusting the percentage distributions detailed in s.
13 259.105(3), the council shall consider which agencies have
14 encumbered their funds in a timely manner and unencumbered
15 balances, if any, in each agency's Florida Forever sub
16 account. The recommendations may include increases in
17 percentage distributions to those agencies that have
18 encumbered Florida Forever funds in a timely manner.

19 Section 9. Section 259.035, Florida Statutes, as
20 amended by section 16 of chapter 99-247, Laws of Florida, is
21 amended to read:

22 259.035 Acquisition and Restoration Council.--

23 (1) There is created, ~~effective March 1, 2000,~~ the
24 Acquisition and Restoration Council.

25 (a) The council shall be composed of nine voting
26 members, four of whom shall be appointed by the Governor.
27 These four appointees shall be from scientific disciplines
28 related to land, water, or environmental sciences. They shall
29 serve 4-year terms, except that, initially, to provide for
30 staggered terms, two of the appointees shall serve 2-year
31 terms. All subsequent appointments shall be for 4-year terms.

1 No appointee shall serve more than 6 years. The Governor may
2 at any time fill a vacancy for the unexpired term of a member
3 appointed under this paragraph.

4 (b) The five remaining appointees shall be composed of
5 the Secretary of Environmental Protection ~~the department~~, the
6 director of the Division of Forestry of the Department of
7 Agriculture and Consumer Services, the executive director of
8 the Fish and Wildlife Conservation Commission, the director of
9 the Division of Historical Resources of the Department of
10 State, and the secretary of the Department of Community
11 Affairs, or their respective designees.

12 (c) The Governor shall appoint the chair of the
13 council, and a vice chair shall be elected from among the
14 members.

15 (d) The council shall hold periodic meetings at the
16 request of the chair.

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

21 (f) The board of trustees ~~department~~ has authority to
22 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
23 the provisions of this section.

24 (2) The four members of the council appointed by the
25 Governor shall receive \$75 per day while engaged in the
26 business of the council, as well as expenses and per diem for
27 travel, including attendance at meetings, as allowed state
28 officers and employees while in the performance of their
29 duties, pursuant to s. 112.061.

30 (3) The council shall provide assistance to the board
31 of trustees in reviewing the recommendations and plans for

1 state-owned lands required under ~~ss. s-253.034~~ and 259.032.
2 The council shall, in reviewing such recommendations and
3 plans, consider the optimization of multiple-use and
4 conservation strategies to accomplish the provisions funded
5 pursuant to ~~ss. s-259.101(3)(a)~~ and 259.105(3)(b). ~~Such funds~~
6 ~~shall only be used to acquire lands identified in the annual~~
7 ~~Conservation and Recreation Lands list approved by the board~~
8 ~~of trustees in the year 2000.~~

9 (4) The council may use existing rules adopted by the
10 board of trustees, until it develops and recommends amendments
11 to those rules, to competitively evaluate, select, and rank
12 projects eligible for the Conservation and Recreation Lands
13 list pursuant to ss. 259.032(3) and 259.101(4) and, beginning
14 no later than May 1, 2001, for Florida Forever funds pursuant
15 to s. 259.105(3)(b). In developing or amending the rules, the
16 council shall give weight to the criteria included in s.
17 259.105(9). The board of trustees shall review the
18 recommendations and shall adopt rules necessary to administer
19 this section.

20 (5) An affirmative vote of five members of the council
21 is required in order to change a project boundary or to place
22 a proposed project on a list developed pursuant to subsection
23 (4). Any member of the council who by family or a business
24 relationship has a connection with all or a portion of any
25 proposed project shall declare the interest before voting on
26 its inclusion on a list.

27 (6) The proposal for a project pursuant to this
28 section or s. 259.105(3)(b) may be implemented only if adopted
29 by the council and approved by the board of trustees. The
30 council shall consider and evaluate in writing the merits and
31 demerits of each project that is proposed for Conservation and

1 Recreation Lands, Florida Preservation 2000, or Florida
2 Forever funding and shall ensure that each proposed project
3 will meet a stated public purpose for the restoration,
4 conservation, or preservation of environmentally sensitive
5 lands and water areas or for providing outdoor recreational
6 opportunities. The council also shall determine whether the
7 project conforms, where applicable with the comprehensive plan
8 developed pursuant to s. 259.04(1)(a), the comprehensive
9 multipurpose outdoor recreation plan developed pursuant to s.
10 375.021, the state lands management plan adopted pursuant to
11 s. 253.03(7), the water resources work plans developed
12 pursuant to s. 373.199, and the provisions of s. 259.032, s.
13 259.101, or s. 259.105, whichever is applicable.

14 Section 10. Subsections (3) and (9) of section
15 259.101, Florida Statutes, are amended to read:

16 259.101 Florida Preservation 2000 Act.--

17 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
18 costs of issuance, the costs of funding reserve accounts, and
19 other costs with respect to the bonds, the proceeds of bonds
20 issued pursuant to this act shall be deposited into the
21 Florida Preservation 2000 Trust Fund created by s. 375.045.
22 Ten percent of the proceeds of any bonds deposited into the
23 Preservation 2000 Trust Fund shall be distributed by the
24 Department of Environmental Protection to the Department of
25 Environmental Protection for the purchase by the South Florida
26 Water Management District of lands in Dade, Broward, and Palm
27 Beach Counties identified in s. 7, chapter 95-349, Laws of
28 Florida. This distribution shall apply for any bond issue for
29 the 1995-1996 fiscal year. For the 1997-1998 fiscal year only,
30 \$20 million per year from the proceeds of any bonds deposited
31 into the Florida Preservation 2000 Trust Fund shall be

1 distributed by the Department of Environmental Protection to
2 the St. Johns Water Management District for the purchase of
3 lands necessary to restore Lake Apopka. The remaining proceeds
4 shall be distributed by the Department of Environmental
5 Protection in the following manner:

6 (a) Fifty percent to the Department of Environmental
7 Protection for the purchase of public lands as described in s.
8 259.032. Of this 50 percent, at least one-fifth shall be used
9 for the acquisition of coastal lands.

10 (b) Thirty percent to the Department of Environmental
11 Protection for the purchase of water management lands pursuant
12 to s. 373.59, to be distributed among the water management
13 districts as provided in that section. Funds received by each
14 district may also be used for acquisition of lands necessary
15 to implement surface water improvement and management plans
16 approved in accordance with s. 373.456 or for acquisition of
17 lands necessary to implement the Everglades Construction
18 Project authorized by s. 373.4592.

19 (c) Ten percent to the Department of Community Affairs
20 to provide land acquisition grants and loans to local
21 governments through the Florida Communities Trust pursuant to
22 part III of chapter 380. From funds allocated to the trust,
23 \$3 million annually shall be used by the Division of State
24 Lands within the Department of Environmental Protection to
25 implement the Green Swamp Land Protection Initiative Authority
26 specifically for the purchase of conservation easements
27 ~~through land protection agreements~~, as defined in s.
28 380.0677(4)~~s. 380.0677(5)~~, of lands, or severable interests
29 or rights in lands, in the Green Swamp Area of Critical State
30 Concern. From funds allocated to the trust, \$3 million
31 annually shall be used by the Monroe County Comprehensive Plan

1 Land Authority specifically for the purchase of any real
2 property interest in either those lands subject to the Rate of
3 Growth Ordinances adopted by local governments in Monroe
4 County or those lands within the boundary of an approved
5 Conservation and Recreation Lands project located within the
6 Florida Keys or Key West Areas of Critical State Concern;
7 however, title to lands acquired within the boundary of an
8 approved Conservation and Recreation Lands project may, in
9 accordance with an approved joint acquisition agreement, vest
10 in the Board of Trustees of the Internal Improvement Trust
11 Fund. Of the remaining funds allocated to the trust after the
12 above transfers occur, one-half shall be matched by local
13 governments on a dollar-for-dollar basis. To the extent
14 allowed by federal requirements for the use of bond proceeds,
15 the trust shall expend Preservation 2000 funds to carry out
16 the purposes of part III of chapter 380.

17 (d) Two and nine-tenths percent to the Department of
18 Environmental Protection for the purchase of inholdings and
19 additions to state parks. For the purposes of this paragraph,
20 "state park" means all real property in the state under the
21 jurisdiction of the Division of Recreation and Parks of the
22 department, or which may come under its jurisdiction.

23 (e) Two and nine-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.

27 (f) Two and nine-tenths percent to the Fish and
28 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission to
29 fund the acquisition of inholdings and additions to lands
30 managed by the commission which are important to the
31 conservation of fish and wildlife.

1 (g) One and three-tenths percent to the Department of
2 Environmental Protection for the Florida Greenways and Trails
3 Program, to acquire greenways and trails or greenways and
4 trails systems pursuant to chapter 260, including, but not
5 limited to, abandoned railroad rights-of-way and the Florida
6 National Scenic Trail.

7
8 Local governments may use federal grants or loans, private
9 donations, or environmental mitigation funds, including
10 environmental mitigation funds required pursuant to s.
11 338.250, for any part or all of any local match required for
12 the purposes described in this subsection. Bond proceeds
13 allocated pursuant to paragraph (c) may be used to purchase
14 lands on the priority lists developed pursuant to s. 259.035.
15 Title to lands purchased pursuant to paragraphs (a), (d), (e),
16 (f), and (g) shall be vested in the Board of Trustees of the
17 Internal Improvement Trust Fund, ~~except that title to lands,~~
18 ~~or rights or interests therein, acquired by either the~~
19 ~~Southwest Florida Water Management District or the St. Johns~~
20 ~~River Water Management District in furtherance of the Green~~
21 ~~Swamp Land Authority's mission pursuant to s. 380.0677(3),~~
22 ~~shall be vested in the district where the acquisition project~~
23 ~~is located.~~ Title to lands purchased pursuant to paragraph (c)
24 may be vested in the Board of Trustees of the Internal
25 Improvement Trust Fund. The board of trustees shall hold title
26 to land protection agreements and conservation easements that
27 were or will be acquired pursuant to s. 380.0677, and, ~~except~~
28 ~~that title to lands, or rights or interests therein, acquired~~
29 ~~by either the Southwest Florida Water Management District and~~
30 ~~or the St. Johns River Water Management District shall monitor~~
31 such agreements and easements, within their respective

1 districts, until the state assumes this responsibility.
2 ~~furtherance of the Green Swamp Land Authority's mission~~
3 ~~pursuant to s. 380.0677(3), shall be vested in the district~~
4 ~~where the acquisition project is located. This subsection is~~
5 ~~repealed effective October 1, 2000. Prior to repeal, the~~
6 ~~Legislature shall review the provisions scheduled for repeal~~
7 ~~and shall determine whether to reenact or modify the~~
8 ~~provisions or to take no action.~~

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

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

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

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

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

1 about such alternatives and the benefits of such alternatives.
2 It also is the intent of the Legislature that the department
3 and the water management districts spend a portion of their
4 shares of Preservation 2000 bond proceeds to purchase eligible
5 properties using alternatives to fee simple acquisition.
6 Finally, it is the intent of the Legislature that public
7 agencies acquire lands in fee simple for public access and
8 recreational activities. Lands protected using alternatives
9 to fee simple acquisition techniques shall not be accessible
10 to the public unless such access is negotiated with and agreed
11 to by the private landowners who retain interests in such
12 lands.

13 (b) The Land Acquisition Advisory Council and the
14 water management districts shall identify, within their 1997
15 acquisition plans, those projects which require a full fee
16 simple interest to achieve the public policy goals, along with
17 the reasons why full title is determined to be necessary. The
18 council and the water management districts may use
19 alternatives to fee simple acquisition to bring the remaining
20 projects in their acquisition plans under public protection.
21 For the purposes of this subsection, the term "alternatives to
22 fee simple acquisition" includes, but is not limited to:
23 purchase of development rights; conservation easements;
24 flowage easements; purchase of timber rights, mineral rights,
25 or hunting rights; purchase of agricultural interests or
26 silvicultural interests; land protection agreements; fee
27 simple acquisitions with reservations; or any other
28 acquisition technique which achieves the public policy goals
29 listed in paragraph (a). It is presumed that a private
30 landowner retains the full range of uses for all the rights or
31 interests in the landowner's land which are not specifically

1 acquired by the public agency. Life estates and fee simple
2 acquisitions with leaseback provisions shall not qualify as an
3 alternative to fee simple acquisition under this subsection,
4 although the department and the districts are encouraged to
5 use such techniques where appropriate.

6 (c) Beginning in fiscal year 1996-1997, the department
7 and each water management district shall implement initiatives
8 to use alternatives to fee simple acquisition and to educate
9 private landowners about such alternatives. These initiatives
10 shall include at least two acquisitions a year by the
11 department and each water management district utilizing
12 alternatives to fee simple.

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

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

25 ~~(f) Pursuant to subsection (3) and beginning in~~
26 ~~fiscal year 1999-2000, that portion of the unencumbered~~
27 ~~balances of each program described in paragraphs (3)(c), (d),~~
28 ~~(e), (f), and (g) which has been on deposit in such program's~~
29 ~~Preservation 2000 account for more than 3 fiscal years shall~~
30 ~~be redistributed equally to the Department of Environmental~~
31 ~~Protection, Division of State Lands P2000 sub account for the~~

1 ~~purchase of State Lands as described in s. 259.032 and Water~~
2 ~~Management District P2000 sub account for the purchase of~~
3 ~~Water Management Lands pursuant to ss. 373.456, 373.4592 and~~
4 ~~373.59. For the purposes of this subsection, the term~~
5 ~~"unencumbered balances" means the portion of Preservation 2000~~
6 ~~bond proceeds which is not obligated through the signing of a~~
7 ~~purchase contract between a public agency and a private~~
8 ~~landowner, except that the program described in paragraph~~
9 ~~(3)(c) may not lose any portion of its unencumbered funds~~
10 ~~which remain unobligated because of extraordinary~~
11 ~~circumstances that hampered the affected local governments'~~
12 ~~abilities to close on land acquisition projects approved~~
13 ~~through the Florida Communities Trust program. Extraordinary~~
14 ~~circumstances shall be determined by the Florida Communities~~
15 ~~Trust governing body and may include such things as death or~~
16 ~~bankruptcy of the owner of property; a change in the land use~~
17 ~~designation of the property; natural disasters that affected a~~
18 ~~local government's ability to consummate the sales contract on~~
19 ~~such property; or any other condition that the Florida~~
20 ~~Communities Trust governing board determined to be~~
21 ~~extraordinary. The portion of the funds redistributed in the~~
22 ~~Water Management District P2000 sub account shall be~~
23 ~~distributed to the water management districts as provided in~~
24 ~~s. 373.59(8).~~

25 ~~2.~~ The department and the water management districts
26 may enter into joint acquisition agreements to jointly fund
27 the purchase of lands using alternatives to fee simple
28 techniques.

29 ~~(g)~~ If the department or any water management district
30 is unable to spend the funds it receives pursuant to paragraph
31

1 ~~(f) within the same fiscal year, the unspent funds shall be~~
2 ~~carried forward to the subsequent fiscal year.~~

3 ~~(h) This subsection is repealed July 1 of the year~~
4 ~~following the final authorization of Preservation 2000 bonds.~~

5 Section 11. Subsections (3), (9), (14), (16), and (18)
6 and paragraph (a) of subsection (7) of section 259.105,
7 Florida Statutes, are amended, paragraphs (p), (q), (r), and
8 (s) are added to subsection (4) of that section, and
9 subsection (20) is added to that section to read:

10 259.105 The Florida Forever Act.--

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 50 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 land
7 acquisition ~~the purposes of part III of chapter 380, and~~
8 grants to local governments or nonprofit environmental
9 organizations that are tax exempt under s. 501(c)(3) of the
10 United States Internal Revenue Code for the acquisition of
11 community-based projects, urban open spaces, parks, and
12 greenways to implement local government comprehensive plans.
13 From funds available to the trust, 92 percent shall be used by
14 the trust, and 8 percent shall be transferred annually to the
15 Land Acquisition Trust Fund for grants pursuant to s. 375.075.
16 From funds available to the trust and used for land
17 acquisition, 75 percent shall be matched by local governments
18 on a dollar-for-dollar basis. The Legislature intends that
19 the Florida Communities Trust emphasize funding projects in
20 low-income or otherwise disadvantaged communities. At least
21 thirty percent of the total allocation provided to the trust
22 shall be used in Standard Metropolitan Statistical Areas, but
23 one-half of that amount shall be used in localities in which
24 the project site is located in built-up commercial,
25 industrial, or mixed-use areas and functions to intersperse
26 open spaces within congested urban core areas. From funds
27 allocated to the trust, no less than 5 percent shall be used
28 to acquire lands for recreational trail systems, provided that
29 in the event these funds are not needed for such projects,
30 they will be available for other trust projects. Local
31 governments may use federal grants or loans, private

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

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

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

29 (f) One and five-tenths percent to the Fish and
30 Wildlife Conservation Commission to fund the acquisition of
31 inholdings and additions to lands managed by the commission

1 which are important to the conservation of fish and wildlife
2 and for capital project expenditures as described in this
3 section. Capital project expenditures may not exceed 10
4 percent of the funds allocated under this paragraph.

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

14 (h) It is the intent of the Legislature that proceeds
15 of Florida Forever bonds distributed under this section shall
16 be expended in an efficient and fiscally responsible manner.
17 An agency that receives proceeds from Florida Forever bonds
18 under this section may not maintain a balance of unencumbered
19 funds in its Florida Forever subaccount beyond 3 fiscal years
20 from the date of issuance of the first bond series. Any funds
21 that have not been encumbered beyond 3 fiscal years from the
22 date of issuance of the first bond series shall be
23 redistributed in proportion to the allocations under this
24 subsection.

25 (i)~~(h)~~ For the purposes of paragraphs (d), (e), (f),
26 and (g), the agencies which receive the funds shall develop
27 their individual acquisition or restoration lists. Proposed
28 additions may be acquired if they are identified within the
29 original project boundary, the management plan required
30 pursuant to s. 253.034(5), or the management prospectus
31 required pursuant to s. 259.032(9)(d). Proposed additions not

1 meeting the requirements of this paragraph shall be submitted
2 to the Acquisition and Restoration Council for approval. The
3 council may only approve the proposed addition if it meets two
4 or more of the following criteria: serves as a link or
5 corridor to other publicly owned property; enhances the
6 protection or management of the property; would add a
7 desirable resource to the property; would create a more
8 manageable boundary configuration; has a high resource value
9 that otherwise would be unprotected; or can be acquired at
10 less than fair market value.

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

14 (p) Ensure that sufficient quantities of water are
15 available to meet current and future needs of the natural
16 system and the residents of the state, as measured by
17 implementation of the water-resource-development component of
18 the district water management plan developed pursuant to s.
19 373.036 or appropriate regional water supply plan developed
20 under s. 373.0361.

21 (q) An increase in the state's inventory of historical
22 and cultural sites as measured by the number of sites
23 acquired.

24 (r) An increase in the protection of fragile coastal
25 resources, as measured by the linear feet and acreage of
26 coastline acquired.

27 (s) An increase in the protection of significant
28 surface waters of the state, as measured by the acreage of
29 lands acquired to buffer them.

30 (7)(a) Beginning no later than July 1, 2001 ~~2000~~, and
31 every year thereafter, the Acquisition and Restoration Council

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

8 (9) The Acquisition and Restoration Council shall
9 recommend rules for adoption by the board of trustees ~~develop~~
10 ~~a rule~~ to competitively evaluate, select, and rank projects
11 eligible for Florida Forever funds pursuant to paragraph
12 (3)(b) and for additions to the Conservation and Recreation
13 Lands list pursuant to ss. 259.032 and 259.101(4). In
14 developing these proposed rules, ~~this rule~~ the Acquisition and
15 Restoration Council shall give weight to the following
16 criteria:

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

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

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

24 (d) The project has significant archaeological or
25 historic value.

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

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

31

1 (g) The project has a significant portion of its land
2 area in imminent danger of development, in imminent danger of
3 losing its significant natural attributes or recreational open
4 space, or in imminent danger of subdivision which would result
5 in multiple ownership and make acquisition of the project
6 costly or less likely to be accomplished.

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

9 (i) The project is one of the components of the
10 Everglades restoration effort.

11 (j) The project may be purchased at 80 percent of
12 appraised value.

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

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

22 (14) Each year that bonds are to be issued pursuant to
23 this section, the Acquisition and Restoration Council shall
24 review the most current ~~that year's~~ approved project list and
25 shall, by the first board meeting in May, present to the Board
26 of Trustees of the Internal Improvement Trust Fund for
27 approval a listing of projects developed pursuant to
28 subsection (8). The board of trustees may remove projects from
29 the list developed pursuant to this subsection, but may not
30 add projects or rearrange project rankings.

31

1 (16) All proposals for projects pursuant to paragraph
2 (3)(b) or subsection (20) shall be implemented only if adopted
3 by the Acquisition and Restoration Council and approved by the
4 board of trustees. The council shall consider and evaluate in
5 writing the merits and demerits of each project that is
6 proposed for Florida Forever funding and each proposed
7 addition to the Conservation and Recreation Lands list
8 program. The council ~~and~~ shall ensure that each proposed
9 project will meet a stated public purpose for the restoration,
10 conservation, or preservation of environmentally sensitive
11 lands and water areas or for providing outdoor recreational
12 opportunities and that each proposed addition to the
13 Conservation and Recreation Lands list will meet the public
14 purposes under s. 259.032(3) and, when applicable, s.
15 259.101(4). The council also shall determine whether ~~if~~ the
16 project or addition conforms, where applicable, with the
17 comprehensive plan developed pursuant to s. 259.04(1)(a), the
18 comprehensive multipurpose outdoor recreation plan developed
19 pursuant to s. 375.021, the state lands management plan
20 adopted pursuant to s. 253.03(7), the water resources work
21 plans developed pursuant to s. 373.199, and the provisions of
22 this section.

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

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

10 (20) The Acquisition and Restoration Council, as
11 successors to the Land Acquisition and Restoration Council,
12 may amend existing Conservation and Recreation Lands projects
13 and add to or delete from the 2000 Conservation and Recreation
14 Lands list until funding for the Conservation and Recreation
15 Lands program has been expended. The amendments to the 2000
16 Conservation and Recreation Lands list will be reported to the
17 board of trustees in conjunction with the council's report
18 developed pursuant to s. 259.105(15).

19 Section 12. Section 260.018, Florida Statutes, is
20 amended to read:

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

1 or waterways have been designated as a part of the statewide
2 system of ~~or~~ greenways and trails pursuant to s.
3 260.016(2)(d).

4 Section 13. Subsections (2) and (3) of section
5 373.139, Florida Statutes, are amended to read:

6 373.139 Acquisition of real property.--

7 (2) The governing board of the district is empowered
8 and authorized to acquire in fee or less than fee title to
9 real property, and easements therein, by purchase, gift,
10 devise, lease, eminent domain, or otherwise for flood control,
11 water storage, water management, conservation and protection
12 of water resources, aquifer recharge, water resource and water
13 supply development, and preservation of wetlands, streams, and
14 lakes. Eminent domain powers may be used only for acquiring
15 real property for flood control and water storage or for
16 curing title defects or encumbrances to real property to be
17 acquired from a willing seller.

18 (3)~~(a)~~ The initial 5-year workplan and any subsequent
19 modifications or additions thereto shall be adopted by each
20 water management district after a public hearing. Each water
21 management district shall provide at least 14 days' advance
22 notice of the hearing date and shall separately notify each
23 county commission within which a proposed workplan project or
24 project modification or addition is located of the hearing
25 date. ~~No acquisition of lands shall occur without a public~~
26 ~~hearing similar to those held pursuant to the provisions set~~
27 ~~forth in s. 120.54.~~

28 ~~(a)(b)~~ Title information, appraisal reports, offers,
29 and counteroffers are confidential and exempt from the
30 provisions of s. 119.07(1) until an option contract is
31 executed or, if no option contract is executed, until 30 days

1 before a contract or agreement for purchase is considered for
2 approval by the governing board. However, each district may,
3 at its discretion, disclose appraisal reports to private
4 landowners during negotiations for acquisitions using
5 alternatives to fee simple techniques, if the district
6 determines that disclosure of such reports will bring the
7 proposed acquisition to closure. In the event that negotiation
8 is terminated by the district, the title information,
9 appraisal report, offers, and counteroffers shall become
10 available pursuant to s. 119.07(1). Notwithstanding the
11 provisions of this section and s. 259.041, a district and the
12 Division of State Lands may share and disclose title
13 information, appraisal reports, appraisal information, offers,
14 and counteroffers when joint acquisition of property is
15 contemplated. A district and the Division of State Lands shall
16 maintain the confidentiality of such title information,
17 appraisal reports, appraisal information, offers, and
18 counteroffers in conformance with this section and s. 259.041,
19 except in those cases in which a district and the division
20 have exercised discretion to disclose such information.

21 (b)~~(c)~~ The Secretary of Environmental Protection shall
22 release moneys from the appropriate account or trust fund to a
23 district for preacquisition costs within 30 days after receipt
24 of a resolution adopted by the district's governing board
25 which identifies and justifies any such preacquisition costs
26 necessary for the purchase of any lands listed in the
27 district's 5-year work plan. The district shall return to the
28 department any funds not used for the purposes stated in the
29 resolution, and the department shall deposit the unused funds
30 into the appropriate account or trust fund.

31

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

22 Section 14. Paragraph (c) of subsection (1) of section
23 373.1391, Florida Statutes, is amended to read:

24 373.1391 Management of real property.--

25 (1)

26 (c) In developing or reviewing land management plans
27 when should a dispute arises ~~arise~~ that has not been ~~cannot be~~
28 resolved by a the water management district's final agency
29 action districts, that dispute must ~~issue shall~~ be resolved
30 under chapter 120 ~~forwarded to the Secretary of Environmental~~
31

1 ~~Protection who shall submit it to the Florida Forever Advisory~~
2 ~~Council.~~

3 Section 15. Subsection (7) of section 373.199, Florida
4 Statutes, is amended to read:

5 373.199 Florida Forever Water Management District Work
6 Plan.--

7 (7) By June ~~January 1, 2001, of each year,~~ each
8 district shall file with the President of the Senate, the
9 Speaker of the House of Representatives, Legislature and the
10 Secretary of Environmental Protection the initial 5-year
11 workplan as required under subsection (2). By June 1 of each
12 year thereafter, each district shall file with the President
13 of the Senate, the Speaker of the House of Representatives,
14 and the Secretary of Environmental Protection a report of
15 acquisitions completed during the year together with
16 modifications or additions to its 5-year work plan. Included
17 in the report shall be:

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

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

23 (c) The progress of funding, staffing, and resource
24 management of every project funded pursuant to s. 259.101, s.
25 259.105, or s. 373.59 for which the district is responsible.

26
27 The secretary shall submit the report referenced in this
28 subsection to the Board of Trustees of the Internal
29 Improvement Trust Fund together ~~required pursuant to this~~
30 ~~subsection along~~ with the Acquisition and Restoration

31

1 Council's project list as Florida Forever report required
2 under s. 259.105.

3 Section 16. Subsections (1) and (10) of section
4 373.59, Florida Statutes, are amended to read:

5 373.59 Water Management Lands Trust Fund.--

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

26 (10)(a) Beginning July 1, 1999, not more than
27 one-fourth of the land management funds provided for in
28 subsections (1) and (8) in any year shall be reserved annually
29 by a governing board, during the development of its annual
30 operating budget, for payments in lieu of taxes for all actual
31 tax losses incurred as a result of governing board

1 acquisitions for water management districts pursuant to ss.
2 259.101, 259.105, and 373.59 ~~under the Florida Forever program~~
3 during any year. Reserved funds not used for payments in lieu
4 of taxes in any year shall revert to the Water Management
5 Lands Trust Fund to be used in accordance with the provisions
6 of this section.

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

8 1. To all counties that have a population of 150,000
9 or fewer ~~less and in which the amount of tax loss from all~~
10 ~~completed Preservation 2000 and Florida Forever acquisitions~~
11 ~~in the county exceeds 0.01 percent of the county's total~~
12 ~~taxable value~~. Population levels shall be determined pursuant
13 to s. 11.031.

14 2. To all local governments located in eligible
15 counties and whose lands are bought and taken off the tax
16 rolls.

17
18 For properties acquired after January 1, 2000, in the event
19 that such properties otherwise eligible for payment in lieu of
20 taxes under this subsection are leased or reserved and remain
21 subject to ad valorem taxes, payments in lieu of taxes shall
22 commence or recommence upon the expiration or termination of
23 the lease or reservation, but in no event shall there be more
24 than a total of ten annual payments in lieu of taxes for each
25 tax loss. If the lease is terminated for only a portion of the
26 lands at any time, the ten annual payments shall be made for
27 that portion only commencing the year after such termination,
28 without limiting the requirement that ten annual payments
29 shall be made on the remaining portion or portions of the land
30 as the lease on each expires. For the purposes of this
31 subsection, "local government" includes municipalities, the

1 county school board, mosquito control districts, and any other
2 local government entity which levies ad valorem taxes.

3 (c) If sufficient ~~insufficient~~ funds are unavailable
4 ~~available~~ in any year to make full payments to all qualifying
5 counties and local governments, such counties and local
6 governments shall receive a pro rata share of the moneys
7 available.

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

26 (e) Payment in lieu of taxes pursuant to this
27 subsection shall be made annually to qualifying counties and
28 local governments after certification by the Department of
29 Revenue that the amounts applied for are reasonably
30 appropriate, based on the amount of actual taxes paid on the
31 eligible property, and after the water management districts

1 have provided supporting documents to the Comptroller and have
2 requested that payment be made in accordance with the
3 requirements of this section.

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

9 (g) The districts may make retroactive payments to
10 counties and local governments that did not receive payments
11 in lieu of taxes for lands purchased under ss. 259.101 and
12 373.59 during fiscal year 1999-2000 if the counties and local
13 governments would have received those payments under ss.
14 259.032(12) and 373.59(14).

15 Section 17. Section 375.051, Florida Statutes, is
16 amended to read:

17 375.051 Issuance of revenue bonds subject to
18 constitutional authorization.--The acquisition of lands, water
19 areas, and related resources by the department under this act
20 is a public purpose for which revenue bonds may be issued when
21 and only when there has been granted in the State Constitution
22 specific authorization for the department to issue revenue
23 bonds to pay the cost of acquiring such lands, water areas,
24 and related resources and to construct, improve, enlarge, and
25 extend capital improvements and facilities thereon as
26 determined by the department to be necessary for the purposes
27 of this act. The department may utilize the services and
28 facilities of the Department of Legal Affairs, the Board of
29 Administration, or any other agency in this regard. No
30 revenue bonds, revenue certificates, or other evidences of
31 indebtedness shall be issued for the purposes of this act

1 except as specifically authorized by the State Constitution.
2 All revenue bonds, revenue certificates, or other evidences of
3 indebtedness issued pursuant to this act shall be submitted to
4 the State Board of Administration for approval or disapproval.
5 No individual series of bonds may be issued pursuant to this
6 section unless the ~~first year's~~ debt service for the remainder
7 of the fiscal year in which the bonds are issued ~~such bonds~~ is
8 specifically appropriated in the General Appropriations Act.

9 Section 18. Subsection (1) of section 375.075, Florida
10 Statutes, is amended to read:

11 375.075 Outdoor recreation; financial assistance to
12 local governments.--

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

28 Section 19. Subsection (11) of section 380.507,
29 Florida Statutes, is amended to read:

30
31

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

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

23 Section 20. Subsection (7) of section 380.510, Florida
24 Statutes, is amended to read:

25 380.510 Conditions of grants and loans.--

26 (7) Any funds received by the trust from the
27 Preservation 2000 Trust Fund pursuant to s. 259.101(3)(c) and
28 the Florida Forever Trust Fund pursuant to s. 259.105(3)(c)
29 shall be held separate and apart from any other funds held by
30 the trust and shall be used ~~only to pay the cost of the~~
31 ~~acquisition of lands by a local government or the state for~~

1 the land acquisition purposes of this part. In addition to the
2 other conditions set forth in this section, the disbursement
3 of Preservation 2000 and Florida Forever funds from the trust
4 shall be subject to the following conditions:

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

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

1 Section 21. Subsection (9) of section 211.3103,
2 Florida Statutes, is repealed.
3 Section 22. Beginning in fiscal year 2000-2001, funds
4 from the Water Management Lands Trust Fund may not be used to
5 fund the expenses of the Florida Forever Advisory Council.
6 Section 23. Except as otherwise provided in this act,
7 this act shall take effect upon becoming a law.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1710

4 The committee substitute (CS) no longer contains provisions
5 authorizing bonds to be issued in an amount supported by
6 projected expenditures and intended to provide better cash
7 flow management. Also deleted is the ability to adjust bond
8 proceeds distribution rates among recipients to facilitate
9 prompt expenditures and meet actual cash needs of eligible
10 programs.

11 The CS requires the ARC to recommend rules to the Trustees to
12 carry out the purposes of s. 253.034, F.S. The Trustees must
13 adopt rules for that purpose.

14 The bill provides that when a state agency has acquired land
15 without monetary consideration, the price of that land if
16 subsequently sold as surplus may not exceed the fair market
17 value of the lands. Fair market value is to be determined by
18 the average of two separate appraisals. The individual or
19 entity requesting the surplus is to select and use appraisers
20 from the list of approved appraisers maintained by the
21 Division of State Lands of the Department of Environmental
22 Protection (DEP) in accordance with s. 253.025(6)(b), F.S. The
23 individual or entity requesting the surplus is to incur all
24 costs of the appraisals.

25 The CS exempts land management plans of the Departments of
26 Juvenile Justice and Children and Family Services from review
27 by the ARC and deletes any reference to projects that promote
28 water reuse.

29 The CS provides for payments in lieu of taxes, retroactively
30 to FY 1999-2000, for counties having a population of 150,000
31 or fewer and local governments within eligible counties. Such
payments are authorized for acquisitions under the CARL, Save
Our Rivers, P-2000, and Florida Forever programs.

For properties acquired after January 1, 2000, in the event
that such properties otherwise eligible for payments in lieu
of taxes are leased or reserved and remain subject to ad
valorem taxes, payments in lieu of taxes will commence or
recommence upon the expiration or termination of the lease or
reservation, but in no event will there be more than a total
of ten annual payments in lieu of taxes for each tax loss. If
the lease is terminated for only a portion of the lands at any
time, the ten annual payments will be made for that portion
only commencing the year after such termination, without
limiting the requirement that ten annual payments will be made
on the remaining portion or portions of the land as the lease
on each expires.

The CS revises current requirements for a Florida Forever
Advisory Council (FFAC) report by November 1, 2000. The report
will be due December 15, 2000. After approval by the Trustees,
it will be reviewed by the 2001 Legislature. A requirement
that the report provide recommendations for the process by
which the ARC will determine and approve projects is deleted.
In making recommendations in its 2002, 2004, 2006, and 2008

1 reports, the FFAC's recommendations for adjusting the
2 percentage distributions detailed in s. 259.105(3), F.S., must
3 consider which agencies have encumbered their funds in a
4 timely manner and unencumbered balances, if any, in each
5 agency's Florida Forever sub account. The recommendations may
6 include increases in percentage distributions to those
7 agencies that have encumbered Florida Forever funds in a
8 timely manner.

9 Section 259.035, F.S., is amended to permit the ARC to use
10 existing rules adopted by the Trustees, until it develops and
11 recommends amendments to those rules, to competitively evaluate,
12 select, and rank projects eligible for the Conservation and
13 Recreation Lands (CARL) list pursuant to ss. 259.032(3) and
14 259.101(4), F.S., and, beginning no later than May 1, 2001,
15 for Florida Forever funds pursuant to s. 259.105(3)(b), F.S.
16 In developing or amending the rules, the council must give
17 weight to the criteria included in s. 259.105(9), F.S. The
18 Trustees shall review the recommendations and shall adopt
19 rules necessary to administer this section.

20 An affirmative vote of five members of the ARC is required in
21 order to change a project boundary or to place a proposed
22 project on a list. Any member of the council who by family or
23 a business relationship has a connection with all or a portion
24 of any proposed project must declare the interest before
25 voting on its inclusion on a list.

26 The proposal for a project may be implemented only if adopted
27 by the ARC and approved by the Trustees. The council must
28 consider and evaluate in writing the merits and demerits of
29 each project that is proposed for CARL, P-2000 or Florida
30 Forever funding to ensure that each proposed project will meet
31 a stated public purpose for the restoration, conservation, or
preservation of environmentally sensitive lands and water
areas or for providing outdoor recreational opportunities. The
FFAC also must determine whether the project conforms, where
applicable, with the comprehensive plan, the comprehensive
multipurpose outdoor recreation plan, the state lands
management plan, the water resources work plans and the
provisions of ss. 259.032, 259.101, or 259.105, F.S.,
whichever is applicable.

The CS provides that the Division of State Lands of the DEP
will use FCT funds to acquire conservation easements to
implement the Green Swamp Land Protection Initiative. All
interests in land acquired through the program, including
already-acquired interests will be titled in the Trustees.

The CS repeals provisions that would require the
redistributing of certain unspent funds in the accounts of the
five small P-2000 programs. Also deleted is the scheduled
repeal of the P-2000 funding allocations.

The bill provides that it is the intent of the Legislature
that proceeds of Florida Forever bonds be expended in an
efficient and fiscally responsible manner. An agency that
receives proceeds from Florida Forever bonds may not maintain
a balance of unencumbered funds in its Florida Forever
subaccount beyond 3 fiscal years from the date of issuance of
the first bond series. Any funds that have not been encumbered
beyond 3 fiscal years from the date of issuance of the first

1 bond series will be redistributed in proportion to the Florida
Forever allocations.
2
3 The CS includes new goals for the Florida Forever program: An
4 increase in the protection of coastal resources through
5 coastal acquisitions and an increase in the protection of
6 significant surface waters through the acquisition of buffer
7 areas.
8
9 The bill authorizes the ARC, as successor to the LAMAC to
10 amend existing CARL projects and add to or delete from the
11 2000 CARL list until funding of the CARL program has been
12 expended. The amendments to the 2000 CARL list will be
13 reported to the Trustees in conjunction with the council's
14 report developed pursuant to s. 259.105(15), F.S.
15
16 The ARC will accept Florida Forever project applications
17 beginning July 1, 2001.
18
19 The CS amends s. 373.139, F.S., to require that the initial
20 5-year WMD workplan and any subsequent modifications or
21 additions thereto be adopted by each WMD after a public
22 hearing. Each district must provide at least 14 days' advance
23 notice of the hearing date and must separately notify each
24 county commission within which a proposed workplan project or
25 project modification or addition is located of the hearing
26 date.
27
28 The bill now requires the initial 5-year workplan and annual
29 updates to be filed June 1, 2001 and annually on that date
30 thereafter.
31
32 The CS clarifies that the FCT's funds will only be used for
land acquisition and requires that rules be adopted for that
purpose.
33
34 Finally, subsection (9) of s. 211.3103, F.S., is repealed and
the effective date is changed to upon becoming a law.
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