

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"; amending s. 259.032,
24 F.S.; revising the payments-in-lieu-of-taxes
25 program; amending s. 259.0345, F.S.; deleting
26 obsolete provisions; revising the terms of
27 Florida Forever Advisory Council members;
28 clarifying the duties of the Florida Forever
29 Advisory Council; amending s. 259.035, F.S.;
30 authorizing the Acquisition and Restoration
31 Council to use specified rules; revising

1 procedures; amending s. 259.101, F.S.;

2 authorizing the Board of Trustees of the

3 Internal Improvement Trust Fund to hold title

4 to specified lands; requiring the monitoring of

5 easements and agreements; deleting provisions

6 requiring the redistribution of specified

7 funds; deleting a repeal of Preservation 2000

8 bond allocations; amending s. 259.105, F.S.;

9 requiring the redistribution of funds in

10 specified circumstances; requiring a specific

11 percentage of the Florida Communities Trust's

12 Florida Forever funds to be expended in

13 standard metropolitan statistical areas;

14 revising a date for acceptance of acquisition

15 applications; authorizing capital expenditures;

16 revising the goals of the Florida Forever

17 program; requiring the recommendation of rules

18 to the board of trustees; revising the

19 distribution of funds; amending s. 260.018,

20 F.S.; correcting an error; amending s. 373.139,

21 F.S.; requiring a public hearing and

22 notification to the county of proposed

23 purchases; amending s. 373.1391, F.S.;

24 providing for the resolution of certain

25 disputes; amending s. 373.199, F.S.; revising

26 the date for submission of a report and the

27 content of the report; amending s. 373.59,

28 F.S.; revising payments-in-lieu-of-taxes

29 requirements; authorizing the refunding of

30 bonds; amending s. 375.051, F.S.; revising

31 requirements for debt service for bonds issued

1 to acquire lands, water areas, and related
2 resources; amending s. 375.075, F.S.; revising
3 the funding plan for recreational development;
4 amending s. 380.507, F.S.; revising the uses of
5 Florida Forever funds; amending s. 380.510,
6 F.S.; revising the uses of Florida Forever
7 funds; providing an appropriation; repealing s.
8 211.3103(9), F.S., relating to the severance
9 tax on phosphate; providing effective dates.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Paragraph (a) of subsection (1) of section
14 201.15, Florida Statutes, is amended to read:

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

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

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

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

1 or earnings thereon, shall be used or made available to pay
2 debt service on the Save Our Coast revenue bonds.

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

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

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

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

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

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

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

18 Section 3. Subsection (1) of section 215.618, Florida
19 Statutes, is amended to read:

20 215.618 Bonds for acquisition and improvement of land,
21 water areas, and related property interests and resources.--

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

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

14 Section 4. Paragraph (d) of subsection (7) of section
15 253.03, Florida Statutes, is amended and paragraph (e) is
16 added to that subsection to read:

17 253.03 Board of trustees to administer state lands;
18 lands enumerated.--

19 (7)

20 (d) By January 1, 2001 ~~2000~~, the owners of habitable
21 structures built on or before May 1, 1999 ~~January 1, 1998~~,
22 located in conservation areas 2 or 3, on district or
23 state-owned lands, the existence or use which will not impede
24 the restoration of the Everglades, whether pursuant to a
25 submerged lease or not, must provide written notification to
26 the South Florida Water Management District of their existence
27 and location, including an identification of the footprint of
28 the structures. This notification will grant the leaseholders
29 an automatic 20-year lease at a reasonable fee established by
30 the district, or the Department of Environmental Protection,
31 as appropriate, to expire on January 1, 2020. The district or

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

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

31

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 surplus. 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 surplusing 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 surplus 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 surplus 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 surplus

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.

25 Section 7. Subsection (10) and paragraph (b) of
26 subsection (12) of section 259.032, Florida Statutes, are
27 amended to read:

28 259.032 Conservation and Recreation Lands Trust Fund;
29 purpose.--

30 (10)(a) State, regional, or local governmental
31 agencies or private entities designated to manage lands under

1 this section shall develop and adopt, with the approval of the
2 board of trustees, an individual management plan for each
3 project designed to conserve and protect such lands and their
4 associated natural resources. Private sector involvement in
5 management plan development may be used to expedite the
6 planning process.

7 (b) Individual management plans required by s.
8 253.034(5), for parcels over 160 acres, shall be developed
9 with input from an advisory group. Members of this advisory
10 group shall include, at a minimum, representatives of the lead
11 land managing agency, comanaging entities, local private
12 property owners, the appropriate soil and water conservation
13 district, a local conservation organization, and a local
14 elected official. The advisory group shall conduct at least
15 one public hearing within the county in which the parcel or
16 project is located. For those parcels or projects that are
17 within more than one county, at least one areawide public
18 hearing shall be acceptable and the lead managing agency shall
19 invite a local elected official from each county. The areawide
20 public hearing shall be held in the county in which the core
21 parcels are located. Notice of such public hearing shall be
22 posted on the parcel or project designated for management,
23 advertised in a paper of general circulation, and announced at
24 a scheduled meeting of the local governing body before the
25 actual public hearing. The management prospectus required
26 pursuant to paragraph (9)(d) shall be available to the public
27 for a period of 30 days prior to the public hearing.

28 (c) Once a plan is adopted, the managing agency or
29 entity shall update the plan at least every 5 years in a form
30 and manner prescribed by rule of the board of trustees. Such
31 updates, for parcels over 160 acres, shall be developed with

1 input from an advisory group. Such plans may include transfers
2 of leasehold interests to appropriate conservation
3 organizations or governmental entities designated by the Land
4 Acquisition and Management Advisory Council or its successor,
5 for uses consistent with the purposes of the organizations and
6 the protection, preservation, conservation, restoration, and
7 proper management of the lands and their resources. Volunteer
8 management assistance is encouraged, including, but not
9 limited to, assistance by youths participating in programs
10 sponsored by state or local agencies, by volunteers sponsored
11 by environmental or civic organizations, and by individuals
12 participating in programs for committed delinquents and
13 adults.

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

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

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

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

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

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

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

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

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

23 (f) The Division of State Lands shall submit a copy of
24 each individual management plan for parcels which exceed 160
25 acres in size to each member of the Land Acquisition and
26 Management Advisory Council or its successor, which shall:

27 1. Within 60 days after receiving a plan from the
28 division, review each plan for compliance with the
29 requirements of this subsection and with the requirements of
30 the rules established by the board pursuant to this
31 subsection.

1 2. Consider the propriety of the recommendations of
2 the managing agency with regard to the future use or
3 protection of the property.

4 3. After its review, submit the plan, along with its
5 recommendations and comments, to the board of trustees, with
6 recommendations as to whether to approve the plan as
7 submitted, approve the plan with modifications, or reject the
8 plan.

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

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

25 (12)

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

27 1. To all counties that have a population of 150,000
28 or fewer ~~less and in which the amount of the tax loss from all~~
29 ~~completed Preservation 2000 and Florida Forever acquisitions~~
30 ~~in the county exceeds 0.01 percent of the county's total~~
31

1 ~~taxable value~~. Population levels shall be determined pursuant
2 to s. 11.031.

3 2. To all local governments located in eligible
4 counties.

5 3. To Glades County, where a privately owned and
6 operated prison leased to the state has recently been opened
7 and where privately owned and operated juvenile justice
8 facilities leased to the state have recently been constructed
9 and opened, a payment in lieu of taxes, in an amount that
10 offsets the loss of property tax revenue, which funds have
11 already been appropriated and allocated from the Department of
12 Correction's budget for the purpose of reimbursing amounts
13 equal to lost ad valorem taxes.

14

15 Counties and local governments that did not receive payments
16 in lieu of taxes for lands purchased pursuant to s. 259.101
17 during fiscal year 1999-2000, if such counties and local
18 governments would have received payments pursuant to this
19 subsection as that section existed on June 30, 1999, shall
20 receive retroactive payments for such tax losses.

21 Section 8. Paragraphs (b) and (e) of subsection (1)
22 and subsections (7) and (8) of section 259.0345, Florida
23 Statutes, are amended to read:

24 259.0345 Florida Forever Advisory Council.--

25 (1)

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

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

5 (7) The council shall provide a report by December 15,
6 2000, to the Secretary of Environmental Protection, who shall
7 forward the report to the board of trustees for its approval.
8 After approval by the board of trustees, the secretary shall
9 forward the approved report to the President of the Senate and
10 the Speaker of the House of Representatives, before the
11 beginning of the 2001 Regular Session, for review by the
12 appropriate legislative substantive committee. The Legislature
13 may reject, modify, or take no action relative to the goals
14 and performance measures established by the report. If no
15 action is taken, the goals and performance measures shall be
16 implemented. The report must 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) Identify specific performance measures that may be
22 used to analyze progress towards the goals established. It is
23 recognized that, during the development of this report, the
24 council may identify other recommendations concerning the
25 implementation of Florida Forever. These recommendations must
26 be incorporated in the reports identified in subsection (8).

27 ~~The council shall provide a report, by November 1, 2000, to~~
28 ~~the Secretary of Environmental Protection, who shall forward~~
29 ~~the report to the board of trustees for their approval. After~~
30 ~~approval by the board of trustees, the secretary shall forward~~
31 ~~the approved report to the President of the Senate and the~~

1 ~~Speaker of the House of Representatives, at least 30 days~~
2 ~~prior to the 2001 Regular Legislative Session, for review by~~
3 ~~the appropriate legislative committees with jurisdiction over~~
4 ~~the department. The Legislature may reject, modify, or take~~
5 ~~no action relative to the goals and performance measures~~
6 ~~established by the report. If no action is taken, the goals~~
7 ~~and performance measures shall be implemented. The report~~
8 ~~shall meet the following requirements:~~

9 ~~(a) Establish specific goals for those identified in~~
10 ~~s. 259.105(4).~~

11 ~~(b) Provide recommendations expanding or refining the~~
12 ~~goals identified in s. 259.105(4).~~

13 ~~(c) Provide recommendations for the development and~~
14 ~~identification of performance measures to be used for~~
15 ~~analyzing the progress made towards the goals established~~
16 ~~pursuant to s. 259.105(4).~~

17 ~~(d) Provide recommendations for the process by which~~
18 ~~projects are to be submitted, reviewed, and approved by the~~
19 ~~Acquisition and Restoration Council. The advisory council is~~
20 ~~to specifically examine ways to streamline the process created~~
21 ~~by the Florida Forever Act.~~

22 (8) The council shall provide a report, at least 30
23 days prior to the regular legislative sessions in the
24 following years: 2002, 2004, 2006 and 2008. The report shall
25 be provided to the Secretary of Environmental Protection, who
26 shall forward the report to the board of trustees for their
27 approval. After approval by the board of trustees, the
28 secretary shall forward the approved report to the President
29 of the Senate and the Speaker of the House of Representatives.
30 The report shall provide: recommendations for adjusting or
31 expanding the goals detailed in s. 259.105(4); recommendations

1 for adjusting the percentage distributions detailed in s.
2 259.105(3); and recommendations concerning other aspects of
3 the Florida Forever Act. In making recommendations for
4 adjusting the percentage distributions detailed in s.
5 259.105(3), the council shall consider which agencies have
6 encumbered their funds in a timely manner and unencumbered
7 balances, if any, in each agency's Florida Forever subaccount.
8 The recommendations may include increases in percentage
9 distributions to those agencies that have encumbered Florida
10 Forever funds in a timely manner.

11 Section 9. Section 259.035, Florida Statutes, as
12 amended by section 16 of chapter 99-247, Laws of Florida, is
13 amended to read:

14 259.035 Acquisition and Restoration Council.--

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

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

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

1 the Division of Historical Resources of the Department of
2 State, and the secretary of the Department of Community
3 Affairs, or their respective designees.

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

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

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

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

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

22 (3) The council shall provide assistance to the board
23 of trustees in reviewing the recommendations and plans for
24 state-owned lands required under ss. ~~s.~~253.034 and 259.032.
25 The council shall, in reviewing such recommendations and
26 plans, consider the optimization of multiple-use and
27 conservation strategies to accomplish the provisions funded
28 pursuant to ss. ~~s.~~259.101(3)(a) and 259.105(3)(b). ~~Such funds~~
29 ~~shall only be used to acquire lands identified in the annual~~
30 ~~Conservation and Recreation Lands list approved by the board~~
31 ~~of trustees in the year 2000.~~

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

12 (5) An affirmative vote of five members of the council
13 is required in order to change a project boundary or to place
14 a proposed project on a list developed pursuant to subsection
15 (4). Any member of the council who by family or a business
16 relationship has a connection with all or a portion of any
17 proposed project shall declare the interest before voting on
18 its inclusion on a list.

19 (6) The proposal for a project pursuant to this
20 section or s. 259.105(3)(b) may be implemented only if adopted
21 by the council and approved by the board of trustees. The
22 council shall consider and evaluate in writing the merits and
23 demerits of each project that is proposed for Conservation and
24 Recreation Lands, Florida Preservation 2000, or Florida
25 Forever funding and shall ensure that each proposed project
26 will meet a stated public purpose for the restoration,
27 conservation, or preservation of environmentally sensitive
28 lands and water areas or for providing outdoor recreational
29 opportunities. The council also shall determine whether the
30 project conforms, where applicable with the comprehensive plan
31 developed pursuant to s. 259.04(1)(a), the comprehensive

1 multipurpose outdoor recreation plan developed pursuant to s.
2 375.021, the state lands management plan adopted pursuant to
3 s. 253.03(7), the water resources work plans developed
4 pursuant to s. 373.199, and the provisions of s. 259.032, s.
5 259.101, or s. 259.105, whichever is applicable.

6 Section 10. Subsections (3) and (9) of section
7 259.101, Florida Statutes, are amended to read:

8 259.101 Florida Preservation 2000 Act.--

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

29 (a) Fifty percent to the Department of Environmental
30 Protection for the purchase of public lands as described in s.

31

1 259.032. Of this 50 percent, at least one-fifth shall be used
2 for the acquisition of coastal lands.

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

12 (c) Ten percent to the Department of Community Affairs
13 to provide land acquisition grants and loans to local
14 governments through the Florida Communities Trust pursuant to
15 part III of chapter 380. From funds allocated to the trust,
16 \$3 million annually shall be used by the Division of State
17 Lands within the Department of Environmental Protection to
18 implement the Green Swamp Land Protection Initiative Authority
19 specifically for the purchase of conservation easements
20 ~~through land protection agreements~~, as defined in s.
21 380.0677(4)~~s. 380.0677(5)~~, of lands, or severable interests
22 or rights in lands, in the Green Swamp Area of Critical State
23 Concern. From funds allocated to the trust, \$3 million
24 annually shall be used by the Monroe County Comprehensive Plan
25 Land Authority specifically for the purchase of any real
26 property interest in either those lands subject to the Rate of
27 Growth Ordinances adopted by local governments in Monroe
28 County or those lands within the boundary of an approved
29 Conservation and Recreation Lands project located within the
30 Florida Keys or Key West Areas of Critical State Concern;
31 however, title to lands acquired within the boundary of an

1 approved Conservation and Recreation Lands project may, in
2 accordance with an approved joint acquisition agreement, vest
3 in the Board of Trustees of the Internal Improvement Trust
4 Fund. Of the remaining funds allocated to the trust after the
5 above transfers occur, one-half shall be matched by local
6 governments on a dollar-for-dollar basis. To the extent
7 allowed by federal requirements for the use of bond proceeds,
8 the trust shall expend Preservation 2000 funds to carry out
9 the purposes of part III of chapter 380.

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

16 (e) Two and nine-tenths percent to the Division of
17 Forestry of the Department of Agriculture and Consumer
18 Services to fund the acquisition of state forest inholdings
19 and additions pursuant to s. 589.07.

20 (f) Two and nine-tenths percent to the Fish and
21 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission to
22 fund the acquisition of inholdings and additions to lands
23 managed by the commission which are important to the
24 conservation of fish and wildlife.

25 (g) One and three-tenths percent to the Department of
26 Environmental Protection for the Florida Greenways and Trails
27 Program, to acquire greenways and trails or greenways and
28 trails systems pursuant to chapter 260, including, but not
29 limited to, abandoned railroad rights-of-way and the Florida
30 National Scenic Trail.

31

1 Local governments may use federal grants or loans, private
2 donations, or environmental mitigation funds, including
3 environmental mitigation funds required pursuant to s.
4 338.250, for any part or all of any local match required for
5 the purposes described in this subsection. Bond proceeds
6 allocated pursuant to paragraph (c) may be used to purchase
7 lands on the priority lists developed pursuant to s. 259.035.
8 Title to lands purchased pursuant to paragraphs (a), (d), (e),
9 (f), and (g) shall be vested in the Board of Trustees of the
10 Internal Improvement Trust Fund, ~~except that title to lands,~~
11 ~~or rights or interests therein, acquired by either the~~
12 ~~Southwest Florida Water Management District or the St. Johns~~
13 ~~River Water Management District in furtherance of the Green~~
14 ~~Swamp Land Authority's mission pursuant to s. 380.0677(3),~~
15 ~~shall be vested in the district where the acquisition project~~
16 ~~is located.~~ Title to lands purchased pursuant to paragraph (c)
17 may be vested in the Board of Trustees of the Internal
18 Improvement Trust Fund. The board of trustees shall hold title
19 to land protection agreements and conservation easements that
20 were or will be acquired pursuant to s. 380.0677, and, except
21 that title to lands, or rights or interests therein, acquired
22 by either the Southwest Florida Water Management District and
23 or the St. Johns River Water Management District shall monitor
24 such agreements and easements within their respective
25 districts until the state assumes this responsibility. ~~in~~
26 ~~furtherance of the Green Swamp Land Authority's mission~~
27 ~~pursuant to s. 380.0677(3), shall be vested in the district~~
28 ~~where the acquisition project is located. This subsection is~~
29 ~~repealed effective October 1, 2000. Prior to repeal, the~~
30 ~~Legislature shall review the provisions scheduled for repeal~~
31

1 ~~and shall determine whether to reenact or modify the~~
2 ~~provisions or to take no action.~~

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

- 14 1. Allow more lands to be brought under public
15 protection for preservation, conservation, and recreational
16 purposes at less expense using public funds.
- 17 2. Retain, on local government tax rolls, some portion
18 of or interest in lands which are under public protection.
- 19 3. Reduce long-term management costs by allowing
20 private property owners to continue acting as stewards of the
21 land, where appropriate.

22
23 Therefore, it is the intent of the Legislature that public
24 land-buying agencies develop programs to pursue alternatives
25 to fee simple acquisition and to educate private landowners
26 about such alternatives and the benefits of such alternatives.
27 It also is the intent of the Legislature that the department
28 and the water management districts spend a portion of their
29 shares of Preservation 2000 bond proceeds to purchase eligible
30 properties using alternatives to fee simple acquisition.
31 Finally, it is the intent of the Legislature that public

1 agencies acquire lands in fee simple for public access and
2 recreational activities. Lands protected using alternatives
3 to fee simple acquisition techniques shall not be accessible
4 to the public unless such access is negotiated with and agreed
5 to by the private landowners who retain interests in such
6 lands.

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

31

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

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

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

20 ~~(f)1. Pursuant to subsection (3) and beginning in~~
21 ~~fiscal year 1999-2000, that portion of the unencumbered~~
22 ~~balances of each program described in paragraphs (3)(c), (d),~~
23 ~~(e), (f), and (g) which has been on deposit in such program's~~
24 ~~Preservation 2000 account for more than 3 fiscal years shall~~
25 ~~be redistributed equally to the Department of Environmental~~
26 ~~Protection, Division of State Lands P2000 sub account for the~~
27 ~~purchase of State Lands as described in s. 259.032 and Water~~
28 ~~Management District P2000 sub account for the purchase of~~
29 ~~Water Management Lands pursuant to ss. 373.456, 373.4592 and~~
30 ~~373.59. For the purposes of this subsection, the term~~
31 ~~"unencumbered balances" means the portion of Preservation 2000~~

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

20 2. The department and the water management districts
21 may enter into joint acquisition agreements to jointly fund
22 the purchase of lands using alternatives to fee simple
23 techniques.

24 ~~(g) If the department or any water management district~~
25 ~~is unable to spend the funds it receives pursuant to paragraph~~
26 ~~(f) within the same fiscal year, the unspent funds shall be~~
27 ~~carried forward to the subsequent fiscal year.~~

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

30 Section 11. Subsections (3), (9), (14), (16), and (18)
31 and paragraph (a) of subsection (7) of section 259.105,

1 Florida Statutes, are amended, paragraphs (p), (q), (r), and
2 (s) are added to subsection (4) of that section, and
3 subsection (20) is added to that section to read:

4 259.105 The Florida Forever Act.--

5 (3) Less the costs of issuing and the costs of funding
6 reserve accounts and other costs associated with bonds, the
7 proceeds of bonds issued pursuant to this section shall be
8 deposited into the Florida Forever Trust Fund created by s.
9 259.1051. The proceeds shall be distributed by the Department
10 of Environmental Protection in the following manner:

11 (a) Thirty-five percent to the Department of
12 Environmental Protection for the acquisition of lands and
13 capital project expenditures necessary to implement the water
14 management districts' priority lists developed pursuant to s.
15 373.199. The funds are to be distributed to the water
16 management districts as provided in subsection (11). A
17 minimum of 50 percent of the total funds provided over the
18 life of the Florida Forever program pursuant to this paragraph
19 shall be used for the acquisition of lands.

20 (b) Thirty-five percent to the Department of
21 Environmental Protection for the acquisition of lands and
22 capital project expenditures described in this section. Of the
23 proceeds distributed pursuant to this paragraph, it is the
24 intent of the Legislature that an increased priority be given
25 to those acquisitions which achieve a combination of
26 conservation goals, including protecting Florida's water
27 resources and natural groundwater recharge. Capital project
28 expenditures may not exceed 10 percent of the funds allocated
29 pursuant to this paragraph.

30 (c) Twenty-four percent to the Department of Community
31 Affairs for use by the Florida Communities Trust for land

1 ~~acquisition the purposes of part III of chapter 380, and~~
2 grants to local governments or nonprofit environmental
3 organizations that are tax exempt under s. 501(c)(3) of the
4 United States Internal Revenue Code for the acquisition of
5 community-based projects, urban open spaces, parks, and
6 greenways to implement local government comprehensive plans.
7 From funds available to the trust, 92 percent shall be used by
8 the trust, and 8 percent shall be transferred annually to the
9 Land Acquisition Trust Fund for grants pursuant to s. 375.075.
10 From funds available to the trust and used for land
11 acquisition, 75 percent shall be matched by local governments
12 on a dollar-for-dollar basis. The Legislature intends that
13 the Florida Communities Trust emphasize funding projects in
14 low-income or otherwise disadvantaged communities. At least
15 thirty percent of the total allocation provided to the trust
16 shall be used in Standard Metropolitan Statistical Areas, but
17 one-half of that amount shall be used in localities in which
18 the project site is located in built-up commercial,
19 industrial, or mixed-use areas and functions to intersperse
20 open spaces within congested urban core areas. From funds
21 allocated to the trust, no less than 5 percent shall be used
22 to acquire lands for recreational trail systems, provided that
23 in the event these funds are not needed for such projects,
24 they will be available for other trust projects. Local
25 governments may use federal grants or loans, private
26 donations, or environmental mitigation funds, including
27 environmental mitigation funds required pursuant to s.
28 338.250, for any part or all of any local match required for
29 acquisitions funded through the Florida Communities Trust.
30 Any lands purchased by nonprofit organizations using funds
31 allocated under this paragraph must provide for such lands to

1 remain permanently in public use through a reversion of title
2 to local or state government, conservation easement, or other
3 appropriate mechanism. Projects funded with funds allocated
4 to the Trust shall be selected in a competitive process
5 measured against criteria adopted in rule by the Trust.

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

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

23 (f) One and five-tenths percent to the Fish and
24 Wildlife Conservation Commission to fund the acquisition of
25 inholdings and additions to lands managed by the commission
26 which are important to the conservation of fish and wildlife
27 and for capital project expenditures as described in this
28 section. Capital project expenditures may not exceed 10
29 percent of the funds allocated under this paragraph.

30 (g) One and five-tenths percent to the Department of
31 Environmental Protection for the Florida Greenways and Trails

1 Program, to acquire greenways and trails or greenways and
2 trail systems pursuant to chapter 260, including, but not
3 limited to, abandoned railroad rights-of-way and the Florida
4 National Scenic Trail and for capital project expenditures as
5 described in this section. Capital project expenditures may
6 not exceed 10 percent of the funds allocated under this
7 paragraph.

8 (h) It is the intent of the Legislature that proceeds
9 of Florida Forever bonds distributed under this section shall
10 be expended in an efficient and fiscally responsible manner.
11 An agency that receives proceeds from Florida Forever bonds
12 under this section may not maintain a balance of unencumbered
13 funds in its Florida Forever subaccount beyond 3 fiscal years
14 from the date of deposit of funds from each bond issue. Any
15 funds that have not been expended or encumbered after 3 fiscal
16 years from the date of deposit shall be distributed by the
17 Legislature at its next regular session for use in the Florida
18 Forever program.

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

1 desirable resource to the property; would create a more
2 manageable boundary configuration; has a high resource value
3 that otherwise would be unprotected; or can be acquired at
4 less than fair market value.

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

8 (p) The implementation of practices that provide
9 sufficient quantities of water available to meet current and
10 future needs of the natural system and residents of the state,
11 as measured by execution of water-resource-development
12 components of the districts' water management plans. However,
13 funds provided for capital improvements under this purpose are
14 limited to those provided the water management districts in
15 paragraph (3)(a).

16 (q) An increase in the state's inventory of historical
17 and cultural sites as measured by the number of sites
18 acquired.

19 (r) An increase in the protection of fragile coastal
20 resources, as measured by the linear feet and acreage of
21 coastline acquired.

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

25 (7)(a) Beginning no later than July 1, 2001 ~~2000~~, and
26 every year thereafter, the Acquisition and Restoration Council
27 shall accept applications from state agencies, local
28 governments, nonprofit and for-profit organizations, private
29 land trusts, and individuals for project proposals eligible
30 for funding pursuant to paragraph (3)(b). The council shall
31 evaluate the proposals received pursuant to this subsection to

1 ensure that they meet at least one of the criteria under
2 subsection (9).

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

12 (a) The project meets multiple goals described in
13 subsection (4).

14 (b) The project is part of an ongoing governmental
15 effort to restore, protect, or develop land areas or water
16 resources.

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

19 (d) The project has significant archaeological or
20 historic value.

21 (e) The project has funding sources that are
22 identified and assured through at least the first 2 years of
23 the project.

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

26 (g) The project has a significant portion of its land
27 area in imminent danger of development, in imminent danger of
28 losing its significant natural attributes or recreational open
29 space, or in imminent danger of subdivision which would result
30 in multiple ownership and make acquisition of the project
31 costly or less likely to be accomplished.

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

3 (i) The project is one of the components of the
4 Everglades restoration effort.

5 (j) The project may be purchased at 80 percent of
6 appraised value.

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

13 (l) The project is a joint acquisition, either among
14 public agencies, nonprofit organizations, or private entities,
15 or by a public-private partnership.

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

25 (16) All proposals for projects pursuant to paragraph
26 (3)(b) or subsection (20) shall be implemented only if adopted
27 by the Acquisition and Restoration Council and approved by the
28 board of trustees. The council shall consider and evaluate in
29 writing the merits and demerits of each project that is
30 proposed for Florida Forever funding and each proposed
31 addition to the Conservation and Recreation Lands list

1 program. The council ~~and~~ shall ensure that each proposed
2 project will meet a stated public purpose for the restoration,
3 conservation, or preservation of environmentally sensitive
4 lands and water areas or for providing outdoor recreational
5 opportunities and that each proposed addition to the
6 Conservation and Recreation Lands list will meet the public
7 purposes under s. 259.032(3) and, when applicable, s.
8 259.101(4). The council also shall determine whether ~~if~~ the
9 project or addition conforms, where applicable, with the
10 comprehensive plan developed pursuant to s. 259.04(1)(a), the
11 comprehensive multipurpose outdoor recreation plan developed
12 pursuant to s. 375.021, the state lands management plan
13 adopted pursuant to s. 253.03(7), the water resources work
14 plans developed pursuant to s. 373.199, and the provisions of
15 this section.

16 (18) The Acquisition and Restoration Council shall ~~may~~
17 recommend adoption of rules by the board of trustees necessary
18 to implement the provisions of this section relating to:
19 solicitation, scoring, selecting, and ranking of Florida
20 Forever project proposals; disposing of or leasing lands or
21 water areas selected for funding through the Florida Forever
22 program; and the process of reviewing and recommending for
23 approval or rejection the land management plans associated
24 with publicly owned properties. Rules promulgated pursuant to
25 this subsection shall be submitted to the President of the
26 Senate and the Speaker of the House of Representatives, for
27 review by the Legislature, no later than 30 days prior to the
28 2001 ~~2000~~ Regular Session and shall become effective only
29 after legislative review. In its review, the Legislature may
30 reject, modify, or take no action relative to such rules. The
31 board of trustees ~~council~~ shall conform such rules to changes

1 made by the Legislature, or, if no action was taken by the
2 Legislature, such rules shall become effective.

3 (20) The Acquisition and Restoration Council, as
4 successors to the Land Acquisition and Management Advisory
5 Council, may amend existing Conservation and Recreation Lands
6 projects and add to or delete from the 2000 Conservation and
7 Recreation Lands list until funding for the Conservation and
8 Recreation Lands program has been expended. The amendments to
9 the 2000 Conservation and Recreation Lands list will be
10 reported to the board of trustees in conjunction with the
11 council's report developed pursuant to s. 259.105(15).

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

14 260.018 Agency recognition.--All agencies of the
15 state, regional planning councils through their comprehensive
16 plans, and local governments through their local comprehensive
17 planning process pursuant to chapter 163 shall recognize the
18 special character of publicly owned lands and waters
19 designated by the state as greenways and trails and shall not
20 take any action which will impair their use as designated.
21 Identification of lands or waterways in planning materials,
22 maps, data, and other information developed or used in the
23 greenways and trails program shall not be cause for such lands
24 or waterways to be subject to this section, unless such lands
25 or waterways have been designated as a part of the statewide
26 system of ~~or~~ greenways and trails pursuant to s.
27 260.016(2)(d).

28 Section 13. Subsections (2) and (3) of section
29 373.139, Florida Statutes, are amended to read:

30 373.139 Acquisition of real property.--
31

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

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

22 ~~(a)~~~~(b)~~ Title information, appraisal reports, offers,
23 and counteroffers are confidential and exempt from the
24 provisions of s. 119.07(1) until an option contract is
25 executed or, if no option contract is executed, until 30 days
26 before a contract or agreement for purchase is considered for
27 approval by the governing board. However, each district may,
28 at its discretion, disclose appraisal reports to private
29 landowners during negotiations for acquisitions using
30 alternatives to fee simple techniques, if the district
31 determines that disclosure of such reports will bring the

1 proposed acquisition to closure. In the event that negotiation
2 is terminated by the district, the title information,
3 appraisal report, offers, and counteroffers shall become
4 available pursuant to s. 119.07(1). Notwithstanding the
5 provisions of this section and s. 259.041, a district and the
6 Division of State Lands may share and disclose title
7 information, appraisal reports, appraisal information, offers,
8 and counteroffers when joint acquisition of property is
9 contemplated. A district and the Division of State Lands shall
10 maintain the confidentiality of such title information,
11 appraisal reports, appraisal information, offers, and
12 counteroffers in conformance with this section and s. 259.041,
13 except in those cases in which a district and the division
14 have exercised discretion to disclose such information.

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

25 (c)~~(d)~~ The Secretary of Environmental Protection shall
26 release acquisition moneys from the appropriate account or
27 trust fund to a district following receipt of a resolution
28 adopted by the governing board identifying the lands being
29 acquired and certifying that such acquisition is consistent
30 with the 5-year work plan of acquisition and other provisions
31 of this section. The governing board also shall provide to the

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

15 Section 14. Paragraph (c) of subsection (1) of section
16 373.1391, Florida Statutes, is amended to read:

17 373.1391 Management of real property.--

18 (1)

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

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

28 373.199 Florida Forever Water Management District Work
29 Plan.--

30 (7) By June ~~January 1, 2001, of each year,~~ each
31 district shall file with the President of the Senate, the

1 Speaker of the House of Representatives, Legislature and the
2 Secretary of Environmental Protection the initial 5-year
3 workplan as required under subsection (2). By January 1 of
4 each year thereafter, each district shall file with the
5 President of the Senate, the Speaker of the House of
6 Representatives, and the Secretary of Environmental Protection
7 a report of acquisitions completed during the year together
8 with modifications or additions to its 5-year work plan.
9 Included in the report shall be:

10 (a) A description of land management activity for each
11 property or project area owned by the water management
12 district.

13 (b) A list of any lands surplused and the amount of
14 compensation received.

15 (c) The progress of funding, staffing, and resource
16 management of every project funded pursuant to s. 259.101, s.
17 259.105, or s. 373.59 for which the district is responsible.

18
19 The secretary shall submit the report referenced in this
20 subsection to the Board of Trustees of the Internal
21 Improvement Trust Fund together ~~required pursuant to this~~
22 ~~subsection along~~ with the Acquisition and Restoration
23 Council's project list as Florida Forever report required
24 under s. 259.105.

25 Section 16. Subsections (1) and (10) of section
26 373.59, Florida Statutes, are amended to read:

27 373.59 Water Management Lands Trust Fund.--

28 (1) There is established within the Department of
29 Environmental Protection the Water Management Lands Trust Fund
30 to be used as a nonlapsing fund for the purposes of this
31 section. The moneys in this fund are hereby continually

1 appropriated for the purposes of land acquisition, management,
2 maintenance, capital improvements of land titled to the
3 districts, payments in lieu of taxes, debt service on bonds
4 issued prior to July 1, 1999, debt service on bonds issued on
5 or after July 1, 1999, which are issued to refund bonds issued
6 before July 1, 1999,preacquisition costs associated with land
7 purchases, and the department's costs of administration of the
8 fund. The department's costs of administration shall be
9 charged proportionally against each district's allocation
10 using the formula provided in subsection (8). Capital
11 improvements shall include, but need not be limited to,
12 perimeter fencing, signs, firelanes, control of invasive
13 exotic species, controlled burning, habitat inventory and
14 restoration, law enforcement, access roads and trails, and
15 minimal public accommodations, such as primitive campsites,
16 garbage receptacles, and toilets.

17 (10)(a) Beginning July 1, 1999, not more than
18 one-fourth of the land management funds provided for in
19 subsections (1) and (8) in any year shall be reserved annually
20 by a governing board, during the development of its annual
21 operating budget, for payments in lieu of taxes for all actual
22 tax losses incurred as a result of governing board
23 acquisitions for water management districts pursuant to ss.
24 259.101, 259.105, and 373.59 ~~under the Florida Forever program~~
25 during any year. Reserved funds not used for payments in lieu
26 of taxes in any year shall revert to the Water Management
27 Lands Trust Fund to be used in accordance with the provisions
28 of this section.

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

30 1. To all counties that have a population of 150,000
31 or fewer ~~less and in which the amount of tax loss from all~~

1 ~~completed Preservation 2000 and Florida Forever acquisitions~~
2 ~~in the county exceeds 0.01 percent of the county's total~~
3 ~~taxable value.~~ Population levels shall be determined pursuant
4 to s. 11.031.

5 2. To all local governments located in eligible
6 counties and whose lands are bought and taken off the tax
7 rolls.

8
9 For properties acquired after January 1, 2000, in the event
10 that such properties otherwise eligible for payment in lieu of
11 taxes under this subsection are leased or reserved and remain
12 subject to ad valorem taxes, payments in lieu of taxes shall
13 commence or recommence upon the expiration or termination of
14 the lease or reservation, but in no event shall there be more
15 than a total of ten annual payments in lieu of taxes for each
16 tax loss. If the lease is terminated for only a portion of the
17 lands at any time, the ten annual payments shall be made for
18 that portion only commencing the year after such termination,
19 without limiting the requirement that ten annual payments
20 shall be made on the remaining portion or portions of the land
21 as the lease on each expires.For the purposes of this
22 subsection, "local government" includes municipalities, the
23 county school board, mosquito control districts, and any other
24 local government entity which levies ad valorem taxes.

25 (c) If sufficient ~~insufficient~~ funds are unavailable
26 ~~available~~ in any year to make full payments to all qualifying
27 counties and local governments, such counties and local
28 governments shall receive a pro rata share of the moneys
29 available.

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

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

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

26 (f) If a water management district conveys to a county
27 or local government title to any land owned by the district,
28 any payments in lieu of taxes on the land made to the county
29 or local government shall be discontinued as of the date of
30 the conveyance.

31

1 (g) The districts may make retroactive payments to
2 counties and local governments that did not receive payments
3 in lieu of taxes for lands purchased under ss. 259.101 and
4 373.59 during fiscal year 1999-2000 if the counties and local
5 governments would have received those payments under ss.
6 259.032(12) and 373.59(14).

7 Section 17. Section 375.051, Florida Statutes, is
8 amended to read:

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

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

3 375.075 Outdoor recreation; financial assistance to
4 local governments.--

5 (1) The Department of Environmental Protection is
6 authorized, ~~pursuant to s. 370.023,~~ to establish the Florida
7 Recreation Development Assistance Program to provide grants to
8 qualified local governmental entities to acquire or develop
9 land for public outdoor recreation purposes. To the extent not
10 needed for debt service on bonds issued pursuant to s.
11 375.051, each ~~fiscal year through fiscal year 2000-2001,~~ the
12 department shall develop and plan a program which shall be
13 based upon funding of not less than 5 percent of the money
14 credited to the Land Acquisition Trust Fund pursuant to s.
15 201.15(2) and (3) in that year. Beginning fiscal year
16 2001-2002, the department shall develop and plan a program
17 which shall be based upon the cumulative total funding
18 provided from this section and from the Florida Forever Trust
19 Fund pursuant to s. 259.105(3)(c).

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

22 380.507 Powers of the trust.--The trust shall have all
23 the powers necessary or convenient to carry out the purposes
24 and provisions of this part, including:

25 (11) To make rules necessary to carry out the purposes
26 of this part and to exercise any power granted in this part,
27 pursuant to the provisions of chapter 120. The trust shall
28 adopt rules governing the acquisition of lands ~~by local~~
29 ~~governments or the trust~~ using proceeds from the Preservation
30 2000 Trust Fund and the Florida Forever Trust Fund, consistent
31 with the intent expressed in the Florida Forever Act. Such

1 rules for land acquisition must include, but are not limited
2 to, procedures for appraisals and confidentiality consistent
3 with ss. 125.355(1)(a) and (b) and 166.045(1)(a) and (b), a
4 method of determining a maximum purchase price, and procedures
5 to assure that the land is acquired in a voluntarily
6 negotiated transaction, surveyed, conveyed with marketable
7 title, and examined for hazardous materials contamination.
8 Land acquisition procedures of a local land authority created
9 pursuant to s. 380.0663 or s. 380.0677 may be used for the
10 land acquisition programs described by ss. 259.101(3)(c) and
11 259.105 if within areas of critical state concern designated
12 pursuant to s. 380.05, subject to approval of the trust.

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

15 380.510 Conditions of grants and loans.--

16 (7) Any funds received by the trust from the
17 Preservation 2000 Trust Fund pursuant to s. 259.101(3)(c) and
18 the Florida Forever Trust Fund pursuant to s. 259.105(3)(c)
19 shall be held separate and apart from any other funds held by
20 the trust and shall be used ~~only to pay the cost of the~~
21 ~~acquisition of lands by a local government or the state for~~
22 the land acquisition purposes of this part. In addition to the
23 other conditions set forth in this section, the disbursement
24 of Preservation 2000 and Florida Forever funds from the trust
25 shall be subject to the following conditions:

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

1 Trust Fund, including restrictions imposed to ensure that the
2 interest on any such bonds issued by the state as tax-exempt
3 bonds will not be included in the gross income of the holders
4 of such bonds for federal income tax purposes.

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

22 Section 21. Notwithstanding the provisions of section
23 259.101(3)(c), Florida Statutes (1993) (Section 5, Chapter
24 92-288, Laws of Florida), regarding the set-aside of funds for
25 land acquisition in areas of critical state concern, \$2.5
26 million from funds previously approved is hereby designated to
27 the City of Apalachicola for land acquisition associated with
28 the area of critical state concern to assist in completing the
29 City's sewer improvement program. This appropriation is
30 contingent upon the review of the city's proposal and a
31 determination by the Department of Community Affairs that the

1 proposed project is an eligible use of funds under the Florida
2 Communities Trust program. The city is not required to provide
3 matching funds for the approved project.

4 Section 22. Subsection (9) of section 211.3103,
5 Florida Statutes, is repealed.

6 Section 23. Except as otherwise provided in this act,
7 this act shall take effect upon becoming a law.

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