

Bill No. HB 2403, 2nd Eng.

Amendment No.     

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Latvala moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

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

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

(a) Amounts as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts payable with respect to

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1 Preservation 2000 bonds issued pursuant to s. 375.051 and  
2 Florida Forever bonds issued pursuant to s. 215.618, shall be  
3 paid into the State Treasury to the credit of the Land  
4 Acquisition Trust Fund to be used for such purposes. The  
5 amount transferred to the Land Acquisition Trust Fund for such  
6 purposes shall not exceed \$300 million in fiscal year  
7 1999-2000 and thereafter for Preservation 2000 bonds and bonds  
8 issued to refund Preservation 2000 bonds, and \$300 million in  
9 fiscal year 2000-2001 and thereafter for Florida Forever  
10 bonds. The annual amount transferred to the Land Acquisition  
11 Trust Fund for Florida Forever bonds shall not exceed \$30  
12 million in the first fiscal year in which bonds are issued.  
13 The limitation on the amount transferred shall be increased by  
14 an additional \$30 million in each subsequent fiscal year ~~in~~  
15 ~~which bonds are authorized to be issued~~, but shall not exceed  
16 a total of \$300 million in any fiscal year for all bonds  
17 issued. It is the intent of the Legislature that all bonds  
18 issued to fund the Florida Forever Act be retired by December  
19 31, 2030. Except for bonds issued to refund previously issued  
20 bonds, no series of bonds may be issued pursuant to this  
21 paragraph unless such bonds are approved and the ~~first year's~~  
22 ~~debt service for the remainder of the fiscal year in which the~~  
23 ~~bonds are issued~~ ~~such bonds~~ is specifically appropriated in  
24 the General Appropriations Act. For purposes of refunding  
25 Preservation 2000 bonds, amounts designated within this  
26 section for Preservation 2000 and Florida Forever bonds may be  
27 transferred between the two programs to the extent provided  
28 for in the documents authorizing the issuance of the bonds.  
29 The Preservation 2000 bonds and Florida Forever bonds shall be  
30 equally and ratably secured by moneys distributable to the  
31 Land Acquisition Trust Fund pursuant to this section, except

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

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

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

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

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

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

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

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

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

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

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

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

17 Section 4. Paragraph (d) of subsection (7) of section  
18 253.03, Florida Statutes, is amended and paragraph (e) is  
19 added to that subsection to read:

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

22 (7)

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

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

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

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1 July 1, 2000, is also illegal and subject to immediate  
2 removal.

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

6 253.034 State-owned lands; uses.--

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



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1 board of trustees, and the board of trustees shall adopt rules  
2 necessary to carry out the purposes of this section.

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

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

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

19 (a) The Division of State Lands shall make available  
20 to the public a copy of each land management plan for parcels  
21 that ~~which~~ exceed 160 acres in size. The council ~~or its~~  
22 ~~successor~~ shall review each plan for compliance with the  
23 requirements of this subsection, the requirements of chapter  
24 259, and ~~with~~ the requirements of the rules established by the  
25 board pursuant to this section ~~subsection~~. The council ~~or its~~  
26 ~~successor~~ shall also consider the propriety of the  
27 recommendations of the managing agency with regard to the  
28 future use of the property, the protection of fragile or  
29 nonrenewable resources, the potential for alternative or  
30 multiple uses not recognized by the managing agency, and the  
31 possibility of disposal of the property by the board. After

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1 its review, the council ~~or its successor~~ shall submit the  
2 plan, along with its recommendations and comments, to the  
3 board. The council ~~or its successor~~ shall specifically  
4 recommend to the board whether to approve the plan as  
5 submitted, approve the plan with modifications, or reject the  
6 plan.

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

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

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

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

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

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

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

28 (e) Prior to any decision by the board to surplus  
29 lands, the Acquisition and Restoration Council shall review  
30 and make recommendations to the board concerning the request  
31 for surplus. The council shall determine whether the

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1 request for surplus is compatible with the resource values  
2 of and management objectives for such lands.

3 (f) In reviewing lands owned by the board, the council  
4 or its successor shall consider whether such lands would be  
5 more appropriately owned or managed by the county or other  
6 unit of local government in which the land is located. The  
7 council or its successor shall recommend to the board whether  
8 a sale, lease, or other conveyance to a local government would  
9 be in the best interests of the state and local government.  
10 The provisions of this paragraph in no way limit the  
11 provisions of ss. 253.111 and 253.115. Such lands shall be  
12 offered to the county or local government for a period of 90  
13 days. Permittable uses for such surplus lands may include  
14 public schools; public libraries; fire or law enforcement  
15 substations; and governmental, judicial, or recreational  
16 centers. County or local government requests for surplus  
17 lands shall be expedited throughout the surplus process.  
18 State agencies shall have the subsequent opportunity to  
19 acquire the surplus lands for a period not to exceed 30 days  
20 after the offer to a county or local government expires.  
21 Surplus properties in which governmental agencies have  
22 expressed no interest shall then be available for sale on the  
23 private market.

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

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1 market value may not sell or transfer title to all or any  
2 portion of the lands to any private owner for a period of 10  
3 years. Any unit of government seeking to transfer or sell  
4 lands pursuant to this paragraph shall first allow the board  
5 of trustees to reacquire such lands. The board of trustees  
6 may reacquire such lands for the price at which they sold such  
7 lands.

8 (h) When a state agency acquired land by gift,  
9 donation, grant, quit-claim deed, or other such conveyance and  
10 no monetary consideration was exchanged, the price of land  
11 sold as surplus shall not exceed the fair market value of the  
12 lands. Fair market value is to be determined by the average of  
13 two separate appraisals. The individual or entity requesting  
14 the surplus is to select and use appraisers from the list of  
15 approved appraisers maintained by the Division of State Lands  
16 of the Department of Environmental Protection in accordance  
17 with s. 253.025(6)(b). The individual or entity requesting the  
18 surplus is to incur all costs of the appraisals.

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

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

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1 scheduled for hearing at the next regularly scheduled meeting  
2 of the council or its successor. Requests for surplusing  
3 pursuant to this paragraph shall not be required to be offered  
4 to local or state governments as provided in paragraph (f).

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

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

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

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

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

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

18 (a) Not inconsistent with the management plan for such  
19 lands;

20 (b) Compatible with the natural ecosystem and resource  
21 values of such lands;

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

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

28 (e) The use is consistent with the public interest.  
29

30 A decision by the board of trustees pursuant to this section  
31 ~~subsection~~ shall be given a presumption of correctness. Moneys



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1 received from the use of state lands pursuant to this section  
2 ~~subsection~~ shall be returned to the lead managing agency in  
3 accordance with the provisions of s. 259.032(11)(d).

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

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

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

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

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

31 (10)(a) State, regional, or local governmental

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

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

29 (c) Once a plan is adopted, the managing agency or  
30 entity shall update the plan at least every 5 years in a form  
31 and manner prescribed by rule of the board of trustees. Such

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1 updates, for parcels over 160 acres, shall be developed with  
2 input from an advisory group. Such plans may include transfers  
3 of leasehold interests to appropriate conservation  
4 organizations or governmental entities designated by the Land  
5 Acquisition and Management Advisory Council or its successor,  
6 for uses consistent with the purposes of the organizations and  
7 the protection, preservation, conservation, restoration, and  
8 proper management of the lands and their resources. Volunteer  
9 management assistance is encouraged, including, but not  
10 limited to, assistance by youths participating in programs  
11 sponsored by state or local agencies, by volunteers sponsored  
12 by environmental or civic organizations, and by individuals  
13 participating in programs for committed delinquents and  
14 adults.

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

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

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

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1 and the statutory authority for such use or uses.

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

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

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

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

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

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

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

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

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1 subsection.

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

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

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

19

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

26           (12)

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

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

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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).

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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~~

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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



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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

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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.~~

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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

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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.  
31 259.032. Of this 50 percent, at least one-fifth shall be used

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1 for the acquisition of coastal lands.

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

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

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

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

15 (e) Two and nine-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.

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

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

30  
 31 Local governments may use federal grants or loans, private

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1 donations, or environmental mitigation funds, including  
2 environmental mitigation funds required pursuant to s.  
3 338.250, for any part or all of any local match required for  
4 the purposes described in this subsection. Bond proceeds  
5 allocated pursuant to paragraph (c) may be used to purchase  
6 lands on the priority lists developed pursuant to s. 259.035.  
7 Title to lands purchased pursuant to paragraphs (a), (d), (e),  
8 (f), and (g) shall be vested in the Board of Trustees of the  
9 Internal Improvement Trust Fund, ~~except that title to lands,~~  
10 ~~or rights or interests therein, acquired by either the~~  
11 ~~Southwest Florida Water Management District or the St. Johns~~  
12 ~~River Water Management District in furtherance of the Green~~  
13 ~~Swamp Land Authority's mission pursuant to s. 380.0677(3),~~  
14 ~~shall be vested in the district where the acquisition project~~  
15 ~~is located.~~ Title to lands purchased pursuant to paragraph (c)  
16 may be vested in the Board of Trustees of the Internal  
17 Improvement Trust Fund. The board of trustees shall hold title  
18 to land protection agreements and conservation easements that  
19 were or will be acquired pursuant to s. 380.0677, and, except  
20 that title to lands, or rights or interests therein, acquired  
21 by either the Southwest Florida Water Management District and  
22 or the St. Johns River Water Management District shall monitor  
23 such agreements and easements within their respective  
24 districts until the state assumes this responsibility. ~~in~~  
25 ~~furtherance of the Green Swamp Land Authority's mission~~  
26 ~~pursuant to s. 380.0677(3), shall be vested in the district~~  
27 ~~where the acquisition project is located. This subsection is~~  
28 ~~repealed effective October 1, 2000. Prior to repeal, the~~  
29 ~~Legislature shall review the provisions scheduled for repeal~~  
30 ~~and shall determine whether to reenact or modify the~~  
31 ~~provisions or to take no action.~~

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

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

20  
21 Therefore, it is the intent of the Legislature that public  
22 land-buying agencies develop programs to pursue alternatives  
23 to fee simple acquisition and to educate private landowners  
24 about such alternatives and the benefits of such alternatives.  
25 It also is the intent of the Legislature that the department  
26 and the water management districts spend a portion of their  
27 shares of Preservation 2000 bond proceeds to purchase eligible  
28 properties using alternatives to fee simple acquisition.  
29 Finally, it is the intent of the Legislature that public  
30 agencies acquire lands in fee simple for public access and  
31 recreational activities. Lands protected using alternatives



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1 to fee simple acquisition techniques shall not be accessible  
2 to the public unless such access is negotiated with and agreed  
3 to by the private landowners who retain interests in such  
4 lands.

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

29 (c) Beginning in fiscal year 1996-1997, the department  
30 and each water management district shall implement initiatives  
31 to use alternatives to fee simple acquisition and to educate

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1 private landowners about such alternatives. These initiatives  
2 shall include at least two acquisitions a year by the  
3 department and each water management district utilizing  
4 alternatives to fee simple.

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

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

17 ~~(f)1. Pursuant to subsection (3) and beginning in~~  
18 ~~fiscal year 1999-2000, that portion of the unencumbered~~  
19 ~~balances of each program described in paragraphs (3)(c), (d),~~  
20 ~~(e), (f), and (g) which has been on deposit in such program's~~  
21 ~~Preservation 2000 account for more than 3 fiscal years shall~~  
22 ~~be redistributed equally to the Department of Environmental~~  
23 ~~Protection, Division of State Lands P2000 sub account for the~~  
24 ~~purchase of State Lands as described in s. 259.032 and Water~~  
25 ~~Management District P2000 sub account for the purchase of~~  
26 ~~Water Management Lands pursuant to ss. 373.456, 373.4592 and~~  
27 ~~373.59. For the purposes of this subsection, the term~~  
28 ~~"unencumbered balances" means the portion of Preservation 2000~~  
29 ~~bond proceeds which is not obligated through the signing of a~~  
30 ~~purchase contract between a public agency and a private~~  
31 ~~landowner, except that the program described in paragraph~~

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

17         ~~2.~~ The department and the water management districts  
 18 may enter into joint acquisition agreements to jointly fund  
 19 the purchase of lands using alternatives to fee simple  
 20 techniques.

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

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

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

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1           259.105 The Florida Forever Act.--

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

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

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

27           (c) Twenty-four percent to the Department of Community  
28 Affairs for use by the Florida Communities Trust for land  
29 acquisition ~~the purposes of part III of chapter 380, and~~  
30 grants to local governments or nonprofit environmental  
31 organizations that are tax exempt under s. 501(c)(3) of the

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

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1 to the Trust shall be selected in a competitive process  
2 measured against criteria adopted in rule by the Trust.

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

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

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

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

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1 National Scenic Trail and for capital project expenditures as  
2 described in this section. Capital project expenditures may  
3 not exceed 10 percent of the funds allocated under this  
4 paragraph.

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

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

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1 less than fair market value.

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

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

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

16 (r) An increase in the protection of fragile coastal  
17 resources, as measured by the linear feet and acreage of  
18 coastline acquired.

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

22 (7)(a) Beginning no later than July 1, 2001 ~~2000~~, and  
23 every year thereafter, the Acquisition and Restoration Council  
24 shall accept applications from state agencies, local  
25 governments, nonprofit and for-profit organizations, private  
26 land trusts, and individuals for project proposals eligible  
27 for funding pursuant to paragraph (3)(b). The council shall  
28 evaluate the proposals received pursuant to this subsection to  
29 ensure that they meet at least one of the criteria under  
30 subsection (9).

31 (9) The Acquisition and Restoration Council shall



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

9 (a) The project meets multiple goals described in  
10 subsection (4).

11 (b) The project is part of an ongoing governmental  
12 effort to restore, protect, or develop land areas or water  
13 resources.

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

16 (d) The project has significant archaeological or  
17 historic value.

18 (e) The project has funding sources that are  
19 identified and assured through at least the first 2 years of  
20 the project.

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

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

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

31 (i) The project is one of the components of the

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1 Everglades restoration effort.

2 (j) The project may be purchased at 80 percent of  
3 appraised value.

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

10 (l) The project is a joint acquisition, either among  
11 public agencies, nonprofit organizations, or private entities,  
12 or by a public-private partnership.

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

22 (16) All proposals for projects pursuant to paragraph  
23 (3)(b) or subsection (20) shall be implemented only if adopted  
24 by the Acquisition and Restoration Council and approved by the  
25 board of trustees. The council shall consider and evaluate in  
26 writing the merits and demerits of each project that is  
27 proposed for Florida Forever funding and each proposed  
28 addition to the Conservation and Recreation Lands list  
29 program. The council ~~and~~ shall ensure that each proposed  
30 project will meet a stated public purpose for the restoration,  
31 conservation, or preservation of environmentally sensitive

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

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

31 (20) The Acquisition and Restoration Council, as

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

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

11           260.018 Agency recognition.--All agencies of the  
12 state, regional planning councils through their comprehensive  
13 plans, and local governments through their local comprehensive  
14 planning process pursuant to chapter 163 shall recognize the  
15 special character of publicly owned lands and waters  
16 designated by the state as greenways and trails and shall not  
17 take any action which will impair their use as designated.  
18 Identification of lands or waterways in planning materials,  
19 maps, data, and other information developed or used in the  
20 greenways and trails program shall not be cause for such lands  
21 or waterways to be subject to this section, unless such lands  
22 or waterways have been designated as a part of the statewide  
23 system of ~~or~~ greenways and trails pursuant to s.  
24 260.016(2)(d).

25           Section 13. Subsections (2) and (3) of section  
26 373.139, Florida Statutes, are amended to read:

27           373.139 Acquisition of real property.--

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

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

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

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

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1 provisions of this section and s. 259.041, a district and the  
 2 Division of State Lands may share and disclose title  
 3 information, appraisal reports, appraisal information, offers,  
 4 and counteroffers when joint acquisition of property is  
 5 contemplated. A district and the Division of State Lands shall  
 6 maintain the confidentiality of such title information,  
 7 appraisal reports, appraisal information, offers, and  
 8 counteroffers in conformance with this section and s. 259.041,  
 9 except in those cases in which a district and the division  
 10 have exercised discretion to disclose such information.

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

21 ~~(c)~~~~(d)~~ The Secretary of Environmental Protection shall  
 22 release acquisition moneys from the appropriate account or  
 23 trust fund to a district following receipt of a resolution  
 24 adopted by the governing board identifying the lands being  
 25 acquired and certifying that such acquisition is consistent  
 26 with the 5-year work plan of acquisition and other provisions  
 27 of this section. The governing board also shall provide to the  
 28 Secretary of Environmental Protection a copy of all certified  
 29 appraisals used to determine the value of the land to be  
 30 purchased. Each parcel to be acquired must have at least one  
 31 appraisal. Two appraisals are required when the estimated

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

11 Section 14. Paragraph (c) of subsection (1) of section  
12 373.1391, Florida Statutes, is amended to read:

13 373.1391 Management of real property.--

14 (1)

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

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

24 373.199 Florida Forever Water Management District Work  
25 Plan.--

26 (7) By June January 1, 2001, ~~of each year~~, each  
27 district shall file with the President of the Senate, the  
28 Speaker of the House of Representatives, Legislature and the  
29 Secretary of Environmental Protection the initial 5-year  
30 workplan as required under subsection (2). By January 1 of  
31 each year thereafter, each district shall file with the

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1 President of the Senate, the Speaker of the House of  
2 Representatives, and the Secretary of Environmental Protection  
3 a report of acquisitions completed during the year together  
4 with modifications or additions to its 5-year work plan.

5 Included in the report shall be:

6 (a) A description of land management activity for each  
7 property or project area owned by the water management  
8 district.

9 (b) A list of any lands surplused and the amount of  
10 compensation received.

11 (c) The progress of funding, staffing, and resource  
12 management of every project funded pursuant to s. 259.101, s.  
13 259.105, or s. 373.59 for which the district is responsible.  
14

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

21 Section 16. Subsections (1) and (10) of section  
22 373.59, Florida Statutes, are amended to read:

23 373.59 Water Management Lands Trust Fund.--

24 (1) There is established within the Department of  
25 Environmental Protection the Water Management Lands Trust Fund  
26 to be used as a nonlapsing fund for the purposes of this  
27 section. The moneys in this fund are hereby continually  
28 appropriated for the purposes of land acquisition, management,  
29 maintenance, capital improvements of land titled to the  
30 districts, payments in lieu of taxes, debt service on bonds  
31 issued prior to July 1, 1999, debt service on bonds issued on



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

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

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

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



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

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

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

27 (g) The districts may make retroactive payments to  
 28 counties and local governments that did not receive payments  
 29 in lieu of taxes for lands purchased under ss. 259.101 and  
 30 373.59 during fiscal year 1999-2000 if the counties and local  
 31 governments would have received those payments under ss.

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1 259.032(12) and 373.59(14).

2 Section 17. Section 375.051, Florida Statutes, is  
3 amended to read:

4 375.051 Issuance of revenue bonds subject to  
5 constitutional authorization.--The acquisition of lands, water  
6 areas, and related resources by the department under this act  
7 is a public purpose for which revenue bonds may be issued when  
8 and only when there has been granted in the State Constitution  
9 specific authorization for the department to issue revenue  
10 bonds to pay the cost of acquiring such lands, water areas,  
11 and related resources and to construct, improve, enlarge, and  
12 extend capital improvements and facilities thereon as  
13 determined by the department to be necessary for the purposes  
14 of this act. The department may utilize the services and  
15 facilities of the Department of Legal Affairs, the Board of  
16 Administration, or any other agency in this regard. No  
17 revenue bonds, revenue certificates, or other evidences of  
18 indebtedness shall be issued for the purposes of this act  
19 except as specifically authorized by the State Constitution.  
20 All revenue bonds, revenue certificates, or other evidences of  
21 indebtedness issued pursuant to this act shall be submitted to  
22 the State Board of Administration for approval or disapproval.  
23 No individual series of bonds may be issued pursuant to this  
24 section unless the ~~first year's~~ debt service for the remainder  
25 of the fiscal year in which the bonds are issued ~~such bonds~~ is  
26 specifically appropriated in the General Appropriations Act.

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

29 375.075 Outdoor recreation; financial assistance to  
30 local governments.--

31 (1) The Department of Environmental Protection is

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

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

17 380.507 Powers of the trust.--The trust shall have all  
18 the powers necessary or convenient to carry out the purposes  
19 and provisions of this part, including:

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

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1 negotiated transaction, surveyed, conveyed with marketable  
2 title, and examined for hazardous materials contamination.  
3 Land acquisition procedures of a local land authority created  
4 pursuant to s. 380.0663 or s. 380.0677 may be used for the  
5 land acquisition programs described by ss. 259.101(3)(c) and  
6 259.105 if within areas of critical state concern designated  
7 pursuant to s. 380.05, subject to approval of the trust.

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

10 380.510 Conditions of grants and loans.--

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

21 (a) The administration and use of any funds received  
22 by the trust from the Preservation 2000 Trust Fund and the  
23 Florida Forever Trust Fund shall be subject to such terms and  
24 conditions imposed thereon by the agency of the state  
25 responsible for the bonds, the proceeds of which are deposited  
26 in the Preservation 2000 Trust Fund and the Florida Forever  
27 Trust Fund, including restrictions imposed to ensure that the  
28 interest on any such bonds issued by the state as tax-exempt  
29 bonds will not be included in the gross income of the holders  
30 of such bonds for federal income tax purposes.

31 (b) All deeds or leases with respect to any real

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

17           Section 21. Notwithstanding the provisions of section  
18 259.101(3)(c), Florida Statutes (1993) (Section 5, Chapter  
19 92-288, Laws of Florida), regarding the set-aside of funds for  
20 land acquisition in areas of critical state concern, \$2.5  
21 million from funds previously approved is hereby designated to  
22 the City of Apalachicola for land acquisition associated with  
23 the area of critical state concern to assist in completing the  
24 City's sewer improvement program. This appropriation is  
25 contingent upon the review of the city's proposal and a  
26 determination by the Department of Community Affairs that the  
27 proposed project is an eligible use of funds under the Florida  
28 Communities Trust program. The city is not required to provide  
29 matching funds for the approved project.

30           Section 22. Subsection (9) of section 211.3103,  
31 Florida Statutes, is repealed.

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

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5 ===== T I T L E   A M E N D M E N T =====

6 And the title is amended as follows:

7           Delete everything before the enacting clause

8

9 and insert:

10

A bill to be entitled

11

An act relating to land acquisition; amending

12

s. 201.15, F.S.; providing for changes to bond

13

debt service; amending s. 201.15, F.S.;

14

providing for changes to bond debt service;

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revising the deposit of certain funds and

16

providing limitations, effective July 1, 2001;

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amending s. 215.618, F.S.; providing for the

18

refunding and sale of Florida Forever bonds;

19

amending s. 253.03, F.S.; providing for the

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permitting of certain habitable structures;

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amending s. 253.034, F.S.; clarifying

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provisions governing the deposit of funds

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received from the sale of surplus lands;

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exempting the Departments of Juvenile Justice

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and Children and Family Services from a

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requirement for land-management-plan review;

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requiring the adoption of rules; revising

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management planning requirements; providing

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procedures for determining the value of certain

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lands; amending s. 259.03, F.S.; redefining the

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terms "capital improvement" and "water resource



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1 development project"; amending s. 259.032,  
2 F.S.; revising the payments-in-lieu-of-taxes  
3 program; amending s. 259.0345, F.S.; deleting  
4 obsolete provisions; revising the terms of  
5 Florida Forever Advisory Council members;  
6 clarifying the duties of the Florida Forever  
7 Advisory Council; amending s. 259.035, F.S.;  
8 authorizing the Acquisition and Restoration  
9 Council to use specified rules; revising  
10 procedures; amending s. 259.101, F.S.;  
11 authorizing the Board of Trustees of the  
12 Internal Improvement Trust Fund to hold title  
13 to specified lands; requiring the monitoring of  
14 easements and agreements; deleting provisions  
15 requiring the redistribution of specified  
16 funds; deleting a repeal of Preservation 2000  
17 bond allocations; amending s. 259.105, F.S.;  
18 requiring the redistribution of funds in  
19 specified circumstances; requiring a specific  
20 percentage of the Florida Communities Trust's  
21 Florida Forever funds to be expended in  
22 standard metropolitan statistical areas;  
23 revising a date for acceptance of acquisition  
24 applications; authorizing capital expenditures;  
25 revising the goals of the Florida Forever  
26 program; requiring the recommendation of rules  
27 to the board of trustees; revising the  
28 distribution of funds; amending s. 260.018,  
29 F.S.; correcting an error; amending s. 373.139,  
30 F.S.; requiring a public hearing and  
31 notification to the county of proposed

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1 purchases; amending s. 373.1391, F.S.;  
2 providing for the resolution of certain  
3 disputes; amending s. 373.199, F.S.; revising  
4 the date for submission of a report and the  
5 content of the report; amending s. 373.59,  
6 F.S.; revising payments-in-lieu-of-taxes  
7 requirements; authorizing the refunding of  
8 bonds; amending s. 375.051, F.S.; revising  
9 requirements for debt service for bonds issued  
10 to acquire lands, water areas, and related  
11 resources; amending s. 375.075, F.S.; revising  
12 the funding plan for recreational development;  
13 amending s. 380.507, F.S.; revising the uses of  
14 Florida Forever funds; amending s. 380.510,  
15 F.S.; revising the uses of Florida Forever  
16 funds; providing an appropriation; repealing s.  
17 211.3103(9), F.S., relating to the severance  
18 tax on phosphate; providing effective dates.

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