

By the Committee on Environmental Protection and
Representatives Dockery and Constantine

1 A bill to be entitled
2 An act relating to land acquisition; amending
3 s. 201.15, F.S.; clarifying the Division of
4 Bond Finance's authority to issue Florida
5 Forever bonds on an annual basis; providing an
6 exclusion for certain revenues collected to
7 address nonagricultural nonpoint source water
8 quality impacts from calculation of an
9 applicable excise tax rate under the Water
10 Quality Assurance Trust Fund; amending s.
11 215.618, F.S.; providing that the limitation on
12 issuance of Florida Forever bonds does not
13 apply to refunding bonds; amending s. 253.03,
14 F.S.; revising leasing and permitting
15 requirements for structures built in certain
16 conservation areas; providing for imposition of
17 reasonable conditions by the Department of
18 Environmental Protection or a water management
19 district; providing notification requirements
20 for landowners of structures on privately owned
21 lands; providing that noncompliance with lease
22 or permit conditions subjects a structure to
23 removal; amending s. 259.032, F.S., relating to
24 reports of entities managing Conservation and
25 Recreation Lands; amending s. 253.034, F.S.,
26 relating to state-owned lands; requiring the
27 Board of Trustees of the Internal Improvement
28 Trust Fund to adopt certain rules; modifying
29 definitions of "multiple use" and "single use";
30 revising provisions relating to management
31 agreements and management plans; providing that

1 certain lands acquired by the state are not
2 purchased for conservation purposes; providing
3 requirements regarding the sale of certain
4 surplus lands; providing procedure relating to
5 review and recommendation to the board of
6 trustees of proposed uses of conservation
7 lands; correcting cross references; amending s.
8 259.0345, F.S.; revising reporting requirements
9 of the Florida Forever Advisory Council;
10 amending s. 259.035, F.S.; providing duties and
11 required procedures of the Acquisition and
12 Restoration Council relating to selection of
13 Conservation and Recreation Lands, Florida
14 Preservation 2000, and Florida Forever
15 projects; amending s. 259.101, F.S., relating
16 to Florida Preservation 2000; conforming
17 language and references; deleting repealer date
18 and legislative review requirement; deleting
19 requirement to redistribute unencumbered
20 balances; removing requirement that the
21 Department of Environmental Protection or the
22 water management districts shall carry over
23 unspent funds to the subsequent fiscal year;
24 deleting provisions that repeal Preservation
25 2000 allocation of bond proceeds to certain
26 programs; amending s. 259.105, F.S., relating
27 to the Florida Forever Act; revising amount of
28 distribution of bond proceeds to the Department
29 of Community Affairs; providing that a certain
30 sum be retained by the Department of
31 Environmental Protection and deposited directly

1 into the Land Acquisition Trust Fund; providing
2 additional goals for funded projects or
3 acquisitions; postponing beginning date for
4 project applications; revising provisions
5 relating to selection of Florida Forever and
6 Conservation and Recreation Lands projects;
7 providing for authority of the Acquisition and
8 Restoration Council as successor to the Land
9 Acquisition and Management Advisory Council;
10 amending s. 260.018, F.S., relating to agency
11 recognition of the statewide system of
12 greenways and trails; amending s. 373.139,
13 F.S.; revising provisions relating to public
14 hearings, and notice thereof, for water
15 management district acquisition of real
16 property; requiring certain disclosure of
17 appraisals; amending s. 373.1391, F.S.;
18 providing that the Acquisition and Restoration
19 Council, rather than the Florida Forever
20 Advisory Council, is to review water management
21 district disputes; amending s. 373.199, F.S.;
22 revising water management district
23 responsibilities regarding the Florida Forever
24 water management district work plans;
25 postponing due date for the initial 5-year work
26 plans; creating s. 373.1995, F.S.; requiring a
27 joint report by the water management districts
28 establishing goals and performance measures for
29 Florida Forever funding of district priority
30 projects; amending s. 373.59, F.S.; authorizing
31 the Water Management Lands Trust Fund to pay

1 debt service on certain bonds; revising
2 provisions relating to payment in lieu of taxes
3 to delete a taxable value qualification and
4 provide for certain retroactive payments;
5 amending s. 375.075, F.S., relating to
6 financial assistance to local governments for
7 outdoor recreation; amending s. 380.507, F.S.;
8 clarifying rulemaking authority of the Florida
9 Communities Trust; providing a restriction on
10 use of the Water Management Lands Trust Fund;
11 repealing s. 211.3103(9), F.S., relating to
12 property donations by solid minerals producers,
13 which impact the proceeds of phosphate
14 severance taxes returned to a county; providing
15 effective dates.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Paragraph (a) of subsection (1) of section
20 201.15, Florida Statutes, is amended to read:

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

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

31

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

1 The Preservation 2000 bonds and Florida Forever bonds shall be
2 equally and ratably secured by moneys distributable to the
3 Land Acquisition Trust Fund pursuant to this section, except
4 to the extent specifically provided otherwise by the documents
5 authorizing the issuance of the bonds. No moneys transferred
6 to the Land Acquisition Trust Fund pursuant to this paragraph,
7 or earnings thereon, shall be used or made available to pay
8 debt service on the Save Our Coast revenue bonds.

9 Section 2. Effective July 1, 2001, paragraph (a) of
10 subsection (1) and subsection (8) of section 201.15, Florida
11 Statutes, as amended by chapter 99-247, Laws of Florida, are
12 amended to read:

13 201.15 Distribution of taxes collected.--All taxes
14 collected under this chapter shall be distributed as follows
15 and shall be subject to the service charge imposed in s.
16 215.20(1), except that such service charge shall not be levied
17 against any portion of taxes pledged to debt service on bonds
18 to the extent that the amount of the service charge is
19 required to pay any amounts relating to the bonds:

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

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

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

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

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

28 215.618 Bonds for acquisition and improvement of land,
29 water areas, and related property interests and resources.--

30 (1) The issuance of Florida Forever bonds, not to
31 exceed \$3 billion, to finance or refinance the cost of

1 acquisition and improvement of land, water areas, and related
2 property interests and resources, in urban and rural settings,
3 for the purposes of restoration, conservation, recreation,
4 water resource development, or historical preservation, and
5 for capital improvements to lands and water areas that
6 accomplish environmental restoration, enhance public access
7 and recreational enjoyment, promote long-term management
8 goals, and facilitate water resource development is hereby
9 authorized, subject to the provisions of s. 259.105 and
10 pursuant to s. 11(e), Art. VII of the State Constitution.
11 Florida Forever bonds may also be issued to refund
12 Preservation 2000 bonds issued pursuant to s. 375.051. The \$3
13 billion limitation on the issuance of Florida Forever bonds
14 does not apply to refunding bonds.The duration of each series
15 of Florida Forever bonds issued may not exceed 20 annual
16 maturities. Preservation 2000 bonds and Florida Forever bonds
17 shall be equally and ratably secured by moneys distributable
18 to the Land Acquisition Trust Fund pursuant to s.
19 201.15(1)(a), except to the extent specifically provided
20 otherwise by the documents authorizing the issuance of the
21 bonds.

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

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

27 (7)

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

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

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

3 (e) Failure to comply with the conditions contained in
4 any permit or lease agreement as described in paragraph (d)
5 shall make the structure illegal and subject to removal. Any
6 structure built in any water conservation area on or after the
7 effective date of this paragraph shall also be considered
8 illegal and subject to immediate removal.

9 Section 5. Subsection (10) and paragraph (b) of
10 subsection (12) of section 259.032, Florida Statutes, are
11 amended to read:

12 259.032 Conservation and Recreation Lands Trust Fund;
13 purpose.--

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

22 (b) Individual management plans required by s.
23 253.034(5), for parcels over 160 acres, shall be developed
24 with input from an advisory group. Members of this advisory
25 group shall include, at a minimum, representatives of the lead
26 land managing agency, comanaging entities, local private
27 property owners, the appropriate soil and water conservation
28 district, a local conservation organization, and a local
29 elected official. The advisory group shall conduct at least
30 one public hearing within the county in which the parcel or
31 project is located. For those parcels or projects that are

1 within more than one county, at least one areawide public
2 hearing shall be acceptable and the lead managing agency shall
3 invite a local elected official from each county. The areawide
4 public hearing shall be held in the county in which the core
5 parcels are located. Notice of such public hearing shall be
6 posted on the parcel or project designated for management,
7 advertised in a paper of general circulation, and announced at
8 a scheduled meeting of the local governing body before the
9 actual public hearing. The management prospectus required
10 pursuant to paragraph (9)(d) shall be available to the public
11 for a period of 30 days prior to the public hearing.

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

29 (d) For each project for which lands are acquired
30 after July 1, 1995, an individual management plan shall be
31 adopted and in place no later than 1 year after the essential

1 parcel or parcels identified in the annual Conservation and
2 Recreation Lands report prepared pursuant to s. 259.035(2)(a)
3 have been acquired. Beginning in fiscal year 1998-1999, the
4 Department of Environmental Protection shall distribute only
5 75 percent of the acquisition funds to which a budget entity
6 or water management district would otherwise be entitled from
7 the Preservation 2000 Trust Fund to any budget entity or any
8 water management district that has more than one-third of its
9 management plans overdue.

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

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

16 2. Key management activities necessary to preserve and
17 protect natural resources and restore habitat, and for
18 controlling the spread of nonnative plants and animals, and
19 for prescribed fire and other appropriate resource management
20 activities.

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

24 4. A priority schedule for conducting management
25 activities, based on the purposes for which the lands were
26 acquired.

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

30 6. A cost estimate for conducting other management
31 activities which would enhance the natural resource value or

1 public recreation value for which the lands were acquired. The
2 cost estimate shall include recommendations for cost-effective
3 methods of accomplishing those activities.

4 7. A determination of the public uses and public
5 access that would be consistent with the purposes for which
6 the lands were acquired.

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

11 1. Within 60 days after receiving a plan from the
12 division, review each plan for compliance with the
13 requirements of this subsection and with the requirements of
14 the rules established by the board pursuant to this
15 subsection.

16 2. Consider the propriety of the recommendations of
17 the managing agency with regard to the future use or
18 protection of the property.

19 3. After its review, submit the plan, along with its
20 recommendations and comments, to the board of trustees, with
21 recommendations as to whether to approve the plan as
22 submitted, approve the plan with modifications, or reject the
23 plan.

24 (g) The board of trustees shall consider the
25 individual management plan submitted by each state agency and
26 the recommendations of the Land Acquisition and Management
27 Advisory Council, or its successor, and the Division of State
28 Lands and shall approve the plan with or without modification
29 or reject such plan. The use or possession of any lands owned
30 by the board of trustees which is not in accordance with an
31

1 approved individual management plan is subject to termination
2 by the board of trustees.

3

4 By July 1 of each year, each governmental agency, ~~including~~
5 ~~the water management districts,~~ and each private entity
6 designated to manage lands shall report to the Secretary of
7 Environmental Protection on the progress of funding, staffing,
8 and resource management of every project for which the agency
9 or entity is responsible.

10 (12)

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

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

18 2. To all local governments located in eligible
19 counties.

20 3. To Glades County, where a privately owned and
21 operated prison leased to the state has recently been opened
22 and where privately owned and operated juvenile justice
23 facilities leased to the state have recently been constructed
24 and opened, a payment in lieu of taxes, in an amount that
25 offsets the loss of property tax revenue, which funds have
26 already been appropriated and allocated from the Department of
27 Correction's budget for the purpose of reimbursing amounts
28 equal to lost ad valorem taxes.

29

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

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

4 Section 6. Subsections (1), (2), (3), (4), (5), (6),
5 (8), (10), (11), and (12) of section 253.034, Florida
6 Statutes, are amended to read:

7 253.034 State-owned lands; uses.--

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

1 The council created in s. 259.035 shall recommend rules to the
2 board of trustees, and the board shall adopt rules necessary
3 to carry out the purposes of this section.

4 (2) As used in this section, the following phrases
5 have the following meanings:

6 (a) "Multiple use" means the harmonious and
7 coordinated management of timber, recreation, conservation of
8 fish and wildlife including the release and feeding of
9 breeder-raised and wild quail, forage, archaeological and
10 historic sites, habitat and other biological resources, or
11 water resources so that they are utilized in the combination
12 that will best serve the people of the state, making the most
13 judicious use of the land for some or all of these resources
14 and giving consideration to the relative values of the various
15 resources. Where necessary and appropriate for all
16 state-owned lands that are larger than 1,000 acres in project
17 size and are managed for multiple uses, buffers may be formed
18 around any areas that ~~which~~ require special protection or have
19 special management needs. Such buffers shall not exceed more
20 than one-half of the total acreage. Multiple uses within a
21 buffer area may be restricted to provide the necessary
22 buffering effect desired. Multiple use in this context
23 includes both uses of land or resources by more than one
24 management entity, which may include state agency, or by one
25 ~~or more state agencies and private sector land managers.~~ In
26 any case, lands identified as multiple-use lands in the land
27 management plan shall be managed to enhance and conserve the
28 lands and resources for the enjoyment of the people of the
29 state.

30 (b) "Single use" means management for one particular
31 purpose to the exclusion of all other purposes, except that

1 the using entity ~~agency~~ shall have the option of including in
2 its management program compatible secondary purposes which
3 will not detract from or interfere with the primary management
4 purpose. Such single uses may include, but are not necessarily
5 restricted to, the use of agricultural lands for production of
6 food and livestock, the use of improved sites and grounds for
7 institutional purposes, and the use of lands for parks,
8 preserves, wildlife management, archaeological or historic
9 sites, or wilderness areas where the maintenance of
10 essentially natural conditions is important. All submerged
11 lands shall be considered single-use lands and shall be
12 managed primarily for the maintenance of essentially natural
13 conditions, the propagation of fish and wildlife, and public
14 recreation, including hunting and fishing where deemed
15 appropriate by the managing entity ~~agency~~.

16 (3) In recognition that recreational trails purchased
17 with rails-to-trails funds pursuant to s. 259.101(3)(g) or s.
18 259.105(3)(h)~~(g)~~ have had historic transportation uses and
19 that their linear character may extend many miles, the
20 Legislature intends that when the necessity arises to serve
21 public needs, after balancing the need to protect trail users
22 from collisions with automobiles and a preference for the use
23 of overpasses and underpasses to the greatest extent feasible
24 and practical, transportation uses shall be allowed to cross
25 recreational trails purchased pursuant to s. 259.101(3)(g) or
26 s. 259.105(3)(h)~~(g)~~. When these crossings are needed, the
27 location and design should consider and mitigate the impact on
28 humans and environmental resources, and the value of the land
29 shall be paid based on fair market value.

30 (4) No management agreement, lease, or other
31 instrument authorizing the use of lands owned by the Board of

1 Trustees of the Internal Improvement Trust Fund shall be
2 executed for a period greater than is necessary to provide for
3 the reasonable use of the land for the existing or planned
4 life cycle or amortization of the improvements, except that an
5 easement in perpetuity may be granted by the Board of Trustees
6 of the Internal Improvement Trust Fund if the improvement is a
7 transportation facility. An entity ~~agency~~ managing or leasing
8 state-owned lands from the board of ~~Trustees of the Internal~~
9 ~~Improvement Trust Fund~~ may not sublease such lands without
10 prior review by the division and, for conservation lands, by
11 the Acquisition and Restoration Land Acquisition and
12 Management Advisory Council created in s. 259.035. All
13 management agreements, leases, or other instruments
14 authorizing the use of lands owned by the board shall be
15 reviewed for approval by the board or its designee ~~or its~~
16 ~~successor and approval by the board.~~ The ~~Land Acquisition and~~
17 ~~Management Advisory~~ council is not required to review
18 subleases of parcels which are less than 160 acres in size.

19 (5) Each entity ~~state agency~~ managing conservation
20 lands owned by the Board of Trustees of the Internal
21 ~~Improvement Trust Fund~~ shall submit to the Division of State
22 Lands a land management plan at least every 5 years in a form
23 and manner prescribed by rule by the board. For management
24 units that are greater than 160 acres in size, the management
25 plans and 5-year updates shall be developed with input of
26 advisory groups established pursuant to s. 259.032(10)(b).
27 All management plans, whether for single-use or multiple-use
28 properties, shall specifically describe how the managing
29 entity ~~agency~~ plans to identify, locate, protect and preserve,
30 or otherwise use fragile nonrenewable resources, such as
31 archaeological and historic sites, as well as other fragile

1 resources, including endangered plant and animal species, and
2 provide for the conservation of soil and water resources and
3 for the control and prevention of soil erosion. Land
4 management plans submitted by an entity ~~agency~~ shall include
5 reference to appropriate statutory authority for such use or
6 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 entity ~~agency~~ with regard to
28 the 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 entity ~~agency~~,
31 and the possibility of disposal of the property by the board.

1 After its review, the council ~~or its successor~~ shall submit
2 the 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 entity ~~state agency~~ and the recommendations of the
10 council ~~or its successor~~ and the Division of State Lands and
11 shall approve the plan with or without modification or reject
12 such plan. The use or possession of any such lands that ~~which~~
13 is not in accordance with an approved land management plan is
14 subject to 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 surplused. 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

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 the following uses ~~use by the Department of~~
8 ~~Corrections, the Department of Management Services for use as~~
9 ~~state offices, the Department of Transportation, except those~~
10 ~~specifically managed for conservation or recreation purposes,~~
11 ~~or the State University System or State Community College~~
12 ~~System~~ shall be designated as having been purchased for
13 conservation purposes, except those specifically managed for
14 conservation and recreation purposes: correction and
15 detention facilities, state office buildings, maintenance
16 yards, state university or state community colleges campuses,
17 agricultural field stations or offices, tower sites, trooper
18 stations and license facilities, laboratories, hospitals, and
19 clinics.

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

29 (d) Lands owned by the board which are not actively
30 managed by any state agency or for which a land management
31 plan has not been completed pursuant to subsection (5) shall

1 be reviewed by the council or its successor for its
2 recommendation as to whether such lands should be disposed of
3 by the board.

4 (e) Prior to any decision by the board to surplus
5 lands, the Acquisition and Restoration Council shall review
6 and make recommendations to the board concerning the request
7 for surplusings. The council shall determine whether the
8 request for surplusings is compatible with the resource values
9 of and management objectives for such lands.

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

31

1 (g) Lands determined to be surplus pursuant to this
2 subsection shall be sold for fair market value or the price
3 paid by the state or a water management district to originally
4 acquire the lands, whichever is greater, except that the price
5 of lands sold as surplus to any unit of government shall not
6 exceed the price paid by the state or a water management
7 district to originally acquire the lands. A unit of government
8 which acquires title to lands hereunder for less than fair
9 market value may not sell or transfer title to all or any
10 portion of the lands to any private owner for a period of 10
11 years. Any unit of government seeking to transfer or sell
12 lands pursuant to this paragraph shall first allow the board
13 of trustees to reacquire such lands. The board of trustees
14 may reacquire such lands for the price at which they sold such
15 lands.

16 (h) Where a unit of government acquired land by gift,
17 donation, grant, quit-claim deed, or other such conveyance
18 where no monetary consideration was exchanged, the price of
19 land sold as surplus shall not exceed the fair market value of
20 the lands. Fair market value shall be determined by the
21 average of two separate appraisals. The individual or entity
22 requesting the surplus shall select and use appraisers from
23 the list of approved appraisers maintained by the Division of
24 State Lands in accordance with s. 253.025(6)(b). The
25 individual or entity requesting the surplus is to incur all
26 costs of the appraisals.

27 (i)~~(h)~~ After reviewing the recommendations of the
28 council or its successor, the board shall determine whether
29 lands identified for surplus are to be held for other public
30 purposes or whether such lands are no longer needed. The
31

1 board may require an agency to release its interest in such
2 lands.

3 (j)~~(i)~~ Requests for surplusings may be made by any
4 public or private entity or person. All requests shall be
5 submitted to the lead managing agency for review and
6 recommendation to the council or its successor. Lead managing
7 agencies shall have 90 days to review such requests and make
8 recommendations. Any surplusings requests that have not been
9 acted upon within the 90-day time period shall be immediately
10 scheduled for hearing at the next regularly scheduled meeting
11 of the council or its successor. Requests for surplusings
12 pursuant to this paragraph shall not be required to be offered
13 to local or state governments as provided in paragraph (f).

14 (k)~~(j)~~ Proceeds from any sale of surplus lands
15 pursuant to this subsection shall be deposited into the fund
16 from which such lands were acquired. However, if the fund from
17 which the lands were originally acquired no longer exists,
18 such proceeds shall be deposited into an appropriate account
19 to be used for land management by the lead managing agency
20 assigned the lands prior to the lands being declared surplus
21 ~~for use by the lead managing agency for land management.~~

22 (l)~~(k)~~ Notwithstanding the provisions of this
23 subsection, no such disposition of land shall be made if such
24 disposition would have the effect of causing all or any
25 portion of the interest on any revenue bonds issued to lose
26 the exclusion from gross income for federal income tax
27 purposes.

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

31

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

19 (10) The following additional uses of conservation
20 lands acquired pursuant to the Florida Forever program and
21 other state-funded conservation land purchase programs shall
22 be authorized, upon a finding by the board of trustees, if
23 they meet the criteria specified in paragraphs (a)-(e): water
24 resource development projects, water supply development
25 projects, stormwater management projects, linear facilities,
26 and sustainable agriculture and forestry. Such additional
27 uses are authorized where:

28 (a) Not inconsistent with the management plan for such
29 lands;

30 (b) Compatible with the natural ecosystem and resource
31 values of such lands;

1 (c) The proposed use is appropriately located on such
2 lands and where due consideration is given to the use of other
3 available lands;

4 (d) The using entity reasonably compensates the
5 titleholder for such use based upon an appropriate measure of
6 value; and

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

8 (11) The Acquisition and Restoration Council shall
9 review proposed uses of conservation lands and shall recommend
10 to the board of trustees whether to approve the proposed use
11 as submitted, approve the proposed use with modifications, or
12 reject the proposed use. After reviewing the recommendations
13 of the council, the board of trustees shall decide whether to
14 approve the proposed use as submitted, approve the proposed
15 use with modifications, or reject the proposed use.A decision
16 by the board of trustees pursuant to this section ~~subsection~~
17 shall be given a presumption of correctness. Moneys received
18 from the use of state lands pursuant to this section
19 ~~subsection~~ shall be returned to the lead managing entity
20 ~~agency~~ in accordance with the provisions of s. 259.032(11)(d).

21 (12)~~(11)~~ Lands listed as projects for acquisition may
22 be managed for conservation pursuant to s. 259.032, on an
23 interim basis by a private party in anticipation of a state
24 purchase in accordance with a contractual arrangement between
25 the acquiring agency and the private party that may include
26 management service contracts, leases, cost-share arrangements
27 or resource conservation agreements. Lands designated as
28 eligible under this subsection shall be managed to maintain or
29 enhance the resources the state is seeking to protect by
30 acquiring the land. Funding for these contractual
31 arrangements may originate from the documentary stamp tax

1 revenue deposited into the Conservation and Recreation Lands
2 Trust Fund and Water Management Lands Trust Fund. No more
3 than 5 percent of funds allocated under the trust funds shall
4 be expended for this purpose.

5 (13)~~(12)~~ Any lands available to governmental
6 employees, including water management district employees, for
7 hunting or other recreational purposes shall also be made
8 available to the general public for such purposes.

9 Section 7. Paragraph (e) of subsection (1) and
10 subsection (7) of section 259.0345, Florida Statutes, are
11 amended to read:

12 259.0345 Florida Forever Advisory Council.--

13 (1)

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

18 (7) The council shall provide a report, by December 15
19 ~~November 1~~, 2000, to the Secretary of Environmental
20 Protection, who shall forward the report to the board of
21 trustees for their approval. After approval by the board of
22 trustees, the secretary shall forward the approved report to
23 the President of the Senate and the Speaker of the House of
24 Representatives, ~~at least 30 days~~ prior to the beginning of
25 the 2001 Regular Legislative Session, for review by the
26 appropriate substantive legislative committee from which the
27 Florida Forever Act originated, or its successor committees
28 ~~with jurisdiction over the department~~. The Legislature may
29 reject, modify, or take no action relative to the goals and
30 performance measures established by the report. If no action
31 is taken, the goals and performance measures shall be

1 implemented. The report shall meet the following requirements
2 solely with respect to the funding provided pursuant to s.
3 259.105(3)(b):

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

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

8 (c) Identify specific performance measures that may be
9 used to analyze progress towards the goals established.

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

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

19
20 It is recognized that during the development of this report,
21 the council may identify other recommendations concerning the
22 implementation of Florida Forever. These recommendations shall
23 be incorporated in the reports identified in subsection (8).

24 Section 8. Section 259.035, Florida Statutes, as
25 amended by chapter 99-247, Laws of Florida, is amended to
26 read:

27 259.035 Acquisition and Restoration Council.--

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

30 (a) The council shall be composed of nine voting
31 members, four of whom shall be appointed by the Governor.

1 These four appointees shall be from scientific disciplines
2 related to land, water, or environmental sciences. They shall
3 serve 4-year terms, except that, initially, to provide for
4 staggered terms, two of the appointees shall serve 2-year
5 terms. All subsequent appointments shall be for 4-year terms.
6 No appointee shall serve more than 6 years. The Governor may
7 at any time fill a vacancy for the unexpired term of a member
8 appointed under this paragraph.

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

17 (c) The Governor shall appoint the chair of the
18 council, and a vice chair shall be elected from among the
19 members.

20 (d) The council shall hold periodic meetings at the
21 request of the chair.

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

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

29 (2) The four members of the council appointed by the
30 Governor shall receive \$75 per day while engaged in the
31 business of the council, as well as expenses and per diem for

1 travel, including attendance at meetings, as allowed state
2 officers and employees while in the performance of their
3 duties, pursuant to s. 112.061.

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

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

25 (5) An affirmative vote of five members of the council
26 shall be required to amend a project boundary or to place a
27 proposed project on a list developed pursuant to subsection
28 (4). Any member of the council who by family or a business
29 relationship has a connection with all or a portion of any
30 proposed project shall declare such interest prior to voting
31 for its inclusion on a list.

1 (6) All proposals for projects pursuant to this
2 section or s. 259.105(3)(b) shall be implemented only if
3 adopted by the council and approved by the board of trustees.
4 The council shall consider and evaluate in writing the merits
5 and demerits of each project that is proposed for Conservation
6 and Recreation Lands, Florida Preservation 2000, or Florida
7 Forever funding and shall ensure that each proposed project
8 will meet a stated public purpose for the restoration,
9 conservation, or preservation of environmentally sensitive
10 lands and water areas or for providing outdoor recreational
11 opportunities. The council also shall determine if the project
12 conforms, where applicable, with the comprehensive plan
13 developed pursuant to s. 259.04(1)(a), the comprehensive
14 multipurpose outdoor recreational plan developed pursuant to
15 s. 375.021, the state lands management plan adopted pursuant
16 to s. 253.03(7), the water resources work plans developed
17 pursuant to s. 373.199, and the provisions of s. 259.032, s.
18 259.101, or s. 259.105, whichever are applicable.

19 Section 9. Subsection (3) and paragraphs (f), (g), and
20 (h) of subsection (9) of section 259.101, Florida Statutes,
21 are amended to read:

22 259.101 Florida Preservation 2000 Act.--

23 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
24 costs of issuance, the costs of funding reserve accounts, and
25 other costs with respect to the bonds, the proceeds of bonds
26 issued pursuant to this act shall be deposited into the
27 Florida Preservation 2000 Trust Fund created by s. 375.045.
28 Ten percent of the proceeds of any bonds deposited into the
29 Preservation 2000 Trust Fund shall be distributed by the
30 Department of Environmental Protection to the Department of
31 Environmental Protection for the purchase by the South Florida

1 Water Management District of lands in Dade, Broward, and Palm
2 Beach Counties identified in s. 7, chapter 95-349, Laws of
3 Florida. This distribution shall apply for any bond issue for
4 the 1995-1996 fiscal year. For the 1997-1998 fiscal year only,
5 \$20 million per year from the proceeds of any bonds deposited
6 into the Florida Preservation 2000 Trust Fund shall be
7 distributed by the Department of Environmental Protection to
8 the St. Johns Water Management District for the purchase of
9 lands necessary to restore Lake Apopka. The remaining proceeds
10 shall be distributed by the Department of Environmental
11 Protection in the following manner:

12 (a) Fifty percent to the Department of Environmental
13 Protection for the purchase of public lands as described in s.
14 259.032. Of this 50 percent, at least one-fifth shall be used
15 for the acquisition of coastal lands.

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

25 (c) Ten percent to the Department of Community Affairs
26 to provide land acquisition grants and loans to local
27 governments through the Florida Communities Trust pursuant to
28 part III of chapter 380. From funds allocated to the trust,
29 \$3 million annually shall be used by the Division of State
30 Lands within the Department of Environmental Protection to
31 implement the Green Swamp Land Protection Initiative Authority

1 specifically for the purchase of conservation easements
2 ~~through land protection agreements~~, as defined in s.
3 380.0677(4)~~(5)~~, of lands, or severable interests or rights in
4 lands, in the Green Swamp Area of Critical State Concern.
5 From funds allocated to the trust, \$3 million annually shall
6 be used by the Monroe County Comprehensive Plan Land Authority
7 specifically for the purchase of any real property interest in
8 either those lands subject to the Rate of Growth Ordinances
9 adopted by local governments in Monroe County or those lands
10 within the boundary of an approved Conservation and Recreation
11 Lands project located within the Florida Keys or Key West
12 Areas of Critical State Concern; however, title to lands
13 acquired within the boundary of an approved Conservation and
14 Recreation Lands project may, in accordance with an approved
15 joint acquisition agreement, vest in the Board of Trustees of
16 the Internal Improvement Trust Fund. Of the remaining funds
17 allocated to the trust after the above transfers occur,
18 one-half shall be matched by local governments on a
19 dollar-for-dollar basis. To the extent allowed by federal
20 requirements for the use of bond proceeds, the trust shall
21 expend Preservation 2000 funds to carry out the purposes of
22 part III of chapter 380.

23 (d) Two and nine-tenths percent to the Department of
24 Environmental Protection for the purchase of inholdings and
25 additions to state parks. For the purposes of this paragraph,
26 "state park" means all real property in the state under the
27 jurisdiction of the Division of Recreation and Parks of the
28 department, or which may come under its jurisdiction.

29 (e) Two and nine-tenths percent to the Division of
30 Forestry of the Department of Agriculture and Consumer
31

1 Services to fund the acquisition of state forest inholdings
2 and additions pursuant to s. 589.07.

3 (f) Two and nine-tenths percent to the Fish and
4 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission to
5 fund the acquisition of inholdings and additions to lands
6 managed by the commission which are important to the
7 conservation of fish and wildlife.

8 (g) One and three-tenths percent to the Department of
9 Environmental Protection for the Florida Greenways and Trails
10 Program, to acquire greenways and trails or greenways and
11 trails systems pursuant to chapter 260, including, but not
12 limited to, abandoned railroad rights-of-way and the Florida
13 National Scenic Trail.

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

1 Improvement Trust Fund. The board of trustees shall hold title
2 to land protection agreements and conservation easements that
3 were or will be acquired pursuant to s. 380.0677, and, ~~except~~
4 that title to lands, or rights or interests therein, acquired
5 by either the Southwest Florida Water Management District and
6 or the St. Johns River Water Management District shall monitor
7 such agreements and easements, within their respective
8 districts, until the state assumes this responsibility.~~in~~
9 ~~furtherance of the Green Swamp Land Authority's mission~~
10 ~~pursuant to s. 380.0677(3), shall be vested in the district~~
11 ~~where the acquisition project is located. This subsection is~~
12 ~~repealed effective October 1, 2000. Prior to repeal, the~~
13 ~~Legislature shall review the provisions scheduled for repeal~~
14 ~~and shall determine whether to reenact or modify the~~
15 ~~provisions or to take no action.~~

16 (9)

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~~

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 10. Subsections (3), (7), (9), (14), (16), and
28 (18) of section 259.105, Florida Statutes, are amended,
29 paragraphs (p), (q), (r), and (s) are added to subsection (4),
30 and subsection (20) is added to said section, to read:

31 259.105 The Florida Forever Act.--

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

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

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

26 (c) Twenty-two ~~Twenty-four~~ percent to the Department
27 of Community Affairs for use by the Florida Communities Trust
28 for the purposes of part III of chapter 380, as described and
29 limited by this subsection, and grants to local governments or
30 nonprofit environmental organizations that are tax exempt
31 under s. 501(c)(3) of the United States Internal Revenue Code

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

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

3 (d) Two percent to the Land Acquisition Trust Fund for
4 use by the Department of Environmental Protection for grants
5 pursuant to s. 375.075.

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

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

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

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

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

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

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

28 (p) Ensure that sufficient quantities of water are
29 available to meet current and future needs of the natural
30 system and citizens of the state, as measured by
31 implementation of the water resource development component of

1 the district water management plan developed pursuant to s.
2 373.036 or the appropriate regional water supply plan
3 developed pursuant to s. 373.0361.

4 (q) An increase in the state's inventory of historical
5 and archaeological sites as measured by the number of sites
6 acquired.

7 (r) An increase in the protection of fragile coastal
8 resources, as measured by the linear feet and acreage of
9 coastline acquired.

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

13 (7)(a) Beginning no later than July 1, 2001 ~~2000~~, and
14 every year thereafter, the Acquisition and Restoration Council
15 shall accept applications from state agencies, local
16 governments, nonprofit and for-profit organizations, private
17 land trusts, and individuals for project proposals eligible
18 for funding pursuant to paragraph (3)(b). The council shall
19 evaluate the proposals received pursuant to this subsection to
20 ensure that they meet at least one of the criteria under
21 subsection (9).

22 (b) Project applications shall contain, at a minimum,
23 the following:

24 1. A minimum of two numeric performance measures that
25 directly relate to the overall goals adopted by the council.
26 Each performance measure shall include a baseline measurement,
27 which is the current situation; a performance standard which
28 the project sponsor anticipates the project will achieve; and
29 the performance measurement itself, which should reflect the
30 incremental improvements the project accomplishes towards
31 achieving the performance standard.

1 2. Proof that property owners within any proposed
2 acquisition have been notified of their inclusion in the
3 proposed project. Any property owner may request the removal
4 of such property from further consideration by submitting a
5 request to the project sponsor or the Acquisition and
6 Restoration Council by certified mail. Upon receiving this
7 request, the council shall delete the property from the
8 proposed project; however, the board of trustees, at the time
9 it votes to approve the proposed project lists pursuant to
10 subsection (16), may add the property back on to the project
11 lists if it determines by a super majority of its members that
12 such property is critical to achieve the purposes of the
13 project.

14 (c) The title to lands acquired under this section
15 shall vest in the Board of Trustees of the Internal
16 Improvement Trust Fund, except that title to lands acquired by
17 a water management district shall vest in the name of that
18 district and lands acquired by a local government shall vest
19 in the name of the purchasing local government.

20 (9) The Acquisition and Restoration Council shall
21 recommend rules for adoption by the board of trustees ~~develop~~
22 ~~a rule~~ to competitively evaluate, select, and rank projects
23 eligible for Florida Forever funds pursuant to paragraph
24 (3)(b) and for additions to the Conservation and Recreation
25 Lands list pursuant to ss. 259.032(3) and 259.101(4). In
26 developing these proposed rules, ~~this rule~~ the Acquisition and
27 Restoration Council shall give weight to the following
28 criteria:

29 (a) The project meets multiple goals described in
30 subsection (4).
31

- 1 (b) The project is part of an ongoing governmental
2 effort to restore, protect, or develop land areas or water
3 resources.
- 4 (c) The project enhances or facilitates management of
5 properties already under public ownership.
- 6 (d) The project has significant archaeological or
7 historic value.
- 8 (e) The project has funding sources that are
9 identified and assured through at least the first 2 years of
10 the project.
- 11 (f) The project contributes to the solution of water
12 resource problems on a regional basis.
- 13 (g) The project has a significant portion of its land
14 area in imminent danger of development, in imminent danger of
15 losing its significant natural attributes or recreational open
16 space, or in imminent danger of subdivision which would result
17 in multiple ownership and make acquisition of the project
18 costly or less likely to be accomplished.
- 19 (h) The project implements an element from a plan
20 developed by an ecosystem management team.
- 21 (i) The project is one of the components of the
22 Everglades restoration effort.
- 23 (j) The project may be purchased at 80 percent of
24 appraised value.
- 25 (k) The project may be acquired, in whole or in part,
26 using alternatives to fee simple, including but not limited
27 to, purchase of development rights, hunting rights,
28 agricultural or silvicultural rights, or mineral rights;
29 obtaining conservation easements or flowage easements; ~~or use~~
30 ~~of land protection agreements as defined in s. 380.0677(5).~~
31

1 (1) The project is a joint acquisition, either among
2 public agencies, nonprofit organizations, or private entities,
3 or by a public-private partnership.

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

13 (16) All proposals for projects pursuant to paragraph
14 (3)(b) or subsection (20) shall be implemented only if adopted
15 by the Acquisition and Restoration Council and approved by the
16 board of trustees. The council shall consider and evaluate in
17 writing the merits and demerits of each project that is
18 proposed for Florida Forever funding and each proposed
19 addition to the Conservation and Recreation Lands list
20 program. The council shall ensure that each proposed Florida
21 Forever project will meet a stated public purpose for the
22 restoration, conservation, or preservation of environmentally
23 sensitive lands and water areas or for providing outdoor
24 recreational opportunities and that each proposed addition to
25 the Conservation and Recreation Lands list will meet the
26 public purposes under s. 259.032(3) and, when applicable, s.
27 259.101(4). The council also shall determine if the project
28 or addition conforms, where applicable, with the comprehensive
29 plan developed pursuant to s. 259.04(1)(a), the comprehensive
30 multipurpose outdoor recreation plan developed pursuant to s.
31 375.021, the state lands management plan adopted pursuant to

1 s. 253.03(7), the water resources work plans developed
2 pursuant to s. 373.199, and the provisions of this section.

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

21 (20) The Acquisition and Restoration Council, as
22 successors to the Land Acquisition and Management Advisory
23 Council, shall have the authority to amend existing
24 Conservation and Recreation Lands projects and to add to or
25 delete from the year 2000 Conservation and Recreation Lands
26 list until funding for the Conservation and Recreation Lands
27 program has been expended. Such amendments to the year 2000
28 Conservation and Recreation Lands list shall be reported to
29 the board of trustees in conjunction with the council's report
30 developed pursuant to subsection (15).

31

1 Section 11. Section 260.018, Florida Statutes, is
2 amended to read:

3 260.018 Agency recognition.--All agencies of the
4 state, regional planning councils through their comprehensive
5 plans, and local governments through their local comprehensive
6 planning process pursuant to chapter 163 shall recognize the
7 special character of publicly owned lands and waters
8 designated by the state as greenways and trails and shall not
9 take any action which will impair their use as designated.
10 Identification of lands or waterways in planning materials,
11 maps, data, and other information developed or used in the
12 greenways and trails program shall not be cause for such lands
13 or waterways to be subject to this section, unless such lands
14 or waterways have been designated as a part of the statewide
15 system of ~~or~~ greenways and trails pursuant to s.
16 260.016(2)(d).

17 Section 12. Subsections (2) and (3) of section
18 373.139, Florida Statutes, are amended to read:

19 373.139 Acquisition of real property.--

20 (2) The governing board of the district is empowered
21 and authorized to acquire in fee or less than fee title to
22 real property, and easements therein, by purchase, gift,
23 devise, lease, eminent domain, or otherwise for flood control,
24 water storage, water management, conservation and protection
25 of water resources, aquifer recharge, water resource and water
26 supply development, and preservation of wetlands, streams, and
27 lakes. Eminent domain powers may be used only for acquiring
28 real property for flood control and water storage or for
29 curing title defects or encumbrances to real property to be
30 acquired from a willing seller.

31

1 (3) The initial 5-year work plan and any subsequent
2 modifications or additions thereto shall be adopted by each
3 water management district after a public hearing. Each water
4 management district shall provide at least 14 days' advance
5 notice of the hearing date and shall provide separate notice
6 of the hearing date to each county commission within which a
7 proposed work plan project or project modification or addition
8 is located.

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

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

1 appraisal reports, appraisal information, offers, and
2 counteroffers in conformance with this section and s. 259.041,
3 except in those cases in which a district has disclosed ~~and~~
4 ~~the division have exercised discretion to disclose~~ such
5 information.

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

16 (c)~~(d)~~ The Secretary of Environmental Protection shall
17 release acquisition moneys from the appropriate account or
18 trust fund to a district following receipt of a resolution
19 adopted by the governing board identifying the lands being
20 acquired and certifying that such acquisition is consistent
21 with the 5-year work plan of acquisition and other provisions
22 of this section. The governing board also shall provide to the
23 Secretary of Environmental Protection a copy of all certified
24 appraisals used to determine the value of the land to be
25 purchased. Each parcel to be acquired must have at least one
26 appraisal. Two appraisals are required when the estimated
27 value of the parcel exceeds \$500,000. However, when both
28 appraisals exceed \$500,000 and differ significantly, a third
29 appraisal may be obtained. If the purchase price is greater
30 than the appraisal price, the governing board shall submit
31 written justification for the increased price. The Secretary

1 of Environmental Protection may withhold moneys for any
2 purchase that is not consistent with the 5-year plan or the
3 intent of this section or that is in excess of appraised
4 value. The governing board may appeal any denial to the Land
5 and Water Adjudicatory Commission pursuant to s. 373.114.

6 Section 13. Paragraph (c) of subsection (1) of section
7 373.1391, Florida Statutes, is amended to read:

8 373.1391 Management of real property.--

9 (1)

10 (c) In developing or reviewing land management plans
11 should a dispute arise that cannot be resolved by the water
12 management districts, that issue shall be forwarded to the
13 Secretary of Environmental Protection who shall submit it to
14 the Acquisition and Restoration ~~Florida Forever Advisory~~
15 Council.

16 Section 14. Paragraph (a) of subsection (3) and
17 subsection (7) of section 373.199, Florida Statutes, are
18 amended to read:

19 373.199 Florida Forever Water Management District Work
20 Plan.--

21 (3) In developing the list, each water management
22 district shall:

23 (a) Integrate its existing surface water improvement
24 and management plans, Save Our Rivers land acquisition lists,
25 stormwater management projects, proposed water resource
26 development projects, proposed capital improvement projects necessary to
27 promote reuse, reclamation, storage, or recovery of water, and
28 other properties or activities that would assist in meeting
29 the goals of Florida Forever.
30
31

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

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

15 (b) A list of any lands surplused and the amount of
16 compensation received.

17 (c) The progress of funding, staffing, and resource
18 management of every project funded pursuant to s. 259.101, s.
19 259.105, or s. 373.59, for which the district is responsible.

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

26 Section 15. Section 373.1995, Florida Statutes, is
27 created to read:

28 373.1995 Florida Forever performance measures.--The
29 five water management districts shall jointly provide a report
30 by December 15, 2000, to the Secretary of Environmental
31 Protection, which shall establish specific goals and

1 performance measures that may be used to analyze activities
2 funded pursuant to s. 259.105(3)(a). The report shall, at a
3 minimum, be based on those goals and performance measures
4 identified in s. 259.105(4). The secretary shall forward the
5 report to the Board of Trustees of the Internal Improvement
6 Trust Fund for their approval. After approval by the board of
7 trustees, the secretary shall forward the approved report to
8 the President of the Senate and the Speaker of the House of
9 Representatives, prior to the beginning of the 2001 Regular
10 Legislative Session, for review by the substantive legislative
11 committee from which the Florida Forever Act originated, or
12 its successor. The Legislature may reject, modify, or take no
13 action relative to the goals and performance measures
14 established by the report. If no action is taken, the goals
15 and performance measures established in the report shall be
16 implemented.

17 Section 16. Subsection (1) and paragraphs (a) and (b)
18 of subsection (10) of section 373.59, Florida Statutes, are
19 amended, and paragraph (g) is added to subsection (10) of said
20 section, to read:

21 373.59 Water Management Lands Trust Fund.--

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

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

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

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

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

30
31

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

4
5 For the purposes of this subsection, "local government"
6 includes municipalities, the county school board, mosquito
7 control districts, and any other local government entity which
8 levies ad valorem taxes.

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

15 Section 17. Subsection (1) of section 375.075, Florida
16 Statutes, is amended to read:

17 375.075 Outdoor recreation; financial assistance to
18 local governments.--

19 (1) The Department of Environmental Protection is
20 authorized, pursuant to s. 370.023, to establish the Florida
21 Recreation Development Assistance Program to provide grants to
22 qualified local governmental entities to acquire or develop
23 land for public outdoor recreation purposes. To the extent not
24 needed for debt service on bonds issued pursuant to s.
25 375.051, each fiscal year through fiscal year 2000-2001, the
26 department shall develop and plan a program which shall be
27 based upon funding of not less than 5 percent of the money
28 credited to the Land Acquisition Trust Fund pursuant to s.
29 201.15(2) and (3) in that year. Beginning fiscal year
30 2001-2002, the department shall develop and plan a program
31 which shall be based upon the cumulative total of funding

1 provided from this section and from the Florida Forever Trust
2 Fund pursuant to s. 259.105(3)(c).

3 Section 18. Subsection (11) of section 380.507,
4 Florida Statutes, is amended to read:

5 380.507 Powers of the trust.--The trust shall have all
6 the powers necessary or convenient to carry out the purposes
7 and provisions of this part, including:

8 (11) To make rules necessary to carry out the purposes
9 of this part and to exercise any power granted in this part,
10 pursuant to the provisions of chapter 120. The trust shall
11 adopt rules governing the acquisition of lands ~~by local~~
12 ~~governments or the trust~~ using proceeds from the Preservation
13 2000 Trust Fund and the Florida Forever Trust Fund, consistent
14 with the intent expressed in the Florida Forever Act. Such
15 rules for land acquisition must include, but are not limited
16 to, procedures for appraisals and confidentiality consistent
17 with ss. 125.355(1)(a) and (b) and 166.045(1)(a) and (b), a
18 method of determining a maximum purchase price, and procedures
19 to assure that the land is acquired in a voluntarily
20 negotiated transaction, surveyed, conveyed with marketable
21 title, and examined for hazardous materials contamination.
22 Land acquisition procedures of a local land authority created
23 pursuant to s. 380.0663 ~~or s. 380.0677~~ may be used for the
24 land acquisition programs described by ss. 259.101(3)(c) and
25 259.105 if within areas of critical state concern designated
26 pursuant to s. 380.05, subject to approval of the trust.

27 Section 19. Beginning in fiscal year 2000-2001, funds
28 from the Water Management Lands Trust Fund shall not be used
29 to fund the expenses of the Florida Forever Advisory Council.

30 Section 20. Subsection (9) of section 211.3103,
31 Florida Statutes, is repealed.

