

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. 163.01,
14 F.S.; revising provisions which authorize a
15 separate legal entity created to administer an
16 interlocal agreement and controlled by counties
17 or municipalities, or a combination thereof, to
18 issue bonds to finance capital projects, and
19 which provide powers and duties with respect
20 thereto, to include such entities controlled by
21 independent special districts or by independent
22 special districts in combination with counties
23 and municipalities; revising provisions which
24 extend certain privileges, immunities,
25 exemptions, and benefits to such entities
26 controlled by municipalities or counties and
27 their officers, agents, and employees, to
28 include such entities controlled by independent
29 special districts and their officers, agents,
30 and employees; amending s. 253.03, F.S. ;
31 revising leasing and permitting requirements

1 for structures built in certain conservation
 2 areas; providing for imposition of reasonable
 3 conditions by the Department of Environmental
 4 Protection or a water management district;
 5 providing notification requirements for
 6 landowners of structures on privately owned
 7 lands; providing that noncompliance with lease
 8 or permit conditions subjects a structure to
 9 removal; amending s. 259.032, F.S., relating to
 10 reports of entities managing Conservation and
 11 Recreation Lands; revising payment in lieu of
 12 taxes requirements; amending s. 253.034, F.S.,
 13 relating to state-owned lands; requiring the
 14 Board of Trustees of the Internal Improvement
 15 Trust Fund to adopt certain rules; modifying
 16 definitions of "multiple use" and "single use";
 17 revising provisions relating to management
 18 agreements and management plans; providing that
 19 certain lands acquired by the state are not
 20 purchased for conservation purposes; providing
 21 requirements regarding the sale of certain
 22 surplus lands; providing procedure relating to
 23 review and recommendation to the board of
 24 trustees of proposed uses of conservation
 25 lands; correcting cross references; amending s.
 26 259.0345, F.S.; revising reporting requirements
 27 of the Florida Forever Advisory Council;
 28 amending s. 259.035, F.S.; providing duties and
 29 required procedures of the Acquisition and
 30 Restoration Council relating to selection of
 31 Conservation and Recreation Lands, Florida

1 Preservation 2000, and Florida Forever
2 projects; amending s. 259.101, F.S., relating
3 to Florida Preservation 2000; conforming
4 language and references; deleting repealer date
5 and legislative review requirement; deleting
6 requirement to redistribute unencumbered
7 balances; removing requirement that the
8 Department of Environmental Protection or the
9 water management districts shall carry over
10 unspent funds to the subsequent fiscal year;
11 deleting provisions that repeal Preservation
12 2000 allocation of bond proceeds to certain
13 programs; amending s. 259.105, F.S., relating
14 to the Florida Forever Act; revising amount of
15 distribution of bond proceeds to the Department
16 of Community Affairs; providing that a certain
17 sum be retained by the Department of
18 Environmental Protection; providing additional
19 goals for funded projects or acquisitions;
20 postponing beginning date for project
21 applications; revising provisions relating to
22 selection of Florida Forever and Conservation
23 and Recreation Lands projects; providing for
24 authority of the Acquisition and Restoration
25 Council as successor to the Land Acquisition
26 and Management Advisory Council; amending s.
27 260.018, F.S., relating to agency recognition
28 of the statewide system of greenways and
29 trails; amending s. 373.139, F.S.; revising
30 provisions relating to public hearings, and
31 notice thereof, for water management district

1 acquisition of real property; requiring certain
 2 disclosure of appraisals; amending s. 373.1391,
 3 F.S.; providing that the Acquisition and
 4 Restoration Council, rather than the Florida
 5 Forever Advisory Council, is to review water
 6 management district disputes; amending s.
 7 373.199, F.S.; revising water management
 8 district responsibilities regarding the Florida
 9 Forever water management district work plans;
 10 postponing due date for the initial 5-year work
 11 plans; creating s. 373.1995, F.S.; requiring a
 12 joint report by the water management districts
 13 establishing goals and performance measures for
 14 Florida Forever funding of district priority
 15 projects; amending s. 373.59, F.S.; authorizing
 16 the Water Management Lands Trust Fund to pay
 17 debt service on certain bonds; revising
 18 provisions relating to payment in lieu of
 19 taxes; amending s. 375.075, F.S., relating to
 20 financial assistance to local governments for
 21 outdoor recreation; amending s. 380.507, F.S.;
 22 clarifying rulemaking authority of the Florida
 23 Communities Trust; providing a restriction on
 24 use of the Water Management Lands Trust Fund;
 25 amending 380.510(7), F.S.; relating to the uses
 26 of Florida Forever funds; repealing s.
 27 211.3103(9), F.S., relating to property
 28 donations by solid minerals producers, which
 29 impact the proceeds of phosphate severance
 30 taxes returned to a county; providing an
 31 appropriation; amending s. 373.1501, F.S.;

1 providing definitions; providing for
2 acquisition of certain lands by eminent domain
3 by the South Florida Water Management District;
4 providing effective dates.
5

6 Be It Enacted by the Legislature of the State of Florida:
7

8 Section 1. Paragraph (a) of subsection (1) of section
9 201.15, Florida Statutes, is amended to read:

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

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

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

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

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

1 201.15 Distribution of taxes collected.--All taxes
 2 collected under this chapter shall be distributed as follows
 3 and shall be subject to the service charge imposed in s.
 4 215.20(1), except that such service charge shall not be levied
 5 against any portion of taxes pledged to debt service on bonds
 6 to the extent that the amount of the service charge is
 7 required to pay any amounts relating to the bonds:

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

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

1 31, 2030. Except for bonds issued to refund previously issued
 2 bonds, no series of bonds may be issued pursuant to this
 3 paragraph unless such bonds are approved and the ~~first year's~~
 4 debt service for the remainder of the fiscal year in which the
 5 bonds are issued ~~such bonds~~ is specifically appropriated in
 6 the General Appropriations Act. For purposes of refunding
 7 Preservation 2000 bonds, amounts designated within this
 8 section for Preservation 2000 and Florida Forever bonds may be
 9 transferred between the two programs to the extent provided
 10 for in the documents authorizing the issuance of the bonds.
 11 The Preservation 2000 bonds and Florida Forever bonds shall be
 12 equally and ratably secured by moneys distributable to the
 13 Land Acquisition Trust Fund pursuant to this section, except
 14 to the extent specifically provided otherwise by the documents
 15 authorizing the issuance of the bonds. No moneys transferred
 16 to the Land Acquisition Trust Fund pursuant to this paragraph,
 17 or earnings thereon, shall be used or made available to pay
 18 debt service on the Save Our Coast revenue bonds.

19 (8) One-half of one percent of the remaining taxes
 20 collected under this chapter shall be paid into the State
 21 Treasury and divided equally to the credit of the Department
 22 of Environmental Protection Water Quality Assurance Grants and
 23 ~~Donations~~ Trust Fund to address water quality impacts
 24 associated with nonagricultural nonpoint sources and to the
 25 credit of the Department of Agriculture and Consumer Services
 26 General Inspection Trust Fund to address water quality impacts
 27 associated with agricultural nonpoint sources, respectively.
 28 These funds shall be used for research, development,
 29 demonstration, and implementation of suitable best management
 30 practices or other measures used to achieve water quality
 31 standards in surface waters and water segments identified

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

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

15 215.618 Bonds for acquisition and improvement of land,
16 water areas, and related property interests and resources.--

17 (1) The issuance of Florida Forever bonds, not to
18 exceed \$3 billion, to finance or refinance the cost of
19 acquisition and improvement of land, water areas, and related
20 property interests and resources, in urban and rural settings,
21 for the purposes of restoration, conservation, recreation,
22 water resource development, or historical preservation, and
23 for capital improvements to lands and water areas that
24 accomplish environmental restoration, enhance public access
25 and recreational enjoyment, promote long-term management
26 goals, and facilitate water resource development is hereby
27 authorized, subject to the provisions of s. 259.105 and
28 pursuant to s. 11(e), Art. VII of the State Constitution.

29 Florida Forever bonds may also be issued to refund
30 Preservation 2000 bonds issued pursuant to s. 375.051. The \$3
31 billion limitation on the issuance of Florida Forever bonds

1 does not apply to refunding bonds.The duration of each series
 2 of Florida Forever bonds issued may not exceed 20 annual
 3 maturities. Preservation 2000 bonds and Florida Forever bonds
 4 shall be equally and ratably secured by moneys distributable
 5 to the Land Acquisition Trust Fund pursuant to s.
 6 201.15(1)(a), except to the extent specifically provided
 7 otherwise by the documents authorizing the issuance of the
 8 bonds.

9 Section 4. Paragraph (d) of subsection (7) and
 10 paragraph (c) of subsection (9) of section 163.01, Florida
 11 Statutes, are amended to read:

12 163.01 Florida Interlocal Cooperation Act of 1969.--

13 (7)

14 (d) Notwithstanding the provisions of paragraph (c),
 15 any separate legal entity created pursuant to this section and
 16 controlled by the municipalities, or counties, or independent
 17 special districts of this state or by any combination of one
 18 or more municipality, and one or more county, and one or more
 19 independent special district of this state, the membership of
 20 which consists or is to consist of municipalities only,
 21 counties only, independent special districts only, or any
 22 combination of one or more municipality, and one or more
 23 county, and one or more independent special district, may, for
 24 the purpose of financing or refinancing any capital projects,
 25 exercise all powers in connection with the authorization,
 26 issuance, and sale of bonds. Notwithstanding any limitations
 27 provided in this section, all of the privileges, benefits,
 28 powers, and terms of part I of chapter 125, part II of chapter
 29 166, and part I of chapter 159 shall be fully applicable to
 30 any such entity controlled by municipalities or counties or by
 31 one or more municipalities and counties. Notwithstanding any

1 limitations provided in this section, all of the privileges,
2 benefits, powers, and terms of any applicable law relating to
3 independent special districts shall be applicable to any such
4 entity controlled by independent special districts.Bonds
5 issued by such entity shall be deemed issued on behalf of the
6 counties, ~~or~~ municipalities, or independent special districts
7 which enter into loan agreements with such entity as provided
8 in this paragraph. Any loan agreement executed pursuant to a
9 program of such entity shall be governed by the provisions of
10 part I of chapter 159 or, in the case of counties, part I of
11 chapter 125, or in the case of municipalities and charter
12 counties, part II of chapter 166, or in the case of
13 independent special districts, any other applicable law.
14 Proceeds of bonds issued by such entity may be loaned to
15 counties, ~~or~~ municipalities, or independent special districts,
16 of this state or any ~~a~~ combination of municipalities, and
17 counties, and independent special districts, whether or not
18 such counties, ~~or~~ municipalities, or independent special
19 districts are also members of the entity issuing the bonds.
20 The issuance of bonds by such entity to fund a loan program to
21 make loans to municipalities, or counties, or independent
22 special districts or any ~~a~~ combination of municipalities, and
23 counties, and independent special districts with one another
24 for capital projects to be identified subsequent to the
25 issuance of the bonds to fund such loan programs is deemed to
26 be a paramount public purpose. Any entity so created may also
27 issue bond anticipation notes, as provided by s. 215.431, in
28 connection with the authorization, issuance, and sale of such
29 bonds. In addition, the governing body of such legal entity
30 may also authorize bonds to be issued and sold from time to
31 time and may delegate, to such officer, official, or agent of

1 such legal entity as the governing body of such legal entity
2 may select, the power to determine the time; manner of sale,
3 public or private; maturities; rate or rates of interest,
4 which may be fixed or may vary at such time or times and in
5 accordance with a specified formula or method of
6 determination; and other terms and conditions as may be deemed
7 appropriate by the officer, official, or agent so designated
8 by the governing body of such legal entity. However, the
9 amounts and maturities of such bonds and the interest rate or
10 rates of such bonds shall be within the limits prescribed by
11 the governing body of such legal entity and its resolution
12 delegating to such officer, official, or agent the power to
13 authorize the issuance and sale of such bonds. A local
14 government self-insurance fund established under this section
15 may financially guarantee bonds or bond anticipation notes
16 issued or loans made under this subsection. Bonds issued
17 pursuant to this paragraph may be validated as provided in
18 chapter 75. The complaint in any action to validate such
19 bonds shall be filed only in the Circuit Court for Leon
20 County. The notice required to be published by s. 75.06 shall
21 be published only in Leon County, and the complaint and order
22 of the circuit court shall be served only on the State
23 Attorney of the Second Judicial Circuit and on the state
24 attorney of each circuit in each county where the public
25 agencies which were initially a party to the agreement are
26 located. Notice of such proceedings shall be published in the
27 manner and the time required by s. 75.06 in Leon County and in
28 each county where the public agencies which were initially a
29 party to the agreement are located. Obligations of any county,
30 ~~or~~ municipality, or independent special district pursuant to a
31

1 loan agreement as described in this paragraph may be validated
2 as provided in chapter 75.

3 (9)

4 (c) All of the privileges and immunities from
5 liability and exemptions from laws, ordinances, and rules
6 which apply to the municipalities, ~~and~~ counties, and
7 independent special districts of this state apply to the same
8 degree and extent to any separate legal entity, created
9 pursuant to the provisions of this section, wholly owned by
10 the municipalities, ~~or~~ counties, or independent special
11 districts of this state, the membership of which consists or
12 is to consist only of municipalities, ~~or~~ counties, or
13 independent special districts of this state, unless the
14 interlocal agreement creating such entity provides to the
15 contrary. All of the privileges and immunities from liability;
16 exemptions from laws, ordinances, and rules; and pension and
17 relief, disability, and worker's compensation, and other
18 benefits which apply to the activity of officers, agents,
19 employees, or employees of agents of counties, ~~and~~
20 municipalities, and independent special districts of this
21 state which are parties to an interlocal agreement creating a
22 separate legal entity pursuant to the provisions of this
23 section shall apply to the same degree and extent to the
24 officers, agents, or employees of such entity unless the
25 interlocal agreement creating such entity provides to the
26 contrary.

27 Section 5. Paragraph (d) of subsection (7) of section
28 253.03, Florida Statutes, is amended, and paragraph (e) is
29 added to said subsection, to read:

30 253.03 Board of trustees to administer state lands;
31 lands enumerated.--

1 (7)

2 (d) By January 1, 2001 ~~2000~~, the owners of habitable
 3 structures built on or before May 1, 1999 ~~January 1, 1998~~,
 4 located in conservation areas 2 or 3, on district or
 5 state-owned lands, the existence or use of which will not
 6 impede the restoration of the Everglades, whether pursuant to
 7 a submerged lease or not, must provide written notification to
 8 the South Florida Water Management District of their existence
 9 and location, including an identification of the footprint of
 10 the structures. This notification will result in issuance to
 11 ~~grant~~ the leaseholders of an automatic 20-year lease at a
 12 reasonable fee established by the district, or the Department
 13 of Environmental Protection, as appropriate, to expire on
 14 January 1, 2020. The district or Department of Environmental
 15 Protection, as appropriate, may impose reasonable conditions
 16 consistent with existing laws and rules. Where the structures
 17 are located on privately owned lands, the landowners must
 18 provide the same notification which will result in issuance to
 19 the leaseholders of a 20-year permit. Where the structures
 20 are located on state-owned lands, the South Florida Water
 21 Management District shall submit this notification to the
 22 Department of Environmental Protection on the owner's behalf.
 23 At the expiration of this 20-year lease or permit, the South
 24 Florida Water Management District or the Department of
 25 Environmental Protection, as appropriate, shall have the right
 26 to require that the leaseholder remove the structures if the
 27 district determines that the structures or their use are
 28 causing harm to the water or land resources of the district,
 29 or to renew the lease agreement. The structure of any owner
 30 who does not provide notification to the South Florida Water
 31 Management District as required under this subsection, shall

1 be considered illegal and subject to immediate removal. Any
2 structure built in any water conservation area after May 1,
3 1999, without necessary permits and leases from the South
4 Florida Water Management District, ~~or~~ the Department of
5 Environmental Protection, or other local government, as
6 appropriate, shall be considered illegal and subject to
7 removal.

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

14 Section 6. Subsection (10) and paragraph (b) of
15 subsection (12) of section 259.032, Florida Statutes, are
16 amended to read:

17 259.032 Conservation and Recreation Lands Trust Fund;
18 purpose.--

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

27 (b) Individual management plans required by s.
28 253.034(5), for parcels over 160 acres, shall be developed
29 with input from an advisory group. Members of this advisory
30 group shall include, at a minimum, representatives of the lead
31 land managing agency, comanaging entities, local private

1 property owners, the appropriate soil and water conservation
2 district, a local conservation organization, and a local
3 elected official. The advisory group shall conduct at least
4 one public hearing within the county in which the parcel or
5 project is located. For those parcels or projects that are
6 within more than one county, at least one areawide public
7 hearing shall be acceptable and the lead managing agency shall
8 invite a local elected official from each county. The areawide
9 public hearing shall be held in the county in which the core
10 parcels are located. Notice of such public hearing shall be
11 posted on the parcel or project designated for management,
12 advertised in a paper of general circulation, and announced at
13 a scheduled meeting of the local governing body before the
14 actual public hearing. The management prospectus required
15 pursuant to paragraph (9)(d) shall be available to the public
16 for a period of 30 days prior to the public hearing.

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

1 participating in programs for committed delinquents and
2 adults.

3 (d) For each project for which lands are acquired
4 after July 1, 1995, an individual management plan shall be
5 adopted and in place no later than 1 year after the essential
6 parcel or parcels identified in the annual Conservation and
7 Recreation Lands report prepared pursuant to s. 259.035(2)(a)
8 have been acquired. Beginning in fiscal year 1998-1999, the
9 Department of Environmental Protection shall distribute only
10 75 percent of the acquisition funds to which a budget entity
11 or water management district would otherwise be entitled from
12 the Preservation 2000 Trust Fund to any budget entity or any
13 water management district that has more than one-third of its
14 management plans overdue.

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

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

21 2. Key management activities necessary to preserve and
22 protect natural resources and restore habitat, and for
23 controlling the spread of nonnative plants and animals, and
24 for prescribed fire and other appropriate resource management
25 activities.

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

29 4. A priority schedule for conducting management
30 activities, based on the purposes for which the lands were
31 acquired.

1 5. A cost estimate for conducting priority management
2 activities, to include recommendations for cost-effective
3 methods of accomplishing those activities.

4 6. A cost estimate for conducting other management
5 activities which would enhance the natural resource value or
6 public recreation value for which the lands were acquired. The
7 cost estimate shall include recommendations for cost-effective
8 methods of accomplishing those activities.

9 7. A determination of the public uses and public
10 access that would be consistent with the purposes for which
11 the lands were acquired.

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

16 1. Within 60 days after receiving a plan from the
17 division, review each plan for compliance with the
18 requirements of this subsection and with the requirements of
19 the rules established by the board pursuant to this
20 subsection.

21 2. Consider the propriety of the recommendations of
22 the managing agency with regard to the future use or
23 protection of the property.

24 3. After its review, submit the plan, along with its
25 recommendations and comments, to the board of trustees, with
26 recommendations as to whether to approve the plan as
27 submitted, approve the plan with modifications, or reject the
28 plan.

29 (g) The board of trustees shall consider the
30 individual management plan submitted by each state agency and
31 the recommendations of the Land Acquisition and Management

1 Advisory Council, or its successor, and the Division of State
2 Lands and shall approve the plan with or without modification
3 or reject such plan. The use or possession of any lands owned
4 by the board of trustees which is not in accordance with an
5 approved individual management plan is subject to termination
6 by the board of trustees.

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

14 (12)

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

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

22 2. To all local governments located in eligible
23 counties.

24 3. To Glades County, where a privately owned and
25 operated prison leased to the state has recently been opened
26 and where privately owned and operated juvenile justice
27 facilities leased to the state have recently been constructed
28 and opened, a payment in lieu of taxes, in an amount that
29 offsets the loss of property tax revenue, which funds have
30 already been appropriated and allocated from the Department of
31

1 Correction's budget for the purpose of reimbursing amounts
2 equal to lost ad valorem taxes.
3 Counties and local governments that did not receive payments
4 in lieu of taxes for lands purchased pursuant to s. 259.101
5 during fiscal year 1999-2000, if such counties and local
6 governments would have received payments pursuant to this
7 subsection as that section existed on June 30, 1999, shall
8 receive retroactive payments for such tax losses.

9
10 For the purposes of this subsection, "local government"
11 includes municipalities, the county school board, mosquito
12 control districts, and any other local government entity which
13 levies ad valorem taxes, with the exception of a water
14 management district.

15 Section 7. Subsections (1), (2), (3), (4), (5), (6),
16 (8), (10), (11), and (12) of section 253.034, Florida
17 Statutes, are amended to read:

18 253.034 State-owned lands; uses.--

19 (1) All lands acquired pursuant to chapter 259 shall
20 be managed to serve the public interest by protecting and
21 conserving land, air, water, and the state's natural
22 resources, which contribute to the public health, welfare, and
23 economy of the state. These lands shall be managed to provide
24 for areas of natural resource based recreation, and to ensure
25 the survival of plant and animal species and the conservation
26 of finite and renewable natural resources. The state's lands
27 and natural resources shall be managed using a stewardship
28 ethic that assures these resources will be available for the
29 benefit and enjoyment of all people of the state, both present
30 and future. It is the intent of the Legislature that, where
31 feasible and consistent with the goals of protection and

1 conservation of natural resources associated with lands held
 2 in the public trust by the Board of Trustees of the Internal
 3 Improvement Trust Fund, public land not designated for
 4 single-use purposes pursuant to paragraph (2)(b) be managed
 5 for multiple-use purposes. All multiple-use land management
 6 strategies shall address public access and enjoyment, resource
 7 conservation and protection, ecosystem maintenance and
 8 protection, and protection of threatened and endangered
 9 species, and the degree to which public-private partnerships
 10 or endowments may allow the entity ~~agency~~ with management
 11 responsibility to enhance its ability to manage these lands.
 12 The council created in s. 259.035 shall recommend rules to the
 13 board of trustees, and the board shall adopt rules necessary
 14 to carry out the purposes of this section.

15 (2) As used in this section, the following phrases
 16 have the following meanings:

17 (a) "Multiple use" means the harmonious and
 18 coordinated management of timber, recreation, conservation of
 19 fish and wildlife including the release and feeding of
 20 breeder-raised and wild quail, forage, archaeological and
 21 historic sites, habitat and other biological resources, or
 22 water resources so that they are utilized in the combination
 23 that will best serve the people of the state, making the most
 24 judicious use of the land for some or all of these resources
 25 and giving consideration to the relative values of the various
 26 resources. Where necessary and appropriate for all
 27 state-owned lands that are larger than 1,000 acres in project
 28 size and are managed for multiple uses, buffers may be formed
 29 around any areas that ~~which~~ require special protection or have
 30 special management needs. Such buffers shall not exceed more
 31 than one-half of the total acreage. Multiple uses within a

1 buffer area may be restricted to provide the necessary
2 buffering effect desired. Multiple use in this context
3 includes both uses of land or resources by more than one
4 management entity, which may include ~~state agency, or by one~~
5 ~~or more state agencies~~ and private sector land managers. In
6 any case, lands identified as multiple-use lands in the land
7 management plan shall be managed to enhance and conserve the
8 lands and resources for the enjoyment of the people of the
9 state.

10 (b) "Single use" means management for one particular
11 purpose to the exclusion of all other purposes, except that
12 the using entity ~~agency~~ shall have the option of including in
13 its management program compatible secondary purposes which
14 will not detract from or interfere with the primary management
15 purpose. Such single uses may include, but are not necessarily
16 restricted to, the use of agricultural lands for production of
17 food and livestock, the use of improved sites and grounds for
18 institutional purposes, and the use of lands for parks,
19 preserves, wildlife management, archaeological or historic
20 sites, or wilderness areas where the maintenance of
21 essentially natural conditions is important. All submerged
22 lands shall be considered single-use lands and shall be
23 managed primarily for the maintenance of essentially natural
24 conditions, the propagation of fish and wildlife, and public
25 recreation, including hunting and fishing where deemed
26 appropriate by the managing entity ~~agency~~.

27 (3) In recognition that recreational trails purchased
28 with rails-to-trails funds pursuant to s. 259.101(3)(g) or s.
29 259.105(3)(h)(~~g~~) have had historic transportation uses and
30 that their linear character may extend many miles, the
31 Legislature intends that when the necessity arises to serve

1 public needs, after balancing the need to protect trail users
 2 from collisions with automobiles and a preference for the use
 3 of overpasses and underpasses to the greatest extent feasible
 4 and practical, transportation uses shall be allowed to cross
 5 recreational trails purchased pursuant to s. 259.101(3)(g) or
 6 s. 259.105(3)(~~h~~)(~~g~~). When these crossings are needed, the
 7 location and design should consider and mitigate the impact on
 8 humans and environmental resources, and the value of the land
 9 shall be paid based on fair market value.

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

30 (5) Each entity ~~state~~ agency managing conservation
 31 ~~lands owned by the Board of Trustees of the Internal~~

1 ~~Improvement Trust Fund~~ shall submit to the Division of State
2 Lands a land management plan at least every 5 years in a form
3 and manner prescribed by rule by the board. For management
4 units that are greater than 160 acres in size, the management
5 plans and 5-year updates shall be developed with input of
6 advisory groups established pursuant to s. 259.032(10)(b).
7 All management plans, whether for single-use or multiple-use
8 properties, shall specifically describe how the managing
9 entity ~~agency~~ plans to identify, locate, protect and preserve,
10 or otherwise use fragile nonrenewable resources, such as
11 archaeological and historic sites, as well as other fragile
12 resources, including endangered plant and animal species, and
13 provide for the conservation of soil and water resources and
14 for the control and prevention of soil erosion. Land
15 management plans submitted by an entity ~~agency~~ shall include
16 reference to appropriate statutory authority for such use or
17 uses and shall conform to the appropriate policies and
18 guidelines of the state land management plan. All land
19 management plans for parcels larger than 1,000 acres shall
20 contain an analysis of the multiple-use potential of the
21 parcel, which analysis shall include the potential of the
22 parcel to generate revenues to enhance the management of the
23 parcel. Additionally, the land management plan shall contain
24 an analysis of the potential use of private land managers to
25 facilitate the restoration or management of these lands. In
26 those cases where a newly acquired property has a valid
27 conservation plan, the plan shall be used to guide management
28 of the property until a formal land management plan is
29 completed.

30 (a) The Division of State Lands shall make available
31 to the public a copy of each land management plan for parcels

1 ~~that which~~ exceed 160 acres in size. The council ~~or its~~
2 ~~successor~~ shall review each plan for compliance with the
3 requirements of this subsection, the requirements of chapter
4 259, and ~~with~~ the requirements of the rules established by the
5 board pursuant to this section ~~subsection~~. The council ~~or its~~
6 ~~successor~~ shall also consider the propriety of the
7 recommendations of the managing entity ~~agency~~ with regard to
8 the future use of the property, the protection of fragile or
9 nonrenewable resources, the potential for alternative or
10 multiple uses not recognized by the managing entity ~~agency~~,
11 and the possibility of disposal of the property by the board.
12 After its review, the council ~~or its successor~~ shall submit
13 the plan, along with its recommendations and comments, to the
14 board. The council ~~or its successor~~ shall specifically
15 recommend to the board whether to approve the plan as
16 submitted, approve the plan with modifications, or reject the
17 plan.

18 (b) The Board of Trustees of the Internal Improvement
19 Trust Fund shall consider the land management plan submitted
20 by each entity ~~state agency~~ and the recommendations of the
21 council ~~or its successor~~ and the Division of State Lands and
22 shall approve the plan with or without modification or reject
23 such plan. The use or possession of any such lands that which
24 is not in accordance with an approved land management plan is
25 subject to termination by the board.

26 (6) The Board of Trustees of the Internal Improvement
27 Trust Fund shall determine which lands, the title to which is
28 vested in the board, may be surplus. Notwithstanding s.
29 253.111, for conservation ~~those lands designated as acquired~~
30 ~~for conservation purposes~~, the board shall make a
31 determination that the lands are no longer needed for

1 conservation purposes and may dispose of them by a two-thirds
 2 vote. For all other lands, the board shall make a
 3 determination that the lands are no longer needed and may
 4 dispose of them by majority vote.

5 (a) For the purposes of this subsection, all lands
 6 acquired by the state prior to July 1, 1999, using proceeds
 7 from the Preservation 2000 bonds, the Conservation and
 8 Recreation Lands Trust Fund, the Water Management Lands Trust
 9 Fund, Environmentally Endangered Lands Program, and the Save
 10 Our Coast Program and titled to the board, which lands are
 11 identified as core parcels or within original project
 12 boundaries, shall be deemed to have been acquired for
 13 conservation purposes.

14 (b) For any lands purchased by the state on or after
 15 July 1, 1999, a determination shall be made by the board prior
 16 to acquisition as to those parcels that shall be designated as
 17 having been acquired for conservation purposes. No lands
 18 acquired for the following uses ~~use by the Department of~~
 19 ~~Corrections, the Department of Management Services for use as~~
 20 ~~state offices, the Department of Transportation, except those~~
 21 ~~specifically managed for conservation or recreation purposes,~~
 22 ~~or the State University System or State Community College~~
 23 ~~System~~ shall be designated as having been purchased for
 24 conservation purposes, except those specifically managed for
 25 conservation and recreation purposes: correction and
 26 detention facilities, state office buildings, maintenance
 27 yards, state university or state community colleges campuses,
 28 agricultural field stations or offices, tower sites, trooper
 29 stations and license facilities, laboratories, hospitals, and
 30 clinics.

31

1 (c) At least every 3 years, as a component of each
2 land management plan or land use plan and in a form and manner
3 prescribed by rule by the board, each management entity state
4 agency shall evaluate and indicate to the board those lands
5 that ~~which~~ the entity ~~agency~~ manages which are not being used
6 for the purpose for which they were originally leased. Such
7 lands shall be reviewed by the council ~~or its successor~~ for
8 its recommendation as to whether such lands should be disposed
9 of by the board.

10 (d) Lands owned by the board which are not actively
11 managed by any state agency or for which a land management
12 plan has not been completed pursuant to subsection (5) shall
13 be reviewed by the council or its successor for its
14 recommendation as to whether such lands should be disposed of
15 by the board.

16 (e) Prior to any decision by the board to surplus
17 lands, the Acquisition and Restoration Council shall review
18 and make recommendations to the board concerning the request
19 for surplusings. The council shall determine whether the
20 request for surplusings is compatible with the resource values
21 of and management objectives for such lands.

22 (f) In reviewing lands owned by the board, the council
23 or its successor shall consider whether such lands would be
24 more appropriately owned or managed by the county or other
25 unit of local government in which the land is located. The
26 council or its successor shall recommend to the board whether
27 a sale, lease, or other conveyance to a local government would
28 be in the best interests of the state and local government.
29 The provisions of this paragraph in no way limit the
30 provisions of ss. 253.111 and 253.115. Such lands shall be
31 offered to the county or local government for a period of 90

1 days. Permittable uses for such surplus lands may include
 2 public schools; public libraries; fire or law enforcement
 3 substations; and governmental, judicial, or recreational
 4 centers. County or local government requests for surplus
 5 lands shall be expedited throughout the surplus process.
 6 State agencies shall have the subsequent opportunity to
 7 acquire the surplus lands for a period not to exceed 30 days
 8 after the offer to a county or local government expires.
 9 Surplus properties in which governmental agencies have
 10 expressed no interest shall then be available for sale on the
 11 private market.

12 (g) Lands determined to be surplus pursuant to this
 13 subsection shall be sold for fair market value or the price
 14 paid by the state or a water management district to originally
 15 acquire the lands, whichever is greater, except that the price
 16 of lands sold as surplus to any unit of government shall not
 17 exceed the price paid by the state or a water management
 18 district to originally acquire the lands. A unit of government
 19 which acquires title to lands hereunder for less than fair
 20 market value may not sell or transfer title to all or any
 21 portion of the lands to any private owner for a period of 10
 22 years. Any unit of government seeking to transfer or sell
 23 lands pursuant to this paragraph shall first allow the board
 24 of trustees to reacquire such lands. The board of trustees
 25 may reacquire such lands for the price at which they sold such
 26 lands.

27 (h) Where a unit of government acquired land by gift,
 28 donation, grant, quit-claim deed, or other such conveyance
 29 where no monetary consideration was exchanged, the price of
 30 land sold as surplus shall not exceed the fair market value of
 31 the lands. Fair market value shall be determined by the

1 average of two separate appraisals. The individual or entity
 2 requesting the surplus shall select and use appraisers from
 3 the list of approved appraisers maintained by the Division of
 4 State Lands in accordance with s. 253.025(6)(b). The
 5 individual or entity requesting the surplus is to incur all
 6 costs of the appraisals.

7 (i)~~(h)~~ After reviewing the recommendations of the
 8 council or its successor, the board shall determine whether
 9 lands identified for surplus are to be held for other public
 10 purposes or whether such lands are no longer needed. The
 11 board may require an agency to release its interest in such
 12 lands.

13 (j)~~(i)~~ Requests for surplus may be made by any
 14 public or private entity or person. All requests shall be
 15 submitted to the lead managing agency for review and
 16 recommendation to the council or its successor. Lead managing
 17 agencies shall have 90 days to review such requests and make
 18 recommendations. Any surplus requests that have not been
 19 acted upon within the 90-day time period shall be immediately
 20 scheduled for hearing at the next regularly scheduled meeting
 21 of the council or its successor. Requests for surplus
 22 pursuant to this paragraph shall not be required to be offered
 23 to local or state governments as provided in paragraph (f).

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

1 (1)~~(k)~~ Notwithstanding the provisions of this
2 subsection, no such disposition of land shall be made if such
3 disposition would have the effect of causing all or any
4 portion of the interest on any revenue bonds issued to lose
5 the exclusion from gross income for federal income tax
6 purposes.

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

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

28 (10) The following additional uses of conservation
29 lands acquired pursuant to the Florida Forever program and
30 other state-funded conservation land purchase programs shall
31 be authorized, upon a finding by the board of trustees, if

1 they meet the criteria specified in paragraphs (a)-(e): water
2 resource development projects, water supply development
3 projects, stormwater management projects, linear facilities,
4 and sustainable agriculture and forestry. Such additional
5 uses are authorized where:

6 (a) Not inconsistent with the management plan for such
7 lands;

8 (b) Compatible with the natural ecosystem and resource
9 values of such lands;

10 (c) The proposed use is appropriately located on such
11 lands and where due consideration is given to the use of other
12 available lands;

13 (d) The using entity reasonably compensates the
14 titleholder for such use based upon an appropriate measure of
15 value; and

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

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

30 (12)~~(11)~~ Lands listed as projects for acquisition may
31 be managed for conservation pursuant to s. 259.032, on an

1 interim basis by a private party in anticipation of a state
 2 purchase in accordance with a contractual arrangement between
 3 the acquiring agency and the private party that may include
 4 management service contracts, leases, cost-share arrangements
 5 or resource conservation agreements. Lands designated as
 6 eligible under this subsection shall be managed to maintain or
 7 enhance the resources the state is seeking to protect by
 8 acquiring the land. Funding for these contractual
 9 arrangements may originate from the documentary stamp tax
 10 revenue deposited into the Conservation and Recreation Lands
 11 Trust Fund and Water Management Lands Trust Fund. No more
 12 than 5 percent of funds allocated under the trust funds shall
 13 be expended for this purpose.

14 (13)~~(12)~~ Any lands available to governmental
 15 employees, including water management district employees, for
 16 hunting or other recreational purposes shall also be made
 17 available to the general public for such purposes.

18 Section 8. Paragraph (e) of subsection (1) and
 19 subsection (7) of section 259.0345, Florida Statutes, are
 20 amended to read:

21 259.0345 Florida Forever Advisory Council.--

22 (1)

23 (e) ~~Appointments shall be made by August 15, 1999, and~~
 24 ~~the council's first meeting shall be held by September 15,~~
 25 ~~1999. Beginning, January 1, 2000,~~The council shall, at a
 26 minimum, meet twice a year.

27 (7) The council shall provide a report, by December 15
 28 ~~November 1, 2000,~~ to the Secretary of Environmental
 29 Protection, who shall forward the report to the board of
 30 trustees for their approval. After approval by the board of
 31 trustees, the secretary shall forward the approved report to

1 the President of the Senate and the Speaker of the House of
2 Representatives, ~~at least 30 days~~ prior to the beginning of
3 the 2001 Regular Legislative Session, for review by the
4 appropriate substantive legislative committee from which the
5 Florida Forever Act originated, or its successor committees
6 ~~with jurisdiction over the department.~~ The Legislature may
7 reject, modify, or take no action relative to the goals and
8 performance measures established by the report. If no action
9 is taken, the goals and performance measures shall be
10 implemented. The report shall meet the following requirements
11 solely with respect to the funding provided pursuant to s.
12 259.105(3)(b):

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

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

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

19 ~~(c) Provide recommendations for the development and~~
20 ~~identification of performance measures to be used for~~
21 ~~analyzing the progress made towards the goals established~~
22 ~~pursuant to s. 259.105(4).~~

23 ~~(d) Provide recommendations for the process by which~~
24 ~~projects are to be submitted, reviewed, and approved by the~~
25 ~~Acquisition and Restoration Council. The advisory council is~~
26 ~~to specifically examine ways to streamline the process created~~
27 ~~by the Florida Forever Act.~~

28
29 It is recognized that during the development of this report,
30 the council may identify other recommendations concerning the
31

1 implementation of Florida Forever. These recommendations shall
2 be incorporated in the reports identified in subsection (8).

3 Section 9. Section 259.035, Florida Statutes, as
4 amended by chapter 99-247, Laws of Florida, is amended to
5 read:

6 259.035 Acquisition and Restoration Council.--

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

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

19 (b) The five remaining appointees shall be composed of
20 the Secretary of Environmental Protection ~~the department~~, the
21 director of the Division of Forestry of the Department of
22 Agriculture and Consumer Services, the executive director of
23 the Fish and Wildlife Conservation Commission, the director of
24 the Division of Historical Resources of the Department of
25 State, and the Secretary of ~~the Department of~~ Community
26 Affairs, or their respective designees.

27 (c) The Governor shall appoint the chair of the
28 council, and a vice chair shall be elected from among the
29 members.

30 (d) The council shall hold periodic meetings at the
31 request of the chair.

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

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

8 (2) The four members of the council appointed by the
9 Governor shall receive \$75 per day while engaged in the
10 business of the council, as well as expenses and per diem for
11 travel, including attendance at meetings, as allowed state
12 officers and employees while in the performance of their
13 duties, pursuant to s. 112.061.

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

24 (4) The council may utilize existing rules adopted by
25 the board of trustees until such time that it develops and
26 recommends amendments to such rules to competitively evaluate,
27 select, and rank projects eligible for the Conservation and
28 Recreation Lands list pursuant to ss. 259.032(3) and
29 259.101(4) and, beginning no later than May 1, 2001, for
30 Florida Forever funds pursuant to s. 259.105(3)(b). In
31 developing or amending such rules, the council shall give

1 weight to the criteria included in s. 259.105(9). The board of
2 trustees shall review such recommendations and shall adopt
3 rules necessary to implement this section.

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

11 (6) All proposals for projects pursuant to this
12 section or s. 259.105(3)(b) shall be implemented only if
13 adopted by the council and approved by the board of trustees.
14 The council shall consider and evaluate in writing the merits
15 and demerits of each project that is proposed for Conservation
16 and Recreation Lands, Florida Preservation 2000, or Florida
17 Forever funding and shall ensure that each proposed project
18 will meet a stated public purpose for the restoration,
19 conservation, or preservation of environmentally sensitive
20 lands and water areas or for providing outdoor recreational
21 opportunities. The council also shall determine if the project
22 conforms, where applicable, with the comprehensive plan
23 developed pursuant to s. 259.04(1)(a), the comprehensive
24 multipurpose outdoor recreational plan developed pursuant to
25 s. 375.021, the state lands management plan adopted pursuant
26 to s. 253.03(7), the water resources work plans developed
27 pursuant to s. 373.199, and the provisions of s. 259.032, s.
28 259.101, or s. 259.105, whichever are applicable.

29 Section 10. Subsection (3) and paragraphs (f), (g),
30 and (h) of subsection (9) of section 259.101, Florida
31 Statutes, are amended to read:

1 259.101 Florida Preservation 2000 Act.--

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

22 (a) Fifty percent to the Department of Environmental
23 Protection for the purchase of public lands as described in s.
24 259.032. Of this 50 percent, at least one-fifth shall be used
25 for the acquisition of coastal lands.

26 (b) Thirty percent to the Department of Environmental
27 Protection for the purchase of water management lands pursuant
28 to s. 373.59, to be distributed among the water management
29 districts as provided in that section. Funds received by each
30 district may also be used for acquisition of lands necessary
31 to implement surface water improvement and management plans

1 approved in accordance with s. 373.456 or for acquisition of
 2 lands necessary to implement the Everglades Construction
 3 Project authorized by s. 373.4592.

4 (c) Ten percent to the Department of Community Affairs
 5 to provide land acquisition grants and loans to local
 6 governments through the Florida Communities Trust pursuant to
 7 part III of chapter 380. From funds allocated to the trust,
 8 \$3 million annually shall be used by the Division of State
 9 Lands within the Department of Environmental Protection to
 10 implement the Green Swamp Land Protection Initiative Authority
 11 specifically for the purchase of conservation easements
 12 ~~through land protection agreements~~, as defined in s.
 13 380.0677~~(4)(5)~~, of lands, or severable interests or rights in
 14 lands, in the Green Swamp Area of Critical State Concern.
 15 From funds allocated to the trust, \$3 million annually shall
 16 be used by the Monroe County Comprehensive Plan Land Authority
 17 specifically for the purchase of any real property interest in
 18 either those lands subject to the Rate of Growth Ordinances
 19 adopted by local governments in Monroe County or those lands
 20 within the boundary of an approved Conservation and Recreation
 21 Lands project located within the Florida Keys or Key West
 22 Areas of Critical State Concern; however, title to lands
 23 acquired within the boundary of an approved Conservation and
 24 Recreation Lands project may, in accordance with an approved
 25 joint acquisition agreement, vest in the Board of Trustees of
 26 the Internal Improvement Trust Fund. Of the remaining funds
 27 allocated to the trust after the above transfers occur,
 28 one-half shall be matched by local governments on a
 29 dollar-for-dollar basis. To the extent allowed by federal
 30 requirements for the use of bond proceeds, the trust shall
 31

1 expend Preservation 2000 funds to carry out the purposes of
2 part III of chapter 380.

3 (d) Two and nine-tenths percent to the Department of
4 Environmental Protection for the purchase of inholdings and
5 additions to state parks. For the purposes of this paragraph,
6 "state park" means all real property in the state under the
7 jurisdiction of the Division of Recreation and Parks of the
8 department, or which may come under its jurisdiction.

9 (e) Two and nine-tenths percent to the Division of
10 Forestry of the Department of Agriculture and Consumer
11 Services to fund the acquisition of state forest inholdings
12 and additions pursuant to s. 589.07.

13 (f) Two and nine-tenths percent to the Fish and
14 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission to
15 fund the acquisition of inholdings and additions to lands
16 managed by the commission which are important to the
17 conservation of fish and wildlife.

18 (g) One and three-tenths percent to the Department of
19 Environmental Protection for the Florida Greenways and Trails
20 Program, to acquire greenways and trails or greenways and
21 trails systems pursuant to chapter 260, including, but not
22 limited to, abandoned railroad rights-of-way and the Florida
23 National Scenic Trail.

24
25 Local governments may use federal grants or loans, private
26 donations, or environmental mitigation funds, including
27 environmental mitigation funds required pursuant to s.
28 338.250, for any part or all of any local match required for
29 the purposes described in this subsection. Bond proceeds
30 allocated pursuant to paragraph (c) may be used to purchase
31 lands on the priority lists developed pursuant to s. 259.035.

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

26 (9)

27 (f)1. ~~Pursuant to subsection (3) and beginning in~~
 28 ~~fiscal year 1999-2000, that portion of the unencumbered~~
 29 ~~balances of each program described in paragraphs (3)(c), (d),~~
 30 ~~(e), (f), and (g) which has been on deposit in such program's~~
 31 ~~Preservation 2000 account for more than 3 fiscal years shall~~

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

27 2. The department and the water management districts
 28 may enter into joint acquisition agreements to jointly fund
 29 the purchase of lands using alternatives to fee simple
 30 techniques.
 31

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

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

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

11 259.105 The Florida Forever Act.--

12 (3) Less the costs of issuing and the costs of funding
13 reserve accounts and other costs associated with bonds, the
14 proceeds of bonds issued pursuant to this section shall be
15 deposited into the Florida Forever Trust Fund created by s.
16 259.1051. The proceeds shall be distributed by the Department
17 of Environmental Protection in the following manner:

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

27 (b) Thirty-five percent to the Department of
28 Environmental Protection for the acquisition of lands and
29 capital project expenditures described in this section. Of the
30 proceeds distributed pursuant to this paragraph, it is the
31 intent of the Legislature that an increased priority be given

1 to those acquisitions which achieve a combination of
2 conservation goals, including protecting Florida's water
3 resources and natural groundwater recharge. Capital project
4 expenditures may not exceed 10 percent of the funds allocated
5 pursuant to this paragraph.

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

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

13 (d) Two percent to the Department of Environmental
 14 Protection for grants pursuant to s. 375.075.

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

24 (f)~~(e)~~ One and five-tenths percent to the Division of
 25 Forestry of the Department of Agriculture and Consumer
 26 Services to fund the acquisition of state forest inholdings
 27 and additions pursuant to s. 589.07 and the implementation of
 28 reforestation plans or sustainable forestry management
 29 practices, and for capital project expenditures as described
 30 in this section. Capital project expenditures may not exceed
 31 10 percent of the funds allocated under this paragraph.

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

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

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

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

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

6 (p) Ensure that sufficient quantities of water are
7 available to meet current and future needs of the natural
8 system and citizens of the state, as measured by
9 implementation of the water resource development component of
10 the district water management plan developed pursuant to s.
11 373.036 or the appropriate regional water supply plan
12 developed pursuant to s. 373.0361.

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

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

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

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

31

1 (b) Project applications shall contain, at a minimum,
2 the following:

3 1. A minimum of two numeric performance measures that
4 directly relate to the overall goals adopted by the council.
5 Each performance measure shall include a baseline measurement,
6 which is the current situation; a performance standard which
7 the project sponsor anticipates the project will achieve; and
8 the performance measurement itself, which should reflect the
9 incremental improvements the project accomplishes towards
10 achieving the performance standard.

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

24 (c) The title to lands acquired under this section
25 shall vest in the Board of Trustees of the Internal
26 Improvement Trust Fund, except that title to lands acquired by
27 a water management district shall vest in the name of that
28 district and lands acquired by a local government shall vest
29 in the name of the purchasing local government.

30 (9) The Acquisition and Restoration Council shall
31 recommend rules for adoption by the board of trustees ~~develop~~

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

- 8 (a) The project meets multiple goals described in
9 subsection (4).
- 10 (b) The project is part of an ongoing governmental
11 effort to restore, protect, or develop land areas or water
12 resources.
- 13 (c) The project enhances or facilitates management of
14 properties already under public ownership.
- 15 (d) The project has significant archaeological or
16 historic value.
- 17 (e) The project has funding sources that are
18 identified and assured through at least the first 2 years of
19 the project.
- 20 (f) The project contributes to the solution of water
21 resource problems on a regional basis.
- 22 (g) The project has a significant portion of its land
23 area in imminent danger of development, in imminent danger of
24 losing its significant natural attributes or recreational open
25 space, or in imminent danger of subdivision which would result
26 in multiple ownership and make acquisition of the project
27 costly or less likely to be accomplished.
- 28 (h) The project implements an element from a plan
29 developed by an ecosystem management team.
- 30 (i) The project is one of the components of the
31 Everglades restoration effort.

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

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

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

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

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

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

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

29 (20) The Acquisition and Restoration Council, as
 30 successors to the Land Acquisition and Management Advisory
 31 Council, shall have the authority to amend existing

1 Conservation and Recreation Lands projects and to add to or
2 delete from the year 2000 Conservation and Recreation Lands
3 list until funding for the Conservation and Recreation Lands
4 program has been expended. Such amendments to the year 2000
5 Conservation and Recreation Lands list shall be reported to
6 the board of trustees in conjunction with the council's report
7 developed pursuant to subsection (15).

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

10 260.018 Agency recognition.--All agencies of the
11 state, regional planning councils through their comprehensive
12 plans, and local governments through their local comprehensive
13 planning process pursuant to chapter 163 shall recognize the
14 special character of publicly owned lands and waters
15 designated by the state as greenways and trails and shall not
16 take any action which will impair their use as designated.
17 Identification of lands or waterways in planning materials,
18 maps, data, and other information developed or used in the
19 greenways and trails program shall not be cause for such lands
20 or waterways to be subject to this section, unless such lands
21 or waterways have been designated as a part of the statewide
22 system of ~~or~~ greenways and trails pursuant to s.
23 260.016(2)(d).

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

26 373.139 Acquisition of real property.--

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

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

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

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

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

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

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

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

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

12 Section 14. Paragraph (c) of subsection (1) of section
13 373.1391, Florida Statutes, is amended to read:

14 373.1391 Management of real property.--

15 (1)

16 (c) In developing or reviewing land management plans
17 should a dispute arise that cannot be resolved by the water
18 management districts, that issue shall be forwarded to the
19 Secretary of Environmental Protection who shall submit it to
20 the Acquisition and Restoration ~~Florida Forever Advisory~~
21 Council.

22 Section 15. Paragraph (a) of subsection (3) and
23 subsection (7) of section 373.199, Florida Statutes, are
24 amended to read:

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

27 (3) In developing the list, each water management
28 district shall:

29 (a) Integrate its existing surface water improvement
30 and management plans, Save Our Rivers land acquisition lists,
31 stormwater management projects, proposed water resource

1 development projects, proposed water body restoration
2 projects, proposed capital improvement projects necessary to
3 promote reuse, reclamation, storage, or recovery of water, and
4 other properties or activities that would assist in meeting
5 the goals of Florida Forever.

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

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

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

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

25
26 The secretary shall submit the report required pursuant to
27 this subsection to the Board of Trustees of the Internal
28 Improvement Trust Fund together along with the Acquisition and
29 Restoration Council's project list as ~~the Florida Forever~~
30 ~~report~~ required under s. 259.105.

31

1 Section 16. Section 373.1995, Florida Statutes, is
2 created to read:

3 373.1995 Florida Forever performance measures.--The
4 five water management districts shall jointly provide a report
5 by December 15, 2000, to the Secretary of Environmental
6 Protection, which shall establish specific goals and
7 performance measures that may be used to analyze activities
8 funded pursuant to s. 259.105(3)(a). The report shall, at a
9 minimum, be based on those goals and performance measures
10 identified in s. 259.105(4). The secretary shall forward the
11 report to the Board of Trustees of the Internal Improvement
12 Trust Fund for their approval. After approval by the board of
13 trustees, the secretary shall forward the approved report to
14 the President of the Senate and the Speaker of the House of
15 Representatives, prior to the beginning of the 2001 Regular
16 Legislative Session, for review by the substantive legislative
17 committee from which the Florida Forever Act originated, or
18 its successor. The Legislature may reject, modify, or take no
19 action relative to the goals and performance measures
20 established by the report. If no action is taken, the goals
21 and performance measures established in the report shall be
22 implemented.

23 Section 17. Subsection (1) and paragraphs (a) and (b)
24 of subsection (10) of section 373.59, Florida Statutes, are
25 amended, and paragraph (g) is added to subsection (10) of said
26 section, to read:

27 373.59 Water Management Lands Trust Fund.--

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

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

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

29 (b) Payment in lieu of taxes shall be available:
 30 1. To all counties that have a population of 150,000
 31 or less ~~and in which the amount of tax loss from all completed~~

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

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

8
9 For the purposes of this subsection, "local government"
10 includes municipalities, the county school board, mosquito
11 control districts, and any other local government entity which
12 levies ad valorem taxes.

13 (g) For properties acquired after January 1, 2000, in
14 the event that such properties otherwise eligible for payment
15 in lieu of taxes under this subsection are leased or reserved
16 and remain subject to ad valorem taxes, then payments in lieu
17 of taxes shall commence or recommence upon the expiration or
18 termination of the lease or reservation but in no event shall
19 there be more than a total of ten annual payments in lieu of
20 taxes for each tax loss. If the lease is terminated for only
21 a portion of the lands at any time, the ten annual payments
22 shall be made for that portion only commencing the year after
23 such termination, without limiting the requirement that ten
24 annual payments shall be made on the remaining portion or
25 portions of the land as the lease on each shall expire.

26 (h) The districts are authorized to make retroactive
27 payments to counties and local governments that did not
28 receive payments in lieu of taxes for lands purchased pursuant
29 to ss. 259.101 and 373.59 during fiscal year 1999-2000 if such
30 counties and local governments would have received said
31 payments pursuant to ss. 259.032(12) and 373.59.

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

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

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

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

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

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

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

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

15 380.510 Conditions of grants and loans.--

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

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

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

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

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

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

4 Section 22. Beginning in fiscal year 2000-2001, funds
5 from the Water Management Lands Trust Fund shall not be used
6 to fund the expenses of the Florida Forever Advisory Council.

7 Section 23. Subsection (9) of section 211.3103,
8 Florida Statutes, is repealed.

9 Section 24. Subsections (1) and (3) of section
10 373.1501, Florida Statutes, are amended to read:

11 373.1501 South Florida Water Management District as
12 local sponsor.--

13 (1) As used in this section and s. 373.026(8), the
14 term:

15 (a) "C-111 Project" means the project identified in
16 the Central and Southern Florida Flood Control Project, Real
17 Estate Design Memorandum, Canal 111, South Dade County,
18 Florida.

19 (b) "Department" means the Department of Environmental
20 Protection.

21 (c) "District" means the South Florida Water
22 Management District.

23 (d) "Kissimmee River Restoration Project" means the
24 project identified in the Project Cooperation Agreement
25 between the United States Department of the Army and the South
26 Florida Water Management District dated March 22, 1994.

27 (e) "Pal-Mar Project" means the Pal-Mar (West Jupiter
28 Wetlands) lands identified in the Save Our Rivers 2000 Land
29 Acquisition and Management Plan approved by the South Florida
30 Water Management District on September 9, 1999, (Resolution
31 99-94).

1 ~~(f)(e)~~ "Project" means the Central and Southern
2 Florida Project.

3 ~~(g)(f)~~ "Project Component" means any structural or
4 operational change, resulting from the restudy, to the Central
5 and Southern Florida Project as it existed and was operated as
6 of January 1, 1999.

7 ~~(h)(g)~~ "Restudy" means the Comprehensive Review Study
8 of the Central and Southern Florida Project, for which federal
9 participation was authorized by the federal Water Resources
10 Development Acts of 1992 and 1996 together with related
11 Congressional resolutions and for which participation by the
12 South Florida Water Management District is authorized by this
13 section. The term includes all actions undertaken pursuant to
14 the aforementioned authorizations which will result in
15 recommendations for modifications or additions to the Central
16 and Southern Florida Project.

17 ~~(i)~~ "Southern CREW Project" means the area described
18 in the Critical Restoration Project Contract C-9906 Southern
19 CREW Project Addition/Imperial River Flowway and approved by
20 the South Florida Water Management District on August 12,
21 1999.

22 ~~(j)(i)~~ "Ten Mile Creek Project" means the Ten Mile
23 Creek Water Preserve Area identified in the Central and
24 Southern Florida Ecosystem Critical Project Letter Report
25 dated April 13, 1998.

26 ~~(k)(h)~~ "Water Preserve Areas" means those areas
27 located only within Palm Beach and Broward counties that are
28 designated as Water Preserve Areas, as approved by the South
29 Florida Water Management District Governing Board on September
30 11, 1997, and shall also include all of those lands within
31 Cell 11 of the East Coast Buffer in Broward County as

1 delineated in the boundary survey prepared by Stoner and
2 Associates, Inc., dated January 31, 2000, SFWMD #10953.

3 (3) The Legislature declares that the Kissimmee River
4 Project, the Ten Mile Creek Project, the Water Preserve Areas,
5 the Southern CREW Project, the Pal-Mar Project,and the C-111
6 Project are in the public interest, for a public purpose, and
7 necessary for the public health and welfare. The governing
8 board of the district is empowered and authorized to acquire
9 fee title or easement by eminent domain for the limited
10 purposes of implementing the Kissimmee River Project, the Ten
11 Mile Creek Project, the Water Preserve Areas, the Southern
12 CREW Project, the Pal-Mar Project,and the C-111 Project. Any
13 acquisition of real property, including by eminent domain, for
14 those objectives constitutes a public purpose for which it is
15 in the public interest to expend public funds. Notwithstanding
16 any provision of law to the contrary, such properties shall
17 not be removed from the district's plan of acquisition, and
18 the use of state funds for these properties is authorized. In
19 the absence of willing sellers, any land necessary for
20 implementing the projects in this subsection shall be acquired
21 in accordance with state condemnation law pursuant to chapters
22 73 and 74.

23 Section 25. Except as otherwise provided herein, this
24 act shall take effect upon becoming a law.
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