

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 creating s. 259.037, F.S.; creating the Land
5 Management Uniform Accounting Council;
6 providing membership; providing duties and
7 responsibilities relating to review and
8 categorization of land management activities,
9 needs, and costs; providing for accounting
10 procedures; requiring reports; providing
11 effective dates.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Paragraph (a) of subsection (1) of section
16 201.15, Florida Statutes, is amended to read:

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

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

27 (a) Amounts as shall be necessary to pay the debt
28 service on, or fund debt service reserve funds, rebate
29 obligations, or other amounts payable with respect to
30 Preservation 2000 bonds issued pursuant to s. 375.051 and
31 Florida Forever bonds issued pursuant to s. 215.618, shall be

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

1 to the Land Acquisition Trust Fund pursuant to this paragraph,
2 or earnings thereon, shall be used or made available to pay
3 debt service on the Save Our Coast revenue bonds.

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

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

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

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

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

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

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

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

22 215.618 Bonds for acquisition and improvement of land,
 23 water areas, and related property interests and resources.--

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

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

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

19 163.01 Florida Interlocal Cooperation Act of 1969.--
 20 (7)

21 (d) Notwithstanding the provisions of paragraph (c),
 22 any separate legal entity created pursuant to this section and
 23 controlled by the municipalities, or counties, or independent
 24 special districts of this state or by any combination of one
 25 or more municipality, and one or more county, and one or more
 26 independent special district of this state, the membership of
 27 which consists or is to consist of municipalities only,
 28 counties only, independent special districts only, or any
 29 combination of one or more municipality, and one or more
 30 county, and one or more independent special district, may, for
 31 the purpose of financing or refinancing any capital projects,

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

1 issuance of the bonds to fund such loan programs is deemed to
2 be a paramount public purpose. Any entity so created may also
3 issue bond anticipation notes, as provided by s. 215.431, in
4 connection with the authorization, issuance, and sale of such
5 bonds. In addition, the governing body of such legal entity
6 may also authorize bonds to be issued and sold from time to
7 time and may delegate, to such officer, official, or agent of
8 such legal entity as the governing body of such legal entity
9 may select, the power to determine the time; manner of sale,
10 public or private; maturities; rate or rates of interest,
11 which may be fixed or may vary at such time or times and in
12 accordance with a specified formula or method of
13 determination; and other terms and conditions as may be deemed
14 appropriate by the officer, official, or agent so designated
15 by the governing body of such legal entity. However, the
16 amounts and maturities of such bonds and the interest rate or
17 rates of such bonds shall be within the limits prescribed by
18 the governing body of such legal entity and its resolution
19 delegating to such officer, official, or agent the power to
20 authorize the issuance and sale of such bonds. A local
21 government self-insurance fund established under this section
22 may financially guarantee bonds or bond anticipation notes
23 issued or loans made under this subsection. Bonds issued
24 pursuant to this paragraph may be validated as provided in
25 chapter 75. The complaint in any action to validate such
26 bonds shall be filed only in the Circuit Court for Leon
27 County. The notice required to be published by s. 75.06 shall
28 be published only in Leon County, and the complaint and order
29 of the circuit court shall be served only on the State
30 Attorney of the Second Judicial Circuit and on the state
31 attorney of each circuit in each county where the public

1 agencies which were initially a party to the agreement are
 2 located. Notice of such proceedings shall be published in the
 3 manner and the time required by s. 75.06 in Leon County and in
 4 each county where the public agencies which were initially a
 5 party to the agreement are located. Obligations of any county,
 6 ~~or municipality, or independent special district~~ pursuant to a
 7 loan agreement as described in this paragraph may be validated
 8 as provided in chapter 75.

9 (9)

10 (c) All of the privileges and immunities from
 11 liability and exemptions from laws, ordinances, and rules
 12 which apply to the municipalities, ~~and counties, and~~
 13 independent special districts of this state apply to the same
 14 degree and extent to any separate legal entity, created
 15 pursuant to the provisions of this section, wholly owned by
 16 the municipalities, ~~or counties, or independent special~~
 17 districts of this state, the membership of which consists or
 18 is to consist only of municipalities, ~~or counties, or~~
 19 independent special districts of this state, unless the
 20 interlocal agreement creating such entity provides to the
 21 contrary. All of the privileges and immunities from liability;
 22 exemptions from laws, ordinances, and rules; and pension and
 23 relief, disability, and worker's compensation, and other
 24 benefits which apply to the activity of officers, agents,
 25 employees, or employees of agents of counties, ~~and~~
 26 municipalities, and independent special districts of this
 27 state which are parties to an interlocal agreement creating a
 28 separate legal entity pursuant to the provisions of this
 29 section shall apply to the same degree and extent to the
 30 officers, agents, or employees of such entity unless the
 31

1 interlocal agreement creating such entity provides to the
2 contrary.

3 Section 5. Paragraph (d) of subsection (7) of section
4 253.03, Florida Statutes, is amended, and paragraph (e) is
5 added to said subsection, to read:

6 253.03 Board of trustees to administer state lands;
7 lands enumerated.--

8 (7)

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

1 Environmental Protection, as appropriate, shall have the right
 2 to require that the leaseholder remove the structures if the
 3 district determines that the structures or their use are
 4 causing harm to the water or land resources of the district,
 5 or to renew the lease agreement. The structure of any owner
 6 who does not provide notification to the South Florida Water
 7 Management District as required under this subsection, shall
 8 be considered illegal and subject to immediate removal. Any
 9 structure built in any water conservation area after May 1,
 10 1999, without necessary permits and leases from the South
 11 Florida Water Management District, ~~or~~ the Department of
 12 Environmental Protection, or other local government, as
 13 appropriate, shall be considered illegal and subject to
 14 removal.

15 (e) Failure to comply with the conditions contained in
 16 any permit or lease agreement as described in paragraph (d)
 17 shall make the structure illegal and subject to removal. Any
 18 structure built in any water conservation area on or after the
 19 effective date of this paragraph shall also be considered
 20 illegal and subject to immediate removal.

21 Section 6. Subsection (10) and paragraph (b) of
 22 subsection (12) of section 259.032, Florida Statutes, are
 23 amended to read:

24 259.032 Conservation and Recreation Lands Trust Fund;
 25 purpose.--

26 (10)(a) State, regional, or local governmental
 27 agencies or private entities designated to manage lands under
 28 this section shall develop and adopt, with the approval of the
 29 board of trustees, an individual management plan for each
 30 project designed to conserve and protect such lands and their
 31 associated natural resources. Private sector involvement in

1 management plan development may be used to expedite the
2 planning process.

3 (b) Individual management plans required by s.
4 253.034(5), for parcels over 160 acres, shall be developed
5 with input from an advisory group. Members of this advisory
6 group shall include, at a minimum, representatives of the lead
7 land managing agency, comanaging entities, local private
8 property owners, the appropriate soil and water conservation
9 district, a local conservation organization, and a local
10 elected official. The advisory group shall conduct at least
11 one public hearing within the county in which the parcel or
12 project is located. For those parcels or projects that are
13 within more than one county, at least one areawide public
14 hearing shall be acceptable and the lead managing agency shall
15 invite a local elected official from each county. The areawide
16 public hearing shall be held in the county in which the core
17 parcels are located. Notice of such public hearing shall be
18 posted on the parcel or project designated for management,
19 advertised in a paper of general circulation, and announced at
20 a scheduled meeting of the local governing body before the
21 actual public hearing. The management prospectus required
22 pursuant to paragraph (9)(d) shall be available to the public
23 for a period of 30 days prior to the public hearing.

24 (c) Once a plan is adopted, the managing agency or
25 entity shall update the plan at least every 5 years in a form
26 and manner prescribed by rule of the board of trustees. Such
27 updates, for parcels over 160 acres, shall be developed with
28 input from an advisory group. Such plans may include transfers
29 of leasehold interests to appropriate conservation
30 organizations or governmental entities designated by the Land
31 Acquisition and Management Advisory Council or its successor,

1 for uses consistent with the purposes of the organizations and
2 the protection, preservation, conservation, restoration, and
3 proper management of the lands and their resources. Volunteer
4 management assistance is encouraged, including, but not
5 limited to, assistance by youths participating in programs
6 sponsored by state or local agencies, by volunteers sponsored
7 by environmental or civic organizations, and by individuals
8 participating in programs for committed delinquents and
9 adults.

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

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

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

28 2. Key management activities necessary to preserve and
29 protect natural resources and restore habitat, and for
30 controlling the spread of nonnative plants and animals, and
31

1 for prescribed fire and other appropriate resource management
2 activities.

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

6 4. A priority schedule for conducting management
7 activities, based on the purposes for which the lands were
8 acquired.

9 5. A cost estimate for conducting priority management
10 activities, to include recommendations for cost-effective
11 methods of accomplishing those activities.

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

17 7. A determination of the public uses and public
18 access that would be consistent with the purposes for which
19 the lands were acquired.

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

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

29 2. Consider the propriety of the recommendations of
30 the managing agency with regard to the future use or
31 protection of the property.

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

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

15
16 By July 1 of each year, each governmental agency, ~~including~~
17 ~~the water management districts,~~ and each private entity
18 designated to manage lands shall report to the Secretary of
19 Environmental Protection on the progress of funding, staffing,
20 and resource management of every project for which the agency
21 or entity is responsible.

22 (12)

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

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

30 2. To all local governments located in eligible
31 counties.

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

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

16
17 For the purposes of this subsection, "local government"
18 includes municipalities, the county school board, mosquito
19 control districts, and any other local government entity which
20 levies ad valorem taxes, with the exception of a water
21 management district.

22 Section 7. Subsections (1), (2), (3), (4), (5), (6),
23 (8), (10), (11), and (12) of section 253.034, Florida
24 Statutes, are amended to read:

25 253.034 State-owned lands; uses.--

26 (1) All lands acquired pursuant to chapter 259 shall
27 be managed to serve the public interest by protecting and
28 conserving land, air, water, and the state's natural
29 resources, which contribute to the public health, welfare, and
30 economy of the state. These lands shall be managed to provide
31 for areas of natural resource based recreation, and to ensure

1 the survival of plant and animal species and the conservation
 2 of finite and renewable natural resources. The state's lands
 3 and natural resources shall be managed using a stewardship
 4 ethic that assures these resources will be available for the
 5 benefit and enjoyment of all people of the state, both present
 6 and future. It is the intent of the Legislature that, where
 7 feasible and consistent with the goals of protection and
 8 conservation of natural resources associated with lands held
 9 in the public trust by the Board of Trustees of the Internal
 10 Improvement Trust Fund, public land not designated for
 11 single-use purposes pursuant to paragraph (2)(b) be managed
 12 for multiple-use purposes. All multiple-use land management
 13 strategies shall address public access and enjoyment, resource
 14 conservation and protection, ecosystem maintenance and
 15 protection, and protection of threatened and endangered
 16 species, and the degree to which public-private partnerships
 17 or endowments may allow the entity ~~agency~~ with management
 18 responsibility to enhance its ability to manage these lands.
 19 The council created in s. 259.035 shall recommend rules to the
 20 board of trustees, and the board shall adopt rules necessary
 21 to carry out the purposes of this section.

22 (2) As used in this section, the following phrases
 23 have the following meanings:

24 (a) "Multiple use" means the harmonious and
 25 coordinated management of timber, recreation, conservation of
 26 fish and wildlife including the release and feeding of
 27 breeder-raised and wild quail, forage, archaeological and
 28 historic sites, habitat and other biological resources, or
 29 water resources so that they are utilized in the combination
 30 that will best serve the people of the state, making the most
 31 judicious use of the land for some or all of these resources

1 and giving consideration to the relative values of the various
2 resources. Where necessary and appropriate for all
3 state-owned lands that are larger than 1,000 acres in project
4 size and are managed for multiple uses, buffers may be formed
5 around any areas that ~~which~~ require special protection or have
6 special management needs. Such buffers shall not exceed more
7 than one-half of the total acreage. Multiple uses within a
8 buffer area may be restricted to provide the necessary
9 buffering effect desired. Multiple use in this context
10 includes both uses of land or resources by more than one
11 management entity, which may include state agency, ~~or by one~~
12 ~~or more state agencies and~~ private sector land managers. In
13 any case, lands identified as multiple-use lands in the land
14 management plan shall be managed to enhance and conserve the
15 lands and resources for the enjoyment of the people of the
16 state.

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

1 recreation, including hunting and fishing where deemed
2 appropriate by the managing entity ~~agency~~.

3 (3) In recognition that recreational trails purchased
4 with rails-to-trails funds pursuant to s. 259.101(3)(g) or s.
5 259.105(3)(h)(~~g~~) have had historic transportation uses and
6 that their linear character may extend many miles, the
7 Legislature intends that when the necessity arises to serve
8 public needs, after balancing the need to protect trail users
9 from collisions with automobiles and a preference for the use
10 of overpasses and underpasses to the greatest extent feasible
11 and practical, transportation uses shall be allowed to cross
12 recreational trails purchased pursuant to s. 259.101(3)(g) or
13 s. 259.105(3)(h)(~~g~~). When these crossings are needed, the
14 location and design should consider and mitigate the impact on
15 humans and environmental resources, and the value of the land
16 shall be paid based on fair market value.

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

1 authorizing the use of lands owned by the board shall be
 2 reviewed for approval by the board or its designee ~~or its~~
 3 ~~successor and approval by the board.~~ The ~~Land Acquisition and~~
 4 ~~Management Advisory~~ council is not required to review
 5 subleases of parcels which are less than 160 acres in size.

6 (5) Each entity ~~state agency~~ managing conservation
 7 ~~lands owned by the Board of Trustees of the Internal~~
 8 ~~Improvement Trust Fund~~ shall submit to the Division of State
 9 Lands a land management plan at least every 5 years in a form
 10 and manner prescribed by rule by the board. For management
 11 units that are greater than 160 acres in size, the management
 12 plans and 5-year updates shall be developed with input of
 13 advisory groups established pursuant to s. 259.032(10)(b).

14 All management plans, whether for single-use or multiple-use
 15 properties, shall specifically describe how the managing
 16 entity ~~agency~~ plans to identify, locate, protect and preserve,
 17 or otherwise use fragile nonrenewable resources, such as
 18 archaeological and historic sites, as well as other fragile
 19 resources, including endangered plant and animal species, and
 20 provide for the conservation of soil and water resources and
 21 for the control and prevention of soil erosion. Land
 22 management plans submitted by an entity ~~agency~~ shall include
 23 reference to appropriate statutory authority for such use or
 24 uses and shall conform to the appropriate policies and
 25 guidelines of the state land management plan. All land
 26 management plans for parcels larger than 1,000 acres shall
 27 contain an analysis of the multiple-use potential of the
 28 parcel, which analysis shall include the potential of the
 29 parcel to generate revenues to enhance the management of the
 30 parcel. Additionally, the land management plan shall contain
 31 an analysis of the potential use of private land managers to

1 facilitate the restoration or management of these lands. In
 2 those cases where a newly acquired property has a valid
 3 conservation plan, the plan shall be used to guide management
 4 of the property until a formal land management plan is
 5 completed.

6 (a) The Division of State Lands shall make available
 7 to the public a copy of each land management plan for parcels
 8 that ~~which~~ exceed 160 acres in size. The council ~~or its~~
 9 ~~successor~~ shall review each plan for compliance with the
 10 requirements of this subsection, the requirements of chapter
 11 259, and ~~with~~ the requirements of the rules established by the
 12 board pursuant to this section ~~subsection~~. The council ~~or its~~
 13 ~~successor~~ shall also consider the propriety of the
 14 recommendations of the managing entity ~~agency~~ with regard to
 15 the future use of the property, the protection of fragile or
 16 nonrenewable resources, the potential for alternative or
 17 multiple uses not recognized by the managing entity ~~agency~~,
 18 and the possibility of disposal of the property by the board.
 19 After its review, the council ~~or its successor~~ shall submit
 20 the plan, along with its recommendations and comments, to the
 21 board. The council ~~or its successor~~ shall specifically
 22 recommend to the board whether to approve the plan as
 23 submitted, approve the plan with modifications, or reject the
 24 plan.

25 (b) The Board of Trustees of the Internal Improvement
 26 Trust Fund shall consider the land management plan submitted
 27 by each entity ~~state agency~~ and the recommendations of the
 28 council ~~or its successor~~ and the Division of State Lands and
 29 shall approve the plan with or without modification or reject
 30 such plan. The use or possession of any such lands that ~~which~~
 31

1 is not in accordance with an approved land management plan is
2 subject to termination by the board.

3 (6) The Board of Trustees of the Internal Improvement
4 Trust Fund shall determine which lands, the title to which is
5 vested in the board, may be surplused. Notwithstanding s.
6 253.111, for conservation ~~those lands designated as acquired~~
7 ~~for conservation purposes~~, the board shall make a
8 determination that the lands are no longer needed for
9 conservation purposes and may dispose of them by a two-thirds
10 vote. For all other lands, the board shall make a
11 determination that the lands are no longer needed and may
12 dispose of them by majority vote.

13 (a) For the purposes of this subsection, all lands
14 acquired by the state prior to July 1, 1999, using proceeds
15 from the Preservation 2000 bonds, the Conservation and
16 Recreation Lands Trust Fund, the Water Management Lands Trust
17 Fund, Environmentally Endangered Lands Program, and the Save
18 Our Coast Program and titled to the board, which lands are
19 identified as core parcels or within original project
20 boundaries, shall be deemed to have been acquired for
21 conservation purposes.

22 (b) For any lands purchased by the state on or after
23 July 1, 1999, a determination shall be made by the board prior
24 to acquisition as to those parcels that shall be designated as
25 having been acquired for conservation purposes. No lands
26 acquired for the following uses ~~use by the Department of~~
27 ~~Corrections, the Department of Management Services for use as~~
28 ~~state offices, the Department of Transportation, except those~~
29 ~~specifically managed for conservation or recreation purposes,~~
30 ~~or the State University System or State Community College~~
31 ~~System~~ shall be designated as having been purchased for

1 conservation purposes, except those specifically managed for
2 conservation and recreation purposes: correction and
3 detention facilities, state office buildings, maintenance
4 yards, state university or state community colleges campuses,
5 agricultural field stations or offices, tower sites, trooper
6 stations and license facilities, laboratories, hospitals, and
7 clinics.

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

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

23 (e) Prior to any decision by the board to surplus
24 lands, the Acquisition and Restoration Council shall review
25 and make recommendations to the board concerning the request
26 for surplusings. The council shall determine whether the
27 request for surplusings is compatible with the resource values
28 of and management objectives for such lands.

29 (f) In reviewing lands owned by the board, the council
30 or its successor shall consider whether such lands would be
31 more appropriately owned or managed by the county or other

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

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

1 may reacquire such lands for the price at which they sold such
2 lands.

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

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

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

31

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

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

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

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

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

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

14 (a) Not inconsistent with the management plan for such
15 lands;

16 (b) Compatible with the natural ecosystem and resource
17 values of such lands;

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

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

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

25 (11) The Acquisition and Restoration Council shall
26 review proposed uses of conservation lands and shall recommend
27 to the board of trustees whether to approve the proposed use
28 as submitted, approve the proposed use with modifications, or
29 reject the proposed use. After reviewing the recommendations
30 of the council, the board of trustees shall decide whether to
31 approve the proposed use as submitted, approve the proposed

1 use with modifications, or reject the proposed use.A decision
 2 by the board of trustees pursuant to this section ~~subsection~~
 3 shall be given a presumption of correctness. Moneys received
 4 from the use of state lands pursuant to this section
 5 ~~subsection~~ shall be returned to the lead managing entity
 6 ~~agency~~ in accordance with the provisions of s. 259.032(11)(d).

7 (12)~~(11)~~ Lands listed as projects for acquisition may
 8 be managed for conservation pursuant to s. 259.032, on an
 9 interim basis by a private party in anticipation of a state
 10 purchase in accordance with a contractual arrangement between
 11 the acquiring agency and the private party that may include
 12 management service contracts, leases, cost-share arrangements
 13 or resource conservation agreements. Lands designated as
 14 eligible under this subsection shall be managed to maintain or
 15 enhance the resources the state is seeking to protect by
 16 acquiring the land. Funding for these contractual
 17 arrangements may originate from the documentary stamp tax
 18 revenue deposited into the Conservation and Recreation Lands
 19 Trust Fund and Water Management Lands Trust Fund. No more
 20 than 5 percent of funds allocated under the trust funds shall
 21 be expended for this purpose.

22 (13)~~(12)~~ Any lands available to governmental
 23 employees, including water management district employees, for
 24 hunting or other recreational purposes shall also be made
 25 available to the general public for such purposes.

26 Section 8. Paragraph (e) of subsection (1) and
 27 subsection (7) of section 259.0345, Florida Statutes, are
 28 amended to read:

29 259.0345 Florida Forever Advisory Council.--

30 (1)

31

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

5 (7) The council shall provide a report, by December 15
6 ~~November 1~~, 2000, to the Secretary of Environmental
7 Protection, who shall forward the report to the board of
8 trustees for their approval. After approval by the board of
9 trustees, the secretary shall forward the approved report to
10 the President of the Senate and the Speaker of the House of
11 Representatives, ~~at least 30 days~~ prior to the beginning of
12 the 2001 Regular Legislative Session, for review by the
13 appropriate substantive legislative committee from which the
14 Florida Forever Act originated, or its successor committees
15 ~~with jurisdiction over the department~~. The Legislature may
16 reject, modify, or take no action relative to the goals and
17 performance measures established by the report. If no action
18 is taken, the goals and performance measures shall be
19 implemented. The report shall meet the following requirements
20 solely with respect to the funding provided pursuant to s.
21 259.105(3)(b):

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

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

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

28 ~~(c) Provide recommendations for the development and~~
29 ~~identification of performance measures to be used for~~
30 ~~analyzing the progress made towards the goals established~~
31 ~~pursuant to s. 259.105(4).~~

1 ~~(d) Provide recommendations for the process by which~~
2 ~~projects are to be submitted, reviewed, and approved by the~~
3 ~~Acquisition and Restoration Council. The advisory council is~~
4 ~~to specifically examine ways to streamline the process created~~
5 ~~by the Florida Forever Act.~~

6
7 It is recognized that during the development of this report,
8 the council may identify other recommendations concerning the
9 implementation of Florida Forever. These recommendations shall
10 be incorporated in the reports identified in subsection (8).

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

14 259.035 Acquisition and Restoration Council.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 259.101 Florida Preservation 2000 Act.--

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

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

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

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

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

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

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

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

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

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

31

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

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

3 (9)

4 (f)1. ~~Pursuant to subsection (3) and beginning in~~
5 ~~fiscal year 1999-2000, that portion of the unencumbered~~
6 ~~balances of each program described in paragraphs (3)(c), (d),~~
7 ~~(e), (f), and (g) which has been on deposit in such program's~~
8 ~~Preservation 2000 account for more than 3 fiscal years shall~~
9 ~~be redistributed equally to the Department of Environmental~~
10 ~~Protection, Division of State Lands P2000 sub account for the~~
11 ~~purchase of State Lands as described in s. 259.032 and Water~~
12 ~~Management District P2000 sub account for the purchase of~~
13 ~~Water Management Lands pursuant to ss. 373.456, 373.4592 and~~
14 ~~373.59. For the purposes of this subsection, the term~~
15 ~~"unencumbered balances" means the portion of Preservation 2000~~
16 ~~bond proceeds which is not obligated through the signing of a~~
17 ~~purchase contract between a public agency and a private~~
18 ~~landowner, except that the program described in paragraph~~
19 ~~(3)(c) may not lose any portion of its unencumbered funds~~
20 ~~which remain unobligated because of extraordinary~~
21 ~~circumstances that hampered the affected local governments'~~
22 ~~abilities to close on land acquisition projects approved~~
23 ~~through the Florida Communities Trust program. Extraordinary~~
24 ~~circumstances shall be determined by the Florida Communities~~
25 ~~Trust governing body and may include such things as death or~~
26 ~~bankruptcy of the owner of property; a change in the land use~~
27 ~~designation of the property; natural disasters that affected a~~
28 ~~local government's ability to consummate the sales contract on~~
29 ~~such property; or any other condition that the Florida~~
30 ~~Communities Trust governing board determined to be~~
31 ~~extraordinary. The portion of the funds redistributed in the~~

1 ~~Water Management District P2000 sub account shall be~~
2 ~~distributed to the water management districts as provided in~~
3 ~~s. 373.59(8).~~

4 ~~2.~~ The department and the water management districts
5 may enter into joint acquisition agreements to jointly fund
6 the purchase of lands using alternatives to fee simple
7 techniques.

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

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

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

18 259.105 The Florida Forever Act.--

19 (3) Less the costs of issuing and the costs of funding
20 reserve accounts and other costs associated with bonds, the
21 proceeds of bonds issued pursuant to this section shall be
22 deposited into the Florida Forever Trust Fund created by s.
23 259.1051. The proceeds shall be distributed by the Department
24 of Environmental Protection in the following manner:

25 (a) Thirty-five percent to the Department of
26 Environmental Protection for the acquisition of lands and
27 capital project expenditures necessary to implement the water
28 management districts' priority lists developed pursuant to s.
29 373.199. The funds are to be distributed to the water
30 management districts as provided in subsection (11). A
31 minimum of 50 percent of the total funds provided over the

1 life of the Florida Forever program pursuant to this paragraph
2 shall be used for the acquisition of lands.

3 (b) Thirty-five percent to the Department of
4 Environmental Protection for the acquisition of lands and
5 capital project expenditures described in this section. Of the
6 proceeds distributed pursuant to this paragraph, it is the
7 intent of the Legislature that an increased priority be given
8 to those acquisitions which achieve a combination of
9 conservation goals, including protecting Florida's water
10 resources and natural groundwater recharge. Capital project
11 expenditures may not exceed 10 percent of the funds allocated
12 pursuant to this paragraph.

13 (c) Twenty-two ~~Twenty-four~~ percent to the Department
14 of Community Affairs for use by the Florida Communities Trust
15 for the purposes of part III of chapter 380, as described and
16 limited by this subsection, and grants to local governments or
17 nonprofit environmental organizations that are tax exempt
18 under s. 501(c)(3) of the United States Internal Revenue Code
19 for the acquisition of community-based projects, urban open
20 spaces, parks, and greenways to implement local government
21 comprehensive plans. ~~From funds available to the trust, 8~~
22 ~~percent shall be transferred annually to the Land Acquisition~~
23 ~~Trust Fund for grants pursuant to s. 375.075.~~ From funds
24 available to the trust and used for land acquisition, 75
25 percent shall be matched by local governments on a
26 dollar-for-dollar basis. The Legislature intends that the
27 Florida Communities Trust emphasize funding projects in
28 low-income or otherwise disadvantaged communities. At least
29 30 ~~Thirty~~ percent of the total allocation provided to the
30 trust shall be used in Standard Metropolitan Statistical
31 Areas, but one-half of that amount shall be used in localities

1 in which the project site is located in built-up commercial,
 2 industrial, or mixed-use areas and functions to intersperse
 3 open spaces within congested urban core areas. From funds
 4 allocated to the trust, no less than 5 percent shall be used
 5 to acquire lands for recreational trail systems, provided that
 6 in the event these funds are not needed for such projects,
 7 they will be available for other trust projects. Local
 8 governments may use federal grants or loans, private
 9 donations, or environmental mitigation funds, including
 10 environmental mitigation funds required pursuant to s.
 11 338.250, for any part or all of any local match required for
 12 acquisitions funded through the Florida Communities Trust.
 13 Any lands purchased by nonprofit organizations using funds
 14 allocated under this paragraph must provide for such lands to
 15 remain permanently in public use through a reversion of title
 16 to local or state government, conservation easement, or other
 17 appropriate mechanism. Projects funded with funds allocated
 18 to the Trust shall be selected in a competitive process
 19 measured against criteria adopted in rule by the Trust.

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

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

31

1 (f)~~(e)~~ One and five-tenths percent to the Division of
 2 Forestry of the Department of Agriculture and Consumer
 3 Services to fund the acquisition of state forest inholdings
 4 and additions pursuant to s. 589.07 and the implementation of
 5 reforestation plans or sustainable forestry management
 6 practices, and for capital project expenditures as described
 7 in this section. Capital project expenditures may not exceed
 8 10 percent of the funds allocated under this paragraph.

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

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

25 (i)~~(h)~~ For the purposes of paragraphs~~(d)~~, (e), (f),
 26 (g), and (h)~~(g)~~, the agencies which receive the funds shall
 27 develop their individual acquisition or restoration lists.
 28 Proposed additions may be acquired if they are identified
 29 within the original project boundary, the management plan
 30 required pursuant to s. 253.034(5), or the management
 31 prospectus required pursuant to s. 259.032(9)(d). Proposed

1 additions not meeting the requirements of this paragraph shall
2 be submitted to the Acquisition and Restoration Council for
3 approval. The council may only approve the proposed addition
4 if it meets two or more of the following criteria: serves as a
5 link or corridor to other publicly owned property; enhances
6 the protection or management of the property; would add a
7 desirable resource to the property; would create a more
8 manageable boundary configuration; has a high resource value
9 that otherwise would be unprotected; or can be acquired at
10 less than fair market value.

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

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

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

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

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

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

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

8 (b) Project applications shall contain, at a minimum,
9 the following:

10 1. A minimum of two numeric performance measures that
11 directly relate to the overall goals adopted by the council.
12 Each performance measure shall include a baseline measurement,
13 which is the current situation; a performance standard which
14 the project sponsor anticipates the project will achieve; and
15 the performance measurement itself, which should reflect the
16 incremental improvements the project accomplishes towards
17 achieving the performance standard.

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

31

1 (c) The title to lands acquired under this section
2 shall vest in the Board of Trustees of the Internal
3 Improvement Trust Fund, except that title to lands acquired by
4 a water management district shall vest in the name of that
5 district and lands acquired by a local government shall vest
6 in the name of the purchasing local government.

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

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

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

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

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

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

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

30 (g) The project has a significant portion of its land
31 area in imminent danger of development, in imminent danger of

1 losing its significant natural attributes or recreational open
2 space, or in imminent danger of subdivision which would result
3 in multiple ownership and make acquisition of the project
4 costly or less likely to be accomplished.

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

7 (i) The project is one of the components of the
8 Everglades restoration effort.

9 (j) The project may be purchased at 80 percent of
10 appraised value.

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

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

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

29 (16) All proposals for projects pursuant to paragraph
30 (3)(b) or subsection (20) shall be implemented only if adopted
31 by the Acquisition and Restoration Council and approved by the

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

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

1 after legislative review. In its review, the Legislature may
2 reject, modify, or take no action relative to such rules. The
3 board of trustees ~~council~~ shall conform such rules to changes
4 made by the Legislature, or, if no action was taken by the
5 Legislature, such rules shall become effective.

6 (20) The Acquisition and Restoration Council, as
7 successors to the Land Acquisition and Management Advisory
8 Council, shall have the authority to amend existing
9 Conservation and Recreation Lands projects and to add to or
10 delete from the year 2000 Conservation and Recreation Lands
11 list until funding for the Conservation and Recreation Lands
12 program has been expended. Such amendments to the year 2000
13 Conservation and Recreation Lands list shall be reported to
14 the board of trustees in conjunction with the council's report
15 developed pursuant to subsection (15).

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

18 260.018 Agency recognition.--All agencies of the
19 state, regional planning councils through their comprehensive
20 plans, and local governments through their local comprehensive
21 planning process pursuant to chapter 163 shall recognize the
22 special character of publicly owned lands and waters
23 designated by the state as greenways and trails and shall not
24 take any action which will impair their use as designated.
25 Identification of lands or waterways in planning materials,
26 maps, data, and other information developed or used in the
27 greenways and trails program shall not be cause for such lands
28 or waterways to be subject to this section, unless such lands
29 or waterways have been designated as a part of the statewide
30 system of ~~or~~ greenways and trails pursuant to s.
31 260.016(2)(d).

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

3 373.139 Acquisition of real property.--

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

15 (3) The initial 5-year work plan and any subsequent
16 modifications or additions thereto shall be adopted by each
17 water management district after a public hearing. Each water
18 management district shall provide at least 14 days' advance
19 notice of the hearing date and shall provide separate notice
20 of the hearing date to each county commission within which a
21 proposed work plan project or project modification or addition
22 is located.

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

26 ~~(a)~~(b) Title information, appraisal reports, offers,
27 and counteroffers are confidential and exempt from the
28 provisions of s. 119.07(1) until an option contract is
29 executed or, if no option contract is executed, until 30 days
30 before a contract or agreement for purchase is considered for
31 approval by the governing board. However, each district shall

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

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

30 ~~(c)(d)~~ The Secretary of Environmental Protection shall
31 release acquisition moneys from the appropriate account or

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

20 Section 14. Paragraph (c) of subsection (1) of section
 21 373.1391, Florida Statutes, is amended to read:

22 373.1391 Management of real property.--

23 (1)

24 (c) In developing or reviewing land management plans
 25 should a dispute arise that cannot be resolved by the water
 26 management districts, that issue shall be forwarded to the
 27 Secretary of Environmental Protection who shall submit it to
 28 the Acquisition and Restoration ~~Florida Forever Advisory~~
 29 Council.

30
 31

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

4 373.199 Florida Forever Water Management District Work
5 Plan.--

6 (3) In developing the list, each water management
7 district shall:

8 (a) Integrate its existing surface water improvement
9 and management plans, Save Our Rivers land acquisition lists,
10 stormwater management projects, proposed water resource
11 development projects, proposed water body restoration
12 projects, proposed capital improvement projects necessary to
13 promote reuse, reclamation, storage, or recovery of water, and
14 other properties or activities that would assist in meeting
15 the goals of Florida Forever.

16 (7) By January 1, 2001 ~~of each year~~, each district
17 shall file with the President of the Senate, the Speaker of
18 the House of Representatives, Legislature and the Secretary of
19 Environmental Protection the initial 5-year work plan as
20 required pursuant to subsection (2). By January 1 of each year
21 thereafter, each district shall file with the President of the
22 Senate, the Speaker of the House of Representatives, and the
23 Secretary of Environmental Protection a report of acquisitions
24 completed during the year together with modifications or
25 additions to its 5-year work plan. Included in the report
26 shall be:

27 (a) A description of land management activity for each
28 property or project area owned by the water management
29 district.

30 (b) A list of any lands surplused and the amount of
31 compensation received.

1 (c) The progress of funding, staffing, and resource
2 management of every project funded pursuant to s. 259.101, s.
3 259.105, or s. 373.59, for which the district is responsible.

4
5 The secretary shall submit the report required pursuant to
6 this subsection to the Board of Trustees of the Internal
7 Improvement Trust Fund together ~~along~~ with the Acquisition and
8 Restoration Council's project list as ~~the Florida Forever~~
9 ~~report~~ required under s. 259.105.

10 Section 16. Section 373.1995, Florida Statutes, is
11 created to read:

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

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

5 373.59 Water Management Lands Trust Fund.--

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

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

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

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

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

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

17
18 For the purposes of this subsection, "local government"
19 includes municipalities, the county school board, mosquito
20 control districts, and any other local government entity which
21 levies ad valorem taxes.

22 (g) For properties acquired after January 1, 2000, in
23 the event that such properties otherwise eligible for payment
24 in lieu of taxes under this subsection are leased or reserved
25 and remain subject to ad valorem taxes, then payments in lieu
26 of taxes shall commence or recommence upon the expiration or
27 termination of the lease or reservation but in no event shall
28 there be more than a total of ten annual payments in lieu of
29 taxes for each tax loss. If the lease is terminated for only
30 a portion of the lands at any time, the ten annual payments
31 shall be made for that portion only commencing the year after

1 such termination, without limiting the requirement that ten
2 annual payments shall be made on the remaining portion or
3 portions of the land as the lease on each shall expire.

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

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

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

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

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

31

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

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

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

25 380.510 Conditions of grants and loans.--

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

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

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

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

1 Section 21. Notwithstanding the provisions of s.
2 259.101(3)(c), Florida Statutes (1993) (Section 5, Chapter
3 92-288, Laws of Florida), regarding the set-aside of funds for
4 land acquisition in areas of critical state concern, \$2.5
5 million from funds previously approved is hereby designated to
6 the City of Apalachicola for land acquisition associated with
7 the area of critical state concern to assist in completing the
8 City's sewer improvement program. This appropriation is
9 contingent upon the review of the city's proposal and a
10 determination by the Department of Community Affairs that the
11 proposed project is an eligible use of funds under the Florida
12 Communities Trust program. The city is not required to provide
13 matching funds for the approved project.

14 Section 22. Paragraph (e) of subsection (10) and
15 paragraph (c) of subsection (11) of section 259.032, Florida
16 Statutes, are amended to read:

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

19 (10)

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

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

26 2. Key management activities necessary to preserve and
27 protect natural resources and restore habitat, and for
28 controlling the spread of nonnative plants and animals, and
29 for prescribed fire and other appropriate resource management
30 activities.

31

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

4 4. A priority schedule for conducting management
5 activities, based on the purposes for which the lands were
6 acquired and on the categories adopted by the Land Management
7 Uniform Accounting Council pursuant to s. 259.037.

8 5. A cost estimate for conducting priority management
9 activities, to include recommendations for cost-effective
10 methods of accomplishing those activities, based on the
11 categories adopted by the Land Management Uniform Accounting
12 Council pursuant to s. 259.037.

13 6. A cost estimate for conducting other management
14 activities which would enhance the natural resource value or
15 public recreation value for which the lands were acquired,
16 based on the categories adopted by the Land Management Uniform
17 Accounting Council pursuant to s. 259.037. The cost estimate
18 shall include recommendations for cost-effective methods of
19 accomplishing those activities.

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

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

30 (11)

1 (c) Due to limited resources for management of
2 state-owned lands and the possible deterioration to the
3 natural resource values and capital investments on state lands
4 through inadequate management of lands, in requesting funds
5 provided for in paragraph (b), state agencies shall prioritize
6 for immediate, intermediate, and long-term management of all
7 acquisitions pursuant to this chapter and for associated
8 contractual services. When prioritizing management
9 activities, agencies shall consider routine and special
10 one-time management needs. The managing agencies shall

11 recognize the following categories of land management needs:

12 1. Immediate land management needs, within 1 to 2
13 years, to prevent the threat of significant loss of natural
14 resource values or significant increases in repair costs to
15 capital facilities.

16 2. Intermediate land management needs, within 3 to 4
17 years, to prevent the threat of loss of natural resource
18 values or the increase in repair costs to capital facilities.

19 3. Long-term land management needs, within 5 to 6
20 years, to prevent the eventual threat of loss of natural
21 resource values or the increase in repair costs to capital
22 facilities.

23 ~~1. Lands which are low-need tracts, requiring basic~~
24 ~~resource management and protection, such as state reserves,~~
25 ~~state preserves, state forests, and wildlife management areas.~~
26 ~~These lands generally are open to the public but have no more~~
27 ~~than minimum facilities development.~~

28 ~~2. Lands which are moderate-need tracts, requiring~~
29 ~~more than basic resource management and protection, such as~~
30 ~~state parks and state recreation areas. These lands generally~~
31 ~~have extra restoration or protection needs, higher~~

1 ~~concentrations of public use, or more highly developed~~
2 ~~facilities.~~

3 ~~3. Lands which are high-need tracts, with identified~~
4 ~~needs requiring unique site-specific resource management and~~
5 ~~protection. These lands generally are sites with historic~~
6 ~~significance, unique natural features, or very high intensity~~
7 ~~public use, or sites that require extra funds to stabilize or~~
8 ~~protect resources, such as lands with heavy infestations of~~
9 ~~nonnative, invasive plants.~~

10
11 In evaluating the management funding needs of lands based on
12 the above categories, the lead land managing agencies shall
13 include in their considerations the impacts of, and needs
14 created or addressed by, multiple-use management strategies.
15 Land management agencies shall demonstrate how land management
16 activities are contributing to meeting of performance measures
17 developed pursuant to s. 259.0345(7)(c).

18 Section 23. Section 259.037, Florida Statutes, is
19 created to read:

20 259.037 Land Management Uniform Accounting Council.--

21 (1) The Land Management Uniform Accounting Council is
22 created within the Department of Environmental Protection and
23 shall consist of the director of the Division of State Lands,
24 the director of the Division of Recreation and Parks, the
25 director of the Office of Coastal and Aquatic Managed Areas,
26 and the director of the Office of Greenways and Trails of the
27 Department of Environmental Protection; the director of the
28 Division of Forestry of the Department of Agriculture and
29 Consumer Services; the executive director of the Fish and
30 Wildlife Conservation Commission; and the director of the
31 Division of Historical Resources of the Department of State, or

1 their respective designees. Each state agency represented on
2 the council shall have one vote. The chair of the council
3 shall rotate annually in the foregoing order of state
4 agencies. The agency of the representative serving as chair
5 of the council shall provide staff support for the council.
6 The Division of State Lands shall serve as the recipient of
7 and repository for the council's documents. The council shall
8 meet initially by May 20, 2000, and thereafter at the request
9 of the chair.

10 (2) The Auditor General and the director of the Office
11 of Program Policy Analysis and Government Accountability, or
12 their designees, shall advise the council to ensure that
13 appropriate accounting procedures are utilized and that a
14 uniform method of collecting and reporting accurate costs of
15 land management activities are created and can be used by all
16 agencies.

17 (3) The council shall, by June 20, 2000, review
18 current land management practices and group closely related
19 land management activities and needs into categories. All
20 land management activities and costs must be assigned to a
21 specific category, and any single activity or cost may not be
22 assigned to more than one category. Administrative costs,
23 such as planning or training, shall be segregated from other
24 management activities. Specific management activities and
25 costs must be grouped, at a minimum, within the following
26 categories:

- 27 (a) Resource management.
28 (b) Administration.
29 (c) New facility construction.
30 (d) Facility maintenance.
31

1 Upon adoption of a complete list of land management categories
2 by the council, agencies assigned to manage conservation or
3 recreation lands shall, on July 1, 2000, begin to account for
4 land management costs in accordance with the category to which
5 an expenditure is assigned.

6 (4) The council shall provide its adopted list of land
7 management categories to the Governor, the Board of Trustees
8 of the Internal Improvement Trust Fund, the President of the
9 Senate, the Speaker of the House of Representatives, and the
10 Acquisition and Restoration Council by July 1, 2000.

11 (5) The council shall report agencies' expenditures
12 pursuant to the adopted categories to the President of the
13 Senate and the Speaker of the House of Representatives
14 annually, beginning July 1, 2001. The council shall also
15 provide this report to the Acquisition and Restoration Council
16 for inclusion in its annual report required pursuant to s.
17 259.105.

18 (6) Should the council determine that the list of land
19 management categories needs to be revised, it shall meet upon
20 the call of the chair.

21 Section 24. Beginning in fiscal year 2000-2001, funds
22 from the Water Management Lands Trust Fund shall not be used
23 to fund the expenses of the Florida Forever Advisory Council.

24 Section 25. Subsection (9) of section 211.3103,
25 Florida Statutes, is repealed.

26 Section 26. Subsections (1) and (3) of section
27 373.1501, Florida Statutes, are amended to read:

28 373.1501 South Florida Water Management District as
29 local sponsor.--

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

1 (a) "C-111 Project" means the project identified in
2 the Central and Southern Florida Flood Control Project, Real
3 Estate Design Memorandum, Canal 111, South Dade County,
4 Florida.

5 (b) "Department" means the Department of Environmental
6 Protection.

7 (c) "District" means the South Florida Water
8 Management District.

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

13 (e) "Pal-Mar Project" means the Pal-Mar (West Jupiter
14 Wetlands) lands identified in the Save Our Rivers 2000 Land
15 Acquisition and Management Plan approved by the South Florida
16 Water Management District on September 9, 1999, (Resolution
17 99-94).

18 ~~(f)(e)~~ "Project" means the Central and Southern
19 Florida Project.

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

24 ~~(h)(g)~~ "Restudy" means the Comprehensive Review Study
25 of the Central and Southern Florida Project, for which federal
26 participation was authorized by the federal Water Resources
27 Development Acts of 1992 and 1996 together with related
28 Congressional resolutions and for which participation by the
29 South Florida Water Management District is authorized by this
30 section. The term includes all actions undertaken pursuant to
31 the aforementioned authorizations which will result in

1 recommendations for modifications or additions to the Central
2 and Southern Florida Project.

3 (i) "Southern CREW Project" means the area described
4 in the Critical Restoration Project Contract C-9906 Southern
5 CREW Project Addition/Imperial River Flowway and approved by
6 the South Florida Water Management District on August 12,
7 1999.

8 (j)~~(i)~~ "Ten Mile Creek Project" means the Ten Mile
9 Creek Water Preserve Area identified in the Central and
10 Southern Florida Ecosystem Critical Project Letter Report
11 dated April 13, 1998.

12 (k)~~(h)~~ "Water Preserve Areas" means those areas
13 located only within Palm Beach and Broward counties that are
14 designated as Water Preserve Areas, as approved by the South
15 Florida Water Management District Governing Board on September
16 11, 1997, and shall also include all of those lands within
17 Cell 11 of the East Coast Buffer in Broward County as
18 delineated in the boundary survey prepared by Stoner and
19 Associates, Inc., dated January 31, 2000, SFWMD #10953.

20 (3) The Legislature declares that the Kissimmee River
21 Project, the Ten Mile Creek Project, the Water Preserve Areas,
22 the Southern CREW Project, the Pal-Mar Project, and the C-111
23 Project are in the public interest, for a public purpose, and
24 necessary for the public health and welfare. The governing
25 board of the district is empowered and authorized to acquire
26 fee title or easement by eminent domain for the limited
27 purposes of implementing the Kissimmee River Project, the Ten
28 Mile Creek Project, the Water Preserve Areas, the Southern
29 CREW Project, the Pal-Mar Project, and the C-111 Project. Any
30 acquisition of real property, including by eminent domain, for
31 those objectives constitutes a public purpose for which it is

1 in the public interest to expend public funds. Notwithstanding
2 any provision of law to the contrary, such properties shall
3 not be removed from the district's plan of acquisition, and
4 the use of state funds for these properties is authorized. In
5 the absence of willing sellers, any land necessary for
6 implementing the projects in this subsection shall be acquired
7 in accordance with state condemnation law pursuant to chapters
8 73 and 74.

9 Section 27. Except as otherwise provided herein, this
10 act shall take effect upon becoming a law.

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