

Bill No. CS for SB 384

Amendment No. \_\_\_\_

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

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13 **Senate Amendment (with title amendment)**

14 On page 6, between lines 20 and 21,

15

16 insert:

17 Section 3. Subsections (3) and (9) of section 259.101,  
18 Florida Statutes, are amended to read:

19 259.101 Florida Preservation 2000 Act.--

20 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the  
21 costs of issuance, the costs of funding reserve accounts, and  
22 other costs with respect to the bonds, the proceeds of bonds  
23 issued pursuant to this act shall be deposited into the  
24 Florida Preservation 2000 Trust Fund created by s. 375.045.  
25 Ten percent of the proceeds of any bonds deposited into the  
26 Preservation 2000 Trust Fund shall be distributed by the  
27 Department of Environmental Protection to the Department of  
28 Environmental Protection for the purchase by the South Florida  
29 Water Management District of lands in Dade, Broward, and Palm  
30 Beach Counties identified in s. 7, chapter 95-349, Laws of  
31 Florida. This distribution shall apply for any bond issue for

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1 the 1995-1996 fiscal year. For the 1997-1998 fiscal year only,  
 2 \$20 million per year from the proceeds of any bonds deposited  
 3 into the Florida Preservation 2000 Trust Fund shall be  
 4 distributed by the Department of Environmental Protection to  
 5 the St. Johns Water Management District for the purchase of  
 6 lands necessary to restore Lake Apopka. The remaining proceeds  
 7 shall be distributed by the Department of Environmental  
 8 Protection in the following manner:

9 (a) Fifty percent to the Department of Environmental  
 10 Protection for the purchase of public lands as described in s.  
 11 259.032. Of this 50 percent, at least one-fifth shall be used  
 12 for the acquisition of coastal lands.

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

22 (c) Ten percent to the Department of Community Affairs  
 23 to provide land acquisition grants and loans to local  
 24 governments through the Florida Communities Trust pursuant to  
 25 part III of chapter 380. From funds allocated to the trust,  
 26 \$3 million annually shall be used by the Green Swamp Land  
 27 Authority specifically for the purchase through land  
 28 protection agreements, as defined in s. 380.0677(5), of lands,  
 29 or severable interests or rights in lands, in the Green Swamp  
 30 Area of Critical State Concern. From funds allocated to the  
 31 trust, \$3 million annually shall be used by the Monroe County

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

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

24 (e) Two and nine-tenths percent to the Division of  
 25 Forestry of the Department of Agriculture and Consumer  
 26 Services to fund the acquisition of state forest inholdings  
 27 and additions pursuant to s. 589.07.

28 (f) Two and nine-tenths percent to the Game and Fresh  
 29 Water Fish Commission to fund the acquisition of inholdings  
 30 and additions to lands managed by the commission which are  
 31 important to the conservation of fish and wildlife.

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1           (g) One and three-tenths percent to the Department of  
 2 Environmental Protection for the Florida Greenways and Trails  
 3 Program, to acquire greenways and trails or greenways and  
 4 trails systems pursuant to chapter 260, including, but not  
 5 limited to, abandoned railroad rights-of-way and the Florida  
 6 National Scenic Trail.

7  
 8 Local 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 the purposes described in this subsection. Bond proceeds  
 13 allocated pursuant to paragraph (c) may be used to purchase  
 14 lands on the priority lists developed pursuant to s. 259.035.  
 15 Title to lands purchased pursuant to paragraphs (a), (d), (e),  
 16 (f), and (g) shall be vested in the Board of Trustees of the  
 17 Internal Improvement Trust Fund, except that title to lands,  
 18 or rights or interests therein, acquired by either the  
 19 Southwest Florida Water Management District or the St. Johns  
 20 River Water Management District in furtherance of the Green  
 21 Swamp Land Authority's mission pursuant to s. 380.0677(3),  
 22 shall be vested in the district where the acquisition project  
 23 is located. Title to lands purchased pursuant to paragraph  
 24 (c) may be vested in the Board of Trustees of the Internal  
 25 Improvement Trust Fund, except that title to lands, or rights  
 26 or interests therein, acquired by either the Southwest Florida  
 27 Water Management District or the St. Johns River Water  
 28 Management District in furtherance of the Green Swamp Land  
 29 Authority's mission pursuant to s. 380.0677(3), shall be  
 30 vested in the district where the acquisition project is  
 31 located. ~~This subsection is repealed effective October 1,~~

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1 ~~2000. Prior to repeal, the Legislature shall review the~~  
2 ~~provisions scheduled for repeal and shall determine whether to~~  
3 ~~reenact or modify the provisions or to take no action.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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31 (Redesignate subsequent sections.)



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

2 And the title is amended as follows:

3 On page 1, line 9, after the semicolon

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5 insert:

6 amending s. 259.101, F.S.; deleting prospective

7 repeals; deleting provisions requiring the

8 redistribution of unspent funds;

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