

1                                   A bill to be entitled  
2           An act relating to land acquisition and  
3           management; amending s. 259.105, F.S.; revising  
4           goals and performance measures for Florida  
5           Forever projects of the Department of  
6           Environmental Protection and water management  
7           districts; amending s. 253.034, F.S.; defining  
8           "conservation lands"; providing procedure for  
9           disposition of certain surplus conservation  
10          lands by the Board of Trustees of the Internal  
11          Improvement Trust Fund; revising procedure for  
12          evaluating and offering for sale of surplus  
13          lands; providing for disposition of proceeds  
14          from the sale of surplus nonconservation lands;  
15          amending ss. 253.111 and 253.115, F.S.;  
16          exempting Greenway lands from certain public  
17          notice and hearing requirements prior to sale,  
18          lease, exchange, or grant of easement; amending  
19          s. 253.82, F.S.; revising conditions under  
20          which certain lands titled to the board of  
21          trustees may be declared surplus lands;  
22          revising appraisal requirements; providing  
23          rulemaking authority; creating s. 253.86, F.S.;  
24          providing for management and use of certain  
25          uplands; providing rulemaking authority of the  
26          Office of Coastal and Aquatic Managed Areas;  
27          providing for fees; providing a penalty;  
28          amending s. 259.035, F.S., correcting a cross  
29          reference; amending s. 259.0345, F.s.;  
30          repealing authority for certain members of the  
31          Legislature to be appointed as ad hoc nonvoting

1 members to the Florida Forever Advisory  
2 Council; deleting obsolete provisions; amending  
3 s. 298.22, F.S.; authorizing boards of  
4 supervisors of water control districts to  
5 construct and manage resource-based  
6 recreational facilities; amending s. 369.255,  
7 F.S.; authorizing certain municipalities to  
8 create a funding mechanism for greenspace  
9 management and exotic plant control; providing  
10 intent of the Legislature to repay any  
11 Preservation 2000 funds redirected for other  
12 purposes; repealing subsection (8) of s.  
13 259.101, F.S.; relating to the disposal and use  
14 of certain state owned lands; providing an  
15 effective date.

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

18  
19 Section 1. Subsection (4) of section 259.105, Florida  
20 Statutes, is amended to read:

21 259.105 The Florida Forever Act.--

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

25 (a) Enhance the coordination and completion of land  
26 acquisition projects, as measured by:

27 1. The number of acres acquired through the state's  
28 land acquisition programs that contribute to the completion of  
29 Florida Preservation 2000 projects or projects begun before  
30 Preservation 2000;

31

1           2. The number of acres protected through the use of  
2 alternatives to fee simple acquisition; or

3           3. The number of shared acquisition projects among  
4 Florida Forever funding partners and partners with other  
5 funding sources, including local governments and the federal  
6 government.

7           (b) Increase the protection of Florida's biodiversity  
8 at the species, natural community, and landscape levels, as  
9 measured by:

10           1. The number of acres acquired of significant  
11 strategic habitat conservation areas;

12           2. The number of acres acquired of highest priority  
13 conservation areas for Florida's rarest species;

14           3. The number of acres acquired of significant  
15 landscapes, landscape linkages, and conservation corridors,  
16 giving priority to completing linkages;

17           4. The number of acres acquired of under-represented  
18 native ecosystems;

19           5. The number of landscape-sized protection areas of  
20 at least 50,000 acres that exhibit a mosaic of predominantly  
21 intact or restorable natural communities established through  
22 new acquisition projects, or augmentations to previous  
23 projects; or

24           6. The percentage increase in the number of  
25 occurrences of endangered species, threatened species, or  
26 species of special concern on publicly managed conservation  
27 areas.

28           (c) Protect, restore, and maintain the quality and  
29 natural functions of land, water, and wetland systems of the  
30 state, as measured by:

31

- 1           1. The number of acres of publicly-owned land  
2 identified as needing restoration, acres undergoing  
3 restoration, and acres with restoration activities completed;
- 4           2. The percentage of water segments that fully meet,  
5 partially meet, or do not meet their designated uses as  
6 reported in the Department of Environmental Protection's State  
7 Water Quality Assessment 305(b) Report;
- 8           3. The percentage completion of targeted capital  
9 improvements in surface water improvement and management plans  
10 created under s. 373.453(2), regional or master stormwater  
11 management system plans, or other adopted restoration plans;
- 12           4. The number of acres acquired that protect natural  
13 floodplain functions;
- 14           5. The number of acres acquired that protect surface  
15 waters of the state;
- 16           6. The number of acres identified for acquisition to  
17 minimize damage from flooding and the percentage of those  
18 acres acquired;
- 19           7. The number of acres acquired that protect fragile  
20 coastal resources;
- 21           8. The number of acres of functional wetland systems  
22 protected;
- 23           9. The percentage of miles of critically eroding  
24 beaches contiguous with public lands that are restored or  
25 protected from further erosion;
- 26           10. The percentage of public lakes and rivers in which  
27 invasive, non-native aquatic plants are under maintenance  
28 control; or
- 29           11. The number of acres of public conservation lands  
30 in which upland invasive, exotic plants are under maintenance  
31 control.

1           (d) Ensure that sufficient quantities of water are  
2 available to meet the current and future needs of natural  
3 systems and the citizens of the state, as measured by:

4           1. The number of acres acquired which provide  
5 retention and storage of surface water in naturally occurring  
6 storage areas, such as lakes and wetlands, consistent with the  
7 maintenance of water resources or water supplies and  
8 consistent with district water supply plans;

9           2. The quantity of water made available through the  
10 water resource development component of a district water  
11 supply plan for which a water management district is  
12 responsible; or

13           3. The number of acres acquired of groundwater  
14 recharge areas critical to springs, sinks, aquifers, other  
15 natural systems, or water supply.

16           (e) Increase natural resource-based public  
17 recreational and educational opportunities, as measured by:

18           1. The number of acres acquired that are available for  
19 natural resource-based public recreation or education;

20           2. The miles of trails that are available for public  
21 recreation, giving priority to those that provide significant  
22 connections including those that will assist in completing the  
23 Florida National Scenic Trail; or

24           3. The number of new resource-based recreation  
25 facilities, by type, made available on public land.

26           (f) Preserve significant archaeological or historic  
27 sites, as measured by:

28           1. The increase in the number of and percentage of  
29 historic and archaeological properties listed in the Florida  
30 Master Site File or National Register of Historic Places which  
31 are protected or preserved for public use; or

1           2. The increase in the number and percentage of  
2 historic and archaeological properties that are in state  
3 ownership.

4           (g) Increase the amount of forestland available for  
5 sustainable management of natural resources, as measured by:

6           1. The number of acres acquired that are available for  
7 sustainable forest management;

8           2. The number of acres of state owned forestland  
9 managed for economic return in accordance with current best  
10 management practices;

11           3. The number of acres of forestland acquired that  
12 will serve to maintain natural groundwater recharge functions;  
13 or

14           4. The percentage and number of acres identified for  
15 restoration actually restored by reforestation.

16           (h) Increase the amount of open space available in  
17 urban areas, as measured by:

18           1. The percentage of local governments that  
19 participate in land acquisition programs and acquire open  
20 space in urban cores; or

21           2. The percentage and number of acres of purchases of  
22 open space within urban service areas.

23  
24 Florida Forever projects and acquisitions funded pursuant to  
25 paragraph (3)(c) shall be measured by goals developed by rule  
26 by the Florida Communities Trust Governing Board created in s.  
27 380.504.

28           ~~(a) An increase in the level of protection for, or an~~  
29 ~~increase in the populations of, listed plant species, as~~  
30 ~~measured by the number of occurrences, acres of strategic~~  
31 ~~habitat areas, or delisting or redesignation of such species.~~

1           ~~(b) An increase in the level of protection for, or an~~  
2 ~~increase in the populations of, listed animal species, as~~  
3 ~~measured by the number of occurrences, acres of strategic~~  
4 ~~habitat areas, delisting or redesignation of such species, or~~  
5 ~~the change in long-term survival rates.~~

6           ~~(c) The restoration of land areas, as measured by a~~  
7 ~~reduction in nonnative species, level of maintenance control~~  
8 ~~of invasive species, reforestation rates, or regeneration of~~  
9 ~~natural communities.~~

10           ~~(d) An increase in public landholdings needed to meet~~  
11 ~~the goals of this subsection, as measured by the acquisition~~  
12 ~~of lands in fee simple or with less than fee simple~~  
13 ~~alternatives.~~

14           ~~(e) The completion of projects begun under previous~~  
15 ~~land acquisition programs, as measured through the acquisition~~  
16 ~~of land under inholdings and additions programs.~~

17           ~~(f) An increase in the amount of forest land for~~  
18 ~~sustainable natural resources.~~

19           ~~(g) An increase in public recreational opportunities,~~  
20 ~~as measured by the acreage available for recreational~~  
21 ~~opportunities or the number of miles available for greenways~~  
22 ~~or trails.~~

23           ~~(h) A reduction in the amount of pollutants flowing~~  
24 ~~into Florida's surface waters, as measured by a reduction in~~  
25 ~~the number of surface water bodies designated as impaired.~~

26           ~~(i) The improvement of water recharge rates on public~~  
27 ~~lands, as measured by increased speed of recharge and amount~~  
28 ~~of cubic feet of water made available.~~

29           ~~(j) The restoration of water areas, as measured by a~~  
30 ~~reduction of nonnative species, level of maintenance control~~  
31 ~~of invasive species, regeneration of natural communities,~~

1 ~~reduction of excessive sedimentation, removal of impediments,~~  
2 ~~or reduction of shoreline erosion.~~

3 ~~(k) The protection of natural floodplain functions and~~  
4 ~~prevention of or reduction in flood damage, as measured by the~~  
5 ~~number of acres of floodplain in public ownership.~~

6 ~~(l) The restoration of degraded water bodies, as~~  
7 ~~measured by the number of goals implemented under a surface~~  
8 ~~water improvement plan or other restoration plans.~~

9 ~~(m) The restoration of wetlands, as measured by the~~  
10 ~~number of acres of previously converted wetlands returned to a~~  
11 ~~functioning status.~~

12 ~~(n) The preservation of strategic wetlands, as~~  
13 ~~measured by the number of acres acquired.~~

14 ~~(o) The preservation of, or reduction of contaminants~~  
15 ~~in, aquifers and springs, as measured by contaminant levels or~~  
16 ~~the number of acres of recharge areas acquired.~~

17 ~~(p) The implementation of practices that provide~~  
18 ~~sufficient quantities of water available to meet current and~~  
19 ~~future needs of the natural system and residents of the state,~~  
20 ~~as measured by execution of water resource development~~  
21 ~~components of the districts' water management plans. However,~~  
22 ~~funds provided for capital improvements under this purpose are~~  
23 ~~limited to those provided the water management districts in~~  
24 ~~paragraph (3)(a).~~

25 ~~(q) An increase in the state's inventory of historical~~  
26 ~~and cultural sites as measured by the number of sites~~  
27 ~~acquired.~~

28 ~~(r) An increase in the protection of fragile coastal~~  
29 ~~resources, as measured by the linear feet and acreage of~~  
30 ~~coastline acquired.~~

31



1           ~~(s) An increase in the protection of significant~~  
2 ~~surface waters of the state, as measured by the acreage of~~  
3 ~~lands acquired to buffer them.~~

4           Section 2. Paragraph (c) is added to subsection (2) of  
5 section 253.034, Florida Statutes, and subsection (6) of said  
6 section is amended, to read:

7           253.034 State-owned lands; uses.--

8           (2) As used in this section, the following phrases  
9 have the following meanings:

10           (c) "Conservation lands" means lands that are  
11 currently managed for conservation, outdoor resource-based  
12 recreation, or archaeological or historic preservation, except  
13 those lands that were acquired solely to facilitate the  
14 acquisition of other conservation lands. Lands acquired for  
15 uses other than conservation, outdoor resource-based  
16 recreation, or archaeological or historic preservation shall  
17 not be designated conservation lands except as otherwise  
18 authorized under this section. These lands shall include, but  
19 not be limited to, the following: correction and detention  
20 facilities, military installations and facilities, state  
21 office buildings, maintenance yards, state university or state  
22 community college campuses, agricultural field stations or  
23 offices, tower sites, law enforcement and license facilities,  
24 laboratories, hospitals, clinics, and other sites that possess  
25 no significant natural or historical resources. However,  
26 lands acquired solely to facilitate the acquisition of other  
27 conservation lands, and for which the land management plan has  
28 not yet been completed or updated, may be evaluated by the  
29 Board of Trustees of the Internal Improvement Trust Fund on a  
30 case-by-case basis to determine if they will be designated  
31 conservation lands.

1           (6) The Board of Trustees of the Internal Improvement  
2 Trust Fund shall determine which lands, the title to which is  
3 vested in the board, may be surplused. ~~Notwithstanding s.~~  
4 ~~253.111~~, For conservation lands, the board shall make a  
5 determination that the lands are no longer needed for  
6 conservation purposes and may dispose of them by a two-thirds  
7 vote. In the case of a land exchange involving the disposition  
8 of conservation lands, the board must determine by at least a  
9 two-thirds vote that the exchange will result in a net  
10 positive conservation benefit. For all other lands, the board  
11 shall make a determination that the lands are no longer needed  
12 and may 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 use by the Department of Corrections, the  
27 Department of Management Services for use as state offices,  
28 the Department of Transportation, except those specifically  
29 managed for conservation or recreation purposes, or the State  
30 University System or the Florida Community College System

31

1 shall be designated as having been purchased for conservation  
2 purposes.

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

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

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

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

1 offered to the state, county, or local government for a period  
2 of 30 ~~90~~ days. Permittable uses for such surplus lands may  
3 include public schools; public libraries; fire or law  
4 enforcement substations; and governmental, judicial, or  
5 recreational centers. County or local government requests for  
6 surplus lands shall be expedited throughout the surplusing  
7 process. If the county or local government does not elect to  
8 purchase such lands in accordance with s. 253.111, then any  
9 surplusing determination involving other governmental agencies  
10 shall be made upon the board deciding the best public use of  
11 the lands. ~~State agencies shall have the subsequent~~  
12 ~~opportunity to acquire the surplus lands for a period not to~~  
13 ~~exceed 30 days after the offer to a county or local government~~  
14 ~~expires.~~ Surplus properties in which governmental agencies  
15 have expressed no interest shall then be available for sale on  
16 the private market.

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

1 ~~board of trustees may reacquire such lands~~ for the price at  
2 which they sold such 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 may be based on one appraisal. In the  
7 event that a single appraisal yields a value equal to or  
8 greater than \$1 million, a second appraisal is required. shall  
9 ~~not exceed the fair market value of the lands. Fair market~~  
10 ~~value shall be determined by the average of two separate~~  
11 ~~appraisals.~~ The individual or entity requesting the surplus  
12 shall select and use appraisers from the list of approved  
13 appraisers maintained by the Division of State Lands in  
14 accordance with s. 253.025(6)(b). The individual or entity  
15 requesting the surplus is to incur all costs of the  
16 appraisals.

17 (i) After reviewing the recommendations of the council  
18 ~~or its successor~~, the board shall determine whether lands  
19 identified for surplus are to be held for other public  
20 purposes or whether such lands are no longer needed. The  
21 board may require an agency to release its interest in such  
22 lands. For an agency that has requested the use of a property  
23 that was to be declared as surplus, said agency must have the  
24 property under lease within six months of the date of  
25 expiration of the notice provisions required under ss.  
26 253.034(6) and 253.111.

27 (j) Requests for surplus may be made by any public  
28 or private entity or person. All requests shall be submitted  
29 to the lead managing agency for review and recommendation to  
30 the council or its successor. Lead managing agencies shall  
31 have 90 days to review such requests and make recommendations.

1 Any surplusizing requests that have not been acted upon within  
2 the 90-day time period shall be immediately scheduled for  
3 hearing at the next regularly scheduled meeting of the council  
4 or its successor. Requests for surplusizing pursuant to this  
5 paragraph shall not be required to be offered to local or  
6 state governments as provided in paragraph (f).

7 (k) Proceeds from any sale of surplus lands pursuant  
8 to this subsection shall be deposited into the fund from which  
9 such lands were acquired. However, if the fund from which the  
10 lands were originally acquired no longer exists, such proceeds  
11 shall be deposited into an appropriate account to be used for  
12 land management by the lead managing agency assigned the lands  
13 prior to the lands being declared surplus. Funds received from  
14 the sale of surplus nonconservation lands, or lands that were  
15 acquired by gift, by donation, or for no consideration, shall  
16 be deposited into the Internal Improvement Trust Fund.

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

22 (m) The sale of filled, formerly submerged land that  
23 does not exceed 5 acres in area is not subject to review by  
24 the council or its successor.

25 Section 3. Subsection (3) of section 253.111, Florida  
26 Statutes, is amended, and paragraph (c) is added to subsection  
27 (6) of said section, to read:

28 253.111 Notice to board of county commissioners before  
29 sale.--The Board of Trustees of the Internal Improvement Trust  
30 Fund of the state may not sell any land to which they hold  
31 title unless and until they afford an opportunity to the

1 county in which such land is situated to receive such land on  
2 the following terms and conditions:

3 (3) If the board receives, within 30 ~~45~~ days after  
4 notice is given to the board of county commissioners pursuant  
5 to subsection (1), the certified copy of the resolution  
6 provided for in subsection (2), the board shall forthwith  
7 convey to the county such land at a price that is equal to its  
8 appraised market value established by generally accepted  
9 professional standards for real estate appraisal and subject  
10 to such other terms and conditions as the board determines.

11 (6) This section does not apply to:

12 (a) Any land exchange approved by the board; ~~or~~

13 (b) The conveyance of any lands located within the  
14 Everglades Agricultural Area; ~~or~~

15 (c) Lands managed pursuant to ss. 253.781-253.785.

16 Section 4. Paragraphs (h) and (i) of subsection (5) of  
17 section 253.115, Florida Statutes, are amended, and paragraph  
18 (j) is added to said subsection, to read:

19 253.115 Public notice and hearings.--

20 (5) The notice and publication requirements of this  
21 section do not apply to:

22 (h) The conveyance of lands pursuant to the provisions  
23 of s. 373.4592(4)(b); ~~or~~

24 (i) Renewals, modifications, or assignments; ~~or~~

25 (j) Lands managed pursuant to ss. 253.781-253.785.

26 Section 5. Subsection (2) of section 253.82, Florida  
27 Statutes, is amended to read:

28 253.82 Title of state or private owners to Murphy Act  
29 lands.--

30 (2)(a) The title to any land which was acquired by the  
31 state under chapter 18296, Laws of Florida, 1937, except those

1 parcels which have been sold, conveyed, dedicated, or released  
2 by the state pursuant to subsection (1), is hereby vested in  
3 the Board of Trustees of the Internal Improvement Trust Fund.

4 (b) Land to which title is vested in the board of  
5 trustees by paragraph (a) shall be treated in the same manner  
6 as other nonsovereignty lands owned by the board. However,  
7 any parcel of land the title to which is vested in the Board  
8 of Trustees of the Internal Improvement Trust Fund pursuant to  
9 this section which is 10 5 acres or less in size and has an  
10 appraised market value of \$250,000~~\$100,000~~ or less is hereby  
11 declared surplus, except for lands determined to be needed for  
12 state use, and may be sold in any manner provided by law. Only  
13 one appraisal shall be required for a sale of such land. All  
14 proceeds from the sale of such land shall be deposited into  
15 the Internal Improvement Trust Fund. The Board of Trustees of  
16 the Internal Improvement Trust Fund is authorized to adopt  
17 rules to implement the provisions of this subsection  
18 ~~Conservation and Recreation Lands Trust Fund.~~

19 (c) The holder of a claim or lien against land vested  
20 in the board of trustees by paragraph (a), including a  
21 municipality or special taxing district, has until October 1,  
22 1985, to institute suit in a court of competent jurisdiction  
23 to establish or enforce the claim or lien. The failure to  
24 institute suit by October 1, 1985, is conclusive evidence of  
25 abandonment of the claim or lien, and such claim or lien will  
26 become unenforceable. This paragraph shall not operate to  
27 revive any claim or lien previously extinguished by operation  
28 of law.

29 Section 6. Section 253.86, Florida Statutes, is  
30 created to read:

31



1           253.86 Management and use of state-owned or other  
2 uplands; rulemaking authority.--

3           (1) The Office of Coastal and Aquatic Managed Areas of  
4 the Department of Environmental Protection shall have the  
5 authority to promulgate rules to govern the management and use  
6 of state-owned or other uplands assigned to it for management.  
7 Such rules may include, but shall not be limited to,  
8 establishing prohibited activities or restrictions on  
9 activities, consistent with the purposes for which the lands  
10 were acquired, designated, or dedicated, and charging fees for  
11 use of lands. All fees collected shall be used for the  
12 management of uplands managed by the office.

13           (2) Any person violating or otherwise failing to  
14 comply with the rules adopted under this section commits a  
15 noncriminal violation as defined in s. 775.08(3), punishable  
16 by fine, not to exceed \$500 per violation.

17           Section 7. Subsections (1), (7), (8) and (9) of  
18 section 259.0345, Florida Statutes, are amended to read:

19           259.0345 Florida Forever Advisory Council.--

20           (1)(a) There is hereby created the Florida Forever  
21 Advisory Council, consisting of seven residents of this state  
22 who shall be appointed by the Governor. The appointments  
23 shall include one member from within the geographic boundaries  
24 of each water management district who has resided in the  
25 district for at least 1 year. The remaining appointments  
26 shall come from the state at large. The membership of the  
27 council shall be representative of agriculture, the  
28 development community, local government, the environmental  
29 community, and the scientific and technical community who have  
30 substantial experience in areas of land, water, and wildlife  
31 management and other related areas.

1           (b) The members appointed by the Governor shall serve  
2 3-year terms, except that, initially, to provide for staggered  
3 terms, three of the appointees shall serve 2-year terms. No  
4 appointee shall serve more than 6 years. The Governor may at  
5 any time fill a vacancy for the unexpired term of a member  
6 appointed under paragraph (a).

7           ~~(c) Additionally, the President of the Senate and the~~  
8 ~~Speaker of the House of Representatives shall each appoint one~~  
9 ~~ad hoc nonvoting member from their respective chambers. Such~~  
10 ~~members shall be appointed from a standing committee that has~~  
11 ~~a jurisdictional responsibility for the Department of~~  
12 ~~Environmental Protection. These appointees shall serve for~~  
13 ~~the duration of the term of the appointing President or~~  
14 ~~Speaker.~~

15           (c)(d) No person who is or has been a lobbyist as  
16 defined in s. 112.3148, at any time during the 24 months  
17 preceding appointment to the council, for any entity whose  
18 interests could be affected by actions or decisions of the  
19 council, shall be appointed to the council.

20           (d)(e) The council shall, at a minimum, meet twice a  
21 year.

22           ~~(7) The council shall provide a report, by December~~  
23 ~~15, 2000, to the Secretary of Environmental Protection, who~~  
24 ~~shall forward the report to the board of trustees for their~~  
25 ~~approval. After approval by the board of trustees, the~~  
26 ~~secretary shall forward the approved report to the President~~  
27 ~~of the Senate and the Speaker of the House of Representatives,~~  
28 ~~prior to the beginning of the 2001 Regular Legislative~~  
29 ~~Session, for review by the appropriate substantive legislative~~  
30 ~~committee from which the Florida Forever Act originated, or~~  
31 ~~its successor. The Legislature may reject, modify, or take no~~

1 ~~action relative to the goals and performance measures~~  
2 ~~established by the report. If no action is taken, the goals~~  
3 ~~and performance measures shall be implemented. The report~~  
4 ~~shall meet the following requirements solely with respect to~~  
5 ~~the funding provided pursuant to s. 259.105(3)(b):~~

6 ~~(a) Establish specific goals for those identified in~~  
7 ~~s. 259.105(4).~~

8 ~~(b) Provide recommendations expanding or refining the~~  
9 ~~goals identified in s. 259.105(4).~~

10 ~~(c) Identify specific performance measures that may be~~  
11 ~~used to analyze progress towards the goals established.~~

12  
13 ~~It is recognized that during the development of this report,~~  
14 ~~the council may identify other recommendations concerning the~~  
15 ~~implementation of Florida Forever. These recommendations shall~~  
16 ~~be incorporated in the reports identified in subsection (8).~~

17 (7)~~(8)~~ The council shall provide a report, at least 30  
18 days prior to the regular legislative sessions in the  
19 following years: 2002, 2004, 2006 and 2008. The report shall  
20 be provided to the Secretary of Environmental Protection, who  
21 shall forward the report to the board of trustees for their  
22 approval. After approval by the board of trustees, the  
23 secretary shall forward the approved report to the President  
24 of the Senate and the Speaker of the House of Representatives.  
25 The report shall provide: recommendations for adjusting or  
26 expanding the goals detailed in s. 259.105(4); recommendations  
27 for adjusting the percentage distributions detailed in s.  
28 259.105(3); and recommendations concerning other aspects of  
29 the Florida Forever Act. In making recommendations for  
30 adjusting the percentage distributions detailed in s.  
31 259.105(3), the council shall consider which agencies have

1 encumbered their funds in a timely manner and unencumbered  
2 balances, if any, in each agency's Florida Forever subaccount.  
3 The recommendations may include increases in percentage  
4 distributions to those agencies that have encumbered Florida  
5 Forever funds in a timely manner.

6 (8)~~(9)~~ The reports required pursuant to subsections  
7 (7) ~~and (8)~~ are to be based upon and developed through:

8 (a) Comments received during public hearings, in  
9 different areas of the state, held for the purpose of  
10 gathering public input and recommendations.

11 (b) Evaluations of Florida's existing public land  
12 acquisition programs for conservation, preservation, and  
13 recreational purposes, including those administered by the  
14 water management districts and the Department of Community  
15 Affairs, to determine the extent of Florida's unmet needs for  
16 restoration, acquisition, and management of public lands and  
17 water areas and for acquisition of privately owned lands and  
18 water areas.

19 (c) Material and data developed by the Florida Natural  
20 Areas Inventory concerning Florida's conservation lands.

21 Section 8. Subsection (4) of section 259.035, Florida  
22 Statutes, is amended to read:

23 259.035 Acquisition and Restoration Council.--

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

1 259.105(10)~~(9)~~. The board of trustees shall review the  
2 recommendations and shall adopt rules necessary to administer  
3 this section.

4 Section 9. Subsection (12) is added to section 298.22,  
5 Florida Statutes, to read:

6 298.22 Powers of supervisors.--The board of  
7 supervisors of the district has full power and authority to  
8 construct, complete, operate, maintain, repair, and replace  
9 any and all works and improvements necessary to execute the  
10 water control plan. Subject to the applicable provisions of  
11 chapter 373 or chapter 403, the board of supervisors:

12 (12) May construct, manage, or authorize construction  
13 and management of resource-based recreational facilities that  
14 may include greenways, trails, and associated facilities.

15 Section 10. Section 369.255, Florida Statutes, is  
16 amended to read:

17 369.255 Green utility ordinances for funding  
18 greenspace management and exotic plant control.--

19 (1) LEGISLATIVE FINDING.--The Legislature finds that  
20 the proper management of greenspace areas, including, without  
21 limitation, the urban forest, greenways, private and public  
22 forest preserves, wetlands, and aquatic zones, is essential to  
23 the state's environment and economy and to the health and  
24 safety of its residents and visitors. The Legislature also  
25 finds that the limitation and control of nonindigenous plants  
26 and tree replacement and maintenance are vital to achieving  
27 the natural systems and recreational lands goals and policies  
28 of the state pursuant to s. 187.201(10), the State  
29 Comprehensive Plan. It is the intent of this section to  
30 enable local governments to establish a mechanism to provide  
31

1 dedicated funding for the aforementioned activities, when  
2 deemed necessary by a ~~that~~ county or municipality.

3 (2) In addition to any other funding mechanisms  
4 legally available to counties and municipalities to control  
5 invasive, nonindigenous aquatic or upland plants and manage  
6 urban forest resources, a county or municipality may create  
7 one or more green utilities or adopt fees sufficient to plan,  
8 restore, and manage urban forest resources, greenways, forest  
9 preserves, wetlands, and other aquatic zones and create a  
10 stewardship grant program for private natural areas. Counties  
11 or municipalities may create, alone or in cooperation with  
12 other counties or municipalities pursuant to the Florida  
13 Interlocal Cooperation Act, s. 163.01, one or more greenspace  
14 management districts to fund the planning, management,  
15 operation, and administration of a greenspace management  
16 program. The fees shall be collected on a voluntary basis as  
17 set forth by the county or municipality and calculated to  
18 generate sufficient funds to plan, manage, operate, and  
19 administer a greenspace management program. Private natural  
20 areas assessed according to s. 193.501 would qualify for  
21 stewardship grants.

22 (3) This section shall only apply to counties with a  
23 population of 500,000 or more and municipalities with a  
24 population of 200,000 or more.

25 (4) Nothing in this section shall authorize counties  
26 or municipalities to require any nongovernmental entity to  
27 collect the fee described in subsection (2) on their behalf.

28 Section 11. Notwithstanding the provision of section  
29 259.101(3)(c), Florida Statutes (1993) (Section 5, Chapter  
30 92-288, Laws of Florida) regarding the set-aside of funds for  
31 land acquisition in areas of critical state concern, \$2.9

1 million from funds previously approved is available for grants  
2 to local governments in the Florida Keys and the Key West  
3 areas of critical state concern to assist in implementing the  
4 local comprehensive plan. Grant funds are to be used for land  
5 acquisition for conservation, open space, and outdoor  
6 recreation lands, and are contingent upon the review of a  
7 local government's proposed project, and a determination by  
8 the Florida Communities Trust that the proposed project is an  
9 eligible use of funds under the Florida Communities Trust  
10 Program. A local government with a population of less than  
11 10,000 is not required to provide a local match. A local  
12 government with a population of 10,000 or more is required to  
13 provide a dollar for dollar match.

14       Section 12. The Legislature recognizes that the  
15 Preservation 2000 program has provided incalculable benefits  
16 to the citizens of Florida by funding the acquisition and  
17 protection of more than one million acres of land for  
18 conservation and recreation purposes. The Preservation 2000  
19 Program has helped insure present and future generations  
20 access to important open spaces and recreation and  
21 conservation lands. It is therefore the intent of the  
22 Legislature that any funds from the Preservation 2000 Trust  
23 Fund redirected to Everglades restoration efforts by the 2001  
24 Legislature due to current budgeting constraints be restored  
25 by the General Appropriations Act for Fiscal Year 2002-2003 to  
26 the Preservation 2000 Trust Fund.

27       Section 13. Subsection (8) of section 259.101, Florida  
28 Statutes, is repealed.

29       Section 14. This act shall take effect July 1, 2001.

30  
31