

By the Committee on Natural Resources; and Senator Dockery

312-2648-03

1 A bill to be entitled
2 An act relating to environmental and
3 conservation lands; amending s. 253.025, F.S.;
4 revising requirements for appraisals when
5 acquiring state lands; amending s. 253.034,
6 F.S.; providing conditions under which
7 state-owned lands may be considered
8 nonconservation lands; revising requirements
9 for land management plans for conservation
10 lands to be submitted to the Division of State
11 Lands; providing that land use plans for
12 nonconservation lands be submitted to the
13 Division of State Lands at least every 10
14 years; revising requirements for the sale of
15 surplus lands; authorizing the Division of
16 State Lands to determine the sale price of
17 surplus lands; providing the Board of Trustees
18 of the Internal Improvement Trust Fund with the
19 authority to adopt rules; directing the
20 Division of State Lands to prepare a state
21 inventory of all federal lands and all lands
22 titled in the name of the state, a state
23 agency, a water management district, or a local
24 government; requiring the participation of
25 counties in developing a county inventory;
26 providing conditions under which certain lands
27 may be made available for purchase under the
28 state's land surplus process; creating s.
29 253.0341, F.S.; authorizing counties and local
30 governments to submit requests to surplus state
31 lands directly to the board of trustees;

1 providing for an expedited surplusing process;
2 amending s. 253.042, F.S.; revising the
3 circumstances under which the board of trustees
4 may directly exchange state-owned lands;
5 providing requirements for the exchange of
6 donated conservation lands; providing
7 requirements for the conveyance of donated
8 nonconservation lands; providing requirements
9 for the exchange of other state-owned lands;
10 amending s. 253.7823, F.S.; revising
11 requirements for the disposition of former
12 barge canal surplus lands; amending s. 259.032,
13 F.S.; revising requirements for updating land
14 management plans; revising provisions allowing
15 the use of reverted funds; requiring that state
16 agencies prepare and submit to the Department
17 of Revenue for certification application
18 requests for payment in lieu of taxes from
19 local governments; revising requirements for
20 payment in lieu of taxes; amending s. 259.0322,
21 F.S.; providing for the reinstatement of
22 payments in lieu of taxes; amending s. 259.036,
23 F.S.; requiring land management review teams to
24 submit a 10-year land management plan update to
25 the Acquisition and Restoration Council;
26 amending s. 259.041, F.S.; clarifying certain
27 requirements regarding the acquisition of
28 state-owned lands; amending s. 373.089, F.S.;
29 providing conditions under which lands titled
30 in the name of a water management district may
31 be made available for purchase through a

1 surplusing process; amending s. 373.139, F.S.;
2 repealing obsolete requirements; revising
3 requirements for appraisals when acquiring
4 water management district lands; amending s.
5 373.59, F.S.; revising provisions requiring
6 payments in lieu of taxes from funds deposited
7 into the Water Management Lands Trust Fund;
8 amending s. 373.5905, F.S.; revising provisions
9 requiring reinstatement of payments in lieu of
10 taxes; amending s. 260.016, F.S.; revising
11 powers of the department in evaluating lands
12 for acquisition of greenways and trails;
13 requiring the exchange of lands between the
14 Board of Trustees of the Internal Improvement
15 Trust Fund and a local government under certain
16 conditions; providing purposes for which
17 exchanged lands may be used; requiring the
18 exchange of lands between the Board of Trustees
19 of the Internal Improvement Trust Fund and a
20 private entity by July 1, 2003; repealing s.
21 253.84, F.S., relating to the acquisition of
22 lands containing cattle-dipping vats; repealing
23 s. 259.0345, F.S., relating to the Florida
24 Forever Advisory Council; amending s. 373.4592,
25 F.S., as amended by ch. 2003-12, Laws of
26 Florida; amending the "Everglades Forever Act";
27 revising goals and mandates relating to the
28 timing of implementing certain goals; placing
29 time limits on certain provisions unless
30 reauthorized by the Legislature; reenacting s.
31 201.15(1), (2)(a), (11), and (12), F.S.;

1 providing for distribution of proceeds from
2 excise taxes on documents to pay debt service
3 on Everglades restoration bonds; reenacting s.
4 215.619, F.S.; authorizing the issuance of
5 Everglades restoration bonds to finance or
6 refinance the cost of acquisition and
7 improvement of land, water areas, and related
8 property interests and resources for the
9 purpose of implementing the Comprehensive
10 Everglades Restoration Plan; providing
11 procedures and limitations; providing for
12 deposit of funds in the Save Our Everglades
13 Trust Fund; reenacting ss. 373.470(4), (5), and
14 (6) and 373.472(1), F.S.; authorizing the
15 payment of debt service on Everglades
16 restoration bonds from the Save Our Everglades
17 Trust Fund; revising requirements for deposit
18 of state and water management district funds
19 into the Save Our Everglades Trust Fund;
20 reenacting s. 6 of ch. 2002-261, Laws of
21 Florida; providing legislative intent that the
22 issuance of Everglades restoration bonds is in
23 the best interest of the state; providing for
24 construction of the act in pari materia with
25 laws enacted during the Regular Session of the
26 Legislature; providing effective dates.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Paragraph (a) of subsection (6) of section
31 253.025, Florida Statutes, is amended to read:

1 253.025 Acquisition of state lands for purposes other
2 than preservation, conservation, and recreation.--

3 (6) Prior to negotiations with the parcel owner to
4 purchase land pursuant to this section, title to which will
5 vest in the board of trustees, an appraisal of the parcel
6 shall be required as follows:

7 (a) Each parcel to be acquired shall have at least one
8 appraisal. Two appraisals are required when the estimated
9 value of the parcel first appraisal exceeds \$1 million
10 ~~\$500,000. However, when the values of both appraisals exceed~~
11 ~~\$500,000 and differ significantly, a third appraisal may be~~
12 ~~obtained.~~When a parcel is estimated to be worth \$100,000 or
13 less and the director of the Division of State Lands finds
14 that the cost of ~~obtaining~~ an outside appraisal is not
15 justified, a comparable sales analysis or other reasonably
16 prudent procedures may be used by the division to estimate the
17 value of the parcel, provided the public's interest is
18 reasonably protected. The state is not required to appraise
19 the value of lands and appurtenances that are being donated to
20 the state.~~an appraisal prepared by the division may be used.~~

21 Section 2. Subsections (2), (5), and (6) of section
22 253.034, Florida Statutes, as amended by section 14 of chapter
23 2003-6, Laws of Florida, are amended, subsections (8), (9),
24 (10), and (11) are renumbered as subsections (9), (10), (11),
25 and (12), respectively, and a new subsection (8) is added to
26 that section, to read:

27 253.034 State-owned lands; uses.--

28 (2) As used in this section, the following phrases
29 have the following meanings:

30 (a) "Multiple use" means the harmonious and
31 coordinated management of timber, recreation, conservation of

1 fish and wildlife, forage, archaeological and historic sites,
2 habitat and other biological resources, or water resources so
3 that they are utilized in the combination that will best serve
4 the people of the state, making the most judicious use of the
5 land for some or all of these resources and giving
6 consideration to the relative values of the various
7 resources. Where necessary and appropriate for all
8 state-owned lands that are larger than 1,000 acres in project
9 size and are managed for multiple uses, buffers may be formed
10 around any areas that require special protection or have
11 special management needs. Such buffers shall not exceed more
12 than one-half of the total acreage. Multiple uses within a
13 buffer area may be restricted to provide the necessary
14 buffering effect desired. Multiple use in this context
15 includes both uses of land or resources by more than one
16 management entity, which may include private sector land
17 managers. In any case, lands identified as multiple-use lands
18 in the land management plan shall be managed to enhance and
19 conserve the lands and resources for the enjoyment of the
20 people of the state.

21 (b) "Single use" means management for one particular
22 purpose to the exclusion of all other purposes, except that
23 the using entity shall have the option of including in its
24 management program compatible secondary purposes which will
25 not detract from or interfere with the primary management
26 purpose. Such single uses may include, but are not necessarily
27 restricted to, the use of agricultural lands for production of
28 food and livestock, the use of improved sites and grounds for
29 institutional purposes, and the use of lands for parks,
30 preserves, wildlife management, archaeological or historic
31 sites, or wilderness areas where the maintenance of

1 essentially natural conditions is important. All submerged
2 lands shall be considered single-use lands and shall be
3 managed primarily for the maintenance of essentially natural
4 conditions, the propagation of fish and wildlife, and public
5 recreation, including hunting and fishing where deemed
6 appropriate by the managing entity.

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

29
30 Lands acquired by the state as a gift, through donation, or by
31 any other conveyance for which no consideration was paid, and

1 which are not managed for conservation, outdoor resource-based
2 recreation, or archaeological or historic preservation under a
3 land management plan approved by the board of trustees are not
4 conservation lands.

5 (5) Each manager of conservation lands shall submit to
6 the Division of State Lands a land management plan at least
7 every 10 years in a form and manner prescribed by rule by the
8 board and in accordance with the provisions of s. 259.032.

9 Each manager of conservation lands shall also update a land
10 management plan whenever the manager proposes to add new
11 facilities or make substantive land use or management changes
12 that were not addressed in the approved plan, or within 1 year

13 of the addition of significant new lands. Each manager of
14 nonconservation lands shall submit to the Division of State
15 Lands a land use plan at least every 10 years in a form and
16 manner prescribed by rule by the board. The division shall

17 review each plan for compliance with the requirements of this
18 subsection and the requirements of the rules established by
19 the board pursuant to this section. All land use plans,
20 whether for single-use or multiple-use properties, shall

21 include an analysis of the property to determine if any
22 significant natural or cultural resources are located on the
23 property. Such resources include archaeological and historic
24 sites, state and federally listed plant and animal species,

25 and imperiled natural communities and unique natural features.
26 If such resources occur on the property, the manager shall
27 consult with the Division of State Lands and other appropriate
28 agencies to develop management strategies to protect such

29 resources. Land use plans shall also provide for the control
30 of invasive nonnative plants and conservation of soil and
31 water resources, including a description of how the manager

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

1 ~~than 1,000 acres shall contain an analysis of the multiple-use~~
2 ~~potential of the parcel, which analysis shall include the~~
3 ~~potential of the parcel to generate revenues to enhance the~~
4 ~~management of the parcel. Additionally, the land management~~
5 ~~plan shall contain an analysis of the potential use of private~~
6 ~~land managers to facilitate the restoration or management of~~
7 ~~these lands. In those cases where a newly acquired property~~
8 ~~has a valid conservation plan, the plan shall be used to guide~~
9 ~~management of the property until a formal land management plan~~
10 ~~is completed.~~

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

28 (b) The Board of Trustees of the Internal Improvement
29 Trust Fund shall consider the land management plan submitted
30 by each entity and the recommendations of the council and the
31 Division of State Lands and shall approve the plan with or

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

5 (6) The Board of Trustees of the Internal Improvement
6 Trust Fund shall determine which lands, the title to which is
7 vested in the board, may be surplus. For conservation lands,
8 the board shall make a determination that the lands are no
9 longer needed for conservation purposes and may dispose of
10 them by an affirmative vote of at least three members. In the
11 case of a land exchange involving the disposition of
12 conservation lands, the board must determine by an affirmative
13 vote of at least three members that the exchange will result
14 in a net positive conservation benefit. For all other lands,
15 the board shall make a determination that the lands are no
16 longer needed and may dispose of them by an affirmative vote
17 of at least three members.

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

27 (b) For any lands purchased by the state on or after
28 July 1, 1999, a determination shall be made by the board prior
29 to acquisition as to those parcels that shall be designated as
30 having been acquired for conservation purposes. No lands
31 acquired for use by the Department of Corrections, the

1 Department of Management Services for use as state offices,
2 the Department of Transportation, except those specifically
3 managed for conservation or recreation purposes, or the State
4 University System or the Florida Community College System
5 shall be designated as having been purchased for conservation
6 purposes.

7 (c) At least every 10 5 years, as a component of each
8 land management plan or land use plan and in a form and manner
9 prescribed by rule by the board, each manager ~~management~~
10 ~~entity~~ shall evaluate and indicate to the board those lands
11 that ~~the entity manages which~~ are not being used for the
12 purpose for which they were originally leased. For
13 conservation lands, the council shall review and shall
14 recommend to the board whether such lands should be retained
15 in public ownership or disposed of by the board. For
16 nonconservation lands, the division shall review such lands
17 and shall recommend to the board whether such lands should be
18 retained in public ownership or disposed of by the board. Such
19 ~~lands shall be reviewed by the council for its recommendation~~
20 ~~as to whether such lands should be disposed of by the board.~~

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

27 (e) Prior to any decision by the board to surplus
28 lands, the Acquisition and Restoration Council shall review
29 and make recommendations to the board concerning the request
30 for surplusage. The council shall determine whether the
31

1 request for surplusing is compatible with the resource values
2 of and management objectives for such lands.

3 (f) In reviewing lands owned by the board, the council
4 shall consider whether such lands would be more appropriately
5 owned or managed by the county or other unit of local
6 government in which the land is located. The council shall
7 recommend to the board whether a sale, lease, or other
8 conveyance to a local government would be in the best
9 interests of the state and local government. The provisions of
10 this paragraph in no way limit the provisions of ss. 253.111
11 and 253.115. Such lands shall be offered to the state, county,
12 or local government for a period of 30 days. Permittable uses
13 for such surplus lands may include public schools; public
14 libraries; fire or law enforcement substations; and
15 governmental, judicial, or recreational centers. County or
16 local government requests for surplus lands shall be expedited
17 throughout the surplusing process. If the county or local
18 government does not elect to purchase such lands in accordance
19 with s. 253.111, then any surplusing determination involving
20 other governmental agencies shall be made upon the board
21 deciding the best public use of the lands. Surplus properties
22 in which governmental agencies have expressed no interest
23 shall then be available for sale on the private market.

24 (g) The sale price of lands determined to be surplus
25 pursuant to this subsection shall be determined by the
26 division and shall take into consideration an appraisal of the
27 property, or, when the estimated value of the land is less
28 than \$100,000, a comparable sales analysis or a broker's
29 opinion of value, and ~~sold for appraised value or the price~~
30 ~~paid by the state or a water management district to originally~~
31 ~~acquire the lands., whichever is greater, except when the~~

1 ~~board or its designee determines a different sale price is in~~
2 ~~the public interest. However, for those lands sold as surplus~~
3 ~~to any unit of government, the price shall not exceed the~~
4 ~~price paid by the state or a water management district to~~
5 ~~originally acquire the lands.~~ A unit of government that which
6 acquires title to lands hereunder for less than appraised
7 value may not sell or transfer title to all or any portion of
8 the lands to any private owner for a period of 10 years. Any
9 unit of government seeking to transfer or sell lands pursuant
10 to this paragraph shall first allow the board of trustees to
11 reacquire such lands for the price at which the board ~~they~~
12 sold such lands.

13 (h) Where a unit of government acquired land by gift,
14 donation, grant, quit-claim deed, or other such conveyance
15 where no monetary consideration was exchanged, the price of
16 land sold as surplus may be based on one appraisal. In the
17 event that a single appraisal yields a value equal to or
18 greater than \$1 million, a second appraisal is required. The
19 individual or entity requesting the surplus shall select and
20 use appraisers from the list of approved appraisers maintained
21 by the Division of State Lands in accordance with s.
22 253.025(6)(b). The individual or entity requesting the surplus
23 is to incur all costs of the appraisals.

24 (i) After reviewing the recommendations of the
25 council, the board shall determine whether lands identified
26 for surplus are to be held for other public purposes or
27 whether such lands are no longer needed. The board may
28 require an agency to release its interest in such lands. For
29 an agency that has requested the use of a property that was to
30 be declared as surplus, said agency must have the property
31

1 under lease within 6 months of the date of expiration of the
2 notice provisions required under ss. 253.034(6) and 253.111.

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

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

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

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

1 (n) The board may adopt rules to implement the
2 provisions of this section, which may include procedures for
3 administering surplus land requests and criteria for when the
4 division may approve requests to surplus nonconservation lands
5 on behalf of the board.

6 (8)(a) Notwithstanding other provisions of this
7 section, the Division of State Lands is directed to prepare a
8 state inventory of all federal lands and all lands titled in
9 the name of the state, a state agency, a water management
10 district, or a local government on a county-by-county basis.
11 To facilitate the development of the state inventory, each
12 county shall direct the appropriate county office with
13 authority over the information to provide the division with a
14 county inventory of all lands identified as federal lands and
15 lands titled in the name of the state, a state agency, a water
16 management district, or a local government.

17 (b) The state inventory must distinguish between lands
18 purchased by the state or a water management district as part
19 of a core parcel or within original project boundaries, as
20 those terms are used to meet the surplus requirements of
21 subsection (6), and lands purchased by the state, a state
22 agency, or a water management district which are not essential
23 or necessary for conservation purposes.

24 (c) In any county in which more than 50 percent of the
25 lands within the county boundary are federal lands and lands
26 titled in the name of the state, a state agency, a water
27 management district, or a local government, those lands titled
28 in the name of the state or a state agency which are not
29 essential or necessary to meet conservation purposes may, upon
30 request of a public or private entity, be made available for
31 purchase through the state's surplus process. Rights-of-way

1 for existing, proposed, or anticipated transportation
2 facilities are exempt from the requirements of this
3 paragraph. Priority consideration shall be given to buyers,
4 public or private, willing to return the property to
5 productive use so long as the property can be reentered onto
6 the county ad valorem tax roll. Property acquired with
7 matching funds from a local government shall not be made
8 available for purchase without the consent of the local
9 government.

10 Section 3. Section 253.0341, Florida Statutes, is
11 created to read:

12 253.0341 Surplus of state-owned lands to counties or
13 local governments.--Counties and local governments may submit
14 surplusing requests for state-owned lands directly to the
15 board of trustees. County or local government requests for the
16 state to surplus conservation or nonconservation lands,
17 whether for purchase or exchange, shall be expedited
18 throughout the surplusing process. Property jointly acquired
19 by the state and other entities shall not be surplusd without
20 the consent of all joint owners.

21 (1) The decision to surplus state-owned
22 nonconservation lands may be made by the board without a
23 review of, or a recommendation on, the request from the
24 Acquisition and Restoration Council or the Division of State
25 Lands. Such requests for nonconservation lands shall be
26 considered by the board within 60 days of the board's receipt
27 of the request.

28 (2) County or local government requests for the
29 surplusing of state-owned conservation lands are subject to
30 review of and recommendation on the request to the board by
31 the Acquisition and Restoration Council. Requests to surplus

1 conservation lands shall be considered by the board within 120
2 days of the board's receipt of the request.

3 Section 4. Section 253.42, Florida Statutes, is
4 amended to read:

5 (Substantial rewording of section. See
6 s. 253.42, F.S., for present text.)

7 253.42 Board of trustees may exchange lands.--The
8 provisions of this section apply to all lands owned by, vested
9 in, or titled in the name of the board whether the lands were
10 acquired by the state as a purchase, or through gift,
11 donation, or any other conveyance for which no consideration
12 was paid.

13 (1) The board of trustees may exchange any lands owned
14 by, vested in, or titled in the name of the board for other
15 lands in the state owned by counties, local governments,
16 individuals, or private or public corporations, and may fix
17 the terms and conditions of any such exchange. Any
18 nonconservation lands that were acquired by the state through
19 gift, donation, or any other conveyance for which no
20 consideration was paid must first be offered at no cost to a
21 county or local government unless otherwise provided in a deed
22 restriction of record or other legal impediment, and so long
23 as the use proposed by the county or local government is for a
24 public purpose. For conservation lands acquired by the state
25 through gift, donation, or any other conveyance for which no
26 consideration was paid, the state may request land of equal
27 conservation value from the county or local government but no
28 other consideration.

29 (2) In exchanging state-owned lands not acquired by
30 the state through gift, donation, or any other conveyance for
31 which no consideration was paid, with counties or local

1 governments, the board shall require an exchange of equal
2 value. Equal value is defined as the conservation benefit of
3 the lands being offered for exchange by a county or local
4 government being equal or greater in conservation benefit than
5 the state-owned lands. Such exchanges may include cash
6 transactions if based on an appropriate measure of value of
7 the state-owned land, but must also include the determination
8 of a net-positive conservation benefit by the Acquisition and
9 Restoration Council, irrespective of appraised value.

10 (3) The board shall select and agree upon the state
11 lands to be exchanged and the lands to be conveyed to the
12 state and shall pay or receive any sum of money deemed
13 necessary by the board for the purpose of equalizing the value
14 of the exchanged property. The board is authorized to make and
15 enter into contracts or agreements for such purpose or
16 purposes.

17 Section 5. Section 253.7823, Florida Statutes, is
18 amended to read:

19 253.7823 Disposition of surplus lands; compensation of
20 counties located within the Cross Florida Canal Navigation
21 District.--

22 (1) The department may ~~shall~~ identify parcels of
23 former barge canal lands that ~~which~~ may be sold or exchanged
24 ~~as needed to repay the counties of the Cross Florida Canal~~
25 ~~Navigation District any sums due them pursuant to s.~~
26 ~~253.783(2)(e).~~ In identifying said surplus lands, the
27 department shall give priority to ~~consideration to~~ lands
28 ~~situated outside the greenways' boundaries,~~ those lands not
29 having high recreation or conservation values, and those
30 having the greatest assessed valuations. Although the
31 department shall immediately begin to identify the parcels of

1 surplus lands to be sold, the department shall offer the lands
2 for sale in a manner designed to maximize the amounts received
3 over a reasonable period of time.

4 ~~(2) Disbursements of amounts due the counties shall be~~
5 ~~made on a semiannual basis and shall be completed before any~~
6 ~~additional lands or easements may be acquired within the~~
7 ~~boundaries of the greenways.~~

8 ~~(2)(3) In addition to lands identified for sale to~~
9 ~~generate funds for repayment of counties pursuant to s.~~
10 ~~253.783(2)(e),~~The department is authorized to sell surplus
11 additional former canal lands if they are determined to be
12 unnecessary to the effective provision of the type of
13 recreational opportunities and conservation activities for
14 which the greenway was ~~greenways were~~ created.

15 ~~(4) Until repayment to the counties pursuant to s.~~
16 ~~253.783(2)(e) has been completed, any agency wishing to use~~
17 ~~former canal lands must pay the full assessed value of said~~
18 ~~lands.~~

19 Section 6. Paragraph (c) of subsection (10) and
20 subsections (12), (13), and (16) of section 259.032, Florida
21 Statutes, are amended to read:

22 259.032 Conservation and Recreation Lands Trust Fund;
23 purpose.--

24 (10)

25 (c) Once a plan is adopted, the managing agency or
26 entity shall update the plan at least every 10 5 years in a
27 form and manner prescribed by rule of the board of trustees.
28 Such updates, for parcels over 160 acres, shall be developed
29 with input from an advisory group. Such plans may include
30 transfers of leasehold interests to appropriate conservation
31 organizations or governmental entities designated by the Land

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

11 (12)(a) Beginning July 1, 1999, the Legislature shall
12 make available sufficient funds annually from the Conservation
13 and Recreation Lands Trust Fund to the department for payment
14 in lieu of taxes to qualifying counties and local governments
15 as defined in paragraph (b) for all actual tax losses incurred
16 as a result of board of trustees acquisitions for state
17 agencies under the Florida Forever program or the Florida
18 Preservation 2000 program during any year. Reserved funds not
19 used for payments in lieu of taxes in any year shall revert to
20 the fund to be used for land management ~~acquisition~~ in
21 accordance with the provisions of this section.

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

23 1. To all counties that have a population of 150,000
24 or fewer. Population levels shall be determined pursuant to s.
25 11.031.

26 2. To all local governments located in eligible
27 counties.

28 3. To Glades County, where a privately owned and
29 operated prison leased to the state has recently been opened
30 and where privately owned and operated juvenile justice
31 facilities leased to the state have recently been constructed

1 and opened, a payment in lieu of taxes, in an amount that
2 offsets the loss of property tax revenue, which funds have
3 already been appropriated and allocated from the Department of
4 Correction's budget for the purpose of reimbursing amounts
5 equal to lost ad valorem taxes.

6
7 ~~Counties and local governments that did not receive payments~~
8 ~~in lieu of taxes for lands purchased pursuant to s. 259.101~~
9 ~~during fiscal year 1999-2000, if such counties and local~~
10 ~~governments would have received payments pursuant to this~~
11 ~~subsection as that section existed on June 30, 1999, shall~~
12 ~~receive retroactive payments for such tax losses.~~

13 (c) If insufficient funds are available in any year to
14 make full payments to all qualifying counties and local
15 governments, such counties and local governments shall receive
16 a pro rata share of the moneys available.

17 (d) The payment amount shall be based on the average
18 amount of actual taxes paid on the property for the 3 years
19 preceding acquisition. Applications for payment in lieu of
20 taxes shall be made no later than January 31 of the year
21 following acquisition. No payment in lieu of taxes shall be
22 made for properties which were exempt from ad valorem taxation
23 for the year immediately preceding acquisition.

24 (e) If property which was subject to ad valorem
25 taxation was acquired by a tax-exempt entity for ultimate
26 conveyance to the state under this chapter, payment in lieu of
27 taxes shall be made for such property based upon the average
28 amount of taxes paid on the property for the 3 years prior to
29 its being removed from the tax rolls. The department shall
30 certify to the Department of Revenue those properties that may
31 be eligible under this provision. Once eligibility has been

1 established, that county or local government shall receive 10
2 consecutive annual payments for each tax loss, and no further
3 eligibility determination shall be made during that period.

4 (f)~~(e)~~ Payment in lieu of taxes pursuant to this
5 subsection shall be made annually to qualifying counties and
6 local governments after certification by the Department of
7 Revenue that the amounts applied for are reasonably
8 appropriate, based on the amount of actual taxes paid on the
9 eligible property. With the assistance of the local government
10 requesting payment in lieu of taxes, the state agency that
11 acquired the land is responsible for preparing and submitting
12 application requests for payment to the Department of Revenue
13 for certification, and after the Department of Environmental
14 Protection has provided supporting documents to the
15 Comptroller and has requested that payment be made in
16 accordance with the requirements of this section.

17 (g)~~(f)~~ If the board of trustees conveys to a local
18 government title to any land owned by the board, any payments
19 in lieu of taxes on the land made to the local government
20 shall be discontinued as of the date of the conveyance.

21
22 For the purposes of this subsection, "local government"
23 includes municipalities, the county school board, mosquito
24 control districts, and any other local government entity which
25 levies ad valorem taxes, with the exception of a water
26 management district.

27 (13) Moneys credited to the fund each year which are
28 not used for management, maintenance, or capital improvements
29 pursuant to subsection (11); for payment in lieu of taxes
30 pursuant to subsection (12); or for the purposes of subsection

31

1 (5) shall be available for the acquisition of land pursuant
2 to this section.

3 ~~(16) Notwithstanding other provisions of law relating~~
4 ~~to the purpose of the Conservation and Recreation Lands Trust~~
5 ~~Fund, and for the 2002-2003 fiscal year only, the purposes of~~
6 ~~the trust fund shall include funding issues provided in the~~
7 ~~General Appropriations Act. This subsection expires July 1,~~
8 ~~2003.~~

9 Section 7. Section 259.0322, Florida Statutes, is
10 amended to read:

11 259.0322 Reinstitution of payments in lieu of taxes;
12 duration.--If the Department of Environmental Protection ~~or a~~
13 ~~water management district~~ has made a payment in lieu of taxes
14 to a governmental entity and subsequently suspended such
15 payment, the department ~~or water management district~~ shall
16 reinstitute appropriate payments and continue the payments in
17 consecutive years until the governmental entity has received a
18 total of 10 payments for each tax loss.

19 Section 8. Subsection (2) of section 259.036, Florida
20 Statutes, is amended to read:

21 259.036 Management review teams.--

22 (2) The land management review team shall review
23 select management areas ~~parcels of managed land~~ prior to the
24 date the manager ~~managing agency~~ is required to submit a
25 10-year ~~its 5-year~~ land management plan update. For management
26 areas that exceed 1,000 acres in size, the Division of State
27 Lands shall schedule a land management review at least every 5
28 years. A copy of the review shall be provided to the manager
29 ~~managing agency~~, the Division of State Lands, and the
30 Acquisition and Restoration Council ~~Land Acquisition and~~
31 ~~Management Advisory Council or its successor.~~ The manager

1 ~~managing agency~~ shall consider the findings and
2 recommendations of the land management review team in
3 finalizing the required 10-year ~~5-year~~ update of its
4 management plan.

5 Section 9. Subsection (1) of section 259.041, Florida
6 Statutes, as amended by chapter 2003-6, Laws of Florida, is
7 amended to read:

8 259.041 Acquisition of state-owned lands for
9 preservation, conservation, and recreation purposes.--

10 (1) Neither the Board of Trustees of the Internal
11 Improvement Trust Fund nor its duly authorized agent shall
12 commit the state, through any instrument of negotiated
13 contract or agreement for purchase, to the purchase of lands
14 with or without appurtenances unless the provisions of this
15 section have been fully complied with. Except for the
16 requirements of subsections (3), (14), and (15), the board of
17 trustees may waive any requirements of this section, may waive
18 any rules adopted pursuant to this section, notwithstanding
19 chapter 120, However, the board of trustees may waive any
20 requirement of this section, except the requirements of
21 subsections (3), (14), and (15); or, notwithstanding chapter
22 120, may waive any rules adopted pursuant to this section,
23 except rules adopted pursuant to subsections (3), (14), and
24 (15) or may substitute other reasonably prudent procedures,
25 provided the public's interest is reasonably protected. The
26 title to lands acquired pursuant to this section shall vest in
27 the board of trustees as provided in s. 253.03(1), unless
28 otherwise provided by law, and all such titled lands, title
29 to which is vested in the board of trustees pursuant to this
30 section, shall be administered pursuant to the provisions of
31 s. 253.03.

1 Section 10. Present subsection (5) of section 373.089,
2 Florida Statutes, is renumbered as subsection (6), and a new
3 subsection (5) is added to that section, to read:

4 373.089 Sale or exchange of lands, or interests or
5 rights in lands.--The governing board of the district may sell
6 lands, or interests or rights in lands, to which the district
7 has acquired title or to which it may hereafter acquire title
8 in the following manner:

9 (5) In any county in which more than 50 percent of the
10 lands within the county boundary are federal lands and lands
11 titled in the name of the state, a state agency, a water
12 management district, or a local government, those lands titled
13 in the name of a water management district which are not
14 essential or necessary to meet conservation purposes may, upon
15 request of a public or private entity, be made available for
16 purchase through the surplusing process in this
17 section. Priority consideration must be given to buyers,
18 public or private, who are willing to return the property to
19 productive use so long as the property can be reentered onto
20 the county ad valorem tax roll. Property acquired with
21 matching funds from a local government shall not be made
22 available for purchase without the consent of the local
23 government.

24 Section 11. Subsection (3) of section 373.139, Florida
25 Statutes, is amended to read:

26 373.139 Acquisition of real property.--

27 (3) The initial 5-year work plan and any subsequent
28 modifications or additions thereto shall be adopted by each
29 water management district after a public hearing. Each water
30 management district shall provide at least 14 days' advance
31 notice of the hearing date and shall separately notify each

1 county commission within which a proposed work plan project or
2 project modification or addition is located of the hearing
3 date.

4 (a) Appraisal reports, offers, and counteroffers are
5 confidential and exempt from the provisions of s. 119.07(1)
6 until an option contract is executed or, if no option contract
7 is executed, until 30 days before a contract or agreement for
8 purchase is considered for approval by the governing board.
9 However, each district may, at its discretion, disclose
10 appraisal reports to private landowners during negotiations
11 for acquisitions using alternatives to fee simple techniques,
12 if the district determines that disclosure of such reports
13 will bring the proposed acquisition to closure. In the event
14 that negotiation is terminated by the district, the ~~title~~
15 ~~information~~, appraisal report, offers, and counteroffers shall
16 become available pursuant to s. 119.07(1). Notwithstanding the
17 provisions of this section and s. 259.041, a district and the
18 Division of State Lands may share and disclose ~~title~~
19 ~~information~~, appraisal reports, appraisal information, offers,
20 and counteroffers when joint acquisition of property is
21 contemplated. A district and the Division of State Lands shall
22 maintain the confidentiality of such ~~title information~~,
23 appraisal reports, appraisal information, offers, and
24 counteroffers in conformance with this section and s. 259.041,
25 except in those cases in which a district and the division
26 have exercised discretion to disclose such information. A
27 district may disclose appraisal information, offers, and
28 counteroffers to a third party who has entered into a
29 contractual agreement with the district to work with or on the
30 behalf of or to assist the district in connection with land
31 acquisitions. The third party shall maintain the

1 confidentiality of such information in conformance with this
2 section. In addition, a district may use, as its own,
3 appraisals obtained by a third party provided the appraiser is
4 selected from the district's list of approved appraisers and
5 the appraisal is reviewed and approved by the district.

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

16 (c) The Secretary of Environmental Protection shall
17 release acquisition moneys from the appropriate account or
18 trust fund to a district following receipt of a resolution
19 adopted by the governing board identifying the lands being
20 acquired and certifying that such acquisition is consistent
21 with the 5-year work plan of acquisition and other provisions
22 of this section. The governing board also shall provide to the
23 Secretary of Environmental Protection a copy of all certified
24 appraisals used to determine the value of the land to be
25 purchased. Each parcel to be acquired must have at least one
26 appraisal. Two appraisals are required when the estimated
27 value of the parcel exceeds \$1 million~~\$500,000~~. However,
28 when both appraisals exceed \$1 million~~\$500,000~~ and differ
29 significantly, a third appraisal may be obtained. If the
30 purchase price is greater than the appraisal price, the
31 governing board shall submit written justification for the

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

7 Section 12. Subsection (10) of section 373.59, Florida
8 Statutes, as amended by chapter 2003-2, Laws of Florida, is
9 amended to read:

10 373.59 Water Management Lands Trust Fund.--

11 (10)(a) Beginning July 1, 1999, not more than
12 one-fourth of the ~~land management~~ funds provided for in
13 subsections (1) and (8) in any year shall be reserved annually
14 by a governing board, during the development of its annual
15 operating budget, for payments in lieu of taxes for all actual
16 tax losses incurred as a result of governing board
17 acquisitions for water management districts pursuant to ss.
18 259.101, 259.105, 373.470, and this section during any year.
19 Reserved funds not used for payments in lieu of taxes in any
20 year shall revert to the Water Management Lands Trust Fund to
21 be used in accordance with the provisions of this section.

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

23 1. To all counties that have a population of 150,000
24 or fewer. Population levels shall be determined pursuant to s.
25 11.031.

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

29

30 For properties acquired after January 1, 2000, in the event
31 that such properties otherwise eligible for payment in lieu of

1 taxes under this subsection are leased or reserved and remain
2 subject to ad valorem taxes, payments in lieu of taxes shall
3 commence or recommence upon the expiration or termination of
4 the lease or reservation, but in no event shall there be more
5 than a total of 10 ~~ten~~ annual payments in lieu of taxes for
6 each tax loss. If the lease is terminated for only a portion
7 of the lands at any time, the 10 ~~ten~~ annual payments shall be
8 made for that portion only commencing the year after such
9 termination, without limiting the requirement that 10 ~~ten~~
10 annual payments shall be made on the remaining portion or
11 portions of the land as the lease on each expires. For the
12 purposes of this subsection, "local government" includes
13 municipalities, the county school board, mosquito control
14 districts, and any other local government entity which levies
15 ad valorem taxes.

16 (c) If sufficient funds are unavailable in any year to
17 make full payments to all qualifying counties and local
18 governments, such counties and local governments shall receive
19 a pro rata share of the moneys available.

20 (d) The payment amount shall be based on the average
21 amount of actual taxes paid on the property for the 3 years
22 preceding acquisition. Applications for payment in lieu of
23 taxes shall be made no later than January 31 of the year
24 following acquisition. No payment in lieu of taxes shall be
25 made for properties which were exempt from ad valorem taxation
26 for the year immediately preceding acquisition.

27 (e) If property that was subject to ad valorem
28 taxation was acquired by a tax-exempt entity for ultimate
29 conveyance to the state under this chapter, payment in lieu of
30 taxes shall be made for such property based upon the average
31 amount of taxes paid on the property for the 3 years prior to

1 its being removed from the tax rolls. The water management
2 districts shall certify to the Department of Revenue those
3 properties that may be eligible under this provision. Once
4 eligibility has been established, that governmental entity
5 shall receive 10 consecutive annual payments for each tax
6 loss, and no further eligibility determination shall be made
7 during that period.

8 (f)~~(e)~~ Payment in lieu of taxes pursuant to this
9 subsection shall be made annually to qualifying counties and
10 local governments after certification by the Department of
11 Revenue that the amounts applied for are reasonably
12 appropriate, based on the amount of actual taxes paid on the
13 eligible property, and after the water management districts
14 have provided supporting documents to the Comptroller and have
15 requested that payment be made in accordance with the
16 requirements of this section. With the assistance of the local
17 government requesting payment in lieu of taxes, the water
18 management district that acquired the land is responsible for
19 preparing and submitting application requests for payment to
20 the Department of Revenue for certification.

21 (g)~~(f)~~ If a water management district conveys to a
22 county or local government title to any land owned by the
23 district, any payments in lieu of taxes on the land made to
24 the county or local government shall be discontinued as of the
25 date of the conveyance.

26 ~~(g) The districts may make retroactive payments to~~
27 ~~counties and local governments that did not receive payments~~
28 ~~in lieu of taxes for lands purchased under s. 259.101 and this~~
29 ~~section during fiscal year 1999-2000 if the counties and local~~
30 ~~governments would have received those payments under ss.~~
31 ~~259.032(12) and 373.59(14).~~

1 Section 13. Section 373.5905, Florida Statutes, is
2 amended to read:

3 373.5905 Reinstitution of payments in lieu of taxes;
4 duration.--If the Department of Environmental Protection or a
5 water management district has made a payment in lieu of taxes
6 to a governmental entity and subsequently suspended such
7 payment, the ~~department or~~ water management district shall
8 reinstitute appropriate payments and continue the payments in
9 consecutive years until the governmental entity has received a
10 total of 10 payments for each tax loss.

11 Section 14. Subsection (2) of section 260.016, Florida
12 Statutes, is amended to read:

13 260.016 General powers of the department.--

14 (2) The department shall:

15 (a) Evaluate lands for the acquisition of greenways
16 and trails and compile a list of suitable corridors,
17 greenways, and trails, ranking them in order of priority for
18 proposed acquisition. The department shall devise a method of
19 evaluation which includes, but is not limited to, the
20 consideration of+

21 ~~1.~~ the importance and function of such corridors
22 within the statewide system.

23 ~~2. Potential for local sharing in the acquisition,~~
24 ~~development, operation, or maintenance of greenway and trail~~
25 ~~corridors.~~

26 ~~3. Costs of acquisition, development, operation, and~~
27 ~~maintenance.~~

28 (b) Maintain an updated list of abandoned and
29 to-be-abandoned railroad rights-of-way.

30 (c) Provide information to public and private agencies
31 and organizations on abandoned rail corridors which are or

1 will be available for acquisition from the railroads or for
2 lease for interim recreational use from the Department of
3 Transportation.

4 (d) Develop and implement a process for designation of
5 lands and waterways as a part of the statewide system of
6 greenways and trails, which shall include:

7 1. Development and dissemination of criteria for
8 designation.

9 2. Development and dissemination of criteria for
10 changes in the terms or conditions of designation, including
11 withdrawal or termination of designation. A landowner may have
12 his or her lands removed from designation by providing the
13 department with a written request that contains an adequate
14 description of such lands to be removed. Provisions shall be
15 made in the designation agreement for disposition of any
16 future improvements made to the land by the department.

17 ~~3. Compilation of available information on and field~~
18 ~~verification of the characteristics of the lands and waterways~~
19 ~~as they relate to the developed criteria.~~

20 3.4. Public notice pursuant to s. 120.525 in all
21 phases of the process.

22 ~~5. Actual notice to the landowner by certified mail at~~
23 ~~least 7 days before any public meeting regarding the~~
24 ~~department's intent to designate.~~

25 4.6. Written authorization from the landowner in the
26 form of a lease or other instrument for the designation and
27 granting of public access, if appropriate, to a landowner's
28 property.

29 ~~5.7. Development of A greenway or trail use plan as a~~
30 ~~part of the designation agreement which shall. In any~~
31 ~~particular segment of a greenway or trail, the plan components~~

1 ~~must be compatible with connecting segments and~~, at a minimum,
2 describe the types and intensities of uses of the property.

3 (e) Implement the plan for the Florida Greenways and
4 Trails System as adopted by the Florida Greenways Coordinating
5 Council on September 11, 1998.

6 Section 15. In an exchange of lands contemplated
7 between the Board of Trustees of the Internal Improvement
8 Trust Fund and a local government for donated state lands no
9 longer needed for conservation purposes, lands proposed for
10 exchange by the state and the local government shall be
11 considered of equal value and no further consideration shall
12 be required, provided that the donated land being offered for
13 exchange by the state is not greater than 200 acres, and
14 provided that the local government has been negotiating the
15 exchange of lands with the Division of State Lands of the
16 Department of Environmental Protection for a period of not
17 less than 1 year. Notwithstanding the exchange and surplusings
18 requirements of chapters 253 and 259, Florida Statutes, and
19 the notice requirements of chapter 270, Florida Statutes, the
20 board of trustees shall exchange lands with a local government
21 under these provisions no later than August 31, 2003. Lands
22 conveyed to a local government under these provisions must be
23 used for a public purpose. Deeds of conveyance conveyed to a
24 local government under these provisions shall contain a
25 reverter clause that automatically reverts title to the board
26 of trustees if the local government fails to use the property
27 for a public purpose.

28 Section 16. Effective upon becoming law and
29 notwithstanding the exchange and surplusings requirements of
30 chapters 253 and 259, Florida Statutes, and the notice
31 requirements of chapter 270, Florida Statutes, in an exchange

1 of lands contemplated between the Board of Trustees of the
2 Internal Improvement Trust Fund and a private entity for
3 formerly submerged sovereignty lands, heretofore known as the
4 "Chapman Exchange," the board shall exchange lands with the
5 private entity under these provisions no later than July 1,
6 2003. This exchange satisfies the constitutional public
7 interest test for the following reasons:

8 1. The land to be exchanged by the state is not
9 greater than 200 acres, is within a rural county of critical
10 economic concern, and is adjacent to lands previously sold by
11 the state to private interests.

12 2. The land to be exchanged is currently off the tax
13 rolls of the county, which is at the 10 mill constitutional
14 cap.

15 3. The private entity has been negotiating an exchange
16 with the Division of State Lands for a period of not less than
17 one year, has acquired lands within the division's project
18 areas for conservation land acquisition, and owns land
19 adjacent to the subject state parcel.

20 4. The exchange shall be of equal monetary value. The
21 private entity shall provide any difference in appraised value
22 at the time of closing in cash or the equivalent.

23 Section 17. Sections 253.84 and 259.0345, Florida
24 Statutes, are repealed.

25 Section 18. Paragraph (a) of subsection (2), paragraph
26 (e) of subsection (4), and subsections (3) and (10) of section
27 373.4592, Florida Statutes, as amended by section 1 of chapter
28 2003-12, Laws of Florida, are amended to read:

29 373.4592 Everglades improvement and management.--

30 (2) DEFINITIONS.--As used in this section:

31

1 (a) "Best available phosphorus reduction technology"
2 or "BAPRT" means a combination of BMPs and STAs which includes
3 a continuing research and monitoring program to reduce outflow
4 concentrations of phosphorus so as to achieve the phosphorus
5 criterion in the Everglades Protection Area ~~at the earliest~~
6 ~~practicable date.~~

7 (3) EVERGLADES LONG-TERM PLAN.--

8 (a) The Legislature finds that the Everglades Program
9 required by this section establishes more extensive and
10 comprehensive requirements for surface water improvement and
11 management within the Everglades than the SWIM plan
12 requirements provided in ss. 373.451-373.456. In order to
13 avoid duplicative requirements, and in order to conserve the
14 resources available to the district, the SWIM plan
15 requirements of those sections shall not apply to the
16 Everglades Protection Area and the EAA during the term of the
17 Everglades Program, and the district will neither propose, nor
18 take final agency action on, any Everglades SWIM plan for
19 those areas until the Everglades Program is fully implemented.
20 Funds under s. 259.101(3)(b) may be used for acquisition of
21 lands necessary to implement the Everglades Construction
22 Project, to the extent these funds are identified in the
23 Statement of Principles of July 1993. The district's actions
24 in implementing the Everglades Construction Project relating
25 to the responsibilities of the EAA and C-139 Basin for funding
26 and water quality compliance in the EAA and the Everglades
27 Protection Area shall be governed by this section. Other
28 strategies or activities in the March 1992 Everglades SWIM
29 plan may be implemented if otherwise authorized by law.

30 (b) The Legislature finds that the most reliable means
31 of optimizing the performance of STAs and achieving reasonable

1 further progress in reducing phosphorus entering the
2 Everglades Protection Area is to utilize a long-term planning
3 process. The Legislature finds that the Long-Term Plan
4 provides the best available phosphorus reduction technology
5 based upon a combination of the BMPs and STAs described in the
6 Plan provided that the Plan shall seek to achieve the
7 phosphorus criterion in the Everglades Protection Area. The
8 pre-2006 projects identified in the Long-Term Plan shall be
9 implemented by the district without delay, and revised with
10 ~~the Long-Term Plan will be implemented and revised with the~~
11 planning goal and objective of achieving the phosphorus
12 criterion to be adopted pursuant to subparagraph (4)(e)2. in
13 the Everglades Protection Area, and not based on any planning
14 goal or objective in the Plan that is inconsistent with this
15 section. Revisions to the Long-Term Plan shall be incorporated
16 through an adaptive management approach including a process
17 development and engineering component to identify and
18 implement incremental optimization measures for further
19 phosphorus reductions. Revisions to the Long-Term Plan shall
20 be approved by the department. In addition, the department may
21 propose changes to the Long-Term Plan as science and
22 environmental conditions warrant.

23 (c) It is the intent of the Legislature that
24 implementation of the Long-Term Plan shall be integrated and
25 consistent with the implementation of the projects and
26 activities in the Congressionally authorized components of the
27 CERP so that unnecessary and duplicative costs will be
28 avoided. Nothing in this section shall modify any existing
29 cost share or responsibility provided for projects listed in
30 s. 528 of the Water Resources Development Act of 1996 (110
31 Stat. 3769) or provided for projects listed in section 601 of

1 the Water Resources Development Act of 2000 (114 Stat. 2572).
2 The Legislature does not intend for the provisions of this
3 section to diminish commitments made by the State of Florida
4 to restore and maintain water quality in the Everglades
5 Protection Area, including the federal lands in the settlement
6 agreement referenced in paragraph (4)(e).

7 (d) The Legislature recognizes that the Long-Term Plan
8 contains an initial phase and a 10-year second phase. The
9 Legislature intends that a review of this act at least 10
10 years after implementation of the initial phase is appropriate
11 and necessary to the public interest. The review is the best
12 way to ensure that the Everglades Protection Area is achieving
13 state water quality standards, including phosphorus reduction,
14 and the Long-Term Plan is discharges to the Everglades
15 Protection Area are achieving state water quality standards,
16 including phosphorus reduction, to the maximum extent
17 practicable, and are using the best technology available. A
18 10-year second phase of the Long-Term Plan must be approved by
19 the Legislature and codified in this act prior to
20 implementation of projects, but not prior to development,
21 review, and approval of projects by the department.

22 (e) The Long-Term Plan shall be implemented for an
23 initial 13-year phase (2003-2016) and shall, ~~to the maximum~~
24 ~~extent practicable,~~ achieve water quality standards relating
25 to the phosphorus criterion in the Everglades Protection Area
26 as determined by a network of monitoring stations established
27 for this purpose. Not later than December 31, 2008, and each 5
28 years thereafter, the department shall review and approve
29 incremental phosphorus reduction measures ~~to be implemented at~~
30 ~~the earliest practicable date.~~

31 (4) EVERGLADES PROGRAM.--

1 (e) Evaluation of water quality standards.--
2 1. The department and the district shall employ all
3 means practicable to complete by December 31, 1998, any
4 additional research necessary to:
5 a. Numerically interpret for phosphorus the Class III
6 narrative nutrient criterion necessary to meet water quality
7 standards in the Everglades Protection Area; and
8 b. Evaluate existing water quality standards
9 applicable to the Everglades Protection Area and EAA canals.
10 2. In no case shall such phosphorus criterion allow
11 waters in the Everglades Protection Area to be altered so as
12 to cause an imbalance in the natural populations of aquatic
13 flora or fauna. The phosphorus criterion shall be 10 parts per
14 billion (ppb) in the Everglades Protection Area in the event
15 the department does not adopt by rule such criterion by
16 December 31, 2003. However, in the event the department fails
17 to adopt a phosphorus criterion on or before December 31,
18 2002, any person whose substantial interests would be affected
19 by the rulemaking shall have the right, on or before February
20 28, 2003, to petition for a writ of mandamus to compel the
21 department to adopt by rule such criterion. Venue for the
22 mandamus action must be Leon County. The court may stay
23 implementation of the 10 parts per billion (ppb) criterion
24 during the pendency of the mandamus proceeding upon a
25 demonstration by the petitioner of irreparable harm in the
26 absence of such relief. The department's phosphorus criterion,
27 whenever adopted, shall supersede the 10 parts per billion
28 (ppb) criterion otherwise established by this section, but
29 shall not be lower than the natural conditions of the
30 Everglades Protection Area and shall take into account spatial
31 and temporal variability. The department's rule adopting a

1 phosphorus criterion may include moderating provisions during
2 the implementation of the initial phase of the Long-Term Plan
3 authorizing discharges based upon BAPRT providing net
4 improvement to impacted areas. Discharges to unimpacted areas
5 may also be authorized by moderating provisions, which shall
6 require BAPRT, and which must be based upon a determination by
7 the department that the environmental benefits of the
8 discharge clearly outweigh potential adverse impacts and
9 otherwise comply with antidegradation requirements. Moderating
10 provisions authorized by this section shall not extend beyond
11 December 2016 unless further authorized by the Legislature
12 pursuant to paragraph (3)(d).

13 3. The department shall use the best available
14 information to define relationships between waters discharged
15 to, and the resulting water quality in, the Everglades
16 Protection Area. The department or the district shall use
17 these relationships to establish discharge limits in permits
18 for discharges into the EAA canals and the Everglades
19 Protection Area necessary to prevent an imbalance in the
20 natural populations of aquatic flora or fauna in the
21 Everglades Protection Area, and to provide a net improvement
22 in the areas already impacted. During the implementation of
23 the initial phase of the Long-Term Plan, permits issued by the
24 department shall be based on BAPRT, and shall include
25 technology-based effluent limitations consistent with the
26 Long-Term Plan. Compliance with the phosphorus criterion shall
27 be based upon a long-term geometric mean of concentration
28 levels to be measured at sampling stations recognized from the
29 research to be reasonably representative of receiving waters
30 in the Everglades Protection Area, and so located so as to
31 assure that the Everglades Protection Area is not altered so

1 as to cause an imbalance in natural populations of aquatic
2 flora and fauna and to assure a net improvement in the areas
3 already impacted. For the Everglades National Park and the
4 Arthur R. Marshall Loxahatchee National Wildlife Refuge, the
5 method for measuring compliance with the phosphorus criterion
6 shall be in a manner consistent with Appendices A and B,
7 respectively, of the settlement agreement dated July 26, 1991,
8 entered in case No. 88-1886-Civ-Hoeveler, United States
9 District Court for the Southern District of Florida, that
10 recognizes and provides for incorporation of relevant
11 research.

12 4. The department's evaluation of any other water
13 quality standards must include the department's
14 antidegradation standards and EAA canal classifications. In
15 recognition of the special nature of the conveyance canals of
16 the EAA, as a component of the classification process, the
17 department is directed to formally recognize by rulemaking
18 existing actual beneficial uses of the conveyance canals in
19 the EAA. This shall include recognition of the Class III
20 designated uses of recreation, propagation and maintenance of
21 a healthy, well-balanced population of fish and wildlife, the
22 integrated water management purposes for which the Central and
23 Southern Florida Flood Control Project was constructed, flood
24 control, conveyance of water to and from Lake Okeechobee for
25 urban and agricultural water supply, Everglades hydroperiod
26 restoration, conveyance of water to the STAs, and navigation.

27 (10) LONG-TERM COMPLIANCE PERMITS.--By December 31,
28 2006, the department and the district shall take such action
29 as may be necessary to implement the pre-2006 projects and
30 strategies of the Long-Term Plan so that water delivered to
31 the Everglades Protection Area achieves in all parts of the

1 Everglades Protection Area state water quality standards,
2 including the phosphorus criterion and moderating provisions.

3 (a) By December 31, 2003, the district shall submit to
4 the department an application for permit modification to
5 incorporate proposed changes to the Everglades Construction
6 Project and other district works delivering water to the
7 Everglades Protection Area as needed to implement the pre-2006
8 projects and strategies of the Long-Term Plan in all permits
9 issued by the department, including the permits issued
10 pursuant to subsection (9). These changes shall be designed to
11 achieve state water quality standards, including the
12 phosphorus criterion and moderating provisions, ~~to the maximum~~
13 ~~extent practicable. Under no circumstances shall the project~~
14 ~~or strategy cause or contribute to violation of state water~~
15 ~~quality standards.~~ During the implementation of the initial
16 phase of the Long-Term Plan, permits issued by the department
17 shall be based on BAPRT, and shall include technology-based
18 effluent limitations consistent with the Long-Term Plan, as
19 provided in subparagraph (4)(e)3.

20 (b) If the Everglades Construction Project or other
21 discharges to the Everglades Protection Area are in compliance
22 with state water quality standards, including the phosphorus
23 criterion, the permit application shall include:

- 24 1. A plan for maintaining compliance with the
25 phosphorus criterion in the Everglades Protection Area.
- 26 2. A plan for maintaining compliance in the Everglades
27 Protection Area with state water quality standards other than
28 the phosphorus criterion.

29 Section 19. Paragraph (a) of subsection (2), and
30 subsections (1), (11), and (12) of section 201.15, Florida
31 Statutes, are reenacted to read:

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

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

11 (a) Amounts as shall be necessary to pay the debt
12 service on, or fund debt service reserve funds, rebate
13 obligations, or other amounts payable with respect to
14 Preservation 2000 bonds issued pursuant to s. 375.051 and
15 Florida Forever bonds issued pursuant to s. 215.618, shall be
16 paid into the State Treasury to the credit of the Land
17 Acquisition Trust Fund to be used for such purposes. The
18 amount transferred to the Land Acquisition Trust Fund for such
19 purposes shall not exceed \$300 million in fiscal year
20 1999-2000 and thereafter for Preservation 2000 bonds and bonds
21 issued to refund Preservation 2000 bonds, and \$300 million in
22 fiscal year 2000-2001 and thereafter for Florida Forever
23 bonds. The annual amount transferred to the Land Acquisition
24 Trust Fund for Florida Forever bonds shall not exceed \$30
25 million in the first fiscal year in which bonds are issued.
26 The limitation on the amount transferred shall be increased by
27 an additional \$30 million in each subsequent fiscal year, but
28 shall not exceed a total of \$300 million in any fiscal year
29 for all bonds issued. It is the intent of the Legislature that
30 all bonds issued to fund the Florida Forever Act be retired by
31 December 31, 2030. Except for bonds issued to refund

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

18 | (b) The remainder of the moneys distributed under this
19 | subsection, after the required payment under paragraph (a),
20 | shall be paid into the State Treasury to the credit of the
21 | Save Our Everglades Trust Fund in amounts necessary to pay
22 | debt service, provide reserves, and pay rebate obligations and
23 | other amounts due with respect to bonds issued under s.
24 | 215.619.

25 | (c) The remainder of the moneys distributed under this
26 | subsection, after the required payments under paragraphs (a)
27 | and (b), shall be paid into the State Treasury to the credit
28 | of the Land Acquisition Trust Fund and may be used for any
29 | purpose for which funds deposited in the Land Acquisition
30 | Trust Fund may lawfully be used. Payments made under this
31 | paragraph shall continue until the cumulative amount credited

1 to the Land Acquisition Trust Fund for the fiscal year under
2 this paragraph and paragraph (2)(b) equals 70 percent of the
3 current official forecast for distributions of taxes collected
4 under this chapter pursuant to subsection (2). As used in this
5 paragraph, the term "current official forecast" means the most
6 recent forecast as determined by the Revenue Estimating
7 Conference. If the current official forecast for a fiscal year
8 changes after payments under this paragraph have ended during
9 that fiscal year, no further payments are required under this
10 paragraph during the fiscal year.

11 (d) The remainder of the moneys distributed under this
12 subsection, after the required payments under paragraphs (a),
13 (b), and (c), shall be paid into the State Treasury to the
14 credit of the General Revenue Fund of the state to be used and
15 expended for the purposes for which the General Revenue Fund
16 was created and exists by law or to the Ecosystem Management
17 and Restoration Trust Fund or to the Marine Resources
18 Conservation Trust Fund as provided in subsection (11).

19 (2) Seven and fifty-six hundredths percent of the
20 remaining taxes collected under this chapter shall be used for
21 the following purposes:

22 (a) Beginning in the month following the final payment
23 for a fiscal year under paragraph (1)(c), available moneys
24 shall be paid into the State Treasury to the credit of the
25 General Revenue Fund of the state to be used and expended for
26 the purposes for which the General Revenue Fund was created
27 and exists by law or to the Ecosystem Management and
28 Restoration Trust Fund or to the Marine Resources Conservation
29 Trust Fund as provided in subsection (11). Payments made under
30 this paragraph shall continue until the cumulative amount
31 credited to the General Revenue Fund for the fiscal year under

1 this paragraph equals the cumulative payments made under
2 paragraph (1)(c) for the same fiscal year.

3 (11) From the moneys specified in paragraphs (1)(d)
4 and (2)(a) and prior to deposit of any moneys into the General
5 Revenue Fund, \$30 million shall be paid into the State
6 Treasury to the credit of the Ecosystem Management and
7 Restoration Trust Fund in fiscal year 2000-2001 and each
8 fiscal year thereafter, to be used for the preservation and
9 repair of the state's beaches as provided in ss.

10 161.091-161.212, and \$2 million shall be paid into the State
11 Treasury to the credit of the Marine Resources Conservation
12 Trust Fund to be used for marine mammal care as provided in s.
13 370.0603(3).

14 (12) The Department of Revenue may use the payments
15 credited to trust funds pursuant to paragraphs (1)(c) and
16 (2)(b) and subsections (3), (4), (5), (6), (7), (8), (9), and
17 (10) to pay the costs of the collection and enforcement of the
18 tax levied by this chapter. The percentage of such costs which
19 may be assessed against a trust fund is a ratio, the numerator
20 of which is payments credited to that trust fund under this
21 section and the denominator of which is the sum of payments
22 made under paragraphs (1)(c) and (2)(b) and subsections (3),
23 (4), (5), (6), (7), (8), (9), and (10).

24 Section 20. Section 215.619, Florida Statutes, is
25 reenacted to read:

26 215.619 Bonds for Everglades restoration.--

27 (1) The issuance of Everglades restoration bonds to
28 finance or refinance the cost of acquisition and improvement
29 of land, water areas, and related property interests and
30 resources for the purpose of implementing the Comprehensive
31 Everglades Restoration Plan under s. 373.470 is authorized in

1 accordance with s. 11(e), Art. VII of the State Constitution.
2 Everglades restoration bonds, except refunding bonds, may be
3 issued only in fiscal years 2002-2003 through 2009-2010 and
4 may not be issued in an amount exceeding \$100 million per
5 fiscal year unless the Department of Environmental Protection
6 has requested additional amounts in order to achieve cost
7 savings or accelerate the purchase of land. The duration of
8 Everglades restoration bonds may not exceed 20 annual
9 maturities, and those bonds must mature by December 31, 2030.
10 Except for refunding bonds, a series of bonds may not be
11 issued unless an amount equal to the debt service coming due
12 in the year of issuance has been appropriated by the
13 Legislature.

14 (2) The state covenants with the holders of Everglades
15 restoration bonds that it will not take any action that will
16 materially and adversely affect the rights of the holders so
17 long as the bonds are outstanding, including, but not limited
18 to, a reduction in the portion of documentary stamp taxes
19 distributable under s. 201.15(1) for payment of debt service
20 on Preservation 2000 bonds, Florida Forever bonds, or
21 Everglades restoration bonds.

22 (3) Everglades restoration bonds are payable from, and
23 secured by a first lien on, taxes distributable under s.
24 201.15(1)(b) and do not constitute a general obligation of, or
25 a pledge of the full faith and credit of, the state.
26 Everglades restoration bonds are junior and subordinate to
27 bonds secured by moneys distributable under s. 201.15(1)(a).

28 (4) The Department of Environmental Protection shall
29 request the Division of Bond Finance of the State Board of
30 Administration to issue Everglades restoration bonds under the
31 State Bond Act in an amount supported by projected

1 expenditures of the recipients of the proceeds of the bonds.
2 The Department of Environmental Protection shall coordinate
3 with the Division of Bond Finance to issue the bonds in a
4 cost-effective manner consistent with cash needs.

5 (5) The proceeds of Everglades restoration bonds, less
6 the costs of issuance, the costs of funding reserve accounts,
7 and other costs with respect to the bonds, shall be deposited
8 into the Save Our Everglades Trust Fund. The bond proceeds
9 deposited into the Save Our Everglades Trust Fund shall be
10 distributed by the Department of Environmental Protection as
11 provided in s. 373.470.

12 (6) Lands purchased using bond proceeds under this
13 paragraph which are later determined by the South Florida
14 Water Management District and the Department of Environmental
15 Protection as not needed to implement the comprehensive plan,
16 shall either be surplusd at no less than appraised value, and
17 the proceeds from the sale of such lands shall be deposited
18 into the Save Our Everglades Trust Fund to be used to
19 implement the comprehensive plan, or the South Florida Water
20 Management District shall use a different source of funds to
21 pay for or reimburse the Save Our Everglades Trust Fund for
22 that portion of land not needed to implement the comprehensive
23 plan.

24 (7) There may not be any sale, disposition, lease,
25 easement, license, or other use of any land, water areas, or
26 related property interests acquired or improved with proceeds
27 of Everglades restoration bonds which would cause all or any
28 portion of the interest on the bonds to be included in gross
29 income for federal income tax purposes.

30 (8) Any complaint for validation of bonds issued under
31 this section may be filed only in the circuit court of the

1 county where the seat of state government is situated. The
2 notice required to be published by s. 75.06 may be published
3 only in the county where the complaint is filed, and the
4 complaint and order of the circuit court need be served only
5 on the state attorney of the circuit in which the action is
6 pending.

7 Section 21. Subsections (4), (5), and (6) of section
8 370.470, Florida Statutes, are reenacted to read:

9 373.470 Everglades restoration.--

10 (4) SAVE OUR EVERGLADES TRUST FUND; FUNDS AUTHORIZED
11 FOR DEPOSIT.--The following funds may be deposited into the
12 Save Our Everglades Trust Fund created by s. 373.472 to
13 finance implementation of the comprehensive plan:

14 (a) In fiscal year 2000-2001, funds described in s.
15 259.101(3).

16 (b) Funds described in subsection (5).

17 (c) Federal funds appropriated by Congress for
18 implementation of the comprehensive plan.

19 (d) Any additional funds appropriated by the
20 Legislature for the purpose of implementing the comprehensive
21 plan.

22 (e) Gifts designated for implementation of the
23 comprehensive plan from individuals, corporations, or other
24 entities.

25 (f) Funds made available pursuant to s. 201.15 for
26 debt service for Everglades restoration bonds.

27 (5) SAVE OUR EVERGLADES TRUST FUND SUPPLEMENTED.--

28 (a)1. For fiscal year 2000-2001, \$50 million of state
29 funds shall be deposited into the Save Our Everglades Trust
30 Fund created by s. 373.472.

31

1 2. For each year of the 9 consecutive years beginning
2 with fiscal year 2001-2002, \$75 million of state funds shall
3 be deposited into the Save Our Everglades Trust Fund created
4 by s. 373.472.

5 3. As an alternative to subparagraph 2., proceeds of
6 bonds issued under s. 215.619 may be deposited into the Save
7 Our Everglades Trust Fund created under s. 373.472. To
8 enhance flexibility, funds to be deposited into the Save Our
9 Everglades Trust Fund may consist of any combination of state
10 funds and Everglades restoration bonds.

11 (b) For each year of the 2 consecutive years beginning
12 with fiscal year 2000-2001, the department shall deposit \$25
13 million of the funds allocated to the district by the
14 department under s. 259.105(11)(a) into the Save Our
15 Everglades Trust Fund created by s. 373.472.

16 (6) DISTRIBUTIONS FROM SAVE OUR EVERGLADES TRUST
17 FUND.--

18 (a) Except for funds appropriated for debt service,
19 the department shall distribute funds in the Save Our
20 Everglades Trust Fund to the district in accordance with a
21 legislative appropriation and s. 373.026(8)(b) and (c).
22 Distribution of funds from the Save Our Everglades Trust Fund
23 shall be equally matched by the cumulative contributions from
24 all local sponsors by fiscal year 2009-2010 by providing
25 funding or credits toward project components. The dollar value
26 of in-kind work by local sponsors in furtherance of the
27 comprehensive plan and existing interest in public lands
28 needed for a project component are credits towards the local
29 sponsors' contributions.

30 (b) The department shall distribute funds in the Save
31 Our Everglades Trust Fund to the district in accordance with a

1 legislative appropriation for debt service for Everglades
2 restoration bonds.

3 Section 22. Subsection (1) of section 373.472, Florida
4 Statutes, is reenacted to read:

5 373.472 Save Our Everglades Trust Fund.--

6 (1) There is created within the Department of
7 Environmental Protection the Save Our Everglades Trust Fund.
8 Funds in the trust fund shall be expended to implement the
9 comprehensive plan defined in s. 373.470(2)(a) and pay debt
10 service for Everglades restoration bonds issued pursuant to s.
11 215.619. The trust fund shall serve as the repository for
12 state, local, and federal project contributions in accordance
13 with s. 373.470(4).

14 Section 23. Section 6 of chapter 2002-261, Laws of
15 Florida, is reenacted to read:

16 Section 6. In accordance with s. 215.98(1), the
17 Legislature determines that the issuance of Everglades
18 restoration bonds under section 2 of this act is in the best
19 interest of the state and should be implemented.

20 Section 24. If any law amended by this act was also
21 amended by a law enacted at the 2003 Regular Session of the
22 Legislature, such laws shall be construed as if they had been
23 enacted during the same session of the Legislature, and full
24 effect shall be given to each if possible.

25 Section 25. Except as otherwise expressly provided in
26 this act, this act shall take effect July 1, 2003.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 54-A

The committee substitute retains the original provisions of Senate Bill 54-A and adds the following two provisions. First, the committee substitute reaffirms the state's commitment to fund Everglades restoration by reenacting provisions of law enacted during the 2002 Regular Session authorizing the issuance of bonds in an amount not to exceed \$100 million per year for an eight-year period to be used for Everglades Restoration. The second provision of the bill revises the Everglades Forever Act, amended in the 2003 Regular Session, to remove all references to the phrases "earliest practicable date" and "maximum extent practicable" as they refer to phosphorus reduction. The committee substitute also clarifies that moderating provisions, if adopted in the phosphorus rule, will not extend beyond the 2016 deadline for implementing the initial phase of the Long-Term Plan. Any revisions to the Long-Term Plan must be approved by the Department of Environmental Protection.