

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; amending s.  
31          373.1502, F.S.; providing for the regulation of

1 comprehensive plan project components; revising  
2 requirements that permit applications provide  
3 assurances that state water quality standards  
4 will be met to the maximum extent practicable;  
5 reenacting s. 201.15(1), (2)(a), (11), and (12),  
6 F.S.; providing for distribution of proceeds  
7 from excise taxes on documents to pay debt  
8 service on Everglades restoration bonds;  
9 reenacting s. 215.619, F.S.; authorizing the  
10 issuance of Everglades restoration bonds to  
11 finance or refinance the cost of acquisition  
12 and improvement of land, water areas, and  
13 related property interests and resources for  
14 the purpose of implementing the Comprehensive  
15 Everglades Restoration Plan; providing  
16 procedures and limitations; providing for  
17 deposit of funds in the Save Our Everglades  
18 Trust Fund; reenacting ss. 373.470(4), (5), and  
19 (6) and 373.472(1), F.S.; authorizing the  
20 payment of debt service on Everglades  
21 restoration bonds from the Save Our Everglades  
22 Trust Fund; revising requirements for deposit  
23 of state and water management district funds  
24 into the Save Our Everglades Trust Fund;  
25 reenacting s. 6 of ch. 2002-261, Laws of  
26 Florida; providing legislative intent that the  
27 issuance of Everglades restoration bonds is in  
28 the best interest of the state; providing for  
29 construction of the act in pari materia with  
30 laws enacted during the Regular Session of the  
31 Legislature; providing effective dates.

1 Be It Enacted by the Legislature of the State of Florida:

2

3 Section 1. Paragraph (a) of subsection (6) of section  
4 253.025, Florida Statutes, is amended to read:

5 253.025 Acquisition of state lands for purposes other  
6 than preservation, conservation, and recreation.--

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

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

25 Section 2. Subsections (2), (5), and (6) of section  
26 253.034, Florida Statutes, as amended by section 14 of chapter  
27 2003-6, Laws of Florida, are amended, subsections (8), (9),  
28 (10), and (11) are renumbered as subsections (9), (10), (11),  
29 and (12), respectively, and a new subsection (8) is added to  
30 that section, to read:

31 253.034 State-owned lands; uses.--

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

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

25           (b) "Single use" means management for one particular  
26 purpose to the exclusion of all other purposes, except that  
27 the using entity shall have the option of including in its  
28 management program compatible secondary purposes which will  
29 not detract from or interfere with the primary management  
30 purpose. Such single uses may include, but are not necessarily  
31 restricted to, the use of agricultural lands for production of

1 food and livestock, the use of improved sites and grounds for  
2 institutional purposes, and the use of lands for parks,  
3 preserves, wildlife management, archaeological or historic  
4 sites, or wilderness areas where the maintenance of  
5 essentially natural conditions is important. All submerged  
6 lands shall be considered single-use lands and shall be  
7 managed primarily for the maintenance of essentially natural  
8 conditions, the propagation of fish and wildlife, and public  
9 recreation, including hunting and fishing where deemed  
10 appropriate by the managing entity.

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

1 case-by-case basis to determine if they will be designated  
2 conservation lands.

3  
4 Lands acquired by the state as a gift, through donation, or by  
5 any other conveyance for which no consideration was paid, and  
6 which are not managed for conservation, outdoor resource-based  
7 recreation, or archaeological or historic preservation under a  
8 land management plan approved by the board of trustees are not  
9 conservation lands.

10 (5) Each manager of conservation lands shall submit to  
11 the Division of State Lands a land management plan at least  
12 every 10 years in a form and manner prescribed by rule by the  
13 board and in accordance with the provisions of s. 259.032.  
14 Each manager of conservation lands shall also update a land  
15 management plan whenever the manager proposes to add new  
16 facilities or make substantive land use or management changes  
17 that were not addressed in the approved plan, or within 1 year  
18 of the addition of significant new lands. Each manager of  
19 nonconservation lands shall submit to the Division of State  
20 Lands a land use plan at least every 10 years in a form and  
21 manner prescribed by rule by the board. The division shall  
22 review each plan for compliance with the requirements of this  
23 subsection and the requirements of the rules established by  
24 the board pursuant to this section. All land use plans,  
25 whether for single-use or multiple-use properties, shall  
26 include an analysis of the property to determine if any  
27 significant natural or cultural resources are located on the  
28 property. Such resources include archaeological and historic  
29 sites, state and federally listed plant and animal species,  
30 and imperiled natural communities and unique natural features.  
31 If such resources occur on the property, the manager shall



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

1 ~~and prevention of soil erosion. Land management plans~~  
2 ~~submitted by an entity shall include reference to appropriate~~  
3 ~~statutory authority for such use or uses and shall conform to~~  
4 ~~the appropriate policies and guidelines of the state land~~  
5 ~~management plan. All land management plans for parcels larger~~  
6 ~~than 1,000 acres shall contain an analysis of the multiple-use~~  
7 ~~potential of the parcel, which analysis shall include the~~  
8 ~~potential of the parcel to generate revenues to enhance the~~  
9 ~~management of the parcel. Additionally, the land management~~  
10 ~~plan shall contain an analysis of the potential use of private~~  
11 ~~land managers to facilitate the restoration or management of~~  
12 ~~these lands. In those cases where a newly acquired property~~  
13 ~~has a valid conservation plan, the plan shall be used to guide~~  
14 ~~management of the property until a formal land management plan~~  
15 ~~is completed.~~

16 (a) The Division of State Lands shall make available  
17 to the public a copy of each land management plan for parcels  
18 that exceed 160 acres in size. The council shall review each  
19 plan for compliance with the requirements of this subsection,  
20 the requirements of chapter 259, and the requirements of the  
21 rules established by the board pursuant to this section. The  
22 council shall also consider the propriety of the  
23 recommendations of the managing entity with regard to the  
24 future use of the property, the protection of fragile or  
25 nonrenewable resources, the potential for alternative or  
26 multiple uses not recognized by the managing entity, and the  
27 possibility of disposal of the property by the board. After  
28 its review, the council shall submit the plan, along with its  
29 recommendations and comments, to the board. The council shall  
30 specifically recommend to the board whether to approve the  
31

1 plan as submitted, approve the plan with modifications, or  
2 reject the plan.

3 (b) The Board of Trustees of the Internal Improvement  
4 Trust Fund shall consider the land management plan submitted  
5 by each entity and the recommendations of the council and the  
6 Division of State Lands and shall approve the plan with or  
7 without modification or reject such plan. The use or  
8 possession of any such lands that is not in accordance with an  
9 approved land management plan is subject to termination by the  
10 board.

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

24 (a) For the purposes of this subsection, all lands  
25 acquired by the state prior to July 1, 1999, using proceeds  
26 from the Preservation 2000 bonds, the Conservation and  
27 Recreation Lands Trust Fund, the Water Management Lands Trust  
28 Fund, Environmentally Endangered Lands Program, and the Save  
29 Our Coast Program and titled to the board, which lands are  
30 identified as core parcels or within original project  
31

1 boundaries, shall be deemed to have been acquired for  
2 conservation purposes.

3 (b) For any lands purchased by the state on or after  
4 July 1, 1999, a determination shall be made by the board prior  
5 to acquisition as to those parcels that shall be designated as  
6 having been acquired for conservation purposes. No lands  
7 acquired for use by the Department of Corrections, the  
8 Department of Management Services for use as state offices,  
9 the Department of Transportation, except those specifically  
10 managed for conservation or recreation purposes, or the State  
11 University System or the Florida Community College System  
12 shall be designated as having been purchased for conservation  
13 purposes.

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

28 (d) Lands owned by the board which are not actively  
29 managed by any state agency or for which a land management  
30 plan has not been completed pursuant to subsection (5) shall  
31 be reviewed by the council or its successor for its

1 recommendation as to whether such lands should be disposed of  
2 by the board.

3 (e) Prior to any decision by the board to surplus  
4 lands, the Acquisition and Restoration Council shall review  
5 and make recommendations to the board concerning the request  
6 for surplusings. The council shall determine whether the  
7 request for surplusings is compatible with the resource values  
8 of and management objectives for such lands.

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

30 (g) The sale price of lands determined to be surplus  
31 pursuant to this subsection shall be determined by the

1 division and shall take into consideration an appraisal of the  
2 property, or, when the estimated value of the land is less  
3 than \$100,000, a comparable sales analysis or a broker's  
4 opinion of value, and ~~sold for appraised value or the price~~  
5 ~~paid by the state or a water management district to originally~~  
6 ~~acquire the lands., whichever is greater, except when the~~  
7 ~~board or its designee determines a different sale price is in~~  
8 ~~the public interest. However, for those lands sold as surplus~~  
9 ~~to any unit of government, the price shall not exceed the~~  
10 ~~price paid by the state or a water management district to~~  
11 ~~originally acquire the lands.~~A unit of government that which  
12 acquires title to lands hereunder for less than appraised  
13 value may not sell or transfer title to all or any portion of  
14 the lands to any private owner for a period of 10 years. Any  
15 unit of government seeking to transfer or sell lands pursuant  
16 to this paragraph shall first allow the board of trustees to  
17 reacquire such lands for the price at which the board ~~they~~  
18 sold such lands.

19 (h) Where a unit of government acquired land by gift,  
20 donation, grant, quit-claim deed, or other such conveyance  
21 where no monetary consideration was exchanged, the price of  
22 land sold as surplus may be based on one appraisal. In the  
23 event that a single appraisal yields a value equal to or  
24 greater than \$1 million, a second appraisal is required. The  
25 individual or entity requesting the surplus shall select and  
26 use appraisers from the list of approved appraisers maintained  
27 by the Division of State Lands in accordance with s.  
28 253.025(6)(b). The individual or entity requesting the surplus  
29 is to incur all costs of the appraisals.

30 (i) After reviewing the recommendations of the  
31 council, the board shall determine whether lands identified

1 for surplus are to be held for other public purposes or  
2 whether such lands are no longer needed. The board may  
3 require an agency to release its interest in such lands. For  
4 an agency that has requested the use of a property that was to  
5 be declared as surplus, said agency must have the property  
6 under lease within 6 months of the date of expiration of the  
7 notice provisions required under ss. 253.034(6) and 253.111.

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

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

29 (l) Notwithstanding the provisions of this subsection,  
30 no such disposition of land shall be made if such disposition  
31 would have the effect of causing all or any portion of the

1 interest on any revenue bonds issued to lose the exclusion  
2 from gross income for federal income tax purposes.

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

6 (n) The board may adopt rules to implement the  
7 provisions of this section, which may include procedures for  
8 administering surplus land requests and criteria for when the  
9 division may approve requests to surplus nonconservation lands  
10 on behalf of the board.

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

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

29 (c) In any county having a population of 75,000 or  
30 fewer, or a county having a population of 100,000 or fewer  
31 that is contiguous to a county having a population of 75,000



1 or fewer, in which more than 50 percent of the lands within  
2 the county boundary are federal lands and lands titled in the  
3 name of the state, a state agency, a water management  
4 district, or a local government, those lands titled in the  
5 name of the state or a state agency which are not essential or  
6 necessary to meet conservation purposes may, upon request of a  
7 public or private entity, be made available for purchase  
8 through the state's surplusing process. Rights-of-way for  
9 existing, proposed, or anticipated transportation facilities  
10 are exempt from the requirements of this paragraph. Priority  
11 consideration shall be given to buyers, public or private,  
12 willing to return the property to productive use so long as  
13 the property can be reentered onto the county ad valorem tax  
14 roll. Property acquired with matching funds from a local  
15 government shall not be made available for purchase without  
16 the consent of the local government.

17 Section 3. Section 253.0341, Florida Statutes, is  
18 created to read:

19 253.0341 Surplus of state-owned lands to counties or  
20 local governments.--Counties and local governments may submit  
21 surplusing requests for state-owned lands directly to the  
22 board of trustees. County or local government requests for the  
23 state to surplus conservation or nonconservation lands,  
24 whether for purchase or exchange, shall be expedited  
25 throughout the surplusing process. Property jointly acquired  
26 by the state and other entities shall not be surplusd without  
27 the consent of all joint owners.

28 (1) The decision to surplus state-owned  
29 nonconservation lands may be made by the board without a  
30 review of, or a recommendation on, the request from the  
31 Acquisition and Restoration Council or the Division of State

1 Lands. Such requests for nonconservation lands shall be  
2 considered by the board within 60 days of the board's receipt  
3 of the request.

4 (2) County or local government requests for the  
5 surplusing of state-owned conservation lands are subject to  
6 review of and recommendation on the request to the board by  
7 the Acquisition and Restoration Council. Requests to surplus  
8 conservation lands shall be considered by the board within 120  
9 days of the board's receipt of the request.

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

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

14 253.42 Board of trustees may exchange lands.--The  
15 provisions of this section apply to all lands owned by, vested  
16 in, or titled in the name of the board whether the lands were  
17 acquired by the state as a purchase, or through gift,  
18 donation, or any other conveyance for which no consideration  
19 was paid.

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

1 through gift, donation, or any other conveyance for which no  
2 consideration was paid, the state may request land of equal  
3 conservation value from the county or local government but no  
4 other consideration.

5 (2) In exchanging state-owned lands not acquired by  
6 the state through gift, donation, or any other conveyance for  
7 which no consideration was paid, with counties or local  
8 governments, the board shall require an exchange of equal  
9 value. Equal value is defined as the conservation benefit of  
10 the lands being offered for exchange by a county or local  
11 government being equal or greater in conservation benefit than  
12 the state-owned lands. Such exchanges may include cash  
13 transactions if based on an appropriate measure of value of  
14 the state-owned land, but must also include the determination  
15 of a net-positive conservation benefit by the Acquisition and  
16 Restoration Council, irrespective of appraised value.

17 (3) The board shall select and agree upon the state  
18 lands to be exchanged and the lands to be conveyed to the  
19 state and shall pay or receive any sum of money deemed  
20 necessary by the board for the purpose of equalizing the value  
21 of the exchanged property. The board is authorized to make and  
22 enter into contracts or agreements for such purpose or  
23 purposes.

24 Section 5. Section 253.7823, Florida Statutes, is  
25 amended to read:

26 253.7823 Disposition of surplus lands; compensation of  
27 counties located within the Cross Florida Canal Navigation  
28 District.--

29 (1) The department may ~~shall~~ identify parcels of  
30 former barge canal lands that ~~which~~ may be sold or exchanged  
31 ~~as needed to repay the counties of the Cross Florida Canal~~

1 ~~Navigation District any sums due them pursuant to s.~~  
2 ~~253.783(2)(e).~~ In identifying said surplus lands, the  
3 department shall give priority to ~~consideration to lands~~  
4 ~~situated outside the greenways' boundaries,~~ those lands not  
5 having high recreation or conservation values, and those  
6 having the greatest assessed valuations. Although the  
7 department shall immediately begin to identify the parcels of  
8 surplus lands to be sold, the department shall offer the lands  
9 for sale in a manner designed to maximize the amounts received  
10 over a reasonable period of time.

11 ~~(2) Disbursements of amounts due the counties shall be~~  
12 ~~made on a semiannual basis and shall be completed before any~~  
13 ~~additional lands or easements may be acquired within the~~  
14 ~~boundaries of the greenways.~~

15 ~~(2)(3) In addition to lands identified for sale to~~  
16 ~~generate funds for repayment of counties pursuant to s.~~  
17 ~~253.783(2)(e),~~ The department is authorized to sell surplus  
18 additional former canal lands if they are determined to be  
19 unnecessary to the effective provision of the type of  
20 recreational opportunities and conservation activities for  
21 which the greenway was ~~greenways were~~ created.

22 ~~(4) Until repayment to the counties pursuant to s.~~  
23 ~~253.783(2)(e) has been completed, any agency wishing to use~~  
24 ~~former canal lands must pay the full assessed value of said~~  
25 ~~lands.~~

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

29 259.032 Conservation and Recreation Lands Trust Fund;  
30 purpose.--

31 (10)

1           (c) Once a plan is adopted, the managing agency or  
2 entity shall update the plan at least every 10 5 years in a  
3 form and manner prescribed by rule of the board of trustees.  
4 Such updates, for parcels over 160 acres, shall be developed  
5 with input from an advisory group. Such plans may include  
6 transfers of leasehold interests to appropriate conservation  
7 organizations or governmental entities designated by the Land  
8 Acquisition and Management Advisory Council or its successor,  
9 for uses consistent with the purposes of the organizations and  
10 the protection, preservation, conservation, restoration, and  
11 proper management of the lands and their resources. Volunteer  
12 management assistance is encouraged, including, but not  
13 limited to, assistance by youths participating in programs  
14 sponsored by state or local agencies, by volunteers sponsored  
15 by environmental or civic organizations, and by individuals  
16 participating in programs for committed delinquents and  
17 adults.

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

29           (b) Payment in lieu of taxes shall be available:  
30  
31

1           1. To all counties that have a population of 150,000  
2 or fewer. Population levels shall be determined pursuant to s.  
3 11.031.

4           2. To all local governments located in eligible  
5 counties.

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

15  
16 ~~Counties and local governments that did not receive payments~~  
17 ~~in lieu of taxes for lands purchased pursuant to s. 259.101~~  
18 ~~during fiscal year 1999-2000, if such counties and local~~  
19 ~~governments would have received payments pursuant to this~~  
20 ~~subsection as that section existed on June 30, 1999, shall~~  
21 ~~receive retroactive payments for such tax losses.~~

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

26           (d) The payment amount shall be based on the average  
27 amount of actual taxes paid on the property for the 3 years  
28 preceding acquisition. Applications for payment in lieu of  
29 taxes shall be made no later than January 31 of the year  
30 following acquisition. No payment in lieu of taxes shall be  
31

1 made for properties which were exempt from ad valorem taxation  
2 for the year immediately preceding acquisition.

3 (e) If property which was subject to ad valorem  
4 taxation was acquired by a tax-exempt entity for ultimate  
5 conveyance to the state under this chapter, payment in lieu of  
6 taxes shall be made for such property based upon the average  
7 amount of taxes paid on the property for the 3 years prior to  
8 its being removed from the tax rolls. The department shall  
9 certify to the Department of Revenue those properties that may  
10 be eligible under this provision. Once eligibility has been  
11 established, that county or local government shall receive 10  
12 consecutive annual payments for each tax loss, and no further  
13 eligibility determination shall be made during that period.

14 (f)~~(e)~~ Payment in lieu of taxes pursuant to this  
15 subsection shall be made annually to qualifying counties and  
16 local governments after certification by the Department of  
17 Revenue that the amounts applied for are reasonably  
18 appropriate, based on the amount of actual taxes paid on the  
19 eligible property. With the assistance of the local government  
20 requesting payment in lieu of taxes, the state agency that  
21 acquired the land is responsible for preparing and submitting  
22 application requests for payment to the Department of Revenue  
23 for certification, ~~and after the Department of Environmental~~  
24 ~~Protection has provided supporting documents to the~~  
25 ~~Comptroller and has requested that payment be made in~~  
26 ~~accordance with the requirements of this section.~~

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

31

1 For the purposes of this subsection, "local government"  
2 includes municipalities, the county school board, mosquito  
3 control districts, and any other local government entity which  
4 levies ad valorem taxes, with the exception of a water  
5 management district.

6 (13) Moneys credited to the fund each year which are  
7 not used for management, maintenance, or capital improvements  
8 pursuant to subsection (11); for payment in lieu of taxes  
9 pursuant to subsection (12); or for the purposes of subsection  
10 (5), shall be available for the acquisition of land pursuant  
11 to this section.

12 ~~(16) Notwithstanding other provisions of law relating~~  
13 ~~to the purpose of the Conservation and Recreation Lands Trust~~  
14 ~~Fund, and for the 2002-2003 fiscal year only, the purposes of~~  
15 ~~the trust fund shall include funding issues provided in the~~  
16 ~~General Appropriations Act. This subsection expires July 1,~~  
17 ~~2003.~~

18 Section 7. Section 259.0322, Florida Statutes, is  
19 amended to read:

20 259.0322 Reinstitution of payments in lieu of taxes;  
21 duration.--If the Department of Environmental Protection ~~or a~~  
22 ~~water management district~~ has made a payment in lieu of taxes  
23 to a governmental entity and subsequently suspended such  
24 payment, the department ~~or water management district~~ shall  
25 reinstitute appropriate payments and continue the payments in  
26 consecutive years until the governmental entity has received a  
27 total of 10 payments for each tax loss.

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

30 259.036 Management review teams.--

31



1           (2) The land management review team shall review  
2 select management areas ~~parcels of managed land~~ prior to the  
3 date the manager ~~managing agency~~ is required to submit a  
4 10-year ~~its 5-year~~ land management plan update. For management  
5 areas that exceed 1,000 acres in size, the Division of State  
6 Lands shall schedule a land management review at least every 5  
7 years.A copy of the review shall be provided to the manager  
8 ~~managing agency~~, the Division of State Lands, and the  
9 Acquisition and Restoration Council ~~Land Acquisition and~~  
10 ~~Management Advisory Council or its successor.~~ The manager  
11 ~~managing agency~~ shall consider the findings and  
12 recommendations of the land management review team in  
13 finalizing the required 10-year ~~5-year~~ update of its  
14 management plan.

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

18           259.041 Acquisition of state-owned lands for  
19 preservation, conservation, and recreation purposes.--

20           (1) Neither the Board of Trustees of the Internal  
21 Improvement Trust Fund nor its duly authorized agent shall  
22 commit the state, through any instrument of negotiated  
23 contract or agreement for purchase, to the purchase of lands  
24 with or without appurtenances unless the provisions of this  
25 section have been fully complied with. Except for the  
26 requirements of subsections (3), (14), and (15), the board of  
27 trustees may waive any requirements of this section, may waive  
28 any rules adopted pursuant to this section, notwithstanding  
29 ~~chapter 120, However, the board of trustees may waive any~~  
30 ~~requirement of this section, except the requirements of~~  
31 ~~subsections (3), (14), and (15); or, notwithstanding chapter~~

1 ~~120, may waive any rules adopted pursuant to this section,~~  
2 ~~except rules adopted pursuant to subsections (3), (14), and~~  
3 ~~(15) or may substitute other reasonably prudent procedures,~~  
4 provided the public's interest is reasonably protected. The  
5 title to lands acquired pursuant to this section shall vest in  
6 the board of trustees as provided in s. 253.03(1), unless  
7 otherwise provided by law, and ~~all such titled lands, title~~  
8 ~~to which is vested in the board of trustees pursuant to this~~  
9 ~~section,~~ shall be administered pursuant to the provisions of  
10 s. 253.03.

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

14 373.089 Sale or exchange of lands, or interests or  
15 rights in lands.--The governing board of the district may sell  
16 lands, or interests or rights in lands, to which the district  
17 has acquired title or to which it may hereafter acquire title  
18 in the following manner:

19 (5) In any county having a population of 75,000 or  
20 fewer, or a county having a population of 100,000 or fewer  
21 that is contiguous to a county having a population of 75,000  
22 or fewer, in which more than 50 percent of the lands within  
23 the county boundary are federal lands and lands titled in the  
24 name of the state, a state agency, a water management  
25 district, or a local government, those lands titled in the  
26 name of a water management district which are not essential or  
27 necessary to meet conservation purposes may, upon request of a  
28 public or private entity, be made available for purchase  
29 through the surplusing process in this section. Priority  
30 consideration must be given to buyers, public or private, who  
31 are willing to return the property to productive use so long

1 as the property can be reentered onto the county ad valorem  
2 tax roll. Property acquired with matching funds from a local  
3 government shall not be made available for purchase without  
4 the consent of the local government.

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

7 373.139 Acquisition of real property.--

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

16 (a) Appraisal reports, offers, and counteroffers are  
17 confidential and exempt from the provisions of s. 119.07(1)  
18 until an option contract is executed or, if no option contract  
19 is executed, until 30 days before a contract or agreement for  
20 purchase is considered for approval by the governing board.  
21 However, each district may, at its discretion, disclose  
22 appraisal reports to private landowners during negotiations  
23 for acquisitions using alternatives to fee simple techniques,  
24 if the district determines that disclosure of such reports  
25 will bring the proposed acquisition to closure. In the event  
26 that negotiation is terminated by the district, the ~~title~~  
27 ~~information,~~ appraisal report, offers, and counteroffers shall  
28 become available pursuant to s. 119.07(1). Notwithstanding the  
29 provisions of this section and s. 259.041, a district and the  
30 Division of State Lands may share and disclose ~~title~~  
31 ~~information,~~ appraisal reports, appraisal information, offers,

1 and counteroffers when joint acquisition of property is  
2 contemplated. A district and the Division of State Lands shall  
3 maintain the confidentiality of such ~~title information,~~  
4 appraisal reports, appraisal information, offers, and  
5 counteroffers in conformance with this section and s. 259.041,  
6 except in those cases in which a district and the division  
7 have exercised discretion to disclose such information. A  
8 district may disclose appraisal information, offers, and  
9 counteroffers to a third party who has entered into a  
10 contractual agreement with the district to work with or on the  
11 behalf of or to assist the district in connection with land  
12 acquisitions. The third party shall maintain the  
13 confidentiality of such information in conformance with this  
14 section. In addition, a district may use, as its own,  
15 appraisals obtained by a third party provided the appraiser is  
16 selected from the district's list of approved appraisers and  
17 the appraisal is reviewed and approved by the district.

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

28 (c) The Secretary of Environmental Protection shall  
29 release acquisition moneys from the appropriate account or  
30 trust fund to a district following receipt of a resolution  
31 adopted by the governing board identifying the lands being

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

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

22 373.59 Water Management Lands Trust Fund.--  
23 (10)(a) Beginning July 1, 1999, not more than  
24 one-fourth of the ~~land management~~ funds provided for in  
25 subsections (1) and (8) in any year shall be reserved annually  
26 by a governing board, during the development of its annual  
27 operating budget, for payments in lieu of taxes for all actual  
28 tax losses incurred as a result of governing board  
29 acquisitions for water management districts pursuant to ss.  
30 259.101, 259.105, 373.470, and this section during any year.  
31 Reserved funds not used for payments in lieu of taxes in any

1 year shall revert to the Water Management Lands Trust Fund to  
2 be used in accordance with the provisions of this section.

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

4 1. To all counties that have a population of 150,000  
5 or fewer. Population levels shall be determined pursuant to s.  
6 11.031.

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

10

11 For properties acquired after January 1, 2000, in the event  
12 that such properties otherwise eligible for payment in lieu of  
13 taxes under this subsection are leased or reserved and remain  
14 subject to ad valorem taxes, payments in lieu of taxes shall  
15 commence or recommence upon the expiration or termination of  
16 the lease or reservation, but in no event shall there be more  
17 than a total of 10 ~~ten~~ annual payments in lieu of taxes for  
18 each tax loss. If the lease is terminated for only a portion  
19 of the lands at any time, the 10 ~~ten~~ annual payments shall be  
20 made for that portion only commencing the year after such  
21 termination, without limiting the requirement that 10 ~~ten~~  
22 annual payments shall be made on the remaining portion or  
23 portions of the land as the lease on each expires. For the  
24 purposes of this subsection, "local government" includes  
25 municipalities, the county school board, mosquito control  
26 districts, and any other local government entity which levies  
27 ad valorem taxes.

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

1 (d) The payment amount shall be based on the average  
2 amount of actual taxes paid on the property for the 3 years  
3 preceding acquisition. Applications for payment in lieu of  
4 taxes shall be made no later than January 31 of the year  
5 following acquisition. No payment in lieu of taxes shall be  
6 made for properties which were exempt from ad valorem taxation  
7 for the year immediately preceding acquisition.

8 (e) If property that was subject to ad valorem  
9 taxation was acquired by a tax-exempt entity for ultimate  
10 conveyance to the state under this chapter, payment in lieu of  
11 taxes shall be made for such property based upon the average  
12 amount of taxes paid on the property for the 3 years prior to  
13 its being removed from the tax rolls. The water management  
14 districts shall certify to the Department of Revenue those  
15 properties that may be eligible under this provision. Once  
16 eligibility has been established, that governmental entity  
17 shall receive 10 consecutive annual payments for each tax  
18 loss, and no further eligibility determination shall be made  
19 during that period.

20 (f)~~(e)~~ Payment in lieu of taxes pursuant to this  
21 subsection shall be made annually to qualifying counties and  
22 local governments after certification by the Department of  
23 Revenue that the amounts applied for are reasonably  
24 appropriate, based on the amount of actual taxes paid on the  
25 eligible property, and after the water management districts  
26 have provided supporting documents to the Comptroller and have  
27 requested that payment be made in accordance with the  
28 requirements of this section. With the assistance of the local  
29 government requesting payment in lieu of taxes, the water  
30 management district that acquired the land is responsible for  
31

1 preparing and submitting application requests for payment to  
2 the Department of Revenue for certification.

3 (g)~~(f)~~ If a water management district conveys to a  
4 county or local government title to any land owned by the  
5 district, any payments in lieu of taxes on the land made to  
6 the county or local government shall be discontinued as of the  
7 date of the conveyance.

8 ~~(g) The districts may make retroactive payments to~~  
9 ~~counties and local governments that did not receive payments~~  
10 ~~in lieu of taxes for lands purchased under s. 259.101 and this~~  
11 ~~section during fiscal year 1999-2000 if the counties and local~~  
12 ~~governments would have received those payments under ss.~~  
13 ~~259.032(12) and 373.59(14).~~

14 Section 13. Section 373.5905, Florida Statutes, is  
15 amended to read:

16 373.5905 Reinstitution of payments in lieu of taxes;  
17 duration.--~~If the Department of Environmental Protection or a~~  
18 ~~water management district has made a payment in lieu of taxes~~  
19 ~~to a governmental entity and subsequently suspended such~~  
20 ~~payment, the department or water management district shall~~  
21 ~~reinstitute appropriate payments and continue the payments in~~  
22 ~~consecutive years until the governmental entity has received a~~  
23 ~~total of 10 payments for each tax loss.~~

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

26 260.016 General powers of the department.--

27 (2) The department shall:

28 (a) Evaluate lands for the acquisition of greenways  
29 and trails and compile a list of suitable corridors,  
30 greenways, and trails, ranking them in order of priority for  
31 proposed acquisition. The department shall devise a method of



1 evaluation which includes, but is not limited to, the  
2 consideration of+

3 ~~1. the importance and function of such corridors~~  
4 within the statewide system.

5 ~~2. Potential for local sharing in the acquisition,~~  
6 ~~development, operation, or maintenance of greenway and trail~~  
7 ~~corridors.~~

8 ~~3. Costs of acquisition, development, operation, and~~  
9 ~~maintenance.~~

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

12 (c) Provide information to public and private agencies  
13 and organizations on abandoned rail corridors which are or  
14 will be available for acquisition from the railroads or for  
15 lease for interim recreational use from the Department of  
16 Transportation.

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

20 1. Development and dissemination of criteria for  
21 designation.

22 2. Development and dissemination of criteria for  
23 changes in the terms or conditions of designation, including  
24 withdrawal or termination of designation. A landowner may have  
25 his or her lands removed from designation by providing the  
26 department with a written request that contains an adequate  
27 description of such lands to be removed. Provisions shall be  
28 made in the designation agreement for disposition of any  
29 future improvements made to the land by the department.

30  
31

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

4 ~~3.4.~~ Public notice pursuant to s. 120.525 in all  
5 phases of the process.

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

9 ~~4.6.~~ Written authorization from the landowner in the  
10 form of a lease or other instrument for the designation and  
11 granting of public access, if appropriate, to a landowner's  
12 property.

13 ~~5.7. Development of A greenway or trail use plan as a~~  
14 ~~part of the designation agreement which shall. In any~~  
15 ~~particular segment of a greenway or trail, the plan components~~  
16 ~~must be compatible with connecting segments and, at a minimum,~~  
17 ~~describe the types and intensities of uses of the property.~~

18 (e) Implement the plan for the Florida Greenways and  
19 Trails System as adopted by the Florida Greenways Coordinating  
20 Council on September 11, 1998.

21 Section 15. In an exchange of lands contemplated  
22 between the Board of Trustees of the Internal Improvement  
23 Trust Fund and a local government for donated state lands no  
24 longer needed for conservation purposes, lands proposed for  
25 exchange by the state and the local government shall be  
26 considered of equal value and no further consideration shall  
27 be required, provided that the donated land being offered for  
28 exchange by the state is not greater than 200 acres, and  
29 provided that the local government has been negotiating the  
30 exchange of lands with the Division of State Lands of the  
31 Department of Environmental Protection for a period of not

1 less than 1 year. Notwithstanding the exchange and surplus  
2 requirements of chapters 253 and 259, Florida Statutes, and  
3 the notice requirements of chapter 270, Florida Statutes, the  
4 board of trustees shall exchange lands with a local government  
5 under these provisions no later than August 31, 2003. Lands  
6 conveyed to a local government under these provisions must be  
7 used for a public purpose. Deeds of conveyance conveyed to a  
8 local government under these provisions shall contain a  
9 reverter clause that automatically reverts title to the board  
10 of trustees if the local government fails to use the property  
11 for a public purpose.

12           Section 16. Effective upon becoming law and  
13 notwithstanding the exchange and surplus requirements of  
14 chapters 253 and 259, Florida Statutes, and the notice  
15 requirements of chapter 270, Florida Statutes, in an exchange  
16 of lands contemplated between the Board of Trustees of the  
17 Internal Improvement Trust Fund and a private entity for  
18 formerly submerged sovereignty lands, heretofore known as the  
19 "Chapman Exchange," the board shall exchange lands with the  
20 private entity under these provisions no later than July 1,  
21 2003. This exchange satisfies the constitutional public  
22 interest test for the following reasons:

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

27           2. The land to be exchanged is currently off the tax  
28 rolls of the county, which is at the 10 mill constitutional  
29 cap.

30           3. The private entity has been negotiating an exchange  
31 with the Division of State Lands for a period of not less than

1 one year, has acquired lands within the division's project  
2 areas for conservation land acquisition, and owns land  
3 adjacent to the subject state parcel.

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

7 Section 17. Sections 253.84 and 259.0345, Florida  
8 Statutes, are repealed.

9 Section 18. Paragraph (a) of subsection (2), paragraph  
10 (e) of subsection (4), and subsections (3) and (10) of section  
11 373.4592, Florida Statutes, as amended by section 1 of chapter  
12 2003-12, Laws of Florida, are amended to read:

13 373.4592 Everglades improvement and management.--

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

15 (a) "Best available phosphorus reduction technology"  
16 or "BAPRT" means a combination of BMPs and STAs which includes  
17 a continuing research and monitoring program to reduce outflow  
18 concentrations of phosphorus so as to achieve the phosphorus  
19 criterion in the Everglades Protection Area ~~at the earliest~~  
20 ~~practicable date.~~

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

22 (a) The Legislature finds that the Everglades Program  
23 required by this section establishes more extensive and  
24 comprehensive requirements for surface water improvement and  
25 management within the Everglades than the SWIM plan  
26 requirements provided in ss. 373.451-373.456. In order to  
27 avoid duplicative requirements, and in order to conserve the  
28 resources available to the district, the SWIM plan  
29 requirements of those sections shall not apply to the  
30 Everglades Protection Area and the EAA during the term of the  
31 Everglades Program, and the district will neither propose, nor

1 take final agency action on, any Everglades SWIM plan for  
2 those areas until the Everglades Program is fully implemented.  
3 Funds under s. 259.101(3)(b) may be used for acquisition of  
4 lands necessary to implement the Everglades Construction  
5 Project, to the extent these funds are identified in the  
6 Statement of Principles of July 1993. The district's actions  
7 in implementing the Everglades Construction Project relating  
8 to the responsibilities of the EAA and C-139 Basin for funding  
9 and water quality compliance in the EAA and the Everglades  
10 Protection Area shall be governed by this section. Other  
11 strategies or activities in the March 1992 Everglades SWIM  
12 plan may be implemented if otherwise authorized by law.

13 (b) The Legislature finds that the most reliable means  
14 of optimizing the performance of STAs and achieving reasonable  
15 further progress in reducing phosphorus entering the  
16 Everglades Protection Area is to utilize a long-term planning  
17 process. The Legislature finds that the Long-Term Plan  
18 provides the best available phosphorus reduction technology  
19 based upon a combination of the BMPs and STAs described in the  
20 Plan provided that the Plan shall seek to achieve the  
21 phosphorus criterion in the Everglades Protection Area. The  
22 pre-2006 projects identified in the Long-Term Plan shall be  
23 implemented by the district without delay, and revised with  
24 the Long-Term Plan will be implemented and revised with the  
25 planning goal and objective of achieving the phosphorus  
26 criterion to be adopted pursuant to subparagraph (4)(e)2. in  
27 the Everglades Protection Area, and not based on any planning  
28 goal or objective in the Plan that is inconsistent with this  
29 section. Revisions to the Long-Term Plan shall be incorporated  
30 through an adaptive management approach including a process  
31 development and engineering component to identify and

1 implement incremental optimization measures for further  
2 phosphorus reductions. Revisions to the Long-Term Plan shall  
3 be approved by the department. In addition, the department may  
4 propose changes to the Long-Term Plan as science and  
5 environmental conditions warrant.

6 (c) It is the intent of the Legislature that  
7 implementation of the Long-Term Plan shall be integrated and  
8 consistent with the implementation of the projects and  
9 activities in the Congressionally authorized components of the  
10 CERP so that unnecessary and duplicative costs will be  
11 avoided. Nothing in this section shall modify any existing  
12 cost share or responsibility provided for projects listed in  
13 s. 528 of the Water Resources Development Act of 1996 (110  
14 Stat. 3769) or provided for projects listed in section 601 of  
15 the Water Resources Development Act of 2000 (114 Stat. 2572).  
16 The Legislature does not intend for the provisions of this  
17 section to diminish commitments made by the State of Florida  
18 to restore and maintain water quality in the Everglades  
19 Protection Area, including the federal lands in the settlement  
20 agreement referenced in paragraph (4)(e).

21 (d) The Legislature recognizes that the Long-Term Plan  
22 contains an initial phase and a 10-year second phase. The  
23 Legislature intends that a review of this act at least 10  
24 years after implementation of the initial phase is appropriate  
25 and necessary to the public interest. The review is the best  
26 way to ensure that the Everglades Protection Area is achieving  
27 state water quality standards, including phosphorus reduction,  
28 and the Long-Term Plan is discharges to the Everglades  
29 ~~Protection Area are achieving state water quality standards,~~  
30 ~~including phosphorus reduction, to the maximum extent~~  
31 ~~practicable, and are using the best technology available. A~~

1 10-year second phase of the Long-Term Plan must be approved by  
2 the Legislature and codified in this act prior to  
3 implementation of projects, but not prior to development,  
4 review, and approval of projects by the department.

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

14 (4) EVERGLADES PROGRAM.--

15 (e) Evaluation of water quality standards.--

16 1. The department and the district shall employ all  
17 means practicable to complete by December 31, 1998, any  
18 additional research necessary to:

19 a. Numerically interpret for phosphorus the Class III  
20 narrative nutrient criterion necessary to meet water quality  
21 standards in the Everglades Protection Area; and

22 b. Evaluate existing water quality standards  
23 applicable to the Everglades Protection Area and EAA canals.

24 2. In no case shall such phosphorus criterion allow  
25 waters in the Everglades Protection Area to be altered so as  
26 to cause an imbalance in the natural populations of aquatic  
27 flora or fauna. The phosphorus criterion shall be 10 parts per  
28 billion (ppb) in the Everglades Protection Area in the event  
29 the department does not adopt by rule such criterion by  
30 December 31, 2003. However, in the event the department fails  
31 to adopt a phosphorus criterion on or before December 31,

1 2002, any person whose substantial interests would be affected  
2 by the rulemaking shall have the right, on or before February  
3 28, 2003, to petition for a writ of mandamus to compel the  
4 department to adopt by rule such criterion. Venue for the  
5 mandamus action must be Leon County. The court may stay  
6 implementation of the 10 parts per billion (ppb) criterion  
7 during the pendency of the mandamus proceeding upon a  
8 demonstration by the petitioner of irreparable harm in the  
9 absence of such relief. The department's phosphorus criterion,  
10 whenever adopted, shall supersede the 10 parts per billion  
11 (ppb) criterion otherwise established by this section, but  
12 shall not be lower than the natural conditions of the  
13 Everglades Protection Area and shall take into account spatial  
14 and temporal variability. The department's rule adopting a  
15 phosphorus criterion may include moderating provisions during  
16 the implementation of the initial phase of the Long-Term Plan  
17 authorizing discharges based upon BAPRT providing net  
18 improvement to impacted areas. Discharges to unimpacted areas  
19 may also be authorized by moderating provisions, which shall  
20 require BAPRT, and which must be based upon a determination by  
21 the department that the environmental benefits of the  
22 discharge clearly outweigh potential adverse impacts and  
23 otherwise comply with antidegradation requirements. Moderating  
24 provisions authorized by this section shall not extend beyond  
25 December 2016 unless further authorized by the Legislature  
26 pursuant to paragraph (3)(d).

27 3. The department shall use the best available  
28 information to define relationships between waters discharged  
29 to, and the resulting water quality in, the Everglades  
30 Protection Area. The department or the district shall use  
31 these relationships to establish discharge limits in permits



1 for discharges into the EAA canals and the Everglades  
2 Protection Area necessary to prevent an imbalance in the  
3 natural populations of aquatic flora or fauna in the  
4 Everglades Protection Area, and to provide a net improvement  
5 in the areas already impacted. During the implementation of  
6 the initial phase of the Long-Term Plan, permits issued by the  
7 department shall be based on BAPRT, and shall include  
8 technology-based effluent limitations consistent with the  
9 Long-Term Plan. Compliance with the phosphorus criterion shall  
10 be based upon a long-term geometric mean of concentration  
11 levels to be measured at sampling stations recognized from the  
12 research to be reasonably representative of receiving waters  
13 in the Everglades Protection Area, and so located so as to  
14 assure that the Everglades Protection Area is not altered so  
15 as to cause an imbalance in natural populations of aquatic  
16 flora and fauna and to assure a net improvement in the areas  
17 already impacted. For the Everglades National Park and the  
18 Arthur R. Marshall Loxahatchee National Wildlife Refuge, the  
19 method for measuring compliance with the phosphorus criterion  
20 shall be in a manner consistent with Appendices A and B,  
21 respectively, of the settlement agreement dated July 26, 1991,  
22 entered in case No. 88-1886-Civ-Hoeveler, United States  
23 District Court for the Southern District of Florida, that  
24 recognizes and provides for incorporation of relevant  
25 research.

26 4. The department's evaluation of any other water  
27 quality standards must include the department's  
28 antidegradation standards and EAA canal classifications. In  
29 recognition of the special nature of the conveyance canals of  
30 the EAA, as a component of the classification process, the  
31 department is directed to formally recognize by rulemaking

1 existing actual beneficial uses of the conveyance canals in  
2 the EAA. This shall include recognition of the Class III  
3 designated uses of recreation, propagation and maintenance of  
4 a healthy, well-balanced population of fish and wildlife, the  
5 integrated water management purposes for which the Central and  
6 Southern Florida Flood Control Project was constructed, flood  
7 control, conveyance of water to and from Lake Okeechobee for  
8 urban and agricultural water supply, Everglades hydroperiod  
9 restoration, conveyance of water to the STAs, and navigation.

10 (10) LONG-TERM COMPLIANCE PERMITS.--By December 31,  
11 2006, the department and the district shall take such action  
12 as may be necessary to implement the pre-2006 projects and  
13 strategies of the Long-Term Plan so that water delivered to  
14 the Everglades Protection Area achieves in all parts of the  
15 Everglades Protection Area state water quality standards,  
16 including the phosphorus criterion and moderating provisions.

17 (a) By December 31, 2003, the district shall submit to  
18 the department an application for permit modification to  
19 incorporate proposed changes to the Everglades Construction  
20 Project and other district works delivering water to the  
21 Everglades Protection Area as needed to implement the pre-2006  
22 projects and strategies of the Long-Term Plan in all permits  
23 issued by the department, including the permits issued  
24 pursuant to subsection (9). These changes shall be designed to  
25 achieve state water quality standards, including the  
26 phosphorus criterion and moderating provisions, ~~to the maximum~~  
27 ~~extent practicable. Under no circumstances shall the project~~  
28 ~~or strategy cause or contribute to violation of state water~~  
29 ~~quality standards.~~ During the implementation of the initial  
30 phase of the Long-Term Plan, permits issued by the department  
31 shall be based on BAPRT, and shall include technology-based

1 effluent limitations consistent with the Long-Term Plan, as  
2 provided in subparagraph (4)(e)3.

3 (b) If the Everglades Construction Project or other  
4 discharges to the Everglades Protection Area are in compliance  
5 with state water quality standards, including the phosphorus  
6 criterion, the permit application shall include:

7 1. A plan for maintaining compliance with the  
8 phosphorus criterion in the Everglades Protection Area.

9 2. A plan for maintaining compliance in the Everglades  
10 Protection Area with state water quality standards other than  
11 the phosphorus criterion.

12 Section 19. Paragraph (b) of subsection (3) of section  
13 373.1502, Florida Statutes, is amended to read:

14 373.1502 Regulation of comprehensive plan project  
15 components.--

16 (3) REGULATION OF COMPREHENSIVE PLAN STRUCTURES AND  
17 FACILITIES.--

18 (b) The department shall issue a permit for a term of  
19 5 years for the construction, operation, modification, or  
20 maintenance of a project component based on the criteria set  
21 forth in this section. If the department is the entity  
22 responsible for the construction, operation, modification, or  
23 maintenance of any individual project component, the district  
24 shall issue a permit for a term of 5 years based on the  
25 criteria set forth in this section. The permit application  
26 must provide reasonable assurances that:

27 1. The project component will achieve the design  
28 objectives set forth in the detailed design documents  
29 submitted as part of the application.

30 2. State water quality standards, including water  
31 quality criteria and moderating provisions will be met ~~to the~~

1 ~~maximum extent practicable~~. Under no circumstances shall the  
2 project component cause or contribute to violation of state  
3 water quality standards.

4 3. Discharges from the project component will not pose  
5 a serious danger to public health, safety, or welfare.

6 4. Any impacts to wetlands or threatened or endangered  
7 species resulting from implementation of the project component  
8 will be avoided, minimized, and mitigated, as appropriate.

9 Section 20. Paragraph (a) of subsection (2), and  
10 subsections (1), (11), and (12) of section 201.15, Florida  
11 Statutes, are reenacted to read:

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

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

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

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

29 (b) The remainder of the moneys distributed under this  
30 subsection, after the required payment under paragraph (a),  
31 shall be paid into the State Treasury to the credit of the

1 Save Our Everglades Trust Fund in amounts necessary to pay  
2 debt service, provide reserves, and pay rebate obligations and  
3 other amounts due with respect to bonds issued under s.  
4 215.619.

5 (c) The remainder of the moneys distributed under this  
6 subsection, after the required payments under paragraphs (a)  
7 and (b), shall be paid into the State Treasury to the credit  
8 of the Land Acquisition Trust Fund and may be used for any  
9 purpose for which funds deposited in the Land Acquisition  
10 Trust Fund may lawfully be used. Payments made under this  
11 paragraph shall continue until the cumulative amount credited  
12 to the Land Acquisition Trust Fund for the fiscal year under  
13 this paragraph and paragraph (2)(b) equals 70 percent of the  
14 current official forecast for distributions of taxes collected  
15 under this chapter pursuant to subsection (2). As used in this  
16 paragraph, the term "current official forecast" means the most  
17 recent forecast as determined by the Revenue Estimating  
18 Conference. If the current official forecast for a fiscal year  
19 changes after payments under this paragraph have ended during  
20 that fiscal year, no further payments are required under this  
21 paragraph during the fiscal year.

22 (d) The remainder of the moneys distributed under this  
23 subsection, after the required payments under paragraphs (a),  
24 (b), and (c), shall be paid into the State Treasury to the  
25 credit of the General Revenue Fund of the state to be used and  
26 expended for the purposes for which the General Revenue Fund  
27 was created and exists by law or to the Ecosystem Management  
28 and Restoration Trust Fund or to the Marine Resources  
29 Conservation Trust Fund as provided in subsection (11).

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31

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

4           (a) Beginning in the month following the final payment  
5 for a fiscal year under paragraph (1)(c), available moneys  
6 shall be paid into the State Treasury to the credit of the  
7 General Revenue Fund of the state to be used and expended for  
8 the purposes for which the General Revenue Fund was created  
9 and exists by law or to the Ecosystem Management and  
10 Restoration Trust Fund or to the Marine Resources Conservation  
11 Trust Fund as provided in subsection (11). Payments made under  
12 this paragraph shall continue until the cumulative amount  
13 credited to the General Revenue Fund for the fiscal year under  
14 this paragraph equals the cumulative payments made under  
15 paragraph (1)(c) for the same fiscal year.

16           (11) From the moneys specified in paragraphs (1)(d)  
17 and (2)(a) and prior to deposit of any moneys into the General  
18 Revenue Fund, \$30 million shall be paid into the State  
19 Treasury to the credit of the Ecosystem Management and  
20 Restoration Trust Fund in fiscal year 2000-2001 and each  
21 fiscal year thereafter, to be used for the preservation and  
22 repair of the state's beaches as provided in ss.  
23 161.091-161.212, and \$2 million shall be paid into the State  
24 Treasury to the credit of the Marine Resources Conservation  
25 Trust Fund to be used for marine mammal care as provided in s.  
26 370.0603(3).

27           (12) The Department of Revenue may use the payments  
28 credited to trust funds pursuant to paragraphs (1)(c) and  
29 (2)(b) and subsections (3), (4), (5), (6), (7), (8), (9), and  
30 (10) to pay the costs of the collection and enforcement of the  
31 tax levied by this chapter. The percentage of such costs which

1 may be assessed against a trust fund is a ratio, the numerator  
2 of which is payments credited to that trust fund under this  
3 section and the denominator of which is the sum of payments  
4 made under paragraphs (1)(c) and (2)(b) and subsections (3),  
5 (4), (5), (6), (7), (8), (9), and (10).

6 Section 21. Section 215.619, Florida Statutes, is  
7 reenacted to read:

8 215.619 Bonds for Everglades restoration.--

9 (1) The issuance of Everglades restoration bonds to  
10 finance or refinance the cost of acquisition and improvement  
11 of land, water areas, and related property interests and  
12 resources for the purpose of implementing the Comprehensive  
13 Everglades Restoration Plan under s. 373.470 is authorized in  
14 accordance with s. 11(e), Art. VII of the State Constitution.  
15 Everglades restoration bonds, except refunding bonds, may be  
16 issued only in fiscal years 2002-2003 through 2009-2010 and  
17 may not be issued in an amount exceeding \$100 million per  
18 fiscal year unless the Department of Environmental Protection  
19 has requested additional amounts in order to achieve cost  
20 savings or accelerate the purchase of land. The duration of  
21 Everglades restoration bonds may not exceed 20 annual  
22 maturities, and those bonds must mature by December 31, 2030.  
23 Except for refunding bonds, a series of bonds may not be  
24 issued unless an amount equal to the debt service coming due  
25 in the year of issuance has been appropriated by the  
26 Legislature.

27 (2) The state covenants with the holders of Everglades  
28 restoration bonds that it will not take any action that will  
29 materially and adversely affect the rights of the holders so  
30 long as the bonds are outstanding, including, but not limited  
31 to, a reduction in the portion of documentary stamp taxes



1 distributable under s. 201.15(1) for payment of debt service  
2 on Preservation 2000 bonds, Florida Forever bonds, or  
3 Everglades restoration bonds.

4 (3) Everglades restoration bonds are payable from, and  
5 secured by a first lien on, taxes distributable under s.  
6 201.15(1)(b) and do not constitute a general obligation of, or  
7 a pledge of the full faith and credit of, the state.

8 Everglades restoration bonds are junior and subordinate to  
9 bonds secured by moneys distributable under s. 201.15(1)(a).

10 (4) The Department of Environmental Protection shall  
11 request the Division of Bond Finance of the State Board of  
12 Administration to issue Everglades restoration bonds under the  
13 State Bond Act in an amount supported by projected  
14 expenditures of the recipients of the proceeds of the bonds.  
15 The Department of Environmental Protection shall coordinate  
16 with the Division of Bond Finance to issue the bonds in a  
17 cost-effective manner consistent with cash needs.

18 (5) The proceeds of Everglades restoration bonds, less  
19 the costs of issuance, the costs of funding reserve accounts,  
20 and other costs with respect to the bonds, shall be deposited  
21 into the Save Our Everglades Trust Fund. The bond proceeds  
22 deposited into the Save Our Everglades Trust Fund shall be  
23 distributed by the Department of Environmental Protection as  
24 provided in s. 373.470.

25 (6) Lands purchased using bond proceeds under this  
26 paragraph which are later determined by the South Florida  
27 Water Management District and the Department of Environmental  
28 Protection as not needed to implement the comprehensive plan,  
29 shall either be surplusd at no less than appraised value, and  
30 the proceeds from the sale of such lands shall be deposited  
31 into the Save Our Everglades Trust Fund to be used to

1 implement the comprehensive plan, or the South Florida Water  
2 Management District shall use a different source of funds to  
3 pay for or reimburse the Save Our Everglades Trust Fund for  
4 that portion of land not needed to implement the comprehensive  
5 plan.

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

12 (8) Any complaint for validation of bonds issued under  
13 this section may be filed only in the circuit court of the  
14 county where the seat of state government is situated. The  
15 notice required to be published by s. 75.06 may be published  
16 only in the county where the complaint is filed, and the  
17 complaint and order of the circuit court need be served only  
18 on the state attorney of the circuit in which the action is  
19 pending.

20 Section 22. Subsections (4), (5), and (6) of section  
21 373.470, Florida Statutes, are reenacted to read:

22 373.470 Everglades restoration.--

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

27 (a) In fiscal year 2000-2001, funds described in s.  
28 259.101(3).

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

30 (c) Federal funds appropriated by Congress for  
31 implementation of the comprehensive plan.

1 (d) Any additional funds appropriated by the  
2 Legislature for the purpose of implementing the comprehensive  
3 plan.

4 (e) Gifts designated for implementation of the  
5 comprehensive plan from individuals, corporations, or other  
6 entities.

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

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

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

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

17 3. As an alternative to subparagraph 2., proceeds of  
18 bonds issued under s. 215.619 may be deposited into the Save  
19 Our Everglades Trust Fund created under s. 373.472. To  
20 enhance flexibility, funds to be deposited into the Save Our  
21 Everglades Trust Fund may consist of any combination of state  
22 funds and Everglades restoration bonds.

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

28 (6) DISTRIBUTIONS FROM SAVE OUR EVERGLADES TRUST  
29 FUND.--

30 (a) Except for funds appropriated for debt service,  
31 the department shall distribute funds in the Save Our

1 Everglades Trust Fund to the district in accordance with a  
2 legislative appropriation and s. 373.026(8)(b) and (c).  
3 Distribution of funds from the Save Our Everglades Trust Fund  
4 shall be equally matched by the cumulative contributions from  
5 all local sponsors by fiscal year 2009-2010 by providing  
6 funding or credits toward project components. The dollar value  
7 of in-kind work by local sponsors in furtherance of the  
8 comprehensive plan and existing interest in public lands  
9 needed for a project component are credits towards the local  
10 sponsors' contributions.

11 (b) The department shall distribute funds in the Save  
12 Our Everglades Trust Fund to the district in accordance with a  
13 legislative appropriation for debt service for Everglades  
14 restoration bonds.

15 Section 23. Subsection (1) of section 373.472, Florida  
16 Statutes, is reenacted to read:

17 373.472 Save Our Everglades Trust Fund.--

18 (1) There is created within the Department of  
19 Environmental Protection the Save Our Everglades Trust Fund.  
20 Funds in the trust fund shall be expended to implement the  
21 comprehensive plan defined in s. 373.470(2)(a) and pay debt  
22 service for Everglades restoration bonds issued pursuant to s.  
23 215.619. The trust fund shall serve as the repository for  
24 state, local, and federal project contributions in accordance  
25 with s. 373.470(4).

26 Section 24. Section 6 of chapter 2002-261, Laws of  
27 Florida, is reenacted to read:

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

1           Section 25. If any law amended by this act was also  
2 amended by a law enacted at the 2003 Regular Session of the  
3 Legislature, such laws shall be construed as if they had been  
4 enacted during the same session of the Legislature, and full  
5 effect shall be given to each if possible.

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

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