

CHAPTER 99-247

Committee Substitute for Committee Substitute for Senate Bill No. 908

An act relating to the Florida Forever Program; creating s. 259.202, F.S.; creating the Florida Forever Act; providing legislative findings; prohibiting the use of certain funds in the Conservation and Recreation Lands and Water Management Lands Trust Funds for land acquisition; amending s. 161.05301, F.S.; correcting cross-references; amending s. 161.085, F.S.; providing for permitting of certain coastal armoring structures; amending s. 161.091, F.S.; correcting cross-references; creating s. 215.618, F.S.; providing for the issuance of Florida Forever bonds; providing limitations; providing procedures and legislative intent; amending s. 216.331, F.S.; correcting a cross-reference; amending s. 253.027, F.S.; providing for the reservation of funds; revising the criteria for expenditures for archaeological property to include lands on the acquisition list for the Florida Forever program; amending s. 253.03, F.S.; providing certain structures entitled to continue sovereignty submerged lands leases; amending s. 253.034, F.S.; providing for the use of state-owned lands; providing for the sale of surplus state lands; authorizing contractual arrangements to manage state-owned lands; amending s. 253.7825, F.S.; revising acreage requirements for a horse park-agricultural center; amending s. 259.03, F.S.; deleting obsolete definitions; providing new definitions; amending s. 259.032, F.S.; providing legislative intent; specifying certain uses of funds from the Conservation and Recreation Lands Trust Fund; revising provisions relating to individual land management plans; revising eligibility for payment in lieu of taxes; deleting obsolete language; revising timeframe for removal of certain projects from a priority list; creating s. 259.0345, F.S.; creating the Florida Forever Advisory Council; specifying membership and duties; providing for per diem and travel expenses; providing for a report; providing an appropriation; amending s. 259.035, F.S.; creating the Acquisition and Restoration Council; specifying membership and duties; providing for compensation; authorizing adoption of rules; providing for per diem and travel expenses; amending s. 259.036, F.S.; providing conforming language; amending s. 259.04, F.S.; conforming language and cross-references; amending s. 259.041, F.S.; providing procedures and guidelines for land acquisition; providing legislative intent and guidelines for use of less than fee land acquisition alternatives; amending s. 259.101, F.S.; providing for redistribution for certain unencumbered P2000 funds; conforming language and cross-references; creating s. 259.105, F.S.; creating the Florida Forever Act; providing legislative findings and intent; providing for issuing bonds; providing for distribution and use of bond proceeds; providing project goals and selection criteria; providing application and selection procedures; authorizing certain uses of acquired lands; authorizing adoption of rules, subject to legislative review; authorizing contractual arrangements to manage lands identified for acquisition

under Florida Forever program; amending s. 260.012, F.S.; clarifying legislative intent relating to the statewide system of greenways and trails; amending s. 260.013, F.S.; clarifying a definition; amending s. 260.014, F.S.; including waterways in the statewide system of greenways and trails; creating s. 260.0142, F.S.; creating the Florida Greenways and Trails Council within the Department of Environmental Protection; providing for membership, powers, and duties; amending s. 260.016, F.S.; revising powers of the Department of Environmental Protection with respect to greenways and trails; deleting reference to the Florida Recreational Trails Council; amending s. 260.018, F.S., to conform to the act; amending s. 288.1224, F.S.; providing conforming language; providing exceptions to the designation process for certain recreational trails; amending s. 369.252, F.S.; providing for the use of certain funds from the Aquatic Plant Control Trust Fund; amending s. 369.307, F.S.; providing conforming language; amending s. 373.089, F.S.; providing procedure for the surplusing of water management district lands; amending s. 373.139, F.S.; revising authority and requirements for acquisition and disposition of lands by the water management districts; providing district rulemaking authority, subject to legislative review; amending s. 373.146, F.S.; providing for public notice of certain public meetings; creating s. 373.1391, F.S.; providing criteria for management and uses of district lands; providing district rulemaking authority, subject to legislative review; creating s. 373.199, F.S.; providing for Florida Forever water management districts' workplans; requiring development of recommended project lists; specifying required information; repealing s. 373.250, F.S.; relating to the reuse of reclaimed water; amending s. 373.59, F.S.; revising authorized uses of funds from the Water Management Lands Trust Fund; revising eligibility criteria for payment in lieu of taxes; amending s. 375.075, F.S.; revising funding and procedures for the Florida Recreation Development Assistance Program; amending s. 380.0666, F.S.; providing conforming language; amending s. 380.0677, F.S.; extending the availability of funds for specified purposes; amending s. 380.22, F.S.; providing conforming language; amending s. 380.503, F.S.; providing definitions; amending s. 380.504, F.S.; revising the composition of the Florida Communities Trust; amending s. 380.505, F.S.; revising quorum requirements; amending s. 380.507, F.S.; providing for titling of certain acquired property to a local government; revising rulemaking authority; amending s. 380.510, F.S.; requiring covenants and restrictions for certain property, necessary to comply with constitutional requirements; amending ss. 420.5092 and 420.9073, F.S.; correcting cross-references; repealing s. 253.787, F.S.; relating to the Florida Greenways Coordinating Council; repealing of s. 380.0677(2), F.S.; relating to membership of the Green Swamp Land Authority; transferring powers, duties and functions of the Green Swamp Land Authority to the Department of Environmental Protection; providing that payments in lieu of taxes be reinstated under specified circumstances; providing effective dates.

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

Section 1. Section 201.15, Florida Statutes, 1998 Supplement, is amended to read:

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

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

(a) ~~Amounts Subject to the maximum amount limitations set forth in this paragraph, an amount~~ as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Preservation 2000 bonds issued pursuant to s. 375.051 and Florida Forever bonds issued pursuant to s. 215.618, bonds issued pursuant to s. 375.051 and payable from moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund to be used for such purposes. The amount transferred to the Land Acquisition Trust Fund for such purposes shall not exceed \$90 million in fiscal year 1992-1993, \$120 million in fiscal year 1993-1994, \$150 million in fiscal year 1994-1995, \$180 million in fiscal year 1995-1996, \$210 million in fiscal year 1996-1997, \$240 million in fiscal year 1997-1998, \$270 million in fiscal year 1998-1999, and \$300 million in fiscal year 1999-2000 and thereafter for Preservation 2000 bonds and bonds issued to refund Preservation 2000 bonds, and \$300 million in fiscal year 2000-2001 and thereafter for Florida Forever bonds. The annual amount transferred to the Land Acquisition Trust Fund for Florida Forever bonds shall not exceed \$30 million in the first fiscal year in which bonds are issued. The limitation on the amount transferred shall be increased by an additional \$30 million in each subsequent fiscal year in which bonds are authorized to be issued, but shall not exceed a total of \$300 million in any fiscal year for all bonds issued. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2030. Except for bonds issued to refund previously issued bonds, no individual series of bonds may be issued pursuant to this paragraph unless such bonds are approved and the first year's debt service for such bonds is specifically appropriated in the General Appropriations Act. For purposes of refunding Preservation 2000 bonds, amounts designated within this section for Preservation 2000 and Florida Forever bonds may be transferred between the two programs to the extent provided for in the documents authorizing the issuance of the bonds. The Preservation 2000 bonds and Florida Forever bonds shall be equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to this section, except to the extent specifically provided otherwise by the documents authorizing the issuance of the bonds. No moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service on the Save Our Coast revenue bonds.

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

(c) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a) and (b), shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund as provided in subsection (8).

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

(a) Beginning in the month following the final payment for a fiscal year under paragraph (1)(b), available moneys shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund as provided in subsection (8). Payments made under this paragraph shall continue until the cumulative amount credited to the General Revenue Fund for the fiscal year under this paragraph equals the cumulative payments made under paragraph (1)(b) for the same fiscal year.

(b) The remainder of the moneys distributed under this subsection shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund. Sums deposited in the fund pursuant to this subsection may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used.

(3) One and ninety-four hundredths percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund. Moneys deposited in the trust fund pursuant to this section shall be used for the following purposes:

(a) Sixty percent of the moneys shall be used to acquire coastal lands or to pay debt service on bonds issued to acquire coastal lands; and

(b) Forty percent of the moneys shall be used to develop and manage lands acquired with moneys from the Land Acquisition Trust Fund.

(4) Five and eighty-four hundredths percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Water Management Lands Trust Fund. Sums deposited in that fund may be used for any purpose authorized in s. 373.59.

(5) Five and eighty-four hundredths percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Conservation and Recreation Lands Trust Fund to carry out the purposes set forth in s. 259.032.

(6) Seven and fifty-three hundredths percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(7) Eight and sixty-six hundredths percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and be expended by the Department of Community Affairs and by the Florida Housing Finance Agency for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

(8) From the moneys specified in paragraphs (1)(c) and (2)(a) and prior to deposit of any moneys into the General Revenue Fund, \$10 million shall be paid into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund in fiscal year 1998-1999, \$20 million in fiscal year 1999-2000, and \$30 million in fiscal year 2000-2001 and each fiscal year thereafter, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212.

(9) The Department of Revenue may use the payments credited to trust funds pursuant to paragraphs (1)(b) and (2)(b) and subsections (3), (4), (5), (6), and (7) to pay the costs of the collection and enforcement of the tax levied by this chapter. The percentage of such costs which may be assessed against a trust fund is a ratio, the numerator of which is payments credited to that trust fund under this section and the denominator of which is the sum of payments made under paragraphs (1)(b) and (2)(b) and subsections (3), (4), (5), (6), and (7).

Section 2. Effective July 1, 2001, section 201.15, Florida Statutes, 1998 Supplement, as amended by this act, is amended to read:

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

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

(a) Amounts as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Preservation 2000 bonds issued pursuant to s. 375.051 and Florida Forever bonds issued pursuant to s. 215.618, shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund to be used for such purposes. The amount transferred to the Land Acquisition Trust Fund for such purposes shall not exceed \$300 million in fiscal year 1999-2000 and thereafter for Preservation 2000 bonds and bonds issued to refund Preservation 2000 bonds, and \$300 million in fiscal year 2000-2001 and thereafter for Florida Forever bonds. The annual amount transferred to the Land Acquisition Trust Fund for Florida Forever bonds shall not exceed \$30 million in the first fiscal year in which bonds are issued. The limitation on the amount transferred shall be increased by an additional \$30 million in each subsequent fiscal year in which bonds are authorized to be issued, but shall not exceed a total of \$300 million in any fiscal year for all bonds issued. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2030. Except for bonds issued to refund previously issued bonds, no series of bonds may be issued pursuant to this paragraph unless such bonds are approved and the first year's debt service for such bonds is specifically appropriated in the General Appropriations Act. For purposes of refunding Preservation 2000 bonds, amounts designated within this section for Preservation 2000 and Florida Forever bonds may be transferred between the two programs to the extent provided for in the documents authorizing the issuance of the bonds. The Preservation 2000 bonds and Florida Forever bonds shall be equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to this section, except to the extent specifically provided otherwise by the documents authorizing the issuance of the bonds. No moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service on the Save Our Coast revenue bonds.

(b) The remainder of the moneys distributed under this subsection, after the required payment under paragraph (a), shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund and may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used. Payments made under this paragraph shall continue until the cumulative amount credited to the Land Acquisition Trust Fund for the fiscal year under this paragraph and paragraph (2)(b)

equals 70 percent of the current official forecast for distributions of taxes collected under this chapter pursuant to subsection (2). As used in this paragraph, the term "current official forecast" means the most recent forecast as determined by the Revenue Estimating Conference. If the current official forecast for a fiscal year changes after payments under this paragraph have ended during that fiscal year, no further payments are required under this paragraph during the fiscal year.

(c) The remainder of the moneys distributed under this subsection, after the required payments under paragraph (a), shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund as provided in subsection (11) ~~(8)~~.

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

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

(b) The remainder of the moneys distributed under this subsection shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund. Sums deposited in the fund pursuant to this subsection may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used.

(3) One and ninety-four hundredths percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund. Moneys deposited in the trust fund pursuant to this section shall be used for the following purposes:

(a) Sixty percent of the moneys shall be used to acquire coastal lands or to pay debt service on bonds issued to acquire coastal lands; and

(b) Forty percent of the moneys shall be used to develop and manage lands acquired with moneys from the Land Acquisition Trust Fund.

(4) Four and two-tenths ~~Five and eighty-four hundredths~~ percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Water Management Lands Trust Fund. Sums deposited in that fund may be used for any purpose authorized in s. 373.59.

(5) Four and two-tenths ~~Five and eighty-four hundredths~~ percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Conservation and Recreation Lands Trust Fund

to carry out the purposes set forth in s. 259.032. Nine and one-half percent of the amount credited to the Conservation and Recreation Lands Trust Fund pursuant to this subsection shall be transferred to the State Game Trust Fund and used for land management activities.

(6) Two and twenty-eight hundredths percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Aquatic Plant Control Trust Fund to carry out the purposes set forth in ss. 369.22 and 369.252.

(7) One-half of one percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the State Game Trust Fund to be used exclusively for the purpose of implementing the Lake Restoration 2020 Program.

(8) One-half of one percent of the remaining taxes collected under this chapter shall be paid into the State Treasury and divided equally to the credit of the Department of Environmental Protection Grants and Donations Trust Fund to address water quality impacts associated with nonagricultural nonpoint sources and to the credit of the Department of Agriculture and Consumer Services General Inspection Trust Fund to address water quality impacts associated with agricultural nonpoint sources, respectively. These funds shall be used for research, development, demonstration, and implementation of suitable best management practices or other measures used to achieve water quality standards in surface waters and water segments identified pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best management practices and other measures may include cost-share grants, technical assistance, implementation tracking, and conservation leases or other agreements for water quality improvement.

~~(9)~~(6) Seven and fifty-three hundredths percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

~~(10)~~(7) Eight and sixty-six hundredths percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and be expended by the Department of Community Affairs and by the Florida Housing Finance Agency for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and shall be used for the

purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

(11)(8) From the moneys specified in paragraphs (1)(c) and (2)(a) and prior to deposit of any moneys into the General Revenue Fund, \$10 million shall be paid into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund in fiscal year 1998-1999, \$20 million in fiscal year 1999-2000, and \$30 million in fiscal year 2000-2001 and each fiscal year thereafter, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212.

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

(13) The distribution of proceeds deposited into the Water Management Lands Trust Fund and the Conservation and Recreation Lands Trust Fund, pursuant to subsections (4) and (5), shall not be used for land acquisition, but may be used for preacquisition costs associated with land purchases. The Legislature intends that the Florida Forever program supplant the acquisition programs formerly authorized under ss. 259.032 and 373.59. Prior to the 2005 Regular Session of the Legislature, the Acquisition and Restoration Council shall review and make recommendations to the Legislature concerning the need to repeal this provision. Based on these recommendations, the Legislature shall review the need to repeal this provision during the 2005 Regular Session.

(14) Amounts distributed pursuant to subsections (5), (6), (7) and (8) are subject to the payment of debt service on outstanding Conservation and Recreation Lands revenue bonds.

Section 3. Effective July 1, 2001, subsection (1) of section 161.05301, Florida Statutes, 1998 Supplement, is amended to read:

161.05301 Beach erosion control project staffing; coastal construction building codes review.—

(1) There are hereby appropriated to the Department of Environmental Protection six positions and \$449,918 for fiscal year 1998-1999 from the Ecosystem Management and Restoration Trust Fund from revenues provided by this act pursuant to s. 201.15(11)(8). These positions and funding are provided to assist local project sponsors, and shall be used to facilitate and promote enhanced beach erosion control project administration. Such staffing resources shall be directed toward more efficient contract development and oversight, promoting cost-sharing strategies and regional coordination or projects among local governments, providing assistance to local

governments to ensure timely permit review, and improving billing review and disbursement processes.

Section 4. Subsection (2) of section 161.085, Florida Statutes, is amended to read:

161.085 Rigid coastal armoring structures.—

(2) In order to allow state and federal agencies, political subdivisions of the state, and municipalities to preplan for emergency response for the protection of private structures and public infrastructure, the department, pursuant to s. 161.041 or s. 161.053, may issue permits for the present or future installation of rigid coastal armoring structures or other emergency response measures to protect private structures, ~~and public infrastructure and private and public property.~~

(a) Permits for present installations may be issued if it is determined that private structures or public infrastructure is vulnerable to damage from frequent coastal storms.

(b) Permits for future installations of coastal armoring structures may be issued contingent upon the occurrence of specified changes to the coastal system which would leave upland structures vulnerable to damage from frequent coastal storms. The department may assist agencies, political subdivisions of the state, or municipalities, at their request, in identifying areas within their jurisdictions which may require permits for future installations of rigid coastal armoring structures.

(c) Permits for present installations of coastal armoring may be issued where such installation is between and adjoins at both ends rigid coastal armoring structures, follows a continuous and uniform armoring structure construction line with existing coastal armoring structures, and is no more than 250 feet in length.

Structures built pursuant to permits granted under this subsection may be ordered removed by the department only if such structures are determined to be unnecessary or to interfere with the installation of a beach restoration project.

Section 5. Effective July 1, 2001, subsection (3) of section 161.091, Florida Statutes, 1998 Supplement, is amended to read:

161.091 Beach management; funding; repair and maintenance strategy.—

(3) In accordance with the intent expressed in s. 161.088 and the legislative finding that erosion of the beaches of this state is detrimental to tourism, the state's major industry, further exposes the state's highly developed coastline to severe storm damage, and threatens beach-related jobs, which, if not stopped, could significantly reduce state sales tax revenues, funds deposited into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund, in the annual amounts provided in s. 201.15(11)(8), shall be used, for a period of not less than 15 years, to fund

the development, implementation, and administration of the state's beach management plan, as provided in ss. 161.091-161.212, prior to the use of such funds deposited pursuant to s. 201.15(11)(8) in that trust fund for any other purpose.

Section 6. Section 215.618, Florida Statutes, is created to read:

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

(1) The issuance of Florida Forever bonds, not to exceed \$3 billion, to finance or refinance the cost of acquisition and improvement of land, water areas, and related property interests and resources, in urban and rural settings, for the purposes of restoration, conservation, recreation, water resource development, or historical preservation, and for capital improvements to lands and water areas that accomplish environmental restoration, enhance public access and recreational enjoyment, promote long-term management goals, and facilitate water resource development is hereby authorized, subject to the provisions of s. 259.105 and pursuant to s. 11(e), Art. VII of the State Constitution. Florida Forever bonds may also be issued to refund Preservation 2000 bonds issued pursuant to s. 375.051. The duration of each series of Florida Forever bonds issued may not exceed 20 annual maturities. Preservation 2000 bonds and Florida Forever bonds shall be equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to s. 201.15(1)(a), except to the extent specifically provided otherwise by the documents authorizing the issuance of the bonds.

(2) The state does hereby covenant with the holders of Florida Forever bonds and Preservation 2000 bonds that it will not take any action which will materially and adversely affect the rights of such holders so long as such bonds are outstanding, including, but not limited to, a reduction in the portion of documentary stamp taxes distributable to the Land Acquisition Trust Fund for payment of debt service on Preservation 2000 bonds or Florida Forever bonds.

(3) Bonds issued pursuant to this section shall be payable from taxes distributable to the Land Acquisition Trust Fund pursuant to s. 201.15(1)(a). Bonds issued pursuant to this section shall not constitute a general obligation of, or a pledge of the full faith and credit of, the state.

(4) The Department of Environmental Protection shall request the Division of Bond Finance of the State Board of Administration to issue the Florida Forever bonds authorized by this section. The Division of Bond Finance shall issue such bonds pursuant to the State Bond Act.

(5) The proceeds from the sale of bonds issued pursuant to this section, less the costs of issuance, the costs of funding reserve accounts, and other costs with respect to the bonds, shall be deposited into the Florida Forever Trust Fund. The bond proceeds deposited into the Florida Forever Trust Fund shall be distributed by the Department of Environmental Protection as provided in s. 259.105.

(6) Pursuant to authority granted by s. 11(e), Art. VII of the State Constitution, there is hereby continued and recreated the Land Acquisition Trust Fund which shall be a continuation of the Land Acquisition Trust Fund which exists for purposes of s. 9(a)(1), Art. XII of the State Constitution. The Land Acquisition Trust Fund shall continue beyond the termination of bonding authority provided for in s. 9(a)(1), Art. XII of the State Constitution, pursuant to the authority provided by s. 11(e), Art. VII of the State Constitution and shall continue for so long as Preservation 2000 bonds or Florida Forever bonds are outstanding and secured by taxes distributable thereto.

(7) There shall be no sale, disposition, lease, easement, license, or other use of any land, water areas, or related property interests acquired or improved with proceeds of Florida Forever bonds which would cause all or any portion of the interest of such bonds to lose the exclusion from gross income for federal income tax purposes.

(8) The initial series of Florida Forever bonds shall be validated in addition to any other bonds required to be validated pursuant to s. 215.82. Any complaint for validation of bonds issued pursuant to this section shall be filed only in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending.

Section 7. Section 216.331, Florida Statutes, is amended to read:

216.331 Disbursement of state moneys.—Except as provided in s. 17.076, s. 253.025(14), s. 259.041~~(18)~~(17), s. 717.124(5), s. 732.107(6), or s. 733.816(5), all moneys in the State Treasury shall be disbursed by state warrant, drawn by the Comptroller upon the State Treasury and payable to the ultimate beneficiary. This authorization shall include electronic disbursement.

Section 8. Subsection (4) and paragraph (a) of subsection (5) of section 253.027, Florida Statutes, are amended to read:

253.027 Emergency archaeological property acquisition.—

(4) EMERGENCY ARCHAEOLOGICAL ACQUISITION.—The sum of \$2 million shall be reserved annually segregated in an account within the Florida Forever Conservation and Recreation Lands Trust Fund for the purpose of emergency archaeological acquisition for fiscal year 1988-1989, and each year thereafter. Any portion of that amount the account not spent or obligated by the end of the third quarter of the fiscal year may be used for approved acquisitions pursuant to s. 259.105(3)(b) spent for other purposes specified in s. 259.032, upon approval of the Board of Trustees of the Internal Improvement Trust Fund.

(5) ACCOUNT EXPENDITURES.—

(a) No moneys shall be spent for the acquisition of any property, including title works, appraisal fees, and survey costs, unless:

1. The property is an archaeological property of major statewide significance.
2. The structures, artifacts, or relics, or their historic significance, will be irretrievably lost if the state cannot acquire the property.
3. The site is presently on an acquisition list for the Conservation and Recreation Lands or for Florida Forever lands, ~~acquisition list~~ or complies with the criteria for inclusion on any such ~~the~~ list but has yet to be included on the list.
4. No other source of immediate funding is available to purchase or otherwise protect the property.
5. The site is not otherwise protected by local, state, or federal laws.
6. The acquisition is not inconsistent with the state comprehensive plan and the state land acquisition program.

Section 9. Paragraph (c) of subsection (7) of section 253.03, Florida Statutes, 1998 Supplement, is amended and paragraph (d) is added to said section to read:

253.03 Board of trustees to administer state lands; lands enumerated.—

(7)

(c) Structures which are listed in or are eligible for the National Register of Historic Places or the State Inventory of Historic Places which are over the waters of the State of Florida and which have a submerged land lease, or have been grandfathered-in to use sovereignty submerged lands until January 1, 1998, pursuant to chapter 18-21.00405, Florida Administrative Code, shall have the right to continue such submerged land leases shall be allowed to apply for an extension of such lease, regardless of the fact that the present landholder is not an adjacent riparian landowner, so long as the lessee maintains the structure in a good state of repair consistent with the guidelines for listing. If the structure is damaged or destroyed, the lessee shall be allowed to reconstruct, so long as the reconstruction is consistent with the integrity of the listed structure and does not increase the footprint of the structure. If a structure so listed falls into disrepair and the lessee is not willing to repair and maintain it consistent with its listing, the state may cancel the submerged lease and either repair and maintain the property or require that the structure be removed from sovereignty submerged lands.

(d) By January 1, 2000, the owners of habitable structures built on or before January 1, 1998, located in conservation areas 2 or 3, on district or state-owned lands, the existence or use which will not impede the restoration of the Everglades, whether pursuant to a submerged lease or not, must provide written notification to the South Florida Water Management District of their existence and location, including an identification of the footprint of the structure. This notification will grant the leaseholders an automatic 20 year lease at a reasonable fee established by the district, or the Department of Environmental Protection, as appropriate, to expire on January 1, 2020. Where the structures are located on state-owned lands, the

South Florida Water Management District shall submit this notification to the Department of Environmental Protection on the owner's behalf. At the expiration of this 20 year lease, the South Florida Water Management District or the Department of Environmental Protection, as appropriate, shall have the right to require that the leaseholder remove the structure if the district determines that the structures or their use are causing harm to the water or land resources of the district, or to renew the lease agreement. The structure of any owner who does not provide notification to the South Florida Water Management District as required under this subsection, shall be considered illegal and subject to immediate removal. Any structure built in any water conservation area after May 1, 1999, without necessary permits from the South Florida Water Management District, or the Department of Environmental Protection, as appropriate, shall be considered illegal and subject to removal.

Section 10. Subsections (3), (4), (5), (6), and (8) of section 253.034, Florida Statutes, 1998 Supplement, are amended, and subsections (10), (11), and (12) are added to said section, to read:

253.034 State-owned lands; uses.—

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

(4) No management agreement, lease, or other instrument authorizing the use of lands owned by the Board of Trustees of the Internal Improvement Trust Fund shall be executed for a period greater than is necessary to provide for the reasonable use of the land for the existing or planned life cycle or amortization of the improvements, except that an easement in perpetuity may be granted by the Board of Trustees of the Internal Improvement Trust Fund if the improvement is a transportation facility. An agency managing or leasing state-owned lands from the Board of Trustees of the Internal Improvement Trust Fund may not sublease such lands without prior review by the division and by the Land Acquisition and Management Advisory Council created in s. 259.035 or its successor and approval by the board. The Land Acquisition and Management Advisory Council is not required to review subleases of parcels which are less than 160 acres in size.

(5) Each state agency managing lands owned by the Board of Trustees of the Internal Improvement Trust Fund shall submit to the Division of State Lands a land management plan at least every 5 years in a form and manner prescribed by rule by the board. All management plans, whether for single-use or multiple-use properties, shall specifically describe how the

managing agency plans to identify, locate, protect and preserve, or otherwise use fragile nonrenewable resources, such as archaeological and historic sites, as well as other fragile resources, including endangered plant and animal species, and provide for the conservation of soil and water resources and for the control and prevention of soil erosion. Land management plans submitted by an agency shall include reference to appropriate statutory authority for such use or uses and shall conform to the appropriate policies and guidelines of the state land management plan. All land management plans for parcels larger than 1,000 acres shall contain an analysis of the multiple-use potential of the parcel, which analysis shall include the potential of the parcel to generate revenues to enhance the management of the parcel. Additionally, the land management plan shall contain an analysis of the potential use of private land managers to facilitate the restoration or management of these lands. In those cases where a newly acquired property has a valid conservation plan, the plan shall be used to guide management of the property until a formal land management plan is completed.

(a) The Division of State Lands shall make available to the public a copy of each land management plan for parcels which exceed 160 acres in size. The council or its successor shall review each plan for compliance with the requirements of this subsection and with the requirements of the rules established by the board pursuant to this subsection. The council or its successor shall also consider the propriety of the recommendations of the managing agency with regard to the future use of the property, the protection of fragile or nonrenewable resources, the potential for alternative or multiple uses not recognized by the managing agency, and the possibility of disposal of the property by the board. After its review, the council or its successor shall submit the plan, along with its recommendations and comments, to the board. The council or its successor shall specifically recommend to the board whether to approve the plan as submitted, approve the plan with modifications, or reject the plan.

(b) The Board of Trustees of the Internal Improvement Trust Fund shall consider the land management plan submitted by each state agency and the recommendations of the council or its successor and the Division of State Lands and shall approve the plan with or without modification or reject such plan. The use or possession of any such lands which is not in accordance with an approved land management plan is subject to termination by the board.

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

(a) For the purposes of this subsection, all lands acquired by the state prior to July 1, 1999, using proceeds from the Preservation 2000 bonds, the Conservation and Recreation Lands Trust Fund, the Water Management

Lands Trust Fund, Environmentally Endangered Lands Program, and the Save Our Coast Program and titled to the board, which lands are identified as core parcels or within original project boundaries, shall be deemed to have been acquired for conservation purposes.

(b) For any lands purchased by the state on or after July 1, 1999, a determination shall be made by the board prior to acquisition as to those parcels that shall be designated as having been acquired for conservation purposes. No lands acquired for use by the Department of Corrections, the Department of Management Services for use as state offices, the Department of Transportation, except those specifically managed for conservation or recreation purposes or the State University System or state community college system shall be designated as having been purchased for conservation purposes.

(c)(a) At least every 3 5 years, in a form and manner prescribed by rule by the board, each state agency shall indicate to the board those lands which the agency manages which are not being used for the purpose for which they were originally leased. Such lands shall be reviewed by the council or its successor for its recommendation as to whether such lands should be disposed of by the board.

(d)(b) Lands owned by the board which are not actively managed by any state agency or for which a land management plan has not been completed pursuant to subsection (5) (4) shall be reviewed by the council or its successor for its recommendation as to whether such lands should be disposed of by the board.

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

(f)(c) In reviewing lands owned by the board pursuant to paragraphs (a) and (b), the council or its successor shall consider whether such lands would be more appropriately owned or managed by the county or other unit of local government in which the land is located. The council or its successor shall recommend to the board whether a sale, lease, or other conveyance to a local government would be in the best interests of the state and local government. The provisions of this paragraph in no way limit the provisions of ss. 253.111 and 253.115. Such lands shall be offered to the county or local government for a period of 90 days. Permissible uses for such surplus lands may include public schools, public libraries, fire or law enforcement substations, and governmental, judicial, or recreational centers. County or local government requests for surplus lands shall be expedited throughout the surplus process. State agencies shall have the subsequent opportunity to acquire the surplus lands for a period not to exceed 30 days after the offer to a county or local government expires. Surplus properties in which governmental agencies have expressed no interest shall then be available for sale on the private market.

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

~~(h)(d) After reviewing the recommendations of the council or its successor, the board shall determine whether lands identified for surplus in paragraphs (a) and (b) are to be held for other public purposes or whether such lands are no longer needed of no benefit to the public. The board may require an agency to release its interest in such lands. Lands determined to be of no benefit to the public shall be disposed of pursuant to law. Each fiscal year, up to \$500,000 of the proceeds from the disposal of such lands shall be placed in the Internal Improvement Trust Fund to be used to pay the costs of any administration, appraisal, management, conservation, protection, sales, or real estate sales services; any such proceeds in excess of \$500,000 shall be placed in the Conservation and Recreation Lands Trust Fund.~~

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

(j) Proceeds from any sale of surplus lands pursuant to this subsection shall be deposited into the fund from which such lands were acquired. However, if the fund from which the lands were originally acquired no longer exists, such proceeds shall be deposited into an appropriate account for use by the lead managing agency for land management.

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

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

~~(8) Land management plans required to be submitted by the Department of Corrections or the Department of Education shall not be subject to the council review provisions for review by the council or its successor described in subsection (5). Management plans filed by these agencies shall be made~~

available to the public for a period of 90 days at the administrative offices of the parcel or project affected by the management plan and at the Tallahassee offices of each agency. Any plans not objected to during the public comment period shall be deemed approved. Any plans for which an objection is filed shall be submitted to the Board of Trustees of the Internal Improvement Trust Fund for consideration. The Board of Trustees of the Internal Improvement Trust Fund shall approve the plan with or without modification, or reject the plan. The use or possession of any such lands which is not in accordance with an approved land management plan is subject to termination by the board.

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

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

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

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

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

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

A decision by the board of trustees pursuant to this subsection shall be given a presumption of correctness.

Moneys received from the use of state lands pursuant to this subsection shall be returned to the lead managing agency in accordance with the provisions of s. 259.032(11)(d).

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

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

Section 11. Paragraph (a) of subsection (4) of section 253.7825, Florida Statutes is amended to read:

253.7825 Recreational uses.—

(4)(a) A horse park-agricultural center may be constructed by or on behalf of the Florida Department of Agriculture and Consumer Services on not more than 500 ~~250~~ acres of former canal lands ~~which meet the criteria for surplus lands and which lie outside the greenways boundary.~~

Section 12. Section 259.03, Florida Statutes, is amended to read:

259.03 Definitions.—The following terms and phrases when used in this chapter ~~ss. 259.01-259.06~~ shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) “Council” means that council established pursuant to s. 259.035.

~~(2) “State capital projects for environmentally endangered lands” means a state capital project, as required by s. 11(a), Art. VII of the State Constitution, which shall have as its purpose the conservation and protection of environmentally unique and irreplaceable lands as valued ecological resources of this state.~~

~~(3) “State capital project for outdoor recreation lands” means a state capital project, as required by s. 11(a), Art. VII of the State Constitution, which shall be for the purposes set out in chapter 375.~~

~~(2)(4)~~ “Board” means the Governor and Cabinet, as the Board of Trustees of the Internal Improvement Trust Fund.

(3) “Capital improvement” means those activities relating to the acquisition, restoration, public access, and recreational uses of such lands, water areas, and related resources deemed necessary to accomplish the purposes of this chapter. Eligible activities include, but are not limited to: the initial removal of invasive plants; the construction, improvement, enlargement or extension of facilities’ signs, firelanes, access roads, and trails; or any other activities that serve to restore, conserve, protect, or provide public access, recreational opportunities, or necessary services for land or water areas. Such activities shall be identified prior to the acquisition of a parcel or the approval of a project. The continued expenditures necessary for a capital improvement approved under this subsection shall not be eligible for funding provided in this chapter.

(4) “Department” means the Department of Environmental Protection.

(5) “Division” means the Division of Bond Finance of the State Board of Administration.

(6) “Water resource development project” means a project eligible for funding pursuant to s. 259.105 that increases the amount of water available to meet the needs of natural systems and the citizens of the state by enhancing or restoring aquifer recharge, facilitating the capture and storage of excess flows in surface waters, or promoting reuse. The implementation of

eligible projects under s. 259.105 includes land acquisition, land and water body restoration, aquifer storage and recovery facilities, surface water reservoirs, and other capital improvements. The term does not include construction of treatment, transmission, or distribution facilities.

Section 13. Subsections (1), (2), (3), (7), (8), (9), (10), (11), (12), and (16) of section 259.032, Florida Statutes, is amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(1) It is the policy of the state that the citizens of this state shall be assured public ownership of natural areas for purposes of maintaining this state's unique natural resources; protecting air, land, and water quality; promoting water resource development to meet the needs of natural systems and citizens of this state; promoting restoration activities on public lands; and providing lands for natural resource based recreation. In recognition of this policy, it is the intent of the Legislature to provide such public lands for the people residing in urban and metropolitan areas of the state, as well as those residing in less populated, rural areas.; It is the further intent of the Legislature, with regard to the lands described in paragraph (3)(c), that a high priority be given to the acquisition of such lands in or near counties exhibiting the greatest concentration of population and, with regard to the lands described in subsection (3), that a high priority be given to acquiring lands or rights or interests in lands within any area designated as an area of critical state concern under s. 380.05 which, in the judgment of the advisory council established pursuant to s. 259.035, or its successor, cannot be adequately protected by application of land development regulations adopted pursuant to s. 380.05. Finally, it is the Legislature's intent that lands acquired through this program and any successor programs be managed in such a way as to protect or restore their natural resource values, and provide the greatest benefit, including public access, to the citizens of this state.

(2)(a) The Conservation and Recreation Lands Trust Fund is established within the Department of Environmental Protection. The fund shall be used as a nonlapsing, revolving fund exclusively for the purposes of this section. The fund shall be credited with proceeds from the following excise taxes:

1. The excise taxes on documents as provided in s. 201.15; and
2. The excise tax on the severance of phosphate rock as provided in s. 211.3103.

The Department of Revenue shall credit to the fund each month the proceeds from such taxes as provided in this paragraph.

(b) There shall annually be transferred from the Conservation and Recreation Lands Trust Fund to the Land Acquisition Trust Fund that amount, not to exceed \$20 million annually, as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts with respect to bonds issued pursuant to s. 375.051 to acquire lands on the established priority list developed pursuant to this section as determined by the advisory council pursuant to s. 259.035; however, no moneys

transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service on the Save Our Coast revenue bonds. Amounts transferred annually from the Conservation and Recreation Lands Trust Fund to the Land Acquisition Trust Fund pursuant to this paragraph shall have the highest priority over other payments or transfers from the Conservation and Recreation Lands Trust Fund, and no other payments or transfers shall be made from the Conservation and Recreation Lands Trust Fund until such transfers to the Land Acquisition Trust Fund have been made. Effective July 1, 2001, moneys in the Conservation and Recreation Lands Trust Fund also shall be used to manage lands and to pay for related costs, activities, and functions pursuant to the provisions of this section.

(3) The Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund, may allocate moneys from the fund in any one year to acquire the fee or any lesser interest in lands for the following public purposes:

(a) To conserve and protect environmentally unique and irreplaceable lands that contain native, relatively unaltered flora and fauna representing a natural area unique to, or scarce within, a region of this state or a larger geographic area;

(b) To conserve and protect lands within designated areas of critical state concern, if the proposed acquisition relates to the natural resource protection purposes of the designation;

(c) To conserve and protect native species habitat or endangered or threatened species, emphasizing long-term protection for endangered or threatened species designated G-1 or G-2 by the Florida Natural Areas Inventory, and especially those areas that are special locations for breeding and reproduction;

(d) To conserve, protect, manage, or restore important ecosystems, landscapes, and forests, if the protection and conservation of such lands is necessary to enhance or protect significant surface water, groundwater, coastal, recreational, timber, or fish or wildlife resources which cannot otherwise be accomplished through local and state regulatory programs;

(e) To promote water resource development that benefits natural systems and citizens of the state;

(f) To facilitate the restoration and subsequent health and vitality of the Florida Everglades;

~~(g)~~(e) To provide areas, including recreational trails, for natural resource based recreation and other outdoor recreation on any part of any site compatible with conservation purposes;

~~(h)~~(f) To preserve significant archaeological or historic sites; or

~~(i)~~(g) To conserve urban open spaces suitable for greenways or outdoor recreation which are compatible with conservation purposes.

(7) The board of trustees may enter into any contract necessary to accomplish the purposes of this section. The lead land managing agencies designated by the board of trustees also are directed by the Legislature to enter into contracts or interagency agreements with other governmental entities, including local soil and water conservation districts, or private land managers who have the expertise to perform specific management activities which a lead agency lacks, or which would cost more to provide in-house. Such activities shall include, but not be limited to, controlled burning, road and ditch maintenance, mowing, and wildlife assessments.

(8) Lands to be considered for purchase under this section are subject to the selection procedures of s. 259.035 and related rules and shall be acquired in accordance with acquisition procedures for state lands provided for in s. 259.041, except as otherwise provided by the Legislature. An inholding or an addition to a project selected for purchase pursuant to this chapter ~~or s. 259.035~~ is not subject to the selection procedures of s. 259.035 if the estimated value of such inholding or addition does not exceed \$500,000. When at least 90 percent of the acreage of a project has been purchased pursuant to this chapter ~~or s. 259.035~~, the project may be removed from the list and the remaining acreage may continue to be purchased. Moneys from the fund may be used for title work, appraisal fees, environmental audits, and survey costs related to acquisition expenses for lands to be acquired, donated, or exchanged which qualify under the categories of this section, at the discretion of the board. When the Legislature has authorized the Department of Environmental Protection to condemn a specific parcel of land and such parcel has already been approved for acquisition under this section, the land may be acquired in accordance with the provisions of chapter 73 or chapter 74, and the fund may be used to pay the condemnation award and all costs, including a reasonable attorney's fee, associated with condemnation.

(9)(a) All lands managed under this chapter and s. 253.034 ~~section~~ shall be:

(a)1. Managed in a manner that will provide the greatest combination of benefits to the public and to the resources.

(b)2. Managed for public outdoor recreation which is compatible with the conservation and protection of public lands. Such management may include, but not be limited to, the following public recreational uses: fishing, hunting, camping, bicycling, hiking, nature study, swimming, boating, canoeing, horseback riding, diving, model hobbyist activities, birding, sailing, jogging, and other related outdoor activities compatible with the purposes for which the lands were acquired.

(c)3. Managed for the purposes for which the lands were acquired, consistent with paragraph (11)(a).

~~Management may include the following public uses: fishing, hunting, camping, bicycling, hiking, nature study, swimming, boating, canoeing, horseback riding, diving, birding, sailing, jogging, and other related outdoor activities.~~

(d)(b)1. Concurrent with its adoption of the annual Conservation and Recreation ~~Recreational~~ Lands list of acquisition projects pursuant to s. 259.035, the board of trustees shall adopt a management prospectus for each project. The management prospectus shall delineate:

1. The management goals for the property;
2. The conditions that will affect the intensity of management;
3. An estimate of the revenue-generating potential of the property, if appropriate;
4. A timetable for implementing the various stages of management and for providing access to the public, if applicable;
5. A description of potential multiple-use activities as described in this section and s. 253.034;
6. Provisions for protecting existing infrastructure and for ensuring the security of the project upon acquisition;
7. The anticipated costs of management and projected sources of revenue, including legislative appropriations, to fund management needs; and
8. Recommendations as to how many employees will be needed to manage the property; and recommendations as to whether local governments, volunteer groups, the former landowner, or other interested parties can be involved in the management.

(e)2. Concurrent with the approval of the acquisition contract pursuant to s. 259.041(3)(c) for any interest in lands, the board of trustees shall designate an agency or agencies to manage such lands and shall evaluate and amend, as appropriate, the management policy statement for the project as provided by s. 259.035, consistent with the purposes for which the lands are acquired. For any fee simple acquisition of a parcel which is or will be leased back for agricultural purposes, or any acquisition of a less-than-fee interest in land that is or will be used for agricultural purposes, the Board of Trustees of the Internal Improvement Trust Fund shall first consider having a soil and water conservation district, created pursuant to chapter 582, manage and monitor such interests.

(f)3. State agencies designated to manage lands acquired under this chapter may contract with local governments and soil and water conservation districts to assist in management activities, including the responsibility of being the lead land manager. Such land management contracts may include a provision for the transfer of management funding to the local government or soil and water conservation district from the Conservation and Recreation Lands Trust Fund in an amount adequate for the local government or soil and water conservation district to perform its contractual land management responsibilities and proportionate to its responsibilities, and which otherwise would have been expended by the state agency to manage the property.

(g)4. Immediately following the acquisition of any interest in lands under this chapter, the Department of Environmental Protection, acting on behalf of the board of trustees, may issue to the lead managing entity an interim assignment letter to be effective until the execution of a formal lease.

(10)(a) State, regional, or local governmental agencies or private entities designated to manage lands under this section shall develop and adopt, with the approval of the board of trustees, an individual management plan for each project designed to conserve and protect such lands and their associated natural resources. Private sector involvement in management plan development may be used to expedite the planning process.

(b) ~~Beginning fiscal year 1998-1999, Individual management plans required by s. 253.034(5)(4), for parcels over 160 acres, shall be developed with input from an advisory group. Members of this advisory group shall include, at a minimum, representatives of the lead land managing agency, comanaging entities, local private property owners, the appropriate soil and water conservation district, a local conservation organization, and a local elected official. The advisory group shall conduct at least one public hearing within the county in which the parcel or project is located. For those parcels or projects that are within more than one county, at least one areawide public hearing shall be acceptable and the lead managing agency shall invite a local elected official from each county. The areawide public hearing shall be held in the county in which the core parcels are located.~~ Notice of such public hearing shall be posted on the parcel or project designated for management, advertised in a paper of general circulation, and announced at a scheduled meeting of the local governing body before the actual public hearing. The management prospectus required pursuant to paragraph (9)(d)(b) shall be available to the public for a period of 30 days prior to the public hearing.

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

(d) For each project for which lands are acquired after July 1, 1995, an individual management plan shall be adopted and in place no later than 1 year after the essential parcel or parcels identified in the annual Conservation and Recreation Lands report prepared pursuant to s. 259.035(2)(a) have been acquired. Beginning in fiscal year 1998-1999, the Department of Environmental Protection shall distribute only 75 percent of the acquisition funds to which a budget entity or water management district would otherwise be entitled from the Preservation 2000 Trust Fund to any budget entity

or any water management district that has more than one-third of its management plans overdue.

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

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

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

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

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

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

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

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

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

~~1. The council shall~~, Within 60 days after receiving a plan from the division, review each plan for compliance with the requirements of this subsection and with the requirements of the rules established by the board pursuant to this subsection.

~~2. The council shall also~~ Consider the propriety of the recommendations of the managing agency with regard to the future use or protection of the property.

~~3. After its review, the council shall~~ submit the plan, along with its recommendations and comments, to the board of trustees, with recommendations as to. ~~The council shall specifically recommend to the board of trustees whether to approve the plan as submitted, approve the plan with modifications, or reject the plan.~~

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

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

(11)(a) The Legislature recognizes that acquiring lands pursuant to this chapter serves the public interest by protecting land, air, and water resources which contribute to the public health and welfare, providing areas for natural resource based recreation, and ensuring the survival of unique and irreplaceable plant and animal species. The Legislature intends for these lands to be managed and maintained for the purposes for which they were acquired and for the public to have access to and use of these lands where it is consistent with acquisition purposes and would not harm the resources the state is seeking to protect on the public's behalf.

(b) An amount up to 1.5 percent of the cumulative total of funds ever deposited into the Florida Preservation 2000 Trust Fund and the Florida Forever Trust Fund shall be made available for the purposes of management, maintenance, and capital improvements not eligible for funding pursuant to s. 11(e), Art. VII of the State Constitution, and for associated contractual services, for lands acquired pursuant to this section, and s. 259.101, s. 259.105, or previous programs for the acquisition of lands for conservation and recreation, including state forests, to which title is vested in the board of trustees. Of this amount, \$250,000 shall be transferred annually to the Plant Industry Trust Fund within the Department of Agriculture and Consumer Services for the purpose of implementing the Endangered or Threatened Native Flora Conservation Grants Program pursuant to s. 581.185(11). Each agency with management responsibilities shall annually request from the Legislature funds sufficient to fulfill such responsibilities. For the purposes of this paragraph, capital improvements shall include, but need not be limited to, perimeter fencing, signs, firelanes, access roads and trails, and minimal public accommodations, such as primitive campsites, garbage receptacles, and toilets. Any equipment purchased with funds provided pursuant to this paragraph may be used for the purposes described in this paragraph on any conservation and recreation lands managed by a state agency.

(c) In requesting funds provided for in paragraph (b) for long-term management of all acquisitions pursuant to this chapter and for associated contractual services, the managing agencies shall recognize the following categories of land management needs:

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

2. Lands which are moderate-need tracts, requiring more than basic resource management and protection, such as state parks and state recreation areas. These lands generally have extra restoration or protection needs, higher concentrations of public use, or more highly developed facilities.

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

In evaluating the management funding needs of lands based on the above categories, the lead land managing agencies shall include in their considerations the impacts of, and needs created or addressed by, multiple-use management strategies.

(d) All revenues generated through multiple-use management or compatible secondary-use management shall be returned to the lead agency responsible for such management and shall be used to pay for management activities on all conservation, preservation, and recreation lands under the agency's jurisdiction. In addition, such revenues shall be segregated in an agency trust fund and shall remain available to the agency in subsequent fiscal years to support land management appropriations. For the purposes of this paragraph, compatible secondary-use management shall be those activities described in subsection (9) undertaken on parcels designated as single use pursuant to s. 253.034(2)(b).

(e) Up to one-fifth of the funds provided for in paragraph (b) shall be reserved by the board of trustees for interim management of acquisitions and for associated contractual services, to ensure the conservation and protection of natural resources on project sites and to allow limited public recreational use of lands. Interim management activities may include, but not be limited to, resource assessments, control of invasive, nonnative exotic species, habitat restoration, fencing, law enforcement, controlled burning, and public access consistent with preliminary determinations made pursuant to paragraph (9)(g)(b). The board of trustees shall make these interim funds available immediately upon purchase.

(f) The department shall set long-range and annual goals for the control and removal of nonnative, ~~upland~~, invasive plant species on public lands. Such goals shall differentiate between aquatic plant species and upland plant species. In setting such goals, the department may rank, in order of adverse impact, species ~~that~~ which impede or destroy the functioning of natural systems. Notwithstanding paragraph (a), up to one-fourth of the funds provided for in paragraph (b) may shall be used by the agencies

receiving those funds reserved for control and removal of nonnative, upland, invasive species on public lands.

(12)(a) ~~Beginning July 1, 1999 in fiscal year 1994-1995, the Legislature shall make available sufficient funds annually from not more than 3.75 percent of the Conservation and Recreation Lands Trust Fund shall be made available annually to the department for payment in lieu of taxes to qualifying counties, cities, and local governments as defined in paragraph (b) for all actual tax losses incurred as a result of board of trustees acquisitions for state agencies under the Florida Forever program or the Florida Preservation 2000 program during any year. Reserved funds not used for payments in lieu of taxes in any year shall revert to the fund to be used for land acquisition in accordance with the provisions of this section.~~

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

1. ~~To all counties that have a population of 150,000 or less and in which the amount of the tax loss from all completed Preservation 2000 and Florida Forever acquisitions in the county exceeds 0.01 percent of the county's total taxable value. Population levels shall be determined pursuant to s. 11.031. To counties which levy an ad valorem tax of at least 8.25 mills or the amount of the tax loss from all completed Preservation 2000 acquisitions in the county exceeds 0.01 percent of the county's total taxable value, and have a population of 75,000 or less.~~

2. ~~To all local governments located in eligible counties. To counties with a population of less than 100,000 which contain all or a portion of an area of critical state concern designated pursuant to chapter 380 and to local governments within such counties.~~

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

3. ~~For the 1997-1998 fiscal year only, and notwithstanding the limitations of paragraph (a), to Glades County, where a privately owned and operated prison leased to the state has been opened within the last 2 years for which no other state moneys have been allocated to the county to offset ad valorem revenues. This subparagraph expires July 1, 1998.~~

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

(c) ~~Payment in lieu of taxes shall be available to any city which has a population of 10,000 or less and which levies an ad valorem tax of at least 8.25 mills or the amount of the tax loss from all completed Preservation 2000 acquisitions in the city exceeds 0.01 percent of the city's total taxable value.~~

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

(d)(e) The payment amount shall be based on the average amount of actual taxes paid on the property for the 3 years preceding acquisition. Applications for payment in lieu of taxes shall be made no later than January 31 of the year following acquisition. No payment in lieu of taxes shall be made for properties which were exempt from ad valorem taxation for the year immediately preceding acquisition. If property which was subject to ad valorem taxation was acquired by a tax-exempt entity for ultimate conveyance to the state under this chapter, payment in lieu of taxes shall be made for such property based upon the average amount of taxes paid on the property for the 3 years prior to its being removed from the tax rolls. The department shall certify to the Department of Revenue those properties that may be eligible under this provision. Once eligibility has been established, that county or local government shall receive 10 consecutive annual payments for each tax loss, and no further eligibility determination shall be made during that period. Payment in lieu of taxes shall be limited to a total of 10 consecutive years of annual payments, beginning the year a local government becomes eligible.

(e)(f) Payment in lieu of taxes pursuant to this subsection ~~paragraph~~ shall be made annually to qualifying counties, ~~cities~~, and local governments after certification by the Department of Revenue that the amounts applied for are reasonably appropriate, based on the amount of actual taxes paid on the eligible property, and after the Department of Environmental Protection has provided supporting documents to the Comptroller and has requested that payment be made in accordance with the requirements of this section.

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

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

(16) Within 90 ~~180~~ days after receiving a certified letter from the owner of a property on the Conservation and Recreation Lands list or the priority list established pursuant to s. 259.105 objecting to the property being included in an acquisition project, where such property is a project or part of a project which has not been listed for purchase in the current year's land acquisition work plan, the board of trustees shall delete the property from the list or from the boundary of an acquisition project on the list.

Section 14. Section 259.0345, Florida Statutes, is created to read:

259.0345 Florida Forever Advisory Council.—

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

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

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

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

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

(2) The Governor shall appoint the chair of the council, and a vice chair shall be elected from among the voting members.

(3) Each member of the council shall receive \$75 per day while engaged in the business of the council, as well as expenses and per diem for travel, including attendance at meetings, as provided in s. 112.061.

(4) The department shall provide primary staff support to the council and shall ensure that council meetings are electronically recorded. Such recordings shall be preserved pursuant to chapters 119 and 257. The department may adopt any rule or form necessary to implement this section.

(5) The department shall execute a contract with the Florida Natural Areas Inventory for the scientific assistance necessary to fulfill the requirements of this section.

(6) The department may request the assistance of other state agencies, water management districts, or universities to provide information or expertise to the council.

(7) The council shall provide a report, by November 1, 2000, to the Secretary of Environmental Protection, who shall forward the report to the board of trustees for their approval. After approval by the board of trustees the secretary shall forward the approved report to the President of the Senate and the Speaker of the House of Representatives, at least 30 days prior to the 2001 Regular Legislative Session, for review by the appropriate legislative committees with jurisdiction over the department. The Legislature may reject, modify, or take no action relative to the goals and performance measures established by the report. If no action is taken the goals and performance measures shall be implemented. The report shall meet the following requirements:

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

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

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

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

(8) The council shall provide a report, at least 30 days prior to the regular legislative sessions in the following years: 2002, 2004, 2006 and 2008. The report shall be provided to the Secretary of Environmental Protection, who shall forward the report to the board of trustees for their approval. After approval by the board of trustees, the secretary shall forward the approved report to the President of the Senate and the Speaker of the House of Representatives. The report shall provide: recommendations for adjusting or expanding the goals detailed in s. 259.105(4); recommendations for adjusting the percentage distributions detailed in s. 259.105(3); and recommendations concerning other aspects of the Florida Forever Act.

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

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

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

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

Section 15. There is hereby appropriated the sum of \$150,000 from the Conservation and Recreation Lands Trust Fund and the sum of \$150,000 from the Water Management Lands Trust Fund to the Department of Environmental Protection for fiscal year 1999-2000 to fund the expenses of the Florida Forever Advisory Council. Of this appropriation the Florida Natural Areas Inventory shall receive no less than \$50,000 for the contractual services required under s. 259.035(5), Florida Statutes.

Section 16. Effective March 1, 2000, section 259.035, Florida Statutes, 1998 Supplement, is amended to read:

(Substantial rewording of section. See s. 259.035, F.S., 1998 Supp., for present text.)

259.035 Acquisition and Restoration Council.—

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

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

(b) The five remaining appointees shall be composed of the secretary of the department, the director of the Division of Forestry of the Department of Agriculture and Consumer Services, the executive director of the Fish and Wildlife Conservation Commission, the director of the Division of Historical Resources of the Department of State, and the Secretary of Department of Community Affairs, or their respective designees.

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

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

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

(f) The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

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

(3) The council shall provide assistance to the board of trustees in reviewing the recommendations and plans for state-owned lands required under s. 253.034. The council shall, in reviewing such recommendations and plans, consider the optimization of multiple-use and conservation strategies to accomplish the provisions funded pursuant to s. 259.101(3)(a). Such funds shall only be used to acquire lands identified in the annual Conservation and Recreation Lands list approved by the board of trustees in the year 2000.

Section 17. Subsection (2) of section 259.036, Florida Statutes, is amended to read:

259.036 Management review teams.—

(2) The land management review team shall review select parcels of managed land prior to the date the managing agency is required to submit its 5-year land management plan update. A copy of the review shall be provided to the managing agency, the Division of State Lands, and the Land Acquisition and Management Advisory Council or its successor. The managing agency shall consider the findings and recommendations of the land management review team in finalizing the required 5-year update of its management plan.

Section 18. Subsection (1) of section 259.04, Florida Statutes, is amended to read:

259.04 Board; powers and duties.—

(1) For ~~state capital projects and acquisitions~~ selected for purchase pursuant to ss. 259.034, 259.035, and 259.101, and 259.105:

(a) The board is given the responsibility, authority, and power to develop and execute a comprehensive, statewide 5-year plan to conserve, restore, and protect environmentally endangered lands, ecosystems, lands necessary for outdoor recreational needs, and other lands as identified in ss. 259.032, and 259.101, and 259.105. This plan shall be kept current through continual reevaluation and revision. The advisory council or its successor shall assist the board in the development, reevaluation, and revision of the plan.

(b) The board may enter into contracts with the government of the United States or any agency or instrumentality thereof; the state or any county, municipality, district authority, or political subdivision; or any private corporation, partnership, association, or person providing for or relating to the conservation or protection of certain lands in accomplishing the purposes of this chapter ss. 259.01-259.06.

(c) Within 45 days after the advisory council or its successor submits the lists of either list of acquisition projects to the board, the board shall approve, in whole or in part, the lists of list of acquisition projects in the order of priority in which such projects are presented. To the greatest extent practicable, projects on the lists list shall be acquired in their approved order of priority.

(d) The board is authorized to acquire, by purchase, gift, or devise or otherwise, the fee title or any lesser interest of lands, water areas, and

related resources ~~sufficient to meet the purposes specified in s. 259.03(2)~~ for environmentally endangered lands.

(2) For state capital projects for outdoor recreation lands, the provisions of chapter 375 and s. 253.025 shall also apply.

Section 19. Subsections (1) and (3), paragraph (e) of subsection (7), and present subsection (14) of section 259.041, Florida Statutes, 1998 Supplement, are amended, subsections (11) through (18) are renumbered as subsections (12) through (19), respectively, and a new subsection (11) is added to said section, to read:

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

(1) Neither the Board of Trustees of the Internal Improvement Trust Fund nor its duly authorized agent shall commit the state, through any instrument of negotiated contract or agreement for purchase, to the purchase of lands with or without appurtenances unless the provisions of this section have been fully complied with. However, the board of trustees may waive any requirement of this section, except the requirements of subsections (3), ~~(13), and (14), and (15)~~; or, notwithstanding chapter 120, may waive any rules adopted pursuant to this section, except rules adopted pursuant to subsections (3), ~~(13), and (14), and (15)~~; or may substitute other reasonably prudent procedures, provided the public's interest is reasonably protected. The title to lands acquired pursuant to this section shall vest in the board of trustees as provided in s. 253.03(1), unless otherwise provided by law. All such lands, title to which is vested in the board of trustees pursuant to this section, shall be administered pursuant to the provisions of s. 253.03.

(3) No agreement to acquire real property for the purposes described in this chapter, chapter 260, or chapter 375, title to which will vest in the board of trustees, may bind the state unless and until the agreement has been reviewed and approved by the Department of Environmental Protection as complying with the requirements of this section and any rules adopted pursuant to this section. ~~However, review and approval of agreements for acquisitions for Florida Greenways and Trails Program properties pursuant to chapter 260 may be waived by the department in any contract with nonprofit corporations who have agreed to assist the department with this program.~~ Where any of the following conditions exist, the agreement shall be submitted to and approved by the board of trustees:

(a) The purchase price agreed to by the seller exceeds the value as established pursuant to the rules of the board of trustees;

(b) The contract price agreed to by the seller and acquiring agency exceeds \$1 million;

(c) The acquisition is the initial purchase in a project; or

(d) Other conditions that the board of trustees may adopt by rule. Such conditions may include, but not be limited to, projects where title to the

property being acquired is considered nonmarketable or is encumbered in such a way as to significantly affect its management.

Where approval of the board of trustees is required pursuant to this subsection, the acquiring agency must provide a justification as to why it is in the public's interest to acquire the parcel or project. Approval of the board of trustees also is required for projects the department recommends acquiring pursuant to subsections (14) (13) and (15) (14). Review and approval of agreements for acquisitions for Florida Greenways and Trails Program properties pursuant to chapter 260 may be waived by the department in any contract with nonprofit corporations that have agreed to assist the department with this program.

(7) Prior to approval by the board of trustees or, when applicable, the Department of Environmental Protection, of any agreement to purchase land pursuant to this chapter, chapter 260, or chapter 375, and prior to negotiations with the parcel owner to purchase any other land, title to which will vest in the board of trustees, an appraisal of the parcel shall be required as follows:

(e) Generally, appraisal reports are confidential and exempt from the provisions of s. 119.07(1), for use by the agency and the board of trustees, until an option contract is executed or, if no option contract is executed, until 2 weeks before a contract or agreement for purchase is considered for approval by the board of trustees. However, the department has the authority, at its discretion, to disclose appraisal reports to private landowners during negotiations for acquisitions using alternatives to fee simple techniques, if the department determines that disclosure of such reports will bring the proposed acquisition to closure. The Division of State Lands may also disclose appraisal information to public agencies or nonprofit organizations that agree to maintain the confidentiality of the reports or information when joint acquisition of property is contemplated, or when a public agency or nonprofit organization enters into a written multiparty agreement with the division to purchase and hold property for subsequent resale to the division. In addition, the division may use, as its own, appraisals obtained by a public agency or nonprofit organization, provided the appraiser is selected from the division's list of appraisers and the appraisal is reviewed and approved by the division. For the purposes of this chapter, "nonprofit organization" means an organization whose purposes include ~~purpose is~~ the preservation of natural resources, and which is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The agency may release an appraisal report when the passage of time has rendered the conclusions of value in the report invalid or when the acquiring agency has terminated negotiations.

Notwithstanding the provisions of this subsection, on behalf of the board and before the appraisal of parcels approved for purchase under this chapter, the Secretary of Environmental Protection or the director of the Division of State Lands may enter into option contracts to buy such parcels. Any such option contract shall state that the final purchase price is subject to approval by the board or, when applicable, the secretary and that the final purchase price may not exceed the maximum offer allowed by law. The consideration

for such an option may not exceed \$1,000 or 0.01 percent of the estimate by the department of the value of the parcel, whichever amount is greater.

(11)(a) The Legislature finds that, with the increasing pressures on the natural areas of this state and on open space suitable for recreational use, the state must develop creative techniques to maximize the use of acquisition and management funds. The Legislature also finds that the state's conservation and recreational land acquisition agencies should be encouraged to augment their traditional, fee simple acquisition programs with the use of alternatives to fee simple acquisition techniques. Additionally, the Legislature finds that generations of private landowners have been good stewards of their land, protecting or restoring native habitats and ecosystems to the benefit of the natural resources of this state, its heritage, and its citizens. The Legislature also finds that using alternatives to fee simple acquisition by public land acquisition agencies will achieve the following public policy goals:

1. Allow more lands to be brought under public protection for preservation, conservation, and recreational purposes with less expenditure of public funds.
2. Retain, on local government tax rolls, some portion of or interest in lands which are under public protection.
3. Reduce long-term management costs by allowing private property owners to continue acting as stewards of their land, where appropriate.

Therefore, it is the intent of the Legislature that public land acquisition agencies develop programs to pursue alternatives to fee simple acquisition and to educate private landowners about such alternatives and the benefits of such alternatives. It is also the intent of the Legislature that a portion of the shares of Preservation 2000 and Florida Forever bond proceeds be used to purchase eligible properties using alternatives to fee simple acquisition.

(b) All project applications shall identify, within their acquisition plans, those projects which require a full fee simple interest to achieve the public policy goals, together with the reasons full title is determined to be necessary. The state agencies and the water management districts may use alternatives to fee simple acquisition to bring the remaining projects in their acquisition plans under public protection. For the purposes of this subsection, the term "alternatives to fee simple acquisition" includes, but is not limited to: purchase of development rights; obtaining conservation easements; obtaining flowage easements; purchase of timber rights, mineral rights, or hunting rights; purchase of agricultural interests or silvicultural interests; entering into land protection agreements as defined in s. 380.0677(5); fee simple acquisitions with reservations; creating life estates; or any other acquisition technique which achieves the public policy goals listed in paragraph (a). It is presumed that a private landowner retains the full range of uses for all the rights or interests in the landowner's land which are not specifically acquired by the public agency. The lands upon which hunting rights are specifically acquired pursuant to this paragraph shall be available for hunting in accordance with the management plan or hunting

regulations adopted by the Florida Fish and Wildlife Conservation Commission, unless the hunting rights are purchased specifically to protect activities on adjacent lands.

(c) When developing the acquisition plan pursuant to s. 259.105 the Acquisition and Restoration Council may give preference to those less than fee simple acquisitions that provide any public access. However, the Legislature recognizes that public access is not always appropriate for certain less than fee simple acquisitions; therefore no proposed less than fee simple acquisition shall be rejected simply because public access would be limited.

(d) Beginning in fiscal year 1999-2000, the department and each water management district shall implement initiatives to use alternatives to fee simple acquisition and to educate private landowners about such alternatives. The department and the water management districts may enter into joint acquisition agreements to jointly fund the purchase of lands using alternatives to fee simple techniques.

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

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

(15)(14) The board of trustees, by an affirmative vote of five members, may direct the department to purchase lands on an immediate basis using up to 15 percent of the funds allocated to the department pursuant to ss. s. 259.101(3)(a) and 259.105 for the acquisition of lands that:

(a) Are listed or placed at auction by the Federal Government as part of the Resolution Trust Corporation sale of lands from failed savings and loan associations;

(b) Are listed or placed at auction by the Federal Government as part of the Federal Deposit Insurance Corporation sale of lands from failed banks; or

(c) Will be developed or otherwise lost to potential public ownership, or for which federal matching funds will be lost, by the time the land can be purchased under the program within which the land is listed for acquisition.

For such acquisitions, the board of trustees may waive or modify all procedures required for land acquisition pursuant to this chapter and all competitive bid procedures required pursuant to chapters 255 and 287. Lands acquired pursuant to this subsection must, at the time of purchase, be on one of the acquisition lists established pursuant to this chapter, or be essential for water resource development, protection, or restoration, or a significant

portion of the lands must contain natural communities or plant or animal species which are listed by the Florida Natural Areas Inventory as critically imperiled, imperiled, or rare, or as excellent quality occurrences of natural communities.

Section 20. Paragraphs (a) and (b) of subsection (6) and paragraph (f) of subsection (9) of section 259.101, Florida Statutes, 1998 Supplement, are amended to read:

259.101 Florida Preservation 2000 Act.—

(6) DISPOSITION OF LANDS.—

(a) Any lands acquired pursuant to paragraph (3)(a), paragraph (3)(c), paragraph (3)(d), paragraph (3)(e), paragraph (3)(f), or paragraph (3)(g), if title to such lands is vested in the Board of Trustees of the Internal Improvement Trust Fund, may be disposed of by the Board of Trustees of the Internal Improvement Trust Fund in accordance with the provisions and procedures set forth in s. 253.034(6)(5), and lands acquired pursuant to paragraph (3)(b) may be disposed of by the owning water management district in accordance with the procedures and provisions set forth in ss. 373.056 and 373.089 provided such disposition also shall satisfy the requirements of paragraphs (b) and (c).

(b) Before land may be surplused ~~can be determined to be of no further benefit to the public~~ as required by s. 253.034(6)(5), or determined to be no longer required for its purposes under s. 373.056(4), whichever may be applicable, there shall first be a determination by the Board of Trustees of the Internal Improvement Trust Fund, or, in the case of water management district lands, by the owning water management district, that such land no longer needs to be preserved in furtherance of the intent of the Florida Preservation 2000 Act. Any lands eligible to be disposed of under this procedure also may be used to acquire other lands through an exchange of lands, provided such lands obtained in an exchange are described in the same paragraph of subsection (3) as the lands disposed.

(9)

(f)1. Pursuant to subsection (3) and beginning in fiscal year 1999-2000, that portion of the unencumbered balances of each program described in paragraphs (3)(c), (d), (e), (f), and (g) which has been on deposit in such program's Preservation 2000 account for more than ~~3~~ two fiscal years shall be redistributed equally to the Department of Environmental Protection, Division of State Lands P2000 sub account for the purchase of State Lands as described in s. 259.032 and Water Management District P2000 sub account for the purchase of Water Management Lands pursuant to ss. 373.456, 373.4592 and 373.59. For the purposes of this subsection, the term "unencumbered balances" means the portion of Preservation 2000 bond proceeds which is not obligated through the signing of a purchase contract between a public agency and a private landowner, except that the program described in paragraph (3)(c) may not lose any portion of its unencumbered funds which remain unobligated because of extraordinary circumstances that

hampered the affected local governments' abilities to close on land acquisition projects approved through the Florida Communities Trust program. Extraordinary circumstances shall be determined by the Florida Communities Trust governing body and may include such things as death or bankruptcy of the owner of property; a change in the land use designation of the property; natural disasters that affected a local government's ability to consummate the sales contract on such property; or any other condition that the Florida Communities Trust governing board determined to be extraordinary. The portion of the funds redistributed deposited in the Water Management District P2000 sub account Lands Trust Fund shall be distributed to the water management districts as provided in s. 373.59(7).

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

Section 21. Section 259.105, Florida Statutes is created to read:

259.105 The Florida Forever Act.—

(1) This section may be cited as the “Florida Forever Act.”

(2)(a) The Legislature finds and declares that:

1. The Preservation 2000 program provided tremendous financial resources for purchasing environmentally significant lands to protect those lands from imminent development, thereby assuring present and future generations access to important open spaces and recreation and conservation lands.

2. The continued alteration and development of Florida's natural areas to accommodate the state's rapidly growing population have contributed to the degradation of water resources, the fragmentation and destruction of wildlife habitats, the loss of outdoor recreation space, and the diminishment of wetlands, forests, and public beaches.

3. The potential development of Florida's remaining natural areas and escalation of land values require a continuation of government efforts to restore, bring under public protection, or acquire lands and water areas to preserve the state's invaluable quality of life.

4. Florida's groundwater, surface waters, and springs are under tremendous pressure due to population growth and economic expansion and require special protection and restoration efforts. To ensure that sufficient quantities of water are available to meet the current and future needs of the natural systems and citizens of the state, and assist in achieving the planning goals of the department and the water management districts, water resource development projects on public lands, where compatible with the resource values of and management objectives for the lands, are appropriate.

5. The needs of urban Florida for high-quality outdoor recreational opportunities, greenways, trails, and open space have not been fully met by

previous acquisition programs. Through such programs as the Florida Communities Trust and the Florida Recreation Development Assistance Program, the state shall place additional emphasis on acquiring, protecting, preserving, and restoring open space, greenways, and recreation properties within urban areas where pristine natural communities or water bodies no longer exist because of the proximity of developed property.

6. Many of Florida's unique ecosystems, such as the Florida Everglades, are facing ecological collapse due to Florida's burgeoning population. To preserve these valuable ecosystems for future generations, parcels of land must be acquired to facilitate ecosystem restoration.

7. Access to public lands to support a broad range of outdoor recreational opportunities and the development of necessary infrastructure, where compatible with the resource values of and management objectives for such lands, promotes an appreciation for Florida's natural assets and improves the quality of life.

8. Acquisition of lands, in fee simple or in any lesser interest, should be based on a comprehensive assessment of Florida's natural resources and planned so as to protect the integrity of ecological systems and provide multiple benefits, including preservation of fish and wildlife habitat, recreation space for urban as well as rural areas, and water recharge.

9. The state has embraced performance-based program budgeting as a tool to evaluate the achievements of publicly funded agencies, build in accountability, and reward those agencies which are able to consistently achieve quantifiable goals. While previous and existing state environmental programs have achieved varying degrees of success, few of these programs can be evaluated as to the extent of their achievements, primarily because performance measures, standards, outcomes, and goals were not established at the outset. Therefore, the Florida Forever program shall be developed and implemented in the context of measurable state goals and objectives.

10. It is the intent of the Legislature to change the focus and direction of the state's major land acquisition programs and to extend funding and bonding capabilities, so that future generations may enjoy the natural resources of Florida.

(b) The Legislature recognizes that acquisition is only one way to achieve the aforementioned goals and encourages the development of creative partnerships between governmental agencies and private landowners. Land protection agreements and similar tools should be used, where appropriate, to bring environmentally sensitive tracts under an acceptable level of protection at a lower financial cost to the public, and to provide private landowners with the opportunity to enjoy and benefit from their property.

(c) Public agencies or other entities that receive funds under this section are encouraged to better coordinate their expenditures so that project acquisitions, when combined with acquisitions under Preservation 2000, Save Our Rivers, the Florida Communities Trust, and other public land acquisition programs, will form more complete patterns of protection for natural

areas and functioning ecosystems, to better accomplish the intent of this section.

(d) A long-term financial commitment to managing Florida's public lands must accompany any new land acquisition program to ensure that the natural resource values of such lands are protected, that the public has the opportunity to enjoy the lands to their fullest potential, and that the state achieves the full benefits of its investment of public dollars.

(e) With limited dollars available for restoration and acquisition of land and water areas and for providing long-term management and capital improvements, a competitive selection process can select those projects best able to meet the goals of Florida Forever and maximize the efficient use of the program's funding.

(f) To ensure success and provide accountability to the citizens of this state, it is the intent of the Legislature that any bond proceeds used pursuant to this section be used to implement the goals and objectives recommended by the Florida Forever Advisory Council as approved by the Board of Trustees of the Internal Improvement Trust Fund and the Legislature.

(g) As it has with previous land acquisition programs, the Legislature recognizes the desires of the citizens of this state to prosper through economic development and to preserve the natural areas and recreational open space of Florida. The Legislature further recognizes the urgency of restoring the natural functions of public lands or water bodies before they are degraded to a point where recovery may never occur, yet acknowledges the difficulty of ensuring adequate funding for restoration efforts in light of other equally critical financial needs of the state. It is the Legislature's desire and intent to fund the implementation of this section and to do so in a fiscally responsible manner, by issuing bonds to be repaid with documentary stamp tax revenue.

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

(a) Thirty-five percent to the Department of Environmental Protection for the acquisition of lands and capital project expenditures necessary to implement the water management districts' priority lists developed pursuant to s. 373.199. The funds are to be distributed to the water management districts as provided in subsection (11). A minimum of fifty percent of the total funds provided over the life of the Florida Forever Program pursuant to this paragraph shall be used for the acquisition of lands.

(b) Thirty-five percent to the Department of Environmental Protection for the acquisition of lands and capital project expenditures described in this section. Of the proceeds distributed pursuant to this paragraph, it is the intent of the Legislature that an increased priority be given to those acquisitions which achieve a combination of conservation goals, including protecting Florida's water resources and natural groundwater recharge. Capital

project expenditures may not exceed 10 percent of the funds allocated pursuant to this paragraph.

(c) Twenty-four percent to the Department of Community Affairs for use by the Florida Communities Trust for the purposes of part III of chapter 380, and grants to local governments or nonprofit environmental organizations that are tax exempt under s. 501(c)(3) of the United States Internal Revenue Code for the acquisition of community-based projects, urban open spaces, parks, and greenways to implement local government comprehensive plans. From funds available to the trust, 8 percent shall be transferred annually to the Land Acquisition Trust Fund for grants pursuant to s. 375.075. From funds available to the trust and used for land acquisition, 75 percent shall be matched by local governments on a dollar-for-dollar basis. The Legislature intends that the Florida Communities Trust emphasize funding projects in low-income or otherwise disadvantaged communities. Thirty percent of the total allocation provided to the trust shall be used in Standard Metropolitan Statistical Areas, but one-half of that amount shall be used in localities in which the project site is located in built-up commercial, industrial, or mixed-use areas and functions to intersperse open spaces within congested urban core areas. From funds allocated to the trust, no less than 5 percent shall be used to acquire lands for recreational trail systems, provided that in the event these funds are not needed for such projects, they will be available for other trust projects. Local governments may use federal grants or loans, private donations, or environmental mitigation funds, including environmental mitigation funds required pursuant to s. 338.250, for any part or all of any local match required for acquisitions funded through the Florida Communities Trust. Any lands purchased by nonprofit organizations using funds allocated under this paragraph must provide for such lands to remain permanently in public use through a reversion of title to local or state government, conservation easement, or other appropriate mechanism. Projects funded with funds allocated to the Trust shall be selected in a competitive process measured against criteria adopted in rule by the Trust.

(d) One and five-tenths percent to the Department of Environmental Protection for the purchase of inholdings and additions to state parks. For the purposes of this paragraph, "state park" means any real property in the state which is under the jurisdiction of the Division of Recreation and Parks of the department, or which may come under its jurisdiction.

(e) One and five-tenths percent to the Division of Forestry of the Department of Agriculture and Consumer Services to fund the acquisition of state forest inholdings and additions pursuant to s. 589.07 and the implementation of reforestation plans or sustainable forestry management practices.

(f) One and five-tenths percent to the Fish and Wildlife Conservation Commission to fund the acquisition of inholdings and additions to lands managed by the commission which are important to the conservation of fish and wildlife.

(g) One and five-tenths percent to the Department of Environmental Protection for the Florida Greenways and Trails Program, to acquire greenways and trails or greenways and trail systems pursuant to chapter 260,

including, but not limited to, abandoned railroad rights-of-way and the Florida National Scenic Trail.

(h) For the purposes of paragraphs (d), (e), (f) and (g) the agencies which receive the funds shall develop their individual acquisition or restoration lists. Proposed additions may be acquired if they are identified within the original project boundary, the management plan required pursuant to s. 253.034(5), or the management prospectus required pursuant to s. 259.032(9)(d). Proposed additions not meeting the requirements of this paragraph shall be submitted to the Acquisition and Restoration Council for approval. The council may only approve the proposed addition if it meets two or more of the following criteria: serves as a link or corridor to other publicly owned property; enhances the protection or management of the property; would add a desirable resource to the property; would create a more manageable boundary configuration; has a high resource value that otherwise would be unprotected; or can be acquired at less than fair market value.

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

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

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

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

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

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

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

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

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

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

(j) The restoration of water areas, as measured by a reduction of nonnative species, level of maintenance control of invasive species, regeneration of natural communities, reduction of excessive sedimentation, removal of impediments, or reduction of shoreline erosion.

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

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

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

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

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

(5)(a) All lands acquired pursuant to this section shall be managed for multiple-use purposes, where compatible with the resource values of and management objectives for such lands. As used in this section, "multiple-use" includes, but is not limited to, outdoor recreational activities as described in ss. 253.034 and 259.032(9)(b), water resource development projects, and sustainable forestry management.

(b) Upon a decision by the entity in which title to lands acquired pursuant to this section has vested such lands may be designated single use as defined in s. 253.034(2)(b).

(6) As provided in this section, a water resource or water supply development project may be allowed only if the following conditions are met: minimum flows and levels have been established for those waters, if any, which may reasonably be expected to experience significant harm to water resources as a result of the project; the project complies with all applicable permitting requirements; and the project is consistent with the regional water supply plan, if any, of the water management district and with relevant recovery or prevention strategies if required pursuant to s. 373.0421(2).

(7)(a) Beginning July 1, 2000, and every year thereafter, the Acquisition and Restoration Council shall accept applications from state agencies, local governments, nonprofit and for-profit organizations, private land trusts, and individuals for project proposals eligible for funding pursuant to paragraph (3)(b). The council shall evaluate the proposals received pursuant to this subsection to ensure that they meet at least one of the criteria under subsection (9).

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

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

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

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

(8) The Acquisition and Restoration Council shall develop a project list that shall represent those projects submitted pursuant to subsection (7).

(9) The Acquisition and Restoration Council shall develop a rule to competitively evaluate, select, and rank projects eligible for Florida Forever funds pursuant to paragraph (3)(b). In developing this rule the Acquisition and Restoration Council shall give weight to the following criteria:

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

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

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

(d) The project has significant archeological or historic value.

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

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

(g) The project has a significant portion of its land area in imminent danger of development, in imminent danger of losing its significant natural attributes or recreational open space, or in imminent danger of subdivision

which would result in multiple ownership and make acquisition of the project costly or less likely to be accomplished.

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

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

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

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

(l) The project is a joint acquisition, either among public agencies, non-profit organizations, or private entities, or by a public-private partnership.

(10) The Acquisition and Restoration Council shall give increased priority to those projects for which matching funds are available and to project elements previously identified on an acquisition list pursuant to this section that can be acquired at 80 percent or less of appraised value.

(11) For the purposes of funding projects pursuant to paragraph (3)(a) the Secretary of Environmental Protection shall ensure that each water management district receives the following percentage of funds annually:

(a) 35 percent to the South Florida Water Management District.

(b) 25 percent to the Southwest Florida Water Management District.

(c) 25 percent to the St. John's River Water Management District.

(d) 7.5 percent to the Suwannee River Water Management District.

(e) 7.5 percent to the Northwest Florida Water Management District.

(12) It is the intent of the Legislature that in developing the list of projects for funding pursuant to paragraph (3)(a), that these funds not be used to abrogate the financial responsibility of those point and nonpoint sources that have contributed to the degradation of water or land areas. Therefore an increased priority shall be given by the water management district governing boards to those projects that have secured a cost-sharing agreement allocating responsibility for the cleanup of point and nonpoint sources.

(13) An affirmative vote of five members of the Acquisition and Restoration Council shall be required in order to place a proposed project on the list developed pursuant to subsection (8). Any member of the council who by family or a business relationship has a connection with any project proposed to be ranked shall declare such interest prior to voting for a project's inclusion on the list.

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

(15) The Acquisition and Restoration Council shall submit to the board of trustees, with its list of projects, a report that includes, but shall not be limited to, the following information for each project listed:

- (a) The stated purpose for inclusion.
- (b) Projected costs to achieve the project goals.
- (c) An interim management budget.
- (d) Specific performance measures.
- (e) Plans for public access.
- (f) An identification of the essential parcel or parcels within the project without which the project cannot be properly managed.
- (g) Where applicable, an identification of those projects or parcels within projects which should be acquired in fee simple or in less than fee simple.
- (h) An identification of those lands being purchased for conservation purposes.
- (i) A management policy statement for the project and a management prospectus pursuant to s. 259.032(9)(d).
- (j) An estimate of land value based on county tax assessed values.
- (k) A map delineating project boundaries.
- (l) An assessment of the project's ecological value, outdoor recreational value, forest resources, wildlife resources, ownership pattern, utilization, and location.
- (m) A discussion of whether alternative uses are proposed for the property and what those uses are.
- (n) A designation of the management agency or agencies.

(16) All proposals for projects pursuant to paragraph (3)(b) shall be implemented only if adopted by the Acquisition and Restoration Council and approved by the board of trustees. The council shall consider and evaluate in writing the merits and demerits of each project that is proposed for Florida Forever funding and shall ensure that each proposed project will meet a stated public purpose for the restoration, conservation, or preservation of environmentally sensitive lands and water areas or for providing

outdoor recreational opportunities. The council also shall determine if the project conforms, where applicable, with the comprehensive plan developed pursuant to s. 259.04(1)(a), the comprehensive multipurpose outdoor recreation plan developed pursuant to s. 375.021, the state lands management plan adopted pursuant to s. 253.03(7), the water resources work plans developed pursuant to s. 373.199, and the provisions of this section.

(17)(a) The Board of Trustees of the Internal Improvement Trust Fund, or, in the case of water management district lands, the owning water management district, may authorize the granting of a lease, easement, or license for the use of certain lands acquired pursuant to this section, for certain uses that are determined by the appropriate board to be compatible with the resource values of and management objectives for such lands.

(b) Any existing lease, easement, or license acquired for incidental public or private use on, under, or across any lands acquired pursuant to this section shall be presumed to be compatible with the purposes for which such lands were acquired.

(c) Notwithstanding the provisions of paragraph (a), no such lease, easement, or license shall be entered into by the Department of Environmental Protection or other appropriate state agency if the granting of such lease, easement, or license would adversely affect the exclusion of the interest on any revenue bonds issued to fund the acquisition of the affected lands from gross income for federal income tax purposes, pursuant to Internal Revenue Service regulations.

(18) The Acquisition and Restoration Council may recommend adoption of rules by the board of trustees necessary to implement the provisions of this section relating to: solicitation, scoring, selecting, and ranking of Florida Forever project proposals; disposing of or leasing lands or water areas selected for funding through the Florida Forever program; and the process of reviewing and recommending for approval or rejection the land management plans associated with publicly owned properties. Rules promulgated pursuant to this subsection shall be submitted to the President of the Senate and the Speaker of the House of Representatives, for review by the Legislature, no later than 30 days prior to the 2000 Regular Session and shall become effective only after legislative review. In its review, the Legislature may reject, modify, or take no action relative to such rules. The council shall conform such rules to changes made by the Legislature, or, if no action was taken by the Legislature, such rules shall become effective.

(19) Lands listed as projects for acquisition under the Florida Forever program may be managed for conservation pursuant to s. 259.032, on an interim basis by a private party in anticipation of a state purchase in accordance with a contractual arrangement between the acquiring agency and the private party that may include management service contracts, leases, cost share arrangements or resource conservation agreements. Lands designated as eligible under this subsection shall be managed to maintain or enhance the resources the state is seeking to protect by acquiring the land. Funding for these contractual arrangements may originate from the documentary stamp tax revenue deposited into the Conservation and Recreation

Lands Trust Fund and Water Management Lands Trust Fund. No more than five percent of funds allocated under the trust funds shall be expended for this purpose.

Section 22. Subsections (2), (3), and (4) of section 260.012, Florida Statutes, 1998 Supplement, are amended to read:

260.012 Declaration of policy and legislative intent.—

(2) It is the intent of the Legislature that a statewide system of greenways and trails be established to provide open space benefiting environmentally sensitive lands and wildlife and providing people with access to healthful outdoor activities. It is also the intent of the Legislature to acquire or designate lands and waterways to facilitate the establishment of a statewide system of greenways and trails; to encourage the multiple use of public rights-of-way and use to the fullest extent existing and future scenic roads, highways, park roads, parkways, greenways, trails, and national recreational trails; to encourage the development of greenways and trails by counties, cities, and special districts and to assist in such development by any means available; to coordinate greenway and trail plans and development by local governments with one another and with the state government and Federal Government; to encourage, whenever possible, the development of greenways and trails on federal lands by the Federal Government; and to encourage the owners of private lands to protect the existing ecological, historical, and cultural values of their lands, including those values derived from working landscapes.

(3) It is the intent of the Legislature that designated greenways and trails be located on public lands and waterways and, subject to the written agreement of the private landowner, on private lands. Designated greenways and trails located on public lands or waterways or on private lands may or may not provide public access, as agreed by the department or the landowner, respectively.

(4) It is the intent of the Legislature that information produced for the purpose of the identification of lands and waterways, both public and private, that are suitable for greenways and trails be used only for the purposes of:

(a) Setting priorities for acquisition, planning, and management of public lands and waterways for use as greenways and trails; and

(b) Identification of private lands which are eligible for designation as part of the greenways and trails system and are thereby eligible for incentives.

Section 23. Subsection (3) of section 260.013, Florida Statutes, 1998 Supplement, is amended to read:

260.013 Definitions.—As used in ss. 260.011-260.018, unless the context otherwise requires:

(3) “Designation” means the identification and inclusion of specific lands and waterways as part of the statewide system of greenways and trails

pursuant to a formal public process, including the specific written consent of the landowner. When the department determines that public access is appropriate for greenways and trails, written authorization must be granted by the landowner to the department permitting public access to all or a specified part of the landowner's property. The department's determination shall be noticed pursuant to s. 120.525, and the department shall also notify the landowner by certified mail at least 7 days before any public meeting regarding the intent to designate.

Section 24. Section 260.014, Florida Statutes, 1998 Supplement, is amended to read:

260.014 Florida Greenways and Trails System.—The Florida Greenways and Trails System shall be a statewide system of greenways and trails which shall consist of individual greenways and trails and networks of greenways and trails which may be designated as a part of the statewide system by the department. Mapping or other forms of identification of lands and waterways as suitable for inclusion in the system of greenways and trails, mapping of ecological characteristics for any purpose, or development of information for planning purposes shall not constitute designation. No lands or waterways may be designated as a part of the statewide system of greenways and trails without the specific written consent of the landowner.

Section 25. Section 260.0142, Florida Statutes, is created to read:

260.0142 Florida Greenways and Trails Council; composition; powers and duties.—

(1) There is hereby created within the Department of Environmental Protection the Florida Greenways and Trails Council which shall advise the department in the execution of the department's powers and duties under this chapter. The council shall be composed of 21 members, consisting of:

(a) Five members appointed by the Governor, with two members representing the trail user community, two members representing the greenway user community, and one member representing private landowners. Of the initial appointments, two shall be appointed for 2-year terms and three shall be appointed for 1-year terms. Subsequent appointments shall be for 2-year terms.

(b) Three members appointed by the President of the Senate, with one member representing the trail user community and two members representing the greenway user community. Of the initial appointments, two shall be appointed for 2-year terms and one shall be appointed for a 1-year term. Subsequent appointments shall be for 2-year terms.

(c) Three members appointed by the Speaker of the House of Representatives, with two members representing the trail user community and one member representing the greenway user community. Of the initial appointments, two shall be appointed for 2-year terms and one shall be appointed for a 1-year term. Subsequent appointments shall be for 2-year terms.

Those eligible to represent the trail user community shall be chosen from, but not be limited to, paved trail users, hikers, off-road bicyclists, paddlers, equestrians, disabled outdoor recreational users, and commercial recreational interests. Those eligible to represent the greenway user community shall be chosen from, but not be limited to, conservation organizations, nature study organizations, and scientists and university experts.

(d) The 10 remaining members shall include:

1. The Secretary of Environmental Protection or a designee;
 2. The executive director of the Fish and Wildlife Conservation Commission or a designee;
 3. The Secretary of Community Affairs or a designee;
 4. The Secretary of Transportation or a designee;
 5. The Director of the Division of Forestry of the Department of Agriculture and Consumer Services or a designee;
 6. The director of the Division of Historical Resources of the Department of State or a designee;
 7. A representative of the water management districts who shall serve for 1 year. Membership on the council shall rotate among the five districts. The districts shall determine the order of rotation;
 8. A representative of a federal land management agency. The Secretary of Environmental Protection shall identify the appropriate federal agency and request designation of a representative from the agency to serve on the council;
 9. A representative of the regional planning councils to be appointed by the Secretary of Environmental Protection, in consultation with the Secretary of Community Affairs, for a single 2-year term. The representative shall not be selected from the same regional planning council for successive terms; and
 10. A representative of local governments to be appointed by the Secretary of Environmental Protection, in consultation with the Secretary of Community Affairs, for a single 2-year term. Membership shall alternate between a county representative and a municipal representative.
- (2) The department shall provide necessary staff assistance to the council.
- (3) The council is authorized to contract for and to accept gifts, grants, or other aid from the United States Government or any person or corporation.
- (4) The duties of the council shall include, but not be limited to, the following:

(a) Advise the Department of Environmental Protection, the Department of Community Affairs, the Department of Transportation, the Fish and Wildlife Conservation Commission, the Division of Forestry of the Department of Agriculture and Consumer Services, the water management districts, and the regional planning councils on policies relating to the Florida Greenways and Trails System, and promote intergovernmental cooperation;

(b) Facilitate a statewide system of interconnected landscape linkages, conservation corridors, greenbelts, recreational corridors and trails, scenic corridors, utilitarian corridors, reserves, regional parks and preserves, ecological sites, and cultural/historic/recreational sites;

(c) Facilitate a statewide system of interconnected land-based trails that connect urban, suburban, and rural areas of the state and facilitate expansion of the statewide system of freshwater and saltwater paddling trails;

(d) Recommend priorities for critical links in the Florida Greenways and Trails System;

(e) Review applications for acquisition funding under the Florida Greenways and Trails Program and recommend to the Secretary of Environmental Protection which projects should be acquired;

(f) Provide funding recommendations to agencies and organizations regarding the acquisition, development, and management of greenways and trails, including the promotion of private landowner incentives;

(g) Review designation proposals for inclusion in the Florida Greenways and Trails System;

(h) Provide advocacy and education to benefit the statewide system of greenways and trails by encouraging communication and conferencing;

(i) Encourage public-private partnerships to develop and manage greenways and trails;

(j) Review progress toward meeting established benchmarks and recommend appropriate action;

(k) Make recommendations for updating and revising the implementation plan for the Florida Greenways and Trails System;

(l) Advise the Land Acquisition and Management Advisory Council or its successor to ensure the incorporation of greenways and trails in land management plans on lands managed by the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, the Division of Historical Resources of the Department of State, and the Division of Forestry of the Department of Agriculture and Consumer Services;

(m) Provide advice and assistance to the Department of Transportation and the water management districts regarding the incorporation of greenways and trails into their planning efforts;

(n) Encourage land use, environmental, and coordinated linear infrastructure planning to facilitate the implementation of local, regional, and statewide greenways and trails systems;

(o) Promote greenways and trails support organizations; and

(p) Support the Florida Greenways and Trails System in any other appropriate way.

(5) The council shall establish procedures for conducting its affairs in execution of the duties and responsibilities stated in this section, which operating procedures shall include determination of a council chair and other appropriate operational guidelines. The council shall meet at the call of the chair, or at such times as may be prescribed by its operating procedures. The council may establish committees to conduct the work of the council and the committees may include nonmembers as appropriate.

(6) A vacancy on the council shall be filled for the remainder of the unexpired term in the same manner as the original appointment. Members whose terms have expired may continue to serve until replaced or reappointed. No member shall serve on the council for more than two consecutive terms.

(7) Members of the council shall not receive any compensation for their services but shall be entitled to receive reimbursement for per diem and travel expenses incurred in the performance of their duties, as provided in s. 112.061.

Section 26. Section 260.016, Florida Statutes, 1998 Supplement, is amended, to read:

260.016 General powers of the department.—

(1) The department may:

(a) Publish and distribute appropriate maps of designated greenways and trails. The description shall include a generalized map delineating the area designated, location of suitable ingress and egress sites, as well as other points of interest to enhance the recreational opportunities of the public.

(b) Establish access routes and related public-use facilities along greenways and trails which will not substantially interfere with the nature and purposes of the greenway or trail.

(c) Adopt appropriate rules to implement or interpret this act and portions of chapter 253 relating to greenways and trails, which may include, but are not limited to, rules for the following:

1. Establishing a designation process.
2. Negotiating and executing agreements with private landowners.
3. Establishing prohibited activities or restrictions on activities to protect the health, safety, and welfare of the public.

4. Charging fees for use.
5. Providing public access.
6. Providing for maintenance.
7. Any matter necessary to the evaluation, selection, operation, and maintenance of greenways and trails.

Any person who violates or otherwise fails to comply with the rules adopted pursuant to subparagraph 3. commits a noncriminal infraction for which a fine of up to \$500 may be imposed.

(d) Coordinate the activities of all governmental units and bodies and special districts that desire to participate in the development and implementation of the Florida Greenways and Trails System.

~~(e) Appoint an advisory body to be known as the "Florida Recreational Trails Council" which shall advise the department in the execution of its powers and duties under this chapter. The department may establish by rule the duties, structure, and responsibilities of the council. Members of the Florida Recreational Trails Council shall serve without compensation, but are entitled to be reimbursed for per diem and travel expenses as provided in s. 112.061.~~

~~(e)(f)~~ Establish, develop, and publicize greenways and trails saltwater paddling trails in a manner that will permit public recreation when appropriate without damaging natural resources. The Big Bend Historic Saltwater Paddling Trail from the St. Marks River to the Suwannee River is hereby designated as part of the Florida Greenways and Trails System. Additions to this trail may be added by the department from time to time as part of a statewide saltwater circumnavigation trail.

~~(f)(g)~~ Enter into ~~sublease agreements or other use agreements with any federal, state, or local governmental agency, or any other entity local governmental agencies~~ for the management of greenways and trails for recreation and conservation purposes consistent with the intent of this chapter.

~~(h) Enter into management agreements with other entities only if a federal agency, another state agency, local government, county, or municipality is unable to manage the greenways or trails lands. Such entities must demonstrate their capabilities of management for the purposes defined in ss. 260.011-260.018.~~

~~(g)(i)~~ Charge reasonable fees or rentals for the use or operation of facilities and concessions. All such fees, rentals, or other charges collected shall be deposited in the account or trust fund of the managing entity. ~~All such fees, rentals, or other charges collected by the Division of Recreation and Parks under this paragraph shall be deposited in the State Park Trust Fund pursuant to s. 258.014.~~

- (2) The department shall:

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

1. The importance and function of such corridors within the statewide system.
2. Potential for local sharing in the acquisition, development, operation, or maintenance of greenway and trail corridors.
3. Costs of acquisition, development, operation, and maintenance.

(b) ~~Maintain an updated list of abandoned and to-be-abandoned railroad rights-of-way. The department shall request information on current and potential railroad abandonments from the Department of Transportation and railroad companies operating within the state. At a minimum, the department shall make such requests on a quarterly basis.~~

(c) ~~Provide information to public and private agencies and organizations on abandoned rail corridors which are or will be available for acquisition from the railroads or for lease for interim recreational use from the Department of Transportation. Such information shall include, at a minimum, probable costs of purchase or lease of the identified corridors.~~

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

1. Development and dissemination of criteria for designation.
2. Development and dissemination of criteria for changes in the terms or conditions of designation, including withdrawal or termination of designation. A landowner may have his or her lands property removed from designation by providing the department with a written request that contains an adequate description of such lands to be removed. Provisions shall be made in the designation agreement for disposition of any future improvements made to the land by the department.
3. ~~Compilation of available information on and field verification of the characteristics of the lands~~ and waterways as they relate to the developed criteria.
4. Public notice pursuant to s. 120.525 in all phases of the process.
5. Actual notice to the landowner by certified mail at least 7 days before any public meeting regarding the department's intent to designate.
6. Written authorization from the landowner in the form of a lease or other instrument for the designation and granting of public access, if appropriate, to a landowner's property.
7. Development of a greenway or trail use plan as a part of the designation agreement. In any particular segment of a greenway or trail, the plan

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

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

(3) The department or its designee is authorized to negotiate with potentially affected private landowners as to the terms under which such landowners would consent to the public use of their lands as part of the greenways and trails system. The department shall be authorized to agree to incentives for a private landowner who consents to this public use of his or her lands for conservation or recreational purposes, including, but not limited to, the following:

(a) Retention by the landowner of certain specific rights in his or her lands, including, but not limited to, the right to farm, hunt, graze, harvest timber, or use the lands for other purposes which are consistent with use as greenways or trails.

(b) Agreement to exchange, subject to the approval of the Board of Trustees of the Internal Improvement Trust Fund or other applicable unit of government, ownership or other rights of use of public lands for the ownership or other rights of use of privately owned ~~lands property~~. Any exchange of state-owned lands, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, for privately owned lands shall be subject to the requirements of s. 259.041.

(c) Contracting with the landowner to provide management or other services on the lands.

(d) At the option of the landowner, acceleration of the acquisition process or higher consideration in the ranking process when any lands owned by the landowner are under consideration for acquisition by the state or other unit of government.

(e) At the option of the landowner, removal of any lands owned by the landowner from consideration for acquisition by the state or other unit of government.

(f) Execution of patrol and protection agreements.

(g) Where applicable and appropriate, providing lease fees, not to exceed fair market value of the leasehold interest.

Section 27. Section 260.018, Florida Statutes, 1998 Supplement, is amended to read:

260.018 Agency recognition.—All agencies of the state, regional planning councils through their comprehensive plans, and local governments through their local comprehensive planning process pursuant to chapter 163 shall recognize the special character of publicly owned lands and waters designated by the state as greenways and trails and shall not take any action

which will impair their use as designated. Identification of lands or waterways in planning materials, maps, data, and other information developed or used in the greenways and trails program shall not be cause for such lands or waterways to be subject to this section, unless such lands or waterways have been designated as a part of the statewide system or greenways and trails pursuant to s. 260.016(2)(d).

Section 28. Paragraph (a) of subsection (11) of section 288.1224, Florida Statutes, is amended to read:

288.1224 Powers and duties.—The commission:

(11) Shall create an advisory committee of the commission which shall be charged with developing a regionally based plan to protect and promote all of the natural, coastal, historical, cultural, and commercial tourism assets of this state.

(a) Members of the advisory committee shall be appointed by the chair of the commission and shall include representatives of the commission, the Departments of Agriculture and Consumer Services, Environmental Protection, Community Affairs, Transportation, and State, the Florida Greenways and Trails Coordinating Council, the Fish and Wildlife Conservation Commission ~~Florida Game and Freshwater Fish Commission~~, and, as deemed appropriate by the chair of the commission, representatives from other federal, state, regional, local, and private sector associations representing environmental, historical, cultural, recreational, and tourism-related activities.

Section 29. The following trails located upon or within public lands or waterways and designated prior to May 30, 1998, shall not be subject to the designation process established in chapter 260, Florida Statutes, 1998 Supplement: thirty-six canoe trails designated by the Governor and Cabinet in 1970 and redesignated by the Governor and Cabinet on December 8, 1981; the Historic Big Bend Saltwater Paddling Trail; Hillsborough River State Recreational Canoe Trail; and trails located within state parks and forests.

Section 30. Effective July 1, 2001, subsection (4) of section 369.252, Florida Statutes, is amended to read:

369.252 Invasive exotic plant control on public lands.—The department shall establish a program to:

(4) Use funds in the Aquatic Plant Control Trust Fund as authorized by the Legislature for carrying out activities under this section on public lands. Twenty percent of the amount credited to the Aquatic Plant Control Trust Fund pursuant to s. 201.15(6) shall be used for the purpose of controlling nonnative, upland, invasive plant species on public lands.

Section 31. Subsection (5) of section 369.307, Florida Statutes, is amended to read:

369.307 Developments of regional impact in the Wekiva River Protection Area; land acquisition.—

(5) The Department of Environmental Protection is directed to proceed to negotiate for acquisition of conservation and recreation lands projects within the Wekiva River Protection Area provided that such projects have been deemed qualified under statutory and rule criteria for purchase and have been placed on the priority list for acquisition by the advisory council created in s. 259.035 or its successor.

Section 32. Subsection (5) is added to section 373.089, Florida Statutes, to read:

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

(5) Any lands the title to which is vested in the governing board of a water management district may be surplused pursuant to the procedures set forth in this section and s. 373.056 and the following:

(a) For those lands designated as acquired for conservation purposes, the governing board shall make a determination that the lands are no longer needed for conservation purposes and may dispose of them by a two-thirds vote.

(b) For all other lands, the governing board shall make a determination that such lands are no longer needed and may dispose of them by majority vote.

(c) For the purposes of this subsection, all lands for which title has vested in the governing board prior to July 1, 1999, shall be deemed to have been acquired for conservation purposes.

(d) For any lands acquired on or after July 1, 1999, for which title is vested in the governing board, the governing board shall determine which parcels shall be designated as having been acquired for conservation purposes.

Section 33. Section 373.139, Florida Statutes, is amended to read:

373.139 Acquisition of real property.—

(1) The Legislature declares it to be necessary for the public health and welfare that water and water-related resources be conserved and protected. The acquisition of real property for this objective shall constitute a public purpose for which public funds may be expended.

(2) The governing board of the district is empowered and authorized to acquire in fee or less than fee title to real property, and easements therein, by purchase, gift, devise, lease, eminent domain, or otherwise for flood control, water storage, water management, aquifer recharge, water resource and water supply development, and preservation of wetlands, streams, and lakes, ~~except that~~ Eminent domain powers may be used only for acquiring real property for flood control and water storage or for curing title defects or encumbrances to real property to be acquired from a willing seller.

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

(b) Title information, appraisal reports, offers, and counteroffers are confidential and exempt from the provisions of s. 119.07(1) until an option contract is executed or, if no option contract is executed, until 30 days before a contract or agreement for purchase is considered for approval by the governing board. However, each district may, at its discretion, disclose appraisal reports to private landowners during negotiations for acquisitions using alternatives to fee simple techniques, if the district determines that disclosure of such reports will bring the proposed acquisition to closure. In the event that negotiation is terminated by the district, the title information, appraisal report, offers, and counteroffers shall become available pursuant to s. 119.07(1). Notwithstanding the provisions of this section and s. 259.041, a district and the Division of State Lands may share and disclose title information, appraisal reports, appraisal information, offers, and counteroffers when joint acquisition of property is contemplated. A district and the Division of State Lands shall maintain the confidentiality of such title information, appraisal reports, appraisal information, offers, and counteroffers in conformance with this section and s. 259.041, except in those cases in which a district and the division have exercised discretion to disclose such information.

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

(d) The Secretary of Environmental Protection shall release acquisition moneys from the appropriate account or trust fund to a district following receipt of a resolution adopted by the governing board identifying the lands being acquired and certifying that such acquisition is consistent with the 5-year workplan of acquisition and other provisions of this section. The governing board also shall provide to the Secretary of Environmental Protection a copy of all certified appraisals used to determine the value of the land to be purchased. Each parcel to be acquired must have at least one appraisal. Two appraisals are required when the estimated value of the parcel exceeds \$500,000. However, when both appraisals exceed \$500,000 and differ significantly, a third appraisal may be obtained. If the purchase price is greater than the appraisal price, the governing board shall submit written justification for the increased price. The Secretary of Environmental Protection may withhold moneys for any purchase that is not consistent with the 5-year plan or the intent of this section or that is in excess of appraised value. The governing board may appeal any denial to the Land and Water Adjudicatory Commission pursuant to s. 373.114.

(4) The governing board of the district may purchase tax certificates or tax deeds issued in accordance with chapter 197 relating to property eligible for purchase under this section.

~~(5) Lands acquired for the purposes enumerated in subsection (2) may also be used for recreational purposes, and whenever practicable such lands shall be open to the general public for recreational uses. Except when prohibited by a covenant or condition described in s. 373.056(2), lands owned, managed, and controlled by the district may be used for multiple purposes, including, but not limited to, agriculture, silviculture, and water supply, as well as boating and other recreational uses.~~

~~(6) For the purpose of introducing water into, or drawing water from, the underlying aquifer for storage or supply, the governing board is authorized to hold, control, and acquire by donation, lease, or purchase any land, public or private.~~

~~(5)(7) This section shall not limit the exercise of similar powers delegated by statute to any state or local governmental agency or other person.~~

(6) A district may dispose of land acquired under this section pursuant to s. 373.056 or s. 373.089. However, no such disposition of land shall be made if it would have the effect of causing all or any portion of the interest on any revenue bonds issued pursuant to s. 259.101 or s. 259.105 to fund the acquisition programs detailed in this section to lose the exclusion from gross income for purposes of federal income taxation. Revenue derived from such disposition may not be used for any purpose except the purchase of other lands meeting the criteria specified in this section or payment of debt service on revenue bonds or notes issued under s. 373.584.

(7) The districts have the authority to promulgate rules that include the specific process by which land is acquired; the selection and retention of outside appraisers, surveyors, and acquisition agents; and public notification. Rules adopted pursuant to this subsection shall be submitted to the President of the Senate and the Speaker of the House of Representatives, for review by the Legislature, no later than 30 days prior to the 2001 Regular Session and shall become effective only after legislative review. In its review, the Legislature may reject, modify, or take no action relative to such rules. The districts shall conform such rules to changes made by the Legislature, or, if no action was taken by the Legislature, such rules shall become effective.

Section 34. Section 373.1391, Florida Statutes, is created to read:

373.1391 Management of real property.—

(1)(a) Lands titled to the governing boards of the districts shall be managed and maintained, to the extent practicable, in such a way as to ensure a balance between public access, general public recreational purposes, and restoration and protection of their natural state and condition. Except when prohibited by a covenant or condition described in s. 373.056(2), lands owned, managed, and controlled by the district may be used for multiple purposes, including, but not limited to, agriculture, silviculture, and water supply, as well as boating and other recreational uses.

(b) Whenever practicable such lands shall be open to the general public for recreational uses. General public recreational purposes shall include, but

not be limited to, fishing, hunting, horseback riding, swimming, camping, hiking, canoeing, boating, diving, birding, sailing, jogging, and other related outdoor activities to the maximum extent possible considering the environmental sensitivity and suitability of those lands. These public lands shall be evaluated for their resource value for the purpose of establishing which parcels, in whole or in part, annually or seasonally, would be conducive to general public recreational purposes. Such findings shall be included in management plans which are developed for such public lands. These lands shall be made available to the public for these purposes, unless the district governing board can demonstrate that such activities would be incompatible with the purposes for which these lands were acquired.

(c) In developing or reviewing land management plans should a dispute arise that cannot be resolved by the water management districts, that issue shall be forwarded to the Secretary of Environmental Protection who shall submit it to the Florida Forever Advisory Council.

(d) For any fee simple acquisition of a parcel which is or will be leased back for agricultural purposes, or for any acquisition of a less-than-fee interest in lands that is or will be used for agricultural purposes, the district governing board shall first consider having a soil and water conservation district created pursuant to chapter 582 manage and monitor such interest.

(2) Interests in real property acquired by the districts under this section with funds other than those appropriated under the Florida Forever Act may be used for permissible water resource development and water supply development purposes under the following conditions: the minimum flows and levels of priority water bodies on such lands have been established; the project complies with all conditions for issuance of a permit under part II of this chapter; and the project is compatible with the purposes for which the land was acquired.

(3) Each district is encouraged to use volunteers to provide land management and other services. Volunteers shall be covered by liability protection and workers' compensation in the same manner as district employees, unless waived in writing by such volunteers or unless such volunteers otherwise provide equivalent insurance.

(4) Each water management district is authorized and encouraged to enter into cooperative land management agreements with state agencies or local governments to provide for the coordinated and cost-effective management of lands to which the water management districts, the Board of Trustees of the Internal Improvement Trust Fund, or local governments hold title. Any such cooperative land management agreement must be consistent with any applicable laws governing land use, management duties, and responsibilities and procedures of each cooperating entity. Each cooperating entity is authorized to expend such funds as are made available to it for land management on any such lands included in a cooperative land management agreement.

(5) The following additional uses of lands acquired pursuant to the Florida Forever program and other state-funded land purchase programs shall be authorized, upon a finding by the governing board, if they meet the

criteria specified in paragraphs (a)-(e): water resource development projects, water supply development projects, stormwater management projects, linear facilities, and sustainable agriculture and forestry. Such additional uses are authorized where:

- (a) Not inconsistent with the management plan for such lands;
- (b) Compatible with the natural ecosystem and resource values of such lands;
- (c) The proposed use is appropriately located on such lands and where due consideration is given to the use of other available lands;
- (d) The using entity reasonably compensates the titleholder for such use based upon an appropriate measure of value; and
- (e) The use is consistent with the public interest.

A decision by the governing board pursuant to this subsection shall be given a presumption of correctness.

Moneys received from the use of state lands pursuant to this subsection shall be returned to the lead managing agency in accordance with the provisions of s. 373.59.

(6) The districts have the authority to adopt rules that specify: allowable activities on district-owned lands; the amount of fees, licenses, or other charges for users of district-owned lands; the application and reimbursement process for payments in lieu of taxes; the use of volunteers for management activities; and the processes related to entering into or severing cooperative land management agreements. Rules promulgated pursuant to the subsection shall become effective only after submitted to the President of the Senate and Speaker of the House of Representatives for review by the Legislature not later than 30 days prior to the next regular session. In its review, the Legislature may reject, modify, or take no action relative to such rules. The districts shall conform such rules to changes made by the Legislature, or, if no action is taken, such rules shall become effective.

Section 35. Section 373.146, Florida Statutes, is amended to read:

373.146 Publication of notices, process, and papers.—

(1) Whenever in this chapter the publication of any notice, process, or paper is required or provided for, unless otherwise provided by law, the publication thereof in some newspaper or newspapers as defined in chapter 50 having general circulation within the area to be affected shall be taken and considered as being sufficient.

(2) Notwithstanding any other provision of law to the contrary, and except in the case of emergency meetings, water management districts may provide reasonable notice of public meetings held to evaluate responses to solicitations issued by the water management district, by publication in a newspaper of general paid circulation in the county where the principal office of the water management district is located, or in the county or coun-

ties where the public work will be performed, no less than 7 days before such meeting.

Section 36. Section 373.199, Florida Statutes, is created to read:

373.199 Florida Forever Water Management District Workplan.—

(1) Over the years, the Legislature has created numerous programs and funded several initiatives intended to restore, conserve, protect, and manage Florida's water resources and the lands and ecosystems associated with them. Although these programs and initiatives have yielded individual successes, the overall quality of Florida's water resources continues to degrade; natural systems associated with surface waters continue to be altered or have not been restored to a fully functioning level; and sufficient quantities of water for current and future reasonable beneficial uses and for natural systems remain in doubt.

(2) Therefore, in order to further the goals of the Florida Forever Act each water management district shall develop a 5-year workplan that identifies projects that meet the criteria in subsections (3), (4), and (5).

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

(a) Integrate its existing surface water improvement and management plans, Save Our Rivers land acquisition lists, stormwater management projects, proposed water resource development projects, proposed water body restoration projects, and other properties or activities that would assist in meeting the goals of Florida Forever.

(b) Work cooperatively with the applicable ecosystem management area teams and other citizen advisory groups, the Department of Environmental Protection and its district offices, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, the Department of Community Affairs, the Department of Transportation, other state agencies, and federal agencies, where applicable.

(4) The list submitted by the districts shall include, where applicable, the following information for each project:

(a) A description of the water body system, its historical and current uses, and its hydrology; a history of the conditions which have led to the need for restoration or protection; and a synopsis of restoration efforts that have occurred to date, if applicable.

(b) An identification of all governmental units that have jurisdiction over the water body and its drainage basin within the approved surface water improvement and management plan area, including local, regional, state, and federal units.

(c) A description of land uses within the project area's drainage basin, and of important tributaries, point and nonpoint sources of pollution, and permitted discharge activities associated with that basin.

(d) A description of strategies and potential strategies, including improved stormwater management, for restoring or protecting the water body to Class III or better surface water quality status.

(e) A listing and synopsis of studies that are being or have been prepared for the water body, stormwater management project, or water resource development project.

(f) A description of the measures needed to manage and maintain the water body once it has been restored and to prevent future degradation, to manage and maintain the stormwater management system, or to manage and maintain the water resource development project.

(g) A schedule for restoration and protection of the water body, implementation of the stormwater management project, or development of the water resource development project.

(h) An estimate of the funding needed to carry out the restoration, protection, or improvement project, or the development of new water resources, where applicable, and the projected sources of the funding.

(i) Numeric performance measures for each project. Each performance measure shall include a baseline measurement, which is the current situation; a performance standard, which water management district staff anticipates the project will achieve; and the performance measurement itself, which should reflect the incremental improvements the project accomplishes towards achieving the performance standard. These measures shall reflect the relevant goals detailed in s. 259.105(4).

(j) A discussion of permitting and other regulatory issues related to the project.

(k) An identification of the proposed public access for projects with land acquisition components.

(l) An identification of those lands which require a full fee simple interest to achieve water management goals and those lands which can be acquired using alternatives to fee simple acquisition techniques and still achieve such goals. In their evaluation of which lands would be appropriate for acquisition through alternatives to fee simple, district staff shall consider criteria including, but not limited to, acquisition costs, the net present value of future land management costs, the net present value of advalorem revenue loss to the local government, and potential for revenue generated from activities compatible with acquisition objectives.

(m) An identification of lands needed to protect or recharge groundwater and a plan for their acquisition as necessary to protect potable water supplies. Lands which serve to protect or recharge groundwater identified pursuant to this paragraph shall also serve to protect other valuable natural resources or provide space for natural resource based recreation.

(5) The list of projects shall indicate the relative significance of each project within the particular water management district's boundaries, and

the schedule of activities and sums of money earmarked should reflect those rankings as much as possible over a 5-year planning horizon.

(6) Each district shall remove the property of an unwilling seller from its 5-year workplan at the next scheduled update of the plan, if in receipt of a request to do so by the property owner.

(7) By January 1 of each year, each district shall file with the Legislature and the Secretary of Environmental Protection a report of acquisitions completed during the year together with modifications or additions to its 5-year workplan. Included in the report shall be:

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

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

The secretary shall submit the report required pursuant to this subsection along with the Florida Forever report required under s. 259.105.

Section 37. Subsection (6) of section 373.250, Florida Statutes, is repealed;

373.250 Reuse of reclaimed water.—

~~(6) Each water management district shall submit to the Legislature, by June 1 of each year, an annual report which describes the district's progress in promoting the reuse of reclaimed water. The report shall include, but not be limited to:~~

~~(a) The number of permits issued during the year which required reuse of reclaimed water and, by categories, the percentages of reuse required.~~

~~(b) The number of permits issued during the year which did not require the reuse of reclaimed water and, of those permits, the number which reasonably could have required reuse.~~

~~(c) In the second and subsequent annual reports, a statistical comparison of reuse required through consumptive use permitting between the current and preceding years.~~

~~(d) A comparison of the volume of reclaimed water available in the district to the volume of reclaimed water required to be reused through consumptive use permits.~~

~~(e) A comparison of the volume of reuse of reclaimed water required in water resource caution areas through consumptive use permitting to the volume required in other areas in the district through consumptive use permitting.~~

~~(f) An explanation of the factors the district considered when determining how much, if any, reuse of reclaimed water to require through consumptive use permitting.~~

~~(g) A description of the district's efforts to work in cooperation with local government and private domestic wastewater treatment facilities to increase the reuse of reclaimed water. The districts, in consultation with the department, shall devise a uniform format for the report required by this subsection and for presenting the information provided in the report.~~

Section 38. Section 373.59, Florida Statutes, 1998 Supplement, is amended to read:

373.59 Water Management Lands Trust Fund.—

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

(2)(a) ~~Until the Preservation 2000 Program is concluded, By January 15 of each year, each district shall file with the Legislature and the Secretary of Environmental Protection a report of acquisition activity, by January 15 of each year together with modifications or additions to its 5-year plan of acquisition. Included in the report shall be an identification of those lands which require a full fee simple interest to achieve water management goals and those lands which can be acquired using alternatives to fee simple acquisition techniques and still achieve such goals. In their evaluation of which lands would be appropriate for acquisition through alternatives to fee simple, district staff shall consider criteria including, but not limited to, acquisition costs, the net present value of future land management costs, the net present value of ad valorem revenue loss to the local government, and the potential for revenue generated from activities compatible with acquisition objectives. The report shall also include a description of land management activity. Expenditure of moneys from the Water Management Lands Trust Fund shall be limited to the costs for acquisition, management, maintenance, and capital improvements of lands included within the 5-year plan as filed by each district and to the department's costs of administration of the fund. The department's costs of administration shall be charged proportionally against each district's allocation using the formula provided in subsection (7).~~ However, no acquisition of lands shall occur without a public hearing similar to those held pursuant to the provisions set forth in s. 120.54. In the annual update of its 5-year plan for acquisition, each district shall identify lands needed to protect or recharge groundwater and shall establish a plan for their acquisition as necessary to protect potable water

supplies. Lands which serve to protect or recharge groundwater identified pursuant to this paragraph shall also serve to protect other valuable natural resources or provide space for natural resource based recreation. Once all Preservation 2000 funds allocated to the water management districts have been expended or committed, this subsection shall be repealed.

(b) ~~Moneys from the fund shall be used for continued acquisition, management, maintenance, and capital improvements of the following lands and lands set forth in the 5-year land acquisition plan of the district:~~

1. ~~By South Florida Water Management District—lands in the water conservation areas and areas adversely affected by raising water levels of Lake Okeechobee in accordance with present regulation schedules, and the Savannahs Wetland area in Martin County and St. Lucie County.~~

2. ~~By Southwest Florida Water Management District—lands in the Four River Basins areas, including Green Swamp, Upper Hillsborough and Cypress Creek, Anclote Water Storage Lands (Starkey), Withlacoochee and Hillsborough riverine corridors, and Sawgrass Lake addition.~~

3. ~~By St. Johns River Water Management District—Seminole Ranch, Latt Maxey and Evans properties in the upper St. Johns River Basin.~~

4. ~~By Suwannee River Water Management District—lands in Suwannee River Valley.~~

5. ~~By Northwest Florida Water Management District—lands in the Choctawhatchee and Apalachicola River Valleys.~~

(3) Each district shall remove the property of an unwilling seller from its plan of acquisition at the next scheduled update of the plan, if in receipt of a request to do so by the property owner. This subsection shall be repealed at the conclusion of the Preservation 2000 program.

~~(4)(a) Moneys from the Water Management Lands Trust Fund shall be used for acquiring the fee or other interest in lands necessary for water management, water supply, and the conservation and protection of water resources, except that such moneys shall not be used for the acquisition of rights-of-way for canals or pipelines. Such moneys shall also be used for management, maintenance, and capital improvements. Interests in real property acquired by the districts under this section may be used for permit-table water resource development and water supply development purposes under the following conditions: the minimum flows and levels of priority water bodies on such lands have been established; the project complies with all conditions for issuance of a permit under part II of this chapter; and the project is compatible with the purposes for which the land was acquired. Lands acquired with moneys from the fund shall be managed and maintained in an environmentally acceptable manner and, to the extent practicable, in such a way as to restore and protect their natural state and condition.~~

~~(4)(b) The Secretary of Environmental Protection shall release moneys from the Water Management Lands Trust Fund to a district for preacquisition costs within 30 days after receipt of a resolution adopted by the district's~~

governing board which identifies and justifies any such preacquisition costs necessary for the purchase of any lands listed in the district's 5-year plan. The district shall return to the department any funds not used for the purposes stated in the resolution, and the department shall deposit the unused funds into the Water Management Lands Trust Fund.

~~(c) The Secretary of Environmental Protection shall release acquisition moneys from the Water Management Lands Trust Fund to a district following receipt of a resolution adopted by the governing board identifying the lands being acquired and certifying that such acquisition is consistent with the plan of acquisition and other provisions of this act. The governing board shall also provide to the Secretary of Environmental Protection a copy of all certified appraisals used to determine the value of the land to be purchased. Each parcel to be acquired must have at least one appraisal. Two appraisals are required when the estimated value of the parcel exceeds \$500,000. However, when both appraisals exceed \$500,000 and differ significantly, a third appraisal may be obtained. If the purchase price is greater than the appraisal price, the governing board shall submit written justification for the increased price. The Secretary of Environmental Protection may withhold moneys for any purchase that is not consistent with the 5-year plan or the intent of this act or that is in excess of appraised value. The governing board may appeal any denial to the Land and Water Adjudicatory Commission pursuant to s. 373.114.~~

(5)(d) The Secretary of Environmental Protection shall release to the districts moneys for management, maintenance, and capital improvements following receipt of a resolution and request adopted by the governing board which specifies the designated managing agency, specific management activities, public use, estimated annual operating costs, and other acceptable documentation to justify release of moneys.

~~(5) Water management land acquisition costs shall include payments to owners and costs and fees associated with such acquisition.~~

(6) If a district issues revenue bonds or notes under s. 373.584 prior to July 1, 1999, the district may pledge its share of the moneys in the Water Management Lands Trust Fund as security for such bonds or notes. The Department of Environmental Protection shall pay moneys from the trust fund to a district or its designee sufficient to pay the debt service, as it becomes due, on the outstanding bonds and notes of the district; however, such payments shall not exceed the district's cumulative portion of the trust fund. However, any moneys remaining after payment of the amount due on the debt service shall be released to the district pursuant to subsection (5) ~~(3)~~.

(7) Any unused portion of a district's share of the fund shall accumulate in the trust fund to the credit of that district. Interest earned on such portion shall also accumulate to the credit of that district to be used for ~~land acquisition~~, management, maintenance, and capital improvements as provided in this section. The total moneys over the life of the fund available to any district under this section shall not be reduced except by resolution of the district governing board stating that the need for the moneys no longer

exists. Any water management district with fund balances in the Water Management Lands Trust Fund as of March 1, 1999, may expend those funds for land acquisitions pursuant to s. 373.139, or for the purpose specified in this subsection.

(8) Moneys from the Water Management Lands Trust Fund shall be allocated to the five water management districts in the following percentages:

- (a) Thirty percent to the South Florida Water Management District.
- (b) Twenty-five percent to the Southwest Florida Water Management District.
- (c) Twenty-five percent to the St. Johns River Water Management District.
- (d) Ten percent to the Suwannee River Water Management District.
- (e) Ten percent to the Northwest Florida Water Management District.

~~(9) Each district may use its allocation under subsection (8) for management, maintenance, and capital improvements. Capital improvements shall include, but need not be limited to, perimeter fencing, signs, firelanes, control of invasive exotic species, controlled burning, habitat inventory and restoration, law enforcement, access roads and trails, and minimal public accommodations, such as primitive campsites, garbage receptacles, and toilets.~~

(9)(10) Moneys in the fund not needed to meet current obligations incurred under this section shall be transferred to the State Board of Administration, to the credit of the fund, to be invested in the manner provided by law. Interest received on such investments shall be credited to the fund.

~~(11) Lands acquired for the purposes enumerated in this section shall also be used for general public recreational purposes. General public recreational purposes shall include, but not be limited to, fishing, hunting, horseback riding, swimming, camping, hiking, canoeing, boating, diving, birding, sailing, jogging, and other related outdoor activities to the maximum extent possible considering the environmental sensitivity and suitability of those lands. These public lands shall be evaluated for their resource value for the purpose of establishing which parcels, in whole or in part, annually or seasonally, would be conducive to general public recreational purposes. Such findings shall be included in management plans which are developed for such public lands. These lands shall be made available to the public for these purposes, unless the district governing board can demonstrate that such activities would be incompatible with the purposes for which these lands were acquired. For any fee simple acquisition of a parcel which is or will be leased back for agricultural purposes, or for any acquisition of a less-than-fee interest in land that is or will be used for agricultural purposes, the district governing board shall first consider having a soil and water conservation district created pursuant to chapter 582 manage and monitor such interest.~~

(10)(a) Beginning July 1, 1999, not more than one-fourth of the land management funds provided for in subsections (1) and (8) in any year shall be reserved annually by a governing board, during the development of its annual operating budget, for payments in lieu of taxes for all actual tax losses incurred as a result of governing board acquisitions for water management districts under the Florida Forever program during any year. Reserved funds not used for payments in lieu of taxes in any year shall revert to the Water Management Lands Trust Fund to be used in accordance with the provisions of this section.

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

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

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

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

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

(d) The payment amount shall be based on the average amount of actual taxes paid on the property for the 3 years preceding acquisition. Applications for payment in lieu of taxes shall be made no later than January 31 of the year following acquisition. No payment in lieu of taxes shall be made for properties which were exempt from ad valorem taxation for the year immediately preceding acquisition. If property that was subject to ad valorem taxation was acquired by a tax-exempt entity for ultimate conveyance to the state under this chapter, payment in lieu of taxes shall be made for such property based upon the average amount of taxes paid on the property for the 3 years prior to its being removed from the tax rolls. The water management districts shall certify to the Department of Revenue those properties that may be eligible under this provision. Once eligibility has been established, that governmental entity shall receive 10 consecutive annual payments for each tax loss, and no further eligibility determination shall be made during that period.

(e) Payment in lieu of taxes pursuant to this subsection shall be made annually to qualifying counties and local governments after certification by the Department of Revenue that the amounts applied for are reasonably appropriate, based on the amount of actual taxes paid on the eligible property, and after the water management districts have provided supporting documents to the Comptroller and have requested that payment be made in accordance with the requirements of this section.

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

~~(12) — A district may dispose of land acquired under this section, pursuant to s. 373.056 or s. 373.089. However, revenue derived from such disposal may not be used for any purpose except the purchase of other lands meeting the criteria specified in this section or payment of debt service on revenue bonds or notes issued under s. 373.584, as provided in this section.~~

~~(13) — No moneys generated pursuant to this act may be applied or expended subsequent to July 1, 1985, to reimburse any district for prior expenditures for land acquisition from ad valorem taxes or other funds other than its share of the funds provided herein or to refund or refinance outstanding debt payable solely from ad valorem taxes or other funds other than its share of the funds provided herein.~~

~~(14)(a) — Beginning in fiscal year 1992-1993, not more than one-fourth of the land management funds provided for in subsections (1) and (9) in any year shall be reserved annually by a governing board, during the development of its annual operating budget, for payment in lieu of taxes to qualifying counties for actual ad valorem tax losses incurred as a result of lands purchased with funds allocated pursuant to s. 259.101(3)(b). In addition, the Northwest Florida Water Management District, the South Florida Water Management District, the Southwest Florida Water Management District, the St. Johns River Water Management District, and the Suwannee River Water Management District shall pay to qualifying counties payments in lieu of taxes for district lands acquired with funds allocated pursuant to subsection (8). Reserved funds that are not used for payment in lieu of taxes in any year shall revert to the fund to be used for management purposes or land acquisition in accordance with this section.~~

~~(b) — Payment in lieu of taxes shall be available to counties for each year in which the levy of ad valorem tax is at least 8.25 mills or the amount of the tax loss from all completed Preservation 2000 acquisitions in the county exceeds 0.01 percent of the county's total taxable value, and the population is 75,000 or less and to counties with a population of less than 100,000 which contain all or a portion of an area of critical state concern designated pursuant to chapter 380.~~

~~(c) — If insufficient funds are available in any year to make full payments to all qualifying counties, such counties shall receive a pro rata share of the moneys available.~~

~~(d) — The payment amount shall be based on the average amount of actual taxes paid on the property for the 3 years immediately preceding acquisition. For lands purchased prior to July 1, 1992, applications for payment in lieu of taxes shall be made to the districts by January 1, 1993. For lands purchased after July 1, 1992, applications for payment in lieu of taxes shall be made no later than January 31 of the year following acquisition. No payment in lieu of taxes shall be made for properties which were exempt from ad valorem taxation for the year immediately preceding acquisition. Payment~~

in lieu of taxes shall be limited to a period of 10 consecutive years of annual payments.

~~(e) Payment in lieu of taxes shall be made within 30 days after: certification by the Department of Revenue that the amounts applied for are appropriate, certification by the Department of Environmental Protection that funds are available, and completion of any fund transfers to the district. The governing board may reduce the amount of a payment in lieu of taxes to any county by the amount of other payments, grants, or in-kind services provided to that county by the district during the year. The amount of any reduction in payments shall remain in the Water Management Lands Trust Fund for purposes provided by law.~~

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

~~(15) Each district is encouraged to use volunteers to provide land management and other services. Volunteers shall be covered by liability protection and workers' compensation in the same manner as district employees, unless waived in writing by such volunteers or unless such volunteers otherwise provide equivalent insurance.~~

~~(16) Each water management district is authorized and encouraged to enter into cooperative land management agreements with state agencies or local governments to provide for the coordinated and cost-effective management of lands to which the water management districts, the Board of Trustees of the Internal Improvement Trust Fund, or local governments hold title. Any such cooperative land management agreement must be consistent with any applicable laws governing land use, management duties, and responsibilities and procedures of each cooperating entity. Each cooperating entity is authorized to expend such funds as are made available to it for land management on any such lands included in a cooperative land management agreement.~~

~~(11)(17) Notwithstanding any provision of this section to the contrary and for the 1998-1999 fiscal year only, the governing board of a water management district may request, and the Secretary of Environmental Protection shall release upon such request, moneys allocated to the districts pursuant to subsection (8) for the purpose of carrying out the purposes provisions of s. 373.0361, s. 375.0831, s. 373.139, or ss. 373.451-373.4595. No funds may be used pursuant to this subsection until necessary debt service obligations, and requirements for payments in lieu of taxes and land management obligations that may be required by this chapter pursuant to this section are provided for. This subsection is repealed on July 1, 1999.~~

Section 39. Section 375.075, Florida Statutes, is amended to read:

375.075 Outdoor recreation; financial assistance to local governments.—

(1) The Department of Environmental Protection is authorized, pursuant to s. 370.023, to establish the Florida Recreation Development Assistance

Program to provide grants to qualified local governmental entities to acquire or develop land for public outdoor recreation purposes. To the extent not needed for debt service on bonds issued pursuant to s. 375.051, each fiscal year through fiscal year 2000-2001, the department shall develop and plan a program which shall be based upon funding of not less than 5 percent of the money credited to the Land Acquisition Trust Fund pursuant to s. 201.15(2) and (3) in that year. Beginning fiscal year 2001-2002, the department shall develop and plan a program which shall be based upon funding provided from the Florida Forever Trust Fund pursuant to s. 259.105(3)(c).

(2)(a) The department shall adopt, by rule, procedures to govern the program, which shall include, but need not be limited to, a competitive project selection process designed to maximize the outdoor recreation benefit to the public.

(b) Selection criteria shall, at a minimum, rank:

1. The extent to which the project would implement the outdoor recreation goals, objectives, and priorities specified in the state comprehensive outdoor recreation plan; and

2. The extent to which the project would provide for priority resource or facility needs in the region as specified in the state comprehensive outdoor recreation plan.

(c) No release of funds from the Land Acquisition Trust Fund, or from the Florida Forever Trust Fund beginning in fiscal year 2001-2002, for this program may be made for these public recreation projects until the projects have been selected through the competitive selection process provided for in this section.

(3) A local government may submit up to two grant applications during each application period announced by the department. However, a local government may not have more than three active projects expending grant funds during any state fiscal year. The maximum project grant for each project application may not exceed \$200,000 in state funds.

Section 40. Subsection (13) of section 380.0666, Florida Statutes, is amended to read:

380.0666 Powers of land authority.—The land authority shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers, which are in addition to all other powers granted by other provisions of this act:

(13) To identify parcels of land within the area or areas of critical state concern that would be appropriate acquisitions by the state from the Conservation and Recreational Lands Trust Fund and recommend such acquisitions to the advisory council established pursuant to s. 259.035 or its successor.

Section 41. Subsection (8) of section 380.0677, Florida Statutes, is amended to read:

380.0677 Green Swamp Land Authority.—

(8) APPROPRIATIONS.—From funds appropriated to the Department of Environmental Protection for land acquisition from the Conservation and Recreation Lands Trust Fund for fiscal years 1994-1995, 1995-1996, and 1996-1997, \$4 million shall be reserved each fiscal year to carry out the purposes of this section. To the extent practicable, moneys appropriated from the Conservation and Recreation Lands Trust Fund, Save Our Rivers Trust Fund, and Florida Communities Trust Fund shall be used to acquire lands, or interests or rights in lands, on the Conservation and Recreation Lands, Save Our Rivers, or Florida Communities Trust land acquisition plans or lists, as defined in s. 259.035, or a land acquisition plan under s. 373.59 or s. 380.508. However, nothing in this subsection prohibits the Green Swamp Land Authority from entering into land protection agreements with any property owner whose property is not on any of such lists. From sums appropriated to the Department of Environmental Protection from the Water Management District Lands Trust Fund for fiscal years 1994-1995, 1995-1996, and 1996-1997, \$3 million shall be reserved each fiscal year to carry out the purposes of this section. Such amounts as are used from the Water Management District Lands Trust Fund shall be credited against the allocations as provided in s. 373.59 to the St. Johns River Water Management District or the Southwest Florida Water Management District in proportion to the amount of lands for which an interest was acquired, and shall not be required by a district for debt service payments or land management purposes. From funds appropriated to the Department of Community Affairs for the Florida Communities Trust Program from the Preservation 2000 Trust Fund for fiscal years 1994-1995 through 1999-2000, \$3 million shall be reserved each fiscal year to carry out the purposes of this section. Appropriations identified pursuant to this subsection shall fund the acquisition of lands, or the interests or rights in lands, and related costs of acquisition. Such funds shall be available for expenditure after the land authority has adopted rules to begin its program. Funds reserved pursuant to this subsection, for each of the referenced fiscal years, shall remain available for the purposes specified in this subsection for 24 ~~12~~ months from the date on which such funds become available for disbursement. After such time has elapsed, any funds which are not legally obligated for expenditure shall be released for the lawful purposes for which they were otherwise appropriated.

Section 42. Subsection (4) of section 380.22, Florida Statutes, 1998 Supplement, is amended to read:

380.22 Lead agency authority and duties.—

(4) The department shall establish a county-based process for identifying, and setting priorities for acquiring, coastal properties in coordination with the Land Acquisition and Management Advisory Council, or its successor, and the Coastal Resources Interagency Management Committee so these properties may be acquired as part of the state's land acquisition programs. This process shall include the establishment of criteria for prioritizing coastal acquisitions which, in addition to recognizing pristine coastal properties and coastal properties of significant or important environmental

sensitivity, recognize hazard mitigation, beach access, beach management, urban recreation, and other policies necessary for effective coastal management.

Section 43. Section 380.503, Florida Statutes, is amended to read:

380.503 Definitions.—As used in ss. 380.501-380.515, unless the context indicates a different meaning or intent:

(1)(4) “Comprehensive plan” means a plan that meets the requirements of ss. 163.3177, 163.3178, and 163.3191.

(2)(13) “Department” means the Department of Community Affairs.

(3)(2) “Local government” means a county or municipality.

(4) “Metropolitan” means a population area consisting of a central city with adjacent cities and smaller surrounding communities: a major urban area and its environs.

(5)(3) “Nonprofit organization” means any private nonprofit organization, existing under the provisions of s. 501(c)(3) of the United States Internal Revenue Code, which has among its principal goals the conservation of natural resources or protection of the environment.

(6)(14) “Program” means a plan that is established or will be established by a local government to create innovative approaches that will assist in the implementation of the conservation, recreation and open space, or coastal management elements of the local comprehensive plan, such as a transfer of development rights program or an environmental or recreational land acquisition program.

(7)(5) “Project” means any work on, improvement to, or acquisition of real property, buildings, or any other property.

(8)(10) “Public access project” means action taken pursuant to this part to create or improve public accessways to surface waters.

(9)(6) “Real property” means any interest in land and may also include any appurtenances and improvements to the land.

(10)(8) “Redevelopment project” means action taken pursuant to this part to correct undesirable development patterns.

(11)(9) “Resource enhancement project” means action taken pursuant to this part to restore, as nearly as possible, degraded natural areas to their original condition or to enhance the resource values of a natural area.

(12) “Site reservation” means temporarily acquiring and holding areas identified for public use, then transferring the land to an appropriate state agency, local government, or nonprofit organization for management for public use.

(13)(7) “Surface waters” means publicly owned waters upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused.

(14)(4) “Trust” means the Florida Communities Trust created pursuant to this part.

(15) “Urban area” means an area of or for development characterized by social, economic, and institutional activities that are predominantly based on the manufacture, production, distribution, or provision of goods and services, in a setting that typically includes residential and nonresidential development uses other than those characteristic of rural areas.

(16)(45) “Urban greenways and open space project” means action taken pursuant to this part to acquire lands or interest in lands to create a linear open space protected and managed as part of linked conservation lands or recreational opportunities in an urban area, or to preserve open space or historic sites to enhance recreational and cultural opportunities in an urban area.

(17)(44) “Urban waterfront restoration project” means action taken pursuant to this part to restore deteriorated or deteriorating urban waterfronts for public use and enjoyment.

Section 44. Subsection (1) of section 380.504, Florida Statutes, is amended to read:

380.504 Florida Communities Trust; creation; membership; expenses.—

(1) There is created within the Department of Community Affairs a non-regulatory state agency and instrumentality, which shall be a public body corporate and politic, known as the “Florida Communities Trust.” The governing body of the trust shall consist of:

(a) The Secretary of Community Affairs and the Secretary of Environmental Protection; and

(b) Four ~~Three~~ public members whom the Governor shall appoint subject to Senate confirmation.

The Governor shall appoint a former elected official of a county local government, a former elected official of a metropolitan municipal government, a representative of a nonprofit organization as defined in this part, and a representative of the development industry. The Secretary of Community Affairs may designate his or her assistant secretary or the director of the Division of Community Resource Planning and Management to serve in his or her absence. The Secretary of Environmental Protection may appoint his or her deputy secretary assistant executive director, the deputy assistant director for Land Resources, the director of the Division of State Lands, or the director of the Division of Recreation and Parks to serve in his or her absence. The Secretary of Community Affairs shall be the chair of the governing body of the trust. The Governor shall make his or her appointments upon the expiration of any current terms or within 60 days after the effective date of the resignation of any member.

Section 45. Section 380.505, Florida Statutes, is amended to read:

380.505 Meetings; quorum; voting.—The powers of the trust shall be vested in its governing body members. The governing body may delegate such powers to department staff as it deems necessary. ~~Four~~ Three members of the governing body shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes. However, the governing body may take action only upon an affirmative vote of at least ~~four~~ three members. The governing body shall meet at least quarterly, and may meet more often at the call of the chair or upon an affirmative vote of three members.

Section 46. Subsections (4) and (11) of section 380.507, Florida Statutes, are amended to read:

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

(4) To acquire and dispose of real and personal property or any interest therein when necessary or appropriate to protect the natural environment, provide public access or public recreational facilities, preserve wildlife habitat areas, provide access for managing acquired lands, or otherwise carry out the purposes of this part. If the trust acquires land for permanent state ownership, title to such land shall be vested in the Board of Trustees of the Internal Improvement Trust Fund; otherwise, title to property acquired in partnership with a county or municipality shall vest in the name of the local government. Notwithstanding any other provision of law, the trust may enter into an option agreement to purchase lands included in projects approved according to this part, when necessary to reserve lands during the preparation of project plans and during acquisition proceedings. The consideration for an option shall not exceed \$100,000.

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

Section 47. Subsection (7) of section 380.510, Florida Statutes, is amended to read:

380.510 Conditions of grants and loans.—

(7) Any funds received by the trust from the Preservation 2000 Trust Fund pursuant to s. 259.101(3)(c) and the Florida Forever Trust Fund pursuant to s. 259.105(3)(c) shall be held separate and apart from any other funds held by the trust and shall be used only to pay the cost of the acquisition of lands by a local government or the state for the purposes of this part. ~~Such funds may not be used to pay for a redevelopment project or an urban waterfront restoration project or for site reservation except to acquire lands to help implement the goals, objectives, and policies of the coastal, the conservation, or recreation and open space elements of the local comprehensive plan.~~ In addition to the other conditions set forth in this section, the disbursement of Preservation 2000 and Florida Forever funds from the trust shall be subject to the following conditions:

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

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

Section 48. Effective July 1, 2001, subsections (5) and (6) of section 420.5092, Florida Statutes, are amended to read:

420.5092 Florida Affordable Housing Guarantee Program.—

(5) Pursuant to s. 16, Art. VII of the State Constitution, the corporation may issue, in accordance with s. 420.509, revenue bonds of the corporation to establish the guarantee fund. Such revenue bonds shall be primarily payable from and secured by annual debt service reserves, from interest earned on funds on deposit in the guarantee fund, from fees, charges, and reimbursements established by the corporation for the issuance of affordable housing guarantees, and from any other revenue sources received by the corporation and deposited by the corporation into the guarantee fund for the issuance of affordable housing guarantees. To the extent such primary revenue sources are considered insufficient by the corporation, pursuant to the

certification provided in subsection (6), to fully fund the annual debt service reserve, the certified deficiency in such reserve shall be additionally payable from the first proceeds of the documentary stamp tax moneys deposited into the State Housing Trust Fund pursuant to s. 201.15(9)(6)(a) and (10)(7)(a) during the ensuing state fiscal year.

(6)(a) If the primary revenue sources to be used for repayment of revenue bonds used to establish the guarantee fund are insufficient for such repayment, the annual principal and interest due on each series of revenue bonds shall be payable from funds in the annual debt service reserve. The corporation shall, before June 1 of each year, perform a financial audit to determine whether at the end of the state fiscal year there will be on deposit in the guarantee fund an annual debt service reserve from interest earned pursuant to the investment of the guarantee fund, fees, charges, and reimbursements received from issued affordable housing guarantees and other revenue sources available to the corporation. Based upon the findings in such guarantee fund financial audit, the corporation shall certify to the Comptroller the amount of any projected deficiency in the annual debt service reserve for any series of outstanding bonds as of the end of the state fiscal year and the amount necessary to maintain such annual debt service reserve. Upon receipt of such certification, the Comptroller shall transfer to the annual debt service reserve, from the first available taxes distributed to the State Housing Trust Fund pursuant to s. 201.15(9)(6)(a) and (10)(7)(a) during the ensuing state fiscal year, the amount certified as necessary to maintain the annual debt service reserve.

(b) If the claims payment obligations under affordable housing guarantees from amounts on deposit in the guarantee fund would cause the claims paying rating assigned to the guarantee fund to be less than the third-highest rating classification of any nationally recognized rating service, which classifications being consistent with s. 215.84(3) and rules adopted thereto by the State Board of Administration, the corporation shall certify to the Comptroller the amount of such claims payment obligations. Upon receipt of such certification, the Comptroller shall transfer to the guarantee fund, from the first available taxes distributed to the State Housing Trust Fund pursuant to s. 201.15(9)(6)(a) and (10)(7)(a) during the ensuing state fiscal year, the amount certified as necessary to meet such obligations, such transfer to be subordinate to any transfer referenced in paragraph (a) and not to exceed 50 percent of the amounts distributed to the State Housing Trust Fund pursuant to s. 201.15(9)(6)(a) and (10)(7)(a) during the preceding state fiscal year.

Section 49. Effective July 1, 2001, section 420.9073, Florida Statutes, 1998 Supplement, is amended to read:

420.9073 Local housing distributions.—

(1) Distributions calculated in this section shall be disbursed on a monthly basis by the agency beginning the first day of the month after program approval pursuant to s. 420.9072. Each county's share of the funds to be distributed from the portion of the funds in the Local Government Housing Trust Fund received pursuant to s. 201.15(9)(6) shall be calculated by the agency for each fiscal year as follows:

(a) Each county other than a county that has implemented the provisions of chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, shall receive the guaranteed amount for each fiscal year.

(b) Each county other than a county that has implemented the provisions of chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, may receive an additional share calculated as follows:

1. Multiply each county's percentage of the total state population excluding the population of any county that has implemented the provisions of chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, by the total funds to be distributed.

2. If the result in subparagraph 1. is less than the guaranteed amount as determined in subsection (3), that county's additional share shall be zero.

3. For each county in which the result in subparagraph 1. is greater than the guaranteed amount as determined in subsection (3), the amount calculated in subparagraph 1. shall be reduced by the guaranteed amount. The result for each such county shall be expressed as a percentage of the amounts so determined for all counties. Each such county shall receive an additional share equal to such percentage multiplied by the total funds received by the Local Government Housing Trust Fund pursuant to s. 201.15(9)(6) reduced by the guaranteed amount paid to all counties.

(2) Effective July 1, 1995, distributions calculated in this section shall be disbursed on a monthly basis by the agency beginning the first day of the month after program approval pursuant to s. 420.9072. Each county's share of the funds to be distributed from the portion of the funds in the Local Government Housing Trust Fund received pursuant to s. 201.15(10)(7) shall be calculated by the agency for each fiscal year as follows:

(a) Each county shall receive the guaranteed amount for each fiscal year.

(b) Each county may receive an additional share calculated as follows:

1. Multiply each county's percentage of the total state population, by the total funds to be distributed.

2. If the result in subparagraph 1. is less than the guaranteed amount as determined in subsection (3), that county's additional share shall be zero.

3. For each county in which the result in subparagraph 1. is greater than the guaranteed amount, the amount calculated in subparagraph 1. shall be reduced by the guaranteed amount. The result for each such county shall be expressed as a percentage of the amounts so determined for all counties. Each such county shall receive an additional share equal to this percentage multiplied by the total funds received by the Local Government Housing Trust Fund pursuant to s. 201.15(10)(7) as reduced by the guaranteed amount paid to all counties.

(3) Calculation of guaranteed amounts:

(a) The guaranteed amount under subsection (1) shall be calculated for each state fiscal year by multiplying \$350,000 by a fraction, the numerator of which is the amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15~~(9)~~(6) and the denominator of which is the total amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15.

(b) The guaranteed amount under subsection (2) shall be calculated for each state fiscal year by multiplying \$350,000 by a fraction, the numerator of which is the amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15~~(10)~~(7) and the denominator of which is the total amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15.

(4) Funds distributed pursuant to this section may not be pledged to pay debt service on any bonds.

Section 50. Section 253.787, Florida Statutes, is repealed.

Section 51. Effective July 1, 1999, subsection (2) of section 380.0677, Florida Statutes, is repealed and the power, duties, functions, and all other activities performed by the Green Swamp Land Authority are hereby transferred by a Type Two transfer, pursuant to section 20.06, Florida Statutes, to the Department of Environmental Protection. All rules of the authority in effect on the effective date of the transfer shall be included in the transfer. Henceforth, the Green Swamp Land Authority shall mean the Department of Environmental Protection for purposes of section 380.0677, Florida Statutes, and statutes related thereto.

Section 52. If the Department of Environmental Protection or a water management district has made a payment in lieu of taxes to a governmental entity and subsequently suspended such payment, the department or water management district shall reinstitute appropriate payments and continue the payments in consecutive years until the governmental entity has received a total of ten payments for each tax loss.

Section 53. Except as otherwise provided herein, this act shall take effect July 1, 1999.

Approved by the Governor June 8, 1999.

Filed in Office Secretary of State June 8, 1999.