

Committee Substitute for Senate Bill No. 1468

An act relating to land acquisition and management; amending s. 259.105, F.S.; revising goals and performance measures for Florida Forever projects of the Department of Environmental Protection and water management districts; amending s. 253.034, F.S.; defining "conservation lands"; providing procedure for disposition of certain surplus conservation lands by the Board of Trustees of the Internal Improvement Trust Fund; revising procedure for evaluating and offering for sale of surplus lands; providing for disposition of proceeds from the sale of surplus nonconservation lands; amending ss. 253.111 and 253.115, F.S.; exempting Greenway lands from certain public notice and hearing requirements prior to sale, lease, exchange, or grant of easement; amending s. 253.82, F.S.; revising conditions under which certain lands titled to the board of trustees may be declared surplus lands; revising appraisal requirements; providing rulemaking authority; creating s. 253.86, F.S.; providing for management and use of certain uplands; providing rulemaking authority of the Office of Coastal and Aquatic Managed Areas; providing for fees; providing a penalty; amending s. 259.035, F.S., correcting a cross reference; amending s. 259.0345, F.S.; repealing authority for certain members of the Legislature to be appointed as ad hoc nonvoting members to the Florida Forever Advisory Council; deleting obsolete provisions; amending s. 298.22, F.S.; authorizing boards of supervisors of water control districts to construct and manage resource-based recreational facilities; amending s. 369.255, F.S.; authorizing certain municipalities to create a funding mechanism for greenspace management and exotic plant control; providing intent of the Legislature to repay any Preservation 2000 funds redirected for other purposes; repealing subsection (8) of s. 259.101, F.S.; relating to the disposal and use of certain state owned lands; providing an effective date.

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

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

259.105 The Florida Forever Act.—

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

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

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

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

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

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

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

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

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

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

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

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

1. The number of acres of publicly-owned land identified as needing restoration, acres undergoing restoration, and acres with restoration activities completed;

2. The percentage of water segments that fully meet, partially meet, or do not meet their designated uses as reported in the Department of Environmental Protection's State Water Quality Assessment 305(b) Report;

3. The percentage completion of targeted capital improvements in surface water improvement and management plans created under s. 373.453(2), regional or master stormwater management system plans, or other adopted restoration plans;

4. The number of acres acquired that protect natural floodplain functions;

5. The number of acres acquired that protect surface waters of the state;

6. The number of acres identified for acquisition to minimize damage from flooding and the percentage of those acres acquired;

7. The number of acres acquired that protect fragile coastal resources;
8. The number of acres of functional wetland systems protected;
9. The percentage of miles of critically eroding beaches contiguous with public lands that are restored or protected from further erosion;
10. The percentage of public lakes and rivers in which invasive, non-native aquatic plants are under maintenance control; or
11. The number of acres of public conservation lands in which upland invasive, exotic plants are under maintenance control.

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

1. The number of acres acquired which provide retention and storage of surface water in naturally occurring storage areas, such as lakes and wetlands, consistent with the maintenance of water resources or water supplies and consistent with district water supply plans;
2. The quantity of water made available through the water resource development component of a district water supply plan for which a water management district is responsible; or
3. The number of acres acquired of groundwater recharge areas critical to springs, sinks, aquifers, other natural systems, or water supply.

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

1. The number of acres acquired that are available for natural resource-based public recreation or education;
2. The miles of trails that are available for public recreation, giving priority to those that provide significant connections including those that will assist in completing the Florida National Scenic Trail; or
3. The number of new resource-based recreation facilities, by type, made available on public land.

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

1. The increase in the number of and percentage of historic and archaeological properties listed in the Florida Master Site File or National Register of Historic Places which are protected or preserved for public use; or
2. The increase in the number and percentage of historic and archaeological properties that are in state ownership.

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

1. The number of acres acquired that are available for sustainable forest management;
 2. The number of acres of state owned forestland managed for economic return in accordance with current best management practices;
 3. The number of acres of forestland acquired that will serve to maintain natural groundwater recharge functions; or
 4. The percentage and number of acres identified for restoration actually restored by reforestation.
- (h) Increase the amount of open space available in urban areas, as measured by:

1. The percentage of local governments that participate in land acquisition programs and acquire open space in urban cores; or
2. The percentage and number of acres of purchases of open space within urban service areas.

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

~~(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.~~

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

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

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

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

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

253.034 State-owned lands; uses.—

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

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

(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. ~~Notwithstanding s. 253.111,~~ For conservation lands, 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. In the case of a land exchange involving the disposition of conservation lands, the board must determine by at least a two-thirds vote that the exchange will result in a net positive conservation benefit. 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 the Florida Community College System shall be designated as having been purchased for conservation purposes.

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

the council for its recommendation as to whether such lands should be disposed of by the board.

(d) 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) 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) In reviewing lands owned by the board, 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 state, county, or local government for a period of 30 90 days. Permittable 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. If the county or local government does not elect to purchase such lands in accordance with s. 253.111, then any surplus determination involving other governmental agencies shall be made upon the board deciding the best public use of the lands. 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 appraised fair market value or the price paid by the state or a water management district to originally acquire the lands, whichever is greater, except when the board or its designee determines a different sale price is in the public interest. However, ~~for those that the price of lands sold as surplus to any unit of government, the price 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 appraised 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) Where a unit of government acquired land by gift, donation, grant, quit-claim deed, or other such conveyance where no monetary consideration

was exchanged, the price of land sold as surplus may be based on one appraisal. In the event that a single appraisal yields a value equal to or greater than \$1 million, a second appraisal is required. shall not exceed the fair market value of the lands. Fair market value shall be determined by the average of two separate appraisals. The individual or entity requesting the surplus shall select and use appraisers from the list of approved appraisers maintained by the Division of State Lands in accordance with s. 253.025(6)(b). The individual or entity requesting the surplus is to incur all costs of the appraisals.

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

(j) Requests for surplus 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 surplus 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 surplus pursuant to this paragraph shall not be required to be offered to local or state governments as provided in paragraph (f).

(k) 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 to be used for land management by the lead managing agency assigned the lands prior to the lands being declared surplus. Funds received from the sale of surplus nonconservation lands, or lands that were acquired by gift, by donation, or for no consideration, shall be deposited into the Internal Improvement Trust Fund.

(l) 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.

(m) 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.

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

253.111 Notice to board of county commissioners before sale.—The Board of Trustees of the Internal Improvement Trust Fund of the state may not

sell any land to which they hold title unless and until they afford an opportunity to the county in which such land is situated to receive such land on the following terms and conditions:

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

(6) This section does not apply to:

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

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

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

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

253.115 Public notice and hearings.—

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

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

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

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

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

253.82 Title of state or private owners to Murphy Act lands.—

(2)(a) The title to any land which was acquired by the state under chapter 18296, Laws of Florida, 1937, except those parcels which have been sold, conveyed, dedicated, or released by the state pursuant to subsection (1), is hereby vested in the Board of Trustees of the Internal Improvement Trust Fund.

(b) Land to which title is vested in the board of trustees by paragraph (a) shall be treated in the same manner as other nonsovereignty lands owned by the board. However, any parcel of land the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund pursuant to this section which is 10 5 acres or less in size and has an appraised market value of \$250,000 ~~\$100,000~~ or less is hereby declared surplus, except for lands

determined to be needed for state use, and may be sold in any manner provided by law. Only one appraisal shall be required for a sale of such land. All proceeds from the sale of such land shall be deposited into the Internal Improvement Trust Fund. The Board of Trustees of the Internal Improvement Trust Fund is authorized to adopt rules to implement the provisions of this subsection ~~Conservation and Recreation Lands Trust Fund.~~

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

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

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

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

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

Section 7. Subsections (1), (7), (8) and (9) of section 259.0345, Florida Statutes, are amended 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 3-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.~~

~~(c)(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.

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

~~(7) The council shall provide a report, by December 15, 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, prior to the beginning of the 2001 Regular Legislative Session, for review by the appropriate substantive legislative committee from which the Florida Forever Act originated, or its successor. 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 solely with respect to the funding provided pursuant to s. 259.105(3)(b):~~

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

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

(7)(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. In making

recommendations for adjusting the percentage distributions detailed in s. 259.105(3), the council shall consider which agencies have encumbered their funds in a timely manner and unencumbered balances, if any, in each agency's Florida Forever subaccount. The recommendations may include increases in percentage distributions to those agencies that have encumbered Florida Forever funds in a timely manner.

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

259.035 Acquisition and Restoration Council.—

(4) The council may use existing rules adopted by the board of trustees, until it develops and recommends amendments to those rules, to competitively evaluate, select, and rank projects eligible for the Conservation and Recreation Lands list pursuant to ss. 259.032(3) and 259.101(4) and, beginning no later than May 1, 2001, for Florida Forever funds pursuant to s. 259.105(3)(b). In developing or amending the rules, the council shall give weight to the criteria included in s. 259.105(10)~~(9)~~. The board of trustees shall review the recommendations and shall adopt rules necessary to administer this section.

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

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

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

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

369.255 Green utility ordinances for funding greenspace management and exotic plant control.—

(1) LEGISLATIVE FINDING.—The Legislature finds that the proper management of greenspace areas, including, without limitation, the urban forest, greenways, private and public forest preserves, wetlands, and aquatic zones, is essential to the state's environment and economy and to the health and safety of its residents and visitors. The Legislature also finds that the limitation and control of nonindigenous plants and tree replacement and maintenance are vital to achieving the natural systems and recreational lands goals and policies of the state pursuant to s. 187.201(10), the State Comprehensive Plan. It is the intent of this section to enable local governments to establish a mechanism to provide dedicated funding for the aforementioned activities, when deemed necessary by a that county or municipality.

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

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

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

Section 11. Notwithstanding the provision of section 259.101(3)(c), Florida Statutes (1993) (Section 5, Chapter 92-288, Laws of Florida) regarding the set-aside of funds for land acquisition in areas of critical state concern, \$2.9 million from funds previously approved is available for grants to local governments in the Florida Keys and the Key West areas of critical state concern to assist in implementing the local comprehensive plan. Grant funds are to be used for land acquisition for conservation, open space, and outdoor recreation lands, and are contingent upon the review of a local government's proposed project, and a determination by the Florida Communities Trust that the proposed project is an eligible use of funds under the Florida Communities Trust Program. A local government with a population of less than 10,000 is not required to provide a local match. A local government with a population of 10,000 or more is required to provide a dollar for dollar match.

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

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

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

Approved by the Governor June 19, 2001.

Filed in Office Secretary of State June 19, 2001.