

Committee Substitute for Senate Bill No. 54-A

An act relating to environmental and conservation lands; amending s. 253.025, F.S.; revising requirements for appraisals when acquiring state lands; amending s. 253.034, F.S.; providing conditions under which state-owned lands may be considered nonconservation lands; revising requirements for land management plans for conservation lands to be submitted to the Division of State Lands; providing that land use plans for nonconservation lands be submitted to the Division of State Lands at least every 10 years; revising requirements for the sale of surplus lands; authorizing the Division of State Lands to determine the sale price of surplus lands; providing the Board of Trustees of the Internal Improvement Trust Fund with the authority to adopt rules; directing the Division of State Lands to prepare a state inventory of all federal lands and all lands titled in the name of the state, a state agency, a water management district, or a local government; requiring the participation of counties in developing a county inventory; providing conditions under which certain lands may be made available for purchase under the state's land surplus-ing process; creating s. 253.0341, F.S.; authorizing counties and local governments to submit requests to surplus state lands directly to the board of trustees; providing for an expedited surplus-ing process; amending s. 253.042, F.S.; revising the circumstances under which the board of trustees may directly exchange state-owned lands; providing requirements for the exchange of donated conservation lands; providing requirements for the conveyance of donated nonconservation lands; providing requirements for the exchange of other state-owned lands; amending s. 253.7823, F.S.; revising requirements for the disposition of former barge canal surplus lands; amending s. 259.032, F.S.; revising requirements for updating land management plans; revising provisions allowing the use of reverted funds; requiring that state agencies prepare and submit to the Department of Revenue for certification application requests for payment in lieu of taxes from local governments; revising requirements for payment in lieu of taxes; amending s. 259.0322, F.S.; providing for the reinsti-tution of payments in lieu of taxes; amending s. 259.036, F.S.; requiring land management review teams to submit a 10-year land management plan update to the Acquisition and Restoration Council; amending s. 259.041, F.S.; clarifying certain requirements regarding the acquisition of state-owned lands; amending s. 373.089, F.S.; providing conditions under which lands titled in the name of a water management district may be made available for purchase through a surplus-ing process; amending s. 373.139, F.S.; repealing obsolete requirements; revising requirements for appraisals when acquiring water management district lands; amending s. 373.59, F.S.; revising provisions requiring payments in lieu of taxes from funds deposited into the Water Management Lands Trust Fund; amending s. 373.5905, F.S.; revising provisions requiring reinsti-tution of payments in lieu of taxes; amending s. 260.016, F.S.; revising powers of the department in evaluating lands for acquisition of greenways and

trails; requiring the exchange of lands between the Board of Trustees of the Internal Improvement Trust Fund and a local government under certain conditions; providing purposes for which exchanged lands may be used; requiring the exchange of lands between the Board of Trustees of the Internal Improvement Trust Fund and a private entity by July 1, 2003; repealing s. 253.84, F.S., relating to the acquisition of lands containing cattle-dipping vats; repealing s. 259.0345, F.S., relating to the Florida Forever Advisory Council; amending s. 373.4592, F.S., as amended by ch. 2003-12, Laws of Florida; amending the “Everglades Forever Act”; revising goals and mandates relating to the timing of implementing certain goals; placing time limits on certain provisions unless reauthorized by the Legislature; amending s. 373.1502, F.S.; providing for the regulation of comprehensive plan project components; revising requirements that permit applications provide assurances that state water quality standards will be met to the maximum extent practicable; reenacting s. 201.15(1),(2)(a),(11), and (12), F.S.; providing for distribution of proceeds from excise taxes on documents to pay debt service on Everglades restoration bonds; reenacting s. 215.619, F.S.; authorizing the issuance of Everglades restoration bonds to finance or refinance the cost of acquisition and improvement of land, water areas, and related property interests and resources for the purpose of implementing the Comprehensive Everglades Restoration Plan; providing procedures and limitations; providing for deposit of funds in the Save Our Everglades Trust Fund; reenacting ss. 373.470(4), (5), and (6) and 373.472(1), F.S.; authorizing the payment of debt service on Everglades restoration bonds from the Save Our Everglades Trust Fund; revising requirements for deposit of state and water management district funds into the Save Our Everglades Trust Fund; reenacting s. 6 of ch. 2002-261, Laws of Florida; providing legislative intent that the issuance of Everglades restoration bonds is in the best interest of the state; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing effective dates.

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

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

253.025 Acquisition of state lands for purposes other than preservation, conservation, and recreation.—

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

(a) Each parcel to be acquired shall have at least one appraisal. Two appraisals are required when the estimated value of the parcel first appraisal exceeds \$1 million ~~exceeds \$500,000. However, when the values of both appraisals exceed \$500,000 and differ significantly, a third appraisal may be obtained.~~ When a parcel is estimated to be worth \$100,000 or less and the

director of the Division of State Lands finds that the cost of obtaining an outside appraisal is not justified, a comparable sales analysis or other reasonably prudent procedures may be used by the division to estimate the value of the parcel, provided the public's interest is reasonably protected. ~~The state is not required to appraise the value of lands and appurtenances that are being donated to the state. an appraisal prepared by the division may be used.~~

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

253.034 State-owned lands; uses.—

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

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

(b) “Single use” means management for one particular purpose to the exclusion of all other purposes, except that the using entity shall have the option of including in its management program compatible secondary purposes which will not detract from or interfere with the primary management purpose. Such single uses may include, but are not necessarily restricted to, the use of agricultural lands for production of food and livestock, the use of improved sites and grounds for institutional purposes, and the use of lands for parks, preserves, wildlife management, archaeological or historic sites, or wilderness areas where the maintenance of essentially natural conditions is important. All submerged lands shall be considered single-use lands and shall be managed primarily for the maintenance of essentially natural conditions, the propagation of fish and wildlife, and public recreation, including hunting and fishing where deemed appropriate by the managing entity.

(c) “Conservation lands” means lands that are currently managed for conservation, outdoor resource-based recreation, or archaeological or his-

toric 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.

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

(5) Each manager of conservation lands shall submit to the Division of State Lands a land management plan at least every 10 years in a form and manner prescribed by rule by the board and in accordance with the provisions of s. 259.032. Each manager of conservation lands shall also update a land management plan whenever the manager proposes to add new facilities or make substantive land use or management changes that were not addressed in the approved plan, or within 1 year of the addition of significant new lands. Each manager of nonconservation lands shall submit to the Division of State Lands a land use plan at least every 10 years in a form and manner prescribed by rule by the board. The division shall review each plan for compliance with the requirements of this subsection and the requirements of the rules established by the board pursuant to this section. All land use plans, whether for single-use or multiple-use properties, shall include an analysis of the property to determine if any significant natural or cultural resources are located on the property. Such resources include archaeological and historic sites, state and federally listed plant and animal species, and imperiled natural communities and unique natural features. If such resources occur on the property, the manager shall consult with the Division of State Lands and other appropriate agencies to develop management strategies to protect such resources. Land use plans shall also provide for the control of invasive nonnative plants and conservation of soil and water resources, including a description of how the manager plans to control and prevent soil erosion and soil or water contamination. Land use plans submitted by a manager 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. Plans for managed areas larger than 1,000 acres shall contain an analysis of the multiple-use potential of the property, which analysis shall include the potential of the property to generate revenues to enhance the management of the property. Additionally, the 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 that was developed by a soil and conservation district, such plan shall be used to guide management of the property until a formal land use plan is completed. Each entity managing conservation lands 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 entity 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 entity 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 that exceed 160 acres in size. The council shall review each plan for compliance with the requirements of this subsection, the requirements of chapter 259, and the requirements of the rules established by the board pursuant to this section. The council shall also consider the propriety of the recommendations of the managing entity 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 entity, and the possibility of disposal of the property by the board. After its review, the council shall submit the plan, along with its recommendations and comments, to the board. The council 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 entity and the recommendations of the council 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 that 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 surplus. 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 an affirmative vote of at least three members. In the case of a land exchange involving the disposition of conservation lands, the board

must determine by an affirmative vote of at least three members 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 an affirmative vote of at least three members.

(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 ~~10~~ 5 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 ~~manager 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. For conservation lands, the council shall review and shall recommend to the board whether such lands should be retained in public ownership or disposed of by the board. For nonconservation lands, the division shall review such lands and shall recommend to the board whether such lands should be retained in public ownership or disposed of by the board. 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 surplusings. The council shall determine whether the request for surplusings is compatible with the resource values of and management objectives for such lands.

(f) In reviewing lands owned by the board, the council 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 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 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. 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. Surplus properties in which governmental agencies have expressed no interest shall then be available for sale on the private market.

(g) The sale price of lands determined to be surplus pursuant to this subsection shall be determined by the division and shall take into consideration an appraisal of the property, or, when the estimated value of the land is less than \$100,000, a comparable sales analysis or a broker's opinion of value, and sold for appraised 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 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 that which acquires title to lands hereunder for less than appraised 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 for the price at which the board ~~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. 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, 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 6 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.

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

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

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

(c) In any county having a population of 75,000 or fewer, or a county having a population of 100,000 or fewer that is contiguous to a county having a population of 75,000 or fewer, in which more than 50 percent of the lands within the county boundary are federal lands and lands titled in the name

of the state, a state agency, a water management district, or a local government, those lands titled in the name of the state or a state agency which are not essential or necessary to meet conservation purposes may, upon request of a public or private entity, be made available for purchase through the state's surplusing process. Rights-of-way for existing, proposed, or anticipated transportation facilities are exempt from the requirements of this paragraph. Priority consideration shall be given to buyers, public or private, willing to return the property to productive use so long as the property can be reentered onto the county ad valorem tax roll. Property acquired with matching funds from a local government shall not be made available for purchase without the consent of the local government.

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

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

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

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

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

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

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

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

proposed by the county or local government is for a public purpose. For conservation lands acquired by the state through gift, donation, or any other conveyance for which no consideration was paid, the state may request land of equal conservation value from the county or local government but no other consideration.

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

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

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

253.7823 Disposition of surplus lands; compensation of counties located within the Cross Florida Canal Navigation District.—

~~(1) The department may ~~shall~~ identify parcels of former barge canal lands ~~that which~~ may be sold or exchanged as needed to ~~repay the counties of the Cross Florida Canal Navigation District any sums due them pursuant to s. 253.783(2)(e).~~ In identifying said surplus lands, the department shall give priority to ~~consideration to lands situated outside the greenways' boundaries,~~ those lands not having high recreation or conservation values, and those having the greatest assessed valuations. Although the department shall immediately begin to identify the parcels of surplus lands to be sold, the department shall offer the lands for sale in a manner designed to maximize the amounts received over a reasonable period of time.~~

~~(2) Disbursements of amounts due the counties shall be made on a semi-annual basis and shall be completed before any additional lands or easements may be acquired within the boundaries of the greenways.~~

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

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

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

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(10)

(c) Once a plan is adopted, the managing agency or entity shall update the plan at least every 10 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.

(12)(a) Beginning July 1, 1999, the Legislature shall make available sufficient funds annually from the Conservation and Recreation Lands Trust Fund to the department for payment in lieu of taxes to qualifying counties 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 management 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 fewer. Population levels shall be determined pursuant to s. 11.031.

2. To all local governments located in eligible 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.

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

(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.

(e) 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.

~~(f)(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. With the assistance of the local government requesting payment in lieu of taxes, the state agency that acquired the land is responsible for preparing and submitting application requests for payment to the Department of Revenue for certification, 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.~~

(g)(f) 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.

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

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

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

259.0322 Reinstitution of payments in lieu of taxes; duration.—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 10 payments for each tax loss.

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

Section 9. Subsection (1) of section 259.041, Florida Statutes, as amended by chapter 2003-6, Laws of Florida, is amended 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. Except for the requirements of subsections (3), (14), and (15), the board of trustees may waive any requirements of this section, may waive any rules adopted pursuant to this section, notwithstanding chapter 120. However, the board of trustees may waive any requirement of this section, except the requirements of subsections (3), (14), and (15); or, notwithstanding chapter 120, may waive any rules adopted pursuant to this section, except rules adopted pursuant to subsections (3), (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, and all such titled 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.

Section 10. Present subsection (5) of section 373.089, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to that section, 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) In any county having a population of 75,000 or fewer, or a county having a population of 100,000 or fewer that is contiguous to a county having a population of 75,000 or fewer, in which more than 50 percent of the lands within the county boundary are federal lands and lands titled in the name of the state, a state agency, a water management district, or a local government, those lands titled in the name of a water management district which are not essential or necessary to meet conservation purposes may, upon request of a public or private entity, be made available for purchase through the surplusage process in this section. Priority consideration must be given to buyers, public or private, who are willing to return the property to productive use so long as the property can be reentered onto the county ad valorem tax roll. Property acquired with matching funds from a local government shall not be made available for purchase without the consent of the local government.

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

373.139 Acquisition of real property.—

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

(a) 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. A district may disclose appraisal information, offers, and counteroffers to a third party who has entered into a contractual agreement with the

district to work with or on the behalf of or to assist the district in connection with land acquisitions. The third party shall maintain the confidentiality of such information in conformance with this section. In addition, a district may use, as its own, appraisals obtained by a third party provided the appraiser is selected from the district's list of approved appraisers and the appraisal is reviewed and approved by the district.

(b) 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 work 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 appropriate account or trust fund.

(c) 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 work plan 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 \$1 million \$500,000. However, when both appraisals exceed \$1 million \$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.

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

373.59 Water Management Lands Trust Fund.—

(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 pursuant to ss. 259.101, 259.105, 373.470, and this section 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 fewer. 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 properties acquired after January 1, 2000, in the event that such properties otherwise eligible for payment in lieu of taxes under this subsection are leased or reserved and remain subject to ad valorem taxes, payments in lieu of taxes shall commence or recommence upon the expiration or termination of the lease or reservation, but in no event shall there be more than a total of 10 ~~ten~~ annual payments in lieu of taxes for each tax loss. If the lease is terminated for only a portion of the lands at any time, the 10 ~~ten~~ annual payments shall be made for that portion only commencing the year after such termination, without limiting the requirement that 10 ~~ten~~ annual payments shall be made on the remaining portion or portions of the land as the lease on each expires. 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 sufficient funds are unavailable 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.

(e) 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.

(f)(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. With the assistance of the local government requesting payment in lieu of taxes, the water management district that acquired the land is responsible for preparing and submitting application requests for payment to the Department of Revenue for certification.

(g)(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.

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

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

~~373.5905 Reinstitution of payments in lieu of taxes; duration.—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 10 payments for each tax loss.~~

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

260.016 General powers of the department.—

(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.

(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.

(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 designa-

tion. A landowner may have his or her lands 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.~~

3.4. 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.~~

4.6. 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.

~~5.7. Development of A greenway or trail use plan as a part of the designation agreement which shall. 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.

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

Section 16. Effective upon becoming law and notwithstanding the exchange and surplus requirements of chapters 253 and 259, Florida Statutes, and the notice requirements of chapter 270, Florida Statutes, in an exchange of lands contemplated between the Board of Trustees of the Internal Improvement Trust Fund and a private entity for formerly submerged

sovereignty lands, heretofore known as the “Chapman Exchange,” the board shall exchange lands with the private entity under these provisions no later than July 1, 2003. This exchange satisfies the constitutional public interest test for the following reasons:

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

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

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

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

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

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

373.4592 Everglades improvement and management.—

(2) DEFINITIONS.—As used in this section:

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

(3) EVERGLADES LONG-TERM PLAN.—

(a) The Legislature finds that the Everglades Program required by this section establishes more extensive and comprehensive requirements for surface water improvement and management within the Everglades than the SWIM plan requirements provided in ss. 373.451-373.456. In order to avoid duplicative requirements, and in order to conserve the resources available to the district, the SWIM plan requirements of those sections shall not apply to the Everglades Protection Area and the EAA during the term of the Everglades Program, and the district will neither propose, nor take final agency action on, any Everglades SWIM plan for those areas until the Everglades Program is fully implemented. Funds under s. 259.101(3)(b) may be used for acquisition of lands necessary to implement the Everglades Construction Project, to the extent these funds are identified in the Statement of Principles of July 1993. The district’s actions in implementing the

Everglades Construction Project relating to the responsibilities of the EAA and C-139 Basin for funding and water quality compliance in the EAA and the Everglades Protection Area shall be governed by this section. Other strategies or activities in the March 1992 Everglades SWIM plan may be implemented if otherwise authorized by law.

(b) The Legislature finds that the most reliable means of optimizing the performance of STAs and achieving reasonable further progress in reducing phosphorus entering the Everglades Protection Area is to utilize a long-term planning process. The Legislature finds that the Long-Term Plan provides the best available phosphorus reduction technology based upon a combination of the BMPs and STAs described in the Plan provided that the Plan shall seek to achieve the phosphorus criterion in the Everglades Protection Area. The pre-2006 projects identified in the Long-Term Plan shall be implemented by the district without delay, and revised with the Long-Term Plan will be implemented and revised with the planning goal and objective of achieving the phosphorus criterion to be adopted pursuant to subparagraph (4)(e)2. in the Everglades Protection Area, and not based on any planning goal or objective in the Plan that is inconsistent with this section. Revisions to the Long-Term Plan shall be incorporated through an adaptive management approach including a process development and engineering component to identify and implement incremental optimization measures for further phosphorus reductions. Revisions to the Long-Term Plan shall be approved by the department. In addition, the department may propose changes to the Long-Term Plan as science and environmental conditions warrant.

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

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

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

(4) EVERGLADES PROGRAM.—

(e) Evaluation of water quality standards.—

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

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

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

2. In no case shall such phosphorus criterion allow waters in the Everglades Protection Area to be altered so as to cause an imbalance in the natural populations of aquatic flora or fauna. The phosphorus criterion shall be 10 parts per billion (ppb) in the Everglades Protection Area in the event the department does not adopt by rule such criterion by December 31, 2003. However, in the event the department fails to adopt a phosphorus criterion on or before December 31, 2002, any person whose substantial interests would be affected by the rulemaking shall have the right, on or before February 28, 2003, to petition for a writ of mandamus to compel the department to adopt by rule such criterion. Venue for the mandamus action must be Leon County. The court may stay implementation of the 10 parts per billion (ppb) criterion during the pendency of the mandamus proceeding upon a demonstration by the petitioner of irreparable harm in the absence of such relief. The department's phosphorus criterion, whenever adopted, shall supersede the 10 parts per billion (ppb) criterion otherwise established by this section, but shall not be lower than the natural conditions of the Everglades Protection Area and shall take into account spatial and temporal variability. The department's rule adopting a phosphorus criterion may include moderating provisions during the implementation of the initial phase of the Long-Term Plan authorizing discharges based upon BAPRT providing net improvement to impacted areas. Discharges to unimpacted areas may also be authorized by moderating provisions, which shall require BAPRT, and which must be based upon a determination by the department that the environmental benefits of the discharge clearly outweigh potential adverse impacts and otherwise comply with antidegradation requirements. Moderating provisions authorized by this section shall not extend beyond December 2016 unless further authorized by the Legislature pursuant to paragraph (3)(d).

3. The department shall use the best available information to define relationships between waters discharged to, and the resulting water quality in, the Everglades Protection Area. The department or the district shall use these relationships to establish discharge limits in permits for discharges into the EAA canals and the Everglades Protection Area necessary to prevent an imbalance in the natural populations of aquatic flora or fauna in the Everglades Protection Area, and to provide a net improvement in the areas already impacted. During the implementation of the initial phase of the Long-Term Plan, permits issued by the department shall be based on BAPRT, and shall include technology-based effluent limitations consistent with the Long-Term Plan. Compliance with the phosphorus criterion shall be based upon a long-term geometric mean of concentration levels to be measured at sampling stations recognized from the research to be reasonably representative of receiving waters in the Everglades Protection Area, and so located so as to assure that the Everglades Protection Area is not altered so as to cause an imbalance in natural populations of aquatic flora and fauna and to assure a net improvement in the areas already impacted. For the Everglades National Park and the Arthur R. Marshall Loxahatchee National Wildlife Refuge, the method for measuring compliance with the phosphorus criterion shall be in a manner consistent with Appendices A and B, respectively, of the settlement agreement dated July 26, 1991, entered in case No. 88-1886-Civ-Hoeveler, United States District Court for the Southern District of Florida, that recognizes and provides for incorporation of relevant research.

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

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

(a) By December 31, 2003, the district shall submit to the department an application for permit modification to incorporate proposed changes to the Everglades Construction Project and other district works delivering water to the Everglades Protection Area as needed to implement the pre-2006 projects and strategies of the Long-Term Plan in all permits issued by the department, including the permits issued pursuant to subsection (9). These

changes shall be designed to achieve state water quality standards, including the phosphorus criterion and moderating provisions, ~~to the maximum extent practicable. Under no circumstances shall the project or strategy cause or contribute to violation of state water quality standards.~~ During the implementation of the initial phase of the Long-Term Plan, permits issued by the department shall be based on BAPRT, and shall include technology-based effluent limitations consistent with the Long-Term Plan, as provided in subparagraph (4)(e)3.

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

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

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

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

373.1502 Regulation of comprehensive plan project components.—

(3) REGULATION OF COMPREHENSIVE PLAN STRUCTURES AND FACILITIES.—

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

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

2. State water quality standards, including water quality criteria and moderating provisions will be met ~~to the maximum extent practicable.~~ Under no circumstances shall the project component cause or contribute to violation of state water quality standards.

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

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

Section 20. Paragraph (a) of subsection (2), and subsections (1), (11), and (12) of section 201.15, Florida Statutes, are reenacted 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, 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 debt service for the remainder of the fiscal year in which the bonds are issued 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 Save Our Everglades Trust Fund in amounts necessary to pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to bonds issued under s. 215.619.

(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 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.

(d) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a), (b), and (c), 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 or to the Marine Resources Conservation Trust Fund as provided in subsection (11).

(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)(c), 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 or to the Marine Resources Conservation Trust Fund as provided in subsection (11). 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)(c) for the same fiscal year.

(11) From the moneys specified in paragraphs (1)(d) and (2)(a) and prior to deposit of any moneys into the General Revenue Fund, \$30 million shall be paid into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund 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, and \$2 million shall be paid into the State Treasury to the credit of the Marine Resources Conservation Trust Fund to be used for marine mammal care as provided in s. 370.0603(3).

(12) The Department of Revenue may use the payments credited to trust funds pursuant to paragraphs (1)(c) and (2)(b) and subsections (3), (4), (5), (6), (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)(c) and (2)(b) and subsections (3), (4), (5), (6), (7), (8), (9), and (10).

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

215.619 Bonds for Everglades restoration.—

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

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

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

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

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

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

Trust Fund for that portion of land not needed to implement the comprehensive plan.

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

(8) Any complaint for validation of bonds issued under this section may 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 may be published only in the county where the complaint is filed, and the complaint and order of the circuit court need be served only on the state attorney of the circuit in which the action is pending.

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

373.470 Everglades restoration.—

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

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

(b) Funds described in subsection (5).

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

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

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

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

(5) **SAVE OUR EVERGLADES TRUST FUND SUPPLEMENTED.**—

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

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

3. As an alternative to subparagraph 2., proceeds of bonds issued under s. 215.619 may be deposited into the Save Our Everglades Trust Fund created under s. 373.472. To enhance flexibility, funds to be deposited into

the Save Our Everglades Trust Fund may consist of any combination of state funds and Everglades restoration bonds.

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

(6) DISTRIBUTIONS FROM SAVE OUR EVERGLADES TRUST FUND.—

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

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

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

373.472 Save Our Everglades Trust Fund.—

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

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

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

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

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

Approved by the Governor June 10, 2003.

Filed in Office Secretary of State June 10, 2003.