

By Senators Latvala, Laurent, Carlton, Saunders and Kirkpatrick

19-360D-99

1 A bill to be entitled
2 An act relating to the Florida Forever Program;
3 creating s. 259.202, F.S.; creating the Florida
4 Forever Act; providing legislative findings;
5 providing for the proceeds of bond sales to be
6 deposited into the Florida Forever Trust Fund;
7 providing for the distribution and use of
8 funds; providing project criteria for land
9 acquisition under the Florida Forever Program;
10 requiring increased priority for the
11 acquisition of lands providing protection of
12 certain threatened or endangered species;
13 providing procedures for determining the
14 priority of projects; restricting the use of
15 funds from the Florida Forever Trust Fund by
16 the Division of Forestry within the Department
17 of Agriculture and Consumer Services;
18 establishing procedures for the disposition of
19 lands; authorizing alternate uses of acquired
20 lands; providing a limitation on alternate
21 uses; encouraging and requiring the use of
22 alternatives to fee simple acquisition of
23 lands; requiring increased priority for a
24 project if matching funds are available;
25 requiring increased priority if the project is
26 priced below appraised value; amending s.
27 201.15, F.S.; authorizing the use of revenues
28 for the debt service on bonds; revising the
29 distribution of proceeds from the excise tax on
30 documents; amending s. 253.027, F.S.; revising
31 the criteria for expenditures for

1 archaeological property to include lands on the
2 acquisition list for the Florida Forever
3 Program; amending s. 253.034, F.S., relating to
4 uses of state-owned lands; conforming
5 cross-references to changes made by the act;
6 amending s. 259.032, F.S.; conforming a
7 cross-reference; conforming provisions;
8 requiring the adoption of a management plan
9 within a specified period after the acquisition
10 of a parcel under the Florida Forever Program;
11 providing a restriction on funding for an
12 agency with overdue management plans; providing
13 a formula and funding source for funding
14 management, maintenance, capital improvements,
15 and payments in lieu of taxes; specifying
16 eligible lands; providing for the distribution
17 of funds; revising the criteria and eligibility
18 for payments in lieu of taxes; limiting the
19 total consecutive years of such payments;
20 providing for the deletion of certain property
21 from an acquisition list; deleting obsolete
22 provisions; amending s. 259.035, F.S.; revising
23 procedures for the Land Acquisition and
24 Management Advisory Council to propose projects
25 to be funded from the Florida Forever Trust
26 Fund; providing a cross-reference; amending s.
27 338.250, F.S.; providing for certain mitigation
28 funds to be used in coordination with funds
29 from the Florida Forever Trust Fund; amending
30 s. 373.59, F.S.; requiring water management
31 district governing boards to adopt priority

1 lists for certain fixed capital outlay
2 projects; providing a process for releasing
3 funds for such projects; deleting provisions
4 authorizing the use of specified funds for debt
5 service on bonds issued pursuant to s. 373.584,
6 F.S.; providing due dates for required
7 management plans; revising the criteria and
8 eligibility for payments in lieu of taxes;
9 limiting the total consecutive years of such
10 payments; amending s. 380.504, F.S.; revising
11 the membership of the Florida Communities Trust
12 within the Department of Community Affairs;
13 amending ss. 420.5092, 420.9073, F.S., relating
14 to affordable housing programs; conforming
15 cross-references to changes made by the act;
16 repealing s. 373.584, F.S., relating to revenue
17 bonds; providing that the repeal of s. 373.584,
18 F.S., does not impair the validity of certain
19 bonds outstanding on the effective date of the
20 act; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:
23

24 Section 1. Section 259.202, Florida Statutes, is
25 created to read:

26 259.202 Florida Forever Act.--

27 (1) SHORT TITLE.--This section may be cited as the
28 "Florida Forever Act."

29 (2) LEGISLATIVE FINDINGS.--The Legislature finds and
30 declares that:

31

1 (a) The continued growth in the state's population
2 contributes to degradation of water resources, destruction of
3 wildlife habitats, loss of recreation space, and diminishment
4 of wetlands and forests.

5 (b) The Preservation 2000 Program provided tremendous
6 financial resources for purchasing environmentally significant
7 lands to protect those lands from imminent development,
8 thereby assuring present and future generations access to
9 important open spaces and recreation and conservation lands.

10 (c) It is the Legislature's intent to change the focus
11 and direction of the state's major land acquisition programs
12 and to extend funding and bonding capabilities so that future
13 generations may enjoy the natural resources of Florida
14 forever.

15 (d) Although the Florida Forever Program authorizes
16 the continued purchase of lands and interests in lands of the
17 type acquired through the Preservation 2000 Program, the
18 Florida Forever Program will focus on priority needs of the
19 state for acquiring parcels to facilitate ecosystem
20 management, water resource development, water supply
21 development, the implementation of surfacewater improvement
22 and management plans, and the provision of green space and
23 recreation opportunities.

24 (3) DISTRIBUTION OF BOND PROCEEDS.--Proceeds of bonds
25 issued under s. 375.051, less the costs of issuance, the costs
26 of funding reserve accounts, and other costs incurred with
27 respect to the bonds, shall be deposited into the Florida
28 Forever Trust Fund created by s. 375.046. The Department of
29 Environmental Protection shall distribute the bond proceeds as
30 follows:

31

1 (a) Thirty-five percent to the Department of
2 Environmental Protection for purchasing public lands described
3 in s. 259.032. Priority shall be given to acquisitions that,
4 when combined with previous acquisitions, will form more
5 complete patterns of protection for natural areas and
6 functioning ecosystems.

7
8 All lands acquired under this paragraph shall be managed
9 pursuant to s. 253.034(1), and may be used for water resource
10 development and water supply projects if such projects are not
11 inconsistent with s. 253.034(1). Water supply projects shall
12 be limited to wellfields, aquifer storage and recovery
13 facilities, and surfacewater reservoirs. As provided in this
14 paragraph, permittable water resource development and water
15 supply development projects may be allowed only if: the
16 minimum flows and levels have been established for those
17 waters potentially affected by the project; the project
18 complies with all conditions for the issuance of permits under
19 part II of chapter 373; and the project is consistent with the
20 regional water supply plan of the water management district.

21 (b) Thirty-five percent to the Department of
22 Environmental Protection for water management district
23 projects and activities and for the purchase of water
24 management lands pursuant to s. 373.59, to be distributed
25 among the water management districts as provided in s.
26 373.59(8). Funds received by each district may also be used
27 for: acquisition of lands necessary to implement surfacewater
28 improvement and management plans approved in accordance with
29 s. 373.456 and which exist on July 1, 2000; water resource
30 development; water supply development; or acquisition of lands
31 necessary to implement ecosystem restoration projects. The

1 South Florida Water Management District must use at least 20
2 percent of its annual allocation for Everglades restoration
3 activities, and the Southwest Florida Water Management
4 District must use at least 20 percent of its annual allocation
5 for water supply development activities.

6 (c) Twenty percent to the Department of Community
7 Affairs for land acquisition grants and loans to local
8 governments through the Florida Communities Trust pursuant to
9 part III of chapter 380, grants to local governments or
10 nonprofit environmental organizations that are tax exempt
11 under s. 501(c)(3) of the United States Internal Revenue Code
12 for acquisitions to implement local comprehensive plans, and
13 grants for fixed capital outlay to construct facilities
14 associated with public outdoor recreation or open space
15 projects. Of this 20 percent, 75 percent must be matched by
16 local governments on at least a dollar-for-dollar basis. At
17 least 10 percent and not more than 20 percent of the
18 allocation must be used for fixed capital outlay projects for
19 improvements on lands acquired for conservation or recreation.
20 The Legislature intends that the Florida Communities Trust
21 emphasize funding projects in low-income or otherwise
22 disadvantaged communities. Up to 15 percent of the allocation
23 should be used in localities in which the project site is
24 surrounded by built-up commercial, industrial, or mixed-use
25 areas and functions to intersperse congested urban core areas
26 with open areas. Local governments may use federal grants or
27 loans, private donations, or environmental mitigation funds,
28 including environmental mitigation funds required pursuant to
29 s. 338.250, for any part or all of any local match required
30 for acquisitions funded through the Florida Communities Trust.
31 Any lands purchased by nonprofit organizations using funds

1 allocated under this paragraph must provide for such lands to
2 remain permanently in public use by either conveying ownership
3 to the local government or by using conservation easements or
4 other appropriate mechanisms.

5 (d) Two and nine-tenths percent to the Fish and
6 Wildlife Conservation Commission for the purchase of
7 inholdings and additions to lands managed by the commission
8 which are important to the conservation of fish and wildlife.

9 (e) Two and nine-tenths percent to the Department of
10 Environmental Protection for the purchase of inholdings and
11 additions to state parks. As used in this paragraph, the term
12 "state park" means all real property in the state under the
13 jurisdiction, or which may come under the jurisdiction, of the
14 Division of Recreation and Parks of the Department of
15 Environmental Protection.

16 (f) Two and nine-tenths percent to the Division of
17 Forestry of the Department of Agriculture and Consumer
18 Services to fund the acquisition of state forest inholdings
19 and additions pursuant to s. 589.07.

20 (g) One and three-tenths percent to the Department of
21 Environmental Protection for the Florida Greenways and Trails
22 Program to acquire greenways and trails or systems of
23 greenways and trails pursuant to chapter 260, including, but
24 not limited to, abandoned railroad rights-of-way and lands for
25 the Florida National Scenic Trail, and to construct associated
26 fixed capital outlay projects.

27
28 Title to lands purchased under paragraphs (a), (d), (e), (f),
29 and (g) shall be vested in the Board of Trustees of the
30 Internal Improvement Trust Fund. Lands purchased under
31 paragraph (c) may be vested in the Board of Trustees of the

1 Internal Improvement Trust Fund or the acquiring local
2 government. Lands purchased under paragraph (b) shall be
3 vested in the water management district where the acquisition
4 project is located.

5 (4) PROJECT CRITERIA.--

6 (a) Proceeds of bonds issued under the Florida Forever
7 Program and distributed pursuant to paragraphs (3)(a) and (b)
8 shall be spent only on projects and acquisitions that meet at
9 least one of the following criteria, as determined pursuant to
10 paragraphs (b) and (c):

11 1. A significant portion of the land in the project is
12 in imminent danger of being developed, losing significant
13 natural attributes, or being subdivided, which will result in
14 multiple ownership of the land and may make acquisition more
15 costly or less likely to be accomplished;

16 2. Compelling evidence exists that the land is likely
17 to be developed during the next 12 months, or appraisals made
18 during the past 5 years indicate an escalation in land value
19 at an average rate that exceeds the average rate of interest
20 likely to be paid on the bonds;

21 3. A significant portion of the land in the project
22 serves to protect or recharge ground water and protects other
23 valuable natural resources or provides space for
24 natural-resource-based recreation;

25 4. The project can be purchased at 80 percent of
26 appraised value or less;

27 5. A significant portion of the land in the project
28 serves as habitat for endangered, threatened, or rare species
29 or serves to protect natural communities that are listed by
30 the Florida Natural Areas Inventory as critically imperiled,
31

1 imperiled, or rare, or as excellent quality occurrences of
2 natural communities;

3 6. A significant portion of the land serves to
4 preserve important archeological or historical sites;

5 7. The acquisition is needed to implement a
6 surfacewater improvement and management plan in effect on July
7 1, 2000;

8 8. The project will assist in water resource
9 development or water supply development; or

10 9. The project will assist in ecosystem restoration.

11
12 Increased priority shall be given to acquisitions that, in
13 addition to meeting at least one of the criteria under
14 subparagraphs 1. through 9., will also provide long-term
15 protection for threatened or endangered species designated G-1
16 or G-2 by the Florida Natural Areas Inventory, and especially
17 for those areas that are special locations for breeding and
18 reproduction.

19 (b) Each year that bonds are to be issued under the
20 Florida Forever Program, the Land Acquisition and Management
21 Advisory Council shall review that year's approved land
22 acquisition priority list and shall, by the first board
23 meeting in February, present to the Board of Trustees of the
24 Internal Improvement Trust Fund for approval a listing of
25 projects on the priority list which meet one or more of the
26 criteria specified in paragraph (a). The board may remove
27 projects from the list developed pursuant to this paragraph
28 but may not add projects. In any county in which the total ad
29 valorem tax exemptions due to government ownership exceed 37
30 percent of the county's total market value valuation, the
31 board may not approve additional acquisitions except by an

1 extraordinary vote of a majority plus one. The list may be
2 amended to include eligible projects that can be acquired at
3 85 percent of appraised value or less if such properties
4 become available at a later date.

5 (c) Each year that bonds are to be issued under the
6 Florida Forever Program, each water management district
7 governing board shall review the lands on its current year's
8 land acquisition 5-year plan and shall, by January 15, adopt a
9 listing of projects from the plan which meet one or more of
10 the criteria specified in paragraph (a). The list may be
11 amended to include projects that can be acquired at 85 percent
12 of appraised value or less if such properties become available
13 at a later date. In any county in which the total ad valorem
14 tax exemptions due to government ownership exceed 37 percent
15 of the county's total market value valuation, the governing
16 board may not approve additional acquisitions except by an
17 extraordinary vote of a majority plus one.

18 (d) In acquiring any coastal lands, the following
19 additional criteria must be considered:

20 1. The value of acquiring coastal high-hazard parcels,
21 consistent with hazard mitigation and postdisaster
22 redevelopment policies, in order to minimize the risk to life
23 and property and reduce the need for future disaster
24 assistance.

25 2. The value of acquiring beachfront parcels,
26 irrespective of size, to provide public access and
27 recreational opportunities in highly developed urban areas.

28 3. The value of acquiring identified parcels the
29 development of which would adversely affect coastal resources.

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1 When a nonprofit environmental organization that is tax exempt
2 under s. 501(c)(3) of the United States Internal Revenue Code
3 sells land to the state, such land at the time of the sale
4 shall be deemed to meet one or more of the criteria listed in
5 paragraph (a) if such land meets one or more of the criteria
6 at the time the organization purchases it. Listings of
7 projects compiled pursuant to paragraphs (b) and (c) may be
8 revised to include projects on the state's land acquisition
9 priority list or in a water management district's 5-year plan
10 which come under the criteria in paragraph (a) after the dates
11 specified in paragraph (b) or paragraph (c).

12 (e) The Legislature finds that the Preservation 2000
13 Program has provided financial resources that have enabled the
14 acquisition of significant natural areas for public ownership
15 during the program's existence. In implementing the Florida
16 Forever Program, agencies that receive funds are encouraged to
17 coordinate their expenditures more effectively so that future
18 acquisitions, when combined with previous acquisitions, will
19 form more complete patterns of protection for natural areas
20 and functioning ecosystems.

21 (f) The Legislature intends that, in implementing the
22 Florida Forever Program, agencies emphasize the completion of
23 projects in which one or more parcels have already been
24 acquired and the acquisition of lands that contain ecological
25 resources that are unrepresented or underrepresented on lands
26 currently in public ownership.

27 (g) An assessment of appropriate management strategies
28 for property acquired under the Florida Forever Program should
29 be completed early in the acquisition process and should
30 emphasize the development of a management prospectus that
31 details management goals for the property, if appropriate; a

1 timetable for implementing the various stages of management
2 and for providing access to the public, if applicable;
3 provisions for protecting existing infrastructure and for
4 ensuring the security of the project upon acquisition; the
5 anticipated costs of management and projected sources of
6 revenue; and other information required under s.
7 259.032(9)(b)1.

8 (5) FUNDS RECEIVED BY THE DIVISION OF FORESTRY.--Any
9 funds received by the Division of Forestry from the Florida
10 Forever Trust Fund shall be used only to pay the cost of
11 acquiring lands in furtherance of outdoor recreation and the
12 conservation of natural resources in this state. The
13 administration and use of any funds received by the Division
14 of Forestry from the Florida Forever Trust Fund are subject to
15 the terms and conditions imposed by the state agency
16 responsible for issuing the revenue bonds, the proceeds of
17 which are deposited in the Florida Forever Trust Fund,
18 including the restrictions imposed to ensure that interest on
19 any such revenue bonds issued by the state as tax-exempt
20 revenue bonds will not be included in the gross income of the
21 holders of such bonds for purposes of federal income taxes.
22 All deeds or leases with respect to any real property acquired
23 with funds received by the Division of Forestry from the
24 Florida Forever Trust Fund must contain covenants and
25 restrictions sufficient to ensure that the use of such real
26 property at all times complies with s. 375.051 and s. 11(e),
27 Art. VII or s. 9, Art. XII of the 1968 Constitution of
28 Florida, as amended; and must contain reverter clauses
29 providing for the reversion of title to such property to the
30 Board of Trustees of the Internal Improvement Trust Fund or,
31 in the case of a lease of such property, providing for

1 termination of the lease upon a failure to use the property
2 conveyed thereby for such purposes.

3 (6) DISPOSITION OF LANDS.--

4 (a) Any lands acquired pursuant to paragraph (3)(a),
5 paragraph (3)(c), paragraph (3)(d), paragraph (3)(e),
6 paragraph (3)(f), or paragraph (3)(g) and titled in the name
7 of the Board of Trustees of the Internal Improvement Trust
8 Fund may be disposed of by the board in accordance with the
9 procedures set forth in s. 253.034(6), and lands acquired
10 pursuant to paragraph (3)(b) may be disposed of by the owning
11 water management district in accordance with the procedures
12 set forth in ss. 373.056 and 373.089 if such disposition also
13 satisfies the requirements of paragraphs (b) and (c).

14 (b) Land acquired for conservation purposes may be
15 disposed of only after the Board of Trustees of the Internal
16 Improvement Trust Fund or, in the case of water management
17 district lands, by the owning water management district
18 governing board, makes a determination that preservation of
19 the land is no longer necessary for conservation purposes and
20 only upon a two-thirds vote of the appropriate governing
21 board. Following a determination by the governing board that
22 the land is no longer needed for conservation purposes, the
23 governing board must also make a determination that the land
24 is of no further benefit to the public, as required by s.
25 253.034(6), or determined to be surplus under s. 373.089. Any
26 lands eligible for disposal under these procedures also may be
27 exchanged for other lands described in the same paragraph of
28 subsection (3).

29 (c) Notwithstanding paragraphs (a) and (b), such
30 disposition of land may not be made if the disposition would
31 have the effect of causing all or any portion of the interest

1 on any revenue bonds issued to fund the Florida Preservation
2 2000 Act or the Florida Forever Act to lose their exclusion
3 from gross income for purposes of federal income taxation. Any
4 revenue derived from the disposal of such lands may not be
5 used for any purpose except for deposit into the Florida
6 Forever Trust Fund and used for land acquisition.

7 (7) ALTERNATE USES OF ACQUIRED LANDS.--

8 (a) The Board of Trustees of the Internal Improvement
9 Trust Fund, or, in the case of water management district
10 lands, the owning water management district, may authorize the
11 granting of a lease, easement, or license for the use of any
12 lands acquired pursuant to subsection (3), for any
13 governmental use permitted by s. 17, Art. IX of the State
14 Constitution of 1885, as adopted by s. 9(a), Art. XII of the
15 State Constitution, and any other incidental public or private
16 use that is determined by the board or the owning water
17 management district to be compatible with the purposes for
18 which such lands were acquired.

19 (b) Any existing lease, easement, or license acquired
20 for incidental public or private use on, under, or across any
21 lands acquired pursuant to subsection (3) is presumed to be
22 compatible with the purposes for which such lands were
23 acquired.

24 (c) Notwithstanding paragraph (a), the Department of
25 Environmental Protection, another appropriate state agency, or
26 a water management district may not enter into such lease,
27 easement, or license if the granting of such lease, easement,
28 or license would adversely affect the exclusion of the
29 interest on any revenue bonds issued to fund the acquisition
30 of the affected lands from gross income for federal income tax
31 purposes, as described in s. 375.045(4).

1 (8) PLAN FOR DISPOSAL AND USE OF LANDS.--The Board of
2 Trustees of the Internal Improvement Trust Fund may adopt a
3 plan for a specific geographic area which authorizes the
4 disposal and use of lands acquired pursuant to subsection (3)
5 and which meets the requirements of subsections (6) and (7).

6 (9) ALTERNATIVES TO FEE SIMPLE ACQUISITION.--

7 (a) The Legislature finds that, with increasing
8 pressures on the natural areas of this state, the state must
9 develop creative techniques to maximize the use of acquisition
10 and management moneys. The Legislature also finds that the
11 state's environmental land-buying agencies should be
12 encouraged to augment their traditional, fee simple
13 acquisition programs by using alternatives to fee simple
14 acquisition techniques. The Legislature also finds that using
15 alternatives to fee simple acquisition by public land-buying
16 agencies will achieve the following public policy goals:

17 1. Allow more lands to be brought under public
18 protection for preservation, conservation, and recreational
19 purposes at less expense using public funds.

20 2. Retain, on local government tax rolls, some portion
21 of or interest in lands that are under public protection.

22 3. Reduce long-term management costs by allowing
23 private property owners to continue acting as stewards of the
24 land, where appropriate.

25
26 Therefore, it is the intent of the Legislature that public
27 land-buying agencies develop programs to pursue alternatives
28 to fee simple acquisition and educate private landowners about
29 such alternatives and the benefits of such alternatives. It
30 also is the intent of the Legislature that the department and
31 the water management districts spend a portion of their shares

1 of Florida Forever bond proceeds to purchase eligible
2 properties using alternatives to fee simple acquisition.
3 Finally, it is the intent of the Legislature that public
4 agencies acquire lands in fee simple for public access and
5 recreational activities. Lands protected using alternatives to
6 fee simple acquisition techniques may not be accessible to the
7 public unless such access is negotiated with and agreed to by
8 the private landowners who retain interests in the lands.

9 (b) The Land Acquisition and Management Advisory
10 Council and the water management districts shall identify,
11 within their acquisition plans, those projects that require a
12 full fee simple interest to achieve the public policy goals,
13 along with the reasons why full title is determined to be
14 necessary. The council and the water management districts may
15 use alternatives to fee simple acquisition to bring the
16 remaining projects in their acquisition plans under public
17 protection. As used in this subsection, the term "alternatives
18 to fee simple acquisition" includes, but is not limited to:
19 the purchase of development rights; conservation easements;
20 flowage easements; the purchase of timber rights, mineral
21 rights, or hunting rights; the purchase of agricultural
22 interests or silvicultural interests; land protection
23 agreements; fee simple acquisitions with reservations; or any
24 other acquisition technique that achieves the public policy
25 goals listed in paragraph (a). It is presumed that a private
26 landowner retains the full range of uses for all the rights or
27 interests in the landowner's land which are not specifically
28 acquired by the public agency. Life estates and fee simple
29 acquisitions with leaseback provisions do not qualify as an
30 alternative to fee simple acquisition under this subsection,
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1 although the department and the districts are encouraged to
2 use such techniques where appropriate.

3 (c) The Department of Environmental Protection and
4 each water management district shall implement initiatives to
5 use alternatives to fee simple acquisition and educate private
6 landowners about such alternatives. These initiatives must
7 include at least two acquisitions each year by the department
8 and each water management district which use alternatives to
9 fee simple acquisition.

10 (d) The Legislature finds that the lack of direct
11 sales comparison information has served as an impediment to
12 successfully implementing alternatives to fee simple
13 acquisition. It is the intent of the Legislature that, in the
14 absence of direct comparable sales information, appraisals of
15 alternatives to fee simple acquisitions be based on the
16 difference between the full fee simple valuation and the value
17 of the interests remaining with the seller after acquisition.

18 (e) The public agency that has been assigned
19 management responsibility shall inspect and monitor any
20 less-than-fee-simple interest according to the terms of the
21 purchase agreement relating to such interest.

22 (10) PRIORITY IF MATCHING FUNDS ARE
23 AVAILABLE.--Projects that are otherwise eligible for
24 acquisition under this section and for which matching funds
25 from local governments or other sources are available shall be
26 given increased priority.

27 (11) PRIORITY FOR PROJECTS PRICED BELOW APPRAISED
28 VALUE.--Acquisition projects that are otherwise eligible for
29 acquisition under this section and for which the seller will
30 accept a price below the appraised value shall be given
31 increased priority.

1 Section 2. Section 201.15, Florida Statutes, 1998
2 Supplement, is amended to read:

3 201.15 Distribution of taxes collected.--All taxes
4 collected under this chapter shall be subject to the service
5 charge imposed in s. 215.20(1) and shall be distributed as
6 follows:

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

10 (a) Subject to the maximum amount limitations set
11 forth in this paragraph, an amount as shall be necessary to
12 pay the debt service on, or fund debt service reserve funds,
13 rebate obligations, or other amounts with respect to bonds
14 issued pursuant to s. 375.051 and payable from moneys
15 transferred to the Land Acquisition Trust Fund pursuant to
16 this paragraph shall be paid into the State Treasury to the
17 credit of the Land Acquisition Trust Fund to be used for such
18 purposes. The amount transferred to the Land Acquisition Trust
19 Fund shall not exceed \$90 million in fiscal year 1992-1993,
20 \$120 million in fiscal year 1993-1994, \$150 million in fiscal
21 year 1994-1995, \$180 million in fiscal year 1995-1996, \$210
22 million in fiscal year 1996-1997, \$240 million in fiscal year
23 1997-1998, \$270 million in fiscal year 1998-1999, and \$300
24 million in fiscal year 1999-2000 and thereafter. No individual
25 series of bonds may be issued pursuant to this paragraph
26 unless the first year's debt service for such bonds is
27 specifically appropriated in the General Appropriations Act.
28 No moneys transferred to the Land Acquisition Trust Fund
29 pursuant to this paragraph, or earnings thereon, shall be used
30 or made available to pay debt service on the Save Our Coast
31 revenue bonds.

1 (b) Subject to the maximum amount limitations set
2 forth in this paragraph, an amount necessary to pay the debt
3 service on, or fund debt service reserve funds, rebate
4 obligations, or other amounts with respect to bonds issued
5 pursuant to s. 375.051 and s. 11(e), Art. VII or s. 9, Art.
6 XII of the State Constitution and payable from moneys
7 transferred to the Florida Forever Trust Fund pursuant to this
8 paragraph shall be paid into the State Treasury to the credit
9 of the Florida Forever Trust Fund to be used for such
10 purposes. The amount transferred to the Florida Forever Trust
11 Fund may not exceed \$30 million in fiscal year 2000-2001, \$60
12 million in fiscal year 2001-2002, \$90 million in fiscal year
13 2002-2003, \$120 million in fiscal year 2003-2004, \$150 million
14 in fiscal year 2004-2005, \$180 million in fiscal year
15 2005-2006, \$210 million in fiscal year 2006-2007, \$240 million
16 in fiscal year 2007-2008, \$270 million in fiscal year
17 2008-2009, and \$300 million in fiscal year 2009-2010 and
18 thereafter. An individual series of bonds may not be issued
19 under this paragraph unless the first year's debt service for
20 such bonds is specifically appropriated in the General
21 Appropriations Act. Moneys transferred to the Florida Forever
22 Trust Fund under this paragraph, or earnings thereon, may not
23 be used or made available to pay debt service on the Save Our
24 Coast revenue bonds.

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

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

12 (d)~~(c)~~ The remainder of the moneys distributed under
13 this subsection, after the required payments under paragraphs
14 (a), and (b), and (c), shall be paid into the State Treasury
15 to the credit of the General Revenue Fund of the state to be
16 used and expended for the purposes for which the General
17 Revenue Fund was created and exists by law or to the Ecosystem
18 Management and Restoration Trust Fund as provided in
19 subsection(9)~~(8)~~.

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

23 (a) Beginning in the month following the final payment
24 for a fiscal year under paragraph(1)(c)~~(1)(b)~~, available
25 moneys shall be paid into the State Treasury to the credit of
26 the General Revenue Fund of the state to be used and expended
27 for the purposes for which the General Revenue Fund was
28 created and exists by law or to the Ecosystem Management and
29 Restoration Trust Fund as provided in subsection(9)~~(8)~~.

30 Payments made under this paragraph shall continue until the
31 cumulative amount credited to the General Revenue Fund for the

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

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

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

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

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

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

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

31

1 (6) Four percent of the remaining taxes collected
2 under this chapter shall be paid into the State Treasury to
3 the credit of the Surface Water Improvement and Management
4 Trust Fund and shall be used by the water management districts
5 for fixed capital outlay projects, including wastewater
6 treatment and stormwater management facilities, and for
7 implementing surfacewater improvement and management plans in
8 effect on July 1, 2000.

9 ~~(7)~~(6) Seven and fifty-three hundredths percent of the
10 remaining taxes collected under this chapter shall be paid
11 into the State Treasury to the credit of the State Housing
12 Trust Fund and shall be used as follows:

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

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

20 ~~(8)~~(7) Eight and sixty-six hundredths percent of the
21 remaining taxes collected under this chapter shall be paid
22 into the State Treasury to the credit of the State Housing
23 Trust Fund and shall be used as follows:

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

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

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

4 (9)~~(8)~~ From the moneys specified in paragraphs(1)(d)
5 ~~(1)(c)~~ and (2)(a) and prior to deposit of any moneys into the
6 General Revenue Fund, \$10 million shall be paid into the State
7 Treasury to the credit of the Ecosystem Management and
8 Restoration Trust Fund in fiscal year 1998-1999, \$20 million
9 in fiscal year 1999-2000, and \$30 million in fiscal year
10 2000-2001 and each fiscal year thereafter, to be used for the
11 preservation and repair of the state's beaches as provided in
12 ss. 161.091-161.212.

13 (10)~~(9)~~ The Department of Revenue may use the payments
14 credited to trust funds pursuant to paragraphs(1)(c)~~(1)(b)~~
15 and (2)(b) and subsections (3), (4), (5),(7)~~(6)~~, and(8)~~(7)~~
16 to pay the costs of the collection and enforcement of the tax
17 levied by this chapter. The percentage of such costs which may
18 be assessed against a trust fund is a ratio, the numerator of
19 which is payments credited to that trust fund under this
20 section and the denominator of which is the sum of payments
21 made under paragraphs(1)(c)~~(1)(b)~~ and (2)(b) and subsections
22 (3), (4), (5),(7)~~(6)~~, and(8)~~(7)~~.

23 Section 3. Paragraph (a) of subsection (5) of
24 subsection 253.027, Florida Statutes, is amended to read:

25 253.027 Emergency archaeological property
26 acquisition.--

27 (5) ACCOUNT EXPENDITURES.--

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

31

1 1. The property is an archaeological property of major
2 statewide significance.

3 2. The structures, artifacts, or relics, or their
4 historic significance, will be irretrievably lost if the state
5 cannot acquire the property.

6 3. The site is presently on an acquisition list for
7 ~~the~~ Conservation and Recreation Lands or for Florida Forever
8 lands, acquisition list or complies with the criteria for
9 inclusion on any such ~~the~~ list but has yet to be included on
10 the list.

11 4. No other source of immediate funding is available
12 to purchase or otherwise protect the property.

13 5. The site is not otherwise protected by local,
14 state, or federal laws.

15 6. The acquisition is not inconsistent with the state
16 comprehensive plan and the state land acquisition program.

17 Section 4. Subsection (3) of section 253.034, Florida
18 Statutes, 1998 Supplement, is amended to read:

19 253.034 State-owned lands; uses.--

20 (3) In recognition that recreational trails purchased
21 with rails-to-trails funds pursuant to s. 259.101(3)(g) or s.
22 259.202(3)(g) have had historic transportation uses and that
23 their linear character may extend many miles, the Legislature
24 intends that when the necessity arises to serve public needs,
25 after balancing the need to protect trail users from
26 collisions with automobiles and a preference for the use of
27 overpasses and underpasses to the greatest extent feasible and
28 practical, transportation uses shall be allowed to cross
29 recreational trails purchased pursuant to s. 259.101(3)(g) or
30 s. 259.202(3)(g). When these crossings are needed, the
31 location and design should consider and mitigate the impact on

1 humans and environmental resources, and the value of the land
2 shall be paid based on fair market value.

3 Section 5. Subsections (3) and (10), paragraphs (b),
4 (c), and (f) of subsection (11), and subsections (12), (13),
5 (14), (15), and (16) of section 259.032, Florida Statutes,
6 1998 Supplement, are amended to read:

7 259.032 Conservation and Recreation Lands Trust Fund;
8 purpose.--

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

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

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

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

28 (d) To conserve, protect, manage, or restore important
29 ecosystems, landscapes, and forests, if the protection and
30 conservation of such lands is necessary to enhance or protect
31 significant surface water, groundwater, coastal, recreational,

1 timber, or fish or wildlife resources which cannot otherwise
2 be accomplished through local and state regulatory programs;

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

7 (f) To preserve significant archaeological or historic
8 sites; or

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

12 (10) State, regional, or local governmental agencies
13 or private entities designated to manage lands under this
14 section shall develop and adopt, with the approval of the
15 board of trustees, an individual management plan for each
16 project designed to conserve and protect such lands and their
17 associated natural resources. Private sector involvement in
18 management plan development may be used to expedite the
19 planning process. Beginning fiscal year 1998-1999, individual
20 management plans required by s. 253.034(5)~~s. 253.034(4)~~ shall
21 be developed with input from an advisory group. Members of
22 this advisory group shall include, at a minimum,
23 representatives of the lead land managing agency, comanaging
24 entities, local private property owners, the appropriate soil
25 and water conservation district, a local conservation
26 organization, and a local elected official. The advisory
27 group shall conduct at least one public hearing within the
28 county in which the parcel or project is located. Notice of
29 such public hearing shall be posted on the parcel or project
30 designated for management, advertised in a paper of general
31 circulation, and announced at a scheduled meeting of the local

1 governing body before the actual public hearing. The
2 management prospectus required pursuant to paragraph (9)(b)
3 shall be available to the public for a period of 30 days prior
4 to the public hearing. Once a plan is adopted, the managing
5 agency or entity shall update the plan at least every 5 years
6 in a form and manner prescribed by rule of the board of
7 trustees. Such plans may include transfers of leasehold
8 interests to appropriate conservation organizations designated
9 by the Land Acquisition and Management Advisory Council for
10 uses consistent with the purposes of the organizations and the
11 protection, preservation, and proper management of the lands
12 and their resources. Volunteer management assistance is
13 encouraged, including, but not limited to, assistance by
14 youths participating in programs sponsored by state or local
15 agencies, by volunteers sponsored by environmental or civic
16 organizations, and by individuals participating in programs
17 for committed delinquents and adults. For each project for
18 which lands are acquired after July 1, 1995, an individual
19 management plan shall be adopted and in place no later than 1
20 year after the essential parcel or parcels identified in the
21 annual Florida Forever report or Conservation and Recreation
22 Lands report prepared pursuant to s. 259.035(2)(a) have been
23 acquired. Beginning in fiscal year 1998-1999, the Department
24 of Environmental Protection shall distribute only 75 percent
25 of the acquisition funds to which a budget entity or water
26 management district would otherwise be entitled from the
27 Florida Forever Trust Fund or the Preservation 2000 Trust Fund
28 to any budget entity or any water management district that has
29 more than one-third of its management plans overdue.

30
31

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

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

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

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

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

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

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

26 7. A determination of the public uses that would be
27 consistent with the purposes for which the lands were
28 acquired.

29 (b) The Division of State Lands shall submit a copy of
30 each individual management plan for parcels which exceed 160
31 acres in size to each member of the Land Acquisition and

1 Management Advisory Council. The council shall, within 60 days
2 after receiving a plan from the division, review each plan for
3 compliance with the requirements of this subsection and with
4 the requirements of the rules established by the board
5 pursuant to this subsection. The council shall also consider
6 the propriety of the recommendations of the managing agency
7 with regard to the future use or protection of the property.
8 After its review, the council shall submit the plan, along
9 with its recommendations and comments, to the board of
10 trustees. The council shall specifically recommend to the
11 board of trustees whether to approve the plan as submitted,
12 approve the plan with modifications, or reject the plan.

13 (c) The board of trustees shall consider the
14 individual management plan submitted by each state agency and
15 the recommendations of the Land Acquisition and Management
16 Advisory Council and the Division of State Lands and shall
17 approve the plan with or without modification or reject such
18 plan. The use or possession of any lands owned by the board of
19 trustees which is not in accordance with an approved
20 individual management plan is subject to termination by the
21 board of trustees.

22
23 By July 1 of each year, each governmental agency, including
24 the water management districts, and each private entity
25 designated to manage lands shall report to the Secretary of
26 Environmental Protection on the progress of funding, staffing,
27 and resource management of every project for which the agency
28 or entity is responsible.

29 (11)

30 (b) An amount equal ~~up~~ to 1.5 percent of the
31 cumulative total of funds ever deposited into the Florida

1 Preservation 2000 Trust Fund and the Florida Forever Trust
2 Fund shall be made available from the Conservation and
3 Recreation Lands Trust Fund for the purposes of management,
4 maintenance, and capital improvements, and for associated
5 contractual services, for lands acquired pursuant to previous
6 programs for the acquisition of lands for conservation and
7 recreation, including state forests, and lands acquired
8 pursuant to this section and ~~ss.~~s.259.101 and 259.202 to
9 which title is vested in the board of trustees. Each agency
10 with management responsibilities shall annually request from
11 the Legislature funds sufficient to fulfill such
12 responsibilities. Capital improvements shall include, but need
13 not be limited to, perimeter fencing, signs, firelanes, access
14 roads and trails, and minimal public accommodations, such as
15 primitive campsites, garbage receptacles, and toilets.

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

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

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

1 3. Lands that ~~which~~ are high-need tracts, with
2 identified needs requiring unique site-specific resource
3 management and protection. These lands generally are sites
4 with historic significance, unique natural features, or very
5 high intensity public use, or sites that require extra funds
6 to stabilize or protect resources.

7
8 In evaluating the management funding needs of lands based on
9 the above categories, the lead land managing agencies shall
10 include in their considerations the impacts of, and needs
11 created or addressed by, multiple-use management strategies.

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

22 (12)(a) Beginning in fiscal year 1994-1995, not more
23 than 3.75 percent of the Conservation and Recreation Lands
24 Trust Fund shall be made available annually to the department
25 for payment in lieu of taxes to qualifying counties, school
26 districts ~~cities~~, and local governments as defined in
27 paragraph (b) for all actual tax losses incurred as a result
28 of board of trustees acquisitions for state agencies under the
29 Florida Preservation 2000 Program and Florida Forever Program
30 during any year. Reserved funds not used for payments in lieu
31 of taxes in any year shall revert to the Florida Forever Trust

1 Fund to be used for land acquisition in accordance with the
2 provisions of this section.

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

4 1. To counties which levy an ad valorem tax of at
5 least 8.25 mills or the amount of the tax loss from all
6 completed Preservation 2000 and Florida Forever acquisitions
7 in the county exceeds 0.01 percent of the county's total
8 taxable value, and have a population of 75,000 or less.

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

13 3. Beginning in the 2000-2001 fiscal year and
14 thereafter, to school boards in counties with a population of
15 75,000 or less which do not contain all or a portion of an
16 area of critical state concern designated under chapter 380
17 and which levy the maximum millage under s. 236.25(1) and (2).

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

24
25 For the purposes of this paragraph, the term "local
26 government" includes municipalities, the county school board,
27 mosquito control districts, and any other local government
28 entity that ~~which~~ levies ad valorem taxes, with the exception
29 of a water management district.

30 ~~(c) Payment in lieu of taxes shall be available to any~~
31 ~~city which has a population of 10,000 or less and which levies~~

1 ~~an ad valorem tax of at least 8.25 mills or the amount of the~~
2 ~~tax loss from all completed Preservation 2000 acquisitions in~~
3 ~~the city exceeds 0.01 percent of the city's total taxable~~
4 ~~value.~~

5 (c)(d) If ~~insufficient~~ funds are not sufficient
6 ~~available~~ in any year to make full payments to all qualifying
7 counties, school districts ~~cities~~, and local governments, such
8 counties, school districts ~~cities~~, and local governments shall
9 receive a pro rata share of the moneys available.

10 (d)(e) The payment amount shall be based on the
11 average amount of actual taxes paid on the property for the 3
12 years preceding acquisition, except that, for purchases
13 completed after July 1, 2000, the payment amount to school
14 boards in counties with a population of 75,000 or less which
15 do not contain all or a portion of an area of critical state
16 concern designated under chapter 380 shall be calculated based
17 solely on the value of the millage levied under s. 236.25(1)
18 and (2). Applications for payment in lieu of taxes shall be
19 made no later than January 31 of the year following
20 acquisition. No payment in lieu of taxes shall be made for
21 properties which were exempt from ad valorem taxation for the
22 year immediately preceding acquisition. If property which was
23 subject to ad valorem taxation was acquired by a tax-exempt
24 entity for ultimate conveyance to the state under this
25 chapter, payment in lieu of taxes shall be made for such
26 property based upon the average amount of taxes paid on the
27 property for the 3 years prior to its being removed from the
28 tax rolls. The department shall certify to the Department of
29 Revenue those properties that may be eligible under this
30 provision. Payment in lieu of taxes shall be limited to a
31 total of 10 consecutive years of annual payments, beginning

1 the year a local government becomes eligible. The Legislature
2 intends that once a governmental entity has been determined
3 eligible, the entity shall receive 10 consecutive annual
4 payments, and no further eligibility determination shall be
5 made during that period.

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

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

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

25 (14) The board of trustees may adopt rules to further
26 define the categories of land for acquisition under this
27 chapter.

28 ~~(15) For fiscal year 1998-1999 only, moneys credited~~
29 ~~to the fund may be appropriated to provide grants to qualified~~
30 ~~local governmental entities pursuant to the provisions of s.~~
31 ~~375.075. This subsection is repealed on July 1, 1999.~~

1 ~~(15)~~~~(16)~~ Within 180 days after receiving a certified
2 letter from the owner of a property on the Conservation and
3 Recreation Lands list or the Florida Forever list objecting to
4 the property being included in an acquisition project, where
5 such property is a project or part of a project which has not
6 been listed for purchase in the current year's land
7 acquisition work plan, the board of trustees shall delete the
8 property from the list or from the boundary of an acquisition
9 project on the list.

10 Section 6. Paragraphs (a), (b), and (c) of subsection
11 (2) of section 259.035, Florida Statutes, 1998 Supplement, are
12 amended to read:

13 259.035 Advisory council; powers and duties.--

14 (2)(a) The council shall, by the time of the first
15 board meeting in February of each year, establish or update a
16 list of acquisition projects to be funded from the Florida
17 Forever Trust Fund and selected for purchase pursuant to this
18 chapter. The council may also propose eligible acquisition
19 projects to the board of trustees at any time if the projects
20 can be acquired at a price at least 15 percent below appraised
21 value.In scoring potential projects for inclusion on the
22 acquisition list, the council shall give greater consideration
23 to projects that can serve as corridors between lands already
24 in public ownership or under management for conservation and
25 recreational purposes. Acquisition projects shall be ranked,
26 in order of priority, ~~individually as a single group or~~
27 ~~individually~~ within 6 up to 10 separate groups, which must
28 include substantially complete projects, mega-multiparcels
29 projects, less-than-fee projects, priority projects,
30 negotiations impasse, projects providing long-term protection
31 for threatened or endangered species, and bargain or shared

1 projects. The council shall submit to the board of trustees,
2 together with its list of acquisition projects, a Florida
3 Forever Conservation and Recreation Lands report. For each
4 project on an acquisition list, the council shall include in
5 its report the stated purpose for acquiring the project, an
6 identification of the essential parcel or parcels within the
7 project without which the project cannot be properly managed,
8 an identification of those projects or parcels within projects
9 which should be acquired in fee simple or in other than fee
10 simple, an explanation of the reasons why the council selected
11 a particular acquisition technique, a management policy
12 statement for the project, a management prospectus pursuant to
13 s. 259.032(9)(b), an estimate of land value based on county
14 tax assessed values, a map delineating project boundaries, a
15 brief description of the important natural and cultural
16 resources to be protected, preacquisition planning and
17 budgeting, coordination with other public and nonprofit
18 public-lands acquisition programs, a preliminary statement of
19 the extent and nature of public use, an interim management
20 budget, and designation of a management agency or agencies.
21 The Department of Environmental Protection shall prepare the
22 information required by this section for each acquisition
23 project selected for purchase pursuant to this chapter. In
24 addition, the department shall prepare, by July 1 of each
25 year, an acquisition work plan for each project on the
26 acquisition list for which funds will be available for
27 acquisition during the fiscal year. The work plan need not
28 disclose any information that is required by this chapter or
29 chapter 253 to remain confidential.

30 (b) An affirmative vote of four members of the council
31 shall be required in order to place a proposed project on a

1 ~~list. Each list shall contain at least twice the number of~~
2 ~~projects in terms of estimated cost as there are anticipated~~
3 ~~funds for purchase.~~The anticipated cost of each project shall
4 include proposed costs for development of the lands necessary
5 to meet the public purpose for which such lands are to be
6 purchased.

7 (c) All proposals for acquisition projects pursuant to
8 this chapter shall be developed and adopted by the council.
9 The council shall consider and evaluate in writing the merits
10 and demerits of each project that is proposed for acquisition
11 and shall ensure that each proposed acquisition project will
12 meet a stated public purpose for the preservation of
13 environmentally endangered lands, for the development of
14 outdoor recreation lands, or as provided in s. 259.032(3) or
15 s. 259.202(4), and shall determine whether each acquisition
16 project conforms with the comprehensive plan developed
17 pursuant to s. 259.04(1)(a), the comprehensive outdoor
18 recreation and conservation plan developed pursuant to s.
19 375.021, and the state lands management plan adopted pursuant
20 to s. 253.03(7). Copies of a written report describing each
21 project proposed for acquisition shall be submitted to the
22 board of trustees. The council shall consider and include in
23 each project description its assessment of a project's
24 ecological value, vulnerability, endangerment, ownership
25 pattern, utilization, location, and cost and other pertinent
26 factors in determining whether to recommend a project for
27 state purchase.

28 Section 7. Paragraph (a) of subsection (2) of section
29 338.250, Florida Statutes, is amended to read:

30 338.250 Central Florida Beltway Mitigation.--
31

1 (2) Environmental mitigation required as a result of
2 construction of the beltway, or portions thereof, shall be
3 satisfied in the following manner:

4 (a) For those projects which the Department of
5 Transportation is authorized to construct, funds for
6 environmental mitigation shall be deposited in the Central
7 Florida Beltway Trust Fund created within the department at
8 the time bonds for the specific project are sold. If a road
9 building authority other than the department is authorized to
10 construct the project, funds for environmental mitigation
11 shall be deposited in a mitigation fund account established in
12 the construction fund for the bond issues. Said account shall
13 be established at the time bond proceeds are deposited into
14 the construction fund for the specific project. These funds
15 shall be provided from bond proceeds, and the use of such
16 funds from bond proceeds for mitigation shall be deemed a
17 public purpose. The amount to be provided for mitigation for
18 the Eastern Beltway in Seminole County shall be up to \$4
19 million, the amount to be provided for mitigation for the
20 Western Beltway shall be up to \$30.5 million, the amount to be
21 provided for mitigation for the Southern Connector shall be up
22 to \$14.28 million, the amount to be provided for mitigation
23 for the Turnpike/Southern Connector Interchange shall be up to
24 \$1.46 million, and the amount to be provided for mitigation
25 for the Southern Connector Extension shall be in proportion to
26 the amount provided for the Southern Connector based upon the
27 amount of wetlands displaced. To the extent allowed by law,
28 the interest on said funds as earned, after deposit into the
29 Central Florida Beltway Trust Fund, or in a mitigation fund
30 account shall accrue and be paid to the agency responsible for
31 the construction of the appropriate project. Where feasible,

1 mitigation funds shall be used in coordination with funds from
2 the Florida Forever Trust Fund, the Conservation and
3 Recreation Lands Trust Fund, the Save Our Rivers Land
4 Acquisition Program, or from other appropriate sources.

5 Section 8. Section 373.59, Florida Statutes, 1998
6 Supplement, is amended to read:

7 373.59 Water Management Lands Trust Fund.--

8 (1) There is established within the Department of
9 Environmental Protection the Water Management Lands Trust Fund
10 to be used as a nonlapsing fund for the purposes of this
11 section. The moneys in this fund are hereby continually
12 appropriated for the purposes of land acquisition, management,
13 maintenance, capital improvements, payments in lieu of taxes,
14 and administration of the fund in accordance with the
15 provisions of this section.

16 (2)(a) By January 15 of each year, each district shall
17 file with the Legislature and the Secretary of Environmental
18 Protection a report of acquisition activity together with
19 modifications or additions to its 5-year plan of acquisition.
20 Included in the report shall be an identification of those
21 lands which require a full fee simple interest to achieve
22 water management goals and those lands which can be acquired
23 using alternatives to fee simple acquisition techniques and
24 still achieve such goals. In their evaluation of which lands
25 would be appropriate for acquisition through alternatives to
26 fee simple, district staff shall consider criteria including,
27 but not limited to, acquisition costs, the net present value
28 of future land management costs, the net present value of ad
29 valorem revenue loss to the local government, and the
30 potential for revenue generated from activities compatible
31 with acquisition objectives. The report shall also include a

1 description of land management activity. Expenditure of moneys
2 from the Water Management Lands Trust Fund shall be limited to
3 the costs for acquisition, management, maintenance, and
4 capital improvements of lands included within the 5-year plan
5 as filed by each district and to the department's costs of
6 administration of the fund. The department's costs of
7 administration shall be charged proportionally against each
8 district's allocation using the formula provided in subsection
9 (8)~~(7)~~. However, no acquisition of lands shall occur without
10 a public hearing similar to those held pursuant to the
11 provisions set forth in s. 120.54. In the annual update of its
12 5-year plan for acquisition, each district shall identify
13 lands needed to protect or recharge groundwater and shall
14 establish a plan for their acquisition as necessary to protect
15 potable water supplies. Lands which serve to protect or
16 recharge groundwater identified pursuant to this paragraph
17 shall also serve to protect other valuable natural resources
18 or provide space for natural resource based recreation.

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

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

28 2. By Southwest Florida Water Management
29 District--lands in the Four River Basins areas, including
30 Green Swamp, Upper Hillsborough and Cypress Creek, Anclote
31

1 Water Storage Lands (Starkey), Withlacoochee and Hillsborough
2 riverine corridors, and Sawgrass Lake addition.

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

6 4. By Suwannee River Water Management District--lands
7 in Suwannee River Valley.

8 5. By Northwest Florida Water Management
9 District--lands in the Choctawhatchee and Apalachicola River
10 Valleys.

11 (3) Each district shall remove the property of an
12 unwilling seller from its plan of acquisition at the next
13 scheduled update of the plan, if in receipt of a request to do
14 so by the property owner.

15 (4)(a) Moneys from the Water Management Lands Trust
16 Fund shall be used for acquiring the fee or other interest in
17 lands necessary for water management, water supply, and the
18 conservation and protection of water resources, except that
19 such moneys shall not be used for the acquisition of
20 rights-of-way for canals or pipelines. Such moneys shall also
21 be used for management, maintenance, and capital improvements.
22 Interests in real property acquired by the districts under
23 this section may be used for permittable water resource
24 development and water supply development purposes under the
25 following conditions: the minimum flows and levels of priority
26 water bodies on such lands have been established; the project
27 complies with all conditions for issuance of a permit under
28 part II of this chapter; and the project is compatible with
29 the purposes for which the land was acquired. Lands acquired
30 with moneys from the fund shall be managed and maintained in
31 an environmentally acceptable manner and, to the extent

1 practicable, in such a way as to restore and protect their
2 natural state and condition.

3 (b) Each water management district governing board
4 shall annually adopt, and may amend as necessary, a priority
5 list of fixed capital outlay projects, including wastewater
6 treatment and stormwater management facilities, needed to
7 implement surfacewater improvement and management plans in
8 effect on July 1, 2000. Funds for such projects shall be
9 available from the Surface Water Improvement and Management
10 Trust Fund, and shall be allocated to the districts pursuant
11 to the General Appropriations Act each fiscal year after
12 considering the priority lists prepared by each district. Any
13 unallocated funds not provided for in the General
14 Appropriations Act but for which spending authority is
15 provided in the General Appropriations Act shall be released
16 by the Secretary of Environmental Protection based upon the
17 population size of the districts and following receipt of a
18 resolution adopted by the district's governing board which
19 identifies the project and certifies that the project is on
20 the district's priority list.

21 (c)(b) The Secretary of Environmental Protection shall
22 release moneys from the Water Management Lands Trust Fund to a
23 district for preacquisition costs within 30 days after receipt
24 of a resolution adopted by the district's governing board
25 which identifies and justifies any such preacquisition costs
26 necessary for the purchase of any lands listed in the
27 district's 5-year plan. The district shall return to the
28 department any funds not used for the purposes stated in the
29 resolution, and the department shall deposit the unused funds
30 into the Water Management Lands Trust Fund.

31

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

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

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

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

12 (6)(7) Any unused portion of a district's share of the
13 fund shall accumulate in the trust fund to the credit of that
14 district. Interest earned on such portion shall also
15 accumulate to the credit of that district to be used for land
16 acquisition, management, maintenance, and capital improvements
17 as provided in this section. The total moneys over the life
18 of the fund available to any district under this section shall
19 not be reduced except by resolution of the district governing
20 board stating that the need for the moneys no longer exists.

21 (7)(8) Moneys from the Water Management Lands Trust
22 Fund shall be allocated to the five water management districts
23 in the following percentages:

24 (a) Thirty percent to the South Florida Water
25 Management District.

26 (b) Twenty-five percent to the Southwest Florida Water
27 Management District.

28 (c) Twenty-five percent to the St. Johns River Water
29 Management District.

30 (d) Ten percent to the Suwannee River Water Management
31 District.

1 (e) Ten percent to the Northwest Florida Water
2 Management District.

3 ~~(8)(9)~~ Each district may use its allocation under
4 subsection~~(7)(8)~~for management, maintenance, and capital
5 improvements. Capital improvements shall include, but need not
6 be limited to, perimeter fencing, signs, firelanes, control of
7 invasive exotic species, controlled burning, habitat inventory
8 and restoration, law enforcement, access roads and trails, and
9 minimal public accommodations, such as primitive campsites,
10 garbage receptacles, and toilets.

11 ~~(9)(10)~~ Moneys in the fund not needed to meet current
12 obligations incurred under this section shall be transferred
13 to the State Board of Administration, to the credit of the
14 fund, to be invested in the manner provided by law. Interest
15 received on such investments shall be credited to the fund.

16 ~~(10)(11)~~ Lands acquired for the purposes enumerated in
17 this section shall also be used for general public
18 recreational purposes. General public recreational purposes
19 shall include, but not be limited to, fishing, hunting,
20 horseback riding, swimming, camping, hiking, canoeing,
21 boating, diving, birding, sailing, jogging, and other related
22 outdoor activities to the maximum extent possible considering
23 the environmental sensitivity and suitability of those lands.
24 These public lands shall be evaluated for their resource value
25 for the purpose of establishing which parcels, in whole or in
26 part, annually or seasonally, would be conducive to general
27 public recreational purposes. Such findings must ~~shall~~ be
28 included in management plans, which must be ~~are~~ developed for
29 such public lands within 1 year after acquisition and updated
30 at least every 5 years. These lands shall be made available
31 to the public for these purposes, unless the district

1 governing board can demonstrate that such activities would be
2 incompatible with the purposes for which these lands were
3 acquired. For any fee simple acquisition of a parcel which is
4 or will be leased back for agricultural purposes, or for any
5 acquisition of a less-than-fee interest in land that is or
6 will be used for agricultural purposes, the district governing
7 board shall first consider having a soil and water
8 conservation district created pursuant to chapter 582 manage
9 and monitor such interest.

10 (11)~~(12)~~ A district may dispose of land acquired under
11 this section, pursuant to s. 373.056 or s. 373.089. However,
12 revenue derived from such disposal may not be used for any
13 purpose except the purchase of other lands meeting the
14 criteria specified in this section or payment of debt service
15 on revenue bonds or notes issued under s. 373.584, as provided
16 in this section.

17 (12)~~(13)~~ No moneys generated pursuant to this act may
18 be applied or expended subsequent to July 1, 1985, to
19 reimburse any district for prior expenditures for land
20 acquisition from ad valorem taxes or other funds other than
21 its share of the funds provided herein or to refund or
22 refinance outstanding debt payable solely from ad valorem
23 taxes or other funds other than its share of the funds
24 provided herein.

25 (13)~~(14)~~(a) Funds from the Water Management Lands
26 Trust Fund shall be available ~~Beginning in fiscal year~~
27 ~~1992-1993, not more than one-fourth of the land management~~
28 ~~funds provided for in subsections (1) and (9) in any year~~
29 ~~shall be reserved annually by a governing board, during the~~
30 ~~development of its annual operating budget, for payment in~~
31 ~~lieu of taxes to qualifying counties, school districts, and~~

1 local governments, as defined in paragraph (b), for actual ad
2 valorem tax losses incurred as a result of lands purchased
3 with funds allocated pursuant to paragraph (b) and ss s-
4 259.101(3)(b) and 259.202(3)(c). In addition, the Northwest
5 Florida Water Management District, the South Florida Water
6 Management District, the Southwest Florida Water Management
7 District, the St. Johns River Water Management District, and
8 the Suwannee River Water Management District shall pay to
9 qualifying counties payments in lieu of taxes for district
10 lands acquired with funds allocated pursuant to subsection
11 ~~(8)~~ Reserved funds that are not used for payment in lieu of
12 taxes in any year shall revert to the fund to be used for
13 management purposes ~~or land acquisition~~ in accordance with
14 this section.

15 (b) Payment in lieu of taxes shall be available:
16 1. To counties ~~for each year~~ in which the levy of ad
17 valorem tax is at least 8.25 mills or the amount of the tax
18 loss from all completed Preservation 2000 or Florida Forever
19 acquisitions in the county exceeds 0.01 percent of the
20 county's total taxable value, and the population is 75,000 or
21 less, and
22 2. To counties with a population of less than 100,000
23 which contain all or a portion of an area of critical state
24 concern designated pursuant to chapter 380, and to local
25 governments within such counties.
26 3. Beginning in the 2000-2001 fiscal year, to school
27 boards in counties with a population of 75,000 or less which
28 do not contain all or a portion of an area of critical state
29 concern designated under chapter 380 and which levy the
30 maximum millage under s. 236.25(1) and (2).
31

1 As used in this paragraph, the term "local government"
2 includes municipalities, the county school board, mosquito
3 control districts, and any other local government entity that
4 levies ad valorem taxes, with the exception of a water
5 management district.

6 (c) If ~~insufficient~~ funds are not sufficient ~~available~~
7 in any year to make full payments to all qualifying counties,
8 school districts, and local governments, such counties, school
9 districts, and local governments shall receive a pro rata
10 share of the moneys available.

11 (d) The payment amount shall be based on the average
12 amount of actual taxes paid on the property for the 3 years
13 immediately preceding acquisition, except that, for purchases
14 completed after July 1, 2000, the payment amount to school
15 boards in counties with a population of 75,000 or less which
16 do not contain all or a portion of an area of critical state
17 concern designated under chapter 380 shall be calculated based
18 solely on the value of the millage levied under s. 236.25(1)
19 and (2). For lands purchased prior to July 1, 1992,
20 applications for payment in lieu of taxes shall be made to the
21 districts by January 1, 1993. For lands purchased after July
22 1, 1992, applications for payment in lieu of taxes shall be
23 made no later than January 31 of the year following
24 acquisition. No payment in lieu of taxes shall be made for
25 properties that ~~which~~ were exempt from ad valorem taxation for
26 the year immediately preceding acquisition. Payment in lieu
27 of taxes shall be limited to a period of 10 consecutive years
28 of annual payments. The Legislature intends that once a
29 governmental entity has been determined eligible, the entity
30 shall receive 10 consecutive annual payments, and no further
31 eligibility determination shall be made within that period.

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

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

17 ~~(13)~~(15) Each district is encouraged to use volunteers
18 to provide land management and other services. Volunteers
19 shall be covered by liability protection and workers'
20 compensation in the same manner as district employees, unless
21 waived in writing by such volunteers or unless such volunteers
22 otherwise provide equivalent insurance.

23 ~~(14)~~(16) Each water management district is authorized
24 and encouraged to enter into cooperative land management
25 agreements with state agencies or local governments to provide
26 for the coordinated and cost-effective management of lands to
27 which the water management districts, the Board of Trustees of
28 the Internal Improvement Trust Fund, or local governments hold
29 title. Any such cooperative land management agreement must be
30 consistent with any applicable laws governing land use,
31 management duties, and responsibilities and procedures of each

1 cooperating entity. Each cooperating entity is authorized to
2 expend such funds as are made available to it for land
3 management on any such lands included in a cooperative land
4 management agreement.

5 ~~(15)(17) Notwithstanding any provision of this section~~
6 ~~to the contrary and for the 1998-1999 fiscal year only, the~~
7 ~~governing board of a water management district may request,~~
8 ~~and the Secretary of Environmental Protection shall release~~
9 ~~upon such request, moneys allocated to the districts pursuant~~
10 ~~to subsection (8) for the purpose of carrying out the~~
11 ~~provisions of ss. 373.451-373.4595. No funds may be used~~
12 ~~pursuant to this subsection until necessary debt~~
13 ~~service obligations are provided for any bonds issued pursuant~~
14 ~~to s. 373.584 before the repeal of that section and~~
15 ~~requirements for payments in lieu of taxes that may be~~
16 ~~required pursuant to this section are provided for. This~~
17 ~~subsection is repealed on July 1, 1999.~~

18 Section 9. Subsection (1) of section 380.504, Florida
19 Statutes, is amended to read:

20 380.504 Florida Communities Trust; creation;
21 membership; expenses.--

22 (1) There is created within the Department of
23 Community Affairs a nonregulatory state agency and
24 instrumentality, which shall be a public body corporate and
25 politic, known as the "Florida Communities Trust." The
26 governing body of the trust shall consist of:

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

29 (b) The director of the Division of Historical
30 Resources in the Department of State; and

31

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

3
4 The Governor shall appoint a former elected official of a
5 local government, a representative of a nonprofit organization
6 as defined in this part, and a representative of the
7 development industry. The Secretary of Community Affairs may
8 designate his or her assistant secretary or the director of
9 the Division of Resource Planning and Management to serve in
10 his or her absence. The Secretary of Environmental Protection
11 may appoint his or her assistant executive director, the
12 deputy assistant director for Land Resources, the director of
13 the Division of State Lands, or the director of the Division
14 of Recreation and Parks to serve in his or her absence. The
15 Secretary of Community Affairs shall be the chair of the
16 governing body of the trust. The Governor shall make his or
17 her appointments upon the expiration of any current terms or
18 within 60 days after the effective date of the resignation of
19 any member.

20 Section 10. Subsections (5) and (6) of section
21 420.5092, Florida Statutes, are amended to read:

22 420.5092 Florida Affordable Housing Guarantee
23 Program.--

24 (5) Pursuant to s. 16, Art. VII of the State
25 Constitution, the corporation may issue, in accordance with s.
26 420.509, revenue bonds of the corporation to establish the
27 guarantee fund. Such revenue bonds shall be primarily payable
28 from and secured by annual debt service reserves, from
29 interest earned on funds on deposit in the guarantee fund,
30 from fees, charges, and reimbursements established by the
31 corporation for the issuance of affordable housing guarantees,

1 and from any other revenue sources received by the corporation
2 and deposited by the corporation into the guarantee fund for
3 the issuance of affordable housing guarantees. To the extent
4 such primary revenue sources are considered insufficient by
5 the corporation, pursuant to the certification provided in
6 subsection (6), to fully fund the annual debt service reserve,
7 the certified deficiency in such reserve shall be additionally
8 payable from the first proceeds of the documentary stamp tax
9 moneys deposited into the State Housing Trust Fund pursuant to
10 s. 201.15(7)(a) and (8)(a)~~s. 201.15(6)(a) and (7)(a)~~ during
11 the ensuing state fiscal year.

12 (6)(a) If the primary revenue sources to be used for
13 repayment of revenue bonds used to establish the guarantee
14 fund are insufficient for such repayment, the annual principal
15 and interest due on each series of revenue bonds shall be
16 payable from funds in the annual debt service reserve. The
17 corporation shall, before June 1 of each year, perform a
18 financial audit to determine whether at the end of the state
19 fiscal year there will be on deposit in the guarantee fund an
20 annual debt service reserve from interest earned pursuant to
21 the investment of the guarantee fund, fees, charges, and
22 reimbursements received from issued affordable housing
23 guarantees and other revenue sources available to the
24 corporation. Based upon the findings in such guarantee fund
25 financial audit, the corporation shall certify to the
26 Comptroller the amount of any projected deficiency in the
27 annual debt service reserve for any series of outstanding
28 bonds as of the end of the state fiscal year and the amount
29 necessary to maintain such annual debt service reserve. Upon
30 receipt of such certification, the Comptroller shall transfer
31 to the annual debt service reserve, from the first available

1 taxes distributed to the State Housing Trust Fund pursuant to
2 s. 201.15(7)(a) and (8)(a)~~s. 201.15(6)(a) and (7)(a)~~during
3 the ensuing state fiscal year, the amount certified as
4 necessary to maintain the annual debt service reserve.

5 (b) If the claims payment obligations under affordable
6 housing guarantees from amounts on deposit in the guarantee
7 fund would cause the claims paying rating assigned to the
8 guarantee fund to be less than the third-highest rating
9 classification of any nationally recognized rating service,
10 which classifications being consistent with s. 215.84(3) and
11 rules adopted thereto by the State Board of Administration,
12 the corporation shall certify to the Comptroller the amount of
13 such claims payment obligations. Upon receipt of such
14 certification, the Comptroller shall transfer to the guarantee
15 fund, from the first available taxes distributed to the State
16 Housing Trust Fund pursuant to s. 201.15(7)(a) and (8)(a)~~s.~~
17 ~~201.15(6)(a) and (7)(a)~~during the ensuing state fiscal year,
18 the amount certified as necessary to meet such obligations,
19 such transfer to be subordinate to any transfer referenced in
20 paragraph (a) and not to exceed 50 percent of the amounts
21 distributed to the State Housing Trust Fund pursuant to s.
22 201.15(7)(a) and (8)(a)~~s. 201.15(6)(a) and (7)(a)~~during the
23 preceding state fiscal year.

24 Section 11. Section 420.9073, Florida Statutes, 1998
25 Supplement, is amended to read:

26 420.9073 Local housing distributions.--

27 (1) Distributions calculated in this section shall be
28 disbursed on a monthly basis by the agency beginning the first
29 day of the month after program approval pursuant to s.
30 420.9072. Each county's share of the funds to be distributed
31 from the portion of the funds in the Local Government Housing

1 Trust Fund received pursuant to s. 201.15(7)~~s. 201.15(6)~~
2 shall be calculated by the agency for each fiscal year as
3 follows:

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

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

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

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

22 3. For each county in which the result in subparagraph
23 1. is greater than the guaranteed amount as determined in
24 subsection (3), the amount calculated in subparagraph 1. shall
25 be reduced by the guaranteed amount. The result for each such
26 county shall be expressed as a percentage of the amounts so
27 determined for all counties. Each such county shall receive
28 an additional share equal to such percentage multiplied by the
29 total funds received by the Local Government Housing Trust
30 Fund pursuant to s. 201.15(7)~~s. 201.15(6)~~ reduced by the
31 guaranteed amount paid to all counties.

1 (2) Effective July 1, 1995, distributions calculated
2 in this section shall be disbursed on a monthly basis by the
3 agency beginning the first day of the month after program
4 approval pursuant to s. 420.9072. Each county's share of the
5 funds to be distributed from the portion of the funds in the
6 Local Government Housing Trust Fund received pursuant to s.
7 201.15(8)~~s. 201.15(7)~~ shall be calculated by the agency for
8 each fiscal year as follows:

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

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

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

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

18 3. For each county in which the result in subparagraph
19 1. is greater than the guaranteed amount, the amount
20 calculated in subparagraph 1. shall be reduced by the
21 guaranteed amount. The result for each such county shall be
22 expressed as a percentage of the amounts so determined for all
23 counties. Each such county shall receive an additional share
24 equal to this percentage multiplied by the total funds
25 received by the Local Government Housing Trust Fund pursuant
26 to s. 201.15(8)~~s. 201.15(7)~~ as reduced by the guaranteed
27 amount paid to all counties.

28 (3) Calculation of guaranteed amounts:

29 (a) The guaranteed amount under subsection (1) shall
30 be calculated for each state fiscal year by multiplying
31 \$350,000 by a fraction, the numerator of which is the amount

1 of funds distributed to the Local Government Housing Trust
2 Fund pursuant to s. 201.15(7)~~s. 201.15(6)~~ and the denominator
3 of which is the total amount of funds distributed to the Local
4 Government Housing Trust Fund pursuant to s. 201.15.

5 (b) The guaranteed amount under subsection (2) shall
6 be calculated for each state fiscal year by multiplying
7 \$350,000 by a fraction, the numerator of which is the amount
8 of funds distributed to the Local Government Housing Trust
9 Fund pursuant to s. 201.15(8)~~s. 201.15(7)~~ and the denominator
10 of which is the total amount of funds distributed to the Local
11 Government Housing Trust Fund pursuant to s. 201.15.

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

14 Section 12. Section 373.584, Florida Statutes, is
15 repealed.

16 Section 13. The repeal of section 373.584, Florida
17 Statutes, does not impair the validity of any bonds or
18 obligations issued under that section which are outstanding on
19 July 1, 2000.

20 Section 14. This act shall take effect July 1, 2000.
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SENATE SUMMARY

Creates the Florida Forever Act to provide for the purchase of environmentally significant lands. Provides criteria for acquiring lands under the Florida Forever Program. Provides procedures for determining the priority of acquisition projects. Authorizes alternate uses of acquired lands. Provides for using alternatives to fee simple acquisition. Requires that a project be given increased priority if matching funds are available or if the project is priced below appraised value. Authorizes the issuance of bonds under the program. Provides that certain proceeds from the excise tax on documents be used to pay the debt service on bonds issued under the Florida Forever Program. Requires that the managing state agency adopt a management plan within a specified period after acquiring a parcel under the Florida Forever Program. Provides a formula and funding source for funding management, maintenance, capital improvements, and payments in lieu of taxes. Revises procedures for the Land Acquisition and Management Advisory Council in proposing projects to be funded from the Florida Forever Trust Fund. Revises requirements for water management districts in adopting priority lists and issuing bonds. (See bill for details.)