

STORAGE NAME: h2403z.ep
DATE: May 22, 2000

****AS PASSED BY THE LEGISLATURE****
CHAPTER: #2000-170, Laws of Florida

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
ENVIRONMENTAL PROTECTION
FINAL ANALYSIS**

BILL #: HB 2403 (PCB 00-01)
RELATING TO: Florida Forever Program
SPONSOR(S): Committee on Environmental Protection; and
Representative Dockery and Others

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) ENVIRONMENTAL PROTECTION YEAS 14 NAYS 0
- (2) GENERAL GOVERNMENT APPROPRIATIONS YEAS 8 NAYS 0

I. SUMMARY:

This act provides for technical amendments and corrects unintended consequences as a result of Ch. 99-247, Laws of Florida (CS/CS/SB 908) which was passed into law by the 1999 Legislature and created the Florida Forever program. This act contains various provisions, some of which:

- clarify that the Division of Bond Finance has authority to issue bonds on an annual basis;
- provide that the Florida Forever bond limitation does not apply to refunding bonds;
- provide new leasing and permitting requirements as related to hunting camps;
- amend payment in lieu of taxes to delete the .01 percent tax loss requirement;
- clarify that surplus lands received by gift or donation shall be sold for fair market value;
- clarify that the Acquisition and Restoration Council may use the existing rules adopted by the Board of Trustees until it develops its own rules;
- provide reporting requirements for the Florida Forever Advisory Council;
- clarify that the title to land protection agreements and conservation easements that were acquired under s. 380.0677, F.S., are to be held by the Board of Trustees;
- limit capital project expenditures to 10 percent for certain inholdings and greenways and trails projects;
- add project goals relating to water quantity, historical sites, coastal resources and surface waters;
- clarify date references concerning water management district five year work plans.
- create the Land Management Uniform Accounting Council; and
- create the Miami River Improvement Act.

This act took effect upon becoming law.

This act has minimal fiscal impacts on the state and local governments.

(On May 2, 2000, HB 2403 as amended, passed the House by a vote of 117 YEAS 0 NAYS. On May 5, 2000, HB 2403 was substituted for CS/CS/SB 1710, and passed the Senate as amended by a vote of 39 YEAS 0 NAYS. On May 5, 2000, the House concurred with HB 2403 as amended and passed the act by a final vote of 119 YEAS 0 NAYS.)

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

In 1999, the Legislature passed Ch. 99-247, Laws of Florida (CS/CS/SB 908) which created the *Florida Forever* Program. The Florida Forever program authorizes the issuance of bonds in an amount not to exceed \$3 billion for acquisition of land and water areas. This revenue is to be used for the purposes of restoration, conservation, recreation, water resource development, historical preservation and capital improvements to such lands and water areas. This program is intended to accomplish environmental restoration, enhance public access and recreational enjoyment, promote long-term management goals, and facilitate water resource development.

The bond proceeds are to be distributed annually from the Florida Forever Trust Fund as follows: 35 percent for the acquisition of lands and capital projects (capital projects may not exceed 10 percent of the funds allocated pursuant to this section); 35 percent for acquisition of lands and capital project expenditures necessary to implement the water management districts' priority lists (of this amount, a minimum of fifty percent shall be used for the acquisition of lands); 24 percent to Florida Communities Trust Program; 1.5 percent for purchases of inholdings and additions to state parks; 1.5 percent to fund state forest inholdings and additions and implement reforestation plans or management practices; 1.5 percent to the Fish and Wildlife Conservation Commission for inholdings and additions; and 1.5 percent to the Florida Greenways and Trails Program.

Effective July 1, 2001, provisions of this act will redistribute documentary stamp tax revenues in the following manner: both the Conservation and Recreation Lands and Water Management Lands Trust Funds are reduced from 5.84% to 4.20%; 2.28% shall be paid into the Invasive Plant Control Trust Fund; .5% of the remaining taxes collected shall be paid into the State Game Trust Fund for lake restoration; and .5% shall be paid into the State Treasury and divided equally to the credit of the Department of Environmental Protection and the Department of Agriculture and Consumer Services for water quality research.

This act directs that lands purchased for conservation purposes may be surplus upon a two-thirds vote of the entity holding title. In addition, a process for requesting and

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undertaking the surplusing of lands is provided. The payment in lieu of taxes statutes are simplified. Current millage and population requirements are replaced with the requirement that a county must have a population of less than 150,000 and the total tax loss exceeds 0.01% of the counties total taxable value.

A new provision concerning the alternative uses of state-owned lands was created. For uses such as natural gas or petroleum pipelines, sustainable forestry or agriculture, and linear facilities, a set of criteria is established. The entity holding title is to review the criteria and determine whether or not the proposed use meets such criteria and, therefore, shall be allowed.

This act sets forth purposes of the Conservation and Recreation Lands (CARL) Trust Fund, and how the fund is to be credited, along with reasons for its distribution. The current funds in the CARL Trust Fund are to be used for land management on state lands. These lands are required to be managed by a state agency for conservation and recreation purposes.

The Florida Greenways Coordinating Council and the Florida Recreational Trails Council is abolished in this act, and in their place, a single body is created called the Florida Greenways and Trails Council. This council is to advise the department in the execution of the department's powers and duties under Chapter 260, F.S. The Florida Forever program also provides for the Florida Greenways and Trails Council's membership, duties and powers. In addition, the department is granted rulemaking authority needed in order to implement Chapter 260, F.S.

This act also created the Florida Forever Advisory Council and the Acquisition and Restoration Council (ARC) and provides that the council is to be created effective March 1, 2000. The council is to be composed of nine voting members, four of whom are to be appointed by the Governor. The five remaining appointees are to be comprised of the Secretary of the DEP, the Director of the Division of Forestry; the Executive Director of the Fish and Wildlife Conservation Commission, the Director of the Division of the Historical Resources of the Department of State and the Secretary of the DCA. The DEP is to provide staff and adopt rules as necessary to implement this section. Per diem expenses are provided for while the officers perform their duties. The council is to provide assistance to the Board of Trustees in reviewing the recommendations and plans for state-owned lands. Funds are to be used only to acquire lands identified in the annual CARL list approved by the Board of Trustees in the year 2000.

Effective July 1, 1999, the duties, powers and all other activities conducted by the Green Swamp Land Authority were transferred to the Department of Environmental Protection. The Green Swamp Land Authority is to mean the DEP and all rules in effect are included in the transfer.

This legislation set forth numerous other substantive provisions, including those relating to: the procedures and guidance to be used when purchasing state owned lands for preservation, conservation and recreational purposes; requirements for the water management districts to use in order to evaluate and recommend projects; usage of funds within the Water Management Lands Trust Fund; lands managed for multiple use; and financial assistance programs to local governments.

Provisions regulating rigid coastal armoring structures were amended in that permits for present installations may be issued where the installation is between and adjoins rigid

coastal armoring structures at both ends, follows a continuous and uniform armoring structure construction line and is no more than 250 feet in length.

Furthermore, this act delegated rulemaking authority to the Department of Environmental Protection and the water management districts for implementation of the Florida Forever program.

C. EFFECT OF PROPOSED CHANGES:

See "Section By Section" in section D, below.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends s. 201.15, F.S. relating to documentary stamp taxes.

Current law:

Section 201.15, F.S., provides that a general revenue service charge shall not be levied against any portion of the documentary stamp tax revenues pledged to pay the debt service on any bonds and provides for the distribution of documentary tax proceeds.

Requires amounts as necessary, not to exceed \$300 million, to be transferred to the Land Acquisition Trust Fund to pay the debt service on P2000 and Florida Forever bonds. The annual amount transferred to the LATF for Florida Forever bonds is not to exceed \$30 million in the first fiscal year in which the bonds are issued. The limitation on the amount transferred shall be increased by an additional \$30 million in each subsequent year in which bonds are authorized to be issued, but shall not exceed \$300 million in any fiscal year.

Effect of proposed change:

Amends s. 201.15, F.S., providing that the limitation on the amount transferred shall be increased by an additional \$30 million in each subsequent year and deletes the requirement that it must be in the year in which bonds are authorized to be issued.

This section also provides that bonds may be issued if the bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is appropriated in the General Appropriations Act.

Section 2: Amends s. 201.15, F.S., relating to documentary stamps effective July 1, 2001.

Current law:

Section 201.15, F.S., provides that a general revenue service charge shall not be levied against any portion of the documentary stamp tax revenues pledged to pay the debt service on any bonds and provides for the distribution of documentary tax proceeds.

Requires amounts as necessary, not to exceed \$300 million, to be transferred to the Land Acquisition Trust Fund to pay the debt service on P2000 and Florida Forever

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bonds. The annual amount transferred to the LATF for Florida Forever bonds is not to exceed \$30 million in the first fiscal year in which the bonds are issued. The limitation on the amount transferred shall be increased by an additional \$30 million in each subsequent year in which bonds are authorized to be issued, but shall not exceed \$300 million in any fiscal year.

Effect of proposed change:

Amends s. 201.15, F.S., providing that the limitation on the amount transferred shall be increased by an additional \$30 million in each subsequent year and deletes the requirement that it must be in the year in which bonds are authorized to be issued.

This section also provides that bonds may be issued if the bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is appropriated in the General Appropriations Act.

In addition, one half of one percent of the remaining proceeds under this section are to be distributed equally to the DEP Water Quality Assurance Trust Fund, instead of the Grants and Donations Trust Fund, and the Department of Agriculture and Consumer Services General Inspection Trust Fund. The unobligated balance of the funds will be excluded when calculating the unobligated balance of the Water Quality Assurance Trust Fund in relation to the excise tax rate.

Section 3: Amends s. 215.618, F.S., relating to issuance of Florida Forever bonds.

Current law:

Section 215.618, F.S., provides that issuance of Florida Forever bonds is not to exceed \$3 billion in order to finance or refinance the cost of acquisition and improvement of land, water areas and other related property interests. Under this section, bonds may also be issued to refund P2000 bonds.

Effect of proposed change:

The \$3 billion limitation on issuing Florida Forever bonds will not apply to bonds issued to refund the P2000 bonds.

Section 4: Amends s. 253.03, F.S., relating to hunting camps in certain conservation areas.

Current law:

Section 253.03, F.S., provides that by January 1, 2000, owners of certain structures built on or before January 1, 1998, located in certain Everglades districts, must provide written notification to the South Florida Water Management District of their existence, and upon such notice, the leaseholders will be granted an automatic 20-year lease, at a reasonable fee, to expire on January 1, 2020. Where the structures are on state-owned lands, the South Florida Water Management District is to notify the department, and at the end of the 20 year lease, the district or department shall have the right to renew the lease or require the leaseholder to remove the structures if the district determines that the structures are causing harm to the water or land resources.

Effect of proposed changes:

Section 253.03, F.S., is amended to change the deadline for written notification from January 1, 2000 to January 1, 2001. In addition, owners of the structures built on or before May 1, 1999, instead of January 1, 1998 are required to render such notice of their existence and location to the South Florida Water Management District.

This notification will ensure that a 20-year lease is granted. The district may impose certain conditions that are consistent with the current laws and rules. Private landowners are under the same notification requirement which will ensure that a 20-year permit is granted. Also, failure to comply with the conditions stated in the lease or permit will make the structure illegal and subject to removal. In addition, any structure built after the effective date of this law is deemed to be illegal and subject to immediate removal.

Section 5: Amends s. 253.034, F.S., relating to state owned lands.

Current law:

Section 253.034, F.S., is the primary governing law for all state owned lands. Major provisions of the law:

Provide legislative direction that all lands acquired pursuant to Ch. 259 (conservation and recreation lands) are to be held in the public trust by the Board of Trustees and managed using stewardship ethics that ensures the benefit and enjoyment of all the people. Public land not designated for single use is to be managed for multiple use. All multiple use land management strategies are to address public access and enjoyment and the degree to which public and private partnerships may manage these lands.

Define multiple-use management to include the management of timber, recreation, conservation of fish and wildlife, forage, archeological and historic sites, habitat and other biological resources so that they are used in the best way to serve the public.

Direct the Board of Trustees of the Internal Improvement Trust Fund to determine which lands are to be surplus. In addition, mechanisms for surplus lands are included.

Detail requirements of land management plans, such as, what lands and entities are required to submit plans and what shall be contained in the plans.

Effect of proposed changes:

This section provides that the ARC is to recommend rules to the Board of Trustees, and then the board is to adopt rules necessary to carry out the provisions of multiple use land strategies and the degree to which partnerships are to be utilized in managing these lands.

The act changes the term "agency" to "entity" to reflect that management of lands is also done by private groups or local governments.

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Clarifies that only those lands being managed for conservation purposes are required to submit a land management plan to the Board of Trustees for review and approval.

Creates a provision to provide that when the government acquires land via gift or donation, the price of the land sold as surplus is not to exceed the fair market value of the lands. Requirements are set forth for the appraisals.

Provides that additional departments are exempt from the Division of State Lands reviewing their land management plans, including: Department of Juvenile Justice and the Department of Children and Families.

Section 6: Amends s. 259.03, F.S., Definitions.

The term "capital project expenditure" is added to the definition of "capital improvement." This is done to incorporate its use relating to allowable expenditures under the Florida Forever program.

Section 7: Amends s. 259.032, F.S., relating to the CARL Trust Fund.

Current law:

Section 259.032, F.S., provides that by July 1 of each year, each governmental agency, water management district and private entity designated to manage lands is to report to the Secretary of the DEP regarding funding, staffing, and resource management of every project for which the managing entity is responsible.

The Legislature shall make available sufficient funds from the CARL Trust Fund to the department for payment in lieu of taxes to qualifying counties and any local governments. Payment in lieu of taxes shall be available to all counties and all local governments located within eligible counties that have a population of 150,000 or less and where the amount of the tax loss from all completed Preservation 2000 and Florida Forever acquisitions in the county exceeds 0.01 percent of the county's total taxable value.

Effect of proposed changes:

Section 259.032, F.S., is amended to remove the water management districts from the annual management plan reporting requirement.

Also, payment in lieu of taxes shall be available to all counties with a population of 150,000 or less. This act deletes the .01 percent tax loss requirement.

Section 8: Amends s. 259.0345, F.S., relating to the Florida Forever Advisory Council.

Current law:

Section 259.0345, F.S., creates the Florida Forever Advisory Council, which consists of seven members to be appointed from certain demographic areas by the Governor. The appointed members serve 4 year terms, except initially where three appointees shall serve 2 year terms to provide for staggered terms. No one member may serve more

than 6 years. In addition, the President of the Senate and the Speaker of the House of Representatives each appoint one qualifying nonvoting member from their respective chamber. Appointments were to be made by August 15, 1999 and the council meetings take place as scheduled herein. The Governor is to appoint the chair of the council and the vice-chair is elected from the voting members. Each council member receives \$75 per day while engaged in the business of the council and per diem expenses for traveling.

The department provides primary staff support to the council and electronically records all council meetings. The department is authorized to adopt any rules necessary to implement this statutory section. The department contracts with the Florida Natural Areas Inventory for scientific assistance necessary to fulfill the requirements of s.259.0345, F.S., and may request assistance of other state agencies, water management districts, or universities to provide information or expertise to the council.

By November 1, 2000, the council is to provide a report to the Secretary of Environmental Protection and the Board of Trustees for approval. The report shall meet the following requirements: establish specific measurable targets for the goals described in s. 259.105(4), F.S.; provide recommendations for expanding goals identified in s. 259.105(4), F.S.; provide recommendations for development and identification of certain performance measures; and provide recommendations for the process by which projects are to be submitted, reviewed and approved by the ARC. This report is to be based upon comments received during public hearings; evaluations of Florida's existing public land acquisition programs for conservation, preservation and recreational purposes and certain material developed by Florida Natural Areas Inventory. Once the report is approved, it is to be forwarded to the President of the Senate and the Speaker of the House of Representatives 30 days prior to the 2001 Regular Session. The Legislature may choose to implement or modify the goals and performance measures.

Effect of proposed change:

The dates for the council's appointments are now obsolete, therefore, this act removes these dates, and simply provides that the council is to meet twice a year. In addition, the act reduces from 4 years to 3 years the length of term council members may serve.

This act creates a reporting requirement for the council and states that the council is to provide a report by December 15, 2000 to the Secretary of DEP, who is to forward the report to the Board of Trustees for their approval. The board then forwards the report to the President of the Senate and the Speaker of the House of Representatives prior to the 2001 Regular Session for review by the appropriate substantive committee. This report shall do the following: establish goals for s. 259.105(4), F.S.; provide recommendations which may either expand upon or refine the goals in s. 259.105(4), F.S.; and identify specific performance measures that may be used in determining progress toward each goal. In addition, the council would have authority to identify other recommendations regarding the implementation of the Florida Forever program. This act deletes all of the current reporting requirements.

Current law:

The Acquisition and Restoration Council (ARC) was created effective March 1, 2000. This council is to provide assistance to the Board of Trustees in reviewing the recommendations and plans for certain state-owned lands. However, the ARC was not given proper rule making authority to carry out their statutory purpose.

Effect of proposed change:

The ARC may use the existing rules adopted by the board until such time that the ARC develops other rules which would evaluate, select, and rank projects eligible for the CARL list and the Florida Forever funds.

In addition, this section creates a requirement that a favorable vote of five members of the ARC is required in order to amend a project boundary or to place a proposed project on a list. Those members with an interest in a project are to declare their interest prior to voting on its inclusion on the list.

All proposals are to be adopted by the ARC and approved by the board. In adopting the proposal, the ARC is to evaluate the merits and demerits of each project and ensure that the project will meet a stated purpose for restoration, conservation, or preservation of environmentally sensitive lands and water areas, in addition to applicable local government comprehensive plans.

Section 10: Amends s. 259.101, F.S., relating to the Florida Preservation 2000 Act.

Current law:

Section 259.101, F.S., provides for the distribution of bond proceeds. Of the ten percent distributed to the Department of Community Affairs, \$3 million annually is to be used by the Division of State Lands with the DEP to implement the Green Swamp Land Authority to purchase land protection agreements. The distribution of certain unencumbered funds from P2000 are to be divided equally among the Department of Environmental Protection and water management districts.

Effect of proposed change:

Updates the name from Green Swamp Land Authority to Green Swamp Land Protection Initiative and gives the initiative authority to purchase conservation easements instead of land protection agreements. Allows the funding to be used by the Division of State Lands for such purchases. Provides that the title to land protection agreements and conservation easements be held by the Board of Trustees until the state assumes responsibilities. This section deletes the distribution of the unencumbered balances under this section. In addition, it deletes the reversionary clause for unspent funds and the scheduled repeal of the distribution formula used for the Preservation 2000 program.

Section 11: Amends s. 259.105, F.S., relating to the Florida Forever Act.

Current law:

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Section 259.105, F.S., the *Florida Forever Act* provides that 24% (\$72 million) of the bond proceeds are to be allocated by the DEP to the Department of Community Affairs to provide grants to local governments through the Florida Communities Trust. From these funds, 8 percent are to be transferred annually to the Land Acquisition Trust Fund for grants awarded under DEP's Florida Recreation Development Assistance Program in s. 375.075, F.S.

Seventy-five percent of the funds which are used for land acquisition and are available to the trust are to be matched by local governments on a dollar for dollar basis. Thirty percent of the total trust funds are to be used in Standard Metropolitan Statistical Areas, but one-half of that amount is to be used in localities in which the project site is located in built-up commercial, industrial or mixed-use areas and functions to intersperse open spaces within congested urban core areas. No less than 5 percent of the funds allocated to the trust are to be used to acquire lands for recreational trail systems. If the full 5 percent is not used, such funds may be expended for other purposes authorized by s. 259.101, F.S.

The ARC will accept applications for eligible project proposals beginning July 1, 2000. Project applications shall contain a minimum of two numeric performance measures which relate directly to overall goals and proof that owners within the acquisition area have been notified of their inclusion in the project. The ARC shall develop a rule to competitively evaluate, select and rank projects eligible for Florida Forever funds under s. 259.105(3)(b), F.S. In developing this rule, the ARC shall give weight to certain specified criteria, e.g., the project meets multiple goals, the project is a part of an ongoing governmental effort to restore, protect or develop land areas or water resources, and the project facilitates management of properties already under public ownership. The ARC is to review that year's approved project list and by the first board meeting in May, the ARC is to submit the list to the Board of Trustees. The ARC is also required to submit to the Board of Trustees, with its project list, a report containing certain specified information regarding each project listed.

Under the remaining funding provisions mentioned above, the agencies are to develop their individual acquisition or restoration lists. Proposed additions may be acquired if they are within the original project boundary, management plan or management prospectus. Proposed additions that do not meet these requirements may be submitted to the ARC for approval if the additions meet two or more of the criteria listed, e.g., serves as a link or corridor to other publicly owned property or enhances the protection or management of the property.

Section 259.105, F.S., grants specific rulemaking authority to the DEP, the ARC and the water management districts for implementation of the Florida Forever Act. Rules promulgated by the ARC are to become effective only after submission to the President of Senate and Speaker of the House of Representatives for legislative review no later than 30 days prior to the 2000 Regular Session. The ARC's rules become effective if no action is taken by the Legislature.

Effect of proposed change:

The percentage of bond proceeds allocated by DEP to the Department of Community Affairs is amended from twenty-four percent to twenty-two percent. This funding is to be used for the purposes of ch. 380, part III, as limited by subsection (3) of the Florida

Forever Act. At least 30 percent is to be used for Standard Metropolitan Statistical Areas, instead of a sum certain of 30 percent. Two percent of the bond proceeds are to go to the Land Acquisition Trust Fund for use by the DEP for local government grants under s. 375.075, F.S. Capital project expenditures are limited to 10 percent for the acquisition of inholdings and greenways and trails.

The act adds a provision that caps capital projects expenditures at 10 percent for those funds distributed for the purchase of inholdings and additions. In addition, a provision is added that directs all funds unspent or unencumbered after three years to be redistributed by the Legislature.

The projects to be funded under s. 259.105(3)(a) and (b), F.S, are to consider additional goals, such as: ensure that sufficient quantities of water are available to meet the needs of the citizens of this state; increase the state's inventory of historical and archaeological sites; increase the protection of the fragile coastal resources and increase the protection of the significant surface waters of this state.

The ARC is to accept applications beginning no later than July 1, 2001, instead of July 1, 2000. ARC is to recommend rules to the board to rank these projects. Additional technical corrections are made throughout this section.

Additional authority is also granted to the ARC to amend the final Conservation and Recreation Lands priority listing that is used for the expenditure of Preservation 2000 funds.

Lastly, a new statutory section is created giving the ARC specific rulemaking authority to amend existing CARL projects until CARL funding has been expended.

Section 12: Amends s. 260.018, F.S., relating to agency recognition of greenways and trails.

Current law:

This section recognizes the Florida Greenways and Trails Council and that waterways are also part of greenways and trails.

Effect of proposed law:

A technical correction is made to change "a system 'or' greenways and trails" to "a system 'of' greenways and trails."

Section 13: Amends s. 373.139, F.S., relating to acquisition of real property.

Current law:

Section 373.139, F.S., allows the governing board of a district to acquire fee or less than fee simple title to real property for aquifer recharge, water resource and water supply development. All acquisitions must have a public hearing similar to those held pursuant to s. 120.54, F.S.

Effect of proposed change:

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Reinstates back into law the authority for governing boards to acquire in fee or less than fee lands for conservation and protection of water resources. Provides for public hearings for certain land acquisitions, excluding those received by gift or donation. Notice is to be given separately to the county commission.

Section 14: Amends s. 373.1391, F.S., relating to management of real property.

Current law:

Section 373.1391, F.S., provides that if a dispute occurs regarding the land management plans, the dispute is to be forwarded to the Secretary and then to the Florida Forever Advisory Council for resolution.

Effect of proposed change:

Deletes the requirement that the disputes be forwarded to Florida Forever Advisory Council, and instead requires them to be resolved using Ch. 120 procedures (administrative hearings).

Section 15: Amends s. 373.1501, F.S., relating to the South Florida Water Management Districts duties as sponsor of the Everglades restoration.

Provides authorization for the district to acquire fee title or easement for lands in the Pal-Mar Project, Cell 11 of the East Coast Buffer in Broward County, and the Southern CREW Project. In the absence of willing sellers, these lands would be acquired in accordance with state condemnation law pursuant to Chs. 73 and 74, F.S. These projects would also be declared by the Legislature to be in the public interest, for a public purpose, and necessary for the public health and welfare. As a result of this legislative declaration, any necessary condemnation proceeding will primarily deal with the valuation of the lands to be acquired.

Section 16: Amends s. 373.199, F.S., relating to the Florida Forever Water Management District Work Plan.

Current law:

Section 373.199, F.S., provides that by January 1 of each year each district is to file modifications and additions to their five-year plan that identify projects that meet certain criteria. Included in this report is to be: a description of land management activity for each property, a list of any lands surplused and the amount of the compensation received. The Secretary shall submit this report along with the Florida Forever report required under s. 259.105, F.S.

Effect of proposed change:

The initial plan will now be due by June 1, 2001, and the modifications are due by January 1 each year thereafter. Each water management district is to include in their work plan any proposed capital improvement projects necessary to promote reuse of reclaimed water. The plans are to also include the status of funding, staffing and resource management for every project funded under ss. 259.101, 259.105 or 373.59,

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F.S., which the district is responsible. The plans are to be submitted to the President of the Senate, the Speaker of the House, and the Secretary of the DEP.

Section 17: Creating s. 373.1995, F.S., relating to Florida Forever Performance Measures.

Current law:

Currently, the water management districts' reporting requirements for Florida Forever are governed under s. 373.199, F.S., which provides for the five year work plan and its contents.

Effect of proposed change:

This is a new section which creates the Florida Forever Performance Measures. The water management districts are to jointly provide a report by December 15, 2000, which sets forth the goals and performance measures that may be used to analyze activities under s. 259.105(3)(a). This report is to be given to the Secretary of DEP for approval, then to the board of the trustees, the President of the Senate, and the Speaker of the House prior to the beginning of the 2001 Regular Legislative Session for review and possible modifications.

Section 18: Amends s. 373.59, F.S., relating to the Water Management Lands Trust Fund.

Current law:

Section 373.59, F.S., provides that any water management district with fund balances in the Water Management Lands Trust Fund as of March 1, 1999, may expend those funds for land acquisitions pursuant to s. 373.139, F.S., or for other purposes as specified within s. 373.59, F.S.

Not more than one-fourth of certain land management funds are to be reserved annually by a governing board for payment in lieu of taxes for all tax losses incurred as a result of acquisitions for water management districts under the Florida Forever program. Payment in lieu of taxes is available to all counties with a population of 150,000 or less and in which the amount of tax loss from the P2000 and Florida Forever programs exceeds .01 percent of the county's total taxable value.

Effect of proposed changes:

This section amends the uses of the Water Management Lands Trust Fund to include: debt service on bonds issued after July 1, 1999 that are issued to refund bonds or refunding bonds issued prior to July 1, 1999.

This section also amends the payment in lieu of taxes by deleting the requirement that the tax loss exceeds 0.01 percent of the county's total taxable value.

Additionally, a new payment in lieu of taxes eligibility provision is created. Specifically, properties that are leased and subject to ad valorem taxation will be eligible when such lease expires and the land would become exempt from the taxes. These lands then would be subject to all existing payment in lieu of taxes provisions.

Lastly, this section creates a provision to make retroactive payments to counties and local governments that did not receive such payments in 1999-2000, where payments would have otherwise been received.

Section 19: Amends s. 375.051, F.S., relating to issuance of revenue bonds.

New statutory language is added to permit the issuance of bonds for the acquisition of lands for recreational purposes if the debt service for the remainder of the fiscal year in which the bonds are issued is appropriated in the General Appropriations Act.

Section 20: Amends s. 375.075, F.S., relating to outdoor recreation and financial assistance to local governments.

Current law:

Section 375.075, F.S., authorizes the DEP to establish the Florida Recreation Development Assistance Program to provide grants to the local governments to acquire or develop land for public outdoor recreation. The department is to develop and plan a program which is to be based upon not less than 5 percent of the money credited to the Land Acquisition Trust Fund.

Effect of proposed changes:

The Department is to develop and plan a program that is based upon the cumulative funding of not less than 5 percent of the money credited to the Land Acquisition Trust Fund and the specified Florida Forever funding.

Section 21: Amends s. 380.507, F.S., relating to the powers of the Florida Communities Trust.

Current law:

Section 380.507, F.S., provides for certain powers of the Florida Communities Trust which would permit titling of land to a local government when acquired in partnership with a county or municipality.

Effect of proposed changes:

This section clarifies that the rules adopted by the trust are only for land acquisition.

Section 22: Amends s. 380.510, F.S., relating to the conditions of grants and loans provided by the Florida Communities Trust.

A clarifying change is provided to ensure that funds under the P2000 program and the Florida Forever program may be used only for land acquisition projects that comply with Part III, of Chapter 380, F.S.

Section 23: Creates chapter law directing that \$2.5 million of the funds set-aside for acquisitions in areas of critical state concern, under Preservation 2000, be designated to the City of Apalachicola for land acquisition associated with this area of critical state

concern to assist in completing city's sewer improvement program. The appropriation is contingent upon approval by the Florida Communities Trust that this program is eligible.

Section 24: Repeals s. 211.3103, F.S., relating to donated land from phosphate producers and the tax implications thereto.

Current law:

Section 211.3103, F.S., provides that if a county receives land for public purposes as a gift from phosphate producers, then the value of the land is offset against the value of the tax proceeds returned to the county.

Effect of proposed changes:

This section is repealed so that the county may receive the tax proceeds in addition to the donated land.

Section 25: Creates s. 259.037, F.S., to establish the Land Management Uniform Accounting Council.

The act establishes this council which shall be comprised of representatives from all state agencies which manage publicly owned lands. In addition, the Auditor General's Office and the Office of Program Policy Analysis and Government Accountability are to assist the council.

The council is directed to review current land management practices and group closely related land management activities and needs into categories. The categories are to be established for the purpose of assigning land management costs. Established, in the act, are four categories, which shall at a minimum be utilized. These are: resource management; administration; new facility construction; and facility maintenance.

The council is to approve a list of categories by July 1, 2000, and begin tracking their land management costs accordingly. Upon approval of their first list of general categories the council is directed to develop a more comprehensive system for tracking costs. This new system is to be presented to the Governor, both Legislative houses, and the Acquisition and Restoration Council by January 1, 2001, for review and comment. This comprehensive system for cost tracking is to be implemented by July 1, 2001.

Section 26: Creates s. 163.065, F.S., to create the Miami River Improvement Act.

The act directs that the primary purpose for creating this act is to ensure that federal, state, regional, and local efforts are coordinated for the purposes of improving the Miami River and adjacent areas. All governmental entities are directed to provide assistance to the Miami River Commission in the conduct of its activities under chapter 98-402, L.O.F. Specifically, with regards to the Commission's efforts to provide local matching funds for a federal grant directed at river improvement projects.

The act further directs that the Commission in drafting its improvement plan shall ensure consistency with existing urban infill and redevelopment plans, and the development of a greenway/riverwalk and blueway along the river.

Section 27:

This section provides that this act will become effective upon becoming law unless otherwise provided.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

There will be a fiscal revenue impact to the Preservation 2000 account where the requirement to distribute unencumbered funds was deleted. The requirement to carry such funds forward to the subsequent year was also deleted which will increase the balance of the Preservation 2000 account. This amount is indeterminate at this time.

2. Expenditures:

The state's expenditures for payment-in-lieu of taxes may increase as a result of the requirement that counties no longer need a tax loss which exceeds .01 percent of the county's total taxable value. This amount is indeterminate at this time but estimated to be minimal.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

As a result of the repeal of s. 211.3103, F.S., the counties may receive donated land from phosphate producers, in addition to the tax proceeds refunded to the counties. This amount is indeterminate at this time but projected to be of benefit to small counties.

Revenues will increase for local governments as a result of the adjustment in the payment in lieu of taxes formula which deleted the eligibility requirement that the county's tax loss exceed 0.01 percent of the total taxable value.

Revenues will be increased for local governments which receive retroactive payments for payment in lieu of taxes.

2. Expenditures:

N/A

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C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This act does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This act does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This act does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 5, 2000, the Committee on Environmental Protection adopted five amendments to this proposed committee act. The five amendments which have been engrossed into this act are as follows:

- ① Section 373.199(7), F.S., is amended to provide that the water management districts' initial five year work plan is due January 1, 2000;

- ② Section 380.507(11), F.S., is amended to state that the trust is to adopt rules governing land acquisition, and the requirement that the land be acquired by local governments or the trust is deleted.
- ③ Section 259.105(3)(c), F.S., is amended to provide that the 22 percent allocated to the DCA is to be used for the purposes of ch. 380, prt. III, as limited by this subsection.
- ④ Section 373.139(3), F.S., is amended to provide that each water management district is to give the county commission a separate notice of the public hearing.
- ⑤ Section 253.034(2)(a), F.S., is amended to provide that multiple use means the harmonious and coordinated management of fish and wildlife, including the release and feeding of breeder-raised and wild quail.

On April 26, 2000, the Committee on General Government Appropriations adopted three amendments that are traveling with HB 2403. The amendments are as follows:

- ① Removes reference to the Land Acquisition Trust fund, thus allowing the two percent of bond proceeds for the Florida Recreation Development Assistance Program (FRDAP) to be funded directly from the Florida Forever Trust Fund in DEP;
- ② Provides that the lease agreement between the central and Southern Florida Flood Control District and the U.S. is not to be extended beyond January 1, 2003; renewal is only valid upon legislative authority; and
- ③ A payment in lieu of taxes provision is added for properties acquired after January 1, 2000. Such properties acquired after January 1, 2000, that are leased or reserved and remain subject to ad valorem taxation, and are eligible for payments, are to receive such payments only after the lease expires.

On April 28, 2000, the House adopted 9 amendments on the floor, which include:

- Directing that two percent of the bond proceeds go directly to the Department of Environmental Protection instead of to the Land Acquisition Trust Fund for the FRDAP program.
- Clarifying due dates for the water management districts' five year work plan.
- If certain leased or reserved lands are eligible for PILT payments, then the payments are to begin after the expiration of the lease.
- Providing for PILT payments during the fiscal year 1999-00 where lands are eligible.
- Providing for retro-active PILT payments during fiscal year 1999-00 where counties were eligible to receive such payments but were not paid.
- Grants and loans received from the P2000 and Florida Forever Trust Funds are to be used for land acquisition purposes, by any entity.

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- Sets aside \$2.5 million for land acquisition by the City of Apalachicola in order to improve their city sewer system.
- Amends the Florida Interlocal Corporate Act to include special districts.
- Defines certain projects relating to the South Florida Water Management District's everglades projects.

On May 2, 2000, the House adopted on the floor the following amendment:

- Creating the Land Management Uniform Accounting Council to provide for a uniform system of accounting among agencies for land management costs.

On May 5, 2000, the Senate adopted a strike everything amendment to HB 2403 on the Senate floor. On May 5, 2000, the House concurred with the strike everything amendment. Included among the changes that the strike everything amendment makes are the following:

- Changes the dates in which certain habitable structures (hunting camps) were built that fall under notice requirements.
- Removes reporting requirements for the water management districts under 259.032.
- The taxable value threshold is removed from the PILT requirements.
- The FFAC is to recommend performance measures that are to be used toward the goals developed and obsolete dates are removed.
- Unencumbered balances of the P2000 Trust Fund are not to be redistributed.
- The initial due date for the five year work plan for the water management districts is clarified to June 1st, and January 1st each year thereafter.
- Twenty two percent of the bond proceeds are to be used by FCT and two percent is to be retained by DEP for outdoor recreation grants under s. 375.075. F.S.

AS REVISED BY THE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS:

Prepared by:

Staff Director:

Cynthia P. Kelly

Cynthia P. Kelly

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON ENVIRONMENTAL PROTECTION:

Prepared by:

Staff Director:

Christine Hoke, J.D.

Wayne Kiger

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