

By Senator Laurent

17-1882B-98

See HB

1                                   A bill to be entitled  
2           An act relating to the Florida 2020 Program;  
3           amending s. 201.15, F.S.; providing for  
4           distribution of certain documentary stamp tax  
5           revenues to the Land Acquisition Trust Fund to  
6           pay debt service on the Florida 2020 Program  
7           bonds; creating s. 201.155, F.S.; providing for  
8           annual appropriation to pay such debt service;  
9           creating s. 235.45, F.S.; establishing the  
10          Florida Year 2020 Higher Education Facilities  
11          Program; authorizing issuance of bonds for  
12          certain purposes; providing duties of the  
13          Commissioner of Education; requiring a report;  
14          providing financing requirements; amending s.  
15          259.02, F.S.; providing bonding authority for  
16          the Florida 2020 Program; deleting obsolete  
17          language; creating s. 259.021, F.S.; subjecting  
18          bond issuance to constitutional authorization;  
19          providing requirements and limitations;  
20          amending s. 259.03, F.S.; deleting obsolete  
21          definitions; amending s. 259.032, F.S.;  
22          revising legislative intent to include an  
23          emphasis on water resource development and on  
24          adequate management of lands acquired by the  
25          state; directing the Board of Trustees of the  
26          Internal Improvement Trust Fund to consider  
27          buying lands that promote water resource  
28          development and facilitates restoration of the  
29          Everglades; specifying that the Conservation  
30          and Recreation Lands Trust Fund shall be the  
31          source of funds to pay management costs and

1 payment-in-lieu-of-taxes for the Florida 2020  
2 Program; deleting obsolete language; creating  
3 s. 259.034, F.S.; creating the Land Acquisition  
4 and Management Advisory Commission; specifying  
5 membership and duties of the commission;  
6 requiring the commission to develop an  
7 acquisition list; requiring a plan of  
8 restoration, acquisition, and capital  
9 improvements; providing requirements;  
10 authorizing the commission to adopt rules;  
11 amending s. 259.04, F.S.; directing the board  
12 of trustees to develop a 5-year plan for  
13 restoring, acquiring, or making capital  
14 improvements to lands or ecosystems identified  
15 by the Land Acquisition and Management Council  
16 or its successor; amending s. 259.041, F.S.;  
17 directing the Department of Environmental  
18 Protection's Division of State Lands to use  
19 appraisals obtained by other public agencies or  
20 by nonprofit organizations, if certain  
21 conditions are met; providing legislative  
22 intent and guidelines for use of  
23 less-than-fee-simple land acquisition  
24 alternatives; amending s. 259.101, F.S.;  
25 clarifying redistribution of certain unspent  
26 P2000 funds; creating s. 259.105, F.S.;  
27 creating the Florida 2020 Act; providing  
28 legislative findings and intent; providing for  
29 disposition of bond proceeds issued pursuant to  
30 the act; specifying uses of the bond proceeds;  
31 specifying criteria to be used in selecting

1 projects for the program; specifying the manner  
2 in which lands acquired under the program may  
3 be disposed of as surplus or donated for  
4 alternative government uses; providing  
5 requirements; providing procedures; authorizing  
6 the Land Acquisition and Management Commission,  
7 the Department of Environmental Protection,  
8 water management districts, and public agencies  
9 to adopt rules for certain purposes; amending  
10 s. 373.459, F.S.; specifying that Florida 2020  
11 bond proceeds may be deposited into the  
12 Ecosystem Management and Restoration Trust Fund  
13 for use in financing Surface Water Improvement  
14 and Management projects; specifying eligibility  
15 for certain funds; amending s. 373.59, F.S.;  
16 providing that Florida 2020 bond proceeds may  
17 be spent to acquire water management district  
18 lands; limiting funding of management and  
19 related activities to documentary stamp tax  
20 revenues legislatively appropriated to the  
21 Water Management Lands Trust Fund; specifying  
22 that any revenues from the sale of water  
23 management district lands acquired with Florida  
24 2020 proceeds shall be spent only to acquire  
25 lands that meet the program's criteria;  
26 amending s. 375.075, F.S.; providing that  
27 Florida 2020 bond proceeds shall be available  
28 to fund those Florida Recreational Development  
29 and Assistance Program projects selected  
30 through the Florida 2020 Program process;  
31 directing the Department of Environmental

1           Protection and the Florida Communities Trust to  
2           assist qualified counties and municipalities in  
3           obtaining certain grants; amending s. 380.507,  
4           F.S.; providing for the Florida Communities  
5           Trust Program's eligibility to receive Florida  
6           2020 bond proceeds; providing procedures;  
7           amending s. 380.510, F.S.; including the  
8           Florida 2020 Trust Fund moneys as subject to  
9           conditions of grants and loans made by the  
10          Florida Communities Trust; creating the Florida  
11          2020 Study Commission; specifying membership,  
12          duties, and responsibilities; requiring a  
13          report of findings and recommendations to the  
14          Governor, the President of the Senate, the  
15          Speaker of the House of Representatives, and  
16          certain legislative committees; providing an  
17          appropriation; providing an effective date.

18

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

20

21           Section 1. Paragraph (b) of subsection (1) of section  
22          201.15, Florida Statutes, is amended to read:

23           201.15 Distribution of taxes collected.--All taxes  
24          collected under this chapter shall be subject to the service  
25          charge imposed in s. 215.20(1) and shall be distributed as  
26          follows:

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

30           (b) The remainder of the moneys distributed under this  
31          subsection, after the required payments ~~payment~~ under

1 paragraph (a) and s. 201.155, shall be paid into the State  
2 Treasury to the credit of the Land Acquisition Trust Fund and  
3 may be used for any purpose for which funds deposited in the  
4 Land Acquisition Trust Fund may lawfully be used. Payments  
5 made under this paragraph shall continue until the cumulative  
6 amount credited to the Land Acquisition Trust Fund for the  
7 fiscal year under this paragraph and paragraph (2)(b) equals  
8 70 percent of the current official forecast for distributions  
9 of taxes collected under this chapter pursuant to subsection  
10 (2). As used in this paragraph, the term "current official  
11 forecast" means the most recent forecast as determined by the  
12 Revenue Estimating Conference. If the current official  
13 forecast for a fiscal year changes after payments under this  
14 paragraph have ended during that fiscal year, no further  
15 payments are required under this paragraph during the fiscal  
16 year.

17 Section 2. Section 201.155, Florida Statutes, is  
18 created to read:

19 201.155 Distribution of taxes for Florida 2020 Trust  
20 Fund.--Subject to the maximum amount of limitations set forth  
21 in this section, an amount as shall be necessary to pay the  
22 debt service on, or fund debt service reserve funds, rebate  
23 obligations, or other amounts with respect to, bonds issued  
24 pursuant to s. 215.02 and payable from moneys transferred to  
25 the Florida 2020 Trust Fund pursuant to this section shall be  
26 paid into the State Treasury to the credit of the Florida 2020  
27 Trust Fund to be used for such purposes. The annual amount  
28 transferred to the Florida 2020 Trust Fund shall not exceed  
29 \$30 million per authorized bond series. No individual series  
30 of bonds may be issued pursuant to this paragraph unless the

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1 first year's debt service for such bonds is specifically  
2 appropriated in the General Appropriations Act.

3 Section 3. Section 235.45, Florida Statutes, is  
4 created to read:

5 235.45 Florida Year 2020 Higher Education Facilities  
6 Program.--

7 (1) This section may be cited as the "Florida Year  
8 2020 Higher Education Facilities Program."

9 (2) Pursuant to the provisions of s. 19, Art. VII of  
10 the State Constitution and s. 215.59, the issuance of state  
11 bonds pledging the full faith and credit of the state in the  
12 principal amount, including any refinancing, not to exceed \$2  
13 billion, to be deposited in the Florida 2020 Trust Fund for  
14 the acquisition of lands and related interests, the  
15 construction of classrooms and related facilities, and the  
16 development of telecommunication infrastructure for Florida's  
17 institutions of higher learning, consisting of public  
18 universities and community colleges, is hereby authorized.

19 (3) The Commissioner of Education, in consultation  
20 with the appropriations committees of the Legislature, shall  
21 provide annually to the State Board of Community Colleges and  
22 the Board of Regents an estimate of funds from the Florida  
23 2020 Trust Fund to be utilized by the boards in developing  
24 their required 3-year priority lists.

25 (4) The 3-year priority lists required in s.  
26 235.435(4)(a) shall include facilities to be financed by funds  
27 from the Florida 2020 Trust Fund as well as those facilities  
28 financed from funds in the Public Education Capital Outlay  
29 Debt Service Trust Fund. The fund source of each project  
30 shall be identified in these lists.

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1           (5) The commissioner shall submit to the Governor and  
2 the Legislature a budget request for higher educational  
3 facilities financed by funds from the Florida 2020 Trust Fund  
4 concurrently with the submittal of the budget request required  
5 in s. 235.41.

6           (6) Capital projects financed with moneys from the  
7 Florida 2020 Trust Fund shall meet all requirements of law of  
8 capital projects financed with moneys from the Public  
9 Education Capital Outlay and Debt Service Trust Fund.

10           Section 4. Section 259.02, Florida Statutes is amended  
11 to read:

12           259.02 Authority; full faith and credit  
13 bonds.--Pursuant to the provisions of s. 19 ~~11(e)~~, Art. VII of  
14 the State Constitution and s. 215.59, the issuance of state  
15 bonds pledging the full faith and credit of the state in the  
16 principal amount, including any refinancing, not to exceed:

17           (1) Four billion dollars, to be deposited into the  
18 Florida 2020 Trust Fund for state capital projects for the  
19 acquisition of lands, water areas, and related interests and  
20 resources, in urban and rural settings, for the purposes of  
21 conservation, recreation, environmental restoration, water  
22 resource development, or historical preservation, and for  
23 capital improvements to lands and water areas that accomplish  
24 environmental restoration, enhance public access and  
25 recreational enjoyment, promote long-term management goals,  
26 and facilitate water resource development.

27           (2) Two billion dollars to be deposited into the  
28 Florida 2020 Trust Fund for the acquisition of lands and  
29 related interests, the construction of classrooms and related  
30 facilities, and the development of telecommunication  
31 infrastructure, for institutions of higher learning in the

1 ~~state, pursuant to s. 235.45\$200 million for state capital~~  
2 ~~projects for environmentally endangered lands and \$40 million~~  
3 ~~for state capital projects for outdoor recreation lands is~~  
4 ~~hereby authorized, subject to the provisions of ss.~~  
5 ~~259.01-259.06.~~

6 (3) The funds to be deposited in the Florida 2020  
7 Trust Fund shall be the net proceeds of the bond issue.

8 Section 5. Section 259.021, Florida Statutes is  
9 created to read:

10 259.021 Issuance of bonds subject to constitutional  
11 authorization.--The acquisition or restoration of, or capital  
12 improvements to, lands, water areas, and related resources by  
13 public agencies under the Florida 2020 Act is a public purpose  
14 for which revenue bonds may be issued when there has been  
15 granted in the State Constitution specific authorization to  
16 issue revenue bonds to pay the cost of acquiring or restoring  
17 such lands, water areas, and related resources and to  
18 construct, improve, enlarge, and extend capital improvements  
19 and facilities thereon as determined to be necessary for the  
20 purposes of this act. The department may utilize the services  
21 and facilities of the Department of Legal Affairs, the State  
22 Board of Administration, or any other agency in this regard.  
23 No revenue bonds, revenue certificates, or other evidences of  
24 indebtedness shall be issued for the purposes of this act  
25 except as specifically authorized by the State Constitution.  
26 All revenue bonds, revenue certificates, or other evidences of  
27 indebtedness issued pursuant to this act shall be submitted to  
28 the State Board of Administration for approval or disapproval.  
29 No individual series of bonds may be issued pursuant to this  
30 section unless the first year's debt service for such bonds is  
31 specifically appropriated in the General Appropriations Act.



1 Section 6. Section 259.03, Florida Statutes, is  
2 amended to read:

3 259.03 Definitions.--The following terms and phrases  
4 when used in this chapter ~~ss. 259.01-259.06~~ shall have the  
5 meaning ascribed to them in this section, except where the  
6 context clearly indicates a different meaning:

7 (1) "Advisory council" means that council established  
8 pursuant to s. 259.035.

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

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

19 (2)~~(4)~~ "Board" means the Governor and Cabinet, as the  
20 Board of Trustees of the Internal Improvement Trust Fund.

21 (3)~~(5)~~ "Division" means the Division of Bond Finance  
22 of the State Board of Administration.

23 Section 7. Subsections (1), (2), (3), (7), (8), (9),  
24 (10), (11), (12), (15), and (16) of section 259.032, Florida  
25 Statutes, are amended to read:

26 259.032 Conservation and Recreation Lands Trust Fund;  
27 purpose.--

28 (1) It is the policy of the state that the citizens of  
29 this state shall be assured public ownership of natural areas  
30 for purposes of maintaining this state's unique natural  
31 resources; protecting air, land, and water quality; promoting

1 water resource development to meet the needs of natural  
2 systems and citizens of this state; promoting restoration and  
3 reclamation activities on public lands;and providing lands  
4 for natural resource based recreation. In recognition of this  
5 policy, it is the intent of the Legislature to provide such  
6 public lands for the people residing in urban and metropolitan  
7 areas of the state as well as those residing in less  
8 populated, rural areas.† It is the further intent of the  
9 Legislature, with regard to the lands described in paragraph  
10 (3)(c), that a high priority be given to the acquisition of  
11 such lands in or near counties exhibiting the greatest  
12 concentration of population and, with regard to the lands  
13 described in subsection (3), that a high priority be given to  
14 acquiring lands or rights or interests in lands within any  
15 area designated as an area of critical state concern under s.  
16 380.05 which, in the judgment of the advisory council  
17 established pursuant to s. 259.035, cannot be adequately  
18 protected by application of land development regulations  
19 adopted pursuant to s. 380.05. Finally, it is the  
20 Legislature's intent that lands acquired through this program  
21 and subsequent programs be managed in such a way as to protect  
22 or restore their natural resource values and provide the  
23 greatest benefit to current and future residents of this  
24 state.

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

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1           1. The excise taxes on documents as provided in s.  
2 201.15; and

3           2. The excise tax on the severance of phosphate rock  
4 as provided in s. 211.3103.

5  
6 The Department of Revenue shall credit to the fund each month  
7 the proceeds from such taxes as provided in this paragraph.

8           (b) There shall annually be transferred from the  
9 Conservation and Recreation Lands Trust Fund to the Land  
10 Acquisition Trust Fund that amount, not to exceed \$20 million  
11 annually, as shall be necessary to pay the debt service on, or  
12 fund debt service reserve funds, rebate obligations, or other  
13 amounts with respect to bonds issued pursuant to s. 375.051 to  
14 acquire lands on the established priority list ~~as determined~~  
15 ~~by the advisory council pursuant to s. 259.035~~; however, no  
16 moneys transferred to the Land Acquisition Trust Fund pursuant  
17 to this paragraph, or earnings thereon, shall be used or made  
18 available to pay debt service on the Save Our Coast revenue  
19 bonds. Amounts transferred annually from the Conservation and  
20 Recreation Lands Trust Fund to the Land Acquisition Trust Fund  
21 pursuant to this paragraph shall have the highest priority  
22 over other payments or transfers from the Conservation and  
23 Recreation Lands Trust Fund, and no other payments or  
24 transfers shall be made from the Conservation and Recreation  
25 Lands Trust Fund until such transfers to the Land Acquisition  
26 Trust Fund have been made. Moneys in the Conservation and  
27 Recreation Trust Fund also shall be used to acquire and manage  
28 lands and to pay related costs, activities, and functions  
29 pursuant to the provisions of this section.

30           (3) The Governor and Cabinet, sitting as the Board of  
31 Trustees of the Internal Improvement Trust Fund, may allocate

1 moneys from the fund in any one year to acquire the fee or any  
2 lesser interest in lands for the following public purposes:

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

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

12 (c) To conserve and protect native species habitat or  
13 endangered or threatened species;

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

20 (e) To promote water resource development that  
21 benefits natural systems as well as the citizens of this  
22 state;

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

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

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

31

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

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

16            (8) Lands to be considered for purchase under this  
17 section are subject to the selection procedures of s. 259.035  
18 and related rules and shall be acquired in accordance with  
19 acquisition procedures for state lands provided for in s.  
20 259.041, except as otherwise provided by the Legislature. An  
21 inholding or an addition to a project selected for purchase  
22 pursuant to this chapter ~~or s. 259.035~~ is not subject to the  
23 selection procedures of s. 259.035 if the estimated value of  
24 such inholding or addition does not exceed \$500,000. When at  
25 least 90 percent of the acreage of a project has been  
26 purchased pursuant to this chapter ~~or s. 259.035~~, the project  
27 may be removed from the list and the remaining acreage may  
28 continue to be purchased. Moneys from the fund may be used for  
29 title work, appraisal fees, environmental audits, and survey  
30 costs related to acquisition expenses for lands to be  
31 acquired, donated, or exchanged which qualify under the

1 categories of this section, at the discretion of the board.  
2 When the Legislature has authorized the Department of  
3 Environmental Protection to condemn a specific parcel of land  
4 and such parcel has already been approved for acquisition  
5 under this section, the land may be acquired in accordance  
6 with the provisions of chapter 73 or chapter 74, and the fund  
7 may be used to pay the condemnation award and all costs,  
8 including a reasonable attorney's fee, associated with  
9 condemnation.

10 (9)(a) All lands managed under this section shall be:

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

13 2. Managed for public outdoor recreation which is  
14 compatible with the conservation and protection of public  
15 lands. Such management may include, but not be limited to, the  
16 following public recreational uses: fishing, hunting,  
17 camping, bicycling, hiking, nature study, swimming, boating,  
18 canoeing, horseback riding, diving, birding, sailing, jogging,  
19 and other related outdoor activities.

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

22

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

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

1 property; the conditions that will affect the intensity of  
2 management; an estimate of the revenue-generating potential of  
3 the property, if appropriate; a timetable for implementing the  
4 various stages of management and for providing access to the  
5 public, if applicable; provisions for protecting existing  
6 infrastructure and for ensuring the security of the project  
7 upon acquisition; the anticipated costs of management and  
8 projected sources of revenue, including legislative  
9 appropriations, to fund management needs; recommendations as  
10 to how many employees will be needed to manage the property;  
11 and recommendations as to whether local governments, volunteer  
12 groups, the former landowner, or other interested parties can  
13 be involved in the management.

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

28         3. State agencies designated to manage lands acquired  
29 under this chapter may contract with local governments and  
30 soil and water conservation districts to assist in management  
31 activities, including the responsibility of being the lead

1 land manager. Such land management contracts may include a  
2 provision for the transfer of management funding to the local  
3 government or soil and water conservation district from the  
4 Conservation and Recreation Lands Trust Fund in an amount  
5 adequate for the local government or soil and water  
6 conservation district to perform its contractual land  
7 management responsibilities and proportionate to its  
8 responsibilities, and which otherwise would have been expended  
9 by the state agency to manage the property.

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

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

24 (b) Beginning in fiscal year 1998-1999, individual  
25 management plans required by s. 253.034~~(5)~~~~(4)~~ shall be  
26 developed with input from an advisory group. Members of this  
27 advisory group shall include, at a minimum, representatives of  
28 the lead land managing agency, comanaging entities, local  
29 private property owners, the appropriate soil and water  
30 conservation district, a local conservation organization, and  
31 a local elected official. The advisory group shall conduct at



1 | least one public hearing within the county in which the parcel  
2 | or project is located. Notice of such public hearing shall be  
3 | posted on the parcel or project designated for management,  
4 | advertised in a paper of general circulation, and announced at  
5 | a scheduled meeting of the local governing body before the  
6 | actual public hearing. The management prospectus required  
7 | pursuant to paragraph (9)(b) shall be available to the public  
8 | for a period of 30 days prior to the public hearing.

9 |       (c) Once a plan is adopted, the managing agency or  
10 | entity shall update the plan at least every 5 years in a form  
11 | and manner prescribed by rule of the board of trustees. Such  
12 | plans may include transfers of leasehold interests to  
13 | appropriate conservation organizations designated by the Land  
14 | Acquisition and Management Advisory Council or its successor,  
15 | for uses consistent with the purposes of the organizations and  
16 | the protection, preservation, and proper management of the  
17 | lands and their resources. Volunteer management assistance is  
18 | encouraged, including, but not limited to, assistance by  
19 | youths participating in programs sponsored by state or local  
20 | agencies, by volunteers sponsored by environmental or civic  
21 | organizations, and by individuals participating in programs  
22 | for committed delinquents and adults.

23 |       (d) For each project for which lands are acquired  
24 | after July 1, 1995, an individual management plan shall be  
25 | adopted and in place no later than 1 year after the essential  
26 | parcel or parcels identified in the annual Conservation and  
27 | Recreation Lands report prepared pursuant to s. 259.035(2)(a)  
28 | have been acquired. Beginning in fiscal year 1998-1999, the  
29 | Department of Environmental Protection shall distribute only  
30 | 75 percent of the acquisition funds to which a budget entity  
31 | or water management district would otherwise be entitled from

1 the Preservation 2000 Trust Fund to any budget entity or any  
2 water management district that has more than one-third of its  
3 management plans overdue.

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

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

10 2. Key management activities necessary to preserve and  
11 protect natural resources and restore habitat, and for  
12 controlling the spread of non-native plants and animals, and  
13 for prescribed fire and other appropriate resource management  
14 activities.

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

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

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

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

29 7. A determination of the public uses that would be  
30 consistent with the purposes for which the lands were  
31 acquired.

1            ~~(f)(b)~~ The Division of State Lands shall submit a copy  
2 of each individual management plan for parcels which exceed  
3 160 acres in size to each member of the Land Acquisition and  
4 Management Advisory Council or its successor, which shall:-

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

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

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

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

28  
29 By July 1 of each year, each governmental agency, including  
30 the water management districts, and each private entity  
31 designated to manage lands shall report to the Secretary of

1 Environmental Protection on the progress of funding, staffing,  
2 and resource management of every project for which the agency  
3 or entity is responsible.

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

15 (b) An amount up to 1.5 percent of the cumulative  
16 total of funds ever deposited into the Florida Preservation  
17 2000 Trust Fund and the Florida 2020 Trust Fund shall be made  
18 available for the purposes of management, maintenance, and  
19 capital improvements, and for associated contractual services,  
20 for lands acquired pursuant to this section, ~~and~~ s. 259.101  
21 and s. 259.105 to which title is vested in the board of  
22 trustees. Each agency with management responsibilities shall  
23 annually request from the Legislature funds sufficient to  
24 fulfill such responsibilities. Capital improvements shall  
25 include, but need not be limited to, perimeter fencing, signs,  
26 firelanes, access roads and trails, and minimal public  
27 accommodations, such as primitive campsites, garbage  
28 receptacles, and toilets.

29 (c) In requesting funds provided for in paragraph (b)  
30 for long-term management of all acquisitions pursuant to this  
31 chapter and for associated contractual services, the managing

1 agencies shall recognize the following categories of land  
2 management needs:

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

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

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

21  
22 In evaluating the management funding needs of lands based on  
23 the above categories, the lead land managing agencies shall  
24 include in their considerations the impacts of, and needs  
25 created or addressed by, multiple-use management strategies.

26 (d) All revenues generated through multiple-use  
27 management shall be returned to the agency responsible for  
28 such management and shall be used to pay for management  
29 activities on all conservation, preservation, and recreation  
30 lands under the agency's jurisdiction. In addition, such  
31 revenues shall be segregated in an agency trust fund and shall

1 remain available to the agency in subsequent fiscal years to  
2 support land management appropriations.

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

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

26 (12)(a) Beginning in fiscal year 1994-1995, not more  
27 than 3.75 percent of the Conservation and Recreation Lands  
28 Trust Fund shall be made available annually to the department  
29 for payment in lieu of taxes to qualifying counties, cities,  
30 and local governments as defined in paragraph (b) for all  
31 actual tax losses incurred as a result of board of trustees

1 acquisitions for state agencies under the Florida Preservation  
2 2000 Program and the Florida 2020 Program during any year.  
3 Reserved funds not used for payments in lieu of taxes in any  
4 year shall revert to the fund to be used for land acquisition  
5 in accordance with the provisions of this section.

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

7 1. To counties which levy an ad valorem tax of at  
8 least 8.25 mills or the amount of the tax loss from all  
9 completed Preservation 2000 or Florida 2020 acquisitions in  
10 the county exceeds 0.01 percent of the county's total taxable  
11 value, and have a population of 75,000 or less.

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

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

22  
23 For the purposes of this paragraph, "local government"  
24 includes municipalities, the county school board, mosquito  
25 control districts, and any other local government entity which  
26 levies ad valorem taxes, with the exception of a water  
27 management district.

28 (c) Payment in lieu of taxes shall be available to any  
29 city which has a population of 10,000 or less and which levies  
30 an ad valorem tax of at least 8.25 mills or the amount of the  
31 tax loss from all completed Preservation 2000 or Florida 2020

1 acquisitions in the city exceeds 0.01 percent of the city's  
2 total taxable value.

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

8 (e) The payment amount shall be based on the average  
9 amount of actual taxes paid on the property for the 3 years  
10 preceding acquisition. Applications for payment in lieu of  
11 taxes shall be made no later than January 31 of the year  
12 following acquisition. No payment in lieu of taxes shall be  
13 made for properties which were exempt from ad valorem taxation  
14 for the year immediately preceding acquisition. If property  
15 which was subject to ad valorem taxation was acquired by a  
16 tax-exempt entity for ultimate conveyance to the state under  
17 this chapter, payment in lieu of taxes shall be made for such  
18 property based upon the average amount of taxes paid on the  
19 property for the 3 years prior to its being removed from the  
20 tax rolls. The department shall certify to the Department of  
21 Revenue those properties that may be eligible under this  
22 provision. Payment in lieu of taxes shall be limited to a  
23 total of 10 consecutive years of annual payments, beginning  
24 the year a local government becomes eligible.

25 (f) Payment in lieu of taxes pursuant to this  
26 paragraph shall be made annually to qualifying counties,  
27 cities, and local governments after certification by the  
28 Department of Revenue that the amounts applied for are  
29 reasonably appropriate, based on the amount of actual taxes  
30 paid on the eligible property, and after the Department of  
31 Environmental Protection has provided supporting documents to



1 the Comptroller and has requested that payment be made in  
2 accordance with the requirements of this section.

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

7 ~~(15) For fiscal year 1997-1998 only, moneys credited~~  
8 ~~to the fund may be appropriated to provide grants to qualified~~  
9 ~~local governmental entities pursuant to the provisions of s.~~  
10 ~~375.075. This subsection is repealed on July 1, 1998.~~

11 (15)~~(16)~~ Within 180 days after receiving a certified  
12 letter from the owner of a property on the Conservation and  
13 Recreation Lands list objecting to the property being included  
14 in an acquisition project, where such property is a project or  
15 part of a project which has not been listed for purchase in  
16 the current year's land acquisition work plan, the board of  
17 trustees shall delete the property from the list or from the  
18 boundary of an acquisition project on the list.

19 Section 8. Section 259.034, Florida Statutes, is  
20 created to read:

21 259.034 Land Acquisition and Management Commission.--

22 (1) There is created, effective July 1, 2000, within  
23 the Board of Trustees of the Internal Improvement Trust Fund a  
24 Land Acquisition and Management Commission. The commission  
25 shall be comprised of nine residents of this state appointed  
26 by the Governor, subject to confirmation by the Senate for  
27 staggered terms of 4 years. The commission shall include one  
28 member from within the geographic boundaries of each water  
29 management district who has resided in the district for at  
30 least 1 year, and two others shall be selected from the state  
31 at large. Additionally, two members shall be selected from the

1 following: the secretary of the Department of Environmental  
2 Protection, or the secretary's designee; the executive  
3 director of the Florida Game and Fresh Water Fish Commission,  
4 or the executive director's designee; the director of the  
5 Division of Forestry of the Department of Agriculture and  
6 Consumer Services, or the director's designee; the director of  
7 the Division of Historical Resources of the Department of  
8 State, or the director's designee, and the secretary of the  
9 Department of Community Affairs, sitting as chair of the  
10 governing body of the Florida Communities Trust, or the  
11 secretary's designee. The Governor shall not appoint any  
12 person who is or has been a lobbyist as defined in s. 112.3148  
13 at any time during the 24 months preceding the nomination with  
14 any entity whose interests could be affected by actions or  
15 decisions of the council. The Governor shall appoint the  
16 chair and the vice chair shall be elected from among the  
17 membership. The Governor may at any time fill a vacancy for  
18 the unexpired term. Members of the commission shall be paid  
19 \$50 per day while engaged in the business of the commission  
20 and shall receive expenses and per diem for travel, including  
21 attendance at meetings, as are allowed state officers and  
22 employees while in the performance of their duties, pursuant  
23 to s. 112.061.

24 (a) Immediately upon being appointed, the commission  
25 may employ an executive director who shall be appointed by the  
26 commission and confirmed by the board of trustees. The  
27 commission may also employ other staff as necessary to perform  
28 its duties.

29 (b) The commission shall develop a budget pursuant to  
30 chapter 216. The budget shall be transmitted to the Board of  
31 Trustees of the Internal Improvement Trust Fund as head of the

1 commission for submission to the Governor in the exercise of  
2 his or her constitutional duties.

3 (c) On a date set by law, the duties, powers, and  
4 responsibilities of the Land Acquisition and Management  
5 Advisory Council, established pursuant to s. 259.035, F.S.,  
6 shall be assumed by the commission, and the provisions of law  
7 authorizing the advisory council shall be repealed.

8 (2) Beginning January 1, 2001, and every year  
9 thereafter, the commission shall accept applications from  
10 state agencies, local governments, nonprofit and for-profit  
11 organizations, private land trusts, and individuals for  
12 project proposals.

13 (3) In rating potential projects for inclusion on the  
14 project list for the 5-year plan, the council shall give  
15 significant weight to the criteria listed in s. 259.105(6).  
16 Other factors the commission may consider include, but are not  
17 limited to, the expertise of the agency or other applicant in  
18 acquiring, managing, or restoring the type of project planned;  
19 the length of time the applicant estimates it will take to  
20 close on the project, if an acquisition, or to complete the  
21 restoration activities, if a restoration project; for those  
22 projects in which public access is a component, the projected  
23 timetable for the project becoming available to the public;  
24 and the net environmental benefit the project has on the  
25 surrounding ecosystem.

26 (4) An affirmative vote of five members of the  
27 commission shall be required in order to place a proposed  
28 project on a list.

29 (5) The commission shall, by the time of the first  
30 board meeting in December of each year, establish or update a  
31 five-year plan of restoration, acquisition, and capital

1 improvement projects within the specific categories pursuant  
2 to s. 259.105(5). The commission shall recommend its list of  
3 projects to the Board of Trustees of the Internal Improvement  
4 Trust Fund. The board of trustees, by its first meeting in  
5 February of each year, shall vote on the list. The board of  
6 trustees may remove projects but may not add new projects.

7 (6) The commission shall submit to the board of  
8 trustees, with its list of projects, a report that includes,  
9 but shall not be limited to, the following information for  
10 each project listed: the stated purpose for restoring,  
11 acquiring, or improving the project area; projected costs to  
12 achieve the project goals; an interim management budget; an  
13 identification of the essential parcel or parcels within the  
14 project without which the project cannot be properly managed;  
15 an identification of those projects or parcels within projects  
16 which should be acquired in fee simple or in other than fee  
17 simple; a management policy statement for the project; a  
18 management prospectus pursuant to s. 259.032(9)(b); an  
19 estimate of land value based on county tax assessed values; a  
20 map delineating project boundaries; a brief description of the  
21 important natural and cultural resources to be protected and  
22 recreational opportunities to be provided; a preliminary  
23 statement of the extent and nature of public use; a discussion  
24 of whether alternative uses are proposed for the property and  
25 what those uses are; and a designation of the management  
26 agency or agencies.

27 (7) All proposals for projects pursuant to this  
28 chapter shall be implemented only if adopted by the  
29 commission. The commission shall consider and evaluate in  
30 writing the merits and demerits of each project that is  
31 proposed for Florida 2020 funding and shall ensure that each

1 proposed project will meet a stated public purpose for the  
2 restoration, conservation, or preservation of environmentally  
3 sensitive lands and water areas or for providing outdoor  
4 recreational opportunities. The commission also shall  
5 determine if the project conforms, where applicable, with the  
6 comprehensive plan developed pursuant to s. 259.04(1)(a), the  
7 comprehensive outdoor recreation and conservation plan  
8 developed pursuant to s. 375.021, the state lands management  
9 plan adopted pursuant to s. 253.03(7), and the Florida 2020  
10 Act adopted pursuant to 259.105. Copies of a written report  
11 describing each project proposed for acquisition shall be  
12 submitted to the board of trustees. The commission shall  
13 consider and include in each project description its  
14 assessment of a project's ecological value, outdoor  
15 recreational value, vulnerability, endangerment, ownership  
16 pattern, utilization, location, cost, and other pertinent  
17 factors in determining whether to recommend a project for  
18 state purchase.

19 (8) Additionally, the commission shall provide  
20 assistance to the Board of Trustees of the Internal  
21 Improvement Trust Fund in reviewing the recommendations and  
22 plans for state-owned lands required by s. 253.034. The  
23 commission shall, in reviewing the recommendations and plans  
24 for state-owned lands required by s. 253.034, consider the  
25 optimization of multiple-use strategies to accomplish the  
26 provisions of s. 253.034. However, no multiple-use activity  
27 shall be allowed if such use would have the effect of causing  
28 all or any portion of the interest on any revenue bonds issued  
29 to finance the Florida 2020 Program to lose the exclusion from  
30 gross income for federal income tax purposes.

31

1           (9) The commission may adopt rules to implement the  
2 following powers, duties, and responsibilities: solicitation  
3 of Florida 2020 project proposals; scoring, selection, and  
4 ranking of Florida 2020 project proposals; development and  
5 annual reevaluation of the 5-year plan; process of reviewing  
6 and recommending for approval or rejection the land management  
7 plans associated with publicly owned properties; and selection  
8 and employment of the executive director and other staff.

9           Section 9. Subsection (1) of section 259.04, Florida  
10 Statutes, is amended to read:

11           259.04 Board; powers and duties.--

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

14           (a) The board is given the responsibility, authority,  
15 and power to develop and execute a comprehensive, statewide  
16 5-year plan to conserve, restore, and protect environmentally  
17 endangered lands, ecosystems, lands necessary for outdoor  
18 recreational needs, and other lands as identified in ss.

19 259.032, and 259.101, and 259.105. This plan shall be kept  
20 current through continual reevaluation and revision. The  
21 advisory council or its successor shall assist the board in  
22 the development, reevaluation, and revision of the plan.

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

31

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

8           (d) The board is authorized to acquire, by purchase,  
9 gift, or devise or otherwise, the fee title or any lesser  
10 interest of lands, water areas, and related resources  
11 sufficient to meet the purposes specified in s. 259.03(2) for  
12 environmentally endangered lands.

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

16           Section 10. Subsections (1) and (3), present  
17 subsection (14), and paragraph (e) of subsection (7) of  
18 section 259.041, Florida Statutes, are amended, subsections  
19 (11) through (18) of said section are renumbered as  
20 subsections (12) through (19), respectively, and a new  
21 subsection (11) is added to said section, to read:

22           259.041 Acquisition of state-owned lands for  
23 preservation, conservation, and recreation purposes.--

24           (1) Neither the Board of Trustees of the Internal  
25 Improvement Trust Fund nor its duly authorized agent shall  
26 commit the state, through any instrument of negotiated  
27 contract or agreement for purchase, to the purchase of lands  
28 with or without appurtenances unless the provisions of this  
29 section have been fully complied with. However, the board of  
30 trustees may waive any requirement of this section, except the  
31 requirements of subsections (3), ~~(13)~~, and (14), and (15); or,

1 notwithstanding chapter 120, may waive any rules adopted  
2 pursuant to this section, except rules adopted pursuant to  
3 subsections (3), ~~(13)~~, and (14), and (15); or may substitute  
4 other reasonably prudent procedures, provided the public's  
5 interest is reasonably protected. The title to lands acquired  
6 pursuant to this section shall vest in the board of trustees  
7 as provided in s. 253.03(1), unless otherwise provided by law.  
8 All such lands, title to which is vested in the board of  
9 trustees pursuant to this section, shall be administered  
10 pursuant to the provisions of s. 253.03.

11 (3) No agreement to acquire real property for the  
12 purposes described in this chapter, chapter 260, or chapter  
13 375, title to which will vest in the board of trustees, may  
14 bind the state unless and until the agreement has been  
15 reviewed and approved by the Department of Environmental  
16 Protection as complying with the requirements of this section  
17 and any rules adopted pursuant to this section. ~~However,~~  
18 ~~review and approval of agreements for acquisitions for Florida~~  
19 ~~Greenways and Trails Program properties pursuant to chapter~~  
20 ~~260 may be waived by the department in any contract with~~  
21 ~~nonprofit corporations who have agreed to assist the~~  
22 ~~department with this program.~~ Where any of the following  
23 conditions exist, the agreement shall be submitted to and  
24 approved by the board of trustees:

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

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

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



1 (d) Other conditions that the board of trustees may  
2 adopt by rule. Such conditions may include, but not be limited  
3 to, projects where title to the property being acquired is  
4 considered nonmarketable or is encumbered in such a way as to  
5 significantly affect its management.

6  
7 Where approval of the board of trustees is required pursuant  
8 to this subsection, the acquiring agency must provide a  
9 justification as to why it is in the public's interest to  
10 acquire the parcel or project. Approval of the board of  
11 trustees also is required for projects the department  
12 recommends acquiring pursuant to subsections (14)~~(13)~~ and  
13 (15)~~(14)~~. Review and approval of agreements for acquisitions  
14 for Florida Greenways and Trails Program properties pursuant  
15 to chapter 260 may be waived by the department in any contract  
16 with nonprofit corporations who have agreed to assist the  
17 department with this program.

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

25 (e) Generally, appraisal reports are confidential and  
26 exempt from the provisions of s. 119.07(1), for use by the  
27 agency and the board of trustees, until an option contract is  
28 executed or, if no option contract is executed, until 2 weeks  
29 before a contract or agreement for purchase is considered for  
30 approval by the board of trustees. However, the department has  
31 the authority, at its discretion, to disclose appraisal

1 reports to private landowners during negotiations for  
2 acquisitions using alternatives to fee simple techniques, if  
3 the department determines that disclosure of such reports will  
4 bring the proposed acquisition to closure. The Division of  
5 State Lands may also disclose appraisal information to public  
6 agencies or nonprofit organizations that agree to maintain the  
7 confidentiality of the reports or information when joint  
8 acquisition of property is contemplated, or when a public  
9 agency or nonprofit organization enters into a written  
10 agreement with the division to purchase and hold property for  
11 subsequent resale to the division. The division also shall  
12 require each nonprofit organization or private land trust that  
13 has entered into a written agreement with the division to  
14 acquire lands to disclose all costs incurred, income and  
15 profits earned, and participation in third-party agreements  
16 associated with specific purchases.In addition, the division  
17 shall ~~may~~ use, as its own, appraisals obtained by a public  
18 agency or nonprofit organization, provided the appraiser is  
19 selected from the division's list of appraisers and the  
20 appraisal is reviewed and approved by the division. For the  
21 purposes of this chapter, "nonprofit organization" means an  
22 organization whose purposes include ~~purpose is~~ the  
23 preservation of natural resources, and which is exempt from  
24 federal income tax under s. 501(c)(3) of the Internal Revenue  
25 Code. The agency may release an appraisal report when the  
26 passage of time has rendered the conclusions of value in the  
27 report invalid or when the acquiring agency has terminated  
28 negotiations.  
29  
30 Notwithstanding the provisions of this subsection, on behalf  
31 of the board and before the appraisal of parcels approved for

1 purchase under this chapter, the Secretary of Environmental  
2 Protection or the director of the Division of State Lands may  
3 enter into option contracts to buy such parcels. Any such  
4 option contract shall state that the final purchase price is  
5 subject to approval by the board or, when applicable, the  
6 secretary and that the final purchase price may not exceed the  
7 maximum offer allowed by law. The consideration for such an  
8 option may not exceed \$1,000 or 0.01 percent of the estimate  
9 by the department of the value of the parcel, whichever amount  
10 is greater.

11 (11)(a) The Legislature finds that, with the  
12 increasing pressures on the natural areas of this state, and  
13 upon space suitable for recreational use, the state must  
14 develop creative techniques to maximize the use of acquisition  
15 and management funds. The Legislature also finds that the  
16 state's conservation and recreational land-buying agencies  
17 should be encouraged to augment their traditional, fee simple  
18 acquisition programs with the use of alternatives to fee  
19 simple acquisition techniques. The Legislature also finds  
20 that using alternatives to fee simple acquisition by public  
21 land-buying agencies will achieve the following public policy  
22 goals:

23 1. Allow more lands to be brought under public  
24 protection for preservation, conservation, and recreational  
25 purposes at less expense using public funds.

26 2. Retain, on local government tax rolls, some portion  
27 of or interest in lands which are under public protection.

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

31

1 Therefore, it is the intent of the Legislature that public  
2 land-buying agencies develop programs to pursue alternatives  
3 to fee simple acquisition and to educate private landowners  
4 about such alternatives and the benefits of such alternatives.  
5 It also is the intent of the Legislature that the department  
6 and the water management districts spend a portion of their  
7 shares of land Preservation 2000 and Florida 2020 bond  
8 proceeds to purchase eligible properties using alternatives to  
9 fee simple acquisition.

10 (b) The state agencies and the water management  
11 districts shall identify, within their acquisition plans,  
12 those projects that require a full fee simple interest to  
13 achieve the public policy goals, together with the reasons why  
14 full title is determined to be necessary. The state agencies  
15 and the water management districts may use alternatives to fee  
16 simple acquisition to bring the remaining projects in their  
17 acquisition plans under public protection. For the purposes  
18 of this subsection, the term "alternatives to fee simple  
19 acquisition" includes, but is not limited to: purchase of  
20 development rights; conservation easements; flowage easements;  
21 purchase of timber rights, mineral rights, or hunting rights;  
22 purchase of agricultural interests or silvicultural interests;  
23 land protection agreements as defined in s. 380.0677(5); fee  
24 simple acquisitions with reservations; life estates; or any  
25 other acquisition technique which achieves the public policy  
26 goals listed in paragraph (a). It is presumed that a private  
27 landowner retains the full range of uses for all the rights or  
28 interests in the landowner's land which are not specifically  
29 acquired by the public agency. When developing and  
30 implementing their acquisition plans, the state agencies and  
31 water management districts may give preference to those

1 less-than-fee-simple acquisitions that provide any public  
2 access.

3 (c) Beginning in fiscal year 1998-1999, the department  
4 and each water management district shall implement initiatives  
5 to use alternatives to fee-simple acquisition and to educate  
6 private landowners about such alternatives. These initiatives  
7 shall include at least two acquisitions a year by the  
8 department and each water management district utilizing  
9 alternatives to fee simple. The department and the water  
10 management districts may enter into joint acquisition  
11 agreements to jointly fund the purchase of lands using  
12 alternatives to fee simple techniques.

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

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

25 (15)~~(14)~~ The board of trustees, by an affirmative vote  
26 of five members, may direct the department to purchase lands  
27 on an immediate basis using up to 15 percent of the funds  
28 allocated to the department pursuant to s. 259.101(3)(a) for  
29 the acquisition of lands that:

30  
31

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

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

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

11

12 For such acquisitions, the board of trustees may waive or  
13 modify all procedures required for land acquisition pursuant  
14 to this chapter and all competitive bid procedures required  
15 pursuant to chapters 255 and 287. Lands acquired pursuant to  
16 this subsection must, at the time of purchase, be on one of  
17 the acquisition lists established pursuant to this chapter, be  
18 essential for water resource protection or restoration, or a  
19 significant portion of the lands must contain natural  
20 communities or plant or animal species which are listed by the  
21 Florida Natural Areas Inventory as critically imperiled,  
22 imperiled, or rare, or as excellent quality occurrences of  
23 natural communities.

24 Section 11. Paragraph (f) of subsection (9) of section  
25 259.101, Florida Statutes, is amended to read:

26 259.101 Florida Preservation 2000 Act.--

27 (9)

28 (f)1. Pursuant to subsection (3) and beginning in  
29 fiscal year 1998-1999, that portion of the unencumbered  
30 balances of each program described in paragraphs (3)(c), (d),  
31 (e), (f), and (g) which has been on deposit in such program's

1 Preservation 2000 account for more than two fiscal years shall  
2 be redistributed equally to the ~~Conservation and Recreation~~  
3 ~~Lands Trust Fund and the Water Management Lands Trust Fund~~  
4 Department of Environmental Protection, the Division of State  
5 Lands P2000 subaccount for the purchase of state lands as  
6 described in s. 259.032, and to the Water Management District  
7 P2000 subaccount for the purchase of water management district  
8 lands pursuant to ss. 373.59, 373.456, and 373.4592. For the  
9 purposes of this subsection, the term "unencumbered balances"  
10 means the portion of Preservation 2000 bond proceeds which is  
11 not obligated through the signing of a purchase contract  
12 between a public agency and a private landowner, except that  
13 the program described in paragraph (3)(c) may not lose any  
14 portion of its unencumbered funds which remain unobligated  
15 because of extraordinary circumstances that hampered the  
16 affected local governments' abilities to close on land  
17 acquisition projects approved through the Florida Communities  
18 Trust program. Extraordinary circumstances shall be  
19 determined by the Florida Communities Trust governing body and  
20 may include such things as death or bankruptcy of the owner of  
21 property; a change in the land use designation of the  
22 property; natural disasters that affected a local government's  
23 ability to consummate the sales contract on such property; or  
24 any other condition that the Florida Communities Trust  
25 governing board determined to be extraordinary. The portion of  
26 the funds redistributed ~~deposited~~ in the Water Management  
27 District P2000 subaccount ~~Water Management Lands Trust Fund~~  
28 shall be distributed to the water management districts as  
29 provided in s. 373.59(8)(7).

30           2. The department and the water management districts  
31 may enter into joint acquisition agreements to jointly fund

1 the purchase of lands using alternatives to fee simple  
2 techniques.

3 Section 12. Section 259.105, Florida Statutes is  
4 created to read:

5 259.105 The Florida 2020 Act.--

6 (1) This section may be cited as the "Florida 2020  
7 Act."

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

9 1. The alteration and development of Florida's natural  
10 areas to accommodate its rapidly growing population have  
11 contributed to the degradation of water resources, the  
12 fragmentation and destruction of wildlife habitats, the loss  
13 of outdoor recreation space, and the diminishment of wetlands,  
14 forests, and public beaches.

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

20 3. Florida's groundwater, surface waters, and springs  
21 are under tremendous pressure due to population growth and  
22 economic expansion and require special protection and  
23 restoration efforts. To ensure that sufficient quantities of  
24 water are available to meet the current and future needs of  
25 the natural systems, and assist in achieving the planning  
26 goals of the department and the water management districts,  
27 water resource development projects on public lands, where  
28 compatible with the purposes for which the lands were  
29 acquired, are appropriate.

30 4. The needs of urban Florida for high-quality outdoor  
31 recreational opportunities, greenways, trails, and open space



1 have not been fully met by previous acquisition programs.  
2 Through such programs as the Florida Communities Trust, the  
3 state shall place additional emphasis on acquiring,  
4 protecting, preserving, and restoring open space, greenways,  
5 and recreation properties within urban areas where pristine  
6 natural communities or water bodies no longer exist because of  
7 their proximity to developed property.

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

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

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

30 (c) Public agencies or other entities that receive  
31 funds under this act are encouraged to better coordinate their

1 expenditures so that project acquisitions, when combined with  
2 acquisitions under Preservation 2000, Save Our Rivers, the  
3 Florida Communities Trust, and other public land acquisition  
4 programs, will form more complete patterns of protection for  
5 natural areas and functioning ecosystems, to better accomplish  
6 the intent of the Florida 2020 Act.

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

14 (e) With limited dollars available for restoration and  
15 acquisition of land and water areas, and to provide long-term  
16 management and capital improvements, a competitive selection  
17 process can select those projects best able to meet the goals  
18 of Florida 2020 and maximize the efficient use of the  
19 program's funding.

20  
21 As it has with previous land acquisition programs, the  
22 Legislature recognizes the desires of the citizens of this  
23 state to prosper through economic development and to preserve  
24 the natural areas and recreational open space of Florida. The  
25 Legislature further recognizes the urgency of restoring the  
26 natural functions of public lands or water bodies before they  
27 are degraded to a point where recovery may never occur, yet  
28 acknowledges the difficulty of ensuring adequate funding for  
29 restoration efforts in light of other equally critical  
30 financial needs of the state. It is the Legislature's desire  
31 and intent to fund the implementation of the Florida 2020 Act,

1 and to do so in a fiscally responsible manner, by issuing  
2 bonds to be repaid with documentary stamp tax revenue.

3 (3) Less the costs of issuing, and the costs of  
4 funding reserve accounts and other costs associated with  
5 bonds, the proceeds of bonds issued pursuant to this act for  
6 noneducational purposes shall be deposited into the Florida  
7 2020 Trust Fund created by s. 259.1051. The proceeds shall be  
8 distributed by the Department of Environmental Protection for  
9 purposes consistent with s. 19, Art. VII of the State  
10 Constitution, and in a manner to be prescribed by general law,  
11 effective no later than July 1, 2000.

12 (4) Less the costs of issuing, and the costs of  
13 funding reserve accounts and other costs associated with  
14 bonds, the proceeds of bonds issued pursuant to this act for  
15 post-secondary purposes also shall be deposited into the  
16 Florida 2020 Trust Fund. The proceeds shall be distributed by  
17 the Department of Education for purposes consistent with s.  
18 19, Art. VII of the State Constitution, and in a manner to be  
19 prescribed by general law, effective no later than July 1,  
20 2000.

21 (5) The bond proceeds generated pursuant to subsection  
22 (3) shall be used to:

23 (a) Restore lands or water areas to conditions that  
24 improve their natural functions and attributes. Funds  
25 distributed under this category may be used to implement  
26 surface water improvement and management plans developed in  
27 accordance with s. 373.456 and selected pursuant to this  
28 section.

29 (b) Acquire lands or water areas, including inholdings  
30 and additions to existing properties in public ownership, for  
31

1 conservation or preservation purposes. To be eligible, these  
2 lands should:

3 1. Have imperiled, critically imperiled, or rare  
4 natural communities of native vegetation and wildlife, or have  
5 excellent quality occurrences of natural communities;

6 2. Serve as habitat for endangered or threatened plant  
7 or animal species;

8 3. Promote or protect significant groundwater  
9 recharge;

10 4. Include regionally significant water bodies;

11 5. Have significant archeological or historical sites;

12 6. Serve to provide resource-based outdoor recreation;

13 or

14 7. Enhance or facilitate management of properties  
15 already under public ownership.

16  
17 In selecting lands for acquisition under this category,  
18 significant weight shall be given to proposed projects that  
19 include attributes or natural resource values underrepresented  
20 in the state's inventory of public lands. Additionally, funds  
21 distributed under this category may be used to acquire lands  
22 necessary to implement surface water improvement and  
23 management plans prepared in accordance with s. 373.456 and  
24 selected to receive Florida 2020 funds pursuant to this  
25 section.

26 (c) Acquire lands for water resource development, as  
27 defined in s. 373.019(19). For the purposes of this section,  
28 "water resource development" shall not include wellfields,  
29 desalination facilities, or any activities or facilities  
30 included in the term "water supply development" as defined in  
31 s. 373.019.

1           (d) Acquire lands for outdoor recreational purposes,  
2 to include active and passive activities. An additional  
3 emphasis will be placed on acquiring greenspace or greenways  
4 for urban areas.

5           (e) Make capital improvements to land or water areas  
6 that improve public access, develop recreational facilities,  
7 or promote more efficient and effective management of such  
8 areas.

9           (f) Restore and reclaim forestry lands to enhance and  
10 ensure their continued value as ecosystems. Funds distributed  
11 under this category may be used to implement reforestation  
12 plans. Funds distributed under this category shall be used to  
13 implement sustainable forestry management practices.

14  
15 By July 1, 2000, the Legislature shall establish by general  
16 law the percentage distributions of Florida 2020 funds for  
17 each of the above categories, after consideration of the  
18 recommendations of the Florida 2020 Study Commission.

19           (6)(a) In evaluating acquisition proposals under this  
20 program, and developing the 5-year project list, significant  
21 weight shall be given to whether:

22           1. A significant portion of the land in the project is  
23 in imminent danger of development, in imminent danger of  
24 losing its significant natural attributes or recreational open  
25 space, or in imminent danger of subdivision that will result  
26 in multiple ownership and make acquisition of the project more  
27 costly or less likely to be accomplished.

28           2. Compelling evidence exists that the land is likely  
29 to be developed during the next 12 months, or appraisals made  
30 during the past 5 years indicate an escalation in land value  
31

1 at an average rate that exceeds the average rate of interest  
2 likely to be paid on the bonds.

3 3. The project can be purchased at 80 percent of  
4 appraised value or less.

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

11 5. The project is a joint acquisition, either among  
12 public agencies, nonprofit organizations, or private entities,  
13 or a public-private partnership.

14 6. Creative management strategies are planned for the  
15 project. Such strategies may include public-private  
16 partnerships to manage the land or water area, the  
17 implementation of multiple-use and revenue-generating  
18 management strategies, where compatible with resource  
19 protection or restoration, or the use of community volunteers  
20 to help manage the property.

21 7. The project is one of the components of the  
22 Everglades restoration effort.

23 8. The project would achieve multiple goals of the  
24 Florida 2020 Program, as listed in subsection (2).

25 (b) Each year that bonds are to be issued pursuant to  
26 this act, the council or commission charged with overseeing  
27 the program shall review that year's approved project priority  
28 list and shall, by the first board meeting in February,  
29 present to the Board of Trustees of the Internal Improvement  
30 Trust Fund for approval a listing of projects representing the  
31 categories which meet three or more of the criteria listed in

1 paragraph (a). The board of trustees may remove projects from  
2 the list developed pursuant to this paragraph but may not add  
3 projects or rearrange project rankings.

4 (c) In acquiring coastal lands pursuant to this  
5 section, the following additional criteria also shall be  
6 considered:

7 1. The value of acquiring coastal high-hazard parcels,  
8 consistent with hazard mitigation and postdisaster  
9 redevelopment policies, in order to minimize the risk to life  
10 and property and to reduce the need for future disaster  
11 assistance.

12 2. The value of acquiring beachfront parcels,  
13 irrespective of size, to provide public access and  
14 recreational opportunities in highly developed urban areas.

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

17 (d) When a nonprofit organization, whose purposes  
18 include preservation of natural resources and which is  
19 tax-exempt pursuant to s. 501(c)(3) of the United States  
20 Internal Revenue Code, sells land to the state, such land at  
21 the time of such sale shall be deemed to meet three or more of  
22 the criteria listed in paragraph (a) if such land meets three  
23 or more of the criteria at the time the organization purchases  
24 the land.

25 (7)(a) The council or commission charged with  
26 overseeing the program shall use the project criteria listed  
27 in subsection (6) to competitively evaluate, select, and rank  
28 projects eligible for Florida 2020 funds.

29 (b) State agencies, local governments, nonprofit and  
30 for-profit organizations, private land trusts, and individuals  
31 shall be eligible to present project proposals and to acquire

1 lands. The title to lands acquired under the Florida 2020 Act  
2 shall vest in the Board of Trustees of the Internal  
3 Improvement Trust Fund, except that title to lands acquired by  
4 a water management district shall vest in the name of that  
5 district and lands acquired by a local government shall vest  
6 in the name of the purchasing local government.

7 (8)(a) Any lands acquired pursuant to this program  
8 where title is vested in the Board of Trustees of the Internal  
9 Improvement Trust Fund may be disposed of by the board in  
10 accordance with the procedures set forth in s. 253.034(6).

11 Lands whose titles vest in a water management district  
12 governing board may be disposed of by the owning water  
13 management district in accordance with the procedures set  
14 forth in ss. 373.056 and 373.089. All agencies that hold  
15 title to lands acquired under the Florida 2020 Program shall  
16 biennially evaluate their inventory of such lands to determine  
17 whether any of the properties are suitable for surplus.

18 (b) Lands determined to be surplus pursuant to this  
19 subsection shall be sold for fair market value, except that  
20 the price of lands sold as surplus to a local government shall  
21 not exceed the price paid by the state or a water management  
22 district to originally acquire the lands.

23 (c) Before land can be determined to be of no further  
24 benefit to the public as required by s. 253.034(6), or to be  
25 no longer required for its purposes under s. 373.056(4), there  
26 shall first be a determination by the commission that such  
27 land no longer needs to be preserved in furtherance of the  
28 intent of the Florida 2020 Act.

29 1. For lands proposed for surplus within the original  
30 project boundaries or the core parcel there must be a finding  
31 by the commission that the land has no unique or high-quality



1 natural resources; is of low natural-resource values, as  
2 determined by a biological assessment or survey conducted by  
3 the Florida Natural Areas Inventory or its successor, or is of  
4 lower natural-resource values than the land proposed to be  
5 purchased with the proceeds from its sale. The board of  
6 trustees shall review and approve or deny surplusings decisions  
7 pursuant to this subparagraph.

8 2. For lands proposed for surplus located outside of  
9 the original project boundary, the commission shall presume  
10 that the lands are to be surplusd unless:

11 a. A biological assessment or survey conducted by he  
12 Florida Natural Areas Inventory or its successor has  
13 determined that the lands are of such quality that surplusings  
14 should not be approved; or

15 b. The lead managing agency can provide sufficient  
16 evidence that the loss of such lands would substantially harm  
17 the purposes for which the land was purchased.

18 3. Decisions regarding surplusings pursuant to  
19 subparagraph 2. shall be reviewed and approved or denied by  
20 the board of trustees.

21 (d) Requests for surplusings may be made by any public  
22 or private entity or person. All requests are to be submitted  
23 to the lead managing agency for review and recommendation to  
24 the commission. Lead managing agencies shall have 90 days to  
25 review such requests and make recommendations. Any surplusings  
26 requests that have not been acted upon within the requirements  
27 of this paragraph shall be immediately scheduled for hearing  
28 at the next regularly scheduled commission meeting.

29 (e) Notwithstanding paragraphs (a)-(c), no such  
30 disposition of land shall be made if such 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 2020 Act to  
2 lose the exclusion from gross income for purposes of federal  
3 income taxation. Any revenue derived from the disposal of  
4 such lands may not be used for any purpose except for deposit  
5 into the Florida 2020 Trust Fund, the Water Management Lands  
6 Trust Fund, or the appropriate local government trust fund,  
7 depending on the entity that held title to the land, for the  
8 acquisition of new lands that meet the criteria pursuant to  
9 this section.

10 (f) Lands identified as suitable for surplus shall  
11 first be offered to local governmental entities for a period  
12 of 90 days. State agencies shall have the subsequent  
13 opportunity to acquire the surplus lands, for a period not to  
14 exceed 30 days after the offer to local governments expires.  
15 Surplus properties in which governmental agencies have  
16 expressed no interest shall then be available for sale on the  
17 private market.

18 (9)(a) The Board of Trustees of the Internal  
19 Improvement Trust Fund, or, in the case of water management  
20 district lands, the owning water management district, may  
21 authorize the granting of a lease, easement, or license for  
22 the use of certain lands acquired pursuant to this section for  
23 certain governmental uses that are determined by the  
24 appropriate board to be compatible with the purposes for which  
25 these lands were acquired. Such governmental uses may include  
26 public schools, public libraries, fire or law enforcement  
27 substations, and recreational centers.

28 (b) Any existing lease, easement, or license acquired  
29 for incidental public or private use on, under, or across any  
30 lands acquired pursuant to this section shall be presumed to  
31

1 be compatible with the purposes for which such lands were  
2 acquired.

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

12 (10) The Land Acquisition and Management Commission  
13 may adopt rules necessary to implement the provisions of this  
14 section relating to scoring and selecting Florida 2020 project  
15 proposals and to disposing or leasing of lands or water areas  
16 selected for funding through the Florida 2020 Program. The  
17 department, the water management districts, and other public  
18 agencies may adopt rules necessary to implement the provisions  
19 of this section relating to restoration, acquisition,  
20 improvement, and management of lands and water areas with  
21 Florida 2020 funds, as well as disposition or leasing of  
22 properties acquired under the program. Additionally, the  
23 department may adopt rules necessary to administer the Florida  
24 2020 Trust Fund and the moneys deposited into the fund.

25 Section 13. Subsections (1) and (2) of section  
26 373.459, Florida Statutes, are amended to read:

27 373.459 Funds for surface water improvement and  
28 management.--

29 (1) The Ecosystem Management and Restoration Trust  
30 Fund shall be used for the deposit of funds appropriated by  
31 the Legislature for the purposes of ss.

1 373.451-373.4595. Among the sources of funds shall be bond  
2 proceeds from the Florida 2020 Program, pursuant to s.  
3 259.105.The department shall administer all funds  
4 appropriated to or received for surface water improvement and  
5 management activities. Expenditure of the moneys shall be  
6 limited to the costs of detailed planning for and  
7 implementation of programs prepared for priority surface  
8 waters. Moneys from the fund shall not be expended for  
9 planning for, or construction or expansion of, treatment  
10 facilities for domestic or industrial waste disposal.

11 (2) The secretary of the department shall authorize  
12 the release of money from the fund within 30 days after  
13 receipt of a request adopted by the governing board of a water  
14 management district or by the executive director when  
15 authority has been delegated by the governing board,  
16 certifying that the money is needed for detailed planning for  
17 or implementation of plans approved pursuant to ss. 373.453,  
18 373.455, and 373.456. A water management district may not  
19 receive more than 50 percent of the moneys appropriated to the  
20 fund for the purposes of ss. 373.451-373.4595 in any fiscal  
21 year unless otherwise provided for by law. Each year after  
22 funds are appropriated, each water management district shall  
23 receive the amount requested pursuant to s. 373.453(4) or 10  
24 percent of the money appropriated for the purposes of ss.  
25 373.451-373.4595, whichever is less. The department shall  
26 allocate the remaining money in the appropriation for such  
27 purposes annually, based upon the specific needs of the  
28 districts. The department, at its discretion, may include any  
29 funds allocated to a district for such purposes in previous  
30 years which remain unencumbered by the district on July 1, to  
31 the amount of money to be distributed based upon specific

1 needs of the districts. To be eligible for Florida 2020  
2 funds, plans also must have been selected pursuant to s.  
3 259.105.

4 Section 14. Subsections (1), (4), (6), and (12) of  
5 section 373.59 are amended to read:

6 373.59 Water Management Lands Trust Fund.--

7 (1) There is established within the Department of  
8 Environmental Protection the Water Management Lands Trust Fund  
9 to be used as a nonlapsing fund for the purposes of this  
10 section. The moneys in this fund are hereby continually  
11 appropriated for the purposes of land acquisition, management,  
12 maintenance, capital improvements, payments in lieu of taxes,  
13 and administration of the fund in accordance with the  
14 provisions of this section. However, any funds appropriated  
15 pursuant to s. 259.105 may not be used for land management and  
16 maintenance, payment in lieu of taxes, or fund  
17 administration. Management of, and expenses or activities  
18 related to, lands acquired or restored through the Florida  
19 2020 Program shall be paid from the documentary stamp tax  
20 revenues appropriated by the Legislature to the Water  
21 Management Lands Trust Fund.

22 (4)(a) Moneys from the Water Management Lands Trust  
23 Fund shall be used for acquiring the fee or other interest in  
24 lands necessary for water management, water supply, and the  
25 conservation and protection of water resources, except that  
26 such moneys shall not be used for the acquisition of  
27 rights-of-way for canals or pipelines. Such moneys shall also  
28 be used for management, maintenance, and capital improvements.  
29 Interests in real property acquired by the districts under  
30 this section may be used for permittable water resource  
31 development and water supply development purposes under the

1 following conditions: the minimum flows and levels of priority  
2 water bodies on such lands have been established; the project  
3 complies with all conditions for issuance of a permit under  
4 part II of this chapter; and the project is compatible with  
5 the purposes for which the land was acquired. Lands acquired  
6 with moneys from the fund shall be managed and maintained in  
7 an environmentally acceptable manner and, to the extent  
8 practicable, in such a way as to restore and protect their  
9 natural state and condition.

10 (b) The Secretary of Environmental Protection shall  
11 release moneys from the Water Management Lands Trust Fund to a  
12 district for preacquisition costs within 30 days after receipt  
13 of a resolution adopted by the district's governing board  
14 which identifies and justifies any such preacquisition costs  
15 necessary for the purchase of any lands listed in the  
16 district's 5-year plan. The district shall return to the  
17 department any funds not used for the purposes stated in the  
18 resolution, and the department shall deposit the unused funds  
19 into the Water Management Lands Trust Fund.

20 (c) The Secretary of Environmental Protection shall  
21 release acquisition moneys from the Water Management Lands  
22 Trust Fund to a district following receipt of a resolution  
23 adopted by the governing board identifying the lands being  
24 acquired and certifying that such acquisition is consistent  
25 with the plan of acquisition and other provisions of this act.  
26 The governing board shall also provide to the Secretary of  
27 Environmental Protection a copy of all certified appraisals  
28 used to determine the value of the land to be purchased. Each  
29 parcel to be acquired must have at least one appraisal. Two  
30 appraisals are required when the estimated value of the parcel  
31 exceeds \$500,000. However, when both appraisals exceed

1 \$500,000 and differ significantly, a third appraisal may be  
2 obtained. If the purchase price is greater than the appraisal  
3 price, the governing board shall submit written justification  
4 for the increased price. The Secretary of Environmental  
5 Protection may withhold moneys for any purchase that is not  
6 consistent with the 5-year plan, the criteria of the Florida  
7 2020 Program, or the intent of this act. Additionally, the  
8 Secretary may withhold moneys for proposed acquisitions that  
9 are ~~or that is~~ in excess of appraised value. The governing  
10 board may appeal any denial to the Land and Water Adjudicatory  
11 Commission pursuant to s. 373.114.

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

19 (6) If a district issues revenue bonds or notes under  
20 s. 373.584, the district may pledge its share of the moneys in  
21 the Water Management Lands Trust Fund as security for such  
22 bonds or notes. The Department of Environmental Protection  
23 shall pay moneys from the trust fund to a district or its  
24 designee sufficient to pay the debt service, as it becomes  
25 due, on the outstanding bonds and notes of the district;  
26 however, such payments shall not exceed the district's  
27 cumulative portion of the trust fund. However, any moneys  
28 remaining after payment of the amount due on the debt service  
29 shall be released to the district pursuant to subsection (4)  
30 ~~(3)~~.

31

1           (12) A district may dispose of land acquired under  
2 this section, pursuant to s. 373.056 or s. 373.089. However,  
3 revenue derived from such disposal may not be used for any  
4 purpose except the purchase of other lands meeting the  
5 criteria specified in this section or payment of debt service  
6 on revenue bonds or notes issued under s. 373.584, as provided  
7 in this section. Any funds derived from the surplus of lands  
8 acquired under the Florida 2020 Program shall be used only to  
9 purchase other lands meeting the criteria of s. 259.105.

10           Section 15. Subsections (1) and (2) of section  
11 375.075, Florida Statutes are amended to read:

12           375.075 Outdoor recreation; financial assistance to  
13 local governments.--

14           (1) The Department of Environmental Protection is  
15 authorized, pursuant to s. 370.023, to establish the Florida  
16 Recreation Development Assistance Program to provide grants to  
17 qualified local governmental entities to acquire or develop  
18 land for public outdoor recreation purposes. To the extent  
19 not needed for debt service on bonds issued pursuant to s.  
20 375.051, each fiscal year through fiscal year 2000-2001, the  
21 department shall develop and plan a program which shall be  
22 based upon funding of not less than 5 percent of the money  
23 credited to the Land Acquisition Trust Fund pursuant to s.  
24 201.15(2) and (3) in that year. Beginning in fiscal year  
25 2001-2002, the department and the Florida Communities Trust  
26 shall coordinate their efforts in assisting qualified counties  
27 and municipalities with the acquisition and development of  
28 public outdoor recreational facilities to be funded by the  
29 Florida 2020 Trust Fund and selected pursuant to the process  
30 established in s. 259.105(7).

31



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

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

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

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

12           (c) No release of funds from the Land Acquisition  
13 Trust Fund, or from the Florida 2020 Trust Fund beginning in  
14 fiscal year 2001-2002, for this program may be made for these  
15 public recreation projects until the projects have been  
16 selected through the competitive selection process provided  
17 for in this section.

18           Section 16. Subsections (4) and (11) of section  
19 380.507 are amended, and subsection (15) is added to said  
20 section, to read:

21           380.507 Powers of the trust.--The trust shall have all  
22 the powers necessary or convenient to carry out the purposes  
23 and provisions of this part, including:

24           (4) To acquire and dispose of real and personal  
25 property or any interest therein when necessary or appropriate  
26 to protect the natural environment, provide public access or  
27 public recreational facilities, preserve wildlife habitat  
28 areas, provide access for managing acquired lands, or  
29 otherwise carry out the purposes of this part. If the trust  
30 acquires land for permanent state ownership, title to such  
31 land shall be vested in the Board of Trustees of the Internal

1 Improvement Trust Fund; otherwise, title to property acquired  
2 in partnership with a county or municipality shall vest in the  
3 name of the local government. Notwithstanding any other  
4 provision of law, the trust may enter into an option agreement  
5 to purchase lands included in projects approved according to  
6 this part, when necessary to reserve lands during the  
7 preparation of project plans and during acquisition  
8 proceedings. The consideration for an option shall not exceed  
9 \$100,000.

10 (11) To make rules necessary to carry out the purposes  
11 of this part and to exercise any power granted in this part,  
12 pursuant to the provisions of chapter 120. The trust shall  
13 adopt rules governing the acquisition of lands by local  
14 governments or the trust using proceeds from the Preservation  
15 2000 Trust Fund and the Florida 2020 Trust Fund. Such rules  
16 must include, but are not limited to, procedures for  
17 appraisals and confidentiality consistent with ss.  
18 125.355(1)(a) and (b) and 166.045(1)(a) and (b), a method of  
19 determining a maximum purchase price, and procedures to assure  
20 that the land is acquired in a voluntarily negotiated  
21 transaction, surveyed, conveyed with marketable title, and  
22 examined for hazardous materials contamination. Land  
23 acquisition procedures of a local land authority created  
24 pursuant to s. 380.0663 or s. 380.0677 shall be used for the  
25 land acquisition programs described by s. 259.101(3)(c) and s.  
26 259.105 if within areas of critical state concern designated  
27 pursuant to s. 380.05, subject to approval of the trust.

28 (15) Beginning fiscal year 2001-2002, in order to  
29 receive funds through the Florida 2020 Program, the trust  
30 shall participate in the process established in s. 259.105(7).

31

1 Section 17. Subsection (7) of section 380.510, Florida  
2 Statutes, is amended to read:

3 380.510 Conditions of grants and loans.--

4 (7) Any funds received by the trust from the  
5 Preservation 2000 Trust Fund pursuant to s. 259.101(3)(c) and  
6 the Florida 2020 Trust Fund shall be held separate and apart  
7 from any other funds held by the trust and shall be used only  
8 to pay the cost of the acquisition of lands by a local  
9 government or the state for the purposes of this part. Such  
10 funds may not be used to pay for a redevelopment project or an  
11 urban waterfront restoration project or for site reservation  
12 except to acquire lands to help implement the goals,  
13 objectives, and policies of the coastal, the conservation, or  
14 recreation and open space elements of the local comprehensive  
15 plan. In addition to the other conditions set forth in this  
16 section, the disbursement of Preservation 2000 and Florida  
17 2020 funds from the trust shall be subject to the following  
18 conditions:

19 (a) The administration and use of any funds received  
20 by the trust from the Preservation 2000 Trust Fund and the  
21 Florida 2020 Trust Fund shall be subject to such terms and  
22 conditions imposed thereon by the agency of the state  
23 responsible for the revenue bonds, the proceeds of which are  
24 deposited in the Preservation 2000 Trust Fund and the Florida  
25 2020 Trust Fund, including restrictions imposed to ensure that  
26 the interest on any such revenue bonds issued by the state as  
27 tax-exempt revenue bonds will not be included in the gross  
28 income of the holders of such bonds for federal income tax  
29 purposes.

30 (b) All deeds or leases with respect to any real  
31 property acquired with funds received by the trust from the

1 Preservation 2000 Trust Fund shall contain such covenants and  
2 restrictions as are sufficient to ensure that the use of such  
3 real property at all times complies with s. 375.051 and s. 9,  
4 Art. XII of the State Constitution. All deeds or leases with  
5 respect to any real property acquired with funds received by  
6 the trust from the Florida 2020 Trust Fund shall contain such  
7 covenants and restrictions as are sufficient to ensure that  
8 the use of such real property at all times complies with s.  
9 259.105 and s. 19, Art. VII of the State Constitution. Each  
10 deed or lease shall contain a reversion, conveyance, or  
11 termination clause that will vest title in the Board of  
12 Trustees of the Internal Improvement Trust Fund if any of the  
13 covenants or restrictions are violated by the titleholder or  
14 leaseholder or by some third party with the knowledge of the  
15 titleholder or leaseholder.

16 Section 18. The Florida 2020 Study Commission.--  
17 (1)(a) There is created the Florida 2020 Commission,  
18 consisting of 11 members. The Governor shall appoint five  
19 members and the President of the Senate and the Speaker of the  
20 House of Representatives each shall appoint three  
21 members. The membership of the commission shall reflect a  
22 broad range of interests and expertise related to land  
23 restoration, acquisition, and management, including, but not  
24 limited to, persons with training in hydrogeology, wildlife  
25 biology, engineering, real estate, and forestry management,  
26 and persons with substantial expertise representing  
27 environmental interests; agricultural and silvicultural  
28 interests; outdoor recreational interests; and land  
29 development interests. Each appointing authority shall  
30 consider gender and racial balance in addition to particular  
31 expertise when making appointments.

1           (b) Each member of the commission may receive per diem  
2 and expenses for travel, as provided in s. 112.061, Florida  
3 Statutes, while carrying out the official business of the  
4 commission. No person who is or has been a lobbyist as defined  
5 in s. 112.3148 at any time during the 24 months preceding his  
6 or her nomination with any entity whose interests could be  
7 affected by recommendations of the commission shall be  
8 appointed.

9           (c) The commission shall be staffed by an executive  
10 director and other personnel who are appointed by the  
11 commission and who are exempt from part II of chapter 110,  
12 Florida Statutes, relating to the Career Service System.

13           (d) The commission is assigned, for administrative  
14 purposes, to the Executive Office of the Governor.

15           (e) Appointments must be made by July 1, 1998, and the  
16 commission's first meeting must be held by August 31, 1998.  
17 The commission shall exist until August 31, 1999. The  
18 Governor shall designate, from among the appointees, the  
19 individual who will chair the commission.

20           (2) The Florida 2020 Study Commission shall:

21           (a) Develop recommendations concerning:

22           1. The relative priority of each funding category  
23 listed in s. 259.105(5), Florida Statutes.

24           2. The process by which restoration, acquisition, and  
25 capital improvement projects are competitively selected by the  
26 Land Acquisition and Management Commission.

27           3. Opportunities for the Surface Water Improvement and  
28 Management Program, the Conservation and Recreation Lands  
29 Program, the Save Our Rivers Program, and other statutorily  
30 created programs to obtain funding through the Florida 2020  
31 Program.

1           4. Projects on acquisition lists currently funded  
2 through the Preservation 2000 Program which, if they are not  
3 purchased before the expiration of that program, should be  
4 considered for inclusion in the 5-year plans to be developed  
5 by the Land Acquisition and Management Commission.

6           (b) Base its recommendations on:

7           1. Comments received during a minimum of six public  
8 hearings, in different areas of the state, held for the  
9 purpose of gathering public input and recommendations relative  
10 to the implementation of the Florida 2020 Program.

11           2. An evaluation of Florida's existing public land  
12 acquisition programs for conservation, preservation, and  
13 recreational purposes to determine what each program has  
14 accomplished; whether each program has achieved or appears to  
15 be achieving its statutory goals and objections; and the  
16 extent of Florida's unmet needs for restoration and management  
17 of public lands and water areas and acquisition of privately  
18 owned lands and water areas.

19           (c) The Florida 2020 Study Commission shall submit a  
20 report of its findings and recommendations to the Governor,  
21 the President of the Senate, the Speaker of the House of  
22 Representatives, and the chairs of the appropriations and  
23 relevant substantive legislative committees by July 1, 1999.

24           (3) There is hereby appropriated \$125,000 from the  
25 Conservation and Recreation Lands Trust Fund and \$125,000 from  
26 the Water Management Lands Trust Fund to cover the  
27 administrative expenses of the Florida 2020 Study Commission.

28           Section 19. This act shall take effect on the  
29 effective date of a constitutional amendment authorizing  
30 bonding authority for the Florida 2020 Program.  
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LEGISLATIVE SUMMARY

Establishes the Florida 2020 Program. Provides for distributing specified documentary stamp tax revenues to the Land Acquisition Trust Fund to pay debt service on Florida 2020 Program bonds and provides for annual appropriations to pay debt service on such bonds. Establishes the Florida Year 2020 Higher Education Facilities Program. Prescribes new bonding authority for the Florida 2020 Program and limits such bonding authority to constitutional authorization. Provides legislative intent on emphasizing water resource development and adequate management of lands acquired by the state and directs the Board of Trustees of the Internal Improvement Trust Fund to consider buying lands that promote water resource development and facilitate restoration of the Everglades. Specifies that the Conservation and Recreation Lands Trust Fund shall be the source of funds to pay management costs and payment-in-lieu-of-taxes for the Florida 2020 Program. Creates the Land Acquisition and Management Advisory Commission. Directs the Board of Trustees of the Internal Improvement Trust Fund to develop a plan for restoring, acquiring, or making capital improvements to lands or ecosystems identified by the Land Acquisition and Management Council or its successor. Provides guidelines for use of less-than-fee-simple acquisition alternatives for state land purchases. Clarifies redistribution of unspent Preservation 2000 funds. Creates the Florida 2020 Act, provides for the distribution procedures of the Florida 2020 bond proceeds, and specifies uses of the bond proceeds. Specifies criteria to be used to select projects for the Florida 2020 Program. Specifies that Florida 2020 bond proceeds may be deposited into the Ecosystem Management and Restoration Trust Fund for use in financing Surface Water Improvement and Management projects, eligible through selection through the Florida 2020 Program process. Provides that Florida 2020 bond proceeds may be spent to acquire water management district lands, but that management and related activities must be funded with documentary stamp tax revenues legislatively appropriated to the Water Management Lands Trust Fund. Provides limitations on expenditures of revenues from the sale of water management district lands acquired with Florida 2020 proceeds. Provides that Florida 2020 bond proceeds shall be available to fund those Florida Recreational Development and Assistance Program projects that have been selected through the Florida 2020 Program process and directs the Department of Environmental Protection and the Florida Communities Trust to assist qualified counties and municipalities in obtaining grants. Provides eligibility for the Florida Communities Trust Program to receive Florida 2020 bond proceeds. Creates the Florida 2020 Study Commission and specifies membership, duties, and responsibilities of the commission. (See bill for details.)