

By Representatives Safley, Constantine, K. Pruitt,
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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 Conservation and
30 Recreation Lands Trust Fund shall be source of
31 fund to pay management costs and

1 payment-in-lieu-of-taxes for the Florida 2020
2 program; deleting obsolete language throughout
3 section; creating s. 259.034, F.S.; creating
4 the Land Acquisition and Management Advisory
5 Commission; specifying membership and duties of
6 the commission; requiring the commission to
7 develop an acquisition list; requiring a plan
8 of 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 less-than-fee
23 simple land acquisition alternatives; amending
24 s. 259.101, F.S.; clarifying redistribution of
25 certain unspent P2000 funds; creating s.
26 259.105, F.S.; creating the Florida 2020 Act;
27 providing legislative findings and intent;
28 providing for disposition of bond proceeds
29 issued pursuant to the act; specifying uses of
30 the bond proceeds; specifying criteria to be
31 used to select projects for the program;

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

1 Communities Trust to assist qualified counties
2 and municipalities to obtain certain grants;
3 amending s. 380.507, F.S.; providing for the
4 Florida Communities Trust program eligibility
5 to receive Florida 2020 bond proceeds;
6 providing procedures; amending s. 380.510,
7 F.S.; including the Florida 2020 Trust Fund
8 moneys as subject to conditions of grants and
9 loans made by the Florida Communities Trust;
10 creating the Florida 2020 Study Commission;
11 specifying membership, duties, and
12 responsibilities; requiring a report of
13 findings and recommendations to the Governor,
14 the President of the Senate, the Speaker of the
15 House of Representatives and certain
16 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
31

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.

31

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:

31

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
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
17 other-than-fee-simple; a management policy statement for the
18 project; a management prospectus pursuant to s. 259.032(9)(b);
19 an estimate of land value based on county tax assessed values;
20 a map delineating project boundaries; a brief description of
21 the important natural and cultural resources to be protected
22 and 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
13 which has entered into a written agreement with the division
14 to 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 which 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 for 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 the 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 non-educational 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 which 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, non-profit organizations, 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 use of community volunteers to
20 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 re-arrange 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 tax
19 exempt pursuant to s. 501(c)(3) of the United States Internal
20 Revenue Code, sells land to the state, such land at the time
21 of such sale shall be deemed to meet three or more of the
22 criteria listed in paragraph (a) if such land meets three or
23 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 which 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 the
20 price of lands sold as surplus to a local government shall not
21 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 which held title to the land, for the
8 acquisition of new lands which 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,
23 for 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 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,
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, and
26 persons with substantial expertise representing environmental
27 interests; agricultural and silvicultural interests; outdoor
28 recreational interests; and land development interests. Each
29 appointing authority shall consider gender and racial balance
30 in addition to particular expertise when making appointments.
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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 the
6 nomination with any entity whose interests could be affected
7 by recommendations of the commission, shall be appointed.

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

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

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

19 (2) The Florida 2020 Study Commission shall:

20 (a) Develop recommendations on the:

21 1. Relative priority of each funding category listed
22 in s. 259.105(5), Florida Statutes.

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

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

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1 4. Projects on acquisition lists currently funded
2 through the Preservation 2000 program that, in the likelihood
3 they are not bought before the expiration of that program,
4 should be considered for inclusion in the 5 year plans to be
5 developed 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 achieved or appears to be
15 achieving its statutory goals and objections; and the extent
16 of Florida's unmet needs for restoration and management of
17 public lands and water areas and the 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 contingent on
29 passage of a constitutional amendment authorizing bonding
30 authority for the Florida 2020 program.

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HOUSE 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 facilitates restoration of the Everglades. Specifies that the Conservation and Recreation Lands Trust Fund shall be source of fund 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 to obtain 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.