

By the Committee on Environmental Protection and
 Representatives Safley, Constantine, K. Pruitt, Sembler,
 Saunders, Carlton, Eggelletion, Chestnut, Warner, Gay, Murman,
 Crow and Culp

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

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

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

19

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

21

22 Section 1. Paragraph (b) of subsection (1) of section
23 201.15, Florida Statutes, is amended to read:

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

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

31

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

19 Section 2. Section 201.155, Florida Statutes, is
20 created to read:

21 201.155 Distribution of taxes for Florida 2020 Trust
22 Fund.--Subject to the maximum amount of limitations set forth
23 in this section, an amount as shall be necessary to pay the
24 debt service on, or fund debt service reserve funds, rebate
25 obligations, or other amounts with respect to bonds issued
26 pursuant to s. 259.02 and payable from moneys transferred to
27 the Florida 2020 Trust Fund pursuant to this section, shall be
28 paid into the State Treasury to the credit of the Florida 2020
29 Trust Fund to be used for such purposes. The annual amount
30 transferred to the Florida 2020 Trust Fund shall not exceed
31 \$30 million per authorized bond series. No individual series

1 of bonds may be issued pursuant to this paragraph unless the
2 first year's debt service for such bonds is specifically
3 appropriated in the General Appropriations Act.

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

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

8 (1) This section may be cited as the "Florida Year
9 2020 Higher Education Facilities Program."

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

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

27 (4) The 3-year priority lists required in s.
28 235.435(4)(a) shall include facilities to be financed by funds
29 from the Florida 2020 Trust Fund as well as those facilities
30 financed from funds in the Public Education Capital Outlay
31

1 Debt Service Trust Fund. The fund source of each project
2 shall be identified in these lists.

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

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

12 Section 4. Section 259.02, Florida Statutes is amended
13 to read:

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

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

29 (2) Two billion dollars to be deposited into the
30 Florida 2020 Trust Fund for the acquisition of lands and
31 related interests, the construction of classrooms and related

1 facilities, and the development of telecommunication
2 infrastructure, for institutions of higher learning in the
3 state, pursuant to s. 235.45~~\$200 million for state capital~~
4 ~~projects for environmentally endangered lands and \$40 million~~
5 ~~for state capital projects for outdoor recreation lands is~~
6 ~~hereby authorized, subject to the provisions of ss.~~
7 ~~259.01-259.06.~~

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

10 Section 5. Section 259.021, Florida Statutes is
11 created to read:

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

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

3 Section 6. Section 259.03, Florida Statutes, is
4 amended to read:

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

9 (1) "Advisory council" means that council established
10 pursuant to s. 259.035.

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

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

21 (2)(4) "Board" means the Governor and Cabinet, as the
22 Board of Trustees of the Internal Improvement Trust Fund.

23 (3)(5) "Division" means the Division of Bond Finance
24 of the State Board of Administration.

25 Section 7. Subsections (1), (2), (3), (7), (8), (9),
26 (10), (11), (12), (15), and (16) of section 259.032, Florida
27 Statutes, are amended to read:

28 259.032 Conservation and Recreation Lands Trust Fund;
29 purpose.--

30 (1) It is the policy of the state that the citizens of
31 this state shall be assured public ownership of natural areas

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

27 (2)(a) The Conservation and Recreation Lands Trust
28 Fund is established within the Department of Environmental
29 Protection. The fund shall be used as a nonlapsing, revolving
30 fund exclusively for the purposes of this section. The fund
31

1 shall be credited with proceeds from the following excise
2 taxes:

3 1. The excise taxes on documents as provided in s.
4 201.15; and

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

7

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

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

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

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

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

14 (c) To conserve and protect native species habitat or
15 endangered or threatened species;

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

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

25 (f) To facilitate the restoration and subsequent
26 health and vitality of the Florida Everglades;

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

31

1 (h)~~(f)~~ To preserve significant archaeological or
2 historic sites; or

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

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

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

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

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

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

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

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

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

31

1 (b)1. Concurrent with its adoption of the annual
2 Conservation and Recreational Lands list of acquisition
3 projects pursuant to s. 259.035, the board of trustees shall
4 adopt a management prospectus for each project. The management
5 prospectus shall delineate: the management goals for the
6 property; the conditions that will affect the intensity of
7 management; an estimate of the revenue-generating potential of
8 the property, if appropriate; a timetable for implementing the
9 various stages of management and for providing access to the
10 public, if applicable; provisions for protecting existing
11 infrastructure and for ensuring the security of the project
12 upon acquisition; the anticipated costs of management and
13 projected sources of revenue, including legislative
14 appropriations, to fund management needs; recommendations as
15 to how many employees will be needed to manage the property;
16 and recommendations as to whether local governments, volunteer
17 groups, the former landowner, or other interested parties can
18 be involved in the management.

19 2. Concurrent with the approval of the acquisition
20 contract pursuant to s. 259.041(3)(c) for any interest in
21 lands, the board of trustees shall designate an agency or
22 agencies to manage such lands and shall evaluate and amend, as
23 appropriate, the management policy statement for the project
24 as provided by s. 259.035, consistent with the purposes for
25 which the lands are acquired. For any fee simple acquisition
26 of a parcel which is or will be leased back for agricultural
27 purposes, or any acquisition of a less-than-fee interest in
28 land that is or will be used for agricultural purposes, the
29 Board of Trustees of the Internal Improvement Trust Fund shall
30 first consider having a soil and water conservation district,
31

1 created pursuant to chapter 582, manage and monitor such
2 interests.

3 3. State agencies designated to manage lands acquired
4 under this chapter may contract with local governments and
5 soil and water conservation districts to assist in management
6 activities, including the responsibility of being the lead
7 land manager. Such land management contracts may include a
8 provision for the transfer of management funding to the local
9 government or soil and water conservation district from the
10 Conservation and Recreation Lands Trust Fund in an amount
11 adequate for the local government or soil and water
12 conservation district to perform its contractual land
13 management responsibilities and proportionate to its
14 responsibilities, and which otherwise would have been expended
15 by the state agency to manage the property.

16 4. Immediately following the acquisition of any
17 interest in lands under this chapter, the Department of
18 Environmental Protection, acting on behalf of the board of
19 trustees, may issue to the lead managing entity an interim
20 assignment letter to be effective until the execution of a
21 formal lease.

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

30 (b) Beginning in fiscal year 1998-1999, individual
31 management plans required by s. 253.034(5)(4) shall be

1 developed with input from an advisory group. Members of this
2 advisory group shall include, at a minimum, representatives of
3 the lead land managing agency, comanaging entities, local
4 private property owners, the appropriate soil and water
5 conservation district, a local conservation organization, and
6 a local elected official. The advisory group shall conduct at
7 least one public hearing within the county in which the parcel
8 or project is located. Notice of such public hearing shall be
9 posted on the parcel or project designated for management,
10 advertised in a paper of general circulation, and announced at
11 a scheduled meeting of the local governing body before the
12 actual public hearing. The management prospectus required
13 pursuant to paragraph (9)(b) shall be available to the public
14 for a period of 30 days prior to the public hearing.

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

30 (d) For each project for which lands are acquired
31 after July 1, 1995, an individual management plan shall be

1 adopted and in place no later than 1 year after the essential
2 parcel or parcels identified in the annual Conservation and
3 Recreation Lands report prepared pursuant to s. 259.035(2)(a)
4 have been acquired. Beginning in fiscal year 1998-1999, the
5 Department of Environmental Protection shall distribute only
6 75 percent of the acquisition funds to which a budget entity
7 or water management district would otherwise be entitled from
8 the Preservation 2000 Trust Fund to any budget entity or any
9 water management district that has more than one-third of its
10 management plans overdue.

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

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

17 2. Key management activities necessary to preserve and
18 protect natural resources and restore habitat, and for
19 controlling the spread of non-native plants and animals, and
20 for prescribed fire and other appropriate resource management
21 activities.

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

25 4. A priority schedule for conducting management
26 activities, based on the purposes for which the lands were
27 acquired in fee simple and under which public access shall be
28 given special emphasis where appropriate.

29 5. A cost estimate for conducting priority management
30 activities, to include recommendations for cost-effective
31 methods of accomplishing those activities.

1 6. A cost estimate for conducting other management
2 activities which would enhance the natural resource value or
3 public recreation value for which the lands were acquired. The
4 cost estimate shall include recommendations for cost-effective
5 methods of accomplishing those activities.

6 7. A determination of the public uses that would be
7 consistent with the purposes for which the lands were
8 acquired.

9 (f)~~(b)~~ The Division of State Lands shall submit a copy
10 of each individual management plan for parcels which exceed
11 160 acres in size to each member of the Land Acquisition and
12 Management Advisory Council or its successor, which shall:-

13 1. ~~The council shall,~~ Within 60 days after receiving a
14 plan from the division, review each plan for compliance with
15 the requirements of this subsection and with the requirements
16 of the rules established by the board pursuant to this
17 subsection.

18 2. ~~The council shall also~~ Consider the propriety of
19 the recommendations of the managing agency with regard to the
20 future use or protection of the property.

21 3. After its review, ~~the council shall~~ submit the
22 plan, along with its recommendations and comments, to the
23 board of trustees, with the options to. ~~The council shall~~
24 ~~specifically~~ recommend to the board of trustees whether to
25 approve the plan as submitted, approve the plan with
26 modifications, or reject the plan.

27 (g)~~(c)~~ The board of trustees shall consider the
28 individual management plan submitted by each state agency and
29 the recommendations of the Land Acquisition and Management
30 Advisory Council or its successor and the Division of State
31 Lands and shall approve the plan with or without modification

1 or reject such plan. The use or possession of any lands owned
2 by the board of trustees which is not in accordance with an
3 approved individual management plan is subject to termination
4 by the board of trustees.

5
6 By July 1 of each year, each governmental agency, including
7 the water management districts, and each private entity
8 designated to manage lands shall report to the Secretary of
9 Environmental Protection on the progress of funding, staffing,
10 and resource management of every project for which the agency
11 or entity is responsible.

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

23 (b) An amount up to 1.5 percent of the cumulative
24 total of funds ever deposited into the Florida Preservation
25 2000 Trust Fund, and the Florida 2020 Trust Fund for the
26 purposes provided in s. 259.02(1), shall be made available for
27 the purposes of management, maintenance, and capital
28 improvements, and for associated contractual services, for
29 lands acquired pursuant to this section, ~~and~~ s. 259.101 and s.
30 259.105 to which title is vested in the board of trustees.
31 Each agency with management responsibilities shall annually

1 request from the Legislature funds sufficient to fulfill such
2 responsibilities. Capital improvements shall include, but
3 need not be limited to, perimeter fencing, signs, firelanes,
4 access roads and trails, and minimal public accommodations,
5 such as primitive campsites, garbage receptacles, and toilets.

6 (c) In requesting funds provided for in paragraph (b)
7 for long-term management of all acquisitions pursuant to this
8 chapter and for associated contractual services, the managing
9 agencies shall recognize the following categories of land
10 management needs:

11 1. Lands which are low-need tracts, requiring basic
12 resource management and protection, such as state reserves,
13 state preserves, state forests, and wildlife management areas.
14 These lands generally are open to the public but have no more
15 than minimum facilities development.

16 2. Lands which are moderate-need tracts, requiring
17 more than basic resource management and protection, such as
18 state parks and state recreation areas. These lands generally
19 have extra restoration or protection needs, higher
20 concentrations of public use, or more highly developed
21 facilities.

22 3. Lands which are high-need tracts, with identified
23 needs requiring unique site-specific resource management and
24 protection. These lands generally are sites with historic
25 significance, unique natural features, or very high intensity
26 public use, or sites that require extra funds to stabilize or
27 protect resources, such as lands with heavy infestations of
28 non-native, invasive plants.

29
30 In evaluating the management funding needs of lands based on
31 the above categories, the lead land managing agencies shall

1 include in their considerations the impacts of, and needs
2 created or addressed by, multiple-use management strategies.

3 (d) All revenues generated through multiple-use
4 management shall be returned to the agency responsible for
5 such management and shall be used to pay for management
6 activities on all conservation, preservation, and recreation
7 lands under the agency's jurisdiction. In addition, such
8 revenues shall be segregated in an agency trust fund and shall
9 remain available to the agency in subsequent fiscal years to
10 support land management appropriations.

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

24 (f) The department shall set long-range and annual
25 goals for the control and removal of nonnative, upland,
26 invasive plant species on public lands. Such goals shall
27 differentiate between aquatic plant species and upland plant
28 species. In setting such goals, the department may rank, in
29 order of adverse impact, species which impede or destroy the
30 functioning of natural systems. Notwithstanding paragraph (a),
31 up to one-fourth of the funds provided for in paragraph (b)

1 shall be reserved for control and removal of nonnative,
2 upland, invasive species on public lands.

3 (12)(a) Beginning in fiscal year 1994-1995, not more
4 than 3.75 percent of the Conservation and Recreation Lands
5 Trust Fund shall be made available annually to the department
6 for payment in lieu of taxes to qualifying counties, cities,
7 and local governments as defined in paragraph (b) for all
8 actual tax losses incurred as a result of board of trustees
9 acquisitions for state agencies under the Florida Preservation
10 2000 Program and the Florida 2020 Program during any year.
11 Reserved funds not used for payments in lieu of taxes in any
12 year shall revert to the fund to be used for land acquisition
13 in accordance with the provisions of this section.

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

15 1. To counties which levy an ad valorem tax of at
16 least 8.0 ~~8.25~~ mills or the amount of the tax loss from all
17 completed Preservation 2000 or Florida 2020 acquisitions in
18 the county exceeds 0.01 percent of the county's total taxable
19 value, and have a population of 75,000 or less.

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

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

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

6 (c) Payment in lieu of taxes shall be available to any
7 city which has a population of 10,000 or less and which levies
8 an ad valorem tax of at least 8.0 ~~8.25~~ mills or the amount of
9 the tax loss from all completed Preservation 2000 or Florida
10 2020 acquisitions in the city exceeds 0.01 percent of the
11 city's total taxable value.

12 (d) If insufficient funds are available in any year to
13 make full payments to all qualifying counties, cities, and
14 local governments, such counties, cities, and local
15 governments shall receive a pro rata share of the moneys
16 available.

17 (e) The payment amount shall be based on the average
18 amount of actual taxes paid on the property for the 3 years
19 preceding acquisition. Applications for payment in lieu of
20 taxes shall be made no later than January 31 of the year
21 following acquisition. No payment in lieu of taxes shall be
22 made for properties which were exempt from ad valorem taxation
23 for the year immediately preceding acquisition. If property
24 which was subject to ad valorem taxation was acquired by a
25 tax-exempt entity for ultimate conveyance to the state under
26 this chapter, payment in lieu of taxes shall be made for such
27 property based upon the average amount of taxes paid on the
28 property for the 3 years prior to its being removed from the
29 tax rolls. The department shall certify to the Department of
30 Revenue those properties that may be eligible under this
31 provision. Payment in lieu of taxes shall be limited to a

1 total of 10 consecutive years of annual payments, beginning
2 the year a local government becomes eligible.

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

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

16 (15)(a) At the time an entity identifies a property as
17 a possible acquisition project or part of a possible
18 acquisition project, such entity shall notify the property
19 owner by certified mail. The property owner may request the
20 removal of such property from further consideration by
21 submitting a request to such entity by certified mail.~~For~~
22 ~~fiscal year 1997-1998 only, moneys credited to the fund may be~~
23 ~~appropriated to provide grants to qualified local governmental~~
24 ~~entities pursuant to the provisions of s. 375.075. This~~
25 ~~subsection is repealed on July 1, 1998.~~

26 (b)(16) Within 180 days after receiving a certified
27 letter from the owner of a property on the Conservation and
28 Recreation Lands list objecting to the property being included
29 in an acquisition project, where such property is a project or
30 part of a project which has not been listed for purchase in
31 the current year's land acquisition work plan, the board of

1 trustees shall delete the property from the list or from the
2 boundary of an acquisition project on the list.

3 Section 8. Section 259.034, Florida Statutes, is
4 created to read:

5 259.034 Florida Lands Commission.--

6 (1) There is created, effective July 1, 2000, within
7 the Board of Trustees of the Internal Improvement Trust Fund a
8 Florida Lands Commission. The commission shall be comprised
9 of 7 residents of this state appointed by the Governor,
10 subject to confirmation by the Senate for staggered terms of 4
11 years. The commission shall include one member from within
12 the geographic boundaries of each water management district
13 who has resided in the district for at least 1 year, and two
14 others shall be selected from the state at large.

15 Additionally, one ad hoc nonvoting member shall be appointed
16 from each of the following: the secretary of the Department of
17 Environmental Protection, or the secretary's designee; the
18 executive director of the Florida Game and Fresh Water Fish
19 Commission, or the executive director's designee; the director
20 of the Division of Forestry of the Department of Agriculture
21 and Consumer Services, or the director's designee; the
22 director of the Division of Historical Resources of the
23 Department of State, or the director's designee, and the
24 secretary of the Department of Community Affairs, sitting as
25 chair of the governing body of the Florida Communities Trust,
26 or the secretary's designee. The Governor shall not appoint
27 any person who is or has been a lobbyist as defined in s.
28 112.3148 at any time during the 24 months preceding the
29 nomination with any entity whose interests could be affected
30 by actions or decisions of the council. The Governor shall
31 appoint the chair and the vice chair shall be elected from

1 among the membership. The Governor may at any time fill a
2 vacancy for the unexpired term. Members of the commission
3 shall be paid \$50 per day while engaged in the business of the
4 commission and shall receive expenses and per diem for travel,
5 including attendance at meetings, as are allowed state
6 officers and employees while in the performance of their
7 duties, pursuant to s. 112.061.

8 (a) Immediately upon being appointed, the commission
9 may employ an executive director who shall be appointed by the
10 commission and confirmed by the board of trustees. The
11 commission may also employ other staff as necessary to perform
12 its duties.

13 (b) The commission shall develop a budget pursuant to
14 chapter 216. The budget shall be transmitted to the Board of
15 Trustees of the Internal Improvement Trust Fund as head of the
16 commission for submission to the Governor in the exercise of
17 his or her constitutional duties.

18 (c) On a date set by law, the duties, powers, and
19 responsibilities of the Land Acquisition and Management
20 Advisory Council, established pursuant to s. 259.035, F.S.,
21 shall be assumed by the commission, and the provisions of law
22 authorizing the advisory council shall be repealed.

23 (2) Beginning January 1, 2001, and every year
24 thereafter, the commission shall accept applications from
25 state agencies, local governments, nonprofit and for-profit
26 organizations, private land trusts, and individuals for
27 project proposals.

28 (3) In rating potential projects for inclusion on
29 project list for the 5-year plan, the commission shall give
30 significant weight to the criteria listed in s. 259.105(6).
31 Other factors the commission may consider include, but are not

1 limited to, the expertise of the agency or other applicant in
2 acquiring, managing, or restoring the type of project planned;
3 the length of time the applicant estimates it will take to
4 close on the project, if an acquisition, or to complete the
5 restoration activities, if a restoration project; for those
6 projects in which public access is a component, the projected
7 timetable for the project becoming available to the public;
8 and the net environmental benefit the project has on the
9 surrounding ecosystem.

10 (4) An affirmative vote of four members of the
11 commission shall be required in order to place a proposed
12 project on a list.

13 (5) The commission shall, by the time of the first
14 board meeting in December of each year, establish or update a
15 five-year plan of restoration, acquisition, and capital
16 improvement projects within the specific categories pursuant
17 to s. 259.105(5). The commission shall recommend its list of
18 projects to the Board of Trustees of the Internal Improvement
19 Trust Fund. The board of trustees, by its first meeting in
20 February of each year, shall vote on the list. The board of
21 trustees may remove projects but may not add new projects or
22 change a project's ranking.

23 (6) The commission shall submit to the board of
24 trustees, with its list of projects, a report that includes,
25 but shall not be limited to, the following information for
26 each project listed: the stated purpose for restoring,
27 acquiring, or improving the project area; projected costs to
28 achieve the project goals; an interim management budget; an
29 identification of the essential parcel or parcels within the
30 project without which the project cannot be properly managed;
31 an identification of those projects or parcels within projects

1 which should be acquired in fee simple or in
2 other-than-fee-simple; a management policy statement for the
3 project; a management prospectus pursuant to s. 259.032(9)(b);
4 an estimate of land value based on county tax assessed values;
5 a map delineating project boundaries; a brief description of
6 the important natural and cultural resources to be protected
7 and recreational opportunities to be provided; a preliminary
8 statement of the extent and nature of public use; a discussion
9 of whether alternative uses are proposed for the property and
10 what those uses are; and a designation of the management
11 agency or agencies.

12 (7) All proposals for projects pursuant to this
13 chapter shall be implemented only if adopted by the
14 commission. The commission shall consider and evaluate in
15 writing the merits and demerits of each project that is
16 proposed for Florida 2020 funding and shall ensure that each
17 proposed project will meet a stated public purpose for the
18 restoration, conservation, or preservation of environmentally
19 sensitive lands and water areas or for providing outdoor
20 recreational opportunities. The commission also shall
21 determine if the project conforms, where applicable, with the
22 comprehensive plan developed pursuant to s. 259.04(1)(a), the
23 comprehensive outdoor recreation and conservation plan
24 developed pursuant to s. 375.021, the state lands management
25 plan adopted pursuant to s. 253.03(7), and the Florida 2020
26 Act adopted pursuant to 259.105. Copies of a written report
27 describing each project proposed for acquisition shall be
28 submitted to the board of trustees. The commission shall
29 consider and include in each project description its
30 assessment of a project's ecological value, outdoor
31 recreational value, vulnerability, endangerment, ownership

1 pattern, utilization, location, cost, and other pertinent
2 factors, as determined by the commission, as to whether to
3 recommend a project for state purchase.

4 (8) Additionally, the commission shall provide
5 assistance to the Board of Trustees of the Internal
6 Improvement Trust Fund in reviewing the recommendations and
7 plans for state-owned lands required by s. 253.034. The
8 commission shall, in reviewing the recommendations and plans
9 for state-owned lands required by s. 253.034, consider the
10 optimization of multiple-use and conservation strategies to
11 accomplish the provisions of s. 253.034. However, no
12 multiple-use activity shall be allowed if such use would have
13 the effect of causing all or any portion of the interest on
14 any revenue bonds issued to finance the Florida 2020 Program
15 to lose the exclusion from gross income for federal income tax
16 purposes.

17 (9) The commission may adopt rules to implement the
18 following powers, duties, and responsibilities: solicitation
19 of Florida 2020 project proposals; scoring, selection, and
20 ranking of Florida 2020 project proposals; development and
21 annual reevaluation of the 5-year plan; process of reviewing
22 and recommending for approval or rejection the land management
23 plans associated with publicly owned properties; and selection
24 and employment of the executive director and other staff.

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

27 259.04 Board; powers and duties.--

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

30 (a) The board is given the responsibility, authority,
31 and power to develop and execute a comprehensive, statewide

1 5-year plan to conserve, restore, and protect environmentally
2 endangered lands, ecosystems, lands necessary for outdoor
3 recreational needs, and other lands as identified in ss.
4 259.032, ~~and~~ 259.101, and 259.105. This plan shall be kept
5 current through continual reevaluation and revision. The
6 advisory council or its successor shall assist the board in
7 the development, reevaluation, and revision of the plan.
8 (b) The board may enter into contracts with the
9 government of the United States or any agency or
10 instrumentality thereof; the state or any county,
11 municipality, district authority, or political subdivision; or
12 any private corporation, partnership, association, or person
13 providing for or relating to the conservation or protection of
14 certain lands in accomplishing the purposes of this chapter
15 ~~ss. 259.01-259.06~~.
16 (c) Within 45 days after the advisory council or its
17 successor submits either list of acquisition projects to the
18 board, the board shall approve, in whole or in part, the list
19 of acquisition projects in the order of priority in which such
20 projects are presented. To the greatest extent practicable,
21 projects on the list shall be acquired in their approved order
22 of priority.
23 (d) The board is authorized to acquire, by purchase,
24 gift, or devise or otherwise, the fee title or any lesser
25 interest of lands, water areas, and related resources
26 sufficient to meet the purposes specified in s. 259.03(2) for
27 environmentally endangered lands.
28 (2) For state capital projects for outdoor recreation
29 lands, the provisions of chapter 375 and s. 253.025 shall also
30 apply.
31

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

7 259.041 Acquisition of state-owned lands for
8 preservation, conservation, and recreation purposes.--

9 (1) Neither the Board of Trustees of the Internal
10 Improvement Trust Fund nor its duly authorized agent shall
11 commit the state, through any instrument of negotiated
12 contract or agreement for purchase, to the purchase of lands
13 with or without appurtenances unless the provisions of this
14 section have been fully complied with. However, the board of
15 trustees may waive any requirement of this section, except the
16 requirements of subsections (3), ~~(13)~~, and (14), and (15); or,
17 notwithstanding chapter 120, may waive any rules adopted
18 pursuant to this section, except rules adopted pursuant to
19 subsections (3), ~~(13)~~, and (14), and (15); or may substitute
20 other reasonably prudent procedures, provided the public's
21 interest is reasonably protected. The title to lands acquired
22 pursuant to this section shall vest in the board of trustees
23 as provided in s. 253.03(1), unless otherwise provided by law.
24 All such lands, title to which is vested in the board of
25 trustees pursuant to this section, shall be administered
26 pursuant to the provisions of s. 253.03.

27 (3) No agreement to acquire real property for the
28 purposes described in this chapter, chapter 260, or chapter
29 375, title to which will vest in the board of trustees, may
30 bind the state unless and until the agreement has been
31 reviewed and approved by the Department of Environmental

1 Protection as complying with the requirements of this section
2 and any rules adopted pursuant to this section. ~~However,~~
3 ~~review and approval of agreements for acquisitions for Florida~~
4 ~~Greenways and Trails Program properties pursuant to chapter~~
5 ~~260 may be waived by the department in any contract with~~
6 ~~nonprofit corporations who have agreed to assist the~~
7 ~~department with this program.~~ Where any of the following
8 conditions exist, the agreement shall be submitted to and
9 approved by the board of trustees:

10 (a) The purchase price agreed to by the seller exceeds
11 the value as established pursuant to the rules of the board of
12 trustees;

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

15 (c) The acquisition is the initial purchase in a
16 project; or

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

22

23 Where approval of the board of trustees is required pursuant
24 to this subsection, the acquiring agency must provide a
25 justification as to why it is in the public's interest to
26 acquire the parcel or project. Approval of the board of
27 trustees also is required for projects the department
28 recommends acquiring pursuant to subsections (14) ~~(13)~~ and
29 (15) ~~(14)~~. Review and approval of agreements for acquisitions
30 for Florida Greenways and Trails Program properties pursuant
31 to chapter 260 may be waived by the department in any contract

1 with nonprofit corporations who have agreed to assist the
2 department with this program.

3 (7) Prior to approval by the board of trustees or,
4 when applicable, the Department of Environmental Protection,
5 of any agreement to purchase land pursuant to this chapter,
6 chapter 260, or chapter 375, and prior to negotiations with
7 the parcel owner to purchase any other land, title to which
8 will vest in the board of trustees, an appraisal of the parcel
9 shall be required as follows:

10 (e) Generally, appraisal reports are confidential and
11 exempt from the provisions of s. 119.07(1), for use by the
12 agency and the board of trustees, until an option contract is
13 executed or, if no option contract is executed, until 2 weeks
14 before a contract or agreement for purchase is considered for
15 approval by the board of trustees. However, the department has
16 the authority, at its discretion, to disclose appraisal
17 reports to private landowners during negotiations for
18 acquisitions using alternatives to fee simple techniques, if
19 the department determines that disclosure of such reports will
20 bring the proposed acquisition to closure. The Division of
21 State Lands may also disclose appraisal information to public
22 agencies or nonprofit organizations that agree to maintain the
23 confidentiality of the reports or information when joint
24 acquisition of property is contemplated, or when a public
25 agency or nonprofit organization enters into a written
26 agreement with the division to purchase and hold property for
27 subsequent resale to the division. The division also shall
28 require each nonprofit organization or private land trust
29 which has entered into a written agreement with the division
30 to acquire lands to disclose all costs incurred, income and
31 profits earned, and participation in third-party agreements

1 associated with specific purchases.In addition, the division
2 may use, as its own, appraisals obtained by a public agency or
3 nonprofit organization, provided the appraiser is selected
4 from the division's list of appraisers and the appraisal is
5 reviewed and approved by the division. For the purposes of
6 this chapter, "nonprofit organization" means an organization
7 whose purposes include ~~purpose is~~ the preservation of natural
8 resources, and which is exempt from federal income tax under
9 s. 501(c)(3) of the Internal Revenue Code. The agency may
10 release an appraisal report when the passage of time has
11 rendered the conclusions of value in the report invalid or
12 when the acquiring agency has terminated negotiations.

13
14 Notwithstanding the provisions of this subsection, on behalf
15 of the board and before the appraisal of parcels approved for
16 purchase under this chapter, the Secretary of Environmental
17 Protection or the director of the Division of State Lands may
18 enter into option contracts to buy such parcels. Any such
19 option contract shall state that the final purchase price is
20 subject to approval by the board or, when applicable, the
21 secretary and that the final purchase price may not exceed the
22 maximum offer allowed by law. The consideration for such an
23 option may not exceed \$1,000 or 0.01 percent of the estimate
24 by the department of the value of the parcel, whichever amount
25 is greater.

26 (11)(a) The Legislature finds that, with the
27 increasing pressures on the natural areas of this state, and
28 upon space suitable for recreational use, the state must
29 develop creative techniques to maximize the use of acquisition
30 and management funds. The Legislature also finds that the
31 state's conservation and recreational land-buying agencies

1 should be encouraged to augment their traditional, fee simple
2 acquisition programs with the use of alternatives to fee
3 simple acquisition techniques. Additionally, the Legislature
4 finds that generations of private landowners have been good
5 stewards of their land, protecting or restoring native
6 habitats and ecosystems to the benefit of the natural
7 resources of this state, its heritage, and its citizens
8 without compensation or encouragement from the government.
9 The Legislature also finds that using alternatives to fee
10 simple acquisition by public land-buying agencies will achieve
11 the following public policy goals:

12 1. Allow more lands to be brought under public
13 protection for preservation, conservation, and recreational
14 purposes at less expense using public funds.

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

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

20
21 Therefore, it is the intent of the Legislature that public
22 land-buying agencies develop programs to pursue alternatives
23 to fee simple acquisition and to educate private landowners
24 about such alternatives and the benefits of such alternatives.

25 It also is the intent of the Legislature that the department
26 and the water management districts spend a portion of their
27 shares of land Preservation 2000 and Florida 2020 bond
28 proceeds to purchase eligible properties using alternatives to
29 fee simple acquisition.

30 (b) The state agencies and the water management
31 districts shall identify, within their acquisition plans,

1 those projects which require a full fee simple interest to
2 achieve the public policy goals, together with the reasons why
3 full title is determined to be necessary. The state agencies
4 and the water management districts may use alternatives to fee
5 simple acquisition to bring the remaining projects in their
6 acquisition plans under public protection. For the purposes
7 of this subsection, the term "alternatives to fee simple
8 acquisition" includes, but is not limited to: purchase of
9 development rights; conservation easements; flowage easements;
10 purchase of timber rights, mineral rights, or hunting rights;
11 purchase of agricultural interests or silvicultural interests;
12 land protection agreements as defined in s. 380.0677(5); fee
13 simple acquisitions with reservations; life estates; or any
14 other acquisition technique which achieves the public policy
15 goals listed in paragraph (a). It is presumed that a private
16 landowner retains the full range of uses for all the rights or
17 interests in the landowner's land which are not specifically
18 acquired by the public agency. When developing and
19 implementing their acquisition plans, the state agencies and
20 water management districts may give preference to those
21 less-than-fee-simple acquisitions that provide any public
22 access. However, the Legislature also recognizes that public
23 access is not appropriate to fee simple techniques and that no
24 proposed less-than-fee acquisition shall be rejected simply
25 because public access would be limited.

26 (c) Beginning in fiscal year 1998-1999, the department
27 and each water management district shall implement initiatives
28 to use alternatives to fee simple acquisition and to educate
29 private landowners about such alternatives. These initiatives
30 shall include at least two acquisitions a year by the
31 department and each water management district utilizing

1 alternatives to fee simple. The department and the water
2 management districts may enter into joint acquisition
3 agreements to jointly fund the purchase of lands using
4 alternatives to fee simple techniques.

5 (d) The Legislature finds that the lack of direct
6 sales comparison information has served as an impediment to
7 successful implementation of alternatives to fee simple
8 acquisition. It is the intent of the Legislature that, in the
9 absence of direct comparable sales information, appraisals of
10 alternatives to fee simple acquisitions be based on the
11 difference between the full fee simple valuation and the value
12 of the interests remaining with the seller after acquisition.

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

17 (15)(14) The board of trustees, by an affirmative vote
18 of five members, may direct the department to purchase lands
19 on an immediate basis using up to 15 percent of the funds
20 allocated to the department pursuant to s. 259.101(3)(a) for
21 the acquisition of lands that:

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

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

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

1
2 For such acquisitions, the board of trustees may waive or
3 modify all procedures required for land acquisition pursuant
4 to this chapter and all competitive bid procedures required
5 pursuant to chapters 255 and 287. Lands acquired pursuant to
6 this subsection must, at the time of purchase, be on one of
7 the acquisition lists established pursuant to this chapter, be
8 essential for water resource protection or restoration, or a
9 significant portion of the lands must contain natural
10 communities or plant or animal species which are listed by the
11 Florida Natural Areas Inventory as critically imperiled,
12 imperiled, or rare, or as excellent quality occurrences of
13 natural communities.

14 Section 11. Paragraph (f) of subsection (9) of section
15 259.101, Florida Statutes, is amended to read:

16 259.101 Florida Preservation 2000 Act.--
17 (9)

18 (f)1. Pursuant to subsection (3) and beginning in
19 fiscal year 1998-1999, that portion of the unencumbered
20 balances of each program described in paragraphs (3)(c), (d),
21 (e), (f), and (g) which has been on deposit in such program's
22 Preservation 2000 account for more than two fiscal years shall
23 be redistributed equally to the ~~Conservation and Recreation~~
24 ~~Lands Trust Fund and the Water Management Lands Trust Fund~~
25 Department of Environmental Protection, the Division of State
26 Lands P2000 subaccount for the purchase of state lands as
27 described in s. 259.032, and to the Water Management District
28 P2000 subaccount for the purchase of water management district
29 lands pursuant to ss. 373.59, 373.456, and 373.4592. For the
30 purposes of this subsection, the term "unencumbered balances"
31 means the portion of Preservation 2000 bond proceeds which is

1 not obligated through the signing of a purchase contract
2 between a public agency and a private landowner, except that
3 the program described in paragraph (3)(c) may not lose any
4 portion of its unencumbered funds which remain unobligated
5 because of extraordinary circumstances that hampered the
6 affected local governments' abilities to close on land
7 acquisition projects approved through the Florida Communities
8 Trust program. Extraordinary circumstances shall be
9 determined by the Florida Communities Trust governing body and
10 may include such things as death or bankruptcy of the owner of
11 property; a change in the land use designation of the
12 property; natural disasters that affected a local government's
13 ability to consummate the sales contract on such property; or
14 any other condition that the Florida Communities Trust
15 governing board determined to be extraordinary. The portion of
16 the funds redistributed ~~deposited~~ in the Water Management
17 District P2000 subaccount ~~Water Management Lands Trust Fund~~
18 shall be distributed to the water management districts as
19 provided in s. 373.59(8) ~~(7)~~.

20 2. The department and the water management districts
21 may enter into joint acquisition agreements to jointly fund
22 the purchase of lands using alternatives to fee simple
23 techniques.

24 Section 12. Section 259.105, Florida Statutes is
25 created to read:

26 259.105 The Florida 2020 Act.--

27 (1) This section may be cited as the "Florida 2020
28 Act."

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

30 1. The alteration and development of Florida's natural
31 areas to accommodate its rapidly growing population have

1 contributed to the degradation of water resources, the
2 fragmentation and destruction of wildlife habitats, the loss
3 of outdoor recreation space, and the diminishment of wetlands,
4 forests, and public beaches.

5 2. The potential development of Florida's remaining
6 natural areas and escalation of land values require a
7 continuation of government efforts to restore, bring under
8 public protection, or acquire lands and water areas to
9 preserve the state's invaluable quality of life.

10 3. Florida's groundwater, surface waters, and springs
11 are under tremendous pressure due to population growth and
12 economic expansion and require special protection and
13 restoration efforts. To ensure that sufficient quantities of
14 water are available to meet the current and future needs of
15 the natural systems, and assist in achieving the planning
16 goals of the department and the water management districts,
17 water resource development projects on public lands, where
18 compatible with the purposes for which the lands were
19 acquired, are appropriate.

20 4. The needs of urban Florida for high-quality outdoor
21 recreational opportunities, greenways, trails, and open space
22 have not been fully met by previous acquisition programs.
23 Through such programs as the Florida Communities Trust, the
24 state shall place additional emphasis on acquiring,
25 protecting, preserving, and restoring open space, greenways,
26 and recreation properties within urban areas where pristine
27 natural communities or water bodies no longer exist because of
28 their proximity to developed property.

29 5. Access to public lands to support a broad range of
30 outdoor recreational opportunities and the development of
31 necessary infrastructure, where compatible with the resource

1 values of and management objectives for such lands, promotes
2 an appreciation for Florida's natural assets and improves the
3 quality of life.

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

11 7. Multiple use of the lands being acquired by the
12 state pursuant to Florida 2020 and future purchases may be
13 allowed where compatible with the resource values of and
14 management objectives for such lands. As used in this act,
15 multiple use includes public recreation, water supply, water
16 resource development projects, and sustainable forestry
17 management, where appropriate. As provided in this act,
18 permissible water resource development and water supply
19 development projects may be allowed only under the following
20 conditions: the minimum flows and levels have been
21 established for those waters potentially affected by the
22 project; the project complies with all conditions for the
23 issuance of permits under part II of chapter 373; and the
24 project must be consistent with the regional water supply plan
25 of the respective water management districts.

26 (b) The Legislature recognizes that acquisition is
27 only one way to achieve the aforementioned goals, and
28 encourages the development of creative partnerships between
29 governmental agencies and private landowners. Land protection
30 agreements and similar tools should be used, where
31 appropriate, to bring environmentally sensitive tracts under

1 an acceptable level of protection at a lower financial cost to
2 the public, and to provide private landowners with the
3 opportunity to enjoy and benefit from their property.

4 (c) Public agencies or other entities that receive
5 funds under this act are encouraged to better coordinate their
6 expenditures so that project acquisitions, when combined with
7 acquisitions under the Preservation 2000, Save Our Rivers, the
8 Florida Communities Trust, and other public land acquisition
9 programs, will form more complete patterns of protection for
10 natural areas and functioning ecosystems, to better accomplish
11 the intent of the Florida 2020 Act.

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

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

25
26 As it has with previous land acquisition programs, the
27 Legislature recognizes the desires of the citizens of this
28 state to prosper through economic development and to preserve
29 the natural areas and recreational open space of Florida. The
30 Legislature further recognizes the urgency of restoring the
31 natural functions of public lands or water bodies before they

1 are degraded to a point where recovery may never occur, yet
2 acknowledges the difficulty of ensuring adequate funding for
3 restoration efforts in light of other equally critical
4 financial needs of the state. It is the Legislature's desire
5 and intent to fund the implementation of the Florida 2020 Act,
6 and to do so in a fiscally responsible manner, by issuing
7 bonds to be repaid with documentary stamp tax revenue.

8 (3) Less the costs of issuing, and the costs of
9 funding reserve accounts and other costs associated with
10 bonds, the proceeds of bonds issued pursuant to this act for
11 non-educational purposes shall be deposited into the Florida
12 2020 Trust Fund created by s. 259.1051. The proceeds shall be
13 distributed by the Department of Environmental Protection for
14 purposes consistent with s. 19, Art. VII of the State
15 Constitution, and in a manner to be prescribed by general law,
16 effective no later than July 1, 2000.

17 (4) Less the costs of issuing, and the costs of
18 funding reserve accounts and other costs associated with
19 bonds, the proceeds of bonds issued pursuant to this act for
20 post-secondary purposes also shall be deposited into the
21 Florida 2020 Trust Fund. The proceeds shall be distributed by
22 the Department of Education for purposes consistent with s.
23 19, Art. VII of the State Constitution, and in a manner to be
24 prescribed by general law, effective no later than July 1,
25 2000.

26 (5) The bond proceeds generated pursuant to subsection
27 (3) shall be used to:

28 (a) Restore lands or water areas to conditions that
29 improve their natural functions and attributes. Funds
30 distributed under this category may be used to implement
31 surface water improvement and management plans developed in

1 accordance with s. 373.456 and selected pursuant to this
2 section.
3 (b) Acquire lands or water areas, including inholdings
4 and additions to existing properties in public ownership, for
5 conservation or preservation purposes. To be eligible, these
6 lands should:
7 1. Have imperiled, critically imperiled, or rare
8 natural communities of native vegetation and wildlife, or have
9 excellent quality occurrences of natural communities;
10 2. Serve as habitat for endangered or threatened plant
11 or animal species;
12 3. Promote or protect significant groundwater
13 recharge;
14 4. Include regionally significant water bodies;
15 5. Have significant archeological or historical sites;
16 6. Serve to provide outdoor recreation;
17 7. Enhance or facilitate management of properties
18 already under public ownership; or
19 8. Complete the statewide system of greenways and
20 trails.
21
22 In selecting lands for acquisition under this category,
23 significant weight shall be given to proposed projects that
24 include attributes or natural resource values underrepresented
25 in the state's inventory of public lands. Additionally, funds
26 distributed under this category may be used to acquire lands
27 necessary to implement surface water improvement and
28 management plans prepared in accordance with s. 373.456 and
29 selected to receive Florida 2020 funds pursuant to this
30 section.
31

1 (c) Acquire lands for water resource development as
2 defined in s. 373.019(19), including water resource
3 development projects developed pursuant to s. 373.0361, and
4 for water supply development projects that meet the criteria
5 of s. 373.0831(4). However, the bond proceeds shall not be
6 used to finance the construction of wellfield or desalination
7 facilities or any activities or facilities included in the
8 term "water supply development" as defined in s. 373.019.

9 (d) Acquire lands for outdoor recreational purposes,
10 to include active and passive activities as described in s.
11 259.032(9)(a)2. An additional emphasis will be placed on
12 acquiring greenspace or greenways and trails for urban areas.

13 (e) Make capital improvements to land or water areas
14 that improve public access, develop recreational facilities,
15 or promote more efficient and effective management of such
16 areas.

17 (f) Restore and reclaim forestry lands to enhance and
18 ensure their continued value as ecosystems. Funds distributed
19 under this category may be used to implement reforestation
20 plans. Funds distributed under this category shall be used to
21 implement sustainable forestry management practices.

22
23 By July 1, 2000, the Legislature shall establish by general
24 law the percentage distributions of Florida 2020 funds for
25 each of the above categories, after consideration of the
26 recommendations of the Florida 2020 Study Commission.

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

30 1. A significant portion of the land in the project is
31 in imminent danger of development, in imminent danger of

1 losing its significant natural attributes or recreational open
2 space, or in imminent danger of subdivision which will result
3 in multiple ownership and make acquisition of the project more
4 costly or less likely to be accomplished.

5 2. Compelling evidence exists that the land is likely
6 to be developed during the next 12 months, or appraisals made
7 during the past 5 years indicate an escalation in land value
8 at an average rate that exceeds the average rate of interest
9 likely to be paid on the bonds.

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

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

18 5. The project is a joint acquisition, either among
19 public agencies, non-profit organizations, private entities,
20 or a public-private partnership.

21 6. Creative management strategies are planned for the
22 project. Such strategies may include public-private
23 partnerships to manage the land or water area, the
24 implementation of multiple-use and revenue-generating
25 management strategies, where compatible with resource
26 protection or restoration, or use of community volunteers to
27 help manage the property.

28 7. The project is one of the components of the
29 Everglades restoration effort.

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

1 (b) Each year that bonds are to be issued pursuant to
2 this act, the council or commission charged with overseeing
3 the program shall review that year's approved project priority
4 list and shall, by the first board meeting in February,
5 present to the Board of Trustees of the Internal Improvement
6 Trust Fund for approval a listing of projects representing the
7 categories which meet three or more of the criteria listed in
8 paragraph (a). The board of trustees may remove projects from
9 the list developed pursuant to this paragraph but may not add
10 projects or re-arrange project rankings.

11 (c) In acquiring coastal lands pursuant to this
12 section, the following additional criteria also shall be
13 considered:

14 1. The value of acquiring coastal high-hazard parcels,
15 consistent with hazard mitigation and postdisaster
16 redevelopment policies, in order to minimize the risk to life
17 and property and to reduce the need for future disaster
18 assistance.

19 2. The value of acquiring beachfront parcels,
20 irrespective of size, to provide public access and
21 recreational opportunities in highly developed urban areas.

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

24 (d) When a nonprofit organization, whose purposes
25 include preservation of natural resources and which is tax
26 exempt pursuant to s. 501(c)(3) of the United States Internal
27 Revenue Code, sells land to the state, such land at the time
28 of such sale shall be deemed to meet three or more of the
29 criteria listed in paragraph (a) if such land meets three or
30 more of the criteria at the time the organization purchases
31 the land.

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

5 (b) State agencies, local governments, nonprofit and
6 for-profit organizations, private land trusts, and individuals
7 shall be eligible to present project proposals and to acquire
8 lands. The title to lands acquired under the Florida 2020 Act
9 shall vest in the Board of Trustees of the Internal
10 Improvement Trust Fund, except that title to lands acquired by
11 a water management district shall vest in the name of that
12 district and lands acquired by a local government shall vest
13 in the name of the purchasing local government.

14 (8)(a) Any lands acquired pursuant to this program,
15 where title is vested in the Board of Trustees of the Internal
16 Improvement Trust Fund, may be disposed of by the board in
17 accordance with the procedures set forth in s. 253.034(6).
18 Lands whose titles vest in a water management district
19 governing board may be disposed of by the owning water
20 management district in accordance with the procedures set
21 forth in ss. 373.056 and 373.089. All agencies which hold
22 title to lands acquired under the Florida 2020 program shall
23 biennially evaluate their inventory of such lands to determine
24 whether any of the properties are suitable for surplus.

25 (b) Lands determined to be surplus pursuant to this
26 subsection shall be sold for fair market value, except the
27 price of lands sold as surplus to a local government shall not
28 exceed the price paid by the state or a water management
29 district to originally acquire the lands.

30 (c) Before land can be determined to be of no further
31 benefit to the public as required by s. 253.034(6), or to be

1 no longer required for its purposes under s. 373.056(4), there
2 shall first be a determination by the commission that such
3 land no longer needs to be preserved in furtherance of the
4 intent of the Florida 2020 Act.

5 1. For lands proposed for surplus within the original
6 project boundaries or the core parcel there must be a finding
7 by the commission that the land has no unique or high-quality
8 natural resources; is of low natural resource values, as
9 determined by a biological assessment or survey conducted by
10 the Florida Natural Areas Inventory or its successor, or is of
11 lower natural resource values than the land proposed to be
12 purchased with the proceeds from its sale. The board of
13 trustees shall review and approve or deny surplus decisions
14 pursuant to this subparagraph.

15 2. For lands proposed for surplus located outside of
16 the original project boundary the commission shall presume
17 that the lands are to be surplus unless:

18 a. A biological assessment or survey conducted by the
19 Florida Natural Areas Inventory or its successor has
20 determined that the lands are of such quality that surplus
21 should not be approved; or

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

25 3. Decisions regarding surplus pursuant to
26 subparagraph 2. shall be reviewed and approved or denied by
27 the board of trustees.

28 (d) Requests for surplus may be made by any public
29 or private entity or person. All requests are to be submitted
30 to the lead managing agency for review and recommendation to
31 the commission. Lead managing agencies shall have 90 days to

1 review such requests and make recommendations. Any surplus
2 requests that have not been acted upon within the requirements
3 of this paragraph shall be immediately scheduled for hearing
4 at the next regularly scheduled commission meeting.

5 (e) Notwithstanding paragraphs (a)-(c), no such
6 disposition of land shall be made if such disposition would
7 have the effect of causing all or any portion of the interest
8 on any revenue bonds issued to fund the Florida 2020 Act to
9 lose the exclusion from gross income for purposes of federal
10 income taxation. Any revenue derived from the disposal of
11 such lands may not be used for any purpose except for deposit
12 into the Florida 2020 Trust Fund, the Water Management Lands
13 Trust Fund, or the appropriate local government trust fund,
14 depending on the entity which held title to the land, for the
15 acquisition of new lands which meet the criteria pursuant to
16 this section.

17 (f) Lands identified as suitable for surplus shall
18 first be offered to local governmental entities for a period
19 of 90 days. Local governmental uses for such surplus lands
20 may include public schools, public libraries, fire or law
21 enforcement substations, and recreational centers. Local
22 governmental requests for surplus lands shall be expedited
23 throughout the surplus process. State agencies shall have
24 the subsequent opportunity to acquire the surplus lands, for a
25 period not to exceed 30 days after the offer to local
26 governments expires. Surplus properties in which governmental
27 agencies have expressed no interest shall then be available
28 for sale on the private market.

29 (9)(a) The Board of Trustees of the Internal
30 Improvement Trust Fund, or, in the case of water management
31 district lands, the owning water management district, may

1 authorize the granting of a lease, easement, or license for
2 the use of certain lands acquired pursuant to this section,
3 for certain governmental uses that are determined by the
4 appropriate board to be compatible with the purposes for which
5 these lands were acquired. Such governmental uses may include
6 public schools, public libraries, fire or law enforcement
7 substations, and recreational centers.

8 (b) Any existing lease, easement, or license acquired
9 for incidental public or private use on, under, or across any
10 lands acquired pursuant to this section shall be presumed to
11 be compatible with the purposes for which such lands were
12 acquired.

13 (c) Notwithstanding the provisions of paragraph (a),
14 no such lease, easement, or license shall be entered into by
15 the Department of Environmental Protection or other
16 appropriate state agency if the granting of such lease,
17 easement, or license would adversely affect the exclusion of
18 the interest on any revenue bonds issued to fund the
19 acquisition of the affected lands from gross income for
20 federal income tax purposes, pursuant to Internal Revenue
21 Service regulations.

22 (10) The Florida Lands Commission may adopt rules
23 necessary to implement the provisions of this section relating
24 to scoring and selecting Florida 2020 project proposals and
25 disposing or leasing of lands or water areas selected for
26 funding through the Florida 2020 program. The department, the
27 water management districts, and other public agencies may
28 adopt rules necessary to implement the provisions of this
29 section relating to restoration, acquisition, improvement, and
30 management of lands and water areas with Florida 2020 funds,
31 as well as disposition or leasing of properties acquired under

1 the program. Additionally, the department may adopt rules
2 necessary to administer the Florida 2020 Trust Fund and the
3 moneys deposited into the fund.

4 Section 13. Subsections (1) and (2) of section
5 373.459, Florida Statutes, are amended to read:

6 373.459 Funds for surface water improvement and
7 management.--

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

11 373.451-373.4595. Among the sources of funds shall be bond
12 proceeds from the Florida 2020 program, pursuant to s.

13 259.105.The department shall administer all funds
14 appropriated to or received for surface water improvement and
15 management activities. Expenditure of the moneys shall be
16 limited to the costs of detailed planning for and
17 implementation of programs prepared for priority surface
18 waters. Moneys from the fund shall not be expended for
19 planning for, or construction or expansion of, treatment
20 facilities for domestic or industrial waste disposal.

21 (2) The secretary of the department shall authorize
22 the release of money from the fund within 30 days after
23 receipt of a request adopted by the governing board of a water
24 management district or by the executive director when
25 authority has been delegated by the governing board,
26 certifying that the money is needed for detailed planning for
27 or implementation of plans approved pursuant to ss. 373.453,
28 373.455, and 373.456. A water management district may not
29 receive more than 50 percent of the moneys appropriated to the
30 fund for the purposes of ss. 373.451-373.4595 in any fiscal
31 year unless otherwise provided for by law. Each year after

1 funds are appropriated, each water management district shall
2 receive the amount requested pursuant to s. 373.453(4) or 10
3 percent of the money appropriated for the purposes of ss.
4 373.451-373.4595, whichever is less. The department shall
5 allocate the remaining money in the appropriation for such
6 purposes annually, based upon the specific needs of the
7 districts. The department, at its discretion, may include any
8 funds allocated to a district for such purposes in previous
9 years which remain unencumbered by the district on July 1, to
10 the amount of money to be distributed based upon specific
11 needs of the districts. To be eligible for Florida 2020
12 funds, plans also must have been selected pursuant to s.
13 259.105.

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

16 373.59 Water Management Lands Trust Fund.--

17 (1) There is established within the Department of
18 Environmental Protection the Water Management Lands Trust Fund
19 to be used as a nonlapsing fund for the purposes of this
20 section. The moneys in this fund are hereby continually
21 appropriated for the purposes of land acquisition, management,
22 maintenance, capital improvements, payments in lieu of taxes,
23 and administration of the fund in accordance with the
24 provisions of this section. However, any funds appropriated
25 pursuant to s. 259.105 may not be used for land management and
26 maintenance, payment in lieu of taxes, or fund administration.

27 (4)(a) Moneys from the Water Management Lands Trust
28 Fund shall be used for acquiring the fee or other interest in
29 lands necessary for water management, water supply, and the
30 conservation and protection of water resources, except that
31 such moneys shall not be used for the acquisition of

1 rights-of-way for canals or pipelines. Such moneys shall also
2 be used for management, maintenance, and capital improvements.
3 Interests in real property acquired by the districts under
4 this section may be used for permittable water resource
5 development and water supply development purposes under the
6 following conditions: the minimum flows and levels of priority
7 water bodies on such lands have been established; the project
8 complies with all conditions for issuance of a permit under
9 part II of this chapter; and the project is compatible with
10 the purposes for which the land was acquired. Lands acquired
11 with moneys from the fund shall be managed and maintained in
12 an environmentally acceptable manner and, to the extent
13 practicable, in such a way as to restore and protect their
14 natural state and condition.

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

25 (c) The Secretary of Environmental Protection shall
26 release acquisition moneys from the Water Management Lands
27 Trust Fund to a district following receipt of a resolution
28 adopted by the governing board identifying the lands being
29 acquired and certifying that such acquisition is consistent
30 with the plan of acquisition and other provisions of this act.
31 The governing board shall also provide to the Secretary of

1 Environmental Protection a copy of all certified appraisals
2 used to determine the value of the land to be purchased. Each
3 parcel to be acquired must have at least one appraisal. Two
4 appraisals are required when the estimated value of the parcel
5 exceeds \$500,000. However, when both appraisals exceed
6 \$500,000 and differ significantly, a third appraisal may be
7 obtained. If the purchase price is greater than the appraisal
8 price, the governing board shall submit written justification
9 for the increased price. The Secretary of Environmental
10 Protection may withhold moneys for any purchase that is not
11 consistent with the 5-year plan, the criteria of the Florida
12 2020 Program, or the intent of this act. Additionally, the
13 Secretary may withhold moneys for proposed acquisitions that
14 are ~~or that is~~ in excess of appraised value. The governing
15 board may appeal any denial to the Land and Water Adjudicatory
16 Commission pursuant to s. 373.114.

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

24 (6) If a district issues revenue bonds or notes under
25 s. 373.584, the district may pledge its share of the moneys in
26 the Water Management Lands Trust Fund as security for such
27 bonds or notes. The Department of Environmental Protection
28 shall pay moneys from the trust fund to a district or its
29 designee sufficient to pay the debt service, as it becomes
30 due, on the outstanding bonds and notes of the district;
31 however, such payments shall not exceed the district's

1 cumulative portion of the trust fund. However, any moneys
2 remaining after payment of the amount due on the debt service
3 shall be released to the district pursuant to subsection(4)
4 ~~(3)~~.

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

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

16 375.075 Outdoor recreation; financial assistance to
17 local governments.--

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

1 public outdoor recreational facilities, to be funded by the
2 Florida 2020 Trust Fund and selected pursuant to the process
3 established in s. 259.105(7).

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

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

9 1. The extent to which the project would implement the
10 outdoor recreation goals, objectives, and priorities specified
11 in the state comprehensive outdoor recreation plan; and

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

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

21 Section 16. Subsections (4) and (11) of section
22 380.507 are amended, and subsection (15) is added to said
23 section, to read:

24 380.507 Powers of the trust.--The trust shall have all
25 the powers necessary or convenient to carry out the purposes
26 and provisions of this part, including:

27 (4) To acquire and dispose of real and personal
28 property or any interest therein when necessary or appropriate
29 to protect the natural environment, provide public access or
30 public recreational facilities, preserve wildlife habitat
31 areas, provide access for managing acquired lands, or

1 otherwise carry out the purposes of this part. If the trust
2 acquires land for permanent state ownership, title to such
3 land shall be vested in the Board of Trustees of the Internal
4 Improvement Trust Fund, otherwise, title to property acquired
5 in partnership with a county or municipality shall vest in the
6 name of the local government. Notwithstanding any other
7 provision of law, the trust may enter into an option agreement
8 to purchase lands included in projects approved according to
9 this part, when necessary to reserve lands during the
10 preparation of project plans and during acquisition
11 proceedings. The consideration for an option shall not exceed
12 \$100,000.

13 (11) To make rules necessary to carry out the purposes
14 of this part and to exercise any power granted in this part,
15 pursuant to the provisions of chapter 120. The trust shall
16 adopt rules governing the acquisition of lands by local
17 governments or the trust using proceeds from the Preservation
18 2000 Trust Fund and the Florida 2020 Trust Fund. Such rules
19 must include, but are not limited to, procedures for
20 appraisals and confidentiality consistent with ss.
21 125.355(1)(a) and (b) and 166.045(1)(a) and (b), a method of
22 determining a maximum purchase price, and procedures to assure
23 that the land is acquired in a voluntarily negotiated
24 transaction, surveyed, conveyed with marketable title, and
25 examined for hazardous materials contamination. Land
26 acquisition procedures of a local land authority created
27 pursuant to s. 380.0663 or s. 380.0677 shall be used for the
28 land acquisition programs described by s. 259.101(3)(c) and s.
29 259.105 if within areas of critical state concern designated
30 pursuant to s. 380.05, subject to approval of the trust.

31

1 (15) Beginning fiscal year 2001-2002, in order to
2 receive funds through the Florida 2020 program, the trust
3 shall participate in the process established in s. 259.105(7).

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

6 380.510 Conditions of grants and loans.--

7 (7) Any funds received by the trust from the
8 Preservation 2000 Trust Fund pursuant to s. 259.101(3)(c) and
9 the Florida 2020 Trust Fund shall be held separate and apart
10 from any other funds held by the trust and shall be used only
11 to pay the cost of the acquisition of lands by a local
12 government or the state for the purposes of this part. Such
13 funds may not be used to pay for a redevelopment project or an
14 urban waterfront restoration project or for site reservation
15 except to acquire lands to help implement the goals,
16 objectives, and policies of the coastal, the conservation, or
17 recreation and open space elements of the local comprehensive
18 plan. In addition to the other conditions set forth in this
19 section, the disbursement of Preservation 2000 and Florida
20 2020 funds from the trust shall be subject to the following
21 conditions:

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

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

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

1 recreational interests; and land development interests. Each
2 appointing authority shall consider gender and racial balance
3 in addition to particular expertise when making appointments.

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

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

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

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

22 (2) The Florida 2020 Study Commission shall:

23 (a) Develop recommendations on the:

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

26 2. Process by which restoration, acquisition, and
27 capital improvement projects are competitively selected by the
28 Florida Lands Commission.

29 3. Opportunities for the Surface Water Improvement and
30 Management Program, the Conservation and Recreation Lands
31 Program, the Save Our Rivers Program, and other statutorily

1 created programs to obtain funding through the Florida 2020
2 program.

3 4. Projects on acquisition lists currently funded
4 through the Preservation 2000 program that, in the likelihood
5 they are not bought before the expiration of that program,
6 should be considered for inclusion in the 5 year plans to be
7 developed by the Florida Lands Commission.

8 (b) Base its recommendations on:

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

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

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

26 (3) There is hereby appropriated \$125,000 from the
27 Conservation and Recreation Lands Trust Fund and \$125,000 from
28 the Water Management Lands Trust Fund for fiscal year
29 1998-1999 to fund the administrative expenses of the Florida
30 2020 Study Commission.

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1 Section 19. Except as otherwise provided herein, this
2 act shall take effect contingent on passage of a
3 constitutional amendment authorizing bonding authority for the
4 Florida 2020 program.
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