

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. 373.139,
11 F.S.; prohibiting water management districts
12 from participating in certain acquisitions by
13 eminent domain under certain circumstances;
14 amending s. 373.459, F.S.; specifying that
15 Florida 2020 bond proceeds may be deposited
16 into the Ecosystem Management and Restoration
17 Trust Fund for use in financing Surface Water
18 Improvement and Management projects; specifying
19 eligibility for certain funds; amending s.
20 373.59, F.S.; providing that Florida 2020 bond
21 proceeds may be spent to acquire water
22 management district lands; limiting funding of
23 management and related activities to
24 documentary stamp tax revenues legislatively
25 appropriated to the Water Management Lands
26 Trust Fund; specifying that any revenues from
27 the sale of water management district lands
28 acquired with Florida 2020 proceeds shall only
29 be spent to acquire lands that meet the
30 program's criteria; providing for payment in
31 lieu of taxes to qualifying school districts;

1 amending s. 375.075, F.S.; providing that
2 Florida 2020 bond proceeds shall be available
3 to fund those Florida Recreational Development
4 and Assistance Program projects selected
5 through the Florida 2020 program process;
6 directing the Department of Environmental
7 Protection and the Florida Communities Trust to
8 assist qualified counties and municipalities to
9 obtain certain grants; amending s. 380.507,
10 F.S.; providing for the Florida Communities
11 Trust program eligibility to receive Florida
12 2020 bond proceeds; providing procedures;
13 amending s. 380.510, F.S.; including the
14 Florida 2020 Trust Fund moneys as subject to
15 conditions of grants and loans made by the
16 Florida Communities Trust; creating the Florida
17 2020 Study Commission; specifying membership,
18 duties, and responsibilities; requiring a
19 report of findings and recommendations to the
20 Governor, the President of the Senate, the
21 Speaker of the House of Representatives and
22 certain legislative committees; providing an
23 appropriation; providing for the sale of
24 specified lands by the Board of Trustees of the
25 Internal Improvement Trust Fund; providing for
26 the deposit of funds into the Preservation 2000
27 Trust Fund; specifying the purposes for which
28 funds derived from the future sale of such
29 lands may be used; directing the St. John's
30 River Water Management District and the South
31 Florida Water Management District to begin

1 immediate acquisition of certain parcels of
2 real property for certain purposes; directing
3 such water management districts to undertake
4 condemnation proceedings under certain
5 circumstances; amending a specified
6 conservation easement; providing an effective
7 date.

8

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

10

11 Section 1. Paragraph (b) of subsection (1) of section
12 201.15, Florida Statutes, is amended to read:

13 201.15 Distribution of taxes collected.--All taxes
14 collected under this chapter shall be subject to the service
15 charge imposed in s. 215.20(1) and shall be distributed as
16 follows:

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

20 (b) The remainder of the moneys distributed under this
21 subsection, after the required payment under paragraph (a)
22 shall be distributed as necessary to make the payments
23 required under s. 201.155, and the remainder shall be paid
24 into the State Treasury to the credit of the Land Acquisition
25 Trust Fund and may be used for any purpose for which funds
26 deposited in the Land Acquisition Trust Fund may lawfully be
27 used. Payments made under this paragraph shall continue until
28 the cumulative amount credited to the Land Acquisition Trust
29 Fund for the fiscal year under this paragraph and paragraph
30 (2)(b) equals 70 percent of the current official forecast for
31 distributions of taxes collected under this chapter pursuant

1 to subsection (2). As used in this paragraph, the term
2 "current official forecast" means the most recent forecast as
3 determined by the Revenue Estimating Conference. If the
4 current official forecast for a fiscal year changes after
5 payments under this paragraph have ended during that fiscal
6 year, no further payments are required under this paragraph
7 during the fiscal year.

8 Section 2. Section 201.155, Florida Statutes, is
9 created to read:

10 201.155 Distribution of taxes for Florida 2020 Trust
11 Fund.--Subject to the maximum amount of limitations set forth
12 in this section, an amount as shall be necessary to pay the
13 debt service on, or fund debt service reserve funds, rebate
14 obligations, or other amounts with respect to bonds issued
15 pursuant to s. 259.02 and payable from moneys transferred to
16 the Florida 2020 Trust Fund pursuant to this section, shall be
17 paid into the State Treasury to the credit of the Florida 2020
18 Trust Fund to be used for such purposes. The annual amount
19 transferred to the Florida 2020 Trust Fund shall not exceed
20 \$30 million in the first fiscal year in which bonds are
21 issued. The limitation on the amount transferred shall be
22 increased by an additional \$30 million in each subsequent
23 fiscal year in which bonds are authorized to be issued, but
24 shall not exceed a total of \$600 million in any fiscal year
25 for all bonds issued. It is the intent of the Legislature
26 that all bonds issued to fund the Florida 2020 Act be retired
27 by December 31, 2033. No individual series of bonds may be
28 issued pursuant to this paragraph unless the first year's debt
29 service for such bonds is specifically appropriated in the
30 General Appropriations Act.

31

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

3 235.45 Florida Year 2020 Higher Education Facilities
4 Program.--

5 (1) This section may be cited as the "Florida Year
6 2020 Higher Education Facilities Program."

7 (2) Pursuant to the provisions of s. 19, Art. VII of
8 the State Constitution and the State Bond Act, the issuance of
9 state bonds pledging the full faith and credit of the state in
10 the principal amount, not to exceed \$2 billion, to be
11 deposited in the Florida 2020 Trust Fund for the acquisition
12 of lands and related interests, the construction or
13 acquisition of classrooms and related facilities, renovation
14 of existing facilities, and the development of
15 telecommunications infrastructure for Florida's institutions
16 of higher learning, consisting of public universities and
17 community colleges, is hereby authorized at the request of the
18 Commissioner of Education pursuant to the State Bond Act.
19 Bonds issued to refund such bonds shall not be included within
20 the \$2 billion limitation.

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 and the State Bond Act s. 215.59,
17 the issuance of state bonds pledging the full faith and credit
18 of the state in the principal amount, ~~including any~~
19 ~~refinancing~~, not to exceed:

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

31

1 (2) Two billion dollars, on behalf of and at the
2 request of the Department of Education, to be deposited into
3 the Florida 2020 Trust Fund for the acquisition of lands and
4 related interests, the construction of classrooms and related
5 facilities, and the development of telecommunication
6 infrastructure, for institutions of higher learning in the
7 state, pursuant to s. 235.45~~\$200 million for state capital~~
8 ~~projects for environmentally endangered lands and \$40 million~~
9 ~~for state capital projects for outdoor recreation lands is~~
10 ~~hereby authorized, subject to the provisions of ss.~~
11 ~~259.01-259.06.~~

12 Section 5. Section 259.021, Florida Statutes is
13 created to read:

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

1 to fiscal sufficiency. No individual series of bonds may be
2 issued pursuant to this section unless the first year's debt
3 service for such bonds is specifically appropriated in the
4 General Appropriations Act.

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

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

11 (1) "Advisory council" means that council established
12 pursuant to s. 259.035.

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

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

23 (2)(4) "Board" means the Governor and Cabinet, as the
24 Board of Trustees of the Internal Improvement Trust Fund.

25 (3)(5) "Division" means the Division of Bond Finance
26 of the State Board of Administration.

27 Section 7. Subsections (1), (2), (3), (7), (8), (9),
28 (10), (11), (12), (15), and (16) of section 259.032, Florida
29 Statutes, are amended to read:

30 259.032 Conservation and Recreation Lands Trust Fund;
31 purpose.--

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

1 fund exclusively for the purposes of this section. The fund
2 shall be credited with proceeds from the following excise
3 taxes:

4 1. The excise taxes on documents as provided in s.
5 201.15; and

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

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

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

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1 lands and to pay related costs, activities, and functions
2 pursuant to the provisions of this section.

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

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

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

16 (c) To conserve and protect native species habitat or
17 endangered or threatened species;

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

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

27 (f) To facilitate the restoration and subsequent
28 health and vitality of the Florida Everglades;

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

3 (h)~~(f)~~ To preserve significant archaeological or
4 historic sites; or

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

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

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

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

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

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

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

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

28

29 ~~Management may include the following public uses: fishing,~~
30 ~~hunting, camping, bicycling, hiking, nature study, swimming,~~

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1 ~~boating, canoeing, horseback riding, diving, birding, sailing,~~
2 ~~jogging, and other related outdoor activities.~~

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

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

1 first consider having a soil and water conservation district,
2 created pursuant to chapter 582, manage and monitor such
3 interests.

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

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

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

31

1 **(b)** Beginning in fiscal year 1998-1999, individual
2 management plans required by s. 253.034~~(5)(4)~~ shall be
3 developed with input from an advisory group. Members of this
4 advisory group shall include, at a minimum, representatives of
5 the lead land managing agency, comanaging entities, local
6 private property owners, the appropriate soil and water
7 conservation district, a local conservation organization, and
8 a local elected official. The advisory group shall conduct at
9 least one public hearing within the county in which the parcel
10 or project is located. Notice of such public hearing shall be
11 posted on the parcel or project designated for management,
12 advertised in a paper of general circulation, and announced at
13 a scheduled meeting of the local governing body before the
14 actual public hearing. The management prospectus required
15 pursuant to paragraph (9)(b) shall be available to the public
16 for a period of 30 days prior to the public hearing.

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

1 (d) For each project for which lands are acquired
2 after July 1, 1995, an individual management plan shall be
3 adopted and in place no later than 1 year after the essential
4 parcel or parcels identified in the annual Conservation and
5 Recreation Lands report prepared pursuant to s. 259.035(2)(a)
6 have been acquired. Beginning in fiscal year 1998-1999, the
7 Department of Environmental Protection shall distribute only
8 75 percent of the acquisition funds to which a budget entity
9 or water management district would otherwise be entitled from
10 the Preservation 2000 Trust Fund to any budget entity or any
11 water management district that has more than one-third of its
12 management plans overdue.

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

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

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

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

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

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1 5. A cost estimate for conducting priority management
2 activities, to include recommendations for cost-effective
3 methods of accomplishing those activities.

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

9 7. A determination of the public uses that would be
10 consistent with the purposes for which the lands were
11 acquired.

12 (f)~~(b)~~ The Division of State Lands shall submit a copy
13 of each individual management plan for parcels which exceed
14 160 acres in size to each member of the Land Acquisition and
15 Management Advisory Council or its successor, which shall:-

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

21 2. ~~The council shall also~~ Consider the propriety of
22 the recommendations of the managing agency with regard to the
23 future use or protection of the property.

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

30 (g)~~(c)~~ The board of trustees shall consider the
31 individual management plan submitted by each state agency and

1 the recommendations of the Land Acquisition and Management
2 Advisory Council or its successor and the Division of State
3 Lands and shall approve the plan with or without modification
4 or reject such plan. The use or possession of any lands owned
5 by the board of trustees which is not in accordance with an
6 approved individual management plan is subject to termination
7 by the board of trustees.

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

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

26 (b) An amount up to 1.5 percent of the cumulative
27 total of funds ever deposited into the Florida Preservation
28 2000 Trust Fund, and the Florida 2020 Trust Fund for the
29 purposes provided in s. 259.02(1), shall be made available for
30 the purposes of management, maintenance, and capital
31 improvements, and for associated contractual services, for

1 lands acquired pursuant to this section, ~~and~~ s. 259.101 and s.
2 259.105 to which title is vested in the board of trustees.
3 Each agency with management responsibilities shall annually
4 request from the Legislature funds sufficient to fulfill such
5 responsibilities. Capital improvements shall include, but
6 need not be limited to, perimeter fencing, signs, firelanes,
7 access roads and trails, and minimal public accommodations,
8 such as primitive campsites, garbage receptacles, and toilets.

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

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

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

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

1
2 In evaluating the management funding needs of lands based on
3 the above categories, the lead land managing agencies shall
4 include in their considerations the impacts of, and needs
5 created or addressed by, multiple-use management strategies.

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

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

28 (f) The department shall set long-range and annual
29 goals for the control and removal of nonnative, upland,
30 invasive plant species on public lands. Such goals shall
31 differentiate between aquatic plant species and upland plant

1 species. In setting such goals, the department may rank, in
2 order of adverse impact, species which impede or destroy the
3 functioning of natural systems. Notwithstanding paragraph (a),
4 up to one-fourth of the funds provided for in paragraph (b)
5 shall be reserved for control and removal of nonnative,
6 upland, invasive species on public lands.

7 (12)(a) Beginning in fiscal year 1994-1995, not more
8 than 3.75 percent of the Conservation and Recreation Lands
9 Trust Fund shall be made available annually to the department
10 for payment in lieu of taxes to qualifying counties, cities,
11 and local governments as defined in paragraph (b) for all
12 actual tax losses incurred as a result of board of trustees
13 acquisitions for state agencies under the Florida Preservation
14 2000 Program and the Florida 2020 Program during any year.
15 Reserved funds not used for payments in lieu of taxes in any
16 year shall revert to the fund to be used for land acquisition
17 in accordance with the provisions of this section.

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

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

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

28 3. Beginning in fiscal year 1998-1999 and thereafter,
29 to school boards in counties with a population of 75,000 or
30 less which do not contain all or a portion of an area of
31 critical state concern designated pursuant to chapter 380 that

1 levy the maximum millage pursuant to s. 236.25(1) and (2) and
2 to school boards in counties with a population of less than
3 100,000 which contain all or a portion of an area of critical
4 state concern designated pursuant to chapter 380.~~For the~~
5 ~~1997-1998 fiscal year only, and notwithstanding the~~
6 ~~limitations of paragraph (a), to Glades County, where a~~
7 ~~privately owned and operated prison leased to the state has~~
8 ~~been opened within the last 2 years for which no other state~~
9 ~~moneys have been allocated to the county to offset ad valorem~~
10 ~~revenues. This subparagraph expires July 1, 1998.~~

11
12 For the purposes of this paragraph, "local government"
13 includes municipalities, the county school board, mosquito
14 control districts, and any other local government entity which
15 levies ad valorem taxes, with the exception of a water
16 management district.

17 (c) Payment in lieu of taxes shall be available to any
18 city which has a population of 10,000 or less and which levies
19 an ad valorem tax of at least 8.0 ~~8.25~~ mills or the amount of
20 the tax loss from all completed Preservation 2000 or Florida
21 2020 acquisitions in the city exceeds 0.01 percent of the
22 city's total taxable value.

23 (d) If insufficient funds are available in any year to
24 make full payments to all qualifying counties, cities, school
25 districts,and local governments, such counties, cities,
26 school districts,and local governments shall receive a pro
27 rata share of the moneys available.

28 (e) The payment amount shall be based on the average
29 amount of actual taxes paid on the property for the 3 years
30 preceding acquisition, except the payment amount for school
31 boards in counties with a population of 75,000 or less which

1 do not contain all or a portion of an area of critical state
2 concern designated pursuant to chapter 380 shall be calculated
3 based only on the value of the millage levied pursuant to s.
4 236.25(1) and (2) on purchases completed after July 1, 1998.
5 Applications for payment in lieu of taxes shall be made no
6 later than January 31 of the year following acquisition. No
7 payment in lieu of taxes shall be made for properties which
8 were exempt from ad valorem taxation for the year immediately
9 preceding acquisition. If property which was subject to ad
10 valorem taxation was acquired by a tax-exempt entity for
11 ultimate conveyance to the state under this chapter, payment
12 in lieu of taxes shall be made for such property based upon
13 the average amount of taxes paid on the property for the 3
14 years prior to its being removed from the tax rolls. The
15 department shall certify to the Department of Revenue those
16 properties that may be eligible under this provision. Payment
17 in lieu of taxes shall be limited to a total of 10 consecutive
18 years of annual payments, beginning the year a local
19 government becomes eligible.

20 (f) Payment in lieu of taxes pursuant to this
21 paragraph shall be made annually to qualifying counties,
22 cities, school districts, and local governments after
23 certification by the Department of Revenue that the amounts
24 applied for are reasonably appropriate, based on the amount of
25 actual taxes paid on the eligible property, and after the
26 Department of Environmental Protection has provided supporting
27 documents to the Comptroller and has requested that payment be
28 made in accordance with the requirements of this section.

29 (g) If the board of trustees conveys to a local
30 government title to any land owned by the board, any payments
31

1 in lieu of taxes on the land made to the local government
2 shall be discontinued as of the date of the conveyance.

3 (15)(a) At the time an entity identifies a property as
4 a possible acquisition project or part of a possible
5 acquisition project, such entity shall notify the property
6 owner by certified mail. The property owner may request the
7 removal of such property from further consideration by
8 submitting a request to such entity by certified mail. ~~For~~
9 ~~fiscal year 1997-1998 only, moneys credited to the fund may be~~
10 ~~appropriated to provide grants to qualified local governmental~~
11 ~~entities pursuant to the provisions of s. 375.075. This~~
12 ~~subsection is repealed on July 1, 1998.~~

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

21 Section 8. Section 259.034, Florida Statutes, is
22 created to read:

23 259.034 Florida Lands Commission.--

24 (1) There is created, effective July 1, 2000, within
25 the Board of Trustees of the Internal Improvement Trust Fund a
26 Florida Lands Commission. The commission shall be comprised
27 of 7 residents of this state appointed by the Governor,
28 subject to confirmation by the Senate for staggered terms of 4
29 years. The commission shall include one member from within
30 the geographic boundaries of each water management district
31 who has resided in the district for at least 1 year, and two

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

28 (a) Immediately upon being appointed, the commission
29 may employ an executive director who shall be appointed by the
30 commission and confirmed by the board of trustees. The
31

1 commission may also employ other staff as necessary to perform
2 its duties.

3 (b) The commission shall develop a budget pursuant to
4 chapter 216. The budget shall be transmitted to the Board of
5 Trustees of the Internal Improvement Trust Fund as head of the
6 commission for submission to the Governor in the exercise of
7 his or her constitutional duties.

8 (c) On a date set by law, the duties, powers, and
9 responsibilities of the Land Acquisition and Management
10 Advisory Council, established pursuant to s. 259.035, F.S.,
11 shall be assumed by the commission, and the provisions of law
12 authorizing the advisory council shall be repealed.

13 (2) Beginning January 1, 2001, and every year
14 thereafter, the commission shall accept applications from
15 state agencies, local governments, nonprofit and for-profit
16 organizations, private land trusts, and individuals for
17 project proposals.

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

31

1 (4) An affirmative vote of four members of the
2 commission shall be required in order to place a proposed
3 project on a list. Any member of the commission who has a
4 familial or business relationship with any project proposed to
5 be ranked shall declare such interest prior to voting for a
6 project's inclusion on any list.

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

17 (6) The commission shall submit to the board of
18 trustees, with its list of projects, a report that includes,
19 but shall not be limited to, the following information for
20 each project listed: the stated purpose for restoring,
21 acquiring, or improving the project area; projected costs to
22 achieve the project goals; an interim management budget; an
23 identification of the essential parcel or parcels within the
24 project without which the project cannot be properly managed;
25 an identification of those projects or parcels within projects
26 which should be acquired in fee simple or in
27 other-than-fee-simple; a management policy statement for the
28 project; a management prospectus pursuant to s. 259.032(9)(b);
29 an estimate of land value based on county tax assessed values;
30 a map delineating project boundaries; a brief description of
31 the important natural and cultural resources to be protected

1 and recreational opportunities to be provided; a preliminary
2 statement of the extent and nature of public use; a discussion
3 of whether alternative uses are proposed for the property and
4 what those uses are; and a designation of the management
5 agency or agencies.

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

29 (8) Additionally, the commission shall provide
30 assistance to the Board of Trustees of the Internal
31 Improvement Trust Fund in reviewing the recommendations and

1 plans for state-owned lands required by s. 253.034. The
2 commission shall, in reviewing the recommendations and plans
3 for state-owned lands required by s. 253.034, consider the
4 optimization of multiple-use and conservation strategies to
5 accomplish the provisions of s. 253.034. However, no
6 multiple-use activity shall be allowed if such use would have
7 the effect of causing all or any portion of the interest on
8 any bonds issued to finance the Florida 2020 Program to lose
9 the exclusion from gross income for federal income tax
10 purposes.

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

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

21 259.04 Board; powers and duties.--

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

24 (a) The board is given the responsibility, authority,
25 and power to develop and execute a comprehensive, statewide
26 5-year plan to conserve, restore, and protect environmentally
27 endangered lands, ecosystems, lands necessary for outdoor
28 recreational needs, and other lands as identified in ss.
29 259.032, and 259.101, and 259.105. This plan shall be kept
30 current through continual reevaluation and revision. The
31

1 advisory council or its successor shall assist the board in
2 the development, reevaluation, and revision of the plan.

3 (b) The board may enter into contracts with the
4 government of the United States or any agency or
5 instrumentality thereof; the state or any county,
6 municipality, district authority, or political subdivision; or
7 any private corporation, partnership, association, or person
8 providing for or relating to the conservation or protection of
9 certain lands in accomplishing the purposes of this chapter
10 ~~ss. 259.01-259.06~~.

11 (c) Within 45 days after the advisory council or its
12 successor submits either list of acquisition projects to the
13 board, the board shall approve, in whole or in part, the list
14 of acquisition projects in the order of priority in which such
15 projects are presented. To the greatest extent practicable,
16 projects on the list shall be acquired in their approved order
17 of priority.

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

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

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

1 259.041 Acquisition of state-owned lands for
2 preservation, conservation, and recreation purposes.--

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

21 (3) No agreement to acquire real property for the
22 purposes described in this chapter, chapter 260, or chapter
23 375, title to which will vest in the board of trustees, may
24 bind the state unless and until the agreement has been
25 reviewed and approved by the Department of Environmental
26 Protection as complying with the requirements of this section
27 and any rules adopted pursuant to this section. ~~However,~~
28 ~~review and approval of agreements for acquisitions for Florida~~
29 ~~Greenways and Trails Program properties pursuant to chapter~~
30 ~~260 may be waived by the department in any contract with~~
31 ~~nonprofit corporations who have agreed to assist the~~

1 ~~department with this program.~~ Where any of the following
2 conditions exist, the agreement shall be submitted to and
3 approved by the board of trustees:

4 (a) The purchase price agreed to by the seller exceeds
5 the value as established pursuant to the rules of the board of
6 trustees;

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

9 (c) The acquisition is the initial purchase in a
10 project; or

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

16

17 Where approval of the board of trustees is required pursuant
18 to this subsection, the acquiring agency must provide a
19 justification as to why it is in the public's interest to
20 acquire the parcel or project. Approval of the board of
21 trustees also is required for projects the department
22 recommends acquiring pursuant to subsections ~~(14)~~ and
23 ~~(15)~~ ~~(14)~~. Review and approval of agreements for acquisitions
24 for Florida Greenways and Trails Program properties pursuant
25 to chapter 260 may be waived by the department in any contract
26 with nonprofit corporations who have agreed to assist the
27 department with this program.

28 (7) Prior to approval by the board of trustees or,
29 when applicable, the Department of Environmental Protection,
30 of any agreement to purchase land pursuant to this chapter,
31 chapter 260, or chapter 375, and prior to negotiations with

1 the parcel owner to purchase any other land, title to which
2 will vest in the board of trustees, an appraisal of the parcel
3 shall be required as follows:

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

1 whose purposes include ~~purpose is~~ the preservation of natural
2 resources, and which is exempt from federal income tax under
3 s. 501(c)(3) of the Internal Revenue Code. The agency may
4 release an appraisal report when the passage of time has
5 rendered the conclusions of value in the report invalid or
6 when the acquiring agency has terminated negotiations.

7
8 Notwithstanding the provisions of this subsection, on behalf
9 of the board and before the appraisal of parcels approved for
10 purchase under this chapter, the Secretary of Environmental
11 Protection or the director of the Division of State Lands may
12 enter into option contracts to buy such parcels. Any such
13 option contract shall state that the final purchase price is
14 subject to approval by the board or, when applicable, the
15 secretary and that the final purchase price may not exceed the
16 maximum offer allowed by law. The consideration for such an
17 option may not exceed \$1,000 or 0.01 percent of the estimate
18 by the department of the value of the parcel, whichever amount
19 is greater.

20 (11)(a) The Legislature finds that, with the
21 increasing pressures on the natural areas of this state, and
22 upon space suitable for recreational use, the state must
23 develop creative techniques to maximize the use of acquisition
24 and management funds. The Legislature also finds that the
25 state's conservation and recreational land-buying agencies
26 should be encouraged to augment their traditional, fee simple
27 acquisition programs with the use of alternatives to fee
28 simple acquisition techniques. Additionally, the Legislature
29 finds that generations of private landowners have been good
30 stewards of their land, protecting or restoring native
31 habitats and ecosystems to the benefit of the natural

1 resources of this state, its heritage, and its citizens
2 without compensation or encouragement from the government.
3 The Legislature also finds that using alternatives to fee
4 simple acquisition by public land-buying agencies will achieve
5 the following public policy goals:
6 1. Allow more lands to be brought under public
7 protection for preservation, conservation, and recreational
8 purposes at less expense using public funds.
9 2. Retain, on local government tax rolls, some portion
10 of or interest in lands which are under public protection.
11 3. Reduce long-term management costs by allowing
12 private property owners to continue acting as stewards of the
13 land, where appropriate.
14
15 Therefore, it is the intent of the Legislature that public
16 land-buying agencies develop programs to pursue alternatives
17 to fee simple acquisition and to educate private landowners
18 about such alternatives and the benefits of such alternatives.
19 It also is the intent of the Legislature that the department
20 and the water management districts spend a portion of their
21 shares of land Preservation 2000 and Florida 2020 bond
22 proceeds to purchase eligible properties using alternatives to
23 fee simple acquisition.
24 (b) The state agencies and the water management
25 districts shall identify, within their acquisition plans,
26 those projects which require a full fee simple interest to
27 achieve the public policy goals, together with the reasons why
28 full title is determined to be necessary. The state agencies
29 and the water management districts may use alternatives to fee
30 simple acquisition to bring the remaining projects in their
31 acquisition plans under public protection. For the purposes

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

20 (c) Beginning in fiscal year 1998-1999, the department
21 and each water management district shall implement initiatives
22 to use alternatives to fee simple acquisition and to educate
23 private landowners about such alternatives. These initiatives
24 shall include at least two acquisitions a year by the
25 department and each water management district utilizing
26 alternatives to fee simple. The department and the water
27 management districts may enter into joint acquisition
28 agreements to jointly fund the purchase of lands using
29 alternatives to fee simple techniques.

30 (d) The Legislature finds that the lack of direct
31 sales comparison information has served as an impediment to

1 successful implementation of alternatives to fee simple
2 acquisition. It is the intent of the Legislature that, in the
3 absence of direct comparable sales information, appraisals of
4 alternatives to fee simple acquisitions be based on the
5 difference between the full fee simple valuation and the value
6 of the interests remaining with the seller after acquisition.

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

11 (15)~~(14)~~ The board of trustees, by an affirmative vote
12 of five members, may direct the department to purchase lands
13 on an immediate basis using up to 15 percent of the funds
14 allocated to the department pursuant to s. 259.101(3)(a) for
15 the acquisition of lands that:

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

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

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

26
27 For such acquisitions, the board of trustees may waive or
28 modify all procedures required for land acquisition pursuant
29 to this chapter and all competitive bid procedures required
30 pursuant to chapters 255 and 287. Lands acquired pursuant to
31 this subsection must, at the time of purchase, be on one of

1 the acquisition lists established pursuant to this chapter, be
2 essential for water resource protection or restoration, or a
3 significant portion of the lands must contain natural
4 communities or plant or animal species which are listed by the
5 Florida Natural Areas Inventory as critically imperiled,
6 imperiled, or rare, or as excellent quality occurrences of
7 natural communities.

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

10 259.101 Florida Preservation 2000 Act.--

11 (9)

12 (f)1. Pursuant to subsection (3) and beginning in
13 fiscal year 1999-2000 ~~1998-1999~~, that portion of the
14 unencumbered balances of each program described in paragraphs
15 (3)(c), (d), (e), (f), and (g) which has been on deposit in
16 such program's Preservation 2000 account for more than two
17 fiscal years shall be redistributed equally to the
18 ~~Conservation and Recreation Lands Trust Fund and the Water~~
19 ~~Management Lands Trust Fund~~ Department of Environmental
20 Protection, the Division of State Lands P2000 subaccount for
21 the purchase of state lands as described in s. 259.032, and to
22 the Water Management District P2000 subaccount for the
23 purchase of water management district lands pursuant to ss.
24 373.59, 373.456, and 373.4592. For the purposes of this
25 subsection, the term "unencumbered balances" means the portion
26 of Preservation 2000 bond proceeds which is not obligated
27 through the signing of a purchase contract between a public
28 agency and a private landowner, except that the program
29 described in paragraph (3)(c) may not lose any portion of its
30 unencumbered funds which remain unobligated because of
31 extraordinary circumstances that hampered the affected local

1 governments' abilities to close on land acquisition projects
2 approved through the Florida Communities Trust program.
3 Extraordinary circumstances shall be determined by the Florida
4 Communities Trust governing body and may include such things
5 as death or bankruptcy of the owner of property; a change in
6 the land use designation of the property; natural disasters
7 that affected a local government's ability to consummate the
8 sales contract on such property; or any other condition that
9 the Florida Communities Trust governing board determined to be
10 extraordinary. The portion of the funds redistributed
11 ~~deposited~~ in the Water Management District P2000 subaccount
12 ~~Water Management Lands Trust Fund~~ shall be distributed to the
13 water management districts as provided in s. 373.59(8)(7).

14 2. The department and the water management districts
15 may enter into joint acquisition agreements to jointly fund
16 the purchase of lands using alternatives to fee simple
17 techniques.

18 Section 12. Section 259.105, Florida Statutes is
19 created to read:

20 259.105 The Florida 2020 Act.--

21 (1) This section may be cited as the "Florida 2020
22 Act."

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

24 1. The alteration and development of Florida's natural
25 areas to accommodate its rapidly growing population have
26 contributed to the degradation of water resources, the
27 fragmentation and destruction of wildlife habitats, the loss
28 of outdoor recreation space, and the diminishment of wetlands,
29 forests, and public beaches.

30 2. The potential development of Florida's remaining
31 natural areas and escalation of land values require a

1 continuation of government efforts to restore, bring under
2 public protection, or acquire lands and water areas to
3 preserve the state's invaluable quality of life.

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

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

23 5. Access to public lands to support a broad range of
24 outdoor recreational opportunities and the development of
25 necessary infrastructure, where compatible with the resource
26 values of and management objectives for such lands, promotes
27 an appreciation for Florida's natural assets and improves the
28 quality of life.

29 6. Acquisition of lands, in fee simple or in any
30 lesser interest, should be based on a comprehensive assessment
31 of Florida's natural resources and planned so as to protect

1 the integrity of ecological systems and to provide multiple
2 benefits, including preservation of fish and wildlife habitat,
3 recreation space for urban as well as rural areas, and water
4 recharge.

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

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

29 (c) Public agencies or other entities that receive
30 funds under this act are encouraged to better coordinate their
31 expenditures so that project acquisitions, when combined with

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

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

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

19
20 As it has with previous land acquisition programs, the
21 Legislature recognizes the desires of the citizens of this
22 state to prosper through economic development and to preserve
23 the natural areas and recreational open space of Florida. The
24 Legislature further recognizes the urgency of restoring the
25 natural functions of public lands or water bodies before they
26 are degraded to a point where recovery may never occur, yet
27 acknowledges the difficulty of ensuring adequate funding for
28 restoration efforts in light of other equally critical
29 financial needs of the state. It is the Legislature's desire
30 and intent to fund the implementation of the Florida 2020 Act,
31

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

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

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

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

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

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

- 1 conservation or preservation purposes. To be eligible, these
2 lands should:
- 3 1. Have imperiled, critically imperiled, or rare
4 natural communities of native vegetation and wildlife, or have
5 excellent quality occurrences of natural communities;
 - 6 2. Serve as habitat for endangered or threatened plant
7 or animal species;
 - 8 3. Promote or protect significant groundwater
9 recharge;
 - 10 4. Include regionally significant water bodies;
 - 11 5. Have significant archeological or historical sites;
 - 12 6. Serve to provide outdoor recreation;
 - 13 7. Enhance or facilitate management of properties
14 already under public ownership; or
 - 15 8. Complete the statewide system of greenways and
16 trails.

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

27 (c) Acquire lands for water resource development as
28 defined in s. 373.019(19), including water resource
29 development projects developed pursuant to s. 373.0361, and
30 for water supply development projects that meet the criteria
31 of s. 373.0831(4). However, the bond proceeds shall not be

1 used to finance the construction of wellfield or desalination
2 facilities or any activities or facilities included in the
3 term "water supply development" as defined in s. 373.019.

4 (d) Acquire lands for outdoor recreational purposes,
5 to include active and passive activities as described in s.
6 259.032(9)(a)2. An additional emphasis will be placed on
7 acquiring greenspace or greenways and trails for urban areas.

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

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

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

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

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

31

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

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

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

14 5. The project is a joint acquisition, either among
15 public agencies, non-profit organizations, private entities,
16 or a public-private partnership.

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

24 7. The project is one of the components of the
25 Everglades restoration effort.

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

28 (b) Each year that bonds are to be issued pursuant to
29 this act, the council or commission charged with overseeing
30 the program shall review that year's approved project priority
31 list and shall, by the first board meeting in February,

1 present to the Board of Trustees of the Internal Improvement
2 Trust Fund for approval a listing of projects representing the
3 categories which meet three or more of the criteria listed in
4 paragraph (a). The board of trustees may remove projects from
5 the list developed pursuant to this paragraph but may not add
6 projects or re-arrange project rankings.

7 (c) In acquiring coastal lands pursuant to this
8 section, the following additional criteria also shall be
9 considered:

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

15 2. The value of acquiring beachfront parcels,
16 irrespective of size, to provide public access and
17 recreational opportunities in highly developed urban areas.

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

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

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

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

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

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

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

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

11 2. For lands proposed for surplus located outside of
12 the original project boundary the commission shall presume
13 that the lands are to be surplus unless:

14 a. A biological assessment or survey conducted by the
15 Florida Natural Areas Inventory or its successor has
16 determined that the lands are of such quality that surplus
17 should not be approved; or

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

21 3. Decisions regarding surplus pursuant to
22 subparagraph 2. shall be reviewed and approved or denied by
23 the board of trustees.

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

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

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

25 (9)(a) The Board of Trustees of the Internal
26 Improvement Trust Fund, or, in the case of water management
27 district lands, the owning water management district, may
28 authorize the granting of a lease, easement, or license for
29 the use of certain lands acquired pursuant to this section,
30 for certain governmental uses that are determined by the
31 appropriate board to be compatible with the purposes for which

1 these lands were acquired. Such governmental uses may include
2 public schools, public libraries, fire or law enforcement
3 substations, and recreational centers.

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

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

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

31

1 Section 13. Subsection (8) is added to section
2 373.139, Florida Statutes, to read:

3 373.139 Acquisition of real property.--

4 (8) No district may participate directly or indirectly
5 with the Federal Government, or any department or agency of
6 the Federal Government, in any agreement or any other
7 arrangement to acquire property or any interest in property by
8 eminent domain that diminishes or deprives a person or entity
9 of any right, privilege, or compensation such person or entity
10 would otherwise be entitled to if the property or interest in
11 property was acquired by eminent domain under the laws of this
12 state.

13 Section 14. Subsections (1) and (2) of section
14 373.459, Florida Statutes, are amended to read:

15 373.459 Funds for surface water improvement and
16 management.--

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

20 373.451-373.4595. Among the sources of funds shall be bond
21 proceeds from the Florida 2020 program, pursuant to s.

22 259.105.The department shall administer all funds
23 appropriated to or received for surface water improvement and
24 management activities. Expenditure of the moneys shall be
25 limited to the costs of detailed planning for and
26 implementation of programs prepared for priority surface
27 waters. Moneys from the fund shall not be expended for
28 planning for, or construction or expansion of, treatment
29 facilities for domestic or industrial waste disposal.

30 (2) The secretary of the department shall authorize
31 the release of money from the fund within 30 days after

1 receipt of a request adopted by the governing board of a water
2 management district or by the executive director when
3 authority has been delegated by the governing board,
4 certifying that the money is needed for detailed planning for
5 or implementation of plans approved pursuant to ss. 373.453,
6 373.455, and 373.456. A water management district may not
7 receive more than 50 percent of the moneys appropriated to the
8 fund for the purposes of ss. 373.451-373.4595 in any fiscal
9 year unless otherwise provided for by law. Each year after
10 funds are appropriated, each water management district shall
11 receive the amount requested pursuant to s. 373.453(4) or 10
12 percent of the money appropriated for the purposes of ss.
13 373.451-373.4595, whichever is less. The department shall
14 allocate the remaining money in the appropriation for such
15 purposes annually, based upon the specific needs of the
16 districts. The department, at its discretion, may include any
17 funds allocated to a district for such purposes in previous
18 years which remain unencumbered by the district on July 1, to
19 the amount of money to be distributed based upon specific
20 needs of the districts. To be eligible for Florida 2020
21 funds, plans also must have been selected pursuant to s.
22 259.105.

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

25 373.59 Water Management Lands Trust Fund.--

26 (1) There is established within the Department of
27 Environmental Protection the Water Management Lands Trust Fund
28 to be used as a nonlapsing fund for the purposes of this
29 section. The moneys in this fund are hereby continually
30 appropriated for the purposes of land acquisition, management,
31 maintenance, capital improvements, payments in lieu of taxes,

1 and administration of the fund in accordance with the
2 provisions of this section. However, any funds appropriated
3 pursuant to s. 259.105 may not be used for land management and
4 maintenance, payment in lieu of taxes, or fund administration.

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

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

1 resolution, and the department shall deposit the unused funds
2 into the Water Management Lands Trust Fund.

3 (c) The Secretary of Environmental Protection shall
4 release acquisition moneys from the Water Management Lands
5 Trust Fund to a district following receipt of a resolution
6 adopted by the governing board identifying the lands being
7 acquired and certifying that such acquisition is consistent
8 with the plan of acquisition and other provisions of this act.
9 The governing board shall also provide to the Secretary of
10 Environmental Protection a copy of all certified appraisals
11 used to determine the value of the land to be purchased. Each
12 parcel to be acquired must have at least one appraisal. Two
13 appraisals are required when the estimated value of the parcel
14 exceeds \$500,000. However, when both appraisals exceed
15 \$500,000 and differ significantly, a third appraisal may be
16 obtained. If the purchase price is greater than the appraisal
17 price, the governing board shall submit written justification
18 for the increased price. The Secretary of Environmental
19 Protection may withhold moneys for any purchase that is not
20 consistent with the 5-year plan, the criteria of the Florida
21 2020 Program, or the intent of this act. Additionally, the
22 Secretary may withhold moneys for proposed acquisitions that
23 are ~~or that is~~ in excess of appraised value. The governing
24 board may appeal any denial to the Land and Water Adjudicatory
25 Commission pursuant to s. 373.114.

26 (d) The Secretary of Environmental Protection shall
27 release to the districts moneys for management, maintenance,
28 and capital improvements following receipt of a resolution and
29 request adopted by the governing board which specifies the
30 designated managing agency, specific management activities,
31

1 public use, estimated annual operating costs, and other
2 acceptable documentation to justify release of moneys.
3 (6) If a district issues revenue bonds or notes under
4 s. 373.584, the district may pledge its share of the moneys in
5 the Water Management Lands Trust Fund as security for such
6 bonds or notes. The Department of Environmental Protection
7 shall pay moneys from the trust fund to a district or its
8 designee sufficient to pay the debt service, as it becomes
9 due, on the outstanding bonds and notes of the district;
10 however, such payments shall not exceed the district's
11 cumulative portion of the trust fund. However, any moneys
12 remaining after payment of the amount due on the debt service
13 shall be released to the district pursuant to subsection(4)
14 ~~(3)~~.

15 (12) A district may dispose of land acquired under
16 this section, pursuant to s. 373.056 or s. 373.089. However,
17 revenue derived from such disposal may not be used for any
18 purpose except the purchase of other lands meeting the
19 criteria specified in this section or payment of debt service
20 on revenue bonds or notes issued under s. 373.584, as provided
21 in this section. Any funds derived from the surplus of lands
22 acquired under the Florida 2020 program shall be used only to
23 purchase other lands meeting the criteria of s. 259.105.

24 (14)(a) Beginning in fiscal year 1992-1993, not more
25 than one-fourth of the land management funds provided for in
26 subsections (1) and (9) in any year shall be reserved annually
27 by a governing board, during the development of its annual
28 operating budget, for payment in lieu of taxes to qualifying
29 counties and school districts for actual ad valorem tax losses
30 incurred as a result of lands purchased with funds allocated
31 pursuant to s. 259.101(3)(b). In addition, the Northwest

1 Florida Water Management District, the South Florida Water
2 Management District, the Southwest Florida Water Management
3 District, the St. Johns River Water Management District, and
4 the Suwannee River Water Management District shall pay to
5 qualifying counties and school districts payments in lieu of
6 taxes for district lands acquired with funds allocated
7 pursuant to subsection (8). Reserved funds that are not used
8 for payment in lieu of taxes in any year shall revert to the
9 fund to be used for management purposes or land acquisition in
10 accordance with this section.

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

12 1. To counties for each year in which the levy of ad
13 valorem tax is at least 8.25 mills or the amount of the tax
14 loss from all completed Preservation 2000 acquisitions in the
15 county exceeds 0.01 percent of the county's total taxable
16 value, and the population is 75,000 or less and to counties
17 with a population of less than 100,000 which contain all or a
18 portion of an area of critical state concern designated
19 pursuant to chapter 380.

20 2. Beginning in fiscal year 1998-1999, to school
21 boards in counties with a population of 75,000 or less which
22 do not contain all or a portion of an area of critical state
23 concern designated pursuant to chapter 380 that levy the
24 maximum millage pursuant to s. 236.25(1) and (2) and to school
25 boards in counties with a population of less than 100,000
26 which contain all or a portion of an area of critical state
27 concern designated pursuant to chapter 380.

28 (c) If insufficient funds are available in any year to
29 make full payments to all qualifying counties and school
30 districts, such counties and school districts shall receive a
31 pro rata share of the moneys available.

1 (d) The payment amount shall be based on the average
2 amount of actual taxes paid on the property for the 3 years
3 immediately preceding acquisition, except the payment amount
4 for school boards in counties with a population of 75,000 or
5 less which do not contain all or a portion of an area of
6 critical state concern designated pursuant to chapter 380
7 shall be calculated based only on the value of the millage
8 levied pursuant to s. 236.25(1) and (2) on purchases completed
9 after July 1, 1998. For lands purchased prior to July 1, 1992,
10 applications for payment in lieu of taxes shall be made to the
11 districts by January 1, 1993. For lands purchased after July
12 1, 1992, applications for payment in lieu of taxes shall be
13 made no later than January 31 of the year following
14 acquisition. No payment in lieu of taxes shall be made for
15 properties which were exempt from ad valorem taxation for the
16 year immediately preceding acquisition. Payment in lieu of
17 taxes shall be limited to a period of 10 consecutive years of
18 annual payments.

19 (e) Payment in lieu of taxes shall be made within 30
20 days after: certification by the Department of Revenue that
21 the amounts applied for are appropriate, certification by the
22 Department of Environmental Protection that funds are
23 available, and completion of any fund transfers to the
24 district. The governing board may reduce the amount of a
25 payment in lieu of taxes to any county or school district by
26 the amount of other payments, grants, or in-kind services
27 provided to that county or school district by the district
28 during the year. The amount of any reduction in payments shall
29 remain in the Water Management Lands Trust Fund for purposes
30 provided by law.

31

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

5 Section 16. Subsections (1) and (2) of section
6 375.075, Florida Statutes are amended to read:

7 375.075 Outdoor recreation; financial assistance to
8 local governments.--

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

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

30 (b) Selection criteria shall, at a minimum, rank:
31

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

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

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

13 Section 17. Subsections (4) and (11) of section
14 380.507 are amended, and subsection (15) is added to said
15 section, to read:

16 380.507 Powers of the trust.--The trust shall have all
17 the powers necessary or convenient to carry out the purposes
18 and provisions of this part, including:

19 (4) To acquire and dispose of real and personal
20 property or any interest therein when necessary or appropriate
21 to protect the natural environment, provide public access or
22 public recreational facilities, preserve wildlife habitat
23 areas, provide access for managing acquired lands, or
24 otherwise carry out the purposes of this part. If the trust
25 acquires land for permanent state ownership, title to such
26 land shall be vested in the Board of Trustees of the Internal
27 Improvement Trust Fund, otherwise, title to property acquired
28 in partnership with a county or municipality shall vest in the
29 name of the local government. Notwithstanding any other
30 provision of law, the trust may enter into an option agreement
31 to purchase lands included in projects approved according to

1 this part, when necessary to reserve lands during the
2 preparation of project plans and during acquisition
3 proceedings. The consideration for an option shall not exceed
4 \$100,000.

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

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

26 Section 18. Subsection (7) of section 380.510, Florida
27 Statutes, is amended to read:

28 380.510 Conditions of grants and loans.--

29 (7) Any funds received by the trust from the
30 Preservation 2000 Trust Fund pursuant to s. 259.101(3)(c) and
31 the Florida 2020 Trust Fund shall be held separate and apart

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

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

24 (b) All deeds or leases with respect to any real
25 property acquired with funds received by the trust from the
26 Preservation 2000 Trust Fund shall contain such covenants and
27 restrictions as are sufficient to ensure that the use of such
28 real property at all times complies with s. 375.051 and s. 9,
29 Art. XII of the State Constitution. All deeds or leases with
30 respect to any real property acquired with funds received by
31 the trust from the Florida 2020 Trust Fund shall contain such

1 covenants and restrictions as are sufficient to ensure that
2 the use of such real property at all times complies with s.
3 259.105 and s. 19, Art. VII of the State Constitution. Each
4 deed or lease shall contain a reversion, conveyance, or
5 termination clause that will vest title in the Board of
6 Trustees of the Internal Improvement Trust Fund if any of the
7 covenants or restrictions are violated by the titleholder or
8 leaseholder or by some third party with the knowledge of the
9 titleholder or leaseholder.

10 Section 19. The Florida 2020 Study Commission.--

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

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

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

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

7 (e) Appointments must be made by September 15, 1998,
8 and the commission's first meeting must be held by October 15,
9 1998. The commission shall exist until August 31, 1999. The
10 Governor shall designate, from among the appointees, who will
11 chair the commission.

12 (2) The Florida 2020 Study Commission shall:

13 (a) Develop recommendations on the:

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

16 2. Process by which restoration, acquisition, and
17 capital improvement projects are competitively selected by the
18 Florida Lands Commission.

19 3. Opportunities for the Surface Water Improvement and
20 Management Program, the Conservation and Recreation Lands
21 Program, the Save Our Rivers Program, and other statutorily
22 created programs to obtain funding through the Florida 2020
23 program.

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

29 (b) Base its recommendations on:

30 1. Comments received during a minimum of six public
31 hearings, in different areas of the state, held for the

1 purpose of gathering public input and recommendations relative
2 to the implementation of the Florida 2020 program.

3 2. An evaluation of Florida's existing public land
4 acquisition programs for conservation, preservation, and
5 recreational purposes to determine what each program has
6 accomplished; whether each program achieved or appears to be
7 achieving its statutory goals and objections; and the extent
8 of Florida's unmet needs for restoration and management of
9 public lands and water areas and the acquisition of privately
10 owned lands and water areas.

11 (c) The Florida 2020 Study Commission shall submit a
12 report of its findings and recommendations to the Governor,
13 the President of the Senate, the Speaker of the House of
14 Representatives, and the chairs of the appropriations and
15 relevant substantive legislative committees by July 1, 1999.

16 (3) There is hereby appropriated \$125,000 from the
17 Conservation and Recreation Lands Trust Fund and \$125,000 from
18 the Water Management Lands Trust Fund for fiscal year
19 1998-1999 to fund the administrative expenses of the Florida
20 2020 Study Commission.

21 Section 20. (1) Notwithstanding any provisions to the
22 contrary in chapter 259, Florida Statutes, or chapter 253,
23 Florida Statutes, the Board of Trustees of the Internal
24 Improvement Trust Fund, pursuant to chapters 93-184 and
25 95-275, Laws of Florida, shall convey the lands located in
26 Walton County specifically identified as the New Town,
27 consistent with the Walton County Comprehensive Plan, to
28 Walton County at a price not to exceed the price paid by the
29 Board of Trustees for the lands, plus any applicable interest,
30 if the disposition of the lands would not have the effect of
31 causing all or any portion of the interest on any revenue

1 bonds issued to fund the Florida Preservation 2000 Trust Act
2 to lose their exclusion from gross income for purposes of
3 federal income taxation. Any revenue derived from the
4 disposal of the lands may not be used for any purpose except
5 for deposit into the Florida Preservation 2000 Trust Fund for
6 recredit to the share held under s. 259.101(3), Florida
7 Statutes, in which the disposed of land is described.

8 (2) The New Town shall be developed consistent with
9 the October 31, 1996, South Walton New Town Master Plan of
10 Development, incorporated in its entirety into the Walton
11 County Comprehensive Plan and Land Development Code.

12 (3) If any lands acquired by Walton County pursuant to
13 subsection (1) are resold to private interests, they must be
14 sold at fair market value and the proceeds from such resale
15 must be used exclusively for development of the New Town,
16 including its infrastructure and related school facilities.

17 (4) Provisions of this section shall take effect on
18 July 1 of the year in which enacted.

19 Section 21. Based on the ecological, water quality,
20 and water quantity objectives of this state and the
21 legislatively declared public interest in acquiring the lands
22 in agricultural production which discharge phosphorus into
23 Lake Apopka, the St. John's River Water Management District is
24 directed to pursue the immediate acquisition of all remaining
25 privately owned lands as identified under s. 373.461, Florida
26 Statutes. The St. John's River Water Management District is
27 authorized to purchase such properties pursuant to the
28 criteria and limitations specified in s. 373.461(5), Florida
29 Statutes. If negotiations do not result in the execution of
30 mutually binding sales contracts for all of such properties,
31 the St. John's River Water Management District shall, by June

1 1, 1998, initiate condemnation proceedings in accordance with
2 the quick take provisions of chapter 73, Florida Statutes, and
3 chapter 74, Florida Statutes, on such parcels.

4 Section 22. Based on the conservation, recreational,
5 land acquisition, and ecological objectives of this state and
6 the legislatively declared public interest in acquiring the
7 lands in the East Everglades Buffer Strip and Pennsuco
8 wetlands, the South Florida Water Management District is
9 directed to pursue the immediate acquisition of Tracts Nos.
10 304-974, 304-966, 300-919, and 304-968 in Cell No. 26, Dade
11 County, East Everglades Buffer Strip. The South Florida Water
12 Management District is authorized to purchase such properties
13 based on the average of the two most recent M.A.I. appraisals.
14 If negotiations do not result in the execution of mutually
15 binding sales contracts for all of such properties, the
16 district shall by August 1, 1998, initiate condemnation
17 proceedings in accordance with the quick take provisions of
18 chapter 73, Florida Statutes, and chapter 74, Florida
19 Statutes, on such parcels. The condemnation valuation shall be
20 based on the land use plan, map, and conditions as they
21 existed on July 1, 1987, valued at its highest and best
22 economic use, assuming permitability of all uses specified
23 within that plan in using comparable sales for nongovernment
24 acquisitions outside the East Everglades Buffer Strip and
25 Pennsuco wetlands projects.

26 Section 23. Conservation easement dated March 31,
27 1993, and recorded April 15, 1993 in O.R. Book 4550, Page
28 2123, Orange County, Florida, subject to surface water
29 management permit 48-00751-S on 87.88 acre tract currently
30 held by South Florida Water Management District is hereby
31

1 amended to allow 7 acres of active recreational use including
2 ancillary facilities.

3 Section 24. Except as otherwise provided herein, this
4 act shall take effect contingent on passage of a
5 constitutional amendment authorizing bonding authority for the
6 Florida 2020 program.

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