

SB 130 by **Hays**; (Identical to H 0053) Florida Catastrophic Storm Risk Management Center

CS/SB 226 by **RI, Latvala (CO-INTRODUCERS) Sobel**; (Similar to CS/H 0239) Racing Animals

CS/SB 258 by **BI, Brandes**; (Similar to CS/H 0165) Property and Casualty Insurance

610218	PCS	S	AP, AGG		03/05 04:47 PM
357074	PCS:A	S	AP, Hays	Delete L.52 - 57:	03/17 03:43 PM
300812	PCS:A	S	AP, Hays	Delete L.265 - 270:	03/17 03:02 PM

SB 332 by **Grimsley**; (Similar to H 0411) Nursing Home Facility Pneumococcal Vaccination Requirements

CS/SB 396 by **GO, Detert (CO-INTRODUCERS) Gaetz**; (Similar to H 0821) Florida Historic Capitol

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SB 450 by **Benacquisto (CO-INTRODUCERS) Gaetz**; (Identical to H 4017) Pain Management Clinics

SB 540 by **Evers**; State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections

753554	A	S	AP, Negron	Delete L.22 - 25.	03/16 06:38 PM

SB 576 by **Dean**; Land Acquisition Trust Fund/Agency for Persons with Disabilities

SB 578 by **Dean**; (Similar to H 1295) Land Acquisition Trust Fund/Department of Agriculture and Consumer Services

SB 580 by **Dean**; (Similar to H 1293) Land Acquisition Trust Fund/Department of State

SB 582 by **Dean**; Land Acquisition Trust Fund/Department of Transportation

SB 584 by **Dean**; (Compare to H 1291) Implementation of the Water and Land Conservation Constitutional Amendment

631392	PCS	S	AP, AGG		03/12 12:24 PM
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CS/SB 586 by **EP, Dean**; (Compare to H 1291) Implementation of the Water and Land Conservation Constitutional Amendment

485002	PCS	S	AP, AGG		03/12 08:39 AM
665986	PCS:A	S	AP, Smith	Delete L.118 - 125:	03/17 08:39 AM
545404	PCS:A	S	AP, Hays	Delete L.270 - 286:	03/17 05:13 PM

SB 7020 by **CJ**; (Compare to H 0785) Corrections

570270	PCS	S	AP		03/06 04:53 PM
824064	PCS:A	S	AP, Negron	Delete L.209 - 219:	03/16 06:38 PM
206902	PCS:A	S	AP, Negron	Delete L.748 - 833:	03/16 06:38 PM
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SB 7024 by **GO**; (Similar to H 0913) State Board of Administration

SB 7030 by **HE**; Postsecondary Education for Students With Disabilities

SPB 7054 by **AP**; Department of Transportation

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS
Senator Lee, Chair
Senator Benacquisto, Vice Chair

MEETING DATE: Wednesday, March 18, 2015

TIME: 1:30 —3:30 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Lee, Chair; Senator Benacquisto, Vice Chair; Senators Altman, Flores, Gaetz, Galvano, Garcia, Grimsley, Hays, Hukill, Joyner, Latvala, Margolis, Montford, Negron, Richter, Ring, Simmons, and Smith

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 130 Hays (Identical H 53)	Florida Catastrophic Storm Risk Management Center; Requiring the State Board of Administration to annually transfer a portion of the investment income of the Florida Hurricane Catastrophe Fund to the Florida Catastrophic Storm Risk Management Center to support the center's ongoing operations; specifying that the transferred income does not affect funding otherwise available to the center, etc.	
		BI 01/21/2015 Favorable CA 02/17/2015 Favorable AP 03/18/2015	
2	CS/SB 226 Regulated Industries / Latvala (Similar CS/H 239, Compare H 187, H 1233, S 262)	Racing Animals; Revising the prohibition on the use of certain medications or substances on racing animals; authorizing the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation to solicit input from the Department of Agriculture and Consumer Services; requiring the division to notify the owners or trainers, stewards, and the appropriate horsemen's association of all drug test results; expanding violations to include prohibited substances that break down during a race found in specimens collected after a race, etc.	
		RI 02/18/2015 Fav/CS AG 03/10/2015 Favorable AP 03/18/2015	

A proposed committee substitute for the following bill (CS/SB 258) is available:

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Wednesday, March 18, 2015, 1:30 —3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	CS/SB 258 Banking and Insurance / Brandes (Similar CS/H 165, Compare CS/H 273, H 1053, CS/CS/S 202, S 1250)	Property and Casualty Insurance; Increasing the length of time during which an insurer is not required to adhere to certain models found by the Commission on Hurricane Loss Projection Methodology to be accurate or reliable in determining probable maximum loss levels with respect to certain rate filings; revising provisions for the making and use of rates for motor vehicle insurance; increasing the amount of prior notice required with respect to the nonrenewal, cancellation, or termination of certain insurance policies, etc. BI 02/17/2015 Fav/CS AGG 03/04/2015 Fav/CS AP 03/18/2015	
With subcommittee recommendation - General Government Appropriations			
4	SB 332 Grimsley (Similar H 411)	Nursing Home Facility Pneumococcal Vaccination Requirements; Requiring a resident of a licensed facility to be assessed for eligibility for pneumococcal vaccination or revaccination by a specified date and, if indicated, to be vaccinated or revaccinated by a specified date, etc. HP 02/03/2015 Favorable AHS 02/18/2015 Favorable AP 03/18/2015	
With subcommittee recommendation - Health and Human Services Appropriations			
5	CS/SB 396 Governmental Oversight and Accountability / Detert (Similar H 821)	Florida Historic Capitol; Removing references to the Legislative Research Center and Museum at the Historic Capitol; creating the Florida Historic Capitol Museum Council; providing for the appointment and qualifications of council members; renaming the position of Capitol Curator as the Florida Historic Capitol Museum Director; revising the composition of the board of directors governing the Florida Historic Capitol Museum's direct-support organization, etc. GO 02/17/2015 Fav/CS AGG 03/04/2015 Favorable AP 03/18/2015	
With subcommittee recommendation - General Government Appropriations			
6	SB 450 Benacquisto (Identical H 4017)	Pain Management Clinics; Deleting provisions relating to the future repeal of ss. 458.3265 and 459.0137, F.S., etc. HP 02/17/2015 Favorable AHS 03/04/2015 Favorable AP 03/18/2015	

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Wednesday, March 18, 2015, 1:30 —3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
With subcommittee recommendation - Health and Human Services Appropriations			
7	SB 540 Evers (Link S 7020)	State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections; Creating the State-Operated Institutions Inmate Welfare Trust Fund within the Department of Corrections; providing a purpose; requiring that any balance remaining in the trust fund at the end of the fiscal year remain in the trust fund, etc. CJ 02/16/2015 Favorable ACJ 03/04/2015 Favorable AP 03/18/2015	
With subcommittee recommendation - Criminal and Civil Justice Appropriations			
8	SB 576 Dean	Land Acquisition Trust Fund/Agency for Persons with Disabilities ; Creating the Land Acquisition Trust Fund within the Agency for Persons with Disabilities; providing for the purpose of the trust fund and sources of funds; requiring that title to lands or related property interests acquired be vested in the Board of Trustees of the Internal Improvement Trust Fund; requiring the agency or its designee to manage the lands or property interests acquired in accordance with the purposes set forth in s. 28, Art. X of the State Constitution; providing for future review and termination or re-creation of the trust fund, etc. EP 02/18/2015 Favorable AGG 03/11/2015 Favorable AP 03/18/2015	
With subcommittee recommendation - General Government Appropriations			
9	SB 578 Dean (Similar H 1295)	Land Acquisition Trust Fund/Department of Agriculture and Consumer Services; Creating the Land Acquisition Trust Fund within the Department of Agriculture and Consumer Services; providing for the purpose of the trust fund and sources of funds; providing for future review and termination or re-creation of the trust fund, etc. EP 02/18/2015 Favorable AGG 03/11/2015 Favorable AP 03/18/2015	
With subcommittee recommendation - General Government Appropriations			

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Wednesday, March 18, 2015, 1:30 —3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	SB 580 Dean (Similar H 1293)	Land Acquisition Trust Fund/Department of State; Creating the Land Acquisition Trust Fund within the Department of State; providing for the purpose of the trust fund and sources of funds; providing for future review and termination or re-creation of the trust fund, etc. EP 02/18/2015 Favorable AGG 03/11/2015 Favorable AP 03/18/2015	
With subcommittee recommendation - General Government Appropriations			
11	SB 582 Dean	Land Acquisition Trust Fund/Department of Transportation; Creating the Land Acquisition Trust Fund within the Department of Transportation; providing for the purpose of the trust fund and sources of funds; requiring that title to lands or related property interests acquired be vested by the state; requiring the department or its designee to manage lands or related property interests acquired in accordance with the purposes set forth in s. 28, Art. X of the State Constitution; providing for future review and termination or re-creation of the trust fund, etc. EP 02/18/2015 Favorable AGG 03/11/2015 Favorable AP 03/18/2015	
With subcommittee recommendation - General Government Appropriations			
A proposed committee substitute for the following bill (SB 584) is available:			
12	SB 584 Dean (Compare H 1291, CS/S 586)	Implementation of the Water and Land Conservation Constitutional Amendment; Terminating certain trust funds within the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and the Fish and Wildlife Conservation Commission; requiring moneys in land acquisition trust funds created or designated to receive funds under s. 28, Art. X of the State Constitution to be retained in those trust funds; repealing provisions relating to beach erosion control project staffing; authorizing a percentage of proceeds from the phosphate rock excise tax to be credited to the State Park Trust Fund, etc. EP 02/18/2015 Favorable AGG 03/11/2015 Fav/CS AP 03/18/2015	
With subcommittee recommendation - General Government Appropriations			

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Wednesday, March 18, 2015, 1:30 —3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION

A proposed committee substitute for the following bill (CS/SB 586) is available:

13	CS/SB 586 Environmental Preservation and Conservation / Dean (Compare H 1291, S 584)	Implementation of the Water and Land Conservation Constitutional Amendment; Providing that specified distributions to the Land Acquisition Trust Fund are not subject to the service charge under s. 215.20, F.S.; repealing provisions relating to beach erosion control project staffing, funding for the state's beach management plan, and the Florida Preservation 2000 Trust Fund; requiring specified public recreation projects to have been selected through the Department of Environmental Protection's competitive selection process prior to the release of funds, etc.
		EP 02/18/2015 Fav/CS AGG 03/11/2015 Fav/CS AP 03/18/2015

With subcommittee recommendation - General Government Appropriations

A proposed committee substitute for the following bill (SB 7020) is available:

14	SB 7020 Criminal Justice (Compare H 785, S 212, Link S 540)	Corrections; Requiring the Criminal Justice Estimating Conference to develop projections of prison admissions and populations for elderly felony offenders; prohibiting an inmate from receiving incentive gain-time credits for completing the requirements for and receiving a general educational development certificate or vocational certificate if the inmate was convicted of a specified offense on or after a specified date; requiring each institution to create and maintain a system to track the use of force episodes to determine if inmates need subsequent physical or mental health treatment, etc.
		ACJ 03/04/2015 Fav/CS AP 03/18/2015

With subcommittee recommendation - Criminal and Civil Justice Appropriations

15	SB 7024 Governmental Oversight and Accountability (Similar H 913)	State Board of Administration; Repealing provisions relating to restrictions on investments in institutions doing business in or with Northern Ireland; establishing conditions for the transfer of any residual balance in the Fund B Surplus Funds Trust Fund upon self-liquidation; requiring that additional income received after distribution of the residual balance be deposited in the Local Government Surplus Funds Trust Fund, etc.
		AGG 03/04/2015 Favorable AP 03/18/2015

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Wednesday, March 18, 2015, 1:30 —3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
With subcommittee recommendation - General Government Appropriations			
16	SB 7030 Higher Education	Postsecondary Education for Students With Disabilities; Creating the "Florida Postsecondary Comprehensive Transition Program Act"; establishing eligibility requirements for enrollment in the Florida Postsecondary Comprehensive Transition Program; establishing the Florida Center for Students with Unique Abilities; establishing a Florida Postsecondary Comprehensive Transition Program Scholarship for certain qualified students, etc. AED 03/04/2015 Favorable AP 03/18/2015	
With subcommittee recommendation - Education Appropriations			
Consideration of proposed bill:			
17	SPB 7054	Department of Transportation; Revising the distribution of revenues from additional fees imposed on certain motor vehicle registration transactions; creating the Florida Shared-Use Nonmotorized Trail Network; requiring funding to be allocated to the Florida Shared-Use Nonmotorized Trail Network in the program and resource plan of the department, etc.	
(Preliminary Draft Available - final draft will be made available at least 24 hours prior to the meeting.)			
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 130

INTRODUCER: Senator Hays

SUBJECT: Florida Catastrophic Storm Risk Management Center

DATE: March 17, 2015

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Matiyow</u>	<u>Knudson</u>	<u>BI</u>	Favorable
2. <u>Stearns</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
3. <u>Betta</u>	<u>Kynoch</u>	<u>AP</u>	Pre-meeting

I. Summary:

SB 130 requires the State Board of Administration to transfer a portion of the investment income from the Florida Hurricane Catastrophe Fund to the Florida Catastrophic Storm Risk Management Center. The transfer is to begin during the 2015-2016 fiscal year. The amount transferred for each fiscal year is to be the lesser of \$1 million or 35 percent of the fund's investment income minus \$10 million, based on the fund's most recent fiscal year-end audit. The amount transferred must be used for the center's statutory purpose of supporting the state's ability to prepare for, respond to, and recover from catastrophic storms.

The bill has no fiscal impact on state funds.

The effective date of the bill is July 1, 2015.

II. Present Situation:

Florida Catastrophic Storm Risk Management Center

The Florida Catastrophic Storm Risk Management Center (Center) was created by the Florida Legislature in 2007.¹ The Center is located at the Department of Risk Management/Insurance, Real Estate & Legal Studies at the Florida State University College of Business. The focus of the Center is to support the state's ability to prepare for, respond to, and recover from catastrophic storms. Specifically, the Center:

- Coordinates and disseminates research efforts that are expected to have an immediate impact on policy and practices related to catastrophic storm preparedness.

¹ Ch. 2007-90, s. 24, L.O.F. (creating s. 1004.647, F.S., effective June 11, 2007).

- Coordinates and disseminates information related to catastrophic storm risk management, including but not limited to research and information that benefits businesses, consumers and public policy makers.
- Facilitates Florida's preparedness and responsiveness to catastrophic storms and collaborates with other public and private institutions.
- Creates and promotes studies that enhance the educational options available to risk management and insurance students.
- Publishes and disseminates findings primarily related to risk management.
- Organizes and sponsors conferences, symposia and workshops to educate consumers and policymakers.

In previous years, the Center has received its funding by way of transfer from the Insurance Regulatory Trust Fund within the Department of Financial Services. The transfer of such funds have been authorized in the General Appropriations Act annually. In Fiscal Year 2012-2013,² the amount transferred to fund the operations of the Center was \$350,000. In Fiscal Year 2013-2014,³ the amount transferred was \$750,000 and included an additional requirement that the Center study and report to the Legislature alternative methods for managing the size of the Florida Hurricane Catastrophe Fund.⁴ In Fiscal Year 2014-2015, the amount transferred to the Center was \$1.5 million.⁵

The Florida Hurricane Catastrophe Fund (Cat Fund)

The Cat Fund is a tax-exempt fund created in 1993 after Hurricane Andrew and is administered by the State Board of Administration (SBA). The fund provides mandatory reimbursement to property insurers for a selected percentage (45, 75, or 90 percent) of hurricane losses above the insurer's retention (deductible). The Cat Fund affords insurers an additional source of reinsurance that is significantly less expensive than what is available in the private market, enabling insurers to generally write more residential property insurance in the state than would otherwise be written. Coverage purchased through the Cat Fund is estimated to cost insurers one-fourth to one-third what it would cost in the private reinsurance market.⁶ There are several reasons for these cost savings, including:⁷

- The Cat Fund operating cost is less than one percent of the annual premium collected, whereas the operating costs for private reinsurance can range from 10 percent to 15 percent of the premium collected.
- The Cat Fund does not pay reinsurance brokerage commissions.
- The Cat Fund has no underwriting costs.
- The Cat Fund is a tax-exempt entity that does not pay federal income taxes or state taxes.

² Ch. 2012-118, s. 6, Line 2488A, L.O.F.

³ Ch. 2013-40, s. 6, Line 2410A, L.O.F.

⁴ The center is also directed to produce a report on alternative methods for managing the size of the Florida Hurricane Catastrophe Fund. The center shall coordinate its research efforts with the State Board of Administration. The report was required to be submitted to the President of the Senate, Speaker of the House of Representatives, the Governor and Cabinet Officers by December 1, 2013.

⁵ Ch. 2014-51, s. 6, Line 2447, L.O.F.

⁶ Annual Report of the Florida Hurricane Catastrophe Fund Fiscal Year 2011-2012, p. 16, available at <http://www.sbafla.com/fhcf/Home/FHCFReports/tabid/315/Default.aspx> (last visited February 5, 2015).

⁷ *Id.*

- The Cat Fund has the ability to issue tax-exempt debt which results in lower financing costs should it become necessary to finance losses with revenue bonds.
- The Cat Fund does not include a factor for profit for reinsurance sold by the Cat Fund.
- The Cat Fund does not include a risk load for reinsurance sold by the Cat Fund.

Because of the low cost of reinsurance coverage from the Cat Fund, the fund acts to lower residential property insurance premiums for consumers. The Cat Fund must charge insurers the actuarially indicated premium for the coverage provided, based on hurricane loss projection models found acceptable by the Florida Commission on Hurricane Loss Projection Methodology.

Cat Fund Mandatory Coverage

Each insurance company writing insurance policies covering residential property or any policy covering a residential structure or its contents must participate in the Cat Fund. Residential property is defined in s. 627.4025(1), F.S., to include personal lines and commercial lines residential coverage. This coverage includes the following insurance policies: homeowner, mobile homeowner, dwelling, tenant, condominium unit owner, condominium association, cooperative association, and apartment building.

The Cat Fund is authorized by statute to sell \$17 billion of mandatory layer coverage. Each insurer that purchases coverage may receive up to its proportional share of the \$17 billion mandatory layer of coverage based upon the insurer's share of the actual premium paid for the contract year, multiplied by the claims paying capacity of the fund. For example, if an insurer paid 10 percent of the total premium paid in a contract-year, then that insurer would be eligible to receive up to 10 percent of the mandatory layer of coverage (\$1.7 billion of the \$17 billion mandatory layer).

To access the Cat Fund an insurer must have incurred losses above the retention levels calculated and set by statute. Insurers that experience multiple hurricanes causing losses during the contract year may receive reimbursement from the Cat Fund for losses that exceed the applicable retention. The insurer's full retention is applied to each hurricane causing the two largest losses for that insurer. For each other covered event resulting in losses, the insurer's retention is only one-third of the full retention. Citizens Property Insurance Corporation is the largest purchaser of Cat Fund coverage.

Cat Fund Premiums

The Cat Fund must charge insurers the "actuarially indicated" premium for the coverage provided, based on hurricane loss projection models found acceptable by the Florida Commission on Hurricane Loss Projection Methodology. The "actuarially indicated" premium is an amount that is adequate to pay current and future obligations and expenses of the fund. In practice, each insurer pays the Cat Fund annual reimbursement premiums that are proportionate to each insurer's share of the Cat Fund's risk exposure. The cost of Cat Fund coverage is significantly lower than the cost of private reinsurance due to the fact that the fund is a tax-exempt non-profit corporation and does not charge a "risk load."

Cat Fund Claims-Paying Resources

The Cat Fund cash balance at year-end 2014 was estimated at \$10.936 billion.⁸ Assuming no change in FHCF premiums, the 2015 year-end balance would be approximately \$12.2 billion.⁹ For the contract year beginning June 1, 2015, therefore, the maximum amount of additional borrowing that would be needed in the event of losses equal to or exceeding the Cat Fund's \$17 billion limit would be approximately \$2.8 billion.¹⁰ The assessment base for the Cat Fund is approximately \$37.933 billion for premiums written at year end 2013,¹¹ enabling the Cat Fund to levy annual assessments of as much as \$2.276 billion for one contract year and \$3.793 billion for multiple contract years.¹²

Cat Fund Bonding and Assessment Authority

Reimbursements to insurers for losses above the current cash balance of the fund are financed through bonding. When the cash balance of the Cat Fund is insufficient to cover losses, the law authorizes the Cat Fund to issue revenue bonds, which are funded by emergency assessments on property and casualty policyholders. If a large storm triggered the full capacity of the Cat Fund during the 2015 contract year, bond issues totaling over \$2.8 billion could be necessary for the fund to meet its maximum obligations.

Bonds would be funded by an emergency assessment of up to 6 percent of premium on most lines of property and casualty insurance for funding losses from a single year, and up to 10 percent of premium for funding losses from multiple years. All lines of property and casualty insurance, including surplus lines insurance, are subject to emergency assessment except for workers' compensation and medical malpractice liability insurance. The Cat Fund's broad-based assessment authority is one of the reasons the Cat Fund was able to obtain an exemption from federal taxation from the Internal Revenue Service as an integral part of state government.

Cat Fund Claims-Paying Capacity Estimates

In May and October of each contract year, the SBA is required to publish in the Florida Administrative Weekly a statement of the fund's estimated borrowing capacity, the fund's estimated claims-paying capacity, and the projected balance of the fund. At the end of each calendar year, the board is required to notify insurers of the estimated borrowing capacity, estimated claims-paying capacity, and the balance of the fund as of December 31, to provide insurers with data necessary to assist them in determining their retention and projected payout from the fund for loss reimbursement purposes.

The October 14, 2014, Claims-Paying Capacity Estimate is the most recent such report to be issued. The report, prepared by Raymond James, evaluated the Cat Fund's bonding capacity by analyzing the current financial markets and obtaining written feedback from a senior managing underwriter from four large financial services firms (Barclay's, Citi, Goldman Sachs, and J.P.

⁸ Email from CAT Fund staff received January 27, 2015, on file with Banking and Insurance staff.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

Morgan).

Bonding capacity (the estimated dollar amount of bonds that could be successfully issued) for a 12-month period is estimated to be \$8.3 billion, with an additional \$6.5 billion of capacity estimated for months 13-24. These amounts are in excess of the maximum amount of bonding that could have been needed for the 2014-2015 contract year. Claims-paying resources for the 2015-2016 contract year will include these amounts plus additional reimbursement premium revenues of approximately \$1.3 billion.¹³

Cat Fund Investments

As of September 30, 2014, the market value of the Cat Fund's investment assets was \$12,653,706,790.¹⁴ The SBA investment policy covering the Cat Fund's assets is designed to provide adequate liquidity by using highly liquid short-term investment strategies. Liquidity is a primary concern for the Cat Fund since insurers may file claims weekly, and investment strategies are planned accordingly. The primary investment objective of the Cat Fund's investment policy is defined by the following prioritized goals: liquidity, so that reimbursement to insurers can be paid in a timely manner; safety of principal investment; and competitive returns.

The Cat Fund's investment policy provides for a high level of liquidity such that assets can be converted to cash on a timely basis in order to match insurer loss reimbursement needs. The Cat Fund's portfolios include only short-term, high quality and highly liquid fixed income securities. Permitted fixed income securities and their diversification limits include:

- Corporate debt securities (not more than 50 percent of total portfolio amortized cost);
- U.S. Treasury securities and U.S. Government Agency securities (at least 50 percent of total portfolio amortized costs); and
- Repurchase Agreements collateralized at least 102 percent with U.S. Government, Agency, or Agency Mortgage Backed Securities (not more than 25 percent of total portfolio amortized cost).

The Cat Fund's investment income for the last 10 years totaled \$525,315,000.

¹³ The precise amount of reimbursement premium will not be determined until after the Cat Fund premium formula is adopted by the SBA Trustees under s. 215.555(5), F.S., and 2015 exposure reports are received from insurers.

¹⁴ Email from CAT Fund staff received January 27, 2015 on file with Banking and Insurance staff.

Cat Fund Investment Income	
Audited Financial Statements (Excludes Finance Corporation)	
Fiscal Year	Investment Income
June 30, 2014	\$19,174,000
June 30, 2013	\$34,638,000
June 30, 2012	\$26,634,000
June 30, 2011	\$29,983,000
June 30, 2010	\$54,298,000
June 30, 2009	\$7,803,000
June 30, 2008	\$46,816,000
June 30, 2007	\$36,065,000
June 30, 2006	\$103,105,000
June 30, 2005	\$108,672,000
June 30, 2004	\$58,127,000
Total \$525,315,000	
Source: FHCF Audited Financial Statements ¹⁵	

III. Effect of Proposed Changes:

This bill requires the State Board of Administration to transfer a portion of the investment income from the Florida Hurricane Catastrophe Fund to the Florida Catastrophic Storm Risk Management Center. The funds must solely be used for the center's statutory purpose of supporting the state's ability to prepare for, respond to, and recover from catastrophic storms.¹⁶ In addition, the bill is not intended to limit or supplant any funding otherwise available to the center.

The transfer is to begin during the 2015-2016 fiscal year. The amount transferred is to be the lesser of \$1 million or 35 percent minus \$10 million of the fund's investment income based on the fund's most recent year-end audit. Based on the Florida Hurricane Catastrophe Fund's Investment Income for the last five fiscal years, had the statutory changes in the bill been in law, the funding to the Florida Catastrophic Storm Risk Management Center would have averaged \$498,800.00 per year, as demonstrated in the following table:

¹⁵ <http://www.sbafla.com/fhcf/Home/AuditedFinancials/tabid/319/Default.aspx> (Last visited 1/15/15).

¹⁶ Section 1004.647, F.S.

Florida Hurricane Catastrophe Fund Investment Income¹⁷		
Audited Financial Statements (Excludes Finance Corporation)		
Fiscal Year	Investment Income	35 percent of Investment Income – (\$10,000,000)
June 30, 2014	\$19,174,000	\$6,711,000 – (\$10,000,000) = \$0 < \$1,000,000
June 30, 2013	\$34,638,000	\$12,123,300 – (\$10,000,000) = \$2,123,300 > \$1,000,000
June 30, 2012	\$26,634,000	\$9,321,900 – (\$10,000,000) = \$0 < \$1,000,000
June 30, 2011	\$29,983,000	\$10,494,050 – (\$10,000,000) = \$494,000 < \$1,000,000
June 30, 2010	\$54,298,000	\$19,004,300 – (\$10,000,000) = \$9,004,300 > \$1,000,000
Five-Year Average		\$498,800
Five-Year Total		\$2,494,000

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Under SB 130, no more than \$1 million per year will be transferred from the Florida Hurricane Catastrophe Fund's investment income to fund the operations of the Florida Catastrophic Storm Risk Management Center. Based upon the most recent audited financial statements and interest rates, it is not anticipated that the center will receive any disbursements in Fiscal Year 2015-2016.

VI. Technical Deficiencies:

None.

¹⁷ <http://www.sbafla.com/fhcf/Home/AuditedFinancials/tabid/319/Default.aspx> (Last visited 1/15/15).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 215.555 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Hays

11-00023-15

2015130__

A bill to be entitled

An act relating to the Florida Catastrophic Storm Risk Management Center; amending s. 215.555, F.S.; requiring the State Board of Administration to annually transfer a portion of the investment income of the Florida Hurricane Catastrophe Fund to the Florida Catastrophic Storm Risk Management Center to support the center's ongoing operations; specifying that the transferred income does not affect funding otherwise available to the center; providing an effective date.

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

Section 1. Present paragraphs (d), (e), and (f) of subsection (7) of section 215.555, Florida Statutes, are redesignated as paragraphs (e), (f), and (g), respectively, and a new paragraph (d) is added to that subsection, to read:

215.555 Florida Hurricane Catastrophe Fund.—

(7) ADDITIONAL POWERS AND DUTIES.—

(d) Beginning with the 2015-2016 fiscal year, the State Board of Administration shall annually transfer a portion of the investment income of the Florida Hurricane Catastrophe Fund to the Florida Catastrophic Storm Risk Management Center created by s. 1004.647 to fund the center's ongoing operations. The amount of the transfer for each fiscal year shall be the lesser of \$1 million, or 35 percent of the fund's investment income minus \$10 million as determined by using the most recent fiscal year-end audited financial statements. The amount transferred must be

Page 1 of 2

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used solely for the center's statutory purposes as specified in s. 1004.647. This paragraph is not intended to limit or supplant any funding otherwise available to the center.

Section 2. This act shall take effect July 1, 2015.

Page 2 of 2

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 226

INTRODUCER: Regulated Industries Committee and Senators Latvala and Sobel

SUBJECT: Racing Animals

DATE: March 17, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kraemer	Imhof	RI	Fav/CS
2.	Becker	Becker	AG	Favorable
3.	Davis	Kynoch	AP	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 226 modifies requirements regarding prohibited medication or drugging of racing animals (horses and greyhounds). Violations are no longer contingent upon a person administering or causing a prohibited substance to be administered; the mere presence of a prohibited substance in a racing animal is evidence of the violation. The fine for violations may be up to \$10,000 or the race winnings (purse or sweepstakes amount), whichever is greater. Prosecutions must be started within 90 days of the race date.

Samples are collected from racing animals at racetracks by the Division of Pari-mutuel Wagering (division) of the Department of Business and Professional Regulation (department). One portion of a sample is analyzed by the division's laboratory to determine whether any substance prohibited in racing animals is present. If the analyzed sample contains prohibited substances, the owner or trainer has the right to request an analysis on the remaining portion by an independent laboratory. As to samples from racing greyhounds, if the second analysis does not confirm the first, or is of insufficient quantity to do so, prosecution may still be pursued against the owner or trainer despite the lack of confirmation. For samples from racehorses, if the second analysis does not confirm the first, or is of insufficient quantity to do so, no prosecution may be pursued against the owner or trainer, and any suspended licensee must be reinstated. Current law is maintained for samples from racing greyhounds.

The bill requires the division to adopt rules regarding the use and allowed levels of medications, drugs, and naturally occurring substances in racing animals, as listed by the Association of

Racing Commissioners International, Inc., (ARCI). The bill requires the division to adopt rules that include a classification system for drugs and incorporates ARCI's Penalty Guidelines for drug violations and eliminates a limitation on the testing methodology that may be used to screen samples for prohibited substances. The rules also must include the conditions for the use of furosemide, a diuretic (Lasix or Salix).

An outside quality assurance program must annually assess the ability of all laboratories approved by the division to analyze samples for the presence of medications, drugs, and prohibited substances. The findings must be reported to the division and the Department of Agriculture and Consumer Services.

According to the department, the bill has no fiscal impact on state funds.

The bill is effective July 1, 2015.

II. Present Situation:

The racing of animals (horses and greyhounds) using any drug, medication, stimulant, depressant, hypnotic, narcotic, local anesthetic, or drug-masking agent is generally prohibited, and those medications that are permitted under certain conditions are specified by law.¹ However, the Division of Pari-mutuel Wagering (division) may adopt rules specifying acceptable levels of naturally occurring substances in untreated animals which may not be exceeded in race-day specimens.²

The implementation of uniform rules, policies, and testing standards for the medication, treatment, and testing of racehorses to strengthen the integrity of the racing industry is a goal of the Jockey Club,³ which is dedicated to the improvement of thoroughbred breeding and racing. The Club's associated Racing Testing and Medication Consortium (RMTC)⁴ began pursuit of the adoption and implementation of uniform standards, rules, and penalties in all horse racing jurisdictions in 2013.⁵ The program has been characterized by RMTC's vice chairman as "the most sweeping reform in medication regulation and testing in a generation."⁶ Implementation in Florida, as a premier thoroughbred racing state, continues to be a goal of the Jockey Club.

Other drugs and substances are permitted under limited conditions, such as furosemide to treat exercise-induced bleeding, and vitamins and minerals that do not exceed acceptable levels.⁷ Classification of a substance in a sample as permissible or impermissible may be dependent upon whether:

- The substance is administered within or outside the allowed time frame before a race is scheduled to begin;

¹ Section 550.2415, F.S.

² Section 550.2415(1)(b), F.S. The division may also set acceptable levels of environmental contaminants and trace levels of prohibited substances that are not reportable as a violation.

³ See <http://www.jockeyclub.com/> and <http://www.jockeyclub.com/Default.asp?section=About&area=0> (last visited Feb. 17, 2015).

⁴ See http://www.rmtcnet.com/content_landing_helpingthecause.asp (last visited Feb. 17, 2015).

⁵ See <http://www.bloodhorse.com/horse-racing/articles/84070/foreman-pace-of-drug-reform-unprecedented>

⁶ *Id.*

⁷ Section 550.2415(7), F.S.

- The racing animal is approved for administration of the substance, or is qualified by gender to receive it;
- The level of the substance exceeds acceptable levels set by administrative rule; and
- The method of administration of the substance is prohibited.⁸

Each racetrack permitholder must maintain a detention enclosure for securing urine, blood, or other samples from racing animals.⁹ The trainer of record for each animal is responsible for the condition of the animals he or she enters to race,¹⁰ and for securing all prescribed medications, over-the-counter medicines, and natural or synthetic medicinal compounds.¹¹

Samples of blood, urine, saliva, or any other bodily fluid may be collected from a race animal immediately before and immediately after it has raced.¹² If racing officials find, through reasonably reliable evidence, that substances other than permissible substances have been administered, or that otherwise permissible substances have been administered during prohibited periods before the time of a race, evidence of illegal or impermissible substances may be confiscated and the racing animal may be prohibited from racing in the race (scratched).¹³

The winner of every race is sent to the detention enclosure for examination by an authorized representative of the division and the taking of samples to monitor and detect both permissible and impermissible substances.¹⁴ Any other animals that participated in the race may be designated for examination and testing by the stewards, judges, racetrack veterinarian, or a division representative.¹⁵

All samples are collected by staff of the Office of Operations of the division and sent to the University of Florida College of Medicine Racing Laboratory for analysis.¹⁶ Blood specimens must be collected from racing animals by veterinarians employed by the division or any licensed veterinarian hired or retained by the division, and the collection must be witnessed by the animal's trainer, owner, or designee.¹⁷

The 83rd Annual Report of the division reflects that during Fiscal Year 2013-2014, the laboratory processed 79,600 samples and performed 344,289 analyses, as follows:¹⁸

⁸ See Rule 61D-6.008(1)-(9), F.A.C., respecting permitted medications for horses.

⁹ Rule 61D-6.002(2), F.A.C.

¹⁰ Rule 61D-6.002(1), F.A.C.

¹¹ Rule 61D-6.003, F.A.C. Prescription drugs must be prescribed by a licensed veterinarian who has a current veterinarian-patient relationship, and all substances must be properly labelled.

¹² Section 550.2415(1)a), F.S.

¹³ See s. 550.2415(7) and (8), F.S., and Rule 61D-6.005, F.A.C.

¹⁴ Rule 61D-6.005, F.A.C.

¹⁵ *Id.* The division has proposed rulemaking that would delete the requirement that the winner of every race and selected participants be immediately examined by a representative of the division and for the taking of samples. See *infra* note 39.

¹⁶ See 83rd Annual Report, Fiscal Year 2013-2014, (83rd Annual Report) at page 3, <http://www.myfloridalicense.com/dbpr/pmw/documents/AnnualReports/AnnualReport-2013-2014--83rd--20150114.pdf> (last visited Feb. 17, 2015). The division annually contracts with the racing laboratory for these services.

¹⁷ Rule 61D-6.005, F.A.C.

¹⁸ See 83rd Annual Report, *supra* note 16, at page 37. This is approximately 10,000 fewer samples processed and 8,500 fewer analyses performed than in 2012-2013. According to the Division, due to racing schedules late in the fiscal year, some samples were not analyzed by fiscal year-end, resulting in a higher number of analyses than samples received.

Sample Type	Horse Urine/Blood	Greyhound Urine	Investigative
Samples Received	15,816	63,757	27
Samples Analyzed	16,066	43,631	27
Number of Analyses	76,316	267,885	88
Positive Results	208	42	n/a

The volume of many greyhound urine samples that were taken at racetracks (20,044 or 31.4% of the total) was insufficient to permit valid testing of those samples.¹⁹ Of the 79,573 non-investigative samples that were collected at racetracks, 59,567 samples were analyzed, and there were 250 positive results (i.e. a finding of impermissible substances).²⁰

If a prohibited substance is found in a race-day specimen, it is evidence that the substance was administered to and in the racing animal while racing.²¹ Test results are confidential and exempt public records for 10 days after the testing of all samples collected on a particular day have been completed and the positive results have been reported to the director of the division, or until action against a person licensed by the division has been commenced by the service of an administrative complaint within two years after the race date.²²

Once the division notifies the owners or trainer of the positive result as required, the owner may request that each urine or blood sample be split into a primary sample and a secondary (split) sample; the splitting procedure must occur in the laboratory using procedures approved by the division by rule.²³ At the request of either the affected owner or trainer, the division must send the secondary sample to an independent laboratory for analysis.

If the positive result found by the state laboratory is not confirmed by the analysis made by the independent laboratory, no further administrative or disciplinary action may be pursued by the division.²⁴ If the positive result is confirmed, or if the volume of the secondary sample is insufficient to do so, then administrative action may proceed, but only within the period of two years from the race date.²⁵ There must be a good faith attempt by the division to obtain a sufficient quantity of fluid specimens to allow both a primary test to be made by the state laboratory and a secondary test to be made by an independent laboratory.²⁶

According to the division, there were 19 license suspensions, and \$80,950 in fines assessed for violations of all pari-mutuel statutes and rules in Fiscal Year 2013-2014.²⁷

¹⁹ *Id.*

²⁰ *Id.*

²¹ Section 550.2415(1)(c), F.S.

²² See ss. 550.2415(1)(a) and (4), F.S.

²³ Section 550.2415(5)(a), F.S.

²⁴ Section 550.2415(5)(b), F.S.

²⁵ Section 550.2415(5)(c), F.S.

²⁶ *Id.*

²⁷ See 83rd Annual Report, *supra* note 16, at page 3.

III. Effect of Proposed Changes:

The bill modifies language in s. 550.2415, F.S., respecting the racing of animals under prohibited conditions. A violation exists if a racing animal (a horse or greyhound) is impermissibly medicated by a person, or if an animal has a prohibited substance in a blood or urine sample. The requirement that a person “administer or cause to be administered” the prohibited substance²⁸ has been eliminated. A distinction is made between the impermissible use of a medication and the use of a prohibited substance (“illegal doping”). Any “illegal doping” of a racing animal impacts the licensee(s) responsible for the animal, whether or not the actual perpetrator is known. The condition of the racing animal, through analysis of bodily fluids that reflect the presence of prohibited substances, permits the suspension of the licensee(s) responsible for the condition of the animal.

The fine for violations may be up to \$10,000 or the race winnings (purse or sweepstakes amount), whichever is greater. The current provisions that allow the division to revoke or suspend the violator’s license, require the full or partial return of the purse sweepstakes and race trophy, or impose any combination of the fine and other penalties, are not changed.

The bill partially addresses the Division of Pari-Mutuel Wagering’s (division) concern with shortening the existing deadline to initiate prosecutions of violations from two years from the date of the race to only 60 days, and provides that initiation of prosecutions must be within 90 days after the violation.

The bill provides that the division may solicit input from the Department of Agriculture and Consumer Services when adopting rules that specify normal concentrations of naturally occurring substances and acceptable levels of other environmental contaminants and substances.

Samples from racing animals are collected at racetracks. One portion of a sample is analyzed by the division’s laboratory to determine whether any substance prohibited in racing animals is present. The University of Florida, College of Veterinary Medicine Equine Racing Laboratory, is currently under annual contract for these services.²⁹ If the analyzed sample contains prohibited substances, the owner or trainer has the right to request an analysis on the remaining portion by an independent laboratory.

The bill provides that the division must notify not only the owner or trainer of the outcome of all drug tests, but all the stewards (the racetrack officials responsible for enforcement of racing regulations) and the appropriate horsemen’s association (which represents the majority of the racehorse owners and trainers at a track). The bill does not address the timing of such notification to the stewards and horsemen’s association.

Section 550.2415(1)(a), F.S., currently states that test results and the identities of the tested animals and their trainers and owners of records are confidential and exempt from the public records access, inspection, and copying requirements set forth in s. 119.07(1), F.S., of the Florida

²⁸ These substances are currently described as “any drug, medication, stimulant, depressant, hypnotic, narcotic, local anesthetic, or drug-making agent.” See s. 550.2415(1)(a), F.S.

²⁹ See Veterinary Diagnostic Laboratories, UF Large Animal Hospital, College of Veterinary Medicine at <http://largeanimal.vethospitals.ufl.edu/services/veterinary-diagnostic-laboratories/> (last visited Feb. 17, 2015).

Public Records Act and from s. 24(a) of Article I of the Florida Constitution. The records are not currently subject to public access, inspection, and copying for a period of 10 days after:

- Testing of all the samples collected on a particular day has been completed; and
- Any positive test results from the samples have been reported to the director of the division; or
- The service of an administrative complaint against a licensee.³⁰

If the division's laboratory finds that the sample contains impermissible medications, prohibited substances, or a level of a naturally occurring substance exceeding normal concentrations (i.e., a "positive drug test"), the owner or trainer has the right to request another analysis be made on the retained portion (split sample) by an independent laboratory. If the independent laboratory's analysis confirms the finding made by the division laboratory, administrative proceedings may be pursued.

The bill does not change existing law as to the testing of samples from racing greyhounds. In Fiscal Year 2013-2014, the volume of urine collected in greyhound urine samples was insufficient for testing by the independent laboratory in 31.4 percent of the samples received.³¹ If the quantity of the split sample provided to the independent laboratory is insufficient to confirm the positive drug test result made by the division's laboratory, prosecution may still be pursued against the owner or trainer on the basis of the initial test result.

As to the testing of samples from racehorses, the bill provides that if the quantity of the split sample provided to the independent laboratory is insufficient to confirm the positive drug test result made by the division's laboratory, no prosecution may be pursued against the owner or trainer, and any suspended license must be immediately reinstated.

The division's laboratory and all laboratories approved by the division to analyze samples collected from racing animals must annually participate in an outside quality assurance program³² to assess their ability to detect and quantify medications, drugs, and naturally occurring substances that may be administered to racing animals. The quality assurance program administrator must report its findings to the division and the Department of Agriculture and Consumer Services.

The bill restores existing law for inspections of pari-mutuel facilities³³ to ensure the humane treating of racing animals and compliance with all rules and law. The bill mandates the adoption by the division of rules that establish the use and allowed levels of medications, drugs, and naturally occurring substances that are in the Controlled Therapeutic Medication Schedule, Version 2.1, revised April 17, 2014,³⁴ by the Association of Racing Commissioners

³⁰ See s. 550.2415(4), F.S.,

³¹ See 83rd Annual Report, *supra* note 16, at page 37.

³² For information about one such proficiency program designed for veterinary laboratories and hospitals, see <http://www.vetlabassoc.com/quality-assurance-program/> (last visited Feb. 17, 2015).

³³ Section 550.002(23), F.S., defines pari-mutuel facilities as those racetracks, frontons, or other facility used for pari-mutuel wagering; s. 550.2415(6)(e), F.S., permits inspections of those areas at pari-mutuel facilities where racing animals are raced, trained, housed, or maintained, including areas where food, medications, or supplies are kept.

³⁴ See <http://arcicom.businesscatalyst.com/assets/arcicom-controlled-therapeutic-medication-schedule---version-2.1.pdf> (last accessed Feb. 17, 2015). Version 1 of the CTM Schedule was adopted April 2, 2013; certain amendments were incorporated

International, Inc. (ARCI),³⁵ which is a not-for-profit trade association with no regulatory authority. However, its members individually possess regulatory authority within their jurisdictions, and many have the authority to determine whether to adopt ARCI recommendations on policies and rules.³⁶

The ARCI has adopted Model Rules for Racing³⁷ for the use of the pari-mutuel industry. As stated in the introduction, ARCI views the Model Rules as a document to be amended as the need arises, with input to the ARCI Model Rules Committee from all interested parties, with meetings open to members of the pari-mutuel industry and the public. The Model Rules are maintained on the website of the University of Arizona, Race Track Industry Program as a service to ARCI and the pari-mutuel racing industry.³⁸ The Model Rules reference the CTM Schedule as appropriate, but with no indication of a Version identifier.

The CTM Schedule includes maximum allowed concentrations and doses for 23 medications and three non-steroidal anti-inflammatory drugs (NSAIDs), with guidelines for the termination of use of the medication or substance prior to racing, to avoid a positive drug test. The adoption of uniform medication rules using the CTM Schedule is an attempt to provide owners and trainers with uniformity of regulations across jurisdictions.³⁹

The bill also requires the division to adopt rules:

- Designating the appropriate biological specimens to monitor the administration of medications, drugs, and naturally occurring substances;
- Determining the testing methods for screening specimens to confirm the presence of medication, drugs and naturally occurring substances; and
- Providing for a classification system for drugs and substances, with a penalty schedule for violations.

The bill requires that the penalty schedule for violations must incorporate the Uniform Classification Guidelines for Foreign Substances, Version 8.0, revised December 2014 (Uniform Classification Guidelines), by ARCI.⁴⁰ The Uniform Classification Guidelines are “intended to

into Version 2.0 on April 9, 2014, and another amendment on April 14, 2014 was incorporated into Version 2.1. The final sheet of the CTM Schedule describes all of the amendments by date. It appears the reference to Version 2.01 on the April 17, 2014 amendment description conflicts with the title of the document which is stated as “Version 2.1.”

³⁵ According to ARCI, it is a not-for-profit trade association of governmental regulators of horse and greyhound racing in the United States, Canada, Mexico, Jamaica, and Trinidad-Tobago, who have the legal responsibility to ensure the integrity of racing and pari-mutuel wagering in their jurisdictions. See <http://arcicom.businesscatalyst.com/about-rci.html> (last visited Feb. 17, 2015).

³⁶ *Id.*

³⁷ See https://ua-rtip.org/industry_service/download_model_rules (last visited Feb. 17, 2015).

³⁸ *Id.* at page 2.

³⁹ For commentary on the significance to horse racing of the adoption of uniform standards and rules, see Gary West, *Churchill[Downs] Could Spark Change (December 17, 2014, updated December 18, 2014)*

<http://espn.go.com/espn/print?id=12043495&type=story> (last visited Feb. 19, 2015). There is also a Racing Medication and Testing Consortium (RMTTC) which conducts strategic planning on research needs and is reorganizing Scientific Advisory Committee to adapt and respond to new drugs, practices and substances which threaten the integrity of racing. The executive committee of RMTTC recently affirmed the importance of maintaining an independent and apolitical entity for equine drug and therapeutic medication research. See http://www.rmtcnet.com/content_pressreleases.asp?id=&s=&article=1942 (last visited Feb. 17, 2015).

⁴⁰ See <http://arcicom.businesscatalyst.com/assets/uniformclassificationguidelines.pdf> (last accessed Feb. 17, 2015)

assist stewards, hearing officers and racing commissioners in evaluating the seriousness of alleged violations of medication and prohibited substance rules”⁴¹

Furosemide (also known as Lasix or Salix) is a diuretic, and the bill requires the division to adopt rules specifying the conditions for the use of furosemide to treat exercise-induced pulmonary hemorrhage (nose bleeds in particular). The bill specifies that furosemide is the only medication that may be administered within the 24 hours before the “officially scheduled post time of a race,” but not within the four hour period prior to that post time.

The bill deletes the specific requirement that the division adopt rules of the use and administration of prednisolone sodium succinate,⁴² phenylbutazone,⁴³ and synthetic corticosteroids⁴⁴. Instead the bill provides for the reliance on ARCI’s schedules and guidelines. The bill also deletes the division’s authority to adopt rules for the use of furosemide, phenylbutazone, or prednisolone sodium succinate; those substances are addressed in ARCI’s schedules and rules.

The bill deletes the requirement that the division use only thin layer chromatography (TLC) for the testing of urine and blood samples from race horses.

The bill deletes the reference to ARCI’s uniform classification system for class IV and V medications adopted on February 14, 1995.

Finally, the bill deletes the specific requirement that the testing for phenylbutazone be six full 15 milliliter blood tubes for each horse tested.

The division’s concern with the impact of the deletion of existing s. 550.2415(15), F.S., has been addressed. The bill retains existing law respecting the division’s authority to adopt medication levels for racing greyhounds, as may be recommended by the University of Florida College of Veterinary Medicine,⁴⁵ in renumbered s. 550.2415(13).

The division also notes that since the Controlled Therapeutic Medication Schedule adopted by the ARCI appears to be limited to horses, the deletion of existing s. 550.2415(15), F.S., as to the medication of racehorses, removes its authority to adopt rules on medication levels that have not yet been addressed by ARCI.

The bill provides for an effective date of July 1, 2015.

⁴¹ *Id.* at page ii. The final sheet of the document describes all of the amendments since December 2010, when Version 1.00 was adopted. Fourteen amendments to Version 7.00 were made in December 2014 when Version 8.00 was adopted.

⁴² The amount and use of this drug is regulated for horses, dogs, and cats by 21 C.F.R. § 522.184 for treatment of inflammatory, allergic and other stress conditions.

⁴³ Phenylbutazone for horses is a non-steroidal anti-inflammatory drug (NSAID) used to treat pain and inflammation associated with fractures, arthritis, and painful injuries to the limbs and joints. *See* <http://www.1800petmeds.com/Phenylbutazone-prod10141.html> (last visited Feb. 17, 2015).

⁴⁴ Synthetic corticosteroids are important therapeutic drugs that are widely used in human and veterinary medicine for a number of indications including treatment of inflammation and pain associated with joint disease and arthritis. *See* RMTC Position Statement on Corticosteroids, Racing Medication & Testing Consortium, available at <http://www.rmtcnet.com> (last visited Feb. 17, 2015).

⁴⁵ *Id.* at page 7.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Under CS/SB 226, the changes in sampling of urine and blood specimens from racing animals and the annual assessment of independent testing laboratories will have an indeterminate impact on horse and greyhound tracks, and the owners and trainers of racing animals.

C. Government Sector Impact:

According to the department, the bill has no fiscal impact on state funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The timing of the notification of drug test results to stewards and the appropriate horsemen's association should be specified, consistent with the requirements of existing exemptions from the Public Records Act and the Florida Constitution.

The bill requires that the results of all drug tests (negative and positive) be reported to owners, trainers, stewards, and the appropriate horsemen's association. Consideration should be given to limiting such notifications to only positive drug test results.

The term "race animal" appears once in s. 550.2415(3)(b), F.S., rather than the term "racing animal" that is generally used elsewhere in Chapter 550, F.S. The term "race animal" also appears twice in s. 550.235, F.S. Consideration should be given to conforming the references.

VIII. Statutes Affected:

The bill substantially amends section 550.2415 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Regulated Industries on February 18, 2015:

CS/SB 226 changes the deadline for commencement of a prosecution for illegal medication or drugging of racing animals, from 2 years to 90 days.

CS/SB 226 restores current law regarding the collection and testing of biological specimens from racing animals for the presence of prohibited substances, but changes the consequences related to a positive drug test finding. If a positive drug test finding by the laboratory of the Division of Pari-Mutuel Wagering (division) of the Department of Business and Professional Regulation is confirmed in further testing an independent laboratory, the division may initiate administrative proceedings related to the violation. For samples from racing greyhounds, even if confirmation of the positive result by an independent laboratory is not possible due to the sample size being insufficient, the division may nonetheless initiate administrative proceedings for a violation. For samples from racehorses, however, a positive drug test result must be confirmed by further testing by an independent laboratory. If the sample size is insufficient to confirm the positive result, no administrative proceedings for a violation may be initiated by the division.

CS/SB 226 specifies that the division must adopt rules establishing the conditions of use of medications, drugs, and naturally occurring substances as identified in Version 2.1 of the Controlled Therapeutic Medication Schedule adopted by the Association of Racing Commissioners International, Inc. (ARCI) on April 17, 2014. The revised bill further requires that the rules incorporate the classification system and penalty schedule for violations in ARCI's Uniform Classification Guidelines for Foreign Substances, Version 8.0, revised December 2014.

CS/SB 226 grants the division discretion to solicit input from the Department of Agriculture and Consumer Services in adopting the required administrative rules, which must occur by January 1, 2016.

CS/SB 226 removes a requirement that the division coordinate with the Department of Agriculture on the humane treatment of animals.

CS/SB 226 retains existing law respecting the division's authority to adopt medication levels for racing greyhounds developed in consultation with the University of Florida, College of Veterinary Medicine.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Regulated Industries; and Senator Latvala

580-01698-15

2015226c1

A bill to be entitled

An act relating to racing animals; amending s. 550.2415, F.S.; revising the prohibition on the use of certain medications or substances on racing animals; authorizing the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation to solicit input from the Department of Agriculture and Consumer Services; revising the penalties for violating laws relating to the racing of animals; decreasing the timeframe in which prosecutions for violations regarding racing animals must commence; requiring the division to notify the owners or trainers, stewards, and the appropriate horsemen's association of all drug test results; prohibiting the division from taking action against owners or trainers under certain circumstances; requiring the division to require its laboratory and specified independent laboratories to annually participate in a quality assurance program; requiring the administrator of the program to submit a report; revising the conditions of use for certain medications; expanding violations to include prohibited substances that break down during a race found in specimens collected after a race; revising the rulemaking authority of the division; providing an effective date.

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

Page 1 of 10

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580-01698-15

2015226c1

Section 1. Paragraphs (a) and (b) of subsection (1), paragraphs (a) and (b) of subsection (3), subsections (4) and (5), and subsections (7) through (16) of section 550.2415, Florida Statutes, are amended to read:

550.2415 Racing of animals under certain conditions prohibited; penalties; exceptions.—

(1) (a) The racing of an animal that has been impermissibly medicated or determined to have a prohibited substance present with any drug, medication, stimulant, depressant, hypnotic, narcotic, local anesthetic, or drug-masking agent is prohibited. It is a violation of this section for a person to impermissibly medicate an animal or for an animal to have a prohibited substance present resulting administer or cause to be administered any drug, medication, stimulant, depressant, hypnotic, narcotic, local anesthetic, or drug-masking agent to an animal which will result in a positive test for such medications or substances ~~such substance~~ based on samples taken from the animal ~~immediately~~ prior to or immediately after the racing of that animal. Test results and the identities of the animals being tested and of their trainers and owners of record are confidential and exempt from s. 119.07(1) and from s. 24(a), Art. I of the State Constitution for 10 days after testing of all samples collected on a particular day has been completed and any positive test results derived from such samples have been reported to the director of the division or administrative action has been commenced.

(b) It is a violation of this section for a race-day specimen to contain a level of a naturally occurring substance which exceeds normal physiological concentrations. The division

Page 2 of 10

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580-01698-15

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may solicit input from the Department of Agriculture and Consumer Services and adopt rules that specify normal physiological concentrations of naturally occurring substances in the natural untreated animal and rules that specify acceptable levels of environmental contaminants and trace levels of substances in test samples.

(3) (a) Upon the finding of a violation of this section, the division may revoke or suspend the license or permit of the violator or deny a license or permit to the violator; impose a fine against the violator in an amount not exceeding the purse or sweepstakes earned by the animal in the race at issue or \$10,000, whichever is greater \$5,000; require the full or partial return of the purse, sweepstakes, and trophy of the race at issue; or impose against the violator any combination of such penalties. The finding of a violation of this section does not prohibit in no way prohibits a prosecution for criminal acts committed.

(b) The division, notwithstanding the provisions of chapter 120, may summarily suspend the license of an occupational licensee responsible under this section or division rule for the condition of a race animal if the division laboratory reports the presence of a prohibited ~~an impermissible~~ substance in the animal or its blood, urine, saliva, or any other bodily fluid, either before a race in which the animal is entered or after a race the animal has run.

(4) A prosecution pursuant to this section for a violation of this section must be commenced within 90 days ~~2 years~~ after the violation was committed. Service of an administrative complaint marks the commencement of administrative action.

580-01698-15

2015226c1

(5) The division shall implement a split-sample procedure for testing animals under this section.

(a) ~~Upon finding a positive drug test result, The division department shall notify the owner or trainer, the stewards, and the appropriate horsemen's association of all drug test the results. The owner may request that each urine and blood sample be split into a primary sample and a secondary (split) sample. Such splitting must be accomplished in the laboratory under rules approved by the division. Custody of both samples must remain with the division. If a drug test result is positive~~ However, and upon request by the affected trainer or owner of the animal from which the sample was obtained, the division shall send the split sample to an approved independent laboratory for analysis. The division shall establish standards and rules for uniform enforcement and shall maintain a list of at least five approved independent laboratories for an owner or trainer to select from if a drug test result is ~~in the event of a positive test sample.~~

(b) If the division state laboratory's findings are not confirmed by the independent laboratory, no further administrative or disciplinary action under this section may be pursued. ~~The division may adopt rules identifying substances that diminish in a blood or urine sample due to passage of time and that must be taken into account in applying this section.~~

(c) If the independent laboratory confirms the division state laboratory's positive result, ~~or if there is an insufficient quantity of the secondary (split) sample for confirmation of the state laboratory's positive result,~~ the division may commence administrative proceedings as prescribed

580-01698-15

2015226c1

in this chapter and consistent with chapter 120. For purposes of this subsection, the department shall in good faith attempt to obtain a sufficient quantity of the test fluid to allow both a primary test and a secondary test to be made.

(d) For the testing of racing greyhounds, if there is an insufficient quantity of the secondary (split) sample for confirmation of the division laboratory's positive result, the division may commence administrative proceedings as prescribed in this chapter and consistent with chapter 120.

(e) For the testing of racehorses, if there is an insufficient quantity of the secondary (split) sample for confirmation of the division laboratory's positive result, the division may not take further action on the matter against the owner or trainer, and any resulting license suspension must be immediately lifted.

(f) The division shall require its laboratory and the independent laboratories to annually participate in an externally administered quality assurance program designed to assess testing proficiency in the detection and appropriate quantification of medications, drugs, and naturally occurring substances that may be administered to racing animals. The administrator of the quality assurance program shall report its results and findings to the division and the Department of Agriculture and Consumer Services.

(7)(a) In order to protect the safety and welfare of racing animals and the integrity of the races in which the animals participate, the division shall adopt rules establishing the conditions of use and maximum concentrations of medications, drugs, and naturally occurring substances identified in the

580-01698-15

2015226c1

Controlled Therapeutic Medication Schedule, Version 2.1, revised April 17, 2014, adopted by the Association of Racing Commissioners International, Inc. (ARCI). Controlled therapeutic medications include only the specific medications and concentrations allowed in biological samples which have been approved by ARCI as controlled therapeutic medications.

(b) The division rules must designate the appropriate biological specimens by which the administration of medications, drugs, and naturally occurring substances is monitored and must determine the testing methodologies, including measurement uncertainties, for screening such specimens to confirm the presence of medications, drugs, and naturally occurring substances.

(c) The division rules must include a classification system for drugs and substances and a corresponding penalty schedule for violations which incorporates the Uniform Classification Guidelines for Foreign Substances, Version 8.0, revised December 2014, by ARCI. The division shall adopt laboratory screening limits approved by ARCI for drugs and medications that are not included as controlled therapeutic medications, the presence of which in a sample may result in a violation of this section.

(d) The division rules must include conditions for the use of furosemide to treat exercise-induced pulmonary hemorrhage.

(e) The division may solicit input from the Department of Agriculture and Consumer Services in adopting the rules required under this subsection. Such rules must be adopted before January 1, 2016 ~~Under no circumstances may any medication be administered closer than 24 hours prior to the officially scheduled post time of a race except as provided for in this~~

580-01698-15

2015226c1

175 section.

176 ~~(a) The division shall adopt rules setting conditions for~~
 177 ~~the use of furosemide to treat exercise-induced pulmonary~~
 178 ~~hemorrhage.~~

179 ~~(b) The division shall adopt rules setting conditions for~~
 180 ~~the use of prednisolone sodium succinate, but under no~~
 181 ~~circumstances may furosemide or prednisolone sodium succinate be~~
 182 ~~administered closer than 4 hours prior to the officially~~
 183 ~~scheduled post time for the race.~~

184 ~~(c) The division shall adopt rules setting conditions for~~
 185 ~~the use of phenylbutazone and synthetic corticosteroids; in no~~
 186 ~~case, except as provided in paragraph (b), shall these~~
 187 ~~substances be given closer than 24 hours prior to the officially~~
 188 ~~scheduled post time of a race. Oral corticosteroids are~~
 189 ~~prohibited except when prescribed by a licensed veterinarian and~~
 190 ~~reported to the division on forms prescribed by the division.~~

191 ~~(f)(d) This section does not~~ Nothing in this section shall
 192 ~~be interpreted to prohibit the use of vitamins, minerals, or~~
 193 ~~naturally occurring substances so long as none exceeds the~~
 194 ~~normal physiological concentration in a race-day specimen.~~

195 ~~(e) The division may, by rule, establish acceptable levels~~
 196 ~~of permitted medications and shall select the appropriate~~
 197 ~~biological specimens by which the administration of permitted~~
 198 ~~medication is monitored.~~

199 ~~(8)(a) Furosemide is the only medication that may be~~
 200 ~~administered within 24 hours before the officially scheduled~~
 201 ~~post time of a race, but it may not be administered within 4~~
 202 ~~hours before the officially scheduled post time of a race~~ Under
 203 ~~no circumstances may any medication be administered within 24~~

580-01698-15

2015226c1

204 ~~hours before the officially scheduled post time of the race~~
 205 ~~except as provided in this section.~~

206 ~~(b) As an exception to this section, if the division first~~
 207 ~~determines that the use of furosemide, phenylbutazone, or~~
 208 ~~prednisolone sodium succinate in horses is in the best interest~~
 209 ~~of racing, the division may adopt rules allowing such use. Any~~
 210 ~~rules allowing the use of furosemide, phenylbutazone, or~~
 211 ~~prednisolone sodium succinate in racing must set the conditions~~
 212 ~~for such use. Under no circumstances may a rule be adopted which~~
 213 ~~allows the administration of furosemide or prednisolone sodium~~
 214 ~~succinate within 4 hours before the officially scheduled post~~
 215 ~~time for the race. Under no circumstances may a rule be adopted~~
 216 ~~which allows the administration of phenylbutazone or any other~~
 217 ~~synthetic corticosteroid within 24 hours before the officially~~
 218 ~~scheduled post time for the race. Any administration of~~
 219 ~~synthetic corticosteroids is limited to parenteral routes. Oral~~
 220 ~~administration of synthetic corticosteroids is expressly~~
 221 ~~prohibited. If this paragraph is unconstitutional, it is~~
 222 ~~severable from the remainder of this section.~~

223 ~~(c) The division shall, by rule, establish acceptable~~
 224 ~~levels of permitted medications and shall select the appropriate~~
 225 ~~biological specimen by which the administration of permitted~~
 226 ~~medications is monitored.~~

227 ~~(9) (a) The division may conduct a postmortem examination of~~
 228 ~~any animal that is injured at a permitted racetrack while in~~
 229 ~~training or in competition and that subsequently expires or is~~
 230 ~~destroyed. The division may conduct a postmortem examination of~~
 231 ~~any animal that expires while housed at a permitted racetrack,~~
 232 ~~association compound, or licensed kennel or farm. Trainers and~~

580-01698-15

2015226c1

owners shall be requested to comply with this paragraph as a condition of licensure.

(b) The division may take possession of the animal upon death for postmortem examination. The division may submit blood, urine, other bodily fluid specimens, or other tissue specimens collected during a postmortem examination for testing by the division laboratory or its designee. Upon completion of the postmortem examination, the carcass must be returned to the owner or disposed of at the owner's option.

(10) The presence of a prohibited substance in an animal, found by the division laboratory in a bodily fluid specimen collected after the race or during the postmortem examination of the animal, which breaks down during a race constitutes a violation of this section.

(11) The cost of postmortem examinations, testing, and disposal must be borne by the division.

(12) The division shall adopt rules to implement this section. ~~The rules may include a classification system for prohibited substances and a corresponding penalty schedule for violations.~~

~~(13) Except as specifically modified by statute or by rules of the division, the Uniform Classification Guidelines for Foreign Substances, revised February 14, 1995, as promulgated by the Association of Racing Commissioners International, Inc., is hereby adopted by reference as the uniform classification system for class IV and V medications.~~

~~(14) The division shall utilize only the thin layer chromatography (TLC) screening process to test for the presence of class IV and V medications in samples taken from racehorses~~

580-01698-15

2015226c1

~~except when thresholds of a class IV or class V medication have been established and are enforced by rule. Once a sample has been identified as suspicious for a class IV or class V medication by the TLC screening process, the sample will be sent for confirmation by and through additional testing methods. All other medications not classified by rule as a class IV or class V agent shall be subject to all forms of testing available to the division.~~

(13)(15) The division may implement by rule medication levels for racing greyhounds recommended by the University of Florida College of Veterinary Medicine developed pursuant to an agreement between the Division of Pari-mutuel Wagering and the University of Florida College of Veterinary Medicine. The University of Florida College of Veterinary Medicine may provide written notification to the division that it has completed research or review on a particular drug pursuant to the agreement and when the College of Veterinary Medicine has completed a final report of its findings, conclusions, and recommendations to the division.

~~(16) The testing medium for phenylbutazone in horses shall be serum, and the division may collect up to six full 15-milliliter blood tubes for each horse being sampled.~~

Section 2. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: PCS/CS/SB 258 (610218)

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on General Government); Banking and Insurance Committee; and Senator Brandes

SUBJECT: Property and Casualty Insurance

DATE: March 17, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Billmeier	Knudson	BI	Fav/CS
2.	Betta	DeLoach	AGG	Recommend: Fav/CS
3.	Betta	Kynoch	AP	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 258 makes various changes to statutes relating to property and casualty insurance. Current law provides that the use of a single United States Postal Service zip code as a rating territory for auto insurance is unfairly discriminatory. This bill allows the use of a single zip code as a rating territory if the territory incorporates sufficient actual or expected loss and loss adjustment expenses experience so as to be actuarially measurable and credible.

Current law requires the Office of Insurance Regulation to consider projected hurricane losses using a model or method found reliable by the Florida Commission on Hurricane Loss Methodology when reviewing a rate filing. This bill increases from 60 days to 180 days the time an insurer is not required to use the newest version of an approved hurricane model.

In addition, this bill:

- Establishes a uniform 120 day advance written notice of nonrenewal, cancellation, or termination for personal and commercial lines residential property insurance policies;
- Authorizes the licensed company adjuster of an insurer that provides liability insurance coverage to provide the sworn statement required by s. 627.4137, F.S.;
- Allows a personal lines policyholder to elect electronic delivery of documents;
- Provides that an insurer has to notify a policyholder of the availability of neutral evaluation of a sinkhole claim when there is coverage available under the policy and the claim was submitted within the statutory timeframe;

- Amends a provision in the personal injury protection statute to resolve an ambiguity relating to the applicability of medical fee schedules;
- Creates exemptions to preinsurance inspection requirements for private passenger automobiles; and
- Repeals a prohibition against using the existence of the Florida Insurance Guaranty Association for the purpose of sales, solicitation, or inducement to purchase insurance.

This bill takes effect July 1, 2015.

The bill has no fiscal impact.

II. Present Situation:

Insurance Rate Standards

Insurance rates for property and casualty insurance may not be excessive, inadequate, or unfairly discriminatory.¹ Proposed rates must be filed with the Office of Insurance Regulation (OIR) and the OIR must determine whether the rates comply with the law.² When reviewing the rate filing, the OIR must consider loss experience, expenses, competition, investment income, the cost of reinsurance, and other factors.³

Hurricane Loss Projection Models

Section 627.062(2)(b)11, F.S., requires the OIR to consider projected hurricane losses. The losses must be estimated using a model or models found to be acceptable or reliable by the Florida Commission on Hurricane Loss Projection Methodology (Commission).⁴ The Commission was established by the Legislature to serve as an independent body to provide expert evaluation of computer models that project hurricane losses.⁵ The Commission is assigned to the State Board of Administration.⁶ The Commission adopts findings on the accuracy or reliability of the methods, standards, principles, models and other means used to project hurricane losses.⁷ Members of the Commission include:

- The Insurance Consumer Advocate;
- The person responsible for Florida Hurricane Catastrophe Fund operations;
- The Executive Director of Citizens Property Insurance Corporation (Citizens);
- The Director of the Division of Emergency Management;
- An actuary member from the Florida Hurricane Catastrophe Fund Advisory Council;
- An actuary employed by the OIR;
- An appointment by the state Chief Financial Officer who is an actuary employed with a property and casualty insurer;

¹ s. 627.062(1), F.S.

² s. 627.062(2)(b), F.S.

³ s. 627.062(2)(b)

⁴ s. 627.062(2)(b)11., F.S.

⁵ s. 627.0628, F.S.

⁶ s. 627.0628(2)(a), F.S.

⁷ s. 627.0628(3)(a), F.S.

- An appointment by the state Chief Financial Officer who is an insurance finance expert and who is a full-time faculty member in the State University System;
- An appointment by the state Chief Financial Officer who is a statistics expert and who is a full-time faculty member in the State University System;
- An appointment by the state Chief Financial Officer who is a meteorology expert and who is a full-time faculty member in the State University System;
- An appointment by the state Chief Financial Officer who is an expert in computer system design and who is a full-time faculty member in the State University System and
- An appointment by the Governor who is a licensed professional structural engineer and who is a full-time faculty member in the State University System.

The Commission sets standards for loss projection methodology and examines the methods employed in hurricane loss models used by private insurers in setting rates to determine whether they meet the Commission's standards. Only hurricane loss models or methods that the Commission has found to be accurate can be used by insurers to estimate the hurricane losses that are used to set property insurance rates.⁸ After the Commission finds a model to be accurate, an insurer has 60 days to use the model to predict the insurer's probable maximum loss "with respect to a rate filing."⁹

Zip Codes and Rating Territories for Motor Vehicle Insurance

Section 627.0651, F.S., provides that the use of a single zip code as a rating territory for motor vehicle insurance rates is deemed unfairly discriminatory and is thus prohibited.

Notice of Cancellation or Nonrenewal

The requirements for an insurer to give notice of cancelling or nonrenewing a residential property insurance policy are contained in s. 627.4133(2), F.S. The specific notice depends on the particular circumstances of the policy being nonrenewed, as follows:

- Generally, an insurer must give the insured 100 days' written notice of nonrenewal or cancellation;¹⁰
- For any nonrenewal or cancellation effective between June 1 and November 30 (hurricane season), an insurer must give notice by June 1, or 100 days' notice, whichever is earlier;¹¹
- If the nonrenewal or cancellation would be effective between June 1 and November 30 but the reason is a revision in sinkhole coverage, the insurer must give the insured 100 days written notice of nonrenewal;¹²
- If the nonrenewal or cancellation would be effective between June 1 and November 30, but the policy is to be nonrenewed by Citizens pursuant to an approved assumption plan by an authorized insurer, Citizens must give the insured 45 days written notice of nonrenewal;¹³

⁸ s. 627.0628(3)(d), F.S.

⁹ s. 627.062(3)(d), F.S.

¹⁰ s. 627.4133(2)(b), F.S.

¹¹ s. 627.4133(2)(b), F.S.

¹² s. 627.4133(2)(b)5.a., F.S.

¹³ s. 627.4133(2)(b)5.b., F.S.

- If the insured structure has been insured by the insurer or an affiliate for at least five years, the insurer must give 120 days' notice of nonrenewal or cancellation;¹⁴
- If the cancellation is for nonpayment of premium, the insurer must give 10 days' notice of cancellation accompanied by the reason for the cancellation;¹⁵
- If the OIR finds that the early cancellation is necessary to protect the best interests of the public or policyholders, the insurer must give the insured 45 days' written notice of cancellation or nonrenewal;¹⁶
- If a policy covers both home and motor vehicle, the insurer must give the insured 90 days' written notice of nonrenewal.¹⁷

Disclosure of Liability Insurance Information

Section 627.4137, F.S., requires a liability insurer to provide to a claimant a statement containing the following information within 30 days of a written request by the claimant:

- The name of the insurer;
- The name of each insured;
- The limits of the liability coverage;
- A statement of any policy or coverage defense which such insurer reasonably believes is available to the such insurer at the time of filing such statement; and
- A copy of the policy.

The required statement must be under oath by a corporate officer or the insurer's claims manager or superintendent.

Electronic Delivery of a Policy

Section 627.421, F.S., requires every insurance policy¹⁸ to be mailed or delivered to the insured within 60 days after the insurance takes effect. Insurance policies are typically only delivered when the policy is issued and are not delivered each time the policy is renewed. The Federal Electronic Signatures in Global and National Commerce Act (E-SIGN) applies to electronic transactions involving interstate commerce.¹⁹ Insurance is specifically included in E-SIGN.²⁰ E-SIGN provides contracts formed using electronic signatures on electronic records will not be denied legal effect only because they are electronic. However, E-SIGN requires consumer disclosure and consent to electronic records in certain instances before electronic records will be given legal effect. Under E-SIGN, if a statute requires information to be provided or made available to a consumer in writing, the use of an electronic record to provide or make the information available to the consumer will satisfy the statute's requirement of writing if the

¹⁴ s. 627.4133(2)(b)1., F.S.

¹⁵ s. 627.4133(2)(b)2., F.S.

¹⁶ s. 627.4133(2)(b)6., F.S.

¹⁷ s. 627.4133(2)(b)7., F.S.

¹⁸ Section 627.402, F.S., defines policy to include endorsements, riders, and clauses. Reinsurance, wet marine and transportation insurance, title insurance, and credit disability insurance policies do not have to be mailed or delivered. See s. 627.401, F.S.

¹⁹ Section 101, Electronic Signatures in Global and National Commerce Act, Pub. L. No. 106-229, 114 Stat. 464 (2000). Many of the provisions of E-SIGN took effect October 1, 2000.

²⁰ *Id.*

consumer affirmatively consents to use of an electronic record. The consumer must also be provided with a statement notifying the consumer of the right to have the electronic information made available in a paper format and of the right to withdraw consent to electronic records, among other notifications.

In addition, s. 668.50, F.S., Florida's Uniform Electronic Transaction Act (UETA), is similar to the federal E-SIGN law. The UETA specifically applies to insurance and provides a requirement in statute that information that must be delivered in writing to another person can be satisfied by delivering the information electronically if the parties have agreed to conduct the transaction by electronic means.

Neutral Evaluation

Sections 627.707-627.7074, F.S., create requirements for investigation of sinkhole claims and a neutral evaluation program to help resolve sinkhole claims. Section 627.707, F.S., requires an insurer, upon receipt of a sinkhole claim, to inspect the policyholder's premises to determine if there is structural damage that may be the result of sinkhole activity. If the insurer confirms that structural damage exists but is unable to identify the cause or discovers that such damage is consistent with sinkhole loss, the insurer shall engage a professional engineer or a professional geologist to conduct testing²¹ to determine the cause of the loss if sinkhole loss is covered under the policy.²² If the insurer determines that there is no sinkhole loss, the insurer may deny the claim.²³

Neutral evaluation is available to either party if a sinkhole report has been issued.²⁴ Neutral evaluation must determine causation, all methods of stabilization and repair both above and below ground, and the costs of stabilization and all repairs.²⁵ Following the receipt of the sinkhole report or the denial of a claim for a sinkhole loss, the insurer notifies the policyholder of the right to participate in the neutral evaluation program.²⁶

Neutral evaluation is nonbinding, but mandatory if requested by either the insurer or the insured.²⁷ A request for neutral evaluation is filed with the Department of Financial Services. The request for neutral evaluation must state the reason for the request and must include an explanation of all the issues in dispute at the time of the request.²⁸ The neutral evaluator receives information from the parties and may have access to the structure. The neutral evaluator evaluates the claim and prepares a report describing whether a sinkhole loss occurred and, if necessary, the costs of repairs or stabilization.²⁹ The report is admissible in subsequent court

²¹ s. 627.7072, F.S., contains testing standards in sinkhole claims.

²² s. 627.707(2), F.S.

²³ s. 627.707(4)(a), F.S.

²⁴ s. 627.7073, F.S., requires that a report be issued if testing required under s. 627.707-7074, F.S., is performed.

²⁵ s. 627.7074(2), F.S.

²⁶ s. 627.7074(3), F.S.

²⁷ s. 627.7074(4), F.S.

²⁸ s. 627.7074, F.S. The statute also requires the Department of Financial Services to maintain a list of neutral evaluators and provides for disqualification of neutral evaluators in specified circumstances.

²⁹ ss. 627.7074(5), (12), F.S.

proceedings.³⁰ Section 627.7074(6), F.S., requires the insurer to pay reasonable costs associated with the neutral evaluation.

Personal Injury Protection Insurance

In 2012, the personal injury protection (PIP) reform bill established the date on which Medicare fee schedule changes are effective.³¹ The amended section 627.736(5)(a)2, F.S., provides, in part:

[T]he applicable fee schedule or payment limitation under Medicare is the fee schedule or payment limitation in effect on March 1 of the year in which the services, supplies, or care is rendered...and the applicable fee schedule or payment limitation applies throughout the remainder of that year....

It is uncertain whether the Medicare fee schedule in place on March 1 applied to the end of the calendar year or applied through the end of February of the following year. On November 6, 2012, the OIR issued Informational Memorandum OIR-12-06M stating that the plain language of the section requires the fee schedule in place on March 1, to apply throughout the following 365 days, or until March 1, of the following year.

Preinsurance Inspections

Section 627.744, F.S., requires preinsurance inspections of private passenger motor vehicles, but lists various exemptions, including for new, used motor vehicles “purchased” from a licensed motor vehicle dealer or leasing company when the insurer is provided with the bill of sale, buyer’s order, or copy of the title and certain other documentation. Despite the exemptions, an insurer may require a preinsurance inspection of any motor vehicle as a condition of issuance of physical damage coverage. Applicants for insurance may be required to pay the cost of the preinsurance inspection, not to exceed five dollars.

Prohibition on Certain Advertising

When a property and casualty insurance company becomes insolvent, the Florida Insurance Guaranty Association (FIGA) is required by law to take over the claims of the insurer and pay the claims of the company’s policyholders.³² This ensures policyholders that have paid premiums for insurance are not left without valid claims being paid. FIGA is responsible for claims on residential and commercial property insurance, automobile insurance, and liability insurance, among others. It is a nonprofit corporation.³³

If a property and casualty insurance company has been declared insolvent, covered claims will be paid by FIGA. The maximum amount FIGA will cover is \$300,000 with special limits applying to: (1) damages to structure and contents on homeowners’ claims; and (2) on

³⁰ s. 627.7074(13), F.S.

³¹ Ch. 212-151, L.O.F.

³² s. 631.57, F.S.

³³ s. 631.55, F.S.

condominium and homeowners' association claims.³⁴ For damages to structure and contents on homeowners' claims, the FIGA cap is an additional \$200,000, for a total of \$500,000. For condominium and homeowners' association claims, the cap will be the lesser of policy limits or \$100,000 multiplied by the number of units in the association.³⁵ All claims are subject to a \$100 FIGA deductible in addition to any deductible identified in the insurance policy.

Section 631.65, F.S., prohibits any advertisement for insurance to use the existence of FIGA for the purpose of the sale of insurance. The prohibition was enacted in 1970, and similar prohibitions are contained in s. 631.735, F.S. (relating to the Florida Life and Health Guaranty Association (FLHIGA)), s. 631.827, F.S. (relating to the Florida Health Maintenance Organization Consumer Assistance Plan), and s. 631.919, F.S. (relating to the Florida Workers' Compensation Insurance Guaranty Association). A number of other states have similar prohibitions³⁶ and the prohibition appears in the National Association of Insurance Commissioners (NAIC) Life and Health Insurance Guaranty Model Act,³⁷ but is not found in the NAIC Property and Casualty Insurance Guaranty Association Model Act.³⁸ The proceedings citations for the NAIC Life and Health Insurance Guaranty Model Act indicates that during the original creation of the property and casualty model act in 1970, insurance industry commenters at the time favored the prohibition to prevent agents from indicating to potential customers that the assets of an insurer are unimportant since the assets of other companies in the state would provide protection.³⁹ The prohibition was substantially rewritten in the 1985 NAIC Life and Health Insurance Guaranty Association Model Act, which called for guaranty associations to create a document to deliver to policyholders to explain the availability and limitations of the guaranty fund.⁴⁰ This was done because the breadth of the prohibition had caused confusion to the public regarding the purposes and limitations of the guaranty association.⁴¹ Florida law currently requires FLHIGA to provide documentation regarding the availability of life and health guaranty fund coverage, but does not require FIGA to do so for property and casualty guaranty fund coverage. A document providing such an explanation has been created by FIGA, however, and is available on its Internet page.⁴²

III. Effect of Proposed Changes:

Hurricane Loss Projection Models

Section 1 of this bill amends s. 627.0628, F.S., to increase from 60 days to 180 days the time an insurer may make rate filings with a prior accepted version of a hurricane model.

³⁴ s. 631.57, F.S.

³⁵ s. 631.57, F.S.

³⁶ According to information provided by the American Guaranty Fund Group, 21 other states have similar prohibitions on advertising.

³⁷ National Association of Insurance Commissioners Life and Health Guaranty Association Model Act MDL-520 (2009) at pg. 520-34. <http://www.naic.org/store/free/MDL-520.pdf> (accessed February 18, 2015).

³⁸ NAIC Association of Insurance Commissioners Property and Casualty Guaranty Association Model Act MDL-540 (2009). <http://www.naic.org/store/free/MDL-540.pdf> (accessed February 18, 2015).

³⁹ See fn. 37 at pg. PC-520-53.

⁴⁰ See id.

⁴¹ See fn. 37 at pg. PC-520-24

⁴² See Florida Insurance Guaranty Association: How Florida's Insurance Safety Net Protects Consumers (August 2009). <http://www.figafacts.com/media/files/FIGA%20Brouchure%20for%20Website%20pages.pdf> (accessed February 18, 2015).

Zip Codes and Rating Territories for Motor Vehicle Insurance

Section 2 of this bill amends s. 627.0651, F.S., to provide that the use of a single United States Postal Service zip code as a rating territory is not unfairly discriminatory if the territory incorporates sufficient actual or expected loss and loss adjustment expense experience so as to be actuarially measurable and credible. The OIR would determine if the rates for such territories are excessive, inadequate, or unfairly discriminatory.

Notice of Cancellation and Nonrenewal

Section 4 of this bill amends s. 627.4133(2)(b), F.S., to reduce to 120 days the advance written notice of nonrenewal, cancellation, or termination an insurer must give the first-named insured of a personal lines or commercial residential property insurance policy.

Section 3 of this bill changes a citation to conform to the changes made by section 4 of this bill.

Disclosure of Liability Insurance Information

Section 5 of this bill authorizes the licensed company adjuster of an insurer that provides liability insurance coverage to provide the sworn statement required by s. 627.4137, F.S. Current law allows the sworn statement to be provided by only the insurer's claims manager or superintendent, or a corporate officer of the insurer.

Electronic Delivery of a Policy

Section 6 of this bill amends s. 627.421, F.S., to provide that an insurer may allow a policyholder of personal lines insurance to affirmatively elect delivery of policy documents, including policies, endorsements, documents or notices by electronic means.

Notice to Policyholder of Availability of Sinkhole Neutral Evaluations

Section 7 of this bill amends s. 627.7074(3), F.S., to limit the circumstances when an insurer must notify a policyholder of the right to participate in neutral evaluation of a sinkhole claim. The insurer must provide the notice only if there is sinkhole coverage on the damaged property and if the sinkhole claim was submitted within the statute of limitations period which is two years after the policyholder knew or reasonably should have known about the sinkhole loss. There are no parameters under current law about notification of neutral evaluation. Thus, insurers are required under current law to notify a policyholder about neutral evaluation in cases where there is no sinkhole coverage or when the sinkhole claim is untimely filed.

Personal Injury Protection Insurance Medical Fee Schedule

Section 8 of this bill amends s. 627.736(5)(a), F.S., to clarify that the Personal Injury Protection medical fee schedule that is effective on March 1 of each year applies until the last day of the following February.

Preinsurance Motor Vehicle Inspections

Section 9 of this bill amends s. 627.744, F.S., to exempt from preinsurance inspection new, unused motor vehicles that are leased from a licensed motor vehicle dealer or leasing company, if the insurer is provided with a lease agreement that contains a full description of the motor vehicle or a copy of the title or registration and a copy of the window sticker. In addition, this section deletes the preinsurance inspection exemption for new, unused motor vehicles purchased if the following conditions apply:

- If the bill of sale or buyer's order contains a full description of all options and accessories, or
- If the dealer invoice showing the itemized options, equipment, and total retail price is submitted as documentation.

Repeal of Prohibition on Certain Advertising Related to FIGA

Section 10 of this bill repeals the prohibition on advertisements which uses the existence of FIGA for the purpose of sales, solicitation, or inducement to purchase insurance covered by Part II of ch. 631, F.S. Part II applies to all insurance except:

- Life, annuity, health, or disability insurance;
- Mortgage guaranty, financial guaranty, or other forms of insurance offering protection against investment risks;
- Fidelity or surety bonds, or any other bonding obligations;
- Credit insurance, vendors' single interest insurance, or collateral protection insurance or any similar insurance protecting the interests of a creditor arising out of a creditor-debtor transaction;
- Warranty, including motor vehicle service, home warranty, or service warranty;
- Ambulance service, health care service, or preneed funeral merchandise or service;
- Optometric service plan, pharmaceutical service plan, or dental service plan;
- Legal expense;
- Health maintenance, prepaid health clinic, or continuing care;
- Ocean marine or wet marine insurance;
- Self-insurance and any kind of self-insurance fund, liability pool, or risk management fund;
- Title insurance;
- Surplus lines;
- Workers' compensation, including claims under employer liability coverage;
- Any transaction or combination of transactions between a person, including affiliates of such person, and an insurer, including affiliates of such insurer, which involves the transfer of investment or credit risk unaccompanied by the transfer of insurance risk; or
- Any insurance provided by or guaranteed by government.

This bill does not remove the prohibitions contained in contained in s. 631.735, F.S. (relating to the Florida Life and Health Guaranty Association), s. 631.827, F.S. (relating to the Florida Health Maintenance Organization Consumer Assistance Plan), and s. 631.919, F.S. (relating to the Florida Workers' Compensation Insurance Guaranty Association).

Section 10 of this bill provides an effective date of July 1, 2015.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The Department of Financial Services bill analysis, dated January 13, 2015 (on file with the Committee), states that the provision in PCS/CS/SB 258 that insurers are not required to notify insureds about neutral evaluation in situations where sinkhole coverage is not available or where the claim was not timely reported should reduce the cost associated with notification and the costs associated with neutral evaluations in those cases.

C. Government Sector Impact:

Bill analyses from the OIR, the State Board of Administration Hurricane Catastrophe Fund, and the Department of Financial Services indicate no fiscal impact on those agencies.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 627.0628, 627.0651, 627.3518, 627.4133, 627.4137, 627.421, 627.7074, 627.736, and 627.744.

This bill repeals section 631.65 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on General Government on March 4, 2015:

The committee substitute authorizes the licensed company adjuster of an insurer that provides liability insurance coverage to provide the sworn statement required by s. 627.4137, F.S.

CS by Banking and Insurance on February 17, 2015:

The Committee adopted four amendments. The amendments removed a provision allowing for the use of a straight average of hurricane models in rate filings, added a provision repealing s. 631.65, F.S., and made technical changes.

- B. **Amendments:**

None.



357074

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Hays) recommended the following:

Senate Amendment (with title amendment)

Delete lines 52 - 57

and insert:

hurricane loss factors and probable maximum loss levels for use
in a rate filing under s. 627.062. An insurer may ~~shall~~ employ a
model in a rate filing until 120 days after the expiration of
the commission's acceptance of that model ~~and may not modify or~~
~~adjust models found by the commission to be accurate or reliable~~
~~in determining probable maximum loss levels pursuant to~~



357074

~~paragraph (b) with respect to a rate filing under s. 627.062
made more than 60 days after the commission has made such
findings.~~

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 3 - 8

and insert:

amending s. 627.0628, F.S.; requiring an insurer to
employ in certain rate filings actuarial methods,
principles, standards, models, or output ranges found
by the Florida Commission on Hurricane Loss Projection
Methodology to be accurate or reliable in determining
probable maximum loss levels; authorizing an insurer
to employ a model in a rate filing until 120 days
after the expiration of the commission's acceptance of
that model; deleting a provision that required
insurers to employ a specified model in a rate filing
made more than 60 days after the commission found the
model to be accurate or reliable; amending s.
627.0651,



300812

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Hays) recommended the following:

Senate Amendment

Delete lines 265 - 270
and insert:

(3) If there is coverage available under the policy and the claim was submitted within the timeframe provided in s. 627.706(5), following the receipt of the report provided under s. 627.7073 or the denial of a claim for a sinkhole loss, the insurer shall notify the policyholder of his or her right to participate in the neutral evaluation program under this



300812

11 section.



610218

576-01923-15

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to property and casualty insurance;
amending s. 627.0628, F.S.; increasing the length of
time during which an insurer is not required to adhere
to certain models found by the Commission on Hurricane
Loss Projection Methodology to be accurate or reliable
in determining probable maximum loss levels with
respect to certain rate filings; amending s. 627.0651,
F.S.; revising provisions for the making and use of
rates for motor vehicle insurance; amending s.
627.3518, F.S.; conforming a cross-reference; amending
s. 627.4133, F.S.; increasing the amount of prior
notice required with respect to the nonrenewal,
cancellation, or termination of certain insurance
policies; deleting certain provisions that require
extended periods of prior notice with respect to the
nonrenewal, cancellation, or termination of certain
insurance policies; prohibiting the cancellation of
certain policies that have been in effect for a
specified amount of time except under certain
circumstances; amending s. 627.4137, F.S.; adding
licensed company adjusters to the list of persons who
may respond to a claimant's written request for
information relating to liability insurance coverage;
amending s. 627.421, F.S.; authorizing a policyholder
of personal lines insurance to affirmatively elect
delivery of policy documents by electronic means;



610218

576-01923-15

amending s. 627.7074, F.S.; revising notification
requirements for participation in the neutral
evaluation program; amending s. 627.736, F.S.;
revising the applicability of certain Medicare fee
schedules or payment limitations; defining the term
"service year"; amending s. 627.744, F.S.; revising
the preinsurance inspection requirements for private
passenger motor vehicles; repealing s. 631.65, F.S.,
relating to prohibited advertisement or solicitation;
providing an effective date.

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

Section 1. Paragraph (d) of subsection (3) of section
627.0628, Florida Statutes, is amended to read:

627.0628 Florida Commission on Hurricane Loss Projection
Methodology; public records exemption; public meetings
exemption.—

(3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.—

(d) With respect to a rate filing under s. 627.062, an
insurer shall employ and may not modify or adjust actuarial
methods, principles, standards, models, or output ranges found
by the commission to be accurate or reliable in determining
hurricane loss factors for use in a rate filing under s.
627.062. An insurer shall employ and may not modify or adjust
models found by the commission to be accurate or reliable in
determining probable maximum loss levels pursuant to paragraph
(b) with respect to a rate filing under s. 627.062 made more



610218

576-01923-15

57 than ~~180~~ 60 days after the commission has made such findings.
58 This paragraph does not prohibit an insurer from using a
59 straight average of model results or output ranges for the
60 purposes of a rate filing for personal lines residential flood
61 insurance coverage under s. 627.062.

62 Section 2. Subsection (8) of section 627.0651, Florida
63 Statutes, is amended to read:

64 627.0651 Making and use of rates for motor vehicle
65 insurance.—

66 (8) Rates are not unfairly discriminatory if averaged
67 broadly among members of a group; nor are rates unfairly
68 discriminatory even though they are lower than rates for
69 nonmembers of the group. However, such rates are unfairly
70 discriminatory if they are not actuarially measurable and
71 credible and sufficiently related to actual or expected loss and
72 expense experience of the group so as to ensure ~~assure~~ that
73 nonmembers of the group are not unfairly discriminated against.
74 Use of a single United States Postal Service zip code as a
75 rating territory shall be deemed unfairly discriminatory unless
76 filed pursuant to paragraph (1)(a) and such territory
77 incorporates sufficient actual or expected loss and loss
78 adjustment expense experience so as to be actuarially measurable
79 and credible.

80 Section 3. Subsection (9) of section 627.3518, Florida
81 Statutes, is amended to read:

82 627.3518 Citizens Property Insurance Corporation
83 policyholder eligibility clearinghouse program.—The purpose of
84 this section is to provide a framework for the corporation to
85 implement a clearinghouse program by January 1, 2014.



610218

576-01923-15

86 (9) The 45-day notice of nonrenewal requirement set forth
87 in s. 627.4133(2)(b)5. ~~s. 627.4133(2)(b)5.b.~~ applies when a
88 policy is nonrenewed by the corporation because the risk has
89 received an offer of coverage pursuant to this section which
90 renders the risk ineligible for coverage by the corporation.

91 Section 4. Paragraph (b) of subsection (2) of section
92 627.4133, Florida Statutes, is amended to read:

93 627.4133 Notice of cancellation, nonrenewal, or renewal
94 premium.—

95 (2) With respect to any personal lines or commercial
96 residential property insurance policy, including, but not
97 limited to, any homeowner, mobile home owner, farmowner,
98 condominium association, condominium unit owner, apartment
99 building, or other policy covering a residential structure or
100 its contents:

101 (b) The insurer shall give the first-named insured written
102 notice of nonrenewal, cancellation, or termination at least 120
103 ~~100~~ days before the effective date of the nonrenewal,
104 cancellation, or termination. ~~However, the insurer shall give at~~
105 ~~least 100 days' written notice, or written notice by June 1,~~
106 ~~whichever is earlier, for any nonrenewal, cancellation, or~~
107 ~~termination that would be effective between June 1 and November~~
108 ~~30.~~ The notice must include the reason for the nonrenewal,
109 cancellation, or termination, except that:

110 ~~1. The insurer shall give the first-named insured written~~
111 ~~notice of nonrenewal, cancellation, or termination at least 120~~
112 ~~days before the effective date of the nonrenewal, cancellation,~~
113 ~~or termination for a first-named insured whose residential~~
114 ~~structure has been insured by that insurer or an affiliated~~



610218

576-01923-15

115 ~~insurer for at least 5 years before the date of the written~~
116 ~~notice.~~

117 1.2- If cancellation is for nonpayment of premium, at least
118 10 days' written notice of cancellation accompanied by the
119 reason therefor must be given. As used in this subparagraph, the
120 term "nonpayment of premium" means failure of the named insured
121 to discharge when due her or his obligations for paying the
122 premium on a policy or an installment of such premium, whether
123 the premium is payable directly to the insurer or its agent or
124 indirectly under a premium finance plan or extension of credit,
125 or failure to maintain membership in an organization if such
126 membership is a condition precedent to insurance coverage. The
127 term also means the failure of a financial institution to honor
128 an insurance applicant's check after delivery to a licensed
129 agent for payment of a premium even if the agent has previously
130 delivered or transferred the premium to the insurer. If a
131 dishonored check represents the initial premium payment, the
132 contract and all contractual obligations are void ab initio
133 unless the nonpayment is cured within the earlier of 5 days
134 after actual notice by certified mail is received by the
135 applicant or 15 days after notice is sent to the applicant by
136 certified mail or registered mail. If the contract is void, any
137 premium received by the insurer from a third party must be
138 refunded to that party in full.

139 2.3- If cancellation or termination occurs during the first
140 90 days the insurance is in force and the insurance is canceled
141 or terminated for reasons other than nonpayment of premium, at
142 least 20 days' written notice of cancellation or termination
143 accompanied by the reason therefor must be given unless there



610218

576-01923-15

144 has been a material misstatement or misrepresentation or a
145 failure to comply with the underwriting requirements established
146 by the insurer.

147 3. After the policy has been in effect for 90 days, the
148 policy may not be canceled by the insurer unless there has been
149 a material misstatement, a nonpayment of premium, a failure to
150 comply, within 90 days after the date of effectuation of
151 coverage, with the underwriting requirements established by the
152 insurer before the effectuation of coverage, or a substantial
153 change in the risk covered by the policy or unless the
154 cancellation is for all insureds under such policies for a given
155 class of insureds. This subparagraph does not apply to
156 individually rated risks that have a policy term of less than 90
157 days.

158 4. After a policy or contract has been in effect for more
159 than 90 days, the insurer may not cancel or terminate the policy
160 or contract based on credit information available in public
161 records.

162 ~~5. The requirement for providing written notice by June 1~~
163 ~~of any nonrenewal that would be effective between June 1 and~~
164 ~~November 30 does not apply to the following situations, but the~~
165 ~~insurer remains subject to the requirement to provide such~~
166 ~~notice at least 100 days before the effective date of~~
167 ~~nonrenewal:~~

168 ~~a. A policy that is nonrenewed due to a revision in the~~
169 ~~coverage for sinkhole losses and catastrophic ground cover~~
170 ~~collapse pursuant to s. 627.706.~~

171 5.b- A policy that is nonrenewed by Citizens Property
172 Insurance Corporation, pursuant to s. 627.351(6), for a policy



610218

576-01923-15

that has been assumed by an authorized insurer offering replacement coverage to the policyholder is exempt from the notice requirements of paragraph (a) and this paragraph. In such cases, the corporation must give the named insured written notice of nonrenewal at least 45 days before the effective date of the nonrenewal.

~~After the policy has been in effect for 90 days, the policy may not be canceled by the insurer unless there has been a material misstatement, a nonpayment of premium, a failure to comply with underwriting requirements established by the insurer within 90 days after the date of effectuation of coverage, a substantial change in the risk covered by the policy, or the cancellation is for all insureds under such policies for a given class of insureds. This paragraph does not apply to individually rated risks that have a policy term of less than 90 days.~~

6. Notwithstanding any other provision of law, an insurer may cancel or nonrenew a property insurance policy after at least 45 days' notice if the office finds that the early cancellation of some or all of the insurer's policies is necessary to protect the best interests of the public or policyholders and the office approves the insurer's plan for early cancellation or nonrenewal of some or all of its policies. The office may base such finding upon the financial condition of the insurer, lack of adequate reinsurance coverage for hurricane risk, or other relevant factors. The office may condition its finding on the consent of the insurer to be placed under administrative supervision pursuant to s. 624.81 or to the appointment of a receiver under chapter 631.



610218

576-01923-15

7. A policy covering both a home and a motor vehicle may be nonrenewed for any reason applicable to the property or motor vehicle insurance after providing 90 days' notice.

Section 5. Subsection (1) of section 627.4137, Florida Statutes, is amended to read:

627.4137 Disclosure of certain information required.—

(1) Each insurer that provides ~~which does~~ or may provide liability insurance coverage to pay all or a portion of a any claim that ~~which~~ might be made shall provide, within 30 days after ~~of~~ the written request of the claimant, a statement, under oath, of a corporate officer or the insurer's claims manager, or ~~or~~ superintendent, or ~~or~~ licensed company adjuster setting forth the following information with regard to each known policy of insurance, including excess or umbrella insurance:

(a) The name of the insurer.

(b) The name of each insured.

(c) The limits of the liability coverage.

(d) A statement of any policy or coverage defense that the ~~which such~~ insurer reasonably believes is available to the ~~such~~ insurer at the time of filing such statement.

(e) A copy of the policy.

In addition, the insured, or her or his insurance agent, upon written request of the claimant or the claimant's attorney, shall disclose the name and coverage of each known insurer to the claimant and shall forward such request for information as required by this subsection to all affected insurers. The insurer shall then supply the information required in this subsection to the claimant within 30 days after ~~of~~ receipt of



610218

576-01923-15

such request.

Section 6. Subsection (1) of section 627.421, Florida Statutes, is amended to read:

627.421 Delivery of policy.—

(1) Subject to the insurer's requirement as to payment of premium, every policy shall be mailed, delivered, or electronically transmitted to the insured or to the person entitled thereto not later than 60 days after the effectuation of coverage. Notwithstanding any other provision of law, an insurer may allow a policyholder of personal lines insurance to affirmatively elect delivery of the policy documents, including, but not limited to, policies, endorsements, notices, or documents, by electronic means in lieu of delivery by mail.

Electronic transmission of a policy for commercial risks, including, but not limited to, workers' compensation and employers' liability, commercial automobile liability, commercial automobile physical damage, commercial lines residential property, commercial nonresidential property, farmowners insurance, and the types of commercial lines risks set forth in s. 627.062(3)(d), ~~constitutes shall constitute~~ delivery to the insured or to the person entitled to delivery, unless the insured or the person entitled to delivery communicates to the insurer in writing or electronically that he or she does not agree to delivery by electronic means. Electronic transmission shall include a notice to the insured or to the person entitled to delivery of a policy of his or her right to receive the policy via United States mail rather than via electronic transmission. A paper copy of the policy shall be provided to the insured or to the person entitled to delivery at



610218

576-01923-15

his or her request.

Section 7. Subsection (3) of section 627.7074, Florida Statutes, is amended to read:

627.7074 Alternative procedure for resolution of disputed sinkhole insurance claims.—

(3) Following the receipt of the report provided under s. 627.7073 or the denial of a claim for a sinkhole loss, the insurer shall notify the policyholder of his or her right to participate in the neutral evaluation program under this section if there is coverage available under the policy and the claim was submitted within the timeframe provided in s. 627.706(5). Neutral evaluation supersedes the alternative dispute resolution process under s. 627.7015 but does not invalidate the appraisal clause of the insurance policy. The insurer shall provide to the policyholder the consumer information pamphlet prepared by the department pursuant to subsection (1) electronically or by United States mail.

Section 8. Paragraph (a) of subsection (5) of section 627.736, Florida Statutes, is amended to read:

627.736 Required personal injury protection benefits; exclusions; priority; claims.—

(5) CHARGES FOR TREATMENT OF INJURED PERSONS.—

(a) A physician, hospital, clinic, or other person or institution lawfully rendering treatment to an injured person for a bodily injury covered by personal injury protection insurance may charge the insurer and injured party only a reasonable amount pursuant to this section for the services and supplies rendered, and the insurer providing such coverage may pay for such charges directly to such person or institution



610218

576-01923-15

289 lawfully rendering such treatment if the insured receiving such
290 treatment or his or her guardian has countersigned the properly
291 completed invoice, bill, or claim form approved by the office
292 upon which such charges are to be paid for as having actually
293 been rendered, to the best knowledge of the insured or his or
294 her guardian. However, such a charge may not exceed the amount
295 the person or institution customarily charges for like services
296 or supplies. In determining whether a charge for a particular
297 service, treatment, or otherwise is reasonable, consideration
298 may be given to evidence of usual and customary charges and
299 payments accepted by the provider involved in the dispute,
300 reimbursement levels in the community and various federal and
301 state medical fee schedules applicable to motor vehicle and
302 other insurance coverages, and other information relevant to the
303 reasonableness of the reimbursement for the service, treatment,
304 or supply.

305 1. The insurer may limit reimbursement to 80 percent of the
306 following schedule of maximum charges:

307 a. For emergency transport and treatment by providers
308 licensed under chapter 401, 200 percent of Medicare.

309 b. For emergency services and care provided by a hospital
310 licensed under chapter 395, 75 percent of the hospital's usual
311 and customary charges.

312 c. For emergency services and care as defined by s. 395.002
313 provided in a facility licensed under chapter 395 rendered by a
314 physician or dentist, and related hospital inpatient services
315 rendered by a physician or dentist, the usual and customary
316 charges in the community.

317 d. For hospital inpatient services, other than emergency



610218

576-01923-15

318 services and care, 200 percent of the Medicare Part A
319 prospective payment applicable to the specific hospital
320 providing the inpatient services.

321 e. For hospital outpatient services, other than emergency
322 services and care, 200 percent of the Medicare Part A Ambulatory
323 Payment Classification for the specific hospital providing the
324 outpatient services.

325 f. For all other medical services, supplies, and care, 200
326 percent of the allowable amount under:

327 (I) The participating physicians fee schedule of Medicare
328 Part B, except as provided in sub-sub-paragraphs (II) and
329 (III).

330 (II) Medicare Part B, in the case of services, supplies,
331 and care provided by ambulatory surgical centers and clinical
332 laboratories.

333 (III) The Durable Medical Equipment Prosthetics/Orthotics
334 and Supplies fee schedule of Medicare Part B, in the case of
335 durable medical equipment.

336
337 However, if such services, supplies, or care is not reimbursable
338 under Medicare Part B, as provided in this sub-subparagraph, the
339 insurer may limit reimbursement to 80 percent of the maximum
340 reimbursable allowance under workers' compensation, as
341 determined under s. 440.13 and rules adopted thereunder which
342 are in effect at the time such services, supplies, or care is
343 provided. Services, supplies, or care that is not reimbursable
344 under Medicare or workers' compensation is not required to be
345 reimbursed by the insurer.

346 2. For purposes of subparagraph 1., the applicable fee



610218

576-01923-15

347 schedule or payment limitation under Medicare is the fee
348 schedule or payment limitation in effect on March 1 of the
349 service year in which the services, supplies, or care is
350 rendered and for the area in which such services, supplies, or
351 care is rendered, and the applicable fee schedule or payment
352 limitation applies to services, supplies, or care rendered
353 during throughout the remainder of that service year,
354 notwithstanding any subsequent change made to the fee schedule
355 or payment limitation, except that it may not be less than the
356 allowable amount under the applicable schedule of Medicare Part
357 B for 2007 for medical services, supplies, and care subject to
358 Medicare Part B. As used in this subparagraph, the term "service
359 year" means the period from March 1 through the last day of
360 February of the following year.

361 3. Subparagraph 1. does not allow the insurer to apply any
362 limitation on the number of treatments or other utilization
363 limits that apply under Medicare or workers' compensation. An
364 insurer that applies the allowable payment limitations of
365 subparagraph 1. must reimburse a provider who lawfully provided
366 care or treatment under the scope of his or her license,
367 regardless of whether such provider is entitled to reimbursement
368 under Medicare due to restrictions or limitations on the types
369 or discipline of health care providers who may be reimbursed for
370 particular procedures or procedure codes. However, subparagraph
371 1. does not prohibit an insurer from using the Medicare coding
372 policies and payment methodologies of the federal Centers for
373 Medicare and Medicaid Services, including applicable modifiers,
374 to determine the appropriate amount of reimbursement for medical
375 services, supplies, or care if the coding policy or payment



610218

576-01923-15

376 methodology does not constitute a utilization limit.

377 4. If an insurer limits payment as authorized by
378 subparagraph 1., the person providing such services, supplies,
379 or care may not bill or attempt to collect from the insured any
380 amount in excess of such limits, except for amounts that are not
381 covered by the insured's personal injury protection coverage due
382 to the coinsurance amount or maximum policy limits.

383 5. ~~Effective July 1, 2012,~~ An insurer may limit payment as
384 authorized by this paragraph only if the insurance policy
385 includes a notice at the time of issuance or renewal that the
386 insurer may limit payment pursuant to the schedule of charges
387 specified in this paragraph. A policy form approved by the
388 office satisfies this requirement. If a provider submits a
389 charge for an amount less than the amount allowed under
390 subparagraph 1., the insurer may pay the amount of the charge
391 submitted.

392 Section 9. Paragraphs (a) and (b) of subsection (2) of
393 section 627.744, Florida Statutes, are amended to read:

394 627.744 Required preinsurance inspection of private
395 passenger motor vehicles.-

396 (2) This section does not apply:

397 (a) To a policy for a policyholder who has been insured for
398 2 years or longer, without interruption, under a private
399 passenger motor vehicle policy that ~~which~~ provides physical
400 damage coverage for any vehicle, if the agent of the insurer
401 verifies the previous coverage.

402 (b) To a new, unused motor vehicle purchased or leased from
403 a licensed motor vehicle dealer or leasing company. ~~if~~ The
404 insurer may require ~~is provided with:~~



610218

576-01923-15

1. A bill of sale, ~~or~~ buyer's order, or lease agreement
that ~~which~~ contains a full description of the motor vehicle,
~~including all options and accessories;~~ or

2. A copy of the title or registration that ~~which~~
establishes transfer of ownership from the dealer or leasing
company to the customer and a copy of the window sticker ~~or the~~
~~dealer invoice showing the itemized options and equipment and~~
~~the total retail price of the vehicle.~~

For the purposes of this paragraph, the physical damage coverage
on the motor vehicle may not be suspended during the term of the
policy due to the applicant's failure to provide or the
insurer's option not to require the ~~required~~ documents. However,
if the insurer requires a document under this paragraph at the
time the policy is issued, payment of a claim may be ~~is~~
conditioned upon the receipt by the insurer of the required
documents, and no physical damage loss occurring after the
effective date of the coverage may be ~~is~~ payable until the
documents are provided to the insurer.

Section 10. Section 631.65, Florida Statutes, is repealed.

Section 11. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 258

INTRODUCER: Banking and Insurance Committee and Senator Brandes

SUBJECT: Property and Casualty Insurance

DATE: March 17, 2015

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Billmeier	Knudson	BI	Fav/CS
2. Betta	DeLoach	AGG	Recommend: Fav/CS
3. Betta	Kynoch	AP	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 258 makes various changes to statutes relating to property and casualty insurance. Current law provides that the use of a single United States Postal Service zip code as a rating territory for auto insurance is unfairly discriminatory. This bill allows the use of a single zip code as a rating territory if the territory incorporates sufficient actual or expected loss and loss adjustment expenses experience so as to be actuarially measurable and credible.

Current law requires the Office of Insurance Regulation to consider projected hurricane losses using a model or method found reliable by the Florida Commission on Hurricane Loss Methodology when reviewing a rate filing. This bill increases from 60 days to 180 days the time an insurer is not required to use the newest version of an approved hurricane model.

In addition, this bill:

- Establishes a uniform 120 day advance written notice of nonrenewal, cancellation, or termination for personal and commercial lines residential property insurance policies;
- Allows a personal lines policyholder to elect electronic delivery of documents;
- Provides that an insurer has to notify a policyholder of the availability of neutral evaluation of a sinkhole claim when there is coverage available under the policy and the claim was submitted within the statutory timeframe;
- Amends a provision in the personal injury protection statute to resolve an ambiguity relating to the applicability of medical fee schedules;

- Creates exemptions to preinsurance inspection requirements for private passenger automobiles; and
- Repeals a prohibition against using the existence of the Florida Insurance Guaranty Association for the purpose of sales, solicitation, or inducement to purchase insurance.

This bill takes effect July 1, 2015.

The bill has no fiscal impact.

II. Present Situation:

Insurance Rate Standards

Insurance rates for property and casualty insurance may not be excessive, inadequate, or unfairly discriminatory.¹ Proposed rates must be filed with the Office of Insurance Regulation (OIR) and the OIR must determine whether the rates comply with the law.² When reviewing the rate filing, the OIR must consider loss experience, expenses, competition, investment income, the cost of reinsurance, and other factors.³

Hurricane Loss Projection Models

Section 627.062(2)(b)11, F.S., requires the OIR to consider projected hurricane losses. The losses must be estimated using a model or models found to be acceptable or reliable by the Florida Commission on Hurricane Loss Projection Methodology (Commission).⁴ The Commission was established by the Legislature to serve as an independent body to provide expert evaluation of computer models that project hurricane losses.⁵ The Commission is assigned to the State Board of Administration.⁶ The Commission adopts findings on the accuracy or reliability of the methods, standards, principles, models and other means used to project hurricane losses.⁷ Members of the Commission include:

- The Insurance Consumer Advocate;
- The person responsible for Florida Hurricane Catastrophe Fund operations;
- The Executive Director of Citizens Property Insurance Corporation (Citizens);
- The Director of the Division of Emergency Management;
- An actuary member from the Florida Hurricane Catastrophe Fund Advisory Council;
- An actuary employed by the OIR;
- An appointment by the state Chief Financial Officer who is an actuary employed with a property and casualty insurer;
- An appointment by the state Chief Financial Officer who is an insurance finance expert and who is a full-time faculty member in the State University System;

¹ s. 627.062(1), F.S.

² s. 627.062(2)(b), F.S.

³ s. 627.062(2)(b)

⁴ s. 627.062(2)(b)11., F.S.

⁵ s. 627.0628, F.S.

⁶ s. 627.0628(2)(a), F.S.

⁷ s. 627.0628(3)(a), F.S.

- An appointment by the state Chief Financial Officer who is a statistics expert and who is a full-time faculty member in the State University System;
- An appointment by the state Chief Financial Officer who is a meteorology expert and who is a full-time faculty member in the State University System;
- An appointment by the state Chief Financial Officer who is an expert in computer system design and who is a full-time faculty member in the State University System and
- An appointment by the Governor who is a licensed professional structural engineer and who is a full-time faculty member in the State University System.

The Commission sets standards for loss projection methodology and examines the methods employed in hurricane loss models used by private insurers in setting rates to determine whether they meet the Commission's standards. Only hurricane loss models or methods that the Commission has found to be accurate can be used by insurers to estimate the hurricane losses that are used to set property insurance rates.⁸ After the Commission finds a model to be accurate, an insurer has 60 days to use the model to predict the insurer's probable maximum loss "with respect to a rate filing."⁹

Zip Codes and Rating Territories for Motor Vehicle Insurance

Section 627.0651, F.S., provides that the use of a single zip code as a rating territory for motor vehicle insurance rates is deemed unfairly discriminatory and is thus prohibited.

Notice of Cancellation or Nonrenewal

The requirements for an insurer to give notice of cancelling or nonrenewing a residential property insurance policy are contained in s. 627.4133(2), F.S. The specific notice depends on the particular circumstances of the policy being nonrenewed, as follows:

- Generally, an insurer must give the insured 100 days' written notice of nonrenewal or cancellation;¹⁰
- For any nonrenewal or cancellation effective between June 1 and November 30 (hurricane season), an insurer must give notice by June 1, or 100 days' notice, whichever is earlier;¹¹
- If the nonrenewal or cancellation would be effective between June 1 and November 30 but the reason is a revision in sinkhole coverage, the insurer must give the insured 100 days written notice of nonrenewal;¹²
- If the nonrenewal or cancellation would be effective between June 1 and November 30, but the policy is to be nonrenewed by Citizens pursuant to an approved assumption plan by an authorized insurer, Citizens must give the insured 45 days written notice of nonrenewal;¹³
- If the insured structure has been insured by the insurer or an affiliate for at least five years, the insurer must give 120 days' notice of nonrenewal or cancellation;¹⁴

⁸ s. 627.0628(3)(d), F.S.

⁹ s. 627.062(3)(d), F.S.

¹⁰ s. 627.4133(2)(b), F.S.

¹¹ s. 627.4133(2)(b), F.S.

¹² s. 627.4133(2)(b)5.a., F.S.

¹³ s. 627.4133(2)(b)5.b., F.S.

¹⁴ s. 627.4133(2)(b)1., F.S.

- If the cancellation is for nonpayment of premium, the insurer must give 10 days' notice of cancellation accompanied by the reason for the cancellation;¹⁵
- If the OIR finds that the early cancellation is necessary to protect the best interests of the public or policyholders, the insurer must give the insured 45 days' written notice of cancellation or nonrenewal;¹⁶
- If a policy covers both home and motor vehicle, the insurer must give the insured 90 days' written notice of nonrenewal.¹⁷

Electronic Delivery of a Policy

Section 627.421, F.S., requires every insurance policy¹⁸ to be mailed or delivered to the insured within 60 days after the insurance takes effect. Insurance policies are typically only delivered when the policy is issued and are not delivered each time the policy is renewed. The Federal Electronic Signatures in Global and National Commerce Act (E-SIGN) applies to electronic transactions involving interstate commerce.¹⁹ Insurance is specifically included in E-SIGN.²⁰ E-SIGN provides contracts formed using electronic signatures on electronic records will not be denied legal effect only because they are electronic. However, E-SIGN requires consumer disclosure and consent to electronic records in certain instances before electronic records will be given legal effect. Under E-SIGN, if a statute requires information to be provided or made available to a consumer in writing, the use of an electronic record to provide or make the information available to the consumer will satisfy the statute's requirement of writing if the consumer affirmatively consents to use of an electronic record. The consumer must also be provided with a statement notifying the consumer of the right to have the electronic information made available in a paper format and of the right to withdraw consent to electronic records, among other notifications.

In addition, s. 668.50, F.S., Florida's Uniform Electronic Transaction Act (UETA), is similar to the federal E-SIGN law. The UETA specifically applies to insurance and provides a requirement in statute that information that must be delivered in writing to another person can be satisfied by delivering the information electronically if the parties have agreed to conduct the transaction by electronic means.

Neutral Evaluation

Sections 627.707-627.7074, F.S., create requirements for investigation of sinkhole claims and a neutral evaluation program to help resolve sinkhole claims. Section 627.707, F.S., requires an insurer, upon receipt of a sinkhole claim, to inspect the policyholder's premises to determine if there is structural damage that may be the result of sinkhole activity. If the insurer confirms that

¹⁵ s. 627.4133(2)(b)2., F.S.

¹⁶ s. 627.4133(2) (b)6., F.S.

¹⁷ s. 627.4133(2)(b)7., F.S.

¹⁸ Section 627.402, F.S., defines policy to include endorsements, riders, and clauses. Reinsurance, wet marine and transportation insurance, title insurance, and credit disability insurance policies do not have to be mailed or delivered. See s. 627.401, F.S.

¹⁹ Section 101, Electronic Signatures in Global and National Commerce Act, Pub. L. No. 106-229, 114 Stat. 464 (2000). Many of the provisions of E-SIGN took effect October 1, 2000.

²⁰ *Id.*

structural damage exists but is unable to identify the cause or discovers that such damage is consistent with sinkhole loss, the insurer shall engage a professional engineer or a professional geologist to conduct testing²¹ to determine the cause of the loss if sinkhole loss is covered under the policy.²² If the insurer determines that there is no sinkhole loss, the insurer may deny the claim.²³

Neutral evaluation is available to either party if a sinkhole report has been issued.²⁴ Neutral evaluation must determine causation, all methods of stabilization and repair both above and below ground, and the costs of stabilization and all repairs.²⁵ Following the receipt of the sinkhole report or the denial of a claim for a sinkhole loss, the insurer notifies the policyholder of the right to participate in the neutral evaluation program.²⁶

Neutral evaluation is nonbinding, but mandatory if requested by either the insurer or the insured.²⁷ A request for neutral evaluation is filed with the Department of Financial Services. The request for neutral evaluation must state the reason for the request and must include an explanation of all the issues in dispute at the time of the request.²⁸ The neutral evaluator receives information from the parties and may have access to the structure. The neutral evaluator evaluates the claim and prepares a report describing whether a sinkhole loss occurred and, if necessary, the costs of repairs or stabilization.²⁹ The report is admissible in subsequent court proceedings.³⁰ Section 627.7074(6), F.S., requires the insurer to pay reasonable costs associated with the neutral evaluation.

Personal Injury Protection Insurance

In 2012, the personal injury protection (PIP) reform bill established the date on which Medicare fee schedule changes are effective.³¹ The amended section 627.736(5)(a)2, F.S., provides, in part:

[T]he applicable fee schedule or payment limitation under Medicare is the fee schedule or payment limitation in effect on March 1 of the year in which the services, supplies, or care is rendered...and the applicable fee schedule or payment limitation applies throughout the remainder of that year....

It is uncertain whether the Medicare fee schedule in place on March 1 applied to the end of the calendar year or applied through the end of February of the following year. On November 6, 2012, the OIR issued Informational Memorandum OIR-12-06M stating that the plain language of

²¹ s. 627.7072, F.S., contains testing standards in sinkhole claims.

²² s. 627.707(2), F.S.

²³ s. 627.707(4)(a), F.S.

²⁴ s. 627.7073, F.S., requires that a report be issued if testing required under s. 627.707-7074, F.S., is performed.

²⁵ s. 627.7074(2), F.S.

²⁶ s. 627.7074(3), F.S.

²⁷ s. 627.7074(4), F.S.

²⁸ s. 627.7074, F.S. The statute also requires the Department of Financial Services to maintain a list of neutral evaluators and provides for disqualification of neutral evaluators in specified circumstances.

²⁹ ss. 627.7074(5), (12), F.S.

³⁰ s. 627.7074(13), F.S.

³¹ Ch. 212-151, L.O.F.

the section requires the fee schedule in place on March 1, to apply throughout the following 365 days, or until March 1, of the following year.

Preinsurance Inspections

Section 627.744, F.S., requires preinsurance inspections of private passenger motor vehicles, but lists various exemptions, including for new, used motor vehicles “purchased” from a licensed motor vehicle dealer or leasing company when the insurer is provided with the bill of sale, buyer’s order, or copy of the title and certain other documentation. Despite the exemptions, an insurer may require a preinsurance inspection of any motor vehicle as a condition of issuance of physical damage coverage. Applicants for insurance may be required to pay the cost of the preinsurance inspection, not to exceed five dollars.

Prohibition on Certain Advertising

When a property and casualty insurance company becomes insolvent, the Florida Insurance Guaranty Association (FIGA) is required by law to take over the claims of the insurer and pay the claims of the company’s policyholders.³² This ensures policyholders that have paid premiums for insurance are not left without valid claims being paid. FIGA is responsible for claims on residential and commercial property insurance, automobile insurance, and liability insurance, among others. It is a nonprofit corporation.³³

If a property and casualty insurance company has been declared insolvent, covered claims will be paid by FIGA. The maximum amount FIGA will cover is \$300,000 with special limits applying to: (1) damages to structure and contents on homeowners’ claims; and (2) on condominium and homeowners’ association claims.³⁴ For damages to structure and contents on homeowners’ claims, the FIGA cap is an additional \$200,000, for a total of \$500,000. For condominium and homeowners’ association claims, the cap will be the lesser of policy limits or \$100,000 multiplied by the number of units in the association.³⁵ All claims are subject to a \$100 FIGA deductible in addition to any deductible identified in the insurance policy.

Section 631.65, F.S., prohibits any advertisement for insurance to use the existence of FIGA for the purpose of the sale of insurance. The prohibition was enacted in 1970, and similar prohibitions are contained in s. 631.735, F.S. (relating to the Florida Life and Health Guaranty Association (FLHIGA)), s. 631.827, F.S. (relating to the Florida Health Maintenance Organization Consumer Assistance Plan), and s. 631.919, F.S. (relating to the Florida Workers’ Compensation Insurance Guaranty Association). A number of other states have the prohibition with regard to their life and health guaranty associations³⁶ and the prohibition appears in the National Association of Insurance Commissioners (NAIC) Life and Health Insurance Guaranty Model Act,³⁷ but is not found in the NAIC Property and Casualty Insurance Guaranty

³² s. 631.57, F.S.

³³ s. 631.55, F.S.

³⁴ s. 631.57, F.S.

³⁵ s. 631.57, F.S.

³⁶ See Texas Ins. Code Title 4, s. 463.461 (2013); Cal. Ins. Code s.1037.17 (2012); Ga. Code Ann. s. 33-38.21 (2014).

³⁷ National Association of Insurance Commissioners Life and Health Guaranty Association Model Act MDL-520 (2009) at pg. 520-34. <http://www.naic.org/store/free/MDL-520.pdf> (accessed February 18, 2015).

Association Model Act.³⁸ The proceedings citations for the NAIC Life and Health Insurance Guaranty Model Act indicates that during the original creation of the property and casualty model act in 1970, insurance industry commenters at the time favored the prohibition to prevent agents from indicating to potential customers that the assets of an insurer are unimportant since the assets of other companies in the state would provide protection.³⁹ The prohibition was substantially rewritten in the 1985 NAIC Life and Health Insurance Guaranty Association Model Act, which called for guaranty associations to create a document to deliver to policyholders to explain the availability and limitations of the guaranty fund.⁴⁰ This was done because the breadth of the prohibition had caused confusion to the public regarding the purposes and limitations of the guaranty association.⁴¹ Florida law currently requires FLHIGA to provide documentation regarding the availability of life and health guaranty fund coverage, but does not require FIGA to do so for property and casualty guaranty fund coverage. A document providing such an explanation has been created by FIGA, however, and is available on its Internet page.⁴²

III. Effect of Proposed Changes:

Hurricane Loss Projection Models

Section 1 of this bill amends s. 627.0628, F.S., to increase from 60 days to 180 days the time an insurer may make rate filings with a prior accepted version of a hurricane model.

Zip Codes and Rating Territories for Motor Vehicle Insurance

Section 2 of this bill amends s. 627.0651, F.S., to provide that the use of a single United States Postal Service zip code as a rating territory is not unfairly discriminatory if the territory incorporates sufficient actual or expected loss and loss adjustment expense experience so as to be actuarially measurable and credible. The OIR would determine if the rates for such territories are excessive, inadequate, or unfairly discriminatory.

Notice of Cancellation and Nonrenewal

Section 4 of this bill amends s. 627.4133(2)(b), F.S., to reduce to 120 days the advance written notice of nonrenewal, cancellation, or termination an insurer must give the first-named insured of a personal lines or commercial residential property insurance policy.

Section 3 of this bill changes a citation to conform to the changes made by section 4 of this bill.

³⁸ NAIC Association of Insurance Commissioners Property and Casualty Guaranty Association Model Act MDL-540 (2009). <http://www.naic.org/store/free/MDL-540.pdf> (accessed February 18, 2015).

³⁹ See fn. 37 at pg. PC-520-53.

⁴⁰ See id.

⁴¹ See fn. 37 at pg. PC-520-24

⁴² See Florida Insurance Guaranty Association: How Florida's Insurance Safety Net Protects Consumers (August 2009). <http://www.figafacts.com/media/files/FIGA%20Brouchure%20for%20Website%20pages.pdf> (accessed February 18, 2015).

Electronic Delivery of a Policy

Section 5 of this bill amends s. 627.421, F.S., to provide that an insurer may allow a policyholder of personal lines insurance to affirmatively elect delivery of policy documents, including policies, endorsements, documents or notices by electronic means.

Notice to Policyholder of Availability of Sinkhole Neutral Evaluations

Section 6 of this bill amends s. 627.7074(3), F.S., to limit the circumstances when an insurer must notify a policyholder of the right to participate in neutral evaluation of a sinkhole claim. The insurer must provide the notice only if there is sinkhole coverage on the damaged property and if the sinkhole claim was submitted within the statute of limitations period which is two years after the policyholder knew or reasonably should have known about the sinkhole loss. There are no parameters under current law about notification of neutral evaluation. Thus, insurers are required under current law to notify a policyholder about neutral evaluation in cases where there is no sinkhole coverage or when the sinkhole claim is untimely filed.

Personal Injury Protection Insurance Medical Fee Schedule

Section 7 of this bill amends s. 627.736(5)(a), F.S., to clarify that the Personal Injury Protection medical fee schedule that is effective on March 1 of each year applies until the last day of the following February.

Preinsurance Motor Vehicle Inspections

Section 8 of this bill amends s. 627.744, F.S., to exempt from preinsurance inspection new, unused motor vehicles that are leased from a licensed motor vehicle dealer or leasing company, if the insurer is provided with a lease agreement that contains a full description of the motor vehicle or a copy of the title or registration and a copy of the window sticker. In addition, this section deletes the preinsurance inspection exemption for new, unused motor vehicles purchased if the following conditions apply:

- If the bill of sale or buyer's order contains a full description of all options and accessories, or
- If the dealer invoice showing the itemized options, equipment, and total retail price is submitted as documentation.

Repeal of Prohibition on Certain Advertising Related to FIGA

Section 9 of this bill repeals the prohibition on advertisements which uses the existence of FIGA for the purpose of sales, solicitation, or inducement to purchase insurance covered by Part II of ch. 631, F.S. Part II applies to all insurance except:

- Life, annuity, health, or disability insurance;
- Mortgage guaranty, financial guaranty, or other forms of insurance offering protection against investment risks;
- Fidelity or surety bonds, or any other bonding obligations;
- Credit insurance, vendors' single interest insurance, or collateral protection insurance or any similar insurance protecting the interests of a creditor arising out of a creditor-debtor transaction;

- Warranty, including motor vehicle service, home warranty, or service warranty;
- Ambulance service, health care service, or preneed funeral merchandise or service;
- Optometric service plan, pharmaceutical service plan, or dental service plan;
- Legal expense;
- Health maintenance, prepaid health clinic, or continuing care;
- Ocean marine or wet marine insurance;
- Self-insurance and any kind of self-insurance fund, liability pool, or risk management fund;
- Title insurance;
- Surplus lines;
- Workers' compensation, including claims under employer liability coverage;
- Any transaction or combination of transactions between a person, including affiliates of such person, and an insurer, including affiliates of such insurer, which involves the transfer of investment or credit risk unaccompanied by the transfer of insurance risk; or
- Any insurance provided by or guaranteed by government.

This bill does not remove the prohibitions contained in contained in s. 631.735, F.S. (relating to the Florida Life and Health Guaranty Association), s. 631.827, F.S. (relating to the Florida Health Maintenance Organization Consumer Assistance Plan), and s. 631.919, F.S. (relating to the Florida Workers' Compensation Insurance Guaranty Association).

Section 10 of this bill provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The Department of Financial Services bill analysis, dated January 13, 2015 (on file with the Committee), states that the provision in CS/SB 258 that insurers are not required to notify insureds about neutral evaluation in situations where sinkhole coverage is not

available or where the claim was not timely reported should reduce the cost associated with notification and the costs associated with neutral evaluations in those cases.

C. Government Sector Impact:

Bill analyses from the OIR, the State Board of Administration Hurricane Catastrophe Fund, and the Department of Financial Services indicate no fiscal impact on those agencies.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 627.0628, 627.0651, 627.3518, 627.4133, 627.421, 627.7074, 627.736, and 627.744.

This bill repeals section 631.65 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Banking and Insurance on February 17, 2015:

The Committee adopted four amendments. The amendments removed a provision allowing for the use of a straight average of hurricane models in rate filings, added a provision repealing s. 631.65, F.S., and made technical changes.

B. Amendments:

None.

By the Committee on Banking and Insurance; and Senator Brandes

597-01652-15

2015258c1

1 A bill to be entitled
 2 An act relating to property and casualty insurance;
 3 amending s. 627.0628, F.S.; increasing the length of
 4 time during which an insurer is not required to adhere
 5 to certain models found by the Commission on Hurricane
 6 Loss Projection Methodology to be accurate or reliable
 7 in determining probable maximum loss levels with
 8 respect to certain rate filings; amending s. 627.0651,
 9 F.S.; revising provisions for the making and use of
 10 rates for motor vehicle insurance; amending s.
 11 627.3518, F.S.; conforming a cross-reference; amending
 12 s. 627.4133, F.S.; increasing the amount of prior
 13 notice required with respect to the nonrenewal,
 14 cancellation, or termination of certain insurance
 15 policies; deleting certain provisions that require
 16 extended periods of prior notice with respect to the
 17 nonrenewal, cancellation, or termination of certain
 18 insurance policies; prohibiting the cancellation of
 19 certain policies that have been in effect for a
 20 specified amount of time except under certain
 21 circumstances; amending s. 627.421, F.S.; authorizing
 22 a policyholder of personal lines insurance to
 23 affirmatively elect delivery of policy documents by
 24 electronic means; amending s. 627.7074, F.S.; revising
 25 notification requirements for participation in the
 26 neutral evaluation program; amending s. 627.736, F.S.;
 27 revising the applicability of certain Medicare fee
 28 schedules or payment limitations; defining the term
 29 "service year"; amending s. 627.744, F.S.; revising

Page 1 of 14

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597-01652-15

2015258c1

30 the preinsurance inspection requirements for private
 31 passenger motor vehicles; repealing s. 631.65, F.S.,
 32 relating to prohibited advertisement or solicitation;
 33 providing an effective date.
 34

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

36
 37 Section 1. Paragraph (d) of subsection (3) of section
 38 627.0628, Florida Statutes, is amended to read:
 39 627.0628 Florida Commission on Hurricane Loss Projection
 40 Methodology; public records exemption; public meetings
 41 exemption.—

42 (3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.—
 43 (d) With respect to a rate filing under s. 627.062, an
 44 insurer shall employ and may not modify or adjust actuarial
 45 methods, principles, standards, models, or output ranges found
 46 by the commission to be accurate or reliable in determining
 47 hurricane loss factors for use in a rate filing under s.
 48 627.062. An insurer shall employ and may not modify or adjust
 49 models found by the commission to be accurate or reliable in
 50 determining probable maximum loss levels pursuant to paragraph
 51 (b) with respect to a rate filing under s. 627.062 made more
 52 than 180 ~~60~~ days after the commission has made such findings.
 53 This paragraph does not prohibit an insurer from using a
 54 straight average of model results or output ranges for the
 55 purposes of a rate filing for personal lines residential flood
 56 insurance coverage under s. 627.062.

57 Section 2. Subsection (8) of section 627.0651, Florida
 58 Statutes, is amended to read:

Page 2 of 14

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597-01652-15

2015258c1

627.0651 Making and use of rates for motor vehicle insurance.—

(8) Rates are not unfairly discriminatory if averaged broadly among members of a group; nor are rates unfairly discriminatory even though they are lower than rates for nonmembers of the group. However, such rates are unfairly discriminatory if they are not actuarially measurable and credible and sufficiently related to actual or expected loss and expense experience of the group so as to ensure ~~assure~~ that nonmembers of the group are not unfairly discriminated against. Use of a single United States Postal Service zip code as a rating territory shall be deemed unfairly discriminatory unless filed pursuant to paragraph (1)(a) and such territory incorporates sufficient actual or expected loss and loss adjustment expense experience so as to be actuarially measurable and credible.

Section 3. Subsection (9) of section 627.3518, Florida Statutes, is amended to read:

627.3518 Citizens Property Insurance Corporation policyholder eligibility clearinghouse program.—The purpose of this section is to provide a framework for the corporation to implement a clearinghouse program by January 1, 2014.

(9) The 45-day notice of nonrenewal requirement set forth in s. 627.4133(2)(b)5. ~~s. 627.4133(2)(b)5.b.~~ applies when a policy is nonrenewed by the corporation because the risk has received an offer of coverage pursuant to this section which renders the risk ineligible for coverage by the corporation.

Section 4. Paragraph (b) of subsection (2) of section 627.4133, Florida Statutes, is amended to read:

597-01652-15

2015258c1

627.4133 Notice of cancellation, nonrenewal, or renewal premium.—

(2) With respect to any personal lines or commercial residential property insurance policy, including, but not limited to, any homeowner, mobile home owner, farmowner, condominium association, condominium unit owner, apartment building, or other policy covering a residential structure or its contents:

(b) The insurer shall give the first-named insured written notice of nonrenewal, cancellation, or termination at least 120 ~~100~~ days before the effective date of the nonrenewal, cancellation, or termination. ~~However, the insurer shall give at least 100 days' written notice, or written notice by June 1, whichever is earlier, for any nonrenewal, cancellation, or termination that would be effective between June 1 and November 30.~~ The notice must include the reason for the nonrenewal, cancellation, or termination, except that:

~~1. The insurer shall give the first-named insured written notice of nonrenewal, cancellation, or termination at least 120 days before the effective date of the nonrenewal, cancellation, or termination for a first-named insured whose residential structure has been insured by that insurer or an affiliated insurer for at least 5 years before the date of the written notice.~~

1.2. ~~1.2.~~ If cancellation is for nonpayment of premium, at least 10 days' written notice of cancellation accompanied by the reason therefor must be given. As used in this subparagraph, the term "nonpayment of premium" means failure of the named insured to discharge when due her or his obligations for paying the

597-01652-15

2015258c1

premium on a policy or an installment of such premium, whether the premium is payable directly to the insurer or its agent or indirectly under a premium finance plan or extension of credit, or failure to maintain membership in an organization if such membership is a condition precedent to insurance coverage. The term also means the failure of a financial institution to honor an insurance applicant's check after delivery to a licensed agent for payment of a premium even if the agent has previously delivered or transferred the premium to the insurer. If a dishonored check represents the initial premium payment, the contract and all contractual obligations are void ab initio unless the nonpayment is cured within the earlier of 5 days after actual notice by certified mail is received by the applicant or 15 days after notice is sent to the applicant by certified mail or registered mail. If the contract is void, any premium received by the insurer from a third party must be refunded to that party in full.

~~2.3-~~ If cancellation or termination occurs during the first 90 days the insurance is in force and the insurance is canceled or terminated for reasons other than nonpayment of premium, at least 20 days' written notice of cancellation or termination accompanied by the reason therefor must be given unless there has been a material misstatement or misrepresentation or a failure to comply with the underwriting requirements established by the insurer.

3. After the policy has been in effect for 90 days, the policy may not be canceled by the insurer unless there has been a material misstatement, a nonpayment of premium, a failure to comply, within 90 days after the date of effectuation of

597-01652-15

2015258c1

coverage, with the underwriting requirements established by the insurer before the effectuation of coverage, or a substantial change in the risk covered by the policy or unless the cancellation is for all insureds under such policies for a given class of insureds. This subparagraph does not apply to individually rated risks that have a policy term of less than 90 days.

4. After a policy or contract has been in effect for more than 90 days, the insurer may not cancel or terminate the policy or contract based on credit information available in public records.

~~5. The requirement for providing written notice by June 1 of any nonrenewal that would be effective between June 1 and November 30 does not apply to the following situations, but the insurer remains subject to the requirement to provide such notice at least 100 days before the effective date of nonrenewal:~~

~~a. A policy that is nonrenewed due to a revision in the coverage for sinkhole losses and catastrophic ground cover collapse pursuant to s. 627.706.~~

5.b- A policy that is nonrenewed by Citizens Property Insurance Corporation, pursuant to s. 627.351(6), for a policy that has been assumed by an authorized insurer offering replacement coverage to the policyholder is exempt from the notice requirements of paragraph (a) and this paragraph. In such cases, the corporation must give the named insured written notice of nonrenewal at least 45 days before the effective date of the nonrenewal.

597-01652-15

2015258c1

After the policy has been in effect for 90 days, the policy may not be canceled by the insurer unless there has been a material misstatement, a nonpayment of premium, a failure to comply with underwriting requirements established by the insurer within 90 days after the date of effectuation of coverage, a substantial change in the risk covered by the policy, or the cancellation is for all insureds under such policies for a given class of insureds. This paragraph does not apply to individually rated risks that have a policy term of less than 90 days.

6. Notwithstanding any other provision of law, an insurer may cancel or nonrenew a property insurance policy after at least 45 days' notice if the office finds that the early cancellation of some or all of the insurer's policies is necessary to protect the best interests of the public or policyholders and the office approves the insurer's plan for early cancellation or nonrenewal of some or all of its policies. The office may base such finding upon the financial condition of the insurer, lack of adequate reinsurance coverage for hurricane risk, or other relevant factors. The office may condition its finding on the consent of the insurer to be placed under administrative supervision pursuant to s. 624.81 or to the appointment of a receiver under chapter 631.

7. A policy covering both a home and a motor vehicle may be nonrenewed for any reason applicable to the property or motor vehicle insurance after providing 90 days' notice.

Section 5. Subsection (1) of section 627.421, Florida Statutes, is amended to read:

627.421 Delivery of policy.—

(1) Subject to the insurer's requirement as to payment of

597-01652-15

2015258c1

premium, every policy shall be mailed, delivered, or electronically transmitted to the insured or to the person entitled thereto not later than 60 days after the effectuation of coverage. Notwithstanding any other provision of law, an insurer may allow a policyholder of personal lines insurance to affirmatively elect delivery of the policy documents, including, but not limited to, policies, endorsements, notices, or documents, by electronic means in lieu of delivery by mail. Electronic transmission of a policy for commercial risks, including, but not limited to, workers' compensation and employers' liability, commercial automobile liability, commercial automobile physical damage, commercial lines residential property, commercial nonresidential property, farmowners insurance, and the types of commercial lines risks set forth in s. 627.062(3)(d), constitutes ~~shall constitute~~ delivery to the insured or to the person entitled to delivery, unless the insured or the person entitled to delivery communicates to the insurer in writing or electronically that he or she does not agree to delivery by electronic means. Electronic transmission shall include a notice to the insured or to the person entitled to delivery of a policy of his or her right to receive the policy via United States mail rather than via electronic transmission. A paper copy of the policy shall be provided to the insured or to the person entitled to delivery at his or her request.

Section 6. Subsection (3) of section 627.7074, Florida Statutes, is amended to read:

627.7074 Alternative procedure for resolution of disputed sinkhole insurance claims.—

597-01652-15

2015258c1

(3) Following the receipt of the report provided under s. 627.7073 or the denial of a claim for a sinkhole loss, the insurer shall notify the policyholder of his or her right to participate in the neutral evaluation program under this section if there is coverage available under the policy and the claim was submitted within the timeframe provided in s. 627.706(5). Neutral evaluation supersedes the alternative dispute resolution process under s. 627.7015 but does not invalidate the appraisal clause of the insurance policy. The insurer shall provide to the policyholder the consumer information pamphlet prepared by the department pursuant to subsection (1) electronically or by United States mail.

Section 7. Paragraph (a) of subsection (5) of section 627.736, Florida Statutes, is amended to read:

627.736 Required personal injury protection benefits; exclusions; priority; claims.—

(5) CHARGES FOR TREATMENT OF INJURED PERSONS.—

(a) A physician, hospital, clinic, or other person or institution lawfully rendering treatment to an injured person for a bodily injury covered by personal injury protection insurance may charge the insurer and injured party only a reasonable amount pursuant to this section for the services and supplies rendered, and the insurer providing such coverage may pay for such charges directly to such person or institution lawfully rendering such treatment if the insured receiving such treatment or his or her guardian has countersigned the properly completed invoice, bill, or claim form approved by the office upon which such charges are to be paid for as having actually been rendered, to the best knowledge of the insured or his or

597-01652-15

2015258c1

her guardian. However, such a charge may not exceed the amount the person or institution customarily charges for like services or supplies. In determining whether a charge for a particular service, treatment, or otherwise is reasonable, consideration may be given to evidence of usual and customary charges and payments accepted by the provider involved in the dispute, reimbursement levels in the community and various federal and state medical fee schedules applicable to motor vehicle and other insurance coverages, and other information relevant to the reasonableness of the reimbursement for the service, treatment, or supply.

1. The insurer may limit reimbursement to 80 percent of the following schedule of maximum charges:

a. For emergency transport and treatment by providers licensed under chapter 401, 200 percent of Medicare.

b. For emergency services and care provided by a hospital licensed under chapter 395, 75 percent of the hospital's usual and customary charges.

c. For emergency services and care as defined by s. 395.002 provided in a facility licensed under chapter 395 rendered by a physician or dentist, and related hospital inpatient services rendered by a physician or dentist, the usual and customary charges in the community.

d. For hospital inpatient services, other than emergency services and care, 200 percent of the Medicare Part A prospective payment applicable to the specific hospital providing the inpatient services.

e. For hospital outpatient services, other than emergency services and care, 200 percent of the Medicare Part A Ambulatory

597-01652-15 2015258c1

291 Payment Classification for the specific hospital providing the
292 outpatient services.

293 f. For all other medical services, supplies, and care, 200
294 percent of the allowable amount under:

295 (I) The participating physicians fee schedule of Medicare
296 Part B, except as provided in sub-sub-subparagraphs (II) and
297 (III).

298 (II) Medicare Part B, in the case of services, supplies,
299 and care provided by ambulatory surgical centers and clinical
300 laboratories.

301 (III) The Durable Medical Equipment Prosthetics/Orthotics
302 and Supplies fee schedule of Medicare Part B, in the case of
303 durable medical equipment.

304

305 However, if such services, supplies, or care is not reimbursable
306 under Medicare Part B, as provided in this sub-subparagraph, the
307 insurer may limit reimbursement to 80 percent of the maximum
308 reimbursable allowance under workers' compensation, as
309 determined under s. 440.13 and rules adopted thereunder which
310 are in effect at the time such services, supplies, or care is
311 provided. Services, supplies, or care that is not reimbursable
312 under Medicare or workers' compensation is not required to be
313 reimbursed by the insurer.

314 2. For purposes of subparagraph 1., the applicable fee
315 schedule or payment limitation under Medicare is the fee
316 schedule or payment limitation in effect on March 1 of the
317 service year in which the services, supplies, or care is
318 rendered and for the area in which such services, supplies, or
319 care is rendered, and the applicable fee schedule or payment

597-01652-15 2015258c1

320 limitation applies to services, supplies, or care rendered
321 ~~during throughout the remainder of~~ that service year,
322 notwithstanding any subsequent change made to the fee schedule
323 or payment limitation, except that it may not be less than the
324 allowable amount under the applicable schedule of Medicare Part
325 B for 2007 for medical services, supplies, and care subject to
326 Medicare Part B. As used in this subparagraph, the term "service
327 year" means the period from March 1 through the last day of
328 February of the following year.

329 3. Subparagraph 1. does not allow the insurer to apply any
330 limitation on the number of treatments or other utilization
331 limits that apply under Medicare or workers' compensation. An
332 insurer that applies the allowable payment limitations of
333 subparagraph 1. must reimburse a provider who lawfully provided
334 care or treatment under the scope of his or her license,
335 regardless of whether such provider is entitled to reimbursement
336 under Medicare due to restrictions or limitations on the types
337 or discipline of health care providers who may be reimbursed for
338 particular procedures or procedure codes. However, subparagraph
339 1. does not prohibit an insurer from using the Medicare coding
340 policies and payment methodologies of the federal Centers for
341 Medicare and Medicaid Services, including applicable modifiers,
342 to determine the appropriate amount of reimbursement for medical
343 services, supplies, or care if the coding policy or payment
344 methodology does not constitute a utilization limit.

345 4. If an insurer limits payment as authorized by
346 subparagraph 1., the person providing such services, supplies,
347 or care may not bill or attempt to collect from the insured any
348 amount in excess of such limits, except for amounts that are not

597-01652-15

2015258c1

covered by the insured's personal injury protection coverage due to the coinsurance amount or maximum policy limits.

5. ~~Effective July 1, 2012,~~ An insurer may limit payment as authorized by this paragraph only if the insurance policy includes a notice at the time of issuance or renewal that the insurer may limit payment pursuant to the schedule of charges specified in this paragraph. A policy form approved by the office satisfies this requirement. If a provider submits a charge for an amount less than the amount allowed under subparagraph 1., the insurer may pay the amount of the charge submitted.

Section 8. Paragraphs (a) and (b) of subsection (2) of section 627.744, Florida Statutes, are amended to read:

627.744 Required preinsurance inspection of private passenger motor vehicles.—

(2) This section does not apply:

(a) To a policy for a policyholder who has been insured for 2 years or longer, without interruption, under a private passenger motor vehicle policy that which provides physical damage coverage for any vehicle, if the agent of the insurer verifies the previous coverage.

(b) To a new, unused motor vehicle purchased or leased from a licensed motor vehicle dealer or leasing company, ~~if~~ The insurer may require ~~is provided with~~:

1. A bill of sale, ~~or~~ buyer's order, or lease agreement that which contains a full description of the motor vehicle, ~~including all options and accessories;~~ or

2. A copy of the title or registration that which establishes transfer of ownership from the dealer or leasing

597-01652-15

2015258c1

company to the customer and a copy of the window sticker ~~or the dealer invoice showing the itemized options and equipment and the total retail price of the vehicle.~~

For the purposes of this paragraph, the physical damage coverage on the motor vehicle may not be suspended during the term of the policy due to the applicant's failure to provide or the insurer's option not to require the ~~required~~ documents. However, if the insurer requires a document under this paragraph at the time the policy is issued, payment of a claim may be ~~is~~ conditioned upon the receipt by the insurer of the required documents, and no physical damage loss occurring after the effective date of the coverage may be ~~is~~ payable until the documents are provided to the insurer.

Section 9. Section 631.65, Florida Statutes, is repealed.

Section 10. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 332

INTRODUCER: Senator Grimsley

SUBJECT: Nursing Home Facility Pneumococcal Vaccination Requirements

DATE: March 17, 2015

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Looke	Stovall	HP	Favorable
2. Brown	Pigott	AHS	Recommend: Favorable
3. Brown	Kynoch	AP	Pre-meeting

I. Summary:

SB 332 removes the requirement that nursing homes vaccinate eligible new admissions with the pneumococcal polysaccharide vaccination (PPV) and instead allows eligible new admissions to be vaccinated with any pneumococcal vaccination that is recommended by the Centers for Disease Control and Prevention (CDC).

The bill has no fiscal impact.

II. Present Situation:

Pneumococcal Disease and Vaccines

Pneumococcal disease is a bacterium known as *Streptococcus pneumoniae* which can cause severe infections of the lungs (pneumonia), bloodstream (bacteremia), and lining of the brain and spinal cord (meningitis).¹ Pneumococcal disease is spread from person to person by direct contact with respiratory secretions, such as saliva and mucus. Each year in the United States, pneumococcal disease kills 18,000 adults age 65 and older and thousands more are admitted to hospitals to receive treatment due to contracting the disease.²

The CDC recommends two vaccines to prevent pneumococcal disease – PPV and pneumococcal conjugate vaccine (PCV13).³ PCV13 protects against 13 strains of pneumonia and PPV protects against 23 strains.⁴ Both vaccines protect against illness such as meningitis and bacteremia while

¹ Centers for Disease Control and Prevention, *Adults: Protect Yourself with Pneumococcal Vaccines*, (Sep. 2014) <http://www.cdc.gov/features/adult-pneumococcal/> (last visited Jan. 28, 2015).

² Id.

³ Id.

⁴ Id.

PCV13 also provides protection against pneumonia.⁵ Section 400.141, F.S., specifically requires nursing homes to vaccinate new residents with PPV within 60 days of admission, subject to some exceptions.

III. Effect of Proposed Changes:

The bill amends s. 400.141, F.S., to remove the requirement that nursing homes vaccinate eligible new admissions with the PPV and instead allows eligible new admissions to be vaccinated with any pneumococcal vaccination that is recommended by the CDC.

The bill establishes an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Under SB 332, nursing homes and nursing home residents may see a positive fiscal impact due to having additional pneumococcal vaccination options from which to choose.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁵ Id.

VIII. Statutes Affected:

This bill substantially amends section 400.141 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Grimsley

21-00442-15

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A bill to be entitled

An act relating to nursing home facility pneumococcal vaccination requirements; amending s. 400.141, F.S.; requiring a resident of a licensed facility to be assessed for eligibility for pneumococcal vaccination or revaccination by a specified date and, if indicated, to be vaccinated or revaccinated by a specified date; deleting obsolete provisions; making technical changes; providing an effective date.

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

Section 1. Paragraph (t) of subsection (1) of section 400.141, Florida Statutes, is amended to read:

400.141 Administration and management of nursing home facilities.—

(1) Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(t) Assess each resident within 5 business days after admission ~~all residents~~ for eligibility for pneumococcal polysaccharide vaccination or revaccination. If indicated, the resident shall be vaccinated or revaccinated (PPV) and ~~vaccinate residents when indicated~~ within 60 days after admission ~~the effective date of this act~~ in accordance with the recommendations of the United States Centers for Disease Control and Prevention, subject to exemptions for medical contraindications and religious or personal beliefs. ~~Residents admitted after the effective date of this act shall be assessed within 5 working days of admission and, when indicated,~~

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

21-00442-15

2015332__

~~vaccinated within 60 days in accordance with the recommendations of the United States Centers for Disease Control and Prevention, subject to exemptions for medical contraindications and religious or personal beliefs. Immunization may shall not be provided to a any resident who provides documentation that he or she has been immunized as required by this paragraph. This paragraph does not prohibit A resident may elect to receive from receiving the immunization from his or her personal physician and, if such election is made, the if he or she so chooses. A resident who chooses to receive the immunization from his or her personal physician shall provide proof of the immunization to the facility. The agency may adopt and enforce any rules necessary to comply with or implement this paragraph.~~

Section 2. This act shall take effect July 1, 2015.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 396

INTRODUCER: Governmental Oversight and Accountability Committee and Senators Detert and others

SUBJECT: Florida Historic Capitol

DATE: March 17, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kim</u>	<u>McVaney</u>	<u>GO</u>	Fav/CS
2.	<u>Davis</u>	<u>DeLoach</u>	<u>AGG</u>	Recommend: Favorable
3.	<u>Davis</u>	<u>Kynoch</u>	<u>AP</u>	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 396 creates the Florida Historic Capitol Museum Council (Council) within the legislative branch. The Council will work with the Florida Historic Capitol Museum's (Capitol Museum) staff to create a strategic plan to guide the Council's mission, ensure that the Capitol Museum preserves legislative history and operates according to best practices, meet with the board of directors of the Capitol Museum's direct support organization, and assist the staff in planning legislative reunions.

The bill updates statutes to reflect the current structure of the Florida Historic Capitol Museum. The bill abolishes the Florida Legislative Research Center at the Historic Capitol and its citizen's support organization. Funding and advisory efforts will be transferred to the currently existing Florida Historical Capitol Foundation (Foundation) and the Capitol Museum. The bill increases the number of board members of the Foundation to 21 members.

The bill provides that the funds from the sale of specialty license plates which were previously disbursed to the citizen's support organization will be distributed to the direct support organization.

This bill changes the title of the Capitol Curator to Museum Director.

According to the Florida Historic Capitol Museum and the Department of Highway Safety and Motor Vehicles, the bill has an insignificant fiscal impact.

The bill is effective July 1, 2015.

II. Present Situation:

The current Florida Historic Capitol (Historic Capitol) was built in 1845, and several additions were made since that time. In 1981, the Legislature provided for the restoration of the Historic Capitol to its 1902 appearance and made provisions for its use as a museum.¹ The mission of the Florida Historic Capitol Museum, as it is known today, is:

...to illuminate the past, present and future connection between the people of Florida and their political institutions through programs of civic education, historic interpretation, and preservation.²

The Historic Capitol is run operationally by the Capitol Curator, a position that was also created in 1981.³ Currently, the Capitol Curator is appointed by the President of the Senate and the Speaker of the House of Representatives.⁴ The Capitol Curator is tasked with promoting and maintaining the Florida Historic Capitol and preserving artifacts.⁵ The Capitol Curator also assists the Florida Legislative Research Center at the Historic Capitol (Center), with raising funds and making expenditures.⁶ In keeping with the position's duties, the term "Capitol Curator" is no longer used, and the title "Coordinator" is used instead.⁷

The Center was incorporated in 2003, and the mission of the Center is to collect and preserve Florida's legislative history.⁸ The Center provides advice to staff and also functions as a nonprofit citizens support organization (CSO).⁹ The Center originally started as an advisory committee in 1998 and was located on the campus of Tallahassee Community College.¹⁰

In 2006, the Center moved to the Historic Capitol, and the two entities merged to create the Florida Historic Capitol Museum (Capitol Museum).¹¹ That same year, the Legislature

¹ Ch. 81-232, s. 1, Laws of Fla.

² Florida Historic Capitol Museum, <http://www.flhistoriccapitol.gov/about.cfm#mission> (last visited Feb. 13, 2015).

³ Ch. 81-231, s. 2, Laws of Fla.

⁴ Ch. 2006-111, s. 6, Laws of Fla. Section 272.135(1), F.S.

⁵ Section 272.135(2), F.S.

⁶ Section 272.135(3), F.S.

⁷ 2015 Legislative Bill Analysis, Florida Historic Capitol Museum, SB 396, on file with the Senate Committee on Governmental Oversight and Accountability.

⁸ Florida Legislative Research Center, <http://www.flrcm.gov/about.cfm#mission> (last visited Feb. 13, 2015).

⁹ Section 272.129(4), F.S. The Florida Legislative Research Center is the business name used by The Florida Legislative Historic Preservation Corporation. The Articles of Incorporation of The Florida Legislative Historic Preservation Corporation, A Florida Nonprofit Corporation, can be found at <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=PreviousList&searchNameOrder=FLORIDAHISTORICCAPITOLFOUNDATION%20N100000041000&aggregateId=domnp-n10000004100-adb8da5e-b0dd-4973-93bb-7dbd6ac60cf5&searchTerm=florida%20historic&listNameOrder=FLORIDAHISTORICALAVIATIONMUSEU%20N144290> (last visited Feb. 13, 2015).

¹⁰ 2015 Legislative Bill Analysis, Florida Historic Capitol Museum, SB 396, on file with the Senate Committee on Governmental Oversight and Accountability.

¹¹ 2015 Legislative Bill Analysis, Florida Historic Capitol Museum, SB 396, on file with the Senate Committee on Governmental Oversight and Accountability.

transferred responsibilities for the Center and the Capitol Museum from the Department of State.¹²

In 2009, the Legislature authorized the Center and the Capitol Curator to establish a direct support organization (DSO) to provide assistance and fundraising for the Center and the Historic Capitol.¹³ (The statute has not been updated to reflect that the two entities merged in 2006 and were operating as the Capitol Museum.) The Florida Historical Capitol Foundation (Foundation) was created at that time and currently acts as an advisory board and a nonprofit DSO for the Center and the Historic Capitol. The Foundation was created to promote and support the Florida Historic Capitol.¹⁴ The Foundation is governed by a board of directors consisting of up to 11 members who are appointed to three year terms.¹⁵ Board members serve without compensation but are entitled to be reimbursed for per diem and travel expenses.

Additional funding for the Florida Historic Capitol comes from specialty license plates for former members of Congress and former members of the Legislature.¹⁶ A specialty license plate costs \$500.00, \$450.00 of which benefits the Center and \$50.00 is deposited in the Highway Safety Operating Trust Fund.

Current statutes do not reflect the changes in the function and status of the Center (and its CSO), the Foundation, the Capitol Museum, and the Curator that have evolved over time.¹⁷

III. Effect of Proposed Changes:

The bill repeals the statutory authority of the Center relating to CSO and the DSO associated with the Historic Capitol. The term “Florida Historic Capitol Museum” will replace references to the Center and the Historic Capitol as two separate entities, thereby reflecting the merger that occurred in 2006. While not directed by law, the CSO’s funds will be transferred to the Foundation.¹⁸ This consolidation will reduce duplication of effort and expenditures incurred by the Capitol Museum. The bill provides that funds from specialty license plates will be directed to the Foundation rather than to the Center.

The bill creates the Florida Historic Capitol Museum Council (Council). The Council is composed of the following 12 members: the Secretary of the Senate, the Clerk of the House of Representatives, the Sergeants at Arms of both chambers, and three members appointed by the President of the Senate and three members appointed by the Speaker of the House. Of those appointed by each presiding officer, one member must be a current member of the Legislature, and two members must be former legislators or officers of the Legislature. The board of directors of the Foundation will appoint two of its members to the Council. Council members will act as advocates for the Capitol Museum and serve without compensation.

¹² Ch. 2006-111, s. 5, Laws of Fla.

¹³ Section 272.136, F.S.

¹⁴ Florida Historic Capitol Museum, <http://www.flhistoriccaptol.gov/foundation.cfm> (last visited on Feb. 11, 2015).

¹⁵ Section 272.136(1), F.S.

¹⁶ Section 320.0807(6), F.S.

¹⁷ 2015 Legislative Bill Analysis, Florida Historic Capitol Museum, SB 396, on file with the Senate Committee on Governmental Oversight and Accountability.

¹⁸ Florida Historic Capitol Museum Summary of Strategic Restructuring Proposal, dated August 4, 2014, on file with the Senate Committee on Governmental Oversight and Accountability.

The Council will ensure that the Capitol Museum focuses on preserving legislative history and ensure that the Capitol Museum operates according to the best practices to maintain the public trust. The Council will prepare a strategic plan and present the plan to the presiding officers of each chamber. The bill also requires the Council to periodically review the Capitol Museum's strategic plan, and ensure that the Capitol Museum stays focused on preserving legislative history and operates according the ethical standards and best practices of the field. The Council will also meet with the board of directors of the Capitol Museum's DSO annually.

The bill renames the position of Capitol Curator to Florida Historic Capitol Museum Director (Director). This change reflects the expansion of the duties associated with the position.

The bill provides that the Council and the Director may establish a DSO, which will be governed by a board of directors. The bill maintains the substantive language in current law providing for a DSO with two changes. First, the board may increase its membership to as many as 21 members, rather than the 11 currently allowed by law. Second, the bill amends the current statute by specifying that DSO funds are to be used to reimburse per diem and travel expenses. The current law does not state who is responsible for making reimbursements. In effect, these changes will alter the structure of the Foundation's board and clarify that Foundation funds will be used for reimbursements.

The Capitol Museum will not be eligible for accreditation unless its governance documentation accurately reflect its current structure and funding sources.¹⁹

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹⁹ 2015 Legislative Bill Analysis, Florida Historic Capitol Museum, SB 396, on file with the Senate Committee on Governmental Oversight.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Capitol Museum estimates that the fiscal impact of CS/SB 396 will be minimal, as costs related to running two support organizations will be reduced and staffing requirements will remain the same.²⁰

The Department of Highway Safety and Motor Vehicles' Information Systems Administration Office will require approximately 30 hours of non-recurring programming modifications in order to implement the provisions of this bill. The cost of \$1,200 will be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 272.129, 272.135, 272.136, and 320.0807.

This bill creates section 272.131 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on February 17, 2015:

The CS clarifies that of the three appointees to the Council, the presiding officer of each chamber must choose one current legislator, and the other two appointees must be either former legislators or former officers of the Legislature. The CS amends the title to reflect that the Center does not currently exist as entity and is therefore, not being renamed.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²⁰ *Id.*



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LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Richter) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 272.129, Florida Statutes, is amended to
read:

272.129 Florida Historic Capitol; space allocation;
maintenance, repair, and security.—

(1) The Legislature shall ensure that all space in the
Florida Historic Capitol is restored in a manner consistent with



905914

the 1902 form and made available for allocation. Notwithstanding the provisions of ss. 255.249 and 272.04 that relate to space allocation in state-owned buildings, the President of the Senate and the Speaker of the House of Representatives shall have responsibility and authority for the allocation of all space in the restored Florida Historic Capitol, provided:

(a) The rotunda, corridors, Senate chamber, House of Representatives chamber, and Supreme Court chamber may ~~shall~~ not be used as office space.

(b) The Legislature shall be allocated sufficient space for program and administrative functions relating to the preservation, museum, and cultural programs of the Legislature.

(2) The Florida Historic Capitol shall be maintained in accordance with good historic preservation practices as specified in the National Park Service Preservation Briefs and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

(3) Custodial and preventive maintenance and repair of the entire Florida Historic Capitol and the grounds located adjacent thereto shall be the responsibility of the Department of Management Services, subject to the special requirements of the building as determined by the director of the Florida Historic Capitol Museum Curator.

~~(4) (a) The Legislative Research Center and Museum at the Historic Capitol, hereinafter referred to as "center," may support the establishment of a citizen support organization to provide assistance, funding, and promotional support for the center. For the purposes of this subsection, "citizen support organization" means an organization that is:~~



905914

~~1. A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State.~~

~~2. Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer in its own name securities, funds, objects of value, or other real and personal property; and make expenditures to or for the direct or indirect benefit of the center.~~

~~3. Determined by the center to be consistent with the goals of the center and in the best interests of the state.~~

~~4. Annually approved in writing by the center to operate for the direct or indirect benefit of the center. Such approval shall be given in a letter of agreement from the center.~~

~~(b)1. The Legislative Research Center and Museum at the Historic Capitol may permit, without charge, appropriate use of fixed property and facilities of the center by the citizen support organization, subject to the provisions of this subsection. Such use must be directly in keeping with the approved purposes of the citizen support organization and may not be made at times or places that would unreasonably interfere with normal operations of the center.~~

~~2. The center may prescribe by rule any condition with which the citizen support organization must comply in order to use fixed property or facilities of the center.~~

~~3. The center may not permit the use of any fixed property or facilities by any citizen support organization if such organization does not provide equal membership and employment opportunities to all persons regardless of race, color,~~



905914

~~religion, gender, age, or national origin.~~

~~(c) A citizen support organization shall provide for an annual financial audit in accordance with s. 215.981.~~

~~(d) All records of a citizen support organization constitute public records for the purposes of chapter 119.~~

~~(e) The citizen support organization for the Legislative Research Center and Museum at the Historic Capitol is authorized to collect rental fees, apply for and receive grants, and receive gifts and donations for the direct or indirect benefit of the center.~~

~~(f) All funds obtained through rental fees, grants, gifts, and donations to the citizen support organization shall be deposited into the account of the citizen support organization and used for the direct or indirect benefit of the Legislative Research Center and Museum at the Historic Capitol unless the citizen support organization is no longer authorized as required by this subsection, fails to comply with the requirements of this subsection, fails to maintain its tax-exempt status pursuant to s. 501(c)(3) of the Internal Revenue Code, or ceases to exist. If the citizen support organization is no longer authorized as required by this subsection, fails to comply with the requirements of this subsection, fails to maintain its tax-exempt status pursuant to s. 501(c)(3) of the Internal Revenue Code, or ceases to exist, all funds obtained through rental fees, grants, gifts, and donations in the citizen support organization account shall revert to the state and be deposited into an account designated by the Legislature.~~

Section 2. Section 272.131, Florida Statutes, is created to read:



905914

272.131 Florida Historic Capitol Museum Council.—The Florida Historic Capitol Museum Council is created within the legislative branch of state government.

(1) The council is composed of 13 members. Council members shall be selected based on their dedication to preserving the Florida Historic Capitol and advancing the mission of the Florida Historic Capitol Museum. Council members must demonstrate an interest in documenting the institutional knowledge and historic traditions of state governance with an emphasis on legislative history, the advancement of civics education, and the encouragement of residents of this state to engage with state government. To be fully qualified to serve on the council, appointed prospective members should be experts in, or hold credentials in, the fields most directly related to the mission of the Florida Historic Capitol Museum, including, but not limited to, history, education, historic preservation, legal history, or political science, or be leaders in their respective communities or statewide, with demonstrated success in building community support for cultural institutions. The council consists of the following members:

(a) The Secretary of the Senate.

(b) The Clerk of the House of Representatives.

(c) The Sergeants at Arms of both houses of the Legislature.

(d) The President of the Senate and the Speaker of the House of Representatives each shall appoint three members, two of whom must be former legislators or officers of the Legislature and one who is a representative of the general public.



905914

(e) The board of directors of the Florida Historic Capitol Museum's direct-support organization shall appoint three members from its membership.

(2) A council member shall:

(a) Serve without compensation, except that he or she is entitled to receive reimbursement for per diem and travel expenses in accordance with s. 112.061. Such expenses must be paid out of funds of the Florida Historic Capitol Museum's direct-support organization.

(b) Attend a majority of council meetings each calendar quarter.

(c) Serve as an advocate and ambassador for the museum.

(d) Lend expertise and use his or her personal and professional contacts for the advancement of the museum.

(e) Participate in key museum events.

(f) Become a member of the museum.

(3) The council shall:

(a) Designate a chair.

(b) Provide guidance and support to assist the Museum Director and staff in developing a strategic plan to guide the activities of the museum. The Museum Director shall propose a strategic plan to the President of the Senate and the Speaker of the House of Representatives by May 1 of each year in which a general election is held and shall propose an annual operating plan.

(c) Periodically review the museum's strategic plan.

(d) Ensure that the museum retains an emphasis on preserving legislative history and traditions by cultivating relationships with current and former legislators, collecting



905914

historic materials, and encouraging public participation in the museum's programs.

(e) Ensure that the museum operates as a public trust in accordance with the Ethics, Standards, and Best Practices and the Code of Ethics for Museums adopted by the American Alliance of Museums.

(f) Meet annually with the board of directors of the Florida Historic Capitol Museum's direct-support organization to jointly review the museum's strategic plan before its presentation to the President of the Senate and the Speaker of the House of Representatives and evaluate the direct-support organization's long-term development goals and near-term strategies.

(g) Assist museum staff in planning the Biennial Joint Legislative Reunion.

Section 3. Section 272.135, Florida Statutes, is amended to read:

272.135 Florida Historic Capitol Museum Director ~~Curator~~.—

(1) The position of the Florida Historic Capitol Museum Director ~~Capitol Curator~~ is created within the Legislature, which shall establish the qualifications for the position. The director ~~curator~~ shall be appointed by and serve at the pleasure of the President of the Senate and the Speaker of the House of Representatives.

(2) The director ~~Capitol Curator~~ shall:

(a) Promote and encourage throughout the state knowledge and appreciation of the Florida Historic Capitol.

(b) Collect, research, exhibit, interpret, preserve, and protect the history, artifacts, objects, furnishings, and other



905914

materials related to the Florida Historic Capitol, except for archaeological research and resources.

(c) Develop, direct, supervise, and maintain the interior design and furnishings of all space within the Florida Historic Capitol in a manner consistent with the restoration of the Florida Historic Capitol in its 1902 form.

(3) In conjunction with ~~the Legislative Research Center and Museum at the~~ Florida Historic Capitol Museum Council, the director Capitol Curator may assist the Florida Historic Capitol Museum in the performance of its mission by:

(a) Raising money.~~†~~

(b) Submitting requests for and receiving grants.~~†~~

(c) Receiving, holding, investing, and administering in the name of the Florida Historic Capitol Museum ~~and the Legislative Research Center and Museum~~ securities, funds, objects of value, or other real and personal property.~~†~~

(d) Receiving gifts and donations for the direct or indirect benefit of the Florida Historic Capitol.~~† and~~

(e) Making expenditures to or for the direct or indirect benefit of the Florida Historic Capitol.

Section 4. Section 272.136, Florida Statutes, is amended to read:

272.136 Direct-support organization.—~~The Legislative Research Center and Museum at the~~ Florida Historic Capitol Museum Council and the Florida Historic Capitol Museum Director Capitol Curator may establish a direct-support organization to provide assistance and promotional support through fundraising for the Florida Historic Capitol Museum ~~and the Legislative Research Center and Museum~~, including, but not limited to, its



905914

~~their~~ educational programs and initiatives.

(1) The direct-support organization shall be governed by a board of directors. Board members must demonstrate ~~who have demonstrated~~ a capacity for supporting the mission of the Florida Historic Capitol.

(a) Initial appointments to the board shall be made by the President of the Senate and the Speaker of the House of Representatives at the recommendation of the council ~~center~~ and the director ~~curator~~. Appointments to the board shall thereafter be made by the board.

(b) The initial board shall consist of nine members who shall be appointed to 3-year terms, except that the terms of such ~~the initial~~ appointees shall be designated ~~accomplished~~ so that three members are appointed for 1 year, three members are appointed for 2 years, and three members are appointed for 3 years, in order to achieve staggered terms, as determined by the presiding officers.

(c) Effective July 1, 2015, the board may add up to 12 ~~two~~ additional members to be appointed for 3-year terms.

(d) ~~The~~ Board members shall serve without compensation, but ~~except that they~~ are entitled to receive reimbursement for per diem and travel expenses in accordance with s. 112.061. Such expenses must be paid out of funds of the direct-support organization.

(e) The board may use the fixed property and facilities of the Florida Historic Capitol, subject to the provisions of this subsection. Such use must be directly in keeping with the approved purposes of the direct-support organization and may not be made at times or places that would unreasonably interfere



905914

with the normal operations of the Florida Historic Capitol.

(2) The direct-support organization must be a Florida corporation, not for profit, incorporated under chapter 617, and approved by the Department of State.

(3) The director ~~curator and center~~ may prescribe any condition with which the direct-support organization must comply.

(4) The director ~~curator and the center~~ may not authorize ~~permit~~ the use of any fixed property or facilities by the direct-support organization if the organization does not provide equal membership and employment opportunities to all persons regardless of race, color, religion, gender, age, or national origin.

(5) The direct-support organization shall provide for an annual financial audit in accordance with s. 215.981.

(6) If the direct-support organization is no longer authorized by this section, fails to comply with the requirements of this section, fails to maintain its tax-exempt status pursuant to s. 501(c)(3) of the Internal Revenue Code, or ceases to exist, all funds obtained through grants, gifts, and donations in the direct-support organization account shall revert to the state and be deposited into an account designated by the Legislature for the support of the Florida Historic Capitol, provided that donations made for specific purposes in an original donor agreement shall be applied only to those purposes.

(7)(a) The identity of a donor or prospective donor to the direct-support organization who desires to remain anonymous, and all information identifying such donor or prospective donor, is



905914

confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in any auditor's report created pursuant to the annual financial audit required under subsection (5).

(b) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 5. Paragraph (c) of subsection (6) of section 320.0807, Florida Statutes, is amended to read:

320.0807 Special license plates for Governor and federal and state legislators.—

(6)

(c) Four hundred fifty dollars of the one-time fee collected under paragraph (a) shall be distributed to the account of the direct-support organization established pursuant to s. 272.136 ~~citizen support organization established pursuant to s. 272.129~~ and used for the benefit of the Florida Historic Capitol Museum ~~Legislative Research Center and Museum at the Historic Capitol~~, and the remaining \$50 shall be deposited into the Highway Safety Operating Trust Fund.

Section 6. This act shall take effect July 1, 2015.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to the Florida Historic Capitol;



905914

amending s. 272.129, F.S.; removing references to the
Legislative Research Center and Museum at the Historic
Capitol; removing provisions authorizing establishment
of a citizen support organization to support the
Legislative Research Center and Museum; creating s.
272.131, F.S.; creating the Florida Historic Capitol
Museum Council; providing for the appointment and
qualifications of council members; prescribing duties
and responsibilities for the council and individual
council members; amending s. 272.135, F.S.; renaming
the position of Capitol Curator as the Florida
Historic Capitol Museum Director; conforming
provisions; amending s. 272.136, F.S.; revising the
composition of the board of directors governing the
Florida Historic Capitol Museum's direct-support
organization; providing that per diem and travel
expenses must be paid from direct-support organization
funds; conforming provisions; amending s. 320.0807,
F.S.; redirecting a portion of the proceeds from the
fee for special license plates for former federal or
state legislators to the Florida Historic Capitol
Museum's direct-support organization; providing an
effective date.

By the Committee on Governmental Oversight and Accountability;
and Senators Detert and Gaetz

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A bill to be entitled

An act relating to the Florida Historic Capitol;
amending s. 272.129, F.S.; removing references to the
Legislative Research Center and Museum at the Historic
Capitol; removing provisions authorizing establishment
of a citizen support organization to support the
Legislative Research Center and Museum; creating s.
272.131, F.S.; creating the Florida Historic Capitol
Museum Council; providing for the appointment and
qualifications of council members; prescribing duties
and responsibilities for the council and individual
council members; amending s. 272.135, F.S.; renaming
the position of Capitol Curator as the Florida
Historic Capitol Museum Director; conforming
provisions; amending s. 272.136, F.S.; revising the
composition of the board of directors governing the
Florida Historic Capitol Museum's direct-support
organization; providing that per diem and travel
expenses must be paid from direct-support organization
funds; conforming provisions; amending s. 320.0807,
F.S.; redirecting a portion of the proceeds from the
fee for special license plates for former federal or
state legislators to the Florida Historic Capitol
Museum's direct-support organization; providing an
effective date.

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

Section 1. Section 272.129, Florida Statutes, is amended to

Page 1 of 11

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

585-01657-15

2015396c1

read:

272.129 Florida Historic Capitol; space allocation;
maintenance, repair, and security.—

(1) The Legislature shall ensure that all space in the
Florida Historic Capitol is restored in a manner consistent with
the 1902 form and made available for allocation. Notwithstanding
the provisions of ss. 255.249 and 272.04 that relate to space
allocation in state-owned buildings, the President of the Senate
and the Speaker of the House of Representatives shall have
responsibility and authority for the allocation of all space in
the restored Florida Historic Capitol, provided:

(a) The rotunda, corridors, Senate chamber, House of
Representatives chamber, and Supreme Court chamber may ~~shall~~ not
be used as office space.

(b) The Legislature shall be allocated sufficient space for
program and administrative functions relating to the
preservation, museum, and cultural programs of the Legislature.

(2) The Florida Historic Capitol shall be maintained in
accordance with good historic preservation practices as
specified in the National Park Service Preservation Briefs and
the Secretary of the Interior's Standards for Rehabilitation and
Guidelines for Rehabilitating Historic Buildings.

(3) Custodial and preventive maintenance and repair of the
entire Florida Historic Capitol and the grounds located adjacent
thereto shall be the responsibility of the Department of
Management Services, subject to the special requirements of the
building as determined by the director of the Florida Historic
Capitol Museum ~~Capitol Curator~~.

~~(4) (a) The Legislative Research Center and Museum at the~~

Page 2 of 11

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

585-01657-15

2015396c1

Historic Capitol, hereinafter referred to as "center," may support the establishment of a citizen support organization to provide assistance, funding, and promotional support for the center. For the purposes of this subsection, "citizen support organization" means an organization that is:

1. A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State.

2. Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer in its own name securities, funds, objects of value, or other real and personal property; and make expenditures to or for the direct or indirect benefit of the center.

3. Determined by the center to be consistent with the goals of the center and in the best interests of the state.

4. Annually approved in writing by the center to operate for the direct or indirect benefit of the center. Such approval shall be given in a letter of agreement from the center.

(b)1. The Legislative Research Center and Museum at the Historic Capitol may permit, without charge, appropriate use of fixed property and facilities of the center by the citizen support organization, subject to the provisions of this subsection. Such use must be directly in keeping with the approved purposes of the citizen support organization and may not be made at times or places that would unreasonably interfere with normal operations of the center.

2. The center may prescribe by rule any condition with which the citizen support organization must comply in order to

585-01657-15

2015396c1

use fixed property or facilities of the center.

3. The center may not permit the use of any fixed property or facilities by any citizen support organization if such organization does not provide equal membership and employment opportunities to all persons regardless of race, color, religion, gender, age, or national origin.

(c) A citizen support organization shall provide for an annual financial audit in accordance with s. 215.981.

(d) All records of a citizen support organization constitute public records for the purposes of chapter 119.

(e) The citizen support organization for the Legislative Research Center and Museum at the Historic Capitol is authorized to collect rental fees, apply for and receive grants, and receive gifts and donations for the direct or indirect benefit of the center.

(f) All funds obtained through rental fees, grants, gifts, and donations to the citizen support organization shall be deposited into the account of the citizen support organization and used for the direct or indirect benefit of the Legislative Research Center and Museum at the Historic Capitol unless the citizen support organization is no longer authorized as required by this subsection, fails to comply with the requirements of this subsection, fails to maintain its tax-exempt status pursuant to s. 501(c)(3) of the Internal Revenue Code, or ceases to exist. If the citizen support organization is no longer authorized as required by this subsection, fails to comply with the requirements of this subsection, fails to maintain its tax-exempt status pursuant to s. 501(c)(3) of the Internal Revenue Code, or ceases to exist, all funds obtained through rental

585-01657-15

2015396c1

~~fees, grants, gifts, and donations in the citizen support organization account shall revert to the state and be deposited into an account designated by the Legislature.~~

Section 2. Section 272.131, Florida Statutes, is created to read:

272.131 Florida Historic Capitol Museum Council.—The Florida Historic Capitol Museum Council is created within the legislative branch of state government.

(1) The council is composed of 12 members. Council members shall be selected based on their dedication to preserving the Florida Historic Capitol and advancing the mission of the Florida Historic Capitol Museum. Council members must demonstrate an interest in documenting the institutional knowledge and historic traditions of state governance with an emphasis on legislative history, the advancement of civics education, and the encouragement of residents of this state to engage with state government. The Florida Historic Capitol Museum Director shall serve in an advisory capacity to the council. The council shall consist of the following members:

(a) The Secretary of the Senate.

(b) The Clerk of the House of Representatives.

(c) The Sergeants at Arms of both houses of the Legislature.

(d) The President of the Senate and the Speaker of the House of Representatives each shall appoint three members. Of the three appointments, one must be a current member of the presiding officer's respective chamber and two must be former legislators or officers of the Legislature.

(e) The board of directors of the Florida Historic Capitol

585-01657-15

2015396c1

Museum's direct-support organization shall appoint two members from its membership.

(2) A council member shall:

(a) Serve without compensation, except that he or she is entitled to receive reimbursement for per diem and travel expenses in accordance with s. 112.061. Such expenses must be paid out of funds of the Florida Historic Capitol Museum's direct-support organization.

(b) Attend a majority of council meetings each calendar quarter.

(c) Serve as an advocate and ambassador for the museum.

(d) Serve as a liaison to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(e) Cultivate relationships with legislative staff to advance the mission and activities of the museum.

(f) Lend expertise and use his or her personal and professional contacts for the advancement of the museum.

(g) Participate in key museum events.

(h) Become a member of the museum.

(3) The council shall:

(a) Designate a chair.

(b) Work with museum staff to prepare and recommend a strategic plan to guide the council's mission. The council shall submit a copy of the strategic plan to the President of the Senate and the Speaker of the House of Representatives by December 31, 2017, and any updates to the strategic plan must be submitted every 2 years thereafter.

(c) Periodically review the museum's strategic plan.

(d) Ensure that the museum retains an emphasis on

585-01657-15

2015396c1

175 preserving legislative history and traditions by cultivating
 176 relationships with current and former legislators, collecting
 177 historic materials, and encouraging public participation in the
 178 museum's programs.

179 (e) Ensure that the museum operates as a public trust in
 180 accordance with the Ethics, Standards, and Best Practices and
 181 the Code of Ethics for Museums adopted by the American Alliance
 182 of Museums.

183 (f) Meet annually with the board of directors of the
 184 Florida Historic Capitol Museum's direct-support organization to
 185 jointly evaluate how the direct-support organization's outreach
 186 and development plan complements and supports the museum and the
 187 council's strategic plan.

188 (g) Assist museum staff in planning any legislative
 189 reunions.

190 Section 3. Section 272.135, Florida Statutes, is amended to
 191 read:

192 272.135 Florida Historic Capitol Museum Director ~~Curator~~.—

193 (1) The position of the Florida Historic Capitol Museum
 194 Director ~~Capitol Curator~~ is created within the Legislature,
 195 which shall establish the qualifications for the position. The
 196 director ~~curator~~ shall be appointed by and serve at the pleasure
 197 of the President of the Senate and the Speaker of the House of
 198 Representatives.

199 (2) The director ~~Capitol Curator~~ shall:

200 (a) Promote and encourage throughout the state knowledge
 201 and appreciation of the Florida Historic Capitol.

202 (b) Collect, research, exhibit, interpret, preserve, and
 203 protect the history, artifacts, objects, furnishings, and other

585-01657-15

2015396c1

204 materials related to the Florida Historic Capitol, except for
 205 archaeological research and resources.

206 (c) Develop, direct, supervise, and maintain the interior
 207 design and furnishings of all space within the Florida Historic
 208 Capitol in a manner consistent with the restoration of the
 209 Florida Historic Capitol in its 1902 form.

210 (3) In conjunction with ~~the Legislative Research Center and~~
 211 ~~Museum at the~~ Florida Historic Capitol Museum Council, the
 212 director ~~Capitol Curator~~ may assist the Florida Historic Capitol
 213 Museum in the performance of its mission by:

214 (a) Raising money.~~+~~

215 (b) Submitting requests for and receiving grants.~~+~~

216 (c) Receiving, holding, investing, and administering in the
 217 name of the Florida Historic Capitol Museum ~~and the Legislative~~
 218 ~~Research Center and Museum~~ securities, funds, objects of value,
 219 or other real and personal property.~~+~~

220 (d) Receiving gifts and donations for the direct or
 221 indirect benefit of the Florida Historic Capitol.~~+~~ ~~and~~

222 (e) Making expenditures to or for the direct or indirect
 223 benefit of the Florida Historic Capitol.

224 Section 4. Section 272.136, Florida Statutes, is amended to
 225 read:

226 272.136 Direct-support organization.—~~The Legislative~~
 227 ~~Research Center and Museum at the~~ Florida Historic Capitol
 228 Museum Council and the Florida Historic Capitol Museum Director
 229 Capitol Curator may establish a direct-support organization to
 230 provide assistance and promotional support through fundraising
 231 for the Florida Historic Capitol Museum ~~and the Legislative~~
 232 ~~Research Center and Museum~~, including, but not limited to, its

585-01657-15

2015396c1

233 ~~their~~ educational programs and initiatives.

234 (1) The direct-support organization shall be governed by a
235 board of directors. ~~Board members must demonstrate who have~~
236 ~~demonstrated~~ a capacity for supporting the mission of the
237 Florida Historic Capitol.

238 (a) Initial appointments to the board shall be made by the
239 President of the Senate and the Speaker of the House of
240 Representatives at the recommendation of the council center and
241 the director curator. Appointments to the board shall thereafter
242 be made by the board.

243 (b) The initial board shall consist of nine members who
244 shall be appointed to 3-year terms, except that the terms of
245 ~~such the initial~~ appointees shall be designated ~~accomplished~~ so
246 that three members are appointed for 1 year, three members are
247 appointed for 2 years, and three members are appointed for 3
248 years, in order to achieve staggered terms, as determined by the
249 presiding officers.

250 (c) The board may add up to 12 ~~two~~ additional members.

251 (d) ~~The~~ Board members shall serve without compensation, but
252 ~~except that they~~ are entitled to receive reimbursement for per
253 diem and travel expenses in accordance with s. 112.061. Such
254 expenses must be paid out of funds of the direct-support
255 organization.

256 (e) The board may use the fixed property and facilities of
257 the Florida Historic Capitol, subject to the provisions of this
258 subsection. Such use must be directly in keeping with the
259 approved purposes of the direct-support organization and may not
260 be made at times or places that would unreasonably interfere
261 with the normal operations of the Florida Historic Capitol.

585-01657-15

2015396c1

262 (2) The direct-support organization must be a Florida
263 corporation, not for profit, incorporated under chapter 617, and
264 approved by the Department of State.

265 (3) The council and director ~~curator and center~~ may
266 prescribe any condition with which the direct-support
267 organization must comply.

268 (4) The council and director ~~curator and the center~~ may not
269 authorize ~~permit~~ the use of any fixed property or facilities by
270 the direct-support organization if the organization does not
271 provide equal membership and employment opportunities to all
272 persons regardless of race, color, religion, gender, age, or
273 national origin.

274 (5) The direct-support organization shall provide for an
275 annual financial audit in accordance with s. 215.981.

276 (6) If the direct-support organization is no longer
277 authorized by this section, fails to comply with the
278 requirements of this section, fails to maintain its tax-exempt
279 status pursuant to s. 501(c)(3) of the Internal Revenue Code, or
280 ceases to exist, all funds obtained through grants, gifts, and
281 donations in the direct-support organization account shall
282 revert to the state and be deposited into an account designated
283 by the Legislature for the support of the Florida Historic
284 Capitol, provided that donations made for specific purposes in
285 an original donor agreement shall be applied only to those
286 purposes.

287 (7) (a) The identity of a donor or prospective donor to the
288 direct-support organization who desires to remain anonymous, and
289 all information identifying such donor or prospective donor, is
290 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I

585-01657-15

2015396c1

of the State Constitution. Such anonymity shall be maintained in any auditor's report created pursuant to the annual financial audit required under subsection (5).

(b) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 5. Paragraph (c) of subsection (6) of section 320.0807, Florida Statutes, is amended to read:

320.0807 Special license plates for Governor and federal and state legislators.—

(6)

(c) Four hundred fifty dollars of the one-time fee collected under paragraph (a) shall be distributed to the account of the direct-support organization established pursuant to s. 272.136 ~~citizen support organization established pursuant to s. 272.129~~ and used for the benefit of the Florida Historic Capitol Museum ~~Legislative Research Center and Museum at the Historic Capitol~~, and the remaining \$50 shall be deposited into the Highway Safety Operating Trust Fund.

Section 6. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 450

INTRODUCER: Senators Benacquisto and Gaetz

SUBJECT: Pain Management Clinics

DATE: March 17, 2015

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Looke	Stovall	HP	Favorable
2. Brown	Pigott	AHS	Recommend: Favorable
3. Brown	Kynoch	AP	Pre-meeting

I. Summary:

SB 450 prevents the regulation of pain management clinics from being repealed on January 1, 2016.

The bill has no fiscal impact.

The bill is effective upon becoming a law.

II. Present Situation:

Pain Management Clinics

A pain management clinic is any facility that either advertises pain management services or a facility where a majority of patients are prescribed opioids, benzodiazepines, barbiturates, or carisoprodol for the treatment of chronic nonmalignant pain.¹ All pain management clinics must register with the Department of Health (DOH) and meet provisions concerning staffing, sanitation, recordkeeping, and quality assurance.² Clinics are exempt from these provisions if they are:

- Licensed as a hospital, ambulatory surgical center, or mobile surgical facility;
- Staffed primarily by surgeons;
- Owned by a publicly-held corporation with total assets exceeding \$50 million;
- Affiliated with an accredited medical school;
- Not involved in prescribing controlled substances for the treatment of pain;
- Owned by a corporate entity exempt from federal taxation as a charitable organization;

¹ "Chronic nonmalignant pain" is defined as pain unrelated to cancer which persists beyond the usual course of disease or the injury that is the cause of the pain or more than 90 days after surgery. See ss. 458.3265 and 459.0137, F.S.

² Sections 458.3265 and 459.0137, F.S. Chapter 458, F.S., is the Medical Practice Act, and Chapter 459, F.S., is the Osteopathic Medical Practice Act. The two sections regulating pain management clinics are substantively identical.

- Wholly owned and operated by board-eligible or board-certified anesthesiologists, psychiatrists, rheumatologists, or neurologists; or
- Wholly owned and operated by a physician multispecialty practice with physicians holding credentials in pain medicine and who perform interventional pain procedures routinely billed using surgical codes.

All clinics must be owned by at least one licensed physician or be licensed as a health care clinic under part X of ch. 400, F.S., to be eligible for registration as a pain management clinic. Pain management clinics must also designate a physician who is responsible for complying with all the registration and operation requirements designated in ss. 458.3265 or 459.0137, F.S. A pain management clinic may not be owned by, or have a contractual or employee relationship with, a physician who has had his or her Drug Enforcement Administration (DEA) license number revoked, has had his or her application for a license to practice using controlled substances denied by any jurisdiction, or has had any convictions or pleas for illicit drug felonies within the past 10 years.

The DOH is required to conduct an annual inspection of each pain management clinic. Through the inspection, the DOH ensures the following requirements are met:

- The pain management clinic is registered with the DOH and the DOH has been notified of the designated physician;
- Every physician meets the training requirements to practice at the clinic;
- The clinic, including its grounds, buildings, furniture, appliances and equipment, is structurally sound, in good repair, clean, and free from health and safety hazards;
- Storage and handling of prescription drugs complies with ss. 499.0121 and 893.07, F.S.;
- Physicians maintain control and security of prescription blanks and other methods for prescribing controlled substances and report in writing any theft or loss of prescription blanks to the DOH within 24 hours;
- Physicians are in compliance with the requirements for counterfeit-resistant prescription blanks; and
- The designated physician has reported all adverse incidents to the DOH as set forth in s. 458.351, F.S.³

The DOH may suspend or revoke clinic registration or impose administrative fines of up to \$5,000 per violation for any offenses against state pain management clinic provisions or related federal laws and rules. If the registration for a pain management clinic is revoked for any reason, the clinic must cease to operate immediately, remove all signs or symbols identifying the facility as a pain management clinic, and dispose of any medication on the premises. The DOH may impose an administrative fine of up to \$5,000 per day for a clinic that operates without a registration. No owner or operator of a pain management clinic that had its registration revoked may own or operate another pain clinic for five years after such revocation.⁴

These provisions expire on January 1, 2016.

³ Department of Health, *Senate Bill 450 Analysis*, (on file with the Senate Health Policy Committee).

⁴ Section 458.3265, F.S. Similar language is found in s. 459.0137, F.S. Related rules are found in Rules 64B8-9 and 64B15-14, F.A.C.

Pain Management Clinic Regulation and Closures between 2010 and 2015

In 2009, the Florida Legislature enacted ch. 2009-198, L.O.F., which, along with establishing the prescription drug monitoring database, required all pain management clinics to register with the DOH. The DOH began registering pain management clinics on January 1, 2010, and by September 2010, had registered 943 pain management clinics in the state.⁵

In 2010, the Florida Legislature enacted ch. 2010-211, L.O.F., which created ss. 458.3265 and 459.0137, F.S. The Legislature again enhanced regulation of pain management clinics in 2011, with the passage of ch. 2011-141, L.O.F., (CS/HB 7095) which specified requirements for facility and physical operations, infection control, health and safety requirements, quality assurance, and data collection and reporting. This act also added the expiration date for the sections relating to the regulation of pain management clinics.

Since 2010, the DOH has administratively closed a total of 1,261 pain management clinics.⁶ Also, the total number of pain management clinics registered in Florida has fallen from 941, at the end of Fiscal Year 2010-2011, to 359, at the end of Fiscal Year 2014-2015.⁷

Currently, registered pain management clinics have improved their policies and procedures to meet the standards set out in ss. 458.3625 and 459.0137, F.S. When conducting the annual inspection of a pain management clinic, the DOH is required to make a reasonable attempt to discuss each violation with the owner or designated physician of the pain management clinic before issuing a formal written notification. The number of pain management clinics passing the inspection the first time has increased from 53 percent in Fiscal Year 2012-2013 to 85 percent in Fiscal Year 2013-2014.⁸

Effectiveness of Prescription Drug Regulations in Florida

The increased regulation of pain management clinics and other controlled substance prescribing changes correspond with significant reductions in the number of drug overdose deaths in Florida. In 2010, Florida led the nation in diverted prescription drugs which resulted in seven Floridians dying every day, as well as the many more additional deaths across the nation.⁹ A Centers for Disease Control and Prevention report published on July 4, 2014, documents a 61 percent increase in drug overdose deaths in Florida from 2003 to 2010.¹⁰ Additionally, Florida had

⁵ Supra note 3.

⁶ Department of Health, Chart of pain management clinic disciplinary actions from FY 10-11 to FY 14-15, (on file with the Senate Committee on Health Policy) *Note: this number includes clinics that have voluntarily relinquished their registration or have closed without disciplinary action being taken.*

⁷ Id.

⁸ Supra note 3.

⁹ Office of the Attorney General of Florida, *Pill Mill Initiative* (2012-2015), available at <http://myfloridalegal.com/pages.nsf/Main/AA7AAF5CAA22638D8525791B006A30C8>, (Last visited Feb. 13, 2015)

¹⁰ The Centers for Disease Control and Prevention, *Decline in Drug Overdose Deaths after State Policy Changes — Florida, 2010–2012*, July 4, 2014, available at http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6326a3.htm?s_cid=mm6326a3_w#Fig1 (Last visited Feb. 12, 2015).

become the primary destination for distributors and abusers of diverted prescription drugs through the proliferation of illegitimate pain management clinics known as pill mills.¹¹

However, instead of continuing the upward trend of the seven years between 2010 – when many of the current controlled substance prescribing regulations became effective – and 2012, drug overdose deaths in Florida fell by 16.7 percent. Also, during that period, deaths from prescription drugs declined by 23.2 percent and deaths from oxycodone declined by 52.1 percent.¹² Prescription drug deaths also continued to fall in 2013, when compared to 2012, with 8.3 percent fewer people dying with at least one prescription drug in their system that was identified as the cause of death.¹³ Additionally, the number of doctors in Florida who prescribed high volumes of narcotics fell from 98 in 2010 to 13 in 2012 and to zero in 2013.¹⁴

III. Effect of Proposed Changes:

The bill strikes the expiration date of January 1, 2016, from the regulation of pain management clinics under the Medical Practice Act in s. 458.3265, F.S., and under the Osteopathic Medical Practice Act in s. 459.0137, F.S.

The provisions in the bill are effective upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹¹ Supra note 9, Pill mills are pain management clinics that serve as a front for drug traffickers and can be identified through characteristics which include: taking only cash, not taking appointments, employing armed guards, keep little to no medical records, performing only grossly inadequate physical examinations, and prescribing large doses of narcotics that exceed the boundaries of acceptable medical care.

¹² Supra note 10.

¹³ Florida Department of Law Enforcement, *Medical Examiners Commission 2013 Annual Report*, p. i, published October 2014, available at <http://www.fdle.state.fl.us/Content/getdoc/05c6ff97-00cc-49b2-9ca5-5dacd4539b1a/2013-Annual-Drug-Report.aspx> (Last visited Feb. 13, 2015).

¹⁴ Sabrina Tavernise, *Prescription Overdose Deaths in Florida Plunge After Tougher Measures, Report Says*, THE NEW YORK TIMES, July 1, 2014, available at http://www.nytimes.com/2014/07/02/health/prescription-drug-deaths-in-florida-plunge-after-tougher-laws.html?_r=0, (last visited Feb. 12, 2015). Also see supra note 10.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

SB 450 continues the current regulation of private-sector pain management clinics.

C. Government Sector Impact:

The bill continues the current regulation of pain management clinics conducted by the Department of Health.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 458.3265 and 459.0137.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Benacquisto

30-00718-15

2015450__

1 A bill to be entitled
2 An act relating to pain management clinics; amending
3 ss. 458.3265 and 459.0137, F.S.; deleting provisions
4 relating to the future repeal of those sections;
5 providing an effective date.
6
7 Be It Enacted by the Legislature of the State of Florida:
8
9 Section 1. Subsection (6) of section 458.3265, Florida
10 Statutes, is amended to read:
11 458.3265 Pain-management clinics.—
12 ~~(6) EXPIRATION. This section expires January 1, 2016.~~
13 Section 2. Subsection (6) of section 459.0137, Florida
14 Statutes, is amended to read:
15 459.0137 Pain-management clinics.—
16 ~~(6) EXPIRATION. This section expires January 1, 2016.~~
17 Section 3. This act shall take effect upon becoming a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 540

INTRODUCER: Senator Evers

SUBJECT: State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections

DATE: March 17, 2015

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Sumner	Cannon	CJ	Favorable
2. Clodfelter	Sadberry	ACJ	Recommend: Favorable
3. Clodfelter	Kynoch	AP	Pre-meeting

I. Summary:

SB 540 creates the State-Operated Institutions Inmate Welfare Trust Fund (Trust Fund) within the Department of Corrections (department). The purpose of the new Trust Fund is for the benefit and welfare of inmates incarcerated in state-operated correctional facilities. Any balance in the Trust Fund at the end of a fiscal year must remain in the Trust Fund and be available for carrying out the purposes of the fund. In accordance with s. 19(f)(2), Art. III of the State Constitution, the Trust Fund will be terminated on July 1, 2019, unless terminated sooner or renewed.

This bill does not have a fiscal impact in and of itself. However, SB 7020 includes language providing that the new Trust Fund will be funded with revenues from inmate canteens, inmate telephone commissions, and certain other revenue sources that are currently deposited in the General Revenue Fund. That bill limits deposits into the Trust Fund to five million dollars in any fiscal year, with revenues above five million dollars going into the General Revenue Fund.

In Fiscal Year 2012-2013, \$36,612,958 was collected and deposited into the General Revenue Fund from inmate canteens, inmate telephone commissions and certain other revenue sources. In Fiscal Year 2013-2014, \$37,383,280 was collected and deposited in the General Revenue Fund from these same sources.

The bill is contingent upon SB 7020 becoming law and will be effective upon the same date.

II. Present Situation:

Inmate Welfare Trust Funds for Public Correctional Facilities

From 1979 until 2003, s. 945.215, F.S., provided for a trust fund that allowed the department to use revenue from the purchase of inmate canteen items and from inmate telephone calls to fund

chapels, education, and wellness programs at publically operated correctional facilities. The source of the revenue was from family and friends of the inmate. Chapter 2003-179, Laws of Florida, eliminated the former trust fund for public correctional facilities and required the revenue from inmate canteens and telephone usage to go directly into the General Revenue Fund.

According to a January 15, 2015, Auditor General audit of the department's canteen operations (which are outsourced to Keefe Commissary Network, LLC), from July 2012 through February 2014 sales in department institution canteens totaled approximately \$133.31 million and catalog sales totaled \$868,474. In addition, the department received MP3 music program commissions from Keefe totaling \$940,412 relating to MP3 music program sales of approximately \$5.99 million. The department's contract with Keefe expires March 31, 2015.

Canteens operate on a cashless system. Inmates use photo identification cards like bank debit cards. Inmates may make purchases on a weekly basis not to exceed \$100.¹ MP3 sales and catalog items do not count toward the purchase limit.

The chart below shows the department's revenue collections from funding sources for the Inmate Welfare Trust Fund before s. 945.215, F.S., was amended to direct those revenues to the General Revenue Fund:

REVENUE COLLECTION SUMMARY PREVIOUS INMATE WELFARE TRUST FUND SOURCES FY 2009-2010 – FY 2013-2014						
Description	Authorizing Statute	Fiscal Year 2009-2010	Fiscal Year 2010-2011	Fiscal Year 2011-2012	Fiscal Year 2012-2013	Fiscal Year 2013-2014
General Revenue Unallocated (GRU) Collections (funding sources for previous IWTF):						
Canteen Commissions ²	s. 945.215(1)(a) FS	31,382,837	31,162,387	30,970,697	30,907,621	31,027,325
Telephone Commissions	s. 945.215(1)(b) FS	5,294,749	5,205,804	5,156,269	5,334,549	6,142,399
Vending Commissions	s. 945.215(1)(a) FS	250,234	343,096	357,371	369,591	212,345
ITF Balances <\$1.00	s. 944.516(5) FS	1,367	1,194	1,219	1,197	1,211
Total GR Deposits		\$36,930,554	\$36,712,481	\$36,485,556	\$36,612,958	\$37,383,280

Inmate Welfare Trust Fund for Privately Operated Institutions

An Inmate Welfare Trust Fund for private correctional facilities created in 1998 continues to operate.³ This trust fund is for the benefit and welfare of inmates incarcerated in private correctional facilities under contract with the Department of Management Services (DMS). Net proceeds from inmate canteens, vending machines used primarily by inmates, telephone commissions, and other similar sources of proceeds are deposited in the fund. The DMS compiles an annual report documenting the receipts and expenditures at each private facility. For Fiscal Year 2013-2014, the DMS reported total revenues of \$3,252,201.41. The total expenditures for vocational programs, canine detection training programs, and community service programs was \$1,014,038.88.

¹ Rule 33-203.101, F.A.C.

² Canteen commissions include MP3 music program sales.

³ s. 944.72, F.S.

III. Effect of Proposed Changes:

The bill creates the State-Operated Institutions Inmate Welfare Trust Fund within the Department of Corrections. The language of the bill closely mirrors the language that was in s. 945.215, F.S., when the former trust fund was originally created. The purpose of the new Trust Fund is for the benefit and welfare of inmates incarcerated in state-operated correctional facilities. Any balance in the trust fund at the end of a fiscal year must remain in the Trust Fund and be available for carrying out the purposes of the fund. The new Trust Fund will terminate on July 1, 2019, unless terminated sooner.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

SB 540 does not have a fiscal impact in and of itself. However, Senate Bill 7020 includes language providing that the Trust Fund will be funded with revenues from inmate canteens, inmate telephone commissions, and certain other revenue sources that are currently deposited in the General Revenue Fund. That bill limits deposits into the Trust Fund to five million dollars in any fiscal year, with revenues above five million dollars going into the General Revenue Fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 944.73 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



753554

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Negron) recommended the following:

Senate Amendment (with title amendment)

Delete lines 22 - 25.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 5 - 7

and insert:

Corrections; providing a purpose; providing an

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 576

INTRODUCER: Senator Dean

SUBJECT: Land Acquisition Trust Fund/Agency for Persons with Disabilities

DATE: March 17, 2015

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Gudeman	Uchino	EP	Favorable
2. Howard	DeLoach	AGG	Recommend: Favorable
3. Howard	Kynoch	AP	Pre-meeting

I. Summary:

SB 576 creates the Land Acquisition Trust Fund (LATF) within the Agency for Persons with Disabilities (APD). This trust fund is established as a depository for funds received from the LATF within the Department of Environmental Protection (DEP). Expenditure of the funds in the LATF within the APD must be for the purposes specified in Article X, section 28 of the Florida Constitution.

The bill has no fiscal impact.

The bill provides an effective date of July 1, 2015.

II. Present Situation:

In 2014, Florida voters approved a constitutional amendment proposed by Florida's Water and Land Legacy to provide a dedicated funding source for water and land conservation and restoration.¹ The amendment created Article X, section 28 of the Florida Constitution and was approved by 75 percent of the electors voting on the issue.

The amendment requires that starting on July 1, 2015, for 20 years, 33 percent of net revenues derived from the existing excise tax on documents, as defined by the statutes in effect on January 1, 2012, must be deposited into the LATF.²

¹ The founding organizations of Florida's Water and Land Legacy are: The Trust for Public Land, Audubon Florida, Florida Wildlife Federation, Sierra Club Florida, Florida Conservation Alliance Institute, Alachua Conservation Trust, 1000 Friends of Florida, Defenders of Wildlife, Conservation Trust for Florida, The Conservation Fund, The Nature Conservancy, Florida Conservation Coalition, and Rails to Trails Conservancy. Florida's Water and Land Legacy, *Non-Profit Endorsements*, <http://floridawaterlandlegacy.org/sections/page/endorsements> (last visited Feb. 6, 2015).

² The net revenues are the amount of revenues after the Department of Revenue first deducts a service charge to pay the costs of the collection and enforcement of the excise tax on documents.

The amendment requires that funds in the LATF be expended only for the following purposes:

- As provided by law, to finance or refinance:
 - The acquisition and improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands including wetlands, forests, and fish and wildlife habitat;
 - Wildlife management areas;
 - Lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer systems;
 - Lands in the Everglades Agricultural Area and the Everglades Protection Area, as defined in Article II, section 7(b) of the Florida Constitution;
 - Beaches and shores;
 - Outdoor recreation lands, including recreational trails, parks, and urban open space;
 - Rural landscapes;
 - Working farms and ranches;
 - Historic or geologic sites;
 - Together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.

The amendment authorizes moneys deposited into the LATF to be used to pay debt service on bonds issued pursuant to Article VII, section 11(e) of the Florida Constitution, and prohibits moneys deposited into the LATF from being commingled with the General Revenue Fund of the state.³

Pursuant to s. 201.15(1)(a), F.S., the LATF within the DEP receives revenue from the excise tax on documents to pay debt service on bonds issued pursuant to Article VII, section 11(e) of the Florida Constitution for the Florida Forever and Everglades restoration programs. An LATF also exists in the Fish and Wildlife Conservation Commission;⁴ however, that trust fund does not receive funds from the excise tax on documents pursuant to s. 201.15, F.S.

Article III, section 19(f)(1) of the Florida Constitution requires every trust fund to be created by a three-fifths vote of the membership in each house of the Legislature, in a separate bill, for the sole purpose of creating that trust fund. The constitution also provides that all newly created trust funds terminate no more than four years after the initial creation, unless re-created.

III. Effect of Proposed Changes:

The bill creates an LATF within the APD. The trust fund will serve as a depository for funds received from the LATF within the DEP. The funds must be used for the purposes set forth in Article X, section 28 of the Florida Constitution.

³ FLA. CONST. art VII, s. 11(e), provides, “[b]onds pledging all or part of a dedicated state tax revenue may be issued by the state in the manner provided by general law to finance or refinance the acquisition and improvement of land, water areas, and related property interests and resources for the purposes of conservation, outdoor recreation, water resource development, restoration of natural systems, and historic preservation.”

⁴ See s. 379.212, F.S.

The bill requires the APD maintain the integrity of moneys transferred to it by the DEP. It also requires that funds available in the new trust fund from reversions or reductions in budget authority be transferred back to the LATF within the DEP within 15 days after reversion or reduction. These funds are available for future appropriation for the purposes set forth in Article X, section 28 of the Florida Constitution.

Additionally, the bill requires that the Board of Trustees of the Internal Improvement Trust Fund holds title to lands acquired through expenditures from the newly created LATF within the APD. The acquisition of such land is accomplished through a voluntary negotiated process using the acquisition procedures in s. 253.025, F.S. The acquisition costs include the purchase price and cost and fees associated with the title, surveys, and appraisals required to complete the acquisition.⁵

The APD is responsible for managing such lands for the purposes set forth in Article X, section 28 of the Florida Constitution. Other uses of such lands are permitted if the use is not contrary to those purposes.⁶

Interest from investments of funds in the LATF within the APD will be deposited into the General Revenue Fund.

The trust fund will terminate four years after creation, on July 1, 2019, pursuant to Article III, section 19(f)(2) of the Florida Constitution, unless re-created by the Legislature.

The bill takes effect July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

Pursuant to Article III, section 19(f)(1) of the Florida Constitution, a bill that creates a new trust fund must pass by a three-fifths vote of the membership of each house of the Legislature in a separate bill for that purpose only.

⁵ A similar provision exists in s. 379.212(1)(c) and (d), F.S., with respect to the LATF within the Fish and Wildlife Conservation Commission.

⁶ *Id.*

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Under SB 576, creation of the LATF within the APD will allow the agency to separately account for funds received from the LATF within the DEP, ensure that expenditures from the new trust fund are for the purposes specified in Article X, section 28 of the Florida Constitution, and ensure that moneys in the new trust fund are not commingled with other funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 20.1971 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 578

INTRODUCER: Senator Dean

SUBJECT: Land Acquisition Trust Fund/Department of Agriculture and Consumer Services

DATE: March 17, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Gudeman	Uchino	EP	Favorable
2.	Howard/Blizzard	DeLoach	AGG	Recommend: Favorable
3.	Howard/Blizzard	Kynoch	AP	Pre-meeting

I. Summary:

SB 578 creates the Land Acquisition Trust Fund (LATF) within the Department of Agriculture and Consumer Services (DACS). This trust fund is established as a depository for funds received from the LATF within the Department of Environmental Protection (DEP). Expenditure of the funds in the LATF within the DACS must be for the purposes specified in Article X, section 28 of the Florida Constitution.

The bill has no fiscal impact.

The bill provides an effective date of July 1, 2015.

II. Present Situation:

In 2014, Florida voters approved a constitutional amendment proposed by Florida's Water and Land Legacy to provide a dedicated funding source for water and land conservation and restoration.¹ The amendment created Article X, section 28 of the Florida Constitution and was approved by 75 percent of the electors voting on the issue.

The amendment requires that starting on July 1, 2015, for 20 years, 33 percent of net revenues derived from the existing excise tax on documents, as defined by the statutes in effect on January 1, 2012, must be deposited into the LATF.²

¹ The founding organizations of Florida's Water and Land Legacy are: The Trust for Public Land, Audubon Florida, Florida Wildlife Federation, Sierra Club Florida, Florida Conservation Alliance Institute, Alachua Conservation Trust, 1000 Friends of Florida, Defenders of Wildlife, Conservation Trust for Florida, The Conservation Fund, The Nature Conservancy, Florida Conservation Coalition, and Rails to Trails Conservancy. Florida's Water and Land Legacy, *Non-Profit Endorsements*, <http://floridawaterlandlegacy.org/sections/page/endorsements> (last visited Feb. 6, 2015).

² The net revenues are the amount of revenues after the Department of Revenue first deducts a service charge to pay the costs of the collection and enforcement of the excise tax on documents.

The amendment requires that funds in the LATF be expended only for the following purposes:

- As provided by law, to finance or refinance:
 - The acquisition and improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands including wetlands, forests, and fish and wildlife habitat;
 - Wildlife management areas;
 - Lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer systems;
 - Lands in the Everglades Agricultural Area and the Everglades Protection Area, as defined in Article II, section 7(b) of the Florida Constitution;
 - Beaches and shores;
 - Outdoor recreation lands, including recreational trails, parks, and urban open space;
 - Rural landscapes;
 - Working farms and ranches;
 - Historic or geologic sites;
 - Together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.

The amendment authorizes moneys deposited into the LATF to be used to pay debt service on bonds issued pursuant to Article VII, section 11(e) of the Florida Constitution, and prohibits moneys deposited into the LATF from being commingled with the General Revenue Fund of the state.³

Pursuant to s. 201.15(1)(a), F.S., the LATF within the DEP receives revenue from the excise tax on documents to pay debt service on bonds issued pursuant to Article VII, section 11(e) of the Florida Constitution for the Florida Forever and Everglades restoration programs. An LATF also exists in the Fish and Wildlife Conservation Commission;⁴ however, that trust fund does not receive funds from the excise tax on documents pursuant to s. 201.15, F.S.

Article III, section 19(f)(1) of the Florida Constitution requires every trust fund to be created by a three-fifths vote of the membership in each house of the Legislature, in a separate bill, for the sole purpose of creating that trust fund. The constitution also provides that all newly created trust funds terminate no more than four years after the initial creation, unless re-created.

III. Effect of Proposed Changes:

The bill creates an LATF within the DACS. The trust fund will serve as a depository for funds received from the LATF within the DEP. The funds must be used for the purposes set forth in Article X, section 28 of the Florida Constitution.

³ FLA. CONST. art VII, s. 11(e), provides, “[b]onds pledging all or part of a dedicated state tax revenue may be issued by the state in the manner provided by general law to finance or refinance the acquisition and improvement of land, water areas, and related property interests and resources for the purposes of conservation, outdoor recreation, water resource development, restoration of natural systems, and historic preservation.”

⁴ See s. 379.212, F.S.

The bill requires the DACS to maintain the integrity of moneys transferred to it by the DEP. It also requires that funds available in the new trust fund from reversions or reductions in budget authority be transferred back to the LATF within the DEP within 15 days after reversion or reduction. These funds are available for future appropriation for the purposes set forth in Article X, section 28 of the Florida Constitution.

Additionally, the bill requires that the Board of Trustees of the Internal Improvement Trust Fund holds title to lands acquired through expenditures from the newly created LATF within DACS. The acquisition of such land is accomplished through a voluntary negotiated process using the acquisition procedures in s. 253.025, F.S. The acquisition costs include the purchase price and cost and fees associated with the title, surveys, and appraisals required to complete the acquisition.⁵

The DACS is responsible for managing such lands for the purposes set forth in Article X, section 28 of the Florida Constitution. Other uses of such lands are permitted if the use is not contrary to those purposes.⁶

Interest from investments of funds in the LATF within the DACS will be deposited into the General Revenue Fund.

The trust fund will terminate four years after creation, on July 1, 2019, pursuant to Article III, section 19(f)(2) of the Florida Constitution, unless re-created by the Legislature.

The bill takes effect July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

Pursuant to Article III, section 19(f)(1) of the Florida Constitution, a bill that creates a new trust fund must pass by a three-fifths vote of the membership of each house of the Legislature, in a separate bill for that purpose only.

⁵ A similar provision exists in s. 379.212(1)(c) and (d), F.S., with respect to the LATF within the Fish and Wildlife Conservation Commission.

⁶ *Id.*

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Under SB 578, creation of the LATF within the DACS will allow the department to separately account for funds received from the LATF within the DEP, ensure that expenditures from the new trust fund are for the purposes specified in Article X, section 28 of the Florida Constitution, and ensure that moneys in the new trust fund are not commingled with other funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 20.142 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 580

INTRODUCER: Senator Dean

SUBJECT: Land Acquisition Trust Fund/Department of State

DATE: March 17, 2015

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Gudeman	Uchino	EP	Favorable
2. Howard	DeLoach	AGG	Recommend: Favorable
3. Howard	Kynoch	AP	Pre-meeting

I. Summary:

SB 580 creates the Land Acquisition Trust Fund (LATF) within the Department of State (DOS). This trust fund is established as a depository for funds received from the LATF within the Department of Environmental Protection (DEP). Expenditure of the funds in the LATF within the DOS must be for the purposes specified in Article X, section 28 of the Florida Constitution.

The bill has no fiscal impact.

The bill provides an effective date of July 1, 2015.

II. Present Situation:

In 2014, Florida voters approved a constitutional amendment proposed by Florida's Water and Land Legacy to provide a dedicated funding source for water and land conservation and restoration.¹ The amendment created Article X, section 28 of the Florida Constitution and was approved by 75 percent of the electors voting on the issue.

The amendment requires that starting on July 1, 2015, for 20 years, 33 percent of net revenues derived from the existing excise tax on documents, as defined by the statutes in effect on January 1, 2012, must be deposited into the LATF.²

¹ The founding organizations of Florida's Water and Land Legacy are: The Trust for Public Land, Audubon Florida, Florida Wildlife Federation, Sierra Club Florida, Florida Conservation Alliance Institute, Alachua Conservation Trust, 1000 Friends of Florida, Defenders of Wildlife, Conservation Trust for Florida, The Conservation Fund, The Nature Conservancy, Florida Conservation Coalition, and Rails to Trails Conservancy. Florida's Water and Land Legacy, *Non-Profit Endorsements*, <http://floridawaterlandlegacy.org/sections/page/endorsers> (last visited Feb. 6, 2015).

² The net revenues are the amount of revenues after the Department of Revenue first deducts a service charge to pay the costs of the collection and enforcement of the excise tax on documents.

The amendment requires that funds in the LATF be expended only for the following purposes:

- As provided by law, to finance or refinance:
 - The acquisition and improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands including wetlands, forests, and fish and wildlife habitat;
 - Wildlife management areas;
 - Lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer systems;
 - Lands in the Everglades Agricultural Area and the Everglades Protection Area, as defined in Article II, section 7(b) of the Florida Constitution;
 - Beaches and shores;
 - Outdoor recreation lands, including recreational trails, parks, and urban open space;
 - Rural landscapes;
 - Working farms and ranches;
 - Historic or geologic sites;
 - Together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.

The amendment authorizes moneys deposited into the LATF to be used to pay debt service on bonds issued pursuant to Article VII, section 11(e) of the Florida Constitution, and prohibits moneys deposited into the LATF from being commingled with the General Revenue Fund of the state.³

Pursuant to s. 201.15(1)(a), F.S., the LATF within the DEP receives revenue from the excise tax on documents to pay debt service on bonds issued pursuant to Article VII, section 11(e) of the Florida Constitution for the Florida Forever and Everglades restoration programs. An LATF also exists in the Fish and Wildlife Conservation Commission;⁴ however, that trust fund does not receive funds from the excise tax on documents pursuant to s. 201.15, F.S.

Article III, section 19(f)(1) of the Florida Constitution requires every trust fund to be created by a three-fifths vote of the membership in each house of the Legislature, in a separate bill, for the sole purpose of creating that trust fund. The constitution also provides that all newly created trust funds terminate no more than four years after the initial creation, unless re-created.

III. Effect of Proposed Changes:

The bill creates an LATF within the DOS. The trust fund will serve as a depository for funds received from the LATF within the DEP. The funds must be used for the purposes set forth in Article X, section 28 of the Florida Constitution.

³ FLA. CONST. art VII, s. 11(e), provides, “[b]onds pledging all or part of a dedicated state tax revenue may be issued by the state in the manner provided by general law to finance or refinance the acquisition and improvement of land, water areas, and related property interests and resources for the purposes of conservation, outdoor recreation, water resource development, restoration of natural systems, and historic preservation.”

⁴ See s. 379.212, F.S.

The bill requires the DOS to maintain the integrity of moneys transferred to it by the DEP. It also requires that funds available in the new trust fund from reversions or reductions in budget authority be transferred back to the LATF within the DEP within 15 days after reversion or reduction. These funds are available for future appropriation for the purposes set forth in Article X, section 28 of the Florida Constitution.

Additionally, the bill requires that the Board of Trustees of the Internal Improvement Trust Fund holds title to lands acquired through expenditures from the newly created LATF within DOS. The acquisition of such land is accomplished through a voluntary negotiated process using the acquisition procedures in s. 253.025, F.S. The acquisition costs include the purchase price and cost and fees associated with the title, survey, and appraisals required to complete the acquisition.⁵

The DOS is responsible for managing such lands for the purposes set forth in Article X, section 28 of the Florida Constitution. Other uses of such lands are permitted if the use is not contrary to those purposes.⁶

Interest from investments of funds in the LATF within the DOS will be deposited into the General Revenue Fund.

The trust fund will terminate four years after creation, on July 1, 2019, pursuant to Article III, section 19(f)(2) of the Florida Constitution, unless re-created by the Legislature.

The bill takes effect July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

Pursuant to Article III, section 19(f)(1) of the Florida Constitution, a bill that creates a new trust fund must pass by a three-fifths vote of the membership of each house of the Legislature in a separate bill for that purpose only.

⁵ A similar provision exists in s. 379.212(1)(c) and (d), F.S., with respect to the LATF within the Fish and Wildlife Conservation Commission.

⁶ *Id.*

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Under SB 580, creation of the LATF within the DOS will allow the department to separately account for funds received from the LATF within the DEP, ensure that expenditures from the new trust fund are for the purposes specified in Article X, section 28 of the Florida Constitution, and ensure that moneys in the new trust fund are not commingled with other funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 20.106 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 582

INTRODUCER: Senator Dean

SUBJECT: Land Acquisition Trust Fund/Department of Transportation

DATE: March 17, 2015

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Gudeman	Uchino	EP	Favorable
2. Howard	DeLoach	AGG	Recommend: Favorable
3. Howard	Kynoch	AP	Pre-meeting

I. Summary:

SB 582 creates the Land Acquisition Trust Fund (LATF) within the Florida Department of Transportation (FDOT). This trust fund is established as a depository for funds received from the LATF within the Department of Environmental Protection (DEP). Expenditure of the funds in the LATF within the FDOT must be for the purposes specified in Article X, section 28 of the Florida Constitution.

The bill has no fiscal impact.

The bill provides an effective date of July 1, 2015.

II. Present Situation:

In 2014, Florida voters approved a constitutional amendment proposed by Florida's Water and Land Legacy to provide a dedicated funding source for water and land conservation and restoration.¹ The amendment created Article X, section 28 of the Florida Constitution and was approved by 75 percent of the electors voting on the issue.

The amendment requires that starting on July 1, 2015, for 20 years, 33 percent of net revenues derived from the existing excise tax on documents, as defined by the statutes in effect on January 1, 2012, must be deposited into the LATF.²

¹ The founding organizations of Florida's Water and Land Legacy are: The Trust for Public Land, Audubon Florida, Florida Wildlife Federation, Sierra Club Florida, Florida Conservation Alliance Institute, Alachua Conservation Trust, 1000 Friends of Florida, Defenders of Wildlife, Conservation Trust for Florida, The Conservation Fund, The Nature Conservancy, Florida Conservation Coalition, and Rails to Trails Conservancy. Florida's Water and Land Legacy, *Non-Profit Endorsements*, <http://floridawaterlandlegacy.org/sections/page/endorsers> (last visited Feb. 6, 2015).

² The net revenues are the amount of revenues after the Department of Revenue first deducts a service charge to pay the costs of the collection and enforcement of the excise tax on documents.

The amendment requires that funds in the LATF be expended only for the following purposes:

- As provided by law, to finance or refinance:
 - The acquisition and improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands including wetlands, forests, and fish and wildlife habitat;
 - Wildlife management areas;
 - Lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer systems;
 - Lands in the Everglades Agricultural Area and the Everglades Protection Area, as defined in Article II, section 7(b) of the Florida Constitution;
 - Beaches and shores;
 - Outdoor recreation lands, including recreational trails, parks, and urban open space;
 - Rural landscapes;
 - Working farms and ranches;
 - Historic or geologic sites;
 - Together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.

The amendment authorizes moneys deposited into the LATF to be used to pay debt service on bonds issued pursuant to Article VII, section 11(e) of the Florida Constitution, and prohibits moneys deposited into the LATF from being commingled with the General Revenue Fund of the state.³

Pursuant to s. 201.15(1)(a), F.S., the LATF within the DEP receives revenue from the excise tax on documents to pay debt service on bonds issued pursuant to Article VII, section 11(e) of the Florida Constitution for the Florida Forever and Everglades restoration programs. An LATF also exists in the Fish and Wildlife Conservation Commission;⁴ however, that trust fund does not receive funds from the excise tax on documents pursuant to s. 201.15, F.S.

Article III, section 19(f)(1) of the Florida Constitution requires every trust fund to be created by a three-fifths vote of the membership in each house of the Legislature, in a separate bill, for the sole purpose of creating that trust fund. The constitution also provides that all newly created trust funds terminate no more than four years after the initial creation, unless re-created.

III. Effect of Proposed Changes:

The bill creates an LATF within the FDOT. The trust fund will serve as a depository for funds received from the LATF within the DEP. The funds must be used for the purposes set forth in Article X section 28 of the Florida Constitution.

³ FLA. CONST. art VII, s. 11(e), provides, “[b]onds pledging all or part of a dedicated state tax revenue may be issued by the state in the manner provided by general law to finance or refinance the acquisition and improvement of land, water areas, and related property interests and resources for the purposes of conservation, outdoor recreation, water resource development, restoration of natural systems, and historic preservation.”

⁴ See s. 379.212, F.S.

The bill requires the FDOT to maintain the integrity of the moneys transferred to it by the DEP. It also requires that funds available in the new trust fund from reversions or reductions, after the approval of relevant work program amendments and identification of project phases in the Adopted Work Program which are eligible for certification forward or roll forward pursuant to s. 339.135, F.S., be transferred back to the LATF within the DEP within 15 days after reversion or reduction. These funds are available for future appropriation for the purposes set forth in Article X, section 28 of the Florida Constitution.

Additionally, the bill requires the state to hold title to lands acquired through expenditures from the newly created LATF within the FDOT pursuant to s. 337.25, F.S.

The FDOT or its designee is responsible for managing such lands for the purposes set forth in Article X, section 28 of the Florida Constitution. Other uses of such lands are permitted if the use is not contrary to those purposes.⁵

Interest from the investment of funds in the LATF within the FDOT will be deposited into the General Revenue Fund.

The trust fund will terminate four years after creation, on July 1, 2019, pursuant to Article III, section 19(f)(2), of the Florida Constitution, unless re-created by the Legislature.

The bill takes effect July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

Pursuant to Article III, section 19(f)(1) of the Florida Constitution, a bill that creates a new trust fund must pass by a three-fifths vote of the membership of each house of the Legislature in a separate bill, for that purpose only.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁵ *Id.*

B. Private Sector Impact:

None.

C. Government Sector Impact:

Under SB 582, creation of the LATF within the FDOT will allow the department to separately account for funds received from the LATF within the DEP, ensure that expenditures from the new trust fund are for the purposes specified in Article X, section 28, of the Florida Constitution, and ensure that moneys in the new trust fund are not commingled with other funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 20.232 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: PCS/SB 584 (631392)

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on General Government) and Senator Dean

SUBJECT: Implementation of the Water and Land Conservation Constitutional Amendment

DATE: March 17, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Gudeman	Uchino	EP	Favorable
2.	Howard	DeLoach	AGG	Recommend: Fav/CS
3.	Howard	Kynoch	AP	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

PCS/SB 584 provides an integral part of the legislative framework to implement Article X, section 28 of the Florida Constitution. The bill restructures the trust funds to implement the constitutional requirement that documentary stamp taxes directed for environmental purposes must not be commingled with the General Revenue Fund. The bill also ensures that these revenues are not commingled with other revenue sources and can be tracked from distribution to expenditure. The bill terminates certain trust funds currently receiving documentary stamp tax revenue intended for expenditure on environmental programs and redirects those moneys and moneys from other sources deposited into those trust funds to other appropriate trust funds as follows:

- The Florida Communities Trust (FCT) Fund is terminated and funds currently deposited in that trust fund are redirected to the Land Acquisition Trust Fund (LATF) and the Internal Improvement Trust Funds.
- The Ecosystem Management and Restoration Trust Fund is terminated and funds currently deposited in that trust fund are redirected to the LATF, the Coastal Protection Trust Fund, the Water Quality Assurance Trust Fund, and the Florida Permit Fee Trust Funds.
- The Water Management Lands Trust Fund is terminated and funds currently deposited in that trust fund are redirected to the LATF and the Water Quality Assurance Trust Funds.
- The Conservation and Recreation Lands Program Trust Fund in the Department of Agriculture and Consumer Services (DACS) is terminated and funds currently deposited into that trust fund are redirected to the LATF and the Incidental Trust Funds.

- The Conservation and Recreation Lands Program (CARL) Trust Fund in the DEP is terminated and funds currently deposited in that trust fund are redirected to the LATF and the State Parks Trust Funds.
- The Conservation and Recreation Lands Program Trust Fund in the Florida Fish and Wildlife Conservation Commission (FWC) is terminated and funds currently deposited in that trust fund are redirected to the LATF and the State Park Trust Funds.
- The obsolete Preservation 2000 (P2000) Trust Fund is terminated.

The bill also transfers any existing unobligated cash balances from the terminated trust funds as follows:

- From the FCT Fund to the Florida Forever Trust Fund.
- From the Ecosystems Management Trust Fund to the Water Quality Assurance Trust Fund.
- From the Water Management Lands Trust Fund to the Water Quality Assurance Trust Fund.
- From the CARL Trust Fund within DEP to the Water Quality Assurance Trust Fund.
- From the Conservation and Recreation Lands Program Trust Fund within DACS to the General Revenue Fund.
- From the terminated Conservation and Recreation Lands Program Trust Fund within the FWC to the General Revenue Fund.
- From the P2000 Trust Fund to the Florida Forever Trust Fund.

See Section V. relating to the fiscal impact of the bill.

The bill provides an effective date of July 1, 2015.

II. Present Situation:

The Water and Land Conservation Constitutional Amendment

In 2014, Florida voters approved a constitutional amendment proposed by Florida's Water and Land Legacy to provide a dedicated funding source for water and land conservation and restoration.¹ The amendment created Article X, section 28 of the Florida Constitution and was approved by 75 percent of the electors voting on the issue.

The amendment requires that starting on July 1, 2015, for 20 years, 33 percent of net revenues derived from the existing excise tax on documents, as defined by the statutes in effect on January 1, 2012, must be deposited into the Land Acquisition Trust Fund (LATF).²

The amendment requires that funds in the LATF be expended only for the following purposes:

- As provided by law, to finance or refinance:

¹ The founding organizations of Florida's Water and Land Legacy are: The Trust for Public Land, Audubon Florida, Florida Wildlife Federation, Sierra Club Florida, Florida Conservation Alliance Institute, Alachua Conservation Trust, 1000 Friends of Florida, Defenders of Wildlife, Conservation Trust for Florida, The Conservation Fund, The Nature Conservancy, Florida Conservation Coalition, and Rails to Trails Conservancy. Florida's Water and Land Legacy, *Non-Profit Endorsements*, <http://floridawaterlandlegacy.org/sections/page/endorsers> (last visited Feb. 6, 2015).

² The net revenues are the amount of revenues after the Department of Revenue first deducts a service charge to pay the costs of the collection and enforcement of the excise tax on documents.

- The acquisition and improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands including wetlands, forests, and fish and wildlife habitat;
- Wildlife management areas;
- Lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer systems;
- Lands in the Everglades Agricultural Area and the Everglades Protection Area, as defined in Article II, section 7(b) of the Florida Constitution;
- Beaches and shores;
- Outdoor recreation lands, including recreational trails, parks, and urban open space;
- Rural landscapes;
- Working farms and ranches;
- Historic or geologic sites;
- Together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.

The amendment authorizes moneys deposited into the LATF to be used to pay debt service on bonds issued pursuant to Article VII, section 11(e) of the Florida Constitution, and prohibits moneys deposited into the LATF from being commingled with the General Revenue Fund of the state.³

Pursuant to s. 201.15(1)(a), F.S., the LATF within the Department of Environmental Protection (DEP) receives revenue from the excise tax on documents to pay debt service on bonds issued pursuant to Article VII, section 11(e) of the Florida Constitution for the Florida Forever and Everglades restoration programs. An LATF also exists in the Fish and Wildlife Conservation Commission (FWC);⁴ however, that trust fund currently does not receive funds from the excise tax on documents pursuant to s. 201.15, F.S.

History of Land Acquisition in Florida

Internal Improvement Trust Fund

The State of Florida has a long history of land acquisition and land management. In 1845, the federal government granted Florida 500,000 acres for internal improvement as part of the Great Pre-emption Act of 1841. States that were admitted to the Union after 1841 were granted 500,000 acres which could be sold to fund improvements to roads, canals, and navigable waterways. In 1850, the federal government granted Florida an additional 21 million acres of land under the Swamp and Overflowed Lands Act.⁵

³ FLA. CONST. art VII, s. 11(e), provides, “[b]onds pledging all or part of a dedicated state tax revenue may be issued by the state in the manner provided by general law to finance or refinance the acquisition and improvement of land, water areas, and related property interests and resources for the purposes of conservation, outdoor recreation, water resource development, restoration of natural systems, and historic preservation.”

⁴ See s. 379.212, F.S.

⁵ Monica K. Reimer, *The Public Trust Doctrine: Historic Protection for Florida’s Navigable Rivers and Lakes*, FLA. B.J., APR. 2001. See also DEP, *State Lands History*, available at http://www.dep.state.fl.us/lands/files/lands_history.pdf (last visited Feb. 15, 2015).

In order to properly administer the vast amount of land granted to the state and to manage the funds from the sale of the land, the Legislature created the Internal Improvement Trust Fund in 1854.⁶ Title to these lands is vested in the Boards of Trustees of the Internal Improvement Fund (BOT), which consists of the Governor and Cabinet.⁷

The sources of revenue to the Internal Improvement Trust Fund include marina and dock leases, commercial upland leases, proceeds from the sale of surplus lands, fees from land transactions, public record requests, fines, interest earnings on investment cash under to s. 17.61, F.S., and the sale of state lands located in the Everglades Agricultural Area. All revenues that are deposited into the Internal Improvement Trust Fund are to be used for the acquisition, management, administration, protection, and conservation of state owned land.⁸

The Internal Improvement Trust Fund provides funds to multiple programs in the DEP, including the Division of State lands, the district offices, the Division of Environmental Assessment and Restoration, the Division of Recreation and Parks, and executive direction and support services.⁹

The Outdoor Recreation and Conservation Lands Act and the Land Acquisition Trust Fund

In 1963, the Legislature created the Outdoor Recreation and Conservation Act to purchase land for parks and recreation.¹⁰ The program was the first official conservation land acquisition program in the state. Prior to the act, land acquisitions were accomplished through line-item appropriations, or donations by private individuals or the federal government. The act authorized the former land management division of the BOT to purchase land and water areas for outdoor recreation, wildlife management, forestry management, nature preservation, and water conservation and control.¹¹

The LATF was established in 1963 to fund the purposes of the Outdoor Recreation and Conservation Lands Act.¹² The original source of revenue to the LATF was a five percent tax on outdoor clothing and equipment.¹³ In 1967, the tax on clothing and equipment proved to be insufficient to sustain the program and the Legislature repealed the tax replacing it with the documentary stamp tax at a rate of 55 cents per \$500.¹⁴

⁶ Chapter 610, s. 1, Laws of Fla. (1854).

⁷ Section 253.02, F.S.

⁸ Section 253.01, F.S.

⁹ Internal Improvement Trust Fund Description, provided by the Senate Appropriations Subcommittee on General Government (on file with the Senate Committee on Environmental Preservation and Conservation).

¹⁰ Section 375.011, F.S.

¹¹ Section 375.021, F.S. See also s. 1, ch. 63-36, Laws of Fla., and Farr, J.A., and O. Greg Brock, *Florida's Landmark Programs for Conservation and Recreation Land Acquisition*, *Sustain*, 14 (2006), available at http://www.dep.state.fl.us/lands/files/Florida_LandAcquisition.pdf (last visited Feb. 15, 2015).

¹² Section 375.041, F.S.

¹³ Chapter 63-527, Laws of Fla. See also Comm. on Finance, Taxation, and Claims, The Florida Senate, *Documentary Stamp Tax: Its History and Uses*, 2-3 (Interim Report) (Sept. 1993) (on file with the Senate Comm. on Environmental Preservation and Conservation).

¹⁴ Section 201.021, F.S., (1967). See also Farr, J.A., and O. Greg Brock, *Florida's Landmark Programs for Conservation and Recreation Land Acquisition*, *Sustain*, 14 (2006) available at http://www.dep.state.fl.us/lands/files/Florida_LandAcquisition.pdf (last visited Feb. 15, 2015).

Funds deposited into the LATF must first be used to pay rentals on lease-purchase agreements or to meet the debt service requirements pursuant to s. 375.051, F.S., provided the debt service on the Save Our Coast bonds is not to be paid from funds transferred to the LATF pursuant to s. 259.032(2)(b), F.S. Funds that are not allocated for rentals or debt service may be used to acquire land, water areas, and to construct, improve, enlarge, extend, operate, and maintain capital improvements and facilities.¹⁵

In the event the DEP condemns a specific parcel of land and the land has been approved for acquisition through the LATF, the land may be acquired pursuant to chs. 73 and 74, F.S. The funds may also be used to pay the condemnation award and the costs associated with the condemnation.¹⁶

For the Fiscal Year 2014-2015, funds in the LATF may be used to support the Total Maximum Daily Load program, or may be transferred to the Save Our Everglades or Florida Forever Trust Funds.

Section 375.044, F.S., requires the DEP to submit a 10-year comprehensive LATF budget request. The budget request is submitted to the Executive Office of the Governor and the Legislature. The request must include but is not limited to:

- A 10-year annual cash flow analysis of the LATF;
- The agency request for the schedule of issuance of Save Our Coasts bonds;
- Forecasts of the anticipated revenues to the LATF; and
- The estimate of encumbrances and commitments for each year and the estimated expenditures.

Section 372.074, F.S., was created in 1990 to establish the Fish and Wildlife Habitat Trust Fund in the former Game and Fresh Water Fish Commission. The statute was renumbered to s. 379.212, F.S., in 2008 and amended to create an LATF in the FWC.¹⁷

Section 379.212, F.S., specifies that lands acquired through expenditures from the LATF in the FWC are titled to the BOT. The FWC is responsible for managing such lands for the purpose of maintaining and enhancing fish and wildlife habitat. Other uses of such lands are permitted if the use is not contrary to those purposes. The acquisition of such land is done through a voluntary negotiated process using the acquisition procedures in s. 253.025, F.S. The acquisition costs include the purchase price, as well as costs and fees associated with the title, surveys, and appraisals required to complete the acquisition.

Funds may be deposited into the LATF in the FWC from donations, grants, development-of-regional impact wildlife mitigation contributions, and legislative appropriations. The statute prohibits funds from P2000 acquisitions and Conservation and Recreation Lands (CARL) management funds from being deposited in the LATF in the FWC.¹⁸

¹⁵ *Supra* note 12.

¹⁶ *Id.*

¹⁷ Chapter 2008-247, s. 21, Laws of Fla.

¹⁸ Section 379.212, F.S.

The Land Conservation Act of 1972

The Land Conservation Act was passed in 1972 and provided the BOT with funding and bonding authority, through a ballot referendum, to finance state capital projects for environmentally endangered lands.¹⁹ State capital projects for environmentally endangered land, as defined in s. 259.03(1), F.S. (1972), include areas of ecologically significant land that are sensitive to development, land and water areas requiring remedial action to correct or limit environmental damage, and eroded beaches.

The environmentally endangered lands projects were intended to protect environmentally unique lands rather than to create outdoor recreation areas. The project proposals were submitted by individuals, local governments, and state agencies. The proposals were ranked and evaluated by multiple state environmental divisions and through a public hearing process. The final purchases were approved by the Governor and Cabinet.²⁰

Conservation and Recreation Lands Trust Fund

In 1979, the CARL Trust Fund was created and expanded the environmentally endangered lands program.²¹ The trust fund replaced bond revenues with a nonlapsing revolving fund and was administered by the former Department of Natural Resources, pursuant to s. 253.023, F.S. (1979). The CARL Trust Fund was used to acquire environmentally endangered lands, marsh lands, and estuaries in order to protect and enhance water quality, state parks and recreation areas, to restore altered ecosystems, and to preserve significant archaeological or historical sites. The source of funds for the CARL Trust Fund came from 50 percent of the total moneys collected from the excise tax on the severance of oil, gas, solid minerals, and phosphate rock.²²

A land acquisition selection committee was also created in 1979 in s. 259.035, F.S.²³ The selection committee was responsible for establishing a priority list of land acquisitions from the projects proposed under CARL or the Land Conservation Act. The projects were ranked based on their stated public purpose, the preservation of environmentally endangered lands, the development of outdoor recreation lands, conformity with the comprehensive plans developed under s. 259.04(1)(a), F.S., and the state lands management plan adopted pursuant to s. 253.03(7), F.S.

In 1994, the CARL Trust Fund was transferred from s. 253.023, F.S., to s. 259.032, F.S. The requirements for the individual management plan for projects identified in the CARL report pursuant to s. 259.035(2), F.S., were also amended.²⁴ The individual management plans must include the stated use of the lands, the management activities necessary to preserve and protect natural and cultural resources, a management schedule, a cost estimate of management activities, and a determination of public uses and access. The statute also requires that parcels over 160

¹⁹ Section 259.02, F.S., (1972).

²⁰ Farr, J.A., and O. Greg Brock, *Florida's Landmark Programs for Conservation and Recreation Land Acquisition*, Sustain, 14 (2006), available at http://www.dep.state.fl.us/lands/files/Florida_LandAcquisition.pdf (last visited Feb. 15, 2015).

²¹ Section 259.032, F.S.

²² Chapter 79-255, s. 8, Laws of Fla.

²³ Chapter 79-255, s. 14, Laws of Fla.

²⁴ Chapter 94-240, s. 1, Laws of Fla.

acres must have a land management plan developed with input from an advisory group and a public hearing must be held prior to the adoption of the management plan.²⁵

The current sources of revenue to the CARL Trust Fund are 3.52 percent of documentary stamp taxes pursuant to s. 201.15(5), F.S., 25.5 percent of the severance tax on phosphate rock pursuant to s. 211.3103(6)(a)1., F.S., proceeds from the sale of surplus lands pursuant to s. 253.034(5)(k), F.S., and interest earnings on the investment of idle cash pursuant to s. 17.61, F.S.

Section 259.032(11)(b), F.S., specifies that not less than 1.5 percent of the cumulative total funds deposited into the P2000 Trust Fund and the Florida Forever Trust Fund may be made available to the CARL Trust Fund. The funds may be used for the management, maintenance, and capital improvements for lands acquired pursuant to s. 259.032, F.S., (the CARL Trust Fund); s. 259.101, F.S., (the P2000 Act); s. 259.105, F.S., (the Florida Forever Act); and s. 259.1052, F.S., (the Babcock Crescent B Ranch Florida Forever acquisition).

Section 259.032(11)(d), F.S., specifies that up to one-fifth of the CARL funds specified in 259.032(11)(b), F.S., must be reserved for land management activities including:

- Resource assessment;
- Control of invasive and non-native flora and fauna;
- Habitat restoration;
- Fencing;
- Law enforcement;
- Controlled burning; and
- Public access.

In 2014, s. 259.032, F.S., was amended to allow, for the Fiscal Year 2014-2015, transfers from the CARL Trust Fund to the Florida Forever Trust Fund for the Florida Forever Program and to the Save Our Everglades Trust Fund to support the restoration projects outlined in the final Indian River Lagoon and Lake Okeechobee Basin report.²⁶

The CARL Trust Fund is used by the DEP's Division of State Lands and Division of Recreation and Parks, the FWC, and the Department of Agriculture and Consumer Services (DACS) to provide public ownership of natural areas in order to maintain Florida's natural resources, to promote water resource development, to promote restoration activities on public lands, and to provide lands for natural resource based recreation.²⁷

Water Management Lands Trust Fund

The Water Management Lands Trust Fund, also referred to as the Save Our Rivers Program, was established in 1981 within the DEP as a nonlapsing fund. The Water Management Lands Trust Fund allows the five water management districts (WMDs) to purchase land for water management, water supply, water resource conservation and protection, and for appropriate

²⁵ Section 259.032(10), F.S.

²⁶ The Select Comm. on Indian River Lagoon and Lake Okeechobee Basin, The Florida Senate, *Report by the Select Committee on Indian River Lagoon and Lake Okeechobee Basin* (Nov. 8, 2013), available at <http://www.flsenate.gov/usercontent/topics/irlob/finalreport.pdf> (last visited Feb. 16, 2015).

²⁷ Section 259.032(3), F.S.

public utilization.²⁸ The funds are distributed to the WMDs based on the relative population of the districts: 30 percent to the South Florida WMD, 25 percent to the Southwest Florida WMD, 25 percent to the St. Johns River WMD, 10 percent to the Suwannee River WMD, and 10 percent to the Northwest Florida WMD.

Section 373.59, F.S., requires each WMD to file a five-year plan with the Legislature and the DEP. The plans are updated annually to include a report of acquisition history along with any modifications or additions to the five-year plan. The annual report includes:

- Identification of lands that require a full fee simple interest to achieve water management goals;
- Lands that can be acquired using alternatives to fee simple acquisition techniques;
- A description of land management activities;
- Identification of lands needed to recharge groundwater supply; and
- Any plans for land acquisition for the protection of the potable water supply

Prior to 1985, the primary source of funding to the Water Management Lands Trust Fund came from direct legislative appropriations for specific projects. In 1985, the percentage of revenues from documentary stamp taxes to the Water Management Lands Trust Fund increased and became the main source of funding for the trust fund.²⁹

In 1999, the legislature passed the Florida Forever Act, which replaced the acquisition programs in the Water Management Lands Trust Fund and served as a successor program to the popular P2000 program. The distribution of documentary stamp taxes deposited into the Water Management Lands Trust Fund pursuant to s. 201.15, F.S., may no longer be used for land acquisition but are available for preacquisition costs.

Beginning Fiscal Year 2007-2008, the major source of revenue for the Water Management Lands Trust Fund is 4.2 percent of the documentary stamp taxes, capped at \$60.5 million, with \$8 million being transferred to the General Revenue Fund after debt service is paid. The Water Management Lands Trust Fund also receives interest earnings on the investment of idle cash pursuant to s. 17.61, F.S., and transfers of penalty assessments collected by the WMDs pursuant to s. 373.129, F.S.

For Fiscal Year 2014-2015, funds in the Water Management Lands Trust Fund are distributed as follows:

- The amount necessary to pay debt service on bonds issued before February 1, 2009, by the South Florida WMD and the St. Johns River WMD;
- \$8 million is transferred to the General Revenue Fund;
- \$7.7 million is transferred to Save Our Everglades Trust Fund to support the projects included in the Indian River Lagoon Lake Okeechobee Basin report; and
- Any remaining funds are distributed as provided in the General Appropriations Act.³⁰

²⁸ Section 373.59, F.S. See also SFWMD, *2013 SFWMD Land Assessment, Study Process*, 6, available at http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/land_assessment_study_process.pdf (last visited Feb. 15, 2015).

²⁹ Chapter 85-347, s. 7, Laws of Fla.

³⁰ Section 373.59(12)(a), F.S.

Water Quality Assurance Trust Fund

The Water Quality Assurance Trust Fund was created in 1983 to function as a broad-based fund for use in responding to contamination (excluding petroleum products) that poses a threat to groundwater and surface water, public health, safety, and welfare. Funds may be used to:

- Assess, cleanup, restore, monitor, and maintain spills, discharges, or escapes of pollutants or hazardous substances which occur during storage, transportation, and disposal of such products;
- Assess, cleanup, restore, monitor, and maintain drycleaning sites;
- Replace or restore potable water supplies;
- Respond to the Comprehensive Environmental Response, Compensation, and Liability Act; and
- Restore or replace contaminated private potable water wells or water systems under specific conditions.³¹

Section s. 376.307(4), F.S., authorizes revenue sources for the Water Quality Assurance Trust Fund from:

- The annual transfer of interest from the Florida Coastal Protection Trust Fund;
- All excise taxes levied on producing or importing pollutants pursuant to s. 206.9935, F.S.;
- All penalties, judgments, recoveries, reimbursements, loans, and other fees and charges related to the contamination of surface water and groundwater;
- The fee on the retail sale of lead-acid batteries; and
- All penalties, judgments, recoveries, reimbursements, loans, and other fees and charges related to the contamination of drycleaning facilities.

The Water Quality Assurance Trust Fund is used by the DEP's Division of Waste Management, the Division of Environmental Assessment and Restoration, the Division of Water Resource Management, and executive direction and support services.³²

The Preservation 2000 Act and the Preservation 2000 Trust Fund

The P2000 Act was created in 1990 in response to Governor Bob Martinez's Commission on the Future of Florida's Environment.³³ The commission examined the threats to Florida's environmental health and provided potential solutions. The commission projected a loss of three million acres of wetland and forest by 2020 due to increased development and decreased conservation land acquisition. The commission estimated that the state had a conservation need of more than \$5 billion and recommended that the state sell long-term bonds to fund land purchases.³⁴

³¹ Section 376.307, F.S.,

³² Water Quality Assurance Trust Fund Description provided by the Senate Appropriations Subcommittee on General Government (on file with the Senate Committee on Environmental Preservation and Conservation).

³³ Section 259.101, F.S.

³⁴ A Report to Governor Martinez by the Commission on The Future of Florida's Environment, Apr. 1990 (on file with the Senate Committee on Environmental Preservation and Conservation).

The P2000 Trust Fund was created in 1990 and is held and administered by the DEP.³⁵ The trust fund provides a dedicated funding source for purchasing any land located in an Area of Critical State Concern, environmentally endangered lands, or outdoor recreation lands. The primary source of revenues to the P2000 Trust Fund was the sale of \$3 billion in revenue bonds over 10 years.³⁶ The trust fund also received revenue from the sale of surplus lands pursuant to s. 259.101, F.S., and the interest earnings on the investment of idle cash pursuant to s. 17.61, F.S.

In order to receive P2000 funds, land acquisition projects are required to meet one of the following criteria:

- The land is in imminent danger of development, loss of significant natural attributes, or in danger of subdivision;
- There is compelling evidence that the land will be developed within 12 months or recent appraisals indicate an increase in land value;
- The land protects groundwater or other natural resources or provides space for natural resource based recreation;
- The land can be purchased at 80 percent of the appraised value or less;
- The land provides habitat for endangered, threatened, or rare species; or
- The land provides protection to important natural communities.³⁷

P2000 funds were distributed as follows:

- 50 percent to the DEP the CARL Trust Fund;
- 30 percent to the DEP Water Management Lands Trust Fund;
- 10 percent to the Florida Communities Trust (FCT);
- 2.9 percent to the DEP Division of Recreation and Parks;
- 2.9 percent to DACS Florida Forest Service;
- 2.9 percent to the FWC; and
- 1.3 percent to the DEP for the Greenways and Trails Program.³⁸

From 1990 to 1999, the P2000 program preserved more the 1.75 million acres of conservation land. The P2000 Trust Fund is inactive and the available fund balance of \$37.7 million was transferred to the Florida Forever Trust Fund in Fiscal Year 2004-2005.³⁹ The bonds to support the program were fully repaid in Fiscal Year 2012-2013.

Green Swamp Land Authority

The Green Swamp is located between Tampa and Orlando and is Florida's second largest wetland ecosystem (behind the Everglades) covering 870 square miles.⁴⁰ The Green Swamp is a primary recharge area for the Floridan Aquifer and also forms the headwaters of the

³⁵ Section 375.045, F.S.

³⁶ Sections 375.045, 375.051, and 201.15, F.S.

³⁷ Section 259.101(4), F.S.

³⁸ Section 259.101(3), F.S.

³⁹ Office of Program Policy Analysis and Government Accountability, Florida Legislature, *Review of Preservation 2000*, Report No. 96-78, (Apr. 1997), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/9678rpt.pdf> (last visited Feb. 15, 2015).

⁴⁰ Marian Ryan, *The Green Swamp, Florida's Liquid Heart*, myregion.org, available at http://www.myregion.org/clientuploads/pdfs/ncfl_greenSwamp.pdf (last visited Feb 15, 2015).

Withlacoochee, Hillsborough, Oklawaha, and Peace River Watersheds. The swamp provides habitat for approximately 330 species of wildlife including 30 threatened or endangered species.⁴¹

In 1961, the Legislature directed the Southwest Florida WMD to be the local sponsor of the Four River Basins Florida Project, which was a major flood control project sponsored by the U.S. Army Corps of Engineers (Corps).⁴² The Corps project was to consist of a series of detention areas and dams. The Southwest Florida WMD decided a non-structural approach to flood control was preferred and the purchased land became the foundation for conservation of the swamp.

In 1974, the Legislature designated approximately 295,000 acres of the Green Swamp as an Area of Critical State Concern.⁴³ In 1992, the Green Swamp was added to the P2000 project list.⁴⁴

The Green Swamp Land Authority was created in 1994 and directs the DEP, the St. Johns River WMD, and the Southwest Florida WMD to identify, select, and acquire less-than-fee simple interests or rights of property within the Green Swamp Area of Critical State Concern.⁴⁵ The law allows property owners within the Green Swamp Area of Critical State Concern to apply to the land authority for a land protection agreement regardless of whether or not the property is on the CARL list pursuant to s. 259.035, F.S., a land acquisition plan pursuant to s. 373.59, F.S., or an FCT plan pursuant to s. 380.508, F.S. The land protection agreement compensates the property owner for accepting restrictions on the use of the land, including the right to develop the land.⁴⁶

Specific criteria developed by the land authority is used to evaluate potential property that may qualify for a land protection agreement. The criteria is based on water resource, environmental resource, ecological factors, threat of potential development, historical significance of the property, and other factors determined to be significant by the land authority.⁴⁷

The land protection agreements convey the ownership of any rights and interests in the property to the Southwest Florida WMD or the St. Johns River WMD, depending on where the acquisition project is located. The WMDs are responsible for monitoring compliance with the land protection agreement and for providing the county tax collector with a copy of the land protection agreement. The property owner may use the land in any manner that is consistent with the terms of the agreement. Land protection agreements that limit the owner to agriculture must allow a property owner to change from one agricultural activity to another, unless otherwise prohibited by the agreement. Agreements may not prohibit the construction or operation of barns or other buildings necessary for agricultural activities.⁴⁸

⁴¹ The DEP, *Wetland Delineation, Green Swamp Wilderness Preserve*, available at <http://www.dep.state.fl.us/water/wetlands/delineation/docs/grnswamp.pdf> (last visited Feb. 15, 2015).

⁴² *Supra* note 40.

⁴³ *Supra* note 40. Section 380.05(2)(a), F.S., specifies that areas of critical state concern are areas that have a significant environmental importance regionally or statewide.

⁴⁴ *Supra* note 39.

⁴⁵ Section 380.0677, F.S.

⁴⁶ *Id.*

⁴⁷ Section 380.0677(4), F.S.

⁴⁸ Section 380.0677(7) and (8), F.S.

A fee simple owner of lands that are subject to a land protection agreement may petition the WMD governing board to terminate the agreement. The governing board may dispose of the land according to s. 373.089, F.S., if it determines that the property is no longer needed to protect the Green Swamp Area of Critical State Concern. The law also specifies that the constitutionally protected property rights of the private property owners within the Green Swamp Area of Critical State Concern are preserved regardless of participation in the Green Swamp Authorities acquisition program.⁴⁹

In 1999, s. 380.0677(2), F.S., was repealed and the powers and duties of the Green Swamp Land Authority were transferred by a type two transfer to the DEP.⁵⁰

The Florida Forever Act and the Florida Forever Trust Fund

The Florida Forever Act was created in 1999 as the successor program to the P2000 Act. The Florida Forever Act reinforces the state's commitment to conservation and expands the state's role in protecting its natural resources. The stated goals of the Florida Forever Act are to acquire lands and water areas to preserve natural resources and protect water supply, provide opportunities for agricultural activities on working lands, provide outdoor recreational opportunities, preserve the Everglades, prioritize the land acquisition process based on science-based assessments of the natural resources, and enhance imperiled species management.⁵¹

The Florida Forever Trust Fund was created in 1999 to carry out the purpose of the Florida Forever Act and is administered by the DEP.⁵² The initial source of revenue to the trust fund was up to \$3 billion in bond sales, which was increased to \$5.3 billion in 2008.⁵³ The trust fund also receives proceeds from the sale of surplus land pursuant to s. 259.101, F.S., and the interest earnings on the investment of idle cash pursuant to s. 17.61, F.S., and inter-agency transfers from other trust funds.

Section 259.105(3), F.S., specifies the following distributions of funds:

- 30 percent to the WMDs to implement the five-year plan developed pursuant to s. 373.199, F.S.;
 - The WMDs are required to spend at least 50 percent of the funds received on land acquisition;
 - The distribution to the WMDs is as follows;
 - 35 percent to the South Florida WMD;
 - 25 percent to the South Florida WMD;
 - 25 percent to the St. Johns River WMD;
 - 7.5 percent to the Suwannee River WMD;
 - 7.5 percent to the Northwest Florida WMD.
- 35 percent to the DEP for capital projects and expenditures in the Florida Forever Act;

⁴⁹ Sections 380.0677(9) and (10), F.S.

⁵⁰ Chapter 99-247, s. 51, Laws of Fla.

⁵¹ Section 259.105, F.S.

⁵² Section 259.1051, F.S.

⁵³ Chapter 2008-229, s. 13, Laws of Fla.

- A minimum of three percent and no more than 10 percent of the funds must be used for capital projects that adhere to the land management planning activities required for public access and are identified at the time of acquisition.
- 21 percent to the Florida Communities Trust (FCT);
- 2 percent to the DEP for grants pursuant to s. 375.075, F.S.;
- 1.5 percent to the DEP for state parks;
- 1.5 percent to DACS' Florida Forest Service;
- 1.5 percent to the FWC;
- 1.5 percent to the DEP Greenways and Trails Program;
- 3.5 percent to DACS for agricultural lands; and
- 2.5 percent to the DEP to implement the Stan Mayfield Working Waterfronts program.

The land acquisitions proposed under the Florida Forever Act are developed by the Acquisition and Restoration Council (ARC), the successor to the selection committee created in 1979. ARC adopted rules to evaluate, select, and rank projects eligible for funds according to specific criteria including:⁵⁴

- Consistency with the goals of the Florida Forever program;
- Restoration or protection of developed areas or water resources that are part of an ongoing government project;
- Management of facilities under public ownership;
- Significant archeological or historic value;
- Identification of funding sources through at least the first two years;
- The potential to resolve regional water resource issues;
- The imminent threat of development on the property;
- The implementation of a plan developed by an ecosystem management team;
- Everglades restoration;
- The project may be purchased at 80 percent of the appraised value;
- Acquisition of the land using alternatives to fee simple; and
- Joint acquisition with other public agencies, nonprofit organizations, private entities, and public-private partnership.

Pursuant to s. 259.105(7), F.S., Florida Forever funds may only be used for water resource and water supply projects if:

- The minimum flows and levels are established for the water body and the water body has experienced or could experience significant harm without the project;
- The project complies with the permit requirements; and
- The project is consistent with the regional water supply plan.

ARC prioritizes projects that meet the conservation criteria, have matching funds available, and can be purchased for less than 80 percent of appraised value. Priority is also given to projects that have a conservation plan that corresponds with the military's need to protect land, water, and habitat.⁵⁵

⁵⁴ Rule 18-24.0021, F.A.C.

⁵⁵ Section 259.105(11), F.S.

Other Trust Funds for Land Acquisition and Land Management

State Park Trust Fund

The State Park Trust Fund was created in 1949. The trust fund is used for the administration, improvement, and maintenance of state parks and historic memorials, and for the acquisition and development of lands purchased for state parks. The trust fund receives revenues from park fees and charges, rentals, the sale of concessions, sales tax, donations, and transfers from the LATF.⁵⁶

The State Park Trust Fund funds the DEP Division of Recreation and Parks. The Division of Recreation and Parks manages 161 state parks and 10 state trails and is responsible for the administration of real property within its jurisdiction, administering the Florida Greenway and Trail program, coordinating the natural and cultural resource activities of the state parks, and monitoring park operations statewide.⁵⁷

The Incidental Trust Fund

The Incidental Trust Fund was created in 1949 and is administered by the DACS. The trust fund is used to fund a portion of the programs in the Florida Forest Service within the DACS, which includes wildfire suppression and forest land management. The major source of revenues for this fund are the receipts from sale of forest and nursery products and fire control assessments.⁵⁸

Florida Coastal Protection Trust Fund

The Florida Coastal Protection Trust Fund was established in 1970 to provide the DEP and the FWC with the financial resources necessary to prevent pollutant discharge or to remediate and restore natural resources after a pollutant discharge. The Florida Coastal Protection Trust Fund is dispersed only for the following purposes:

- Administrative and personnel expenses of the DEP and the FWC related to the enforcement of pollutant discharge prevention and removal;
- The costs associated with the prevention and abatement of pollution discharges;
- The provable costs and damages that are the proximate results of the pollutant discharge;
- Funding a grant program for local governments to remove derelict vessels from the public waters of the state;
- Up to \$1 million of the fund may be used for emergency cleanup response teams located at ports throughout the state; and
- The temporary transfer of funds not greater than \$10 million to the Minerals Trust Fund in s. 376.40, F.S.⁵⁹

The sources of revenues to the trust fund are penalties, judgments, and damages recovered from responsible parties for injury or destruction of natural resources and wildlife. The funds are credited pursuant to ss. 206.9935 and 206.9945, F.S. The fund also receives revenue from interest earnings and investment on idle cash pursuant to s. 17.61, F.S.

⁵⁶ Sections 258.034 and 258.014, F.S.

⁵⁷ The DEP, *Div. of Recreation and Parks*, <http://www.dep.state.fl.us/parks/> (last visited Feb. 15, 2015).

⁵⁸ Section 589.011, F.S.

⁵⁹ Section 376.11, F.S.

The Florida Permit Fee Trust Fund

The Florida Permit Fee Trust fund was created in 1982 and is administered by the DEP. The trust fund provides funding for the operating costs of permitting, field services, and support services. The statute requires legislative approval to use the trust fund for salary increases.⁶⁰

The sources of revenue to the trust fund are the funds received for coastal construction permits under ss. 161.041, 161.053, 161.0535, F.S., domestic wastewater treatment facility permits pursuant to s. 403.087, F.S., and public water systems under s. 403.861, F.S.⁶¹

Florida Recreation Development Assistance Program

The Florida Recreation Development Assistance Program (FRDAP) was established in 1986 and is administered by the DEP.⁶² FRDAP is a reimbursement grant program and provides funds to qualifying local governments for acquisition or development of land for public outdoor recreation. FRDAP is funded at the discretion of the Legislature. In Fiscal Year 2014-2015 the program received approximately \$2.5 million from general revenue and in Fiscal Year 2013-2014 the program received \$642,000 from the LATF.⁶³

Qualifying projects are ranked for selection based on the extent to which the project implements the outdoor recreation goals and facilities need outlined in the Statewide Comprehensive Outdoor Recreation Plan.⁶⁴ Local governments may submit two grant applications at a time but are limited to three active projects expending state funds during a fiscal year. The grants are limited to \$200,000 per project application.⁶⁵

Florida Communities Trust Fund

The FCT was created in 1989 as a nonlapsing revolving fund to be used by local governments and nonprofit organizations for the acquisition of community based projects, urban open spaces, parks, and greenways.⁶⁶ The fund is held and administered by the Florida Communities Trust, which acts as non-regulatory agency within the DEP. The governing body of the FCT is the Secretary of Environmental Protection, and four members appointed by the Governor: a former elected official of county government, a former elected official of a municipal government, a representative of a nonprofit organization, and a representative of the development industry.⁶⁷

The FCT is responsible for assisting local governments in implementing local comprehensive plans and bringing plans into compliance. The FCT is also tasked with responding to development patterns that degrade natural areas, enhancing resource values, restoring urban

⁶⁰ Section 403.0871, F.S.

⁶¹ *Id.*

⁶² Section 375.075, F.S.

⁶³ FRDAP Program Description, provided by the Senate Appropriations Subcommittee on General Government, (on file with the Senate Committee on Environmental Preservation and Conservation).

⁶⁴ The Statewide Comprehensive Outdoor Recreation Plan is the state's official plan for outdoor recreation pursuant to s. 375.021, F.S.

⁶⁵ Section 375.075, F.S.

⁶⁶ Chapter 89-175, s. 28, Laws of Fla.

⁶⁷ Section 380.504, F.S.

waterfronts, preserving working waterfronts, reserving land for purchase at a later date, promoting innovative land acquisition methods, and providing public access to water fronts.⁶⁸

The FCT receives approximately 21 percent of Florida Forever funds each year. Emphasis is placed on funding projects in low income or otherwise disadvantaged communities. A dollar for dollar local match is required for 75 percent of these funds. The local government match can consist of federal grants or funds, private donations, or environmental mitigation funds.⁶⁹

Ecosystem Management Trust Fund

The Ecosystem Management Trust Fund was established in 1996 to fund the planning and implementation of restoration programs, beach restoration and nourishment, surface water improvement and management plans, pollution control activities, coral reef restoration.⁷⁰ In 2008, the Legislature made these funds available for local governments and state agencies to implement the Leah Scad Memorial Ocean Outfall Program pursuant to s. 403.1651, F.S.⁷¹

The trust fund receives revenue from payments resulting from enforcement actions against any person in violation of ch. 373, F.S., or any person responsible for injury to a coral reef. The trust fund also receives revenue from the transfer of documentary stamp taxes pursuant to s. 201.15, F.S., and interest earnings on the investment of idle cash pursuant to s. 17.61, F.S.⁷²

The Ecosystem Management Trust Fund is utilized by the DEP's Division of Water Resource Management, Division of Environmental Assessment and Restoration, Water Policy and Ecosystem Restoration, Division of Recreation and Parks, the district offices, and for executive direction and support services.

Save Our Everglades Trust Fund

The Central and Southern Florida Flood Control (C&SF) Project was authorized by Congress in 1948 to provide flood control, supply water for municipal, industrial and agricultural uses, prevent salt water intrusion, and preserve fish and wildlife in the Everglades.⁷³ The project included 1,000 miles of levees, 720 miles of canals and almost 200 water control structures. A portion of the area drained was designated the EAA, which spans 700,000 acres and is approximately 27 percent of the historic Everglades.⁷⁴

In 1992 the Congress authorized a Restudy of the C&SF project to develop modifications to the flood control project that included Everglades restoration and water supply projects. The Restudy included three phases:

- A reconnaissance phase to identify problems and opportunities;

⁶⁸ Section 380.502, F.S.

⁶⁹ Section 259.105(3)(c), F.S.

⁷⁰ Section 403.1651, F.S.

⁷¹ Chapter 2008-232, s. 7, Laws of Fla.

⁷² *Id.*

⁷³ Clay J. Landry, *Who Drained the Everglades? The Same Folks Who Are Now Restoring Them* (Mar. 2002), available at <http://perc.org/sites/default/files/mar02.pdf> (last visited Feb. 15, 2015).

⁷⁴ Duke University Wetland Center, *Everglades Agricultural Area*, available at <http://www.nicholas.duke.edu/wetland/ea.htm> (last visited Feb. 16, 2015).

- A feasibility phase to develop a comprehensive plan to modify the C&SF project; and
- An implementation phase, which required congressional authorization under the Water Resources Development Act.

In 1999, the Legislature passed CS/SB 167. The bill directed the South Florida WMD to serve as the local sponsor on the Restudy, provided eminent domain authority for several projects in South Florida, required the DEP to review and approve the project components of the Restudy, and required the DEP to submit project funding requests to the Legislature. The measure also required the DEP and the South Florida WMD to expeditiously pursue the implementation of project modifications and to collaborate in the Restudy.

An interim project report, *Everglades Restudy Funding*, was also published in 1999. The report, reviewed the amount and timing of funding necessary to implement the projects outlined in the Restudy and to determine if the South Florida WMD would be capable to meeting the financial requirements as the local sponsor of the Restudy.⁷⁵

The report found uncertainty in the amount and timing of funding necessary to implement the projects in the Restudy. As the local sponsor, the South Florida WMD was responsible for a portion of the state's cost share. The funding report concluded that the South Florida WMD may experience fiscal constraints as a result of the cost share agreement and suggested using additional state funding resources to augment local sponsor obligations.⁷⁶

The Save Our Everglades Trust fund was created in 2000 to implement the projects outlined in the Comprehensive Plan contained in the "Final Integrated Feasibility Report and Programmatic Environmental Impact Statement, April 1999".⁷⁷ The source of revenue to the trust fund is state, local, and federal contributions. The fund is exempt from the general revenue service charges required by s. 215.20(1), F.S., and all income, including interest or other earnings, must be credited to the trust fund. Any balance that remains in the trust fund is to stay in the trust fund at the end of the fiscal year in order to carry out the purpose of the fund.⁷⁸

Water Protection and Sustainability Trust Fund

The Water Protection and Sustainability Trust Fund was established in 2005 within the DEP to support the Water Sustainability and Protection Program created in s. 403.890, F.S. The revenues deposited or appropriated are distributed in the following manner:

- 65 percent to the DEP for alternative water supply projects;
- 22.5 percent for the implementation of the total maximum daily load program established in s. 403.067, F.S.; and

⁷⁵ Comm. On Env. Protection, Florida House, and Comm. on Everglades Oversight, Joint Legislative Comm., *Everglades Restudy Funding*, (Interim Report) (Nov. 1999), available at http://www.leg.state.fl.us/data/Publications/2000/House/reports/interim_reports/pdf/evrglade.pdf (last visited Feb. 15, 2015).

⁷⁶ *Id.*

⁷⁷ U.S. Army Corps of Engineers, *C&SF Project Comprehensive Review, Final Integrated Feasibility Report and Programmatic Environmental Impact Statement* (Apr. 1999), available at http://www.evergladesplan.org/docs/comp_plan_apr99/summary.pdf (last visited Feb. 15, 2015).

⁷⁸ Section 373.472, F.S.

- 12.5 percent for the DEP Disadvantaged Small Community Wastewater Grant Program provided for in s. 403.1838, F.S.

The end of the fiscal year balance is to remain in the trust fund and must be available to carry out the Water Protection and Sustainability Act.⁷⁹

The trust fund initially received \$100 million in documentary stamp tax revenues; however, the distribution was reduced in 2007 to \$80 million, and the associated distributions tied to the funds were amended to allow for the redirection of documentary stamp tax revenue to the General Revenue Fund.⁸⁰ In 2009, the Legislature eliminated documentary stamp tax distributions to the fund.⁸¹

Grants and Donations Trust Fund

The Grants and Donations Trust Fund in the FWC was created in 2005 and is used for grant and donor agreement activities funded by contractual revenue. The source of revenue to the fund is grants and donations from private and public nonfederal sources, interest earnings, and cash advances from other trust funds.⁸²

Plant Industry Trust Fund

The Plant Industry Trust Fund was created in 2014 and is administered by the DACS. The trust fund is used to fund a portion of the programs in the DACS' Division of Plant Industry, which includes plant and apiary inspections, certifications, surveys, and treatments to control and eradicate insects and diseases threatening the industry.⁸³

The sources of revenue for the fund are the fees and penalties received by the DACS for plant and apiary regulatory services including certifications, registrations, and inspections pursuant to s. 586.16, F.S., the fines paid for violating the plant industry provisions pursuant to s. 581.212, F.S., and fines, penalties, and assessments collected pursuant to s. 593.117, F.S.

III. Effect of Proposed Changes:

Land Acquisition Trust Fund

Section 4 amends s. 17.61, F.S., to specify that the funds in the Land Acquisition Trust Fund (LATF) must be invested separately with the interest deposited into the General Revenue Fund. The balances of funds in the LATF are exempt from annual assessments by the Chief Financial Officer provided in s. 17.57, F.S.

Section 7 amends s. 161.091, F.S., to authorize beach management funding, subject to appropriation, from the LATF.

⁷⁹ Section 403.891, F.S.

⁸⁰ Chapter 2007-335, s. 2, Laws of Fla.

⁸¹ Chapter 2009-68, s. 1, Laws of Fla.

⁸² Section 379.206, F.S.

⁸³ Section 570.321, F.S.

Section 13 amends s. 253.03, F.S., to remove the ability to use the LATF exclusively to pay encumbrances on real property forfeited to the state in the event the Internal Improvement Trust Fund receipts are inadequate to satisfy the encumbrances. If the Internal Improvement Trust Fund does not have adequate funds, the Board of Trustees of the Internal Improvement Trust Fund (BOT) may use another appropriate trust fund to satisfy the encumbrances for state land administration.

Section 14 amends s. 253.034, F.S., to direct the proceeds from the sale of conservation lands purchased before July 1, 2015, to be deposited into the Florida Forever Trust Fund instead of the fund from which the land was acquired. Proceeds from the sale of conservation lands purchased on or after July 1, 2015, are to be deposited into the LATF unless the bond covenants require the proceeds be deposited into the trust fund from which the lands were purchased.

A maximum of \$6.2 million from the LATF may be expended on conservation management contractual arrangements with private parties instead of the five percent of funds allocated in current law. The \$6.2 million is based on projected documentary stamp tax revenue deposits for Fiscal Year 2015-2016 according to the August 2014 Revenue Estimating Conference.

Section 42 amends s. 375.041, F.S., to designate the LATF within the Department of Environmental Protection (DEP) as the recipient of documentary stamp tax revenues pursuant to Article X, section 28 of the Florida Constitution. The constitution requires no less than 33 percent of documentary stamp tax net revenues be deposited into the LATF within the DEP. The revenue deposited into the LATF must be utilized in the following order:

- Obligations relating to debt service, specifically:
 - Payments relating to Florida Forever bonds;
 - Payments relating to Everglades restoration bonds; and
 - Payments relating to revenue bonds issued by Water Management Districts (WMDs).
- Obligations relating to the debt service on bonds issued before February 1, 2009, by the South Florida and St. Johns River WMDs secured by revenues in the Water Management Lands Trust Fund, which is terminated in this bill;
- Distribution of \$32 million to the South Florida WMD for the Long-Term Plan as defined in s. 373.4592, F.S., relating to Everglades improvement and management; and
- Other expenditures for the purposes set forth in Article X, section 28 of the Florida Constitution.

The bill specifies that moneys accruing to other agencies for expenditures relating to Article X, section 28 of the Florida Constitution must be transferred back to the LATF in the DEP utilizing nonoperating budget authority. All transferred moneys available from reversions or reductions in other agencies must be transferred back to the LATF in the DEP within 15 days after such reversion or reduction.

Section 45 amends s. 375.075, F.S., related to Florida Recreation Development Assistance Program (FRDAP), by eliminating the five percent minimum deposit of revenue requirement tied to the LATF for developing and planning the program. The bill now ties the development and planning to funding appropriated by the Legislature.

Section 52 amends s. 379.212, F.S., related to the LATF within the Fish and Wildlife Conservation Commission (FWC), to conform with the LATFs created in other agencies and limits revenues deposited into the fund to only those transferred from the DEP's LATF. The funds deposited into the trust fund must be utilized for the purposes set forth in Article X, section 28 of the Florida Constitution, and the FWC must maintain the integrity of such funds.

Section 53 specifies that all unobligated balances and certified appropriations remaining in the FWC's Land Acquisition Trust Fund are transferred to the Grants and Donations Trust Fund within the FWC, effective June 30, 2015.

Section 54 amends s. 379.362, F.S., to require the Department of Agriculture and Consumer Services (DACS) to use funds appropriated from the LATF within DACS to fund the oyster management and restoration programs in Apalachicola Bay and other oyster harvest areas in the state.

Section 67 amends s. 403.9325, F.S., to revise the definition of "public lands set aside for conservation or preservation" within the Mangrove Trimming and Preservation Act to include lands and interests acquired with money from the LATF.

Chapter 259, Florida Statutes, Land Acquisitions for Conservation or Recreation

Section 17 amends s. 259.032, F.S., to rename the section as "Conservation and recreation lands." The bill removes obsolete language relating to all references of the terminated Conservation and Recreation Lands Program (CARL) Trust Fund. References include deposits into the fund in addition to allowable expenditures made from the fund. This includes an appropriation of \$250,000 to the Plant Industry Trust Fund within DACS. The bill also eliminates obsolete language related to P2000 and Florida Forever bonds.

The bill eliminates obsolete language relating to conservation and recreation lands, as it refers to the list describing acquisition projects under Acquisition and Restoration Council (ARC).

The bill authorizes state agencies to contract with local governments and soil and water conservation districts to manage lands acquired for conservation and recreation lands with funds from the LATF in accordance with to Article X, section 28 of the Florida Constitution.

The bill amends the requirements in s. 259.032(11)(b), F.S., to specify the conservation and recreation lands acquired pursuant to this section must be acquired with funds in accordance with Article X, section 28 of the Florida Constitution or former s. 259.032, F.S. Additionally the bill deletes the amount transferred to the Plant Industry Trust Fund.

Section 18 amends s. 259.035, F.S., to add conforming language to preserve sections of 2014 Florida Statutes repealed by this bill in addition to correcting cross references to the P2000 Act. The bill also deletes obsolete language relating to the CARL Trust Fund. It also requires ARC to develop rules defining specific criteria and numeric performance measures needed for lands that are to be acquired for a public purpose with funds deposited into the LATF pursuant to Article X, section 28 of the Florida Constitution.

Sections 21 and 22 correct cross references in ss. 259.04 and 259.041, F.S., respectively, to remove obsolete language related to the P2000 bonds.

Section 23 amends s. 259.101, F.S., to modify the P2000 Act by eliminating obsolete provisions relating to P2000 bond proceeds and the P2000 Trust Fund. The bill adds conforming language to preserve sections of 2014 Florida Statutes repealed by this bill. This section also provides that a state agency or WMD that acquired lands using P2000 funds must manage the lands to make them available for public recreational use if the recreational use does not interfere with the protection of the land. The bill authorizes agencies to transfer management authority to another appropriate agency and requires control of invasive species.

Section 24 amends s. 259.105, F.S., to correct cross references related to the Florida Forever Act and removes obsolete language applying to only the 2014-2015 fiscal year. The section also makes conforming changes setting a maximum amount of \$6.2 million from the LATF that may be expended on conservation management contractual arrangements with private parties.

Deposits of Revenues

Section 6 amends s. 161.054, F.S., to redirect the fines or awards of damages relating to beach and shore preservation in the Ecosystem Management Trust Fund to the Florida Coastal Protection Trust Fund.

Section 8 amends s. 211.3103, F.S., to redirect the deposits of the state's tax on severance of phosphate rock from the CARL Trust Fund to the State Parks Trust Fund.

Section 15 amends s. 253.7824, F.S., to require the proceeds from the removal and sale of products from conservation lands purchased before July 1, 2015, be deposited into the Florida Forever Trust Fund instead of the fund from which the land was acquired. Proceeds from the removal and sale of products from conservation lands purchased on or after July 1, 2015, are to be deposited into the LATF unless the bond covenants require the proceeds be deposited into the trust fund from which the lands were purchased. For non-conservation lands or lands acquired by gift, donation, or no consideration, proceeds from the removal and sale of products shall be deposited into the Internal Improvement Trust Fund.

Section 16 amends s. 258.435, F.S., to redirect the deposits of gifts and donations received to promote the public use of aquatic preserves and their associated uplands from the LATF to the Grants and Donations Trust Fund for administration, development, improvement, promotion, and maintenance of aquatic preserves and their associated uplands.

Section 29 amends s. 373.129, F.S., directs revenues from civil penalties recovered by a water management district be retained by the district that collected the money and used exclusively by the district. Civil penalties recovered by the DEP will be redirected from the Water Management Lands and Ecosystem Management and Restoration Trust Funds to the Water Quality Assurance Trust Fund.

Sections 32 amends s. 373.430, F.S., to redirect the deposits of penalties and damages relating to management and storage of surface waters recovered by the state from the Ecosystem

Management and Restoration Trust Fund and Water Management Lands Trust Fund to the Florida Permit Fee Trust Fund within the DEP. All penalties and damages recovered by the water management districts are retained by the district which collected the money and used exclusively within the territory of the district.

Section 41 amends s. 375.031, F.S., to direct the proceeds from the sale or disposition of conservation lands acquired by the Outdoor Recreation and Conservation Act of 1963 purchased before July 1, 2015, to the Florida Forever Trust Fund instead of the fund from which the land was acquired. Proceeds from the sale or disposition of conservation lands purchased on or after July 1, 2015, are to be deposited into the LATF unless the bond covenants require the proceeds be deposited into the trust fund from which the lands were purchased. For non-conservation lands or lands acquired by gift, donation, or no consideration, proceeds from the removal and sale of products shall be deposited into the Internal Improvement Trust Fund.

Section 46 amends s. 376.11, F.S., to redirect the deposits into the Florida Coastal Protection Trust Fund, including:

- Fines and awards of damages relating to coastal construction and reconstruction; and
- Funds from sources otherwise specified by law.

The bill also amends the uses of the Florida Coastal Protection Trust Fund to include:

- Funding relating to the prevention of, and clean up and rehabilitation after, a pollutant discharge, and damages;
- Funding of detailed planning and implementation of management and restoration of ecosystems programs; and
- Funding activities restoring polluted areas defined by the DEP to conditions prior to pollution or enhancing pollution control.

Section 48 amends s. 376.307, F.S., to redirect the deposits into the Water Quality Assurance Trust Fund previously deposited into other trust funds:

- Civil penalties recovered by a WMD, local board, or local government delegated by the DEP in actions relating to water resources;
- Funds appropriated by the Legislature for the Surface Water Improvement and Management Act, storm water programs, and the Geneva Freshwater Lens Protection Act;
- Funds collected pursuant to ch. 403 F.S., relating to environmental control and designated for deposit into the Water Quality Assurance Trust Fund;
- Funds recovered by the state from actions, initiated by the DEP, against a person for violation of chs. 373 or 403, F.S., relating to water resources and environmental control;
- Funds available for the Leah Schadt Memorial Ocean Outfall Program;
- Funds received by the state for injury or destruction of coral reefs; and
- Funds from other sources otherwise specified by law.

The bill also amends the uses of the Water Quality Assurance Trust Fund to include:

- Funding detailed planning and implementation of management and restoration of ecosystems programs;
- Funding development and implementation of surface water improvement and management plans and programs;

- Funding activities restoring polluted areas, as defined by the DEP, to conditions before the pollution occurred or enhancing pollution control;
- Funding activities by the DEP to recover moneys from actions against persons for violation of ch. 373 F.S., relating to water resources;
- Funding activities for the Leah Schad Memorial Ocean Outfall Program; and
- Funding activities to restore or rehabilitate injured or destroyed coral reefs.

The bill specifies that a settlement entered into by the DEP may not limit the Legislature's authority to appropriate money from the trust fund. The DEP may enter into a settlement in which it agrees to request moneys received due to a settlement in its legislative budget request. The bill also specifies the DEP may enter into a settlement involving joint enforcement with the Hillsborough County pollution control program provided that the moneys are deposited into the local program's pollution recovery fund.

Section 51 amends s. 379.206, F.S., to require the deposits into the FWC Grants and Donations Trust Fund include development-of-regional impact wildlife mitigation contributions.

Section 58 amends s. 380.508, F.S., to direct the deposits of all moneys from the operation, management, lease, or other disposition of land, water areas, related resource, and facilities acquired or constructed under ch. 380 F.S., to the Internal Improvement Trust Fund. The bill also requires funds above eligible project costs after completion of a project under chapter 380, Florida Statutes, be deposited into the Florida Forever Trust Fund.

In addition, the proceeds from the sale of reserved lands purchased before July 1, 2015, must be deposited into the Florida Forever Trust Fund instead of the fund from which the land was acquired. Proceeds from the sale of reserved lands purchased on or after July 1, 2015, are to be deposited into the LATF unless the bond covenants require the proceeds be deposited into the trust fund from which the lands were purchased. For non-conservation lands or lands acquired by gift, donation, or no consideration, proceeds from the sale of such lands must be deposited into the Internal Improvement Trust Fund.

Section 59 amends s. 380.510, F.S., to require deposits from the FCT be placed into the Internal Improvement Trust Fund. The bill also requires each deed or lease relating to real property acquired with funds received by the trust from the Florida Forever Trust Fund after July 1, 2015, to contain covenants and restrictions that the use of the property complies with Article X, section 28, of the Florida Constitution.

Section 62 amends s. 403.08601, F.S., to redirect the funds relating to the Leah Schad Memorial Ocean Outfall Program from the terminated Ecosystem Management and Restoration Trust Fund to the Water Quality Assurance Trust Fund.

Section 71 amends s. 570.71, F.S., to replace the fund for deposits and expenditures from the CARL Program Trust Fund, other than from the LATF, within DACS to the Incidental Trust Fund relating to acquiring conservation easements and entering into agricultural protection agreements.

Trust Fund Terminations

Sections 1, 44, 60, and 64 terminate the following trust funds within the DEP:

- Preservation 2000 Trust Fund;
- Florida Communities Trust Fund;
- Ecosystem Management and Restoration Trust Fund;
- Water Management Lands Trust Fund; and
- Conservation and Recreation Lands Trust Fund.

All funds and encumbrances certified forward for operations and fixed capital outlay projects are permitted to stay in the terminated funds until the encumbrances are satisfied. The remaining balances of the FCT and the P2000 Trust Funds are transferred to the Florida Forever Trust Fund. The remaining balances of the Ecosystem Management and Restoration, Water Management Lands, and CARL Trust Funds are transferred to the Water Quality Assurance Trust Fund.

Sections 2, 3, 50, and 69 terminate the CARL Program Trust Fund within DACS and the FWC after all outstanding debts or obligations are satisfied.

Technical Cross Reference Corrections

Section 5 repeals s. 161.05301, F.S., which appropriated six positions and \$449,918 for the 1998-1999 fiscal year to the Ecosystem Management and Restoration Trust Fund to assist in the administration of the Beach and Shore Preservation program.

Sections 9, 10-12, 19, 20, 25, 26, 30, 33, 35-37, 39, 40, 47, 49, 55, 57, 61, 63, 65, 66, 70, and 72 make technical changes removing obsolete trust fund references relating to the trust funds terminated in this bill in addition to technical statutory cross-reference corrections relating to changes occurring in the bill.

Section 27 amends s. 373.026, F.S., to repeal obsolete language related to the South Florida Water Management District's five year work plan for the Save Our Rivers and the P2000 programs.

Sections 28, 31, 34, and 57 add conforming language to preserve sections of 2014 Florida Statutes repealed by this bill.

Section 38 amends s. 373.59, F.S., to retitle the section "Payment in lieu of taxes for lands acquired for water management district purposes" and repeals obsolete language relating to the Water Management Lands Trust Fund, which is terminated in this bill.

Section 43 amends s. 375.044, F.S., to remove obsolete language relating to Save Our Coast bonds.

Section 56 repeals obsolete language relating to the Green Swamp Land Authority in s. 380.0677, F.S.

Section 68 amends s. 403.93345, F.S., to change the funding of the Florida Coral Reef Protection Act from the terminated Ecosystem Management and Restoration Trust Fund to the Water Quality Assurance Trust Fund.

Section 73 provides an effective date of July 1, 2015, except as otherwise expressly provided.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

PCS/SB 584 terminates trust funds listed below and transfers the estimated fund balances to the following funds:⁸⁴

⁸⁴ Information contained in this portion of the bill analysis is from the analysis for SB 584 by the Senate Appropriations Subcommittee on General Government (Feb. 2015) (on file with the Senate Committee on Environmental Preservation and Conservation). The estimated fund balances are based on the DEP's March 2015 financial statements.

Funds Terminated/Agency	Estimated Fund Balance as of June 30, 2015	Recipient Fund of Estimated Balances
Conservation and Recreation Lands Trust Fund/Department of Environmental Protection (DEP)	\$11,318,069	Water Quality Assurance Trust Fund
Ecosystems Management and Restoration Trust Fund/DEP	\$5,975,004	Water Quality Assurance Trust Fund
Florida Communities Trust Fund/DEP	\$388,978	Florida Forever Trust Fund
Florida P2000 Trust Fund/DEP	\$244,500	Florida Forever Trust Fund
Water Management Lands Trust Fund/DEP	\$15,185,397	Water Quality Assurance Trust Fund
Conservation and Recreation Lands Program Trust Fund/Department of Agriculture and Consumer Services (DACS)	\$3,360,592	General Revenue Fund
Conservation and Recreation Lands Program Trust Fund/Fish and Wildlife Conservation Commission (FWC)	\$65,540	General Revenue Fund

The bill transfers the following revenue sources from trust funds being terminated to the funds listed below:

Revenues	Terminated Fund	Recipient Fund of Revenues
Beach Administrative Fines	Ecosystem Management and Restoration	Coastal Protection Trust Fund
Severance of Phosphate Rock	Conservation and Recreation Lands Trust Fund	State Park Trust Fund
Civil Penalties, Water Resource Penalties and Damages for Water Management Districts	Water Management Lands Trust Fund and Ecosystems Management and Restoration Trust Fund	Funds retained by the Water Management Districts
Civil Penalties, Water Resource Penalties and Damages for the Department of Environmental Protection(DEP)	Ecosystem Management and Restoration and Water Management Lands Trust Funds	Water Quality Assurance Trust Fund and the Florida Permit Fee Trust Fund

Revenues	Terminated Fund	Recipient Fund of Revenues
Surface Water Improvement and Management	Ecosystem Management and Restoration Trust Fund	Water Quality Assurance Trust Fund
Damages Recovered for Coral Reefs	Ecosystem Management and Restoration Trust Fund	Water Quality Assurance Trust Fund
Leah Shad Memorial Funds	Ecosystem Management and Restoration Trust Fund	Water Quality Assurance Trust Fund
Settlement Funds for Pollution Control	Ecosystem Management and Restoration Trust Fund	Water Quality Assurance Trust Fund
Land and Water Management Disposition of Lands	Florida Communities Trust Fund	Appropriate trust fund
Land and Water Management Nonprofits and Local Governments	Florida Communities Trust Fund	Internal Improvement Trust Fund
Environmental Control Enforcement Penalties	Ecosystem Management and Restoration Trust Fund	Water Quality Assurance Trust Fund

The bill transfers the following revenue sources from the LATF within the DEP to the funds listed below:

Revenues	Current Trust Fund	Recipient Fund of Revenues
Proceeds from the Sale of Products	Land Acquisition Trust Fund	Appropriate trust fund determined by the DEP
Aquatic Preserves - Gifts and Donations	Land Acquisition Trust Fund	Grants and Donations Trust Fund

The bill states that funds in the LATF may not be invested as provided in s. 17.61, F.S., but shall be retained in those trust funds with the interest appropriated to the General Revenue Fund. This will have an indeterminate impact on the General Revenue Fund.

The bill eliminates the \$250,000 annual transfer from the DEP CARL Trust Fund (a terminated trust fund) to the DACS Plant Industry Trust Fund for the Endangered or Threatened Native Flora Conservation Grants program. Since the CARL Trust Fund within the DEP is terminated, future funding for this program may be provided from other sources, as determined by the Legislature.

The bill replaces the funding for contractual agreements with private parties for the acquisition of conservation lands under the Florida Forever program from five percent of

documentary stamp tax deposited into the CARL and Water Management Lands Trust Funds (both trust funds are terminated) to \$6.2 million from the LATF. This amount is based on projected documentary stamp tax deposits for Fiscal Year 2015-2016, according to the August 2014 Revenue Estimating Conference.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 17.61, 161.054, 161.091, 211.3103, 215.20, 215.618, 215.619, 253.027, 253.03, 253.034, 253.7824, 258.435, 259.032, 259.035, 259.036, 259.037, 259.04, 259.041, 259.101, 259.105, 259.1051, 338.250, 373.026, 373.089, 373.129, 373.1391, 373.199, 373.430, 373.459, 373.4592, 373.45926, 373.470, 373.584, 373.59, 373.5905, 373.703, 375.031, 375.041, 375.044, 375.075, 376.11, 376.123, 376.307, 376.40, 379.206, 379.212, 379.362, 380.0666, 380.507, 380.508, 380.510, 403.0615, 403.08601, 403.121, 403.885, 403.9325, 403.93345, 570.321, 570.71, and 895.09.

This bill repeals the following sections of the Florida Statutes: 161.05301, 375.045, 379.202, 380.0677, 380.511, 403.1651, 403.8911, and 570.207.

This bill reenacts the following sections of the Florida Statutes: 260.015(1)(c), 258.015(3)(b), and 287.0595(2).

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriations Subcommittee on General Government on March 11, 2015:

The committee substitute:

- Clarifies the disposition of trust fund balances and the authorization of the Department of Environmental Protection to pay all outstanding obligations of terminated trust funds as required.
- Designates the Grants and Donations Trust Fund within the Department of Environmental Protection as the repository for gifts and donations received to promote the public use of aquatic preserves.
- Deletes the repeal of s. 373.026(8)(c), F.S., in its entirety and revises that paragraph to repeal obsolete language related to the South Florida Water Management District's five year work plan for the Save Our Rivers and the P2000 programs.
- Provides that penalties recovered by water management districts that are designated for use by the districts be retained in the districts.

- Specifies that all unobligated balances and certified forward appropriations remaining in the Fish and Wildlife Conservation Commission's Land Acquisition Trust Fund are transferred to the Grants and Donations Trust Fund within FWC, effective June 30, 2015.
- Removes unnecessary reenactments.
- Modifies effective date of the bill so the bill will be effective July 1, 2015, except as otherwise expressly provided in the bill.

B. Amendments:

None.



267346

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Hays) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. (1) The following trust funds within the
Department of Environmental Protection are terminated:

(a) The Florida Preservation 2000 Trust Fund, FLAIR number
37-2-332.

(b) The Florida Communities Trust Fund, FLAIR number 37-2-
244.



267346

11 (c) The Ecosystem Management and Restoration Trust Fund,
12 FLAIR number 37-2-193.

13 (d) The Water Management Lands Trust Fund, FLAIR number 37-
14 2-776.

15 (e) The Conservation and Recreation Lands Trust Fund, FLAIR
16 number 37-2-131.

17 (2) (a) All current balances remaining in the Florida
18 Communities Trust Fund and the Florida Preservation 2000 Trust
19 Fund shall be transferred to the Florida Forever Trust Fund,
20 FLAIR number 37-2-348.

21 (b) All current balances remaining in the Ecosystem
22 Management and Restoration Trust Fund, the Water Management
23 Lands Trust Fund, and the Conservation and Recreation Lands
24 Trust Fund shall be transferred to the Water Quality Assurance
25 Trust Fund, FLAIR number 37-2-780.

26 (3) The Department of Environmental Protection shall pay
27 all outstanding debts or obligations of the terminated trust
28 funds as required, and the Chief Financial Officer shall close
29 out and remove the terminated trust funds from the various state
30 accounting systems using generally accepted accounting
31 principles concerning warrants outstanding, assets, and
32 liabilities.

33 Section 2. (1) The Conservation and Recreation Lands
34 Program Trust Fund, FLAIR number 42-2-931, within the Department
35 of Agriculture and Consumer Services is terminated.

36 (2) The Department of Agriculture and Consumer Services
37 shall pay any outstanding debts or obligations of the terminated
38 trust fund as soon as practicable, and the Chief Financial
39 Officer shall close out and remove that terminated trust fund



267346

40 from the various state accounting systems using generally
41 accepted accounting principles concerning warrants outstanding,
42 assets, and liabilities.

43 Section 3. (1) The Conservation and Recreation Lands
44 Program Trust Fund, FLAIR number 72-2-931, within the Fish and
45 Wildlife Conservation Commission is terminated.

46 (2) The Fish and Wildlife Conservation Commission shall pay
47 any outstanding debts or obligations of the terminated trust
48 fund as soon as practicable, and the Chief Financial Officer
49 shall close out and remove that terminated trust fund from the
50 various state accounting systems using generally accepted
51 accounting principles concerning warrants outstanding, assets,
52 and liabilities.

53 Section 4. Paragraph (e) is added to subsection (3) of
54 section 17.61, Florida Statutes, to read:

55 17.61 Chief Financial Officer; powers and duties in the
56 investment of certain funds.-

57 (3)

58 (e) Moneys in any land acquisition trust fund created or
59 designated to receive funds under s. 28, Art. X of the State
60 Constitution may not be invested as provided in this section,
61 but shall be retained in those trust funds, with the interest
62 appropriated to the General Revenue Fund, as provided in s.
63 17.57.

64 Section 5. Section 161.05301, Florida Statutes, is
65 repealed.

66 Section 6. Subsection (3) of section 161.054, Florida
67 Statutes, is amended to read:

68 161.054 Administrative fines; liability for damage; liens.-



267346

(3) The imposition of a fine or an award of damages pursuant to this section shall create a lien upon the real and personal property of the violator, enforceable by the department as are statutory liens under chapter 85. The proceeds of such fines and awards of damages shall be deposited in the Florida Coastal Protection Ecosystem Management and Restoration Trust Fund.

Section 7. Subsections (1) and (3) of section 161.091, Florida Statutes, are amended to read:

161.091 Beach management; funding; repair and maintenance strategy.—

(1) Subject to such appropriations as the Legislature may make therefor from time to time, disbursements from the Land Acquisition Ecosystem Management and Restoration Trust Fund may be made by the department in order to carry out the proper state responsibilities in a comprehensive, long-range, statewide beach management plan for erosion control; beach preservation, restoration, and nourishment; and storm and hurricane protection and other activities authorized for beaches and shores pursuant to s. 28, Art. X of the State Constitution. Legislative intent in appropriating such funds is for the implementation of those projects that contribute most significantly to addressing the state's beach erosion problems.

(3) In accordance with the intent expressed in s. 161.088 and the legislative finding that erosion of the beaches of this state is detrimental to tourism, the state's major industry, further exposes the state's highly developed coastline to severe storm damage, and threatens beach-related jobs, which, if not stopped, may significantly reduce state sales tax revenues,



267346

funds deposited into the State Treasury to the credit of the
Land Acquisition Ecosystem Management and Restoration Trust
Fund, ~~in the annual amounts provided in s. 201.15,~~ shall be
used, ~~for a period of not less than 15 years,~~ to fund the
development, implementation, and administration of the state's
beach management plan, as provided in ss. 161.091-161.212 and as
authorized in s. 28, Art. X of the State Constitution, ~~prior to~~
~~the use of such funds deposited pursuant to s. 201.15 in that~~
~~trust fund for any other purpose.~~

Section 8. Section 201.0205, Florida Statutes, is amended
to read:

201.0205 Counties that have implemented ch. 83-220;
inapplicability of 10-cent tax increase by s. 2, ch. 92-317,
Laws of Florida.—The 10-cent tax increase in the documentary
stamp tax levied by s. 2, chapter 92-317, does not apply to
deeds and other taxable instruments relating to real property
located in any county that has implemented the provisions of
chapter 83-220, Laws of Florida, as amended by chapters 84-270,
86-152, and 89-252, Laws of Florida. Each such county and each
eligible jurisdiction within such county may ~~shall not be~~
~~eligible to~~ participate in programs funded pursuant to s.
201.15(4)(c) ~~s. 201.15(9)~~. However, each such county and each
eligible jurisdiction within such county may ~~shall be eligible~~
~~to~~ participate in programs funded pursuant to s. 201.15(4)(d) ~~s.~~
~~201.15(10)~~.

Section 9. Section 201.15, Florida Statutes, is amended to
read:

201.15 Distribution of taxes collected.—All taxes collected
under this chapter, except taxes distributed to the Land



267346

127 Acquisition Trust Fund pursuant to subsections (1) and (2), are
128 subject to the service charge imposed in s. 215.20(1). Before
129 distribution pursuant to ~~under~~ this section, the Department of
130 Revenue shall deduct amounts necessary to pay the costs of the
131 collection and enforcement of the tax levied by this chapter.
132 The ~~Such~~ costs and ~~the~~ service charge may not be levied against
133 any portion of taxes pledged to debt service on bonds to the
134 extent that the costs and service charge are required to pay any
135 amounts relating to the bonds. ~~After distributions are made~~
136 ~~pursuant to subsection (1),~~ All of the costs of the collection
137 and enforcement of the tax levied by this chapter and the
138 service charge shall be available and transferred to the extent
139 necessary to pay debt service and any other amounts payable with
140 respect to bonds authorized before January 1, 2015, secured by
141 revenues distributed pursuant to this section ~~subsection (1)~~.
142 All taxes remaining after deduction of costs ~~and the service~~
143 ~~charge~~ shall be distributed as follows:

144 (1) All of the remaining taxes collected under this chapter
145 are pledged and shall be first made available to make payments
146 on bonds issued pursuant to s. 215.618 or s. 215.619, as
147 provided under paragraphs (3)(a) and (b), or on any other bonds
148 authorized to be issued on a parity basis with such bonds.
149 Amounts necessary to make such payments shall be deposited in
150 the Land Acquisition Trust Fund.

151 (2) If the amounts deposited pursuant to subsection (1) are
152 less than 33 percent of all taxes collected after first
153 deducting the costs of collection, an amount equal to 33 percent
154 of all taxes collected after first deducting the costs of
155 collection, minus the amounts deposited pursuant to subsection



267346

(1), shall be deposited in the Land Acquisition Trust Fund.

(3) Amounts on deposit in the Land Acquisition Trust Fund
~~Sixty-three and thirty-one hundredths percent of the remaining~~
~~taxes~~ shall be used in for the following order purposes:

(a) Payment of ~~Amounts necessary to pay the~~ debt service
~~on,~~ or funding of ~~fund~~ debt service reserve funds, rebate
obligations, or other amounts payable with respect to
~~Preservation 2000 bonds issued pursuant to s. 375.051 and~~
Florida Forever bonds issued pursuant to s. 215.618, ~~shall be~~
~~paid into the State Treasury to the credit of the Land~~
~~Acquisition Trust Fund to be used for such purposes.~~ The amount
~~used for such purposes transferred to the Land Acquisition Trust~~
~~Fund~~ may not exceed \$300 million in each fiscal year ~~1999-2000~~
~~and thereafter for Preservation 2000 bonds and bonds issued to~~
~~refund Preservation 2000 bonds, and \$300 million in fiscal year~~
~~2000-2001 and thereafter for Florida Forever bonds.~~ The annual
~~amount transferred to the Land Acquisition Trust Fund for~~
~~Florida Forever bonds may not exceed \$30 million in the first~~
~~fiscal year in which bonds are issued.~~ The limitation on the
~~amount transferred shall be increased by an additional \$30~~
~~million in each subsequent fiscal year, but may not exceed a~~
~~total of \$300 million in any fiscal year for all bonds issued.~~
It is the intent of the Legislature that all bonds issued to
fund the Florida Forever Act be retired by December 31, 2040.
Except for bonds issued to refund previously issued bonds, no
series of bonds may be issued pursuant to this paragraph unless
such bonds are approved and the debt service for the remainder
of the fiscal year in which the bonds are issued is specifically
appropriated in the General Appropriations Act. ~~For purposes of~~



267346

~~refunding Preservation 2000 bonds, amounts designated within this section for Preservation 2000 and Florida Forever bonds may be transferred between the two programs to the extent provided for in the documents authorizing the issuance of the bonds. The Preservation 2000 bonds and Florida Forever bonds are equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to this section, except as specifically provided otherwise by the documents authorizing the issuance of the bonds. Moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, may not be used or made available to pay debt service on the Save Our Coast revenue bonds.~~

(b) ~~Payment~~ Moneys shall be paid into the State Treasury to the credit of the Save Our Everglades Trust Fund in amounts necessary to pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to bonds issued pursuant to ~~under~~ s. 215.619. Taxes distributed under paragraph (a) and this paragraph must be collectively distributed on a pro rata basis when the available moneys under this subsection are not sufficient to cover the amounts required under paragraph (a) and this paragraph.

Bonds issued pursuant to s. 215.618 or s. 215.619 are equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund.

~~(4)(e)~~ After the required distributions to the Land Acquisition Trust Fund pursuant to subsections (1) and (2) and deduction of the service charge imposed pursuant to s. 215.20(1) ~~payments under paragraphs (a) and (b),~~ the remainder shall be



267346

distributed as follows ~~paid into the State Treasury to the credit of:~~

~~(a)1. The State Transportation Trust Fund in the Department of Transportation in the amount of The lesser of 24.18442 ~~38.2~~ percent of the remainder or \$541.75 million in each fiscal year shall be paid into the State Treasury to the credit of the State Transportation Trust Fund. Out Of such funds, the first \$50 million for the 2012-2013 fiscal year; \$65 million for the 2013-2014 fiscal year; and \$75 million for each the 2014-2015 fiscal year and all subsequent years, shall be transferred to the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. Notwithstanding any other law, the remaining amount credited to the State Transportation Trust Fund shall~~ remainder is to be used for the following specified purposes, notwithstanding any other law to the contrary:

~~1.a. For the purposes of Capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, in the amount of 10 percent of the~~ these funds;

~~2.b. For the purposes of The Small County Outreach Program specified in s. 339.2818, in the amount of 10~~ 5 percent of the ~~these funds. Effective July 1, 2014, the percentage allocated under this sub-subparagraph shall be increased to 10 percent;~~

~~3.c. For the purposes of The Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, in the amount of 75 percent of the~~ these funds after deduction of the payments required pursuant to subparagraphs 1. and 2. allocating for the New Starts Transit Program described in sub-subparagraph



267346

~~a. and the Small County Outreach Program described in sub-
subparagraph b.; and~~

~~4.d. For the purposes of The Transportation Regional
Incentive Program specified in s. 339.2819, in the amount of 25
percent of the these funds after deduction of the payments
required pursuant to subparagraphs 1. and 2. allocating for the
New Starts Transit Program described in sub-subparagraph a. and
the Small County Outreach Program described in sub-subparagraph
b. Effective July 1, 2014, The first \$60 million of the funds
allocated pursuant to this subparagraph ~~sub-subparagraph~~ shall
be allocated annually to the Florida Rail Enterprise for the
purposes established in s. 341.303(5).~~

~~(b)2. The Grants and Donations Trust Fund in the Department
of Economic Opportunity in the amount of The lesser of .1456 ~~.23~~
percent of the remainder or \$3.25 million in each fiscal year
shall be paid into the State Treasury to the credit of the
Grants and Donations Trust Fund in the Department of Economic
Opportunity to fund technical assistance to local governments.~~

~~3. The Ecosystem Management and Restoration Trust Fund in
the amount of the lesser of 2.12 percent of the remainder or \$30
million in each fiscal year, to be used for the preservation and
repair of the state's beaches as provided in ss. 161.091-
161.212.~~

~~4. General Inspection Trust Fund in the amount of the
lesser of .02 percent of the remainder or \$300,000 in each
fiscal year to be used to fund oyster management and restoration
programs as provided in s. 379.362(3).~~

Moneys distributed pursuant to paragraphs (a) and (b) ~~this~~



267346

~~paragraph~~ may not be pledged for debt service unless such pledge is approved by referendum of the voters.

~~(d) After the required payments under paragraphs (a), (b), and (c), the remainder shall be paid into the State Treasury to the credit of the General Revenue Fund to be used and expended for the purposes for which the General Revenue Fund was created and exists by law.~~

~~(2) The lesser of 7.56 percent of the remaining taxes or \$84.9 million in each fiscal year shall be distributed as follows:~~

~~(a) Six million and three hundred thousand dollars shall be paid into the State Treasury to the credit of the General Revenue Fund.~~

~~(b) The remainder shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund. Sums deposited in the fund pursuant to this subsection may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used.~~

~~(3)(a) The lesser of 1.94 percent of the remaining taxes or \$26 million in each fiscal year shall be distributed in the following order:~~

~~1. Amounts necessary to pay debt service or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to bonds issued before February 1, 2009, pursuant to this subsection shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund.~~

~~2. Eleven million dollars shall be paid into the State Treasury to the credit of the General Revenue Fund.~~

~~3. The remainder shall be paid into the State Treasury to~~



267346

~~the credit of the Land Acquisition Trust Fund.~~

~~(b) Moneys deposited in the Land Acquisition Trust Fund pursuant to this subsection shall be used to acquire coastal lands or to pay debt service on bonds issued to acquire coastal lands and to develop and manage lands acquired with moneys from the trust fund.~~

~~(4) The lesser of 4.2 percent of the remaining taxes or \$60.5 million in each fiscal year shall be paid into the State Treasury to the credit of the Water Management Lands Trust Fund. Sums deposited in that fund may be used for any purpose authorized in s. 373.59. An amount equal to the amounts necessary to pay debt service or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to bonds authorized pursuant to s. 215.619(1)(a)2. and the proviso associated with Specific Appropriation 1626A of the 2014-2015 General Appropriations Act shall be transferred annually from the Water Management Lands Trust Fund to the General Revenue Fund.~~

~~(5) Of the remaining taxes, 3.52 percent shall be paid into the State Treasury to the credit of the Conservation and Recreation Lands Trust Fund to carry out the purposes set forth in s. 259.032. Eleven and fifteen hundredths percent of the amount credited to the Conservation and Recreation Lands Trust Fund pursuant to this subsection shall be transferred to the State Game Trust Fund and used for land management activities.~~

~~(6) The lesser of 2.28 percent of the remaining taxes or \$34.1 million in each fiscal year shall be paid into the State Treasury to the credit of the Invasive Plant Control Trust Fund to carry out the purposes set forth in ss. 369.22 and 369.252.~~



267346

~~(7) The lesser of .5 percent of the remaining taxes or \$9.3 million in each fiscal year shall be paid into the State Treasury to the credit of the State Game Trust Fund to be used exclusively for the purpose of implementing the Lake Restoration 2020 Program.~~

~~(8) One-half of one percent of the remaining taxes shall be paid into the State Treasury and divided equally to the credit of the Department of Environmental Protection Water Quality Assurance Trust Fund to address water quality impacts associated with nonagricultural nonpoint sources and to the credit of the Department of Agriculture and Consumer Services General Inspection Trust Fund to address water quality impacts associated with agricultural nonpoint sources, respectively. These funds shall be used for research, development, demonstration, and implementation of suitable best management practices or other measures used to achieve water quality standards in surface waters and water segments identified pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best management practices and other measures may include cost-share grants, technical assistance, implementation tracking, and conservation leases or other agreements for water quality improvement. The Department of Environmental Protection and the Department of Agriculture and Consumer Services may adopt rules governing the distribution of funds for implementation of best management practices. The unobligated balance of funds received from the distribution of taxes collected under this chapter to address water quality impacts associated with nonagricultural nonpoint sources must be excluded when calculating the~~



267346

~~unobligated balance of the Water Quality Assurance Trust Fund as it relates to the determination of the applicable excise tax rate.~~

~~(c)(9)~~ Eleven and twenty-four ~~Seven and fifty-three~~ hundredths percent of the remainder ~~remaining taxes~~ in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund. ~~Out~~ Of such funds, ~~beginning in the 2012-2013 fiscal year,~~ the first \$35 million shall be transferred annually, subject to any distribution required pursuant to ~~under~~ subsection (5) ~~(15)~~, to the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. The remainder shall be used as follows:

1. ~~(a)~~ Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

2. ~~(b)~~ Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

~~(d)(10)~~ Twelve and ninety-three ~~Eight and sixty-six~~ hundredths percent of the remainder ~~remaining taxes~~ in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund. ~~Out~~ Of such funds, ~~beginning in the 2012-2013 fiscal year,~~ the first \$40 million shall be transferred annually, subject to any distribution required pursuant to ~~under~~ subsection (5) ~~(15)~~, to the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. The remainder shall be used as follows:

1. ~~(a)~~ Twelve and one-half percent of that amount shall be



267346

deposited into the State Housing Trust Fund and ~~be~~ expended by the Department of Economic Opportunity and ~~by~~ the Florida Housing Finance Corporation for the purposes for which the State Housing Trust Fund was created and exists by law.

2.~~(b)~~ Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

(e) The sum of \$1.16 million in each fiscal year shall be paid into the State Treasury to the credit of the Internal Improvement Trust Fund for the purpose of making payment in lieu of taxes under s. 259.032(12)(b).

~~(11) The distribution of proceeds deposited into the Water Management Lands Trust Fund and the Conservation and Recreation Lands Trust Fund, pursuant to subsections (4) and (5), may not be used for land acquisition but may be used for preacquisition costs associated with land purchases. The Legislature intends that the Florida Forever program supplant the acquisition programs formerly authorized under ss. 259.032 and 373.59.~~

~~(12) Amounts distributed pursuant to subsections (5), (6), (7), and (8) are subject to the payment of debt service on outstanding Conservation and Recreation Lands revenue bonds.~~

~~(13) In each fiscal year that the remaining taxes exceed collections in the prior fiscal year, the stated maximum dollar amounts provided in subsections (2), (4), (6), and (7) shall each be increased by an amount equal to 10 percent of the increase in the remaining taxes collected under this chapter~~



267346

~~multiplied by the applicable percentage provided in those subsections.~~

~~(14) If the payment requirements in any year for bonds outstanding on July 1, 2007, or bonds issued to refund such bonds, exceed the limitations of this section, distributions to the trust fund from which the bond payments are made must be increased to the lesser of the amount needed to pay bond obligations or the limit of the applicable percentage distribution provided in subsections (1)-(10).~~

~~(5)(15) Distributions to the State Housing Trust Fund pursuant to paragraphs (4)(c) and (d) subsections (9) and (10) must be sufficient to cover amounts required to be transferred to the Florida Affordable Housing Guarantee Program's annual debt service reserve and guarantee fund pursuant to s. 420.5092(6)(a) and (b) up to the amount required to be transferred to such reserve and fund based on the percentage distribution of documentary stamp tax revenues to the State Housing Trust Fund which is in effect in the 2004-2005 fiscal year.~~

~~(16) If amounts necessary to pay debt service or any other amounts payable with respect to Preservation 2000 bonds, Florida Forever bonds, or Everglades Restoration bonds authorized before January 1, 2015, exceed the amounts distributable pursuant to subsection (1), all moneys distributable pursuant to this section are available for such obligations and transferred in the amounts necessary to pay such obligations when due. However, amounts distributable pursuant to subsection (2), subsection (3), subsection (4), subsection (5), paragraph (9)(a), or paragraph (10)(a) are not available to pay such obligations to~~



267346

~~the extent that such moneys are necessary to pay debt service on bonds secured by revenues pursuant to those provisions.~~

(6) ~~(17)~~ After the distributions provided in the preceding subsections, any remaining taxes shall be paid into the State Treasury to the credit of the General Revenue Fund.

Section 10. Paragraphs (a) and (b) of subsection (6) of section 211.3103, Florida Statutes, are amended to read:

211.3103 Levy of tax on severance of phosphate rock; rate, basis, and distribution of tax.—

(6) (a) Beginning January 1, 2023 ~~July 1 of the 2011-2012 fiscal year~~, the proceeds of all taxes, interest, and penalties imposed under this section are exempt from the general revenue service charge provided in s. 215.20, and such proceeds shall be paid into the State Treasury as follows:

1. To the credit of the State Park ~~Conservation and Recreation Lands~~ Trust Fund, 25.5 percent.

2. To the credit of the General Revenue Fund of the state, 35.7 percent.

3. For payment to counties in proportion to the number of tons of phosphate rock produced from a phosphate rock matrix located within such political boundary, 12.8 percent. The department shall distribute this portion of the proceeds annually based on production information reported by the producers on the annual returns for the taxable year. Any such proceeds received by a county shall be used only for phosphate-related expenses.

4. For payment to counties that have been designated as a rural area of opportunity pursuant to s. 288.0656 in proportion to the number of tons of phosphate rock produced from a



267346

phosphate rock matrix located within such political boundary,
10.0 percent. The department shall distribute this portion of
the proceeds annually based on production information reported
by the producers on the annual returns for the taxable year.
Payments under this subparagraph shall be made to the counties
unless the Legislature by special act creates a local authority
to promote and direct the economic development of the county. If
such authority exists, payments shall be made to that authority.

5. To the credit of the Nonmandatory Land Reclamation Trust
Fund, 6.2 percent.

6. To the credit of the Phosphate Research Trust Fund in
the Division of Universities of the Department of Education, 6.2
percent.

7. To the credit of the Minerals Trust Fund, 3.6 percent.

(b) Notwithstanding paragraph (a), from January 1, 2015,
until December 31, 2022, the proceeds of all taxes, interest,
and penalties imposed under this section are exempt from the
general revenue service charge provided in s. 215.20, and such
proceeds shall be paid to the State Treasury as follows:

1. To the credit of the State Park ~~Conservation and
Recreation Lands~~ Trust Fund, 22.8 percent.

2. To the credit of the General Revenue Fund of the state,
31.9 percent.

3. For payment to counties pursuant to subparagraph (a)3.,
11.5 percent.

4. For payment to counties pursuant to subparagraph (a)4.,
8.9 percent.

5. To the credit of the Nonmandatory Land Reclamation Trust
Fund, 16.1 percent.



267346

6. To the credit of the Phosphate Research Trust Fund in the Division of Universities of the Department of Education, 5.6 percent.

7. To the credit of the Minerals Trust Fund, 3.2 percent.

Section 11. Subsection (2) of section 215.20, Florida Statutes, is amended to read:

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(2) Notwithstanding the provisions of subsection (1), the trust funds of the Department of Citrus and the Department of Agriculture and Consumer Services, including funds collected in the General Inspection Trust Fund for marketing orders and in the Florida Citrus Advertising Trust Fund, shall be subject to a 4 percent service charge, which is hereby appropriated to the General Revenue Fund. This subsection ~~paragraph~~ does not apply to ~~the Conservation and Recreation Lands Program Trust Fund~~, the Citrus Inspection Trust Fund, the Florida Forever Program Trust Fund, the Market Improvements Working Capital Trust Fund, the Pest Control Trust Fund, the Plant Industry Trust Fund, or other funds collected in the General Inspection Trust Fund in the Department of Agriculture and Consumer Services.

Section 12. Paragraph (a) of subsection (1) and subsections (2), (3), and (6) of section 215.618, Florida Statutes, are amended to read:

215.618 Bonds for acquisition and improvement of land, water areas, and related property interests and resources.—

(1)(a) The issuance of Florida Forever bonds, not to exceed \$5.3 billion, to finance or refinance the cost of acquisition and improvement of land, water areas, and related property



267346

interests and resources, in urban and rural settings, for the purposes of restoration, conservation, recreation, water resource development, or historical preservation, and for capital improvements to lands and water areas that accomplish environmental restoration, enhance public access and recreational enjoyment, promote long-term management goals, and facilitate water resource development is hereby authorized, subject to ~~the provisions of~~ s. 259.105 and pursuant to s. 11(e), Art. VII of the State Constitution and, on or after July 1, 2015, to also finance or refinance the acquisition and improvement of land, water areas, and related property interests as provided in s. 28, Art. X of the State Constitution. ~~Florida Forever bonds may also be issued to refund Preservation 2000 bonds issued pursuant to s. 375.051. The \$5.3 billion limitation on the issuance of Florida Forever bonds does not apply to refunding bonds. The duration of each series of Florida Forever bonds issued may not exceed 20 annual maturities. Preservation 2000 bonds and Florida Forever bonds shall be equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to s. 201.15(1)(a), except to the extent specifically provided otherwise by the documents authorizing the issuance of the bonds.~~

(2) The state covenants ~~does hereby covenant~~ with the holders of Florida Forever bonds ~~and Preservation 2000 bonds~~ that it will not take any action which will materially and adversely affect the rights of such holders so long as such bonds are outstanding, including, but not limited to, a reduction in the portion of documentary stamp taxes distributable to the Land Acquisition Trust Fund for payment of



267346

debt service on ~~Preservation 2000 bonds or~~ Florida Forever bonds.

(3) Bonds issued pursuant to this section are ~~shall be~~ payable from taxes distributable to the Land Acquisition Trust Fund pursuant to s. 201.15(1) ~~(a)~~. Bonds issued pursuant to this section do ~~shall~~ not constitute a general obligation of, or a pledge of the full faith and credit of, the state.

(6) Pursuant to authority granted under ~~by~~ s. 11(e), Art. VII of the State Constitution, there is hereby continued and re-created the Land Acquisition Trust Fund which shall ~~be a~~ ~~continuation of the Land Acquisition Trust Fund which exists for~~ ~~purposes of s. 9(a)(1), Art. XII of the State Constitution. The~~ ~~Land Acquisition Trust Fund shall continue beyond the~~ ~~termination of bonding authority provided for in s. 9(a)(1),~~ ~~Art. XII of the State Constitution, pursuant to the authority~~ ~~provided by s. 11(e), Art. VII of the State Constitution and~~ ~~shall~~ continue for so long as ~~Preservation 2000 bonds or~~ Florida Forever bonds are outstanding and secured by taxes distributable thereto or until the requirement of s. 28(a), Art. X of the State Constitution expires, whichever is later.

Section 13. Subsections (2) and (3) of section 215.619, Florida Statutes, are amended to read:

215.619 Bonds for Everglades restoration.—

(2) The state covenants with the holders of Everglades restoration bonds that it will not take any action that will materially and adversely affect the rights of the holders so long as the bonds are outstanding, including, but not limited to, a reduction in the portion of documentary stamp taxes distributable under s. 201.15(1) for payment of debt service on



267346

~~Preservation 2000 bonds,~~ Florida Forever bonds~~,~~ or Everglades restoration bonds.

(3) Everglades restoration bonds are payable from, and secured by a first lien on, taxes distributable under s. 201.15(1) ~~s. 201.15(1)(b)~~ and do not constitute a general obligation of, or a pledge of the full faith and credit of, the state. Everglades restoration bonds shall be secured on a parity basis with bonds secured by moneys distributable under s. 201.15(1) ~~s. 201.15(1)(a)~~.

Section 14. Subsection (5) of section 253.027, Florida Statutes, is amended to read:

253.027 Emergency archaeological property acquisition.—

(5) ACCOUNT EXPENDITURES.—

(a) No moneys shall be spent for the acquisition of any property, including title works, appraisal fees, and survey costs, unless:

1. The property is an archaeological property of major statewide significance.

2. The structures, artifacts, or relics, or their historic significance, will be irretrievably lost if the state cannot acquire the property.

3. The site is presently on an acquisition list for ~~Conservation and Recreation Lands or for~~ Florida Forever lands~~,~~ or complies with the criteria for inclusion on any such list, but has yet to be included on the list.

4. No other source of immediate funding is available to purchase or otherwise protect the property.

5. The site is not otherwise protected by local, state, or federal laws.



267346

6. The acquisition is not inconsistent with the state comprehensive plan and the state land acquisition program.

(b) No moneys shall be spent from the account for excavation or restoration of the properties acquired. Funds may be spent for preliminary surveys to determine if the sites meet the criteria of this section. An amount not to exceed \$100,000 may also be spent from the account to inventory and evaluate archaeological and historic resources on properties purchased, or proposed for purchase, pursuant to s. 259.105(3)(b) ~~s. 259.032~~.

Section 15. Subsection (12) of section 253.03, Florida Statutes, is amended to read:

253.03 Board of trustees to administer state lands; lands enumerated.—

(12) The Board of Trustees of the Internal Improvement Trust Fund is hereby authorized to administer, manage, control, conserve, protect, and sell all real property forfeited to the state pursuant to ss. 895.01-895.09 or acquired by the state pursuant to s. 607.0505 or former s. 620.192. The board is directed to immediately determine the value of all such property and shall ascertain whether the property is in any way encumbered. If the board determines that it is in the best interest of the state to do so, funds from the Internal Improvement Trust Fund may be used to satisfy any such encumbrances. If forfeited property receipts are not sufficient to satisfy encumbrances on the property and expenses permitted under this section, funds from another appropriate ~~the Land Acquisition~~ trust fund may be used to satisfy any such encumbrances and expenses. All property acquired by the board



267346

pursuant to s. 607.0505, former s. 620.192, or ss. 895.01-895.09 shall be sold as soon as commercially feasible unless the Attorney General recommends and the board determines that retention of the property in public ownership would effectuate one or more of the following policies of statewide significance: protection or enhancement of floodplains, marshes, estuaries, lakes, rivers, wilderness areas, wildlife areas, wildlife habitat, or other environmentally sensitive natural areas or ecosystems; or preservation of significant archaeological or historical sites identified by the Secretary of State. In such event the property shall remain in the ownership of the board, to be controlled, managed, and disposed of in accordance with this chapter, and the Internal Improvement Trust Fund shall be reimbursed from the Land Acquisition Trust Fund, or other appropriate fund designated by the board, for any funds expended from the Internal Improvement Trust Fund pursuant to this subsection in regard to such property. Upon the recommendation of the Attorney General, the board may reimburse the investigative agency for its investigative expenses, costs, and attorneys' fees, and may reimburse law enforcement agencies for actual expenses incurred in conducting investigations leading to the forfeiture of such property from funds deposited in the Internal Improvement Trust Fund of the Department of Environmental Protection. The proceeds of the sale of property acquired under s. 607.0505, former s. 620.192, or ss. 895.01-895.09 shall be distributed as follows:

(a) After satisfaction of any valid claims arising under ~~the provisions of~~ s. 895.09(1) (a) or (b), any moneys used to satisfy encumbrances and expended as costs of administration,



267346

appraisal, management, conservation, protection, sale, and real estate sales services and any interest earnings lost to the ~~Land Acquisition~~ trust fund that was used as of a date certified by the Department of Environmental Protection shall be replaced first in the ~~Land Acquisition~~ trust fund that was used to satisfy any such encumbrance or expense, if those funds were

used, and then in the Internal Improvement Trust Fund; and

(b) The remainder shall be distributed as set forth in s. 895.09.

Section 16. Subsection (3), paragraphs (a) and (k) through (n) of subsection (6), and subsections (10) and (11) of section 253.034, Florida Statutes, are amended to read:

253.034 State-owned lands; uses.—

(3) Recognizing ~~In recognition~~ that recreational trails purchased with rails-to-trails funds pursuant to former s. 259.101(3)(g), Florida Statutes 2014, or s. 259.105(3)(h) have had historic transportation uses and that their linear character may extend many miles, the Legislature intends that if ~~when~~ the necessity arises to serve public needs, after balancing the need to protect trail users from collisions with automobiles and a preference for the use of overpasses and underpasses to the greatest extent feasible and practical, transportation uses shall be allowed to cross recreational trails purchased pursuant to former s. 259.101(3)(g), Florida Statutes 2014, or s. 259.105(3)(h). When these crossings are needed, the location and design should consider and mitigate the impact on humans and environmental resources, and the value of the land shall be paid based on fair market value.

(6) The Board of Trustees of the Internal Improvement Trust



267346

Fund shall determine which lands, the title to which is vested in the board, may be surplus. For conservation lands, the board shall determine whether the lands are no longer needed for conservation purposes and may dispose of them by an affirmative vote of at least three members. In the case of a land exchange involving the disposition of conservation lands, the board must determine by an affirmative vote of at least three members that the exchange will result in a net positive conservation benefit. For all other lands, the board shall determine whether the lands are no longer needed and may dispose of them by an affirmative vote of at least three members.

(a) For the purposes of this subsection, all lands acquired by the state before July 1, 1999, using proceeds from Preservation 2000 bonds, the former Conservation and Recreation Lands Trust Fund, the former Water Management Lands Trust Fund, Environmentally Endangered Lands Program, and the Save Our Coast Program and titled to the board which are identified as core parcels or within original project boundaries are deemed to have been acquired for conservation purposes.

(k) Proceeds from the any sale of surplus conservation lands purchased before July 1, 2015, ~~pursuant to this subsection~~ shall be deposited into the Florida Forever Trust Fund ~~from which such lands were acquired.~~

(l) Proceeds from the sale of surplus conservation lands purchased on or after July 1, 2015, shall be deposited into the Land Acquisition Trust Fund or, if required by bond covenants, into the trust fund from which the lands were purchased. ~~However, if the fund from which the lands were originally acquired no longer exists, such proceeds shall be deposited into~~



267346

~~an appropriate account to be used for land management by the
lead managing agency assigned the lands before the lands were
declared surplus.~~

(m) Funds received from the sale of surplus nonconservation
lands, or lands that were acquired by gift, by donation, or for
no consideration, shall be deposited into the Internal
Improvement Trust Fund.

(n)~~(l)~~ Notwithstanding this subsection, such disposition of
land may not be made if it would have the effect of causing all
or any portion of the interest on any revenue bonds issued to
lose the exclusion from gross income for federal income tax
purposes.

(o)~~(m)~~ The sale of filled, formerly submerged land that
does not exceed 5 acres in area is not subject to review by the
council or its successor.

(p)~~(n)~~ The board may adopt rules to administer this section
which may include procedures for administering surplus land
requests and criteria for when the division may approve requests
to surplus nonconservation lands on behalf of the board.

(10) The following additional uses of conservation lands
acquired pursuant to the Florida Forever program and other
state-funded conservation land purchase programs shall be
authorized, upon a finding by the board of trustees, if they
meet the criteria specified in paragraphs (a)-(e): water
resource development projects, water supply development
projects, stormwater management projects, linear facilities, and
sustainable agriculture and forestry. Such additional uses are
authorized where:

(a) Not inconsistent with the management plan for such



267346

lands;

(b) Compatible with the natural ecosystem and resource values of such lands;

(c) The proposed use is appropriately located on such lands and where due consideration is given to the use of other available lands;

(d) The using entity reasonably compensates the titleholder for such use based upon an appropriate measure of value; and

(e) The use is consistent with the public interest.

A decision by the board of trustees pursuant to this section shall be given a presumption of correctness. Moneys received from the use of state lands pursuant to this section shall be returned to the lead managing entity in accordance with s. 259.032(9)(c) ~~the provisions of s. 259.032(11)(e).~~

(11) Lands listed as projects for acquisition may be managed for conservation pursuant to s. 259.032, on an interim basis by a private party in anticipation of a state purchase in accordance with a contractual arrangement between the acquiring agency and the private party that may include management service contracts, leases, cost-share arrangements or resource conservation agreements. Lands designated as eligible under this subsection shall be managed to maintain or enhance the resources the state is seeking to protect by acquiring the land. Funding for these contractual arrangements may originate from the documentary stamp tax revenue deposited into the Land Acquisition Conservation and Recreation Lands Trust Fund ~~and Water Management Lands Trust Fund~~. No more than \$6.2 million may be expended from the Land Acquisition Trust Fund ~~5 percent of~~



267346

~~funds allocated under the trust funds shall be expended~~ for this purpose.

Section 17. Section 253.7824, Florida Statutes, is amended to read:

253.7824 Sale of products; proceeds.—The department may authorize the removal and sale of products from the land where environmentally appropriate, the proceeds from which shall be deposited into the appropriate ~~in the Land Acquisition~~ trust fund pursuant to s. 253.034(6)(k), (l), or (m).

Section 18. Subsection (1) of section 258.435, Florida Statutes, is amended to read:

258.435 Use of aquatic preserves for the accommodation of visitors.—

(1) The Department of Environmental Protection shall promote the public use of aquatic preserves and their associated uplands. The department may receive gifts and donations to carry out the purpose of this part. Moneys received in trust by the department by gift, devise, appropriation, or otherwise, subject to the terms of such trust, shall be deposited into the Grants and Donations ~~Land Acquisition~~ Trust Fund and appropriated to the department for the administration, development, improvement, promotion, and maintenance of aquatic preserves and their associated uplands and for any future acquisition or development of aquatic preserves and their associated uplands.

Section 19. Section 259.032, Florida Statutes, is amended to read:

259.032 Conservation and recreation lands ~~Trust Fund,~~ purpose.—

(1) It is the policy of the state that the citizens of this



267346

state shall be assured public ownership of natural areas for purposes of maintaining this state's unique natural resources; protecting air, land, and water quality; promoting water resource development to meet the needs of natural systems and citizens of this state; promoting restoration activities on public lands; and providing lands for natural resource based recreation. In recognition of this policy, it is the intent of the Legislature to provide such public lands for the people residing in urban and metropolitan areas of the state, as well as those residing in less populated, rural areas. It is the further intent of the Legislature, with regard to the lands described in paragraph (2) (c) ~~(3) (e)~~, that a high priority be given to the acquisition, restoration, and management of such lands in or near counties exhibiting the greatest concentration of population and, with regard to the lands described in subsection (2) ~~(3)~~, that a high priority be given to acquiring lands or rights or interests in lands that advance the goals and objectives of the Fish and Wildlife Conservation Commission's approved species or habitat recovery plans, or lands within any area designated as an area of critical state concern under s. 380.05 which, in the judgment of the advisory council established pursuant to s. 259.035, or its successor, cannot be adequately protected by application of land development regulations adopted pursuant to s. 380.05. Finally, it is the Legislature's intent that lands acquired for conservation and recreation purposes ~~through this program and any successor programs~~ be managed in such a way as to protect or restore their natural resource values, and provide the greatest benefit, including public access, to the citizens of this state.



267346

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

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

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

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

~~(b) There shall annually be transferred from the Conservation and Recreation Lands Trust Fund to the Land Acquisition Trust Fund that amount, not to exceed \$20 million annually, as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts with respect to bonds issued pursuant to s. 375.051 to acquire lands on the established priority list developed pursuant to ss. 259.101(4) and 259.105; however, no moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service on the Save Our Coast revenue bonds. Amounts transferred annually from the Conservation and Recreation Lands Trust Fund to the Land Acquisition Trust Fund pursuant to this paragraph shall have the highest priority over other payments or transfers from the Conservation and Recreation Lands Trust Fund, and no other payments or transfers shall be made from the Conservation and Recreation Lands Trust Fund until such~~



267346

~~transfers to the Land Acquisition Trust Fund have been made.~~
~~Moneys in the Conservation and Recreation Lands Trust Fund also~~
~~shall be used to manage lands and to pay for related costs,~~
~~activities, and functions pursuant to the provisions of this~~
~~section.~~

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

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

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

(c) To conserve and protect native species habitat or
endangered or threatened species, emphasizing long-term
protection for endangered or threatened species designated G-1
or G-2 by the Florida Natural Areas Inventory, and especially
those areas that are special locations for breeding and
reproduction;

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



267346

(e) To promote water resource development that benefits natural systems and citizens of the state;

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

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

(h) To preserve significant archaeological or historic sites;

(i) To conserve urban open spaces suitable for greenways or outdoor recreation which are compatible with conservation purposes; or

(j) To preserve agricultural lands under threat of conversion to development through less-than-fee acquisitions.

~~(3)-(4)~~ Lands acquired for conservation and recreation purposes ~~under this section~~ shall be for use as state-designated parks, recreation areas, preserves, reserves, historic or archaeological sites, geologic or botanical sites, recreational trails, forests, wilderness areas, wildlife management areas, urban open space, or other state-designated recreation or conservation lands; or they shall qualify for such state designation and use if they are to be managed by other governmental agencies or nonstate entities as provided for in this section.

~~(4)-(5)~~ The board of trustees may expend appropriated funds ~~allocate, in any year, an amount not to exceed 5 percent of the money credited to the fund in that year, such allocation to be used~~ for the initiation and maintenance of a natural areas inventory to aid in the identification of areas to be acquired



267346

for conservation and recreation purposes ~~pursuant to this section.~~

~~(6) Moneys in the fund not needed to meet obligations incurred under this section shall be deposited with the Chief Financial Officer to the credit of the fund and may be invested in the manner provided by law. Interest received on such investments shall be credited to the Conservation and Recreation Lands Trust Fund.~~

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

(6) ~~(8)~~ Conservation and recreation lands ~~to be considered for purchase under this section~~ are subject to the selection procedures of s. 259.035 and related rules and shall be acquired in accordance with acquisition procedures for state lands provided for in s. 259.041, except as otherwise provided by the Legislature. An inholding or an addition to conservation and recreation lands ~~a project selected for purchase pursuant to this chapter~~ is not subject to the selection procedures of s. 259.035 if the estimated value of such inholding or addition does not exceed \$500,000. When at least 90 percent of the



267346

acreage of a project has been purchased for conservation and recreation purposes ~~pursuant to this chapter~~, the project may be removed from the list and the remaining acreage may continue to be purchased. Funds appropriated to acquire conservation and recreation lands ~~Moneys from the fund~~ may be used for title work, appraisal fees, environmental audits, and survey costs related to acquisition expenses for lands to be acquired, donated, or exchanged which qualify under the categories of this section, at the discretion of the board. When the Legislature has authorized the Department of Environmental Protection to condemn a specific parcel of land and such parcel has already been approved for acquisition ~~under this section~~, the land may be acquired in accordance with the provisions of chapter 73 or chapter 74, and the funds appropriated to acquire conservation and recreation lands ~~fund~~ may be used to pay the condemnation award and all costs, including a reasonable attorney's fee, associated with condemnation.

~~(7)-(9)~~ All lands managed under this chapter and s. 253.034 shall be:

(a) Managed in a manner that will provide the greatest combination of benefits to the public and to the resources.

(b) Managed for public outdoor recreation which is compatible with the conservation and protection of public lands. Such management may include, but not be limited to, the following public recreational uses: fishing, hunting, camping, bicycling, hiking, nature study, swimming, boating, canoeing, horseback riding, diving, model hobbyist activities, birding, sailing, jogging, and other related outdoor activities compatible with the purposes for which the lands were acquired.



267346

(c) Managed for the purposes for which the lands were acquired, consistent with paragraph (9) (a) ~~(11) (a)~~.

(d) Concurrent with its adoption of the annual ~~Conservation and Recreation Lands~~ list of acquisition projects pursuant to s. 259.035, the board of trustees shall adopt a management prospectus for each project. The management prospectus shall delineate:

1. The management goals for the property;
2. The conditions that will affect the intensity of management;
3. An estimate of the revenue-generating potential of the property, if appropriate;
4. A timetable for implementing the various stages of management and for providing access to the public, if applicable;
5. A description of potential multiple-use activities as described in this section and s. 253.034;
6. Provisions for protecting existing infrastructure and for ensuring the security of the project upon acquisition;
7. The anticipated costs of management and projected sources of revenue, including legislative appropriations, to fund management needs; and
8. Recommendations as to how many employees will be needed to manage the property, and recommendations as to whether local governments, volunteer groups, the former landowner, or other interested parties can be involved in the management.

(e) Concurrent with the approval of the acquisition contract pursuant to s. 259.041(3)(c) for any interest in lands except those lands being acquired under the provisions of s.



267346

259.1052, the board of trustees shall designate an agency or agencies to manage such lands. The board shall evaluate and amend, as appropriate, the management policy statement for the project as provided by s. 259.035, consistent with the purposes for which the lands are acquired. For any fee simple acquisition of a parcel which is or will be leased back for agricultural purposes, or any acquisition of a less-than-fee interest in land that is or will be used for agricultural purposes, the Board of Trustees of the Internal Improvement Trust Fund shall first consider having a soil and water conservation district, created pursuant to chapter 582, manage and monitor such interests.

(f) State agencies designated to manage lands acquired under this chapter or with funds deposited into the Land Acquisition Trust Fund pursuant to s. 28(a), Art. X of the State Constitution, except those lands acquired under s. 259.1052, may contract with local governments and soil and water conservation districts to assist in management activities, including the responsibility of being the lead land manager. Such land management contracts may include a provision for the transfer of management funding to the local government or soil and water conservation district from the land acquisition ~~Conservation and Recreation Lands~~ trust fund of the lead land managing agency in an amount adequate for the local government or soil and water conservation district to perform its contractual land management responsibilities and proportionate to its responsibilities, and which otherwise would have been expended by the state agency to manage the property.

(g) Immediately following the acquisition of any interest in conservation and recreation lands ~~under this chapter,~~ the



267346

Department of Environmental Protection, acting on behalf of the board of trustees, may issue to the lead managing entity an interim assignment letter to be effective until the execution of a formal lease.

~~(8)-(10)~~ (a) State, regional, or local governmental agencies or private entities designated to manage lands under this section shall develop and adopt, with the approval of the board of trustees, an individual management plan for each project designed to conserve and protect such lands and their associated natural resources. Private sector involvement in management plan development may be used to expedite the planning process.

(b) Individual management plans required by s. 253.034(5), for parcels over 160 acres, shall be developed with input from an advisory group. Members of this advisory group shall include, at a minimum, representatives of the lead land managing agency, comanaging entities, local private property owners, the appropriate soil and water conservation district, a local conservation organization, and a local elected official. The advisory group shall conduct at least one public hearing within the county in which the parcel or project is located. For those parcels or projects that are within more than one county, at least one areawide public hearing shall be acceptable and the lead managing agency shall invite a local elected official from each county. The areawide public hearing shall be held in the county in which the core parcels are located. Notice of such public hearing shall be posted on the parcel or project designated for management, advertised in a paper of general circulation, and announced at a scheduled meeting of the local governing body before the actual public hearing. The management



267346

prospectus required pursuant to paragraph (7) (d) ~~(9) (d)~~ shall be available to the public for a period of 30 days prior to the public hearing.

(c) Once a plan is adopted, the managing agency or entity shall update the plan at least every 10 years in a form and manner prescribed by rule of the board of trustees. Such updates, for parcels over 160 acres, shall be developed with input from an advisory group. Such plans may include transfers of leasehold interests to appropriate conservation organizations or governmental entities designated by the Land Acquisition and Management Advisory Council or its successor, for uses consistent with the purposes of the organizations and the protection, preservation, conservation, restoration, and proper management of the lands and their resources. Volunteer management assistance is encouraged, including, but not limited to, assistance by youths participating in programs sponsored by state or local agencies, by volunteers sponsored by environmental or civic organizations, and by individuals participating in programs for committed delinquents and adults.

(d)1. For each project for which lands are acquired after July 1, 1995, an individual management plan shall be adopted and in place no later than 1 year after the essential parcel or parcels identified in the priority list developed pursuant to s. 259.105 ~~ss. 259.101(4) and 259.105~~ have been acquired. The Department of Environmental Protection shall distribute only 75 percent of the acquisition funds to which a budget entity or water management district would otherwise be entitled ~~from the Preservation 2000 Trust Fund~~ to any budget entity or any water management district that has more than one-third of its



267346

management plans overdue.

2. The requirements of subparagraph 1. do not apply to the individual management plan for the Babcock Crescent B Ranch being acquired pursuant to s. 259.1052. The management plan for the ranch shall be adopted and in place no later than 2 years following the date of acquisition by the state.

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

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

2. Key management activities necessary to achieve the desired outcomes, including, but not limited to, providing public access, preserving and protecting natural resources, protecting cultural and historical resources, restoring habitat, protecting threatened and endangered species, controlling the spread of nonnative plants and animals, performing prescribed fire activities, and other appropriate resource management.

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

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

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

6. A cost estimate for conducting other management



267346

activities which would enhance the natural resource value or public recreation value for which the lands were acquired. The cost estimate shall include recommendations for cost-effective methods of accomplishing those activities.

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

(f) The Division of State Lands shall submit a copy of each individual management plan for parcels which exceed 160 acres in size to each member of the Acquisition and Restoration Council, which shall:

1. Within 60 days after receiving a plan from the division, review each plan for compliance with the requirements of this subsection and with the requirements of the rules established by the board pursuant to this subsection.

2. Consider the propriety of the recommendations of the managing agency with regard to the future use or protection of the property.

3. After its review, submit the plan, along with its recommendations and comments, to the board of trustees, with recommendations as to whether to approve the plan as submitted, approve the plan with modifications, or reject the plan.

(g) The board of trustees shall consider the individual management plan submitted by each state agency and the recommendations of the Acquisition and Restoration Council and the Division of State Lands and shall approve the plan with or without modification or reject such plan. The use or possession of any lands owned by the board of trustees which is not in accordance with an approved individual management plan is



267346

subject to termination by the board of trustees.

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

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

(b) An amount of not less than 1.5 percent of the cumulative total of funds ever deposited into the Florida Preservation 2000 Trust Fund and the Florida Forever Trust Fund shall be made available for the purposes of management, maintenance, and capital improvements ~~not eligible for funding pursuant to s. 11(c), Art. VII of the State Constitution,~~ and for associated contractual services, for conservation and recreation lands acquired with funds deposited into the Land Acquisition Trust Fund pursuant to s. 28(a), Art. X of the State Constitution or pursuant to former s. 259.032, Florida Statutes 2014 ~~this section, former s. 259.101, Florida Statutes 2014,~~ s.



267346

259.105, s. 259.1052, or previous programs for the acquisition of lands for conservation and recreation, including state forests, to which title is vested in the board of trustees and other conservation and recreation lands managed by a state agency. ~~Of this amount, \$250,000 shall be transferred annually to the Plant Industry Trust Fund within the Department of Agriculture and Consumer Services for the purpose of implementing the Endangered or Threatened Native Flora Conservation Grants Program pursuant to s. 581.185(11).~~ Each agency with management responsibilities shall annually request from the Legislature funds sufficient to fulfill such responsibilities to implement individual management plans. For the purposes of this paragraph, capital improvements shall include, but need not be limited to, perimeter fencing, signs, firelanes, access roads and trails, and minimal public accommodations, such as primitive campsites, garbage receptacles, and toilets. Any equipment purchased with funds provided pursuant to this paragraph may be used for the purposes described in this paragraph on any conservation and recreation lands managed by a state agency. ~~The funding requirement created in this paragraph is subject to an annual evaluation by the Legislature in order to ensure that such requirement does not impact the respective trust fund in a manner that would prevent the trust fund from meeting other minimum requirements.~~

(c) All revenues generated through multiple-use management or compatible secondary-use management shall be returned to the lead agency responsible for such management and shall be used to pay for management activities on all conservation, preservation, and recreation lands under the agency's jurisdiction. In



267346

addition, such revenues shall be segregated in an agency trust fund and shall remain available to the agency in subsequent fiscal years to support land management appropriations. For the purposes of this paragraph, compatible secondary-use management shall be those activities described in subsection (7) ~~(9)~~ undertaken on parcels designated as single use pursuant to s. 253.034(2) (b) .

(d) Up to one-fifth of the funds appropriated for the purposes identified ~~provided for~~ in paragraph (b) shall be reserved by the board of trustees for interim management of acquisitions and for associated contractual services, to ensure the conservation and protection of natural resources on project sites and to allow limited public recreational use of lands. Interim management activities may include, but not be limited to, resource assessments, control of invasive, nonnative species, habitat restoration, fencing, law enforcement, controlled burning, and public access consistent with preliminary determinations made pursuant to paragraph (7) (g) ~~(9) (g)~~. The board of trustees shall make these interim funds available immediately upon purchase.

(e) The department shall set long-range and annual goals for the control and removal of nonnative, invasive plant species on public lands. Such goals shall differentiate between aquatic plant species and upland plant species. In setting such goals, the department may rank, in order of adverse impact, species that impede or destroy the functioning of natural systems. Notwithstanding paragraph (a), up to one-fourth of the funds provided for in paragraph (b) may be used by the agencies receiving those funds for control and removal of nonnative,



267346

invasive species on public lands.

~~(f) For the 2014-2015 fiscal year only, moneys in the Conservation and Recreation Lands Trust Fund may be transferred to the Florida Forever Trust Fund for the Florida Forever program and to the Save Our Everglades Trust Fund to support Everglades restoration projects included in the final report of the Select Committee on Indian River Lagoon and Lake Okeechobee Basin, dated November 8, 2013, pursuant to nonoperating budget authority under s. 216.181(12). This subsection expires July 1, 2015.~~

~~(10)(12)(a) Beginning July 1, 1999, The Legislature may expend shall make available sufficient funds annually from an appropriate the Conservation and Recreation Lands trust fund to the department for payment in lieu of taxes to qualifying counties and local governments as defined in paragraph (b) for all actual tax losses incurred as a result of board of trustees acquisitions for state agencies under the Florida Forever program or the former Florida Preservation 2000 program during any year. Reserved funds not used for payments in lieu of taxes in any year shall revert to the fund to be used for land management in accordance with the provisions of this section.~~

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

1. To all counties that have a population of 150,000 or fewer. Population levels shall be determined pursuant to s. 11.031.

2. To all local governments located in eligible counties.

3. To Glades County, where a privately owned and operated prison leased to the state has recently been opened and where privately owned and operated juvenile justice facilities leased



267346

to the state have recently been constructed and opened, a payment in lieu of taxes, in an amount that offsets the loss of property tax revenue, which funds have already been appropriated and allocated from the Department of Correction's budget for the purpose of reimbursing amounts equal to lost ad valorem taxes.

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

(d) The payment amount shall be based on the average amount of actual taxes paid on the property for the 3 years preceding acquisition. Applications for payment in lieu of taxes shall be made no later than January 31 of the year following acquisition. No payment in lieu of taxes shall be made for properties which were exempt from ad valorem taxation for the year immediately preceding acquisition.

(e) If property which was subject to ad valorem taxation was acquired by a tax-exempt entity for ultimate conveyance to the state under this chapter, payment in lieu of taxes shall be made for such property based upon the average amount of taxes paid on the property for the 3 years prior to its being removed from the tax rolls. The department shall certify to the Department of Revenue those properties that may be eligible under this provision. Once eligibility has been established, that county or local government shall receive annual payments for each tax loss until the qualifying county or local government exceeds the population threshold pursuant to this section.

(f) Payment in lieu of taxes pursuant to this subsection



267346

shall be made annually to qualifying counties and local governments after certification by the Department of Revenue that the amounts applied for are reasonably appropriate, based on the amount of actual taxes paid on the eligible property.

With the assistance of the local government requesting payment in lieu of taxes, the state agency that acquired the land is responsible for preparing and submitting application requests for payment to the Department of Revenue for certification.

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

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

~~(13) Moneys credited to the fund each year which are not used for management, maintenance, or capital improvements pursuant to subsection (11); for payment in lieu of taxes pursuant to subsection (12); or for the purposes of subsection (5), shall be available for the acquisition of land pursuant to this section.~~

(11)~~(14)~~ The board of trustees may adopt rules to further define the categories of land for acquisition under this chapter.

(12)~~(15)~~ Within 90 days after receiving a certified letter from the owner of a property on the ~~Conservation and Recreation~~



267346

~~Lands list or the~~ priority list established pursuant to s. 259.105 objecting to the property being included in an acquisition project, where such property is a project or part of a project which has not been listed for purchase in the current year's land acquisition work plan, the board of trustees shall delete the property from the list or from the boundary of an acquisition project on the list.

Section 20. Subsections (3), (4), and (6) of section 259.035, Florida Statutes, are amended to read:

259.035 Acquisition and Restoration Council.—

(3) The council shall provide assistance to the board of trustees in reviewing the recommendations and plans for state-owned lands required under s. 253.034 and chapter 259 ss. ~~253.034 and 259.032~~. The council shall, in reviewing such recommendations and plans, consider the optimization of multiple-use and conservation strategies to accomplish the provisions funded pursuant to former s. 259.101(3)(a), Florida Statutes 2014, and to s. 259.105(3)(b) ss. 259.101(3)(a) and 259.105(3)(b).

~~(4)(a) The council may use existing rules adopted by the board of trustees, until it develops and recommends amendments to those rules, to competitively evaluate, select, and rank projects eligible for the Conservation and Recreation Lands list pursuant to ss. 259.032(3) and 259.101(4).~~

~~(a)(b)~~ By January 1, 2017 ~~December 1, 2009~~, the Acquisition and Restoration Council shall develop rules defining specific criteria and numeric performance measures needed for lands that are to be acquired for public purpose with funds deposited into the Land Acquisition Trust Fund pursuant to s. 28(a), Art. X of



267346

~~the State Constitution under the Florida Forever program~~
~~pursuant to s. 259.105. Each recipient of Florida Forever funds~~
~~shall assist the council in the development of such rules. These~~
rules shall be reviewed and adopted by the board, then submitted
to the Legislature for consideration by February 1, 2017 ~~2010~~.
The Legislature may reject, modify, or take no action relative
to the proposed rules. If no action is taken, the rules shall be
implemented. Subsequent to their approval, each recipient of
~~Florida Forever funds~~ from the Land Acquisition Trust Fund shall
annually report to the Division of State Lands on each of the
numeric performance measures accomplished during the previous
fiscal year.

(b) ~~(e)~~ In developing or amending rules, the council shall
give weight to the criteria included in s. 259.105(10). The
board of trustees shall review the recommendations and shall
adopt rules necessary to administer this section.

(6) The proposal for a project pursuant to this section or
s. 259.105(3)(b) may be implemented only if adopted by the
council and approved by the board of trustees. The council shall
consider and evaluate in writing the merits and demerits of each
project that is proposed for acquisition using funds available
pursuant to s. 28, Art. X of the State Constitution ~~Conservation~~
~~and Recreation Lands, Florida Preservation 2000,~~ or Florida
Forever funding and shall ensure that each proposed project
meets the requirements of s. 28, Art. X of the State
Constitution ~~will meet a stated public purpose for the~~
~~restoration, conservation, or preservation of environmentally~~
~~sensitive lands and water areas or for providing outdoor~~
~~recreational opportunities.~~ The council also shall determine



267346

whether the project conforms, where applicable, with the comprehensive plan developed pursuant to s. 259.04(1)(a), the comprehensive multipurpose outdoor recreation plan developed pursuant to s. 375.021, the state lands management plan adopted pursuant to s. 253.03(7), the water resources work plans developed pursuant to s. 373.199, and the provisions of s. 259.032, s. 259.101, or s. 259.105, whichever is applicable.

Section 21. Subsection (4) of section 259.036, Florida Statutes, is amended to read:

259.036 Management review teams.—

(4) In the event a land management plan has not been adopted within the timeframes specified in s. 259.032(8) ~~s. 259.032(10)~~, the department may direct a management review of the property, to be conducted by the land management review team. The review shall consider the extent to which the land is being managed for the purposes for which it was acquired and the degree to which actual management practices are in compliance with the management policy statement and management prospectus for that property.

Section 22. Paragraph (b) of subsection (3) of section 259.037, Florida Statutes, is amended to read:

259.037 Land Management Uniform Accounting Council.—

(3)

(b) Each reporting agency shall also:

1. Include a report of the available public use opportunities for each management unit of state land, the total management cost for public access and public use, and the cost associated with each use option.

2. List the acres of land requiring minimal management



267346

effort, moderate management effort, and significant management effort pursuant to s. 259.032(9)(c) ~~former s. 259.032(11)(c)~~.

For each category created in paragraph (a), the reporting agency shall include the amount of funds requested, the amount of funds received, and the amount of funds expended for land management.

3. List acres managed and cost of management for each park, preserve, forest, reserve, or management area.

4. List acres managed, cost of management, and lead manager for each state lands management unit for which secondary management activities were provided.

5. Include a report of the estimated calculable financial benefits to the public for the ecosystem services provided by conservation lands, based on the best readily available information or science that provides a standard measurement methodology to be consistently applied by the land managing agencies. Such information may include, but need not be limited to, the value of natural lands for protecting the quality and quantity of drinking water through natural water filtration and recharge, contributions to protecting and improving air quality, benefits to agriculture through increased soil productivity and preservation of biodiversity, and savings to property and lives through flood control.

Section 23. Subsection (1) of section 259.04, Florida Statutes, is amended to read:

259.04 Board; powers and duties.—

(1) For projects and acquisitions selected for purchase pursuant to ss. 259.035, ~~259.101~~, and 259.105:

(a) The board is given the responsibility, authority, and power to develop and execute a comprehensive, statewide 5-year



267346

plan to conserve, restore, and protect environmentally endangered lands, ecosystems, lands necessary for outdoor recreational needs, and other lands as identified in ss. 259.032, ~~259.101~~, and 259.105. This plan shall be kept current through continual reevaluation and revision. The advisory council or its successor shall assist the board in the development, reevaluation, and revision of the plan.

(b) The board may enter into contracts with the government of the United States or any agency or instrumentality thereof; the state or any county, municipality, district authority, or political subdivision; or any private corporation, partnership, association, or person providing for or relating to the conservation or protection of certain lands in accomplishing the purposes of this chapter.

(c) Within 45 days after the advisory council or its successor submits the lists of projects to the board, the board shall approve, in whole or in part, the lists of projects in the order of priority in which such projects are presented. To the greatest extent practicable, projects on the lists shall be acquired in their approved order of priority.

(d) The board is authorized to acquire, by purchase, gift, or devise or otherwise, the fee title or any lesser interest of lands, water areas, and related resources for environmentally endangered lands.

Section 24. Paragraphs (a) and (b) of subsection (11) and subsection (15) of section 259.041, Florida Statutes, are amended to read:

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



267346

(11) (a) The Legislature finds that, with the increasing pressures on the natural areas of this state and on open space suitable for recreational use, the state must develop creative techniques to maximize the use of acquisition and management funds. The Legislature also finds that the state's conservation and recreational land acquisition agencies should be encouraged to augment their traditional, fee simple acquisition programs with the use of alternatives to fee simple acquisition techniques. Additionally, the Legislature finds that generations of private landowners have been good stewards of their land, protecting or restoring native habitats and ecosystems to the benefit of the natural resources of this state, its heritage, and its citizens. The Legislature also finds that using alternatives to fee simple acquisition by public land acquisition agencies will achieve the following public policy goals:

1. Allow more lands to be brought under public protection for preservation, conservation, and recreational purposes with less expenditure of public funds.

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

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

Therefore, it is the intent of the Legislature that public land acquisition agencies develop programs to pursue alternatives to fee simple acquisition and to educate private landowners about such alternatives and the benefits of such alternatives. It is



267346

also the intent of the Legislature that a portion of the shares of ~~Preservation 2000~~ and Florida Forever bond proceeds be used to purchase eligible properties using alternatives to fee simple acquisition.

(b) All project applications shall identify, within their acquisition plans, projects that require a full fee simple interest to achieve the public policy goals, together with the reasons full title is determined to be necessary. The state agencies and the water management districts may use alternatives to fee simple acquisition to bring the remaining projects in their acquisition plans under public protection. For the purposes of this subsection, the term "alternatives to fee simple acquisition" includes, but is not limited to: purchase of development rights; obtaining conservation easements; obtaining flowage easements; purchase of timber rights, mineral rights, or hunting rights; purchase of agricultural interests or silvicultural interests; ~~entering into land protection agreements as defined in s. 380.0677(3);~~ fee simple acquisitions with reservations; creating life estates; or any other acquisition technique that achieves the public policy goals listed in paragraph (a). It is presumed that a private landowner retains the full range of uses for all the rights or interests in the landowner's land which are not specifically acquired by the public agency. The lands upon which hunting rights are specifically acquired pursuant to this paragraph shall be available for hunting in accordance with the management plan or hunting regulations adopted by the Florida Fish and Wildlife Conservation Commission, unless the hunting rights are purchased specifically to protect activities on adjacent lands.



267346

(15) The board of trustees, by an affirmative vote of at least three of its members, may direct the department to purchase lands on an immediate basis using up to 15 percent of the funds allocated to the department pursuant to s. 259.105 ~~ss. 259.101(3)(a) and 259.105~~ for the acquisition of lands that:

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

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

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

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

Section 25. Section 259.101, Florida Statutes, is amended



267346

to read:

259.101 Florida Preservation 2000 Act.—

(1) SHORT TITLE.—This section may be cited as the “Florida Preservation 2000 Act.”

(2) LEGISLATIVE FINDINGS.—The Legislature finds and declares that:

(a) The alteration and development of Florida’s natural areas to accommodate its rapidly growing population have contributed to the degradation of water resources, the fragmentation and destruction of wildlife habitats, the loss of recreation space, and the diminishment of wetlands and forests.

(b) Imminent development of Florida’s remaining natural areas and continuing increases in land values necessitate an aggressive program of public land acquisition during the next decade to preserve the quality of life that attracts so many people to Florida.

(c) Acquisition of public lands, in fee simple or in any lesser interest, should be based on a comprehensive assessment of Florida’s natural resources and planned so as to protect the integrity of ecological systems and to provide multiple benefits, including preservation of fish and wildlife habitat, recreation space, and water recharge areas. Governmental agencies responsible for public land acquisition should work together to purchase lands jointly and to coordinate individual purchases within ecological systems.

(d) One of the purposes of the Florida Communities Trust program is to acquire, protect, and preserve open space and recreation properties within urban areas where pristine animal and plant communities no longer exist. These areas are often



267346

overlooked in other programs because of their smaller size and proximity to developed property. These smaller parcels are, however, critically important to the quality of life in these urban areas for the residents who live there as well as to the many visitors to the state. The trust shall consider projects submitted by local governments which further the goals, objectives, and policies of the conservation, recreation and open space, or coastal elements of their local comprehensive plans or which serve to conserve natural resources or resolve land use conflicts.

(e) South Florida's water supply and unique natural environment depend on the protection of lands buffering the East Everglades and the Everglades water conservation areas.

In addition, the Legislature recognizes the conflicting desires of the citizens of this state to prosper through economic development and to preserve the natural areas of Florida that development threatens to claim. The Legislature further recognizes the urgency of acquiring natural areas in the state for preservation, yet acknowledges the difficulty of ensuring adequate funding for accelerated acquisition in light of other equally critical financial needs of the state. ~~It is the Legislature's desire and intent to fund the implementation of the Florida Preservation 2000 Act for each of the 10 years of the program's duration and to do so in a fiscally responsible manner.~~

(3) TITLE TO CERTAIN PROPERTY ACQUIRED WITH PRESERVATION 2000 BONDS ~~LAND ACQUISITION PROGRAMS SUPPLEMENTED. Less the costs of issuance, the costs of funding reserve accounts, and~~



267346

~~other costs with respect to the bonds, the proceeds of bonds issued pursuant to this act shall be deposited into the Florida Preservation 2000 Trust Fund created by s. 375.045. In fiscal year 2000-2001, for each Florida Preservation 2000 program described in paragraphs (a)-(g), that portion of each program's total remaining cash balance which, as of June 30, 2000, is in excess of that program's total remaining appropriation balances shall be redistributed by the department and deposited into the Save Our Everglades Trust Fund for land acquisition. For purposes of calculating the total remaining cash balances for this redistribution, the Florida Preservation 2000 Series 2000 bond proceeds, including interest thereon, and the fiscal year 1999-2000 General Appropriations Act amounts shall be deducted from the remaining cash and appropriation balances, respectively. The remaining proceeds shall be distributed by the Department of Environmental Protection in the following manner:~~

~~(a) Fifty percent to the Department of Environmental Protection for the purchase of public lands as described in s. 259.032. Of this 50 percent, at least one-fifth shall be used for the acquisition of coastal lands.~~

~~(b) Thirty percent to the Department of Environmental Protection for the purchase of water management lands pursuant to s. 373.59, to be distributed among the water management districts as provided in that section. Funds received by each district may also be used for acquisition of lands necessary to implement surface water improvement and management plans or for acquisition of lands necessary to implement the Everglades Construction Project authorized by s. 373.4592.~~

~~(c) Ten percent to the Department of Environmental~~



267346

~~Protection to provide land acquisition grants and loans to local governments through the Florida Communities Trust pursuant to part III of chapter 380. From funds allocated to the trust, \$3 million annually shall be used by the Division of State Lands within the Department of Environmental Protection to implement the Green Swamp Land Protection Initiative specifically for the purchase of conservation easements, as defined in s. 380.0677(3), of lands, or severable interests or rights in lands, in the Green Swamp Area of Critical State Concern. From funds allocated to the trust, \$3 million annually shall be used by the Monroe County Comprehensive Plan Land Authority specifically for the purchase of a real property interest in those lands subject to the Rate of Growth Ordinances adopted by local governments in Monroe County or those lands within the boundary of an approved Conservation and Recreation Lands project located within the Florida Keys or Key West Areas of Critical State Concern; however, title to lands acquired within the boundary of an approved Conservation and Recreation Lands project may, in accordance with an approved joint acquisition agreement, vest in the Board of Trustees of the Internal Improvement Trust Fund. Of the remaining funds, one-half shall be matched by local governments on a dollar-for-dollar basis. To the extent allowed by federal requirements for the use of bond proceeds, the trust shall expend Preservation 2000 funds to carry out the purposes of part III of chapter 380.~~

~~(d) Two and nine-tenths percent to the Department of Environmental Protection for the purchase of inholdings and additions to state parks. For the purposes of this paragraph, "state park" means all real property in the state under the~~



267346

~~jurisdiction of the Division of Recreation and Parks of the
department, or which may come under its jurisdiction.~~

~~(e) Two and nine-tenths percent to the Florida Forest
Service of the Department of Agriculture and Consumer Services
to fund the acquisition of state forest inholdings and additions
pursuant to s. 589.07.~~

~~(f) Two and nine-tenths percent to the Fish and Wildlife
Conservation Commission to fund the acquisition of inholdings
and additions to lands managed by the commission which are
important to the conservation of fish and wildlife.~~

~~(g) One and three-tenths percent to the Department of
Environmental Protection for the Florida Greenways and Trails
Program, to acquire greenways and trails or greenways and trails
systems pursuant to chapter 260, including, but not limited to,
abandoned railroad rights-of-way and the Florida National Scenic
Trail.~~

~~Local governments may use federal grants or loans, private
donations, or environmental mitigation funds, including
environmental mitigation funds required pursuant to s. 338.250,
for any part or all of any local match required for the purposes
described in this subsection. Bond proceeds allocated pursuant
to paragraph (c) may be used to purchase lands on the priority
lists developed pursuant to s. 259.035. Title to lands purchased
pursuant to former paragraphs (a), (d), (e), (f), or and (g) of
this subsection, Florida Statutes 2014, shall be vested in the
Board of Trustees of the Internal Improvement Trust Fund. Title
to lands purchased pursuant to former paragraph (c) of this
subsection, Florida Statutes 2014, may be vested in the Board of~~



267346

Trustees of the Internal Improvement Trust Fund. The board of trustees shall hold title to land protection agreements and conservation easements that were ~~or will be~~ acquired pursuant to former s. 380.0677, Florida Statutes 2014, and the Southwest Florida Water Management District and the St. Johns River Water Management District shall monitor such agreements and easements within their respective districts until the state assumes this responsibility.

~~(4) PROJECT CRITERIA.—~~

~~(a) Proceeds of bonds issued pursuant to this act and distributed pursuant to paragraphs (3) (a) and (b) shall be spent only on projects which meet at least one of the following criteria, as determined pursuant to paragraphs (b) and (c):~~

~~1. A significant portion of the land in the project is in imminent danger of development, in imminent danger of loss of its significant natural attributes, or in imminent danger of subdivision which will result in multiple ownership and may make acquisition of the project more costly or less likely to be accomplished;~~

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

~~3. A significant portion of the land in the project serves to protect or recharge groundwater and to protect other valuable natural resources or provide space for natural resource based recreation;~~

~~4. The project can be purchased at 80 percent of appraised~~



267346

~~value or less;~~

~~5. A significant portion of the land in the project serves as habitat for endangered, threatened, or rare species or serves to protect natural communities which are listed by the Florida Natural Areas Inventory as critically imperiled, imperiled, or rare, or as excellent quality occurrences of natural communities; or~~

~~6. A significant portion of the land serves to preserve important archaeological or historical sites.~~

~~(b) Each year that bonds are to be issued pursuant to this act, the Land Acquisition and Management Advisory Council shall review that year's approved Conservation and Recreation Lands priority list and shall, by the first board meeting in February, present to the Board of Trustees of the Internal Improvement Trust Fund for approval a listing of projects on the list which meet one or more of the criteria listed in paragraph (a). The board may remove projects from the list developed pursuant to this paragraph, but may not add projects.~~

~~(c) Each year that bonds are to be issued pursuant to this act, each water management district governing board shall review the lands on its current year's Save Our Rivers 5-year plan and shall, by January 15, adopt a listing of projects from the plan which meet one or more of the criteria listed in paragraph (a).~~

~~(d) In the acquisition of coastal lands pursuant to paragraph (3)(a), the following additional criteria shall also be considered:~~

~~1. The value of acquiring coastal high-hazard parcels, consistent with hazard mitigation and postdisaster redevelopment policies, in order to minimize the risk to life and property and~~



267346

~~to reduce the need for future disaster assistance.~~

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

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

~~When a nonprofit environmental organization which is tax-exempt pursuant to s. 501(c)(3) of the United States Internal Revenue Code sells land to the state, such land at the time of such sale shall be deemed to meet one or more of the criteria listed in paragraph (a) if such land meets one or more of the criteria at the time the organization purchases it. Listings of projects compiled pursuant to paragraphs (b) and (c) may be revised to include projects on the Conservation and Recreation Lands priority list or in a water management district's 5-year plan which come under the criteria in paragraph (a) after the dates specified in paragraph (b) or paragraph (c). The requirement of paragraph (3)(a) regarding coastal lands is met as long as an average of one-fifth of the cumulative proceeds allocated through fiscal year 1999-2000 pursuant to that paragraph is used to purchase coastal lands.~~

~~(c) The Legislature finds that the Florida Preservation 2000 Program has provided financial resources that have enabled the acquisition of significant amounts of land for public ownership in the first 7 years of the program's existence. In the remaining years of the Florida Preservation 2000 Program, agencies that receive funds are encouraged to better coordinate their expenditures so that future acquisitions, when combined~~



267346

~~with previous acquisitions, will form more complete patterns of protection for natural areas and functioning ecosystems to better accomplish the intent of paragraph (2) (c).~~

~~(f) The Legislature intends that, in the remaining years of the Florida Preservation 2000 Program, emphasis be given to the completion of projects in which one or more parcels have already been acquired and to the acquisition of lands containing ecological resources which are either not represented or underrepresented on lands currently in public ownership. The Legislature also intends that future acquisitions under the Florida Preservation 2000 Program be limited to projects on the current project lists, or any additions to the list as determined and prioritized by the study, or those projects that can reasonably be expected to be acquired by the end of the Florida Preservation 2000 Program.~~

~~(4) FLORIDA FOREST SERVICE FUND USE.- (5) Any funds received by the Florida Forest Service from the Preservation 2000 Trust Fund pursuant to paragraph (3) (c) shall be used only to pay the cost of the acquisition of lands in furtherance of outdoor recreation and natural resources conservation in this state. The administration and use of any funds received by the Florida Forest Service from the Preservation 2000 Trust Fund will be subject to such terms and conditions imposed thereon by the agency of the state responsible for the issuance of the revenue bonds, the proceeds of which are deposited in the Preservation 2000 Trust Fund, including restrictions imposed to ensure that the interest on any such revenue bonds issued by the state as tax-exempt revenue bonds will not be included in the gross income of the holders of such bonds for federal income tax~~



267346

~~purposes.~~ All deeds or leases with respect to any real property acquired with Preservation 2000 funds ~~must received by the~~ ~~Florida Forest Service from the Preservation 2000 Trust Fund~~ shall contain sufficient ~~such~~ covenants and restrictions ~~as are sufficient~~ to ensure that the use of such real property ~~at all times~~ complies with s. 375.051 and s. 9, Art. XII of the 1968 Constitution of Florida, and ~~shall contain~~ reverter clauses providing for the reversion of title to such property to the Board of Trustees of the Internal Improvement Trust Fund or, in the case of a lease of such property, providing for termination of the lease upon a failure to use the property conveyed thereby for such purposes.

(5) ~~(6)~~ DISPOSITION OF LANDS.—

(a) Any lands acquired pursuant to former paragraphs ~~paragraph (3) (a), paragraph (3) (c), paragraph (3) (d), paragraph (3) (e), paragraph (3) (f), or paragraph (3) (g)~~ of this section, Florida Statutes 2014, if title to such lands is vested in the Board of Trustees of the Internal Improvement Trust Fund, may be disposed of by the Board of Trustees of the Internal Improvement Trust Fund in accordance with the provisions and procedures set forth in s. 253.034(6), and lands acquired pursuant to former paragraph (3) (b) of this section, Florida Statutes 2014, may be disposed of by the owning water management district in accordance with the procedures and provisions set forth in ss. 373.056 and 373.089 provided such disposition also shall satisfy the requirements of paragraphs (b) and (c).

(b) Before land acquired with Preservation 2000 funds may be surplused as required by s. 253.034(6), or determined to be no longer required for its purposes under s. 373.056(4), as



267346

~~whichever may be~~ applicable, there shall first be a determination by the Board of Trustees of the Internal Improvement Trust Fund, or, in the case of water management district lands, by the owning water management district, that such land no longer needs to be preserved in furtherance of the intent of the Florida Preservation 2000 Act. Any lands eligible to be disposed of under this procedure also may be used to acquire other lands through an exchange of lands ~~if, provided~~ such lands obtained in an exchange are described in the same paragraph of former subsection (3) of this section, Florida Statutes 2014, as the lands disposed.

~~(c) Notwithstanding paragraphs (a) and (b), no such disposition of land shall be made if such disposition would have the effect of causing all or any portion of the interest on any revenue bonds issued to fund the Florida Preservation 2000 Act to lose their exclusion from gross income for purposes of federal income taxation. Any Revenue derived from the disposal of such lands acquired with Preservation 2000 funds may not be used for any purpose except for deposit into the Florida Preservation 2000 Trust Fund, or the Florida Forever Trust Fund within the Department of Environmental Protection, for recredit to the share held under former subsection (3) of this section, Florida Statutes 2014,~~ in which such disposed land is described.

~~(6)(7)~~ ALTERNATE USES OF ACQUIRED LANDS.—

(a) The Board of Trustees of the Internal Improvement Trust Fund, or, in the case of water management district lands, the owning water management district, may authorize the granting of a lease, easement, or license for the use of any lands acquired pursuant to former subsection (3) of this section, Florida



267346

Statutes 2014, for any governmental use permitted by s. 17, Art. IX of the State Constitution of 1885, as adopted by s. 9(a), Art. XII of the State Constitution, and any other incidental public or private use that is determined by the board or the owning water management district to be compatible with the purposes for which such lands were acquired.

(b) Any existing lease, easement, or license acquired for incidental public or private use on, under, or across any lands acquired pursuant to former subsection (3) of this section, Florida Statutes 2014, shall be presumed not to be incompatible with the purposes for which such lands were acquired.

~~(c) Notwithstanding the provisions of paragraph (a), no such lease, easement, or license shall be entered into by the Department of Environmental Protection or other appropriate state agency if the granting of such lease, easement, or license would adversely affect the exclusion of the interest on any revenue bonds issued to fund the acquisition of the affected lands from gross income for federal income tax purposes, as described in s. 375.045(4).~~

(7) ALTERNATIVES TO FEE SIMPLE ACQUISITION.— ~~(8)~~

(a) The Legislature finds that, with the increasing pressures on the natural areas of this state, the state must develop creative techniques to maximize the use of acquisition and management moneys. The Legislature ~~also~~ finds that the state's environmental land-buying agencies should be encouraged to augment their traditional, fee simple acquisition programs with the use of alternatives to fee simple acquisition techniques. The Legislature also finds that using alternatives to fee simple acquisition by public land-buying agencies will



267346

achieve the following public policy goals:

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

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

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

Therefore, it is the intent of the Legislature that public land-buying agencies develop programs to pursue alternatives to fee simple acquisition and to educate private landowners about such alternatives and the benefits of such alternatives. It also is the intent of the Legislature that the department and the water management districts spend a portion of their shares of Preservation 2000 bond proceeds to purchase eligible properties using alternatives to fee simple acquisition. Finally, it is the intent of the Legislature that public agencies acquire lands in fee simple for public access and recreational activities. Lands protected using alternatives to fee simple acquisition techniques may ~~shall~~ not be accessible to the public unless such access is negotiated with and agreed to by the private landowners who retain interests in such lands.

(b) The Land Acquisition Advisory Council and the water management districts shall identify, within their 1997 acquisition plans, those projects that ~~which~~ require a full fee simple interest to achieve the public policy goals, along with the reasons why full title is determined to be necessary. The



267346

council and the water management districts may use alternatives to fee simple acquisition to bring the remaining projects in their acquisition plans under public protection. For the purposes of this subsection, the term "alternatives to fee simple acquisition" includes the, ~~but is not limited to:~~ purchase of development rights; conservation easements; flowage easements; the purchase of timber rights, mineral rights, or hunting rights; the purchase of agricultural interests or silvicultural interests; land protection agreements; fee simple acquisitions with reservations; or any other acquisition technique that ~~which~~ achieves the public policy goals identified ~~listed~~ in paragraph (a). It is presumed that a private landowner retains the full range of uses for all the rights or interests in the landowner's land which are not specifically acquired by the public agency. Life estates and fee simple acquisitions with leaseback provisions do ~~shall~~ not qualify as an alternative to fee simple acquisition under this subsection, although the department and the districts are encouraged to use such techniques if ~~where~~ appropriate.

(c) The department and each water management district shall implement initiatives to use alternatives to fee simple acquisition and to educate private landowners about such alternatives. These initiatives must ~~shall~~ include at least two acquisitions a year by the department and each water management district utilizing alternatives to fee simple.

(d) The Legislature finds that the lack of direct sales comparison information has served as an impediment to successful implementation of alternatives to fee simple acquisition. It is the intent of the Legislature that, in the absence of direct



267346

comparable sales information, appraisals of alternatives to fee simple acquisitions be based on the difference between the full fee simple valuation and the value of the interests remaining with the seller after acquisition.

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

(f) The department and the water management districts may enter into joint acquisition agreements to jointly fund the purchase of lands using alternatives to fee simple techniques.

(8) PUBLIC RECREATIONAL USE.—An agency or water management district that acquired lands using Preservation 2000 funds distributed pursuant to former subsection (3) of this section, Florida Statutes 2014, shall manage such lands to make them available for public recreational use if the recreational use does not interfere with the protection of natural resource values. The agency or district may enter into an agreement with the department or another appropriate state agency to transfer management authority or lease to such agencies lands purchased with Preservation 2000 funds for the purpose of managing the lands to make them available for public recreational use. The water management districts and the department shall take action to control the growth of nonnative invasive plant species on lands they manage which were purchased with Preservation 2000 funds.

Section 26. Section 259.105, Florida Statutes, is amended to read:

259.105 The Florida Forever Act.—



267346

(1) This section may be cited as the "Florida Forever Act."

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

1. Land acquisition programs have provided tremendous financial resources for purchasing environmentally significant lands to protect those lands from imminent development or alteration, thereby ensuring present and future generations' access to important waterways, open spaces, and recreation and conservation lands.

2. The continued alteration and development of Florida's natural and rural areas to accommodate the state's growing population have contributed to the degradation of water resources, the fragmentation and destruction of wildlife habitats, the loss of outdoor recreation space, and the diminishment of wetlands, forests, working landscapes, and coastal open space.

3. The potential development of Florida's remaining natural areas and escalation of land values require government efforts to restore, bring under public protection, or acquire lands and water areas to preserve the state's essential ecological functions and invaluable quality of life.

4. It is essential to protect the state's ecosystems by promoting a more efficient use of land, to ensure opportunities for viable agricultural activities on working lands, and to promote vital rural and urban communities that support and produce development patterns consistent with natural resource protection.

5. Florida's groundwater, surface waters, and springs are under tremendous pressure due to population growth and economic expansion and require special protection and restoration



267346

efforts, including the protection of uplands and springsheds that provide vital recharge to aquifer systems and are critical to the protection of water quality and water quantity of the aquifers and springs. To ensure that sufficient quantities of water are available to meet the current and future needs of the natural systems and citizens of the state, and assist in achieving the planning goals of the department and the water management districts, water resource development projects on public lands, where compatible with the resource values of and management objectives for the lands, are appropriate.

6. The needs of urban, suburban, and small communities in Florida for high-quality outdoor recreational opportunities, greenways, trails, and open space have not been fully met by previous acquisition programs. Through such programs as the Florida Communities Trust and the Florida Recreation Development Assistance Program, the state shall place additional emphasis on acquiring, protecting, preserving, and restoring open space, ecological greenways, and recreation properties within urban, suburban, and rural areas where pristine natural communities or water bodies no longer exist because of the proximity of developed property.

7. Many of Florida's unique ecosystems, such as the Florida Everglades, are facing ecological collapse due to Florida's burgeoning population growth and other economic activities. To preserve these valuable ecosystems for future generations, essential parcels of land must be acquired to facilitate ecosystem restoration.

8. Access to public lands to support a broad range of outdoor recreational opportunities and the development of



267346

necessary infrastructure, where compatible with the resource values of and management objectives for such lands, promotes an appreciation for Florida's natural assets and improves the quality of life.

9. Acquisition of lands, in fee simple, less-than-fee interest, or other techniques shall be based on a comprehensive science-based assessment of Florida's natural resources which targets essential conservation lands by prioritizing all current and future acquisitions based on a uniform set of data and planned so as to protect the integrity and function of ecological systems and working landscapes, and provide multiple benefits, including preservation of fish and wildlife habitat, recreation space for urban and rural areas, and the restoration of natural water storage, flow, and recharge.

10. The state has embraced performance-based program budgeting as a tool to evaluate the achievements of publicly funded agencies, build in accountability, and reward those agencies which are able to consistently achieve quantifiable goals. While previous and existing state environmental programs have achieved varying degrees of success, few of these programs can be evaluated as to the extent of their achievements, primarily because performance measures, standards, outcomes, and goals were not established at the outset. Therefore, the Florida Forever program shall be developed and implemented in the context of measurable state goals and objectives.

11. The state must play a major role in the recovery and management of its imperiled species through the acquisition, restoration, enhancement, and management of ecosystems that can support the major life functions of such species. It is the



267346

2099 intent of the Legislature to support local, state, and federal
2100 programs that result in net benefit to imperiled species habitat
2101 by providing public and private land owners meaningful
2102 incentives for acquiring, restoring, managing, and repopulating
2103 habitats for imperiled species. It is the further intent of the
2104 Legislature that public lands, both existing and to be acquired,
2105 identified by the lead land managing agency, in consultation
2106 with the Florida Fish and Wildlife Conservation Commission for
2107 animals or the Department of Agriculture and Consumer Services
2108 for plants, as habitat or potentially restorable habitat for
2109 imperiled species, be restored, enhanced, managed, and
2110 repopulated as habitat for such species to advance the goals and
2111 objectives of imperiled species management consistent with the
2112 purposes for which such lands are acquired without restricting
2113 other uses identified in the management plan. It is also the
2114 intent of the Legislature that of the proceeds distributed
2115 pursuant to subsection (3), additional consideration be given to
2116 acquisitions that achieve a combination of conservation goals,
2117 including the restoration, enhancement, management, or
2118 repopulation of habitat for imperiled species. The Acquisition
2119 and Restoration Council, in addition to the criteria in
2120 subsection (9), shall give weight to projects that include
2121 acquisition, restoration, management, or repopulation of habitat
2122 for imperiled species. The term "imperiled species" as used in
2123 this chapter and chapter 253, means plants and animals that are
2124 federally listed under the Endangered Species Act, or state-
2125 listed by the Fish and Wildlife Conservation Commission or the
2126 Department of Agriculture and Consumer Services.

2127 a. As part of the state's role, all state lands that have



267346

imperiled species habitat shall include as a consideration in management plan development the restoration, enhancement, management, and repopulation of such habitats. In addition, the lead land managing agency of such state lands may use fees received from public or private entities for projects to offset adverse impacts to imperiled species or their habitat in order to restore, enhance, manage, repopulate, or acquire land and to implement land management plans developed under s. 253.034 or a land management prospectus developed and implemented under this chapter. Such fees shall be deposited into a foundation or fund created by each land management agency under s. 379.223, s. 589.012, or s. 259.032(9)(c) ~~s. 259.032(11)(c)~~, to be used solely to restore, manage, enhance, repopulate, or acquire imperiled species habitat.

b. Where habitat or potentially restorable habitat for imperiled species is located on state lands, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services shall be included on any advisory group required under chapter 253, and the short-term and long-term management goals required under chapter 253 must advance the goals and objectives of imperiled species management consistent with the purposes for which the land was acquired without restricting other uses identified in the management plan.

12. There is a need to change the focus and direction of the state's major land acquisition programs and to extend funding and bonding capabilities, so that future generations may enjoy the natural resources of this state.

(b) The Legislature recognizes that acquisition of lands in



267346

fee simple is only one way to achieve the aforementioned goals and encourages the use of less-than-fee interests, other techniques, and the development of creative partnerships between governmental agencies and private landowners. Such partnerships may include those that advance the restoration, enhancement, management, or repopulation of imperiled species habitat on state lands as provided for in subparagraph (a)11. Easements acquired pursuant to s. 570.71(2)(a) and (b), land protection agreements, and nonstate funded tools such as rural land stewardship areas, sector planning, and mitigation should be used, where appropriate, to bring environmentally sensitive tracts under an acceptable level of protection at a lower financial cost to the public, and to provide private landowners with the opportunity to enjoy and benefit from their property.

(c) Public agencies or other entities that receive funds under this section shall coordinate their expenditures so that project acquisitions, when combined with acquisitions under Florida Forever, Preservation 2000, Save Our Rivers, the Florida Communities Trust, other public land acquisition programs, and the techniques, partnerships, and tools referenced in subparagraph (a)11. and paragraph (b), are used to form more complete patterns of protection for natural areas, ecological greenways, and functioning ecosystems, to better accomplish the intent of this section.

(d) A long-term financial commitment to restoring, enhancing, and managing Florida's public lands in order to implement land management plans developed under s. 253.034 or a land management prospectus developed and implemented under this chapter must accompany any land acquisition program to ensure



267346

that the natural resource values of such lands are restored, enhanced, managed, and protected; that the public enjoys the lands to their fullest potential; and that the state achieves the full benefits of its investment of public dollars. Innovative strategies such as public-private partnerships and interagency planning and sharing of resources shall be used to achieve the state's management goals.

(e) With limited dollars available for restoration, enhancement, management, and acquisition of land and water areas and for providing long-term management and capital improvements, a competitive selection process shall select those projects best able to meet the goals of Florida Forever and maximize the efficient use of the program's funding.

(f) To ensure success and provide accountability to the citizens of this state, it is the intent of the Legislature that any cash or bond proceeds used pursuant to this section be used to implement the goals and objectives recommended by a comprehensive science-based assessment and approved by the Board of Trustees of the Internal Improvement Trust Fund and the Legislature.

(g) As it has with previous land acquisition programs, the Legislature recognizes the desires of the residents of this state to prosper through economic development and to preserve, restore, and manage the state's natural areas and recreational open space. The Legislature further recognizes the urgency of restoring the natural functions, including wildlife and imperiled species habitat functions, of public lands or water bodies before they are degraded to a point where recovery may never occur, yet acknowledges the difficulty of ensuring



267346

adequate funding for restoration, enhancement, and management efforts in light of other equally critical financial needs of the state. It is the Legislature's desire and intent to fund the implementation of this section and to do so in a fiscally responsible manner, by issuing bonds to be repaid with documentary stamp tax or other revenue sources, including those identified in subparagraph (a)11.

(h) The Legislature further recognizes the important role that many of our state and federal military installations contribute to protecting and preserving Florida's natural resources as well as our economic prosperity. Where the state's land conservation plans overlap with the military's need to protect lands, waters, and habitat to ensure the sustainability of military missions, it is the Legislature's intent that agencies receiving funds under this program cooperate with our military partners to protect and buffer military installations and military airspace, by:

1. Protecting habitat on nonmilitary land for any species found on military land that is designated as threatened or endangered, or is a candidate for such designation under the Endangered Species Act or any Florida statute;

2. Protecting areas underlying low-level military air corridors or operating areas;

3. Protecting areas identified as clear zones, accident potential zones, and air installation compatible use buffer zones delineated by our military partners; and

4. Providing the military with technical assistance to restore, enhance, and manage military land as habitat for imperiled species or species designated as threatened or



267346

endangered, or a candidate for such designation, and for the recovery or reestablishment of such species.

(3) Less the costs of issuing and the costs of funding reserve accounts and other costs associated with bonds, the proceeds of cash payments or bonds issued pursuant to this section shall be deposited into the Florida Forever Trust Fund created by s. 259.1051. The proceeds shall be distributed by the Department of Environmental Protection in the following manner:

(a) Thirty percent to the Department of Environmental Protection for the acquisition of lands and capital project expenditures necessary to implement the water management districts' priority lists developed pursuant to s. 373.199. The funds are to be distributed to the water management districts as provided in subsection (11). A minimum of 50 percent of the total funds provided over the life of the Florida Forever program pursuant to this paragraph shall be used for the acquisition of lands.

(b) Thirty-five percent to the Department of Environmental Protection for the acquisition of lands and capital project expenditures described in this section. Of the proceeds distributed pursuant to this paragraph, it is the intent of the Legislature that an increased priority be given to those acquisitions which achieve a combination of conservation goals, including protecting Florida's water resources and natural groundwater recharge. At a minimum, 3 percent, and no more than 10 percent, of the funds allocated pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access.



267346

2273 (c) Twenty-one percent to the Department of Environmental
2274 Protection for use by the Florida Communities Trust for the
2275 purposes of part III of chapter 380, as described and limited by
2276 this subsection, and grants to local governments or nonprofit
2277 environmental organizations that are tax-exempt under s.
2278 501(c)(3) of the United States Internal Revenue Code for the
2279 acquisition of community-based projects, urban open spaces,
2280 parks, and greenways to implement local government comprehensive
2281 plans. From funds available to the trust and used for land
2282 acquisition, 75 percent shall be matched by local governments on
2283 a dollar-for-dollar basis. The Legislature intends that the
2284 Florida Communities Trust emphasize funding projects in low-
2285 income or otherwise disadvantaged communities and projects that
2286 provide areas for direct water access and water-dependent
2287 facilities that are open to the public and offer public access
2288 by vessels to waters of the state, including boat ramps and
2289 associated parking and other support facilities. At least 30
2290 percent of the total allocation provided to the trust shall be
2291 used in Standard Metropolitan Statistical Areas, but one-half of
2292 that amount shall be used in localities in which the project
2293 site is located in built-up commercial, industrial, or mixed-use
2294 areas and functions to intersperse open spaces within congested
2295 urban core areas. From funds allocated to the trust, no less
2296 than 5 percent shall be used to acquire lands for recreational
2297 trail systems, provided that in the event these funds are not
2298 needed for such projects, they will be available for other trust
2299 projects. Local governments may use federal grants or loans,
2300 private donations, or environmental mitigation funds, including
2301 environmental mitigation funds required pursuant to s. 338.250,



267346

for any part or all of any local match required for acquisitions funded through the Florida Communities Trust. Any lands purchased by nonprofit organizations using funds allocated under this paragraph must provide for such lands to remain permanently in public use through a reversion of title to local or state government, conservation easement, or other appropriate mechanism. Projects funded with funds allocated to the trust shall be selected in a competitive process measured against criteria adopted in rule by the trust.

(d) Two percent to the Department of Environmental Protection for grants pursuant to s. 375.075.

(e) One and five-tenths percent to the Department of Environmental Protection for the purchase of inholdings and additions to state parks and for capital project expenditures as described in this section. At a minimum, 1 percent, and no more than 10 percent, of the funds allocated pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access. For the purposes of this paragraph, "state park" means any real property in the state which is under the jurisdiction of the Division of Recreation and Parks of the department, or which may come under its jurisdiction.

(f) One and five-tenths percent to the Florida Forest Service of the Department of Agriculture and Consumer Services to fund the acquisition of state forest inholdings and additions pursuant to s. 589.07, the implementation of reforestation plans or sustainable forestry management practices, and for capital project expenditures as described in this section. At a minimum,



267346

1 percent, and no more than 10 percent, of the funds allocated for the acquisition of inholdings and additions pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access.

(g) One and five-tenths percent to the Fish and Wildlife Conservation Commission to fund the acquisition of inholdings and additions to lands managed by the commission which are important to the conservation of fish and wildlife and for capital project expenditures as described in this section. At a minimum, 1 percent, and no more than 10 percent, of the funds allocated pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access.

(h) One and five-tenths percent to the Department of Environmental Protection for the Florida Greenways and Trails Program, to acquire greenways and trails or greenways and trail systems pursuant to chapter 260, including, but not limited to, abandoned railroad rights-of-way and the Florida National Scenic Trail and for capital project expenditures as described in this section. At a minimum, 1 percent, and no more than 10 percent, of the funds allocated pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access.

(i) Three and five-tenths percent to the Department of Agriculture and Consumer Services for the acquisition of agricultural lands, through perpetual conservation easements and



267346

other perpetual less-than-fee techniques, which will achieve the objectives of Florida Forever and s. 570.71. Rules concerning the application, acquisition, and priority ranking process for such easements shall be developed pursuant to s. 570.71(10) and as provided by this paragraph. The board shall ensure that such rules are consistent with the acquisition process provided for in s. 259.041. Provisions of the rules developed pursuant to s. 570.71(10), shall also provide for the following:

1. An annual priority list shall be developed pursuant to s. 570.71(10), submitted to the Acquisition and Restoration Council for review, and approved by the board pursuant to s. 259.04.

2. Terms of easements and acquisitions proposed pursuant to this paragraph shall be approved by the board and shall not be delegated by the board to any other entity receiving funds under this section.

3. All acquisitions pursuant to this paragraph shall contain a clear statement that they are subject to legislative appropriation.

No funds provided under this paragraph shall be expended until final adoption of rules by the board pursuant to s. 570.71.

(j) Two and five-tenths percent to the Department of Environmental Protection for the acquisition of land and capital project expenditures necessary to implement the Stan Mayfield Working Waterfronts Program within the Florida Communities Trust pursuant to s. 380.5105.

(k) It is the intent of the Legislature that cash payments or proceeds of Florida Forever bonds distributed under this



267346

section shall be expended in an efficient and fiscally responsible manner. An agency that receives proceeds from Florida Forever bonds under this section may not maintain a balance of unencumbered funds in its Florida Forever subaccount beyond 3 fiscal years from the date of deposit of funds from each bond issue. Any funds that have not been expended or encumbered after 3 fiscal years from the date of deposit shall be distributed by the Legislature at its next regular session for use in the Florida Forever program.

(1) For the purposes of paragraphs (e), (f), (g), and (h), the agencies that receive the funds shall develop their individual acquisition or restoration lists in accordance with specific criteria and numeric performance measures developed pursuant s. 259.035(4). Proposed additions may be acquired if they are identified within the original project boundary, the management plan required pursuant to s. 253.034(5), or the management prospectus required pursuant to s. 259.032(7)(d) ~~s. 259.032(9)(d)~~. Proposed additions not meeting the requirements of this paragraph shall be submitted to the Acquisition and Restoration Council for approval. The council may only approve the proposed addition if it meets two or more of the following criteria: serves as a link or corridor to other publicly owned property; enhances the protection or management of the property; would add a desirable resource to the property; would create a more manageable boundary configuration; has a high resource value that otherwise would be unprotected; or can be acquired at less than fair market value.

~~(m) Notwithstanding paragraphs (a) - (j) and for the 2014-2015 fiscal year only:~~



267346

~~1. Five million dollars to the Department of Agriculture and Consumer Services for the acquisition of agricultural lands through perpetual conservation easements and other perpetual less-than-fee techniques, which will achieve the objectives of Florida Forever and s. 570.71.~~

~~2. The remaining moneys appropriated from the Florida Forever Trust Fund shall be distributed only to the Division of State Lands within the Department of Environmental Protection for land acquisitions that are less-than-fee interest, for partnerships in which the state's portion of the acquisition cost is no more than 50 percent, or for conservation lands needed for military buffering or springs or water resources protection.~~

~~This paragraph expires July 1, 2015.~~

~~(4) Notwithstanding subsection (3) and for the 2014-2015 fiscal year only, the funds appropriated in section 56 of the 2014-2015 General Appropriations Act may be provided to water management districts for land acquisitions, including less-than-fee interest, identified by water management districts as being needed for water resource protection or ecosystem restoration. This subsection expires July 1, 2015.~~

~~(4)(5)~~ It is the intent of the Legislature that projects or acquisitions funded pursuant to paragraphs (3)(a) and (b) contribute to the achievement of the following goals, which shall be evaluated in accordance with specific criteria and numeric performance measures developed pursuant s. 259.035(4):

(a) Enhance the coordination and completion of land acquisition projects, as measured by:



267346

1. The number of acres acquired through the state's land acquisition programs that contribute to the enhancement of essential natural resources, ecosystem service parcels, and connecting linkage corridors as identified and developed by the best available scientific analysis;

2. The number of acres protected through the use of alternatives to fee simple acquisition; or

3. The number of shared acquisition projects among Florida Forever funding partners and partners with other funding sources, including local governments and the Federal Government.

(b) Increase the protection of Florida's biodiversity at the species, natural community, and landscape levels, as measured by:

1. The number of acres acquired of significant strategic habitat conservation areas;

2. The number of acres acquired of highest priority conservation areas for Florida's rarest species;

3. The number of acres acquired of significant landscapes, landscape linkages, and conservation corridors, giving priority to completing linkages;

4. The number of acres acquired of underrepresented native ecosystems;

5. The number of landscape-sized protection areas of at least 50,000 acres that exhibit a mosaic of predominantly intact or restorable natural communities established through new acquisition projects or augmentations to previous projects; or

6. The percentage increase in the number of occurrences of imperiled species on publicly managed conservation areas.

(c) Protect, restore, and maintain the quality and natural



267346

functions of land, water, and wetland systems of the state, as measured by:

1. The number of acres of publicly owned land identified as needing restoration, enhancement, and management, acres undergoing restoration or enhancement, acres with restoration activities completed, and acres managed to maintain such restored or enhanced conditions; the number of acres which represent actual or potential imperiled species habitat; the number of acres which are available pursuant to a management plan to restore, enhance, repopulate, and manage imperiled species habitat; and the number of acres of imperiled species habitat managed, restored, enhanced, repopulated, or acquired;

2. The percentage of water segments that fully meet, partially meet, or do not meet their designated uses as reported in the Department of Environmental Protection's State Water Quality Assessment 305(b) Report;

3. The percentage completion of targeted capital improvements in surface water improvement and management plans created under s. 373.453(2), regional or master stormwater management system plans, or other adopted restoration plans;

4. The number of acres acquired that protect natural floodplain functions;

5. The number of acres acquired that protect surface waters of the state;

6. The number of acres identified for acquisition to minimize damage from flooding and the percentage of those acres acquired;

7. The number of acres acquired that protect fragile coastal resources;



267346

8. The number of acres of functional wetland systems protected;

9. The percentage of miles of critically eroding beaches contiguous with public lands that are restored or protected from further erosion;

10. The percentage of public lakes and rivers in which invasive, nonnative aquatic plants are under maintenance control; or

11. The number of acres of public conservation lands in which upland invasive, exotic plants are under maintenance control.

(d) Ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state, as measured by:

1. The number of acres acquired which provide retention and storage of surface water in naturally occurring storage areas, such as lakes and wetlands, consistent with the maintenance of water resources or water supplies and consistent with district water supply plans;

2. The quantity of water made available through the water resource development component of a district water supply plan for which a water management district is responsible; or

3. The number of acres acquired of groundwater recharge areas critical to springs, sinks, aquifers, other natural systems, or water supply.

(e) Increase natural resource-based public recreational and educational opportunities, as measured by:

1. The number of acres acquired that are available for natural resource-based public recreation or education;



267346

2. The miles of trails that are available for public recreation, giving priority to those that provide significant connections including those that will assist in completing the Florida National Scenic Trail; or

3. The number of new resource-based recreation facilities, by type, made available on public land.

(f) Preserve significant archaeological or historic sites, as measured by:

1. The increase in the number of and percentage of historic and archaeological properties listed in the Florida Master Site File or National Register of Historic Places which are protected or preserved for public use; or

2. The increase in the number and percentage of historic and archaeological properties that are in state ownership.

(g) Increase the amount of forestland available for sustainable management of natural resources, as measured by:

1. The number of acres acquired that are available for sustainable forest management;

2. The number of acres of state-owned forestland managed for economic return in accordance with current best management practices;

3. The number of acres of forestland acquired that will serve to maintain natural groundwater recharge functions; or

4. The percentage and number of acres identified for restoration actually restored by reforestation.

(h) Increase the amount of open space available in urban areas, as measured by:

1. The percentage of local governments that participate in land acquisition programs and acquire open space in urban cores;



267346

or

2. The percentage and number of acres of purchases of open space within urban service areas.

Florida Forever projects and acquisitions funded pursuant to paragraph (3)(c) shall be measured by goals developed by rule by the Florida Communities Trust Governing Board created in s. 380.504.

~~(5)-(6)~~(a) All lands acquired pursuant to this section shall be managed for multiple-use purposes, where compatible with the resource values of and management objectives for such lands. As used in this section, "multiple-use" includes, but is not limited to, outdoor recreational activities as described in ss. 253.034 and 259.032(7)(b) ~~259.032(9)(b)~~, water resource development projects, sustainable forestry management, carbon sequestration, carbon mitigation, or carbon offsets.

(b) Upon a decision by the entity in which title to lands acquired pursuant to this section has vested, such lands may be designated single use as defined in s. 253.034(2)(b).

(c) For purposes of this section, the Board of Trustees of the Internal Improvement Trust Fund shall adopt rules that pertain to the use of state lands for carbon sequestration, carbon mitigation, or carbon offsets and that provide for climate-change-related benefits.

~~(6)-(7)~~ As provided in this section, a water resource or water supply development project may be allowed only if the following conditions are met: minimum flows and levels have been established for those waters, if any, which may reasonably be expected to experience significant harm to water resources as a



267346

result of the project; the project complies with all applicable permitting requirements; and the project is consistent with the regional water supply plan, if any, of the water management district and with relevant recovery or prevention strategies if required pursuant to s. 373.0421(2).

(7)~~(8)~~ (a) Beginning no later than July 1, 2001, and every year thereafter, the Acquisition and Restoration Council shall accept applications from state agencies, local governments, nonprofit and for-profit organizations, private land trusts, and individuals for project proposals eligible for funding pursuant to paragraph (3)(b). The council shall evaluate the proposals received pursuant to this subsection to ensure that they meet at least one of the criteria under subsection (8) ~~(9)~~.

(b) Project applications shall contain, at a minimum, the following:

1. A minimum of two numeric performance measures that directly relate to the overall goals adopted by the council. Each performance measure shall include a baseline measurement, which is the current situation; a performance standard which the project sponsor anticipates the project will achieve; and the performance measurement itself, which should reflect the incremental improvements the project accomplishes towards achieving the performance standard.

2. Proof that property owners within any proposed acquisition have been notified of their inclusion in the proposed project. Any property owner may request the removal of such property from further consideration by submitting a request to the project sponsor or the Acquisition and Restoration Council by certified mail. Upon receiving this request, the



267346

council shall delete the property from the proposed project; however, the board of trustees, at the time it votes to approve the proposed project lists pursuant to subsection (15) ~~(16)~~, may add the property back on to the project lists if it determines by a super majority of its members that such property is critical to achieve the purposes of the project.

(c) The title to lands acquired under this section shall vest in the Board of Trustees of the Internal Improvement Trust Fund, except that title to lands acquired by a water management district shall vest in the name of that district and lands acquired by a local government shall vest in the name of the purchasing local government.

(8) ~~(9)~~ The Acquisition and Restoration Council shall develop a project list that shall represent those projects submitted pursuant to subsection (6) ~~(7)~~.

(9) ~~(10)~~ The Acquisition and Restoration Council shall recommend rules for adoption by the board of trustees to competitively evaluate, select, and rank projects eligible for Florida Forever funds pursuant to paragraph (3)(b) ~~and for additions to the Conservation and Recreation Lands list pursuant to ss. 259.032 and 259.101(4)~~. In developing these proposed rules, the Acquisition and Restoration Council shall give weight to the following criteria:

(a) The project meets multiple goals described in subsection (4).

(b) The project is part of an ongoing governmental effort to restore, protect, or develop land areas or water resources.

(c) The project enhances or facilitates management of properties already under public ownership.



267346

(d) The project has significant archaeological or historic value.

(e) The project has funding sources that are identified and assured through at least the first 2 years of the project.

(f) The project contributes to the solution of water resource problems on a regional basis.

(g) The project has a significant portion of its land area in imminent danger of development, in imminent danger of losing its significant natural attributes or recreational open space, or in imminent danger of subdivision which would result in multiple ownership and make acquisition of the project costly or less likely to be accomplished.

(h) The project implements an element from a plan developed by an ecosystem management team.

(i) The project is one of the components of the Everglades restoration effort.

(j) The project may be purchased at 80 percent of appraised value.

(k) The project may be acquired, in whole or in part, using alternatives to fee simple, including but not limited to, tax incentives, mitigation funds, or other revenues; the purchase of development rights, hunting rights, agricultural or silvicultural rights, or mineral rights; or obtaining conservation easements or flowage easements.

(l) The project is a joint acquisition, either among public agencies, nonprofit organizations, or private entities, or by a public-private partnership.

(10)~~(11)~~ The Acquisition and Restoration Council shall give increased priority to those projects for which matching funds



267346

are available and to project elements previously identified on an acquisition list pursuant to this section that can be acquired at 80 percent or less of appraised value. The council shall also give increased priority to those projects where the state's land conservation plans overlap with the military's need to protect lands, water, and habitat to ensure the sustainability of military missions including:

(a) Protecting habitat on nonmilitary land for any species found on military land that is designated as threatened or endangered, or is a candidate for such designation under the Endangered Species Act or any Florida statute;

(b) Protecting areas underlying low-level military air corridors or operating areas; and

(c) Protecting areas identified as clear zones, accident potential zones, and air installation compatible use buffer zones delineated by our military partners, and for which federal or other funding is available to assist with the project.

~~(11)-(12)~~ For the purposes of funding projects pursuant to paragraph (3)(a), the Secretary of Environmental Protection shall ensure that each water management district receives the following percentage of funds annually:

(a) Thirty-five percent to the South Florida Water Management District, of which amount \$25 million for 2 years beginning in fiscal year 2000-2001 shall be transferred by the Department of Environmental Protection into the Save Our Everglades Trust Fund and shall be used exclusively to implement the comprehensive plan under s. 373.470.

(b) Twenty-five percent to the Southwest Florida Water Management District.



267346

(c) Twenty-five percent to the St. Johns River Water Management District.

(d) Seven and one-half percent to the Suwannee River Water Management District.

(e) Seven and one-half percent to the Northwest Florida Water Management District.

(12)~~(13)~~ It is the intent of the Legislature that in developing the list of projects for funding pursuant to paragraph (3)(a), that these funds not be used to abrogate the financial responsibility of those point and nonpoint sources that have contributed to the degradation of water or land areas. Therefore, an increased priority shall be given by the water management district governing boards to those projects that have secured a cost-sharing agreement allocating responsibility for the cleanup of point and nonpoint sources.

(13)~~(14)~~ An affirmative vote of five members of the Acquisition and Restoration Council shall be required in order to place a proposed project on the list developed pursuant to subsection (7) ~~(8)~~. Any member of the council who by family or a business relationship has a connection with any project proposed to be ranked shall declare such interest prior to voting for a project's inclusion on the list.

(14)~~(15)~~ Each year that cash disbursements or bonds are to be issued pursuant to this section, the Acquisition and Restoration Council shall review the most current approved project list and shall, by the first board meeting in May, present to the Board of Trustees of the Internal Improvement Trust Fund for approval a listing of projects developed pursuant to subsection (7) ~~(8)~~. The board of trustees may remove projects



267346

from the list developed pursuant to this subsection, but may not add projects or rearrange project rankings.

~~(15)(16)~~ The Acquisition and Restoration Council shall submit to the board of trustees, with its list of projects, a report that includes, but shall not be limited to, the following information for each project listed:

(a) The stated purpose for inclusion.

(b) Projected costs to achieve the project goals.

(c) An interim management budget that includes all costs associated with immediate public access.

(d) Specific performance measures.

(e) Plans for public access.

(f) An identification of the essential parcel or parcels within the project without which the project cannot be properly managed.

(g) Where applicable, an identification of those projects or parcels within projects which should be acquired in fee simple or in less than fee simple.

(h) An identification of those lands being purchased for conservation purposes.

(i) A management policy statement for the project and a management prospectus pursuant to s. 259.032(7)(d) ~~or~~

~~259.032(9)(d)~~.

(j) An estimate of land value based on county tax assessed values.

(k) A map delineating project boundaries.

(l) An assessment of the project's ecological value, outdoor recreational value, forest resources, wildlife resources, ownership pattern, utilization, and location.



267346

(m) A discussion of whether alternative uses are proposed for the property and what those uses are.

(n) A designation of the management agency or agencies.

(16)~~(17)~~ All proposals for projects pursuant to paragraph (3)(b) shall be implemented only if adopted by the Acquisition and Restoration Council and approved by the board of trustees. The council shall consider and evaluate in writing the merits and demerits of each project that is proposed for Florida Forever funding ~~and each proposed addition to the Conservation and Recreation Lands list program~~. The council shall ensure that each proposed project will meet a stated public purpose for the restoration, conservation, or preservation of environmentally sensitive lands and water areas or for providing outdoor recreational opportunities ~~and that each proposed addition to the Conservation and Recreation Lands list will meet the public purposes under s. 259.032(3) and, when applicable, s. 259.101(4)~~. The council also shall determine whether the project or addition conforms, where applicable, with the comprehensive plan developed pursuant to s. 259.04(1)(a), the comprehensive multipurpose outdoor recreation plan developed pursuant to s. 375.021, the state lands management plan adopted pursuant to s. 253.03(7), the water resources work plans developed pursuant to s. 373.199, and the provisions of this section.

(17)~~(18)~~ On an annual basis, the Division of State Lands shall prepare an annual work plan that prioritizes projects on the Florida Forever list and sets forth the funding available in the fiscal year for land acquisition. The work plan shall consider the following categories of expenditure for land conservation projects already selected for the Florida Forever



267346

list pursuant to subsection (7) ~~(8)~~:

(a) A critical natural lands category, including functional landscape-scale natural systems, intact large hydrological systems, lands that have significant imperiled natural communities, and corridors linking large landscapes, as identified and developed by the best available scientific analysis.

(b) A partnerships or regional incentive category, including:

1. Projects where local and regional cost-share agreements provide a lower cost and greater conservation benefit to the people of the state. Additional consideration shall be provided under this category where parcels are identified as part of a local or regional visioning process and are supported by scientific analysis; and

2. Bargain and shared projects where the state will receive a significant reduction in price for public ownership of land as a result of the removal of development rights or other interests in lands or receives alternative or matching funds.

(c) A substantially complete category of projects where mainly inholdings, additions, and linkages between preserved areas will be acquired and where 85 percent of the project is complete.

(d) A climate-change category list of lands where acquisition or other conservation measures will address the challenges of global climate change, such as through protection, restoration, mitigation, and strengthening of Florida's land, water, and coastal resources. This category includes lands that provide opportunities to sequester carbon, provide habitat,



267346

protect coastal lands or barrier islands, and otherwise mitigate and help adapt to the effects of sea-level rise and meet other objectives of the program.

(e) A less-than-fee category for working agricultural lands that significantly contribute to resource protection through conservation easements and other less-than-fee techniques, tax incentives, life estates, landowner agreements, and other partnerships, including conservation easements acquired in partnership with federal conservation programs, which will achieve the objectives of Florida Forever while allowing the continuation of compatible agricultural uses on the land. Terms of easements proposed for acquisition under this category shall be developed by the Division of State Lands in coordination with the Department of Agriculture and Consumer Services.

Projects within each category shall be ranked by order of priority. The work plan shall be adopted by the Acquisition and Restoration Council after at least one public hearing. A copy of the work plan shall be provided to the board of trustees of the Internal Improvement Trust Fund no later than October 1 of each year.

~~(18)~~~~(19)~~(a) The Board of Trustees of the Internal Improvement Trust Fund, or, in the case of water management district lands, the owning water management district, may authorize the granting of a lease, easement, or license for the use of certain lands acquired pursuant to this section, for certain uses that are determined by the appropriate board to be compatible with the resource values of and management objectives for such lands.



267346

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

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

~~(19)~~~~(20)~~ The Acquisition and Restoration Council shall recommend adoption of rules by the board of trustees necessary to implement the provisions of this section relating to: solicitation, scoring, selecting, and ranking of Florida Forever project proposals; disposing of or leasing lands or water areas selected for funding through the Florida Forever program; and the process of reviewing and recommending for approval or rejection the land management plans associated with publicly owned properties. Rules promulgated pursuant to this subsection shall be submitted to the President of the Senate and the Speaker of the House of Representatives, for review by the Legislature, no later than 30 days prior to the 2010 Regular Session and shall become effective only after legislative review. In its review, the Legislature may reject, modify, or take no action relative to such rules. The board of trustees shall conform such rules to changes made by the Legislature, or, if no action was taken by the Legislature, such rules shall



267346

become effective.

~~(20)(21)~~ Lands listed as projects for acquisition under the Florida Forever program may be managed for conservation pursuant to s. 259.032, on an interim basis by a private party in anticipation of a state purchase in accordance with a contractual arrangement between the acquiring agency and the private party that may include management service contracts, leases, cost-share arrangements, or resource conservation agreements. Lands designated as eligible under this subsection shall be managed to maintain or enhance the resources the state is seeking to protect by acquiring the land and to accelerate public access to the lands as soon as practicable. Funding for these contractual arrangements may originate from the documentary stamp tax revenue deposited into the Land Acquisition Conservation and Recreation Lands Trust Fund and Water Management Lands Trust Fund. No more than \$6.2 million may be expended from the Land Acquisition Trust Fund ~~5 percent of funds allocated under the trust funds shall be expended~~ for this purpose.

Section 27. Subsections (1) and (3) of section 259.1051, Florida Statutes, are amended to read:

259.1051 Florida Forever Trust Fund.—

(1) There is created the Florida Forever Trust Fund to carry out the purposes of ss. 259.032, 259.105, 259.1052, and 375.031. The Florida Forever Trust Fund shall be held and administered by the Department of Environmental Protection. Proceeds from the sale of bonds, except proceeds of refunding bonds, issued under s. 215.618 and payable from moneys transferred to the Land Acquisition Trust Fund under s.



267346

201.15(1) ~~s. 201.15(1)(a)~~, not to exceed \$5.3 billion, must be deposited into this trust fund to be distributed and used as provided in s. 259.105(3). The bond resolution adopted by the governing board of the Division of Bond Finance of the State Board of Administration may provide for additional provisions that govern the disbursement of the bond proceeds.

(3) The Department of Environmental Protection shall ensure that the proceeds from the sale of bonds issued under s. 215.618 and payable from moneys transferred to the Land Acquisition Trust Fund under s. 201.15(1) ~~s. 201.15(1)(a)~~ shall be administered and expended in a manner that ensures compliance of each issue of bonds that are issued on the basis that interest thereon will be excluded from gross income for federal income tax purposes, with the applicable provisions of the United States Internal Revenue Code and the regulations promulgated thereunder, to the extent necessary to preserve the exclusion of interest on the bonds from gross income for federal income tax purposes. The Department of Environmental Protection shall administer the use and disbursement of the proceeds of such bonds or require that the use and disbursement thereof be administered in a manner to implement strategies to maximize any available benefits under the applicable provisions of the United States Internal Revenue Code or regulations promulgated thereunder, to the extent not inconsistent with the purposes identified in s. 259.105(3).

Section 28. Paragraph (a) of subsection (2) of section 338.250, Florida Statutes, is amended to read:

338.250 Central Florida Beltway Mitigation.—

(2) Environmental mitigation required as a result of



267346

construction of the beltway, or portions thereof, shall be satisfied in the following manner:

(a) For those projects which the Department of Transportation is authorized to construct, funds for environmental mitigation shall be deposited in the Central Florida Beltway Trust Fund created within the department at the time bonds for the specific project are sold. If a road building authority other than the department is authorized to construct the project, funds for environmental mitigation shall be deposited in a mitigation fund account established in the construction fund for the bond issues. Said account shall be established at the time bond proceeds are deposited into the construction fund for the specific project. These funds shall be provided from bond proceeds, and the use of such funds from bond proceeds for mitigation shall be deemed a public purpose. The amount to be provided for mitigation for the Eastern Beltway in Seminole County shall be up to \$4 million, the amount to be provided for mitigation for the Western Beltway shall be up to \$30.5 million, the amount to be provided for mitigation for the Southern Connector shall be up to \$14.28 million, the amount to be provided for mitigation for the Turnpike/Southern Connector Interchange shall be up to \$1.46 million, and the amount to be provided for mitigation for the Southern Connector Extension shall be in proportion to the amount provided for the Southern Connector based upon the amount of wetlands displaced. To the extent allowed by law, the interest on said funds as earned, after deposit into the Central Florida Beltway Trust Fund, or in a mitigation fund account shall accrue and be paid to the agency responsible for the construction of the appropriate project.



267346

Where feasible, mitigation funds shall be used in coordination with funds from ~~the Conservation and Recreation Lands Trust Fund, Save Our Rivers Land Acquisition Program, or from other~~ appropriate sources.

Section 29. Subsection (4) of section 339.0801, Florida Statutes, is amended to read:

339.0801 Allocation of increased revenues derived from amendments to s. 319.32(5)(a) by ch. 2012-128.—Funds that result from increased revenues to the State Transportation Trust Fund derived from the amendments to s. 319.32(5)(a) made by this act must be used annually, first as set forth in subsection (1) and then as set forth in subsections (2)-(5), notwithstanding any other provision of law:

(4) Beginning in the 2013-2014 fiscal year and annually thereafter, \$10 million shall be allocated to the Small County Outreach Program, to be used as specified in s. 339.2818. These funds are in addition to the funds provided for the program pursuant to s. 201.15 ~~in s. 201.15(1)(c)1.b.~~

Section 30. Subsection (9) of section 339.55, Florida Statutes, is amended to read:

339.55 State-funded infrastructure bank.—

(9) Funds paid into the State Transportation Trust Fund pursuant to s. 201.15 ~~s. 201.15(1)(c)~~ for the purposes of the State Infrastructure Bank are hereby annually appropriated for expenditure to support that program.

Section 31. Subsection (5) of section 341.303, Florida Statutes, is amended to read:

341.303 Funding authorization and appropriations; eligibility and participation.—



267346

(5) FUND PARTICIPATION; FLORIDA RAIL ENTERPRISE.—

~~(a) The department, through the Florida Rail Enterprise, is authorized to use funds provided pursuant to s. 201.15(4)(a)4. under s. 201.15(1)(c)1.d. to fund:~~

~~(a) Up to 50 percent of the nonfederal share of the costs of any eligible passenger rail capital improvement project.~~

~~(b) The department, through the Florida Rail Enterprise, is authorized to use funds provided under s. 201.15(1)(c)1.d. to~~

~~fund~~ Up to 100 percent of planning and development costs related to the provision of a passenger rail system, including, but not limited to, preliminary engineering, revenue studies, environmental impact studies, financial advisory services, engineering design, and other appropriate professional services.

~~(c) The department, through the Florida Rail Enterprise, is authorized to use funds provided under s. 201.15(1)(c)1.d. to fund~~ The high-speed rail system.

~~(d) The department, through the Florida Rail Enterprise, is authorized to use funds provided under s. 201.15(1)(c)1.d. to~~

~~fund~~ Projects necessary to identify or address anticipated impacts of increased freight rail traffic resulting from the implementation of passenger rail systems as provided in s. 341.302(3)(b).

Section 32. Paragraph (b) of subsection (4) of section 343.58, Florida Statutes, is amended to read:

343.58 County funding for the South Florida Regional Transportation Authority.—

(4) Notwithstanding any other provision of law to the contrary and effective July 1, 2010, until as provided in paragraph (d), the department shall transfer annually from the



267346

State Transportation Trust Fund to the South Florida Regional Transportation Authority the amounts specified in subparagraph (a)1. or subparagraph (a)2.

(b) Funding required by this subsection may not be provided from the funds dedicated to the Florida Rail Enterprise pursuant to s. 201.15(4)(a)4 ~~under s. 201.15(1)(c)1.d.~~

Section 33. Section 369.252, Florida Statutes, is amended to read:

369.252 Invasive plant control on public lands.—The Fish and Wildlife Conservation Commission shall establish a program that will accomplish all of the following ~~to~~:

(1) Achieve eradication or maintenance control of invasive exotic plants on public lands when the scientific data indicate that they are detrimental to the state's natural environment or when the Commissioner of Agriculture finds that such plants or specific populations thereof are a threat to the agricultural productivity of the state. ~~+~~

(2) Assist state and local government agencies in the development and implementation of coordinated management plans for the eradication or maintenance control of invasive exotic plant species on public lands. ~~+~~

(3) Contract, or enter into agreements, with entities in the State University System or other governmental or private sector entities for research concerning control agents; production and growth of biological control agents; and development of workable methods for the eradication or maintenance control of invasive exotic plants on public lands. ~~+~~ and

(4) Use funds in the Invasive Plant Control Trust Fund as



267346

authorized by the Legislature for carrying out activities under this section on public lands. ~~A minimum of 20 percent of the amount credited to the Invasive Plant Control Trust Fund pursuant to s. 201.15(6) shall be used for the purpose of controlling nonnative, upland, invasive plant species on public lands.~~

Section 34. Paragraph (c) of subsection (8) of section 373.026, Florida Statutes, is amended to read:

373.026 General powers and duties of the department.—The department, or its successor agency, shall be responsible for the administration of this chapter at the state level. However, it is the policy of the state that, to the greatest extent possible, the department may enter into interagency or interlocal agreements with any other state agency, any water management district, or any local government conducting programs related to or materially affecting the water resources of the state. All such agreements shall be subject to the provisions of s. 373.046. In addition to its other powers and duties, the department shall, to the greatest extent possible:

(8)

(c) Notwithstanding paragraph (b), the use of state funds for land purchases from willing sellers is authorized for projects ~~within the South Florida Water Management District's approved 5-year plan of acquisition pursuant to s. 373.59 or~~ within the South Florida Water Management District's approved Florida Forever water management district work plan pursuant to s. 373.199.

Section 35. Subsection (4) of section 373.089, Florida Statutes, is amended to read:



267346

373.089 Sale or exchange of lands, or interests or rights in lands.—The governing board of the district may sell lands, or interests or rights in lands, to which the district has acquired title or to which it may hereafter acquire title in the following manner:

(4) The governing board of a district may exchange lands, or interests or rights in lands, owned by, or lands, or interests or rights in lands, for which title is otherwise vested in, the district for other lands, or interests or rights in lands, within the state owned by any person. The governing board shall fix the terms and conditions of any such exchange and may pay or receive any sum of money that the board considers necessary to equalize the values of exchanged properties. Land, or interests or rights in land, acquired under former s. 373.59, Florida Statutes 2014, may be exchanged only for lands, or interests or rights in lands, that otherwise meet the requirements of that section for acquisition.

Section 36. Paragraph (a) of subsection (5) of section 373.129, Florida Statutes, is amended to read:

373.129 Maintenance of actions.—The department, the governing board of any water management district, any local board, or a local government to which authority has been delegated pursuant to s. 373.103(8), is authorized to commence and maintain proper and necessary actions and proceedings in any court of competent jurisdiction for any of the following purposes:

(5) To recover a civil penalty for each offense in an amount not to exceed \$10,000 per offense. Each date during which such violation occurs constitutes a separate offense.



267346

(a) A civil penalty recovered by a water management district pursuant to this subsection shall be retained ~~deposited~~ ~~in the Water Management Lands Trust Fund established under s. 373.59~~ and used exclusively by the water management district that collected deposits the money ~~into the fund~~. A civil penalty recovered by the department pursuant to this subsection shall be deposited into the Water Quality Assurance Trust Fund established under s. 376.307 ~~Any such civil penalty recovered after the expiration of such fund shall be deposited in the Ecosystem Management and Restoration Trust Fund and used exclusively within the water management district that deposits the money into the fund.~~

Section 37. Subsection (5) of section 373.1391, Florida Statutes, is amended to read:

373.1391 Management of real property.—

(5) The following additional uses of lands acquired pursuant to the Florida Forever program and other state-funded land purchase programs shall be authorized, upon a finding by the governing board, if they meet the criteria specified in paragraphs (a)-(e): water resource development projects, water supply development projects, stormwater management projects, linear facilities, and sustainable agriculture and forestry. Such additional uses are authorized where:

(a) Not inconsistent with the management plan for such lands;

(b) Compatible with the natural ecosystem and resource values of such lands;

(c) The proposed use is appropriately located on such lands and where due consideration is given to the use of other



267346

available lands;

(d) The using entity reasonably compensates the titleholder for such use based upon an appropriate measure of value; and

(e) The use is consistent with the public interest.

A decision by the governing board pursuant to this subsection shall be given a presumption of correctness. Moneys received from the use of state lands pursuant to this subsection shall be returned to the lead managing agency ~~in accordance with the provisions of s. 373.59.~~

Section 38. Subsection (7) of section 373.199, Florida Statutes, is amended to read:

373.199 Florida Forever Water Management District Work Plan.—

(7) By June 1, 2001, each district shall file with the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Environmental Protection the initial 5-year work plan as required under subsection (2). By March 1 of each year thereafter, as part of the consolidated annual report required by s. 373.036(7), each district shall report on acquisitions completed during the year together with modifications or additions to its 5-year work plan. Included in the report shall be:

(a) A description of land management activity for each property or project area owned by the water management district.

(b) A list of any lands surplused and the amount of compensation received.

(c) The progress of funding, staffing, and resource management of every project funded pursuant to former s.



267346

259.101(3), Florida Statutes 2014 ~~s. 259.101~~, s. 259.105, or
former s. 373.59(2), Florida Statutes 2014, ~~s. 373.59~~ for which
the district is responsible.

The secretary shall submit the report referenced in this
subsection to the Board of Trustees of the Internal Improvement
Trust Fund together with the Acquisition and Restoration
Council's project list as required under s. 259.105.

Section 39. Subsection (7) of section 373.430, Florida
Statutes, is amended to read:

373.430 Prohibitions, violation, penalty, intent.—

(7) All moneys recovered under the provisions of this
section shall be allocated to the use of the water management
district, the department, or the local government, whichever
undertook and maintained the enforcement action. All monetary
penalties and damages recovered by the department or the state
under the provisions of this section shall be deposited into ~~in~~
the Florida Permit Fee Ecosystem Management and Restoration
Trust Fund. All monetary penalties and damages recovered
pursuant to this section by a water management district shall be
retained ~~deposited in the Water Management Lands Trust Fund~~
~~established under s. 373.59~~ and used exclusively within the
territory of the water management district which collected
~~deposits~~ the money ~~into the fund. Any such monetary penalties~~
~~and damages recovered after the expiration of such fund shall be~~
~~deposited in the Ecosystem Management and Restoration Trust Fund~~
~~and used exclusively within the territory of the water~~
~~management district which deposits the money into the fund. All~~
monetary penalties and damages recovered pursuant to this



267346

subsection by a local government to which authority has been delegated pursuant to s. 373.103(8) shall be used to enhance surface water improvement or pollution control activities.

Section 40. Subsections (3) through (6) of section 373.459, Florida Statutes, are amended to read:

373.459 Funds for surface water improvement and management.—

(3) ~~The Ecosystem Management and Restoration Trust Fund shall be used for the deposit of funds appropriated by the Legislature for the purposes of ss. 373.451-373.4595.~~ The department shall administer all funds appropriated to or received for surface water improvement and management activities. Expenditure of the moneys shall be limited to the costs of detailed planning and plan and program implementation for priority surface water bodies. Moneys may ~~from the fund~~ shall not be expended for planning for, or construction or expansion of, treatment facilities for domestic or industrial waste disposal.

(4) The department shall authorize the release of money ~~from the fund~~ in accordance with ~~the provisions of~~ s. 373.501(2) ~~and procedures in s. 373.59(4) and (5).~~

~~(5) Moneys in the fund which are not needed to meet current obligations incurred under this section shall be transferred to the State Board of Administration, to the credit of the trust fund, to be invested in the manner provided by law. Interest received on such investments shall be credited to the trust fund.~~

~~(5)(6)~~ The match requirement of subsection (2) does ~~shall~~ not apply to the Suwannee River Water Management District, the



267346

3230 Northwest Florida Water Management District, or a financially
3231 disadvantaged small local government as defined in former s.
3232 403.885(3) .

3233 Section 41. Paragraph (a) of subsection (3) of section
3234 373.4592, Florida Statutes, is amended to read:

3235 373.4592 Everglades improvement and management.—

3236 (3) EVERGLADES LONG-TERM PLAN.—

3237 (a) The Legislature finds that the Everglades Program
3238 required by this section establishes more extensive and
3239 comprehensive requirements for surface water improvement and
3240 management within the Everglades than the SWIM plan requirements
3241 provided in ss. 373.451 and 373.453. In order to avoid
3242 duplicative requirements, and in order to conserve the resources
3243 available to the district, the SWIM plan requirements of those
3244 sections shall not apply to the Everglades Protection Area and
3245 the EAA during the term of the Everglades Program, and the
3246 district will neither propose, nor take final agency action on,
3247 any Everglades SWIM plan for those areas until the Everglades
3248 Program is fully implemented. Funds identified under former s.
3249 259.101(3)(b), Florida Statutes 2014, may be used for
3250 acquisition of lands necessary to implement the Everglades
3251 Construction Project, to the extent these funds are identified
3252 in the Statement of Principles of July 1993. The district's
3253 actions in implementing the Everglades Construction Project
3254 relating to the responsibilities of the EAA and C-139 Basin for
3255 funding and water quality compliance in the EAA and the
3256 Everglades Protection Area shall be governed by this section.
3257 Other strategies or activities in the March 1992 Everglades SWIM
3258 plan may be implemented if otherwise authorized by law.



267346

Section 42. Subsection (4) of section 373.45926, Florida Statutes, is amended to read:

373.45926 Everglades Trust Fund; allocation of revenues and expenditure of funds for conservation and protection of natural resources and abatement of water pollution.—

(4) The following funds shall be deposited into the Everglades Trust Fund specifically for the implementation of the Everglades Forever Act.

(a) Alligator Alley toll revenues pursuant to s. 338.26(3).

(b) Everglades agricultural privilege tax revenues pursuant to s. 373.4592(6).

(c) C-139 agricultural privilege tax revenues pursuant to s. 373.4592(7).

(d) Special assessment revenues pursuant to s. 373.4592(8).

(e) Ad valorem revenues pursuant to s. 373.4592(4)(a).

(f) Federal funds appropriated by the United States Congress for any component of the Everglades Construction Project.

~~(g) Preservation 2000 funds for acquisition of lands necessary for implementation of the Everglades Forever Act as prescribed in an annual appropriation.~~

(g)~~(h)~~ Any additional funds specifically appropriated by the Legislature for this purpose.

(h)~~(i)~~ Gifts designated for implementation of the Everglades Forever Act from individuals, corporations, and other entities.

(i)~~(j)~~ Any additional funds that become available for this purpose from any other source.

Section 43. Paragraph (a) of subsection (6) and paragraph



267346

(b) of subsection (7) of section 373.470, Florida Statutes, are amended to read:

373.470 Everglades restoration.—

(6) DISTRIBUTIONS FROM SAVE OUR EVERGLADES TRUST FUND.—

(a) Except as provided in paragraphs (d) and (e) and for funds appropriated for debt service, the department shall distribute funds in the Save Our Everglades Trust Fund to the district in accordance with a legislative appropriation and s. 373.026(8)(b) ~~and (c)~~. Distribution of funds to the district from the Save Our Everglades Trust Fund shall be equally matched by the cumulative contributions from the district by fiscal year 2019-2020 by providing funding or credits toward project components. The dollar value of in-kind project design and construction work by the district in furtherance of the comprehensive plan and existing interest in public lands needed for a project component are credits towards the district's contributions.

(7) ANNUAL REPORT.—To provide enhanced oversight of and accountability for the financial commitments established under this section and the progress made in the implementation of the comprehensive plan, the following information must be prepared annually as part of the consolidated annual report required by s. 373.036(7):

(b) The department shall prepare a detailed report on all funds expended by the state and credited toward the state's share of funding for implementation of the comprehensive plan. The report shall include:

1. A description of all expenditures, by source and amount, from ~~the Conservation and Recreation Lands Trust Fund,~~ the Land



267346

Acquisition Trust Fund, ~~the Preservation 2000 Trust Fund~~, the Florida Forever Trust Fund, the Save Our Everglades Trust Fund, and other named funds or accounts for the acquisition or construction of project components or other features or facilities that benefit the comprehensive plan.

2. A description of the purposes for which the funds were expended.

3. The unencumbered fiscal-year-end balance that remains in each trust fund or account identified in subparagraph 1.

The information required in paragraphs (a), (b), and (c) shall be provided as part of the consolidated annual report required by s. 373.036(7). The initial report is due by November 30, 2000, and each annual report thereafter is due by March 1.

Section 44. Subsection (2) of section 373.584, Florida Statutes, is amended to read:

373.584 Revenue bonds.—

(2) Revenues derived by the district ~~from the Water Management Lands Trust Fund as provided in s. 373.59 or any other revenues of the district~~ may be pledged to the payment of ~~such~~ revenue bonds; however, the ad valorem taxing powers of the district may not be pledged to the payment of such revenue bonds without prior compliance with the requirements of the State Constitution as to the affirmative vote of the electors of the district and with the requirements of s. 373.563, ~~and bonds payable from the Water Management Lands Trust Fund shall be issued solely for the purposes set forth in s. 373.59.~~ Revenue bonds and notes shall be, and shall be deemed to be, for all purposes, negotiable instruments, subject only to the provisions



267346

of the revenue bonds and notes for registration. The powers and authority of districts to issue revenue bonds, including, but not limited to, bonds to finance a stormwater management system as defined by s. 373.403, and to enter into contracts incidental thereto, and to do all things necessary and desirable in connection with the issuance of revenue bonds, shall be coextensive with the powers and authority of municipalities to issue bonds under state law. The provisions of this section constitute full and complete authority for the issuance of revenue bonds and shall be liberally construed to effectuate its purpose.

Section 45. Section 373.59, Florida Statutes, is amended to read:

373.59 Payment in lieu of taxes for lands acquired for water management district purposes ~~Water Management Lands Trust Fund.~~—

~~(1) There is established within the Department of Environmental Protection the Water Management Lands Trust Fund to be used as a nonlapsing fund for the purposes of this section. The moneys in this fund are hereby continually appropriated for the purposes of land acquisition, management, maintenance, capital improvements of land titled to the districts, payments in lieu of taxes, debt service on bonds issued prior to July 1, 1999, debt service on bonds issued on or after July 1, 1999, which are issued to refund bonds issued before July 1, 1999, preacquisition costs associated with land purchases, and the department's costs of administration of the fund. No refunding bonds may be issued which mature after the final maturity date of the bonds being refunded or which provide~~



267346

~~for higher debt service in any year than is payable on such bonds as of February 1, 2009. The department's costs of administration shall be charged proportionally against each district's allocation using the formula provided in subsection (8). Capital improvements shall include, but need not be limited to, perimeter fencing, signs, firelanes, control of invasive exotic species, controlled burning, habitat inventory and restoration, law enforcement, access roads and trails, and minimal public accommodations, such as primitive campsites, garbage receptacles, and toilets. The moneys in the fund may also be appropriated to supplement operational expenditures at the Northwest Florida Water Management District and the Suwannee River Water Management District, with such appropriations allocated prior to the allocations set out in subsection (8) to the five water management districts.~~

~~(2) Until the Preservation 2000 Program is concluded, each district shall file with the Legislature and the Secretary of Environmental Protection a report of acquisition activity, by January 15 of each year, together with modifications or additions to its 5-year plan of acquisition. Included in the report shall be an identification of those lands which require a full fee simple interest to achieve water management goals and those lands which can be acquired using alternatives to fee simple acquisition techniques and still achieve such goals. In their evaluation of which lands would be appropriate for acquisition through alternatives to fee simple, district staff shall consider criteria including, but not limited to, acquisition costs, the net present value of future land management costs, the net present value of ad valorem revenue~~



267346

~~loss to the local government, and the potential for revenue generated from activities compatible with acquisition objectives. The report shall also include a description of land management activity. However, no acquisition of lands shall occur without a public hearing similar to those held pursuant to the provisions set forth in s. 120.54. In the annual update of its 5-year plan for acquisition, each district shall identify lands needed to protect or recharge groundwater and shall establish a plan for their acquisition as necessary to protect potable water supplies. Lands which serve to protect or recharge groundwater identified pursuant to this paragraph shall also serve to protect other valuable natural resources or provide space for natural resource based recreation. Once all Preservation 2000 funds allocated to the water management districts have been expended or committed, this subsection shall be repealed.~~

~~(3) Each district shall remove the property of an unwilling seller from its plan of acquisition at the next scheduled update of the plan, if in receipt of a request to do so by the property owner. This subsection shall be repealed at the conclusion of the Preservation 2000 program.~~

~~(4) The Secretary of Environmental Protection shall release moneys from the Water Management Lands Trust Fund to a district for preacquisition costs within 30 days after receipt of a resolution adopted by the district's governing board which identifies and justifies any such preacquisition costs necessary for the purchase of any lands listed in the district's 5-year plan. The district shall return to the department any funds not used for the purposes stated in the resolution, and the~~



267346

~~department shall deposit the unused funds into the Water Management Lands Trust Fund.~~

~~(5) The Secretary of Environmental Protection shall release to the districts moneys for management, maintenance, and capital improvements following receipt of a resolution and request adopted by the governing board which specifies the designated managing agency, specific management activities, public use, estimated annual operating costs, and other acceptable documentation to justify release of moneys.~~

~~(6) If a district issues revenue bonds or notes under s. 373.584 prior to July 1, 1999, the district may pledge its share of the moneys in the Water Management Lands Trust Fund as security for such bonds or notes. The Department of Environmental Protection shall pay moneys from the trust fund to a district or its designee sufficient to pay the debt service, as it becomes due, on the outstanding bonds and notes of the district; however, such payments shall not exceed the district's cumulative portion of the trust fund. However, any moneys remaining after payment of the amount due on the debt service shall be released to the district pursuant to subsection (5).~~

~~(7) Any unused portion of a district's share of the fund shall accumulate in the trust fund to the credit of that district. Interest earned on such portion shall also accumulate to the credit of that district to be used for management, maintenance, and capital improvements as provided in this section. The total moneys over the life of the fund available to any district under this section shall not be reduced except by resolution of the district governing board stating that the need for the moneys no longer exists. Any water management district~~



267346

~~with fund balances in the Water Management Lands Trust Fund as of March 1, 1999, may expend those funds for land acquisitions pursuant to s. 373.139, or for the purpose specified in this subsection.~~

~~(8) Moneys from the Water Management Lands Trust Fund shall be allocated as follows:~~

~~(a) Beginning with the 2009-2010 fiscal year, thirty percent shall be used first to pay debt service on bonds issued before February 1, 2009, by the South Florida Water Management District which are secured by revenues provided by this section or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to such bonds, then to transfer \$3,000,000 to the credit of the General Revenue Fund in each fiscal year, and lastly to distribute the remainder to the South Florida Water Management District.~~

~~(b) Beginning with the 2009-2010 fiscal year, twenty-five percent shall be used first to transfer \$2,500,000 to the credit of the General Revenue Fund in each fiscal year and then to distribute the remainder to the Southwest Florida Water Management District.~~

~~(c) Beginning with the 2009-2010 fiscal year, twenty-five percent shall be used first to pay debt service on bonds issued before February 1, 2009, by the St. Johns River Water Management District which are secured by revenues provided by this section or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to such bonds, then to transfer \$2,500,000 to the credit of the General Revenue Fund in each fiscal year, and to distribute the remainder to the St. Johns River Water Management District.~~



267346

~~(d) Ten percent to the Suwannee River Water Management District.~~

~~(e) Ten percent to the Northwest Florida Water Management District.~~

~~(9) Moneys in the fund not needed to meet current obligations incurred under this section shall be transferred to the State Board of Administration, to the credit of the fund, to be invested in the manner provided by law. Interest received on such investments shall be credited to the fund.~~

~~(10)(a) Beginning July 1, 1999, not more than one fourth of the Funds provided for in subsections (1) and (8) in any year shall be reserved annually by a governing board, during the development of its annual operating budget, for payments in lieu of taxes for all actual ad valorem tax losses incurred as a result of all governing board acquisitions for water management district purposes. Reserved funds not used for payments in lieu of taxes in any year shall revert to the Water Management Lands Trust Fund to be used in accordance with the provisions of this section.~~

~~(2)(b)~~ Payment in lieu of taxes shall be available:

~~(a)1-~~ To all counties that have a population of 150,000 or fewer. Population levels shall be determined pursuant to s. 186.901. The population estimates published April 1 and used in the revenue-sharing formula pursuant to s. 186.901 shall be used to determine eligibility under this subsection and shall apply to payments made for the subsequent fiscal year.

~~(b)2-~~ To all local governments located in eligible counties and whose lands are bought and taken off the tax rolls.



267346

For properties acquired after January 1, 2000, in the event that such properties otherwise eligible for payment in lieu of taxes under this subsection are leased or reserved and remain subject to ad valorem taxes, payments in lieu of taxes shall commence or recommence upon the expiration or termination of the lease or reservation. If the lease is terminated for only a portion of the lands at any time, the annual payments shall be made for that portion only commencing the year after such termination, without limiting the requirement that annual payments shall be made on the remaining portion or portions of the land as the lease on each expires. For the purposes of this subsection, "local government" includes municipalities and the county school board.

(3)~~(e)~~ If sufficient funds are unavailable in any year to make full payments to all qualifying counties and local governments, such counties and local governments shall receive a pro rata share of the moneys available.

(4)~~(d)~~ The payment amount shall be based on the average amount of actual ad valorem taxes paid on the property for the 3 years preceding acquisition. Applications for payment in lieu of taxes shall be made no later than May 31 of the year for which payment is sought. No payment in lieu of taxes shall be made for properties which were exempt from ad valorem taxation for the year immediately preceding acquisition.

(5)~~(e)~~ If property that was subject to ad valorem taxation was acquired by a tax-exempt entity for ultimate conveyance to the state under this chapter, payment in lieu of taxes shall be made for such property based upon the average amount of ad valorem taxes paid on the property for the 3 years prior to its



267346

being removed from the tax rolls. The water management districts shall certify to the Department of Revenue those properties that may be eligible under this provision. Once eligibility has been established, that governmental entity shall receive annual payments for each tax loss until the qualifying governmental entity exceeds the population threshold pursuant to subsection (2) paragraph (b).

(6) ~~(f)~~ Payment in lieu of taxes pursuant to this subsection shall be made annually to qualifying counties and local governments after certification by the Department of Revenue that the amounts applied for are reasonably appropriate, based on the amount of actual ad valorem taxes paid on the eligible property, and after the water management districts have provided supporting documents to the Chief Financial Officer and have requested that payment be made in accordance with the requirements of this section. With the assistance of the local government requesting payment in lieu of taxes, the water management district that acquired the land is responsible for preparing and submitting application requests for payment to the Department of Revenue for certification.

(7) ~~(g)~~ If a water management district conveys to a county or local government title to any land owned by the district, any payments in lieu of taxes on the land made to the county or local government shall be discontinued as of the date of the conveyance.

~~(11) Notwithstanding any provision of this section to the contrary, the governing board of a water management district may request, and the Secretary of Environmental Protection shall release upon such request, moneys allocated to the districts~~



267346

~~pursuant to subsection (8) for purposes consistent with the provisions of s. 373.709, s. 373.705, s. 373.139, or ss. 373.451-373.4595 and for legislatively authorized land acquisition and water restoration initiatives. No funds may be used pursuant to this subsection until necessary debt service obligations, requirements for payments in lieu of taxes, and land management obligations that may be required by this chapter are provided for.~~

~~(12) Notwithstanding subsection (8), and for the 2014-2015 fiscal year only, the moneys from the Water Management Lands Trust Fund are allocated as follows:~~

~~(a) An amount necessary to pay debt service on bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns River Water Management District, which are secured by revenues provided pursuant to this section, or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to such bonds.~~

~~(b) Eight million dollars to be transferred to the General Revenue Fund.~~

~~(c) Seven million seven hundred thousand dollars to be transferred to the Save Our Everglades Trust Fund to support Everglades restoration projects included in the final report of the Select Committee on Indian River Lagoon and Lake Okeechobee Basin, dated November 8, 2013.~~

~~(d) Any remaining funds to be provided in accordance with the General Appropriations Act.~~

~~This subsection expires July 1, 2015.~~

Section 46. Section 373.5905, Florida Statutes, is amended



267346

to read:

373.5905 Reinstatement of payments in lieu of taxes; duration.—If a water management district has made a payment in lieu of taxes to a governmental entity and subsequently suspended such payment, beginning July 1, 2009, the water management district shall reinstate appropriate payments and continue the payments for as long as the county population remains below the population threshold pursuant to s. 373.59(2)(a) ~~s. 373.59(10)(b)~~. This section does not authorize or provide for payments in arrears.

Section 47. Subsection (8) of section 373.703, Florida Statutes, is amended to read:

373.703 Water production; general powers and duties.—In the performance of, and in conjunction with, its other powers and duties, the governing board of a water management district existing pursuant to this chapter:

(8) In addition to the power to issue revenue bonds pursuant to s. 373.584, may issue revenue bonds for the purposes of paying the costs and expenses incurred in carrying out the purposes of this chapter or refunding obligations of the district issued pursuant to this section. Such revenue bonds shall be secured by, and be payable from, revenues derived from the operation, lease, or use of its water production and transmission facilities and other water-related facilities and from the sale of water or services relating thereto. Such revenue bonds may not be secured by, or be payable from, ~~moneys derived by the district from the Water Management Lands Trust Fund or from~~ ad valorem taxes received by the district or from moneys appropriated by the Legislature, unless otherwise



267346

specifically authorized by law. All provisions of s. 373.584 relating to the issuance of revenue bonds which are not inconsistent with this section shall apply to the issuance of revenue bonds pursuant to this section. The district may also issue bond anticipation notes in accordance with the provisions of s. 373.584.

Section 48. Subsection (8) of section 375.031, Florida Statutes, is amended to read:

375.031 Acquisition of land; procedures.—

(8) The department may, if it deems it desirable and in the best interest of the program, request the board of trustees to sell or otherwise dispose of any lands or water storage areas acquired under this act. The board of trustees, when so requested, shall offer the lands or water storage areas, on such terms as the department may determine, first to other state agencies and then, if still available, to the county or municipality in which the lands or water storage areas lie. If not acquired by another state agency or local governmental body for beneficial public purposes, the lands or water storage areas shall then be offered by the board of trustees at public sale, after first giving notice of such sale by publication in a newspaper published in the county or counties in which such lands or water storage areas lie not less than once a week for 3 consecutive weeks. All proceeds from the sale or disposition of any lands or water storage areas pursuant to this section shall be deposited into the appropriate trust fund pursuant to s. 253.034(6)(k), (l), or (m) ~~in the Land Acquisition Trust Fund.~~

Section 49. Section 375.041, Florida Statutes, is amended to read:



267346

375.041 Land Acquisition Trust Fund.—

(1) There is created a Land Acquisition Trust Fund within
the Department of Environmental Protection. The Land Acquisition
Trust Fund is designated by s. 28, Art. X of the State
Constitution for receipt of certain documentary stamp tax
revenue for the uses prescribed therein ~~to facilitate and~~
~~expedite the acquisition of land, water areas, and related~~
~~resources required to accomplish the purposes of this act.~~ The
Land Acquisition Trust Fund shall be held and administered by
the department. All moneys and revenue from the ~~operation,~~
~~management,~~ sale, lease, or other disposition of land, water
areas, or related resources acquired on or after July 1, 2015,
under the Florida Forever Program, ~~and the facilities thereon~~
~~acquired or constructed under this act~~ shall be deposited into
~~in~~ or credited to the Land Acquisition Trust Fund or, if
required by bond covenants, into the trust fund from which the
lands were purchased. ~~Moneys accruing to any agency for the~~
~~purposes enumerated in this act may be deposited in this fund.~~
~~There shall also be deposited into the Land Acquisition Trust~~
~~Fund other moneys as authorized by appropriate act of the~~
~~Legislature.~~ All moneys so deposited into the Land Acquisition
Trust Fund shall be trust funds for the uses and purposes herein
set forth, within the meaning of s. 215.32(1)(b); and such
moneys shall not become or be commingled with the General
Revenue Fund of the state, as defined by s. 215.32(1)(a).

(2) Funds distributed into ~~The moneys on deposit in the~~
Land Acquisition Trust Fund pursuant to s. 201.15(1) shall be
~~first~~ first applied first to:

(a) Pay debt service or to fund debt service reserve funds,



267346

rebate obligations, or other amounts payable with respect to
Florida Forever bonds issued under s. 215.63; pay into the State
Treasury to the credit of the Save Our Everglades Trust Fund
amounts necessary to pay debt service, provide reserves, and pay
rebate obligations and other amounts due with respect to bonds
issued under s. 215.619; and pay debt service or funding of debt
service reserve funds, rebate obligations, or other amounts
payable with respect to the bonds issued under s. 373.584; and

(b) Distribute \$32 million to the South Florida Water
Management District for the Long-Term Plan as defined in s.
373.4592(2). This paragraph expires July 1, 2024 ~~pay the rentals~~
~~due under lease-purchase agreements or to meet debt service~~
~~requirements of revenue bonds issued pursuant to s. 375.051;~~
~~provided, however, that debt service on Save Our Coast bonds~~
~~shall not be paid from moneys transferred to the Land~~
~~Acquisition Trust Fund pursuant to s. 259.032(2)(b).~~

(3)(a) Any remaining moneys in the Land Acquisition Trust
Fund which are not distributed ~~pledged for rentals or debt~~
~~service~~ as provided in subsection (2) may be expended from time
to time for the purposes set forth in s. 28, Art. X of the State
Constitution to acquire land, water areas, and related resources
and to construct, improve, enlarge, extend, operate, and
maintain capital improvements and facilities in accordance with
the plan. Moneys accruing to other agencies for the purposes
designated in subsection (1) shall be transferred pursuant to
nonoperating budget authority under s. 216.181(12). Agencies
shall maintain the integrity of such transferred moneys. Any
transferred moneys available from reversions or reductions of
budget authority in the other agencies shall be transferred back



267346

to the Land Acquisition Trust Fund in the Department of
Environmental Protection within 15 days after such reversion or
reduction and must be available for future appropriation
pursuant to s. 28, Art. X of the State Constitution.

~~(b) In addition to the uses allowed under paragraph (a),
for the 2014-2015 fiscal year, moneys in the Land Acquisition
Trust Fund may be transferred to support the Total Maximum Daily
Loads Program as provided in the General Appropriations Act.
This paragraph expires July 1, 2015.~~

~~(c) For the 2014-2015 fiscal year only, moneys in the Land
Acquisition Trust Fund may be transferred to the Save Our
Everglades Trust Fund to support Everglades restoration projects
included in the final report of the Select Committee on Indian
River Lagoon and Lake Okeechobee Basin, dated November 8, 2013,
and to the Florida Forever Trust Fund for the Florida Forever
program pursuant to nonoperating budget authority under s.
216.181(12). This paragraph expires July 1, 2015.~~

~~(4) The department may disburse moneys in the Land
Acquisition Trust Fund to pay all necessary expenses to carry
out the purposes of this act. The department shall disburse
moneys from the Land Acquisition Trust Fund to the Fish and
Wildlife Conservation Commission for the purpose of funding law
enforcement services on state lands.~~

~~(4)(5)~~ When the Legislature has authorized the Department
of Environmental Protection to condemn a specific parcel of land
and such parcel already has been approved for acquisition
through the fund, the land may be acquired in accordance with
the provisions of chapter 73 or chapter 74, and the fund may be
used to pay the condemnation award and all costs, including a



267346

reasonable attorney ~~attorney's~~ fee, associated with
condemnation.

Section 50. Subsection (2) of section 375.044, Florida
Statutes, is amended to read:

375.044 Land Acquisition Trust Fund budget request.—

(2) The legislative budget request shall be submitted to
the Executive Office of the Governor and the Legislature in
conjunction with the provisions of ss. 216.023, 216.031, and
216.043. The 10-year request shall include, but need ~~shall~~ not
be limited to:

(a) A 10-year annual cash-flow analysis of the Land
Acquisition Trust Fund.

~~(b) The requested schedule of the agency for issuance of
Save Our Coasts bonds.~~

(b) ~~(c)~~ Forecasts of anticipated revenues to the Land
Acquisition Trust Fund.

(c) ~~(d)~~ The estimate of the agency of Land Acquisition Trust
Fund encumbrances and commitments for each year and the
corresponding estimates of expenditures.

Section 51. Section 375.045, Florida Statutes, is repealed.

Section 52. Subsection (1) and paragraph (c) of subsection
(2) of section 375.075, Florida Statutes, are amended to read:

375.075 Outdoor recreation; financial assistance to local
governments.—

(1) The Department of Environmental Protection is
authorized to establish the Florida Recreation Development
Assistance Program to provide grants subject to legislative
appropriation to qualified local governmental entities to
acquire or develop land for public outdoor recreation purposes.



267346

~~To the extent not needed for debt service on bonds issued pursuant to s. 375.051, each year the department shall develop and plan a program which shall be based upon funding of not less than 5 percent of the money credited to the Land Acquisition Trust Fund pursuant to s. 201.15(2) and (3) in that year. The department shall develop and plan a program that must ~~which~~ shall be based upon the ~~cumulative total~~ funding appropriated by the Legislature for such purpose provided from this section and from the Florida Forever Trust Fund pursuant to s. 259.105(3) (d).~~

(2)

(c) Funds may not be released under ~~No release of funds from the Land Acquisition Trust Fund, or from the Florida Forever Trust Fund beginning in fiscal year 2001-2002, for this program may be made~~ for these public recreation projects until the projects have been selected through the competitive selection process provided for in this section.

Section 53. Section 376.11, Florida Statutes, is amended to read:

376.11 Florida Coastal Protection Trust Fund.—

(1) The purpose of this section is to provide a mechanism to have financial resources immediately available for prevention of, and cleanup and rehabilitation after, a pollutant discharge, to prevent further damage by the pollutant, and to pay for damages. It is the legislative intent that this section be liberally construed to effect the purposes set forth, such interpretation being especially imperative in light of the danger to the environment and resources.

(2) The Florida Coastal Protection Trust Fund is



267346

established, to be used by the department and the Fish and Wildlife Conservation Commission as a nonlapsing revolving fund ~~for carrying out the purposes of ss. 376.011-376.21.~~

(3) The following funds shall be deposited into the Florida Coastal Protection Trust Fund: ~~To this fund shall be credited~~

(a) All registration fees, penalties, judgments, damages recovered pursuant to s. 376.121, other fees and charges related to ss. 376.011-376.21, and the excise tax revenues levied, collected, and credited pursuant to ss. 206.9935(1) and 206.9945(1) (a);

(b) Proceeds of fines and awards of damages pursuant to s. 161.054; and

(c) Funds from other sources otherwise specified by law.

(4) Charges against the fund shall be in accordance with this section.

(5) ~~(3)~~ Moneys in the fund that are not needed currently to meet the obligations of the department in the exercise of its responsibilities under ss. 376.011-376.21 shall be deposited with the Chief Financial Officer to the credit of the fund and may be invested in such manner as is provided for by statute. Interest received on such investment shall be credited to the fund, except as otherwise specified herein.

(6) ~~(4)~~ Moneys in the Florida Coastal Protection Trust Fund ~~may shall be used disbursed~~ for the following purposes ~~and no others:~~

(a) Carrying out the purposes of ss. 376.011-376.21.

(b) ~~(a)~~ Administrative expenses, personnel expenses, and equipment costs of the department and the Fish and Wildlife Conservation Commission related to the enforcement of ss.



267346

376.011-376.21.

(c)~~(b)~~ All costs involved in the prevention and abatement of pollution related to the discharge of pollutants covered by ss. 376.011-376.21 and the abatement of other potential pollution hazards as authorized herein.

(d)~~(e)~~ All costs and expenses of the cleanup, restoration, and rehabilitation of waterfowl, wildlife, and all other natural resources damaged by the discharge of pollutants, including the costs of assessing and recovering damages to natural resources, whether performed or authorized by the department or any other state or local agency.

(e)~~(d)~~ All provable costs and damages which are the proximate results of the discharge of pollutants covered by ss. 376.011-376.21.

(f)~~(e)~~ Loans to the Inland Protection Trust Fund created in s. 376.3071.

(g)~~(f)~~ The interest earned from investments of the balance in the Florida Coastal Protection Trust Fund shall be used for funding the administrative expenses, personnel expenses, and equipment costs of the department relating to the enforcement of ss. 376.011-376.21.

(h)~~(g)~~ The funding of a grant program to local governments, pursuant to s. 376.15(3)(d) and (e), for the removal of derelict vessels from the public waters of the state.

(i)~~(h)~~ The department may spend up to \$1 million per year from the principal of the fund to acquire, design, train, and maintain emergency cleanup response teams and equipment located at appropriate ports throughout the state for the purpose of cleaning oil and other toxic materials from coastal waters. When



267346

the teams and equipment are not needed for these purposes they may be used for any other valid purpose of the department.

(j)~~(i)~~ To provide a temporary transfer of funds in an amount not to exceed \$10 million to the Minerals Trust Fund as set forth in s. 376.40.

(k)~~(j)~~ Funding for marine law enforcement.

(7)~~(5)~~ Any interest in lands acquired using moneys in the Florida Coastal Protection Trust Fund shall be held by the Trustees of the Internal Improvement Trust Fund, and such lands shall be acquired pursuant to the procedures set forth in s. 253.025.

(8)~~(6)~~ The department shall recover to the use of the fund from the person or persons causing the discharge or from the Federal Government, jointly and severally, all sums owed or expended from the fund, pursuant to s. 376.123(10), except that recoveries resulting from damage due to a discharge of a pollutant or other similar disaster shall be apportioned between the Florida Coastal Protection Trust Fund and the General Revenue Fund so as to repay the full costs to the General Revenue Fund of any sums disbursed therefrom as a result of such disaster. Requests for reimbursement to the fund for the above costs, if not paid within 30 days of demand, shall be turned over to the Department of Legal Affairs for collection.

Section 54. Subsection (8) of section 376.123, Florida Statutes, is amended to read:

376.123 Claims against the Florida Coastal Protection Trust Fund.—

(8) If a person chooses to make a claim against the fund and accepts payment from, or a judgment against, the fund, then



267346

the department shall be subrogated to any cause of action that the claimant may have had, to the extent of such payment or judgment, and shall diligently pursue recovery on that cause of action pursuant to subsection (10) and s. 376.11(8) ~~§~~ 376.11(6). In any such action, the amount of damages shall be proved by the department by submitting to the court a written report of the amounts paid or owed from the fund to claimants. Such written report shall be admissible as evidence, and the amounts paid from or owed by the fund to the claimants stated therein shall be irrebuttably presumed to be the amount of damages.

Section 55. Paragraphs (g) through (m) are added to subsection (1) of section 376.307, Florida Statutes, subsection (4) of that section is amended, and subsection (8) is added to that section, to read:

376.307 Water Quality Assurance Trust Fund.—

(1) The Water Quality Assurance Trust Fund is intended to serve as a broad-based fund for use in responding to incidents of contamination that pose a serious danger to the quality of groundwater and surface water resources or otherwise pose a serious danger to the public health, safety, or welfare. Moneys in this fund may be used:

(g) For detailed planning for and implementation of programs for the management and restoration of ecosystems.

(h) For development and implementation of surface water improvement and management plans and programs under ss. 373.451-373.4595.

(i) For activities to restore polluted areas of the state, as defined by the department, to their condition before



267346

pollution occurred or to otherwise enhance pollution control activities.

(j) For activities undertaken by the department to recover moneys as a result of actions against a person for a violation of chapter 373.

(k) Funding activities described in s. 403.086(9) which are authorized for implementation under the Leah Schad Memorial Ocean Outfall Program.

(l) Funding activities to restore or rehabilitate injured or destroyed coral reefs.

(m) For paying the outstanding and final debt service on bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns River Water Management District which are secured by revenues provided pursuant to former s. 373.59, Florida Statutes 2014, or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to such bonds. This paragraph expires August 1, 2016.

(4) The trust fund shall be funded as follows:

(a) An annual transfer of interest funds from the Florida Coastal Protection Trust Fund pursuant to s. 376.11(6)(g) ~~s. 376.11(4)(f)~~.

(b) All excise taxes levied, collected, and credited to the Water Quality Assurance Trust Fund in accordance with the provisions of ss. 206.9935(2) and 206.9945(1)(b).

(c) All penalties, judgments, recoveries, reimbursements, and other fees and charges related to the enforcement of ss. 376.30-376.317, other than penalties, judgments, and other fees and charges related to the enforcement of ss. 376.3071 and 376.3073.



267346

(d) The fee on the retail sale of lead-acid batteries credited to the Water Quality Assurance Trust Fund under s. 403.7185.

(e) All penalties, judgments, recoveries, reimbursements, loans, and other fees and charges collected under s. 376.3078; tax revenues levied, collected, and credited under ss. 376.70 and 376.75; and registration fees collected under s. 376.303(1)(d).

(f) All civil penalties recovered pursuant to s. 373.129(5)(a).

(g) Funds appropriated by the Legislature for the purposes of ss. 373.451-373.4598.

(h) Moneys collected pursuant to s. 403.121 and designated for deposit into the Water Quality Assurance Trust Fund.

(i) Moneys recovered by the state as a result of actions against a person for a violation of chapter 373 or chapter 403 initiated by the department.

(j) Damages recovered for coral reef protection pursuant to s. 403.93345.

(k) Funds available for the Leah Schad Memorial Ocean Outfall Program pursuant to s. 403.08601.

(l) Funds received by the state for injury to or destruction of coral reefs, which moneys would otherwise be deposited into the General Revenue Fund or the Internal Improvement Trust Fund. The department may enter into settlement agreements that require responsible parties to pay a third party to fund projects related to the restoration of a coral reef, to accomplish mitigation for injury to a coral reef, or to support the activities of law enforcement agencies related to coral reef



267346

injury response, investigation, and assessment. Participation of
a law enforcement agency in the receipt of funds through this
mechanism shall be at the law enforcement agency's discretion.

(m) Moneys from sources otherwise specified by law.

(8) A settlement entered into by the department may not
limit the Legislature's authority to appropriate moneys from the
trust fund; however, the department may enter into a settlement
in which the department agrees to request that moneys received
pursuant to the settlement will be included in its legislative
budget request for purposes set out in the settlement; and
further, the department may enter into a settlement in cases
involving joint enforcement with the Hillsborough County
pollution control program, as a program approved by the
department pursuant to s. 403.182, in which the department
agrees that moneys are to be deposited into that local program's
pollution recovery fund and used for projects directed toward
addressing the environmental damage that was the cause of action
for which funds were received.

Section 56. Subsection (4) of section 376.40, Florida
Statutes, is amended to read:

376.40 Petroleum exploration and production; purposes;
funding.—

(4) FUNDING.—There shall be deposited in the Minerals Trust
Fund:

(a) All fees charged permittees under ss. 377.24(1),
377.2408(1), and 377.2425(1) (b).

(b) All penalties, judgments, recoveries, reimbursements,
and other fees and charges related to the implementation of this
section.



267346

(c) Any other funds required to be deposited in the trust fund under provisions of law.

If moneys on deposit in the trust fund are not sufficient to satisfy the needed remedial or corrective action, and if the responsible party does not take remedial and corrective action in a timely manner or if a catastrophic event occurs, a temporary transfer of the required amount, or a maximum of \$10 million, from the Florida Coastal Protection Trust Fund pursuant to s. 376.11(6)(j) ~~s. 376.11(4)(i)~~ is authorized. The Florida Coastal Protection Trust Fund shall be reimbursed immediately upon deposit into the Minerals Trust Fund of moneys referred to in paragraph (b).

Section 57. Section 379.202, Florida Statutes, is repealed.

Section 58. Subsection (2) of section 379.206, Florida Statutes, is amended to read:

379.206 Grants and Donations Trust Fund.—

(2) The fund is established for use as a depository for funds to be used for allowable grant and donor agreement activities funded by restricted contractual revenue. Moneys to be credited to the trust fund shall consist of grants and donations from private and public nonfederal sources, development-of-regional-impact wildlife mitigation contributions, interest earnings, and cash advances from other trust funds.

Section 59. Section 379.212, Florida Statutes, is amended to read:

379.212 Land Acquisition Trust Fund.—

(1)(a) There is established within the Fish and Wildlife



267346

Conservation Commission the Land Acquisition Trust Fund to
implement s. 28, Art. X of the State Constitution ~~for the~~
~~purpose of acquiring, assisting other agencies or local~~
~~governments in acquiring, or managing lands important to the~~
~~conservation of fish and wildlife.~~

(b) The Fish and Wildlife Conservation Commission or its
designee shall manage such lands for the primary purpose of
maintaining and enhancing their habitat value for fish and
wildlife. Other uses may be allowed that are not contrary to
this purpose.

(c) If ~~Where~~ acquisition pursuant to this section will
result in state ownership of land, title shall be vested in the
Board of Trustees of the Internal Improvement Trust Fund as
required in chapter 253. Land acquisition pursuant to this
section shall be voluntary, negotiated acquisition and, if ~~where~~
title is to be vested in the Board of Trustees of the Internal
Improvement Trust Fund, is subject to the acquisition procedures
of s. 253.025.

(d) Acquisition costs shall include purchase prices and
costs and fees associated with title work, surveys, and
appraisals required to complete an acquisition.

(2) The fund may be credited with funds transferred from
the Land Acquisition Trust Fund within the Department of
Environmental Protection as provided in s. 375.041 ~~Moneys which~~
~~may be deposited into the Land Acquisition Trust Fund for the~~
~~purposes of this section may include, but not be limited to,~~
~~donations, grants, development of regional impact wildlife~~
~~mitigation contributions, or legislative appropriations.~~
~~Preservation 2000 acquisition moneys and Conservation and~~



267346

~~Recreation Lands management moneys shall not be deposited into this fund.~~

(3) The Fish and Wildlife Conservation Commission shall maintain the integrity of such moneys transferred from the Department of Environmental Protection. Any transferred moneys available from reversions and reductions in budget authority shall be transferred back to the Land Acquisition Trust Fund in the Department of Environmental Protection within 15 days after such reversion or reduction and must be available for future appropriation pursuant to s. 28, Art. X of the State Constitution.

Section 60. Effective upon becoming a law, all undisbursed, unobligated balances and all certified forward appropriations remaining in the Land Acquisition Trust Fund within the Fish and Wildlife Conservation Commission on June 30, 2015, shall be transferred to the Grants and Donations Trust Fund, FLAIR number 77-2-339, within the Fish and Wildlife Conservation Commission.

Section 61. Subsection (2) of section 379.214, Florida Statutes, is amended to read:

379.214 Invasive Plant Control Trust Fund.—

(2) Funds to be credited to and uses of the trust fund shall be administered in accordance with the provisions of ss. ~~201.15,~~ 206.606, 328.76, 369.20, 369.22, 369.252, and 379.502.

Section 62. Subsection (3) of section 379.362, Florida Statutes, is amended to read:

379.362 Wholesale and retail saltwater products dealers; regulation.—

(3) OYSTER MANAGEMENT AND RESTORATION PROGRAMS.—The Department of Agriculture and Consumer Services shall use ~~or~~



267346

4100 ~~distribute funds appropriated from the Land Acquisition Trust~~
4101 ~~Fund within the department paid into the State Treasury to the~~
4102 ~~credit of the General Inspection Trust Fund pursuant to s.~~
4103 ~~201.15, less reasonable costs of administration,~~ to fund the
4104 following oyster management and restoration programs in
4105 Apalachicola Bay and other oyster harvest areas in the state:
4106 (a) The relaying and transplanting of live oysters.
4107 (b) Shell planting to construct or rehabilitate oyster
4108 bars.
4109 (c) Education programs for licensed oyster harvesters on
4110 oyster biology, aquaculture, boating and water safety,
4111 sanitation, resource conservation, small business management,
4112 and other relevant subjects.
4113 (d) Research directed toward the enhancement of oyster
4114 production in the bay and the water management needs of the bay.
4115 Section 63. Subsection (12) of section 380.0666, Florida
4116 Statutes, is amended to read:
4117 380.0666 Powers of land authority.—The land authority shall
4118 have all the powers necessary or convenient to carry out and
4119 effectuate the purposes and provisions of this act, including
4120 the following powers, which are in addition to all other powers
4121 granted by other provisions of this act:
4122 (12) To identify parcels of land within the area or areas
4123 of critical state concern that would be appropriate acquisitions
4124 by the state ~~from the Conservation and Recreational Lands Trust~~
4125 ~~Fund~~ and recommend such acquisitions to the advisory council
4126 established pursuant to s. 259.035 or its successor.
4127 Section 64. Section 380.0677, Florida Statutes, is
4128 repealed.



267346

Section 65. Subsection (11) of section 380.507, Florida Statutes, is amended to read:

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

(11) To make rules necessary to carry out the purposes of this part and to exercise any power granted in this part, pursuant to ~~the provisions of~~ chapter 120. The trust shall adopt rules governing the acquisition of lands with ~~using~~ proceeds from ~~the Preservation 2000 Trust Fund and the Florida Forever Trust Fund~~, consistent with the intent expressed in the Florida Forever Act. Such rules for land acquisition must include, but are not limited to, procedures for appraisals and confidentiality consistent with ss. 125.355(1)(a) and (b) and 166.045(1)(a) and (b), a method of determining a maximum purchase price, and procedures to assure that the land is acquired in a voluntarily negotiated transaction, surveyed, conveyed with marketable title, and examined for hazardous materials contamination. Land acquisition procedures of a local land authority created pursuant to s. 380.0663 ~~or s. 380.0677~~ may be used for the land acquisition programs described in former s. ~~by ss.~~ 259.101(3)(c), Florida Statutes 2014, and in s. 259.105 if within areas of critical state concern designated pursuant to s. 380.05, subject to approval of the trust.

Section 66. Subsection (4) of section 380.508, Florida Statutes, is amended to read:

380.508 Projects; development, review, and approval.—

(4) Projects or activities which the trust undertakes, coordinates, or funds in any manner shall comply with the



267346

following guidelines:

(a) The purpose of redevelopment projects shall be to restore areas which are adversely affected by scattered ownership, poor lot layout, inadequate park and open space, incompatible land uses, or other conditions which endanger the environment or impede orderly development. Grants and loans awarded for redevelopment projects shall be used for assembling parcels of land within redevelopment project areas for the redesign of such areas and for the installation of public improvements required to serve such areas. After redesign and installation of public improvements, if any, lands in redevelopment projects, with the exception of lands acquired for public purposes, shall be conveyed to any person for development in accordance with a redevelopment project plan approved according to this part.

(b) The purpose of resource enhancement projects shall be to enhance natural resources which, because of indiscriminate dredging or filling, improper location of improvements, natural or human-induced events, or incompatible land uses, have suffered loss of natural and scenic values. Grants and loans awarded for resource enhancement projects shall be used for the assembly of parcels of land to improve resource management, for relocation of improperly located or designed improvements, and for other corrective measures which will enhance the natural and scenic character of project areas.

(c) The purpose of public access projects shall be to acquire interests in and initially develop lands which are suitable for and which will be used for public accessways to surface waters. The trust shall identify local governments and



267346

nonprofit organizations which will accept responsibility for maintenance and liability for public accessways which are located outside the state park system. The trust may lease any public access site developed under this part to a local government or nonprofit organization, provided that the conditions of the lease guarantee public use of the site. The trust may accept, from any local government or nonprofit organization, fees collected for providing public access to surface waters. The trust shall expend any such funds it accepts only for acquisition, development, and maintenance of such public accessways. To the maximum extent possible, the trust shall expend such fees in the general area where they are collected or in areas where public access to surface waters is clearly deficient. The trust may transfer funds, including such fees, to a local government or nonprofit organization to acquire public access sites. In developing or coordinating public access projects, the trust shall ensure that project plans involving beach access are consistent with state laws governing beach access.

(d) The purpose of urban waterfront restoration projects shall be to restore deteriorated or deteriorating urban waterfronts for public use and enjoyment. Urban waterfront restoration projects shall include public access sites.

(e) The purpose of working waterfront projects shall be to restore and preserve working waterfronts as provided in s. 380.5105.

(f) The trust shall cooperate with local governments, state agencies, federal agencies, and nonprofit organizations in ensuring the reservation of lands for parks, recreation, fish



267346

4216 and wildlife habitat, historical preservation, or scientific
4217 study. ~~If In the event that~~ any local government, state agency,
4218 federal agency, or nonprofit organization is unable, due to
4219 limited financial resources or other circumstances of a
4220 temporary nature, to acquire a site for the purposes described
4221 in this paragraph, the trust may acquire and hold the site for
4222 subsequent conveyance to the appropriate governmental agency or
4223 nonprofit organization. The trust may provide such technical
4224 assistance as ~~is~~ required to aid local governments, state and
4225 federal agencies, and nonprofit organizations in completing
4226 acquisition and related functions. The trust may ~~shall~~ not
4227 reserve lands acquired in accordance with this paragraph for
4228 more than 5 years from the time of acquisition. A local
4229 government, federal or state agency, or nonprofit organization
4230 may acquire the land at any time during this period for public
4231 purposes. The purchase price shall be based upon the trust's
4232 cost of acquisition, plus administrative and management costs in
4233 reserving the land. The payment of the ~~this~~ purchase price shall
4234 be by money, trust-approved property of an equivalent value, or
4235 a combination of money and trust-approved property. If, after
4236 the 5-year period, the trust has not sold to a governmental
4237 agency or nonprofit organization land acquired for site
4238 reservation, the trust shall dispose of such land at fair market
4239 value or shall trade it for other land of comparable value which
4240 will serve to accomplish the purposes of this part. Any proceeds
4241 from the sale of such land shall be deposited into ~~in~~ the
4242 appropriate Florida Communities trust fund pursuant to s.
4243 253.034(6)(k), (l), or (m). All moneys and revenue from the
4244 operation, management, lease, or other disposition of land,



267346

water areas, related resources, and the facilities thereon
acquired or constructed under this part shall be credited to or
deposited into the Internal Improvement Trust Fund.

Project costs may include costs of providing parks, open space,
public access sites, scenic easements, and other areas and
facilities serving the public where such features are part of a
project plan approved according to this part. In undertaking or
coordinating projects or activities authorized by this part, the
trust shall, when appropriate, use and promote the use of
creative land acquisition methods, including the acquisition of
less than fee interest through, among other methods,
conservation easements, transfer of development rights, leases,
and leaseback arrangements. The trust ~~also~~ shall assist local
governments in the use of sound alternative methods of financing
for funding projects and activities authorized under ~~by~~ this
part. Any funds over and above eligible project costs, which
remain after completion of a project approved according to this
part, shall be transmitted to the state and deposited into ~~in~~
the Florida Forever ~~Florida Communities~~ Trust Fund.

Section 67. Paragraph (f) of subsection (3) and subsections
(5) and (7) of section 380.510, Florida Statutes, are amended to
read:

380.510 Conditions of grants and loans.—

(3) In the case of a grant or loan for land acquisition,
agreements shall provide all of the following:

~~(f) The term of any grant using funds received from the
Preservation 2000 Trust Fund, pursuant to s. 259.101(3)(c),
shall be for a period not to exceed 24 months. The governing~~



267346

~~board of the trust may offer a grant with a shorter term and may extend a grant beyond 24 months when the grant recipient demonstrates that significant progress is being made toward closing the project or that extenuating circumstances warrant an extension of time. If a local government project which was awarded a grant is not closed within 24 months and the governing board of the trust does not grant an extension, the grant reverts to the trust's unencumbered balance of Preservation 2000 funds to be redistributed to other eligible projects. The local government may reapply for a grant to fund the project in the trust's next application cycle.~~

Any deed or other instrument of conveyance whereby a nonprofit organization or local government acquires real property under this section shall set forth the interest of the state. The trust shall keep at least one copy of any such instrument and shall provide at least one copy to the Board of Trustees of the Internal Improvement Trust Fund.

(5) Any funds the trust collects from a nonprofit organization or local government under a grant or loan agreement shall be deposited into in the Internal Improvement Florida Communities Trust Fund within the Department of Environmental Protection.

(7) Any funds received by the trust ~~from the Preservation 2000 Trust Fund~~ pursuant to s. 259.105(3)(c) or s. 375.041 s. ~~259.101(3)(c) and the Florida Forever Trust Fund pursuant to s. 259.105(3)(c)~~ shall be held separate and apart from any other funds held by the trust and ~~shall be~~ used for the land acquisition purposes of this part. ~~In addition to the other~~



267346

~~conditions set forth in this section, the disbursement of
Preservation 2000 and Florida Forever funds from the trust shall
be subject to the following conditions:~~

(a) The administration and use of Florida Forever ~~any~~ funds
~~are received by the trust from the Preservation 2000 Trust Fund~~
~~and the Florida Forever Trust Fund shall be~~ subject to such
terms and conditions imposed thereon by the agency of the state
responsible for the bonds, the proceeds of which are deposited
into in the ~~Preservation 2000 Trust Fund and the Florida Forever~~
Trust Fund, including restrictions imposed to ensure that the
interest on any such bonds issued by the state as tax-exempt
bonds is ~~will~~ not be included in the gross income of the holders
of such bonds for federal income tax purposes.

(b) All deeds or leases with respect to any real property
acquired with funds received by the trust from the Preservation
2000 Trust Fund, the Florida Forever Trust Fund, or the Land
Acquisition Trust Fund must ~~shall~~ contain such covenants and
restrictions as are sufficient to ensure that the use of such
real property at all times complies with s. 375.051 and s. 9,
Art. XII of the State Constitution. Each deed ~~All deeds~~ or lease
~~leases~~ with respect to any real property acquired with funds
received by the trust from the Florida Forever Trust Fund before
July 1, 2015, must ~~shall~~ contain ~~such~~ covenants and restrictions
~~as are~~ sufficient to ensure that the use of such real property
at all times complies with s. 11(e), Art. VII of the State
Constitution. Each deed or lease with respect to any real
property acquired with funds received by the trust from the
Florida Forever Trust Fund after July 1, 2015, must contain
covenants and restrictions sufficient to ensure that the use of



267346

such real property at all times complies with s. 28, Art. X of the State Constitution. Each deed or lease must ~~shall~~ contain a reversion, conveyance, or termination clause that vests ~~will~~ ~~vest~~ title in the Board of Trustees of the Internal Improvement Trust Fund if any of the covenants or restrictions are violated by the titleholder or leaseholder or by some third party with the knowledge of the titleholder or leaseholder.

Section 68. Section 380.511, Florida Statutes, is repealed.

Section 69. Subsection (2) of section 403.0615, Florida Statutes, is amended to read:

403.0615 Water resources restoration and preservation.—

(2) Subject to specific legislative appropriation, the department shall establish a program to assist in the restoration and preservation of bodies of water and to enhance existing public access when deemed necessary for the enhancement of the restoration effort. ~~This program shall be funded from the General Revenue Fund, from funds available from the Ecosystem Management and Restoration Trust Fund, and from available federal moneys.~~

Section 70. Section 403.08601, Florida Statutes, is amended to read:

403.08601 Leah Schad Memorial Ocean Outfall Program.—The Legislature declares that as funds become available the state may assist the local governments and agencies responsible for implementing the Leah Schad Memorial Ocean Outfall Program pursuant to s. 403.086(9). Funds received from other sources provided for in law, the General Appropriations Act, from gifts designated for implementation of the plan from individuals, corporations, or other entities, or federal funds appropriated



267346

by Congress for implementation of the plan, may be deposited into an account of the Water Quality Assurance Ecosystem Management and Restoration Trust Fund ~~created pursuant to s. 403.1651.~~

Section 71. Subsection (11) of section 403.121, Florida Statutes, is amended to read:

403.121 Enforcement; procedure; remedies.—The department shall have the following judicial and administrative remedies available to it for violations of this chapter, as specified in s. 403.161(1).

(11) Penalties collected pursuant to this section shall be deposited into ~~in~~ the Water Quality Assurance Ecosystem Management and Restoration Trust Fund or other trust fund designated by statute and shall be used to fund the restoration of ecosystems, or polluted areas of the state, as defined by the department, to their condition before pollution occurred. The Florida Conflict Resolution Consortium may use a portion of the fund to administer the mediation process provided in paragraph (2)(e) and to contract with private mediators for administrative penalty cases.

Section 72. Section 403.1651, Florida Statutes, is repealed.

Section 73. Subsection (1) of section 403.885, Florida Statutes, is amended to read:

403.885 Water Projects Grant Program.—

(1) The Department of Environmental Protection shall administer a grant program to use funds ~~transferred pursuant to s. 212.20 to the Ecosystem Management and Restoration Trust Fund or other moneys as~~ appropriated by the Legislature for water



267346

quality improvement, stormwater management, wastewater management, and water restoration and other water projects as specifically appropriated by the Legislature. Eligible recipients of such grants include counties, municipalities, water management districts, and special districts that have legal responsibilities for water quality improvement, water management, stormwater management, wastewater management, lake and river water restoration projects, and drinking water projects pursuant to this section.

Section 74. Section 403.8911, Florida Statutes, is repealed.

Section 75. Subsection (6) of section 403.9325, Florida Statutes, is amended to read:

403.9325 Definitions.—For the purposes of ss. 403.9321-403.9333, the term:

(6) "Public lands set aside for conservation or preservation" means:

(a) Lands and interests acquired with funds deposited into the Land Acquisition Trust Fund pursuant to s. 28(a), Art. X of the State Constitution;

(b) ~~(a)~~ Conservation and recreation lands under chapter 259;

(c) ~~(b)~~ State and national parks;

(d) ~~(c)~~ State and national reserves and preserves, except as provided in s. 403.9326(3);

(e) ~~(d)~~ State and national wilderness areas;

(f) ~~(e)~~ National wildlife refuges (only those lands under Federal Government ownership);

(g) ~~(f)~~ Lands acquired through the former Water Management Lands Trust Fund, Save Our Rivers Program;



267346

(h) ~~(g)~~ Lands acquired under the Save Our Coast program;
(i) ~~(h)~~ Lands acquired under the environmentally endangered
lands bond program;

(j) ~~(i)~~ Public lands designated as conservation or
preservation under a local government comprehensive plan;

(k) ~~(j)~~ Lands purchased by a water management district, the
Fish and Wildlife Conservation Commission, or any other state
agency for conservation or preservation purposes;

(l) ~~(k)~~ Public lands encumbered by a conservation easement
that does not provide for the trimming of mangroves; and

(m) ~~(l)~~ Public lands designated as critical wildlife areas
by the Fish and Wildlife Conservation Commission.

Section 76. Paragraph (f) of subsection (3) and subsection
(11) of section 403.93345, Florida Statutes, are amended to
read:

403.93345 Coral reef protection.—

(3) As used in this section, the term:

(f) "Fund" means the Water Quality Assurance Ecosystem
~~Management and Restoration~~ Trust Fund.

(11) All damages recovered by or on behalf of this state
for injury to, or destruction of, the coral reefs of the state
that would otherwise be deposited in the general revenue
accounts of the State Treasury or in the Internal Improvement
Trust Fund shall be deposited into ~~in~~ the Water Quality
Assurance Ecosystem Management and Restoration Trust Fund in the
department and shall remain in such account until expended by
the department for the purposes of this section. Moneys in the
fund received from damages recovered for injury to, or
destruction of, coral reefs must be expended only for the



267346

following purposes:

(a) To provide funds to the department for reasonable costs incurred in obtaining payment of the damages for injury to, or destruction of, coral reefs, including administrative costs and costs of experts and consultants. Such funds may be provided in advance of recovery of damages.

(b) To pay for restoration or rehabilitation of the injured or destroyed coral reefs or other natural resources by a state agency or through a contract to any qualified person.

(c) To pay for alternative projects selected by the department. Any such project shall be selected on the basis of its anticipated benefits to the residents of this state who used the injured or destroyed coral reefs or other natural resources or will benefit from the alternative project.

(d) All claims for trust fund reimbursements under paragraph (a) must be made within 90 days after payment of damages is made to the state.

(e) Each private recipient of fund disbursements shall be required to agree in advance that its accounts and records of expenditures of such moneys are subject to audit at any time by appropriate state officials and to submit a final written report describing such expenditures within 90 days after the funds have been expended.

(f) When payments are made to a state agency from the fund for expenses compensable under this subsection, such expenditures shall be considered as being for extraordinary expenses, and no agency appropriation shall be reduced by any amount as a result of such reimbursement.

Section 77. Subsections (5) and (6) of section 420.5092,



267346

Florida Statutes, are amended to read:

420.5092 Florida Affordable Housing Guarantee Program.—

(5) Pursuant to s. 16, Art. VII of the State Constitution, the corporation may issue, in accordance with s. 420.509, revenue bonds of the corporation to establish the guarantee fund. The ~~Such~~ revenue bonds are ~~shall be~~ primarily payable from and secured by annual debt service reserves, from interest earned on funds on deposit in the guarantee fund, from fees, charges, and reimbursements established by the corporation for the issuance of affordable housing guarantees, and from any other revenue sources received by the corporation and deposited by the corporation into the guarantee fund for the issuance of affordable housing guarantees. ~~If To the extent~~ such primary revenue sources are considered insufficient by the corporation, pursuant to the certification provided in subsection (6), to fully fund the annual debt service reserve, the certified deficiency in such reserve is also ~~shall be additionally~~ payable from the first proceeds of the documentary stamp tax moneys deposited into the State Housing Trust Fund pursuant to s. 201.15(4) (c) and (d) ~~s. 201.15(9) (a) and (10) (a)~~ during the ensuing state fiscal year.

(6) (a) If the primary revenue sources to be used for repayment of revenue bonds used to establish the guarantee fund are insufficient for such repayment, the annual principal and interest due on each series of revenue bonds is ~~shall be~~ payable from funds in the annual debt service reserve. The corporation shall, before June 1 of each year, perform a financial audit to determine whether at the end of the state fiscal year there will be on deposit in the guarantee fund an annual debt service



267346

reserve from interest earned pursuant to the investment of the guarantee fund, fees, charges, and reimbursements received from issued affordable housing guarantees and other revenue sources available to the corporation. Based upon the findings in such guarantee fund financial audit, the corporation shall certify to the Chief Financial Officer the amount of any projected deficiency in the annual debt service reserve for any series of outstanding bonds as of the end of the state fiscal year and the amount necessary to maintain such annual debt service reserve. Upon receipt of such certification, the Chief Financial Officer shall transfer to the annual debt service reserve, from the first available taxes distributed to the State Housing Trust Fund pursuant to s. 201.15(4)(c) and (d) ~~s. 201.15(9)(a) and (10)(a)~~ during the ensuing state fiscal year, the amount certified as necessary to maintain the annual debt service reserve.

(b) If the claims payment obligations under affordable housing guarantees from amounts on deposit in the guarantee fund would cause the claims paying rating assigned to the guarantee fund to be less than the third-highest rating classification of any nationally recognized rating service, which classifications being consistent with s. 215.84(3) and rules adopted thereto by the State Board of Administration, the corporation shall certify to the Chief Financial Officer the amount of such claims payment obligations. Upon receipt of such certification, the Chief Financial Officer shall transfer to the guarantee fund, from the first available taxes distributed to the State Housing Trust Fund pursuant to s. 201.15(4)(c) and (d) ~~s. 201.15(9)(a) and (10)(a)~~ during the ensuing state fiscal year, the amount



267346

certified as necessary to meet such obligations, such transfer to be subordinate to any transfer referenced in paragraph (a) and not to exceed 50 percent of the amounts distributed to the State Housing Trust Fund pursuant to s. 201.15(4)(c) and (d) ~~s. 201.15(9)(a) and (10)(a)~~ during the preceding state fiscal year.

Section 78. Subsections (1), (2), and (3) of section 420.9073, Florida Statutes, are amended to read:

420.9073 Local housing distributions.—

(1) Distributions calculated in this section shall be disbursed on a quarterly or more frequent basis by the corporation pursuant to s. 420.9072, subject to availability of funds. Each county's share of the funds to be distributed from the portion of the funds in the Local Government Housing Trust Fund received pursuant to s. 201.15(4)(c) ~~s. 201.15(9)~~ shall be calculated by the corporation for each fiscal year as follows:

(a) Each county other than a county that has implemented ~~the provisions of~~ chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, shall receive the guaranteed amount for each fiscal year.

(b) Each county other than a county that has implemented ~~the provisions of~~ chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, may receive an additional share calculated as follows:

1. Multiply each county's percentage of the total state population excluding the population of any county that has implemented ~~the provisions of~~ chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, by the total funds to be distributed.

2. If the result in subparagraph 1. is less than the



267346

guaranteed amount as determined in subsection (3), that county's additional share shall be zero.

3. For each county in which the result in subparagraph 1. is greater than the guaranteed amount as determined in subsection (3), the amount calculated in subparagraph 1. shall be reduced by the guaranteed amount. The result for each such county shall be expressed as a percentage of the amounts so determined for all counties. Each such county shall receive an additional share equal to such percentage multiplied by the total funds received by the Local Government Housing Trust Fund pursuant to s. 201.15(4)(c) ~~s. 201.15(9)~~ reduced by the guaranteed amount paid to all counties.

(2) Distributions calculated in this section shall be disbursed on a quarterly or more frequent basis by the corporation pursuant to s. 420.9072, subject to availability of funds. Each county's share of the funds to be distributed from the portion of the funds in the Local Government Housing Trust Fund received pursuant to s. 201.15(4)(d) ~~s. 201.15(10)~~ shall be calculated by the corporation for each fiscal year as follows:

(a) Each county shall receive the guaranteed amount for each fiscal year.

(b) Each county may receive an additional share calculated as follows:

1. Multiply each county's percentage of the total state population, by the total funds to be distributed.

2. If the result in subparagraph 1. is less than the guaranteed amount as determined in subsection (3), that county's additional share shall be zero.

3. For each county in which the result in subparagraph 1.



267346

is greater than the guaranteed amount, the amount calculated in subparagraph 1. shall be reduced by the guaranteed amount. The result for each such county shall be expressed as a percentage of the amounts so determined for all counties. Each such county shall receive an additional share equal to this percentage multiplied by the total funds received by the Local Government Housing Trust Fund pursuant to s. 201.15(4) (d) ~~s. 201.15(10)~~ as reduced by the guaranteed amount paid to all counties.

(3) Calculation of guaranteed amounts:

(a) The guaranteed amount under subsection (1) shall be calculated for each state fiscal year by multiplying \$350,000 by a fraction, the numerator of which is the amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15(4) (c) ~~s. 201.15(9)~~ and the denominator of which is the total amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15.

(b) The guaranteed amount under subsection (2) shall be calculated for each state fiscal year by multiplying \$350,000 by a fraction, the numerator of which is the amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15(4) (d) ~~s. 201.15(10)~~ and the denominator of which is the total amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15.

Section 79. Section 570.207, Florida Statutes, is repealed.

Section 80. Subsection (2) of section 570.321, Florida Statutes, is amended to read:

570.321 Plant Industry Trust Fund.—

(2) Funds to be credited to and uses of the trust fund shall be administered in accordance with ss. ~~259.032~~, 581.031,



267346

581.141, 581.211, 581.212, 586.045, 586.15, 586.16, 593.114, and 593.117.

Section 81. Subsection (12) of section 570.71, Florida Statutes, is amended to read:

570.71 Conservation easements and agreements.—

(12) The department may use appropriated funds from the following sources to implement this section:

- (a) State funds;
- (b) Federal funds;
- (c) Other governmental entities;
- (d) Nongovernmental organizations; or
- (e) Private individuals.

Any such funds provided, other than from the Land Acquisition Trust Fund, shall be deposited into the Incidental Conservation and Recreation Lands Program Trust Fund within the Department of Agriculture and Consumer Services and used for the purposes of this section, including administrative and operating expenses related to appraisals, mapping, title process, personnel, and other real estate expenses.

Section 82. Paragraph (c) of subsection (1) of section 895.09, Florida Statutes, is amended to read:

895.09 Disposition of funds obtained through forfeiture proceedings.—

(1) A court entering a judgment of forfeiture in a proceeding brought pursuant to s. 895.05 shall retain jurisdiction to direct the distribution of any cash or of any cash proceeds realized from the forfeiture and disposition of the property. The court shall direct the distribution of the



267346

funds in the following order of priority:

(c) Any claim by the Board of Trustees of the Internal Improvement Trust Fund on behalf of the Internal Improvement Trust Fund or the ~~Land Acquisition~~ trust fund used pursuant to s. 253.03(12), not including administrative costs of the Department of Environmental Protection previously paid directly from the Internal Improvement Trust Fund in accordance with legislative appropriation.

Section 83. For the purpose of incorporating the amendment made by this act to section 201.15, Florida Statutes, in a reference thereto, subsection (6) of section 339.2818, Florida Statutes, is reenacted to read:

339.2818 Small County Outreach Program.—

(6) Funds paid into the State Transportation Trust Fund pursuant to s. 201.15 for the purposes of the Small County Outreach Program are hereby annually appropriated for expenditure to support the Small County Outreach Program.

Section 84. For the purpose of incorporating the amendment made by this act to section 201.15, Florida Statutes, in a reference thereto, subsection (5) of section 339.2819, Florida Statutes, is reenacted to read:

339.2819 Transportation Regional Incentive Program.—

(5) Funds paid into the State Transportation Trust Fund pursuant to s. 201.15 for the purposes of the Transportation Regional Incentive Program are hereby annually appropriated for expenditure to support that program.

Section 85. For the purpose of incorporating the amendment made by this act to section 201.15, Florida Statutes, in a reference thereto, subsection (3) of section 339.61, Florida



267346

Statutes, is reenacted to read:

339.61 Florida Strategic Intermodal System; legislative findings, declaration, and intent.—

(3) Funds paid into the State Transportation Trust Fund pursuant to s. 201.15 for the purposes of the Florida Strategic Intermodal System are hereby annually appropriated for expenditure to support that program.

Section 86. For the purpose of incorporating the amendment made by this act to section 201.15, Florida Statutes, in a reference thereto, subsection (6) of section 341.051, Florida Statutes, is reenacted to read:

341.051 Administration and financing of public transit and intercity bus service programs and projects.—

(6) ANNUAL APPROPRIATION.—Funds paid into the State Transportation Trust Fund pursuant to s. 201.15 for the New Starts Transit Program are hereby annually appropriated for expenditure to support the New Starts Transit Program.

For purposes of this section, the term “net operating costs” means all operating costs of a project less any federal funds, fares, or other sources of income to the project.

Section 87. For the purpose of incorporating the amendment made by this act to section 201.15, Florida Statutes, in a reference thereto, paragraph (e) of subsection (4) of section 373.470, Florida Statutes, is reenacted to read:

373.470 Everglades restoration.—

(4) SAVE OUR EVERGLADES TRUST FUND; FUNDS AUTHORIZED FOR DEPOSIT.—The following funds may be deposited into the Save Our Everglades Trust Fund created by s. 373.472 to finance



267346

implementation of the comprehensive plan, the Lake Okeechobee Watershed Protection Plan, the River Watershed Protection Plans, and the Keys Wastewater Plan:

(e) Funds made available pursuant to s. 201.15 for debt service for Everglades restoration bonds.

Section 88. For the purpose of incorporating the amendment made by this act to section 201.15, Florida Statutes, in a reference thereto, subsection (1) of section 420.9079, Florida Statutes, is reenacted to read:

420.9079 Local Government Housing Trust Fund.—

(1) There is created in the State Treasury the Local Government Housing Trust Fund, which shall be administered by the corporation on behalf of the department according to the provisions of ss. 420.907-420.9076 and this section. There shall be deposited into the fund a portion of the documentary stamp tax revenues as provided in s. 201.15, moneys received from any other source for the purposes of ss. 420.907-420.9076 and this section, and all proceeds derived from the investment of such moneys. Moneys in the fund that are not currently needed for the purposes of the programs administered pursuant to ss. 420.907-420.9076 and this section shall be deposited to the credit of the fund and may be invested as provided by law. The interest received on any such investment shall be credited to the fund.

Section 89. For the purpose of incorporating the amendment made by this act to section 375.041, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 258.015, Florida Statutes, is reenacted to read:

258.015 Citizen support organizations; use of property; audit.—



267346

(3) PARTNERSHIPS IN PARKS.—

(b) The Legislature may annually appropriate funds from the Land Acquisition Trust Fund for use only as state matching funds, in conjunction with private donations in aggregates of at least \$60,000 matched by \$40,000 of state funds for a total minimum project amount of \$100,000 for capital improvement facility development at state parks, at either individually designated parks or for priority projects within the overall state park system. Not more than 30 percent of the Land Acquisition Trust Fund unencumbered fund balance or \$3 million, whichever is less, shall be reserved, available annually for matching private donations. The amount held in reserve for the state match will be no greater than \$6 million for any fiscal year. State funds from the Land Acquisition Trust Fund or other appropriate funding sources shall be used for matching private donations for 40 percent of the projects' costs. Funds held in reserve for the purposes of this subsection shall be available only after the requirements of s. 375.041(3) are met. Citizen support organizations organized and operating for the benefit of state parks may acquire private donations pursuant to this section, and matching state funds for approved projects may be provided in accordance with this subsection. The department is authorized to properly recognize and honor a private donor by placing a plaque or other appropriate designation noting the contribution on project facilities or by naming project facilities after the person or organization that provided matching funds. The department is authorized to adopt necessary administrative rules to carry out the purposes of this subsection.



267346

Section 90. For the purpose of incorporating the amendment made by this act to section 376.307, Florida Statutes, in a reference thereto, subsection (2) of section 287.0595, Florida Statutes, is reenacted to read:

287.0595 Pollution response action contracts; department rules.—

(2) In adopting rules under this section, the Department of Environmental Protection shall follow the criteria applicable to the department's contracting to the maximum extent possible, consistent with the goals and purposes of ss. 376.307 and 376.3071.

Section 91. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming law, this act shall take effect July 1, 2015.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to the implementation of the water and land conservation constitutional amendment;
terminating certain trust funds within the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and the Fish and Wildlife Conservation Commission; providing for the disposition of balances in the trust funds; requiring the Department of Environmental Protection to pay all outstanding debts or obligations of the terminated



267346

4796 trust funds; requiring the Chief Financial Officer to
4797 close out and remove the terminated trust funds from
4798 the various state accounting systems; amending s.
4799 17.61, F.S.; requiring moneys in land acquisition
4800 trust funds created or designated to receive funds
4801 under s. 28, Art. X of the State Constitution to be
4802 retained in those trust funds; repealing s. 161.05301,
4803 F.S., relating to beach erosion control project
4804 staffing; amending s. 161.054, F.S.; redirecting
4805 certain proceeds from the Ecosystem Management and
4806 Restoration Trust Fund to the Florida Coastal
4807 Protection Trust Fund; amending s. 161.091, F.S.;
4808 authorizing disbursements from the Land Acquisition
4809 Trust Fund for the beach management plan; amending s.
4810 201.0205, F.S.; conforming provisions to changes made
4811 by the act; amending s. 201.15, F.S.; revising and
4812 deleting distributions of the tax; providing that
4813 specified distributions to the Land Acquisition Trust
4814 Fund are not subject to the service charge under s.
4815 215.20, F.S.; revising the purposes for which
4816 distributions may be used; amending s. 211.3103, F.S.;
4817 authorizing a percentage of proceeds from the
4818 phosphate rock excise tax to be credited to the State
4819 Park Trust Fund; amending s. 215.20, F.S.; conforming
4820 provisions to changes made by the act; amending s.
4821 215.618, F.S.; authorizing Florida Forever bonds to be
4822 issued to finance or refinance the acquisition and
4823 improvement of land, water areas, and related property
4824 interests; amending ss. 215.619, 253.027, and 253.03,



267346

4825 F.S.; conforming provisions to changes made by the
4826 act; amending s. 253.034, F.S.; requiring proceeds
4827 from the sale of surplus conservation lands before a
4828 certain date to be deposited into the Florida Forever
4829 Trust Fund and after such date under certain
4830 circumstances into the Land Acquisition Trust Fund;
4831 prohibiting more than a certain amount of funds to be
4832 expended from the Land Acquisition Trust Fund for
4833 funding a certain contractual arrangement; amending s.
4834 253.7824, F.S.; conforming provisions to changes made
4835 by the act; amending s. 258.435, F.S.; requiring
4836 moneys received in trust by the Department of
4837 Environmental Protection relating to aquatic preserves
4838 to be deposited into the Grants and Donations Trust
4839 Fund; amending s. 259.032, F.S.; conforming provisions
4840 affected by the termination of the Conservation and
4841 Recreation Lands Trust Fund; authorizing state
4842 agencies designated to manage lands acquired with
4843 funds deposited into the Land Acquisition Trust Fund
4844 to contract with local governments and soil and water
4845 conservation districts to assist in management
4846 activities; amending s. 259.035, F.S.; requiring the
4847 Acquisition and Restoration Council to develop rules
4848 defining specific criteria and numeric performance
4849 measures needed for lands acquired with funds
4850 deposited into the Land Acquisition Trust Fund
4851 pursuant to s. 28(a), Art. X of the State
4852 Constitution; requiring the proposed rules to be
4853 submitted to the Legislature for consideration;



267346

4854 requiring recipients of funds from the Land
4855 Acquisition Trust Fund to annually report to the
4856 Division of State Lands; requiring the council to
4857 consider and evaluate in writing each project proposed
4858 for acquisition using such funds and ensure that each
4859 proposed project meets the requirements of s. 28, Art.
4860 X of the State Constitution; amending ss. 259.036,
4861 259.037, 259.04, and 259.041, F.S.; conforming cross-
4862 references; amending s. 259.101, F.S.; conforming
4863 provisions affected by the termination of the
4864 Preservation 2000 Trust Fund; requiring agencies and
4865 water management districts that acquired lands using
4866 Preservation 2000 funds to make them available for
4867 public recreational use; requiring water management
4868 districts and the department to control the growth of
4869 nonnative invasive plant species on certain lands;
4870 amending s. 259.105, F.S.; deleting obsolete
4871 provisions; conforming cross-references; prohibiting
4872 more than a certain amount of funds to be expended
4873 from the Land Acquisition Trust Fund for funding a
4874 certain contractual arrangement; amending s. 259.1051,
4875 F.S.; conforming cross-references; amending ss.
4876 338.250, 339.0801, 339.55, 341.303, 343.58, 369.252,
4877 373.026, and 373.089, F.S.; conforming provisions to
4878 changes made by the act; amending s. 373.129, F.S.;
4879 requiring certain civil penalties to be deposited into
4880 the Water Quality Assurance Trust Fund; amending ss.
4881 373.1391 and 373.199, F.S.; conforming provisions to
4882 changes made by the act; amending s. 373.430, F.S.;



267346

4883 requiring certain moneys to be deposited into the
4884 Florida Permit Fee Trust Fund rather than the
4885 Ecosystem Management and Restoration Trust Fund;
4886 amending ss. 373.459, 373.4592, 373.45926, 373.470,
4887 and 373.584, F.S.; conforming provisions to changes
4888 made by the act; amending s. 373.59, F.S.; conforming
4889 provisions affected by the termination of the Water
4890 Management Lands Trust Fund; amending s. 373.5905,
4891 F.S.; conforming a cross-reference; amending ss.
4892 373.703 and 375.031, F.S.; conforming provisions to
4893 changes made by the act; amending s. 375.041, F.S.;
4894 designating the Land Acquisition Trust Fund within the
4895 Department of Environmental Protection for receipt of
4896 certain documentary stamp tax revenues for the
4897 prescribed uses of s. 28, Art. X of the State
4898 Constitution; providing priority for the use of moneys
4899 in the trust fund; requiring agencies receiving
4900 transfers of moneys from the fund to maintain the
4901 integrity of such funds; amending s. 375.044, F.S.;
4902 conforming provisions to changes made by the act;
4903 repealing s. 375.045, F.S., relating to the Florida
4904 Preservation 2000 Trust Fund; amending s. 375.075,
4905 F.S.; conforming provisions to changes made by the
4906 act; amending s. 376.11, F.S.; revising the funds
4907 required to be deposited into the Florida Coastal
4908 Protection Trust Fund and the purposes for which such
4909 funds may be used; amending s. 376.123, F.S.;
4910 conforming a cross-reference; amending s. 376.307,
4911 F.S.; revising the funds required to be deposited into



267346

4912 the Water Quality Assurance Trust Fund and the
4913 purposes for which such funds may be used; amending s.
4914 376.40, F.S.; conforming a cross-reference; repealing
4915 s. 379.202, F.S., relating to the Conservation and
4916 Recreation Lands Program Trust Fund of the Fish and
4917 Wildlife Conservation Commission; amending s. 379.206,
4918 F.S.; requiring grants and donations from development-
4919 of-regional-impact wildlife mitigation contributions
4920 to be credited to the Grants and Donations Trust Fund;
4921 amending s. 379.212, F.S.; providing that the Land
4922 Acquisition Trust Fund within the Fish and Wildlife
4923 Conservation Commission shall be used to implement s.
4924 28, Art. X of the State Constitution; authorizing the
4925 department to transfer certain funds; requiring the
4926 commission to maintain the integrity of such funds;
4927 providing for the transfer of certain funds; amending
4928 s. 379.214, F.S.; conforming provisions to changes
4929 made by the act; amending s. 379.362, F.S.; requiring
4930 the Department of Agriculture and Consumer Services to
4931 use funds appropriated from the Land Acquisition Fund
4932 within the Department of Environmental Protection to
4933 fund certain oyster management and restoration
4934 programs; amending s. 380.0666, F.S.; conforming
4935 provisions to changes made by the act; repealing s.
4936 380.0677, F.S., relating to the Green Swamp Land
4937 Authority; amending s. 380.507, F.S.; conforming
4938 provisions to changes made by the act; amending s.
4939 380.508, F.S.; requiring certain funds to be credited
4940 to or deposited into the Internal Improvement Trust



267346

4941 Fund; requiring funds over and above eligible project
4942 costs to be deposited into the Florida Forever Trust
4943 Fund rather than the Florida Communities Trust Fund;
4944 amending s. 380.510, F.S.; requiring certain funds
4945 collected under a grant or loan agreement to be
4946 deposited into the Internal Improvement Trust Fund
4947 rather than the Florida Communities Trust Fund;
4948 requiring the deed or lease of any real property
4949 acquired with certain funds to contain covenants and
4950 restrictions sufficient to ensure that the use of such
4951 real property complies with s. 28, Art. X of the State
4952 Constitution; repealing s. 380.511, F.S., relating to
4953 the Florida Communities Trust Fund; amending s.
4954 403.0615, F.S.; conforming provisions to changes made
4955 by the act; amending ss. 403.08601 and 403.121, F.S.;
4956 requiring certain funds to be deposited into the Water
4957 Quality Assurance Trust Fund rather than the Ecosystem
4958 Management and Restoration Trust Fund; repealing s.
4959 403.1651, F.S., relating to the Ecosystem Management
4960 and Restoration Trust Fund; amending s. 403.885, F.S.;
4961 conforming provisions to changes made by the act;
4962 repealing s. 403.8911, F.S., relating to the annual
4963 appropriation from the Water Protection and
4964 Sustainability Program Trust Fund; amending s.
4965 403.9325, F.S.; redefining the term "public lands set
4966 aside for conservation or preservation" to include
4967 lands and interests acquired with funds deposited into
4968 the Land Acquisition Trust Fund; amending s.
4969 403.93345, F.S.; redefining the term "fund" to mean



267346

4970 the Water Quality Assurance Trust Fund; requiring
4971 certain funds to be deposited into the Water Quality
4972 Assurance Trust Fund rather than the Ecosystem
4973 Management and Restoration Trust Fund; amending ss.
4974 420.5092 and 420.9073, F.S.; conforming provisions to
4975 changes made by the act; repealing s. 570.207, F.S.,
4976 relating to the Conservation and Recreation Lands
4977 Program Trust Fund of the Department of Agriculture
4978 and Consumer Services; amending s. 570.321, F.S.;
4979 conforming provisions to changes made by the act;
4980 amending s. 570.71, F.S.; excluding funds from the
4981 Land Acquisition Trust Fund from being deposited into
4982 the Incidental Trust Fund under certain circumstances;
4983 amending s. 895.09, F.S.; conforming provisions to
4984 changes made by the act; making technical changes;
4985 reenacting ss. 339.2818(6), F.S., relating to the
4986 Small County Outreach Program, s. 339.2819(5), F.S.,
4987 relating to the Transportation Regional Incentive
4988 Program, s. 339.61(3), F.S., relating to the Florida
4989 Strategic Intermodal System, s. 341.051(6), F.S.,
4990 relating to the New Starts Transit Program, s.
4991 373.470(4)(e), F.S., relating to debt service for
4992 Everglades restoration bonds, and s. 420.9079(1),
4993 F.S., relating to the Local Government Housing Trust
4994 Fund, to incorporate the amendment made by this act to
4995 s. 201.15, F.S., in references thereto; reenacting s.
4996 258.015(3)(b), F.S., relating to funds available to
4997 citizen support organizations, to incorporate the
4998 amendment made by this act to s. 375.041, F.S., in a



267346

4999 reference thereto; reenacting s. 287.0595(2), F.S.,
5000 relating to Department of Environmental Protection's
5001 authority to adopt certain pollution response rules,
5002 to incorporate the amendment made by this act to s.
5003 376.307, F.S., in a reference thereto; providing
5004 effective dates.



631392

576-02162-15

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to the implementation of the water and land conservation constitutional amendment; terminating certain trust funds within the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and the Fish and Wildlife Conservation Commission; providing for the disposition of balances in the trust funds; requiring the Department of Environmental Protection to pay all outstanding debts or obligations of the terminated trust funds; requiring the Chief Financial Officer to close out and remove the terminated trust funds from the various state accounting systems; amending s. 17.61, F.S.; requiring moneys in land acquisition trust funds created or designated to receive funds under s. 28, Art. X of the State Constitution to be retained in those trust funds; repealing s. 161.05301, F.S., relating to beach erosion control project staffing; amending s. 161.054, F.S.; redirecting certain proceeds from the Ecosystem Management and Restoration Trust Fund to the Florida Coastal Protection Trust Fund; amending s. 161.091, F.S.; authorizing disbursements from the Land Acquisition Trust Fund for the beach management plan; amending s. 211.3103, F.S.; authorizing a percentage of proceeds from the phosphate rock excise tax to be credited to the State Park Trust Fund; amending s. 215.20, F.S.;



631392

576-02162-15

conforming provisions to changes made by the act; amending s. 215.618, F.S.; authorizing Florida Forever bonds to be issued to finance or refinance the acquisition and improvement of land, water areas, and related property interests; amending ss. 215.619, 253.027, and 253.03, F.S.; conforming provisions to changes made by the act; amending s. 253.034, F.S.; requiring proceeds from the sale of surplus conservation lands before a certain date to be deposited into the Florida Forever Trust Fund and after such date under certain circumstances into the Land Acquisition Trust Fund; prohibiting more than a certain amount of funds to be expended from the Land Acquisition Trust Fund for funding a certain contractual arrangement; amending s. 253.7824, F.S.; conforming provisions to changes made by the act; amending s. 258.435, F.S.; requiring moneys received in trust by the Department of Environmental Protection relating to aquatic preserves to be deposited into the Grants and Donations Trust Fund; amending s. 259.032, F.S.; conforming provisions affected by the termination of the Conservation and Recreation Lands Trust Fund; authorizing state agencies designated to manage lands acquired with funds deposited into the Land Acquisition Trust Fund to contract with local governments and soil and water conservation districts to assist in management activities; amending s. 259.035, F.S.; requiring the Acquisition and Restoration Council to develop rules defining specific



631392

576-02162-15

57 criteria and numeric performance measures needed for
58 lands acquired with funds deposited into the Land
59 Acquisition Trust Fund pursuant to s. 28(a), Art. X of
60 the State Constitution; requiring the proposed rules
61 to be submitted to the Legislature for consideration;
62 requiring recipients of funds from the Land
63 Acquisition Trust Fund to annually report to the
64 Division of State Lands; requiring the council to
65 consider and evaluate in writing each project proposed
66 for acquisition using such funds and ensure that each
67 proposed project meets the requirements of s. 28, Art.
68 X of the State Constitution; amending ss. 259.036,
69 259.037, 259.04, and 259.041, F.S.; conforming cross-
70 references; amending s. 259.101, F.S.; conforming
71 provisions affected by the termination of the
72 Preservation 2000 Trust Fund; requiring agencies and
73 water management districts that acquired lands using
74 Preservation 2000 funds to make them available for
75 public recreational use; requiring water management
76 districts and the department to control the growth of
77 nonnative invasive plant species on certain lands;
78 amending s. 259.105, F.S.; deleting obsolete
79 provisions; conforming cross-references; prohibiting
80 more than a certain amount of funds to be expended
81 from the Land Acquisition Trust Fund for funding a
82 certain contractual arrangement; amending s. 259.1051,
83 F.S.; conforming cross-references; amending ss.
84 338.250, 373.026, and 373.089, F.S.; conforming
85 provisions to changes made by the act; amending s.



631392

576-02162-15

86 373.129, F.S.; requiring certain civil penalties to be
87 deposited into the Water Quality Assurance Trust Fund;
88 amending ss. 373.1391 and 373.199, F.S.; conforming
89 provisions to changes made by the act; amending s.
90 373.430, F.S.; requiring certain moneys to be
91 deposited into the Florida Permit Fee Trust Fund
92 rather than the Ecosystem Management and Restoration
93 Trust Fund; amending ss. 373.459, 373.4592, 373.45926,
94 373.470, and 373.584, F.S.; conforming provisions to
95 changes made by the act; amending s. 373.59, F.S.;
96 conforming provisions affected by the termination of
97 the Water Management Lands Trust Fund; amending s.
98 373.5905, F.S.; conforming a cross-reference; amending
99 ss. 373.703 and 375.031, F.S.; conforming provisions
100 to changes made by the act; amending s. 375.041, F.S.;
101 designating the Land Acquisition Trust Fund within the
102 Department of Environmental Protection for receipt of
103 certain documentary stamp tax revenues for the
104 prescribed uses of s. 28, Art. X of the State
105 Constitution; providing priority for the use of moneys
106 in the trust fund; requiring agencies receiving
107 transfers of moneys from the fund to maintain the
108 integrity of such funds; amending s. 375.044, F.S.;
109 conforming provisions to changes made by the act;
110 repealing s. 375.045, F.S., relating to the Florida
111 Preservation 2000 Trust Fund; amending s. 375.075,
112 F.S.; conforming provisions to changes made by the
113 act; amending s. 376.11, F.S.; revising the funds
114 required to be deposited into the Florida Coastal



631392

576-02162-15

115 Protection Trust Fund and the purposes for which such
116 funds may be used; amending s. 376.123, F.S.;
117 conforming a cross-reference; amending s. 376.307,
118 F.S.; revising the funds required to be deposited into
119 the Water Quality Assurance Trust Fund and the
120 purposes for which such funds may be used; amending s.
121 376.40, F.S.; conforming a cross-reference; repealing
122 s. 379.202, F.S., relating to the Conservation and
123 Recreation Lands Program Trust Fund of the Fish and
124 Wildlife Conservation Commission; amending s. 379.206,
125 F.S.; requiring grants and donations from development-
126 of-regional-impact wildlife mitigation contributions
127 to be credited to the Grants and Donations Trust Fund;
128 amending s. 379.212, F.S.; providing that the Land
129 Acquisition Trust Fund within the Fish and Wildlife
130 Conservation Commission shall be used to implement s.
131 28, Art. X of the State Constitution; authorizing the
132 department to transfer certain funds; requiring the
133 commission to maintain the integrity of such funds;
134 providing for the transfer of certain funds; amending
135 s. 379.362, F.S.; requiring the Department of
136 Agriculture and Consumer Services to use funds
137 appropriated from the Land Acquisition Fund within the
138 Department of Environmental Protection to fund certain
139 oyster management and restoration programs; amending
140 s. 380.0666, F.S.; conforming provisions to changes
141 made by the act; repealing s. 380.0677, F.S., relating
142 to the Green Swamp Land Authority; amending s.
143 380.507, F.S.; conforming provisions to changes made



631392

576-02162-15

144 by the act; amending s. 380.508, F.S.; requiring
145 certain funds to be credited to or deposited into the
146 Internal Improvement Trust Fund; requiring funds over
147 and above eligible project costs to be deposited into
148 the Florida Forever Trust Fund rather than the Florida
149 Communities Trust Fund; amending s. 380.510, F.S.;
150 requiring certain funds collected under a grant or
151 loan agreement to be deposited into the Internal
152 Improvement Trust Fund rather than the Florida
153 Communities Trust Fund; requiring the deed or lease of
154 any real property acquired with certain funds to
155 contain covenants and restrictions sufficient to
156 ensure that the use of such real property complies
157 with s. 28, Art. X of the State Constitution;
158 repealing s. 380.511, F.S., relating to the Florida
159 Communities Trust Fund; amending s. 403.0615, F.S.;
160 conforming provisions to changes made by the act;
161 amending ss. 403.08601 and 403.121, F.S.; requiring
162 certain funds to be deposited into the Water Quality
163 Assurance Trust Fund rather than the Ecosystem
164 Management and Restoration Trust Fund; repealing s.
165 403.1651, F.S., relating to the Ecosystem Management
166 and Restoration Trust Fund; amending s. 403.885, F.S.;
167 conforming provisions to changes made by the act;
168 repealing s. 403.8911, F.S., relating to the annual
169 appropriation from the Water Protection and
170 Sustainability Program Trust Fund; amending s.
171 403.9325, F.S.; redefining the term "public lands set
172 aside for conservation or preservation" to include



631392

576-02162-15

173 lands and interests acquired with funds deposited into
174 the Land Acquisition Trust Fund; amending s.
175 403.93345, F.S.; redefining the term "fund" to mean
176 the Water Quality Assurance Trust Fund; requiring
177 certain funds to be deposited into the Water Quality
178 Assurance Trust Fund rather than the Ecosystem
179 Management and Restoration Trust Fund; repealing s.
180 570.207, F.S., relating to the Conservation and
181 Recreation Lands Program Trust Fund of the Department
182 of Agriculture and Consumer Services; amending s.
183 570.321, F.S.; conforming provisions to changes made
184 by the act; amending s. 570.71, F.S.; excluding funds
185 from the Land Acquisition Trust Fund from being
186 deposited into the Incidental Trust Fund under certain
187 circumstances; amending s. 895.09, F.S.; conforming
188 provisions to changes made by the act; making
189 technical changes; providing effective dates.

190
191 Be It Enacted by the Legislature of the State of Florida:

192
193 Section 1. (1) The following trust funds within the
194 Department of Environmental Protection are terminated:

195 (a) The Florida Preservation 2000 Trust Fund, FLAIR number
196 37-2-332.

197 (b) The Florida Communities Trust Fund, FLAIR number 37-2-
198 244.

199 (c) The Ecosystem Management and Restoration Trust Fund,
200 FLAIR number 37-2-193.

201 (d) The Water Management Lands Trust Fund, FLAIR number 37-



631392

576-02162-15

202 2-776.

203 (e) The Conservation and Recreation Lands Trust Fund, FLAIR
204 number 37-2-131.

205 (2) (a) All current balances remaining in the Florida
206 Communities Trust Fund and the Florida Preservation 2000 Trust
207 Fund shall be transferred to the Florida Forever Trust Fund,
208 FLAIR number 37-2-348.

209 (b) All current balances remaining in the Ecosystem
210 Management and Restoration Trust Fund, the Water Management
211 Lands Trust Fund, and the Conservation and Recreation Lands
212 Trust Fund shall be transferred to the Water Quality Assurance
213 Trust Fund, FLAIR number 37-2-780.

214 (3) The Department of Environmental Protection shall pay
215 all outstanding debts or obligations of the terminated trust
216 funds as required, and the Chief Financial Officer shall close
217 out and remove the terminated trust funds from the various state
218 accounting systems using generally accepted accounting
219 principles concerning warrants outstanding, assets, and
220 liabilities.

221 Section 2. (1) The Conservation and Recreation Lands
222 Program Trust Fund, FLAIR number 42-2-931, within the Department
223 of Agriculture and Consumer Services is terminated.

224 (2) The Department of Agriculture and Consumer Services
225 shall pay any outstanding debts or obligations of the terminated
226 trust fund as soon as practicable, and the Chief Financial
227 Officer shall close out and remove that terminated trust fund
228 from the various state accounting systems using generally
229 accepted accounting principles concerning warrants outstanding,
230 assets, and liabilities.



631392

576-02162-15

231 Section 3. (1) The Conservation and Recreation Lands
232 Program Trust Fund, FLAIR number 72-2-931, within the Fish and
233 Wildlife Conservation Commission is terminated.

234 (2) The Fish and Wildlife Conservation Commission shall pay
235 any outstanding debts or obligations of the terminated trust
236 fund as soon as practicable, and the Chief Financial Officer
237 shall close out and remove that terminated trust fund from the
238 various state accounting systems using generally accepted
239 accounting principles concerning warrants outstanding, assets,
240 and liabilities.

241 Section 4. Paragraph (e) is added to subsection (3) of
242 section 17.61, Florida Statutes, to read:

243 17.61 Chief Financial Officer; powers and duties in the
244 investment of certain funds.—

245 (3)

246 (e) Moneys in any land acquisition trust fund created or
247 designated to receive funds under s. 28, Art. X of the State
248 Constitution may not be invested as provided in this section,
249 but shall be retained in those trust funds, with the interest
250 appropriated to the General Revenue Fund, as provided in s.
251 17.57.

252 Section 5. Section 161.05301, Florida Statutes, is
253 repealed.

254 Section 6. Subsection (3) of section 161.054, Florida
255 Statutes, is amended to read:

256 161.054 Administrative fines; liability for damage; liens.—

257 (3) The imposition of a fine or an award of damages
258 pursuant to this section shall create a lien upon the real and
259 personal property of the violator, enforceable by the department



631392

576-02162-15

260 as are statutory liens under chapter 85. The proceeds of such
261 fines and awards of damages shall be deposited in the Florida
262 Coastal Protection Ecosystem Management and Restoration Trust
263 Fund.

264 Section 7. Subsections (1) and (3) of section 161.091,
265 Florida Statutes, are amended to read:

266 161.091 Beach management; funding; repair and maintenance
267 strategy.—

268 (1) Subject to such appropriations as the Legislature may
269 make therefor from time to time, disbursements from the Land
270 Acquisition Ecosystem Management and Restoration Trust Fund may
271 be made by the department in order to carry out the proper state
272 responsibilities in a comprehensive, long-range, statewide beach
273 management plan for erosion control; beach preservation,
274 restoration, and nourishment; and storm and hurricane protection
275 and other activities authorized for beaches and shores pursuant
276 to s. 28, Art. X of the State Constitution. Legislative intent
277 in appropriating such funds is for the implementation of those
278 projects that contribute most significantly to addressing the
279 state's beach erosion problems.

280 (3) In accordance with the intent expressed in s. 161.088
281 and the legislative finding that erosion of the beaches of this
282 state is detrimental to tourism, the state's major industry,
283 further exposes the state's highly developed coastline to severe
284 storm damage, and threatens beach-related jobs, which, if not
285 stopped, may significantly reduce state sales tax revenues,
286 funds deposited into the State Treasury to the credit of the
287 Land Acquisition Ecosystem Management and Restoration Trust
288 Fund, in the annual amounts provided in s. 201.15, shall be



631392

576-02162-15

289 used, ~~for a period of not less than 15 years,~~ to fund the
290 development, implementation, and administration of the state's
291 beach management plan, as provided in ss. 161.091-161.212 and as
292 authorized in s. 28, Art. X of the State Constitution, prior to
293 ~~the use of such funds deposited pursuant to s. 201.15 in that~~
294 ~~trust fund for any other purpose.~~

295 Section 8. Paragraphs (a) and (b) of subsection (6) of
296 section 211.3103, Florida Statutes, are amended to read:

297 211.3103 Levy of tax on severance of phosphate rock; rate,
298 basis, and distribution of tax.—

299 (6) (a) Beginning January 1, 2023 ~~July 1 of the 2011-2012~~
300 ~~fiscal year,~~ the proceeds of all taxes, interest, and penalties
301 imposed under this section are exempt from the general revenue
302 service charge provided in s. 215.20, and such proceeds shall be
303 paid into the State Treasury as follows:

304 1. To the credit of the State Park Conservation and
305 ~~Recreation Lands~~ Trust Fund, 25.5 percent.

306 2. To the credit of the General Revenue Fund of the state,
307 35.7 percent.

308 3. For payment to counties in proportion to the number of
309 tons of phosphate rock produced from a phosphate rock matrix
310 located within such political boundary, 12.8 percent. The
311 department shall distribute this portion of the proceeds
312 annually based on production information reported by the
313 producers on the annual returns for the taxable year. Any such
314 proceeds received by a county shall be used only for phosphate-
315 related expenses.

316 4. For payment to counties that have been designated as a
317 rural area of opportunity pursuant to s. 288.0656 in proportion



631392

576-02162-15

318 to the number of tons of phosphate rock produced from a
319 phosphate rock matrix located within such political boundary,
320 10.0 percent. The department shall distribute this portion of
321 the proceeds annually based on production information reported
322 by the producers on the annual returns for the taxable year.
323 Payments under this subparagraph shall be made to the counties
324 unless the Legislature by special act creates a local authority
325 to promote and direct the economic development of the county. If
326 such authority exists, payments shall be made to that authority.

327 5. To the credit of the Nonmandatory Land Reclamation Trust
328 Fund, 6.2 percent.

329 6. To the credit of the Phosphate Research Trust Fund in
330 the Division of Universities of the Department of Education, 6.2
331 percent.

332 7. To the credit of the Minerals Trust Fund, 3.6 percent.

333 (b) Notwithstanding paragraph (a), from January 1, 2015,
334 until December 31, 2022, the proceeds of all taxes, interest,
335 and penalties imposed under this section are exempt from the
336 general revenue service charge provided in s. 215.20, and such
337 proceeds shall be paid to the State Treasury as follows:

338 1. To the credit of the State Park Conservation and
339 ~~Recreation Lands~~ Trust Fund, 22.8 percent.

340 2. To the credit of the General Revenue Fund of the state,
341 31.9 percent.

342 3. For payment to counties pursuant to subparagraph (a)3.,
343 11.5 percent.

344 4. For payment to counties pursuant to subparagraph (a)4.,
345 8.9 percent.

346 5. To the credit of the Nonmandatory Land Reclamation Trust



631392

576-02162-15

Fund, 16.1 percent.

6. To the credit of the Phosphate Research Trust Fund in the Division of Universities of the Department of Education, 5.6 percent.

7. To the credit of the Minerals Trust Fund, 3.2 percent.

Section 9. Subsection (2) of section 215.20, Florida Statutes, is amended to read:

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(2) Notwithstanding the provisions of subsection (1), the trust funds of the Department of Citrus and the Department of Agriculture and Consumer Services, including funds collected in the General Inspection Trust Fund for marketing orders and in the Florida Citrus Advertising Trust Fund, shall be subject to a 4 percent service charge, which is hereby appropriated to the General Revenue Fund. This subsection paragraph does not apply to ~~the Conservation and Recreation Lands Program Trust Fund~~, the Citrus Inspection Trust Fund, the Florida Forever Program Trust Fund, the Market Improvements Working Capital Trust Fund, the Pest Control Trust Fund, the Plant Industry Trust Fund, or other funds collected in the General Inspection Trust Fund in the Department of Agriculture and Consumer Services.

Section 10. Paragraph (a) of subsection (1) and subsections (2) and (6) of section 215.618, Florida Statutes, are amended to read:

215.618 Bonds for acquisition and improvement of land, water areas, and related property interests and resources.—

(1)(a) The issuance of Florida Forever bonds, not to exceed \$5.3 billion, to finance or refinance the cost of acquisition



631392

576-02162-15

and improvement of land, water areas, and related property interests and resources, in urban and rural settings, for the purposes of restoration, conservation, recreation, water resource development, or historical preservation, and for capital improvements to lands and water areas that accomplish environmental restoration, enhance public access and recreational enjoyment, promote long-term management goals, and facilitate water resource development is hereby authorized, subject to ~~the provisions of s. 259.105 and pursuant to s. 11(e), Art. VII of the State Constitution and, on or after July 1, 2015, to also finance or refinance the acquisition and improvement of land, water areas, and related property interests as provided in s. 28, Art. X of the State Constitution. Florida Forever bonds may also be issued to refund Preservation 2000 bonds issued pursuant to s. 375.051.~~ The \$5.3 billion limitation on the issuance of Florida Forever bonds does not apply to refunding bonds. The duration of each series of Florida Forever bonds issued may not exceed 20 annual maturities. ~~Preservation 2000 bonds and Florida Forever bonds shall be equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to s. 201.15(1)(a), except to the extent specifically provided otherwise by the documents authorizing the issuance of the bonds.~~

(2) The state covenants ~~does hereby covenant~~ with the holders of Florida Forever bonds ~~and Preservation 2000 bonds~~ that it will not take any action which will materially and adversely affect the rights of such holders so long as such bonds are outstanding, including, but not limited to, a reduction in the portion of documentary stamp taxes



631392

576-02162-15

distributable to the Land Acquisition Trust Fund for payment of debt service on ~~Preservation 2000 bonds or~~ Florida Forever bonds.

(6) Pursuant to authority granted under ~~by~~ s. 11(e), Art. VII of the State Constitution, there is hereby continued and re-created the Land Acquisition Trust Fund which shall ~~be a continuation of the Land Acquisition Trust Fund which exists for purposes of s. 9(a)(1), Art. XII of the State Constitution. The Land Acquisition Trust Fund shall continue beyond the termination of bonding authority provided for in s. 9(a)(1), Art. XII of the State Constitution, pursuant to the authority provided by s. 11(e), Art. VII of the State Constitution and shall continue for so long as Preservation 2000 bonds or~~ Florida Forever bonds are outstanding and secured by taxes distributable thereto or until the requirement of s. 28(a), Art. X of the State Constitution expires, whichever is later.

Section 11. Subsection (2) of section 215.619, Florida Statutes, is amended to read:

215.619 Bonds for Everglades restoration.—

(2) The state covenants with the holders of Everglades restoration bonds that it will not take any action that will materially and adversely affect the rights of the holders so long as the bonds are outstanding, including, but not limited to, a reduction in the portion of documentary stamp taxes distributable under s. 201.15(1) for payment of debt service on ~~Preservation 2000 bonds,~~ Florida Forever bonds, or Everglades restoration bonds.

Section 12. Subsection (5) of section 253.027, Florida Statutes, is amended to read:



631392

576-02162-15

253.027 Emergency archaeological property acquisition.—

(5) ACCOUNT EXPENDITURES.—

(a) No moneys shall be spent for the acquisition of any property, including title works, appraisal fees, and survey costs, unless:

1. The property is an archaeological property of major statewide significance.

2. The structures, artifacts, or relics, or their historic significance, will be irretrievably lost if the state cannot acquire the property.

3. The site is presently on an acquisition list for ~~Conservation and Recreation Lands or for~~ Florida Forever lands, or complies with the criteria for inclusion on any such list, but has yet to be included on the list.

4. No other source of immediate funding is available to purchase or otherwise protect the property.

5. The site is not otherwise protected by local, state, or federal laws.

6. The acquisition is not inconsistent with the state comprehensive plan and the state land acquisition program.

(b) No moneys shall be spent from the account for excavation or restoration of the properties acquired. Funds may be spent for preliminary surveys to determine if the sites meet the criteria of this section. An amount not to exceed \$100,000 may also be spent from the account to inventory and evaluate archaeological and historic resources on properties purchased, or proposed for purchase, pursuant to s. 259.105(3)(b) ~~or 259.032.~~

Section 13. Subsection (12) of section 253.03, Florida



631392

576-02162-15

Statutes, is amended to read:

253.03 Board of trustees to administer state lands; lands enumerated.—

(12) The Board of Trustees of the Internal Improvement Trust Fund is hereby authorized to administer, manage, control, conserve, protect, and sell all real property forfeited to the state pursuant to ss. 895.01-895.09 or acquired by the state pursuant to s. 607.0505 or former s. 620.192. The board is directed to immediately determine the value of all such property and shall ascertain whether the property is in any way encumbered. If the board determines that it is in the best interest of the state to do so, funds from the Internal Improvement Trust Fund may be used to satisfy any such encumbrances. If forfeited property receipts are not sufficient to satisfy encumbrances on the property and expenses permitted under this section, funds from another appropriate ~~the Land Acquisition~~ trust fund may be used to satisfy any such encumbrances and expenses. All property acquired by the board pursuant to s. 607.0505, former s. 620.192, or ss. 895.01-895.09 shall be sold as soon as commercially feasible unless the Attorney General recommends and the board determines that retention of the property in public ownership would effectuate one or more of the following policies of statewide significance: protection or enhancement of floodplains, marshes, estuaries, lakes, rivers, wilderness areas, wildlife areas, wildlife habitat, or other environmentally sensitive natural areas or ecosystems; or preservation of significant archaeological or historical sites identified by the Secretary of State. In such event the property shall remain in the ownership of the board,



631392

576-02162-15

to be controlled, managed, and disposed of in accordance with this chapter, and the Internal Improvement Trust Fund shall be reimbursed from the Land Acquisition Trust Fund, or other appropriate fund designated by the board, for any funds expended from the Internal Improvement Trust Fund pursuant to this subsection in regard to such property. Upon the recommendation of the Attorney General, the board may reimburse the investigative agency for its investigative expenses, costs, and attorneys' fees, and may reimburse law enforcement agencies for actual expenses incurred in conducting investigations leading to the forfeiture of such property from funds deposited in the Internal Improvement Trust Fund of the Department of Environmental Protection. The proceeds of the sale of property acquired under s. 607.0505, former s. 620.192, or ss. 895.01-895.09 shall be distributed as follows:

(a) After satisfaction of any valid claims arising under ~~the provisions of~~ s. 895.09(1) (a) or (b), any moneys used to satisfy encumbrances and expended as costs of administration, appraisal, management, conservation, protection, sale, and real estate sales services and any interest earnings lost to the ~~Land Acquisition~~ trust fund that was used as of a date certified by the Department of Environmental Protection shall be replaced first in the ~~Land Acquisition~~ trust fund that was used to satisfy any such encumbrance or expense, if those funds were used, and then in the Internal Improvement Trust Fund; and

(b) The remainder shall be distributed as set forth in s. 895.09.

Section 14. Subsection (3), paragraphs (a) and (k) through (n) of subsection (6), and subsections (10) and (11) of section



631392

576-02162-15

253.034, Florida Statutes, are amended to read:

253.034 State-owned lands; uses.—

(3) ~~Recognizing in recognition~~ that recreational trails purchased with rails-to-trails funds pursuant to former s. 259.101(3)(g), Florida Statutes 2014, or s. 259.105(3)(h) have had historic transportation uses and that their linear character may extend many miles, the Legislature intends that if ~~when~~ the necessity arises to serve public needs, after balancing the need to protect trail users from collisions with automobiles and a preference for the use of overpasses and underpasses to the greatest extent feasible and practical, transportation uses shall be allowed to cross recreational trails purchased pursuant to former s. 259.101(3)(g), Florida Statutes 2014, or s. 259.105(3)(h). When these crossings are needed, the location and design should consider and mitigate the impact on humans and environmental resources, and the value of the land shall be paid based on fair market value.

(6) The Board of Trustees of the Internal Improvement Trust Fund shall determine which lands, the title to which is vested in the board, may be surplus. For conservation lands, the board shall determine whether the lands are no longer needed for conservation purposes and may dispose of them by an affirmative vote of at least three members. In the case of a land exchange involving the disposition of conservation lands, the board must determine by an affirmative vote of at least three members that the exchange will result in a net positive conservation benefit. For all other lands, the board shall determine whether the lands are no longer needed and may dispose of them by an affirmative vote of at least three members.



631392

576-02162-15

(a) For the purposes of this subsection, all lands acquired by the state before July 1, 1999, using proceeds from Preservation 2000 bonds, the former Conservation and Recreation Lands Trust Fund, the former Water Management Lands Trust Fund, Environmentally Endangered Lands Program, and the Save Our Coast Program and titled to the board which are identified as core parcels or within original project boundaries are deemed to have been acquired for conservation purposes.

(k) Proceeds from ~~the any~~ sale of surplus conservation lands purchased before July 1, 2015, pursuant to this subsection shall be deposited into the Florida Forever Trust Fund ~~from which such lands were acquired~~.

(l) Proceeds from the sale of surplus conservation lands purchased on or after July 1, 2015, shall be deposited into the Land Acquisition Trust Fund or, if required by bond covenants, into the trust fund from which the lands were purchased. ~~However, if the fund from which the lands were originally acquired no longer exists, such proceeds shall be deposited into an appropriate account to be used for land management by the lead managing agency assigned the lands before the lands were declared surplus.~~

(m) Funds received from the sale of surplus nonconservation lands, or lands that were acquired by gift, by donation, or for no consideration, shall be deposited into the Internal Improvement Trust Fund.

(n) ~~(i)~~ Notwithstanding this subsection, such disposition of land may not be made if it would have the effect of causing all or any portion of the interest on any revenue bonds issued to lose the exclusion from gross income for federal income tax



631392

576-02162-15

579 purposes.

580 ~~(o)-(m)~~ The sale of filled, formerly submerged land that
581 does not exceed 5 acres in area is not subject to review by the
582 council or its successor.

583 ~~(p)-(n)~~ The board may adopt rules to administer this section
584 which may include procedures for administering surplus land
585 requests and criteria for when the division may approve requests
586 to surplus nonconservation lands on behalf of the board.

587 (10) The following additional uses of conservation lands
588 acquired pursuant to the Florida Forever program and other
589 state-funded conservation land purchase programs shall be
590 authorized, upon a finding by the board of trustees, if they
591 meet the criteria specified in paragraphs (a)-(e): water
592 resource development projects, water supply development
593 projects, stormwater management projects, linear facilities, and
594 sustainable agriculture and forestry. Such additional uses are
595 authorized where:

596 (a) Not inconsistent with the management plan for such
597 lands;

598 (b) Compatible with the natural ecosystem and resource
599 values of such lands;

600 (c) The proposed use is appropriately located on such lands
601 and where due consideration is given to the use of other
602 available lands;

603 (d) The using entity reasonably compensates the titleholder
604 for such use based upon an appropriate measure of value; and

605 (e) The use is consistent with the public interest.

606

607 A decision by the board of trustees pursuant to this section



631392

576-02162-15

608 shall be given a presumption of correctness. Moneys received
609 from the use of state lands pursuant to this section shall be
610 returned to the lead managing entity in accordance with s.
611 259.032(9)(c) ~~the provisions of s. 259.032(11)(c).~~

612 (11) Lands listed as projects for acquisition may be
613 managed for conservation pursuant to s. 259.032, on an interim
614 basis by a private party in anticipation of a state purchase in
615 accordance with a contractual arrangement between the acquiring
616 agency and the private party that may include management service
617 contracts, leases, cost-share arrangements or resource
618 conservation agreements. Lands designated as eligible under this
619 subsection shall be managed to maintain or enhance the resources
620 the state is seeking to protect by acquiring the land. Funding
621 for these contractual arrangements may originate from the
622 documentary stamp tax revenue deposited into the Land
623 Acquisition Conservation and Recreation Lands Trust Fund and
624 Water Management Lands Trust Fund. No more than \$6.2 million may
625 be expended from the Land Acquisition Trust Fund 5 percent of
626 funds allocated under the trust funds shall be expended for this
627 purpose.

628 Section 15. Section 253.7824, Florida Statutes, is amended
629 to read:

630 253.7824 Sale of products; proceeds.—The department may
631 authorize the removal and sale of products from the land where
632 environmentally appropriate, the proceeds from which shall be
633 deposited into the appropriate in the Land Acquisition trust
634 fund pursuant to s. 253.034(6)(k), (l), or (m).

635 Section 16. Subsection (1) of section 258.435, Florida
636 Statutes, is amended to read:



631392

576-02162-15

637 258.435 Use of aquatic preserves for the accommodation of
638 visitors.—

639 (1) The Department of Environmental Protection shall
640 promote the public use of aquatic preserves and their associated
641 uplands. The department may receive gifts and donations to carry
642 out the purpose of this part. Moneys received in trust by the
643 department by gift, devise, appropriation, or otherwise, subject
644 to the terms of such trust, shall be deposited into the Grants
645 and Donations Land Acquisition Trust Fund and appropriated to
646 the department for the administration, development, improvement,
647 promotion, and maintenance of aquatic preserves and their
648 associated uplands and for any future acquisition or development
649 of aquatic preserves and their associated uplands.

650 Section 17. Section 259.032, Florida Statutes, is amended
651 to read:

652 259.032 Conservation and recreation lands ~~Trust Fund,~~
653 ~~purpose.~~—

654 (1) It is the policy of the state that the citizens of this
655 state shall be assured public ownership of natural areas for
656 purposes of maintaining this state's unique natural resources;
657 protecting air, land, and water quality; promoting water
658 resource development to meet the needs of natural systems and
659 citizens of this state; promoting restoration activities on
660 public lands; and providing lands for natural resource based
661 recreation. In recognition of this policy, it is the intent of
662 the Legislature to provide such public lands for the people
663 residing in urban and metropolitan areas of the state, as well
664 as those residing in less populated, rural areas. It is the
665 further intent of the Legislature, with regard to the lands



631392

576-02162-15

666 described in paragraph (2) (c) ~~(3) (e)~~, that a high priority be
667 given to the acquisition, restoration, and management of such
668 lands in or near counties exhibiting the greatest concentration
669 of population and, with regard to the lands described in
670 subsection (2) ~~(3)~~, that a high priority be given to acquiring
671 lands or rights or interests in lands that advance the goals and
672 objectives of the Fish and Wildlife Conservation Commission's
673 approved species or habitat recovery plans, or lands within any
674 area designated as an area of critical state concern under s.
675 380.05 which, in the judgment of the advisory council
676 established pursuant to s. 259.035, or its successor, cannot be
677 adequately protected by application of land development
678 regulations adopted pursuant to s. 380.05. Finally, it is the
679 Legislature's intent that lands acquired for conservation and
680 recreation purposes through this program and any successor
681 programs be managed in such a way as to protect or restore their
682 natural resource values, and provide the greatest benefit,
683 including public access, to the citizens of this state.

684 ~~(2) (a) The Conservation and Recreation Lands Trust Fund is~~
685 ~~established within the Department of Environmental Protection.~~
686 ~~The fund shall be used as a nonlapsing, revolving fund~~
687 ~~exclusively for the purposes of this section. The fund shall be~~
688 ~~credited with proceeds from the following excise taxes:~~

689 1. ~~The excise taxes on documents as provided in s. 201.15;~~
690 ~~and~~

691 2. ~~The excise tax on the severance of phosphate rock as~~
692 ~~provided in s. 211.3103.~~

693
694 ~~The Department of Revenue shall credit to the fund each month~~



631392

576-02162-15

~~the proceeds from such taxes as provided in this paragraph.~~

~~(b) There shall annually be transferred from the Conservation and Recreation Lands Trust Fund to the Land Acquisition Trust Fund that amount, not to exceed \$20 million annually, as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts with respect to bonds issued pursuant to s. 375.051 to acquire lands on the established priority list developed pursuant to ss. 259.101(4) and 259.105; however, no moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service on the Save Our Coast revenue bonds. Amounts transferred annually from the Conservation and Recreation Lands Trust Fund to the Land Acquisition Trust Fund pursuant to this paragraph shall have the highest priority over other payments or transfers from the Conservation and Recreation Lands Trust Fund, and no other payments or transfers shall be made from the Conservation and Recreation Lands Trust Fund until such transfers to the Land Acquisition Trust Fund have been made. Moneys in the Conservation and Recreation Lands Trust Fund also shall be used to manage lands and to pay for related costs, activities, and functions pursuant to the provisions of this section.~~

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

(a) To conserve and protect environmentally unique and



631392

576-02162-15

irreplaceable lands that contain native, relatively unaltered flora and fauna representing a natural area unique to, or scarce within, a region of this state or a larger geographic area;

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

(c) To conserve and protect native species habitat or endangered or threatened species, emphasizing long-term protection for endangered or threatened species designated G-1 or G-2 by the Florida Natural Areas Inventory, and especially those areas that are special locations for breeding and reproduction;

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

(e) To promote water resource development that benefits natural systems and citizens of the state;

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

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

(h) To preserve significant archaeological or historic sites;

(i) To conserve urban open spaces suitable for greenways or outdoor recreation which are compatible with conservation



631392

576-02162-15

purposes; or

(j) To preserve agricultural lands under threat of conversion to development through less-than-fee acquisitions.

~~(3)(4)~~ Lands acquired for conservation and recreation purposes ~~under this section~~ shall be for use as state-designated parks, recreation areas, preserves, reserves, historic or archaeological sites, geologic or botanical sites, recreational trails, forests, wilderness areas, wildlife management areas, urban open space, or other state-designated recreation or conservation lands; or they shall qualify for such state designation and use if they are to be managed by other governmental agencies or nonstate entities as provided for in this section.

~~(4)(5)~~ The board of trustees may expend appropriated funds ~~allocate, in any year, an amount not to exceed 5 percent of the money credited to the fund in that year, such allocation to be used for the initiation and maintenance of a natural areas inventory to aid in the identification of areas to be acquired for conservation and recreation purposes pursuant to this section.~~

~~(6) Moneys in the fund not needed to meet obligations incurred under this section shall be deposited with the Chief Financial Officer to the credit of the fund and may be invested in the manner provided by law. Interest received on such investments shall be credited to the Conservation and Recreation Lands Trust Fund.~~

~~(5)(7)~~ The board of trustees may enter into any contract necessary to accomplish the purposes of this section. The lead land managing agencies designated by the board of trustees also



631392

576-02162-15

are directed by the Legislature to enter into contracts or interagency agreements with other governmental entities, including local soil and water conservation districts, or private land managers who have the expertise to perform specific management activities which a lead agency lacks, or which would cost more to provide in-house. Such activities shall include, but not be limited to, controlled burning, road and ditch maintenance, mowing, and wildlife assessments.

~~(6)(8)~~ Conservation and recreation lands ~~to be considered for purchase under this section~~ are subject to the selection procedures of s. 259.035 and related rules and shall be acquired in accordance with acquisition procedures for state lands provided for in s. 259.041, except as otherwise provided by the Legislature. An inholding or an addition to conservation and recreation lands ~~a project selected for purchase pursuant to this chapter~~ is not subject to the selection procedures of s. 259.035 if the estimated value of such inholding or addition does not exceed \$500,000. When at least 90 percent of the acreage of a project has been purchased for conservation and recreation purposes pursuant to this chapter, the project may be removed from the list and the remaining acreage may continue to be purchased. Funds appropriated to acquire conservation and recreation lands ~~Moneys from the fund~~ may be used for title work, appraisal fees, environmental audits, and survey costs related to acquisition expenses for lands to be acquired, donated, or exchanged which qualify under the categories of this section, at the discretion of the board. When the Legislature has authorized the Department of Environmental Protection to condemn a specific parcel of land and such parcel has already



631392

576-02162-15

been approved for acquisition ~~under this section~~, the land may be acquired in accordance with the provisions of chapter 73 or chapter 74, and the funds appropriated to acquire conservation and recreation lands fund may be used to pay the condemnation award and all costs, including a reasonable attorney's fee, associated with condemnation.

~~(7)(9)~~ All lands managed under this chapter and s. 253.034 shall be:

(a) Managed in a manner that will provide the greatest combination of benefits to the public and to the resources.

(b) Managed for public outdoor recreation which is compatible with the conservation and protection of public lands. Such management may include, but not be limited to, the following public recreational uses: fishing, hunting, camping, bicycling, hiking, nature study, swimming, boating, canoeing, horseback riding, diving, model hobbyist activities, birding, sailing, jogging, and other related outdoor activities compatible with the purposes for which the lands were acquired.

(c) Managed for the purposes for which the lands were acquired, consistent with paragraph (9)(a) ~~(11)(a)~~.

(d) Concurrent with its adoption of the annual ~~Conservation and Recreation Lands~~ list of acquisition projects pursuant to s. 259.035, the board of trustees shall adopt a management prospectus for each project. The management prospectus shall delineate:

1. The management goals for the property;
2. The conditions that will affect the intensity of management;
3. An estimate of the revenue-generating potential of the



631392

576-02162-15

property, if appropriate;

4. A timetable for implementing the various stages of management and for providing access to the public, if applicable;

5. A description of potential multiple-use activities as described in this section and s. 253.034;

6. Provisions for protecting existing infrastructure and for ensuring the security of the project upon acquisition;

7. The anticipated costs of management and projected sources of revenue, including legislative appropriations, to fund management needs; and

8. Recommendations as to how many employees will be needed to manage the property, and recommendations as to whether local governments, volunteer groups, the former landowner, or other interested parties can be involved in the management.

(e) Concurrent with the approval of the acquisition contract pursuant to s. 259.041(3)(c) for any interest in lands except those lands being acquired under the provisions of s. 259.1052, the board of trustees shall designate an agency or agencies to manage such lands. The board shall evaluate and amend, as appropriate, the management policy statement for the project as provided by s. 259.035, consistent with the purposes for which the lands are acquired. For any fee simple acquisition of a parcel which is or will be leased back for agricultural purposes, or any acquisition of a less-than-fee interest in land that is or will be used for agricultural purposes, the Board of Trustees of the Internal Improvement Trust Fund shall first consider having a soil and water conservation district, created pursuant to chapter 582, manage and monitor such interests.



631392

576-02162-15

869 (f) State agencies designated to manage lands acquired
870 under this chapter or with funds deposited into the Land
871 Acquisition Trust Fund pursuant to s. 28(a), Art. X of the State
872 Constitution, except those lands acquired under s. 259.1052, may
873 contract with local governments and soil and water conservation
874 districts to assist in management activities, including the
875 responsibility of being the lead land manager. Such land
876 management contracts may include a provision for the transfer of
877 management funding to the local government or soil and water
878 conservation district from the land acquisition Conservation and
879 Recreation Lands trust fund of the lead land managing agency in
880 an amount adequate for the local government or soil and water
881 conservation district to perform its contractual land management
882 responsibilities and proportionate to its responsibilities, and
883 which otherwise would have been expended by the state agency to
884 manage the property.

885 (g) Immediately following the acquisition of any interest
886 in conservation and recreation lands under this chapter, the
887 Department of Environmental Protection, acting on behalf of the
888 board of trustees, may issue to the lead managing entity an
889 interim assignment letter to be effective until the execution of
890 a formal lease.

891 ~~(8)(10)~~ (a) State, regional, or local governmental agencies
892 or private entities designated to manage lands under this
893 section shall develop and adopt, with the approval of the board
894 of trustees, an individual management plan for each project
895 designed to conserve and protect such lands and their associated
896 natural resources. Private sector involvement in management plan
897 development may be used to expedite the planning process.



631392

576-02162-15

898 (b) Individual management plans required by s. 253.034(5),
899 for parcels over 160 acres, shall be developed with input from
900 an advisory group. Members of this advisory group shall include,
901 at a minimum, representatives of the lead land managing agency,
902 comanaging entities, local private property owners, the
903 appropriate soil and water conservation district, a local
904 conservation organization, and a local elected official. The
905 advisory group shall conduct at least one public hearing within
906 the county in which the parcel or project is located. For those
907 parcels or projects that are within more than one county, at
908 least one areawide public hearing shall be acceptable and the
909 lead managing agency shall invite a local elected official from
910 each county. The areawide public hearing shall be held in the
911 county in which the core parcels are located. Notice of such
912 public hearing shall be posted on the parcel or project
913 designated for management, advertised in a paper of general
914 circulation, and announced at a scheduled meeting of the local
915 governing body before the actual public hearing. The management
916 prospectus required pursuant to paragraph ~~(7)(d)~~ ~~(9)(d)~~ shall be
917 available to the public for a period of 30 days prior to the
918 public hearing.

919 (c) Once a plan is adopted, the managing agency or entity
920 shall update the plan at least every 10 years in a form and
921 manner prescribed by rule of the board of trustees. Such
922 updates, for parcels over 160 acres, shall be developed with
923 input from an advisory group. Such plans may include transfers
924 of leasehold interests to appropriate conservation organizations
925 or governmental entities designated by the Land Acquisition and
926 Management Advisory Council or its successor, for uses



631392

576-02162-15

consistent with the purposes of the organizations and the protection, preservation, conservation, restoration, and proper management of the lands and their resources. Volunteer management assistance is encouraged, including, but not limited to, assistance by youths participating in programs sponsored by state or local agencies, by volunteers sponsored by environmental or civic organizations, and by individuals participating in programs for committed delinquents and adults.

(d) 1. For each project for which lands are acquired after July 1, 1995, an individual management plan shall be adopted and in place no later than 1 year after the essential parcel or parcels identified in the priority list developed pursuant to s. 259.105 ~~ss. 259.101(4) and 259.105~~ have been acquired. The Department of Environmental Protection shall distribute only 75 percent of the acquisition funds to which a budget entity or water management district would otherwise be entitled ~~from the Preservation 2000 Trust Fund~~ to any budget entity or any water management district that has more than one-third of its management plans overdue.

2. The requirements of subparagraph 1. do not apply to the individual management plan for the Babcock Crescent B Ranch being acquired pursuant to s. 259.1052. The management plan for the ranch shall be adopted and in place no later than 2 years following the date of acquisition by the state.

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

1. A statement of the purpose for which the lands were acquired, the projected use or uses as defined in s. 253.034,



631392

576-02162-15

and the statutory authority for such use or uses.

2. Key management activities necessary to achieve the desired outcomes, including, but not limited to, providing public access, preserving and protecting natural resources, protecting cultural and historical resources, restoring habitat, protecting threatened and endangered species, controlling the spread of nonnative plants and animals, performing prescribed fire activities, and other appropriate resource management.

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

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

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

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

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

(f) The Division of State Lands shall submit a copy of each individual management plan for parcels which exceed 160 acres in size to each member of the Acquisition and Restoration Council, which shall:



631392

576-02162-15

1. Within 60 days after receiving a plan from the division, review each plan for compliance with the requirements of this subsection and with the requirements of the rules established by the board pursuant to this subsection.

2. Consider the propriety of the recommendations of the managing agency with regard to the future use or protection of the property.

3. After its review, submit the plan, along with its recommendations and comments, to the board of trustees, with recommendations as to whether to approve the plan as submitted, approve the plan with modifications, or reject the plan.

(g) The board of trustees shall consider the individual management plan submitted by each state agency and the recommendations of the Acquisition and Restoration Council and the Division of State Lands and shall approve the plan with or without modification or reject such plan. The use or possession of any lands owned by the board of trustees which is not in accordance with an approved individual management plan is subject to termination by the board of trustees.

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

~~(9)(11)~~ (a) The Legislature recognizes that acquiring lands pursuant to this chapter serves the public interest by protecting land, air, and water resources which contribute to the public health and welfare, providing areas for natural



631392

576-02162-15

resource based recreation, and ensuring the survival of unique and irreplaceable plant and animal species. The Legislature intends for these lands to be managed and maintained for the purposes for which they were acquired and for the public to have access to and use of these lands where it is consistent with acquisition purposes and would not harm the resources the state is seeking to protect on the public's behalf.

(b) An amount of not less than 1.5 percent of the cumulative total of funds ever deposited into the Florida Preservation 2000 Trust Fund and the Florida Forever Trust Fund shall be made available for the purposes of management, maintenance, and capital improvements ~~not eligible for funding pursuant to s. 11(e), Art. VII of the State Constitution,~~ and for associated contractual services, for conservation and recreation lands acquired with funds deposited into the Land Acquisition Trust Fund pursuant to s. 28(a), Art. X of the State Constitution or pursuant to former s. 259.032, Florida Statutes 2014 ~~this section, former s. 259.101, Florida Statutes 2014,~~ s. 259.105, s. 259.1052, or previous programs for the acquisition of lands for conservation and recreation, including state forests, to which title is vested in the board of trustees and other conservation and recreation lands managed by a state agency. ~~Of this amount, \$250,000 shall be transferred annually to the Plant Industry Trust Fund within the Department of Agriculture and Consumer Services for the purpose of implementing the Endangered or Threatened Native Flora Conservation Grants Program pursuant to s. 581.185(11).~~ Each agency with management responsibilities shall annually request from the Legislature funds sufficient to fulfill such



631392

576-02162-15

responsibilities to implement individual management plans. For the purposes of this paragraph, capital improvements shall include, but need not be limited to, perimeter fencing, signs, firelanes, access roads and trails, and minimal public accommodations, such as primitive campsites, garbage receptacles, and toilets. Any equipment purchased with funds provided pursuant to this paragraph may be used for the purposes described in this paragraph on any conservation and recreation lands managed by a state agency. ~~The funding requirement created in this paragraph is subject to an annual evaluation by the Legislature in order to ensure that such requirement does not impact the respective trust fund in a manner that would prevent the trust fund from meeting other minimum requirements.~~

(c) All revenues generated through multiple-use management or compatible secondary-use management shall be returned to the lead agency responsible for such management and shall be used to pay for management activities on all conservation, preservation, and recreation lands under the agency's jurisdiction. In addition, such revenues shall be segregated in an agency trust fund and shall remain available to the agency in subsequent fiscal years to support land management appropriations. For the purposes of this paragraph, compatible secondary-use management shall be those activities described in subsection (7) (9) undertaken on parcels designated as single use pursuant to s. 253.034(2)(b).

(d) Up to one-fifth of the funds appropriated for the purposes identified ~~provided for~~ in paragraph (b) shall be reserved by the board of trustees for interim management of acquisitions and for associated contractual services, to ensure



631392

576-02162-15

the conservation and protection of natural resources on project sites and to allow limited public recreational use of lands. Interim management activities may include, but not be limited to, resource assessments, control of invasive, nonnative species, habitat restoration, fencing, law enforcement, controlled burning, and public access consistent with preliminary determinations made pursuant to paragraph (7) (g) ~~(9) (g)~~. The board of trustees shall make these interim funds available immediately upon purchase.

(e) The department shall set long-range and annual goals for the control and removal of nonnative, invasive plant species on public lands. Such goals shall differentiate between aquatic plant species and upland plant species. In setting such goals, the department may rank, in order of adverse impact, species that impede or destroy the functioning of natural systems. Notwithstanding paragraph (a), up to one-fourth of the funds provided for in paragraph (b) may be used by the agencies receiving those funds for control and removal of nonnative, invasive species on public lands.

~~(f) For the 2014-2015 fiscal year only, moneys in the Conservation and Recreation Lands Trust Fund may be transferred to the Florida Forever Trust Fund for the Florida Forever program and to the Save Our Everglades Trust Fund to support Everglades restoration projects included in the final report of the Select Committee on Indian River Lagoon and Lake Okeechobee Basin, dated November 8, 2013, pursuant to nonoperating budget authority under s. 216.181(12). This subsection expires July 1, 2015.~~

(10) (12) (a) Beginning July 1, 1999, The Legislature may



631392

576-02162-15

1101 ~~expend shall make available sufficient~~ funds annually from an
1102 ~~appropriate the Conservation and Recreation Lands~~ trust fund to
1103 the department for payment in lieu of taxes to qualifying
1104 counties and local governments as defined in paragraph (b) for
1105 all actual tax losses incurred as a result of board of trustees
1106 acquisitions for state agencies under the Florida Forever
1107 program or the former Florida Preservation 2000 program ~~during~~
1108 ~~any year. Reserved funds not used for payments in lieu of taxes~~
1109 ~~in any year shall revert to the fund to be used for land~~
1110 ~~management in accordance with the provisions of this section.~~

1111 (b) Payment in lieu of taxes shall be available:

1112 1. To all counties that have a population of 150,000 or
1113 fewer. Population levels shall be determined pursuant to s.
1114 11.031.

1115 2. To all local governments located in eligible counties.

1116 3. To Glades County, where a privately owned and operated
1117 prison leased to the state has recently been opened and where
1118 privately owned and operated juvenile justice facilities leased
1119 to the state have recently been constructed and opened, a
1120 payment in lieu of taxes, in an amount that offsets the loss of
1121 property tax revenue, which funds have already been appropriated
1122 and allocated from the Department of Correction's budget for the
1123 purpose of reimbursing amounts equal to lost ad valorem taxes.

1124 (c) If insufficient funds are available in any year to make
1125 full payments to all qualifying counties and local governments,
1126 such counties and local governments shall receive a pro rata
1127 share of the moneys available.

1128 (d) The payment amount shall be based on the average amount
1129 of actual taxes paid on the property for the 3 years preceding



631392

576-02162-15

1130 acquisition. Applications for payment in lieu of taxes shall be
1131 made no later than January 31 of the year following acquisition.
1132 No payment in lieu of taxes shall be made for properties which
1133 were exempt from ad valorem taxation for the year immediately
1134 preceding acquisition.

1135 (e) If property which was subject to ad valorem taxation
1136 was acquired by a tax-exempt entity for ultimate conveyance to
1137 the state under this chapter, payment in lieu of taxes shall be
1138 made for such property based upon the average amount of taxes
1139 paid on the property for the 3 years prior to its being removed
1140 from the tax rolls. The department shall certify to the
1141 Department of Revenue those properties that may be eligible
1142 under this provision. Once eligibility has been established,
1143 that county or local government shall receive annual payments
1144 for each tax loss until the qualifying county or local
1145 government exceeds the population threshold pursuant to this
1146 section.

1147 (f) Payment in lieu of taxes pursuant to this subsection
1148 shall be made annually to qualifying counties and local
1149 governments after certification by the Department of Revenue
1150 that the amounts applied for are reasonably appropriate, based
1151 on the amount of actual taxes paid on the eligible property.
1152 With the assistance of the local government requesting payment
1153 in lieu of taxes, the state agency that acquired the land is
1154 responsible for preparing and submitting application requests
1155 for payment to the Department of Revenue for certification.

1156 (g) If the board of trustees conveys to a local government
1157 title to any land owned by the board, any payments in lieu of
1158 taxes on the land made to the local government shall be



631392

576-02162-15

discontinued as of the date of the conveyance.

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

~~(13) Moneys credited to the fund each year which are not used for management, maintenance, or capital improvements pursuant to subsection (11); for payment in lieu of taxes pursuant to subsection (12); or for the purposes of subsection (5), shall be available for the acquisition of land pursuant to this section.~~

~~(11)(14)~~ The board of trustees may adopt rules to further define the categories of land for acquisition under this chapter.

~~(12)(15)~~ Within 90 days after receiving a certified letter from the owner of a property on the ~~Conservation and Recreation Lands list~~ or the priority list established pursuant to s. 259.105 objecting to the property being included in an acquisition project, where such property is a project or part of a project which has not been listed for purchase in the current year's land acquisition work plan, the board of trustees shall delete the property from the list or from the boundary of an acquisition project on the list.

Section 18. Subsections (3), (4), and (6) of section 259.035, Florida Statutes, are amended to read:

259.035 Acquisition and Restoration Council.—

(3) The council shall provide assistance to the board of



631392

576-02162-15

trustees in reviewing the recommendations and plans for state-owned lands required under s. 253.034 and chapter 259 ss- 253.034 and 259.032. The council shall, in reviewing such recommendations and plans, consider the optimization of multiple-use and conservation strategies to accomplish the provisions funded pursuant to former s. 259.101(3)(a), Florida Statutes 2014, and to s. 259.105(3)(b) ss. 259.101(3)(a) and 259.105(3)(b).

~~(4)(a) The council may use existing rules adopted by the board of trustees, until it develops and recommends amendments to those rules, to competitively evaluate, select, and rank projects eligible for the Conservation and Recreation Lands list pursuant to ss. 259.032(3) and 259.101(4).~~

~~(a)(b)~~ By January 1, 2017 ~~December 1, 2009~~, the Acquisition and Restoration Council shall develop rules defining specific criteria and numeric performance measures needed for lands that are to be acquired for public purpose with funds deposited into the Land Acquisition Trust Fund pursuant to s. 28(a), Art. X of the State Constitution under the Florida Forever program ~~pursuant to s. 259.105. Each recipient of Florida Forever funds shall assist the council in the development of such rules.~~ These rules shall be reviewed and adopted by the board, then submitted to the Legislature for consideration by February 1, 2017 ~~2010~~. The Legislature may reject, modify, or take no action relative to the proposed rules. If no action is taken, the rules shall be implemented. Subsequent to their approval, each recipient of ~~Florida Forever~~ funds from the Land Acquisition Trust Fund shall annually report to the Division of State Lands on each of the numeric performance measures accomplished during the previous



631392

576-02162-15

fiscal year.

~~(b)(e)~~ In developing or amending rules, the council shall give weight to the criteria included in s. 259.105(10). The board of trustees shall review the recommendations and shall adopt rules necessary to administer this section.

(6) The proposal for a project pursuant to this section or s. 259.105(3)(b) may be implemented only if adopted by the council and approved by the board of trustees. The council shall consider and evaluate in writing the merits and demerits of each project that is proposed for acquisition using funds available pursuant to s. 28, Art. X of the State Constitution ~~Conservation and Recreation Lands, Florida Preservation 2000, or Florida Forever funding~~ and shall ensure that each proposed project meets the requirements of s. 28, Art. X of the State Constitution ~~will meet a stated public purpose for the restoration, conservation, or preservation of environmentally sensitive lands and water areas or for providing outdoor recreational opportunities.~~ The council also shall determine whether the project conforms, where applicable, with the comprehensive plan developed pursuant to s. 259.04(1)(a), the comprehensive multipurpose outdoor recreation plan developed pursuant to s. 375.021, the state lands management plan adopted pursuant to s. 253.03(7), the water resources work plans developed pursuant to s. 373.199, and the provisions of s. 259.032, s. 259.101, or s. 259.105, whichever is applicable.

Section 19. Subsection (4) of section 259.036, Florida Statutes, is amended to read:

259.036 Management review teams.—

(4) In the event a land management plan has not been



631392

576-02162-15

adopted within the timeframes specified in s. 259.032(8) ~~or 259.032(10)~~, the department may direct a management review of the property, to be conducted by the land management review team. The review shall consider the extent to which the land is being managed for the purposes for which it was acquired and the degree to which actual management practices are in compliance with the management policy statement and management prospectus for that property.

Section 20. Paragraph (b) of subsection (3) of section 259.037, Florida Statutes, is amended to read:

259.037 Land Management Uniform Accounting Council.—

(3)

(b) Each reporting agency shall also:

1. Include a report of the available public use opportunities for each management unit of state land, the total management cost for public access and public use, and the cost associated with each use option.

2. List the acres of land requiring minimal management effort, moderate management effort, and significant management effort pursuant to s. 259.032(9)(c) ~~former s. 259.032(11)(e)~~. For each category created in paragraph (a), the reporting agency shall include the amount of funds requested, the amount of funds received, and the amount of funds expended for land management.

3. List acres managed and cost of management for each park, preserve, forest, reserve, or management area.

4. List acres managed, cost of management, and lead manager for each state lands management unit for which secondary management activities were provided.

5. Include a report of the estimated calculable financial



631392

576-02162-15

1275 benefits to the public for the ecosystem services provided by
1276 conservation lands, based on the best readily available
1277 information or science that provides a standard measurement
1278 methodology to be consistently applied by the land managing
1279 agencies. Such information may include, but need not be limited
1280 to, the value of natural lands for protecting the quality and
1281 quantity of drinking water through natural water filtration and
1282 recharge, contributions to protecting and improving air quality,
1283 benefits to agriculture through increased soil productivity and
1284 preservation of biodiversity, and savings to property and lives
1285 through flood control.

1286 Section 21. Subsection (1) of section 259.04, Florida
1287 Statutes, is amended to read:

1288 259.04 Board; powers and duties.—

1289 (1) For projects and acquisitions selected for purchase
1290 pursuant to ss. 259.035, ~~259.101~~, and 259.105:

1291 (a) The board is given the responsibility, authority, and
1292 power to develop and execute a comprehensive, statewide 5-year
1293 plan to conserve, restore, and protect environmentally
1294 endangered lands, ecosystems, lands necessary for outdoor
1295 recreational needs, and other lands as identified in ss.
1296 259.032, ~~259.101~~, and 259.105. This plan shall be kept current
1297 through continual reevaluation and revision. The advisory
1298 council or its successor shall assist the board in the
1299 development, reevaluation, and revision of the plan.

1300 (b) The board may enter into contracts with the government
1301 of the United States or any agency or instrumentality thereof;
1302 the state or any county, municipality, district authority, or
1303 political subdivision; or any private corporation, partnership,



631392

576-02162-15

1304 association, or person providing for or relating to the
1305 conservation or protection of certain lands in accomplishing the
1306 purposes of this chapter.

1307 (c) Within 45 days after the advisory council or its
1308 successor submits the lists of projects to the board, the board
1309 shall approve, in whole or in part, the lists of projects in the
1310 order of priority in which such projects are presented. To the
1311 greatest extent practicable, projects on the lists shall be
1312 acquired in their approved order of priority.

1313 (d) The board is authorized to acquire, by purchase, gift,
1314 or devise or otherwise, the fee title or any lesser interest of
1315 lands, water areas, and related resources for environmentally
1316 endangered lands.

1317 Section 22. Paragraphs (a) and (b) of subsection (11) and
1318 subsection (15) of section 259.041, Florida Statutes, are
1319 amended to read:

1320 259.041 Acquisition of state-owned lands for preservation,
1321 conservation, and recreation purposes.—

1322 (11)(a) The Legislature finds that, with the increasing
1323 pressures on the natural areas of this state and on open space
1324 suitable for recreational use, the state must develop creative
1325 techniques to maximize the use of acquisition and management
1326 funds. The Legislature also finds that the state's conservation
1327 and recreational land acquisition agencies should be encouraged
1328 to augment their traditional, fee simple acquisition programs
1329 with the use of alternatives to fee simple acquisition
1330 techniques. Additionally, the Legislature finds that generations
1331 of private landowners have been good stewards of their land,
1332 protecting or restoring native habitats and ecosystems to the



631392

576-02162-15

benefit of the natural resources of this state, its heritage, and its citizens. The Legislature also finds that using alternatives to fee simple acquisition by public land acquisition agencies will achieve the following public policy goals:

1. Allow more lands to be brought under public protection for preservation, conservation, and recreational purposes with less expenditure of public funds.

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

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

Therefore, it is the intent of the Legislature that public land acquisition agencies develop programs to pursue alternatives to fee simple acquisition and to educate private landowners about such alternatives and the benefits of such alternatives. It is also the intent of the Legislature that a portion of the shares of ~~Preservation 2000~~ and Florida Forever bond proceeds be used to purchase eligible properties using alternatives to fee simple acquisition.

(b) All project applications shall identify, within their acquisition plans, projects that require a full fee simple interest to achieve the public policy goals, together with the reasons full title is determined to be necessary. The state agencies and the water management districts may use alternatives to fee simple acquisition to bring the remaining projects in their acquisition plans under public protection. For the



631392

576-02162-15

purposes of this subsection, the term "alternatives to fee simple acquisition" includes, but is not limited to: purchase of development rights; obtaining conservation easements; obtaining flowage easements; purchase of timber rights, mineral rights, or hunting rights; purchase of agricultural interests or silvicultural interests; ~~entering into land protection agreements as defined in s. 380.0677(3)~~; fee simple acquisitions with reservations; creating life estates; or any other acquisition technique that achieves the public policy goals listed in paragraph (a). It is presumed that a private landowner retains the full range of uses for all the rights or interests in the landowner's land which are not specifically acquired by the public agency. The lands upon which hunting rights are specifically acquired pursuant to this paragraph shall be available for hunting in accordance with the management plan or hunting regulations adopted by the Florida Fish and Wildlife Conservation Commission, unless the hunting rights are purchased specifically to protect activities on adjacent lands.

(15) The board of trustees, by an affirmative vote of at least three of its members, may direct the department to purchase lands on an immediate basis using up to 15 percent of the funds allocated to the department pursuant to s. 259.105 ~~ss. 259.101(3)(a) and 259.105~~ for the acquisition of lands that:

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

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



631392

576-02162-15

1391 (c) Will be developed or otherwise lost to potential public
1392 ownership, or for which federal matching funds will be lost, by
1393 the time the land can be purchased under the program within
1394 which the land is listed for acquisition.

1395
1396 For such acquisitions, the board of trustees may waive or modify
1397 all procedures required for land acquisition pursuant to this
1398 chapter and all competitive bid procedures required pursuant to
1399 chapters 255 and 287. Lands acquired pursuant to this subsection
1400 must, at the time of purchase, be on one of the acquisition
1401 lists established pursuant to this chapter, or be essential for
1402 water resource development, protection, or restoration, or a
1403 significant portion of the lands must contain natural
1404 communities or plant or animal species that ~~which~~ are listed by
1405 the Florida Natural Areas Inventory as critically imperiled,
1406 imperiled, or rare, or as excellent quality occurrences of
1407 natural communities.

1408 Section 23. Section 259.101, Florida Statutes, is amended
1409 to read:

1410 259.101 Florida Preservation 2000 Act.—

1411 (1) SHORT TITLE.—This section may be cited as the "Florida
1412 Preservation 2000 Act."

1413 (2) LEGISLATIVE FINDINGS.—The Legislature finds and
1414 declares that:

1415 (a) The alteration and development of Florida's natural
1416 areas to accommodate its rapidly growing population have
1417 contributed to the degradation of water resources, the
1418 fragmentation and destruction of wildlife habitats, the loss of
1419 recreation space, and the diminishment of wetlands and forests.



631392

576-02162-15

1420 (b) Imminent development of Florida's remaining natural
1421 areas and continuing increases in land values necessitate an
1422 aggressive program of public land acquisition during the next
1423 decade to preserve the quality of life that attracts so many
1424 people to Florida.

1425 (c) Acquisition of public lands, in fee simple or in any
1426 lesser interest, should be based on a comprehensive assessment
1427 of Florida's natural resources and planned so as to protect the
1428 integrity of ecological systems and to provide multiple
1429 benefits, including preservation of fish and wildlife habitat,
1430 recreation space, and water recharge areas. Governmental
1431 agencies responsible for public land acquisition should work
1432 together to purchase lands jointly and to coordinate individual
1433 purchases within ecological systems.

1434 (d) One of the purposes of the Florida Communities Trust
1435 program is to acquire, protect, and preserve open space and
1436 recreation properties within urban areas where pristine animal
1437 and plant communities no longer exist. These areas are often
1438 overlooked in other programs because of their smaller size and
1439 proximity to developed property. These smaller parcels are,
1440 however, critically important to the quality of life in these
1441 urban areas for the residents who live there as well as to the
1442 many visitors to the state. The trust shall consider projects
1443 submitted by local governments which further the goals,
1444 objectives, and policies of the conservation, recreation and
1445 open space, or coastal elements of their local comprehensive
1446 plans or which serve to conserve natural resources or resolve
1447 land use conflicts.

1448 (e) South Florida's water supply and unique natural



631392

576-02162-15

environment depend on the protection of lands buffering the East
Everglades and the Everglades water conservation areas.

In addition, the Legislature recognizes the conflicting desires
of the citizens of this state to prosper through economic
development and to preserve the natural areas of Florida that
development threatens to claim. The Legislature further
recognizes the urgency of acquiring natural areas in the state
for preservation, yet acknowledges the difficulty of ensuring
adequate funding for accelerated acquisition in light of other
equally critical financial needs of the state. ~~It is the
Legislature's desire and intent to fund the implementation of
the Florida Preservation 2000 Act for each of the 10 years of
the program's duration and to do so in a fiscally responsible
manner.~~

(3) TITLE TO CERTAIN PROPERTY ACQUIRED WITH PRESERVATION
2000 BONDS LAND ACQUISITION PROGRAMS SUPPLEMENTED. ~~Less the
costs of issuance, the costs of funding reserve accounts, and
other costs with respect to the bonds, the proceeds of bonds
issued pursuant to this act shall be deposited into the Florida
Preservation 2000 Trust Fund created by s. 375.045. In fiscal
year 2000-2001, for each Florida Preservation 2000 program
described in paragraphs (a)-(g), that portion of each program's
total remaining cash balance which, as of June 30, 2000, is in
excess of that program's total remaining appropriation balances
shall be redistributed by the department and deposited into the
Save Our Everglades Trust Fund for land acquisition. For
purposes of calculating the total remaining cash balances for
this redistribution, the Florida Preservation 2000 Series 2000~~



631392

576-02162-15

~~bond proceeds, including interest thereon, and the fiscal year
1999-2000 General Appropriations Act amounts shall be deducted
from the remaining cash and appropriation balances,
respectively. The remaining proceeds shall be distributed by the
Department of Environmental Protection in the following manner:~~

~~(a) Fifty percent to the Department of Environmental
Protection for the purchase of public lands as described in s.
259.032. Of this 50 percent, at least one-fifth shall be used
for the acquisition of coastal lands.~~

~~(b) Thirty percent to the Department of Environmental
Protection for the purchase of water management lands pursuant
to s. 373.59, to be distributed among the water management
districts as provided in that section. Funds received by each
district may also be used for acquisition of lands necessary to
implement surface water improvement and management plans or for
acquisition of lands necessary to implement the Everglades
Construction Project authorized by s. 373.4592.~~

~~(c) Ten percent to the Department of Environmental
Protection to provide land acquisition grants and loans to local
governments through the Florida Communities Trust pursuant to
part III of chapter 380. From funds allocated to the trust, \$3
million annually shall be used by the Division of State Lands
within the Department of Environmental Protection to implement
the Green Swamp Land Protection Initiative specifically for the
purchase of conservation easements, as defined in s.
380.0677(3), of lands, or severable interests or rights in
lands, in the Green Swamp Area of Critical State Concern. From
funds allocated to the trust, \$3 million annually shall be used
by the Monroe County Comprehensive Plan Land Authority~~



631392

576-02162-15

1507 ~~specifically for the purchase of a real property interest in~~
1508 ~~those lands subject to the Rate of Growth Ordinances adopted by~~
1509 ~~local governments in Monroe County or those lands within the~~
1510 ~~boundary of an approved Conservation and Recreation Lands~~
1511 ~~project located within the Florida Keys or Key West Areas of~~
1512 ~~Critical State Concern; however, title to lands acquired within~~
1513 ~~the boundary of an approved Conservation and Recreation Lands~~
1514 ~~project may, in accordance with an approved joint acquisition~~
1515 ~~agreement, vest in the Board of Trustees of the Internal~~
1516 ~~Improvement Trust Fund. Of the remaining funds, one-half shall~~
1517 ~~be matched by local governments on a dollar for dollar basis. To~~
1518 ~~the extent allowed by federal requirements for the use of bond~~
1519 ~~proceeds, the trust shall expend Preservation 2000 funds to~~
1520 ~~carry out the purposes of part III of chapter 380.~~

1521 ~~(d) Two and nine-tenths percent to the Department of~~
1522 ~~Environmental Protection for the purchase of inholdings and~~
1523 ~~additions to state parks. For the purposes of this paragraph,~~
1524 ~~"state park" means all real property in the state under the~~
1525 ~~jurisdiction of the Division of Recreation and Parks of the~~
1526 ~~department, or which may come under its jurisdiction.~~

1527 ~~(e) Two and nine-tenths percent to the Florida Forest~~
1528 ~~Service of the Department of Agriculture and Consumer Services~~
1529 ~~to fund the acquisition of state forest inholdings and additions~~
1530 ~~pursuant to s. 589.07.~~

1531 ~~(f) Two and nine-tenths percent to the Fish and Wildlife~~
1532 ~~Conservation Commission to fund the acquisition of inholdings~~
1533 ~~and additions to lands managed by the commission which are~~
1534 ~~important to the conservation of fish and wildlife.~~

1535 ~~(g) One and three-tenths percent to the Department of~~



631392

576-02162-15

1536 ~~Environmental Protection for the Florida Greenways and Trails~~
1537 ~~Program, to acquire greenways and trails or greenways and trails~~
1538 ~~systems pursuant to chapter 260, including, but not limited to,~~
1539 ~~abandoned railroad rights-of-way and the Florida National Scenic~~
1540 ~~Trail.~~

1541
1542 ~~Local governments may use federal grants or loans, private~~
1543 ~~donations, or environmental mitigation funds, including~~
1544 ~~environmental mitigation funds required pursuant to s. 338.250,~~
1545 ~~for any part or all of any local match required for the purposes~~
1546 ~~described in this subsection. Bond proceeds allocated pursuant~~
1547 ~~to paragraph (c) may be used to purchase lands on the priority~~
1548 ~~lists developed pursuant to s. 259.035. Title to lands purchased~~
1549 ~~pursuant to former paragraphs (a), (d), (e), (f), or and (g) of~~
1550 ~~this subsection, Florida Statutes 2014, shall be vested in the~~
1551 ~~Board of Trustees of the Internal Improvement Trust Fund. Title~~
1552 ~~to lands purchased pursuant to former paragraph (c) of this~~
1553 ~~subsection, Florida Statutes 2014, may be vested in the Board of~~
1554 ~~Trustees of the Internal Improvement Trust Fund. The board of~~
1555 ~~trustees shall hold title to land protection agreements and~~
1556 ~~conservation easements that were or will be acquired pursuant to~~
1557 ~~former s. 380.0677, Florida Statutes 2014, and the Southwest~~
1558 ~~Florida Water Management District and the St. Johns River Water~~
1559 ~~Management District shall monitor such agreements and easements~~
1560 ~~within their respective districts until the state assumes this~~
1561 ~~responsibility.~~

1562 ~~(4) PROJECT CRITERIA.—~~

1563 ~~(a) Proceeds of bonds issued pursuant to this act and~~
1564 ~~distributed pursuant to paragraphs (3)(a) and (b) shall be spent~~



631392

576-02162-15

~~only on projects which meet at least one of the following
criteria, as determined pursuant to paragraphs (b) and (c):~~

~~1. A significant portion of the land in the project is in
imminent danger of development, in imminent danger of loss of
its significant natural attributes, or in imminent danger of
subdivision which will result in multiple ownership and may make
acquisition of the project more costly or less likely to be
accomplished;~~

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

~~3. A significant portion of the land in the project serves
to protect or recharge groundwater and to protect other valuable
natural resources or provide space for natural resource based
recreation;~~

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

~~5. A significant portion of the land in the project serves
as habitat for endangered, threatened, or rare species or serves
to protect natural communities which are listed by the Florida
Natural Areas Inventory as critically imperiled, imperiled, or
rare, or as excellent quality occurrences of natural
communities; or~~

~~6. A significant portion of the land serves to preserve
important archaeological or historical sites.~~

~~(b) Each year that bonds are to be issued pursuant to this
act, the Land Acquisition and Management Advisory Council shall~~



631392

576-02162-15

~~review that year's approved Conservation and Recreation Lands
priority list and shall, by the first board meeting in February,
present to the Board of Trustees of the Internal Improvement
Trust Fund for approval a listing of projects on the list which
meet one or more of the criteria listed in paragraph (a). The
board may remove projects from the list developed pursuant to
this paragraph, but may not add projects.~~

~~(c) Each year that bonds are to be issued pursuant to this
act, each water management district governing board shall review
the lands on its current year's Save Our Rivers 5-year plan and
shall, by January 15, adopt a listing of projects from the plan
which meet one or more of the criteria listed in paragraph (a).~~

~~(d) In the acquisition of coastal lands pursuant to
paragraph (3) (a), the following additional criteria shall also
be considered:~~

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

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

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

~~When a nonprofit environmental organization which is tax exempt
pursuant to s. 501(c)(3) of the United States Internal Revenue
Code sells land to the state, such land at the time of such sale
shall be deemed to meet one or more of the criteria listed in~~



631392

576-02162-15

~~paragraph (a) if such land meets one or more of the criteria at the time the organization purchases it. Listings of projects compiled pursuant to paragraphs (b) and (c) may be revised to include projects on the Conservation and Recreation Lands priority list or in a water management district's 5-year plan which come under the criteria in paragraph (a) after the dates specified in paragraph (b) or paragraph (c). The requirement of paragraph (3)(a) regarding coastal lands is met as long as an average of one-fifth of the cumulative proceeds allocated through fiscal year 1999-2000 pursuant to that paragraph is used to purchase coastal lands.~~

~~(e) The Legislature finds that the Florida Preservation 2000 Program has provided financial resources that have enabled the acquisition of significant amounts of land for public ownership in the first 7 years of the program's existence. In the remaining years of the Florida Preservation 2000 Program, agencies that receive funds are encouraged to better coordinate their expenditures so that future acquisitions, when combined with previous acquisitions, will form more complete patterns of protection for natural areas and functioning ecosystems to better accomplish the intent of paragraph (2)(c).~~

~~(f) The Legislature intends that, in the remaining years of the Florida Preservation 2000 Program, emphasis be given to the completion of projects in which one or more parcels have already been acquired and to the acquisition of lands containing ecological resources which are either not represented or underrepresented on lands currently in public ownership. The Legislature also intends that future acquisitions under the Florida Preservation 2000 Program be limited to projects on the~~



631392

576-02162-15

~~current project lists, or any additions to the list as determined and prioritized by the study, or those projects that can reasonably be expected to be acquired by the end of the Florida Preservation 2000 Program.~~

~~(4) FLORIDA FOREST SERVICE FUND USE.— (5) Any funds received by the Florida Forest Service from the Preservation 2000 Trust Fund pursuant to paragraph (3)(c) shall be used only to pay the cost of the acquisition of lands in furtherance of outdoor recreation and natural resources conservation in this state. The administration and use of any funds received by the Florida Forest Service from the Preservation 2000 Trust Fund will be subject to such terms and conditions imposed thereon by the agency of the state responsible for the issuance of the revenue bonds, the proceeds of which are deposited in the Preservation 2000 Trust Fund, including restrictions imposed to ensure that the interest on any such revenue bonds issued by the state as tax-exempt revenue bonds will not be included in the gross income of the holders of such bonds for federal income tax purposes. All deeds or leases with respect to any real property acquired with Preservation 2000 funds must received by the Florida Forest Service from the Preservation 2000 Trust Fund shall contain sufficient such covenants and restrictions as are sufficient to ensure that the use of such real property at all times complies with s. 375.051 and s. 9, Art. XII of the 1968 Constitution of Florida, and shall contain reverter clauses providing for the reversion of title to such property to the Board of Trustees of the Internal Improvement Trust Fund or, in the case of a lease of such property, providing for termination of the lease upon a failure to use the property conveyed thereby~~



631392

576-02162-15

for such purposes.

~~(5)(6)~~ DISPOSITION OF LANDS.-

(a) Any lands acquired pursuant to former paragraphs paragraph (3)(a), paragraph (3)(c), paragraph (3)(d), paragraph (3)(e), paragraph (3)(f), or paragraph (3)(g) of this section, Florida Statutes 2014, if title to such lands is vested in the Board of Trustees of the Internal Improvement Trust Fund, may be disposed of by the Board of Trustees of the Internal Improvement Trust Fund in accordance with the provisions and procedures set forth in s. 253.034(6), and lands acquired pursuant to former paragraph (3)(b) of this section, Florida Statutes 2014, may be disposed of by the owning water management district in accordance with the procedures and provisions set forth in ss. 373.056 and 373.089 provided such disposition also shall satisfy the requirements of paragraphs (b) and (c).

(b) Before land acquired with Preservation 2000 funds may be surplusd as required by s. 253.034(6), or determined to be no longer required for its purposes under s. 373.056(4), as ~~whichever may be~~ applicable, there shall first be a determination by the Board of Trustees of the Internal Improvement Trust Fund, or, in the case of water management district lands, by the owning water management district, that such land no longer needs to be preserved in furtherance of the intent of the Florida Preservation 2000 Act. Any lands eligible to be disposed of under this procedure also may be used to acquire other lands through an exchange of lands if, provided such lands obtained in an exchange are described in the same paragraph of former subsection (3) of this section, Florida Statutes 2014, as the lands disposed.



631392

576-02162-15

~~(c) Notwithstanding paragraphs (a) and (b), no such disposition of land shall be made if such disposition would have the effect of causing all or any portion of the interest on any revenue bonds issued to fund the Florida Preservation 2000 Act to lose their exclusion from gross income for purposes of federal income taxation. Any Revenue derived from the disposal of such lands acquired with Preservation 2000 funds may not be used for any purpose except for deposit into the Florida Preservation 2000 Trust Fund, or the Florida Forever Trust Fund within the Department of Environmental Protection, for recredit to the share held under former subsection (3) of this section, Florida Statutes 2014, in which such disposed land is described.~~

~~(6)(7)~~ ALTERNATE USES OF ACQUIRED LANDS.-

(a) The Board of Trustees of the Internal Improvement Trust Fund, or, in the case of water management district lands, the owning water management district, may authorize the granting of a lease, easement, or license for the use of any lands acquired pursuant to former subsection (3) of this section, Florida Statutes 2014, for any governmental use permitted by s. 17, Art. IX of the State Constitution of 1885, as adopted by s. 9(a), Art. XII of the State Constitution, and any other incidental public or private use that is determined by the board or the owning water management district to be compatible with the purposes for which such lands were acquired.

(b) Any existing lease, easement, or license acquired for incidental public or private use on, under, or across any lands acquired pursuant to former subsection (3) of this section, Florida Statutes 2014, shall be presumed not to be incompatible with the purposes for which such lands were acquired.



631392

576-02162-15

~~(e) Notwithstanding the provisions of paragraph (a), no such lease, easement, or license shall be entered into by the Department of Environmental Protection or other appropriate state agency if the granting of such lease, easement, or license would adversely affect the exclusion of the interest on any revenue bonds issued to fund the acquisition of the affected lands from gross income for federal income tax purposes, as described in s. 375.045(4).~~

(7) ALTERNATIVES TO FEE SIMPLE ACQUISITION.- (8)

(a) The Legislature finds that, with the increasing pressures on the natural areas of this state, the state must develop creative techniques to maximize the use of acquisition and management moneys. The Legislature ~~also~~ finds that the state's environmental land-buying agencies should be encouraged to augment their traditional, fee simple acquisition programs with the use of alternatives to fee simple acquisition techniques. The Legislature also finds that using alternatives to fee simple acquisition by public land-buying agencies will achieve the following public policy goals:

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

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

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

Therefore, it is the intent of the Legislature that public land-



631392

576-02162-15

buying agencies develop programs to pursue alternatives to fee simple acquisition and to educate private landowners about such alternatives and the benefits of such alternatives. It also is the intent of the Legislature that the department and the water management districts spend a portion of their shares of Preservation 2000 bond proceeds to purchase eligible properties using alternatives to fee simple acquisition. Finally, it is the intent of the Legislature that public agencies acquire lands in fee simple for public access and recreational activities. Lands protected using alternatives to fee simple acquisition techniques may ~~shall~~ not be accessible to the public unless such access is negotiated with and agreed to by the private landowners who retain interests in such lands.

(b) The Land Acquisition Advisory Council and the water management districts shall identify, within their 1997 acquisition plans, those projects that ~~which~~ require a full fee simple interest to achieve the public policy goals, along with the reasons why full title is determined to be necessary. The council and the water management districts may use alternatives to fee simple acquisition to bring the remaining projects in their acquisition plans under public protection. For the purposes of this subsection, the term "alternatives to fee simple acquisition" includes the ~~but is not limited to:~~ purchase of development rights; conservation easements; flowage easements; the purchase of timber rights, mineral rights, or hunting rights; the purchase of agricultural interests or silvicultural interests; land protection agreements; fee simple acquisitions with reservations; or any other acquisition technique that ~~which~~ achieves the public policy goals identified



631392

576-02162-15

1797 ~~listed~~ in paragraph (a). It is presumed that a private landowner
1798 retains the full range of uses for all the rights or interests
1799 in the landowner's land which are not specifically acquired by
1800 the public agency. Life estates and fee simple acquisitions with
1801 leaseback provisions ~~do shall~~ not qualify as an alternative to
1802 fee simple acquisition under this subsection, although the
1803 department and the districts are encouraged to use such
1804 techniques ~~if where~~ appropriate.

1805 (c) The department and each water management district shall
1806 implement initiatives to use alternatives to fee simple
1807 acquisition and to educate private landowners about such
1808 alternatives. These initiatives ~~must shall~~ include at least two
1809 acquisitions a year by the department and each water management
1810 district utilizing alternatives to fee simple.

1811 (d) The Legislature finds that the lack of direct sales
1812 comparison information has served as an impediment to successful
1813 implementation of alternatives to fee simple acquisition. It is
1814 the intent of the Legislature that, in the absence of direct
1815 comparable sales information, appraisals of alternatives to fee
1816 simple acquisitions be based on the difference between the full
1817 fee simple valuation and the value of the interests remaining
1818 with the seller after acquisition.

1819 (e) The public agency ~~that which~~ has been assigned
1820 management responsibility shall inspect and monitor any less-
1821 than-fee-simple interest according to the terms of the purchase
1822 agreement relating to such interest.

1823 (f) The department and the water management districts may
1824 enter into joint acquisition agreements to jointly fund the
1825 purchase of lands using alternatives to fee simple techniques.



631392

576-02162-15

1826 (8) PUBLIC RECREATIONAL USE.—An agency or water management
1827 district that acquired lands using Preservation 2000 funds
1828 distributed pursuant to former subsection (3) of this section,
1829 Florida Statutes 2014, shall manage such lands to make them
1830 available for public recreational use if the recreational use
1831 does not interfere with the protection of natural resource
1832 values. The agency or district may enter into an agreement with
1833 the department or another appropriate state agency to transfer
1834 management authority or lease to such agencies lands purchased
1835 with Preservation 2000 funds for the purpose of managing the
1836 lands to make them available for public recreational use. The
1837 water management districts and the department shall take action
1838 to control the growth of nonnative invasive plant species on
1839 lands they manage which were purchased with Preservation 2000
1840 funds.

1841 Section 24. Section 259.105, Florida Statutes, is amended
1842 to read:

1843 259.105 The Florida Forever Act.—

1844 (1) This section may be cited as the "Florida Forever Act."

1845 (2) (a) The Legislature finds and declares that:

1846 1. Land acquisition programs have provided tremendous
1847 financial resources for purchasing environmentally significant
1848 lands to protect those lands from imminent development or
1849 alteration, thereby ensuring present and future generations'
1850 access to important waterways, open spaces, and recreation and
1851 conservation lands.

1852 2. The continued alteration and development of Florida's
1853 natural and rural areas to accommodate the state's growing
1854 population have contributed to the degradation of water



631392

576-02162-15

resources, the fragmentation and destruction of wildlife habitats, the loss of outdoor recreation space, and the diminishment of wetlands, forests, working landscapes, and coastal open space.

3. The potential development of Florida's remaining natural areas and escalation of land values require government efforts to restore, bring under public protection, or acquire lands and water areas to preserve the state's essential ecological functions and invaluable quality of life.

4. It is essential to protect the state's ecosystems by promoting a more efficient use of land, to ensure opportunities for viable agricultural activities on working lands, and to promote vital rural and urban communities that support and produce development patterns consistent with natural resource protection.

5. Florida's groundwater, surface waters, and springs are under tremendous pressure due to population growth and economic expansion and require special protection and restoration efforts, including the protection of uplands and springsheds that provide vital recharge to aquifer systems and are critical to the protection of water quality and water quantity of the aquifers and springs. To ensure that sufficient quantities of water are available to meet the current and future needs of the natural systems and citizens of the state, and assist in achieving the planning goals of the department and the water management districts, water resource development projects on public lands, where compatible with the resource values of and management objectives for the lands, are appropriate.

6. The needs of urban, suburban, and small communities in



631392

576-02162-15

Florida for high-quality outdoor recreational opportunities, greenways, trails, and open space have not been fully met by previous acquisition programs. Through such programs as the Florida Communities Trust and the Florida Recreation Development Assistance Program, the state shall place additional emphasis on acquiring, protecting, preserving, and restoring open space, ecological greenways, and recreation properties within urban, suburban, and rural areas where pristine natural communities or water bodies no longer exist because of the proximity of developed property.

7. Many of Florida's unique ecosystems, such as the Florida Everglades, are facing ecological collapse due to Florida's burgeoning population growth and other economic activities. To preserve these valuable ecosystems for future generations, essential parcels of land must be acquired to facilitate ecosystem restoration.

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

9. Acquisition of lands, in fee simple, less-than-fee interest, or other techniques shall be based on a comprehensive science-based assessment of Florida's natural resources which targets essential conservation lands by prioritizing all current and future acquisitions based on a uniform set of data and planned so as to protect the integrity and function of ecological systems and working landscapes, and provide multiple



631392

576-02162-15

benefits, including preservation of fish and wildlife habitat, recreation space for urban and rural areas, and the restoration of natural water storage, flow, and recharge.

10. The state has embraced performance-based program budgeting as a tool to evaluate the achievements of publicly funded agencies, build in accountability, and reward those agencies which are able to consistently achieve quantifiable goals. While previous and existing state environmental programs have achieved varying degrees of success, few of these programs can be evaluated as to the extent of their achievements, primarily because performance measures, standards, outcomes, and goals were not established at the outset. Therefore, the Florida Forever program shall be developed and implemented in the context of measurable state goals and objectives.

11. The state must play a major role in the recovery and management of its imperiled species through the acquisition, restoration, enhancement, and management of ecosystems that can support the major life functions of such species. It is the intent of the Legislature to support local, state, and federal programs that result in net benefit to imperiled species habitat by providing public and private land owners meaningful incentives for acquiring, restoring, managing, and repopulating habitats for imperiled species. It is the further intent of the Legislature that public lands, both existing and to be acquired, identified by the lead land managing agency, in consultation with the Florida Fish and Wildlife Conservation Commission for animals or the Department of Agriculture and Consumer Services for plants, as habitat or potentially restorable habitat for imperiled species, be restored, enhanced, managed, and



631392

576-02162-15

repopulated as habitat for such species to advance the goals and objectives of imperiled species management consistent with the purposes for which such lands are acquired without restricting other uses identified in the management plan. It is also the intent of the Legislature that of the proceeds distributed pursuant to subsection (3), additional consideration be given to acquisitions that achieve a combination of conservation goals, including the restoration, enhancement, management, or repopulation of habitat for imperiled species. The Acquisition and Restoration Council, in addition to the criteria in subsection (9), shall give weight to projects that include acquisition, restoration, management, or repopulation of habitat for imperiled species. The term "imperiled species" as used in this chapter and chapter 253, means plants and animals that are federally listed under the Endangered Species Act, or state-listed by the Fish and Wildlife Conservation Commission or the Department of Agriculture and Consumer Services.

a. As part of the state's role, all state lands that have imperiled species habitat shall include as a consideration in management plan development the restoration, enhancement, management, and repopulation of such habitats. In addition, the lead land managing agency of such state lands may use fees received from public or private entities for projects to offset adverse impacts to imperiled species or their habitat in order to restore, enhance, manage, repopulate, or acquire land and to implement land management plans developed under s. 253.034 or a land management prospectus developed and implemented under this chapter. Such fees shall be deposited into a foundation or fund created by each land management agency under s. 379.223, s.



631392

576-02162-15

1971 589.012, or s. 259.032(9)(c) ~~s. 259.032(11)(e)~~, to be used
1972 solely to restore, manage, enhance, repopulate, or acquire
1973 imperiled species habitat.

1974 b. Where habitat or potentially restorable habitat for
1975 imperiled species is located on state lands, the Fish and
1976 Wildlife Conservation Commission and the Department of
1977 Agriculture and Consumer Services shall be included on any
1978 advisory group required under chapter 253, and the short-term
1979 and long-term management goals required under chapter 253 must
1980 advance the goals and objectives of imperiled species management
1981 consistent with the purposes for which the land was acquired
1982 without restricting other uses identified in the management
1983 plan.

1984 12. There is a need to change the focus and direction of
1985 the state's major land acquisition programs and to extend
1986 funding and bonding capabilities, so that future generations may
1987 enjoy the natural resources of this state.

1988 (b) The Legislature recognizes that acquisition of lands in
1989 fee simple is only one way to achieve the aforementioned goals
1990 and encourages the use of less-than-fee interests, other
1991 techniques, and the development of creative partnerships between
1992 governmental agencies and private landowners. Such partnerships
1993 may include those that advance the restoration, enhancement,
1994 management, or repopulation of imperiled species habitat on
1995 state lands as provided for in subparagraph (a)11. Easements
1996 acquired pursuant to s. 570.71(2)(a) and (b), land protection
1997 agreements, and nonstate funded tools such as rural land
1998 stewardship areas, sector planning, and mitigation should be
1999 used, where appropriate, to bring environmentally sensitive



631392

576-02162-15

2000 tracts under an acceptable level of protection at a lower
2001 financial cost to the public, and to provide private landowners
2002 with the opportunity to enjoy and benefit from their property.

2003 (c) Public agencies or other entities that receive funds
2004 under this section shall coordinate their expenditures so that
2005 project acquisitions, when combined with acquisitions under
2006 Florida Forever, Preservation 2000, Save Our Rivers, the Florida
2007 Communities Trust, other public land acquisition programs, and
2008 the techniques, partnerships, and tools referenced in
2009 subparagraph (a)11. and paragraph (b), are used to form more
2010 complete patterns of protection for natural areas, ecological
2011 greenways, and functioning ecosystems, to better accomplish the
2012 intent of this section.

2013 (d) A long-term financial commitment to restoring,
2014 enhancing, and managing Florida's public lands in order to
2015 implement land management plans developed under s. 253.034 or a
2016 land management prospectus developed and implemented under this
2017 chapter must accompany any land acquisition program to ensure
2018 that the natural resource values of such lands are restored,
2019 enhanced, managed, and protected; that the public enjoys the
2020 lands to their fullest potential; and that the state achieves
2021 the full benefits of its investment of public dollars.
2022 Innovative strategies such as public-private partnerships and
2023 interagency planning and sharing of resources shall be used to
2024 achieve the state's management goals.

2025 (e) With limited dollars available for restoration,
2026 enhancement, management, and acquisition of land and water areas
2027 and for providing long-term management and capital improvements,
2028 a competitive selection process shall select those projects best



631392

576-02162-15

able to meet the goals of Florida Forever and maximize the efficient use of the program's funding.

(f) To ensure success and provide accountability to the citizens of this state, it is the intent of the Legislature that any cash or bond proceeds used pursuant to this section be used to implement the goals and objectives recommended by a comprehensive science-based assessment and approved by the Board of Trustees of the Internal Improvement Trust Fund and the Legislature.

(g) As it has with previous land acquisition programs, the Legislature recognizes the desires of the residents of this state to prosper through economic development and to preserve, restore, and manage the state's natural areas and recreational open space. The Legislature further recognizes the urgency of restoring the natural functions, including wildlife and imperiled species habitat functions, of public lands or water bodies before they are degraded to a point where recovery may never occur, yet acknowledges the difficulty of ensuring adequate funding for restoration, enhancement, and management efforts in light of other equally critical financial needs of the state. It is the Legislature's desire and intent to fund the implementation of this section and to do so in a fiscally responsible manner, by issuing bonds to be repaid with documentary stamp tax or other revenue sources, including those identified in subparagraph (a)11.

(h) The Legislature further recognizes the important role that many of our state and federal military installations contribute to protecting and preserving Florida's natural resources as well as our economic prosperity. Where the state's



631392

576-02162-15

land conservation plans overlap with the military's need to protect lands, waters, and habitat to ensure the sustainability of military missions, it is the Legislature's intent that agencies receiving funds under this program cooperate with our military partners to protect and buffer military installations and military airspace, by:

1. Protecting habitat on nonmilitary land for any species found on military land that is designated as threatened or endangered, or is a candidate for such designation under the Endangered Species Act or any Florida statute;

2. Protecting areas underlying low-level military air corridors or operating areas;

3. Protecting areas identified as clear zones, accident potential zones, and air installation compatible use buffer zones delineated by our military partners; and

4. Providing the military with technical assistance to restore, enhance, and manage military land as habitat for imperiled species or species designated as threatened or endangered, or a candidate for such designation, and for the recovery or reestablishment of such species.

(3) Less the costs of issuing and the costs of funding reserve accounts and other costs associated with bonds, the proceeds of cash payments or bonds issued pursuant to this section shall be deposited into the Florida Forever Trust Fund created by s. 259.1051. The proceeds shall be distributed by the Department of Environmental Protection in the following manner:

(a) Thirty percent to the Department of Environmental Protection for the acquisition of lands and capital project expenditures necessary to implement the water management



631392

576-02162-15

districts' priority lists developed pursuant to s. 373.199. The funds are to be distributed to the water management districts as provided in subsection (11). A minimum of 50 percent of the total funds provided over the life of the Florida Forever program pursuant to this paragraph shall be used for the acquisition of lands.

(b) Thirty-five percent to the Department of Environmental Protection for the acquisition of lands and capital project expenditures described in this section. Of the proceeds distributed pursuant to this paragraph, it is the intent of the Legislature that an increased priority be given to those acquisitions which achieve a combination of conservation goals, including protecting Florida's water resources and natural groundwater recharge. At a minimum, 3 percent, and no more than 10 percent, of the funds allocated pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access.

(c) Twenty-one percent to the Department of Environmental Protection for use by the Florida Communities Trust for the purposes of part III of chapter 380, as described and limited by this subsection, and grants to local governments or nonprofit environmental organizations that are tax-exempt under s. 501(c)(3) of the United States Internal Revenue Code for the acquisition of community-based projects, urban open spaces, parks, and greenways to implement local government comprehensive plans. From funds available to the trust and used for land acquisition, 75 percent shall be matched by local governments on a dollar-for-dollar basis. The Legislature intends that the



631392

576-02162-15

Florida Communities Trust emphasize funding projects in low-income or otherwise disadvantaged communities and projects that provide areas for direct water access and water-dependent facilities that are open to the public and offer public access by vessels to waters of the state, including boat ramps and associated parking and other support facilities. At least 30 percent of the total allocation provided to the trust shall be used in Standard Metropolitan Statistical Areas, but one-half of that amount shall be used in localities in which the project site is located in built-up commercial, industrial, or mixed-use areas and functions to intersperse open spaces within congested urban core areas. From funds allocated to the trust, no less than 5 percent shall be used to acquire lands for recreational trail systems, provided that in the event these funds are not needed for such projects, they will be available for other trust projects. Local governments may use federal grants or loans, private donations, or environmental mitigation funds, including environmental mitigation funds required pursuant to s. 338.250, for any part or all of any local match required for acquisitions funded through the Florida Communities Trust. Any lands purchased by nonprofit organizations using funds allocated under this paragraph must provide for such lands to remain permanently in public use through a reversion of title to local or state government, conservation easement, or other appropriate mechanism. Projects funded with funds allocated to the trust shall be selected in a competitive process measured against criteria adopted in rule by the trust.

(d) Two percent to the Department of Environmental Protection for grants pursuant to s. 375.075.



631392

576-02162-15

2145 (e) One and five-tenths percent to the Department of
2146 Environmental Protection for the purchase of inholdings and
2147 additions to state parks and for capital project expenditures as
2148 described in this section. At a minimum, 1 percent, and no more
2149 than 10 percent, of the funds allocated pursuant to this
2150 paragraph shall be spent on capital project expenditures
2151 identified during the time of acquisition which meet land
2152 management planning activities necessary for public access. For
2153 the purposes of this paragraph, "state park" means any real
2154 property in the state which is under the jurisdiction of the
2155 Division of Recreation and Parks of the department, or which may
2156 come under its jurisdiction.

2157 (f) One and five-tenths percent to the Florida Forest
2158 Service of the Department of Agriculture and Consumer Services
2159 to fund the acquisition of state forest inholdings and additions
2160 pursuant to s. 589.07, the implementation of reforestation plans
2161 or sustainable forestry management practices, and for capital
2162 project expenditures as described in this section. At a minimum,
2163 1 percent, and no more than 10 percent, of the funds allocated
2164 for the acquisition of inholdings and additions pursuant to this
2165 paragraph shall be spent on capital project expenditures
2166 identified during the time of acquisition which meet land
2167 management planning activities necessary for public access.

2168 (g) One and five-tenths percent to the Fish and Wildlife
2169 Conservation Commission to fund the acquisition of inholdings
2170 and additions to lands managed by the commission which are
2171 important to the conservation of fish and wildlife and for
2172 capital project expenditures as described in this section. At a
2173 minimum, 1 percent, and no more than 10 percent, of the funds



631392

576-02162-15

2174 allocated pursuant to this paragraph shall be spent on capital
2175 project expenditures identified during the time of acquisition
2176 which meet land management planning activities necessary for
2177 public access.

2178 (h) One and five-tenths percent to the Department of
2179 Environmental Protection for the Florida Greenways and Trails
2180 Program, to acquire greenways and trails or greenways and trail
2181 systems pursuant to chapter 260, including, but not limited to,
2182 abandoned railroad rights-of-way and the Florida National Scenic
2183 Trail and for capital project expenditures as described in this
2184 section. At a minimum, 1 percent, and no more than 10 percent,
2185 of the funds allocated pursuant to this paragraph shall be spent
2186 on capital project expenditures identified during the time of
2187 acquisition which meet land management planning activities
2188 necessary for public access.

2189 (i) Three and five-tenths percent to the Department of
2190 Agriculture and Consumer Services for the acquisition of
2191 agricultural lands, through perpetual conservation easements and
2192 other perpetual less-than-fee techniques, which will achieve the
2193 objectives of Florida Forever and s. 570.71. Rules concerning
2194 the application, acquisition, and priority ranking process for
2195 such easements shall be developed pursuant to s. 570.71(10) and
2196 as provided by this paragraph. The board shall ensure that such
2197 rules are consistent with the acquisition process provided for
2198 in s. 259.041. Provisions of the rules developed pursuant to s.
2199 570.71(10), shall also provide for the following:

2200 1. An annual priority list shall be developed pursuant to
2201 s. 570.71(10), submitted to the Acquisition and Restoration
2202 Council for review, and approved by the board pursuant to s.



631392

576-02162-15

2203 259.04.

2204 2. Terms of easements and acquisitions proposed pursuant to
2205 this paragraph shall be approved by the board and shall not be
2206 delegated by the board to any other entity receiving funds under
2207 this section.

2208 3. All acquisitions pursuant to this paragraph shall
2209 contain a clear statement that they are subject to legislative
2210 appropriation.

2211

2212 No funds provided under this paragraph shall be expended until
2213 final adoption of rules by the board pursuant to s. 570.71.

2214 (j) Two and five-tenths percent to the Department of
2215 Environmental Protection for the acquisition of land and capital
2216 project expenditures necessary to implement the Stan Mayfield
2217 Working Waterfronts Program within the Florida Communities Trust
2218 pursuant to s. 380.5105.

2219 (k) It is the intent of the Legislature that cash payments
2220 or proceeds of Florida Forever bonds distributed under this
2221 section shall be expended in an efficient and fiscally
2222 responsible manner. An agency that receives proceeds from
2223 Florida Forever bonds under this section may not maintain a
2224 balance of unencumbered funds in its Florida Forever subaccount
2225 beyond 3 fiscal years from the date of deposit of funds from
2226 each bond issue. Any funds that have not been expended or
2227 encumbered after 3 fiscal years from the date of deposit shall
2228 be distributed by the Legislature at its next regular session
2229 for use in the Florida Forever program.

2230 (l) For the purposes of paragraphs (e), (f), (g), and (h),
2231 the agencies that receive the funds shall develop their



631392

576-02162-15

2232 individual acquisition or restoration lists in accordance with
2233 specific criteria and numeric performance measures developed
2234 pursuant s. 259.035(4). Proposed additions may be acquired if
2235 they are identified within the original project boundary, the
2236 management plan required pursuant to s. 253.034(5), or the
2237 management prospectus required pursuant to s. 259.032(7)(d) ~~or~~
2238 ~~259.032(9)(d)~~. Proposed additions not meeting the requirements
2239 of this paragraph shall be submitted to the Acquisition and
2240 Restoration Council for approval. The council may only approve
2241 the proposed addition if it meets two or more of the following
2242 criteria: serves as a link or corridor to other publicly owned
2243 property; enhances the protection or management of the property;
2244 would add a desirable resource to the property; would create a
2245 more manageable boundary configuration; has a high resource
2246 value that otherwise would be unprotected; or can be acquired at
2247 less than fair market value.

2248 ~~(m) Notwithstanding paragraphs (a)-(j) and for the 2014-~~
2249 ~~2015 fiscal year only:~~

2250 ~~1. Five million dollars to the Department of Agriculture~~
2251 ~~and Consumer Services for the acquisition of agricultural lands~~
2252 ~~through perpetual conservation easements and other perpetual~~
2253 ~~less-than-fee techniques, which will achieve the objectives of~~
2254 ~~Florida Forever and s. 570.71.~~

2255 ~~2. The remaining moneys appropriated from the Florida~~
2256 ~~Forever Trust Fund shall be distributed only to the Division of~~
2257 ~~State Lands within the Department of Environmental Protection~~
2258 ~~for land acquisitions that are less-than-fee interest, for~~
2259 ~~partnerships in which the state's portion of the acquisition~~
2260 ~~cost is no more than 50 percent, or for conservation lands~~



631392

576-02162-15

2261 ~~needed for military buffering or springs or water resources~~
2262 ~~protection.~~

2263
2264 ~~This paragraph expires July 1, 2015.~~

2265 ~~(4) Notwithstanding subsection (3) and for the 2014-2015~~
2266 ~~fiscal year only, the funds appropriated in section 56 of the~~
2267 ~~2014-2015 General Appropriations Act may be provided to water~~
2268 ~~management districts for land acquisitions, including less than~~
2269 ~~fee interest, identified by water management districts as being~~
2270 ~~needed for water resource protection or ecosystem restoration.~~
2271 ~~This subsection expires July 1, 2015.~~

2272 ~~(4)(5)~~ It is the intent of the Legislature that projects or
2273 acquisitions funded pursuant to paragraphs (3)(a) and (b)
2274 contribute to the achievement of the following goals, which
2275 shall be evaluated in accordance with specific criteria and
2276 numeric performance measures developed pursuant s. 259.035(4):

2277 (a) Enhance the coordination and completion of land
2278 acquisition projects, as measured by:

2279 1. The number of acres acquired through the state's land
2280 acquisition programs that contribute to the enhancement of
2281 essential natural resources, ecosystem service parcels, and
2282 connecting linkage corridors as identified and developed by the
2283 best available scientific analysis;

2284 2. The number of acres protected through the use of
2285 alternatives to fee simple acquisition; or

2286 3. The number of shared acquisition projects among Florida
2287 Forever funding partners and partners with other funding
2288 sources, including local governments and the Federal Government.

2289 (b) Increase the protection of Florida's biodiversity at



631392

576-02162-15

2290 the species, natural community, and landscape levels, as
2291 measured by:

2292 1. The number of acres acquired of significant strategic
2293 habitat conservation areas;

2294 2. The number of acres acquired of highest priority
2295 conservation areas for Florida's rarest species;

2296 3. The number of acres acquired of significant landscapes,
2297 landscape linkages, and conservation corridors, giving priority
2298 to completing linkages;

2299 4. The number of acres acquired of underrepresented native
2300 ecosystems;

2301 5. The number of landscape-sized protection areas of at
2302 least 50,000 acres that exhibit a mosaic of predominantly intact
2303 or restorable natural communities established through new
2304 acquisition projects or augmentations to previous projects; or

2305 6. The percentage increase in the number of occurrences of
2306 imperiled species on publicly managed conservation areas.

2307 (c) Protect, restore, and maintain the quality and natural
2308 functions of land, water, and wetland systems of the state, as
2309 measured by:

2310 1. The number of acres of publicly owned land identified as
2311 needing restoration, enhancement, and management, acres
2312 undergoing restoration or enhancement, acres with restoration
2313 activities completed, and acres managed to maintain such
2314 restored or enhanced conditions; the number of acres which
2315 represent actual or potential imperiled species habitat; the
2316 number of acres which are available pursuant to a management
2317 plan to restore, enhance, repopulate, and manage imperiled
2318 species habitat; and the number of acres of imperiled species



631392

576-02162-15

2319 habitat managed, restored, enhanced, repopulated, or acquired;
2320 2. The percentage of water segments that fully meet,
2321 partially meet, or do not meet their designated uses as reported
2322 in the Department of Environmental Protection's State Water
2323 Quality Assessment 305(b) Report;
2324 3. The percentage completion of targeted capital
2325 improvements in surface water improvement and management plans
2326 created under s. 373.453(2), regional or master stormwater
2327 management system plans, or other adopted restoration plans;
2328 4. The number of acres acquired that protect natural
2329 floodplain functions;
2330 5. The number of acres acquired that protect surface waters
2331 of the state;
2332 6. The number of acres identified for acquisition to
2333 minimize damage from flooding and the percentage of those acres
2334 acquired;
2335 7. The number of acres acquired that protect fragile
2336 coastal resources;
2337 8. The number of acres of functional wetland systems
2338 protected;
2339 9. The percentage of miles of critically eroding beaches
2340 contiguous with public lands that are restored or protected from
2341 further erosion;
2342 10. The percentage of public lakes and rivers in which
2343 invasive, nonnative aquatic plants are under maintenance
2344 control; or
2345 11. The number of acres of public conservation lands in
2346 which upland invasive, exotic plants are under maintenance
2347 control.



631392

576-02162-15

2348 (d) Ensure that sufficient quantities of water are
2349 available to meet the current and future needs of natural
2350 systems and the citizens of the state, as measured by:
2351 1. The number of acres acquired which provide retention and
2352 storage of surface water in naturally occurring storage areas,
2353 such as lakes and wetlands, consistent with the maintenance of
2354 water resources or water supplies and consistent with district
2355 water supply plans;
2356 2. The quantity of water made available through the water
2357 resource development component of a district water supply plan
2358 for which a water management district is responsible; or
2359 3. The number of acres acquired of groundwater recharge
2360 areas critical to springs, sinks, aquifers, other natural
2361 systems, or water supply.
2362 (e) Increase natural resource-based public recreational and
2363 educational opportunities, as measured by:
2364 1. The number of acres acquired that are available for
2365 natural resource-based public recreation or education;
2366 2. The miles of trails that are available for public
2367 recreation, giving priority to those that provide significant
2368 connections including those that will assist in completing the
2369 Florida National Scenic Trail; or
2370 3. The number of new resource-based recreation facilities,
2371 by type, made available on public land.
2372 (f) Preserve significant archaeological or historic sites,
2373 as measured by:
2374 1. The increase in the number of and percentage of historic
2375 and archaeological properties listed in the Florida Master Site
2376 File or National Register of Historic Places which are protected



631392

576-02162-15

or preserved for public use; or

2. The increase in the number and percentage of historic and archaeological properties that are in state ownership.

(g) Increase the amount of forestland available for sustainable management of natural resources, as measured by:

1. The number of acres acquired that are available for sustainable forest management;

2. The number of acres of state-owned forestland managed for economic return in accordance with current best management practices;

3. The number of acres of forestland acquired that will serve to maintain natural groundwater recharge functions; or

4. The percentage and number of acres identified for restoration actually restored by reforestation.

(h) Increase the amount of open space available in urban areas, as measured by:

1. The percentage of local governments that participate in land acquisition programs and acquire open space in urban cores; or

2. The percentage and number of acres of purchases of open space within urban service areas.

Florida Forever projects and acquisitions funded pursuant to paragraph (3)(c) shall be measured by goals developed by rule by the Florida Communities Trust Governing Board created in s. 380.504.

(5)~~(6)~~(a) All lands acquired pursuant to this section shall be managed for multiple-use purposes, where compatible with the resource values of and management objectives for such lands. As



631392

576-02162-15

used in this section, "multiple-use" includes, but is not limited to, outdoor recreational activities as described in ss. 253.034 and 259.032(7)(b) ~~259.032(9)(b)~~, water resource development projects, sustainable forestry management, carbon sequestration, carbon mitigation, or carbon offsets.

(b) Upon a decision by the entity in which title to lands acquired pursuant to this section has vested, such lands may be designated single use as defined in s. 253.034(2)(b).

(c) For purposes of this section, the Board of Trustees of the Internal Improvement Trust Fund shall adopt rules that pertain to the use of state lands for carbon sequestration, carbon mitigation, or carbon offsets and that provide for climate-change-related benefits.

(6)~~(7)~~ As provided in this section, a water resource or water supply development project may be allowed only if the following conditions are met: minimum flows and levels have been established for those waters, if any, which may reasonably be expected to experience significant harm to water resources as a result of the project; the project complies with all applicable permitting requirements; and the project is consistent with the regional water supply plan, if any, of the water management district and with relevant recovery or prevention strategies if required pursuant to s. 373.0421(2).

(7)~~(8)~~(a) Beginning no later than July 1, 2001, and every year thereafter, the Acquisition and Restoration Council shall accept applications from state agencies, local governments, nonprofit and for-profit organizations, private land trusts, and individuals for project proposals eligible for funding pursuant to paragraph (3)(b). The council shall evaluate the proposals



631392

576-02162-15

received pursuant to this subsection to ensure that they meet at least one of the criteria under subsection (8) ~~(9)~~.

(b) Project applications shall contain, at a minimum, the following:

1. A minimum of two numeric performance measures that directly relate to the overall goals adopted by the council. Each performance measure shall include a baseline measurement, which is the current situation; a performance standard which the project sponsor anticipates the project will achieve; and the performance measurement itself, which should reflect the incremental improvements the project accomplishes towards achieving the performance standard.

2. Proof that property owners within any proposed acquisition have been notified of their inclusion in the proposed project. Any property owner may request the removal of such property from further consideration by submitting a request to the project sponsor or the Acquisition and Restoration Council by certified mail. Upon receiving this request, the council shall delete the property from the proposed project; however, the board of trustees, at the time it votes to approve the proposed project lists pursuant to subsection (15) ~~(16)~~, may add the property back on to the project lists if it determines by a super majority of its members that such property is critical to achieve the purposes of the project.

(c) The title to lands acquired under this section shall vest in the Board of Trustees of the Internal Improvement Trust Fund, except that title to lands acquired by a water management district shall vest in the name of that district and lands acquired by a local government shall vest in the name of the



631392

576-02162-15

purchasing local government.

~~(8)~~ ~~(9)~~ The Acquisition and Restoration Council shall develop a project list that shall represent those projects submitted pursuant to subsection (6) ~~(7)~~.

~~(9)~~ ~~(10)~~ The Acquisition and Restoration Council shall recommend rules for adoption by the board of trustees to competitively evaluate, select, and rank projects eligible for Florida Forever funds pursuant to paragraph (3) (b) ~~and for~~ additions to the Conservation and Recreation Lands list pursuant to ss. 259.032 and 259.101 ~~(4)~~. In developing these proposed rules, the Acquisition and Restoration Council shall give weight to the following criteria:

(a) The project meets multiple goals described in subsection (4).

(b) The project is part of an ongoing governmental effort to restore, protect, or develop land areas or water resources.

(c) The project enhances or facilitates management of properties already under public ownership.

(d) The project has significant archaeological or historic value.

(e) The project has funding sources that are identified and assured through at least the first 2 years of the project.

(f) The project contributes to the solution of water resource problems on a regional basis.

(g) The project has a significant portion of its land area in imminent danger of development, in imminent danger of losing its significant natural attributes or recreational open space, or in imminent danger of subdivision which would result in multiple ownership and make acquisition of the project costly or



631392

576-02162-15

2493 less likely to be accomplished.

2494 (h) The project implements an element from a plan developed
2495 by an ecosystem management team.

2496 (i) The project is one of the components of the Everglades
2497 restoration effort.

2498 (j) The project may be purchased at 80 percent of appraised
2499 value.

2500 (k) The project may be acquired, in whole or in part, using
2501 alternatives to fee simple, including but not limited to, tax
2502 incentives, mitigation funds, or other revenues; the purchase of
2503 development rights, hunting rights, agricultural or
2504 silvicultural rights, or mineral rights; or obtaining
2505 conservation easements or flowage easements.

2506 (l) The project is a joint acquisition, either among public
2507 agencies, nonprofit organizations, or private entities, or by a
2508 public-private partnership.

2509 ~~(10)(11)~~ The Acquisition and Restoration Council shall give
2510 increased priority to those projects for which matching funds
2511 are available and to project elements previously identified on
2512 an acquisition list pursuant to this section that can be
2513 acquired at 80 percent or less of appraised value. The council
2514 shall also give increased priority to those projects where the
2515 state's land conservation plans overlap with the military's need
2516 to protect lands, water, and habitat to ensure the
2517 sustainability of military missions including:

2518 (a) Protecting habitat on nonmilitary land for any species
2519 found on military land that is designated as threatened or
2520 endangered, or is a candidate for such designation under the
2521 Endangered Species Act or any Florida statute;



631392

576-02162-15

2522 (b) Protecting areas underlying low-level military air
2523 corridors or operating areas; and

2524 (c) Protecting areas identified as clear zones, accident
2525 potential zones, and air installation compatible use buffer
2526 zones delineated by our military partners, and for which federal
2527 or other funding is available to assist with the project.

2528 ~~(11)(12)~~ For the purposes of funding projects pursuant to
2529 paragraph (3)(a), the Secretary of Environmental Protection
2530 shall ensure that each water management district receives the
2531 following percentage of funds annually:

2532 (a) Thirty-five percent to the South Florida Water
2533 Management District, of which amount \$25 million for 2 years
2534 beginning in fiscal year 2000-2001 shall be transferred by the
2535 Department of Environmental Protection into the Save Our
2536 Everglades Trust Fund and shall be used exclusively to implement
2537 the comprehensive plan under s. 373.470.

2538 (b) Twenty-five percent to the Southwest Florida Water
2539 Management District.

2540 (c) Twenty-five percent to the St. Johns River Water
2541 Management District.

2542 (d) Seven and one-half percent to the Suwannee River Water
2543 Management District.

2544 (e) Seven and one-half percent to the Northwest Florida
2545 Water Management District.

2546 ~~(12)(13)~~ It is the intent of the Legislature that in
2547 developing the list of projects for funding pursuant to
2548 paragraph (3)(a), that these funds not be used to abrogate the
2549 financial responsibility of those point and nonpoint sources
2550 that have contributed to the degradation of water or land areas.



631392

576-02162-15

2551 Therefore, an increased priority shall be given by the water
2552 management district governing boards to those projects that have
2553 secured a cost-sharing agreement allocating responsibility for
2554 the cleanup of point and nonpoint sources.

2555 ~~(13)(14)~~ An affirmative vote of five members of the
2556 Acquisition and Restoration Council shall be required in order
2557 to place a proposed project on the list developed pursuant to
2558 subsection ~~(7)~~ ~~(8)~~. Any member of the council who by family or a
2559 business relationship has a connection with any project proposed
2560 to be ranked shall declare such interest prior to voting for a
2561 project's inclusion on the list.

2562 ~~(14)(15)~~ Each year that cash disbursements or bonds are to
2563 be issued pursuant to this section, the Acquisition and
2564 Restoration Council shall review the most current approved
2565 project list and shall, by the first board meeting in May,
2566 present to the Board of Trustees of the Internal Improvement
2567 Trust Fund for approval a listing of projects developed pursuant
2568 to subsection ~~(7)~~ ~~(8)~~. The board of trustees may remove projects
2569 from the list developed pursuant to this subsection, but may not
2570 add projects or rearrange project rankings.

2571 ~~(15)(16)~~ The Acquisition and Restoration Council shall
2572 submit to the board of trustees, with its list of projects, a
2573 report that includes, but shall not be limited to, the following
2574 information for each project listed:

- 2575 (a) The stated purpose for inclusion.
2576 (b) Projected costs to achieve the project goals.
2577 (c) An interim management budget that includes all costs
2578 associated with immediate public access.
2579 (d) Specific performance measures.



631392

576-02162-15

2580 (e) Plans for public access.

2581 (f) An identification of the essential parcel or parcels
2582 within the project without which the project cannot be properly
2583 managed.

2584 (g) Where applicable, an identification of those projects
2585 or parcels within projects which should be acquired in fee
2586 simple or in less than fee simple.

2587 (h) An identification of those lands being purchased for
2588 conservation purposes.

2589 (i) A management policy statement for the project and a
2590 management prospectus pursuant to s. 259.032(7)(d) ~~§-~~
2591 ~~259.032(9)(d)~~.

2592 (j) An estimate of land value based on county tax assessed
2593 values.

2594 (k) A map delineating project boundaries.

2595 (l) An assessment of the project's ecological value,
2596 outdoor recreational value, forest resources, wildlife
2597 resources, ownership pattern, utilization, and location.

2598 (m) A discussion of whether alternative uses are proposed
2599 for the property and what those uses are.

2600 (n) A designation of the management agency or agencies.

2601 ~~(16)(17)~~ All proposals for projects pursuant to paragraph
2602 (3)(b) shall be implemented only if adopted by the Acquisition
2603 and Restoration Council and approved by the board of trustees.
2604 The council shall consider and evaluate in writing the merits
2605 and demerits of each project that is proposed for Florida
2606 Forever funding ~~and each proposed addition to the Conservation~~
2607 ~~and Recreation Lands list program~~. The council shall ensure that
2608 each proposed project will meet a stated public purpose for the



631392

576-02162-15

restoration, conservation, or preservation of environmentally sensitive lands and water areas or for providing outdoor recreational opportunities ~~and that each proposed addition to the Conservation and Recreation Lands list will meet the public purposes under s. 259.032(3) and, when applicable, s. 259.101(4).~~ The council also shall determine whether the project or addition conforms, where applicable, with the comprehensive plan developed pursuant to s. 259.04(1)(a), the comprehensive multipurpose outdoor recreation plan developed pursuant to s. 375.021, the state lands management plan adopted pursuant to s. 253.03(7), the water resources work plans developed pursuant to s. 373.199, and the provisions of this section.

~~(17)-(18)~~ On an annual basis, the Division of State Lands shall prepare an annual work plan that prioritizes projects on the Florida Forever list and sets forth the funding available in the fiscal year for land acquisition. The work plan shall consider the following categories of expenditure for land conservation projects already selected for the Florida Forever list pursuant to subsection ~~(7) (8)~~:

(a) A critical natural lands category, including functional landscape-scale natural systems, intact large hydrological systems, lands that have significant imperiled natural communities, and corridors linking large landscapes, as identified and developed by the best available scientific analysis.

(b) A partnerships or regional incentive category, including:

1. Projects where local and regional cost-share agreements provide a lower cost and greater conservation benefit to the



631392

576-02162-15

people of the state. Additional consideration shall be provided under this category where parcels are identified as part of a local or regional visioning process and are supported by scientific analysis; and

2. Bargain and shared projects where the state will receive a significant reduction in price for public ownership of land as a result of the removal of development rights or other interests in lands or receives alternative or matching funds.

(c) A substantially complete category of projects where mainly inholdings, additions, and linkages between preserved areas will be acquired and where 85 percent of the project is complete.

(d) A climate-change category list of lands where acquisition or other conservation measures will address the challenges of global climate change, such as through protection, restoration, mitigation, and strengthening of Florida's land, water, and coastal resources. This category includes lands that provide opportunities to sequester carbon, provide habitat, protect coastal lands or barrier islands, and otherwise mitigate and help adapt to the effects of sea-level rise and meet other objectives of the program.

(e) A less-than-fee category for working agricultural lands that significantly contribute to resource protection through conservation easements and other less-than-fee techniques, tax incentives, life estates, landowner agreements, and other partnerships, including conservation easements acquired in partnership with federal conservation programs, which will achieve the objectives of Florida Forever while allowing the continuation of compatible agricultural uses on the land. Terms



631392

576-02162-15

2667 of easements proposed for acquisition under this category shall
2668 be developed by the Division of State Lands in coordination with
2669 the Department of Agriculture and Consumer Services.
2670

2671 Projects within each category shall be ranked by order of
2672 priority. The work plan shall be adopted by the Acquisition and
2673 Restoration Council after at least one public hearing. A copy of
2674 the work plan shall be provided to the board of trustees of the
2675 Internal Improvement Trust Fund no later than October 1 of each
2676 year.

2677 (18)~~(19)~~ (a) The Board of Trustees of the Internal
2678 Improvement Trust Fund, or, in the case of water management
2679 district lands, the owning water management district, may
2680 authorize the granting of a lease, easement, or license for the
2681 use of certain lands acquired pursuant to this section, for
2682 certain uses that are determined by the appropriate board to be
2683 compatible with the resource values of and management objectives
2684 for such lands.

2685 (b) Any existing lease, easement, or license acquired for
2686 incidental public or private use on, under, or across any lands
2687 acquired pursuant to this section shall be presumed to be
2688 compatible with the purposes for which such lands were acquired.

2689 (c) Notwithstanding the provisions of paragraph (a), no
2690 such lease, easement, or license shall be entered into by the
2691 Department of Environmental Protection or other appropriate
2692 state agency if the granting of such lease, easement, or license
2693 would adversely affect the exclusion of the interest on any
2694 revenue bonds issued to fund the acquisition of the affected
2695 lands from gross income for federal income tax purposes,



631392

576-02162-15

2696 pursuant to Internal Revenue Service regulations.

2697 (19)~~(20)~~ The Acquisition and Restoration Council shall
2698 recommend adoption of rules by the board of trustees necessary
2699 to implement the provisions of this section relating to:
2700 solicitation, scoring, selecting, and ranking of Florida Forever
2701 project proposals; disposing of or leasing lands or water areas
2702 selected for funding through the Florida Forever program; and
2703 the process of reviewing and recommending for approval or
2704 rejection the land management plans associated with publicly
2705 owned properties. Rules promulgated pursuant to this subsection
2706 shall be submitted to the President of the Senate and the
2707 Speaker of the House of Representatives, for review by the
2708 Legislature, no later than 30 days prior to the 2010 Regular
2709 Session and shall become effective only after legislative
2710 review. In its review, the Legislature may reject, modify, or
2711 take no action relative to such rules. The board of trustees
2712 shall conform such rules to changes made by the Legislature, or,
2713 if no action was taken by the Legislature, such rules shall
2714 become effective.

2715 (20)~~(21)~~ Lands listed as projects for acquisition under the
2716 Florida Forever program may be managed for conservation pursuant
2717 to s. 259.032, on an interim basis by a private party in
2718 anticipation of a state purchase in accordance with a
2719 contractual arrangement between the acquiring agency and the
2720 private party that may include management service contracts,
2721 leases, cost-share arrangements, or resource conservation
2722 agreements. Lands designated as eligible under this subsection
2723 shall be managed to maintain or enhance the resources the state
2724 is seeking to protect by acquiring the land and to accelerate



631392

576-02162-15

public access to the lands as soon as practicable. Funding for these contractual arrangements may originate from the documentary stamp tax revenue deposited into the Land Acquisition Conservation and Recreation Lands Trust Fund and Water Management Lands Trust Fund. No more than \$6.2 million may be expended from the Land Acquisition Trust Fund 5-percent-of funds allocated under the trust funds shall be expended for this purpose.

Section 25. Subsections (1) and (3) of section 259.1051, Florida Statutes, are amended to read:

259.1051 Florida Forever Trust Fund.—

(1) There is created the Florida Forever Trust Fund to carry out the purposes of ss. 259.032, 259.105, 259.1052, and 375.031. The Florida Forever Trust Fund shall be held and administered by the Department of Environmental Protection. Proceeds from the sale of bonds, except proceeds of refunding bonds, issued under s. 215.618 and payable from moneys transferred to the Land Acquisition Trust Fund under s. 201.15(1) ~~s. 201.15(1)(a)~~, not to exceed \$5.3 billion, must be deposited into this trust fund to be distributed and used as provided in s. 259.105(3). The bond resolution adopted by the governing board of the Division of Bond Finance of the State Board of Administration may provide for additional provisions that govern the disbursement of the bond proceeds.

(3) The Department of Environmental Protection shall ensure that the proceeds from the sale of bonds issued under s. 215.618 and payable from moneys transferred to the Land Acquisition Trust Fund under s. 201.15(1) ~~s. 201.15(1)(a)~~ shall be administered and expended in a manner that ensures compliance of



631392

576-02162-15

each issue of bonds that are issued on the basis that interest thereon will be excluded from gross income for federal income tax purposes, with the applicable provisions of the United States Internal Revenue Code and the regulations promulgated thereunder, to the extent necessary to preserve the exclusion of interest on the bonds from gross income for federal income tax purposes. The Department of Environmental Protection shall administer the use and disbursement of the proceeds of such bonds or require that the use and disbursement thereof be administered in a manner to implement strategies to maximize any available benefits under the applicable provisions of the United States Internal Revenue Code or regulations promulgated thereunder, to the extent not inconsistent with the purposes identified in s. 259.105(3).

Section 26. Paragraph (a) of subsection (2) of section 338.250, Florida Statutes, is amended to read:

338.250 Central Florida Beltway Mitigation.—

(2) Environmental mitigation required as a result of construction of the beltway, or portions thereof, shall be satisfied in the following manner:

(a) For those projects which the Department of Transportation is authorized to construct, funds for environmental mitigation shall be deposited in the Central Florida Beltway Trust Fund created within the department at the time bonds for the specific project are sold. If a road building authority other than the department is authorized to construct the project, funds for environmental mitigation shall be deposited in a mitigation fund account established in the construction fund for the bond issues. Said account shall be



631392

576-02162-15

2783 established at the time bond proceeds are deposited into the
2784 construction fund for the specific project. These funds shall be
2785 provided from bond proceeds, and the use of such funds from bond
2786 proceeds for mitigation shall be deemed a public purpose. The
2787 amount to be provided for mitigation for the Eastern Beltway in
2788 Seminole County shall be up to \$4 million, the amount to be
2789 provided for mitigation for the Western Beltway shall be up to
2790 \$30.5 million, the amount to be provided for mitigation for the
2791 Southern Connector shall be up to \$14.28 million, the amount to
2792 be provided for mitigation for the Turnpike/Southern Connector
2793 Interchange shall be up to \$1.46 million, and the amount to be
2794 provided for mitigation for the Southern Connector Extension
2795 shall be in proportion to the amount provided for the Southern
2796 Connector based upon the amount of wetlands displaced. To the
2797 extent allowed by law, the interest on said funds as earned,
2798 after deposit into the Central Florida Beltway Trust Fund, or in
2799 a mitigation fund account shall accrue and be paid to the agency
2800 responsible for the construction of the appropriate project.
2801 Where feasible, mitigation funds shall be used in coordination
2802 with funds from ~~the Conservation and Recreation Lands Trust~~
2803 ~~Fund, Save Our Rivers Land Acquisition Program, or from other~~
2804 appropriate sources.

2805 Section 27. Paragraph (c) of subsection (8) of section
2806 373.026, Florida Statutes, is amended to read:

2807 373.026 General powers and duties of the department.—The
2808 department, or its successor agency, shall be responsible for
2809 the administration of this chapter at the state level. However,
2810 it is the policy of the state that, to the greatest extent
2811 possible, the department may enter into interagency or



631392

576-02162-15

2812 interlocal agreements with any other state agency, any water
2813 management district, or any local government conducting programs
2814 related to or materially affecting the water resources of the
2815 state. All such agreements shall be subject to the provisions of
2816 s. 373.046. In addition to its other powers and duties, the
2817 department shall, to the greatest extent possible:

2818 (8)

2819 (c) Notwithstanding paragraph (b), the use of state funds
2820 for land purchases from willing sellers is authorized for
2821 projects ~~within the South Florida Water Management District's~~
2822 ~~approved 5-year plan of acquisition pursuant to s. 373.59 or~~
2823 within the South Florida Water Management District's approved
2824 Florida Forever water management district work plan pursuant to
2825 s. 373.199.

2826 Section 28. Subsection (4) of section 373.089, Florida
2827 Statutes, is amended to read:

2828 373.089 Sale or exchange of lands, or interests or rights
2829 in lands.—The governing board of the district may sell lands, or
2830 interests or rights in lands, to which the district has acquired
2831 title or to which it may hereafter acquire title in the
2832 following manner:

2833 (4) The governing board of a district may exchange lands,
2834 or interests or rights in lands, owned by, or lands, or
2835 interests or rights in lands, for which title is otherwise
2836 vested in, the district for other lands, or interests or rights
2837 in lands, within the state owned by any person. The governing
2838 board shall fix the terms and conditions of any such exchange
2839 and may pay or receive any sum of money that the board considers
2840 necessary to equalize the values of exchanged properties. Land,



631392

576-02162-15

or interests or rights in land, acquired under former s. 373.59,
Florida Statutes 2014, may be exchanged only for lands, or
interests or rights in lands, that otherwise meet the
requirements of that section for acquisition.

Section 29. Paragraph (a) of subsection (5) of section
373.129, Florida Statutes, is amended to read:

373.129 Maintenance of actions.—The department, the
governing board of any water management district, any local
board, or a local government to which authority has been
delegated pursuant to s. 373.103(8), is authorized to commence
and maintain proper and necessary actions and proceedings in any
court of competent jurisdiction for any of the following
purposes:

(5) To recover a civil penalty for each offense in an
amount not to exceed \$10,000 per offense. Each date during which
such violation occurs constitutes a separate offense.

(a) A civil penalty recovered by a water management
district pursuant to this subsection shall be retained deposited
in the Water Management Lands Trust Fund established under s.
373.59 and used exclusively by the water management district
that collected deposits the money into the fund. A civil penalty
recovered by the department pursuant to this subsection shall be
deposited into the Water Quality Assurance Trust Fund
established under s. 376.307 Any such civil penalty recovered
after the expiration of such fund shall be deposited in the
Ecosystem Management and Restoration Trust Fund and used
exclusively within the water management district that deposits
the money into the fund.

Section 30. Subsection (5) of section 373.1391, Florida



631392

576-02162-15

Statutes, is amended to read:

373.1391 Management of real property.—

(5) The following additional uses of lands acquired
pursuant to the Florida Forever program and other state-funded
land purchase programs shall be authorized, upon a finding by
the governing board, if they meet the criteria specified in
paragraphs (a)-(e): water resource development projects, water
supply development projects, stormwater management projects,
linear facilities, and sustainable agriculture and forestry.
Such additional uses are authorized where:

(a) Not inconsistent with the management plan for such
lands;

(b) Compatible with the natural ecosystem and resource
values of such lands;

(c) The proposed use is appropriately located on such lands
and where due consideration is given to the use of other
available lands;

(d) The using entity reasonably compensates the titleholder
for such use based upon an appropriate measure of value; and

(e) The use is consistent with the public interest.

A decision by the governing board pursuant to this subsection
shall be given a presumption of correctness. Moneys received
from the use of state lands pursuant to this subsection shall be
returned to the lead managing agency in accordance with the
provisions of s. 373.59.

Section 31. Subsection (7) of section 373.199, Florida
Statutes, is amended to read:

373.199 Florida Forever Water Management District Work



631392

576-02162-15

2899 Plan.—

2900 (7) By June 1, 2001, each district shall file with the
2901 President of the Senate, the Speaker of the House of
2902 Representatives, and the Secretary of Environmental Protection
2903 the initial 5-year work plan as required under subsection (2).
2904 By March 1 of each year thereafter, as part of the consolidated
2905 annual report required by s. 373.036(7), each district shall
2906 report on acquisitions completed during the year together with
2907 modifications or additions to its 5-year work plan. Included in
2908 the report shall be:

2909 (a) A description of land management activity for each
2910 property or project area owned by the water management district.

2911 (b) A list of any lands surplus and the amount of
2912 compensation received.

2913 (c) The progress of funding, staffing, and resource
2914 management of every project funded pursuant to former s.
2915 259.101(3), Florida Statutes 2014 s. 259.101, s. 259.105, or
2916 former s. 373.59(2), Florida Statutes 2014, s. 373.59 for which
2917 the district is responsible.

2918
2919 The secretary shall submit the report referenced in this
2920 subsection to the Board of Trustees of the Internal Improvement
2921 Trust Fund together with the Acquisition and Restoration
2922 Council's project list as required under s. 259.105.

2923 Section 32. Subsection (7) of section 373.430, Florida
2924 Statutes, is amended to read:

2925 373.430 Prohibitions, violation, penalty, intent.—

2926 (7) All moneys recovered under the provisions of this
2927 section shall be allocated to the use of the water management



631392

576-02162-15

2928 district, the department, or the local government, whichever
2929 undertook and maintained the enforcement action. All monetary
2930 penalties and damages recovered by the department or the state
2931 under the provisions of this section shall be deposited into ~~in~~
2932 ~~the Florida Permit Fee Ecosystem Management and Restoration~~
2933 ~~Trust Fund. All monetary penalties and damages recovered~~
2934 ~~pursuant to this section by a water management district shall be~~
2935 ~~retained deposited in the Water Management Lands Trust Fund~~
2936 ~~established under s. 373.59 and used exclusively within the~~
2937 ~~territory of the water management district which collected~~
2938 ~~deposits the money into the fund. Any such monetary penalties~~
2939 ~~and damages recovered after the expiration of such fund shall be~~
2940 ~~deposited in the Ecosystem Management and Restoration Trust Fund~~
2941 ~~and used exclusively within the territory of the water~~
2942 ~~management district which deposits the money into the fund. All~~
2943 ~~monetary penalties and damages recovered pursuant to this~~
2944 ~~subsection by a local government to which authority has been~~
2945 ~~delegated pursuant to s. 373.103(8) shall be used to enhance~~
2946 ~~surface water improvement or pollution control activities.~~

2947 Section 33. Subsections (3) through (6) of section 373.459,
2948 Florida Statutes, are amended to read:

2949 373.459 Funds for surface water improvement and
2950 management.—

2951 (3) ~~The Ecosystem Management and Restoration Trust Fund~~
2952 ~~shall be used for the deposit of funds appropriated by the~~
2953 ~~Legislature for the purposes of ss. 373.451-373.4595. The~~
2954 ~~department shall administer all funds appropriated to or~~
2955 ~~received for surface water improvement and management~~
2956 ~~activities. Expenditure of the moneys shall be limited to the~~



631392

576-02162-15

costs of detailed planning and plan and program implementation for priority surface water bodies. Moneys ~~may from the fund~~ ~~shall~~ not be expended for planning for, or construction or expansion of, treatment facilities for domestic or industrial waste disposal.

(4) The department shall authorize the release of money ~~from the fund~~ in accordance with the ~~provisions of s. 373.501(2) and procedures in s. 373.59(4) and (5).~~

~~(5) Moneys in the fund which are not needed to meet current obligations incurred under this section shall be transferred to the State Board of Administration, to the credit of the trust fund, to be invested in the manner provided by law. Interest received on such investments shall be credited to the trust fund.~~

(5)~~(6)~~ The match requirement of subsection (2) ~~does shall~~ not apply to the Suwannee River Water Management District, the Northwest Florida Water Management District, or a financially disadvantaged small local government as defined in former s. 403.885(3).

Section 34. Paragraph (a) of subsection (3) of section 373.4592, Florida Statutes, is amended to read:

373.4592 Everglades improvement and management.—

(3) EVERGLADES LONG-TERM PLAN.—

(a) The Legislature finds that the Everglades Program required by this section establishes more extensive and comprehensive requirements for surface water improvement and management within the Everglades than the SWIM plan requirements provided in ss. 373.451 and 373.453. In order to avoid duplicative requirements, and in order to conserve the resources



631392

576-02162-15

available to the district, the SWIM plan requirements of those sections shall not apply to the Everglades Protection Area and the EAA during the term of the Everglades Program, and the district will neither propose, nor take final agency action on, any Everglades SWIM plan for those areas until the Everglades Program is fully implemented. Funds identified under former s. 259.101(3)(b), Florida Statutes 2014, may be used for acquisition of lands necessary to implement the Everglades Construction Project, to the extent these funds are identified in the Statement of Principles of July 1993. The district's actions in implementing the Everglades Construction Project relating to the responsibilities of the EAA and C-139 Basin for funding and water quality compliance in the EAA and the Everglades Protection Area shall be governed by this section. Other strategies or activities in the March 1992 Everglades SWIM plan may be implemented if otherwise authorized by law.

Section 35. Subsection (4) of section 373.45926, Florida Statutes, is amended to read:

373.45926 Everglades Trust Fund; allocation of revenues and expenditure of funds for conservation and protection of natural resources and abatement of water pollution.—

(4) The following funds shall be deposited into the Everglades Trust Fund specifically for the implementation of the Everglades Forever Act.

(a) Alligator Alley toll revenues pursuant to s. 338.26(3).

(b) Everglades agricultural privilege tax revenues pursuant to s. 373.4592(6).

(c) C-139 agricultural privilege tax revenues pursuant to s. 373.4592(7).



631392

576-02162-15

3015 (d) Special assessment revenues pursuant to s. 373.4592(8).
3016 (e) Ad valorem revenues pursuant to s. 373.4592(4)(a).
3017 (f) Federal funds appropriated by the United States
3018 Congress for any component of the Everglades Construction
3019 Project.

3020 ~~(g) Preservation 2000 funds for acquisition of lands~~
3021 ~~necessary for implementation of the Everglades Forever Act as~~
3022 ~~prescribed in an annual appropriation.~~

3023 (g) ~~(h)~~ Any additional funds specifically appropriated by
3024 the Legislature for this purpose.

3025 (h) ~~(i)~~ Gifts designated for implementation of the
3026 Everglades Forever Act from individuals, corporations, and other
3027 entities.

3028 (i) ~~(j)~~ Any additional funds that become available for this
3029 purpose from any other source.

3030 Section 36. Paragraph (a) of subsection (6) and paragraph
3031 (b) of subsection (7) of section 373.470, Florida Statutes, are
3032 amended to read:

3033 373.470 Everglades restoration.—

3034 (6) DISTRIBUTIONS FROM SAVE OUR EVERGLADES TRUST FUND.—

3035 (a) Except as provided in paragraphs (d) and (e) and for
3036 funds appropriated for debt service, the department shall
3037 distribute funds in the Save Our Everglades Trust Fund to the
3038 district in accordance with a legislative appropriation and s.
3039 373.026(8)(b) ~~and (e)~~. Distribution of funds to the district
3040 from the Save Our Everglades Trust Fund shall be equally matched
3041 by the cumulative contributions from the district by fiscal year
3042 2019-2020 by providing funding or credits toward project
3043 components. The dollar value of in-kind project design and



631392

576-02162-15

3044 construction work by the district in furtherance of the
3045 comprehensive plan and existing interest in public lands needed
3046 for a project component are credits towards the district's
3047 contributions.

3048 (7) ANNUAL REPORT.—To provide enhanced oversight of and
3049 accountability for the financial commitments established under
3050 this section and the progress made in the implementation of the
3051 comprehensive plan, the following information must be prepared
3052 annually as part of the consolidated annual report required by
3053 s. 373.036(7):

3054 (b) The department shall prepare a detailed report on all
3055 funds expended by the state and credited toward the state's
3056 share of funding for implementation of the comprehensive plan.
3057 The report shall include:

3058 1. A description of all expenditures, by source and amount,
3059 from ~~the Conservation and Recreation Lands Trust Fund,~~ the Land
3060 Acquisition Trust Fund, ~~the Preservation 2000 Trust Fund,~~ the
3061 Florida Forever Trust Fund, the Save Our Everglades Trust Fund,
3062 and other named funds or accounts for the acquisition or
3063 construction of project components or other features or
3064 facilities that benefit the comprehensive plan.

3065 2. A description of the purposes for which the funds were
3066 expended.

3067 3. The unencumbered fiscal-year-end balance that remains in
3068 each trust fund or account identified in subparagraph 1.

3069
3070 The information required in paragraphs (a), (b), and (c) shall
3071 be provided as part of the consolidated annual report required
3072 by s. 373.036(7). The initial report is due by November 30,



631392

576-02162-15

3073 2000, and each annual report thereafter is due by March 1.
3074 Section 37. Subsection (2) of section 373.584, Florida
3075 Statutes, is amended to read:
3076 373.584 Revenue bonds.—
3077 (2) Revenues derived by the district ~~from the Water~~
3078 ~~Management Lands Trust Fund as provided in s. 373.59 or any~~
3079 ~~other revenues of the district~~ may be pledged to the payment of
3080 ~~such~~ revenue bonds; however, the ad valorem taxing powers of the
3081 district may not be pledged to the payment of such revenue bonds
3082 without prior compliance with the requirements of the State
3083 Constitution as to the affirmative vote of the electors of the
3084 district and with the requirements of s. 373.563, ~~and bonds~~
3085 ~~payable from the Water Management Lands Trust Fund shall be~~
3086 ~~issued solely for the purposes set forth in s. 373.59.~~ Revenue
3087 bonds and notes shall be, and shall be deemed to be, for all
3088 purposes, negotiable instruments, subject only to the provisions
3089 of the revenue bonds and notes for registration. The powers and
3090 authority of districts to issue revenue bonds, including, but
3091 not limited to, bonds to finance a stormwater management system
3092 as defined by s. 373.403, and to enter into contracts incidental
3093 thereto, and to do all things necessary and desirable in
3094 connection with the issuance of revenue bonds, shall be
3095 coextensive with the powers and authority of municipalities to
3096 issue bonds under state law. The provisions of this section
3097 constitute full and complete authority for the issuance of
3098 revenue bonds and shall be liberally construed to effectuate its
3099 purpose.
3100 Section 38. Section 373.59, Florida Statutes, is amended to
3101 read:



631392

576-02162-15

3102 373.59 Payment in lieu of taxes for lands acquired for
3103 water management district purposes ~~Water Management Lands Trust~~
3104 ~~Fund.—~~
3105 (1) ~~There is established within the Department of~~
3106 ~~Environmental Protection the Water Management Lands Trust Fund~~
3107 ~~to be used as a nonlapsing fund for the purposes of this~~
3108 ~~section. The moneys in this fund are hereby continually~~
3109 ~~appropriated for the purposes of land acquisition, management,~~
3110 ~~maintenance, capital improvements of land titled to the~~
3111 ~~districts, payments in lieu of taxes, debt service on bonds~~
3112 ~~issued prior to July 1, 1999, debt service on bonds issued on or~~
3113 ~~after July 1, 1999, which are issued to refund bonds issued~~
3114 ~~before July 1, 1999, preacquisition costs associated with land~~
3115 ~~purchases, and the department's costs of administration of the~~
3116 ~~fund. No refunding bonds may be issued which mature after the~~
3117 ~~final maturity date of the bonds being refunded or which provide~~
3118 ~~for higher debt service in any year than is payable on such~~
3119 ~~bonds as of February 1, 2009. The department's costs of~~
3120 ~~administration shall be charged proportionally against each~~
3121 ~~district's allocation using the formula provided in subsection~~
3122 ~~(8). Capital improvements shall include, but need not be limited~~
3123 ~~to, perimeter fencing, signs, firelanes, control of invasive~~
3124 ~~exotic species, controlled burning, habitat inventory and~~
3125 ~~restoration, law enforcement, access roads and trails, and~~
3126 ~~minimal public accommodations, such as primitive campsites,~~
3127 ~~garbage receptacles, and toilets. The moneys in the fund may~~
3128 ~~also be appropriated to supplement operational expenditures at~~
3129 ~~the Northwest Florida Water Management District and the Suwannee~~
3130 ~~River Water Management District, with such appropriations~~



631392

576-02162-15

3131 ~~allocated prior to the allocations set out in subsection (8) to~~
3132 ~~the five water management districts.~~
3133 ~~(2) Until the Preservation 2000 Program is concluded, each~~
3134 ~~district shall file with the Legislature and the Secretary of~~
3135 ~~Environmental Protection a report of acquisition activity, by~~
3136 ~~January 15 of each year, together with modifications or~~
3137 ~~additions to its 5-year plan of acquisition. Included in the~~
3138 ~~report shall be an identification of those lands which require a~~
3139 ~~full fee simple interest to achieve water management goals and~~
3140 ~~those lands which can be acquired using alternatives to fee~~
3141 ~~simple acquisition techniques and still achieve such goals. In~~
3142 ~~their evaluation of which lands would be appropriate for~~
3143 ~~acquisition through alternatives to fee simple, district staff~~
3144 ~~shall consider criteria including, but not limited to,~~
3145 ~~acquisition costs, the net present value of future land~~
3146 ~~management costs, the net present value of ad valorem revenue~~
3147 ~~loss to the local government, and the potential for revenue~~
3148 ~~generated from activities compatible with acquisition~~
3149 ~~objectives. The report shall also include a description of land~~
3150 ~~management activity. However, no acquisition of lands shall~~
3151 ~~occur without a public hearing similar to those held pursuant to~~
3152 ~~the provisions set forth in s. 120.54. In the annual update of~~
3153 ~~its 5-year plan for acquisition, each district shall identify~~
3154 ~~lands needed to protect or recharge groundwater and shall~~
3155 ~~establish a plan for their acquisition as necessary to protect~~
3156 ~~potable water supplies. Lands which serve to protect or recharge~~
3157 ~~groundwater identified pursuant to this paragraph shall also~~
3158 ~~serve to protect other valuable natural resources or provide~~
3159 ~~space for natural resource based recreation. Once all~~



631392

576-02162-15

3160 ~~Preservation 2000 funds allocated to the water management~~
3161 ~~districts have been expended or committed, this subsection shall~~
3162 ~~be repealed.~~
3163 ~~(3) Each district shall remove the property of an unwilling~~
3164 ~~seller from its plan of acquisition at the next scheduled update~~
3165 ~~of the plan, if in receipt of a request to do so by the property~~
3166 ~~owner. This subsection shall be repealed at the conclusion of~~
3167 ~~the Preservation 2000 program.~~
3168 ~~(4) The Secretary of Environmental Protection shall release~~
3169 ~~moneys from the Water Management Lands Trust Fund to a district~~
3170 ~~for preacquisition costs within 30 days after receipt of a~~
3171 ~~resolution adopted by the district's governing board which~~
3172 ~~identifies and justifies any such preacquisition costs necessary~~
3173 ~~for the purchase of any lands listed in the district's 5-year~~
3174 ~~plan. The district shall return to the department any funds not~~
3175 ~~used for the purposes stated in the resolution, and the~~
3176 ~~department shall deposit the unused funds into the Water~~
3177 ~~Management Lands Trust Fund.~~
3178 ~~(5) The Secretary of Environmental Protection shall release~~
3179 ~~to the districts moneys for management, maintenance, and capital~~
3180 ~~improvements following receipt of a resolution and request~~
3181 ~~adopted by the governing board which specifies the designated~~
3182 ~~managing agency, specific management activities, public use,~~
3183 ~~estimated annual operating costs, and other acceptable~~
3184 ~~documentation to justify release of moneys.~~
3185 ~~(6) If a district issues revenue bonds or notes under s.~~
3186 ~~373.584 prior to July 1, 1999, the district may pledge its share~~
3187 ~~of the moneys in the Water Management Lands Trust Fund as~~
3188 ~~security for such bonds or notes. The Department of~~



631392

576-02162-15

3189 ~~Environmental Protection shall pay moneys from the trust fund to~~
3190 ~~a district or its designee sufficient to pay the debt service,~~
3191 ~~as it becomes due, on the outstanding bonds and notes of the~~
3192 ~~district; however, such payments shall not exceed the district's~~
3193 ~~cumulative portion of the trust fund. However, any moneys~~
3194 ~~remaining after payment of the amount due on the debt service~~
3195 ~~shall be released to the district pursuant to subsection (5).~~

3196 ~~(7) Any unused portion of a district's share of the fund~~
3197 ~~shall accumulate in the trust fund to the credit of that~~
3198 ~~district. Interest earned on such portion shall also accumulate~~
3199 ~~to the credit of that district to be used for management,~~
3200 ~~maintenance, and capital improvements as provided in this~~
3201 ~~section. The total moneys over the life of the fund available to~~
3202 ~~any district under this section shall not be reduced except by~~
3203 ~~resolution of the district governing board stating that the need~~
3204 ~~for the moneys no longer exists. Any water management district~~
3205 ~~with fund balances in the Water Management Lands Trust Fund as~~
3206 ~~of March 1, 1999, may expend those funds for land acquisitions~~
3207 ~~pursuant to s. 373.139, or for the purpose specified in this~~
3208 ~~subsection.~~

3209 ~~(8) Moneys from the Water Management Lands Trust Fund shall~~
3210 ~~be allocated as follows:~~

3211 ~~(a) Beginning with the 2009-2010 fiscal year, thirty~~
3212 ~~percent shall be used first to pay debt service on bonds issued~~
3213 ~~before February 1, 2009, by the South Florida Water Management~~
3214 ~~District which are secured by revenues provided by this section~~
3215 ~~or to fund debt service reserve funds, rebate obligations, or~~
3216 ~~other amounts payable with respect to such bonds, then to~~
3217 ~~transfer \$3,000,000 to the credit of the General Revenue Fund in~~



631392

576-02162-15

3218 ~~each fiscal year, and lastly to distribute the remainder to the~~
3219 ~~South Florida Water Management District.~~

3220 ~~(b) Beginning with the 2009-2010 fiscal year, twenty-five~~
3221 ~~percent shall be used first to transfer \$2,500,000 to the credit~~
3222 ~~of the General Revenue Fund in each fiscal year and then to~~
3223 ~~distribute the remainder to the Southwest Florida Water~~
3224 ~~Management District.~~

3225 ~~(c) Beginning with the 2009-2010 fiscal year, twenty-five~~
3226 ~~percent shall be used first to pay debt service on bonds issued~~
3227 ~~before February 1, 2009, by the St. Johns River Water Management~~
3228 ~~District which are secured by revenues provided by this section~~
3229 ~~or to fund debt service reserve funds, rebate obligations, or~~
3230 ~~other amounts payable with respect to such bonds, then to~~
3231 ~~transfer \$2,500,000 to the credit of the General Revenue Fund in~~
3232 ~~each fiscal year, and to distribute the remainder to the St.~~
3233 ~~Johns River Water Management District.~~

3234 ~~(d) Ten percent to the Suwannee River Water Management~~
3235 ~~District.~~

3236 ~~(e) Ten percent to the Northwest Florida Water Management~~
3237 ~~District.~~

3238 ~~(9) Moneys in the fund not needed to meet current~~
3239 ~~obligations incurred under this section shall be transferred to~~
3240 ~~the State Board of Administration, to the credit of the fund, to~~
3241 ~~be invested in the manner provided by law. Interest received on~~
3242 ~~such investments shall be credited to the fund.~~

3243 ~~(10)(a) Beginning July 1, 1999, not more than one fourth of~~
3244 ~~the Funds provided for in subsections (1) and (8) in any year~~
3245 ~~shall be reserved annually by a governing board, during the~~
3246 ~~development of its annual operating budget, for payments in lieu~~



631392

576-02162-15

3247 of taxes for all actual ad valorem tax losses incurred as a
3248 result of all governing board acquisitions for water management
3249 district purposes. ~~Reserved funds not used for payments in lieu~~
3250 ~~of taxes in any year shall revert to the Water Management Lands~~
3251 ~~Trust Fund to be used in accordance with the provisions of this~~
3252 ~~section.~~

3253 (2)(b) Payment in lieu of taxes shall be available:

3254 (a)1- To all counties that have a population of 150,000 or
3255 fewer. Population levels shall be determined pursuant to s.
3256 186.901. The population estimates published April 1 and used in
3257 the revenue-sharing formula pursuant to s. 186.901 shall be used
3258 to determine eligibility under this subsection and shall apply
3259 to payments made for the subsequent fiscal year.

3260 (b)2- To all local governments located in eligible counties
3261 and whose lands are bought and taken off the tax rolls.

3262
3263 For properties acquired after January 1, 2000, in the event that
3264 such properties otherwise eligible for payment in lieu of taxes
3265 under this subsection are leased or reserved and remain subject
3266 to ad valorem taxes, payments in lieu of taxes shall commence or
3267 recommence upon the expiration or termination of the lease or
3268 reservation. If the lease is terminated for only a portion of
3269 the lands at any time, the annual payments shall be made for
3270 that portion only commencing the year after such termination,
3271 without limiting the requirement that annual payments shall be
3272 made on the remaining portion or portions of the land as the
3273 lease on each expires. For the purposes of this subsection,
3274 "local government" includes municipalities and the county school
3275 board.



631392

576-02162-15

3276 (3)(e) If sufficient funds are unavailable in any year to
3277 make full payments to all qualifying counties and local
3278 governments, such counties and local governments shall receive a
3279 pro rata share of the moneys available.

3280 (4)(d) The payment amount shall be based on the average
3281 amount of actual ad valorem taxes paid on the property for the 3
3282 years preceding acquisition. Applications for payment in lieu of
3283 taxes shall be made no later than May 31 of the year for which
3284 payment is sought. No payment in lieu of taxes shall be made for
3285 properties which were exempt from ad valorem taxation for the
3286 year immediately preceding acquisition.

3287 (5)(e) If property that was subject to ad valorem taxation
3288 was acquired by a tax-exempt entity for ultimate conveyance to
3289 the state under this chapter, payment in lieu of taxes shall be
3290 made for such property based upon the average amount of ad
3291 valorem taxes paid on the property for the 3 years prior to its
3292 being removed from the tax rolls. The water management districts
3293 shall certify to the Department of Revenue those properties that
3294 may be eligible under this provision. Once eligibility has been
3295 established, that governmental entity shall receive annual
3296 payments for each tax loss until the qualifying governmental
3297 entity exceeds the population threshold pursuant to subsection
3298 (2) paragraph (b).

3299 (6)(f) Payment in lieu of taxes pursuant to this subsection
3300 shall be made annually to qualifying counties and local
3301 governments after certification by the Department of Revenue
3302 that the amounts applied for are reasonably appropriate, based
3303 on the amount of actual ad valorem taxes paid on the eligible
3304 property, and after the water management districts have provided



631392

576-02162-15

3305 supporting documents to the Chief Financial Officer and have
3306 requested that payment be made in accordance with the
3307 requirements of this section. With the assistance of the local
3308 government requesting payment in lieu of taxes, the water
3309 management district that acquired the land is responsible for
3310 preparing and submitting application requests for payment to the
3311 Department of Revenue for certification.

3312 (7)(g) If a water management district conveys to a county
3313 or local government title to any land owned by the district, any
3314 payments in lieu of taxes on the land made to the county or
3315 local government shall be discontinued as of the date of the
3316 conveyance.

3317 ~~(11) Notwithstanding any provision of this section to the~~
3318 ~~contrary, the governing board of a water management district may~~
3319 ~~request, and the Secretary of Environmental Protection shall~~
3320 ~~release upon such request, moneys allocated to the districts~~
3321 ~~pursuant to subsection (8) for purposes consistent with the~~
3322 ~~provisions of s. 373.709, s. 373.705, s. 373.139, or ss.~~
3323 ~~373.451-373.4595 and for legislatively authorized land~~
3324 ~~acquisition and water restoration initiatives. No funds may be~~
3325 ~~used pursuant to this subsection until necessary debt service~~
3326 ~~obligations, requirements for payments in lieu of taxes, and~~
3327 ~~land management obligations that may be required by this chapter~~
3328 ~~are provided for.~~

3329 ~~(12) Notwithstanding subsection (8), and for the 2014-2015~~
3330 ~~fiscal year only, the moneys from the Water Management Lands~~
3331 ~~Trust Fund are allocated as follows:~~

3332 ~~(a) An amount necessary to pay debt service on bonds issued~~
3333 ~~before February 1, 2009, by the South Florida Water Management~~



631392

576-02162-15

3334 ~~District and the St. Johns River Water Management District,~~
3335 ~~which are secured by revenues provided pursuant to this section,~~
3336 ~~or to fund debt service reserve funds, rebate obligations, or~~
3337 ~~other amounts payable with respect to such bonds.~~

3338 ~~(b) Eight million dollars to be transferred to the General~~
3339 ~~Revenue Fund.~~

3340 ~~(c) Seven million seven hundred thousand dollars to be~~
3341 ~~transferred to the Save Our Everglades Trust Fund to support~~
3342 ~~Everglades restoration projects included in the final report of~~
3343 ~~the Select Committee on Indian River Lagoon and Lake Okeechobee~~
3344 ~~Basin, dated November 8, 2013.~~

3345 ~~(d) Any remaining funds to be provided in accordance with~~
3346 ~~the General Appropriations Act.~~

3347
3348 ~~This subsection expires July 1, 2015.~~

3349 Section 39. Section 373.5905, Florida Statutes, is amended
3350 to read:

3351 373.5905 Reinstatement of payments in lieu of taxes;
3352 duration.—If a water management district has made a payment in
3353 lieu of taxes to a governmental entity and subsequently
3354 suspended such payment, beginning July 1, 2009, the water
3355 management district shall reinstate appropriate payments and
3356 continue the payments for as long as the county population
3357 remains below the population threshold pursuant to s.
3358 373.59(2)(a) ~~s. 373.59(10)(b)~~. This section does not authorize
3359 or provide for payments in arrears.

3360 Section 40. Subsection (8) of section 373.703, Florida
3361 Statutes, is amended to read:

3362 373.703 Water production; general powers and duties.—In the



631392

576-02162-15

3363 performance of, and in conjunction with, its other powers and
3364 duties, the governing board of a water management district
3365 existing pursuant to this chapter:

3366 (8) In addition to the power to issue revenue bonds
3367 pursuant to s. 373.584, may issue revenue bonds for the purposes
3368 of paying the costs and expenses incurred in carrying out the
3369 purposes of this chapter or refunding obligations of the
3370 district issued pursuant to this section. Such revenue bonds
3371 shall be secured by, and be payable from, revenues derived from
3372 the operation, lease, or use of its water production and
3373 transmission facilities and other water-related facilities and
3374 from the sale of water or services relating thereto. Such
3375 revenue bonds may not be secured by, or be payable from, ~~moneys~~
3376 ~~derived by the district from the Water Management Lands Trust~~
3377 ~~Fund or from~~ ad valorem taxes received by the district or from
3378 moneys appropriated by the Legislature, unless otherwise
3379 specifically authorized by law. All provisions of s. 373.584
3380 relating to the issuance of revenue bonds which are not
3381 inconsistent with this section shall apply to the issuance of
3382 revenue bonds pursuant to this section. The district may also
3383 issue bond anticipation notes in accordance with the provisions
3384 of s. 373.584.

3385 Section 41. Subsection (8) of section 375.031, Florida
3386 Statutes, is amended to read:

3387 375.031 Acquisition of land; procedures.-

3388 (8) The department may, if it deems it desirable and in the
3389 best interest of the program, request the board of trustees to
3390 sell or otherwise dispose of any lands or water storage areas
3391 acquired under this act. The board of trustees, when so



631392

576-02162-15

3392 requested, shall offer the lands or water storage areas, on such
3393 terms as the department may determine, first to other state
3394 agencies and then, if still available, to the county or
3395 municipality in which the lands or water storage areas lie. If
3396 not acquired by another state agency or local governmental body
3397 for beneficial public purposes, the lands or water storage areas
3398 shall then be offered by the board of trustees at public sale,
3399 after first giving notice of such sale by publication in a
3400 newspaper published in the county or counties in which such
3401 lands or water storage areas lie not less than once a week for 3
3402 consecutive weeks. All proceeds from the sale or disposition of
3403 any lands or water storage areas pursuant to this section shall
3404 be deposited into the appropriate trust fund pursuant to s.
3405 253.034(6)(k), (l), or (m) in the Land Acquisition Trust Fund.

3406 Section 42. Section 375.041, Florida Statutes, is amended
3407 to read:

3408 375.041 Land Acquisition Trust Fund.-

3409 (1) There is created a Land Acquisition Trust Fund within
3410 the Department of Environmental Protection. The Land Acquisition
3411 Trust Fund is designated by s. 28, Art. X of the State
3412 Constitution for receipt of certain documentary stamp tax
3413 revenue for the uses prescribed therein to facilitate and
3414 expedite the acquisition of land, water areas, and related
3415 resources required to accomplish the purposes of this act. The
3416 Land Acquisition Trust Fund shall be held and administered by
3417 the department. All moneys and revenue from the ~~operation,~~
3418 ~~management,~~ sale, lease, or other disposition of land, water
3419 areas, or related resources acquired on or after July 1, 2015,
3420 under the Florida Forever Program, and the facilities thereon



631392

576-02162-15

3421 ~~acquired or constructed under this act~~ shall be deposited into
3422 ~~in~~ or credited to the Land Acquisition Trust Fund or, if
3423 required by bond covenants, into the trust fund from which the
3424 lands were purchased. Moneys accruing to any agency for the
3425 purposes enumerated in this act may be deposited in this fund.
3426 ~~There shall also be deposited into the Land Acquisition Trust~~
3427 ~~Fund other moneys as authorized by appropriate act of the~~
3428 ~~Legislature. All moneys so deposited into the Land Acquisition~~
3429 ~~Trust Fund shall be trust funds for the uses and purposes herein~~
3430 ~~set forth, within the meaning of s. 215.32(1)(b); and such~~
3431 ~~moneys shall not become or be commingled with the General~~
3432 ~~Revenue Fund of the state, as defined by s. 215.32(1)(a).~~

3433 (2) Funds distributed into The moneys on deposit in the
3434 Land Acquisition Trust Fund pursuant to s. 201.15(1) shall be
3435 first applied first to:

3436 (a) Pay debt service or to fund debt service reserve funds,
3437 rebate obligations, or other amounts payable with respect to
3438 Florida Forever bonds issued under s. 215.63; pay into the State
3439 Treasury to the credit of the Save Our Everglades Trust Fund
3440 amounts necessary to pay debt service, provide reserves, and pay
3441 rebate obligations and other amounts due with respect to bonds
3442 issued under s. 215.619; and pay debt service or funding of debt
3443 service reserve funds, rebate obligations, or other amounts
3444 payable with respect to the bonds issued under s. 373.584;

3445 (b) Pay debt service on bonds issued before February 1,
3446 2009, by the South Florida Water Management District and the St.
3447 Johns River Water Management District which are secured by
3448 revenues provided pursuant to former s. 373.59, Florida Statutes
3449 2014, or to fund debt service reserve funds, rebate obligations,



631392

576-02162-15

3450 or other amounts payable with respect to such bonds. This
3451 paragraph expires August 1, 2016; and

3452 (c) Distribute \$32 million to the South Florida Water
3453 Management District for the Long-Term Plan as defined in s.
3454 373.4592(2). This paragraph expires July 1, 2024 ~~pay the rentals~~
3455 ~~due under lease-purchase agreements or to meet debt service~~
3456 ~~requirements of revenue bonds issued pursuant to s. 375.051;~~
3457 ~~provided, however, that debt service on Save Our Coast bonds~~
3458 ~~shall not be paid from moneys transferred to the Land~~
3459 ~~Acquisition Trust Fund pursuant to s. 259.032(2)(b).~~

3460 (3) ~~(a)~~ Any remaining moneys in the Land Acquisition Trust
3461 Fund which are not distributed pledged for rentals or debt
3462 service as provided in subsection (2) may be expended from time
3463 to time for the purposes set forth in s. 28, Art. X of the State
3464 Constitution to acquire land, water areas, and related resources
3465 and to construct, improve, enlarge, extend, operate, and
3466 maintain capital improvements and facilities in accordance with
3467 the plan. Moneys accruing to other agencies for the purposes
3468 designated in subsection (1) shall be transferred pursuant to
3469 nonoperating budget authority under s. 216.181(12). Agencies
3470 shall maintain the integrity of such transferred moneys. Any
3471 transferred moneys available from reversions or reductions of
3472 budget authority in the other agencies shall be transferred back
3473 to the Land Acquisition Trust Fund in the Department of
3474 Environmental Protection within 15 days after such reversion or
3475 reduction and must be available for future appropriation
3476 pursuant to s. 28, Art. X of the State Constitution.

3477 ~~(b)~~ In addition to the uses allowed under paragraph (a),
3478 for the 2014-2015 fiscal year, moneys in the Land Acquisition



631392

576-02162-15

3479 ~~Trust Fund may be transferred to support the Total Maximum Daily~~
3480 ~~Loads Program as provided in the General Appropriations Act.~~
3481 ~~This paragraph expires July 1, 2015.~~

3482 ~~(c) For the 2014-2015 fiscal year only, moneys in the Land~~
3483 ~~Acquisition Trust Fund may be transferred to the Save Our~~
3484 ~~Everglades Trust Fund to support Everglades restoration projects~~
3485 ~~included in the final report of the Select Committee on Indian~~
3486 ~~River Lagoon and Lake Okeechobee Basin, dated November 8, 2013,~~
3487 ~~and to the Florida Forever Trust Fund for the Florida Forever~~
3488 ~~program pursuant to nonoperating budget authority under s.~~
3489 ~~216.181(12). This paragraph expires July 1, 2015.~~

3490 ~~(4) The department may disburse moneys in the Land~~
3491 ~~Acquisition Trust Fund to pay all necessary expenses to carry~~
3492 ~~out the purposes of this act. The department shall disburse~~
3493 ~~moneys from the Land Acquisition Trust Fund to the Fish and~~
3494 ~~Wildlife Conservation Commission for the purpose of funding law~~
3495 ~~enforcement services on state lands.~~

3496 ~~(4)(5)~~ When the Legislature has authorized the Department
3497 of Environmental Protection to condemn a specific parcel of land
3498 and such parcel already has been approved for acquisition
3499 through the fund, the land may be acquired in accordance with
3500 the provisions of chapter 73 or chapter 74, and the fund may be
3501 used to pay the condemnation award and all costs, including a
3502 reasonable attorney ~~attorney's~~ fee, associated with
3503 condemnation.

3504 Section 43. Subsection (2) of section 375.044, Florida
3505 Statutes, is amended to read:

3506 375.044 Land Acquisition Trust Fund budget request.—

3507 (2) The legislative budget request shall be submitted to



631392

576-02162-15

3508 the Executive Office of the Governor and the Legislature in
3509 conjunction with the provisions of ss. 216.023, 216.031, and
3510 216.043. The 10-year request shall include, but need ~~shall~~ not
3511 be limited to:

3512 (a) A 10-year annual cash-flow analysis of the Land
3513 Acquisition Trust Fund.

3514 ~~(b) The requested schedule of the agency for issuance of~~
3515 ~~Save Our Coasts bonds.~~

3516 (b)(c) Forecasts of anticipated revenues to the Land
3517 Acquisition Trust Fund.

3518 (c)(d) The estimate of the agency of Land Acquisition Trust
3519 Fund encumbrances and commitments for each year and the
3520 corresponding estimates of expenditures.

3521 Section 44. Section 375.045, Florida Statutes, is repealed.

3522 Section 45. Subsection (1) and paragraph (c) of subsection
3523 (2) of section 375.075, Florida Statutes, are amended to read:

3524 375.075 Outdoor recreation; financial assistance to local
3525 governments.—

3526 (1) The Department of Environmental Protection is
3527 authorized to establish the Florida Recreation Development
3528 Assistance Program to provide grants subject to legislative
3529 appropriation to qualified local governmental entities to
3530 acquire or develop land for public outdoor recreation purposes.
3531 ~~To the extent not needed for debt service on bonds issued~~
3532 ~~pursuant to s. 375.051, each year the department shall develop~~
3533 ~~and plan a program which shall be based upon funding of not less~~
3534 ~~than 5 percent of the money credited to the Land Acquisition~~
3535 ~~Trust Fund pursuant to s. 201.15(2) and (3) in that year. The~~
3536 department shall develop and plan a program that must ~~which~~



631392

576-02162-15

3537 ~~shall be based upon the cumulative total funding appropriated by~~
3538 ~~the Legislature for such purpose provided from this section and~~
3539 ~~from the Florida Forever Trust Fund pursuant to s.~~
3540 ~~259.105(3)(d).~~

3541 (2)

3542 (c) Funds may not be released under ~~No release of funds~~
3543 ~~from the Land Acquisition Trust Fund, or from the Florida~~
3544 ~~Forever Trust Fund beginning in fiscal year 2001-2002, for this~~
3545 ~~program may be made for these public recreation projects until~~
3546 ~~the projects have been selected through the competitive~~
3547 ~~selection process provided for in this section.~~

3548 Section 46. Section 376.11, Florida Statutes, is amended to
3549 read:

3550 376.11 Florida Coastal Protection Trust Fund.—

3551 (1) The purpose of this section is to provide a mechanism
3552 to have financial resources immediately available for prevention
3553 of, and cleanup and rehabilitation after, a pollutant discharge,
3554 to prevent further damage by the pollutant, and to pay for
3555 damages. It is the legislative intent that this section be
3556 liberally construed to effect the purposes set forth, such
3557 interpretation being especially imperative in light of the
3558 danger to the environment and resources.

3559 (2) The Florida Coastal Protection Trust Fund is
3560 established, to be used by the department and the Fish and
3561 Wildlife Conservation Commission as a nonlapsing revolving fund
3562 ~~for carrying out the purposes of ss. 376.011-376.21.~~

3563 (3) The following funds shall be deposited into the Florida
3564 Coastal Protection Trust Fund: To this fund shall be credited

3565 (a) All registration fees, penalties, judgments, damages



631392

576-02162-15

3566 recovered pursuant to s. 376.121, other fees and charges related
3567 to ss. 376.011-376.21, and the excise tax revenues levied,
3568 collected, and credited pursuant to ss. 206.9935(1) and
3569 206.9945(1) (a);

3570 (b) Proceeds of fines and awards of damages pursuant to s.
3571 161.054; and

3572 (c) Funds from other sources otherwise specified by law.

3573 (4) Charges against the fund shall be in accordance with
3574 this section.

3575 (5) ~~(3)~~ Moneys in the fund that are not needed currently to
3576 meet the obligations of the department in the exercise of its
3577 responsibilities under ss. 376.011-376.21 shall be deposited
3578 with the Chief Financial Officer to the credit of the fund and
3579 may be invested in such manner as is provided for by statute.
3580 Interest received on such investment shall be credited to the
3581 fund, except as otherwise specified herein.

3582 (6) ~~(4)~~ Moneys in the Florida Coastal Protection Trust Fund
3583 ~~may shall be used disbursed~~ for the following purposes ~~and no~~
3584 ~~others:~~

3585 (a) Carrying out the purposes of ss. 376.011-376.21.

3586 (b) ~~(a)~~ Administrative expenses, personnel expenses, and
3587 equipment costs of the department and the Fish and Wildlife
3588 Conservation Commission related to the enforcement of ss.
3589 376.011-376.21.

3590 (c) ~~(b)~~ All costs involved in the prevention and abatement
3591 of pollution related to the discharge of pollutants covered by
3592 ss. 376.011-376.21 and the abatement of other potential
3593 pollution hazards as authorized herein.

3594 (d) ~~(e)~~ All costs and expenses of the cleanup, restoration,



631392

576-02162-15

3595 and rehabilitation of waterfowl, wildlife, and all other natural
3596 resources damaged by the discharge of pollutants, including the
3597 costs of assessing and recovering damages to natural resources,
3598 whether performed or authorized by the department or any other
3599 state or local agency.

3600 ~~(e)~~~~(d)~~ All provable costs and damages which are the
3601 proximate results of the discharge of pollutants covered by ss.
3602 376.011-376.21.

3603 ~~(f)~~~~(e)~~ Loans to the Inland Protection Trust Fund created in
3604 s. 376.3071.

3605 ~~(g)~~~~(f)~~ The interest earned from investments of the balance
3606 in the Florida Coastal Protection Trust Fund shall be used for
3607 funding the administrative expenses, personnel expenses, and
3608 equipment costs of the department relating to the enforcement of
3609 ss. 376.011-376.21.

3610 ~~(h)~~~~(g)~~ The funding of a grant program to local governments,
3611 pursuant to s. 376.15(3)(d) and (e), for the removal of derelict
3612 vessels from the public waters of the state.

3613 ~~(i)~~~~(h)~~ The department may spend up to \$1 million per year
3614 from the principal of the fund to acquire, design, train, and
3615 maintain emergency cleanup response teams and equipment located
3616 at appropriate ports throughout the state for the purpose of
3617 cleaning oil and other toxic materials from coastal waters. When
3618 the teams and equipment are not needed for these purposes they
3619 may be used for any other valid purpose of the department.

3620 ~~(j)~~~~(i)~~ To provide a temporary transfer of funds in an
3621 amount not to exceed \$10 million to the Minerals Trust Fund as
3622 set forth in s. 376.40.

3623 ~~(k)~~~~(j)~~ Funding for marine law enforcement.



631392

576-02162-15

3624 ~~(7)~~~~(5)~~ Any interest in lands acquired using moneys in the
3625 Florida Coastal Protection Trust Fund shall be held by the
3626 Trustees of the Internal Improvement Trust Fund, and such lands
3627 shall be acquired pursuant to the procedures set forth in s.
3628 253.025.

3629 ~~(8)~~~~(6)~~ The department shall recover to the use of the fund
3630 from the person or persons causing the discharge or from the
3631 Federal Government, jointly and severally, all sums owed or
3632 expended from the fund, pursuant to s. 376.123(10), except that
3633 recoveries resulting from damage due to a discharge of a
3634 pollutant or other similar disaster shall be apportioned between
3635 the Florida Coastal Protection Trust Fund and the General
3636 Revenue Fund so as to repay the full costs to the General
3637 Revenue Fund of any sums disbursed therefrom as a result of such
3638 disaster. Requests for reimbursement to the fund for the above
3639 costs, if not paid within 30 days of demand, shall be turned
3640 over to the Department of Legal Affairs for collection.

3641 Section 47. Subsection (8) of section 376.123, Florida
3642 Statutes, is amended to read:

3643 376.123 Claims against the Florida Coastal Protection Trust
3644 Fund.—

3645 (8) If a person chooses to make a claim against the fund
3646 and accepts payment from, or a judgment against, the fund, then
3647 the department shall be subrogated to any cause of action that
3648 the claimant may have had, to the extent of such payment or
3649 judgment, and shall diligently pursue recovery on that cause of
3650 action pursuant to subsection (10) and ~~s. 376.11(8)~~ ~~§~~.
3651 ~~376.11(6)~~. In any such action, the amount of damages shall be
3652 proved by the department by submitting to the court a written



631392

576-02162-15

3653 report of the amounts paid or owed from the fund to claimants.
3654 Such written report shall be admissible as evidence, and the
3655 amounts paid from or owed by the fund to the claimants stated
3656 therein shall be irrebuttably presumed to be the amount of
3657 damages.

3658 Section 48. Paragraphs (g) through (l) are added to
3659 subsection (1) of section 376.307, Florida Statutes, subsection
3660 (4) of that section is amended, and subsection (8) is added to
3661 that section, to read:

3662 376.307 Water Quality Assurance Trust Fund.—

3663 (1) The Water Quality Assurance Trust Fund is intended to
3664 serve as a broad-based fund for use in responding to incidents
3665 of contamination that pose a serious danger to the quality of
3666 groundwater and surface water resources or otherwise pose a
3667 serious danger to the public health, safety, or welfare. Moneys
3668 in this fund may be used:

3669 (g) For detailed planning for and implementation of
3670 programs for the management and restoration of ecosystems.

3671 (h) For development and implementation of surface water
3672 improvement and management plans and programs under ss. 373.451-
3673 373.4595.

3674 (i) For activities to restore polluted areas of the state,
3675 as defined by the department, to their condition before
3676 pollution occurred or to otherwise enhance pollution control
3677 activities.

3678 (j) For activities undertaken by the department to recover
3679 moneys as a result of actions against a person for a violation
3680 of chapter 373.

3681 (k) Funding activities described in s. 403.086(9) which are



631392

576-02162-15

3682 authorized for implementation under the Leah Schad Memorial
3683 Ocean Outfall Program.

3684 (l) Funding activities to restore or rehabilitate injured
3685 or destroyed coral reefs.

3686 (4) The trust fund shall be funded as follows:

3687 (a) An annual transfer of interest funds from the Florida
3688 Coastal Protection Trust Fund pursuant to s. 376.11(6)(g) ~~s.~~
3689 376.11(4)(f).

3690 (b) All excise taxes levied, collected, and credited to the
3691 Water Quality Assurance Trust Fund in accordance with the
3692 provisions of ss. 206.9935(2) and 206.9945(1)(b).

3693 (c) All penalties, judgments, recoveries, reimbursements,
3694 and other fees and charges related to the enforcement of ss.
3695 376.30-376.317, other than penalties, judgments, and other fees
3696 and charges related to the enforcement of ss. 376.3071 and
3697 376.3073.

3698 (d) The fee on the retail sale of lead-acid batteries
3699 credited to the Water Quality Assurance Trust Fund under s.
3700 403.7185.

3701 (e) All penalties, judgments, recoveries, reimbursements,
3702 loans, and other fees and charges collected under s. 376.3078;
3703 tax revenues levied, collected, and credited under ss. 376.70
3704 and 376.75; and registration fees collected under s.
3705 376.303(1)(d).

3706 (f) All civil penalties recovered pursuant to s.
3707 373.129(5)(a).

3708 (g) Funds appropriated by the Legislature for the purposes
3709 of ss. 373.451-373.4598.

3710 (h) Moneys collected pursuant to s. 403.121 and designated



631392

576-02162-15

3711 for deposit into the Water Quality Assurance Trust Fund.
3712 (i) Moneys recovered by the state as a result of actions
3713 against a person for a violation of chapter 373 or chapter 403
3714 initiated by the department.
3715 (j) Damages recovered for coral reef protection pursuant to
3716 s. 403.93345.
3717 (k) Funds available for the Leah Schad Memorial Ocean
3718 Outfall Program pursuant to s. 403.08601.
3719 (l) Funds received by the state for injury to or
3720 destruction of coral reefs, which moneys would otherwise be
3721 deposited into the General Revenue Fund or the Internal
3722 Improvement Trust Fund. The department may enter into settlement
3723 agreements that require responsible parties to pay a third party
3724 to fund projects related to the restoration of a coral reef, to
3725 accomplish mitigation for injury to a coral reef, or to support
3726 the activities of law enforcement agencies related to coral reef
3727 injury response, investigation, and assessment. Participation of
3728 a law enforcement agency in the receipt of funds through this
3729 mechanism shall be at the law enforcement agency's discretion.
3730 (m) Moneys from sources otherwise specified by law.
3731 (8) A settlement entered into by the department may not
3732 limit the Legislature's authority to appropriate moneys from the
3733 trust fund; however, the department may enter into a settlement
3734 in which the department agrees to request that moneys received
3735 pursuant to the settlement will be included in its legislative
3736 budget request for purposes set out in the settlement; and
3737 further, the department may enter into a settlement in cases
3738 involving joint enforcement with the Hillsborough County
3739 pollution control program, as a program approved by the



631392

576-02162-15

3740 department pursuant to s. 403.182, in which the department
3741 agrees that moneys are to be deposited into that local program's
3742 pollution recovery fund and used for projects directed toward
3743 addressing the environmental damage that was the cause of action
3744 for which funds were received.
3745 Section 49. Subsection (4) of section 376.40, Florida
3746 Statutes, is amended to read:
3747 376.40 Petroleum exploration and production; purposes;
3748 funding.—
3749 (4) FUNDING.—There shall be deposited in the Minerals Trust
3750 Fund:
3751 (a) All fees charged permittees under ss. 377.24(1),
3752 377.2408(1), and 377.2425(1) (b).
3753 (b) All penalties, judgments, recoveries, reimbursements,
3754 and other fees and charges related to the implementation of this
3755 section.
3756 (c) Any other funds required to be deposited in the trust
3757 fund under provisions of law.
3758
3759 If moneys on deposit in the trust fund are not sufficient to
3760 satisfy the needed remedial or corrective action, and if the
3761 responsible party does not take remedial and corrective action
3762 in a timely manner or if a catastrophic event occurs, a
3763 temporary transfer of the required amount, or a maximum of \$10
3764 million, from the Florida Coastal Protection Trust Fund pursuant
3765 to s. 376.11(6) (j) ~~s. 376.11(4) (i)~~ is authorized. The Florida
3766 Coastal Protection Trust Fund shall be reimbursed immediately
3767 upon deposit into the Minerals Trust Fund of moneys referred to
3768 in paragraph (b).



631392

576-02162-15

3769 Section 50. Section 379.202, Florida Statutes, is repealed.

3770 Section 51. Subsection (2) of section 379.206, Florida
3771 Statutes, is amended to read:

3772 379.206 Grants and Donations Trust Fund.—

3773 (2) The fund is established for use as a depository for
3774 funds to be used for allowable grant and donor agreement
3775 activities funded by restricted contractual revenue. Moneys to
3776 be credited to the trust fund shall consist of grants and
3777 donations from private and public nonfederal sources,
3778 development-of-regional-impact wildlife mitigation
3779 contributions, interest earnings, and cash advances from other
3780 trust funds.

3781 Section 52. Section 379.212, Florida Statutes, is amended
3782 to read:

3783 379.212 Land Acquisition Trust Fund.—

3784 (1) (a) There is established within the Fish and Wildlife
3785 Conservation Commission the Land Acquisition Trust Fund to
3786 implement s. 28, Art. X of the State Constitution for the
3787 purpose of acquiring, assisting other agencies or local
3788 governments in acquiring, or managing lands important to the
3789 conservation of fish and wildlife.

3790 (b) The Fish and Wildlife Conservation Commission or its
3791 designee shall manage such lands for the primary purpose of
3792 maintaining and enhancing their habitat value for fish and
3793 wildlife. Other uses may be allowed that are not contrary to
3794 this purpose.

3795 (c) If where acquisition pursuant to this section will
3796 result in state ownership of land, title shall be vested in the
3797 Board of Trustees of the Internal Improvement Trust Fund as



631392

576-02162-15

3798 required in chapter 253. Land acquisition pursuant to this
3799 section shall be voluntary, negotiated acquisition and, ~~if where~~
3800 title is to be vested in the Board of Trustees of the Internal
3801 Improvement Trust Fund, is subject to the acquisition procedures
3802 of s. 253.025.

3803 (d) Acquisition costs shall include purchase prices and
3804 costs and fees associated with title work, surveys, and
3805 appraisals required to complete an acquisition.

3806 (2) The fund may be credited with funds transferred from
3807 the Land Acquisition Trust Fund within the Department of
3808 Environmental Protection as provided in s. 375.041 ~~Moneys which~~
3809 ~~may be deposited into the Land Acquisition Trust Fund for the~~
3810 ~~purposes of this section may include, but not be limited to,~~
3811 ~~donations, grants, development-of-regional-impact wildlife~~
3812 ~~mitigation contributions, or legislative appropriations.~~
3813 ~~Preservation 2000 acquisition moneys and Conservation and~~
3814 ~~Recreation Lands management moneys shall not be deposited into~~
3815 ~~this fund.~~

3816 (3) The Fish and Wildlife Conservation Commission shall
3817 maintain the integrity of such moneys transferred from the
3818 Department of Environmental Protection. Any transferred moneys
3819 available from reversions and reductions in budget authority
3820 shall be transferred back to the Land Acquisition Trust Fund in
3821 the Department of Environmental Protection within 15 days after
3822 such reversion or reduction and must be available for future
3823 appropriation pursuant to s. 28, Art. X of the State
3824 Constitution.

3825 Section 53. Effective upon becoming a law, all undisbursed,
3826 unobligated balances and all certified forward appropriations



631392

576-02162-15

3827 remaining in the Land Acquisition Trust Fund within the Fish and
3828 Wildlife Conservation Commission on June 30, 2015, shall be
3829 transferred to the Grants and Donations Trust Fund, FLAIR number
3830 77-2-339, within the Fish and Wildlife Conservation Commission.

3831 Section 54. Subsection (3) of section 379.362, Florida
3832 Statutes, is amended to read:

3833 379.362 Wholesale and retail saltwater products dealers;
3834 regulation.—

3835 (3) OYSTER MANAGEMENT AND RESTORATION PROGRAMS.—The
3836 Department of Agriculture and Consumer Services shall use ~~or~~
3837 ~~distribute~~ funds appropriated from the Land Acquisition Trust
3838 Fund within the department paid into the State Treasury to the
3839 ~~credit of the General Inspection Trust Fund pursuant to s.~~
3840 ~~201.15, less reasonable costs of administration,~~ to fund the
3841 following oyster management and restoration programs in
3842 Apalachicola Bay and other oyster harvest areas in the state:

3843 (a) The relaying and transplanting of live oysters.

3844 (b) Shell planting to construct or rehabilitate oyster
3845 bars.

3846 (c) Education programs for licensed oyster harvesters on
3847 oyster biology, aquaculture, boating and water safety,
3848 sanitation, resource conservation, small business management,
3849 and other relevant subjects.

3850 (d) Research directed toward the enhancement of oyster
3851 production in the bay and the water management needs of the bay.

3852 Section 55. Subsection (12) of section 380.0666, Florida
3853 Statutes, is amended to read:

3854 380.0666 Powers of land authority.—The land authority shall
3855 have all the powers necessary or convenient to carry out and



631392

576-02162-15

3856 effectuate the purposes and provisions of this act, including
3857 the following powers, which are in addition to all other powers
3858 granted by other provisions of this act:

3859 (12) To identify parcels of land within the area or areas
3860 of critical state concern that would be appropriate acquisitions
3861 by the state ~~from the Conservation and Recreational Lands Trust~~
3862 ~~Fund~~ and recommend such acquisitions to the advisory council
3863 established pursuant to s. 259.035 or its successor.

3864 Section 56. Section 380.0677, Florida Statutes, is
3865 repealed.

3866 Section 57. Subsection (11) of section 380.507, Florida
3867 Statutes, is amended to read:

3868 380.507 Powers of the trust.—The trust shall have all the
3869 powers necessary or convenient to carry out the purposes and
3870 provisions of this part, including:

3871 (11) To make rules necessary to carry out the purposes of
3872 this part and to exercise any power granted in this part,
3873 pursuant to ~~the provisions of~~ chapter 120. The trust shall adopt
3874 rules governing the acquisition of lands with using proceeds
3875 ~~from the Preservation 2000 Trust Fund and the Florida Forever~~
3876 ~~Trust Fund~~, consistent with the intent expressed in the Florida
3877 Forever Act. Such rules for land acquisition must include, but
3878 are not limited to, procedures for appraisals and
3879 confidentiality consistent with ss. 125.355(1)(a) and (b) and
3880 166.045(1)(a) and (b), a method of determining a maximum
3881 purchase price, and procedures to assure that the land is
3882 acquired in a voluntarily negotiated transaction, surveyed,
3883 conveyed with marketable title, and examined for hazardous
3884 materials contamination. Land acquisition procedures of a local



631392

576-02162-15

3885 land authority created pursuant to s. 380.0663 ~~or s. 380.0677~~
3886 may be used for the land acquisition programs described in
3887 ~~former s. 259.101(3)(c)~~, Florida Statutes 2014, and in s.
3888 259.105 if within areas of critical state concern designated
3889 pursuant to s. 380.05, subject to approval of the trust.

3890 Section 58. Subsection (4) of section 380.508, Florida
3891 Statutes, is amended to read:

3892 380.508 Projects; development, review, and approval.—

3893 (4) Projects or activities which the trust undertakes,
3894 coordinates, or funds in any manner shall comply with the
3895 following guidelines:

3896 (a) The purpose of redevelopment projects shall be to
3897 restore areas which are adversely affected by scattered
3898 ownership, poor lot layout, inadequate park and open space,
3899 incompatible land uses, or other conditions which endanger the
3900 environment or impede orderly development. Grants and loans
3901 awarded for redevelopment projects shall be used for assembling
3902 parcels of land within redevelopment project areas for the
3903 redesign of such areas and for the installation of public
3904 improvements required to serve such areas. After redesign and
3905 installation of public improvements, if any, lands in
3906 redevelopment projects, with the exception of lands acquired for
3907 public purposes, shall be conveyed to any person for development
3908 in accordance with a redevelopment project plan approved
3909 according to this part.

3910 (b) The purpose of resource enhancement projects shall be
3911 to enhance natural resources which, because of indiscriminate
3912 dredging or filling, improper location of improvements, natural
3913 or human-induced events, or incompatible land uses, have



631392

576-02162-15

3914 suffered loss of natural and scenic values. Grants and loans
3915 awarded for resource enhancement projects shall be used for the
3916 assembly of parcels of land to improve resource management, for
3917 relocation of improperly located or designed improvements, and
3918 for other corrective measures which will enhance the natural and
3919 scenic character of project areas.

3920 (c) The purpose of public access projects shall be to
3921 acquire interests in and initially develop lands which are
3922 suitable for and which will be used for public accessways to
3923 surface waters. The trust shall identify local governments and
3924 nonprofit organizations which will accept responsibility for
3925 maintenance and liability for public accessways which are
3926 located outside the state park system. The trust may lease any
3927 public access site developed under this part to a local
3928 government or nonprofit organization, provided that the
3929 conditions of the lease guarantee public use of the site. The
3930 trust may accept, from any local government or nonprofit
3931 organization, fees collected for providing public access to
3932 surface waters. The trust shall expend any such funds it accepts
3933 only for acquisition, development, and maintenance of such
3934 public accessways. To the maximum extent possible, the trust
3935 shall expend such fees in the general area where they are
3936 collected or in areas where public access to surface waters is
3937 clearly deficient. The trust may transfer funds, including such
3938 fees, to a local government or nonprofit organization to acquire
3939 public access sites. In developing or coordinating public access
3940 projects, the trust shall ensure that project plans involving
3941 beach access are consistent with state laws governing beach
3942 access.



631392

576-02162-15

3943 (d) The purpose of urban waterfront restoration projects
3944 shall be to restore deteriorated or deteriorating urban
3945 waterfronts for public use and enjoyment. Urban waterfront
3946 restoration projects shall include public access sites.

3947 (e) The purpose of working waterfront projects shall be to
3948 restore and preserve working waterfronts as provided in s.
3949 380.5105.

3950 (f) The trust shall cooperate with local governments, state
3951 agencies, federal agencies, and nonprofit organizations in
3952 ensuring the reservation of lands for parks, recreation, fish
3953 and wildlife habitat, historical preservation, or scientific
3954 study. ~~If in the event that~~ any local government, state agency,
3955 federal agency, or nonprofit organization is unable, due to
3956 limited financial resources or other circumstances of a
3957 temporary nature, to acquire a site for the purposes described
3958 in this paragraph, the trust may acquire and hold the site for
3959 subsequent conveyance to the appropriate governmental agency or
3960 nonprofit organization. The trust may provide such technical
3961 assistance as ~~is~~ required to aid local governments, state and
3962 federal agencies, and nonprofit organizations in completing
3963 acquisition and related functions. The trust ~~may shall~~ not
3964 reserve lands acquired in accordance with this paragraph for
3965 more than 5 years from the time of acquisition. A local
3966 government, federal or state agency, or nonprofit organization
3967 may acquire the land at any time during this period for public
3968 purposes. The purchase price shall be based upon the trust's
3969 cost of acquisition, plus administrative and management costs in
3970 reserving the land. The payment of ~~the this~~ purchase price shall
3971 be by money, trust-approved property of an equivalent value, or



631392

576-02162-15

3972 a combination of money and trust-approved property. If, after
3973 the 5-year period, the trust has not sold to a governmental
3974 agency or nonprofit organization land acquired for site
3975 reservation, the trust shall dispose of such land at fair market
3976 value or shall trade it for other land of comparable value which
3977 will serve to accomplish the purposes of this part. Any proceeds
3978 from the sale of such land shall be deposited into ~~in~~ the
3979 appropriate Florida Communities trust fund pursuant to s.
3980 253.034(6)(k), (l), or (m). All moneys and revenue from the
3981 operation, management, lease, or other disposition of land,
3982 water areas, related resources, and the facilities thereon
3983 acquired or constructed under this part shall be credited to or
3984 deposited into the Internal Improvement Trust Fund.

3985
3986 Project costs may include costs of providing parks, open space,
3987 public access sites, scenic easements, and other areas and
3988 facilities serving the public where such features are part of a
3989 project plan approved according to this part. In undertaking or
3990 coordinating projects or activities authorized by this part, the
3991 trust shall, when appropriate, use and promote the use of
3992 creative land acquisition methods, including the acquisition of
3993 less than fee interest through, among other methods,
3994 conservation easements, transfer of development rights, leases,
3995 and leaseback arrangements. The trust ~~also~~ shall assist local
3996 governments in the use of sound alternative methods of financing
3997 for funding projects and activities authorized under ~~by~~ this
3998 part. Any funds over and above eligible project costs, which
3999 remain after completion of a project approved according to this
4000 part, shall be transmitted to the state and deposited into ~~in~~



631392

576-02162-15

the ~~Florida Forever~~ ~~Florida Communities~~ Trust Fund.

Section 59. Paragraph (f) of subsection (3) and subsections (5) and (7) of section 380.510, Florida Statutes, are amended to read:

380.510 Conditions of grants and loans.—

(3) In the case of a grant or loan for land acquisition, agreements shall provide all of the following:

~~(f) The term of any grant using funds received from the Preservation 2000 Trust Fund, pursuant to s. 259.101(3)(c), shall be for a period not to exceed 24 months. The governing board of the trust may offer a grant with a shorter term and may extend a grant beyond 24 months when the grant recipient demonstrates that significant progress is being made toward closing the project or that extenuating circumstances warrant an extension of time. If a local government project which was awarded a grant is not closed within 24 months and the governing board of the trust does not grant an extension, the grant reverts to the trust's unencumbered balance of Preservation 2000 funds to be redistributed to other eligible projects. The local government may reapply for a grant to fund the project in the trust's next application cycle.~~

Any deed or other instrument of conveyance whereby a nonprofit organization or local government acquires real property under this section shall set forth the interest of the state. The trust shall keep at least one copy of any such instrument and shall provide at least one copy to the Board of Trustees of the Internal Improvement Trust Fund.

(5) Any funds the trust collects from a nonprofit



631392

576-02162-15

organization or local government under a grant or loan agreement shall be deposited ~~into in~~ the Internal Improvement Florida Communities Trust Fund within the Department of Environmental Protection.

(7) Any funds received by the trust ~~from the Preservation 2000 Trust Fund~~ pursuant to s. 259.105(3)(c) or s. 375.041 ~~or s. 259.101(3)(c) and the Florida Forever Trust Fund pursuant to s. 259.105(3)(c)~~ shall be held separate and apart from any other funds held by the trust and ~~shall be used for the land acquisition purposes of this part. In addition to the other conditions set forth in this section, the disbursement of Preservation 2000 and Florida Forever funds from the trust shall be subject to the following conditions:~~

(a) The administration and use of Florida Forever ~~any funds are received by the trust from the Preservation 2000 Trust Fund and the Florida Forever Trust Fund~~ shall be subject to such terms and conditions imposed thereon by the agency of the state responsible for the bonds, the proceeds of which are deposited ~~into in~~ the Preservation 2000 Trust Fund and the Florida Forever Trust Fund, including restrictions imposed to ensure that the interest on any such bonds issued by the state as tax-exempt bonds ~~is will~~ not be included in the gross income of the holders of such bonds for federal income tax purposes.

(b) All deeds or leases with respect to any real property acquired with funds received by the trust from the Preservation 2000 Trust Fund, the Florida Forever Trust Fund, or the Land Acquisition Trust Fund ~~must~~ shall contain such covenants and restrictions as are sufficient to ensure that the use of such real property at all times complies with s. 375.051 and s. 9,



631392

576-02162-15

4059 Art. XII of the State Constitution. Each deed ~~All deeds~~ or lease
4060 ~~leases~~ with respect to any real property acquired with funds
4061 received by the trust from the Florida Forever Trust Fund before
4062 July 1, 2015, must ~~shall~~ contain ~~such~~ covenants and restrictions
4063 ~~as are~~ sufficient to ensure that the use of such real property
4064 at all times complies with s. 11(e), Art. VII of the State
4065 Constitution. Each deed or lease with respect to any real
4066 property acquired with funds received by the trust from the
4067 Florida Forever Trust Fund after July 1, 2015, must contain
4068 covenants and restrictions sufficient to ensure that the use of
4069 such real property at all times complies with s. 28, Art. X of
4070 the State Constitution. Each deed or lease must ~~shall~~ contain a
4071 reversion, conveyance, or termination clause that vests will
4072 ~~vest~~ title in the Board of Trustees of the Internal Improvement
4073 Trust Fund if any of the covenants or restrictions are violated
4074 by the titleholder or leaseholder or by some third party with
4075 the knowledge of the titleholder or leaseholder.

4076 Section 60. Section 380.511, Florida Statutes, is repealed.

4077 Section 61. Subsection (2) of section 403.0615, Florida
4078 Statutes, is amended to read:

4079 403.0615 Water resources restoration and preservation.—

4080 (2) Subject to specific legislative appropriation, the
4081 department shall establish a program to assist in the
4082 restoration and preservation of bodies of water and to enhance
4083 existing public access when deemed necessary for the enhancement
4084 of the restoration effort. ~~This program shall be funded from the~~
4085 ~~General Revenue Fund, from funds available from the Ecosystem~~
4086 ~~Management and Restoration Trust Fund, and from available~~
4087 ~~federal moneys.~~



631392

576-02162-15

4088 Section 62. Section 403.08601, Florida Statutes, is amended
4089 to read:

4090 403.08601 Leah Schad Memorial Ocean Outfall Program.—The
4091 Legislature declares that as funds become available the state
4092 may assist the local governments and agencies responsible for
4093 implementing the Leah Schad Memorial Ocean Outfall Program
4094 pursuant to s. 403.086(9). Funds received from other sources
4095 provided for in law, the General Appropriations Act, from gifts
4096 designated for implementation of the plan from individuals,
4097 corporations, or other entities, or federal funds appropriated
4098 by Congress for implementation of the plan, may be deposited
4099 into an account of the Water Quality Assurance Ecosystem
4100 ~~Management and Restoration~~ Trust Fund ~~created pursuant to s.~~
4101 ~~403.1651.~~

4102 Section 63. Subsection (11) of section 403.121, Florida
4103 Statutes, is amended to read:

4104 403.121 Enforcement; procedure; remedies.—The department
4105 shall have the following judicial and administrative remedies
4106 available to it for violations of this chapter, as specified in
4107 s. 403.161(1).

4108 (11) Penalties collected pursuant to this section shall be
4109 deposited into ~~in~~ the Water Quality Assurance Ecosystem
4110 ~~Management and Restoration~~ Trust Fund or other trust fund
4111 designated by statute and shall be used to fund the restoration
4112 of ecosystems, or polluted areas of the state, as defined by the
4113 department, to their condition before pollution occurred. The
4114 Florida Conflict Resolution Consortium may use a portion of the
4115 fund to administer the mediation process provided in paragraph
4116 (2) (e) and to contract with private mediators for administrative



631392

576-02162-15

4117 penalty cases.

4118 Section 64. Section 403.1651, Florida Statutes, is
4119 repealed.

4120 Section 65. Subsection (1) of section 403.885, Florida
4121 Statutes, is amended to read:

4122 403.885 Water Projects Grant Program.—

4123 (1) The Department of Environmental Protection shall
4124 administer a grant program to use funds ~~transferred pursuant to~~
4125 ~~s. 212.20 to the Ecosystem Management and Restoration Trust Fund~~
4126 ~~or other moneys as~~ appropriated by the Legislature for water
4127 quality improvement, stormwater management, wastewater
4128 management, and water restoration and other water projects as
4129 specifically appropriated by the Legislature. Eligible
4130 recipients of such grants include counties, municipalities,
4131 water management districts, and special districts that have
4132 legal responsibilities for water quality improvement, water
4133 management, stormwater management, wastewater management, lake
4134 and river water restoration projects, and drinking water
4135 projects pursuant to this section.

4136 Section 66. Section 403.8911, Florida Statutes, is
4137 repealed.

4138 Section 67. Subsection (6) of section 403.9325, Florida
4139 Statutes, is amended to read:

4140 403.9325 Definitions.—For the purposes of ss. 403.9321-
4141 403.9333, the term:

4142 (6) “Public lands set aside for conservation or
4143 preservation” means:

4144 (a) Lands and interests acquired with funds deposited into
4145 the Land Acquisition Trust Fund pursuant to s. 28(a), Art. X of



631392

576-02162-15

4146 the State Constitution;

4147 (b)(a) Conservation and recreation lands under chapter 259;

4148 (c)(b) State and national parks;

4149 (d)(e) State and national reserves and preserves, except as
4150 provided in s. 403.9326(3);

4151 (e)(d) State and national wilderness areas;

4152 (f)(e) National wildlife refuges (only those lands under
4153 Federal Government ownership);

4154 (g)(f) Lands acquired through the former Water Management
4155 Lands Trust Fund, Save Our Rivers Program;

4156 (h)(g) Lands acquired under the Save Our Coast program;

4157 (i)(h) Lands acquired under the environmentally endangered
4158 lands bond program;

4159 (j)(i) Public lands designated as conservation or
4160 preservation under a local government comprehensive plan;

4161 (k)(j) Lands purchased by a water management district, the
4162 Fish and Wildlife Conservation Commission, or any other state
4163 agency for conservation or preservation purposes;

4164 (l)(k) Public lands encumbered by a conservation easement
4165 that does not provide for the trimming of mangroves; and

4166 (m)(l) Public lands designated as critical wildlife areas
4167 by the Fish and Wildlife Conservation Commission.

4168 Section 68. Paragraph (f) of subsection (3) and subsection
4169 (11) of section 403.93345, Florida Statutes, are amended to
4170 read:

4171 403.93345 Coral reef protection.—

4172 (3) As used in this section, the term:

4173 (f) “Fund” means the Water Quality Assurance Ecosystem
4174 Management and Restoration Trust Fund.



631392

576-02162-15

4175 (11) All damages recovered by or on behalf of this state
4176 for injury to, or destruction of, the coral reefs of the state
4177 that would otherwise be deposited in the general revenue
4178 accounts of the State Treasury or in the Internal Improvement
4179 Trust Fund shall be deposited into ~~in~~ the Water Quality
4180 Assurance Ecosystem Management and Restoration Trust Fund in the
4181 department and shall remain in such account until expended by
4182 the department for the purposes of this section. Moneys in the
4183 fund received from damages recovered for injury to, or
4184 destruction of, coral reefs must be expended only for the
4185 following purposes:

4186 (a) To provide funds to the department for reasonable costs
4187 incurred in obtaining payment of the damages for injury to, or
4188 destruction of, coral reefs, including administrative costs and
4189 costs of experts and consultants. Such funds may be provided in
4190 advance of recovery of damages.

4191 (b) To pay for restoration or rehabilitation of the injured
4192 or destroyed coral reefs or other natural resources by a state
4193 agency or through a contract to any qualified person.

4194 (c) To pay for alternative projects selected by the
4195 department. Any such project shall be selected on the basis of
4196 its anticipated benefits to the residents of this state who used
4197 the injured or destroyed coral reefs or other natural resources
4198 or will benefit from the alternative project.

4199 (d) All claims for trust fund reimbursements under
4200 paragraph (a) must be made within 90 days after payment of
4201 damages is made to the state.

4202 (e) Each private recipient of fund disbursements shall be
4203 required to agree in advance that its accounts and records of



631392

576-02162-15

4204 expenditures of such moneys are subject to audit at any time by
4205 appropriate state officials and to submit a final written report
4206 describing such expenditures within 90 days after the funds have
4207 been expended.

4208 (f) When payments are made to a state agency from the fund
4209 for expenses compensable under this subsection, such
4210 expenditures shall be considered as being for extraordinary
4211 expenses, and no agency appropriation shall be reduced by any
4212 amount as a result of such reimbursement.

4213 Section 69. Section 570.207, Florida Statutes, is repealed.

4214 Section 70. Subsection (2) of section 570.321, Florida
4215 Statutes, is amended to read:

4216 570.321 Plant Industry Trust Fund.—

4217 (2) Funds to be credited to and uses of the trust fund
4218 shall be administered in accordance with ss. ~~259.032~~, 581.031,
4219 581.141, 581.211, 581.212, 586.045, 586.15, 586.16, 593.114, and
4220 593.117.

4221 Section 71. Subsection (12) of section 570.71, Florida
4222 Statutes, is amended to read:

4223 570.71 Conservation easements and agreements.—

4224 (12) The department may use appropriated funds from the
4225 following sources to implement this section:

- 4226 (a) State funds;
4227 (b) Federal funds;
4228 (c) Other governmental entities;
4229 (d) Nongovernmental organizations; or
4230 (e) Private individuals.

4231
4232 Any such funds provided, other than from the Land Acquisition



631392

576-02162-15

4233 ~~Trust Fund,~~ shall be deposited into the ~~Incidental Conservation~~
4234 ~~and Recreation Lands Program~~ Trust Fund within the Department of
4235 Agriculture and Consumer Services and used for the purposes of
4236 this section, including administrative and operating expenses
4237 related to appraisals, mapping, title process, personnel, and
4238 other real estate expenses.

4239 Section 72. Paragraph (c) of subsection (1) of section
4240 895.09, Florida Statutes, is amended to read:

4241 895.09 Disposition of funds obtained through forfeiture
4242 proceedings.—

4243 (1) A court entering a judgment of forfeiture in a
4244 proceeding brought pursuant to s. 895.05 shall retain
4245 jurisdiction to direct the distribution of any cash or of any
4246 cash proceeds realized from the forfeiture and disposition of
4247 the property. The court shall direct the distribution of the
4248 funds in the following order of priority:

4249 (c) Any claim by the Board of Trustees of the Internal
4250 Improvement Trust Fund on behalf of the Internal Improvement
4251 Trust Fund or the ~~Land Acquisition~~ trust fund used pursuant to
4252 s. 253.03(12), not including administrative costs of the
4253 Department of Environmental Protection previously paid directly
4254 from the Internal Improvement Trust Fund in accordance with
4255 legislative appropriation.

4256 Section 73. Except as otherwise expressly provided in this
4257 act and except for this section, which shall take effect upon
4258 this act becoming law, this act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 584

INTRODUCER: Senator Dean

SUBJECT: Implementation of the Water and Land Conservation Constitutional Amendment

DATE: March 17, 2015

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Gudeman	Uchino	EP	Favorable
2. Howard	DeLoach	AGG	Recommend: Fav/CS
3. Howard	Kynoch	AP	Pre-meeting

I. Summary:

SB 584 provides an integral part of the legislative framework to implement Article X, section 28 of the Florida Constitution. The bill restructures the trust funds to implement the constitutional requirement that documentary stamp taxes directed for environmental purposes must not be commingled with the General Revenue Fund. The bill also ensures that these revenues are not commingled with other revenue sources and can be tracked from distribution to expenditure. The bill terminates certain trust funds currently receiving documentary stamp tax revenue intended for expenditure on environmental programs and redirects those moneys and moneys from other sources deposited into those trust funds to other appropriate trust funds as follows:

- The Florida Communities Trust (FCT) Fund is terminated and funds currently deposited in that trust fund are redirected to the Land Acquisition Trust Fund (LATF) and the Internal Improvement Trust Funds.
- The Ecosystem Management and Restoration Trust Fund is terminated and funds currently deposited in that trust fund are redirected to the LATF, the Coastal Protection Trust Fund, the Water Quality Assurance Trust Fund, and the Florida Permit Fee Trust Funds.
- The Water Management Lands Trust Fund is terminated and funds currently deposited in that trust fund are redirected to the LATF and the Water Quality Assurance Trust Funds.
- The Conservation and Recreation Lands Program Trust Fund in the Department of Agriculture and Consumer Services (DACS) is terminated and funds currently deposited into that trust fund are redirected to the LATF and the Incidental Trust Funds.
- The Conservation and Recreation Lands Program (CARL) Trust Fund in the DEP is terminated and funds currently deposited in that trust fund are redirected to the LATF and the State Parks Trust Funds.
- The Conservation and Recreation Lands Program Trust Fund in the Florida Fish and Wildlife Conservation Commission (FWC) is terminated and funds currently deposited in that trust fund are redirected to the LATF and the State Park Trust Funds.
- The obsolete Preservation 2000 (P2000) Trust Fund is terminated.

The bill also transfers any existing unobligated cash balances from the terminated trust funds as follows:

- From the FCT Fund to the Florida Forever Trust Fund.
- From the Ecosystems Management Trust Fund to the Water Quality Assurance Trust Fund.
- From the Water Management Lands Trust Fund to the Water Quality Assurance Trust Fund.
- From the CARL Trust Fund within DEP to the Water Quality Assurance Trust Fund.
- From the Conservation and Recreation Lands Program Trust Fund within DACS to the General Revenue Fund.
- From the terminated Conservation and Recreation Lands Program Trust Fund within the FWC to the General Revenue Fund.
- From the P2000 Trust Fund to the Florida Forever Trust Fund.

See Section V. relating to the fiscal impact of the bill.

The bill provides an effective date of July 1, 2015.

II. Present Situation:

The Water and Land Conservation Constitutional Amendment

In 2014, Florida voters approved a constitutional amendment proposed by Florida's Water and Land Legacy to provide a dedicated funding source for water and land conservation and restoration.¹ The amendment created Article X, section 28 of the Florida Constitution and was approved by 75 percent of the electors voting on the issue.

The amendment requires that starting on July 1, 2015, for 20 years, 33 percent of net revenues derived from the existing excise tax on documents, as defined by the statutes in effect on January 1, 2012, must be deposited into the Land Acquisition Trust Fund (LATF).²

The amendment requires that funds in the LATF be expended only for the following purposes:

- As provided by law, to finance or refinance:
 - The acquisition and improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands including wetlands, forests, and fish and wildlife habitat;
 - Wildlife management areas;
 - Lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer systems;

¹ The founding organizations of Florida's Water and Land Legacy are: The Trust for Public Land, Audubon Florida, Florida Wildlife Federation, Sierra Club Florida, Florida Conservation Alliance Institute, Alachua Conservation Trust, 1000 Friends of Florida, Defenders of Wildlife, Conservation Trust for Florida, The Conservation Fund, The Nature Conservancy, Florida Conservation Coalition, and Rails to Trails Conservancy. Florida's Water and Land Legacy, *Non-Profit Endorsements*, <http://floridawaterlandlegacy.org/sections/page/endorers> (last visited Feb. 6, 2015).

² The net revenues are the amount of revenues after the Department of Revenue first deducts a service charge to pay the costs of the collection and enforcement of the excise tax on documents.

- Lands in the Everglades Agricultural Area and the Everglades Protection Area, as defined in Article II, section 7(b) of the Florida Constitution;
- Beaches and shores;
- Outdoor recreation lands, including recreational trails, parks, and urban open space;
- Rural landscapes;
- Working farms and ranches;
- Historic or geologic sites;
- Together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.

The amendment authorizes moneys deposited into the LATF to be used to pay debt service on bonds issued pursuant to Article VII, section 11(e) of the Florida Constitution, and prohibits moneys deposited into the LATF from being commingled with the General Revenue Fund of the state.³

Pursuant to s. 201.15(1)(a), F.S., the LATF within the Department of Environmental Protection (DEP) receives revenue from the excise tax on documents to pay debt service on bonds issued pursuant to Article VII, section 11(e) of the Florida Constitution for the Florida Forever and Everglades restoration programs. An LATF also exists in the Fish and Wildlife Conservation Commission (FWC);⁴ however, that trust fund currently does not receive funds from the excise tax on documents pursuant to s. 201.15, F.S.

History of Land Acquisition in Florida

Internal Improvement Trust Fund

The State of Florida has a long history of land acquisition and land management. In 1845, the federal government granted Florida 500,000 acres for internal improvement as part of the Great Pre-emption Act of 1841. States that were admitted to the Union after 1841 were granted 500,000 acres which could be sold to fund improvements to roads, canals, and navigable waterways. In 1850, the federal government granted Florida an additional 21 million acres of land under the Swamp and Overflowed Lands Act.⁵

In order to properly administer the vast amount of land granted to the state and to manage the funds from the sale of the land, the Legislature created the Internal Improvement Trust Fund in 1854.⁶ Title to these lands is vested in the Boards of Trustees of the Internal Improvement Fund (BOT), which consists of the Governor and Cabinet.⁷

³ FLA. CONST. art VII, s. 11(e), provides, “[b]onds pledging all or part of a dedicated state tax revenue may be issued by the state in the manner provided by general law to finance or refinance the acquisition and improvement of land, water areas, and related property interests and resources for the purposes of conservation, outdoor recreation, water resource development, restoration of natural systems, and historic preservation.”

⁴ See s. 379.212, F.S.

⁵ Monica K. Reimer, *The Public Trust Doctrine: Historic Protection for Florida’s Navigable Rivers and Lakes*, FLA. B.J., APR. 2001. See also DEP, *State Lands History*, available at http://www.dep.state.fl.us/lands/files/lands_history.pdf (last visited Feb. 15, 2015).

⁶ Chapter 610, s. 1, Laws of Fla. (1854).

⁷ Section 253.02, F.S.

The sources of revenue to the Internal Improvement Trust Fund include marina and dock leases, commercial upland leases, proceeds from the sale of surplus lands, fees from land transactions, public record requests, fines, interest earnings on investment cash under to s. 17.61, F.S., and the sale of state lands located in the Everglades Agricultural Area. All revenues that are deposited into the Internal Improvement Trust Fund are to be used for the acquisition, management, administration, protection, and conservation of state owned land.⁸

The Internal Improvement Trust Fund provides funds to multiple programs in the DEP, including the Division of State lands, the district offices, the Division of Environmental Assessment and Restoration, the Division of Recreation and Parks, and executive direction and support services.⁹

The Outdoor Recreation and Conservation Lands Act and the Land Acquisition Trust Fund

In 1963, the Legislature created the Outdoor Recreation and Conservation Act to purchase land for parks and recreation.¹⁰ The program was the first official conservation land acquisition program in the state. Prior to the act, land acquisitions were accomplished through line-item appropriations, or donations by private individuals or the federal government. The act authorized the former land management division of the BOT to purchase land and water areas for outdoor recreation, wildlife management, forestry management, nature preservation, and water conservation and control.¹¹

The LATF was established in 1963 to fund the purposes of the Outdoor Recreation and Conservation Lands Act.¹² The original source of revenue to the LATF was a five percent tax on outdoor clothing and equipment.¹³ In 1967, the tax on clothing and equipment proved to be insufficient to sustain the program and the Legislature repealed the tax replacing it with the documentary stamp tax at a rate of 55 cents per \$500.¹⁴

Funds deposited into the LATF must first be used to pay rentals on lease-purchase agreements or to meet the debt service requirements pursuant to s. 375.051, F.S., provided the debt service on the Save Our Coast bonds is not to be paid from funds transferred to the LATF pursuant to s. 259.032(2)(b), F.S. Funds that are not allocated for rentals or debt service may be used to acquire land, water areas, and to construct, improve, enlarge, extend, operate, and maintain capital improvements and facilities.¹⁵

⁸ Section 253.01, F.S.

⁹ Internal Improvement Trust Fund Description, provided by the Senate Appropriations Subcommittee on General Government (on file with the Senate Committee on Environmental Preservation and Conservation).

¹⁰ Section 375.011, F.S.

¹¹ Section 375.021, F.S. See also s. 1, ch. 63-36, Laws of Fla., and Farr, J.A., and O. Greg Brock, *Florida's Landmark Programs for Conservation and Recreation Land Acquisition*, Sustain, 14 (2006), available at http://www.dep.state.fl.us/lands/files/Florida_LandAcquisition.pdf (last visited Feb. 15, 2015).

¹² Section 375.041, F.S.

¹³ Chapter 63-527, Laws of Fla. See also Comm. on Finance, Taxation, and Claims, The Florida Senate, *Documentary Stamp Tax: Its History and Uses*, 2-3 (Interim Report) (Sept. 1993) (on file with the Senate Comm. on Environmental Preservation and Conservation).

¹⁴ Section 201.021, F.S., (1967). See also Farr, J.A., and O. Greg Brock, *Florida's Landmark Programs for Conservation and Recreation Land Acquisition*, Sustain, 14 (2006) available at http://www.dep.state.fl.us/lands/files/Florida_LandAcquisition.pdf (last visited Feb. 15, 2015).

¹⁵ *Supra* note 12.

In the event the DEP condemns a specific parcel of land and the land has been approved for acquisition through the LATF, the land may be acquired pursuant to chs. 73 and 74, F.S. The funds may also be used to pay the condemnation award and the costs associated with the condemnation.¹⁶

For the Fiscal Year 2014-2015, funds in the LATF may be used to support the Total Maximum Daily Load program, or may be transferred to the Save Our Everglades or Florida Forever Trust Funds.

Section 375.044, F.S., requires the DEP to submit a 10-year comprehensive LATF budget request. The budget request is submitted to the Executive Office of the Governor and the Legislature. The request must include but is not limited to:

- A 10-year annual cash flow analysis of the LATF;
- The agency request for the schedule of issuance of Save Our Coasts bonds;
- Forecasts of the anticipated revenues to the LATF; and
- The estimate of encumbrances and commitments for each year and the estimated expenditures.

Section 372.074, F.S., was created in 1990 to establish the Fish and Wildlife Habitat Trust Fund in the former Game and Fresh Water Fish Commission. The statute was renumbered to s. 379.212, F.S., in 2008 and amended to create an LATF in the FWC.¹⁷

Section 379.212, F.S., specifies that lands acquired through expenditures from the LATF in the FWC are titled to the BOT. The FWC is responsible for managing such lands for the purpose of maintaining and enhancing fish and wildlife habitat. Other uses of such lands are permitted if the use is not contrary to those purposes. The acquisition of such land is done through a voluntary negotiated process using the acquisition procedures in s. 253.025, F.S. The acquisition costs include the purchase price, as well as costs and fees associated with the title, surveys, and appraisals required to complete the acquisition.

Funds may be deposited into the LATF in the FWC from donations, grants, development-of-regional impact wildlife mitigation contributions, and legislative appropriations. The statute prohibits funds from P2000 acquisitions and Conservation and Recreation Lands (CARL) management funds from being deposited in the LATF in the FWC.¹⁸

The Land Conservation Act of 1972

The Land Conservation Act was passed in 1972 and provided the BOT with funding and bonding authority, through a ballot referendum, to finance state capital projects for environmentally endangered lands.¹⁹ State capital projects for environmentally endangered land, as defined in s. 259.03(1), F.S. (1972), include areas of ecologically significant land that are sensitive to development, land and water areas requiring remedial action to correct or limit environmental damage, and eroded beaches.

¹⁶ *Id.*

¹⁷ Chapter 2008-247, s. 21, Laws of Fla.

¹⁸ Section 379.212, F.S.

¹⁹ Section 259.02, F.S., (1972).

The environmentally endangered lands projects were intended to protect environmentally unique lands rather than to create outdoor recreation areas. The project proposals were submitted by individuals, local governments, and state agencies. The proposals were ranked and evaluated by multiple state environmental divisions and through a public hearing process. The final purchases were approved by the Governor and Cabinet.²⁰

Conservation and Recreation Lands Trust Fund

In 1979, the CARL Trust Fund was created and expanded the environmentally endangered lands program.²¹ The trust fund replaced bond revenues with a nonlapsing revolving fund and was administered by the former Department of Natural Resources, pursuant to s. 253.023, F.S. (1979). The CARL Trust Fund was used to acquire environmentally endangered lands, marsh lands, and estuaries in order to protect and enhance water quality, state parks and recreation areas, to restore altered ecosystems, and to preserve significant archaeological or historical sites. The source of funds for the CARL Trust Fund came from 50 percent of the total moneys collected from the excise tax on the severance of oil, gas, solid minerals, and phosphate rock.²²

A land acquisition selection committee was also created in 1979 in s. 259.035, F.S.²³ The selection committee was responsible for establishing a priority list of land acquisitions from the projects proposed under CARL or the Land Conservation Act. The projects were ranked based on their stated public purpose, the preservation of environmentally endangered lands, the development of outdoor recreation lands, conformity with the comprehensive plans developed under s. 259.04(1)(a), F.S., and the state lands management plan adopted pursuant to s. 253.03(7), F.S.

In 1994, the CARL Trust Fund was transferred from s. 253.023, F.S., to s. 259.032, F.S. The requirements for the individual management plan for projects identified in the CARL report pursuant to s. 259.035(2), F.S., were also amended.²⁴ The individual management plans must include the stated use of the lands, the management activities necessary to preserve and protect natural and cultural resources, a management schedule, a cost estimate of management activities, and a determination of public uses and access. The statute also requires that parcels over 160 acres must have a land management plan developed with input from an advisory group and a public hearing must be held prior to the adoption of the management plan.²⁵

The current sources of revenue to the CARL Trust Fund are 3.52 percent of documentary stamp taxes pursuant to s. 201.15(5), F.S., 25.5 percent of the severance tax on phosphate rock pursuant to s. 211.3103(6)(a)1., F.S., proceeds from the sale of surplus lands pursuant to s. 253.034(5)(k), F.S., and interest earnings on the investment of idle cash pursuant to s. 17.61, F.S.

²⁰ Farr, J.A., and O. Greg Brock, *Florida's Landmark Programs for Conservation and Recreation Land Acquisition, Sustain*, 14 (2006), available at http://www.dep.state.fl.us/lands/files/Florida_LandAcquisition.pdf (last visited Feb. 15, 2015).

²¹ Section 259.032, F.S.

²² Chapter 79-255, s. 8, Laws of Fla.

²³ Chapter 79-255, s. 14, Laws of Fla.

²⁴ Chapter 94-240, s. 1, Laws of Fla.

²⁵ Section 259.032(10), F.S.

Section 259.032(11)(b), F.S., specifies that not less than 1.5 percent of the cumulative total funds deposited into the P2000 Trust Fund and the Florida Forever Trust Fund may be made available to the CARL Trust Fund. The funds may be used for the management, maintenance, and capital improvements for lands acquired pursuant to s. 259.032, F.S., (the CARL Trust Fund); s. 259.101, F.S., (the P2000 Act); s. 259.105, F.S., (the Florida Forever Act); and s. 259.1052, F.S., (the Babcock Crescent B Ranch Florida Forever acquisition).

Section 259.032(11)(d), F.S., specifies that up to one-fifth of the CARL funds specified in 259.032(11)(b), F.S., must be reserved for land management activities including:

- Resource assessment;
- Control of invasive and non-native flora and fauna;
- Habitat restoration;
- Fencing;
- Law enforcement;
- Controlled burning; and
- Public access.

In 2014, s. 259.032, F.S., was amended to allow, for the Fiscal Year 2014-2015, transfers from the CARL Trust Fund to the Florida Forever Trust Fund for the Florida Forever Program and to the Save Our Everglades Trust Fund to support the restoration projects outlined in the final Indian River Lagoon and Lake Okeechobee Basin report.²⁶

The CARL Trust Fund is used by the DEP's Division of State Lands and Division of Recreation and Parks, the FWC, and the Department of Agriculture and Consumer Services (DACS) to provide public ownership of natural areas in order to maintain Florida's natural resources, to promote water resource development, to promote restoration activities on public lands, and to provide lands for natural resource based recreation.²⁷

Water Management Lands Trust Fund

The Water Management Lands Trust Fund, also referred to as the Save Our Rivers Program, was established in 1981 within the DEP as a nonlapsing fund. The Water Management Lands Trust Fund allows the five water management districts (WMDs) to purchase land for water management, water supply, water resource conservation and protection, and for appropriate public utilization.²⁸ The funds are distributed to the WMDs based on the relative population of the districts: 30 percent to the South Florida WMD, 25 percent to the Southwest Florida WMD, 25 percent to the St. Johns River WMD, 10 percent to the Suwannee River WMD, and 10 percent to the Northwest Florida WMD.

²⁶ The Select Comm. on Indian River Lagoon and Lake Okeechobee Basin, The Florida Senate, *Report by the Select Committee on Indian River Lagoon and Lake Okeechobee Basin* (Nov. 8, 2013), available at <http://www.flsenate.gov/usercontent/topics/irllob/finalreport.pdf> (last visited Feb. 16, 2015).

²⁷ Section 259.032(3), F.S.

²⁸ Section 373.59, F.S. See also SFWMD, *2013 SFWMD Land Assessment, Study Process*, 6, available at http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/land_assessment_study_process.pdf (last visited Feb. 15, 2015).

Section 373.59, F.S., requires each WMD to file a five-year plan with the Legislature and the DEP. The plans are updated annually to include a report of acquisition history along with any modifications or additions to the five-year plan. The annual report includes:

- Identification of lands that require a full fee simple interest to achieve water management goals;
- Lands that can be acquired using alternatives to fee simple acquisition techniques;
- A description of land management activities;
- Identification of lands needed to recharge groundwater supply; and
- Any plans for land acquisition for the protection of the potable water supply

Prior to 1985, the primary source of funding to the Water Management Lands Trust Fund came from direct legislative appropriations for specific projects. In 1985, the percentage of revenues from documentary stamp taxes to the Water Management Lands Trust Fund increased and became the main source of funding for the trust fund.²⁹

In 1999, the legislature passed the Florida Forever Act, which replaced the acquisition programs in the Water Management Lands Trust Fund and served as a successor program to the popular P2000 program. The distribution of documentary stamp taxes deposited into the Water Management Lands Trust Fund pursuant to s. 201.15, F.S., may no longer be used for land acquisition but are available for preacquisition costs.

Beginning Fiscal Year 2007-2008, the major source of revenue for the Water Management Lands Trust Fund is 4.2 percent of the documentary stamp taxes, capped at \$60.5 million, with \$8 million being transferred to the General Revenue Fund after debt service is paid. The Water Management Lands Trust Fund also receives interest earnings on the investment of idle cash pursuant to s. 17.61, F.S., and transfers of penalty assessments collected by the WMDs pursuant to s. 373.129, F.S.

For Fiscal Year 2014-2015, funds in the Water Management Lands Trust Fund are distributed as follows:

- The amount necessary to pay debt service on bonds issued before February 1, 2009, by the South Florida WMD and the St. Johns River WMD;
- \$8 million is transferred to the General Revenue Fund;
- \$7.7 million is transferred to Save Our Everglades Trust Fund to support the projects included in the Indian River Lagoon Lake Okeechobee Basin report; and
- Any remaining funds are distributed as provided in the General Appropriations Act.³⁰

Water Quality Assurance Trust Fund

The Water Quality Assurance Trust Fund was created in 1983 to function as a broad-based fund for use in responding to contamination (excluding petroleum products) that poses a threat to groundwater and surface water, public health, safety, and welfare. Funds may be used to:

²⁹ Chapter 85-347, s. 7, Laws of Fla.

³⁰ Section 373.59(12)(a), F.S.

- Assess, cleanup, restore, monitor, and maintain spills, discharges, or escapes of pollutants or hazardous substances which occur during storage, transportation, and disposal of such products;
- Assess, cleanup, restore, monitor, and maintain drycleaning sites;
- Replace or restore potable water supplies;
- Respond to the Comprehensive Environmental Response, Compensation, and Liability Act; and
- Restore or replace contaminated private potable water wells or water systems under specific conditions.³¹

Section s. 376.307(4), F.S., authorizes revenue sources for the Water Quality Assurance Trust Fund from:

- The annual transfer of interest from the Florida Coastal Protection Trust Fund;
- All excise taxes levied on producing or importing pollutants pursuant to s. 206.9935, F.S.;
- All penalties, judgments, recoveries, reimbursements, loans, and other fees and charges related to the contamination of surface water and groundwater;
- The fee on the retail sale of lead-acid batteries; and
- All penalties, judgments, recoveries, reimbursements, loans, and other fees and charges related to the contamination of drycleaning facilities.

The Water Quality Assurance Trust Fund is used by the DEP's Division of Waste Management, the Division of Environmental Assessment and Restoration, the Division of Water Resource Management, and executive direction and support services.³²

The Preservation 2000 Act and the Preservation 2000 Trust Fund

The P2000 Act was created in 1990 in response to Governor Bob Martinez's Commission on the Future of Florida's Environment.³³ The commission examined the threats to Florida's environmental health and provided potential solutions. The commission projected a loss of three million acres of wetland and forest by 2020 due to increased development and decreased conservation land acquisition. The commission estimated that the state had a conservation need of more than \$5 billion and recommended that the state sell long-term bonds to fund land purchases.³⁴

The P2000 Trust Fund was created in 1990 and is held and administered by the DEP.³⁵ The trust fund provides a dedicated funding source for purchasing any land located in an Area of Critical State Concern, environmentally endangered lands, or outdoor recreation lands. The primary source of revenues to the P2000 Trust Fund was the sale of \$3 billion in revenue bonds over 10

³¹ Section 376.307, F.S.,

³² Water Quality Assurance Trust Fund Description provided by the Senate Appropriations Subcommittee on General Government (on file with the Senate Committee on Environmental Preservation and Conservation).

³³ Section 259.101, F.S.

³⁴ A Report to Governor Martinez by the Commission on The Future of Florida's Environment, Apr. 1990 (on file with the Senate Committee on Environmental Preservation and Conservation).

³⁵ Section 375.045, F.S.

years.³⁶ The trust fund also received revenue from the sale of surplus lands pursuant to s. 259.101, F.S., and the interest earnings on the investment of idle cash pursuant to s. 17.61, F.S.

In order to receive P2000 funds, land acquisition projects are required to meet one of the following criteria:

- The land is in imminent danger of development, loss of significant natural attributes, or in danger of subdivision;
- There is compelling evidence that the land will be developed within 12 months or recent appraisals indicate an increase in land value;
- The land protects groundwater or other natural resources or provides space for natural resource based recreation;
- The land can be purchased at 80 percent of the appraised value or less;
- The land provides habitat for endangered, threatened, or rare species; or
- The land provides protection to important natural communities.³⁷

P2000 funds were distributed as follows:

- 50 percent to the DEP the CARL Trust Fund;
- 30 percent to the DEP Water Management Lands Trust Fund;
- 10 percent to the Florida Communities Trust (FCT);
- 2.9 percent to the DEP Division of Recreation and Parks;
- 2.9 percent to DACS Florida Forest Service;
- 2.9 percent to the FWC; and
- 1.3 percent to the DEP for the Greenways and Trails Program.³⁸

From 1990 to 1999, the P2000 program preserved more the 1.75 million acres of conservation land. The P2000 Trust Fund is inactive and the available fund balance of \$37.7 million was transferred to the Florida Forever Trust Fund in Fiscal Year 2004-2005.³⁹ The bonds to support the program were fully repaid in Fiscal Year 2012-2013.

Green Swamp Land Authority

The Green Swamp is located between Tampa and Orlando and is Florida's second largest wetland ecosystem (behind the Everglades) covering 870 square miles.⁴⁰ The Green Swamp is a primary recharge area for the Floridan Aquifer and also forms the headwaters of the Withlacoochee, Hillsborough, Oklawaha, and Peace River Watersheds. The swamp provides habitat for approximately 330 species of wildlife including 30 threatened or endangered species.⁴¹

³⁶ Sections 375.045, 375.051, and 201.15, F.S.

³⁷ Section 259.101(4), F.S.

³⁸ Section 259.101(3), F.S.

³⁹ Office of Program Policy Analysis and Government Accountability, Florida Legislature, *Review of Preservation 2000*, Report No. 96-78, (Apr. 1997), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/9678rpt.pdf> (last visited Feb. 15, 2015).

⁴⁰ Marian Ryan, *The Green Swamp, Florida's Liquid Heart*, myregion.org, available at http://www.myregion.org/clientuploads/pdfs/ncfl_green-swamp.pdf (last visited Feb 15, 2015).

⁴¹ The DEP, *Wetland Delineation, Green Swamp Wilderness Preserve*, available at <http://www.dep.state.fl.us/water/wetlands/delineation/docs/grnswamp.pdf> (last visited Feb. 15, 2015).

In 1961, the Legislature directed the Southwest Florida WMD to be the local sponsor of the Four River Basins Florida Project, which was a major flood control project sponsored by the U.S. Army Corps of Engineers (Corps).⁴² The Corps project was to consist of a series of detention areas and dams. The Southwest Florida WMD decided a non-structural approach to flood control was preferred and the purchased land became the foundation for conservation of the swamp.

In 1974, the Legislature designated approximately 295,000 acres of the Green Swamp as an Area of Critical State Concern.⁴³ In 1992, the Green Swamp was added to the P2000 project list.⁴⁴

The Green Swamp Land Authority was created in 1994 and directs the DEP, the St. Johns River WMD, and the Southwest Florida WMD to identify, select, and acquire less-than-fee simple interests or rights of property within the Green Swamp Area of Critical State Concern.⁴⁵ The law allows property owners within the Green Swamp Area of Critical State Concern to apply to the land authority for a land protection agreement regardless of whether or not the property is on the CARL list pursuant to s. 259.035, F.S., a land acquisition plan pursuant to s. 373.59, F.S., or an FCT plan pursuant to s. 380.508, F.S. The land protection agreement compensates the property owner for accepting restrictions on the use of the land, including the right to develop the land.⁴⁶

Specific criteria developed by the land authority is used to evaluate potential property that may qualify for a land protection agreement. The criteria is based on water resource, environmental resource, ecological factors, threat of potential development, historical significance of the property, and other factors determined to be significant by the land authority.⁴⁷

The land protection agreements convey the ownership of any rights and interests in the property to the Southwest Florida WMD or the St. Johns River WMD, depending on where the acquisition project is located. The WMDs are responsible for monitoring compliance with the land protection agreement and for providing the county tax collector with a copy of the land protection agreement. The property owner may use the land in any manner that is consistent with the terms of the agreement. Land protection agreements that limit the owner to agriculture must allow a property owner to change from one agricultural activity to another, unless otherwise prohibited by the agreement. Agreements may not prohibit the construction or operation of barns or other buildings necessary for agricultural activities.⁴⁸

A fee simple owner of lands that are subject to a land protection agreement may petition the WMD governing board to terminate the agreement. The governing board may dispose of the land according to s. 373.089, F.S., if it determines that the property is no longer needed to protect the Green Swamp Area of Critical State Concern. The law also specifies that the constitutionally protected property rights of the private property owners within the Green Swamp Area of Critical

⁴² *Supra* note 40.

⁴³ *Supra* note 40. Section 380.05(2)(a), F.S., specifies that areas of critical state concern are areas that have a significant environmental importance regionally or statewide.

⁴⁴ *Supra* note 39.

⁴⁵ Section 380.0677, F.S.

⁴⁶ *Id.*

⁴⁷ Section 380.0677(4), F.S.

⁴⁸ Section 380.0677(7) and (8), F.S.

State Concern are preserved regardless of participation in the Green Swamp Authorities acquisition program.⁴⁹

In 1999, s. 380.0677(2), F.S., was repealed and the powers and duties of the Green Swamp Land Authority were transferred by a type two transfer to the DEP.⁵⁰

The Florida Forever Act and the Florida Forever Trust Fund

The Florida Forever Act was created in 1999 as the successor program to the P2000 Act. The Florida Forever Act reinforces the state's commitment to conservation and expands the state's role in protecting its natural resources. The stated goals of the Florida Forever Act are to acquire lands and water areas to preserve natural resources and protect water supply, provide opportunities for agricultural activities on working lands, provide outdoor recreational opportunities, preserve the Everglades, prioritize the land acquisition process based on science-based assessments of the natural resources, and enhance imperiled species management.⁵¹

The Florida Forever Trust Fund was created in 1999 to carry out the purpose of the Florida Forever Act and is administered by the DEP.⁵² The initial source of revenue to the trust fund was up to \$3 billion in bond sales, which was increased to \$5.3 billion in 2008.⁵³ The trust fund also receives proceeds from the sale of surplus land pursuant to s. 259.101, F.S., and the interest earnings on the investment of idle cash pursuant to s. 17.61, F.S., and inter-agency transfers from other trust funds.

Section 259.105(3), F.S., specifies the following distributions of funds:

- 30 percent to the WMDs to implement the five-year plan developed pursuant to s. 373.199, F.S.;
 - The WMDs are required to spend at least 50 percent of the funds received on land acquisition;
 - The distribution to the WMDs is as follows;
 - 35 percent to the South Florida WMD;
 - 25 percent to the South Florida WMD;
 - 25 percent to the St. Johns River WMD;
 - 7.5 percent to the Suwannee River WMD;
 - 7.5 percent to the Northwest Florida WMD.
- 35 percent to the DEP for capital projects and expenditures in the Florida Forever Act;
 - A minimum of three percent and no more than 10 percent of the funds must be used for capital projects that adhere to the land management planning activities required for public access and are identified at the time of acquisition.
- 21 percent to the Florida Communities Trust (FCT);
- 2 percent to the DEP for grants pursuant to s. 375.075, F.S.;
- 1.5 percent to the DEP for state parks;
- 1.5 percent to DACS' Florida Forest Service;

⁴⁹ Sections 380.0677(9) and (10), F.S.

⁵⁰ Chapter 99-247, s. 51, Laws of Fla.

⁵¹ Section 259.105, F.S.

⁵² Section 259.1051, F.S.

⁵³ Chapter 2008-229, s. 13, Laws of Fla.

- 1.5 percent to the FWC;
- 1.5 percent to the DEP Greenways and Trails Program;
- 3.5 percent to DACS for agricultural lands; and
- 2.5 percent to the DEP to implement the Stan Mayfield Working Waterfronts program.

The land acquisitions proposed under the Florida Forever Act are developed by the Acquisition and Restoration Council (ARC), the successor to the selection committee created in 1979. ARC adopted rules to evaluate, select, and rank projects eligible for funds according to specific criteria including:⁵⁴

- Consistency with the goals of the Florida Forever program;
- Restoration or protection of developed areas or water resources that are part of an ongoing government project;
- Management of facilities under public ownership;
- Significant archeological or historic value;
- Identification of funding sources through at least the first two years;
- The potential to resolve regional water resource issues;
- The imminent threat of development on the property;
- The implementation of a plan developed by an ecosystem management team;
- Everglades restoration;
- The project may be purchased at 80 percent of the appraised value;
- Acquisition of the land using alternatives to fee simple; and
- Joint acquisition with other public agencies, nonprofit organizations, private entities, and public-private partnership.

Pursuant to s. 259.105(7), F.S., Florida Forever funds may only be used for water resource and water supply projects if:

- The minimum flows and levels are established for the water body and the water body has experienced or could experience significant harm without the project;
- The project complies with the permit requirements; and
- The project is consistent with the regional water supply plan.

ARC prioritizes projects that meet the conservation criteria, have matching funds available, and can be purchased for less than 80 percent of appraised value. Priority is also given to projects that have a conservation plan that corresponds with the military's need to protect land, water, and habitat.⁵⁵

Other Trust Funds for Land Acquisition and Land Management

State Park Trust Fund

The State Park Trust Fund was created in 1949. The trust fund is used for the administration, improvement, and maintenance of state parks and historic memorials, and for the acquisition and

⁵⁴ Rule 18-24.0021, F.A.C.

⁵⁵ Section 259.105(11), F.S.

development of lands purchased for state parks. The trust fund receives revenues from park fees and charges, rentals, the sale of concessions, sales tax, donations, and transfers from the LATF.⁵⁶

The State Park Trust Fund funds the DEP Division of Recreation and Parks. The Division of Recreation and Parks manages 161 state parks and 10 state trails and is responsible for the administration of real property within its jurisdiction, administering the Florida Greenway and Trail program, coordinating the natural and cultural resource activities of the state parks, and monitoring park operations statewide.⁵⁷

The Incidental Trust Fund

The Incidental Trust Fund was created in 1949 and is administered by the DACS. The trust fund is used to fund a portion of the programs in the Florida Forest Service within the DACS, which includes wildfire suppression and forest land management. The major source of revenues for this fund are the receipts from sale of forest and nursery products and fire control assessments.⁵⁸

Florida Coastal Protection Trust Fund

The Florida Coastal Protection Trust Fund was established in 1970 to provide the DEP and the FWC with the financial resources necessary to prevent pollutant discharge or to remediate and restore natural resources after a pollutant discharge. The Florida Coastal Protection Trust Fund is dispersed only for the following purposes:

- Administrative and personnel expenses of the DEP and the FWC related to the enforcement of pollutant discharge prevention and removal;
- The costs associated with the prevention and abatement of pollution discharges;
- The provable costs and damages that are the proximate results of the pollutant discharge;
- Funding a grant program for local governments to remove derelict vessels from the public waters of the state;
- Up to \$1 million of the fund may be used for emergency cleanup response teams located at ports throughout the state; and
- The temporary transfer of funds not greater than \$10 million to the Minerals Trust Fund in s. 376.40, F.S.⁵⁹

The sources of revenues to the trust fund are penalties, judgments, and damages recovered from responsible parties for injury or destruction of natural resources and wildlife. The funds are credited pursuant to ss. 206.9935 and 206.9945, F.S. The fund also receives revenue from interest earnings and investment on idle cash pursuant to s. 17.61, F.S.

The Florida Permit Fee Trust Fund

The Florida Permit Fee Trust fund was created in 1982 and is administered by the DEP. The trust fund provides funding for the operating costs of permitting, field services, and support services. The statute requires legislative approval to use the trust fund for salary increases.⁶⁰

⁵⁶ Sections 258.034 and 258.014, F.S.

⁵⁷ The DEP, *Div. of Recreation and Parks*, <http://www.dep.state.fl.us/parks/> (last visited Feb. 15, 2015).

⁵⁸ Section 589.011, F.S.

⁵⁹ Section 376.11, F.S.

⁶⁰ Section 403.0871, F.S.

The sources of revenue to the trust fund are the funds received for coastal construction permits under ss. 161.041, 161.053, 161.0535, F.S., domestic wastewater treatment facility permits pursuant to s. 403.087, F.S., and public water systems under s. 403.861, F.S.⁶¹

Florida Recreation Development Assistance Program

The Florida Recreation Development Assistance Program (FRDAP) was established in 1986 and is administered by the DEP.⁶² FRDAP is a reimbursement grant program and provides funds to qualifying local governments for acquisition or development of land for public outdoor recreation. FRDAP is funded at the discretion of the Legislature. In Fiscal Year 2014-2015 the program received approximately \$2.5 million from general revenue and in Fiscal Year 2013-2014 the program received \$642,000 from the LATF.⁶³

Qualifying projects are ranked for selection based on the extent to which the project implements the outdoor recreation goals and facilities need outlined in the Statewide Comprehensive Outdoor Recreation Plan.⁶⁴ Local governments may submit two grant applications at a time but are limited to three active projects expending state funds during a fiscal year. The grants are limited to \$200,000 per project application.⁶⁵

Florida Communities Trust Fund

The FCT was created in 1989 as a nonlapsing revolving fund to be used by local governments and nonprofit organizations for the acquisition of community based projects, urban open spaces, parks, and greenways.⁶⁶ The fund is held and administered by the Florida Communities Trust, which acts as non-regulatory agency within the DEP. The governing body of the FCT is the Secretary of Environmental Protection, and four members appointed by the Governor: a former elected official of county government, a former elected official of a municipal government, a representative of a nonprofit organization, and a representative of the development industry.⁶⁷

The FCT is responsible for assisting local governments in implementing local comprehensive plans and bringing plans into compliance. The FCT is also tasked with responding to development patterns that degrade natural areas, enhancing resource values, restoring urban waterfronts, preserving working waterfronts, reserving land for purchase at a later date, promoting innovative land acquisition methods, and providing public access to water fronts.⁶⁸

The FCT receives approximately 21 percent of Florida Forever funds each year. Emphasis is placed on funding projects in low income or otherwise disadvantaged communities. A dollar for

⁶¹ *Id.*

⁶² Section 375.075, F.S.

⁶³ FRDAP Program Description, provided by the Senate Appropriations Subcommittee on General Government, (on file with the Senate Committee on Environmental Preservation and Conservation).

⁶⁴ The Statewide Comprehensive Outdoor Recreation Plan is the state's official plan for outdoor recreation pursuant to s. 375.021, F.S.

⁶⁵ Section 375.075, F.S.

⁶⁶ Chapter 89-175, s. 28, Laws of Fla.

⁶⁷ Section 380.504, F.S.

⁶⁸ Section 380.502, F.S.

dollar local match is required for 75 percent of these funds. The local government match can consist of federal grants or funds, private donations, or environmental mitigation funds.⁶⁹

Ecosystem Management Trust Fund

The Ecosystem Management Trust Fund was established in 1996 to fund the planning and implementation of restoration programs, beach restoration and nourishment, surface water improvement and management plans, pollution control activities, coral reef restoration.⁷⁰ In 2008, the Legislature made these funds available for local governments and state agencies to implement the Leah Scad Memorial Ocean Outfall Program pursuant to s. 403.1651, F.S.⁷¹

The trust fund receives revenue from payments resulting from enforcement actions against any person in violation of ch. 373, F.S., or any person responsible for injury to a coral reef. The trust fund also receives revenue from the transfer of documentary stamp taxes pursuant to s. 201.15, F.S., and interest earnings on the investment of idle cash pursuant to s. 17.61, F.S.⁷²

The Ecosystem Management Trust Fund is utilized by the DEP's Division of Water Resource Management, Division of Environmental Assessment and Restoration, Water Policy and Ecosystem Restoration, Division of Recreation and Parks, the district offices, and for executive direction and support services.

Save Our Everglades Trust Fund

The Central and Southern Florida Flood Control (C&SF) Project was authorized by Congress in 1948 to provide flood control, supply water for municipal, industrial and agricultural uses, prevent salt water intrusion, and preserve fish and wildlife in the Everglades.⁷³ The project included 1,000 miles of levees, 720 miles of canals and almost 200 water control structures. A portion of the area drained was designated the EAA, which spans 700,000 acres and is approximately 27 percent of the historic Everglades.⁷⁴

In 1992 the Congress authorized a Restudy of the C&SF project to develop modifications to the flood control project that included Everglades restoration and water supply projects. The Restudy included three phases:

- A reconnaissance phase to identify problems and opportunities;
- A feasibility phase to develop a comprehensive plan to modify the C&SF project; and
- An implementation phase, which required congressional authorization under the Water Resources Development Act.

In 1999, the Legislature passed CS/SB 167. The bill directed the South Florida WMD to serve as the local sponsor on the Restudy, provided eminent domain authority for several projects in

⁶⁹ Section 259.105(3)(c), F.S.

⁷⁰ Section 403.1651, F.S.

⁷¹ Chapter 2008-232, s. 7, Laws of Fla.

⁷² *Id.*

⁷³ Clay J. Landry, *Who Drained the Everglades? The Same Folks Who Are Now Restoring Them* (Mar. 2002), available at <http://perc.org/sites/default/files/mar02.pdf> (last visited Feb. 15, 2015).

⁷⁴ Duke University Wetland Center, *Everglades Agricultural Area*, available at <http://www.nicholas.duke.edu/wetland/ea.htm> (last visited Feb. 16, 2015).

South Florida, required the DEP to review and approve the project components of the Restudy, and required the DEP to submit project funding requests to the Legislature. The measure also required the DEP and the South Florida WMD to expeditiously pursue the implementation of project modifications and to collaborate in the Restudy.

An interim project report, *Everglades Restudy Funding*, was also published in 1999. The report, reviewed the amount and timing of funding necessary to implement the projects outlined in the Restudy and to determine if the South Florida WMD would be capable to meeting the financial requirements as the local sponsor of the Restudy.⁷⁵

The report found uncertainty in the amount and timing of funding necessary to implement the projects in the Restudy. As the local sponsor, the South Florida WMD was responsible for a portion of the state's cost share. The funding report concluded that the South Florida WMD may experience fiscal constraints as a result of the cost share agreement and suggested using additional state funding resources to augment local sponsor obligations.⁷⁶

The Save Our Everglades Trust fund was created in 2000 to implement the projects outlined in the Comprehensive Plan contained in the "Final Integrated Feasibility Report and Programmatic Environmental Impact Statement, April 1999".⁷⁷ The source of revenue to the trust fund is state, local, and federal contributions. The fund is exempt from the general revenue service charges required by s. 215.20(1), F.S., and all income, including interest or other earnings, must be credited to the trust fund. Any balance that remains in the trust fund is to stay in the trust fund at the end of the fiscal year in order to carry out the purpose of the fund.⁷⁸

Water Protection and Sustainability Trust Fund

The Water Protection and Sustainability Trust Fund was established in 2005 within the DEP to support the Water Sustainability and Protection Program created in s. 403.890, F.S. The revenues deposited or appropriated are distributed in the following manner:

- 65 percent to the DEP for alternative water supply projects;
- 22.5 percent for the implementation of the total maximum daily load program established in s. 403.067, F.S.; and
- 12.5 percent for the DEP Disadvantaged Small Community Wastewater Grant Program provided for in s. 403.1838, F.S.

The end of the fiscal year balance is to remain in the trust fund and must be available to carry out the Water Protection and Sustainability Act.⁷⁹

⁷⁵ Comm. On Env. Protection, Florida House, and Comm. on Everglades Oversight, Joint Legislative Comm., *Everglades Restudy Funding*, (Interim Report) (Nov. 1999), available at http://www.leg.state.fl.us/data/Publications/2000/House/reports/interim_reports/pdf/evrglade.pdf (last visited Feb. 15, 2015).

⁷⁶ *Id.*

⁷⁷ U.S. Army Corps of Engineers, *C&SF Project Comprehensive Review, Final Integrated Feasibility Report and Programmatic Environmental Impact Statement* (Apr. 1999), available at http://www.evergladesplan.org/docs/comp_plan_apr99/summary.pdf (last visited Feb. 15, 2015).

⁷⁸ Section 373.472, F.S.

⁷⁹ Section 403.891, F.S.

The trust fund initially received \$100 million in documentary stamp tax revenues; however, the distribution was reduced in 2007 to \$80 million, and the associated distributions tied to the funds were amended to allow for the redirection of documentary stamp tax revenue to the General Revenue Fund.⁸⁰ In 2009, the Legislature eliminated documentary stamp tax distributions to the fund.⁸¹

Grants and Donations Trust Fund

The Grants and Donations Trust Fund in the FWC was created in 2005 and is used for grant and donor agreement activities funded by contractual revenue. The source of revenue to the fund is grants and donations from private and public nonfederal sources, interest earnings, and cash advances from other trust funds.⁸²

Plant Industry Trust Fund

The Plant Industry Trust Fund was created in 2014 and is administered by the DACS. The trust fund is used to fund a portion of the programs in the DACS' Division of Plant Industry, which includes plant and apiary inspections, certifications, surveys, and treatments to control and eradicate insects and diseases threatening the industry.⁸³

The sources of revenue for the fund are the fees and penalties received by the DACS for plant and apiary regulatory services including certifications, registrations, and inspections pursuant to s. 586.16, F.S., the fines paid for violating the plant industry provisions pursuant to s. 581.212, F.S., and fines, penalties, and assessments collected pursuant to s. 593.117, F.S.

III. Effect of Proposed Changes:

Land Acquisition Trust Fund

Section 4 amends s. 17.61, F.S., to specify that the funds in the Land Acquisition Trust Fund (LATF) must be invested separately with the interest deposited into the General Revenue Fund. The balances of funds in the LATF are exempt from annual assessments by the Chief Financial Officer provided in s. 17.57, F.S.

Section 7 amends s. 161.091, F.S., to authorize beach management funding, subject to appropriation, from the LATF.

Section 13 amends s. 253.03, F.S., to remove the ability to use the LATF exclusively to pay encumbrances on real property forfeited to the state in the event the Internal Improvement Trust Fund receipts are inadequate to satisfy the encumbrances. If the Internal Improvement Trust Fund does not have adequate funds, the Board of Trustees of the Internal Improvement Trust Fund (BOT) may use another appropriate trust fund to satisfy the encumbrances for state land administration.

⁸⁰ Chapter 2007-335, s. 2, Laws of Fla.

⁸¹ Chapter 2009-68, s. 1, Laws of Fla.

⁸² Section 379.206, F.S.

⁸³ Section 570.321, F.S.

Section 14 amends s. 253.034, F.S., to direct the proceeds from the sale of conservation lands purchased before July 1, 2015, to be deposited into the Florida Forever Trust Fund instead of the fund from which the land was acquired. Proceeds from the sale of conservation lands purchased on or after July 1, 2015, are to be deposited into the LATF unless the bond covenants require the proceeds be deposited into the trust fund from which the lands were purchased.

A maximum of \$6.2 million from the LATF may be expended on conservation management contractual arrangements with private parties instead of the five percent of funds allocated in current law. The \$6.2 million is based on projected documentary stamp tax revenue deposits for Fiscal Year 2015-2016 according to the August 2014 Revenue Estimating Conference.

Section 42 amends s. 375.041, F.S., to designate the LATF within the Department of Environmental Protection (DEP) as the recipient of documentary stamp tax revenues pursuant to Article X, section 28 of the Florida Constitution. The constitution requires no less than 33 percent of documentary stamp tax net revenues be deposited into the LATF within the DEP. The revenue deposited into the LATF must be utilized in the following order:

- Obligations relating to debt service, specifically:
 - Payments relating to Florida Forever bonds;
 - Payments relating to Everglades restoration bonds; and
 - Payments relating to revenue bonds issued by Water Management Districts (WMDs).
- Obligations relating to the debt service on bonds issued before February 1, 2009, by the South Florida and St. Johns River WMDs secured by revenues in the Water Management Lands Trust Fund, which is terminated in this bill;
- Distribution of \$32 million to the South Florida WMD for the Long-Term Plan as defined in s. 373.4592, F.S., relating to Everglades improvement and management; and
- Other expenditures for the purposes set forth in Article X, section 28 of the Florida Constitution.

The bill specifies that moneys accruing to other agencies for expenditures relating to Article X, section 28 of the Florida Constitution must be transferred back to the LATF in the DEP utilizing nonoperating budget authority. All transferred moneys available from reversions or reductions in other agencies must be transferred back to the LATF in the DEP within 15 days after such reversion or reduction.

Section 45 amends s. 375.075, F.S., related to Florida Recreation Development Assistance Program (FRDAP), by eliminating the five percent minimum deposit of revenue requirement tied to the LATF for developing and planning the program. The bill now ties the development and planning to funding appropriated by the Legislature.

Section 52 amends s. 379.212, F.S., related to the LATF within the Fish and Wildlife Conservation Commission (FWC), to conform with the LATFs created in other agencies and limits revenues deposited into the fund to only those transferred from the DEP's LATF. The funds deposited into the trust fund must be utilized for the purposes set forth in Article X, section 28 of the Florida Constitution, and the FWC must maintain the integrity of such funds.

Section 53 amends s. 379.362, F.S., to require the Department of Agriculture and Consumer Services (DACS) to use funds appropriated from the LATF within DACS to fund the oyster

management and restoration programs in Apalachicola Bay and other oyster harvest areas in the state.

Section 66 amends s. 403.9325, F.S., to revise the definition of “public lands set aside for conservation or preservation” within the Mangrove Trimming and Preservation Act to include lands and interests acquired with money from the LATF.

Chapter 259, Florida Statutes, Land Acquisitions for Conservation or Recreation

Section 17 amends s. 259.032, F.S., to rename the section as “Conservation and recreation lands.” The bill removes obsolete language relating to all references of the terminated Conservation and Recreation Lands Program (CARL) Trust Fund. References include deposits into the fund in addition to allowable expenditures made from the fund. This includes an appropriation of \$250,000 to the Plant Industry Trust Fund within DACS. The bill also eliminates obsolete language related to P2000 and Florida Forever bonds.

The bill eliminates obsolete language relating to conservation and recreation lands, as it refers to the list describing acquisition projects under Acquisition and Restoration Council (ARC).

The bill authorizes state agencies to contract with local governments and soil and water conservation districts to manage lands acquired for conservation and recreation lands with funds from the LATF in accordance with to Article X, section 28 of the Florida Constitution.

The bill amends the requirements in s. 259.032(11)(b), F.S., to specify the conservation and recreation lands acquired pursuant to this section must be acquired with funds in accordance with Article X, section 28 of the Florida Constitution or former s. 259.032, F.S. Additionally the bill deletes the amount transferred to the Plant Industry Trust Fund.

Section 18 amends s. 259.035, F.S., to add conforming language to preserve sections of 2014 Florida Statutes repealed by this bill in addition to correcting cross references to the P2000 Act. The bill also deletes obsolete language relating to the CARL Trust Fund. It also requires ARC to develop rules defining specific criteria and numeric performance measures needed for lands that are to be acquired for a public purpose with funds deposited into the LATF pursuant to Article X, section 28 of the Florida Constitution.

Sections 21 and 22 correct cross references in ss. 259.04 and 259.041, F.S., respectively, to remove obsolete language related to the P2000 bonds.

Section 23 amends s. 259.101, F.S., to modify the P2000 Act by eliminating obsolete provisions relating to P2000 bond proceeds and the P2000 Trust Fund. The bill adds conforming language to preserve sections of 2014 Florida Statutes repealed by this bill. This section also provides that a state agency or WMD that acquired lands using P2000 funds must manage the lands to make them available for public recreational use if the recreational use does not interfere with the protection of the land. The bill authorizes agencies to transfer management authority to another appropriate agency and requires control of invasive species.

Section 24 amends s. 259.105, F.S., to correct cross references related to the Florida Forever Act and removes obsolete language applying to only the 2014-2015 fiscal year. The section also makes conforming changes setting a maximum amount of \$6.2 million from the LATF that may be expended on conservation management contractual arrangements with private parties.

Deposits of Revenues

Section 6 amends s. 161.054, F.S., to redirect the fines or awards of damages relating to beach and shore preservation in the Ecosystem Management Trust Fund to the Florida Coastal Protection Trust Fund.

Section 8 amends s. 211.3103, F.S., to redirect the deposits of the state's tax on severance of phosphate rock from the CARL Trust Fund to the State Parks Trust Fund.

Section 15 amends s. 253.7824, F.S., to require the proceeds from the removal and sale of products from conservation lands purchased before July 1, 2015, be deposited into the Florida Forever Trust Fund instead of the fund from which the land was acquired. Proceeds from the removal and sale of products from conservation lands purchased on or after July 1, 2015, are to be deposited into the LATF unless the bond covenants require the proceeds be deposited into the trust fund from which the lands were purchased. For non-conservation lands or lands acquired by gift, donation, or no consideration, proceeds from the removal and sale of products shall be deposited into the Internal Improvement Trust Fund.

Section 16 amends s. 258.435, F.S., to redirect the deposits of gifts and donations received to promote the public use of aquatic preserves and their associated uplands from the LATF to the State Park Trust Fund for administration, development, improvement, promotion, and maintenance of aquatic preserves and their associated uplands.

Section 29 amends s. 373.129, F.S., to redirect the deposits of civil penalties recovered by a WMD or the DEP from the Water Management Lands and Ecosystem Management and Restoration Trust Funds to the Water Quality Assurance Trust Fund.

Sections 32 amends s. 373.430, F.S., to redirect the deposits of penalties and damages relating to management and storage of surface waters recovered by the state and WMDs from the Ecosystem Management and Restoration Trust Fund and Water Management Lands Trust Fund to the Florida Permit Fee Trust Fund.

Section 41 amends s. 375.031, F.S., to direct the proceeds from the sale or disposition of conservation lands acquired by the Outdoor Recreation and Conservation Act of 1963 purchased before July 1, 2015, to the Florida Forever Trust Fund instead of the fund from which the land was acquired. Proceeds from the sale or disposition of conservation lands purchased on or after July 1, 2015, are to be deposited into the LATF unless the bond covenants require the proceeds be deposited into the trust fund from which the lands were purchased. For non-conservation lands or lands acquired by gift, donation, or no consideration, proceeds from the removal and sale of products shall be deposited into the Internal Improvement Trust Fund.

Section 46 amends s. 376.11, F.S., to redirect the deposits into the Florida Coastal Protection Trust Fund, including:

- Fines and awards of damages relating to coastal construction and reconstruction; and
- Funds from sources otherwise specified by law.

The bill also amends the uses of the Florida Coastal Protection Trust Fund to include:

- Funding relating to the prevention of, and clean up and rehabilitation after, a pollutant discharge, and damages;
- Funding of detailed planning and implementation of management and restoration of ecosystems programs; and
- Funding activities restoring polluted areas defined by the DEP to conditions prior to pollution or enhancing pollution control.

Section 48 amends s. 376.307, F.S., to redirect the deposits into the Water Quality Assurance Trust Fund previously deposited into other trust funds:

- Civil penalties recovered by a WMD, local board, or local government delegated by the DEP in actions relating to water resources;
- Funds appropriated by the Legislature for the Surface Water Improvement and Management Act, storm water programs, and the Geneva Freshwater Lens Protection Act;
- Funds collected pursuant to ch. 403 F.S., relating to environmental control and designated for deposit into the Water Quality Assurance Trust Fund;
- Funds recovered by the state from actions, initiated by the DEP, against a person for violation of chs. 373 or 403, F.S., relating to water resources and environmental control;
- Funds available for the Leah Schad Memorial Ocean Outfall Program;
- Funds received by the state for injury or destruction of coral reefs; and
- Funds from other sources otherwise specified by law.

The bill also amends the uses of the Water Quality Assurance Trust Fund to include:

- Funding detailed planning and implementation of management and restoration of ecosystems programs;
- Funding development and implementation of surface water improvement and management plans and programs;
- Funding activities restoring polluted areas, as defined by the DEP, to conditions before the pollution occurred or enhancing pollution control;
- Funding activities by the DEP to recover moneys from actions against persons for violation of ch. 373 F.S., relating to water resources;
- Funding activities for the Leah Schad Memorial Ocean Outfall Program; and
- Funding activities to restore or rehabilitate injured or destroyed coral reefs.

The bill specifies that a settlement entered into by the DEP may not limit the Legislature's authority to appropriate money from the trust fund. The DEP may enter into a settlement in which it agrees to request moneys received due to a settlement in its legislative budget request. The bill also specifies the DEP may enter into a settlement involving joint enforcement with the Hillsborough County pollution control program provided that the moneys are deposited into the local program's pollution recovery fund.

Section 51 amends s. 379.206, F.S., to require the deposits into the FWC Grants and Donations Trust Fund include development-of-regional impact wildlife mitigation contributions.

Section 57 amends s. 380.508, F.S., to direct the deposits of all moneys from the operation, management, lease, or other disposition of land, water areas, related resource, and facilities acquired or constructed under ch. 380 F.S., to the Internal Improvement Trust Fund. The bill also requires funds above eligible project costs after completion of a project under chapter 380, Florida Statutes, be deposited into the Florida Forever Trust Fund.

In addition, the proceeds from the sale of reserved lands purchased before July 1, 2015, must be deposited into the Florida Forever Trust Fund instead of the fund from which the land was acquired. Proceeds from the sale of reserved lands purchased on or after July 1, 2015, are to be deposited into the LATF unless the bond covenants require the proceeds be deposited into the trust fund from which the lands were purchased. For non-conservation lands or lands acquired by gift, donation, or no consideration, proceeds from the sale of such lands must be deposited into the Internal Improvement Trust Fund.

Section 58 amends s. 380.510, F.S., to require deposits from the FCT be placed into the Internal Improvement Trust Fund. The bill also requires each deed or lease relating to real property acquired with funds received by the trust from the Florida Forever Trust Fund after July 1, 2015, to contain covenants and restrictions that the use of the property complies with Article X, section 28, of the Florida Constitution.

Section 61 amends s. 403.08601, F.S., to redirect the funds relating to the Leah Schad Memorial Ocean Outfall Program from the terminated Ecosystem Management and Restoration Trust Fund to the Water Quality Assurance Trust Fund.

Section 70 amends s. 570.71, F.S., to replace the fund for deposits and expenditures from the CARL Program Trust Fund, other than from the LATF, within DACS to the Incidental Trust Fund relating to acquiring conservation easements and entering into agricultural protection agreements.

Trust Fund Terminations

Sections 1, 44, 59, and 63 terminate the following trust funds within the DEP:

- Preservation 2000 Trust Fund;
- Florida Communities Trust Fund;
- Ecosystem Management and Restoration Trust Fund;
- Water Management Lands Trust Fund; and
- Conservation and Recreation Lands Trust Fund.

All funds and encumbrances certified forward for operations and fixed capital outlay projects are permitted to stay in the terminated funds until the encumbrances are satisfied. The remaining balances of the FCT and the P2000 Trust Funds are transferred to the Florida Forever Trust Fund. The remaining balances of the Ecosystem Management and Restoration, Water Management Lands, and CARL Trust Funds are transferred to the Water Quality Assurance Trust Fund.

Sections 2, 3, 50, and 68 terminate the CARL Program Trust Fund within DACS and the FWC after all outstanding debts or obligations are satisfied.

Technical Cross Reference Corrections

Section 5 repeals s. 161.05301, F.S., which appropriated six positions and \$449,918 for the 1998-1999 fiscal year to the Ecosystem Management and Restoration Trust Fund to assist in the administration of the Beach and Shore Preservation program.

Sections 9, 10-12, 19, 20, 25, 26, 27, 30, 33, 35-37, 39, 40, 47, 49, 54, 56, 60, 62, 64, 65, 69, and 71 make technical changes removing obsolete trust fund references relating to the trust funds terminated in this bill in addition to technical statutory cross-reference corrections relating to changes occurring in the bill.

Sections 28, 31, 34, and 56 add conforming language to preserve sections of 2014 Florida Statutes repealed by this bill.

Section 38 amends s. 373.59, F.S., to retitle the section “Payment in lieu of taxes for lands acquired for water management district purposes” and repeals obsolete language relating to the Water Management Lands Trust Fund, which is terminated in this bill.

Section 43 amends s. 375.044, F.S., to remove obsolete language relating to Save Our Coast bonds.

Section 55 repeals obsolete language relating to the Green Swamp Land Authority in s. 380.0677, F.S.

Section 67 amends s. 403.93345, F.S., to change the funding of the Florida Coral Reef Protection Act from the terminated Ecosystem Management and Restoration Trust Fund to the Water Quality Assurance Trust Fund.

Sections 72-74 reenacts sections of the Florida Statutes for the purpose of incorporating amendments made pursuant to this bill.

Section 75 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

SB 584 terminates trust funds listed below and transfers the estimated fund balances to the following funds:⁸⁴

Funds Terminated/Agency	Estimated Fund Balance as of June 30, 2015	Recipient Fund of Estimated Balances
Conservation and Recreation Lands Trust Fund/Department of Environmental Protection (DEP)	\$11,318,069	Water Quality Assurance Trust Fund
Ecosystems Management and Restoration Trust Fund/DEP	\$5,975,004	Water Quality Assurance Trust Fund
Florida Communities Trust Fund/DEP	\$388,978	Florida Forever Trust Fund
Florida P2000 Trust Fund/DEP	\$244,500	Florida Forever Trust Fund
Water Management Lands Trust Fund/DEP	\$15,185,397	Water Quality Assurance Trust Fund
Conservation and Recreation Lands Program Trust Fund/Department of Agriculture and Consumer Services (DACS)	\$3,360,592	General Revenue Fund
Conservation and Recreation Lands Program Trust Fund/Fish and Wildlife Conservation Commission (FWC)	\$65,540	General Revenue Fund

⁸⁴ Information contained in this portion of the bill analysis is from the analysis for SB 584 by the Senate Appropriations Subcommittee on General Government (Feb. 2015) (on file with the Senate Committee on Environmental Preservation and Conservation). The estimated fund balances are based on the DEP's March 2015 financial statements.

The bill transfers the following revenue sources from trust funds being terminated to the funds listed below:

Revenues	Terminated Fund	Recipient Fund of Revenues
Beach Administrative Fines	Ecosystem Management and Restoration	Coastal Protection Trust Fund
Severance of Phosphate Rock	Conservation and Recreation Lands Trust Fund	State Park Trust Fund
Civil Penalties (WMDs and the DEP)	Water Management Lands Trust Fund and Ecosystems Management and Restoration Trust Fund	Water Quality Assurance Trust Fund
Water Resources Penalties and Damages	Ecosystem Management and Restoration and Water Management Lands Trust Funds	Florida Permit Fee Trust Fund
Surface Water Improvement and Management	Ecosystem Management and Restoration Trust Fund	Water Quality Assurance Trust Fund
Damages Recovered for Coral Reefs	Ecosystem Management and Restoration Trust Fund	Water Quality Assurance Trust Fund
Leah Shad Memorial Funds	Ecosystem Management and Restoration Trust Fund	Water Quality Assurance Trust Fund
Settlement Funds for Pollution Control	Ecosystem Management and Restoration Trust Fund	Water Quality Assurance Trust Fund
Land and Water Management Disposition of Lands	Florida Communities Trust Fund	Appropriate trust fund
Land and Water Management Nonprofits and Local Governments	Florida Communities Trust Fund	Internal Improvement Trust Fund
Environmental Control Enforcement Penalties	Ecosystem Management and Restoration Trust Fund	Water Quality Assurance Trust Fund

The bill transfers the following revenue sources from the LATF within the DEP to the funds listed below:

Revenues	Current Trust Fund	Recipient Fund of Revenues
Proceeds from the Sale of Products	Land Acquisition Trust Fund	Appropriate trust fund determined by the DEP
Aquatic Preserves - Gifts and Donations	Land Acquisition Trust Fund	State Park Trust Fund

The bill states that funds in the LATF may not be invested as provided in s. 17.61, F.S., but shall be retained in those trust funds with the interest appropriated to the General Revenue Fund. This will have an indeterminate impact on the General Revenue Fund.

The bill eliminates the \$250,000 annual transfer from the DEP CARL Trust Fund (a terminated trust fund) to the DACS Plant Industry Trust Fund for the Endangered or Threatened Native Flora Conservation Grants program. Since the CARL Trust Fund within the DEP is terminated, future funding for this program may be provided from other sources, as determined by the Legislature.

The bill replaces the funding for contractual agreements with private parties for the acquisition of conservation lands under the Florida Forever program from five percent of documentary stamp tax deposited into the CARL and Water Management Lands Trust Funds (both trust funds are terminated) to \$6.2 million from the LATF. This amount is based on projected documentary stamp tax deposits for Fiscal Year 2015-2016, according to the August 2014 Revenue Estimating Conference.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 17.61, 161.054, 161.091, 211.3103, 215.20, 215.618, 215.619, 253.027, 253.03, 253.034, 253.7824, 258.435, 259.032, 259.035, 259.036, 259.037, 259.04, 259.041, 259.101, 259.105, 259.1051, 338.250, 373.089, 373.129, 373.1391, 373.199, 373.430, 373.459, 373.4592, 373.45926, 373.470, 373.584, 373.59, 373.5905, 373.703, 375.031, 375.041, 375.044, 375.075, 376.11, 376.123, 376.307, 376.40, 379.206, 379.212, 379.362, 380.0666, 380.507, 380.508, 380.510, 403.0615, 403.08601, 403.121, 403.885, 403.9325, 403.93345, 570.321, 570.71, and 895.09.

This bill repeals the following sections of the Florida Statutes: 161.05301, 373.026(8)(c), 375.045, 379.202, 380.0677, 380.511, 403.1651, 403.8911, and 570.207.

This bill reenacts the following sections of the Florida Statutes: 260.015(1)(c), 258.015(3)(b), and 287.0595(2).

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Dean

5-00328-15

2015584__

1 A bill to be entitled
 2 An act relating to the implementation of the water and
 3 land conservation constitutional amendment;
 4 terminating certain trust funds within the Department
 5 of Environmental Protection, the Department of
 6 Agriculture and Consumer Services, and the Fish and
 7 Wildlife Conservation Commission; providing for the
 8 disposition of balances in, revenues of, and all
 9 outstanding appropriations of the trust funds;
 10 requiring the departments and the commission,
 11 respectively, to pay outstanding debts or obligations
 12 of the trust funds; requiring that the Chief Financial
 13 Officer close out and remove the terminated funds from
 14 the state accounting system; amending s. 17.61, F.S.;
 15 requiring moneys in land acquisition trust funds
 16 created or designated to receive funds under s. 28,
 17 Art. X of the State Constitution to be retained in
 18 those trust funds; repealing s. 161.05301, F.S.,
 19 relating to beach erosion control project staffing;
 20 amending s. 161.054, F.S.; redirecting certain
 21 proceeds from the Ecosystem Management and Restoration
 22 Trust Fund to the Florida Coastal Protection Trust
 23 Fund; amending s. 161.091, F.S.; authorizing
 24 disbursements from the Land Acquisition Trust Fund for
 25 the beach management plan; amending s. 211.3103, F.S.;
 26 authorizing a percentage of proceeds from the
 27 phosphate rock excise tax to be credited to the State
 28 Park Trust Fund; amending s. 215.20, F.S.; conforming
 29 provisions to changes made by the act; amending s.

Page 1 of 149

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5-00328-15

2015584__

30 215.618, F.S.; authorizing Florida Forever bonds to be
 31 issued to finance or refinance the acquisition and
 32 improvement of land, water areas, and related property
 33 interests; amending ss. 215.619, 253.027, and 253.03,
 34 F.S.; conforming provisions to changes made by the
 35 act; amending s. 253.034, F.S.; requiring proceeds
 36 from the sale of surplus conservation lands before a
 37 certain date to be deposited into the Florida Forever
 38 Trust Fund and after such date under certain
 39 circumstances into the Land Acquisition Trust Fund;
 40 prohibiting more than a certain amount of funds to be
 41 expended from the Land Acquisition Trust Fund for
 42 funding a certain contractual arrangement; amending s.
 43 253.7824, F.S.; conforming provisions to changes made
 44 by the act; amending s. 258.435, F.S.; requiring
 45 moneys received in trust by the Department of
 46 Environmental Protection relating to aquatic preserves
 47 to be deposited into the State Park Trust Fund;
 48 amending s. 259.032, F.S.; conforming provisions
 49 affected by the termination of the Conservation and
 50 Recreation Lands Trust Fund; authorizing state
 51 agencies designated to manage lands acquired with
 52 funds deposited into the Land Acquisition Trust Fund
 53 to contract with local governments and soil and water
 54 conservation districts to assist in management
 55 activities; amending s. 259.035, F.S.; requiring the
 56 Acquisition and Restoration Council to develop rules
 57 defining specific criteria and numeric performance
 58 measures needed for lands acquired with funds

Page 2 of 149

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5-00328-15

2015584__

59 deposited into the Land Acquisition Trust Fund
 60 pursuant to s. 28(a), Art. X of the State
 61 Constitution; requiring the proposed rules to be
 62 submitted to the Legislature for consideration;
 63 requiring recipients of funds from the Land
 64 Acquisition Trust Fund to annually report to the
 65 Division of State Lands; requiring the council to
 66 consider and evaluate in writing each project proposed
 67 for acquisition using such funds and ensure that each
 68 proposed project meets the requirements of s. 28, Art.
 69 X of the State Constitution; amending ss. 259.036,
 70 259.037, 259.04, and 259.041, F.S.; conforming cross-
 71 references; amending s. 259.101, F.S.; conforming
 72 provisions affected by the termination of the
 73 Preservation 2000 Trust Fund; requiring agencies and
 74 water management districts that acquired lands using
 75 Preservation 2000 funds to make them available for
 76 public recreational use; requiring water management
 77 districts and the department to control the growth of
 78 nonnative invasive plant species on certain lands;
 79 amending s. 259.105, F.S.; deleting obsolete
 80 provisions; conforming cross-references; prohibiting
 81 more than a certain amount of funds to be expended
 82 from the Land Acquisition Trust Fund for funding a
 83 certain contractual arrangement; amending s. 259.1051,
 84 F.S.; conforming cross-references; amending s.
 85 338.250, F.S.; conforming provisions to changes made
 86 by the act; repealing s. 373.026(8)(c), F.S., relating
 87 to the use of state funds for land purchases for

5-00328-15

2015584__

88 certain projects; amending s. 373.089, F.S.;
 89 conforming provisions to changes made by the act;
 90 amending s. 373.129, F.S.; requiring certain civil
 91 penalties to be deposited into the Water Quality
 92 Assurance Trust Fund; amending ss. 373.1391 and
 93 373.199, F.S.; conforming provisions to changes made
 94 by the act; amending s. 373.430, F.S.; requiring
 95 certain moneys to be deposited into the Florida Permit
 96 Fee Trust Fund rather than the Ecosystem Management
 97 and Restoration Trust Fund; amending ss. 373.459,
 98 373.4592, 373.45926, 373.470, and 373.584, F.S.;
 99 conforming provisions to changes made by the act;
 100 amending s. 373.59, F.S.; conforming provisions
 101 affected by the termination of the Water Management
 102 Lands Trust Fund; amending s. 373.5905, F.S.;
 103 conforming a cross-reference; amending ss. 373.703 and
 104 375.031, F.S.; conforming provisions to changes made
 105 by the act; amending s. 375.041, F.S.; designating the
 106 Land Acquisition Trust Fund within the Department of
 107 Environmental Protection for receipt of certain
 108 documentary stamp tax revenues for the prescribed uses
 109 of s. 28, Art. X of the State Constitution; providing
 110 priority for the use of moneys in the trust fund;
 111 requiring agencies receiving transfers of moneys from
 112 the fund to maintain the integrity of such funds;
 113 amending s. 375.044, F.S.; conforming provisions to
 114 changes made by the act; repealing s. 375.045, F.S.,
 115 relating to the Florida Preservation 2000 Trust Fund;
 116 amending s. 375.075, F.S.; conforming provisions to

5-00328-15

2015584__

117 changes made by the act; amending s. 376.11, F.S.;
 118 revising the funds required to be deposited into the
 119 Florida Coastal Protection Trust Fund and the purposes
 120 for which such funds may be used; amending s. 376.123,
 121 F.S.; conforming a cross-reference; amending s.
 122 376.307, F.S.; revising the funds required to be
 123 deposited into the Water Quality Assurance Trust Fund
 124 and the purposes for which such funds may be used;
 125 amending s. 376.40, F.S.; conforming a cross-
 126 reference; repealing s. 379.202, F.S., relating to the
 127 Conservation and Recreation Lands Program Trust Fund
 128 of the Fish and Wildlife Conservation Commission;
 129 amending s. 379.206, F.S.; requiring grants and
 130 donations from development-of-regional-impact wildlife
 131 mitigation contributions to be credited to the Grants
 132 and Donations Trust Fund; amending s. 379.212, F.S.;
 133 providing that the Land Acquisition Trust Fund within
 134 the Fish and Wildlife Conservation Commission shall be
 135 used to implement s. 28, Art. X of the State
 136 Constitution; authorizing the department to transfer
 137 certain funds; requiring the commission to maintain
 138 the integrity of such funds; amending s. 379.362,
 139 F.S.; requiring the Department of Agriculture and
 140 Consumer Services to use funds appropriated from the
 141 Land Acquisition Fund within the Department of
 142 Environmental Protection to fund certain oyster
 143 management and restoration programs; amending s.
 144 380.0666, F.S.; conforming provisions to changes made
 145 by the act; repealing s. 380.0677, F.S., relating to

Page 5 of 149

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5-00328-15

2015584__

146 the Green Swamp Land Authority; amending s. 380.507,
 147 F.S.; conforming provisions to changes made by the
 148 act; amending s. 380.508, F.S.; requiring certain
 149 funds to be credited to or deposited into the Internal
 150 Improvement Trust Fund; requiring funds over and above
 151 eligible project costs to be deposited into the
 152 Florida Forever Trust Fund rather than the Florida
 153 Communities Trust Fund; amending s. 380.510, F.S.;
 154 requiring certain funds collected under a grant or
 155 loan agreement to be deposited into the Internal
 156 Improvement Trust Fund rather than the Florida
 157 Communities Trust Fund; requiring the deed or lease of
 158 any real property acquired with certain funds to
 159 contain covenants and restrictions sufficient to
 160 ensure that the use of such real property complies
 161 with s. 28, Art. X of the State Constitution;
 162 repealing s. 380.511, F.S., relating to the Florida
 163 Communities Trust Fund; amending s. 403.0615, F.S.;
 164 conforming provisions to changes made by the act;
 165 amending ss. 403.08601 and 403.121, F.S.; requiring
 166 certain funds to be deposited into the Water Quality
 167 Assurance Trust Fund rather than the Ecosystem
 168 Management and Restoration Trust Fund; repealing s.
 169 403.1651, F.S., relating to the Ecosystem Management
 170 and Restoration Trust Fund; amending s. 403.885, F.S.;
 171 conforming provisions to changes made by the act;
 172 repealing s. 403.8911, F.S., relating to the annual
 173 appropriation from the Water Protection and
 174 Sustainability Program Trust Fund; amending s.

Page 6 of 149

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5-00328-15

2015584

175 403.9325, F.S.; redefining the term "public lands set
 176 aside for conservation or preservation" to include
 177 lands and interests acquired with funds deposited into
 178 the Land Acquisition Trust Fund; amending s.
 179 403.93345, F.S.; redefining the term "fund" to mean
 180 the Water Quality Assurance Trust Fund; requiring
 181 certain funds to be deposited into the Water Quality
 182 Assurance Trust Fund rather than the Ecosystem
 183 Management and Restoration Trust Fund; repealing s.
 184 570.207, F.S., relating to the Conservation and
 185 Recreation Lands Program Trust Fund of the Department
 186 of Agriculture and Consumer Services; amending s.
 187 570.321, F.S.; conforming provisions to changes made
 188 by the act; amending s. 570.71, F.S.; excluding funds
 189 from the Land Acquisition Trust Fund from being
 190 deposited into the Incidental Trust Fund under certain
 191 circumstances; amending s. 895.09, F.S.; conforming
 192 provisions to changes made by the act; making
 193 technical changes; reenacting s. 260.015(1)(c), F.S.,
 194 to incorporate the amendment made by this act to s.
 195 259.035, F.S., in a reference thereto; reenacting s.
 196 258.015(3)(b), F.S., to incorporate the amendment made
 197 by this act to s. 375.041, F.S., in a reference
 198 thereto; reenacting s. 287.0595(2), F.S., to
 199 incorporate the amendment made by this act to s.
 200 376.307, F.S., in a reference thereto; providing an
 201 effective date.

202
 203 Be It Enacted by the Legislature of the State of Florida:

Page 7 of 149

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5-00328-15

2015584

204
 205 Section 1. (1) The following trust funds within the
 206 Department of Environmental Protection are terminated:
 207 (a) The Florida Preservation 2000 Trust Fund, FLAIR number
 208 37-2-332.
 209 (b) The Florida Communities Trust Fund, FLAIR number 37-2-
 210 244.
 211 (c) The Ecosystem Management and Restoration Trust Fund,
 212 FLAIR number 37-2-193.
 213 (d) The Water Management Lands Trust Fund, FLAIR number 37-
 214 2-776.
 215 (e) The Conservation and Recreation Lands Trust Fund, FLAIR
 216 number 37-2-131.
 217 (2) (a) All current balances remaining in, and all revenues
 218 of, the Florida Preservation 2000 Trust Fund shall be
 219 transferred to the Florida Forever Trust Fund, FLAIR number 37-
 220 2-348, within the Department of Environmental Protection.
 221 (b) The Department of Environmental Protection shall pay
 222 any outstanding debts and obligations of the Florida
 223 Preservation 2000 Trust Fund as soon as practicable and the
 224 Chief Financial Officer shall close out and remove that
 225 terminated trust fund from the various state accounting systems
 226 using generally accepted accounting principles concerning
 227 warrants outstanding, assets, and liabilities.
 228 (3) (a) All undisbursed, unobligated balances of
 229 appropriations from the Florida Communities Trust Fund which
 230 have reverted pursuant to s. 216.301, Florida Statutes, shall be
 231 transferred to the Florida Forever Trust Fund, FLAIR number 37-
 232 2-348, within the Department of Environmental Protection as soon

Page 8 of 149

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5-00328-15

2015584

as practicable after September 30, 2015, as to reverted appropriations for operations and as soon as practicable after the Governor furnishes the annual report required pursuant to s. 216.301(2), Florida Statutes, as to reverted fixed capital outlay appropriations. All such reverted and transferred balances must be available for reappropriation by the Legislature.

(b) All undisbursed, unobligated balances of appropriations from the Ecosystem Management and Restoration Trust Fund which have reverted pursuant to s. 216.301, Florida Statutes, shall be transferred to the Water Quality Assurance Trust Fund, FLAIR number 37-2-780, within the Department of Environmental Protection as soon as practicable after September 30, 2015, as to reverted appropriations for operations and as soon as practicable after the Governor furnishes the annual report required pursuant to s. 216.301(2), Florida Statutes, as to reverted fixed capital outlay appropriations. All such reverted and transferred balances must be available for reappropriation by the Legislature.

(c) All undisbursed, unobligated balances of appropriations from the Water Management Lands Trust Fund which have reverted pursuant to s. 216.301, Florida Statutes, shall be transferred to the Water Quality Assurance Trust Fund, FLAIR number 37-2-780, within the Department of Environmental Protection as soon as practicable after September 30, 2015, as to reverted appropriations for operations and as soon as practicable after the Governor furnishes the annual report required pursuant to s. 216.301(2), Florida Statutes, as to reverted fixed capital outlay appropriations. All such reverted and transferred

5-00328-15

2015584

balances must be available for reappropriation by the Legislature.

(d) All undisbursed, unobligated balances of fixed capital outlay appropriations in the Conservation and Recreation Lands Trust Fund which have reverted pursuant to s. 216.301, Florida Statutes, shall be transferred to the Water Quality Assurance Trust Fund, FLAIR number 37-2-780, within the Department of Environmental Protection as soon as practicable after September 30, 2015, as to reverted appropriations for operations and as soon as practicable after the Governor furnishes the annual report required pursuant to s. 216.301(2), Florida Statutes, as to reverted fixed capital outlay appropriations. All such reverted and transferred balances must be available for reappropriation by the Legislature.

(e) The Department of Environmental Protection shall pay any outstanding debts and obligations of each of the trust funds identified in paragraphs (a)-(d) as soon as practicable. After the payment of all such outstanding debts and obligations and the transfer of all reverted undisbursed and unobligated appropriation balances from a trust fund identified in paragraphs (a)-(d), the Chief Financial Officer shall close out and remove each such trust fund from the various state accounting systems using generally accepted accounting principles concerning warrants outstanding, assets, and liabilities.

Section 2. (1) The Conservation and Recreation Lands Program Trust Fund, FLAIR number 42-2-931, within the Department of Agriculture and Consumer Services is terminated.

(2) The Department of Agriculture and Consumer Services

5-00328-15

2015584

291 shall pay any outstanding debts or obligations of the terminated
 292 trust fund as soon as practicable, and the Chief Financial
 293 Officer shall close out and remove that terminated trust fund
 294 from the various state accounting systems using generally
 295 accepted accounting principles concerning warrants outstanding,
 296 assets, and liabilities.

297 Section 3. (1) The Conservation and Recreation Lands
 298 Program Trust Fund, FLAIR number 72-2-931, within the Fish and
 299 Wildlife Conservation Commission is terminated.

300 (2) The Fish and Wildlife Conservation Commission shall pay
 301 any outstanding debts or obligations of the terminated trust
 302 fund as soon as practicable, and the Chief Financial Officer
 303 shall close out and remove that terminated trust fund from the
 304 various state accounting systems using generally accepted
 305 accounting principles concerning warrants outstanding, assets,
 306 and liabilities.

307 Section 4. Paragraph (e) is added to subsection (3) of
 308 section 17.61, Florida Statutes, to read:

309 17.61 Chief Financial Officer; powers and duties in the
 310 investment of certain funds.—

311 (3)

312 (e) Moneys in any land acquisition trust fund created or
 313 designated to receive funds under s. 28, Art. X of the State
 314 Constitution may not be invested as provided in this section,
 315 but shall be retained in those trust funds, with the interest
 316 appropriated to the General Revenue Fund, as provided in s.
 317 17.57.

318 Section 5. Section 161.05301, Florida Statutes, is
 319 repealed.

5-00328-15

2015584

320 Section 6. Subsection (3) of section 161.054, Florida
 321 Statutes, is amended to read:

322 161.054 Administrative fines; liability for damage; liens.—

323 (3) The imposition of a fine or an award of damages
 324 pursuant to this section shall create a lien upon the real and
 325 personal property of the violator, enforceable by the department
 326 as are statutory liens under chapter 85. The proceeds of such
 327 fines and awards of damages shall be deposited in the Florida
 328 Coastal Protection Ecosystem Management and Restoration Trust
 329 Fund.

330 Section 7. Subsections (1) and (3) of section 161.091,
 331 Florida Statutes, are amended to read:

332 161.091 Beach management; funding; repair and maintenance
 333 strategy.—

334 (1) Subject to such appropriations as the Legislature may
 335 make therefor from time to time, disbursements from the Land
 336 Acquisition Ecosystem Management and Restoration Trust Fund may
 337 be made by the department in order to carry out the proper state
 338 responsibilities in a comprehensive, long-range, statewide beach
 339 management plan for erosion control; beach preservation,
 340 restoration, and nourishment; and storm and hurricane protection
 341 and other activities authorized for beaches and shores pursuant
 342 to s. 28, Art. X of the State Constitution. Legislative intent
 343 in appropriating such funds is for the implementation of those
 344 projects that contribute most significantly to addressing the
 345 state's beach erosion problems.

346 (3) In accordance with the intent expressed in s. 161.088
 347 and the legislative finding that erosion of the beaches of this
 348 state is detrimental to tourism, the state's major industry,

5-00328-15

2015584__

further exposes the state's highly developed coastline to severe storm damage, and threatens beach-related jobs, which, if not stopped, may significantly reduce state sales tax revenues, funds deposited into the State Treasury to the credit of the ~~Land Acquisition Ecosystem Management and Restoration~~ Trust Fund, ~~in the annual amounts provided in s. 201.15,~~ shall be used, ~~for a period of not less than 15 years,~~ to fund the development, implementation, and administration of the state's beach management plan, as provided in ss. 161.091-161.212 and as authorized in s. 28, Art. X of the State Constitution, ~~prior to the use of such funds deposited pursuant to s. 201.15 in that trust fund for any other purpose.~~

Section 8. Paragraphs (a) and (b) of subsection (6) of section 211.3103, Florida Statutes, are amended to read:

211.3103 Levy of tax on severance of phosphate rock; rate, basis, and distribution of tax.—

(6) (a) Beginning January 1, 2023 ~~July 1 of the 2011-2012 fiscal year,~~ the proceeds of all taxes, interest, and penalties imposed under this section are exempt from the general revenue service charge provided in s. 215.20, and such proceeds shall be paid into the State Treasury as follows:

1. To the credit of the ~~State Park Conservation and Recreation Lands~~ Trust Fund, 25.5 percent.

2. To the credit of the General Revenue Fund of the state, 35.7 percent.

3. For payment to counties in proportion to the number of tons of phosphate rock produced from a phosphate rock matrix located within such political boundary, 12.8 percent. The department shall distribute this portion of the proceeds

5-00328-15

2015584__

annually based on production information reported by the producers on the annual returns for the taxable year. Any such proceeds received by a county shall be used only for phosphate-related expenses.

4. For payment to counties that have been designated as a rural area of opportunity pursuant to s. 288.0656 in proportion to the number of tons of phosphate rock produced from a phosphate rock matrix located within such political boundary, 10.0 percent. The department shall distribute this portion of the proceeds annually based on production information reported by the producers on the annual returns for the taxable year. Payments under this subparagraph shall be made to the counties unless the Legislature by special act creates a local authority to promote and direct the economic development of the county. If such authority exists, payments shall be made to that authority.

5. To the credit of the Nonmandatory Land Reclamation Trust Fund, 6.2 percent.

6. To the credit of the Phosphate Research Trust Fund in the Division of Universities of the Department of Education, 6.2 percent.

7. To the credit of the Minerals Trust Fund, 3.6 percent.

(b) Notwithstanding paragraph (a), from January 1, 2015, until December 31, 2022, the proceeds of all taxes, interest, and penalties imposed under this section are exempt from the general revenue service charge provided in s. 215.20, and such proceeds shall be paid to the State Treasury as follows:

1. To the credit of the ~~State Park Conservation and Recreation Lands~~ Trust Fund, 22.8 percent.

2. To the credit of the General Revenue Fund of the state,

5-00328-15

2015584

31.9 percent.

3. For payment to counties pursuant to subparagraph (a)3.,
11.5 percent.

4. For payment to counties pursuant to subparagraph (a)4.,
8.9 percent.

5. To the credit of the Nonmandatory Land Reclamation Trust
Fund, 16.1 percent.

6. To the credit of the Phosphate Research Trust Fund in
the Division of Universities of the Department of Education, 5.6
percent.

7. To the credit of the Minerals Trust Fund, 3.2 percent.

Section 9. Subsection (2) of section 215.20, Florida
Statutes, is amended to read:

215.20 Certain income and certain trust funds to contribute
to the General Revenue Fund.—

(2) Notwithstanding the provisions of subsection (1), the
trust funds of the Department of Citrus and the Department of
Agriculture and Consumer Services, including funds collected in
the General Inspection Trust Fund for marketing orders and in
the Florida Citrus Advertising Trust Fund, shall be subject to a
4 percent service charge, which is hereby appropriated to the
General Revenue Fund. This subsection paragraph does not apply
~~to the Conservation and Recreation Lands Program Trust Fund, the~~
Citrus Inspection Trust Fund, the Florida Forever Program Trust
Fund, the Market Improvements Working Capital Trust Fund, the
Pest Control Trust Fund, the Plant Industry Trust Fund, or other
funds collected in the General Inspection Trust Fund in the
Department of Agriculture and Consumer Services.

Section 10. Paragraph (a) of subsection (1) and subsections

5-00328-15

2015584

(2) and (6) of section 215.618, Florida Statutes, are amended to
read:

215.618 Bonds for acquisition and improvement of land,
water areas, and related property interests and resources.—

(1) (a) The issuance of Florida Forever bonds, not to exceed
\$5.3 billion, to finance or refinance the cost of acquisition
and improvement of land, water areas, and related property
interests and resources, in urban and rural settings, for the
purposes of restoration, conservation, recreation, water
resource development, or historical preservation, and for
capital improvements to lands and water areas that accomplish
environmental restoration, enhance public access and
recreational enjoyment, promote long-term management goals, and
facilitate water resource development is hereby authorized,
subject to ~~the provisions of~~ s. 259.105 and pursuant to s.
11(e), Art. VII of the State Constitution and, on or after July
1, 2015, to also finance or refinance the acquisition and
improvement of land, water areas, and related property interests
as provided in s. 28, Art. X of the State Constitution. ~~Florida~~
~~Forever bonds may also be issued to refund Preservation 2000~~
~~bonds issued pursuant to s. 375.051.~~ The \$5.3 billion limitation
on the issuance of Florida Forever bonds does not apply to
refunding bonds. The duration of each series of Florida Forever
bonds issued may not exceed 20 annual maturities. ~~Preservation~~
~~2000 bonds and Florida Forever bonds shall be equally and~~
~~ratably secured by moneys distributable to the Land Acquisition~~
~~Trust Fund pursuant to s. 201.15(1)(a), except to the extent~~
~~specifically provided otherwise by the documents authorizing the~~
~~issuance of the bonds.~~

5-00328-15

2015584

(2) The state covenants ~~does hereby covenant~~ with the holders of Florida Forever bonds and ~~Preservation 2000 bonds~~ that it will not take any action which will materially and adversely affect the rights of such holders so long as such bonds are outstanding, including, but not limited to, a reduction in the portion of documentary stamp taxes distributable to the Land Acquisition Trust Fund for payment of debt service on ~~Preservation 2000 bonds or~~ Florida Forever bonds.

(6) Pursuant to authority granted under ~~by~~ s. 11(e), Art. VII of the State Constitution, there is hereby continued and re-created the Land Acquisition Trust Fund which shall ~~be a continuation of the Land Acquisition Trust Fund which exists for purposes of s. 9(a)(1), Art. XII of the State Constitution. The Land Acquisition Trust Fund shall continue beyond the termination of bonding authority provided for in s. 9(a)(1), Art. XII of the State Constitution, pursuant to the authority provided by s. 11(e), Art. VII of the State Constitution and shall continue for so long as Preservation 2000 bonds or Florida Forever bonds are outstanding and secured by taxes distributable thereto or until the requirement of s. 28(a), Art. X of the State Constitution expires, whichever is later.~~

Section 11. Subsection (2) of section 215.619, Florida Statutes, is amended to read:

215.619 Bonds for Everglades restoration.—

(2) The state covenants with the holders of Everglades restoration bonds that it will not take any action that will materially and adversely affect the rights of the holders so long as the bonds are outstanding, including, but not limited

5-00328-15

2015584

to, a reduction in the portion of documentary stamp taxes distributable under s. 201.15(1) for payment of debt service on ~~Preservation 2000 bonds, Florida Forever bonds, or Everglades restoration bonds.~~

Section 12. Subsection (5) of section 253.027, Florida Statutes, is amended to read:

253.027 Emergency archaeological property acquisition.—

(5) ACCOUNT EXPENDITURES.—

(a) No moneys shall be spent for the acquisition of any property, including title works, appraisal fees, and survey costs, unless:

1. The property is an archaeological property of major statewide significance.

2. The structures, artifacts, or relics, or their historic significance, will be irretrievably lost if the state cannot acquire the property.

3. The site is presently on an acquisition list for ~~Conservation and Recreation Lands or for~~ Florida Forever lands, or complies with the criteria for inclusion on any such list, but has yet to be included on the list.

4. No other source of immediate funding is available to purchase or otherwise protect the property.

5. The site is not otherwise protected by local, state, or federal laws.

6. The acquisition is not inconsistent with the state comprehensive plan and the state land acquisition program.

(b) No moneys shall be spent from the account for excavation or restoration of the properties acquired. Funds may be spent for preliminary surveys to determine if the sites meet

5-00328-15 2015584

523 the criteria of this section. An amount not to exceed \$100,000
 524 may also be spent from the account to inventory and evaluate
 525 archaeological and historic resources on properties purchased,
 526 or proposed for purchase, pursuant to s. 259.105(3)(b) ~~s.~~
 527 ~~259.032~~.

528 Section 13. Subsection (12) of section 253.03, Florida
 529 Statutes, is amended to read:

530 253.03 Board of trustees to administer state lands; lands
 531 enumerated.—

532 (12) The Board of Trustees of the Internal Improvement
 533 Trust Fund is hereby authorized to administer, manage, control,
 534 conserve, protect, and sell all real property forfeited to the
 535 state pursuant to ss. 895.01-895.09 or acquired by the state
 536 pursuant to s. 607.0505 or former s. 620.192. The board is
 537 directed to immediately determine the value of all such property
 538 and shall ascertain whether the property is in any way
 539 encumbered. If the board determines that it is in the best
 540 interest of the state to do so, funds from the Internal
 541 Improvement Trust Fund may be used to satisfy any such
 542 encumbrances. If forfeited property receipts are not sufficient
 543 to satisfy encumbrances on the property and expenses permitted
 544 under this section, funds from another appropriate ~~the Land~~
 545 ~~Acquisition~~ trust fund may be used to satisfy any such
 546 encumbrances and expenses. All property acquired by the board
 547 pursuant to s. 607.0505, former s. 620.192, or ss. 895.01-895.09
 548 shall be sold as soon as commercially feasible unless the
 549 Attorney General recommends and the board determines that
 550 retention of the property in public ownership would effectuate
 551 one or more of the following policies of statewide significance:

5-00328-15 2015584

552 protection or enhancement of floodplains, marshes, estuaries,
 553 lakes, rivers, wilderness areas, wildlife areas, wildlife
 554 habitat, or other environmentally sensitive natural areas or
 555 ecosystems; or preservation of significant archaeological or
 556 historical sites identified by the Secretary of State. In such
 557 event the property shall remain in the ownership of the board,
 558 to be controlled, managed, and disposed of in accordance with
 559 this chapter, and the Internal Improvement Trust Fund shall be
 560 reimbursed from the Land Acquisition Trust Fund, or other
 561 appropriate fund designated by the board, for any funds expended
 562 from the Internal Improvement Trust Fund pursuant to this
 563 subsection in regard to such property. Upon the recommendation
 564 of the Attorney General, the board may reimburse the
 565 investigative agency for its investigative expenses, costs, and
 566 attorneys' fees, and may reimburse law enforcement agencies for
 567 actual expenses incurred in conducting investigations leading to
 568 the forfeiture of such property from funds deposited in the
 569 Internal Improvement Trust Fund of the Department of
 570 Environmental Protection. The proceeds of the sale of property
 571 acquired under s. 607.0505, former s. 620.192, or ss. 895.01-
 572 895.09 shall be distributed as follows:

573 (a) After satisfaction of any valid claims arising under
 574 ~~the provisions of~~ s. 895.09(1)(a) or (b), any moneys used to
 575 satisfy encumbrances and expended as costs of administration,
 576 appraisal, management, conservation, protection, sale, and real
 577 estate sales services and any interest earnings lost to the ~~Land~~
 578 ~~Acquisition~~ trust fund that was used as of a date certified by
 579 the Department of Environmental Protection shall be replaced
 580 first in the ~~Land Acquisition~~ trust fund that was used to

5-00328-15

2015584

satisfy any such encumbrance or expense, if those funds were used, and then in the Internal Improvement Trust Fund; and

(b) The remainder shall be distributed as set forth in s. 895.09.

Section 14. Subsection (3), paragraphs (a) and (k) through (n) of subsection (6), and subsections (10) and (11) of section 253.034, Florida Statutes, are amended to read:

253.034 State-owned lands; uses.—

(3) ~~Recognizing in recognition~~ that recreational trails purchased with rails-to-trails funds pursuant to former s. 259.101(3)(g), Florida Statutes 2014, or s. 259.105(3)(h) have had historic transportation uses and that their linear character may extend many miles, the Legislature intends that if ~~when~~ the necessity arises to serve public needs, after balancing the need to protect trail users from collisions with automobiles and a preference for the use of overpasses and underpasses to the greatest extent feasible and practical, transportation uses shall be allowed to cross recreational trails purchased pursuant to former s. 259.101(3)(g), Florida Statutes 2014, or s. 259.105(3)(h). When these crossings are needed, the location and design should consider and mitigate the impact on humans and environmental resources, and the value of the land shall be paid based on fair market value.

(6) The Board of Trustees of the Internal Improvement Trust Fund shall determine which lands, the title to which is vested in the board, may be surplused. For conservation lands, the board shall determine whether the lands are no longer needed for conservation purposes and may dispose of them by an affirmative vote of at least three members. In the case of a land exchange

5-00328-15

2015584

involving the disposition of conservation lands, the board must determine by an affirmative vote of at least three members that the exchange will result in a net positive conservation benefit. For all other lands, the board shall determine whether the lands are no longer needed and may dispose of them by an affirmative vote of at least three members.

(a) For the purposes of this subsection, all lands acquired by the state before July 1, 1999, using proceeds from Preservation 2000 bonds, the former Conservation and Recreation Lands Trust Fund, the former Water Management Lands Trust Fund, Environmentally Endangered Lands Program, and the Save Our Coast Program and titled to the board which are identified as core parcels or within original project boundaries are deemed to have been acquired for conservation purposes.

(k) Proceeds from the any sale of surplus conservation lands purchased before July 1, 2015, ~~pursuant to this subsection~~ shall be deposited into the Florida Forever Trust Fund ~~from which such lands were acquired~~.

(l) Proceeds from the sale of surplus conservation lands purchased on or after July 1, 2015, shall be deposited into the Land Acquisition Trust Fund or, if required by bond covenants, into the trust fund from which the lands were purchased. ~~However, if the fund from which the lands were originally acquired no longer exists, such proceeds shall be deposited into an appropriate account to be used for land management by the lead managing agency assigned the lands before the lands were declared surplus.~~

(m) Funds received from the sale of surplus nonconservation lands, or lands that were acquired by gift, by donation, or for

5-00328-15

2015584__

no consideration, shall be deposited into the Internal Improvement Trust Fund.

(n)~~(1)~~ Notwithstanding this subsection, such disposition of land may not be made if it would have the effect of causing all or any portion of the interest on any revenue bonds issued to lose the exclusion from gross income for federal income tax purposes.

(o)~~(m)~~ The sale of filled, formerly submerged land that does not exceed 5 acres in area is not subject to review by the council or its successor.

(p)~~(n)~~ The board may adopt rules to administer this section which may include procedures for administering surplus land requests and criteria for when the division may approve requests to surplus nonconservation lands on behalf of the board.

(10) The following additional uses of conservation lands acquired pursuant to the Florida Forever program and other state-funded conservation land purchase programs shall be authorized, upon a finding by the board of trustees, if they meet the criteria specified in paragraphs (a)-(e): water resource development projects, water supply development projects, stormwater management projects, linear facilities, and sustainable agriculture and forestry. Such additional uses are authorized where:

(a) Not inconsistent with the management plan for such lands;

(b) Compatible with the natural ecosystem and resource values of such lands;

(c) The proposed use is appropriately located on such lands and where due consideration is given to the use of other

5-00328-15

2015584__

available lands;

(d) The using entity reasonably compensates the titleholder for such use based upon an appropriate measure of value; and

(e) The use is consistent with the public interest.

A decision by the board of trustees pursuant to this section shall be given a presumption of correctness. Moneys received from the use of state lands pursuant to this section shall be returned to the lead managing entity in accordance with s. 259.032(9)(c) ~~the provisions of s. 259.032(11)(c).~~

(11) Lands listed as projects for acquisition may be managed for conservation pursuant to s. 259.032, on an interim basis by a private party in anticipation of a state purchase in accordance with a contractual arrangement between the acquiring agency and the private party that may include management service contracts, leases, cost-share arrangements or resource conservation agreements. Lands designated as eligible under this subsection shall be managed to maintain or enhance the resources the state is seeking to protect by acquiring the land. Funding for these contractual arrangements may originate from the documentary stamp tax revenue deposited into the Land Acquisition Conservation and Recreation Lands Trust Fund and Water Management Lands Trust Fund ~~and~~. No more than \$6.2 million may be expended from the Land Acquisition Trust Fund ~~5 percent of funds allocated under the trust funds shall be expended~~ for this purpose.

Section 15. Section 253.7824, Florida Statutes, is amended to read:

253.7824 Sale of products; proceeds.—The department may

5-00328-15

2015584

697 authorize the removal and sale of products from the land where
 698 environmentally appropriate, the proceeds from which shall be
 699 deposited into the appropriate in the Land Acquisition trust
 700 fund pursuant to s. 253.034(6)(k), (l), or (m).

701 Section 16. Subsection (1) of section 258.435, Florida
 702 Statutes, is amended to read:

703 258.435 Use of aquatic preserves for the accommodation of
 704 visitors.—

705 (1) The Department of Environmental Protection shall
 706 promote the public use of aquatic preserves and their associated
 707 uplands. The department may receive gifts and donations to carry
 708 out the purpose of this part. Moneys received in trust by the
 709 department by gift, devise, appropriation, or otherwise, subject
 710 to the terms of such trust, shall be deposited into the State
 711 Park Land Acquisition Trust Fund and appropriated to the
 712 department for the administration, development, improvement,
 713 promotion, and maintenance of aquatic preserves and their
 714 associated uplands and for any future acquisition or development
 715 of aquatic preserves and their associated uplands.

716 Section 17. Section 259.032, Florida Statutes, is amended
 717 to read:

718 259.032 Conservation and recreation lands ~~Trust Fund,~~
 719 ~~purpose.~~—

720 (1) It is the policy of the state that the citizens of this
 721 state shall be assured public ownership of natural areas for
 722 purposes of maintaining this state's unique natural resources;
 723 protecting air, land, and water quality; promoting water
 724 resource development to meet the needs of natural systems and
 725 citizens of this state; promoting restoration activities on

5-00328-15

2015584

726 public lands; and providing lands for natural resource based
 727 recreation. In recognition of this policy, it is the intent of
 728 the Legislature to provide such public lands for the people
 729 residing in urban and metropolitan areas of the state, as well
 730 as those residing in less populated, rural areas. It is the
 731 further intent of the Legislature, with regard to the lands
 732 described in paragraph (2)(c) ~~(3)(e)~~, that a high priority be
 733 given to the acquisition, restoration, and management of such
 734 lands in or near counties exhibiting the greatest concentration
 735 of population and, with regard to the lands described in
 736 subsection (2) ~~(3)~~, that a high priority be given to acquiring
 737 lands or rights or interests in lands that advance the goals and
 738 objectives of the Fish and Wildlife Conservation Commission's
 739 approved species or habitat recovery plans, or lands within any
 740 area designated as an area of critical state concern under s.
 741 380.05 which, in the judgment of the advisory council
 742 established pursuant to s. 259.035, or its successor, cannot be
 743 adequately protected by application of land development
 744 regulations adopted pursuant to s. 380.05. Finally, it is the
 745 Legislature's intent that lands acquired for conservation and
 746 recreation purposes through this program and any successor
 747 ~~programs~~ be managed in such a way as to protect or restore their
 748 natural resource values, and provide the greatest benefit,
 749 including public access, to the citizens of this state.

750 ~~(2)(a) The Conservation and Recreation Lands Trust Fund is~~
 751 ~~established within the Department of Environmental Protection.~~
 752 ~~The fund shall be used as a nonlapsing, revolving fund~~
 753 ~~exclusively for the purposes of this section. The fund shall be~~
 754 ~~credited with proceeds from the following excise taxes:~~

5-00328-15

2015584

755 1. ~~The excise taxes on documents as provided in s. 201.15,~~
 756 ~~and~~
 757 2. ~~The excise tax on the severance of phosphate rock as~~
 758 ~~provided in s. 211.3103.~~
 759
 760 ~~The Department of Revenue shall credit to the fund each month~~
 761 ~~the proceeds from such taxes as provided in this paragraph.~~
 762 ~~(b) There shall annually be transferred from the~~
 763 ~~Conservation and Recreation Lands Trust Fund to the Land~~
 764 ~~Acquisition Trust Fund that amount, not to exceed \$20 million~~
 765 ~~annually, as shall be necessary to pay the debt service on, or~~
 766 ~~fund debt service reserve funds, rebate obligations, or other~~
 767 ~~amounts with respect to bonds issued pursuant to s. 375.051 to~~
 768 ~~acquire lands on the established priority list developed~~
 769 ~~pursuant to ss. 259.101(4) and 259.105; however, no moneys~~
 770 ~~transferred to the Land Acquisition Trust Fund pursuant to this~~
 771 ~~paragraph, or earnings thereon, shall be used or made available~~
 772 ~~to pay debt service on the Save Our Coast revenue bonds. Amounts~~
 773 ~~transferred annually from the Conservation and Recreation Lands~~
 774 ~~Trust Fund to the Land Acquisition Trust Fund pursuant to this~~
 775 ~~paragraph shall have the highest priority over other payments or~~
 776 ~~transfers from the Conservation and Recreation Lands Trust Fund,~~
 777 ~~and no other payments or transfers shall be made from the~~
 778 ~~Conservation and Recreation Lands Trust Fund until such~~
 779 ~~transfers to the Land Acquisition Trust Fund have been made.~~
 780 ~~Moneys in the Conservation and Recreation Lands Trust Fund also~~
 781 ~~shall be used to manage lands and to pay for related costs,~~
 782 ~~activities, and functions pursuant to the provisions of this~~
 783 ~~section.~~

Page 27 of 149

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5-00328-15

2015584

784 (2)(3) The Governor and Cabinet, sitting as the Board of
 785 Trustees of the Internal Improvement Trust Fund, may expend
 786 allocate moneys appropriated by the Legislature from the fund in
 787 any one year to acquire the fee or any lesser interest in lands
 788 for the following public purposes:
 789 (a) To conserve and protect environmentally unique and
 790 irreplaceable lands that contain native, relatively unaltered
 791 flora and fauna representing a natural area unique to, or scarce
 792 within, a region of this state or a larger geographic area;
 793 (b) To conserve and protect lands within designated areas
 794 of critical state concern, if the proposed acquisition relates
 795 to the natural resource protection purposes of the designation;
 796 (c) To conserve and protect native species habitat or
 797 endangered or threatened species, emphasizing long-term
 798 protection for endangered or threatened species designated G-1
 799 or G-2 by the Florida Natural Areas Inventory, and especially
 800 those areas that are special locations for breeding and
 801 reproduction;
 802 (d) To conserve, protect, manage, or restore important
 803 ecosystems, landscapes, and forests, if the protection and
 804 conservation of such lands is necessary to enhance or protect
 805 significant surface water, groundwater, coastal, recreational,
 806 timber, or fish or wildlife resources which cannot otherwise be
 807 accomplished through local and state regulatory programs;
 808 (e) To promote water resource development that benefits
 809 natural systems and citizens of the state;
 810 (f) To facilitate the restoration and subsequent health and
 811 vitality of the Florida Everglades;
 812 (g) To provide areas, including recreational trails, for

Page 28 of 149

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5-00328-15 2015584

813 natural resource based recreation and other outdoor recreation
 814 on any part of any site compatible with conservation purposes;
 815 (h) To preserve significant archaeological or historic
 816 sites;
 817 (i) To conserve urban open spaces suitable for greenways or
 818 outdoor recreation which are compatible with conservation
 819 purposes; or
 820 (j) To preserve agricultural lands under threat of
 821 conversion to development through less-than-fee acquisitions.
 822 (3)(4) Lands acquired for conservation and recreation
 823 purposes under this section shall be for use as state-designated
 824 parks, recreation areas, preserves, reserves, historic or
 825 archaeological sites, geologic or botanical sites, recreational
 826 trails, forests, wilderness areas, wildlife management areas,
 827 urban open space, or other state-designated recreation or
 828 conservation lands; or they shall qualify for such state
 829 designation and use if they are to be managed by other
 830 governmental agencies or nonstate entities as provided for in
 831 this section.
 832 (4)(5) The board of trustees may expend appropriated funds
 833 allocate, in any year, an amount not to exceed 5 percent of the
 834 money credited to the fund in that year, such allocation to be
 835 used for the initiation and maintenance of a natural areas
 836 inventory to aid in the identification of areas to be acquired
 837 for conservation and recreation purposes pursuant to this
 838 section.
 839 ~~(6) Moneys in the fund not needed to meet obligations~~
 840 ~~incurred under this section shall be deposited with the Chief~~
 841 ~~Financial Officer to the credit of the fund and may be invested~~

5-00328-15 2015584

842 ~~in the manner provided by law. Interest received on such~~
 843 ~~investments shall be credited to the Conservation and Recreation~~
 844 ~~Lands Trust Fund.~~
 845 (5)(7) The board of trustees may enter into any contract
 846 necessary to accomplish the purposes of this section. The lead
 847 land managing agencies designated by the board of trustees also
 848 are directed by the Legislature to enter into contracts or
 849 interagency agreements with other governmental entities,
 850 including local soil and water conservation districts, or
 851 private land managers who have the expertise to perform specific
 852 management activities which a lead agency lacks, or which would
 853 cost more to provide in-house. Such activities shall include,
 854 but not be limited to, controlled burning, road and ditch
 855 maintenance, mowing, and wildlife assessments.
 856 (6)(8) Conservation and recreation lands to be considered
 857 for purchase under this section are subject to the selection
 858 procedures of s. 259.035 and related rules and shall be acquired
 859 in accordance with acquisition procedures for state lands
 860 provided for in s. 259.041, except as otherwise provided by the
 861 Legislature. An inholding or an addition to conservation and
 862 recreation lands ~~a project selected for purchase pursuant to~~
 863 ~~this chapter~~ is not subject to the selection procedures of s.
 864 259.035 if the estimated value of such inholding or addition
 865 does not exceed \$500,000. When at least 90 percent of the
 866 acreage of a project has been purchased for conservation and
 867 recreation purposes pursuant to this chapter, the project may be
 868 removed from the list and the remaining acreage may continue to
 869 be purchased. Funds appropriated to acquire conservation and
 870 recreation lands ~~Moneys from the fund~~ may be used for title

5-00328-15

2015584

work, appraisal fees, environmental audits, and survey costs related to acquisition expenses for lands to be acquired, donated, or exchanged which qualify under the categories of this section, at the discretion of the board. When the Legislature has authorized the Department of Environmental Protection to condemn a specific parcel of land and such parcel has already been approved for acquisition ~~under this section~~, the land may be acquired in accordance with the provisions of chapter 73 or chapter 74, and the funds appropriated to acquire conservation and recreation lands ~~fund~~ may be used to pay the condemnation award and all costs, including a reasonable attorney's fee, associated with condemnation.

~~(7)(9)~~ All lands managed under this chapter and s. 253.034 shall be:

(a) Managed in a manner that will provide the greatest combination of benefits to the public and to the resources.

(b) Managed for public outdoor recreation which is compatible with the conservation and protection of public lands. Such management may include, but not be limited to, the following public recreational uses: fishing, hunting, camping, bicycling, hiking, nature study, swimming, boating, canoeing, horseback riding, diving, model hobbyist activities, birding, sailing, jogging, and other related outdoor activities compatible with the purposes for which the lands were acquired.

(c) Managed for the purposes for which the lands were acquired, consistent with paragraph (9) (a) ~~(11) (a)~~.

(d) Concurrent with its adoption of the annual ~~Conservation and Recreation Lands~~ list of acquisition projects pursuant to s. 259.035, the board of trustees shall adopt a management

5-00328-15

2015584

prospectus for each project. The management prospectus shall delineate:

1. The management goals for the property;

2. The conditions that will affect the intensity of management;

3. An estimate of the revenue-generating potential of the property, if appropriate;

4. A timetable for implementing the various stages of management and for providing access to the public, if applicable;

5. A description of potential multiple-use activities as described in this section and s. 253.034;

6. Provisions for protecting existing infrastructure and for ensuring the security of the project upon acquisition;

7. The anticipated costs of management and projected sources of revenue, including legislative appropriations, to fund management needs; and

8. Recommendations as to how many employees will be needed to manage the property, and recommendations as to whether local governments, volunteer groups, the former landowner, or other interested parties can be involved in the management.

(e) Concurrent with the approval of the acquisition contract pursuant to s. 259.041(3)(c) for any interest in lands except those lands being acquired under the provisions of s. 259.1052, the board of trustees shall designate an agency or agencies to manage such lands. The board shall evaluate and amend, as appropriate, the management policy statement for the project as provided by s. 259.035, consistent with the purposes for which the lands are acquired. For any fee simple acquisition

5-00328-15

2015584

of a parcel which is or will be leased back for agricultural purposes, or any acquisition of a less-than-fee interest in land that is or will be used for agricultural purposes, the Board of Trustees of the Internal Improvement Trust Fund shall first consider having a soil and water conservation district, created pursuant to chapter 582, manage and monitor such interests.

(f) State agencies designated to manage lands acquired under this chapter or with funds deposited into the Land Acquisition Trust Fund pursuant to s. 28(a), Art. X of the State Constitution, except those lands acquired under s. 259.1052, may contract with local governments and soil and water conservation districts to assist in management activities, including the responsibility of being the lead land manager. Such land management contracts may include a provision for the transfer of management funding to the local government or soil and water conservation district from the land acquisition Conservation and Recreation Lands trust fund of the lead land managing agency in an amount adequate for the local government or soil and water conservation district to perform its contractual land management responsibilities and proportionate to its responsibilities, and which otherwise would have been expended by the state agency to manage the property.

(g) Immediately following the acquisition of any interest in conservation and recreation lands ~~under this chapter~~, the Department of Environmental Protection, acting on behalf of the board of trustees, may issue to the lead managing entity an interim assignment letter to be effective until the execution of a formal lease.

(8) ~~(10)~~ (a) State, regional, or local governmental agencies

5-00328-15

2015584

or private entities designated to manage lands under this section shall develop and adopt, with the approval of the board of trustees, an individual management plan for each project designed to conserve and protect such lands and their associated natural resources. Private sector involvement in management plan development may be used to expedite the planning process.

(b) Individual management plans required by s. 253.034(5), for parcels over 160 acres, shall be developed with input from an advisory group. Members of this advisory group shall include, at a minimum, representatives of the lead land managing agency, comanaging entities, local private property owners, the appropriate soil and water conservation district, a local conservation organization, and a local elected official. The advisory group shall conduct at least one public hearing within the county in which the parcel or project is located. For those parcels or projects that are within more than one county, at least one areawide public hearing shall be acceptable and the lead managing agency shall invite a local elected official from each county. The areawide public hearing shall be held in the county in which the core parcels are located. Notice of such public hearing shall be posted on the parcel or project designated for management, advertised in a paper of general circulation, and announced at a scheduled meeting of the local governing body before the actual public hearing. The management prospectus required pursuant to paragraph (7) (d) ~~(9) (d)~~ shall be available to the public for a period of 30 days prior to the public hearing.

(c) Once a plan is adopted, the managing agency or entity shall update the plan at least every 10 years in a form and

5-00328-15

2015584

manner prescribed by rule of the board of trustees. Such updates, for parcels over 160 acres, shall be developed with input from an advisory group. Such plans may include transfers of leasehold interests to appropriate conservation organizations or governmental entities designated by the Land Acquisition and Management Advisory Council or its successor, for uses consistent with the purposes of the organizations and the protection, preservation, conservation, restoration, and proper management of the lands and their resources. Volunteer management assistance is encouraged, including, but not limited to, assistance by youths participating in programs sponsored by state or local agencies, by volunteers sponsored by environmental or civic organizations, and by individuals participating in programs for committed delinquents and adults.

(d)1. For each project for which lands are acquired after July 1, 1995, an individual management plan shall be adopted and in place no later than 1 year after the essential parcel or parcels identified in the priority list developed pursuant to s. 259.105 ~~ss. 259.101(4) and 259.105~~ have been acquired. The Department of Environmental Protection shall distribute only 75 percent of the acquisition funds to which a budget entity or water management district would otherwise be entitled ~~from the Preservation 2000 Trust Fund~~ to any budget entity or any water management district that has more than one-third of its management plans overdue.

2. The requirements of subparagraph 1. do not apply to the individual management plan for the Babcock Crescent B Ranch being acquired pursuant to s. 259.1052. The management plan for the ranch shall be adopted and in place no later than 2 years

5-00328-15

2015584

following the date of acquisition by the state.

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

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

2. Key management activities necessary to achieve the desired outcomes, including, but not limited to, providing public access, preserving and protecting natural resources, protecting cultural and historical resources, restoring habitat, protecting threatened and endangered species, controlling the spread of nonnative plants and animals, performing prescribed fire activities, and other appropriate resource management.

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

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

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

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

7. A determination of the public uses and public access

5-00328-15

2015584

that would be consistent with the purposes for which the lands were acquired.

(f) The Division of State Lands shall submit a copy of each individual management plan for parcels which exceed 160 acres in size to each member of the Acquisition and Restoration Council, which shall:

1. Within 60 days after receiving a plan from the division, review each plan for compliance with the requirements of this subsection and with the requirements of the rules established by the board pursuant to this subsection.

2. Consider the propriety of the recommendations of the managing agency with regard to the future use or protection of the property.

3. After its review, submit the plan, along with its recommendations and comments, to the board of trustees, with recommendations as to whether to approve the plan as submitted, approve the plan with modifications, or reject the plan.

(g) The board of trustees shall consider the individual management plan submitted by each state agency and the recommendations of the Acquisition and Restoration Council and the Division of State Lands and shall approve the plan with or without modification or reject such plan. The use or possession of any lands owned by the board of trustees which is not in accordance with an approved individual management plan is subject to termination by the board of trustees.

By July 1 of each year, each governmental agency and each private entity designated to manage lands shall report to the Secretary of Environmental Protection on the progress of

5-00328-15

2015584

funding, staffing, and resource management of every project for which the agency or entity is responsible.

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

(b) An amount of not less than 1.5 percent of the cumulative total of funds ever deposited into the Florida Preservation 2000 Trust Fund and the Florida Forever Trust Fund shall be made available for the purposes of management, maintenance, and capital improvements ~~not eligible for funding pursuant to s. 11(e), Art. VII of the State Constitution~~, and for associated contractual services, for conservation and recreation lands acquired with funds deposited into the Land Acquisition Trust Fund pursuant to s. 28(a), Art. X of the State Constitution or pursuant to former s. 259.032, Florida Statutes 2014 this section, former s. 259.101, Florida Statutes 2014, s. 259.105, s. 259.1052, or previous programs for the acquisition of lands for conservation and recreation, including state forests, to which title is vested in the board of trustees and other conservation and recreation lands managed by a state agency. Of this amount, \$250,000 shall be transferred annually

5-00328-15

2015584

1103 ~~to the Plant Industry Trust Fund within the Department of~~
 1104 ~~Agriculture and Consumer Services for the purpose of~~
 1105 ~~implementing the Endangered or Threatened Native Flora~~
 1106 ~~Conservation Grants Program pursuant to s. 581.185(11).~~ Each
 1107 agency with management responsibilities shall annually request
 1108 from the Legislature funds sufficient to fulfill such
 1109 responsibilities to implement individual management plans. For
 1110 the purposes of this paragraph, capital improvements shall
 1111 include, but need not be limited to, perimeter fencing, signs,
 1112 firelanes, access roads and trails, and minimal public
 1113 accommodations, such as primitive campsites, garbage
 1114 receptacles, and toilets. Any equipment purchased with funds
 1115 provided pursuant to this paragraph may be used for the purposes
 1116 described in this paragraph on any conservation and recreation
 1117 lands managed by a state agency. ~~The funding requirement created~~
 1118 ~~in this paragraph is subject to an annual evaluation by the~~
 1119 ~~Legislature in order to ensure that such requirement does not~~
 1120 ~~impact the respective trust fund in a manner that would prevent~~
 1121 ~~the trust fund from meeting other minimum requirements.~~

1122 (c) All revenues generated through multiple-use management
 1123 or compatible secondary-use management shall be returned to the
 1124 lead agency responsible for such management and shall be used to
 1125 pay for management activities on all conservation, preservation,
 1126 and recreation lands under the agency's jurisdiction. In
 1127 addition, such revenues shall be segregated in an agency trust
 1128 fund and shall remain available to the agency in subsequent
 1129 fiscal years to support land management appropriations. For the
 1130 purposes of this paragraph, compatible secondary-use management
 1131 shall be those activities described in subsection (7) ~~(9)~~

5-00328-15

2015584

1132 undertaken on parcels designated as single use pursuant to s.
 1133 253.034(2)(b).

1134 (d) Up to one-fifth of the funds appropriated for the
 1135 purposes identified provided for in paragraph (b) shall be
 1136 reserved by the board of trustees for interim management of
 1137 acquisitions and for associated contractual services, to ensure
 1138 the conservation and protection of natural resources on project
 1139 sites and to allow limited public recreational use of lands.
 1140 Interim management activities may include, but not be limited
 1141 to, resource assessments, control of invasive, nonnative
 1142 species, habitat restoration, fencing, law enforcement,
 1143 controlled burning, and public access consistent with
 1144 preliminary determinations made pursuant to paragraph (7) (g)
 1145 ~~(9) (g)~~. The board of trustees shall make these interim funds
 1146 available immediately upon purchase.

1147 (e) The department shall set long-range and annual goals
 1148 for the control and removal of nonnative, invasive plant species
 1149 on public lands. Such goals shall differentiate between aquatic
 1150 plant species and upland plant species. In setting such goals,
 1151 the department may rank, in order of adverse impact, species
 1152 that impede or destroy the functioning of natural systems.
 1153 Notwithstanding paragraph (a), up to one-fourth of the funds
 1154 provided for in paragraph (b) may be used by the agencies
 1155 receiving those funds for control and removal of nonnative,
 1156 invasive species on public lands.

1157 ~~(f) For the 2014-2015 fiscal year only, moneys in the~~
 1158 ~~Conservation and Recreation Lands Trust Fund may be transferred~~
 1159 ~~to the Florida Forever Trust Fund for the Florida Forever~~
 1160 ~~program and to the Save Our Everglades Trust Fund to support~~

5-00328-15

2015584

~~Everglades restoration projects included in the final report of the Select Committee on Indian River Lagoon and Lake Okeechobee Basin, dated November 8, 2013, pursuant to nonoperating budget authority under s. 216.181(12). This subsection expires July 1, 2015.~~

~~(10)(12)(a) Beginning July 1, 1999, The Legislature may expend shall make available sufficient funds annually from an appropriate the Conservation and Recreation Lands trust fund to the department for payment in lieu of taxes to qualifying counties and local governments as defined in paragraph (b) for all actual tax losses incurred as a result of board of trustees acquisitions for state agencies under the Florida Forever program or the former Florida Preservation 2000 program during any year. Reserved funds not used for payments in lieu of taxes in any year shall revert to the fund to be used for land management in accordance with the provisions of this section.~~

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

1. To all counties that have a population of 150,000 or fewer. Population levels shall be determined pursuant to s. 11.031.

2. To all local governments located in eligible counties.

3. To Glades County, where a privately owned and operated prison leased to the state has recently been opened and where privately owned and operated juvenile justice facilities leased to the state have recently been constructed and opened, a payment in lieu of taxes, in an amount that offsets the loss of property tax revenue, which funds have already been appropriated and allocated from the Department of Correction's budget for the purpose of reimbursing amounts equal to lost ad valorem taxes.

5-00328-15

2015584

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

(d) The payment amount shall be based on the average amount of actual taxes paid on the property for the 3 years preceding acquisition. Applications for payment in lieu of taxes shall be made no later than January 31 of the year following acquisition. No payment in lieu of taxes shall be made for properties which were exempt from ad valorem taxation for the year immediately preceding acquisition.

(e) If property which was subject to ad valorem taxation was acquired by a tax-exempt entity for ultimate conveyance to the state under this chapter, payment in lieu of taxes shall be made for such property based upon the average amount of taxes paid on the property for the 3 years prior to its being removed from the tax rolls. The department shall certify to the Department of Revenue those properties that may be eligible under this provision. Once eligibility has been established, that county or local government shall receive annual payments for each tax loss until the qualifying county or local government exceeds the population threshold pursuant to this section.

(f) Payment in lieu of taxes pursuant to this subsection shall be made annually to qualifying counties and local governments after certification by the Department of Revenue that the amounts applied for are reasonably appropriate, based on the amount of actual taxes paid on the eligible property. With the assistance of the local government requesting payment

5-00328-15

2015584

in lieu of taxes, the state agency that acquired the land is responsible for preparing and submitting application requests for payment to the Department of Revenue for certification.

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

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

~~(13) Moneys credited to the fund each year which are not used for management, maintenance, or capital improvements pursuant to subsection (11); for payment in lieu of taxes pursuant to subsection (12); or for the purposes of subsection (5), shall be available for the acquisition of land pursuant to this section.~~

~~(11)-(14)~~ The board of trustees may adopt rules to further define the categories of land for acquisition under this chapter.

~~(12)-(15)~~ Within 90 days after receiving a certified letter from the owner of a property on the ~~Conservation and Recreation Lands list~~ or the priority list established pursuant to s. 259.105 objecting to the property being included in an acquisition project, where such property is a project or part of a project which has not been listed for purchase in the current year's land acquisition work plan, the board of trustees shall

5-00328-15

2015584

delete the property from the list or from the boundary of an acquisition project on the list.

Section 18. Subsections (3), (4), and (6) of section 259.035, Florida Statutes, are amended to read:

259.035 Acquisition and Restoration Council.—

(3) The council shall provide assistance to the board of trustees in reviewing the recommendations and plans for state-owned lands required under s. 253.034 and chapter 259 ss. 253.034 and 259.032. The council shall, in reviewing such recommendations and plans, consider the optimization of multiple-use and conservation strategies to accomplish the provisions funded pursuant to former s. 259.101(3)(a), Florida Statutes 2014, and to s. 259.105(3)(b) ss. 259.101(3)(a) and 259.105(3)(b).

~~(4)(a) The council may use existing rules adopted by the board of trustees, until it develops and recommends amendments to those rules, to competitively evaluate, select, and rank projects eligible for the Conservation and Recreation Lands list pursuant to ss. 259.032(3) and 259.101(4).~~

~~(a)(b)~~ By January 1, 2017 ~~December 1, 2009~~, the Acquisition and Restoration Council shall develop rules defining specific criteria and numeric performance measures needed for lands that are to be acquired for public purpose with funds deposited into the Land Acquisition Trust Fund pursuant to s. 28(a), Art. X of the State Constitution under the Florida Forever program pursuant to s. 259.105. Each recipient of Florida Forever funds shall assist the council in the development of such rules. These rules shall be reviewed and adopted by the board, then submitted to the Legislature for consideration by February 1, 2017 ~~2010~~.

5-00328-15

2015584

The Legislature may reject, modify, or take no action relative to the proposed rules. If no action is taken, the rules shall be implemented. Subsequent to their approval, each recipient of ~~Florida Forever~~ funds from the Land Acquisition Trust Fund shall annually report to the Division of State Lands on each of the numeric performance measures accomplished during the previous fiscal year.

~~(b)(c)~~ In developing or amending rules, the council shall give weight to the criteria included in s. 259.105(10). The board of trustees shall review the recommendations and shall adopt rules necessary to administer this section.

(6) The proposal for a project pursuant to this section or s. 259.105(3)(b) may be implemented only if adopted by the council and approved by the board of trustees. The council shall consider and evaluate in writing the merits and demerits of each project that is proposed for acquisition using funds available pursuant to s. 28, Art. X of the State Constitution ~~Conservation and Recreation Lands, Florida Preservation 2000, or Florida Forever funding and shall ensure that each proposed project meets the requirements of s. 28, Art. X of the State Constitution will meet a stated public purpose for the restoration, conservation, or preservation of environmentally sensitive lands and water areas or for providing outdoor recreational opportunities.~~ The council also shall determine whether the project conforms, where applicable, with the comprehensive plan developed pursuant to s. 259.04(1)(a), the comprehensive multipurpose outdoor recreation plan developed pursuant to s. 375.021, the state lands management plan adopted pursuant to s. 253.03(7), the water resources work plans

5-00328-15

2015584

developed pursuant to s. 373.199, and the provisions of s. 259.032, s. 259.101, or s. 259.105, whichever is applicable.

Section 19. Subsection (4) of section 259.036, Florida Statutes, is amended to read:

259.036 Management review teams.—

(4) In the event a land management plan has not been adopted within the timeframes specified in s. 259.032(8) ~~s. 259.032(10)~~, the department may direct a management review of the property, to be conducted by the land management review team. The review shall consider the extent to which the land is being managed for the purposes for which it was acquired and the degree to which actual management practices are in compliance with the management policy statement and management prospectus for that property.

Section 20. Paragraph (b) of subsection (3) of section 259.037, Florida Statutes, is amended to read:

259.037 Land Management Uniform Accounting Council.—

(3)

(b) Each reporting agency shall also:

1. Include a report of the available public use opportunities for each management unit of state land, the total management cost for public access and public use, and the cost associated with each use option.

2. List the acres of land requiring minimal management effort, moderate management effort, and significant management effort pursuant to s. 259.032(9)(c) ~~former s. 259.032(11)(c)~~. For each category created in paragraph (a), the reporting agency shall include the amount of funds requested, the amount of funds received, and the amount of funds expended for land management.

5-00328-15

2015584__

3. List acres managed and cost of management for each park, preserve, forest, reserve, or management area.

4. List acres managed, cost of management, and lead manager for each state lands management unit for which secondary management activities were provided.

5. Include a report of the estimated calculable financial benefits to the public for the ecosystem services provided by conservation lands, based on the best readily available information or science that provides a standard measurement methodology to be consistently applied by the land managing agencies. Such information may include, but need not be limited to, the value of natural lands for protecting the quality and quantity of drinking water through natural water filtration and recharge, contributions to protecting and improving air quality, benefits to agriculture through increased soil productivity and preservation of biodiversity, and savings to property and lives through flood control.

Section 21. Subsection (1) of section 259.04, Florida Statutes, is amended to read:

259.04 Board; powers and duties.—

(1) For projects and acquisitions selected for purchase pursuant to ss. 259.035, ~~259.101~~, and 259.105:

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

5-00328-15

2015584__

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

(b) The board may enter into contracts with the government of the United States or any agency or instrumentality thereof; the state or any county, municipality, district authority, or political subdivision; or any private corporation, partnership, association, or person providing for or relating to the conservation or protection of certain lands in accomplishing the purposes of this chapter.

(c) Within 45 days after the advisory council or its successor submits the lists of projects to the board, the board shall approve, in whole or in part, the lists of projects in the order of priority in which such projects are presented. To the greatest extent practicable, projects on the lists shall be acquired in their approved order of priority.

(d) The board is authorized to acquire, by purchase, gift, or devise or otherwise, the fee title or any lesser interest of lands, water areas, and related resources for environmentally endangered lands.

Section 22. Paragraphs (a) and (b) of subsection (11) and subsection (15) of section 259.041, Florida Statutes, are amended to read:

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

(11)(a) The Legislature finds that, with the increasing pressures on the natural areas of this state and on open space suitable for recreational use, the state must develop creative techniques to maximize the use of acquisition and management funds. The Legislature also finds that the state's conservation

5-00328-15

2015584__

and recreational land acquisition agencies should be encouraged to augment their traditional, fee simple acquisition programs with the use of alternatives to fee simple acquisition techniques. Additionally, the Legislature finds that generations of private landowners have been good stewards of their land, protecting or restoring native habitats and ecosystems to the benefit of the natural resources of this state, its heritage, and its citizens. The Legislature also finds that using alternatives to fee simple acquisition by public land acquisition agencies will achieve the following public policy goals:

1. Allow more lands to be brought under public protection for preservation, conservation, and recreational purposes with less expenditure of public funds.

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

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

Therefore, it is the intent of the Legislature that public land acquisition agencies develop programs to pursue alternatives to fee simple acquisition and to educate private landowners about such alternatives and the benefits of such alternatives. It is also the intent of the Legislature that a portion of the shares of ~~Preservation 2000~~ and Florida Forever bond proceeds be used to purchase eligible properties using alternatives to fee simple acquisition.

(b) All project applications shall identify, within their

5-00328-15

2015584__

acquisition plans, projects that require a full fee simple interest to achieve the public policy goals, together with the reasons full title is determined to be necessary. The state agencies and the water management districts may use alternatives to fee simple acquisition to bring the remaining projects in their acquisition plans under public protection. For the purposes of this subsection, the term "alternatives to fee simple acquisition" includes, but is not limited to: purchase of development rights; obtaining conservation easements; obtaining flowage easements; purchase of timber rights, mineral rights, or hunting rights; purchase of agricultural interests or silvicultural interests; ~~entering into land protection agreements as defined in s. 380.0677(3)~~; fee simple acquisitions with reservations; creating life estates; or any other acquisition technique that achieves the public policy goals listed in paragraph (a). It is presumed that a private landowner retains the full range of uses for all the rights or interests in the landowner's land which are not specifically acquired by the public agency. The lands upon which hunting rights are specifically acquired pursuant to this paragraph shall be available for hunting in accordance with the management plan or hunting regulations adopted by the Florida Fish and Wildlife Conservation Commission, unless the hunting rights are purchased specifically to protect activities on adjacent lands.

(15) The board of trustees, by an affirmative vote of at least three of its members, may direct the department to purchase lands on an immediate basis using up to 15 percent of the funds allocated to the department pursuant to s. 259.105 ~~ss.~~ ~~259.101(3)(a) and 259.105~~ for the acquisition of lands that:

5-00328-15

2015584__

1451 (a) Are listed or placed at auction by the Federal
 1452 Government as part of the Resolution Trust Corporation sale of
 1453 lands from failed savings and loan associations;
 1454 (b) Are listed or placed at auction by the Federal
 1455 Government as part of the Federal Deposit Insurance Corporation
 1456 sale of lands from failed banks; or
 1457 (c) Will be developed or otherwise lost to potential public
 1458 ownership, or for which federal matching funds will be lost, by
 1459 the time the land can be purchased under the program within
 1460 which the land is listed for acquisition.

1461
 1462 For such acquisitions, the board of trustees may waive or modify
 1463 all procedures required for land acquisition pursuant to this
 1464 chapter and all competitive bid procedures required pursuant to
 1465 chapters 255 and 287. Lands acquired pursuant to this subsection
 1466 must, at the time of purchase, be on one of the acquisition
 1467 lists established pursuant to this chapter, or be essential for
 1468 water resource development, protection, or restoration, or a
 1469 significant portion of the lands must contain natural
 1470 communities or plant or animal species that ~~which~~ are listed by
 1471 the Florida Natural Areas Inventory as critically imperiled,
 1472 imperiled, or rare, or as excellent quality occurrences of
 1473 natural communities.

1474 Section 23. Section 259.101, Florida Statutes, is amended
 1475 to read:

1476 259.101 Florida Preservation 2000 Act.—

1477 (1) SHORT TITLE.—This section may be cited as the "Florida
 1478 Preservation 2000 Act."

1479 (2) LEGISLATIVE FINDINGS.—The Legislature finds and

5-00328-15

2015584__

1480 declares that:

1481 (a) The alteration and development of Florida's natural
 1482 areas to accommodate its rapidly growing population have
 1483 contributed to the degradation of water resources, the
 1484 fragmentation and destruction of wildlife habitats, the loss of
 1485 recreation space, and the diminishment of wetlands and forests.

1486 (b) Imminent development of Florida's remaining natural
 1487 areas and continuing increases in land values necessitate an
 1488 aggressive program of public land acquisition during the next
 1489 decade to preserve the quality of life that attracts so many
 1490 people to Florida.

1491 (c) Acquisition of public lands, in fee simple or in any
 1492 lesser interest, should be based on a comprehensive assessment
 1493 of Florida's natural resources and planned so as to protect the
 1494 integrity of ecological systems and to provide multiple
 1495 benefits, including preservation of fish and wildlife habitat,
 1496 recreation space, and water recharge areas. Governmental
 1497 agencies responsible for public land acquisition should work
 1498 together to purchase lands jointly and to coordinate individual
 1499 purchases within ecological systems.

1500 (d) One of the purposes of the Florida Communities Trust
 1501 program is to acquire, protect, and preserve open space and
 1502 recreation properties within urban areas where pristine animal
 1503 and plant communities no longer exist. These areas are often
 1504 overlooked in other programs because of their smaller size and
 1505 proximity to developed property. These smaller parcels are,
 1506 however, critically important to the quality of life in these
 1507 urban areas for the residents who live there as well as to the
 1508 many visitors to the state. The trust shall consider projects

5-00328-15

2015584

submitted by local governments which further the goals, objectives, and policies of the conservation, recreation and open space, or coastal elements of their local comprehensive plans or which serve to conserve natural resources or resolve land use conflicts.

(e) South Florida's water supply and unique natural environment depend on the protection of lands buffering the East Everglades and the Everglades water conservation areas.

In addition, the Legislature recognizes the conflicting desires of the citizens of this state to prosper through economic development and to preserve the natural areas of Florida that development threatens to claim. The Legislature further recognizes the urgency of acquiring natural areas in the state for preservation, yet acknowledges the difficulty of ensuring adequate funding for accelerated acquisition in light of other equally critical financial needs of the state. ~~It is the Legislature's desire and intent to fund the implementation of the Florida Preservation 2000 Act for each of the 10 years of the program's duration and to do so in a fiscally responsible manner.~~

(3) TITLE TO CERTAIN PROPERTY ACQUIRED WITH PRESERVATION 2000 BONDS LAND ACQUISITION PROGRAMS SUPPLEMENTED. ~~Less the costs of issuance, the costs of funding reserve accounts, and other costs with respect to the bonds, the proceeds of bonds issued pursuant to this act shall be deposited into the Florida Preservation 2000 Trust Fund created by s. 375.045. In fiscal year 2000-2001, for each Florida Preservation 2000 program described in paragraphs (a)-(g), that portion of each program's~~

5-00328-15

2015584

~~total remaining cash balance which, as of June 30, 2000, is in excess of that program's total remaining appropriation balances shall be redistributed by the department and deposited into the Save Our Everglades Trust Fund for land acquisition. For purposes of calculating the total remaining cash balances for this redistribution, the Florida Preservation 2000 Series 2000 bond proceeds, including interest thereon, and the fiscal year 1999-2000 General Appropriations Act amounts shall be deducted from the remaining cash and appropriation balances, respectively. The remaining proceeds shall be distributed by the Department of Environmental Protection in the following manner:~~

~~(a) Fifty percent to the Department of Environmental Protection for the purchase of public lands as described in s. 259.032. Of this 50 percent, at least one-fifth shall be used for the acquisition of coastal lands.~~

~~(b) Thirty percent to the Department of Environmental Protection for the purchase of water management lands pursuant to s. 373.59, to be distributed among the water management districts as provided in that section. Funds received by each district may also be used for acquisition of lands necessary to implement surface water improvement and management plans or for acquisition of lands necessary to implement the Everglades Construction Project authorized by s. 373.4592.~~

~~(c) Ten percent to the Department of Environmental Protection to provide land acquisition grants and loans to local governments through the Florida Communities Trust pursuant to part III of chapter 380. From funds allocated to the trust, \$3 million annually shall be used by the Division of State Lands within the Department of Environmental Protection to implement~~

5-00328-15

2015584

1567 the Green Swamp Land Protection Initiative specifically for the
 1568 purchase of conservation easements, as defined in s.
 1569 380.0677(3), of lands, or severable interests or rights in
 1570 lands, in the Green Swamp Area of Critical State Concern. From
 1571 funds allocated to the trust, \$3 million annually shall be used
 1572 by the Monroe County Comprehensive Plan Land Authority
 1573 specifically for the purchase of a real property interest in
 1574 those lands subject to the Rate of Growth Ordinances adopted by
 1575 local governments in Monroe County or those lands within the
 1576 boundary of an approved Conservation and Recreation Lands
 1577 project located within the Florida Keys or Key West Areas of
 1578 Critical State Concern; however, title to lands acquired within
 1579 the boundary of an approved Conservation and Recreation Lands
 1580 project may, in accordance with an approved joint acquisition
 1581 agreement, vest in the Board of Trustees of the Internal
 1582 Improvement Trust Fund. Of the remaining funds, one-half shall
 1583 be matched by local governments on a dollar-for-dollar basis. To
 1584 the extent allowed by federal requirements for the use of bond
 1585 proceeds, the trust shall expend Preservation 2000 funds to
 1586 carry out the purposes of part III of chapter 380.

1587 (d) Two and nine-tenths percent to the Department of
 1588 Environmental Protection for the purchase of inholdings and
 1589 additions to state parks. For the purposes of this paragraph,
 1590 "state park" means all real property in the state under the
 1591 jurisdiction of the Division of Recreation and Parks of the
 1592 department, or which may come under its jurisdiction.

1593 (e) Two and nine-tenths percent to the Florida Forest
 1594 Service of the Department of Agriculture and Consumer Services
 1595 to fund the acquisition of state forest inholdings and additions

5-00328-15

2015584

1596 pursuant to s. 589.07.

1597 (f) Two and nine-tenths percent to the Fish and Wildlife
 1598 Conservation Commission to fund the acquisition of inholdings
 1599 and additions to lands managed by the commission which are
 1600 ~~important to the conservation of fish and wildlife.~~

1601 (g) One and three-tenths percent to the Department of
 1602 Environmental Protection for the Florida Greenways and Trails
 1603 Program, to acquire greenways and trails or greenways and trails
 1604 systems pursuant to chapter 260, including, but not limited to,
 1605 abandoned railroad rights-of-way and the Florida National Scenic
 1606 Trail.

1607 Local governments may use federal grants or loans, private
 1608 donations, or environmental mitigation funds, including
 1609 environmental mitigation funds required pursuant to s. 338.250,
 1610 for any part or all of any local match required for the purposes
 1611 described in this subsection. Bond proceeds allocated pursuant
 1612 to paragraph (e) may be used to purchase lands on the priority
 1613 lists developed pursuant to s. 259.035. Title to lands purchased
 1614 pursuant to former paragraphs (a), (d), (e), (f), or and (g) of
 1615 this subsection, Florida Statutes 2014, shall be vested in the
 1616 Board of Trustees of the Internal Improvement Trust Fund. Title
 1617 to lands purchased pursuant to former paragraph (c) of this
 1618 subsection, Florida Statutes 2014, may be vested in the Board of
 1619 Trustees of the Internal Improvement Trust Fund. The board of
 1620 trustees shall hold title to land protection agreements and
 1621 conservation easements that were ~~or will be~~ acquired pursuant to
 1622 former s. 380.0677, Florida Statutes 2014, and the Southwest
 1623 Florida Water Management District and the St. Johns River Water

5-00328-15

2015584

Management District shall monitor such agreements and easements within their respective districts until the state assumes this responsibility.

~~(4) PROJECT CRITERIA.--~~

~~(a) Proceeds of bonds issued pursuant to this act and distributed pursuant to paragraphs (3) (a) and (b) shall be spent only on projects which meet at least one of the following criteria, as determined pursuant to paragraphs (b) and (c):~~

~~1. A significant portion of the land in the project is in imminent danger of development, in imminent danger of loss of its significant natural attributes, or in imminent danger of subdivision which will result in multiple ownership and may make acquisition of the project more costly or less likely to be accomplished;~~

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

~~3. A significant portion of the land in the project serves to protect or recharge groundwater and to protect other valuable natural resources or provide space for natural resource based recreation;~~

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

~~5. A significant portion of the land in the project serves as habitat for endangered, threatened, or rare species or serves to protect natural communities which are listed by the Florida Natural Areas Inventory as critically imperiled, imperiled, or~~

5-00328-15

2015584

~~rare, or as excellent quality occurrences of natural communities; or~~

~~6. A significant portion of the land serves to preserve important archaeological or historical sites.~~

~~(b) Each year that bonds are to be issued pursuant to this act, the Land Acquisition and Management Advisory Council shall review that year's approved Conservation and Recreation Lands priority list and shall, by the first board meeting in February, present to the Board of Trustees of the Internal Improvement Trust Fund for approval a listing of projects on the list which meet one or more of the criteria listed in paragraph (a). The board may remove projects from the list developed pursuant to this paragraph, but may not add projects.~~

~~(c) Each year that bonds are to be issued pursuant to this act, each water management district governing board shall review the lands on its current year's Save Our Rivers 5-year plan and shall, by January 15, adopt a listing of projects from the plan which meet one or more of the criteria listed in paragraph (a).~~

~~(d) In the acquisition of coastal lands pursuant to paragraph (3) (a), the following additional criteria shall also be considered:~~

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

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

~~3. The value of acquiring identified parcels the~~

5-00328-15

2015584

development of which would adversely affect coastal resources.

When a nonprofit environmental organization which is tax-exempt pursuant to s. 501(c)(3) of the United States Internal Revenue Code sells land to the state, such land at the time of such sale shall be deemed to meet one or more of the criteria listed in paragraph (a) if such land meets one or more of the criteria at the time the organization purchases it. Listings of projects compiled pursuant to paragraphs (b) and (c) may be revised to include projects on the Conservation and Recreation Lands priority list or in a water management district's 5-year plan which come under the criteria in paragraph (a) after the dates specified in paragraph (b) or paragraph (c). The requirement of paragraph (3)(a) regarding coastal lands is met as long as an average of one-fifth of the cumulative proceeds allocated through fiscal year 1999-2000 pursuant to that paragraph is used to purchase coastal lands.

(e) The Legislature finds that the Florida Preservation 2000 Program has provided financial resources that have enabled the acquisition of significant amounts of land for public ownership in the first 7 years of the program's existence. In the remaining years of the Florida Preservation 2000 Program, agencies that receive funds are encouraged to better coordinate their expenditures so that future acquisitions, when combined with previous acquisitions, will form more complete patterns of protection for natural areas and functioning ecosystems to better accomplish the intent of paragraph (2)(c).

(f) The Legislature intends that, in the remaining years of the Florida Preservation 2000 Program, emphasis be given to the

5-00328-15

2015584

completion of projects in which one or more parcels have already been acquired and to the acquisition of lands containing ecological resources which are either not represented or underrepresented on lands currently in public ownership. The Legislature also intends that future acquisitions under the Florida Preservation 2000 Program be limited to projects on the current project lists, or any additions to the list as determined and prioritized by the study, or those projects that can reasonably be expected to be acquired by the end of the Florida Preservation 2000 Program.

(4) FLORIDA FOREST SERVICE FUND USE. (5) Any funds received by the Florida Forest Service from the Preservation 2000 Trust Fund pursuant to paragraph (3)(e) shall be used only to pay the cost of the acquisition of lands in furtherance of outdoor recreation and natural resources conservation in this state. The administration and use of any funds received by the Florida Forest Service from the Preservation 2000 Trust Fund will be subject to such terms and conditions imposed thereon by the agency of the state responsible for the issuance of the revenue bonds, the proceeds of which are deposited in the Preservation 2000 Trust Fund, including restrictions imposed to ensure that the interest on any such revenue bonds issued by the state as tax-exempt revenue bonds will not be included in the gross income of the holders of such bonds for federal income tax purposes. All deeds or leases with respect to any real property acquired with Preservation 2000 funds must ~~received by the~~ Florida Forest Service from the Preservation 2000 Trust Fund shall contain sufficient such covenants and restrictions ~~as are~~ sufficient to ensure that the use of such real property at all

5-00328-15

2015584

times complies with s. 375.051 and s. 9, Art. XII of the 1968 Constitution of Florida, and ~~shall contain~~ reverter clauses providing for the reversion of title to such property to the Board of Trustees of the Internal Improvement Trust Fund or, in the case of a lease of such property, providing for termination of the lease upon a failure to use the property conveyed thereby for such purposes.

~~(5)(6)~~ DISPOSITION OF LANDS.—

(a) Any lands acquired pursuant to former paragraphs paragraph (3) (a), paragraph (3) (c), paragraph (3) (d), paragraph (3) (e), ~~paragraph (3) (f), or paragraph (3) (g)~~ of this section, Florida Statutes 2014, if title to such lands is vested in the Board of Trustees of the Internal Improvement Trust Fund, may be disposed of by the Board of Trustees of the Internal Improvement Trust Fund in accordance with the provisions and procedures set forth in s. 253.034(6), and lands acquired pursuant to former paragraph (3) (b) of this section, Florida Statutes 2014, may be disposed of by the owning water management district in accordance with the procedures and provisions set forth in ss. 373.056 and 373.089 provided such disposition also shall satisfy the requirements of paragraphs (b) and (c).

(b) Before land acquired with Preservation 2000 funds may be surplus as required by s. 253.034(6), or determined to be no longer required for its purposes under s. 373.056(4), as ~~whichever may be~~ applicable, there shall first be a determination by the Board of Trustees of the Internal Improvement Trust Fund, or, in the case of water management district lands, by the owning water management district, that such land no longer needs to be preserved in furtherance of the

5-00328-15

2015584

intent of the Florida Preservation 2000 Act. Any lands eligible to be disposed of under this procedure also may be used to acquire other lands through an exchange of lands ~~if, provided~~ such lands obtained in an exchange are described in the same paragraph of former subsection (3) of this section, Florida Statutes 2014, as the lands disposed.

(c) ~~Notwithstanding paragraphs (a) and (b), no such disposition of land shall be made if such disposition would have the effect of causing all or any portion of the interest on any revenue bonds issued to fund the Florida Preservation 2000 Act to lose their exclusion from gross income for purposes of federal income taxation. Any Revenue derived from the disposal of such lands acquired with Preservation 2000 funds may not be used for any purpose except for deposit into the Florida Preservation 2000 Trust Fund, or the Florida Forever Trust Fund within the Department of Environmental Protection, for recredit to the share held under former subsection (3) of this section, Florida Statutes 2014, in which such disposed land is described.~~

~~(6)(7)~~ ALTERNATE USES OF ACQUIRED LANDS.—

(a) The Board of Trustees of the Internal Improvement Trust Fund, or, in the case of water management district lands, the owning water management district, may authorize the granting of a lease, easement, or license for the use of any lands acquired pursuant to former subsection (3) of this section, Florida Statutes 2014, for any governmental use permitted by s. 17, Art. IX of the State Constitution of 1885, as adopted by s. 9(a), Art. XII of the State Constitution, and any other incidental public or private use that is determined by the board or the owning water management district to be compatible with the

5-00328-15

2015584__

purposes for which such lands were acquired.

(b) Any existing lease, easement, or license acquired for incidental public or private use on, under, or across any lands acquired pursuant to former subsection (3) of this section, Florida Statutes 2014, shall be presumed not to be incompatible with the purposes for which such lands were acquired.

~~(c) Notwithstanding the provisions of paragraph (a), no such lease, easement, or license shall be entered into by the Department of Environmental Protection or other appropriate state agency if the granting of such lease, easement, or license would adversely affect the exclusion of the interest on any revenue bonds issued to fund the acquisition of the affected lands from gross income for federal income tax purposes, as described in s. 375.045(4).~~

(7) ALTERNATIVES TO FEE SIMPLE ACQUISITION.- ~~(8)~~

(a) The Legislature finds that, with the increasing pressures on the natural areas of this state, the state must develop creative techniques to maximize the use of acquisition and management moneys. The Legislature ~~also~~ finds that the state's environmental land-buying agencies should be encouraged to augment their traditional, fee simple acquisition programs with the use of alternatives to fee simple acquisition techniques. The Legislature also finds that using alternatives to fee simple acquisition by public land-buying agencies will achieve the following public policy goals:

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

2. Retain, on local government tax rolls, some portion of

5-00328-15

2015584__

or interest in lands that ~~which~~ are under public protection.

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

Therefore, it is the intent of the Legislature that public land-buying agencies develop programs to pursue alternatives to fee simple acquisition and to educate private landowners about such alternatives and the benefits of such alternatives. It also is the intent of the Legislature that the department and the water management districts spend a portion of their shares of Preservation 2000 bond proceeds to purchase eligible properties using alternatives to fee simple acquisition. Finally, it is the intent of the Legislature that public agencies acquire lands in fee simple for public access and recreational activities. Lands protected using alternatives to fee simple acquisition techniques may ~~shall~~ not be accessible to the public unless such access is negotiated with and agreed to by the private landowners who retain interests in such lands.

(b) The Land Acquisition Advisory Council and the water management districts shall identify, within their 1997 acquisition plans, those projects that ~~which~~ require a full fee simple interest to achieve the public policy goals, along with the reasons why full title is determined to be necessary. The council and the water management districts may use alternatives to fee simple acquisition to bring the remaining projects in their acquisition plans under public protection. For the purposes of this subsection, the term "alternatives to fee simple acquisition" includes the, ~~but is not limited to:~~

5-00328-15

2015584

purchase of development rights; conservation easements; flowage easements; ~~the~~ purchase of timber rights, mineral rights, or hunting rights; ~~the~~ purchase of agricultural interests or silvicultural interests; land protection agreements; fee simple acquisitions with reservations; or any other acquisition technique ~~that which~~ achieves the public policy goals identified ~~listed~~ in paragraph (a). It is presumed that a private landowner retains the full range of uses for all the rights or interests in the landowner's land which are not specifically acquired by the public agency. Life estates and fee simple acquisitions with leaseback provisions do ~~shall~~ not qualify as an alternative to fee simple acquisition under this subsection, although the department and the districts are encouraged to use such techniques if ~~where~~ appropriate.

(c) The department and each water management district shall implement initiatives to use alternatives to fee simple acquisition and to educate private landowners about such alternatives. These initiatives must ~~shall~~ include at least two acquisitions a year by the department and each water management district utilizing alternatives to fee simple.

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

(e) The public agency ~~that which~~ has been assigned

5-00328-15

2015584

management responsibility shall inspect and monitor any less-than-fee-simple interest according to the terms of the purchase agreement relating to such interest.

(f) The department and the water management districts may enter into joint acquisition agreements to jointly fund the purchase of lands using alternatives to fee simple techniques.

(8) PUBLIC RECREATIONAL USE.—An agency or water management district that acquired lands using Preservation 2000 funds distributed pursuant to former subsection (3) of this section, Florida Statutes 2014, shall manage such lands to make them available for public recreational use if the recreational use does not interfere with the protection of natural resource values. The agency or district may enter into an agreement with the department or another appropriate state agency to transfer management authority or lease to such agencies lands purchased with Preservation 2000 funds for the purpose of managing the lands to make them available for public recreational use. The water management districts and the department shall take action to control the growth of nonnative invasive plant species on lands they manage which were purchased with Preservation 2000 funds.

Section 24. Section 259.105, Florida Statutes, is amended to read:

259.105 The Florida Forever Act.—

(1) This section may be cited as the "Florida Forever Act."

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

1. Land acquisition programs have provided tremendous financial resources for purchasing environmentally significant lands to protect those lands from imminent development or

5-00328-15

2015584

alteration, thereby ensuring present and future generations' access to important waterways, open spaces, and recreation and conservation lands.

2. The continued alteration and development of Florida's natural and rural areas to accommodate the state's growing population have contributed to the degradation of water resources, the fragmentation and destruction of wildlife habitats, the loss of outdoor recreation space, and the diminishment of wetlands, forests, working landscapes, and coastal open space.

3. The potential development of Florida's remaining natural areas and escalation of land values require government efforts to restore, bring under public protection, or acquire lands and water areas to preserve the state's essential ecological functions and invaluable quality of life.

4. It is essential to protect the state's ecosystems by promoting a more efficient use of land, to ensure opportunities for viable agricultural activities on working lands, and to promote vital rural and urban communities that support and produce development patterns consistent with natural resource protection.

5. Florida's groundwater, surface waters, and springs are under tremendous pressure due to population growth and economic expansion and require special protection and restoration efforts, including the protection of uplands and springsheds that provide vital recharge to aquifer systems and are critical to the protection of water quality and water quantity of the aquifers and springs. To ensure that sufficient quantities of water are available to meet the current and future needs of the

Page 67 of 149

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

5-00328-15

2015584

natural systems and citizens of the state, and assist in achieving the planning goals of the department and the water management districts, water resource development projects on public lands, where compatible with the resource values of and management objectives for the lands, are appropriate.

6. The needs of urban, suburban, and small communities in Florida for high-quality outdoor recreational opportunities, greenways, trails, and open space have not been fully met by previous acquisition programs. Through such programs as the Florida Communities Trust and the Florida Recreation Development Assistance Program, the state shall place additional emphasis on acquiring, protecting, preserving, and restoring open space, ecological greenways, and recreation properties within urban, suburban, and rural areas where pristine natural communities or water bodies no longer exist because of the proximity of developed property.

7. Many of Florida's unique ecosystems, such as the Florida Everglades, are facing ecological collapse due to Florida's burgeoning population growth and other economic activities. To preserve these valuable ecosystems for future generations, essential parcels of land must be acquired to facilitate ecosystem restoration.

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

9. Acquisition of lands, in fee simple, less-than-fee

Page 68 of 149

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

5-00328-15

2015584

interest, or other techniques shall be based on a comprehensive science-based assessment of Florida's natural resources which targets essential conservation lands by prioritizing all current and future acquisitions based on a uniform set of data and planned so as to protect the integrity and function of ecological systems and working landscapes, and provide multiple benefits, including preservation of fish and wildlife habitat, recreation space for urban and rural areas, and the restoration of natural water storage, flow, and recharge.

10. The state has embraced performance-based program budgeting as a tool to evaluate the achievements of publicly funded agencies, build in accountability, and reward those agencies which are able to consistently achieve quantifiable goals. While previous and existing state environmental programs have achieved varying degrees of success, few of these programs can be evaluated as to the extent of their achievements, primarily because performance measures, standards, outcomes, and goals were not established at the outset. Therefore, the Florida Forever program shall be developed and implemented in the context of measurable state goals and objectives.

11. The state must play a major role in the recovery and management of its imperiled species through the acquisition, restoration, enhancement, and management of ecosystems that can support the major life functions of such species. It is the intent of the Legislature to support local, state, and federal programs that result in net benefit to imperiled species habitat by providing public and private land owners meaningful incentives for acquiring, restoring, managing, and repopulating habitats for imperiled species. It is the further intent of the

5-00328-15

2015584

Legislature that public lands, both existing and to be acquired, identified by the lead land managing agency, in consultation with the Florida Fish and Wildlife Conservation Commission for animals or the Department of Agriculture and Consumer Services for plants, as habitat or potentially restorable habitat for imperiled species, be restored, enhanced, managed, and repopulated as habitat for such species to advance the goals and objectives of imperiled species management consistent with the purposes for which such lands are acquired without restricting other uses identified in the management plan. It is also the intent of the Legislature that of the proceeds distributed pursuant to subsection (3), additional consideration be given to acquisitions that achieve a combination of conservation goals, including the restoration, enhancement, management, or repopulation of habitat for imperiled species. The Acquisition and Restoration Council, in addition to the criteria in subsection (9), shall give weight to projects that include acquisition, restoration, management, or repopulation of habitat for imperiled species. The term "imperiled species" as used in this chapter and chapter 253, means plants and animals that are federally listed under the Endangered Species Act, or state-listed by the Fish and Wildlife Conservation Commission or the Department of Agriculture and Consumer Services.

a. As part of the state's role, all state lands that have imperiled species habitat shall include as a consideration in management plan development the restoration, enhancement, management, and repopulation of such habitats. In addition, the lead land managing agency of such state lands may use fees received from public or private entities for projects to offset

5-00328-15

2015584

adverse impacts to imperiled species or their habitat in order to restore, enhance, manage, repopulate, or acquire land and to implement land management plans developed under s. 253.034 or a land management prospectus developed and implemented under this chapter. Such fees shall be deposited into a foundation or fund created by each land management agency under s. 379.223, s. 589.012, or s. 259.032(9)(c) ~~s. 259.032(11)(e)~~, to be used solely to restore, manage, enhance, repopulate, or acquire imperiled species habitat.

b. Where habitat or potentially restorable habitat for imperiled species is located on state lands, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services shall be included on any advisory group required under chapter 253, and the short-term and long-term management goals required under chapter 253 must advance the goals and objectives of imperiled species management consistent with the purposes for which the land was acquired without restricting other uses identified in the management plan.

12. There is a need to change the focus and direction of the state's major land acquisition programs and to extend funding and bonding capabilities, so that future generations may enjoy the natural resources of this state.

(b) The Legislature recognizes that acquisition of lands in fee simple is only one way to achieve the aforementioned goals and encourages the use of less-than-fee interests, other techniques, and the development of creative partnerships between governmental agencies and private landowners. Such partnerships may include those that advance the restoration, enhancement,

5-00328-15

2015584

management, or repopulation of imperiled species habitat on state lands as provided for in subparagraph (a)11. Easements acquired pursuant to s. 570.71(2)(a) and (b), land protection agreements, and nonstate funded tools such as rural land stewardship areas, sector planning, and mitigation should be used, where appropriate, to bring environmentally sensitive tracts under an acceptable level of protection at a lower financial cost to the public, and to provide private landowners with the opportunity to enjoy and benefit from their property.

(c) Public agencies or other entities that receive funds under this section shall coordinate their expenditures so that project acquisitions, when combined with acquisitions under Florida Forever, Preservation 2000, Save Our Rivers, the Florida Communities Trust, other public land acquisition programs, and the techniques, partnerships, and tools referenced in subparagraph (a)11. and paragraph (b), are used to form more complete patterns of protection for natural areas, ecological greenways, and functioning ecosystems, to better accomplish the intent of this section.

(d) A long-term financial commitment to restoring, enhancing, and managing Florida's public lands in order to implement land management plans developed under s. 253.034 or a land management prospectus developed and implemented under this chapter must accompany any land acquisition program to ensure that the natural resource values of such lands are restored, enhanced, managed, and protected; that the public enjoys the lands to their fullest potential; and that the state achieves the full benefits of its investment of public dollars. Innovative strategies such as public-private partnerships and

5-00328-15

2015584

interagency planning and sharing of resources shall be used to achieve the state's management goals.

(e) With limited dollars available for restoration, enhancement, management, and acquisition of land and water areas and for providing long-term management and capital improvements, a competitive selection process shall select those projects best able to meet the goals of Florida Forever and maximize the efficient use of the program's funding.

(f) To ensure success and provide accountability to the citizens of this state, it is the intent of the Legislature that any cash or bond proceeds used pursuant to this section be used to implement the goals and objectives recommended by a comprehensive science-based assessment and approved by the Board of Trustees of the Internal Improvement Trust Fund and the Legislature.

(g) As it has with previous land acquisition programs, the Legislature recognizes the desires of the residents of this state to prosper through economic development and to preserve, restore, and manage the state's natural areas and recreational open space. The Legislature further recognizes the urgency of restoring the natural functions, including wildlife and imperiled species habitat functions, of public lands or water bodies before they are degraded to a point where recovery may never occur, yet acknowledges the difficulty of ensuring adequate funding for restoration, enhancement, and management efforts in light of other equally critical financial needs of the state. It is the Legislature's desire and intent to fund the implementation of this section and to do so in a fiscally responsible manner, by issuing bonds to be repaid with

5-00328-15

2015584

documentary stamp tax or other revenue sources, including those identified in subparagraph (a)11.

(h) The Legislature further recognizes the important role that many of our state and federal military installations contribute to protecting and preserving Florida's natural resources as well as our economic prosperity. Where the state's land conservation plans overlap with the military's need to protect lands, waters, and habitat to ensure the sustainability of military missions, it is the Legislature's intent that agencies receiving funds under this program cooperate with our military partners to protect and buffer military installations and military airspace, by:

1. Protecting habitat on nonmilitary land for any species found on military land that is designated as threatened or endangered, or is a candidate for such designation under the Endangered Species Act or any Florida statute;

2. Protecting areas underlying low-level military air corridors or operating areas;

3. Protecting areas identified as clear zones, accident potential zones, and air installation compatible use buffer zones delineated by our military partners; and

4. Providing the military with technical assistance to restore, enhance, and manage military land as habitat for imperiled species or species designated as threatened or endangered, or a candidate for such designation, and for the recovery or reestablishment of such species.

(3) Less the costs of issuing and the costs of funding reserve accounts and other costs associated with bonds, the proceeds of cash payments or bonds issued pursuant to this

5-00328-15

2015584

section shall be deposited into the Florida Forever Trust Fund created by s. 259.1051. The proceeds shall be distributed by the Department of Environmental Protection in the following manner:

(a) Thirty percent to the Department of Environmental Protection for the acquisition of lands and capital project expenditures necessary to implement the water management districts' priority lists developed pursuant to s. 373.199. The funds are to be distributed to the water management districts as provided in subsection (11). A minimum of 50 percent of the total funds provided over the life of the Florida Forever program pursuant to this paragraph shall be used for the acquisition of lands.

(b) Thirty-five percent to the Department of Environmental Protection for the acquisition of lands and capital project expenditures described in this section. Of the proceeds distributed pursuant to this paragraph, it is the intent of the Legislature that an increased priority be given to those acquisitions which achieve a combination of conservation goals, including protecting Florida's water resources and natural groundwater recharge. At a minimum, 3 percent, and no more than 10 percent, of the funds allocated pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access.

(c) Twenty-one percent to the Department of Environmental Protection for use by the Florida Communities Trust for the purposes of part III of chapter 380, as described and limited by this subsection, and grants to local governments or nonprofit environmental organizations that are tax-exempt under s.

Page 75 of 149

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

5-00328-15

2015584

501(c)(3) of the United States Internal Revenue Code for the acquisition of community-based projects, urban open spaces, parks, and greenways to implement local government comprehensive plans. From funds available to the trust and used for land acquisition, 75 percent shall be matched by local governments on a dollar-for-dollar basis. The Legislature intends that the Florida Communities Trust emphasize funding projects in low-income or otherwise disadvantaged communities and projects that provide areas for direct water access and water-dependent facilities that are open to the public and offer public access by vessels to waters of the state, including boat ramps and associated parking and other support facilities. At least 30 percent of the total allocation provided to the trust shall be used in Standard Metropolitan Statistical Areas, but one-half of that amount shall be used in localities in which the project site is located in built-up commercial, industrial, or mixed-use areas and functions to intersperse open spaces within congested urban core areas. From funds allocated to the trust, no less than 5 percent shall be used to acquire lands for recreational trail systems, provided that in the event these funds are not needed for such projects, they will be available for other trust projects. Local governments may use federal grants or loans, private donations, or environmental mitigation funds, including environmental mitigation funds required pursuant to s. 338.250, for any part or all of any local match required for acquisitions funded through the Florida Communities Trust. Any lands purchased by nonprofit organizations using funds allocated under this paragraph must provide for such lands to remain permanently in public use through a reversion of title to local or state

Page 76 of 149

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

5-00328-15

2015584

government, conservation easement, or other appropriate mechanism. Projects funded with funds allocated to the trust shall be selected in a competitive process measured against criteria adopted in rule by the trust.

(d) Two percent to the Department of Environmental Protection for grants pursuant to s. 375.075.

(e) One and five-tenths percent to the Department of Environmental Protection for the purchase of inholdings and additions to state parks and for capital project expenditures as described in this section. At a minimum, 1 percent, and no more than 10 percent, of the funds allocated pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access. For the purposes of this paragraph, "state park" means any real property in the state which is under the jurisdiction of the Division of Recreation and Parks of the department, or which may come under its jurisdiction.

(f) One and five-tenths percent to the Florida Forest Service of the Department of Agriculture and Consumer Services to fund the acquisition of state forest inholdings and additions pursuant to s. 589.07, the implementation of reforestation plans or sustainable forestry management practices, and for capital project expenditures as described in this section. At a minimum, 1 percent, and no more than 10 percent, of the funds allocated for the acquisition of inholdings and additions pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access.

5-00328-15

2015584

(g) One and five-tenths percent to the Fish and Wildlife Conservation Commission to fund the acquisition of inholdings and additions to lands managed by the commission which are important to the conservation of fish and wildlife and for capital project expenditures as described in this section. At a minimum, 1 percent, and no more than 10 percent, of the funds allocated pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access.

(h) One and five-tenths percent to the Department of Environmental Protection for the Florida Greenways and Trails Program, to acquire greenways and trails or greenways and trail systems pursuant to chapter 260, including, but not limited to, abandoned railroad rights-of-way and the Florida National Scenic Trail and for capital project expenditures as described in this section. At a minimum, 1 percent, and no more than 10 percent, of the funds allocated pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access.

(i) Three and five-tenths percent to the Department of Agriculture and Consumer Services for the acquisition of agricultural lands, through perpetual conservation easements and other perpetual less-than-fee techniques, which will achieve the objectives of Florida Forever and s. 570.71. Rules concerning the application, acquisition, and priority ranking process for such easements shall be developed pursuant to s. 570.71(10) and as provided by this paragraph. The board shall ensure that such

5-00328-15

2015584

rules are consistent with the acquisition process provided for in s. 259.041. Provisions of the rules developed pursuant to s. 570.71(10), shall also provide for the following:

1. An annual priority list shall be developed pursuant to s. 570.71(10), submitted to the Acquisition and Restoration Council for review, and approved by the board pursuant to s. 259.04.

2. Terms of easements and acquisitions proposed pursuant to this paragraph shall be approved by the board and shall not be delegated by the board to any other entity receiving funds under this section.

3. All acquisitions pursuant to this paragraph shall contain a clear statement that they are subject to legislative appropriation.

No funds provided under this paragraph shall be expended until final adoption of rules by the board pursuant to s. 570.71.

(j) Two and five-tenths percent to the Department of Environmental Protection for the acquisition of land and capital project expenditures necessary to implement the Stan Mayfield Working Waterfronts Program within the Florida Communities Trust pursuant to s. 380.5105.

(k) It is the intent of the Legislature that cash payments or proceeds of Florida Forever bonds distributed under this section shall be expended in an efficient and fiscally responsible manner. An agency that receives proceeds from Florida Forever bonds under this section may not maintain a balance of unencumbered funds in its Florida Forever subaccount beyond 3 fiscal years from the date of deposit of funds from

5-00328-15

2015584

each bond issue. Any funds that have not been expended or encumbered after 3 fiscal years from the date of deposit shall be distributed by the Legislature at its next regular session for use in the Florida Forever program.

(l) For the purposes of paragraphs (e), (f), (g), and (h), the agencies that receive the funds shall develop their individual acquisition or restoration lists in accordance with specific criteria and numeric performance measures developed pursuant s. 259.035(4). Proposed additions may be acquired if they are identified within the original project boundary, the management plan required pursuant to s. 253.034(5), or the management prospectus required pursuant to s. 259.032(7)(d) ~~s. 259.032(9)(d)~~. Proposed additions not meeting the requirements of this paragraph shall be submitted to the Acquisition and Restoration Council for approval. The council may only approve the proposed addition if it meets two or more of the following criteria: serves as a link or corridor to other publicly owned property; enhances the protection or management of the property; would add a desirable resource to the property; would create a more manageable boundary configuration; has a high resource value that otherwise would be unprotected; or can be acquired at less than fair market value.

~~(m) Notwithstanding paragraphs (a)-(j) and for the 2014-2015 fiscal year only:~~

~~1. Five million dollars to the Department of Agriculture and Consumer Services for the acquisition of agricultural lands through perpetual conservation easements and other perpetual less-than fee techniques, which will achieve the objectives of Florida Forever and s. 570.71.~~

5-00328-15

2015584

~~2. The remaining moneys appropriated from the Florida Forever Trust Fund shall be distributed only to the Division of State Lands within the Department of Environmental Protection for land acquisitions that are less than fee interest, for partnerships in which the state's portion of the acquisition cost is no more than 50 percent, or for conservation lands needed for military buffering or springs or water resources protection.~~

~~This paragraph expires July 1, 2015.~~

~~(4) Notwithstanding subsection (3) and for the 2014-2015 fiscal year only, the funds appropriated in section 56 of the 2014-2015 General Appropriations Act may be provided to water management districts for land acquisitions, including less-than-fee interest, identified by water management districts as being needed for water resource protection or ecosystem restoration. This subsection expires July 1, 2015.~~

(4)(5) It is the intent of the Legislature that projects or acquisitions funded pursuant to paragraphs (3)(a) and (b) contribute to the achievement of the following goals, which shall be evaluated in accordance with specific criteria and numeric performance measures developed pursuant s. 259.035(4):

(a) Enhance the coordination and completion of land acquisition projects, as measured by:

1. The number of acres acquired through the state's land acquisition programs that contribute to the enhancement of essential natural resources, ecosystem service parcels, and connecting linkage corridors as identified and developed by the best available scientific analysis;

5-00328-15

2015584

2. The number of acres protected through the use of alternatives to fee simple acquisition; or

3. The number of shared acquisition projects among Florida Forever funding partners and partners with other funding sources, including local governments and the Federal Government.

(b) Increase the protection of Florida's biodiversity at the species, natural community, and landscape levels, as measured by:

1. The number of acres acquired of significant strategic habitat conservation areas;

2. The number of acres acquired of highest priority conservation areas for Florida's rarest species;

3. The number of acres acquired of significant landscapes, landscape linkages, and conservation corridors, giving priority to completing linkages;

4. The number of acres acquired of underrepresented native ecosystems;

5. The number of landscape-sized protection areas of at least 50,000 acres that exhibit a mosaic of predominantly intact or restorable natural communities established through new acquisition projects or augmentations to previous projects; or

6. The percentage increase in the number of occurrences of imperiled species on publicly managed conservation areas.

(c) Protect, restore, and maintain the quality and natural functions of land, water, and wetland systems of the state, as measured by:

1. The number of acres of publicly owned land identified as needing restoration, enhancement, and management, acres undergoing restoration or enhancement, acres with restoration

5-00328-15

2015584

2379 activities completed, and acres managed to maintain such
 2380 restored or enhanced conditions; the number of acres which
 2381 represent actual or potential imperiled species habitat; the
 2382 number of acres which are available pursuant to a management
 2383 plan to restore, enhance, repopulate, and manage imperiled
 2384 species habitat; and the number of acres of imperiled species
 2385 habitat managed, restored, enhanced, repopulated, or acquired;
 2386 2. The percentage of water segments that fully meet,
 2387 partially meet, or do not meet their designated uses as reported
 2388 in the Department of Environmental Protection's State Water
 2389 Quality Assessment 305(b) Report;
 2390 3. The percentage completion of targeted capital
 2391 improvements in surface water improvement and management plans
 2392 created under s. 373.453(2), regional or master stormwater
 2393 management system plans, or other adopted restoration plans;
 2394 4. The number of acres acquired that protect natural
 2395 floodplain functions;
 2396 5. The number of acres acquired that protect surface waters
 2397 of the state;
 2398 6. The number of acres identified for acquisition to
 2399 minimize damage from flooding and the percentage of those acres
 2400 acquired;
 2401 7. The number of acres acquired that protect fragile
 2402 coastal resources;
 2403 8. The number of acres of functional wetland systems
 2404 protected;
 2405 9. The percentage of miles of critically eroding beaches
 2406 contiguous with public lands that are restored or protected from
 2407 further erosion;

5-00328-15

2015584

2408 10. The percentage of public lakes and rivers in which
 2409 invasive, nonnative aquatic plants are under maintenance
 2410 control; or
 2411 11. The number of acres of public conservation lands in
 2412 which upland invasive, exotic plants are under maintenance
 2413 control.
 2414 (d) Ensure that sufficient quantities of water are
 2415 available to meet the current and future needs of natural
 2416 systems and the citizens of the state, as measured by:
 2417 1. The number of acres acquired which provide retention and
 2418 storage of surface water in naturally occurring storage areas,
 2419 such as lakes and wetlands, consistent with the maintenance of
 2420 water resources or water supplies and consistent with district
 2421 water supply plans;
 2422 2. The quantity of water made available through the water
 2423 resource development component of a district water supply plan
 2424 for which a water management district is responsible; or
 2425 3. The number of acres acquired of groundwater recharge
 2426 areas critical to springs, sinks, aquifers, other natural
 2427 systems, or water supply.
 2428 (e) Increase natural resource-based public recreational and
 2429 educational opportunities, as measured by:
 2430 1. The number of acres acquired that are available for
 2431 natural resource-based public recreation or education;
 2432 2. The miles of trails that are available for public
 2433 recreation, giving priority to those that provide significant
 2434 connections including those that will assist in completing the
 2435 Florida National Scenic Trail; or
 2436 3. The number of new resource-based recreation facilities,

5-00328-15

2015584

by type, made available on public land.

(f) Preserve significant archaeological or historic sites, as measured by:

1. The increase in the number of and percentage of historic and archaeological properties listed in the Florida Master Site File or National Register of Historic Places which are protected or preserved for public use; or

2. The increase in the number and percentage of historic and archaeological properties that are in state ownership.

(g) Increase the amount of forestland available for sustainable management of natural resources, as measured by:

1. The number of acres acquired that are available for sustainable forest management;

2. The number of acres of state-owned forestland managed for economic return in accordance with current best management practices;

3. The number of acres of forestland acquired that will serve to maintain natural groundwater recharge functions; or

4. The percentage and number of acres identified for restoration actually restored by reforestation.

(h) Increase the amount of open space available in urban areas, as measured by:

1. The percentage of local governments that participate in land acquisition programs and acquire open space in urban cores; or

2. The percentage and number of acres of purchases of open space within urban service areas.

Florida Forever projects and acquisitions funded pursuant to

5-00328-15

2015584

paragraph (3) (c) shall be measured by goals developed by rule by the Florida Communities Trust Governing Board created in s. 380.504.

~~(5)(6)~~(a) All lands acquired pursuant to this section shall be managed for multiple-use purposes, where compatible with the resource values of and management objectives for such lands. As used in this section, "multiple-use" includes, but is not limited to, outdoor recreational activities as described in ss. 253.034 and 259.032(7)(b) ~~259.032(9)(b)~~, water resource development projects, sustainable forestry management, carbon sequestration, carbon mitigation, or carbon offsets.

(b) Upon a decision by the entity in which title to lands acquired pursuant to this section has vested, such lands may be designated single use as defined in s. 253.034(2)(b).

(c) For purposes of this section, the Board of Trustees of the Internal Improvement Trust Fund shall adopt rules that pertain to the use of state lands for carbon sequestration, carbon mitigation, or carbon offsets and that provide for climate-change-related benefits.

~~(6)(7)~~ As provided in this section, a water resource or water supply development project may be allowed only if the following conditions are met: minimum flows and levels have been established for those waters, if any, which may reasonably be expected to experience significant harm to water resources as a result of the project; the project complies with all applicable permitting requirements; and the project is consistent with the regional water supply plan, if any, of the water management district and with relevant recovery or prevention strategies if required pursuant to s. 373.0421(2).

5-00328-15

2015584__

2495 ~~(7)(8)~~(a) Beginning no later than July 1, 2001, and every
 2496 year thereafter, the Acquisition and Restoration Council shall
 2497 accept applications from state agencies, local governments,
 2498 nonprofit and for-profit organizations, private land trusts, and
 2499 individuals for project proposals eligible for funding pursuant
 2500 to paragraph (3)(b). The council shall evaluate the proposals
 2501 received pursuant to this subsection to ensure that they meet at
 2502 least one of the criteria under subsection (8) ~~(9)~~.

2503 (b) Project applications shall contain, at a minimum, the
 2504 following:

2505 1. A minimum of two numeric performance measures that
 2506 directly relate to the overall goals adopted by the council.
 2507 Each performance measure shall include a baseline measurement,
 2508 which is the current situation; a performance standard which the
 2509 project sponsor anticipates the project will achieve; and the
 2510 performance measurement itself, which should reflect the
 2511 incremental improvements the project accomplishes towards
 2512 achieving the performance standard.

2513 2. Proof that property owners within any proposed
 2514 acquisition have been notified of their inclusion in the
 2515 proposed project. Any property owner may request the removal of
 2516 such property from further consideration by submitting a request
 2517 to the project sponsor or the Acquisition and Restoration
 2518 Council by certified mail. Upon receiving this request, the
 2519 council shall delete the property from the proposed project;
 2520 however, the board of trustees, at the time it votes to approve
 2521 the proposed project lists pursuant to subsection (15) ~~(16)~~, may
 2522 add the property back on to the project lists if it determines
 2523 by a super majority of its members that such property is

5-00328-15

2015584__

2524 critical to achieve the purposes of the project.

2525 (c) The title to lands acquired under this section shall
 2526 vest in the Board of Trustees of the Internal Improvement Trust
 2527 Fund, except that title to lands acquired by a water management
 2528 district shall vest in the name of that district and lands
 2529 acquired by a local government shall vest in the name of the
 2530 purchasing local government.

2531 ~~(8)(9)~~ The Acquisition and Restoration Council shall
 2532 develop a project list that shall represent those projects
 2533 submitted pursuant to subsection (6) ~~(7)~~.

2534 ~~(9)(10)~~ The Acquisition and Restoration Council shall
 2535 recommend rules for adoption by the board of trustees to
 2536 competitively evaluate, select, and rank projects eligible for
 2537 Florida Forever funds pursuant to paragraph (3)(b) ~~and for~~
 2538 ~~additions to the Conservation and Recreation Lands list pursuant~~
 2539 ~~to ss. 259.032 and 259.101(4)~~. In developing these proposed
 2540 rules, the Acquisition and Restoration Council shall give weight
 2541 to the following criteria:

2542 (a) The project meets multiple goals described in
 2543 subsection (4).

2544 (b) The project is part of an ongoing governmental effort
 2545 to restore, protect, or develop land areas or water resources.

2546 (c) The project enhances or facilitates management of
 2547 properties already under public ownership.

2548 (d) The project has significant archaeological or historic
 2549 value.

2550 (e) The project has funding sources that are identified and
 2551 assured through at least the first 2 years of the project.

2552 (f) The project contributes to the solution of water

5-00328-15

2015584__

resource problems on a regional basis.

(g) The project has a significant portion of its land area in imminent danger of development, in imminent danger of losing its significant natural attributes or recreational open space, or in imminent danger of subdivision which would result in multiple ownership and make acquisition of the project costly or less likely to be accomplished.

(h) The project implements an element from a plan developed by an ecosystem management team.

(i) The project is one of the components of the Everglades restoration effort.

(j) The project may be purchased at 80 percent of appraised value.

(k) The project may be acquired, in whole or in part, using alternatives to fee simple, including but not limited to, tax incentives, mitigation funds, or other revenues; the purchase of development rights, hunting rights, agricultural or silvicultural rights, or mineral rights; or obtaining conservation easements or flowage easements.

(l) The project is a joint acquisition, either among public agencies, nonprofit organizations, or private entities, or by a public-private partnership.

(10)-(11) The Acquisition and Restoration Council shall give increased priority to those projects for which matching funds are available and to project elements previously identified on an acquisition list pursuant to this section that can be acquired at 80 percent or less of appraised value. The council shall also give increased priority to those projects where the state's land conservation plans overlap with the military's need

5-00328-15

2015584__

to protect lands, water, and habitat to ensure the sustainability of military missions including:

(a) Protecting habitat on nonmilitary land for any species found on military land that is designated as threatened or endangered, or is a candidate for such designation under the Endangered Species Act or any Florida statute;

(b) Protecting areas underlying low-level military air corridors or operating areas; and

(c) Protecting areas identified as clear zones, accident potential zones, and air installation compatible use buffer zones delineated by our military partners, and for which federal or other funding is available to assist with the project.

(11)-(12) For the purposes of funding projects pursuant to paragraph (3)(a), the Secretary of Environmental Protection shall ensure that each water management district receives the following percentage of funds annually:

(a) Thirty-five percent to the South Florida Water Management District, of which amount \$25 million for 2 years beginning in fiscal year 2000-2001 shall be transferred by the Department of Environmental Protection into the Save Our Everglades Trust Fund and shall be used exclusively to implement the comprehensive plan under s. 373.470.

(b) Twenty-five percent to the Southwest Florida Water Management District.

(c) Twenty-five percent to the St. Johns River Water Management District.

(d) Seven and one-half percent to the Suwannee River Water Management District.

(e) Seven and one-half percent to the Northwest Florida

5-00328-15

2015584

2611 Water Management District.

2612 ~~(12)(13)~~ It is the intent of the Legislature that in
2613 developing the list of projects for funding pursuant to
2614 paragraph (3)(a), that these funds not be used to abrogate the
2615 financial responsibility of those point and nonpoint sources
2616 that have contributed to the degradation of water or land areas.
2617 Therefore, an increased priority shall be given by the water
2618 management district governing boards to those projects that have
2619 secured a cost-sharing agreement allocating responsibility for
2620 the cleanup of point and nonpoint sources.

2621 ~~(13)(14)~~ An affirmative vote of five members of the
2622 Acquisition and Restoration Council shall be required in order
2623 to place a proposed project on the list developed pursuant to
2624 subsection ~~(7)~~ ~~(8)~~. Any member of the council who by family or a
2625 business relationship has a connection with any project proposed
2626 to be ranked shall declare such interest prior to voting for a
2627 project's inclusion on the list.

2628 ~~(14)(15)~~ Each year that cash disbursements or bonds are to
2629 be issued pursuant to this section, the Acquisition and
2630 Restoration Council shall review the most current approved
2631 project list and shall, by the first board meeting in May,
2632 present to the Board of Trustees of the Internal Improvement
2633 Trust Fund for approval a listing of projects developed pursuant
2634 to subsection ~~(7)~~ ~~(8)~~. The board of trustees may remove projects
2635 from the list developed pursuant to this subsection, but may not
2636 add projects or rearrange project rankings.

2637 ~~(15)(16)~~ The Acquisition and Restoration Council shall
2638 submit to the board of trustees, with its list of projects, a
2639 report that includes, but shall not be limited to, the following

Page 91 of 149

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5-00328-15

2015584

2640 information for each project listed:

- 2641 (a) The stated purpose for inclusion.
- 2642 (b) Projected costs to achieve the project goals.
- 2643 (c) An interim management budget that includes all costs
2644 associated with immediate public access.
- 2645 (d) Specific performance measures.
- 2646 (e) Plans for public access.
- 2647 (f) An identification of the essential parcel or parcels
2648 within the project without which the project cannot be properly
2649 managed.
- 2650 (g) Where applicable, an identification of those projects
2651 or parcels within projects which should be acquired in fee
2652 simple or in less than fee simple.
- 2653 (h) An identification of those lands being purchased for
2654 conservation purposes.
- 2655 (i) A management policy statement for the project and a
2656 management prospectus pursuant to s. 259.032(7)(d) ~~&~~
2657 ~~259.032(9)(d)~~.
- 2658 (j) An estimate of land value based on county tax assessed
2659 values.
- 2660 (k) A map delineating project boundaries.
- 2661 (l) An assessment of the project's ecological value,
2662 outdoor recreational value, forest resources, wildlife
2663 resources, ownership pattern, utilization, and location.
- 2664 (m) A discussion of whether alternative uses are proposed
2665 for the property and what those uses are.
- 2666 (n) A designation of the management agency or agencies.
- 2667 ~~(16)(17)~~ All proposals for projects pursuant to paragraph
2668 (3)(b) shall be implemented only if adopted by the Acquisition

Page 92 of 149

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5-00328-15

2015584

2669 and Restoration Council and approved by the board of trustees.
 2670 The council shall consider and evaluate in writing the merits
 2671 and demerits of each project that is proposed for Florida
 2672 Forever funding ~~and each proposed addition to the Conservation~~
 2673 ~~and Recreation Lands list program~~. The council shall ensure that
 2674 each proposed project will meet a stated public purpose for the
 2675 restoration, conservation, or preservation of environmentally
 2676 sensitive lands and water areas or for providing outdoor
 2677 recreational opportunities ~~and that each proposed addition to~~
 2678 ~~the Conservation and Recreation Lands list will meet the public~~
 2679 ~~purposes under s. 259.032(3) and, when applicable, s.~~
 2680 ~~259.101(4)~~. The council also shall determine whether the project
 2681 or addition conforms, where applicable, with the comprehensive
 2682 plan developed pursuant to s. 259.04(1)(a), the comprehensive
 2683 multipurpose outdoor recreation plan developed pursuant to s.
 2684 375.021, the state lands management plan adopted pursuant to s.
 2685 253.03(7), the water resources work plans developed pursuant to
 2686 s. 373.199, and the provisions of this section.
 2687 (17)~~(18)~~ On an annual basis, the Division of State Lands
 2688 shall prepare an annual work plan that prioritizes projects on
 2689 the Florida Forever list and sets forth the funding available in
 2690 the fiscal year for land acquisition. The work plan shall
 2691 consider the following categories of expenditure for land
 2692 conservation projects already selected for the Florida Forever
 2693 list pursuant to subsection (7) ~~(8)~~:
 2694 (a) A critical natural lands category, including functional
 2695 landscape-scale natural systems, intact large hydrological
 2696 systems, lands that have significant imperiled natural
 2697 communities, and corridors linking large landscapes, as

Page 93 of 149

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5-00328-15

2015584

2698 identified and developed by the best available scientific
 2699 analysis.
 2700 (b) A partnerships or regional incentive category,
 2701 including:
 2702 1. Projects where local and regional cost-share agreements
 2703 provide a lower cost and greater conservation benefit to the
 2704 people of the state. Additional consideration shall be provided
 2705 under this category where parcels are identified as part of a
 2706 local or regional visioning process and are supported by
 2707 scientific analysis; and
 2708 2. Bargain and shared projects where the state will receive
 2709 a significant reduction in price for public ownership of land as
 2710 a result of the removal of development rights or other interests
 2711 in lands or receives alternative or matching funds.
 2712 (c) A substantially complete category of projects where
 2713 mainly inholdings, additions, and linkages between preserved
 2714 areas will be acquired and where 85 percent of the project is
 2715 complete.
 2716 (d) A climate-change category list of lands where
 2717 acquisition or other conservation measures will address the
 2718 challenges of global climate change, such as through protection,
 2719 restoration, mitigation, and strengthening of Florida's land,
 2720 water, and coastal resources. This category includes lands that
 2721 provide opportunities to sequester carbon, provide habitat,
 2722 protect coastal lands or barrier islands, and otherwise mitigate
 2723 and help adapt to the effects of sea-level rise and meet other
 2724 objectives of the program.
 2725 (e) A less-than-fee category for working agricultural lands
 2726 that significantly contribute to resource protection through

Page 94 of 149

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5-00328-15

2015584

conservation easements and other less-than-fee techniques, tax incentives, life estates, landowner agreements, and other partnerships, including conservation easements acquired in partnership with federal conservation programs, which will achieve the objectives of Florida Forever while allowing the continuation of compatible agricultural uses on the land. Terms of easements proposed for acquisition under this category shall be developed by the Division of State Lands in coordination with the Department of Agriculture and Consumer Services.

Projects within each category shall be ranked by order of priority. The work plan shall be adopted by the Acquisition and Restoration Council after at least one public hearing. A copy of the work plan shall be provided to the board of trustees of the Internal Improvement Trust Fund no later than October 1 of each year.

(18)~~(19)~~ (a) The Board of Trustees of the Internal Improvement Trust Fund, or, in the case of water management district lands, the owning water management district, may authorize the granting of a lease, easement, or license for the use of certain lands acquired pursuant to this section, for certain uses that are determined by the appropriate board to be compatible with the resource values of and management objectives for such lands.

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

(c) Notwithstanding the provisions of paragraph (a), no

5-00328-15

2015584

such lease, easement, or license shall be entered into by the Department of Environmental Protection or other appropriate state agency if the granting of such lease, easement, or license would adversely affect the exclusion of the interest on any revenue bonds issued to fund the acquisition of the affected lands from gross income for federal income tax purposes, pursuant to Internal Revenue Service regulations.

(19)~~(20)~~ The Acquisition and Restoration Council shall recommend adoption of rules by the board of trustees necessary to implement the provisions of this section relating to: solicitation, scoring, selecting, and ranking of Florida Forever project proposals; disposing of or leasing lands or water areas selected for funding through the Florida Forever program; and the process of reviewing and recommending for approval or rejection the land management plans associated with publicly owned properties. Rules promulgated pursuant to this subsection shall be submitted to the President of the Senate and the Speaker of the House of Representatives, for review by the Legislature, no later than 30 days prior to the 2010 Regular Session and shall become effective only after legislative review. In its review, the Legislature may reject, modify, or take no action relative to such rules. The board of trustees shall conform such rules to changes made by the Legislature, or, if no action was taken by the Legislature, such rules shall become effective.

(20)~~(21)~~ Lands listed as projects for acquisition under the Florida Forever program may be managed for conservation pursuant to s. 259.032, on an interim basis by a private party in anticipation of a state purchase in accordance with a

5-00328-15

2015584__

contractual arrangement between the acquiring agency and the private party that may include management service contracts, leases, cost-share arrangements, or resource conservation agreements. Lands designated as eligible under this subsection shall be managed to maintain or enhance the resources the state is seeking to protect by acquiring the land and to accelerate public access to the lands as soon as practicable. Funding for these contractual arrangements may originate from the documentary stamp tax revenue deposited into the Land Acquisition Conservation and Recreation Lands Trust Fund and Water Management Lands Trust Fund. No more than \$6.2 million may be expended from the Land Acquisition Trust Fund ~~5 percent of funds allocated under the trust funds shall be expended~~ for this purpose.

Section 25. Subsections (1) and (3) of section 259.1051, Florida Statutes, are amended to read:

259.1051 Florida Forever Trust Fund.—

(1) There is created the Florida Forever Trust Fund to carry out the purposes of ss. 259.032, 259.105, 259.1052, and 375.031. The Florida Forever Trust Fund shall be held and administered by the Department of Environmental Protection. Proceeds from the sale of bonds, except proceeds of refunding bonds, issued under s. 215.618 and payable from moneys transferred to the Land Acquisition Trust Fund under s. 201.15(1) ~~s. 201.15(1)(a)~~, not to exceed \$5.3 billion, must be deposited into this trust fund to be distributed and used as provided in s. 259.105(3). The bond resolution adopted by the governing board of the Division of Bond Finance of the State Board of Administration may provide for additional provisions

5-00328-15

2015584__

that govern the disbursement of the bond proceeds.

(3) The Department of Environmental Protection shall ensure that the proceeds from the sale of bonds issued under s. 215.618 and payable from moneys transferred to the Land Acquisition Trust Fund under s. 201.15(1) ~~s. 201.15(1)(a)~~ shall be administered and expended in a manner that ensures compliance of each issue of bonds that are issued on the basis that interest thereon will be excluded from gross income for federal income tax purposes, with the applicable provisions of the United States Internal Revenue Code and the regulations promulgated thereunder, to the extent necessary to preserve the exclusion of interest on the bonds from gross income for federal income tax purposes. The Department of Environmental Protection shall administer the use and disbursement of the proceeds of such bonds or require that the use and disbursement thereof be administered in a manner to implement strategies to maximize any available benefits under the applicable provisions of the United States Internal Revenue Code or regulations promulgated thereunder, to the extent not inconsistent with the purposes identified in s. 259.105(3).

Section 26. Paragraph (a) of subsection (2) of section 338.250, Florida Statutes, is amended to read:

338.250 Central Florida Beltway Mitigation.—

(2) Environmental mitigation required as a result of construction of the beltway, or portions thereof, shall be satisfied in the following manner:

(a) For those projects which the Department of Transportation is authorized to construct, funds for environmental mitigation shall be deposited in the Central

5-00328-15

2015584__

2843 Florida Beltway Trust Fund created within the department at the
 2844 time bonds for the specific project are sold. If a road building
 2845 authority other than the department is authorized to construct
 2846 the project, funds for environmental mitigation shall be
 2847 deposited in a mitigation fund account established in the
 2848 construction fund for the bond issues. Said account shall be
 2849 established at the time bond proceeds are deposited into the
 2850 construction fund for the specific project. These funds shall be
 2851 provided from bond proceeds, and the use of such funds from bond
 2852 proceeds for mitigation shall be deemed a public purpose. The
 2853 amount to be provided for mitigation for the Eastern Beltway in
 2854 Seminole County shall be up to \$4 million, the amount to be
 2855 provided for mitigation for the Western Beltway shall be up to
 2856 \$30.5 million, the amount to be provided for mitigation for the
 2857 Southern Connector shall be up to \$14.28 million, the amount to
 2858 be provided for mitigation for the Turnpike/Southern Connector
 2859 Interchange shall be up to \$1.46 million, and the amount to be
 2860 provided for mitigation for the Southern Connector Extension
 2861 shall be in proportion to the amount provided for the Southern
 2862 Connector based upon the amount of wetlands displaced. To the
 2863 extent allowed by law, the interest on said funds as earned,
 2864 after deposit into the Central Florida Beltway Trust Fund, or in
 2865 a mitigation fund account shall accrue and be paid to the agency
 2866 responsible for the construction of the appropriate project.
 2867 Where feasible, mitigation funds shall be used in coordination
 2868 with funds from ~~the Conservation and Recreation Lands Trust~~
 2869 ~~Fund, Save Our Rivers Land Acquisition Program, or from other~~
 2870 appropriate sources.

2871 Section 27. Paragraph (c) of subsection (8) of section

Page 99 of 149

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5-00328-15

2015584__

2872 373.026, Florida Statutes, is repealed.

2873 Section 28. Subsection (4) of section 373.089, Florida
 2874 Statutes, is amended to read:

2875 373.089 Sale or exchange of lands, or interests or rights
 2876 in lands.—The governing board of the district may sell lands, or
 2877 interests or rights in lands, to which the district has acquired
 2878 title or to which it may hereafter acquire title in the
 2879 following manner:

2880 (4) The governing board of a district may exchange lands,
 2881 or interests or rights in lands, owned by, or lands, or
 2882 interests or rights in lands, for which title is otherwise
 2883 vested in, the district for other lands, or interests or rights
 2884 in lands, within the state owned by any person. The governing
 2885 board shall fix the terms and conditions of any such exchange
 2886 and may pay or receive any sum of money that the board considers
 2887 necessary to equalize the values of exchanged properties. Land,
 2888 or interests or rights in land, acquired under former s. 373.59,
 2889 Florida Statutes 2014, may be exchanged only for lands, or
 2890 interests or rights in lands, that otherwise meet the
 2891 requirements of that section for acquisition.

2892 Section 29. Paragraph (a) of subsection (5) of section
 2893 373.129, Florida Statutes, is amended to read:

2894 373.129 Maintenance of actions.—The department, the
 2895 governing board of any water management district, any local
 2896 board, or a local government to which authority has been
 2897 delegated pursuant to s. 373.103(8), is authorized to commence
 2898 and maintain proper and necessary actions and proceedings in any
 2899 court of competent jurisdiction for any of the following
 2900 purposes:

Page 100 of 149

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5-00328-15

2015584__

(5) To recover a civil penalty for each offense in an amount not to exceed \$10,000 per offense. Each date during which such violation occurs constitutes a separate offense.

(a) A civil penalty recovered by a water management district pursuant to this subsection shall be deposited in the Water Quality Assurance Management Lands Trust Fund established under s. 376.307 ~~s. 373.59~~ and used exclusively by the water management district that deposits the money into the fund. A civil penalty recovered by the department pursuant to this subsection shall be deposited into the Water Quality Assurance Trust Fund established under s. 376.307 ~~Any such civil penalty recovered after the expiration of such fund shall be deposited in the Ecosystem Management and Restoration Trust Fund and used exclusively within the water management district that deposits the money into the fund.~~

Section 30. Subsection (5) of section 373.1391, Florida Statutes, is amended to read:

373.1391 Management of real property.—

(5) The following additional uses of lands acquired pursuant to the Florida Forever program and other state-funded land purchase programs shall be authorized, upon a finding by the governing board, if they meet the criteria specified in paragraphs (a)-(e): water resource development projects, water supply development projects, stormwater management projects, linear facilities, and sustainable agriculture and forestry. Such additional uses are authorized where:

(a) Not inconsistent with the management plan for such lands;

(b) Compatible with the natural ecosystem and resource

5-00328-15

2015584__

values of such lands;

(c) The proposed use is appropriately located on such lands and where due consideration is given to the use of other available lands;

(d) The using entity reasonably compensates the titleholder for such use based upon an appropriate measure of value; and

(e) The use is consistent with the public interest.

A decision by the governing board pursuant to this subsection shall be given a presumption of correctness. Moneys received from the use of state lands pursuant to this subsection shall be returned to the lead managing agency ~~in accordance with the provisions of s. 373.59.~~

Section 31. Subsection (7) of section 373.199, Florida Statutes, is amended to read:

373.199 Florida Forever Water Management District Work Plan.—

(7) By June 1, 2001, each district shall file with the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Environmental Protection the initial 5-year work plan as required under subsection (2). By March 1 of each year thereafter, as part of the consolidated annual report required by s. 373.036(7), each district shall report on acquisitions completed during the year together with modifications or additions to its 5-year work plan. Included in the report shall be:

(a) A description of land management activity for each property or project area owned by the water management district.

(b) A list of any lands surplused and the amount of

5-00328-15

2015584__

compensation received.

(c) The progress of funding, staffing, and resource management of every project funded pursuant to former s. 259.101(3), Florida Statutes 2014 s. 259.101, s. 259.105, or former s. 373.59(2), Florida Statutes 2014, s. 373.59 for which the district is responsible.

The secretary shall submit the report referenced in this subsection to the Board of Trustees of the Internal Improvement Trust Fund together with the Acquisition and Restoration Council's project list as required under s. 259.105.

Section 32. Subsection (7) of section 373.430, Florida Statutes, is amended to read:

373.430 Prohibitions, violation, penalty, intent.—

(7) All moneys recovered under the provisions of this section shall be allocated to the use of the water management district, the department, or the local government, whichever undertook and maintained the enforcement action. All monetary penalties and damages recovered by the department or the state under the provisions of this section shall be deposited into ~~in~~ the Florida Permit Fee Ecosystem Management and Restoration Trust Fund. All monetary penalties and damages recovered pursuant to this section by a water management district shall be deposited into ~~in~~ the Florida Permit Fee Water Management Lands Trust Fund established under s. 403.0871 s. 373.59 and used exclusively within the territory of the water management district which deposits the money into the fund. ~~Any such monetary penalties and damages recovered after the expiration of such fund shall be deposited in the Ecosystem Management and~~

5-00328-15

2015584__

~~Restoration Trust Fund and used exclusively within the territory of the water management district which deposits the money into the fund.~~ All monetary penalties and damages recovered pursuant to this subsection by a local government to which authority has been delegated pursuant to s. 373.103(8) shall be used to enhance surface water improvement or pollution control activities.

Section 33. Subsections (3) through (6) of section 373.459, Florida Statutes, are amended to read:

373.459 Funds for surface water improvement and management.—

(3) ~~The Ecosystem Management and Restoration Trust Fund shall be used for the deposit of funds appropriated by the Legislature for the purposes of ss. 373.451-373.4595.~~ The department shall administer all funds appropriated to or received for surface water improvement and management activities. Expenditure of the moneys shall be limited to the costs of detailed planning and plan and program implementation for priority surface water bodies. Moneys may from the fund ~~shall~~ not be expended for planning for, or construction or expansion of, treatment facilities for domestic or industrial waste disposal.

(4) The department shall authorize the release of money ~~from the fund~~ in accordance with ~~the provisions of~~ s. 373.501(2) ~~and procedures in s. 373.59(4) and (5).~~

~~(5) Moneys in the fund which are not needed to meet current obligations incurred under this section shall be transferred to the State Board of Administration, to the credit of the trust fund, to be invested in the manner provided by law. Interest~~

5-00328-15

2015584

3017 ~~received on such investments shall be credited to the trust~~
 3018 ~~fund.~~

3019 ~~(5)(6)~~ The match requirement of subsection (2) ~~does shall~~
 3020 not apply to the Suwannee River Water Management District, the
 3021 Northwest Florida Water Management District, or a financially
 3022 disadvantaged small local government as defined in former s.
 3023 403.885(3).

3024 Section 34. Paragraph (a) of subsection (3) of section
 3025 373.4592, Florida Statutes, is amended to read:

3026 373.4592 Everglades improvement and management.—

3027 (3) EVERGLADES LONG-TERM PLAN.—

3028 (a) The Legislature finds that the Everglades Program
 3029 required by this section establishes more extensive and
 3030 comprehensive requirements for surface water improvement and
 3031 management within the Everglades than the SWIM plan requirements
 3032 provided in ss. 373.451 and 373.453. In order to avoid
 3033 duplicative requirements, and in order to conserve the resources
 3034 available to the district, the SWIM plan requirements of those
 3035 sections shall not apply to the Everglades Protection Area and
 3036 the EAA during the term of the Everglades Program, and the
 3037 district will neither propose, nor take final agency action on,
 3038 any Everglades SWIM plan for those areas until the Everglades
 3039 Program is fully implemented. Funds identified under former s.
 3040 259.101(3)(b), Florida Statutes 2014, may be used for
 3041 acquisition of lands necessary to implement the Everglades
 3042 Construction Project, to the extent these funds are identified
 3043 in the Statement of Principles of July 1993. The district's
 3044 actions in implementing the Everglades Construction Project
 3045 relating to the responsibilities of the EAA and C-139 Basin for

Page 105 of 149

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5-00328-15

2015584

3046 funding and water quality compliance in the EAA and the
 3047 Everglades Protection Area shall be governed by this section.
 3048 Other strategies or activities in the March 1992 Everglades SWIM
 3049 plan may be implemented if otherwise authorized by law.

3050 Section 35. Subsection (4) of section 373.45926, Florida
 3051 Statutes, is amended to read:

3052 373.45926 Everglades Trust Fund; allocation of revenues and
 3053 expenditure of funds for conservation and protection of natural
 3054 resources and abatement of water pollution.—

3055 (4) The following funds shall be deposited into the
 3056 Everglades Trust Fund specifically for the implementation of the
 3057 Everglades Forever Act.

3058 (a) Alligator Alley toll revenues pursuant to s. 338.26(3).

3059 (b) Everglades agricultural privilege tax revenues pursuant
 3060 to s. 373.4592(6).

3061 (c) C-139 agricultural privilege tax revenues pursuant to
 3062 s. 373.4592(7).

3063 (d) Special assessment revenues pursuant to s. 373.4592(8).

3064 (e) Ad valorem revenues pursuant to s. 373.4592(4)(a).

3065 (f) Federal funds appropriated by the United States
 3066 Congress for any component of the Everglades Construction
 3067 Project.

3068 ~~(g) Preservation 2000 funds for acquisition of lands~~
 3069 ~~necessary for implementation of the Everglades Forever Act as~~
 3070 ~~prescribed in an annual appropriation.~~

3071 (g)(h) Any additional funds specifically appropriated by
 3072 the Legislature for this purpose.

3073 (h)(i) Gifts designated for implementation of the
 3074 Everglades Forever Act from individuals, corporations, and other

Page 106 of 149

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5-00328-15

2015584

3075 entities.

3076 ~~(i)-(j)~~ Any additional funds that become available for this
3077 purpose from any other source.

3078 Section 36. Paragraph (a) of subsection (6) and paragraph
3079 (b) of subsection (7) of section 373.470, Florida Statutes, are
3080 amended to read:

3081 373.470 Everglades restoration.—

3082 (6) DISTRIBUTIONS FROM SAVE OUR EVERGLADES TRUST FUND.—

3083 (a) Except as provided in paragraphs (d) and (e) and for
3084 funds appropriated for debt service, the department shall
3085 distribute funds in the Save Our Everglades Trust Fund to the
3086 district in accordance with a legislative appropriation and s.
3087 373.026(8)(b) ~~and (c)~~. Distribution of funds to the district
3088 from the Save Our Everglades Trust Fund shall be equally matched
3089 by the cumulative contributions from the district by fiscal year
3090 2019-2020 by providing funding or credits toward project
3091 components. The dollar value of in-kind project design and
3092 construction work by the district in furtherance of the
3093 comprehensive plan and existing interest in public lands needed
3094 for a project component are credits towards the district's
3095 contributions.

3096 (7) ANNUAL REPORT.—To provide enhanced oversight of and
3097 accountability for the financial commitments established under
3098 this section and the progress made in the implementation of the
3099 comprehensive plan, the following information must be prepared
3100 annually as part of the consolidated annual report required by
3101 s. 373.036(7):

3102 (b) The department shall prepare a detailed report on all
3103 funds expended by the state and credited toward the state's

Page 107 of 149

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5-00328-15

2015584

3104 share of funding for implementation of the comprehensive plan.

3105 The report shall include:

3106 1. A description of all expenditures, by source and amount,
3107 from ~~the Conservation and Recreation Lands Trust Fund~~, the Land
3108 Acquisition Trust Fund, ~~the Preservation 2000 Trust Fund~~, the
3109 Florida Forever Trust Fund, the Save Our Everglades Trust Fund,
3110 and other named funds or accounts for the acquisition or
3111 construction of project components or other features or
3112 facilities that benefit the comprehensive plan.

3113 2. A description of the purposes for which the funds were
3114 expended.

3115 3. The unencumbered fiscal-year-end balance that remains in
3116 each trust fund or account identified in subparagraph 1.

3117
3118 The information required in paragraphs (a), (b), and (c) shall
3119 be provided as part of the consolidated annual report required
3120 by s. 373.036(7). The initial report is due by November 30,
3121 2000, and each annual report thereafter is due by March 1.

3122 Section 37. Subsection (2) of section 373.584, Florida
3123 Statutes, is amended to read:

3124 373.584 Revenue bonds.—

3125 (2) Revenues derived by the district ~~from the Water~~
3126 ~~Management Lands Trust Fund as provided in s. 373.59 or any~~
3127 ~~other revenues of the district~~ may be pledged to the payment of
3128 ~~such~~ revenue bonds; however, the ad valorem taxing powers of the
3129 district may not be pledged to the payment of such revenue bonds
3130 without prior compliance with the requirements of the State
3131 Constitution as to the affirmative vote of the electors of the
3132 district and with the requirements of s. 373.563, ~~and bonds~~

Page 108 of 149

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5-00328-15

2015584

payable from the Water Management Lands Trust Fund shall be issued solely for the purposes set forth in s. 373.59. Revenue bonds and notes shall be, and shall be deemed to be, for all purposes, negotiable instruments, subject only to the provisions of the revenue bonds and notes for registration. The powers and authority of districts to issue revenue bonds, including, but not limited to, bonds to finance a stormwater management system as defined by s. 373.403, and to enter into contracts incidental thereto, and to do all things necessary and desirable in connection with the issuance of revenue bonds, shall be coextensive with the powers and authority of municipalities to issue bonds under state law. The provisions of this section constitute full and complete authority for the issuance of revenue bonds and shall be liberally construed to effectuate its purpose.

Section 38. Section 373.59, Florida Statutes, is amended to read:

373.59 Payment in lieu of taxes for lands acquired for water management district purposes ~~Water Management Lands Trust Fund.~~

(1) ~~There is established within the Department of Environmental Protection the Water Management Lands Trust Fund to be used as a nonlapsing fund for the purposes of this section. The moneys in this fund are hereby continually appropriated for the purposes of land acquisition, management, maintenance, capital improvements of land titled to the districts, payments in lieu of taxes, debt service on bonds issued prior to July 1, 1999, debt service on bonds issued on or after July 1, 1999, which are issued to refund bonds issued~~

5-00328-15

2015584

~~before July 1, 1999, preacquisition costs associated with land purchases, and the department's costs of administration of the fund. No refunding bonds may be issued which mature after the final maturity date of the bonds being refunded or which provide for higher debt service in any year than is payable on such bonds as of February 1, 2009. The department's costs of administration shall be charged proportionally against each district's allocation using the formula provided in subsection (8). Capital improvements shall include, but need not be limited to, perimeter fencing, signs, firelanes, control of invasive exotic species, controlled burning, habitat inventory and restoration, law enforcement, access roads and trails, and minimal public accommodations, such as primitive campsites, garbage receptacles, and toilets. The moneys in the fund may also be appropriated to supplement operational expenditures at the Northwest Florida Water Management District and the Suwannee River Water Management District, with such appropriations allocated prior to the allocations set out in subsection (8) to the five water management districts.~~

~~(2) Until the Preservation 2000 Program is concluded, each district shall file with the Legislature and the Secretary of Environmental Protection a report of acquisition activity, by January 15 of each year, together with modifications or additions to its 5-year plan of acquisition. Included in the report shall be an identification of those lands which require a full fee simple interest to achieve water management goals and those lands which can be acquired using alternatives to fee simple acquisition techniques and still achieve such goals. In their evaluation of which lands would be appropriate for~~

5-00328-15

2015584

acquisition through alternatives to fee simple, district staff shall consider criteria including, but not limited to, acquisition costs, the net present value of future land management costs, the net present value of ad valorem revenue loss to the local government, and the potential for revenue generated from activities compatible with acquisition objectives. The report shall also include a description of land management activity. However, no acquisition of lands shall occur without a public hearing similar to those held pursuant to the provisions set forth in s. 120.54. In the annual update of its 5-year plan for acquisition, each district shall identify lands needed to protect or recharge groundwater and shall establish a plan for their acquisition as necessary to protect potable water supplies. Lands which serve to protect or recharge groundwater identified pursuant to this paragraph shall also serve to protect other valuable natural resources or provide space for natural resource based recreation. Once all Preservation 2000 funds allocated to the water management districts have been expended or committed, this subsection shall be repealed.

(3) Each district shall remove the property of an unwilling seller from its plan of acquisition at the next scheduled update of the plan, if in receipt of a request to do so by the property owner. This subsection shall be repealed at the conclusion of the Preservation 2000 program.

(4) The Secretary of Environmental Protection shall release moneys from the Water Management Lands Trust Fund to a district for preacquisition costs within 30 days after receipt of a resolution adopted by the district's governing board which

5-00328-15

2015584

identifies and justifies any such preacquisition costs necessary for the purchase of any lands listed in the district's 5-year plan. The district shall return to the department any funds not used for the purposes stated in the resolution, and the department shall deposit the unused funds into the Water Management Lands Trust Fund.

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

(6) If a district issues revenue bonds or notes under s. 373.584 prior to July 1, 1999, the district may pledge its share of the moneys in the Water Management Lands Trust Fund as security for such bonds or notes. The Department of Environmental Protection shall pay moneys from the trust fund to a district or its designee sufficient to pay the debt service, as it becomes due, on the outstanding bonds and notes of the district, however, such payments shall not exceed the district's cumulative portion of the trust fund. However, any moneys remaining after payment of the amount due on the debt service shall be released to the district pursuant to subsection (5).

(7) Any unused portion of a district's share of the fund shall accumulate in the trust fund to the credit of that district. Interest earned on such portion shall also accumulate to the credit of that district to be used for management, maintenance, and capital improvements as provided in this

5-00328-15

2015584

section. The total moneys over the life of the fund available to any district under this section shall not be reduced except by resolution of the district governing board stating that the need for the moneys no longer exists. Any water management district with fund balances in the Water Management Lands Trust Fund as of March 1, 1999, may expend those funds for land acquisitions pursuant to s. 373.139, or for the purpose specified in this subsection.

~~(8) Moneys from the Water Management Lands Trust Fund shall be allocated as follows:~~

~~(a) Beginning with the 2009-2010 fiscal year, thirty percent shall be used first to pay debt service on bonds issued before February 1, 2009, by the South Florida Water Management District which are secured by revenues provided by this section or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to such bonds, then to transfer \$3,000,000 to the credit of the General Revenue Fund in each fiscal year, and lastly to distribute the remainder to the South Florida Water Management District.~~

~~(b) Beginning with the 2009-2010 fiscal year, twenty-five percent shall be used first to transfer \$2,500,000 to the credit of the General Revenue Fund in each fiscal year and then to distribute the remainder to the Southwest Florida Water Management District.~~

~~(c) Beginning with the 2009-2010 fiscal year, twenty-five percent shall be used first to pay debt service on bonds issued before February 1, 2009, by the St. Johns River Water Management District which are secured by revenues provided by this section or to fund debt service reserve funds, rebate obligations, or~~

5-00328-15

2015584

other amounts payable with respect to such bonds, then to transfer \$2,500,000 to the credit of the General Revenue Fund in each fiscal year, and to distribute the remainder to the St. Johns River Water Management District.

~~(d) Ten percent to the Suwannee River Water Management District.~~

~~(e) Ten percent to the Northwest Florida Water Management District.~~

~~(9) Moneys in the fund not needed to meet current obligations incurred under this section shall be transferred to the State Board of Administration, to the credit of the fund, to be invested in the manner provided by law. Interest received on such investments shall be credited to the fund.~~

~~(10) (a) Beginning July 1, 1999, not more than one-fourth of the Funds provided for in subsections (1) and (8) in any year shall be reserved annually by a governing board, during the development of its annual operating budget, for payments in lieu of taxes for all actual ad valorem tax losses incurred as a result of all governing board acquisitions for water management district purposes. Reserved funds not used for payments in lieu of taxes in any year shall revert to the Water Management Lands Trust Fund to be used in accordance with the provisions of this section.~~

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

(a) 1- To all counties that have a population of 150,000 or fewer. Population levels shall be determined pursuant to s. 186.901. The population estimates published April 1 and used in the revenue-sharing formula pursuant to s. 186.901 shall be used to determine eligibility under this subsection and shall apply

5-00328-15

2015584

to payments made for the subsequent fiscal year.

(b)2- To all local governments located in eligible counties and whose lands are bought and taken off the tax rolls.

For properties acquired after January 1, 2000, in the event that such properties otherwise eligible for payment in lieu of taxes under this subsection are leased or reserved and remain subject to ad valorem taxes, payments in lieu of taxes shall commence or recommence upon the expiration or termination of the lease or reservation. If the lease is terminated for only a portion of the lands at any time, the annual payments shall be made for that portion only commencing the year after such termination, without limiting the requirement that annual payments shall be made on the remaining portion or portions of the land as the lease on each expires. For the purposes of this subsection, "local government" includes municipalities and the county school board.

(3)(e) If sufficient funds are unavailable in any year to make full payments to all qualifying counties and local governments, such counties and local governments shall receive a pro rata share of the moneys available.

(4)(d) The payment amount shall be based on the average amount of actual ad valorem taxes paid on the property for the 3 years preceding acquisition. Applications for payment in lieu of taxes shall be made no later than May 31 of the year for which payment is sought. No payment in lieu of taxes shall be made for properties which were exempt from ad valorem taxation for the year immediately preceding acquisition.

(5)(e) If property that was subject to ad valorem taxation

5-00328-15

2015584

was acquired by a tax-exempt entity for ultimate conveyance to the state under this chapter, payment in lieu of taxes shall be made for such property based upon the average amount of ad valorem taxes paid on the property for the 3 years prior to its being removed from the tax rolls. The water management districts shall certify to the Department of Revenue those properties that may be eligible under this provision. Once eligibility has been established, that governmental entity shall receive annual payments for each tax loss until the qualifying governmental entity exceeds the population threshold pursuant to subsection (2) paragraph (b).

(6)(f) Payment in lieu of taxes pursuant to this subsection shall be made annually to qualifying counties and local governments after certification by the Department of Revenue that the amounts applied for are reasonably appropriate, based on the amount of actual ad valorem taxes paid on the eligible property, and after the water management districts have provided supporting documents to the Chief Financial Officer and have requested that payment be made in accordance with the requirements of this section. With the assistance of the local government requesting payment in lieu of taxes, the water management district that acquired the land is responsible for preparing and submitting application requests for payment to the Department of Revenue for certification.

(7)(g) If a water management district conveys to a county or local government title to any land owned by the district, any payments in lieu of taxes on the land made to the county or local government shall be discontinued as of the date of the conveyance.

5-00328-15

2015584

3365 ~~(11) Notwithstanding any provision of this section to the~~
 3366 ~~contrary, the governing board of a water management district may~~
 3367 ~~request, and the Secretary of Environmental Protection shall~~
 3368 ~~release upon such request, moneys allocated to the districts~~
 3369 ~~pursuant to subsection (8) for purposes consistent with the~~
 3370 ~~provisions of s. 373.709, s. 373.705, s. 373.139, or ss.~~
 3371 ~~373.451-373.4595 and for legislatively authorized land~~
 3372 ~~acquisition and water restoration initiatives. No funds may be~~
 3373 ~~used pursuant to this subsection until necessary debt service~~
 3374 ~~obligations, requirements for payments in lieu of taxes, and~~
 3375 ~~land management obligations that may be required by this chapter~~
 3376 ~~are provided for.~~

3377 ~~(12) Notwithstanding subsection (8), and for the 2014-2015~~
 3378 ~~fiscal year only, the moneys from the Water Management Lands~~
 3379 ~~Trust Fund are allocated as follows:~~

3380 ~~(a) An amount necessary to pay debt service on bonds issued~~
 3381 ~~before February 1, 2009, by the South Florida Water Management~~
 3382 ~~District and the St. Johns River Water Management District,~~
 3383 ~~which are secured by revenues provided pursuant to this section,~~
 3384 ~~or to fund debt service reserve funds, rebate obligations, or~~
 3385 ~~other amounts payable with respect to such bonds.~~

3386 ~~(b) Eight million dollars to be transferred to the General~~
 3387 ~~Revenue Fund.~~

3388 ~~(c) Seven million seven hundred thousand dollars to be~~
 3389 ~~transferred to the Save Our Everglades Trust Fund to support~~
 3390 ~~Everglades restoration projects included in the final report of~~
 3391 ~~the Select Committee on Indian River Lagoon and Lake Okeechobee~~
 3392 ~~Basin, dated November 8, 2013.~~

3393 ~~(d) Any remaining funds to be provided in accordance with~~

5-00328-15

2015584

3394 ~~the General Appropriations Act.~~

3395
 3396 ~~This subsection expires July 1, 2015.~~

3397 Section 39. Section 373.5905, Florida Statutes, is amended
 3398 to read:

3399 373.5905 Reinstatement of payments in lieu of taxes;
 3400 duration.—If a water management district has made a payment in
 3401 lieu of taxes to a governmental entity and subsequently
 3402 suspended such payment, beginning July 1, 2009, the water
 3403 management district shall reinstate appropriate payments and
 3404 continue the payments for as long as the county population
 3405 remains below the population threshold pursuant to s.
 3406 373.59(2)(a) ~~s. 373.59(10)(b)~~. This section does not authorize
 3407 or provide for payments in arrears.

3408 Section 40. Subsection (8) of section 373.703, Florida
 3409 Statutes, is amended to read:

3410 373.703 Water production; general powers and duties.—In the
 3411 performance of, and in conjunction with, its other powers and
 3412 duties, the governing board of a water management district
 3413 existing pursuant to this chapter:

3414 (8) In addition to the power to issue revenue bonds
 3415 pursuant to s. 373.584, may issue revenue bonds for the purposes
 3416 of paying the costs and expenses incurred in carrying out the
 3417 purposes of this chapter or refunding obligations of the
 3418 district issued pursuant to this section. Such revenue bonds
 3419 shall be secured by, and be payable from, revenues derived from
 3420 the operation, lease, or use of its water production and
 3421 transmission facilities and other water-related facilities and
 3422 from the sale of water or services relating thereto. Such

5-00328-15

2015584

3423 revenue bonds may not be secured by, or be payable from, ~~moneys~~
 3424 ~~derived by the district from the Water Management Lands Trust~~
 3425 ~~Fund or from ad valorem taxes received by the district or from~~
 3426 ~~moneys appropriated by the Legislature, unless otherwise~~
 3427 ~~specifically authorized by law.~~ All provisions of s. 373.584
 3428 relating to the issuance of revenue bonds which are not
 3429 inconsistent with this section shall apply to the issuance of
 3430 revenue bonds pursuant to this section. The district may also
 3431 issue bond anticipation notes in accordance with the provisions
 3432 of s. 373.584.

3433 Section 41. Subsection (8) of section 375.031, Florida
 3434 Statutes, is amended to read:

3435 375.031 Acquisition of land; procedures.—

3436 (8) The department may, if it deems it desirable and in the
 3437 best interest of the program, request the board of trustees to
 3438 sell or otherwise dispose of any lands or water storage areas
 3439 acquired under this act. The board of trustees, when so
 3440 requested, shall offer the lands or water storage areas, on such
 3441 terms as the department may determine, first to other state
 3442 agencies and then, if still available, to the county or
 3443 municipality in which the lands or water storage areas lie. If
 3444 not acquired by another state agency or local governmental body
 3445 for beneficial public purposes, the lands or water storage areas
 3446 shall then be offered by the board of trustees at public sale,
 3447 after first giving notice of such sale by publication in a
 3448 newspaper published in the county or counties in which such
 3449 lands or water storage areas lie not less than once a week for 3
 3450 consecutive weeks. All proceeds from the sale or disposition of
 3451 any lands or water storage areas pursuant to this section shall

Page 119 of 149

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5-00328-15

2015584

3452 be deposited into the appropriate trust fund pursuant to s.
 3453 253.034(6)(k), (l), or (m) in the Land Acquisition Trust Fund.

3454 Section 42. Section 375.041, Florida Statutes, is amended
 3455 to read:

3456 375.041 Land Acquisition Trust Fund.—

3457 (1) There is created a Land Acquisition Trust Fund within
 3458 the Department of Environmental Protection. The Land Acquisition
 3459 Trust Fund is designated by s. 28, Art. X of the State
 3460 Constitution for receipt of certain documentary stamp tax
 3461 revenue for the uses prescribed therein to facilitate and
 3462 expedite the acquisition of land, water areas, and related
 3463 resources required to accomplish the purposes of this act. The
 3464 Land Acquisition Trust Fund shall be held and administered by
 3465 the department. All moneys and revenue from the ~~operation,~~
 3466 ~~management, sale, lease, or other disposition of land, water~~
 3467 ~~areas, or related resources acquired on or after July 1, 2015,~~
 3468 ~~under the Florida Forever Program, and the facilities thereon~~
 3469 ~~acquired or constructed under this act~~ shall be deposited into
 3470 in or credited to the Land Acquisition Trust Fund or, if
 3471 required by bond covenants, into the trust fund from which the
 3472 lands were purchased. Moneys accruing to any agency for the
 3473 purposes enumerated in this act may be deposited in this fund.
 3474 ~~There shall also be deposited into the Land Acquisition Trust~~
 3475 ~~Fund other moneys as authorized by appropriate act of the~~
 3476 ~~Legislature.~~ All moneys so deposited into the Land Acquisition
 3477 Trust Fund shall be trust funds for the uses and purposes herein
 3478 set forth, within the meaning of s. 215.32(1)(b); and such
 3479 moneys shall not become or be commingled with the General
 3480 Revenue Fund of the state, as defined by s. 215.32(1)(a).

Page 120 of 149

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5-00328-15

2015584

3481 (2) ~~Funds distributed into The moneys on deposit in the~~
 3482 Land Acquisition Trust Fund pursuant to s. 201.15(1) shall be
 3483 ~~first applied first to:~~

3484 (a) Pay debt service or to fund debt service reserve funds,
 3485 rebate obligations, or other amounts payable with respect to
 3486 Florida Forever bonds issued under s. 215.63; pay into the State
 3487 Treasury to the credit of the Save Our Everglades Trust Fund
 3488 amounts necessary to pay debt service, provide reserves, and pay
 3489 rebate obligations and other amounts due with respect to bonds
 3490 issued under s. 215.619; and pay debt service or funding of debt
 3491 service reserve funds, rebate obligations, or other amounts
 3492 payable with respect to the bonds issued under s. 373.584;

3493 (b) Pay debt service on bonds issued before February 1,
 3494 2009, by the South Florida Water Management District and the St.
 3495 Johns River Water Management District which are secured by
 3496 revenues provided pursuant to former s. 373.59, Florida Statutes
 3497 2014, or to fund debt service reserve funds, rebate obligations,
 3498 or other amounts payable with respect to such bonds. This
 3499 paragraph expires August 1, 2016; and

3500 (c) Distribute \$32 million to the South Florida Water
 3501 Management District for the Long-Term Plan as defined in s.
 3502 373.4592(2). This paragraph expires July 1, 2024 ~~pay the rentals~~
 3503 ~~due under lease-purchase agreements or to meet debt service~~
 3504 ~~requirements of revenue bonds issued pursuant to s. 375.051;~~
 3505 ~~provided, however, that debt service on Save Our Coast bonds~~
 3506 ~~shall not be paid from moneys transferred to the Land~~
 3507 ~~Acquisition Trust Fund pursuant to s. 259.032(2)(b).~~

3508 (3) ~~(a)~~ Any remaining moneys in the Land Acquisition Trust
 3509 Fund which are not distributed ~~pledged for rentals or debt~~

Page 121 of 149

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5-00328-15

2015584

3510 ~~service~~ as provided in subsection (2) may be expended from time
 3511 to time for the purposes set forth in s. 28, Art. X of the State
 3512 Constitution to acquire land, water areas, and related resources
 3513 and to construct, improve, enlarge, extend, operate, and
 3514 maintain capital improvements and facilities in accordance with
 3515 the plan. Moneys accruing to other agencies for the purposes
 3516 designated in subsection (1) shall be transferred pursuant to
 3517 nonoperating budget authority under s. 216.181(12). Agencies
 3518 shall maintain the integrity of such transferred moneys. Any
 3519 transferred moneys available from reversions or reductions of
 3520 budget authority in the other agencies shall be transferred back
 3521 to the Land Acquisition Trust Fund in the Department of
 3522 Environmental Protection within 15 days after such reversion or
 3523 reduction and must be available for future appropriation
 3524 pursuant to s. 28, Art. X of the State Constitution.

3525 ~~(b) In addition to the uses allowed under paragraph (a),~~
 3526 ~~for the 2014-2015 fiscal year, moneys in the Land Acquisition~~
 3527 ~~Trust Fund may be transferred to support the Total Maximum Daily~~
 3528 ~~Loads Program as provided in the General Appropriations Act.~~
 3529 ~~This paragraph expires July 1, 2015.~~

3530 ~~(c) For the 2014-2015 fiscal year only, moneys in the Land~~
 3531 ~~Acquisition Trust Fund may be transferred to the Save Our~~
 3532 ~~Everglades Trust Fund to support Everglades restoration projects~~
 3533 ~~included in the final report of the Select Committee on Indian~~
 3534 ~~River Lagoon and Lake Okeechobee Basin, dated November 8, 2013,~~
 3535 ~~and to the Florida Forever Trust Fund for the Florida Forever~~
 3536 ~~program pursuant to nonoperating budget authority under s.~~
 3537 ~~216.181(12). This paragraph expires July 1, 2015.~~

3538 ~~(4) The department may disburse moneys in the Land~~

Page 122 of 149

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5-00328-15

2015584

3539 ~~Acquisition Trust Fund to pay all necessary expenses to carry~~
 3540 ~~out the purposes of this act. The department shall disburse~~
 3541 ~~moneys from the Land Acquisition Trust Fund to the Fish and~~
 3542 ~~Wildlife Conservation Commission for the purpose of funding law~~
 3543 ~~enforcement services on state lands.~~

3544 ~~(4)(5)~~ When the Legislature has authorized the Department
 3545 of Environmental Protection to condemn a specific parcel of land
 3546 and such parcel already has been approved for acquisition
 3547 through the fund, the land may be acquired in accordance with
 3548 the provisions of chapter 73 or chapter 74, and the fund may be
 3549 used to pay the condemnation award and all costs, including a
 3550 reasonable attorney ~~attorney's~~ fee, associated with
 3551 condemnation.

3552 Section 43. Subsection (2) of section 375.044, Florida
 3553 Statutes, is amended to read:

3554 375.044 Land Acquisition Trust Fund budget request.—

3555 (2) The legislative budget request shall be submitted to
 3556 the Executive Office of the Governor and the Legislature in
 3557 conjunction with the provisions of ss. 216.023, 216.031, and
 3558 216.043. The 10-year request shall include, but need shall not
 3559 be limited to:

3560 (a) A 10-year annual cash-flow analysis of the Land
 3561 Acquisition Trust Fund.

3562 ~~(b) The requested schedule of the agency for issuance of~~
 3563 ~~Save Our Coasts bonds.~~

3564 ~~(b)(c)~~ Forecasts of anticipated revenues to the Land
 3565 Acquisition Trust Fund.

3566 ~~(c)(d)~~ The estimate of the agency of Land Acquisition Trust
 3567 Fund encumbrances and commitments for each year and the

5-00328-15

2015584

3568 corresponding estimates of expenditures.

3569 Section 44. Section 375.045, Florida Statutes, is repealed.

3570 Section 45. Subsection (1) and paragraph (c) of subsection
 3571 (2) of section 375.075, Florida Statutes, are amended to read:

3572 375.075 Outdoor recreation; financial assistance to local
 3573 governments.—

3574 (1) The Department of Environmental Protection is
 3575 authorized to establish the Florida Recreation Development
 3576 Assistance Program to provide grants subject to legislative
 3577 appropriation to qualified local governmental entities to
 3578 acquire or develop land for public outdoor recreation purposes.
 3579 ~~To the extent not needed for debt service on bonds issued~~
 3580 ~~pursuant to s. 375.051, each year the department shall develop~~
 3581 ~~and plan a program which shall be based upon funding of not less~~
 3582 ~~than 5 percent of the money credited to the Land Acquisition~~
 3583 ~~Trust Fund pursuant to s. 201.15(2) and (3) in that year. The~~
 3584 ~~department shall develop and plan a program that must which~~
 3585 ~~shall be based upon the cumulative total funding appropriated by~~
 3586 ~~the Legislature for such purpose provided from this section and~~
 3587 ~~from the Florida Forever Trust Fund pursuant to s.~~
 3588 ~~259.105(3)(d).~~

3589 (2)

3590 (c) Funds may not be released under ~~No release of funds~~
 3591 ~~from the Land Acquisition Trust Fund, or from the Florida~~
 3592 ~~Forever Trust Fund beginning in fiscal year 2001-2002, for this~~
 3593 ~~program may be made~~ for these public recreation projects until
 3594 the projects have been selected through the competitive
 3595 selection process provided for in this section.

3596 Section 46. Section 376.11, Florida Statutes, is amended to

5-00328-15

2015584

read:

376.11 Florida Coastal Protection Trust Fund.—

(1) The purpose of this section is to provide a mechanism to have financial resources immediately available for prevention of, and cleanup and rehabilitation after, a pollutant discharge, to prevent further damage by the pollutant, and to pay for damages. It is the legislative intent that this section be liberally construed to effect the purposes set forth, such interpretation being especially imperative in light of the danger to the environment and resources.

(2) The Florida Coastal Protection Trust Fund is established, to be used by the department and the Fish and Wildlife Conservation Commission as a nonlapsing revolving fund ~~for carrying out the purposes of ss. 376.011-376.21.~~

(3) The following funds shall be deposited into the Florida Coastal Protection Trust Fund: ~~To this fund shall be credited~~

(a) All registration fees, penalties, judgments, damages recovered pursuant to s. 376.121, other fees and charges related to ss. 376.011-376.21, and the excise tax revenues levied, collected, and credited pursuant to ss. 206.9935(1) and 206.9945(1) (a);

(b) Proceeds of fines and awards of damages pursuant to s. 161.054; and

(c) Funds from other sources otherwise specified by law.

(4) Charges against the fund shall be in accordance with this section.

(5) ~~(3)~~ Moneys in the fund that are not needed currently to meet the obligations of the department in the exercise of its responsibilities under ss. 376.011-376.21 shall be deposited

Page 125 of 149

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5-00328-15

2015584

with the Chief Financial Officer to the credit of the fund and may be invested in such manner as is provided for by statute. Interest received on such investment shall be credited to the fund, except as otherwise specified herein.

(6) ~~(4)~~ Moneys in the Florida Coastal Protection Trust Fund ~~may shall be used disbursed~~ for the following purposes ~~and no others:~~

(a) Carrying out the purposes of ss. 376.011-376.21.

(b) ~~(a)~~ Administrative expenses, personnel expenses, and equipment costs of the department and the Fish and Wildlife Conservation Commission related to the enforcement of ss. 376.011-376.21.

(c) ~~(b)~~ All costs involved in the prevention and abatement of pollution related to the discharge of pollutants covered by ss. 376.011-376.21 and the abatement of other potential pollution hazards as authorized herein.

(d) ~~(e)~~ All costs and expenses of the cleanup, restoration, and rehabilitation of waterfowl, wildlife, and all other natural resources damaged by the discharge of pollutants, including the costs of assessing and recovering damages to natural resources, whether performed or authorized by the department or any other state or local agency.

(e) ~~(d)~~ All provable costs and damages which are the proximate results of the discharge of pollutants covered by ss. 376.011-376.21.

(f) ~~(e)~~ Loans to the Inland Protection Trust Fund created in s. 376.3071.

(g) ~~(f)~~ The interest earned from investments of the balance in the Florida Coastal Protection Trust Fund shall be used for

Page 126 of 149

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5-00328-15

2015584__

funding the administrative expenses, personnel expenses, and equipment costs of the department relating to the enforcement of ss. 376.011-376.21.

(h) ~~(g)~~ The funding of a grant program to local governments, pursuant to s. 376.15(3)(d) and (e), for the removal of derelict vessels from the public waters of the state.

(i) ~~(h)~~ The department may spend up to \$1 million per year from the principal of the fund to acquire, design, train, and maintain emergency cleanup response teams and equipment located at appropriate ports throughout the state for the purpose of cleaning oil and other toxic materials from coastal waters. When the teams and equipment are not needed for these purposes they may be used for any other valid purpose of the department.

(j) ~~(i)~~ To provide a temporary transfer of funds in an amount not to exceed \$10 million to the Minerals Trust Fund as set forth in s. 376.40.

(k) ~~(j)~~ Funding for marine law enforcement.

(7) ~~(5)~~ Any interest in lands acquired using moneys in the Florida Coastal Protection Trust Fund shall be held by the Trustees of the Internal Improvement Trust Fund, and such lands shall be acquired pursuant to the procedures set forth in s. 253.025.

(8) ~~(6)~~ The department shall recover to the use of the fund from the person or persons causing the discharge or from the Federal Government, jointly and severally, all sums owed or expended from the fund, pursuant to s. 376.123(10), except that recoveries resulting from damage due to a discharge of a pollutant or other similar disaster shall be apportioned between the Florida Coastal Protection Trust Fund and the General

5-00328-15

2015584__

Revenue Fund so as to repay the full costs to the General Revenue Fund of any sums disbursed therefrom as a result of such disaster. Requests for reimbursement to the fund for the above costs, if not paid within 30 days of demand, shall be turned over to the Department of Legal Affairs for collection.

Section 47. Subsection (8) of section 376.123, Florida Statutes, is amended to read:

376.123 Claims against the Florida Coastal Protection Trust Fund.—

(8) If a person chooses to make a claim against the fund and accepts payment from, or a judgment against, the fund, then the department shall be subrogated to any cause of action that the claimant may have had, to the extent of such payment or judgment, and shall diligently pursue recovery on that cause of action pursuant to subsection (10) and s. 376.11(8) ~~or~~ 376.11(6). In any such action, the amount of damages shall be proved by the department by submitting to the court a written report of the amounts paid or owed from the fund to claimants. Such written report shall be admissible as evidence, and the amounts paid from or owed by the fund to the claimants stated therein shall be irrebuttably presumed to be the amount of damages.

Section 48. Paragraphs (g) through (l) are added to subsection (1) of section 376.307, Florida Statutes, subsection (4) of that section is amended, and subsection (8) is added to that section, to read:

376.307 Water Quality Assurance Trust Fund.—

(1) The Water Quality Assurance Trust Fund is intended to serve as a broad-based fund for use in responding to incidents

5-00328-15

2015584

of contamination that pose a serious danger to the quality of groundwater and surface water resources or otherwise pose a serious danger to the public health, safety, or welfare. Moneys in this fund may be used:

(g) For detailed planning for and implementation of programs for the management and restoration of ecosystems.

(h) For development and implementation of surface water improvement and management plans and programs under ss. 373.451-373.4595.

(i) For activities to restore polluted areas of the state, as defined by the department, to their condition before pollution occurred or to otherwise enhance pollution control activities.

(j) For activities undertaken by the department to recover moneys as a result of actions against a person for a violation of chapter 373.

(k) Funding activities described in s. 403.086(9) which are authorized for implementation under the Leah Schad Memorial Ocean Outfall Program.

(l) Funding activities to restore or rehabilitate injured or destroyed coral reefs.

(4) The trust fund shall be funded as follows:

(a) An annual transfer of interest funds from the Florida Coastal Protection Trust Fund pursuant to s. 376.11(6)(g) ~~s. 376.11(4)(f)~~.

(b) All excise taxes levied, collected, and credited to the Water Quality Assurance Trust Fund in accordance with the provisions of ss. 206.9935(2) and 206.9945(1)(b).

(c) All penalties, judgments, recoveries, reimbursements,

Page 129 of 149

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5-00328-15

2015584

and other fees and charges related to the enforcement of ss. 376.30-376.317, other than penalties, judgments, and other fees and charges related to the enforcement of ss. 376.3071 and 376.3073.

(d) The fee on the retail sale of lead-acid batteries credited to the Water Quality Assurance Trust Fund under s. 403.7185.

(e) All penalties, judgments, recoveries, reimbursements, loans, and other fees and charges collected under s. 376.3078; tax revenues levied, collected, and credited under ss. 376.70 and 376.75; and registration fees collected under s. 376.303(1)(d).

(f) All civil penalties recovered pursuant to s. 373.129(5)(a).

(g) Funds appropriated by the Legislature for the purposes of ss. 373.451-373.4598.

(h) Moneys collected pursuant to s. 403.121 and designated for deposit into the Water Quality Assurance Trust Fund.

(i) Moneys recovered by the state as a result of actions against a person for a violation of chapter 373 or chapter 403 initiated by the department.

(j) Damages recovered for coral reef protection pursuant to s. 403.93345.

(k) Funds available for the Leah Schad Memorial Ocean Outfall Program pursuant to s. 403.08601.

(l) Funds received by the state for injury to or destruction of coral reefs, which moneys would otherwise be deposited into the General Revenue Fund or the Internal Improvement Trust Fund. The department may enter into settlement

Page 130 of 149

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5-00328-15

2015584

3771 agreements that require responsible parties to pay a third party
 3772 to fund projects related to the restoration of a coral reef, to
 3773 accomplish mitigation for injury to a coral reef, or to support
 3774 the activities of law enforcement agencies related to coral reef
 3775 injury response, investigation, and assessment. Participation of
 3776 a law enforcement agency in the receipt of funds through this
 3777 mechanism shall be at the law enforcement agency's discretion.

3778 (m) Moneys from sources otherwise specified by law.

3779 (8) A settlement entered into by the department may not
 3780 limit the Legislature's authority to appropriate moneys from the
 3781 trust fund; however, the department may enter into a settlement
 3782 in which the department agrees to request that moneys received
 3783 pursuant to the settlement will be included in its legislative
 3784 budget request for purposes set out in the settlement; and
 3785 further, the department may enter into a settlement in cases
 3786 involving joint enforcement with the Hillsborough County
 3787 pollution control program, as a program approved by the
 3788 department pursuant to s. 403.182, in which the department
 3789 agrees that moneys are to be deposited into that local program's
 3790 pollution recovery fund and used for projects directed toward
 3791 addressing the environmental damage that was the cause of action
 3792 for which funds were received.

3793 Section 49. Subsection (4) of section 376.40, Florida
 3794 Statutes, is amended to read:

3795 376.40 Petroleum exploration and production; purposes;
 3796 funding.—

3797 (4) FUNDING.—There shall be deposited in the Minerals Trust
 3798 Fund:

3799 (a) All fees charged permittees under ss. 377.24(1),

Page 131 of 149

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5-00328-15

2015584

3800 377.2408(1), and 377.2425(1)(b).

3801 (b) All penalties, judgments, recoveries, reimbursements,
 3802 and other fees and charges related to the implementation of this
 3803 section.

3804 (c) Any other funds required to be deposited in the trust
 3805 fund under provisions of law.

3806
 3807 If moneys on deposit in the trust fund are not sufficient to
 3808 satisfy the needed remedial or corrective action, and if the
 3809 responsible party does not take remedial and corrective action
 3810 in a timely manner or if a catastrophic event occurs, a
 3811 temporary transfer of the required amount, or a maximum of \$10
 3812 million, from the Florida Coastal Protection Trust Fund pursuant
 3813 to s. 376.11(6)(j) ~~s. 376.11(4)(i)~~ is authorized. The Florida
 3814 Coastal Protection Trust Fund shall be reimbursed immediately
 3815 upon deposit into the Minerals Trust Fund of moneys referred to
 3816 in paragraph (b).

3817 Section 50. Section 379.202, Florida Statutes, is repealed.

3818 Section 51. Subsection (2) of section 379.206, Florida
 3819 Statutes, is amended to read:

3820 379.206 Grants and Donations Trust Fund.—

3821 (2) The fund is established for use as a depository for
 3822 funds to be used for allowable grant and donor agreement
 3823 activities funded by restricted contractual revenue. Moneys to
 3824 be credited to the trust fund shall consist of grants and
 3825 donations from private and public nonfederal sources,
 3826 development-of-regional-impact wildlife mitigation
 3827 contributions, interest earnings, and cash advances from other
 3828 trust funds.

Page 132 of 149

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5-00328-15

2015584

3829 Section 52. Section 379.212, Florida Statutes, is amended
3830 to read:

3831 379.212 Land Acquisition Trust Fund.—

3832 (1) (a) There is established within the Fish and Wildlife
3833 Conservation Commission the Land Acquisition Trust Fund to
3834 implement s. 28, Art. X of the State Constitution for the
3835 purpose of acquiring, assisting other agencies or local
3836 governments in acquiring, or managing lands important to the
3837 conservation of fish and wildlife.

3838 (b) The Fish and Wildlife Conservation Commission or its
3839 designee shall manage such lands for the primary purpose of
3840 maintaining and enhancing their habitat value for fish and
3841 wildlife. Other uses may be allowed that are not contrary to
3842 this purpose.

3843 (c) If ~~where~~ acquisition pursuant to this section will
3844 result in state ownership of land, title shall be vested in the
3845 Board of Trustees of the Internal Improvement Trust Fund as
3846 required in chapter 253. Land acquisition pursuant to this
3847 section shall be voluntary, negotiated acquisition and, if ~~where~~
3848 title is to be vested in the Board of Trustees of the Internal
3849 Improvement Trust Fund, is subject to the acquisition procedures
3850 of s. 253.025.

3851 (d) Acquisition costs shall include purchase prices and
3852 costs and fees associated with title work, surveys, and
3853 appraisals required to complete an acquisition.

3854 (2) The fund may be credited with funds transferred from
3855 the Land Acquisition Trust Fund within the Department of
3856 Environmental Protection as provided in s. 375.041 ~~Moneys which~~
3857 ~~may be deposited into the Land Acquisition Trust Fund for the~~

Page 133 of 149

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5-00328-15

2015584

3858 ~~purposes of this section may include, but not be limited to,~~
3859 ~~donations, grants, development of regional impact wildlife~~
3860 ~~mitigation contributions, or legislative appropriations.~~
3861 ~~Preservation 2000 acquisition moneys and Conservation and~~
3862 ~~Recreation Lands management moneys shall not be deposited into~~
3863 ~~this fund.~~

3864 (3) The Fish and Wildlife Conservation Commission shall
3865 maintain the integrity of such moneys transferred from the
3866 Department of Environmental Protection. Any transferred moneys
3867 available from reversions and reductions in budget authority
3868 shall be transferred back to the Land Acquisition Trust Fund in
3869 the Department of Environmental Protection within 15 days after
3870 such reversion or reduction and must be available for future
3871 appropriation pursuant to s. 28, Art. X of the State
3872 Constitution.

3873 Section 53. Subsection (3) of section 379.362, Florida
3874 Statutes, is amended to read:

3875 379.362 Wholesale and retail saltwater products dealers;
3876 regulation.—

3877 (3) OYSTER MANAGEMENT AND RESTORATION PROGRAMS.—The
3878 Department of Agriculture and Consumer Services shall use ~~or~~
3879 ~~distribute~~ funds appropriated from the Land Acquisition Trust
3880 Fund within the department paid into the State Treasury to the
3881 credit of the General Inspection Trust Fund pursuant to s.
3882 201.15, less reasonable costs of administration, to fund the
3883 following oyster management and restoration programs in
3884 Apalachicola Bay and other oyster harvest areas in the state:

3885 (a) The relaying and transplanting of live oysters.

3886 (b) Shell planting to construct or rehabilitate oyster

Page 134 of 149

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5-00328-15

2015584__

3887 bars.

3888 (c) Education programs for licensed oyster harvesters on
 3889 oyster biology, aquaculture, boating and water safety,
 3890 sanitation, resource conservation, small business management,
 3891 and other relevant subjects.

3892 (d) Research directed toward the enhancement of oyster
 3893 production in the bay and the water management needs of the bay.

3894 Section 54. Subsection (12) of section 380.0666, Florida
 3895 Statutes, is amended to read:

3896 380.0666 Powers of land authority.—The land authority shall
 3897 have all the powers necessary or convenient to carry out and
 3898 effectuate the purposes and provisions of this act, including
 3899 the following powers, which are in addition to all other powers
 3900 granted by other provisions of this act:

3901 (12) To identify parcels of land within the area or areas
 3902 of critical state concern that would be appropriate acquisitions
 3903 by the state ~~from the Conservation and Recreational Lands Trust~~
 3904 ~~Fund~~ and recommend such acquisitions to the advisory council
 3905 established pursuant to s. 259.035 or its successor.

3906 Section 55. Section 380.0677, Florida Statutes, is
 3907 repealed.

3908 Section 56. Subsection (11) of section 380.507, Florida
 3909 Statutes, is amended to read:

3910 380.507 Powers of the trust.—The trust shall have all the
 3911 powers necessary or convenient to carry out the purposes and
 3912 provisions of this part, including:

3913 (11) To make rules necessary to carry out the purposes of
 3914 this part and to exercise any power granted in this part,
 3915 pursuant to ~~the provisions of~~ chapter 120. The trust shall adopt

5-00328-15

2015584__

3916 rules governing the acquisition of lands with using proceeds
 3917 from ~~the Preservation 2000 Trust Fund and the Florida Forever~~
 3918 Trust Fund, consistent with the intent expressed in the Florida
 3919 Forever Act. Such rules for land acquisition must include, but
 3920 are not limited to, procedures for appraisals and
 3921 confidentiality consistent with ss. 125.355(1)(a) and (b) and
 3922 166.045(1)(a) and (b), a method of determining a maximum
 3923 purchase price, and procedures to assure that the land is
 3924 acquired in a voluntarily negotiated transaction, surveyed,
 3925 conveyed with marketable title, and examined for hazardous
 3926 materials contamination. Land acquisition procedures of a local
 3927 land authority created pursuant to s. 380.0663 ~~or s. 380.0677~~
 3928 may be used for the land acquisition programs described in
 3929 former s. ~~by ss.~~ 259.101(3)(c), Florida Statutes 2014, and in s.
 3930 259.105 if within areas of critical state concern designated
 3931 pursuant to s. 380.05, subject to approval of the trust.

3932 Section 57. Subsection (4) of section 380.508, Florida
 3933 Statutes, is amended to read:

3934 380.508 Projects; development, review, and approval.—

3935 (4) Projects or activities which the trust undertakes,
 3936 coordinates, or funds in any manner shall comply with the
 3937 following guidelines:

3938 (a) The purpose of redevelopment projects shall be to
 3939 restore areas which are adversely affected by scattered
 3940 ownership, poor lot layout, inadequate park and open space,
 3941 incompatible land uses, or other conditions which endanger the
 3942 environment or impede orderly development. Grants and loans
 3943 awarded for redevelopment projects shall be used for assembling
 3944 parcels of land within redevelopment project areas for the

5-00328-15

2015584

redesign of such areas and for the installation of public improvements required to serve such areas. After redesign and installation of public improvements, if any, lands in redevelopment projects, with the exception of lands acquired for public purposes, shall be conveyed to any person for development in accordance with a redevelopment project plan approved according to this part.

(b) The purpose of resource enhancement projects shall be to enhance natural resources which, because of indiscriminate dredging or filling, improper location of improvements, natural or human-induced events, or incompatible land uses, have suffered loss of natural and scenic values. Grants and loans awarded for resource enhancement projects shall be used for the assembly of parcels of land to improve resource management, for relocation of improperly located or designed improvements, and for other corrective measures which will enhance the natural and scenic character of project areas.

(c) The purpose of public access projects shall be to acquire interests in and initially develop lands which are suitable for and which will be used for public accessways to surface waters. The trust shall identify local governments and nonprofit organizations which will accept responsibility for maintenance and liability for public accessways which are located outside the state park system. The trust may lease any public access site developed under this part to a local government or nonprofit organization, provided that the conditions of the lease guarantee public use of the site. The trust may accept, from any local government or nonprofit organization, fees collected for providing public access to

5-00328-15

2015584

surface waters. The trust shall expend any such funds it accepts only for acquisition, development, and maintenance of such public accessways. To the maximum extent possible, the trust shall expend such fees in the general area where they are collected or in areas where public access to surface waters is clearly deficient. The trust may transfer funds, including such fees, to a local government or nonprofit organization to acquire public access sites. In developing or coordinating public access projects, the trust shall ensure that project plans involving beach access are consistent with state laws governing beach access.

(d) The purpose of urban waterfront restoration projects shall be to restore deteriorated or deteriorating urban waterfronts for public use and enjoyment. Urban waterfront restoration projects shall include public access sites.

(e) The purpose of working waterfront projects shall be to restore and preserve working waterfronts as provided in s. 380.5105.

(f) The trust shall cooperate with local governments, state agencies, federal agencies, and nonprofit organizations in ensuring the reservation of lands for parks, recreation, fish and wildlife habitat, historical preservation, or scientific study. ~~If in the event that~~ any local government, state agency, federal agency, or nonprofit organization is unable, due to limited financial resources or other circumstances of a temporary nature, to acquire a site for the purposes described in this paragraph, the trust may acquire and hold the site for subsequent conveyance to the appropriate governmental agency or nonprofit organization. The trust may provide such technical

5-00328-15

2015584

assistance as ~~is~~ required to aid local governments, state and federal agencies, and nonprofit organizations in completing acquisition and related functions. The trust ~~may shall~~ not reserve lands acquired in accordance with this paragraph for more than 5 years from the time of acquisition. A local government, federal or state agency, or nonprofit organization may acquire the land at any time during this period for public purposes. The purchase price shall be based upon the trust's cost of acquisition, plus administrative and management costs in reserving the land. The payment of the ~~this~~ purchase price shall be by money, trust-approved property of an equivalent value, or a combination of money and trust-approved property. If, after the 5-year period, the trust has not sold to a governmental agency or nonprofit organization land acquired for site reservation, the trust shall dispose of such land at fair market value or shall trade it for other land of comparable value which will serve to accomplish the purposes of this part. Any proceeds from the sale of such land shall be deposited into ~~in~~ the appropriate Florida Communities trust fund pursuant to s. 253.034(6)(k), (l), or (m). All moneys and revenue from the operation, management, lease, or other disposition of land, water areas, related resources, and the facilities thereon acquired or constructed under this part shall be credited to or deposited into the Internal Improvement Trust Fund.

Project costs may include costs of providing parks, open space, public access sites, scenic easements, and other areas and facilities serving the public where such features are part of a project plan approved according to this part. In undertaking or

5-00328-15

2015584

coordinating projects or activities authorized by this part, the trust shall, when appropriate, use and promote the use of creative land acquisition methods, including the acquisition of less than fee interest through, among other methods, conservation easements, transfer of development rights, leases, and leaseback arrangements. The trust ~~also~~ shall assist local governments in the use of sound alternative methods of financing for funding projects and activities authorized under ~~by~~ this part. Any funds over and above eligible project costs, which remain after completion of a project approved according to this part, shall be transmitted to the state and deposited into ~~in~~ the Florida Forever Florida Communities Trust Fund.

Section 58. Paragraph (f) of subsection (3) and subsections (5) and (7) of section 380.510, Florida Statutes, are amended to read:

380.510 Conditions of grants and loans.—

(3) In the case of a grant or loan for land acquisition, agreements shall provide all of the following:

~~(f) The term of any grant using funds received from the Preservation 2000 Trust Fund, pursuant to s. 259.101(3)(e), shall be for a period not to exceed 24 months. The governing board of the trust may offer a grant with a shorter term and may extend a grant beyond 24 months when the grant recipient demonstrates that significant progress is being made toward closing the project or that extenuating circumstances warrant an extension of time. If a local government project which was awarded a grant is not closed within 24 months and the governing board of the trust does not grant an extension, the grant reverts to the trust's unencumbered balance of Preservation 2000~~

5-00328-15

2015584

~~funds to be redistributed to other eligible projects. The local government may reapply for a grant to fund the project in the trust's next application cycle.~~

Any deed or other instrument of conveyance whereby a nonprofit organization or local government acquires real property under this section shall set forth the interest of the state. The trust shall keep at least one copy of any such instrument and shall provide at least one copy to the Board of Trustees of the Internal Improvement Trust Fund.

(5) Any funds the trust collects from a nonprofit organization or local government under a grant or loan agreement shall be deposited into in the Internal Improvement Florida Communities Trust Fund within the Department of Environmental Protection.

(7) Any funds received by the trust ~~from the Preservation 2000 Trust Fund pursuant to s. 259.105(3)(c) or s. 375.041 s. 259.101(3)(c) and the Florida Forever Trust Fund pursuant to s. 259.105(3)(c)~~ shall be held separate and apart from any other funds held by the trust and ~~shall be used for the land acquisition purposes of this part. In addition to the other conditions set forth in this section, the disbursement of Preservation 2000 and Florida Forever funds from the trust shall be subject to the following conditions:~~

(a) The administration and use of Florida Forever ~~any~~ funds ~~are received by the trust from the Preservation 2000 Trust Fund and the Florida Forever Trust Fund~~ shall be subject to such terms and conditions imposed thereon by the agency of the state responsible for the bonds, the proceeds of which are deposited

5-00328-15

2015584

~~into in the Preservation 2000 Trust Fund and the Florida Forever Trust Fund, including restrictions imposed to ensure that the interest on any such bonds issued by the state as tax-exempt bonds is will not be included in the gross income of the holders of such bonds for federal income tax purposes.~~

(b) All deeds or leases with respect to any real property acquired with funds received by the trust from the Preservation 2000 Trust Fund, the Florida Forever Trust Fund, or the Land Acquisition Trust Fund must ~~shall~~ contain such covenants and restrictions as are sufficient to ensure that the use of such real property at all times complies with s. 375.051 and s. 9, Art. XII of the State Constitution. Each deed ~~All deeds~~ or lease ~~leases~~ with respect to any real property acquired with funds received by the trust from the Florida Forever Trust Fund before July 1, 2015, must ~~shall~~ contain ~~such~~ covenants and restrictions ~~as are~~ sufficient to ensure that the use of such real property at all times complies with s. 11(e), Art. VII of the State Constitution. Each deed or lease with respect to any real property acquired with funds received by the trust from the Florida Forever Trust Fund after July 1, 2015, must contain covenants and restrictions sufficient to ensure that the use of such real property at all times complies with s. 28, Art. X of the State Constitution. Each deed or lease must ~~shall~~ contain a reversion, conveyance, or termination clause that vests will ~~vest~~ title in the Board of Trustees of the Internal Improvement Trust Fund if any of the covenants or restrictions are violated by the titleholder or leaseholder or by some third party with the knowledge of the titleholder or leaseholder.

Section 59. Section 380.511, Florida Statutes, is repealed.

5-00328-15

2015584

Section 60. Subsection (2) of section 403.0615, Florida Statutes, is amended to read:

403.0615 Water resources restoration and preservation.—

(2) Subject to specific legislative appropriation, the department shall establish a program to assist in the restoration and preservation of bodies of water and to enhance existing public access when deemed necessary for the enhancement of the restoration effort. ~~This program shall be funded from the General Revenue Fund, from funds available from the Ecosystem Management and Restoration Trust Fund, and from available federal moneys.~~

Section 61. Section 403.08601, Florida Statutes, is amended to read:

403.08601 Leah Schad Memorial Ocean Outfall Program.—The Legislature declares that as funds become available the state may assist the local governments and agencies responsible for implementing the Leah Schad Memorial Ocean Outfall Program pursuant to s. 403.086(9). Funds received from other sources provided for in law, the General Appropriations Act, from gifts designated for implementation of the plan from individuals, corporations, or other entities, or federal funds appropriated by Congress for implementation of the plan, may be deposited into an account of the Water Quality Assurance Ecosystem Management and Restoration Trust Fund ~~created pursuant to s. 403.1651.~~

Section 62. Subsection (11) of section 403.121, Florida Statutes, is amended to read:

403.121 Enforcement; procedure; remedies.—The department shall have the following judicial and administrative remedies

Page 143 of 149

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5-00328-15

2015584

available to it for violations of this chapter, as specified in s. 403.161(1).

(11) Penalties collected pursuant to this section shall be deposited into ~~in~~ the Water Quality Assurance Ecosystem Management and Restoration Trust Fund or other trust fund designated by statute and shall be used to fund the restoration of ecosystems, or polluted areas of the state, as defined by the department, to their condition before pollution occurred. The Florida Conflict Resolution Consortium may use a portion of the fund to administer the mediation process provided in paragraph (2) (e) and to contract with private mediators for administrative penalty cases.

Section 63. Section 403.1651, Florida Statutes, is repealed.

Section 64. Subsection (1) of section 403.885, Florida Statutes, is amended to read:

403.885 Water Projects Grant Program.—

(1) The Department of Environmental Protection shall administer a grant program to use funds ~~transferred pursuant to s. 212.20 to the Ecosystem Management and Restoration Trust Fund or other moneys as~~ appropriated by the Legislature for water quality improvement, stormwater management, wastewater management, and water restoration and other water projects as specifically appropriated by the Legislature. Eligible recipients of such grants include counties, municipalities, water management districts, and special districts that have legal responsibilities for water quality improvement, water management, stormwater management, wastewater management, lake and river water restoration projects, and drinking water

Page 144 of 149

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5-00328-15

2015584

4177 projects pursuant to this section.

4178 Section 65. Section 403.8911, Florida Statutes, is
 4179 repealed.

4180 Section 66. Subsection (6) of section 403.9325, Florida
 4181 Statutes, is amended to read:

4182 403.9325 Definitions.—For the purposes of ss. 403.9321-
 4183 403.9333, the term:

4184 (6) "Public lands set aside for conservation or
 4185 preservation" means:

4186 (a) Lands and interests acquired with funds deposited into
 4187 the Land Acquisition Trust Fund pursuant to s. 28(a), Art. X of
 4188 the State Constitution;

4189 (b) ~~(a)~~ Conservation and recreation lands under chapter 259;

4190 (c) ~~(b)~~ State and national parks;

4191 (d) ~~(e)~~ State and national reserves and preserves, except as
 4192 provided in s. 403.9326(3);

4193 (e) ~~(d)~~ State and national wilderness areas;

4194 (f) ~~(e)~~ National wildlife refuges (only those lands under
 4195 Federal Government ownership);

4196 (g) ~~(f)~~ Lands acquired through the former Water Management
 4197 Lands Trust Fund, Save Our Rivers Program;

4198 (h) ~~(g)~~ Lands acquired under the Save Our Coast program;

4199 (i) ~~(h)~~ Lands acquired under the environmentally endangered
 4200 lands bond program;

4201 (j) ~~(i)~~ Public lands designated as conservation or
 4202 preservation under a local government comprehensive plan;

4203 (k) ~~(j)~~ Lands purchased by a water management district, the
 4204 Fish and Wildlife Conservation Commission, or any other state
 4205 agency for conservation or preservation purposes;

Page 145 of 149

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5-00328-15

2015584

4206 (l) ~~(k)~~ Public lands encumbered by a conservation easement
 4207 that does not provide for the trimming of mangroves; and
 4208 (m) ~~(l)~~ Public lands designated as critical wildlife areas
 4209 by the Fish and Wildlife Conservation Commission.

4210 Section 67. Paragraph (f) of subsection (3) and subsection
 4211 (11) of section 403.93345, Florida Statutes, are amended to
 4212 read:

4213 403.93345 Coral reef protection.—

4214 (3) As used in this section, the term:

4215 (f) "Fund" means the Water Quality Assurance Ecosystem
 4216 Management and Restoration Trust Fund.

4217 (11) All damages recovered by or on behalf of this state
 4218 for injury to, or destruction of, the coral reefs of the state
 4219 that would otherwise be deposited in the general revenue
 4220 accounts of the State Treasury or in the Internal Improvement
 4221 Trust Fund shall be deposited into in the Water Quality
 4222 Assurance Ecosystem Management and Restoration Trust Fund in the
 4223 department and shall remain in such account until expended by
 4224 the department for the purposes of this section. Moneys in the
 4225 fund received from damages recovered for injury to, or
 4226 destruction of, coral reefs must be expended only for the
 4227 following purposes:

4228 (a) To provide funds to the department for reasonable costs
 4229 incurred in obtaining payment of the damages for injury to, or
 4230 destruction of, coral reefs, including administrative costs and
 4231 costs of experts and consultants. Such funds may be provided in
 4232 advance of recovery of damages.

4233 (b) To pay for restoration or rehabilitation of the injured
 4234 or destroyed coral reefs or other natural resources by a state

Page 146 of 149

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5-00328-15

2015584__

4235 agency or through a contract to any qualified person.

4236 (c) To pay for alternative projects selected by the
4237 department. Any such project shall be selected on the basis of
4238 its anticipated benefits to the residents of this state who used
4239 the injured or destroyed coral reefs or other natural resources
4240 or will benefit from the alternative project.

4241 (d) All claims for trust fund reimbursements under
4242 paragraph (a) must be made within 90 days after payment of
4243 damages is made to the state.

4244 (e) Each private recipient of fund disbursements shall be
4245 required to agree in advance that its accounts and records of
4246 expenditures of such moneys are subject to audit at any time by
4247 appropriate state officials and to submit a final written report
4248 describing such expenditures within 90 days after the funds have
4249 been expended.

4250 (f) When payments are made to a state agency from the fund
4251 for expenses compensable under this subsection, such
4252 expenditures shall be considered as being for extraordinary
4253 expenses, and no agency appropriation shall be reduced by any
4254 amount as a result of such reimbursement.

4255 Section 68. Section 570.207, Florida Statutes, is repealed.

4256 Section 69. Subsection (2) of section 570.321, Florida
4257 Statutes, is amended to read:

4258 570.321 Plant Industry Trust Fund.—

4259 (2) Funds to be credited to and uses of the trust fund
4260 shall be administered in accordance with ss. ~~259.032~~, 581.031,
4261 581.141, 581.211, 581.212, 586.045, 586.15, 586.16, 593.114, and
4262 593.117.

4263 Section 70. Subsection (12) of section 570.71, Florida

Page 147 of 149

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5-00328-15

2015584__

4264 Statutes, is amended to read:

4265 570.71 Conservation easements and agreements.—

4266 (12) The department may use appropriated funds from the
4267 following sources to implement this section:

- 4268 (a) State funds;
- 4269 (b) Federal funds;
- 4270 (c) Other governmental entities;
- 4271 (d) Nongovernmental organizations; or
- 4272 (e) Private individuals.

4273
4274 Any such funds provided, other than from the Land Acquisition
4275 Trust Fund, shall be deposited into the Incidental Conservation
4276 and Recreation Lands Program Trust Fund within the Department of
4277 Agriculture and Consumer Services and used for the purposes of
4278 this section, including administrative and operating expenses
4279 related to appraisals, mapping, title process, personnel, and
4280 other real estate expenses.

4281 Section 71. Paragraph (c) of subsection (1) of section
4282 895.09, Florida Statutes, is amended to read:

4283 895.09 Disposition of funds obtained through forfeiture
4284 proceedings.—

4285 (1) A court entering a judgment of forfeiture in a
4286 proceeding brought pursuant to s. 895.05 shall retain
4287 jurisdiction to direct the distribution of any cash or of any
4288 cash proceeds realized from the forfeiture and disposition of
4289 the property. The court shall direct the distribution of the
4290 funds in the following order of priority:

- 4291 (c) Any claim by the Board of Trustees of the Internal
4292 Improvement Trust Fund on behalf of the Internal Improvement

Page 148 of 149

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5-00328-15

2015584

Trust Fund or the ~~Land Acquisition~~ trust fund used pursuant to s. 253.03(12), not including administrative costs of the Department of Environmental Protection previously paid directly from the Internal Improvement Trust Fund in accordance with legislative appropriation.

Section 72. Paragraph (c) of subsection (1) of s. 260.015, Florida Statutes, is reenacted for the purpose of incorporating the amendment made by this act to s. 259.035, Florida Statutes, in a reference thereto.

Section 73. Paragraph (b) of subsection (3) of s. 258.015, Florida Statutes, is reenacted for the purpose of incorporating the amendment made by this act to s. 375.041, Florida Statutes, in a reference thereto.

Section 74. Subsection (2) of s. 287.0595, Florida Statutes, is reenacted for the purpose of incorporating the amendment made by this act to s. 376.307, Florida Statutes, in a reference thereto.

Section 75. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: PCS/CS/SB 586 (485002)

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on General Government); Environmental Preservation and Conservation Committee; and Senator Dean

SUBJECT: Implementation of the Water and Land Conservation Constitutional Amendment

DATE: March 17, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Gudeman	Uchino	EP	Fav/CS
2.	Betta	DeLoach	AGG	Recommend: Fav/CS
3.	Betta	Kynoch	AP	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

PCS/CS/SB 586 revises the statutory distributions of revenues derived from the excise tax on documents to satisfy the recently approved water and land conservation constitutional amendment. The bill requires the Land Acquisition Trust Fund (LATF) to receive 33 percent of net revenues from the excise tax on documents. It also requires payment of debt service for Florida Forever and Everglades bonds out of the LATF, and deletes existing distributions to trust funds that serve environmental purposes. The bill maintains the existing effective percentage distributions to the transportation, affordable housing, and grants and donations trust funds, but actual distributions to these trust funds are reduced because they receive a remainder of the revenues after moneys are first distributed to the LATF. The bill maintains existing distributions to the State Economic Enhancement and Development Trust Fund, and provides a specific distribution for making payments in lieu of taxes to local governments. See Section V. for information on the fiscal impact of the bill.

The bill provides an effective date of July 1, 2015.

II. Present Situation:

Excise Tax on Documents

Chapter 201, F.S., levies a tax on two classes of documents. Deeds and other documents related to real property are taxed at the rate of 70 cents per \$100. (The tax rate on documents relating to realty is 60 cents per \$100 in Miami-Dade County, which since 1983 has levied a discretionary surtax on deeds of 45 cents per \$100 of consideration except for deeds on single family residences.) Certificates of indebtedness, promissory notes, wage assignments and retail charge account agreements are taxed at 35 cents per \$100, but the tax on any one document may not exceed \$2,450. Revenue from the tax on documents is divided between the General Revenue Fund and various trust funds.

Distribution of Tax Revenues

Section 201.15, F.S., prescribes the distribution of revenues from the tax on documents. Revenues are pledged to fund debt service for Florida Forever and Everglades bonds and are distributed to fifteen trust funds and the General Revenue Fund. Eight percent of total collections is deducted as the General Revenue service charge, and deductions are made for costs of collection and enforcement of the tax. The table in the Fiscal Impact Statement section of this analysis shows the amounts distributed under current law.

After deductions of the General Revenue service charge required by s. 215.20(1), F.S., and the costs of collection and enforcement, the remaining revenues from the tax on documents are distributed pursuant to s. 201.15, F.S.

- 63.31 percent of revenues are distributed as follows:
 - Debt service for Preservation 2000, Florida Forever, and Everglades Restoration bonds;¹
 - Of the remainder of the 63.31 percent after payment of debt service:
 - The lesser of 38.2 percent or \$541.75 million in each fiscal year, to the State Transportation Trust Fund is used for the following purposes:
 - The first \$75 million must be transferred to the State Economic Enhancement and Development (SEED) Trust Fund in the Department of Economic Opportunity;
 - After the transfer to the SEED Trust Fund, capital funding for the New Starts Transit Program and the Small County Outreach Program each receive 10 percent of the remainder; and
 - Of the remainder after moneys for the SEED trust fund and the other two programs are accounted for, 75 percent for the Strategic Intermodal System, and 25 percent for the Transportation Regional Incentive Program, of which the first \$60 million is annually allocated to the Florida Rail Enterprise.
 - The lesser of 0.23 percent or \$3.25 million in each fiscal year, to the Grants and Donations Trust Fund in the Department of Economic Opportunity;
 - The lesser of 2.12 percent or \$30 million in each fiscal year, to the Ecosystem Management and Restoration Trust Fund;

¹ The reference to Preservation 2000 bonds is currently in statute; however, the program is obsolete.

- The lesser of 0.02 percent or \$300,000 in each fiscal year, to the General Inspection Trust Fund in the Department of Agriculture and Consumer Services to fund oyster management and restoration;
 - The remainder to the General Revenue Fund.
- The following distributions are based on revenues from the tax on documents after deduction of the General Revenue service charge imposed in s. 215.20(1), F.S., and the costs of collection and enforcement.
 - The lesser of 7.56 percent or \$84.9 million in each fiscal year to the LATF for any lawful purpose, after payments of \$6.3 million to the General Revenue Fund;²
 - The lesser of 1.94 percent or \$26 million in each fiscal year to the LATF for acquiring or managing coastal lands, after paying debt service on bonds issued before February 1, 2009, and paying \$11 million to the General Revenue Fund;
 - The lesser of 4.2 percent or \$60.5 million in each fiscal year to the Water Management Lands Trust Fund, which must transfer to the General Revenue Fund an amount equal to the debt service on Everglades bonds authorized in 2014;³
 - 3.52 percent to the Conservation and Recreational Lands (CARL) Trust Fund, with 11.15 percent of that amount being transferred to the State Game Trust Fund for land management activities;
 - The lesser of 2.28 percent or \$34.1 million to the Invasive Plant Control Trust Fund;⁴
 - The lesser of 0.5 percent or \$9.3 million in each fiscal year to the State Game Trust Fund for implementing the Lake Restoration 2020 Program;⁵
 - 0.25 percent each to the Water Quality Assurance Trust Fund and to the General Inspection Trust Fund in the Department of Agriculture and Consumer Services;
 - 7.53 percent to the State Housing Trust Fund, the first \$35 million of which is transferred to the SEED Trust Fund, and, of the remainder, half remains in the State Housing Trust Fund and half is distributed to the Local Government Housing Trust Fund;
 - 8.66 percent to State Housing Trust Fund, the first \$40 million of which is transferred to the SEED Trust Fund and of the remainder 12.5 percent remains in the State Housing Trust Fund and 87.5 percent is distributed to the Local Government Housing Trust Fund; and
 - The remainder to the General Revenue Fund.

From year to year, the appropriations made from each trust fund are specified in the General Appropriations Act and may be more or less than the annual statutory distributions.

Payment in Lieu of Taxes

Section 259.032(12), F.S., directs the Legislature to provide funds from the CARL Trust Fund to the Department of Environmental Protection (DEP) for payment in lieu of taxes to qualifying local governments for all actual tax losses incurred as a result of land acquisitions under the Florida Forever program or the Preservation 2000 program. Payment is available to counties that

² If the amount to be distributed increases from the prior fiscal year, the stated maximum amount in this distribution is increased by an amount equal to 10 percent of the increase in the amount to be distributed multiplied by the applicable percentage.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

have a population of 150,000 or fewer and other local governments located in those counties. Payment is also available to Glades County from funds in the Department of Correction's budget to offset the loss of ad valorem tax revenue related to privately owned and operated juvenile justice facilities.

The Water and Land Conservation Constitutional Amendment

In 2014, Florida voters approved a constitutional amendment proposed by Florida's Water and Land Legacy to provide a dedicated funding source for water and land conservation and restoration.⁶ The amendment created Article X, section 28 of the Florida Constitution and was approved by 75 percent of the electors voting on the issue.

The amendment requires that starting on July 1, 2015, for 20 years, 33 percent of net revenues derived from the existing excise tax on documents, as defined by the statutes in effect on January 1, 2012, must be deposited into the LATF.⁷

The amendment requires that funds in the LATF be expended only for the following purposes:

- As provided by law, to finance or refinance:
 - The acquisition and improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands including wetlands, forests, and fish and wildlife habitat;
 - Wildlife management areas;
 - Lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer systems;
 - Lands in the Everglades Agricultural Area and the Everglades Protection Area, as defined in Article II, section 7(b) of the Florida Constitution;
 - Beaches and shores;
 - Outdoor recreation lands, including recreational trails, parks, and urban open space;
 - Rural landscapes;
 - Working farms and ranches;
 - Historic or geologic sites;
 - Together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.

The amendment authorizes moneys deposited into the LATF to be used to pay debt service on bonds issued pursuant to Article VII, section 11(e) of the Florida Constitution, and prohibits the

⁶ The founding organizations of Florida's Water and Land Legacy are: The Trust for Public Land, Audubon Florida, Florida Wildlife Federation, Sierra Club Florida, Florida Conservation Alliance Institute, Alachua Conservation Trust, 1000 Friends of Florida, Defenders of Wildlife, Conservation Trust for Florida, The Conservation Fund, The Nature Conservancy, Florida Conservation Coalition, and Rails to Trails Conservancy. Florida's Water and Land Legacy, *Non-Profit Endorsements*, <http://floridawaterlandlegacy.org/sections/page/endorsements> (last visited Feb. 6, 2015).

⁷ The net revenues are the amount of revenues after the Department of Revenue first deducts a service charge to pay the costs of the collection and enforcement of the excise tax on documents.

moneys deposited into the LATF from being commingled with the General Revenue Fund of the state.⁸

III. Effect of Proposed Changes:

Section 1 amends s. 201.15, F.S., to conform to the requirement of the constitutional amendment that the LATF receive at least 33 percent of net revenues derived from the existing excise tax on documents. It provides that revenue distributed to the LATF is not subject to the General Revenue service charge and provides that all revenue from the tax on documents is pledged and must first be made available to make payments on Florida Forever and Everglades bonds. Amounts necessary to make bond payments must be deposited in the LATF. Any remainder of the 33 percent of all revenues from the tax on documents after the costs of collection and enforcement are deducted and after bond payments are made must be deposited in the LATF.

The bill requires that funds deposited in the LATF must first be used for debt service payments for Florida Forever bonds and Save Our Everglades bonds. The bill specifies that the bonds issued pursuant to s. 215.618, F.S., or s. 215.619, F.S., are equally and ratably secured by funds distributed to the LATF. In addition, the bill removes obsolete language related to Preservation 2000 bonds and Save Our Coast bonds, which have been retired.

After the required distributions to the LATF and deduction of the General Revenue service charge, the bill provides for certain distributions of the remainder in each fiscal year.

- The lesser of 24.18442 percent of the remainder or \$541.75 million is distributed to the State Transportation Trust Fund;⁹
- The Grants and Donations Trust Fund in the Department of Economic Opportunity receives the lesser of 0.1456 percent of the remainder or \$3.25 million to fund technical assistance to local governments;¹⁰ and
- The sum of \$1.16 million is credited to the Internal Improvement Trust Fund for the purpose of making payments in lieu of taxes pursuant to s. 259.032(12)(b), F.S.

The two current-law percentage distributions to the State Housing Trust Fund are unchanged by the bill. However, the portion of the excise tax revenues to which those percentages apply is reduced by the bill.

The bill deletes distributions of revenue from the tax on documents to:

- The Ecosystem Management and Restoration Trust Fund;
- The General Inspection Trust Fund for oyster management and restoration programs;
- The Water Management Lands Trust Fund;
- The CARL Trust Fund;

⁸ FLA. CONST. art VII, s. 11(e), provides, “[b]onds pledging all or part of a dedicated state tax revenue may be issued by the state in the manner provided by general law to finance or refinance the acquisition and improvement of land, water areas, and related property interests and resources for the purposes of conservation, outdoor recreation, water resource development, restoration of natural systems, and historic preservation.”

⁹ Even though the statutory percentage is reduced from 38.2 to 24.18442 percent, the effective percentage remains the same. The bill calculates this distribution as a percentage of the whole after the LATF distribution, not as a percentage of the 63.31 percent as required by current law.

¹⁰ The effective percentage has not changed. See the above footnote for a more detailed explanation.

- The Invasive Plant Control Trust Fund;
- The State Game Trust Fund;
- The Water Quality Assurance Trust Fund; and
- The Department of Agriculture and Consumer Services General Inspection Trust Fund.

Existing distributions to the LATF are also deleted.

Sections 2 through 20 repeal obsolete provisions of statute and contain technical and conforming changes related to this act.

Section 21 reenacts subsection (2) of s. 201.031, F.S., subsection (6) of s. 339.2818, F.S., subsection (5) of s. 339.2819, F.S., subsection (3) of s. 339.61, F.S., subsection (6) of s. 341.051, F.S., paragraph (e) of subsection (4) of s. 373.470, F.S., and subsection (1) of s. 420.9079, F.S., for the purpose of incorporating the changes made by the bill to s. 201.15, F.S.

Section 22 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

This bill amends s. 201.15, F.S., to satisfy the requirement of Article X, section 28 of the Florida Constitution.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

PCS/CS/SB 586 revises distributions of revenue from the tax on documents to multiple trust funds and general revenue. The extent of the impact on the private sector will depend on how programs funded from affected trust funds or general revenue are impacted, which cannot be determined at this time.

C. Government Sector Impact:

Current and Proposed Distribution of Tax on Documents			
Fiscal Year 2015-2016 estimate			
(\$ millions)			
	Current Law	SB 586 Distribution	Difference
Total Tax on Documents	2,305.90	2,305.90	-
DOR Administrative Costs	9.80	9.80	-
33 percent LATF Distribution	-	757.71	757.71
General Revenue Service Charge	184.47	123.85	(60.62)
Environmental Debt Service*	173.30	-	(173.30)
DEO Grants and Donations TF	2.68	2.06	(0.62)
DEP Ecosystem Management and Restoration TF	24.70	-	(24.70)
DACS General Inspection TF	0.23	-	(0.23)
DOT State Transportation TF (STTF)	369.50	267.10	(102.40)
DEO SEED TF (from STTF)	75.00	75.00	-
Land Acquisition TF (current law)	79.90	-	(79.90)
LATF Coastal Lands	15.00	-	(15.00)
Water Management Lands TF	48.90	-	(48.90)
Conservation and Recreational Lands TF	66.00	-	(66.00)
Invasive Plant Control TF	34.50	-	(34.50)
State Game TF	17.70	-	(17.70)
Water Quality Assurance TF	5.30	-	(5.30)
General Inspection TF	5.30	-	(5.30)
Payment in lieu of taxes	-	1.16	1.16
DEO SEED TF (from State Housing TF)	75.00	75.00	-
State Housing TF	79.86	46.07	(33.79)
Local Housing TF	187.01	107.95	(79.06)
General Revenue	851.75	840.20	(11.56)
Summary			
Distributions for Environmental Purposes	470.83	757.71	286.88
Distributions to Other Trust Funds:			
Transportation	369.50	267.10	(102.40)
Economic Development	152.68	152.06	(0.62)
Affordable Housing	266.87	154.02	(112.85)
Payment in lieu of taxes	-	1.20	1.20
Distributions to General Revenue	1,036.19	964.07	(72.12)
Totals may not match due to rounding			
*Debt Service is paid out of the 33 percent LATF distribution under SB 586			

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 201.15 and 375.075.

This bill repeals the following sections of the Florida Statutes: 161.05301, 161.091(3), and 375.045.

This bill reenacts the following sections of Florida Statutes: 201.031(2), 339.2818(6), 339.2819(5), 339.61(3), 341.051(6), 373.470(4)(e), and 420.9079(1).

This bill makes conforming changes to the following sections of the Florida Statutes: 201.0205, 215.618, 215.619, 259.032, 259.1051, 339.0801, 339.55, 341.303, 343.58, 369.252, 379.214, 379.362, 403.8911, 420.5092, and 420.9073.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on General Government on March 11, 2015:

The committee substitute provides clarification of the 33 percent distribution to the Land Acquisition Trust Fund.

CS by Environmental Preservation and Conservation on February 18, 2015:

The committee substitute resolves the technical deficiency that was present in the bill by including the cross reference to s. 201.15(2), F.S.

B. Amendments:

None.



665986

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Smith) recommended the following:

Senate Amendment

Delete lines 118 - 125

and insert:

(4)(e) From all taxes collected under this chapter, after the required deduction of the service charge imposed pursuant to s. 215.20(1) and the costs of collection and enforcement imposed pursuant to this section ~~payments under paragraphs (a) and (b),~~
the remainder shall be distributed as follows ~~paid into the State Treasury to the credit of:~~



665986

11 (a)~~1.~~ ~~The State Transportation Trust Fund in the Department~~
12 ~~of Transportation in the amount of~~ The lesser of 21.005009 ~~38.2~~



545404

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Hays) recommended the following:

Senate Amendment

Delete lines 270 - 286

and insert:

(c)(9) Eleven and twenty-four ~~Seven and fifty-three~~
hundredths percent of the remainder ~~remaining taxes~~ in each
fiscal year shall be paid into the State Treasury to the credit
of the State Housing Trust Fund. ~~Out~~ Of such funds, ~~beginning in~~
~~the 2012-2013 fiscal year,~~ the first \$35 million shall be
transferred annually, subject to any distribution required



545404

pursuant to ~~under~~ subsection (5) ~~(15)~~, to the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. The remainder shall be used as follows:

1.~~(a)~~ Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

2.~~(b)~~ Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(d)~~(10)~~ Twelve and ninety-three ~~Eight and sixty-six~~ hundredths percent of the



485002

576-02163-15

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to the implementation of the water and land conservation constitutional amendment; amending s. 201.15, F.S.; revising and deleting distributions of the tax; providing that specified distributions to the Land Acquisition Trust Fund are not subject to the service charge under s. 215.20, F.S.; revising the purposes for which distributions may be used; repealing s. 161.05301, F.S., relating to beach erosion control project staffing; repealing s. 161.091(3), F.S., relating to funding for the state's beach management plan; repealing s. 375.045, F.S., relating to the Florida Preservation 2000 Trust Fund; amending s. 375.075, F.S.; requiring specified public recreation projects to have been selected through the Department of Environmental Protection's competitive selection process prior to the release of funds; conforming provisions to changes made by the act; amending ss. 201.0205, 215.618, 215.619, 259.032, 259.1051, 339.0801, 339.55, 341.303, 343.58, 369.252, 379.214, 379.362, 403.8911, 420.5092, and 420.9073, F.S.; conforming provisions to changes made by the act; reenacting ss. 201.031(2), 339.2818(6), 339.2819(5), 339.61(3), 341.051(6), 373.470(4)(e), and 420.9079(1), F.S., to incorporate the amendment made by this act to s. 201.15, F.S., in references thereto; providing an effective date.



485002

576-02163-15

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

Section 1. Section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter, except taxes distributed to the Land Acquisition Trust Fund pursuant to subsections (1) and (2), are subject to the service charge imposed in s. 215.20(1). Before distribution pursuant to ~~under~~ this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. The ~~Such~~ costs and ~~the~~ service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. ~~After distributions are made pursuant to subsection (1),~~ All of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2015, secured by revenues distributed pursuant to this section ~~subsection (1)~~. All taxes remaining after deduction of costs ~~and the service charge~~ shall be distributed as follows:

(1) All of the remaining taxes collected under this chapter are pledged and shall be first made available to make payments on bonds issued pursuant to s. 215.618 or s. 215.619, as provided under paragraphs (3)(a) and (b), or on any other bonds authorized to be issued on a parity basis with such bonds.



485002

576-02163-15

57 Amounts necessary to make such payments shall be deposited in
58 the Land Acquisition Trust Fund.

59 (2) If the amounts deposited pursuant to subsection (1) are
60 less than 33 percent of all taxes collected after first
61 deducting the costs of collection, an amount equal to 33 percent
62 of all taxes collected after first deducting the costs of
63 collection, minus the amounts deposited pursuant to subsection
64 (1), shall be deposited in the Land Acquisition Trust Fund.

65 (3) Amounts on deposit in the Land Acquisition Trust Fund
66 Sixty-three and thirty-one hundredths percent of the remaining
67 taxes shall be used in for the following order purposes:

68 (a) Payment of Amounts necessary to pay the debt service
69 on, or funding of fund debt service reserve funds, rebate
70 obligations, or other amounts payable with respect to
71 Preservation 2000 bonds issued pursuant to s. 375.051 and
72 Florida Forever bonds issued pursuant to s. 215.618, shall be
73 paid into the State Treasury to the credit of the Land
74 Acquisition Trust Fund to be used for such purposes. The amount
75 used for such purposes transferred to the Land Acquisition Trust
76 Fund may not exceed \$300 million in each fiscal year 1999-2000
77 and thereafter for Preservation 2000 bonds and bonds issued to
78 refund Preservation 2000 bonds, and \$300 million in fiscal year
79 2000-2001 and thereafter for Florida Forever bonds. The annual
80 amount transferred to the Land Acquisition Trust Fund for
81 Florida Forever bonds may not exceed \$30 million in the first
82 fiscal year in which bonds are issued. The limitation on the
83 amount transferred shall be increased by an additional \$30
84 million in each subsequent fiscal year, but may not exceed a
85 total of \$300 million in any fiscal year for all bonds issued.



485002

576-02163-15

86 It is the intent of the Legislature that all bonds issued to
87 fund the Florida Forever Act be retired by December 31, 2040.
88 Except for bonds issued to refund previously issued bonds, no
89 series of bonds may be issued pursuant to this paragraph unless
90 such bonds are approved and the debt service for the remainder
91 of the fiscal year in which the bonds are issued is specifically
92 appropriated in the General Appropriations Act. ~~For purposes of~~
93 ~~refunding Preservation 2000 bonds, amounts designated within~~
94 ~~this section for Preservation 2000 and Florida Forever bonds may~~
95 ~~be transferred between the two programs to the extent provided~~
96 ~~for in the documents authorizing the issuance of the bonds. The~~
97 ~~Preservation 2000 bonds and Florida Forever bonds are equally~~
98 ~~and ratably secured by moneys distributable to the Land~~
99 ~~Acquisition Trust Fund pursuant to this section, except as~~
100 ~~specifically provided otherwise by the documents authorizing the~~
101 ~~issuance of the bonds. Moneys transferred to the Land~~
102 ~~Acquisition Trust Fund pursuant to this paragraph, or earnings~~
103 ~~thereon, may not be used or made available to pay debt service~~
104 ~~on the Save Our Coast revenue bonds.~~

105 (b) Payment ~~Moneys shall be paid~~ into the State Treasury to
106 the credit of the Save Our Everglades Trust Fund in amounts
107 necessary to pay debt service, provide reserves, and pay rebate
108 obligations and other amounts due with respect to bonds issued
109 pursuant to under s. 215.619. Taxes distributed under paragraph
110 (a) and this paragraph must be collectively distributed on a pro
111 rata basis when the available moneys under this subsection are
112 not sufficient to cover the amounts required under paragraph (a)
113 and this paragraph.



485002

576-02163-15

115 Bonds issued pursuant to s. 215.618 or s. 215.619 are equally
116 and ratably secured by moneys distributable to the Land
117 Acquisition Trust Fund.

118 ~~(4)(c)~~ After the required distributions to the Land
119 Acquisition Trust Fund pursuant to subsections (1) and (2) and
120 deduction of the service charge imposed pursuant to s. 215.20(1)
121 payments under paragraphs (a) and (b), the remainder shall be
122 distributed as follows paid into the State Treasury to the
123 credit of:

124 ~~(a)1.~~ The State Transportation Trust Fund in the Department
125 of Transportation in the amount of The lesser of 24.18442 ~~38.2~~
126 percent of the remainder or \$541.75 million in each fiscal year
127 shall be paid into the State Treasury to the credit of the State
128 Transportation Trust Fund. ~~Out Of such funds, the first \$50~~
129 ~~million for the 2012-2013 fiscal year, \$65 million for the 2013-~~
130 ~~2014 fiscal year, and \$75 million for each the 2014-2015 fiscal~~
131 ~~year and all subsequent years,~~ shall be transferred to the State
132 Economic Enhancement and Development Trust Fund within the
133 Department of Economic Opportunity. Notwithstanding any other
134 law, the remaining amount credited to the State Transportation
135 Trust Fund shall remainder is to be used for the following
136 specified purposes, notwithstanding any other law to the
137 contrary:

138 1.a. ~~For the purposes of~~ Capital funding for the New Starts
139 Transit Program, authorized by Title 49, U.S.C. s. 5309 and
140 specified in s. 341.051, in the amount of 10 percent of the
141 these funds;

142 2.b. ~~For the purposes of~~ The Small County Outreach Program
143 specified in s. 339.2818, in the amount of 10 ~~5~~ percent of the



485002

576-02163-15

144 ~~these funds. Effective July 1, 2014, the percentage allocated~~
145 ~~under this sub-subparagraph shall be increased to 10 percent;~~

146 3.c. ~~For the purposes of~~ The Strategic Intermodal System
147 specified in ss. 339.61, 339.62, 339.63, and 339.64, in the
148 amount of 75 percent of the these funds after deduction of the
149 payments required pursuant to subparagraphs 1. and 2. allocating
150 for the New Starts Transit Program described in sub-subparagraph
151 a. and the Small County Outreach Program described in sub-
152 subparagraph b.; and

153 4.d. ~~For the purposes of~~ The Transportation Regional
154 Incentive Program specified in s. 339.2819, in the amount of 25
155 percent of the these funds after deduction of the payments
156 required pursuant to subparagraphs 1. and 2. allocating for the
157 New Starts Transit Program described in sub-subparagraph a. and
158 the Small County Outreach Program described in sub-subparagraph
159 b. Effective July 1, 2014, The first \$60 million of the funds
160 allocated pursuant to this subparagraph sub-subparagraph shall
161 be allocated annually to the Florida Rail Enterprise for the
162 purposes established in s. 341.303(5).

163 (b)2. ~~The Grants and Donations Trust Fund in the Department~~
164 ~~of Economic Opportunity in the amount of~~ The lesser of .1456 ~~.23~~
165 percent of the remainder or \$3.25 million in each fiscal year
166 shall be paid into the State Treasury to the credit of the
167 Grants and Donations Trust Fund in the Department of Economic
168 Opportunity to fund technical assistance to local governments.

169 3. ~~The Ecosystem Management and Restoration Trust Fund in~~
170 ~~the amount of the lesser of 2.12 percent of the remainder or \$30~~
171 ~~million in each fiscal year, to be used for the preservation and~~
172 ~~repair of the state's beaches as provided in ss. 161.091-~~



485002

576-02163-15

~~161.212.~~

~~4. General Inspection Trust Fund in the amount of the lesser of .02 percent of the remainder or \$300,000 in each fiscal year to be used to fund oyster management and restoration programs as provided in s. 379.362(3).~~

Moneys distributed pursuant to paragraphs (a) and (b) ~~this paragraph~~ may not be pledged for debt service unless such pledge is approved by referendum of the voters.

~~(d) After the required payments under paragraphs (a), (b), and (c), the remainder shall be paid into the State Treasury to the credit of the General Revenue Fund to be used and expended for the purposes for which the General Revenue Fund was created and exists by law.~~

~~(2) The lesser of 7.56 percent of the remaining taxes or \$84.9 million in each fiscal year shall be distributed as follows:~~

~~(a) Six million and three hundred thousand dollars shall be paid into the State Treasury to the credit of the General Revenue Fund.~~

~~(b) The remainder shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund. Sums deposited in the fund pursuant to this subsection may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used.~~

~~(3)(a) The lesser of 1.94 percent of the remaining taxes or \$26 million in each fiscal year shall be distributed in the following order:~~

~~1. Amounts necessary to pay debt service or to fund debt~~



485002

576-02163-15

~~service reserve funds, rebate obligations, or other amounts payable with respect to bonds issued before February 1, 2009, pursuant to this subsection shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund.~~

~~2. Eleven million dollars shall be paid into the State Treasury to the credit of the General Revenue Fund.~~

~~3. The remainder shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund.~~

~~(b) Moneys deposited in the Land Acquisition Trust Fund pursuant to this subsection shall be used to acquire coastal lands or to pay debt service on bonds issued to acquire coastal lands and to develop and manage lands acquired with moneys from the trust fund.~~

~~(4) The lesser of 4.2 percent of the remaining taxes or \$60.5 million in each fiscal year shall be paid into the State Treasury to the credit of the Water Management Lands Trust Fund. Sums deposited in that fund may be used for any purpose authorized in s. 373.59. An amount equal to the amounts necessary to pay debt service or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to bonds authorized pursuant to s. 215.619(1)(a)2. and the proviso associated with Specific Appropriation 1626A of the 2014-2015 General Appropriations Act shall be transferred annually from the Water Management Lands Trust Fund to the General Revenue Fund.~~

~~(5) Of the remaining taxes, 3.52 percent shall be paid into the State Treasury to the credit of the Conservation and Recreation Lands Trust Fund to carry out the purposes set forth in s. 259.032. Eleven and fifteen hundredths percent of the~~



485002

576-02163-15

231 ~~amount credited to the Conservation and Recreation Lands Trust~~
232 ~~Fund pursuant to this subsection shall be transferred to the~~
233 ~~State Game Trust Fund and used for land management activities.~~

234 ~~(6) The lesser of 2.28 percent of the remaining taxes or~~
235 ~~\$34.1 million in each fiscal year shall be paid into the State~~
236 ~~Treasury to the credit of the Invasive Plant Control Trust Fund~~
237 ~~to carry out the purposes set forth in ss. 369.22 and 369.252.~~

238 ~~(7) The lesser of .5 percent of the remaining taxes or \$9.3~~
239 ~~million in each fiscal year shall be paid into the State~~
240 ~~Treasury to the credit of the State Game Trust Fund to be used~~
241 ~~exclusively for the purpose of implementing the Lake Restoration~~
242 ~~2020 Program.~~

243 ~~(8) One-half of one percent of the remaining taxes shall be~~
244 ~~paid into the State Treasury and divided equally to the credit~~
245 ~~of the Department of Environmental Protection Water Quality~~
246 ~~Assurance Trust Fund to address water quality impacts associated~~
247 ~~with nonagricultural nonpoint sources and to the credit of the~~
248 ~~Department of Agriculture and Consumer Services General~~
249 ~~Inspection Trust Fund to address water quality impacts~~
250 ~~associated with agricultural nonpoint sources, respectively.~~
251 ~~These funds shall be used for research, development,~~
252 ~~demonstration, and implementation of suitable best management~~
253 ~~practices or other measures used to achieve water quality~~
254 ~~standards in surface waters and water segments identified~~
255 ~~pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No. 92-~~
256 ~~500, 33 U.S.C. ss. 1251 et seq. Implementation of best~~
257 ~~management practices and other measures may include cost-share~~
258 ~~grants, technical assistance, implementation tracking, and~~
259 ~~conservation leases or other agreements for water quality~~



485002

576-02163-15

260 ~~improvement. The Department of Environmental Protection and the~~
261 ~~Department of Agriculture and Consumer Services may adopt rules~~
262 ~~governing the distribution of funds for implementation of best~~
263 ~~management practices. The unobligated balance of funds received~~
264 ~~from the distribution of taxes collected under this chapter to~~
265 ~~address water quality impacts associated with nonagricultural~~
266 ~~nonpoint sources must be excluded when calculating the~~
267 ~~unobligated balance of the Water Quality Assurance Trust Fund as~~
268 ~~it relates to the determination of the applicable excise tax~~
269 ~~rate.~~

270 ~~(c)(9) Seven and fifty-three hundredths percent of the~~
271 ~~remainder remaining taxes in each fiscal year shall be paid into~~
272 ~~the State Treasury to the credit of the State Housing Trust~~
273 ~~Fund. Out Of such funds, beginning in the 2012-2013 fiscal year,~~
274 ~~the first \$35 million shall be transferred annually, subject to~~
275 ~~any distribution required pursuant to under subsection (5) (15),~~
276 ~~to the State Economic Enhancement and Development Trust Fund~~
277 ~~within the Department of Economic Opportunity. The remainder~~
278 ~~shall be used as follows:~~

279 ~~1.(a) Half of that amount shall be used for the purposes~~
280 ~~for which the State Housing Trust Fund was created and exists by~~
281 ~~law.~~

282 ~~2.(b) Half of that amount shall be paid into the State~~
283 ~~Treasury to the credit of the Local Government Housing Trust~~
284 ~~Fund and used for the purposes for which the Local Government~~
285 ~~Housing Trust Fund was created and exists by law.~~

286 ~~(d)(10) Eight and sixty-six hundredths percent of the~~
287 ~~remainder remaining taxes in each fiscal year shall be paid into~~
288 ~~the State Treasury to the credit of the State Housing Trust~~



485002

576-02163-15

289 Fund. ~~Out~~ Of such funds, ~~beginning in the 2012-2013 fiscal year,~~
290 the first \$40 million shall be transferred annually, subject to
291 any distribution required pursuant to ~~under~~ subsection (5) ~~(15)~~,
292 to the State Economic Enhancement and Development Trust Fund
293 within the Department of Economic Opportunity. The remainder
294 shall be used as follows:

295 1.(a) Twelve and one-half percent of that amount shall be
296 deposited into the State Housing Trust Fund and ~~be~~ expended by
297 the Department of Economic Opportunity and ~~by~~ the Florida
298 Housing Finance Corporation for the purposes for which the State
299 Housing Trust Fund was created and exists by law.

300 2.(b) Eighty-seven and one-half percent of that amount
301 shall be distributed to the Local Government Housing Trust Fund
302 and used for the purposes for which the Local Government Housing
303 Trust Fund was created and exists by law. Funds from this
304 category may also be used to provide for state and local
305 services to assist the homeless.

306 (e) The sum of \$1.16 million in each fiscal year shall be
307 paid into the State Treasury to the credit of the Internal
308 Improvement Trust Fund for the purpose of making payment in lieu
309 of taxes under s. 259.032(12) (b).

310 ~~(11) The distribution of proceeds deposited into the Water~~
311 ~~Management Lands Trust Fund and the Conservation and Recreation~~
312 ~~Lands Trust Fund, pursuant to subsections (4) and (5), may not~~
313 ~~be used for land acquisition but may be used for preacquisition~~
314 ~~costs associated with land purchases. The Legislature intends~~
315 ~~that the Florida Forever program supplant the acquisition~~
316 ~~programs formerly authorized under ss. 259.032 and 373.59.~~

317 ~~(12) Amounts distributed pursuant to subsections (5), (6),~~



485002

576-02163-15

318 ~~(7), and (8) are subject to the payment of debt service on~~
319 ~~outstanding Conservation and Recreation Lands revenue bonds.~~

320 ~~(13) In each fiscal year that the remaining taxes exceed~~
321 ~~collections in the prior fiscal year, the stated maximum dollar~~
322 ~~amounts provided in subsections (2), (4), (6), and (7) shall~~
323 ~~each be increased by an amount equal to 10 percent of the~~
324 ~~increase in the remaining taxes collected under this chapter~~
325 ~~multiplied by the applicable percentage provided in those~~
326 ~~subsections.~~

327 ~~(14) If the payment requirements in any year for bonds~~
328 ~~outstanding on July 1, 2007, or bonds issued to refund such~~
329 ~~bonds, exceed the limitations of this section, distributions to~~
330 ~~the trust fund from which the bond payments are made must be~~
331 ~~increased to the lesser of the amount needed to pay bond~~
332 ~~obligations or the limit of the applicable percentage~~
333 ~~distribution provided in subsections (1)-(10).~~

334 (5)(15) Distributions to the State Housing Trust Fund
335 pursuant to paragraphs (4) (c) and (d) ~~subsections (9) and (10)~~
336 must be sufficient to cover amounts required to be transferred
337 to the Florida Affordable Housing Guarantee Program's annual
338 debt service reserve and guarantee fund pursuant to s.
339 420.5092(6) (a) and (b) up to the amount required to be
340 transferred to such reserve and fund based on the percentage
341 distribution of documentary stamp tax revenues to the State
342 Housing Trust Fund which is in effect in the 2004-2005 fiscal
343 year.

344 ~~(16) If amounts necessary to pay debt service or any other~~
345 ~~amounts payable with respect to Preservation 2000 bonds, Florida~~
346 ~~Forever bonds, or Everglades Restoration bonds authorized before~~



485002

576-02163-15

~~January 1, 2015, exceed the amounts distributable pursuant to subsection (1), all moneys distributable pursuant to this section are available for such obligations and transferred in the amounts necessary to pay such obligations when due. However, amounts distributable pursuant to subsection (2), subsection (3), subsection (4), subsection (5), paragraph (9)(a), or paragraph (10)(a) are not available to pay such obligations to the extent that such moneys are necessary to pay debt service on bonds secured by revenues pursuant to those provisions.~~

~~(6)(17)~~ After the distributions provided in the preceding subsections, any remaining taxes shall be paid into the State Treasury to the credit of the General Revenue Fund.

Section 2. Section 161.05301, Florida Statutes, is repealed.

Section 3. Subsection (3) of section 161.091, Florida Statutes, is repealed.

Section 4. Section 375.045, Florida Statutes, is repealed.

Section 5. Subsection (1) and paragraph (c) of subsection (2) of section 375.075, Florida Statutes, are amended to read:

375.075 Outdoor recreation; financial assistance to local governments.—

(1) The Department of Environmental Protection ~~may is~~ authorized to establish the Florida Recreation Development Assistance Program to provide grants to qualified local governmental entities to acquire or develop land for public outdoor recreation purposes. ~~To the extent not needed for debt service on bonds issued pursuant to s. 375.051, each year~~ The department shall annually develop and plan a program ~~which shall be based upon funding of not less than 5 percent of the money~~



485002

576-02163-15

~~credited to the Land Acquisition Trust Fund pursuant to s. 201.15(2) and (3) in that year. The department shall develop and plan a program which shall be based upon~~ the cumulative total funding provided from this section and from the Florida Forever Trust Fund pursuant to s. 259.105(3)(d).

(2)

(c) Funds may not be released under ~~No release of funds from the Land Acquisition Trust Fund, or from the Florida Forever Trust Fund beginning in fiscal year 2001-2002, for this program may be made~~ for these public recreation projects until the projects have been selected through the competitive selection process provided for in this section.

Section 6. Section 201.0205, Florida Statutes, is amended to read:

201.0205 Counties that have implemented ch. 83-220; inapplicability of 10-cent tax increase by s. 2, ch. 92-317, Laws of Florida.—The 10-cent tax increase in the documentary stamp tax levied by s. 2, chapter 92-317, does not apply to deeds and other taxable instruments relating to real property located in any county that has implemented the provisions of chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida. Each such county and each eligible jurisdiction within such county ~~may shall not be eligible to~~ participate in programs funded pursuant to s. 201.15(4)(c) ~~s. 201.15(9)~~. However, each such county and each eligible jurisdiction within such county ~~may shall be eligible to~~ participate in programs funded pursuant to s. 201.15(4)(d) ~~s. 201.15(10)~~.

Section 7. Paragraph (a) of subsection (1) and subsection



485002

576-02163-15

(3) of section 215.618, Florida Statutes, are amended to read:

215.618 Bonds for acquisition and improvement of land, water areas, and related property interests and resources.—

(1)(a) The issuance of Florida Forever bonds, not to exceed \$5.3 billion, to finance or refinance the cost of acquisition and improvement of land, water areas, and related property interests and resources, in urban and rural settings, for the purposes of restoration, conservation, recreation, water resource development, or historical preservation, and for capital improvements to lands and water areas that accomplish environmental restoration, enhance public access and recreational enjoyment, promote long-term management goals, and facilitate water resource development is ~~hereby~~ authorized, subject to ~~the provisions of~~ s. 259.105 and pursuant to s. 11(e), Art. VII of the State Constitution. ~~Florida Forever bonds may also be issued to refund Preservation 2000 bonds issued pursuant to s. 375.051. The \$5.3 billion limitation on the issuance of Florida Forever bonds does not apply to refunding bonds. The duration of each series of Florida Forever bonds issued may not exceed 20 annual maturities. Preservation 2000 bonds and Florida Forever bonds shall be equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to s. 201.15(1)(a), except to the extent specifically provided otherwise by the documents authorizing the issuance of the bonds.~~

(3) Bonds issued pursuant to this section ~~are~~ shall be payable from taxes distributable to the Land Acquisition Trust Fund pursuant to s. 201.15(1)(~~a~~). Bonds issued pursuant to this section ~~do~~ shall not constitute a general obligation of, or a



485002

576-02163-15

pledge of the full faith and credit of, the state.

Section 8. Subsections (2) and (3) of section 215.619, Florida Statutes, are amended to read:

215.619 Bonds for Everglades restoration.—

(2) The state covenants with the holders of Everglades restoration bonds that it will not take any action that will materially and adversely affect the rights of the holders so long as the bonds are outstanding, including, but not limited to, a reduction in the portion of documentary stamp taxes distributable pursuant to ~~under~~ s. 201.15(1) for payment of debt service on ~~Preservation 2000 bonds, Florida Forever bonds, or~~ Everglades restoration bonds.

(3) Everglades restoration bonds are payable from, and secured by a first lien on, taxes distributable pursuant to ~~under~~ s. 201.15(1)(~~b~~) and do not constitute a general obligation of, or a pledge of the full faith and credit of, the state. Everglades restoration bonds shall be secured on a parity basis with bonds secured by moneys distributable pursuant to ~~under~~ s. 201.15(1)(~~a~~).

Section 9. Paragraph (a) of subsection (2) of section 259.032, Florida Statutes, is amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(2)(a) The Conservation and Recreation Lands Trust Fund is established within the Department of Environmental Protection. The fund shall be used as a nonlapsing, revolving fund exclusively for the purposes of this section. The Department of Revenue fund shall credit the fund each month ~~be credited~~ with the proceeds from the ~~following excise taxes:~~



485002

576-02163-15

463 1. ~~The excise taxes on documents as provided in s. 201.15,~~
464 ~~and~~
465 2. ~~The excise tax on the severance of phosphate rock as~~
466 ~~provided in s. 211.3103.~~
467
468 ~~The Department of Revenue shall credit to the fund each month~~
469 ~~the proceeds from such taxes as provided in this paragraph.~~
470 Section 10. Subsections (1) and (3) of section 259.1051,
471 Florida Statutes, are amended to read:
472 259.1051 Florida Forever Trust Fund.—
473 (1) ~~There is created~~ The Florida Forever Trust Fund is
474 created to carry out the purposes of ss. 259.032, 259.105,
475 259.1052, and 375.031. The Florida Forever Trust Fund shall be
476 held and administered by the department ~~of Environmental~~
477 ~~Protection~~. Proceeds from the sale of bonds, except proceeds of
478 refunding bonds, issued pursuant to ~~under~~ s. 215.618 and payable
479 from moneys transferred to the Land Acquisition Trust Fund
480 pursuant to ~~under~~ s. 201.15(1) ~~(a)~~, not to exceed \$5.3 billion,
481 ~~shall must~~ be deposited into this trust fund to be distributed
482 and used as provided in s. 259.105(3). The bond resolution
483 adopted by the governing board of the division ~~of Bond Finance~~
484 ~~of the State Board of Administration~~ may provide for additional
485 provisions that govern the disbursement of the bond proceeds.
486 (3) The department ~~of Environmental Protection~~ shall ensure
487 that the proceeds from the sale of bonds issued pursuant to
488 ~~under~~ s. 215.618 and payable from moneys transferred to the Land
489 Acquisition Trust Fund pursuant to ~~under~~ s. 201.15(1) ~~(a)~~ are
490 ~~shall be~~ administered and expended in a manner that ensures
491 compliance of each issue of bonds that are issued on the basis



485002

576-02163-15

492 that interest thereon will be excluded from gross income for
493 federal income tax purposes, with the applicable provisions of
494 the United States Internal Revenue Code and the regulations
495 ~~adopted promulgated~~ thereunder, to the extent necessary to
496 preserve the exclusion of interest on the bonds from gross
497 income for federal income tax purposes. The department ~~of~~
498 ~~Environmental Protection~~ shall administer the use and
499 disbursement of the proceeds of such bonds or require that such
500 ~~the use and disbursement thereof~~ be administered in a manner to
501 implement strategies to maximize any available benefits under
502 the applicable provisions of the United States Internal Revenue
503 Code or regulations ~~adopted promulgated~~ thereunder, if
504 consistent to the extent not inconsistent with the purposes
505 identified in s. 259.105(3).
506 Section 11. Subsection (4) of section 339.0801, Florida
507 Statutes, is amended to read:
508 339.0801 Allocation of increased revenues derived from
509 amendments to s. 319.32(5) (a) by ch. 2012-128.—Funds that result
510 from increased revenues to the State Transportation Trust Fund
511 derived from the amendments to s. 319.32(5) (a) made by this act
512 must be used annually, first as set forth in subsection (1) and
513 then as set forth in subsections (2)-(5), notwithstanding any
514 other provision of law:
515 (4) Beginning in the 2013-2014 fiscal year and annually
516 thereafter, \$10 million shall be allocated to the Small County
517 Outreach Program, to be used as specified in s. 339.2818. These
518 funds are in addition to the funds provided for the program
519 pursuant to s. 201.15 in s. 201.15(1)(e)1.b.
520 Section 12. Subsection (9) of section 339.55, Florida



485002

576-02163-15

521 Statutes, is amended to read:

522 339.55 State-funded infrastructure bank.—

523 (9) Funds paid into the State Transportation Trust Fund
524 pursuant to s. 201.15 ~~s. 201.15(1)(c)~~ for the purposes of the
525 State Infrastructure Bank are ~~hereby~~ annually appropriated for
526 expenditure to support that program.

527 Section 13. Subsection (5) of section 341.303, Florida
528 Statutes, is amended to read:

529 341.303 Funding authorization and appropriations;
530 eligibility and participation.—

531 (5) FUND PARTICIPATION; FLORIDA RAIL ENTERPRISE.—

532 ~~(a)~~ The department, through the Florida Rail Enterprise, is
533 authorized to use funds provided pursuant to s. 201.15(4)(a)4.
534 ~~under s. 201.15(1)(c)1.d.~~ to fund:

535 (a) Up to 50 percent of the nonfederal share of the costs
536 of any eligible passenger rail capital improvement project.

537 (b) ~~The department, through the Florida Rail Enterprise, is~~
538 ~~authorized to use funds provided under s. 201.15(1)(c)1.d. to~~
539 ~~fund~~ Up to 100 percent of planning and development costs related
540 to the provision of a passenger rail system, including, but not
541 limited to, preliminary engineering, revenue studies,
542 environmental impact studies, financial advisory services,
543 engineering design, and other appropriate professional services.

544 (c) ~~The department, through the Florida Rail Enterprise, is~~
545 ~~authorized to use funds provided under s. 201.15(1)(c)1.d. to~~
546 ~~fund~~ The high-speed rail system.

547 (d) ~~The department, through the Florida Rail Enterprise, is~~
548 ~~authorized to use funds provided under s. 201.15(1)(c)1.d. to~~
549 ~~fund~~ Projects necessary to identify or address anticipated



485002

576-02163-15

550 impacts of increased freight rail traffic resulting from the
551 implementation of passenger rail systems as provided in s.
552 341.302(3)(b).

553 Section 14. Paragraph (b) of subsection (4) of section
554 343.58, Florida Statutes, is amended to read:

555 343.58 County funding for the South Florida Regional
556 Transportation Authority.—

557 (4) Notwithstanding any other provision of law to the
558 contrary and effective July 1, 2010, until as provided in
559 paragraph (d), the department shall transfer annually from the
560 State Transportation Trust Fund to the South Florida Regional
561 Transportation Authority the amounts specified in subparagraph
562 (a)1. or subparagraph (a)2.

563 (b) Funding required by this subsection may not be provided
564 from the funds dedicated to the Florida Rail Enterprise pursuant
565 to s. 201.15(4)(a)4 ~~under s. 201.15(1)(c)1.d.~~

566 Section 15. Section 369.252, Florida Statutes, is amended
567 to read:

568 369.252 Invasive plant control on public lands.—The Fish
569 and Wildlife Conservation Commission shall establish a program
570 that will accomplish all of the following ~~to~~:

571 (1) Achieve eradication or maintenance control of invasive
572 exotic plants on public lands when the scientific data indicate
573 that they are detrimental to the state's natural environment or
574 when the Commissioner of Agriculture finds that such plants or
575 specific populations thereof are a threat to the agricultural
576 productivity of the state. ~~+~~

577 (2) Assist state and local government agencies in the
578 development and implementation of coordinated management plans



485002

576-02163-15

579 for the eradication or maintenance control of invasive exotic
580 plant species on public lands.†

581 (3) Contract, or enter into agreements, with entities in
582 the State University System or other governmental or private
583 sector entities for research concerning control agents;
584 production and growth of biological control agents; and
585 development of workable methods for the eradication or
586 maintenance control of invasive exotic plants on public lands.†
587 and

588 (4) Use funds in the Invasive Plant Control Trust Fund as
589 authorized by the Legislature for carrying out activities under
590 this section on public lands. A minimum of 20 percent of the
591 amount credited to the Invasive Plant Control Trust Fund
592 pursuant to s. 201.15(6) shall be used for the purpose of
593 controlling nonnative, upland, invasive plant species on public
594 lands.

595 Section 16. Subsection (2) of section 379.214, Florida
596 Statutes, is amended to read:

597 379.214 Invasive Plant Control Trust Fund.—

598 (2) Funds to be credited to and uses of the trust fund
599 shall be administered in accordance with the provisions of ss.
600 201.15, 206.606, 328.76, 369.20, 369.22, 369.252, and 379.502.

601 Section 17. Subsection (3) of section 379.362, Florida
602 Statutes, is amended to read:

603 379.362 Wholesale and retail saltwater products dealers;
604 regulation.—

605 (3) OYSTER MANAGEMENT AND RESTORATION PROGRAMS.—The
606 Department of Agriculture and Consumer Services shall use or
607 distribute funds paid into the State Treasury to the credit of



485002

576-02163-15

608 ~~the General Inspection Trust Fund pursuant to s. 201.15, less~~
609 ~~reasonable costs of administration, to fund the following oyster~~
610 management and restoration programs in Apalachicola Bay and
611 other oyster harvest areas in the state:

612 (a) The relaying and transplanting of live oysters.

613 (b) Shell planting to construct or rehabilitate oyster
614 bars.

615 (c) Education programs for licensed oyster harvesters on
616 oyster biology, aquaculture, boating and water safety,
617 sanitation, resource conservation, small business management,
618 and other relevant subjects.

619 (d) Research directed toward the enhancement of oyster
620 production in the bay and the water management needs of the bay.

621 Section 18. Section 403.8911, Florida Statutes, is amended
622 to read:

623 403.8911 Annual appropriation from the Water Protection and
624 Sustainability Program Trust Fund.—

625 ~~(1)~~ Funds paid into the Water Protection and Sustainability
626 Program Trust Fund pursuant to s. 201.15 are hereby annually
627 appropriated for expenditure for the purposes for which the
628 ~~Water Protection and Sustainability Program~~ trust fund is
629 established.

630 ~~(2)~~ If the ~~Water Protection and Sustainability Program~~
631 trust fund is not created, such funds are hereby annually
632 appropriated for expenditure from the Ecosystem Management and
633 Restoration Trust Fund solely for the purposes established in s.
634 403.890.

635 Section 19. Subsections (5) and (6) of section 420.5092,
636 Florida Statutes, are amended to read:



485002

576-02163-15

637 420.5092 Florida Affordable Housing Guarantee Program.—
638 (5) Pursuant to s. 16, Art. VII of the State Constitution,
639 the corporation may issue, in accordance with s. 420.509,
640 revenue bonds of the corporation to establish the guarantee
641 fund. The ~~Such~~ revenue bonds are ~~shall be~~ primarily payable from
642 and secured by annual debt service reserves, from interest
643 earned on funds on deposit in the guarantee fund, from fees,
644 charges, and reimbursements established by the corporation for
645 the issuance of affordable housing guarantees, and from any
646 other revenue sources received by the corporation and deposited
647 by the corporation into the guarantee fund for the issuance of
648 affordable housing guarantees. If ~~To the extent~~ such primary
649 revenue sources are considered insufficient by the corporation,
650 pursuant to the certification provided in subsection (6), to
651 fully fund the annual debt service reserve, the certified
652 deficiency in such reserve is also ~~shall be additionally~~ payable
653 from the first proceeds of the documentary stamp tax moneys
654 deposited into the State Housing Trust Fund pursuant to s.
655 201.15(4)(c) and (d) ~~s. 201.15(9)(a) and (10)(a)~~ during the
656 ensuing state fiscal year.
657 (6) (a) If the primary revenue sources to be used for
658 repayment of revenue bonds used to establish the guarantee fund
659 are insufficient for such repayment, the annual principal and
660 interest due on each series of revenue bonds is ~~shall be~~ payable
661 from funds in the annual debt service reserve. The corporation
662 shall, before June 1 of each year, perform a financial audit to
663 determine whether at the end of the state fiscal year there will
664 be on deposit in the guarantee fund an annual debt service
665 reserve from interest earned pursuant to the investment of the



485002

576-02163-15

666 guarantee fund, fees, charges, and reimbursements received from
667 issued affordable housing guarantees and other revenue sources
668 available to the corporation. Based upon the findings in such
669 guarantee fund financial audit, the corporation shall certify to
670 the Chief Financial Officer the amount of any projected
671 deficiency in the annual debt service reserve for any series of
672 outstanding bonds as of the end of the state fiscal year and the
673 amount necessary to maintain such annual debt service reserve.
674 Upon receipt of such certification, the Chief Financial Officer
675 shall transfer to the annual debt service reserve, from the
676 first available taxes distributed to the State Housing Trust
677 Fund pursuant to s. 201.15(4)(c) and (d) ~~s. 201.15(9)(a) and~~
678 ~~(10)(a)~~ during the ensuing state fiscal year, the amount
679 certified as necessary to maintain the annual debt service
680 reserve.
681 (b) If the claims payment obligations under affordable
682 housing guarantees from amounts on deposit in the guarantee fund
683 would cause the claims paying rating assigned to the guarantee
684 fund to be less than the third-highest rating classification of
685 any nationally recognized rating service, which classifications
686 being consistent with s. 215.84(3) and rules adopted thereto by
687 the State Board of Administration, the corporation shall certify
688 to the Chief Financial Officer the amount of such claims payment
689 obligations. Upon receipt of such certification, the Chief
690 Financial Officer shall transfer to the guarantee fund, from the
691 first available taxes distributed to the State Housing Trust
692 Fund pursuant to s. 201.15(4)(c) and (d) ~~s. 201.15(9)(a) and~~
693 ~~(10)(a)~~ during the ensuing state fiscal year, the amount
694 certified as necessary to meet such obligations, such transfer



485002

576-02163-15

695 to be subordinate to any transfer referenced in paragraph (a)
696 and not to exceed 50 percent of the amounts distributed to the
697 State Housing Trust Fund pursuant to s. 201.15(4)(c) and (d) ~~or~~
698 ~~201.15(9)(a) and (10)(a)~~ during the preceding state fiscal year.

699 Section 20. Subsections (1), (2), and (3) of section
700 420.9073, Florida Statutes, are amended to read:

701 420.9073 Local housing distributions.—

702 (1) Distributions calculated in this section shall be
703 disbursed on a quarterly or more frequent basis by the
704 corporation pursuant to s. 420.9072, subject to availability of
705 funds. Each county's share of the funds to be distributed from
706 the portion of the funds in the Local Government Housing Trust
707 Fund received pursuant to s. 201.15(4)(c) ~~s. 201.15(9)~~ shall be
708 calculated by the corporation for each fiscal year as follows:

709 (a) Each county other than a county that has implemented
710 ~~the provisions of~~ chapter 83-220, Laws of Florida, as amended by
711 chapters 84-270, 86-152, and 89-252, Laws of Florida, shall
712 receive the guaranteed amount for each fiscal year.

713 (b) Each county other than a county that has implemented
714 ~~the provisions of~~ chapter 83-220, Laws of Florida, as amended by
715 chapters 84-270, 86-152, and 89-252, Laws of Florida, may
716 receive an additional share calculated as follows:

717 1. Multiply each county's percentage of the total state
718 population excluding the population of any county that has
719 implemented ~~the provisions of~~ chapter 83-220, Laws of Florida,
720 as amended by chapters 84-270, 86-152, and 89-252, Laws of
721 Florida, by the total funds to be distributed.

722 2. If the result in subparagraph 1. is less than the
723 guaranteed amount as determined in subsection (3), that county's



485002

576-02163-15

724 additional share shall be zero.

725 3. For each county in which the result in subparagraph 1.
726 is greater than the guaranteed amount as determined in
727 subsection (3), the amount calculated in subparagraph 1. shall
728 be reduced by the guaranteed amount. The result for each such
729 county shall be expressed as a percentage of the amounts so
730 determined for all counties. Each such county shall receive an
731 additional share equal to such percentage multiplied by the
732 total funds received by the Local Government Housing Trust Fund
733 pursuant to s. 201.15(4)(c) ~~s. 201.15(9)~~ reduced by the
734 guaranteed amount paid to all counties.

735 (2) Distributions calculated in this section shall be
736 disbursed on a quarterly or more frequent basis by the
737 corporation pursuant to s. 420.9072, subject to availability of
738 funds. Each county's share of the funds to be distributed from
739 the portion of the funds in the Local Government Housing Trust
740 Fund received pursuant to s. 201.15(4)(d) ~~s. 201.15(10)~~ shall be
741 calculated by the corporation for each fiscal year as follows:

742 (a) Each county shall receive the guaranteed amount for
743 each fiscal year.

744 (b) Each county may receive an additional share calculated
745 as follows:

746 1. Multiply each county's percentage of the total state
747 population, by the total funds to be distributed.

748 2. If the result in subparagraph 1. is less than the
749 guaranteed amount as determined in subsection (3), that county's
750 additional share shall be zero.

751 3. For each county in which the result in subparagraph 1.
752 is greater than the guaranteed amount, the amount calculated in



485002

576-02163-15

subparagraph 1. shall be reduced by the guaranteed amount. The result for each such county shall be expressed as a percentage of the amounts so determined for all counties. Each such county shall receive an additional share equal to this percentage multiplied by the total funds received by the Local Government Housing Trust Fund pursuant to s. 201.15(4)(d) ~~s. 201.15(10)~~ as reduced by the guaranteed amount paid to all counties.

(3) Calculation of guaranteed amounts:

(a) The guaranteed amount under subsection (1) shall be calculated for each state fiscal year by multiplying \$350,000 by a fraction, the numerator of which is the amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15(4)(c) ~~s. 201.15(9)~~ and the denominator of which is the total amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15.

(b) The guaranteed amount under subsection (2) shall be calculated for each state fiscal year by multiplying \$350,000 by a fraction, the numerator of which is the amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15(4)(d) ~~s. 201.15(10)~~ and the denominator of which is the total amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15.

Section 21. Subsection (2) of s. 201.031, subsection (6) of s. 339.2818, subsection (5) of s. 339.2819, subsection (3) of s. 339.61, subsection (6) of s. 341.051, paragraph (e) of subsection (4) of s. 373.470, and subsection (1) of s. 420.9079, Florida Statutes, are reenacted for the purpose of incorporating the amendment made by this act to s. 201.15, Florida Statutes, in references thereto.



485002

576-02163-15

Section 22. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 586

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Dean

SUBJECT: Implementation of the Water and Land Conservation Constitutional Amendment

DATE: March 17, 2015 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Gudeman	Uchino	EP	Fav/CS
2. Betta	DeLoach	AGG	Recommend: Fav/CS
3. Betta	Kynoch	AP	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 586 revises the statutory distributions of revenues derived from the excise tax on documents to satisfy the recently approved water and land conservation constitutional amendment. The bill requires the Land Acquisition Trust Fund (LATF) to receive 33 percent of net revenues from the excise tax on documents. It also requires payment of debt service for Florida Forever and Everglades bonds out of the LATF, and deletes existing distributions to trust funds that serve environmental purposes. The bill maintains the existing effective percentage distributions to the transportation, affordable housing, and grants and donations trust funds, but actual distributions to these trust funds are reduced because they receive a remainder of the revenues after moneys are first distributed to the LATF. The bill maintains existing distributions to the State Economic Enhancement and Development Trust Fund, and provides a specific distribution for making payments in lieu of taxes to local governments. See Section V. for information on the fiscal impact of the bill.

The bill provides an effective date of July 1, 2015.

II. Present Situation:

Excise Tax on Documents

Chapter 201, F.S., levies a tax on two classes of documents. Deeds and other documents related to real property are taxed at the rate of 70 cents per \$100. (The tax rate on documents relating to

realty is 60 cents per \$100 in Miami-Dade County, which since 1983 has levied a discretionary surtax on deeds of 45 cents per \$100 of consideration except for deeds on single family residences.) Certificates of indebtedness, promissory notes, wage assignments and retail charge account agreements are taxed at 35 cents per \$100, but the tax on any one document may not exceed \$2,450. Revenue from the tax on documents is divided between the General Revenue Fund and various trust funds.

Distribution of Tax Revenues

Section 201.15, F.S., prescribes the distribution of revenues from the tax on documents. Revenues are pledged to fund debt service for Florida Forever and Everglades bonds and are distributed to fifteen trust funds and the General Revenue Fund. Eight percent of total collections is deducted as the General Revenue service charge, and deductions are made for costs of collection and enforcement of the tax. The table in the Fiscal Impact Statement section of this analysis shows the amounts distributed under current law.

After deductions of the General Revenue service charge required by s. 215.20(1), F.S., and the costs of collection and enforcement, the remaining revenues from the tax on documents are distributed pursuant to s. 201.15, F.S.

- 63.31 percent of revenues are distributed as follows:
 - Debt service for Preservation 2000, Florida Forever, and Everglades Restoration bonds;¹
 - Of the remainder of the 63.31 percent after payment of debt service:
 - The lesser of 38.2 percent or \$541.75 million in each fiscal year, to the State Transportation Trust Fund is used for the following purposes:
 - The first \$75 million must be transferred to the State Economic Enhancement and Development (SEED) Trust Fund in the Department of Economic Opportunity;
 - After the transfer to the SEED Trust Fund, capital funding for the New Starts Transit Program and the Small County Outreach Program each receive 10 percent of the remainder; and
 - Of the remainder after moneys for the SEED trust fund and the other two programs are accounted for, 75 percent for the Strategic Intermodal System, and 25 percent for the Transportation Regional Incentive Program, of which the first \$60 million is annually allocated to the Florida Rail Enterprise.
 - The lesser of 0.23 percent or \$3.25 million in each fiscal year, to the Grants and Donations Trust Fund in the Department of Economic Opportunity;
 - The lesser of 2.12 percent or \$30 million in each fiscal year, to the Ecosystem Management and Restoration Trust Fund;
 - The lesser of 0.02 percent or \$300,000 in each fiscal year, to the General Inspection Trust Fund in the Department of Agriculture and Consumer Services to fund oyster management and restoration;
 - The remainder to the General Revenue Fund.
- The following distributions are based on revenues from the tax on documents after deduction of the General Revenue service charge imposed in s. 215.20(1), F.S., and the costs of collection and enforcement.

¹ The reference to Preservation 2000 bonds is currently in statute; however, the program is obsolete.

- The lesser of 7.56 percent or \$84.9 million in each fiscal year to the LATF for any lawful purpose, after payments of \$6.3 million to the General Revenue Fund;²
- The lesser of 1.94 percent or \$26 million in each fiscal year to the LATF for acquiring or managing coastal lands, after paying debt service on bonds issued before February 1, 2009, and paying \$11 million to the General Revenue Fund;
- The lesser of 4.2 percent or \$60.5 million in each fiscal year to the Water Management Lands Trust Fund, which must transfer to the General Revenue Fund an amount equal to the debt service on Everglades bonds authorized in 2014;³
- 3.52 percent to the Conservation and Recreational Lands (CARL) Trust Fund, with 11.15 percent of that amount being transferred to the State Game Trust Fund for land management activities;
- The lesser of 2.28 percent or \$34.1 million to the Invasive Plant Control Trust Fund;⁴
- The lesser of 0.5 percent or \$9.3 million in each fiscal year to the State Game Trust Fund for implementing the Lake Restoration 2020 Program;⁵
- 0.25 percent each to the Water Quality Assurance Trust Fund and to the General Inspection Trust Fund in the Department of Agriculture and Consumer Services;
- 7.53 percent to the State Housing Trust Fund, the first \$35 million of which is transferred to the SEED Trust Fund, and, of the remainder, half remains in the State Housing Trust Fund and half is distributed to the Local Government Housing Trust Fund;
- 8.66 percent to State Housing Trust Fund, the first \$40 million of which is transferred to the SEED Trust Fund and of the remainder 12.5 percent remains in the State Housing Trust Fund and 87.5 percent is distributed to the Local Government Housing Trust Fund; and
- The remainder to the General Revenue Fund.

From year to year, the appropriations made from each trust fund are specified in the General Appropriations Act and may be more or less than the annual statutory distributions.

Payment in Lieu of Taxes

Section 259.032(12), F.S., directs the Legislature to provide funds from the CARL Trust Fund to the Department of Environmental Protection (DEP) for payment in lieu of taxes to qualifying local governments for all actual tax losses incurred as a result of land acquisitions under the Florida Forever program or the Preservation 2000 program. Payment is available to counties that have a population of 150,000 or fewer and other local governments located in those counties. Payment is also available to Glades County from funds in the Department of Correction's budget to offset the loss of ad valorem tax revenue related to privately owned and operated juvenile justice facilities.

² If the amount to be distributed increases from the prior fiscal year, the stated maximum amount in this distribution is increased by an amount equal to 10 percent of the increase in the amount to be distributed multiplied by the applicable percentage.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

The Water and Land Conservation Constitutional Amendment

In 2014, Florida voters approved a constitutional amendment proposed by Florida's Water and Land Legacy to provide a dedicated funding source for water and land conservation and restoration.⁶ The amendment created Article X, section 28 of the Florida Constitution and was approved by 75 percent of the electors voting on the issue.

The amendment requires that starting on July 1, 2015, for 20 years, 33 percent of net revenues derived from the existing excise tax on documents, as defined by the statutes in effect on January 1, 2012, must be deposited into the LATF.⁷

The amendment requires that funds in the LATF be expended only for the following purposes:

- As provided by law, to finance or refinance:
 - The acquisition and improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands including wetlands, forests, and fish and wildlife habitat;
 - Wildlife management areas;
 - Lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer systems;
 - Lands in the Everglades Agricultural Area and the Everglades Protection Area, as defined in Article II, section 7(b) of the Florida Constitution;
 - Beaches and shores;
 - Outdoor recreation lands, including recreational trails, parks, and urban open space;
 - Rural landscapes;
 - Working farms and ranches;
 - Historic or geologic sites;
 - Together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.

The amendment authorizes moneys deposited into the LATF to be used to pay debt service on bonds issued pursuant to Article VII, section 11(e) of the Florida Constitution, and prohibits the moneys deposited into the LATF from being commingled with the General Revenue Fund of the state.⁸

⁶ The founding organizations of Florida's Water and Land Legacy are: The Trust for Public Land, Audubon Florida, Florida Wildlife Federation, Sierra Club Florida, Florida Conservation Alliance Institute, Alachua Conservation Trust, 1000 Friends of Florida, Defenders of Wildlife, Conservation Trust for Florida, The Conservation Fund, The Nature Conservancy, Florida Conservation Coalition, and Rails to Trails Conservancy. Florida's Water and Land Legacy, *Non-Profit Endorsements*, <http://floridawaterlandlegacy.org/sections/page/endorsers> (last visited Feb. 6, 2015).

⁷ The net revenues are the amount of revenues after the Department of Revenue first deducts a service charge to pay the costs of the collection and enforcement of the excise tax on documents.

⁸ FLA. CONST. art VII, s. 11(e), provides, "[b]onds pledging all or part of a dedicated state tax revenue may be issued by the state in the manner provided by general law to finance or refinance the acquisition and improvement of land, water areas, and related property interests and resources for the purposes of conservation, outdoor recreation, water resource development, restoration of natural systems, and historic preservation."

III. Effect of Proposed Changes:

Section 1 amends s. 201.15, F.S., to conform to the requirement of the constitutional amendment that the LATF receive at least 33 percent of net revenues derived from the existing excise tax on documents. It provides that revenue distributed to the LATF is not subject to the General Revenue service charge and provides that all revenue from the tax on documents is pledged and must first be made available to make payments on Florida Forever and Everglades bonds. Amounts necessary to make bond payments must be deposited in the LATF. Any remainder of the 33 percent of all revenues from the tax on documents after the costs of collection and enforcement are deducted and after bond payments are made must be deposited in the LATF.

The bill requires that funds deposited in the LATF must first be used for debt service payments for Florida Forever bonds and Save Our Everglades bonds. The bill specifies that the bonds issued pursuant to s. 215.618, F.S., or s. 215.619, F.S., are equally and ratably secured by funds distributed to the LATF. In addition, the bill removes obsolete language related to Preservation 2000 bonds and Save Our Coast bonds, which have been retired.

After the required distributions to the LATF and deduction of the General Revenue service charge, the bill provides for certain distributions of the remainder in each fiscal year.

- The lesser of 24.18442 percent of the remainder or \$541.75 million is distributed to the State Transportation Trust Fund;⁹
- The Grants and Donations Trust Fund in the Department of Economic Opportunity receives the lesser of 0.1456 percent of the remainder or \$3.25 million to fund technical assistance to local governments;¹⁰ and
- The sum of \$1.16 million is credited to the Internal Improvement Trust Fund for the purpose of making payments in lieu of taxes pursuant to s. 259.032(12)(b), F.S.

The two current-law percentage distributions to the State Housing Trust Fund are unchanged by the bill. However, the portion of the excise tax revenues to which those percentages apply is reduced by the bill.

The bill deletes distributions of revenue from the tax on documents to:

- The Ecosystem Management and Restoration Trust Fund;
- The General Inspection Trust Fund for oyster management and restoration programs;
- The Water Management Lands Trust Fund;
- The CARL Trust Fund;
- The Invasive Plant Control Trust Fund;
- The State Game Trust Fund;
- The Water Quality Assurance Trust Fund; and
- The Department of Agriculture and Consumer Services General Inspection Trust Fund.

Existing distributions to the LATF are also deleted.

⁹ Even though the statutory percentage is reduced from 38.2 to 24.18442 percent, the effective percentage remains the same. The bill calculates this distribution as a percentage of the whole after the LATF distribution, not as a percentage of the 63.31 percent as required by current law.

¹⁰ The effective percentage has not changed. See the above footnote for a more detailed explanation.

Sections 2 through 20 repeal obsolete provisions of statute and contain technical and conforming changes related to this act.

Section 21 reenacts subsection (2) of s. 201.031, F.S., subsection (6) of s. 339.2818, F.S., subsection (5) of s. 339.2819, F.S., subsection (3) of s. 339.61, F.S., subsection (6) of s. 341.051, F.S., paragraph (e) of subsection (4) of s. 373.470, F.S., and subsection (1) of s. 420.9079, F.S., for the purpose of incorporating the changes made by the bill to s. 201.15, F.S.

Section 22 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

This bill amends s. 201.15, F.S., to satisfy the requirement of Article X, section 28 of the Florida Constitution.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

CS/SB 586 revises distributions of revenue from the tax on documents to multiple trust funds and general revenue. The extent of the impact on the private sector will depend on how programs funded from affected trust funds or general revenue are impacted, which cannot be determined at this time.

C. Government Sector Impact:

Current and Proposed Distribution of Tax on Documents			
Fiscal Year 2015-2016 estimate			
(\$ millions)			
	Current Law	SB 586 Distribution	Difference
Total Tax on Documents	2,305.90	2,305.90	-
DOR Administrative Costs	9.80	9.80	-
33 percent LATF Distribution	-	757.71	757.71
General Revenue Service Charge	184.47	123.85	(60.62)
Environmental Debt Service*	173.30	-	(173.30)
DEO Grants and Donations TF	2.68	2.06	(0.62)
DEP Ecosystem Management and Restoration TF	24.70	-	(24.70)
DACS General Inspection TF	0.23	-	(0.23)
DOT State Transportation TF (STTF)	369.50	267.10	(102.40)
DEO SEED TF (from STTF)	75.00	75.00	-
Land Acquisition TF (current law)	79.90	-	(79.90)
LATF Coastal Lands	15.00	-	(15.00)
Water Management Lands TF	48.90	-	(48.90)
Conservation and Recreational Lands TF	66.00	-	(66.00)
Invasive Plant Control TF	34.50	-	(34.50)
State Game TF	17.70	-	(17.70)
Water Quality Assurance TF	5.30	-	(5.30)
General Inspection TF	5.30	-	(5.30)
Payment in lieu of taxes	-	1.16	1.16
DEO SEED TF (from State Housing TF)	75.00	75.00	-
State Housing TF	79.86	46.07	(33.79)
Local Housing TF	187.01	107.95	(79.06)
General Revenue	851.75	840.20	(11.56)
Summary			
Distributions for Environmental Purposes	470.83	757.71	286.88
Distributions to Other Trust Funds:			
Transportation	369.50	267.10	(102.40)
Economic Development	152.68	152.06	(0.62)
Affordable Housing	266.87	154.02	(112.85)
Payment in lieu of taxes	-	1.20	1.20
Distributions to General Revenue	1,036.19	964.07	(72.12)
Totals may not match due to rounding			
*Debt Service is paid out of the 33 percent LATF distribution under SB 586			

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 201.15 and 375.075.

This bill repeals the following sections of the Florida Statutes: 161.05301, 161.091(3), and 375.045.

This bill reenacts the following sections of Florida Statutes: 201.031(2), 339.2818(6), 339.2819(5), 339.61(3), 341.051(6), 373.470(4)(e), and 420.9079(1).

This bill makes conforming changes to the following sections of the Florida Statutes: 201.0205, 215.618, 215.619, 259.032, 259.1051, 339.0801, 339.55, 341.303, 343.58, 369.252, 379.214, 379.362, 403.8911, 420.5092, and 420.9073.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environmental Preservation and Conservation on February 18, 2015:

The committee substitute resolves the technical deficiency that was present in the bill by including the cross reference to s. 201.15(2), F.S.

B. Amendments:

None.

By the Committee on Environmental Preservation and Conservation;
and Senator Dean

592-01699-15

2015586c1

A bill to be entitled

An act relating to the implementation of the water and land conservation constitutional amendment; amending s. 201.15, F.S.; revising and deleting distributions of the tax; providing that specified distributions to the Land Acquisition Trust Fund are not subject to the service charge under s. 215.20, F.S.; revising the purposes for which distributions may be used; repealing s. 161.05301, F.S., relating to beach erosion control project staffing; repealing s. 161.091(3), F.S., relating to funding for the state's beach management plan; repealing s. 375.045, F.S., relating to the Florida Preservation 2000 Trust Fund; amending s. 375.075, F.S.; requiring specified public recreation projects to have been selected through the Department of Environmental Protection's competitive selection process prior to the release of funds; conforming provisions to changes made by the act; amending ss. 201.0205, 215.618, 215.619, 259.032, 259.1051, 339.0801, 339.55, 341.303, 343.58, 369.252, 379.214, 379.362, 403.8911, 420.5092, and 420.9073, F.S.; conforming provisions to changes made by the act; reenacting ss. 201.031(2), 339.2818(6), 339.2819(5), 339.61(3), 341.051(6), 373.470(4)(e), and 420.9079(1), F.S., to incorporate the amendment made by this act to s. 201.15, F.S., in references thereto; providing an effective date.

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

Page 1 of 27

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

592-01699-15

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Section 1. Section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter, except taxes distributed to the Land Acquisition Trust Fund pursuant to subsections (1) and (2), are subject to the service charge imposed in s. 215.20(1). Before distribution ~~pursuant to under~~ this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. The Such costs and ~~the~~ service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. ~~After distributions are made pursuant to subsection (1),~~ All of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2015, secured by revenues distributed pursuant to this section ~~subsection (1)~~. All taxes remaining after deduction of costs ~~and the service charge~~ shall be distributed as follows:

(1) All of the remaining taxes collected under this chapter are pledged and shall be first made available to make payments on bonds issued pursuant to s. 215.618 or s. 215.619, as provided under paragraphs (3)(a) and (b), or on any other bonds authorized to be issued on a parity basis with such bonds. Amounts necessary to make such payments shall be deposited in the Land Acquisition Trust Fund.

Page 2 of 27

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

592-01699-15

2015586c1

(2) From taxes remaining after the payments required pursuant to subsection (1), an amount equal to 33 percent of all taxes collected after first deducting the costs of collection, minus amounts paid pursuant to subsection (1), shall be deposited in the Land Acquisition Trust Fund.

(3) Amounts on deposit in the Land Acquisition Trust Fund ~~Sixty-three and thirty-one hundredths percent of the remaining taxes~~ shall be used in for the following order purposes:

(a) Payment of ~~Amounts necessary to pay the debt service on, or funding of fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Preservation 2000 bonds issued pursuant to s. 375.051 and Florida Forever bonds issued pursuant to s. 215.618, shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund to be used for such purposes.~~ The amount used for such purposes transferred to the Land Acquisition Trust Fund may not exceed \$300 million in each fiscal year ~~1999-2000 and thereafter for Preservation 2000 bonds and bonds issued to refund Preservation 2000 bonds, and \$300 million in fiscal year 2000-2001 and thereafter for Florida Forever bonds.~~ The annual amount ~~transferred to the Land Acquisition Trust Fund for Florida Forever bonds may not exceed \$30 million in the first fiscal year in which bonds are issued. The limitation on the amount transferred shall be increased by an additional \$30 million in each subsequent fiscal year, but may not exceed a total of \$300 million in any fiscal year for all bonds issued.~~ It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2040. Except for bonds issued to refund previously issued bonds, no

592-01699-15

2015586c1

series of bonds may be issued pursuant to this paragraph unless such bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is specifically appropriated in the General Appropriations Act. ~~For purposes of refunding Preservation 2000 bonds, amounts designated within this section for Preservation 2000 and Florida Forever bonds may be transferred between the two programs to the extent provided for in the documents authorizing the issuance of the bonds. The Preservation 2000 bonds and Florida Forever bonds are equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to this section, except as specifically provided otherwise by the documents authorizing the issuance of the bonds. Moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, may not be used or made available to pay debt service on the Save Our Coast revenue bonds.~~

(b) Payment ~~Moneys shall be paid~~ into the State Treasury to the credit of the Save Our Everglades Trust Fund in amounts necessary to pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to bonds issued pursuant to under s. 215.619. Taxes distributed under paragraph (a) and this paragraph must be collectively distributed on a pro rata basis when the available moneys under this subsection are not sufficient to cover the amounts required under paragraph (a) and this paragraph.

Bonds issued pursuant to s. 215.618 or s. 215.619 are equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund.

592-01699-15

2015586c1

~~(4)(e)~~ After the required distributions to the Land Acquisition Trust Fund pursuant to subsections (1) and (2) and deduction of the service charge imposed pursuant to s. 215.20(1) payments under paragraphs (a) and (b), the remainder shall be distributed as follows paid into the State Treasury to the credit of:

~~(a)1-~~ The State Transportation Trust Fund in the Department of Transportation in the amount of The lesser of 24.18442 ~~38.2~~ percent of the remainder or \$541.75 million in each fiscal year shall be paid into the State Treasury to the credit of the State Transportation Trust Fund. Out Of such funds, the first \$50 million for the 2012-2013 fiscal year; \$65 million for the 2013-2014 fiscal year; and \$75 million for each the 2014-2015 fiscal year and all subsequent years, shall be transferred to the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. Notwithstanding any other law, the remaining amount credited to the State Transportation Trust Fund shall remainder is to be used for the following specified purposes, notwithstanding any other law to the contrary:

~~1.a-~~ For the purposes of Capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, in the amount of 10 percent of the these funds;

~~2.b-~~ For the purposes of The Small County Outreach Program specified in s. 339.2818, in the amount of 10 ~~5~~ percent of the these funds. Effective July 1, 2014, the percentage allocated under this sub-subparagraph shall be increased to 10 percent;

~~3.c-~~ For the purposes of The Strategic Intermodal System

592-01699-15

2015586c1

specified in ss. 339.61, 339.62, 339.63, and 339.64, in the amount of 75 percent of ~~the these~~ funds after deduction of the payments required pursuant to subparagraphs 1. and 2. ~~allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b-;~~ and

~~4.d-~~ For the purposes of The Transportation Regional Incentive Program specified in s. 339.2819, in the amount of 25 percent of the these funds after deduction of the payments required pursuant to subparagraphs 1. and 2. allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b. Effective July 1, 2014, The first \$60 million of the funds allocated pursuant to this subparagraph ~~sub-subparagraph~~ shall be allocated annually to the Florida Rail Enterprise for the purposes established in s. 341.303(5).

~~(b)2-~~ The Grants and Donations Trust Fund in the Department of Economic Opportunity in the amount of The lesser of .1456 ~~.23~~ percent of the remainder or \$3.25 million in each fiscal year shall be paid into the State Treasury to the credit of the Grants and Donations Trust Fund in the Department of Economic Opportunity to fund technical assistance to local governments.

~~3-~~ The Ecosystem Management and Restoration Trust Fund in the amount of the lesser of 2.12 percent of the remainder or \$30 million in each fiscal year, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212.

~~4-~~ General Inspection Trust Fund in the amount of the lesser of .02 percent of the remainder or \$300,000 in each

592-01699-15

2015586c1

175 ~~fiscal year to be used to fund oyster management and restoration~~
 176 ~~programs as provided in s. 379.362(3).~~

178 Moneys distributed pursuant to paragraphs (a) and (b) ~~this~~
 179 ~~paragraph~~ may not be pledged for debt service unless such pledge
 180 is approved by referendum of the voters.

181 ~~(d) After the required payments under paragraphs (a), (b),~~
 182 ~~and (c), the remainder shall be paid into the State Treasury to~~
 183 ~~the credit of the General Revenue Fund to be used and expended~~
 184 ~~for the purposes for which the General Revenue Fund was created~~
 185 ~~and exists by law.~~

186 ~~(2) The lesser of 7.56 percent of the remaining taxes or~~
 187 ~~\$84.9 million in each fiscal year shall be distributed as~~
 188 ~~follows:~~

189 ~~(a) Six million and three hundred thousand dollars shall be~~
 190 ~~paid into the State Treasury to the credit of the General~~
 191 ~~Revenue Fund.~~

192 ~~(b) The remainder shall be paid into the State Treasury to~~
 193 ~~the credit of the Land Acquisition Trust Fund. Sums deposited in~~
 194 ~~the fund pursuant to this subsection may be used for any purpose~~
 195 ~~for which funds deposited in the Land Acquisition Trust Fund may~~
 196 ~~lawfully be used.~~

197 ~~(3) (a) The lesser of 1.94 percent of the remaining taxes or~~
 198 ~~\$26 million in each fiscal year shall be distributed in the~~
 199 ~~following order:~~

200 ~~1. Amounts necessary to pay debt service or to fund debt~~
 201 ~~service reserve funds, rebate obligations, or other amounts~~
 202 ~~payable with respect to bonds issued before February 1, 2009,~~
 203 ~~pursuant to this subsection shall be paid into the State~~

592-01699-15

2015586c1

204 ~~Treasury to the credit of the Land Acquisition Trust Fund.~~

205 ~~2. Eleven million dollars shall be paid into the State~~
 206 ~~Treasury to the credit of the General Revenue Fund.~~

207 ~~3. The remainder shall be paid into the State Treasury to~~
 208 ~~the credit of the Land Acquisition Trust Fund.~~

209 ~~(b) Moneys deposited in the Land Acquisition Trust Fund~~
 210 ~~pursuant to this subsection shall be used to acquire coastal~~
 211 ~~lands or to pay debt service on bonds issued to acquire coastal~~
 212 ~~lands and to develop and manage lands acquired with moneys from~~
 213 ~~the trust fund.~~

214 ~~(4) The lesser of 4.2 percent of the remaining taxes or~~
 215 ~~\$60.5 million in each fiscal year shall be paid into the State~~
 216 ~~Treasury to the credit of the Water Management Lands Trust Fund.~~
 217 ~~Sums deposited in that fund may be used for any purpose~~
 218 ~~authorized in s. 373.59. An amount equal to the amounts~~
 219 ~~necessary to pay debt service or to fund debt service reserve~~
 220 ~~funds, rebate obligations, or other amounts payable with respect~~
 221 ~~to bonds authorized pursuant to s. 215.619(1)(a)2. and the~~
 222 ~~proviso associated with Specific Appropriation 1626A of the~~
 223 ~~2014-2015 General Appropriations Act shall be transferred~~
 224 ~~annually from the Water Management Lands Trust Fund to the~~
 225 ~~General Revenue Fund.~~

226 ~~(5) Of the remaining taxes, 3.52 percent shall be paid into~~
 227 ~~the State Treasury to the credit of the Conservation and~~
 228 ~~Recreation Lands Trust Fund to carry out the purposes set forth~~
 229 ~~in s. 259.032. Eleven and fifteen hundredths percent of the~~
 230 ~~amount credited to the Conservation and Recreation Lands Trust~~
 231 ~~Fund pursuant to this subsection shall be transferred to the~~
 232 ~~State Game Trust Fund and used for land management activities.~~

592-01699-15

2015586c1

233 ~~(6) The lesser of 2.28 percent of the remaining taxes or~~
 234 ~~\$34.1 million in each fiscal year shall be paid into the State~~
 235 ~~Treasury to the credit of the Invasive Plant Control Trust Fund~~
 236 ~~to carry out the purposes set forth in ss. 369.22 and 369.252.~~
 237 ~~(7) The lesser of .5 percent of the remaining taxes or \$9.3~~
 238 ~~million in each fiscal year shall be paid into the State~~
 239 ~~Treasury to the credit of the State Game Trust Fund to be used~~
 240 ~~exclusively for the purpose of implementing the Lake Restoration~~
 241 ~~2020 Program.~~
 242 ~~(8) One-half of one percent of the remaining taxes shall be~~
 243 ~~paid into the State Treasury and divided equally to the credit~~
 244 ~~of the Department of Environmental Protection Water Quality~~
 245 ~~Assurance Trust Fund to address water quality impacts associated~~
 246 ~~with nonagricultural nonpoint sources and to the credit of the~~
 247 ~~Department of Agriculture and Consumer Services General~~
 248 ~~Inspection Trust Fund to address water quality impacts~~
 249 ~~associated with agricultural nonpoint sources, respectively.~~
 250 ~~These funds shall be used for research, development,~~
 251 ~~demonstration, and implementation of suitable best management~~
 252 ~~practices or other measures used to achieve water quality~~
 253 ~~standards in surface waters and water segments identified~~
 254 ~~pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No. 92-~~
 255 ~~500, 33 U.S.C. ss. 1251 et seq. Implementation of best~~
 256 ~~management practices and other measures may include cost-share~~
 257 ~~grants, technical assistance, implementation tracking, and~~
 258 ~~conservation leases or other agreements for water quality~~
 259 ~~improvement. The Department of Environmental Protection and the~~
 260 ~~Department of Agriculture and Consumer Services may adopt rules~~
 261 ~~governing the distribution of funds for implementation of best~~

592-01699-15

2015586c1

262 ~~management practices. The unobligated balance of funds received~~
 263 ~~from the distribution of taxes collected under this chapter to~~
 264 ~~address water quality impacts associated with nonagricultural~~
 265 ~~nonpoint sources must be excluded when calculating the~~
 266 ~~unobligated balance of the Water Quality Assurance Trust Fund as~~
 267 ~~it relates to the determination of the applicable excise tax~~
 268 ~~rate.~~
 269 ~~(c)(9)~~ (c)(9) Seven and fifty-three hundredths percent of the
 270 remainder remaining taxes in each fiscal year shall be paid into
 271 the State Treasury to the credit of the State Housing Trust
 272 Fund. ~~Out~~ Of such funds, ~~beginning in the 2012-2013 fiscal year,~~
 273 the first \$35 million shall be transferred annually, subject to
 274 any distribution required pursuant to under subsection (5) ~~(15)~~,
 275 to the State Economic Enhancement and Development Trust Fund
 276 within the Department of Economic Opportunity. The remainder
 277 shall be used as follows:
 278 1.(a) Half of that amount shall be used for the purposes
 279 for which the State Housing Trust Fund was created and exists by
 280 law.
 281 2.(b) Half of that amount shall be paid into the State
 282 Treasury to the credit of the Local Government Housing Trust
 283 Fund and used for the purposes for which the Local Government
 284 Housing Trust Fund was created and exists by law.
 285 ~~(d)(10)~~ (d)(10) Eight and sixty-six hundredths percent of the
 286 remainder remaining taxes in each fiscal year shall be paid into
 287 the State Treasury to the credit of the State Housing Trust
 288 Fund. ~~Out~~ Of such funds, ~~beginning in the 2012-2013 fiscal year,~~
 289 the first \$40 million shall be transferred annually, subject to
 290 any distribution required pursuant to under subsection (5) ~~(15)~~,

592-01699-15

2015586c1

to the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. The remainder shall be used as follows:

1.(a) Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and ~~be~~ expended by the Department of Economic Opportunity and ~~by~~ the Florida Housing Finance Corporation for the purposes for which the State Housing Trust Fund was created and exists by law.

2.(b) Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

(e) The sum of \$1.16 million in each fiscal year shall be paid into the State Treasury to the credit of the Internal Improvement Trust Fund for the purpose of making payment in lieu of taxes under s. 259.032(12)(b).

~~(11) The distribution of proceeds deposited into the Water Management Lands Trust Fund and the Conservation and Recreation Lands Trust Fund, pursuant to subsections (4) and (5), may not be used for land acquisition but may be used for preacquisition costs associated with land purchases. The Legislature intends that the Florida Forever program supplant the acquisition programs formerly authorized under ss. 259.032 and 373.59.~~

~~(12) Amounts distributed pursuant to subsections (5), (6), (7), and (8) are subject to the payment of debt service on outstanding Conservation and Recreation Lands revenue bonds.~~

~~(13) In each fiscal year that the remaining taxes exceed~~

592-01699-15

2015586c1

~~collections in the prior fiscal year, the stated maximum dollar amounts provided in subsections (2), (4), (6), and (7) shall each be increased by an amount equal to 10 percent of the increase in the remaining taxes collected under this chapter multiplied by the applicable percentage provided in those subsections.~~

~~(14) If the payment requirements in any year for bonds outstanding on July 1, 2007, or bonds issued to refund such bonds, exceed the limitations of this section, distributions to the trust fund from which the bond payments are made must be increased to the lesser of the amount needed to pay bond obligations or the limit of the applicable percentage distribution provided in subsections (1) (10).~~

(5)(15) Distributions to the State Housing Trust Fund pursuant to paragraphs (4)(c) and (d) ~~subsections (9) and (10)~~ must be sufficient to cover amounts required to be transferred to the Florida Affordable Housing Guarantee Program's annual debt service reserve and guarantee fund pursuant to s. 420.5092(6)(a) and (b) up to the amount required to be transferred to such reserve and fund based on the percentage distribution of documentary stamp tax revenues to the State Housing Trust Fund which is in effect in the 2004-2005 fiscal year.

~~(16) If amounts necessary to pay debt service or any other amounts payable with respect to Preservation 2000 bonds, Florida Forever bonds, or Everglades Restoration bonds authorized before January 1, 2015, exceed the amounts distributable pursuant to subsection (1), all moneys distributable pursuant to this section are available for such obligations and transferred in~~

592-01699-15

2015586c1

the amounts necessary to pay such obligations when due. However, amounts distributable pursuant to subsection (2), subsection (3), subsection (4), subsection (5), paragraph (9)(a), or paragraph (10)(a) are not available to pay such obligations to the extent that such moneys are necessary to pay debt service on bonds secured by revenues pursuant to those provisions.

~~(6)(17)~~ After the distributions provided in the preceding subsections, any remaining taxes shall be paid into the State Treasury to the credit of the General Revenue Fund.

Section 2. Section 161.05301, Florida Statutes, is repealed.

Section 3. Subsection (3) of section 161.091, Florida Statutes, is repealed.

Section 4. Section 375.045, Florida Statutes, is repealed.

Section 5. Subsection (1) and paragraph (c) of subsection (2) of section 375.075, Florida Statutes, are amended to read:

375.075 Outdoor recreation; financial assistance to local governments.—

(1) The Department of Environmental Protection ~~is authorized to~~ establish the Florida Recreation Development Assistance Program to provide grants to qualified local governmental entities to acquire or develop land for public outdoor recreation purposes. ~~To the extent not needed for debt service on bonds issued pursuant to s. 375.051, each year~~ The department shall annually develop and plan a program ~~which shall be based upon funding of not less than 5 percent of the money credited to the Land Acquisition Trust Fund pursuant to s. 201.15(2) and (3) in that year. The department shall develop and plan a program which shall be based upon~~ the cumulative total

592-01699-15

2015586c1

funding provided from this section and from the Florida Forever Trust Fund pursuant to s. 259.105(3)(d).

(2)

(c) ~~Funds may not be released under No release of funds from the Land Acquisition Trust Fund, or from the Florida Forever Trust Fund beginning in fiscal year 2001-2002, for this program may be made for these public recreation projects until the projects have been selected through the competitive selection process provided for in this section.~~

Section 6. Section 201.0205, Florida Statutes, is amended to read:

201.0205 Counties that have implemented ch. 83-220; inapplicability of 10-cent tax increase by s. 2, ch. 92-317, Laws of Florida.—The 10-cent tax increase in the documentary stamp tax levied by s. 2, chapter 92-317, does not apply to deeds and other taxable instruments relating to real property located in any county that has implemented the provisions of chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida. Each such county and each eligible jurisdiction within such county may ~~shall~~ not be ~~eligible to~~ participate in programs funded pursuant to s. 201.15(4)(c) ~~s. 201.15(9)~~. However, each such county and each eligible jurisdiction within such county may ~~shall be~~ ~~eligible to~~ participate in programs funded pursuant to s. 201.15(4)(d) ~~s. 201.15(10)~~.

Section 7. Paragraph (a) of subsection (1) and subsection (3) of section 215.618, Florida Statutes, are amended to read:

215.618 Bonds for acquisition and improvement of land, water areas, and related property interests and resources.—

592-01699-15

2015586c1

(1) (a) The issuance of Florida Forever bonds, not to exceed \$5.3 billion, to finance or refinance the cost of acquisition and improvement of land, water areas, and related property interests and resources, in urban and rural settings, for the purposes of restoration, conservation, recreation, water resource development, or historical preservation, and for capital improvements to lands and water areas that accomplish environmental restoration, enhance public access and recreational enjoyment, promote long-term management goals, and facilitate water resource development is hereby authorized, subject to the provisions of s. 259.105 and pursuant to s. 11(e), Art. VII of the State Constitution. ~~Florida Forever bonds may also be issued to refund Preservation 2000 bonds issued pursuant to s. 375.051. The \$5.3 billion limitation on the issuance of Florida Forever bonds does not apply to refunding bonds.~~ The duration of each series of Florida Forever bonds issued may not exceed 20 annual maturities. ~~Preservation 2000 bonds and Florida Forever bonds shall be equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to s. 201.15(1)(a), except to the extent specifically provided otherwise by the documents authorizing the issuance of the bonds.~~

(3) Bonds issued pursuant to this section ~~are shall be~~ payable from taxes distributable to the Land Acquisition Trust Fund pursuant to s. 201.15(1)(a). Bonds issued pursuant to this section ~~do shall~~ not constitute a general obligation of, or a pledge of the full faith and credit of, the state.

Section 8. Subsections (2) and (3) of section 215.619, Florida Statutes, are amended to read:

Page 15 of 27

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592-01699-15

2015586c1

215.619 Bonds for Everglades restoration.—

(2) The state covenants with the holders of Everglades restoration bonds that it will not take any action that will materially and adversely affect the rights of the holders so long as the bonds are outstanding, including, but not limited to, a reduction in the portion of documentary stamp taxes distributable pursuant to ~~under~~ s. 201.15(1) for payment of debt service on ~~Preservation 2000 bonds,~~ Florida Forever bonds, or Everglades restoration bonds.

(3) Everglades restoration bonds are payable from, and secured by a first lien on, taxes distributable pursuant to ~~under~~ s. 201.15(1)(b) and do not constitute a general obligation of, or a pledge of the full faith and credit of, the state. Everglades restoration bonds shall be secured on a parity basis with bonds secured by moneys distributable pursuant to ~~under~~ s. 201.15(1)(a).

Section 9. Paragraph (a) of subsection (2) of section 259.032, Florida Statutes, is amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(2) (a) The Conservation and Recreation Lands Trust Fund is established within the Department of Environmental Protection. The fund shall be used as a nonlapsing, revolving fund exclusively for the purposes of this section. The Department of Revenue fund shall credit the fund each month ~~be credited~~ with the proceeds from the following excise taxes:

~~1. The excise taxes on documents as provided in s. 201.15,~~

and

~~2. The excise tax on the severance of phosphate rock as~~

Page 16 of 27

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

592-01699-15

2015586c1

provided in s. 211.3103.

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

Section 10. Subsections (1) and (3) of section 259.1051, Florida Statutes, are amended to read:

259.1051 Florida Forever Trust Fund.—

(1) ~~There is created~~ The Florida Forever Trust Fund is created to carry out the purposes of ss. 259.032, 259.105, 259.1052, and 375.031. The Florida Forever Trust Fund shall be held and administered by the department ~~of Environmental Protection~~. Proceeds from the sale of bonds, except proceeds of refunding bonds, issued pursuant to ~~under~~ s. 215.618 and payable from moneys transferred to the Land Acquisition Trust Fund pursuant to ~~under~~ s. 201.15(1)(a), not to exceed \$5.3 billion, shall must be deposited into this trust fund to be distributed and used as provided in s. 259.105(3). The bond resolution adopted by the governing board of the division ~~of Bond Finance of the State Board of Administration~~ may provide for additional provisions that govern the disbursement of the bond proceeds.

(3) The department ~~of Environmental Protection~~ shall ensure that the proceeds from the sale of bonds issued pursuant to ~~under~~ s. 215.618 and payable from moneys transferred to the Land Acquisition Trust Fund pursuant to ~~under~~ s. 201.15(1)(a) are ~~shall be~~ administered and expended in a manner that ensures compliance of each issue of bonds that are issued on the basis that interest thereon will be excluded from gross income for federal income tax purposes, with the applicable provisions of the United States Internal Revenue Code and the regulations

592-01699-15

2015586c1

adopted promulgated thereunder, to the extent necessary to preserve the exclusion of interest on the bonds from gross income for federal income tax purposes. The department ~~of Environmental Protection~~ shall administer the use and disbursement of the proceeds of such bonds or require that such the use and disbursement ~~thereof~~ be administered in a manner to implement strategies to maximize any available benefits under the applicable provisions of the United States Internal Revenue Code or regulations adopted promulgated thereunder, if consistent ~~to the extent not inconsistent~~ with the purposes identified in s. 259.105(3).

Section 11. Subsection (4) of section 339.0801, Florida Statutes, is amended to read:

339.0801 Allocation of increased revenues derived from amendments to s. 319.32(5)(a) by ch. 2012-128.—Funds that result from increased revenues to the State Transportation Trust Fund derived from the amendments to s. 319.32(5)(a) made by this act must be used annually, first as set forth in subsection (1) and then as set forth in subsections (2)-(5), notwithstanding any other provision of law:

(4) Beginning in the 2013-2014 fiscal year and annually thereafter, \$10 million shall be allocated to the Small County Outreach Program, to be used as specified in s. 339.2818. These funds are in addition to the funds provided for the program pursuant to s. 201.15 ~~in s. 201.15(1)(c)1.b.~~

Section 12. Subsection (9) of section 339.55, Florida Statutes, is amended to read:

339.55 State-funded infrastructure bank.—

(9) Funds paid into the State Transportation Trust Fund

592-01699-15 2015586c1

523 pursuant to s. 201.15 ~~s. 201.15(1)(e)~~ for the purposes of the
 524 State Infrastructure Bank are ~~hereby~~ annually appropriated for
 525 expenditure to support that program.

526 Section 13. Subsection (5) of section 341.303, Florida
 527 Statutes, is amended to read:

528 341.303 Funding authorization and appropriations;
 529 eligibility and participation.—

530 (5) FUND PARTICIPATION; FLORIDA RAIL ENTERPRISE.—

531 ~~(a)~~ The department, through the Florida Rail Enterprise, is
 532 authorized to use funds provided pursuant to s. 201.15(4)(a)4.
 533 ~~under s. 201.15(1)(e)1.d.~~ to fund:

534 (a) Up to 50 percent of the nonfederal share of the costs
 535 of any eligible passenger rail capital improvement project.

536 ~~(b) The department, through the Florida Rail Enterprise, is~~
 537 ~~authorized to use funds provided under s. 201.15(1)(e)1.d. to~~
 538 ~~fund~~ Up to 100 percent of planning and development costs related
 539 to the provision of a passenger rail system, including, but not
 540 limited to, preliminary engineering, revenue studies,
 541 environmental impact studies, financial advisory services,
 542 engineering design, and other appropriate professional services.

543 ~~(c) The department, through the Florida Rail Enterprise, is~~
 544 ~~authorized to use funds provided under s. 201.15(1)(e)1.d. to~~
 545 ~~fund~~ The high-speed rail system.

546 ~~(d) The department, through the Florida Rail Enterprise, is~~
 547 ~~authorized to use funds provided under s. 201.15(1)(e)1.d. to~~
 548 ~~fund~~ Projects necessary to identify or address anticipated
 549 impacts of increased freight rail traffic resulting from the
 550 implementation of passenger rail systems as provided in s.

551 341.302(3)(b).

592-01699-15 2015586c1

552 Section 14. Paragraph (b) of subsection (4) of section
 553 343.58, Florida Statutes, is amended to read:

554 343.58 County funding for the South Florida Regional
 555 Transportation Authority.—

556 (4) Notwithstanding any other provision of law to the
 557 contrary and effective July 1, 2010, until as provided in
 558 paragraph (d), the department shall transfer annually from the
 559 State Transportation Trust Fund to the South Florida Regional
 560 Transportation Authority the amounts specified in subparagraph
 561 (a)1. or subparagraph (a)2.

562 (b) Funding required by this subsection may not be provided
 563 from the funds dedicated to the Florida Rail Enterprise pursuant
 564 to s. 201.15(4)(a)4 ~~under s. 201.15(1)(e)1.d.~~

565 Section 15. Section 369.252, Florida Statutes, is amended
 566 to read:

567 369.252 Invasive plant control on public lands.—The Fish
 568 and Wildlife Conservation Commission shall establish a program
 569 that will accomplish all of the following ~~to~~:

570 (1) Achieve eradication or maintenance control of invasive
 571 exotic plants on public lands when the scientific data indicate
 572 that they are detrimental to the state's natural environment or
 573 when the Commissioner of Agriculture finds that such plants or
 574 specific populations thereof are a threat to the agricultural
 575 productivity of the state.†

576 (2) Assist state and local government agencies in the
 577 development and implementation of coordinated management plans
 578 for the eradication or maintenance control of invasive exotic
 579 plant species on public lands.†

580 (3) Contract, or enter into agreements, with entities in

592-01699-15

2015586c1

the State University System or other governmental or private sector entities for research concerning control agents; production and growth of biological control agents; and development of workable methods for the eradication or maintenance control of invasive exotic plants on public lands.

and

(4) Use funds in the Invasive Plant Control Trust Fund as authorized by the Legislature for carrying out activities under this section on public lands. ~~A minimum of 20 percent of the amount credited to the Invasive Plant Control Trust Fund pursuant to s. 201.15(6) shall be used for the purpose of controlling nonnative, upland, invasive plant species on public lands.~~

Section 16. Subsection (2) of section 379.214, Florida Statutes, is amended to read:

379.214 Invasive Plant Control Trust Fund.—

(2) Funds to be credited to and uses of the trust fund shall be administered in accordance with the provisions of ss. ~~201.15~~, 206.606, 328.76, 369.20, 369.22, 369.252, and 379.502.

Section 17. Subsection (3) of section 379.362, Florida Statutes, is amended to read:

379.362 Wholesale and retail saltwater products dealers; regulation.—

(3) OYSTER MANAGEMENT AND RESTORATION PROGRAMS.—The Department of Agriculture and Consumer Services shall ~~use or distribute funds paid into the State Treasury to the credit of the General Inspection Trust Fund pursuant to s. 201.15, less reasonable costs of administration,~~ to fund the following oyster management and restoration programs in Apalachicola Bay and

592-01699-15

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other oyster harvest areas in the state:

(a) The relaying and transplanting of live oysters.

(b) Shell planting to construct or rehabilitate oyster bars.

(c) Education programs for licensed oyster harvesters on oyster biology, aquaculture, boating and water safety, sanitation, resource conservation, small business management, and other relevant subjects.

(d) Research directed toward the enhancement of oyster production in the bay and the water management needs of the bay.

Section 18. Section 403.8911, Florida Statutes, is amended to read:

403.8911 Annual appropriation from the Water Protection and Sustainability Program Trust Fund.—

~~(1)~~ Funds paid into the Water Protection and Sustainability Program Trust Fund ~~pursuant to s. 201.15~~ are ~~hereby~~ annually appropriated for expenditure for the purposes for which the ~~Water Protection and Sustainability Program~~ trust fund is established.

~~(2)~~ If the ~~Water Protection and Sustainability Program~~ trust fund is not created, such funds are ~~hereby~~ annually appropriated for expenditure from the Ecosystem Management and Restoration Trust Fund solely for the purposes established in s. 403.890.

Section 19. Subsections (5) and (6) of section 420.5092, Florida Statutes, are amended to read:

420.5092 Florida Affordable Housing Guarantee Program.—

(5) Pursuant to s. 16, Art. VII of the State Constitution, the corporation may issue, in accordance with s. 420.509,

592-01699-15

2015586c1

revenue bonds of the corporation to establish the guarantee fund. ~~The such~~ revenue bonds are ~~shall be~~ primarily payable from and secured by annual debt service reserves, from interest earned on funds on deposit in the guarantee fund, from fees, charges, and reimbursements established by the corporation for the issuance of affordable housing guarantees, and from any other revenue sources received by the corporation and deposited by the corporation into the guarantee fund for the issuance of affordable housing guarantees. ~~If To the extent~~ such primary revenue sources are considered insufficient by the corporation, pursuant to the certification provided in subsection (6), to fully fund the annual debt service reserve, the certified deficiency in such reserve is also ~~shall be additionally~~ payable from the first proceeds of the documentary stamp tax moneys deposited into the State Housing Trust Fund pursuant to s. 201.15(4)(c) and (d) ~~s. 201.15(9)(a) and (10)(a)~~ during the ensuing state fiscal year.

(6) (a) If the primary revenue sources to be used for repayment of revenue bonds used to establish the guarantee fund are insufficient for such repayment, the annual principal and interest due on each series of revenue bonds is ~~shall be~~ payable from funds in the annual debt service reserve. The corporation shall, before June 1 of each year, perform a financial audit to determine whether at the end of the state fiscal year there will be on deposit in the guarantee fund an annual debt service reserve from interest earned pursuant to the investment of the guarantee fund, fees, charges, and reimbursements received from issued affordable housing guarantees and other revenue sources available to the corporation. Based upon the findings in such

592-01699-15

2015586c1

guarantee fund financial audit, the corporation shall certify to the Chief Financial Officer the amount of any projected deficiency in the annual debt service reserve for any series of outstanding bonds as of the end of the state fiscal year and the amount necessary to maintain such annual debt service reserve. Upon receipt of such certification, the Chief Financial Officer shall transfer to the annual debt service reserve, from the first available taxes distributed to the State Housing Trust Fund pursuant to s. 201.15(4)(c) and (d) ~~s. 201.15(9)(a) and (10)(a)~~ during the ensuing state fiscal year, the amount certified as necessary to maintain the annual debt service reserve.

(b) If the claims payment obligations under affordable housing guarantees from amounts on deposit in the guarantee fund would cause the claims paying rating assigned to the guarantee fund to be less than the third-highest rating classification of any nationally recognized rating service, which classifications being consistent with s. 215.84(3) and rules adopted thereto by the State Board of Administration, the corporation shall certify to the Chief Financial Officer the amount of such claims payment obligations. Upon receipt of such certification, the Chief Financial Officer shall transfer to the guarantee fund, from the first available taxes distributed to the State Housing Trust Fund pursuant to s. 201.15(4)(c) and (d) ~~s. 201.15(9)(a) and (10)(a)~~ during the ensuing state fiscal year, the amount certified as necessary to meet such obligations, such transfer to be subordinate to any transfer referenced in paragraph (a) and not to exceed 50 percent of the amounts distributed to the State Housing Trust Fund pursuant to s. 201.15(4)(c) and (d) ~~s.~~

592-01699-15

2015586c1

~~201.15(9)(a) and (10)(a)~~ during the preceding state fiscal year.

Section 20. Subsections (1), (2), and (3) of section 420.9073, Florida Statutes, are amended to read:

420.9073 Local housing distributions.—

(1) Distributions calculated in this section shall be disbursed on a quarterly or more frequent basis by the corporation pursuant to s. 420.9072, subject to availability of funds. Each county's share of the funds to be distributed from the portion of the funds in the Local Government Housing Trust Fund received pursuant to s. 201.15(4)(c) ~~s. 201.15(9)~~ shall be calculated by the corporation for each fiscal year as follows:

(a) Each county other than a county that has implemented ~~the provisions of~~ chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, shall receive the guaranteed amount for each fiscal year.

(b) Each county other than a county that has implemented ~~the provisions of~~ chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, may receive an additional share calculated as follows:

1. Multiply each county's percentage of the total state population excluding the population of any county that has implemented ~~the provisions of~~ chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, by the total funds to be distributed.

2. If the result in subparagraph 1. is less than the guaranteed amount as determined in subsection (3), that county's additional share shall be zero.

3. For each county in which the result in subparagraph 1. is greater than the guaranteed amount as determined in

592-01699-15

2015586c1

subsection (3), the amount calculated in subparagraph 1. shall be reduced by the guaranteed amount. The result for each such county shall be expressed as a percentage of the amounts so determined for all counties. Each such county shall receive an additional share equal to such percentage multiplied by the total funds received by the Local Government Housing Trust Fund pursuant to s. 201.15(4)(c) ~~s. 201.15(9)~~ reduced by the guaranteed amount paid to all counties.

(2) Distributions calculated in this section shall be disbursed on a quarterly or more frequent basis by the corporation pursuant to s. 420.9072, subject to availability of funds. Each county's share of the funds to be distributed from the portion of the funds in the Local Government Housing Trust Fund received pursuant to s. 201.15(4)(d) ~~s. 201.15(10)~~ shall be calculated by the corporation for each fiscal year as follows:

(a) Each county shall receive the guaranteed amount for each fiscal year.

(b) Each county may receive an additional share calculated as follows:

1. Multiply each county's percentage of the total state population, by the total funds to be distributed.

2. If the result in subparagraph 1. is less than the guaranteed amount as determined in subsection (3), that county's additional share shall be zero.

3. For each county in which the result in subparagraph 1. is greater than the guaranteed amount, the amount calculated in subparagraph 1. shall be reduced by the guaranteed amount. The result for each such county shall be expressed as a percentage of the amounts so determined for all counties. Each such county

592-01699-15 2015586c1

shall receive an additional share equal to this percentage multiplied by the total funds received by the Local Government Housing Trust Fund pursuant to s. 201.15(4)(d) ~~s. 201.15(10)~~ as reduced by the guaranteed amount paid to all counties.

(3) Calculation of guaranteed amounts:

(a) The guaranteed amount under subsection (1) shall be calculated for each state fiscal year by multiplying \$350,000 by a fraction, the numerator of which is the amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15(4)(c) ~~s. 201.15(9)~~ and the denominator of which is the total amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15.

(b) The guaranteed amount under subsection (2) shall be calculated for each state fiscal year by multiplying \$350,000 by a fraction, the numerator of which is the amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15(4)(d) ~~s. 201.15(10)~~ and the denominator of which is the total amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15.

Section 21. Subsection (2) of s. 201.031, subsection (6) of s. 339.2818, subsection (5) of s. 339.2819, subsection (3) of s. 339.61, subsection (6) of s. 341.051, paragraph (e) of subsection (4) of s. 373.470, and subsection (1) of s. 420.9079, Florida Statutes, are reenacted for the purpose of incorporating the amendment made by this act to s. 201.15, Florida Statutes, in references thereto.

Section 22. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: PCS/SB 7020 (570270)

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Criminal and Civil Justice) and Criminal Justice Committee

SUBJECT: Corrections

DATE: March 17, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
		Cannon		CJ SPB 7020 as introduced
1.	Clodfelter	Sadberry	ACJ	Recommend: Fav/CS
2.	Clodfelter	Kynoch	AP	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 7020 is a bill with a wide variety of changes to the laws affecting the corrections system. Specifically, the bill:

- Revises the method of appointment for the Secretary of Corrections for appointments made on or after July 1, 2015;
- Creates the Florida Corrections Commission to oversee the safe and effective operations of major correctional institutions;
- Requires the Criminal Justice Estimating Conference to project prison admissions for elderly felony offenders;
- Removes the current restriction against assessing victim injury sentencing points against a correctional officer or employee who commits sexual misconduct with an inmate without committing sexual battery.
- Expands the Department of Correction's (department/DOC) security review inspection process to include safety considerations, the identification of blind spots, and the use of audio and video monitoring;
- Requires priority be given to inspecting those institutions with high incidents of use of force on inmates, assaults on employees, and sexual abuse of inmates;
- Expands the ability of an inmate to get a one-time award of gain-time for educational attainment without violating the requirement for every inmate to serve 85 percent of their court imposed sentence;

- Requires a Memorandum of Understanding (MOU) between the Florida Department of Law Enforcement and DOC regarding external investigations of inmate deaths be written and requires notification to the Legislature;
- Requires inspector generals to have specialized training in sexual abuse investigations in conformity with the Prison Rape Elimination Act;
- Requires multiple internal ways for inmates to file a grievance; requires the Correctional Medical Authority (CMA) and the DOC to review grievance procedures at each institution; and requires both entities to post their findings on their websites;
- Requires all correctional officer training programs to include specialized training for managing mentally ill inmates;
- Specifies that health care providers shall use an employee identification number in lieu of a name and signature when completing incident reports;
- Requires that each institution create and maintain a system to track the use of force incidents;
- Requires use of force reports written by employees to be under oath;
- Provides that an employee with two or more notations of inappropriate use of force incidents in their file not be assigned to transitional care, crisis stabilization, or mental health treatment facilities and also provides exceptions for extended good behavior;
- Includes private health care providers and employees of private correctional facilities in the list of persons who can be charged for a misdemeanor or felony for committing a battery with malicious intent or inflicting cruel or inhuman treatment by neglect;
- Creates a new third degree felony for DOC employees or employees of a private provider who willfully or by culpable negligence neglect an elderly or disabled inmate;
- Creates a new second degree felony for DOC employees or employees of a private provider who willfully or by culpable negligence neglect an inmate and in so doing cause great bodily harm;
- Authorizes DOC employees or employees of a private provider who witness abuse or neglect to anonymously report directly to the inspector general's office;
- Requires the correctional officer training program to include instruction on communication techniques to avoid the use of force;
- Requires the department to establish a policy to protect inmates and employees who report abuse or cooperate with investigations from retaliation;
- Establishes a usage and inventory policy to track the use of chemical agents and the disposal of expired, used, or damaged canisters;
- Requires the department to collect and report inmate health cost information for elderly inmates;
- Provides legislative intent related to veterans programs in state and private correctional institutions and requires the department to measure recidivism rates for veterans who participate in programs;
- Recreates the inmate welfare trust fund¹ for department operated institutions, caps the new trust fund at five million dollars, allows the funds to be used for education, chapels, visitation, libraries, wellness, televisions, and other expenditures and prohibits the fund from being used to purchase weight-training equipment;
- Requires correctional officers who have close contact with inmates housed in a mental health treatment facility to complete annual training in crisis intervention;

¹ Contingent upon the passage of SB 540 by Senator Evers relating to State Operated Institutions Inmate Welfare Trust Fund.

- Increases the frequency of mental and physical health care surveys conducted by the Correctional Medical Authority from every three years to every 18 months;
- Requires a damage provision in inmate health care contracts;
- Requires the department, in establishing minimum health care standards, to establish standards of care criteria for the needs of inmates over age 50;
- Allows for an inmate's family, lawyer, and other interested parties to hire and pay for an independent medical evaluation; and
- Expands the existing conditional medical release program to include elderly and infirm inmates which would allow the Commission on Offender Review to consider the release of elderly and infirm inmates.

Staff estimates that the bill will have a total fiscal impact of approximately \$6.9 million. This includes:

- \$5 million diverted from deposits to the General Revenue Fund into the new State Operated Institutions Inmate Welfare Trust Fund;
- Approximately \$1.3 million for personnel, equipment, and expenses of the new Corrections Commission;
- Approximately \$800,000 for additional personnel and expenses to enable the Correctional Medical Authority to increase the frequency of conducting surveys of correctional institutions;
- Approximately \$1 million to provide mental health training for correctional officers; and
- Reduced costs of approximately \$1.2 million due to decreased inmate population resulting from the expansion of eligibility for award of up to 60 days gain-time for educational achievement.

Except as otherwise provided, this bill is effective July 1, 2015.

II. Present Situation:

The Florida Corrections Commission (Commission) and Appointment of the Secretary

The Florida Corrections Commission was established in Chapter 94-117, Laws of Florida, and was abolished in 2006. The commission consisted of nine members appointed by the Governor subject to confirmation by the Senate. The primary functions of the Corrections Commission were to:

- Recommend major correctional policies and assure that approved policies and revisions are properly executed;
- Review community-based intermediate sanctions and recommend intergovernmental approaches;
- Provide a status of elderly offenders and evaluate the annual Department of Corrections' legislative budget request, the comprehensive correctional master plan, and the tentative construction program;
- Monitor the financial status of the department; and
- Regularly evaluate the efficiency, productivity, and management of the department.

The head of the Department of Corrections (department/DOC) is the Secretary of Corrections. The Secretary is appointed by the Governor, is subject to confirmation by the Senate, and serves

at the pleasure of the Governor.² On January 5, 2015, Secretary Julie Jones was appointed by Governor Rick Scott to be Secretary of the Florida Department of Corrections.

Criminal Justice Estimating Conference

Consensus Estimating Conferences have statutory authority under ss. 216.133 – 216.138, F.S., to forecast economic, demographic, caseload, and revenue information for a variety of governmental planning and budgeting functions. This ensures that the “State meets the constitutional balanced budget requirement.”³ The forecasts are “primarily used in the development of the constitutionally required Long-Range Financial Outlook, the Governor’s budget recommendations and the General Appropriations Act. Economic and demographic forecasts are also used to support estimates of revenues and demands for state services.”⁴

Specifically, the Criminal Justice Estimating Conference is statutorily tasked under s. 216.136(6), F.S., with developing forecasts of prison admissions and population and of supervised felony offender admissions and population; developing information relating to the number of eligible discharges and the projected number of civil commitments for determining needs for space; and developing information relating to the number of sexual offenders and sexual predators who are required by law to be placed on community control, probation, or conditional release who are subject to electronic monitoring.

Security Audits of Correctional Facilities

The 1995 escape of six inmates from Glades Correctional Institute in Belle Glade resulted in the passage of legislation creating a security review committee to help to ensure public safety and contain violent and chronic offenders at correctional institutions and facilities.⁵ In addition, \$6.2 million was provided for 197 positions to help increase the relief factor and \$4.7 million for 180 security staffing positions focusing in the areas of inmate movement, emergency response, searches, and confinement escort.⁶

The committee members are appointed by the Secretary and are composed of, at a minimum, the inspector general, the statewide security coordinator, the regional security coordinators, three wardens, and one correctional officer.

The committee:

- Establishes a periodic schedule for the physical inspection of buildings and structures;
- Conducts or causes to be conducted announced and unannounced comprehensive security audits;
- Adopts and enforces minimum security standards and policies;
- Annually makes written prioritized budget recommendations to the secretary that identify critical security deficiencies at major correctional institutions;

² Section 20.315, F.S.

³ <http://edr.state.fl.us/Content/conferences/index.cfm>

⁴ *Id.*

⁵ Section 944.151, F.S.

⁶ Florida Department of Corrections Timeline, available at <http://www.dc.state.fl.us/oth/timeline/1992-1995b.html> (last visited January 29, 2015).

- Investigates and evaluates the usefulness and dependability of existing security technology at the institutions and new technology available and makes periodic written recommendations to the secretary on the discontinuation or purchase of various security devices;
- Contracts, if deemed necessary, with security personnel, consulting engineers, architects, or other security experts; and
- Establishes a periodic schedule for conducting announced and unannounced escape simulation drills.

Education Gain-Time

Gain-time⁷

Gain-time is authorized in s. 944.275, F.S., and is a means by which eligible inmates can earn a reduction in the sentence that was imposed by the court. Current forms of gain-time are based upon the department's assessment that the inmate has behaved satisfactorily and engaged in constructive activities. As such, gain-time is a tool by which the department can encourage good behavior and motivate inmates to participate in programs and work assignments. Inmates who are serving life sentences or certain minimum mandatory sentences are not eligible for gain-time during the portion of time that the mandatory sentences are in effect.

Incentive gain-time is awarded to inmates for institutional adjustment, work, and participation in programs.

Meritorious gain-time may be considered for an inmate who commits an outstanding deed. The maximum award is 60 days. Examples of outstanding deeds are saving a life or assisting in recapturing an escaped inmate, or in some manner performing an outstanding service.

Educational Achievement gain-time in the amount of 60 days may be awarded to an inmate who receives a General Education Development (GED) diploma or a certificate for completion of a vocational program. Inmates whose offense was committed on or after October 1, 1995, are not eligible for this one-time award.

Department of Corrections Inspector General and Memorandum of Understanding with Florida Department of Law Enforcement (FDLE)

In 2002, legislation passed that required the department to maintain a Memorandum of Understanding with the FDLE for the notification and investigation of mutually agreed-upon predicate events. The memorandum must include, but is not limited to, reporting and investigation of suspicious deaths and major organized criminal activity.⁸ This practice had been in place previous to this legislation but had not been codified in statute.⁹

⁷ Information in this section of the analysis is derived from "Frequently Asked Questions Regarding Gaintime," <http://www.dc.state.fl.us/oth/inmates/gaintime.html#1>, viewed on January 28, 2015. Additional information regarding the history of Florida's sentencing laws and policies can be found in "Historical Summary of Sentencing and Policy in Florida," <http://www.dc.state.fl.us/pub/history/>, viewed on January 28, 2015.

⁸ Ch. 2002.75, L.O.F.

⁹ See Senate Staff Analysis CS/SB 408, January 29, 2002.

Inmate Grievance Procedure and Prison Rape Elimination Act

The department is required to establish by rule an inmate grievance procedure that conforms to the Minimum Standards for Inmate Grievance Procedures as promulgated by the U.S. Department of Justice. This procedure is overseen by the department's Office of General Counsel. According to the department, the purpose for the procedure is to "provide inmates with a channel for the administrative settlement of a legitimate complaint."¹⁰

The Prison Rape Elimination Act of 2003 (PREA) was created to eliminate sexual abuse in confinement facilities including adult prisons and jails, lockup, community confinement facilities, and juvenile facilities. The PREA consists of 43 standards defining three goals: to prevent; detect; and respond to sexual abuse.

The department established a zero-tolerance policy for all forms of sexual abuse, sexual battery, and sexual harassment. The policy governs inmates, staff members, contractors, and volunteers. The department has two PREA coordinators to help in developing, implementing, and monitoring compliance with the standards.¹¹

Increase in Use of Force

In October 2014, a significant increase in the use-of-force cases in Florida correctional facilities prompted DOC Secretary Crews (Secretary Crews resigned in November 2014) to order an independent audit of the agency's procedures and policies involving the use of force against inmates. There were 7,300 use of force cases by Florida correctional officers in the last fiscal year. This number has "roughly doubled since 2008."¹²

Section 944.35, F.S., authorizes employees of the department to apply physical force upon an inmate only when and to the extent that it reasonably appears necessary:

- To defend himself or herself or another against an imminent use of unlawful force;
- To prevent a person from escaping;
- To prevent damage to property;
- To quell a disturbance;
- To overcome physical resistance to a lawful command; or
- To administer medical treatment by or under the supervision of a physician.

The Criminal Justice Standards and Training Commission (CJSTC) is required to develop a course designed to explain and teach the parameters of the proper methods and techniques in applying authorized force.

Prior to any authorized use of force, Rule 33-602.210, F.A.C., requires the shift supervisor to review the Risk Assessment Form for Use of Chemical Restrain Agents and Electronic

¹⁰ Section 944.331, F.S.

¹¹ See Florida Department of Corrections, Prison Rape Elimination Act <http://www.dc.state.fl.us/oth/PREA/> (last visited January 28, 2015).

¹² "Florida prison boss orders use-of-force audit" Miami Herald, December 17, 2014. <http://www.miamiherald.com/news/special-reports/florida-prisons/article2925586.html>

Immobilization Devices to determine whether the inmate has a medical condition that may exacerbate the intended force.

Criminal Justice Standards and Training Commission (CJSTC) Advanced Training Program

In 2006, the CJSTC adopted in its Advanced Training Program a course entitled Managing and Communicating with Inmates and Offenders. It is a 40-hour course intended for law enforcement officers, corrections officers, and correctional probation officers. Officers completing this course may be eligible for a salary incentive under s. 943.22, F.S. Attendance in this course is voluntary. The goal of the course is to identify management and communication skills relating to officer safety when dealing with offenders and inmates who have mental illness, substance abuse, and co-occurring disorders and where such skills may increase the safety and security of a well-run facility. This course describes many of the different types of disorders an officer may encounter and provides various methods and techniques for de-escalation and inmate/offender management.

The Correctional Basic Recruit Training Program provides a lesson on communications and a separate lesson on inmates with mental illness. Neither lesson meets the intent of s. 944.35, F.S., as amended in this bill.¹³

Criminal Punishment Code/Sentence Point Multipliers

The Criminal Punishment Code (ss. 921.002 – 921.0027, F.S.) is Florida's framework for determining permissible sentencing ranges for noncapital felonies. Noncapital felonies receive an offense severity level ranking from Levels 1 to Level 10. If an offense is not assigned a specific offense severity ranking in statute, the ranking is determined by the felony degree of the offense.¹⁴

Sentencing points are assessed based upon the offense severity ranking, with more points assessed for higher ranked offenses. If applicable, additional points are assessed for additional concurrent offenses, prior offenses, victim injury, legal status violations, community sanction violations, and possession of a firearm.

If total sentence points are less than or equal to 44 points, the lowest permissible sentence is any nonstate prison sanction (e.g., probation). Generally, the sentencing range is a nonprison sanction up to the maximum penalty for the felony degree of the primary offense. For example, the maximum penalty for a third degree felony is five years in state prison. With one exception, the court may sentence the offender within the range of a nonprison sanction up to five years imprisonment. Sentences for multiple offenses may be imposed concurrently or consecutively.

The exception is when total sentence points are 22 points or less and the primary offense is a nonforcible felony that meets criteria in s. 775.082(10), F.S. In this case, there is no sentencing

¹³ 2015 FDLE Legislative Bill Analysis

¹⁴ For example, a third degree felony is ranked within offense level 1. See s. 921.0023, F.S.

range. The court must impose a nonprison sanction, unless the court makes a written finding that such sentence would be a danger to the public.

If total sentence points are greater than 44 points, those points are reduced by 28. This total is then multiplied by 0.75 to determine the lowest permissible sentence in prison months. For example, if an offender's primary offense is a second degree felony and he or she has 80 total sentence points, the 80 points are reduced by 28, which equals 52 points. The 52 points are then multiplied by 0.75, which equals 39 months in prison. In this example, absent mitigation,¹⁵ the sentencing range is 39 months in state prison up to 15 years in state prison (the maximum penalty for a second degree felony).

Victim injury points are assessed for physical injury or death suffered by a person as a direct result of the offense for which the offender is being sentenced. Victim injury points are also assessed for sexual contact or sexual penetration. If there is both physical injury and sexual contact or sexual penetration, victim injury points for the physical injury are assessed separately and in addition to any points scored for the sexual contact or sexual penetration. Eighty victim injury points are assessed for sexual penetration, and forty victim injury points are assessed for sexual contact. However, victim injury points cannot be assessed for sexual contact or sexual penetration if the offense is a violation of s. 944.35(3)(b)2., F.S. (sexual misconduct with an inmate or supervised offender by a correctional employee) or s. 872.06 (abuse of a dead human body).¹⁶

Criminal Penalties and Employee Misconduct

Employees of the department who, with malicious intent, commit a battery on an inmate supervised by the department, commit a first degree misdemeanor. Employees who, with malicious intent, commit a battery or inflict cruel or inhuman treatment by neglect causing great bodily harm, permanent disability, or permanent disfigurement to an inmate commit a third degree felony.¹⁷

Sentencing for Sexual Misconduct with an Inmate or Supervised Offender

Section 944.35(3)(b)2., F.S., prohibits an employee of the department or a private correctional facility from engaging in sexual misconduct with an inmate or an offender on community supervision. "Sexual misconduct" is defined as the "oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object, but does not include an act done for a bona fide medical purpose or an internal search conducted in the lawful performance of the employee's duty."¹⁸ Sexual misconduct is prohibited regardless of whether the activity is non-consensual or consensual. However, if the activity is non-consensual, the more serious offense of sexual battery could be charged. The offense is a

¹⁵ The Code includes a list of 'mitigating' factors. See s. 921.0026, F.S. If a mitigating factor is found by the sentencing court, the court may decrease an offender's sentence below the lowest permissible sentence (a "downward departure"), unless there is a mandatory minimum term.

¹⁶ See s. 921.0021(7), F.S.

¹⁷ Section 944.35(3)(a), F.S.

¹⁸ Section 944.35(3)(b)1., F.S.

third degree felony, punishable by imprisonment for a maximum five years and a potential fine not exceeding \$5,000.

Sexual Misconduct with an Inmate or Supervised Offender is ranked by default as a Level 1 offense, which means that four sentencing points are scored. No victim injury points can be assessed for sexual contact or sexual penetration for a violation of s. 944.35(3)(b)2., F.S., and correctional employees can be expected to have no significant prior offenses for which sentencing points would be added. Therefore, it is unlikely that there would be more than 22 total sentencing points. Because s. 944.35(3)(b)2., F.S., is not a forcible felony and the sentencing points total would likely be 22 or lower, s. 775.082(10), F.S., would limit the sentence to a nonprison sanction.

Abuse and Neglect of an Elderly Person or Disabled Adult; penalties

Section 825.102, F.S., provides in part that a person who commits aggravated abuse of an elderly person or disabled adult commits a felony of the first degree. A person who willfully or by culpable negligence neglects an elderly person or disabled adult and, in so doing, causes great bodily harm commits a felony of the second degree. A person who willfully or by culpable negligence neglects an elderly or disabled adult without causing great bodily harm commits a third degree felony.

Elderly Offenders

Section 944.8041, F.S., requires the department and the Correctional Medical Authority to each submit an annual report on the status and treatment of elderly offenders in the state-administered and private state correctional systems and the geriatric facilities and dorms. The report must also include an examination of promising geriatric policies, practices, and programs currently implemented in other correctional systems within the United States. Inmates age 50 and older are classified as “aging or elderly” under the Florida Administrative Code.¹⁹

The department reported that the number of elderly inmates in state prison has steadily increased from 11,178 on June 30, 2006, to 20,753 on June 30, 2014, with an expectation of a continued increase over the next decade.²⁰

The Correctional Medical Authority’s 2013-2014 Report on Elderly Offenders reported the following findings and recommendations concerning elderly offenders:

The CMA’s report on the status of elderly offenders continues to show that older inmates have more health problems and generally consume more health care services than younger inmates. The demands of caring for the elderly continue to have an impact on corrections’ health care costs. According to The National Institute of Corrections, the overall cost of incarceration for inmates over 50 is as much as three times higher than for the younger population mostly due to the difference in health care

¹⁹ R. 33-601-217, F.A.C.

²⁰ <http://www.dc.state.fl.us/pub/annual/1314/ar-additional-facts-elderly.html>

costs. Across the country the impact of rising health care costs, especially for elderly inmates, is similar to the impact in Florida.

Florida's elderly prison population has increased almost 5 percent over the last 5 years and is expected to gain over 6,000 inmates by the end of the next fiscal year. Considering the trend of increasing elderly inmate populations and health care costs, the CMA supports medical passes and special accommodations (e.g., low bunks, special shoes, wheelchairs, etc.) provided to older inmates housed in DOC's general population. DOC policies ensuring periodic screenings, regularly scheduled clinic visits, and the establishment of specific facilities for elderly inmates in need of a higher level of care improves the health of elderly inmates. Improved health status within the aging population will serve as a positive cost-containment measure.

It is recommended that DOC continue to examine and consider the needs of inmates over 50 when establishing standards of care criteria for the private health care providers. Additionally, reporting of detailed health care costs for aging inmates would be beneficial for analysis of projected needs to adequately care for the elderly population in the coming years.²¹

Elderly Inmates in Prison on June 30, 2014

- The majority of elderly inmates in prison on June 30, 2014, were serving time for sex offenses (21.6 percent), murder/manslaughter (20.8 percent), or drug offenses (12.9 percent).
- The 20,753 elderly inmates in prison on June 30, 2014, represented 20.6 percent of the total inmate population.
- 94.6 percent of the elderly inmates in prison were male; 5.4 percent were female.
- 46.2 percent of the elderly inmates in prison had no prior prison commitments.
- On June 30, 2014, the department housed three inmates whose age was 92.

Most of the elderly inmates are housed separately from the general population for purposes of reducing the potential for predatory and abusive behavior by younger, more aggressive inmates and to promote efficient use of medical resources. There are three centers currently housing elderly inmates:

- Reception and Medical Center on-site in Lake Butler;
- South Unit of the Central Florida Reception Center; and
- Zephyrhills Correctional Institution.

Increased Costs for Elderly Inmates

Florida TaxWatch in September 2014 reported that the department budget had grown by \$560 million (35 percent) from 2000-2012. The health care cost had grown by \$176 million or 76 percent. The report states that the elderly patients accounted for 49 percent of all hospital in days

²¹ Florida Correctional Medical Authority, 2013-2014 Annual Report and Report on Elderly Offenders, p. 35. A footnote within the quote is omitted.

in 2012. By assuming that hospitalization is a representation of overall prison health care costs, the report states the elderly prison population is responsible for approximately half of the \$408 million in prisoner healthcare costs in 2012.²²

The Department of Corrections (DOC) reports that the Pew Center on Research estimated that the overall cost of managing an elderly prisoners is \$70,000 annually. This yields a per diem cost of \$192 per inmate compared to the average DOC per diem of \$50 per inmate.²³

Veterans Programs in Correctional Facilities

In 2012, the department established Veteran's Dormitories at Santa Rosa, Gulf, Martin, Sumter, and Lowell Correctional Institutions. The five dormitories house a total of 400 inmates. These dormitories provide inmates the opportunity to participate in specialized pre-release services including cognitive thinking training, Post-Traumatic Stress Disorder (PTSD) counseling, improved access to Veteran's Affairs benefits, and strict military standards.²⁴

Inmate Welfare Trust Fund and Revenue Received from Canteen Sales

For many years prior to 2003, a trust fund created in s. 945.215, F.S., allowed the department to use revenue from the purchase of inmate canteen items and inmate telephone calls to fund chapels, education, and wellness programs at publicly operated correctional facilities. The source of the most of the revenue was family and friends of the inmates. Chapter 2003-179, Laws of Florida, eliminated the trust fund and required the revenue from inmate canteens, telephone usage, and other revenue generators to go directly into the General Revenue Fund. Although s. 945.215, F.S., was amended to eliminate the Inmate Welfare Trust Fund for state operated correctional facilities, the Inmate Welfare Trust Fund for privately operated facilities was maintained in the law. Consequently, under current law, revenue from the purchase of canteen items and from telephone usage in the DOC operated institutions is deposited into General Revenue and not earmarked for inmate welfare or betterment programs.

According to a January 15, 2015, Auditor General audit of the department's canteen operations, from July 2012 through February 2014 sales in department institution canteens totaled approximately \$133.31 million and catalog sales totaled \$868,474. The department received MP3 program commissions from Keefe Commissary Network totaling \$940,412 from MP3 program sales totaling \$5.99 million.²⁵

The chart below shows the department's revenue collections from funding sources for the Inmate Welfare Trust Fund before s. 945.215, F.S., was amended to direct those revenues to the General Revenue Fund:

²² "Florida's Aging Prisoner Problem," Florida TaxWatch, September 2014.

²³ Florida Department of Corrections 2013-2014 Annual Report, Elderly Inmates at <http://www.dc.state.fl.us/pub/annual/1314/ar-additional-facts-elderly.html> (Last visited February 25, 2015).

²⁴ Florida Department of Corrections Opens Five Veteran's Dormitories, November 9, 2011 at <http://www.dc.state.fl.us/secretary/press/2011/11-09VetDorms.html> (last visited January 29, 2015).

²⁵ Report No. 2015-087, January 2015, "Department of Corrections Canteen Operations and Prior Audit Follow-up."

REVENUE COLLECTION SUMMARY PREVIOUS INMATE WELFARE TRUST FUND SOURCES (IWTF) FY 2009-2010 – FY 2013-2014						
Description	Authorizing Statute	Fiscal Year 2009-2010	Fiscal Year 2010-2011	Fiscal Year 2011-2012	Fiscal Year 2012-2013	Fiscal Year 2013-2014
General Revenue Unallocated (GRU) Collections (funding sources for previous IWTF):						
Canteen Commissions ²⁶	s. 945.215(1)(a) FS	31,382,837	31,162,387	30,970,697	30,907,621	31,027,325
Telephone Commissions	s. 945.215(1)(b) FS	5,294,749	5,205,804	5,156,269	5,334,549	6,142,399
Vending Commissions	s. 945.215(1)(a) FS	250,234	343,096	357,371	369,591	212,345
ITF Balances <\$1.00	s. 944.516(5) FS	1,367	1,194	1,219	1,197	1,211
Total GR Deposits		\$36,930,554	\$36,712,481	\$36,485,556	\$36,612,958	\$37,383,280

Rights of Inmates Provided Mental Health Treatment

The Corrections Mental Health Act (ss. 945.40 through 945.49, F.S.) provides for the evaluation and appropriate treatment of mentally ill inmates who are in the department's custody. It establishes procedures for involuntary placement of an inmate into a hospital setting for the purpose of mental health treatment.

Section 945.48, F.S., provides that an inmate in a mental health treatment facility has the right to receive treatment suited to his or her needs and provided in a humane psychological environment. The inmates provided psychiatric treatment must be asked to give express and informed written consent for the treatment. In addition, there are specific procedures for involuntary treatment of inmates and when and how hearings on involuntary treatment must be conducted.

Correctional Medical Authority

The Correctional Medical Authority (CMA) was created in July 1986, while the state's prison healthcare system was under the jurisdiction of the federal court as a result of litigation that began in 1972. *Costello v. Wainwright* (430 U.S. 57 (1977)) was a class action suit brought by inmates alleging that their constitutional rights had been violated by inadequate medical care, insufficient staffing, overcrowding, and poor sanitation. The CMA was created as part of the settlement of that case and continues to serve as an independent monitoring body providing oversight of the systems in place to provide health care to inmates in the Department of Corrections. In the final order closing the case, Judge Susan Black noted that creation of the CMA made it possible for the Federal Court to relinquish the prison monitoring and oversight function it had performed for the prior twenty years. In light of "Florida's affirmation of its continued commitment to the CMA's independence" and the support from the Defendant and the State of Florida, the court found that the CMA was capable of "performing an oversight and monitoring function over the department in order to assure continued compliance with the orders entered in this case."

In December 2001, the DOC entered into a settlement agreement in a lawsuit (*Osterback v. Crosby*, 16 Fla. Weekly Fed. D 513 (N.D. Fla. 2003)) involving mentally ill inmates housed in close management. The purpose of close management is to confine inmates separate from the general inmate population for reasons of security and for the order and effective management of the prison system. The Osterback agreement included a stipulation that the CMA monitor

²⁶ Canteen commissions include MP3 music program sales.

provisions of the agreement including clinical, administrative, and security components of the program designed to ensure effective treatment of mental illness in the close management population. The CMA completed its special monitoring responsibilities pending the outcome of the federal court's hearing of the case. The department completed and complied with each component of the close management corrective action plan process. The court entered a final judgment ruling in favor of the department and the case was closed on March 28, 2008. Facilities with close management are now monitored as part of the regular CMA survey process.

The CMA has stated that “*Osterback*, along with the multitude of lawsuits related to the provision of correctional health care, serve as reminders of the CMA's important role in ensuring proper health and mental health care is provided to incarcerated members of society.”²⁷

Prior to July 1, 2011, the CMA was housed within the Department of Health (DOH) for administrative purposes. During the 2011 Legislative Session two bills designed to abolish the CMA passed both chambers and were sent to the Governor for approval: Chapter 2011-69, Laws of Florida, (the 2011 General Appropriations Act), which eliminated the funding and positions related to the authority; and HB 5305, which repealed the statutes related to the CMA. The Governor vetoed HB 5305, but not the General Appropriations Act. Therefore, the CMA existed in statute but did not have the funding to operate or perform its duties for the 2011-2012 fiscal year. The CMA was funded again in 2012 and reconstituted as an independent state agency housed within the administrative structure of the Executive Office of the Governor.

The governing board of the authority is composed of nine persons appointed by the Governor subject to confirmation by the Senate. Members of the CMA are not compensated for performance of their duties but they are paid expenses incurred while engaged in the performance of such duties pursuant to s. 112.061, F.S.

Conditional Medical Release and Geriatric-Related Release Policies in Other States

In 1992, the Florida Legislature created the Conditional Medical Release Program (s. 947.149, F.S.) which is a discretionary release process allowing the Florida Commission on Offender Review (FCOR) to release inmates on supervision who are “terminally ill” or “permanently incapacitated” and who are not a danger to others. The department is charged with the responsibility of recommending to the FCOR inmates who are eligible to be considered for conditional medical release. Upon release, the offender is subject to conditions of supervision set by the FCOR. The FCOR monitors the offender's progress through periodic medical reviews. Supervision can be revoked and the offender returned to prison if the FCOR determines that a willful and substantial violation of supervision has occurred or if their medical or physical condition improves to the point that the offender no longer meets release criteria. In Fiscal Year 2013-2014, the FCOR granted conditional medical release to eight of the 19 inmates recommended by the department.

Under current law, Florida does not have a geriatric-based release policy as exists in many states. Louisiana has such a policy and considers inmates as young as 45 years old for geriatric release.

²⁷ The first two paragraphs of this section and the designated quote are from the State of Florida, Correctional Medical Authority 2012-2013 Annual Report and Report on Aging Inmates, http://www.flgov.com/wp-content/uploads/pdfs/correctional_medical_authority_2012-2013_annual_report.pdf (last viewed February 25, 2015).

Alabama considers inmates beginning at age 55, and the remainder of states with geriatric-based release policies begin considering inmates for release beginning between ages 60 to 65 (these include Virginia, North Carolina, Colorado, Washington D.C., New Mexico, Maryland, Oklahoma, and Wisconsin).²⁸ The federal system considers inmates for geriatric release at age 70.²⁹

III. Effect of Proposed Changes:

Section 1 revises the method of appointment of the Secretary of Corrections for appointments made after July 1, 2015. The new method provides for appointment by the Governor with the concurrence of three members of the Cabinet.

Section 1 also creates the Florida Corrections Commission (Commission). The commission is administratively assigned to the Department of Corrections (department/DOC) but will function independently. The primary purpose of the commission will be to ensure the safe and effective operations of prisons. The commission will consist of nine members appointed by the Governor and subject to confirmation by the Senate. To the extent possible, the composition must include a person with a background in law enforcement or jail management, a person with a background in criminal prosecution, a person with a background in criminal defense, a pastor or former prison chaplain, a community leader, and a business leader.

The primary duties of the Commission will be to:

- Conduct investigations, including internal affairs investigations and criminal investigations;
- Inspect both public and private correctional facilities;
- Identify and monitor high-risk facilities;
- Monitor violence in the prisons and the introduction of contraband;
- Submit an annual report to the Governor and the Legislature;
- Develop budgetary, legislative, and operational recommendations for improvements to our correctional system;
- Review the annual legislative budget request of the department and make recommendations and comments on the budgetary requests;
- Convene public hearings, with the commission able to issue subpoenas and take sworn testimony;
- Conduct confidential interviews with employees, inmates, contract providers, volunteers, and citizens relating to the operations and conditions of the prisons; and
- Develop and implement a set of standards and performance measures to establish and track an accountability system for each prison.

The Commission is prohibited from entering into the day-to-day operations, but may conduct investigations. It is required to meet at least six times per year, with the meetings held at major correctional facilities. The Commission must appoint an executive director, and the executive director may employ staff with the Commission's consent.

²⁸ "It's About Time: Aging Prisoner, Increasing Cost, and Geriatric Release," April 2010, Vera Institute of Justice.

²⁹ "Florida's Aging Prisoner Problem," September 2014, Florida TaxWatch.

Section 2 provides that the amendments made by this act to s. 20.315(3), F.S., do not apply to a Secretary of Corrections appointed before July 1, 2015. Secretary Julie Jones was appointed on January 5, 2015.

Section 3 amends s. 216.136, F.S., to require the Criminal Justice Estimating Conference to develop projections of prison admissions and populations for elderly felony offenders.

Section 4 deletes s. 921.0021(7)(c), F.S., removing the prohibition against assessing victim injury points for sexual penetration or sexual contact in calculating the sentencing score for Sexual Misconduct with an Inmate or Supervised Offender (s. 944.35(3)(b)2., F.S.). By definition, the offense cannot be committed without either sexual contact or sexual penetration. Currently, in almost all cases the sentencing range would be limited to a nonprison sanction because no more than 22 sentencing points would be scored. The amendment significantly changes the sentencing range:

- If there was sexual contact, the offender would have a minimum of 44 sentencing points (four points for the base offense plus 40 victim injury points). A total sentencing score of 44 would allow the judge to impose any sentence from a nonprison sanction to the five year maximum prison sentence. If there are additional sentencing points, a prison sentence would be required unless the judge finds statutory grounds for a departure below the minimum permissible sentence.³⁰
- If there was sexual penetration, the offender would have a minimum of 84 sentencing points (four points for the base offense plus 80 victim injury points). A total sentencing score of 84 would permit the judge to impose any sentence from 42 months in prison to the five year maximum prison sentence.

Section 5 amends s. 944.151, F.S., to expand the legislative intent to include “safety” as part of the department’s responsibilities in operating the correctional institutions and facilities. It requires that the department ensure the safety of department employees and offenders. It also includes institutions with a high level of substantiated or unsubstantiated incidents of use of force on inmates, assaults on employees, or inmate sexual abuse as part of the department’s periodic physical inspections. In conducting announced and unannounced audits of all state and private correctional institutions, the bill requires that the evaluation include the identification of blind spots or areas where staff or inmates may be isolated and the deployment of audio and video monitoring systems and other monitoring technologies in such areas.

Section 6 amends s. 944.275, F.S., to allow inmates sentenced for an offense committed on or after October 1, 1995, to be eligible for education attainment gain-time in the amount of 60 days. If this bill becomes law, an inmate may receive a one-time award of 60 days of gain-time for receiving a General Education Development (GED) diploma or for earning a certificate for completion of a vocational program. Under current law, inmates whose offense was committed on or after October 1, 1995, are not eligible for this one-time award.

³⁰ The fewest additional sentencing points that can be assessed are 0.2 points for a concurrent or prior misdemeanor. A correctional employee who has a concurrent or prior misdemeanor and who is convicted of Sexual Misconduct with an Inmate or Supervised Offender would score 44.2 points, yielding a minimum permissible sentence of 1year, 4 days.

Section 7 amends s. 944.31, F.S., to require that memorandums of understanding (MOU) between the department and the Florida Department of Law Enforcement (FDLE) be in writing and that a copy of an active MOU be provided in a timely manner to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Under current law, MOU's are formed between the two agencies to, among other events, investigate suspicious deaths and organized criminal activity.

A new subsection (4) is created to require that the inspector general and inspectors who conduct sexual abuse investigations in confinement settings receive specialized training in conducting the investigations. Specialized training must include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution.

The Prison Rape Elimination Act (PREA) has set national standards for the prevention, detection, and response to sexual victimization. Each Department of Corrections' institution will be audited for compliance with the PREA standards. Failure to meet the PREA standards may result in the loss of federal grant funds. According to the department's legislative budget request for Fiscal Year 2015-2016, standard 115.34 requires all investigators to attend specialized training to ensure sexual abuse investigations are conducted properly.

Section 8 amends s. 944.331, F.S., to require the department to provide multiple internal avenues for inmates to privately report sexual abuse and sexual harassment and any staff neglect of, or failure to perform, responsibilities which may have contributed to the incidents. The reports may be made in writing, anonymously, or by third parties.

The bill requires the department, in consultation with the CMA, to review inmate grievance procedures at each correctional institution and private correctional facility to determine the procedural soundness and effectiveness of the grievance process, to identify employees prone to misconduct, and to identify life-threatening inmate health and safety concerns.

Beginning October 1, 2015, the bill requires the department and the CMA to annually report their joint findings to their respective websites. The authority shall document findings on the:

- Effectiveness of inmate health care grievance procedures;
- Number of health care grievances filed by inmates, by institution, and by region;
- Types of health care problems alleged by inmates; and
- Actions taken by the department or the authority as a result of its investigation of inmate health care grievances.

Section 9 amends s. 944.35, F.S., to require correctional officers to have specialized training in effective non-forceful management of mentally ill inmates who exhibit erratic behavior.

The identity of the health care provider shall be designated by using an employee identification number in lieu of a name and signature when completing incident reports.

The bill requires that each institution create and maintain a system to track episodes involving the use of force to determine if inmates require subsequent physical or mental health treatment.

By October 1 of each year, the department shall post on the agency website a report documenting incidents involving the use of force during the previous fiscal year. The report shall include, but not be limited to:

- Descriptive statistics on the reason force was used and whether the use of force was deemed appropriate;
- Multi-year statistics documenting annual trends in the use of force;
- Information on the level of inmate or officer injury, including death, in incidents involving the use of force;
- A breakdown, by institution, of statistics on use of force; and
- Statistics on the number of employees who were disciplined or terminated because of their involvement in incidents involving the inappropriate use of force, based on notations of such incidents in their personnel files.

The bill prohibits an employee with two or more notations in the employee's file related to inappropriate use of force to be assigned to transitional care, crisis stabilization, or corrections mental health treatment facility inmate housing units. However, this requirement may be waived if the employee has remained free of inappropriate use of force incidents for a significant length of time.

The bill clarifies that employees of private providers and private correctional facilities can be prosecuted for committing battery with malicious intent (a misdemeanor) or battery or cruel and inhuman treatment with malicious intent that causes great bodily harm (a felony) on an inmate or supervised offender. The statute currently applies explicitly only to employees of the department.

The bill defines "neglect of an inmate" as a failure or omission on the part of an employee of the department, private provider, or private correctional facility to:

- Provide an inmate with the care, supervision, and services necessary to maintain the inmate's physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the inmate; or
- Make a reasonable effort to protect an inmate from abuse, neglect, or exploitation by another person.

Determinations of neglect of an inmate may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or psychological injury or risk of death.

The bill creates two new felony offenses for neglect of an inmate. An employee of the department, a private provider, or a private correctional facility who willfully or by culpable negligence neglects an elderly or disabled inmate without causing great bodily harm commits a third degree felony, punishable by up to 5 years in state prison. An employee of the department, a private provider, or a private correctional facility who willfully or by culpable negligence neglects any inmate and causes great bodily harm commits a second degree felony, punishable by up to 15 years in state prison.

The bill requires the correctional officer training program to include instruction on communication techniques related to crisis stabilization to avoid use of force. It requires the department to establish a policy to protect inmates and employees who report physical or sexual abuse from retaliation. The policy must establish multiple protective measures for both inmates and employees relating to the reporting of abuse and designate a method of monitoring follow up.

According to the FDLE, its Advanced Training Program course, ‘Managing and Communicating with Inmates and Offenders,’ will have to be revised to incorporate additional techniques using non-forceful ways or the least amount of force necessary to effectively manage mentally ill inmates who exhibit erratic behavior. The FDLE states that an extensive revision in these areas will be required, which may result in an increase in hours for the Correctional Basic Recruit Training Program. The program is currently 420 hours.

The bill requires the department to establish a usage and inventory policy to track, by institution, the use of chemical agents and the disposal of expired, used, or damaged canisters of chemical agents.

Section 10 amends s. 944.8041, F.S., by requiring the department to report the cost of health care to elderly inmates in the annual report. The must include the average incarceration cost per year and the types of health care delivered which result in the highest expenditures.

Section 11 creates s. 944.805, F.S., relating to veterans’ programs in state and private correctional institutions. The bill provides legislative intent for specialized programs for veterans to facilitate inmate institutional adjustment, help inmates assume personal responsibility, and ease community reentry through availability of expanded community resources. It also provides legislative intent that veterans housed in state and private correctional institutions be provided special assistance before their release by identifying benefits and services available in the community where the veteran plans to reside.

The bill requires the department to measure recidivism rates for veterans who have participated in specialized dormitories and who have received special assistance in community reentry and to include the data in the annual report.

Section 12 establishes the purpose, revenue sources, and uses for the State Operated Institutions Inmate Welfare Trust Fund (trust fund), contingent upon creation of the trust fund by passage of SB 540. The bill provides that the department hold this trust fund for the benefit and welfare of inmates incarcerated in correctional facilities operated directly by the department. Deposits into the trust fund are limited to five million dollars in any fiscal year. Revenues in excess of five million dollars during a fiscal year will be deposited into the General Revenue Fund.

The funds in the trust fund must be used exclusively for correctional facilities operated by the department to:

- Provide literacy programs, vocational training programs, and educational programs;
- Operate inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, and libraries;

- Provide inmate substance abuse treatment programs and transition and life skills training programs;
- Provide for the purchase, rental, maintenance or repair of electronic or audio visual equipment used by inmates;
- Provide for the purchase, rental, maintenance or repair of recreation and wellness equipment; or
- Provide for the purchase, rental, maintenance, or repair of bicycles used by inmates traveling to and from employment in the work release program.

There is a specific prohibition against using the trust fund to purchase weight-training equipment. Funds in the trust fund may be expended only pursuant to legislative appropriation.

Section 13 amends s. 945.48, F.S., to require annual crisis intervention training for correctional officers who have close contact with inmates housed in a mental health facility. Correctional officers who have two or more notations involving inappropriate use of force in their personnel files may not be assigned to transitional care, crisis stabilization, or corrections mental health treatment facility inmate housing units. However, an employee with two or more notations in the employee's file who remains free of inappropriate use of force incidents for a significant period may be permitted to work in these units.

Section 14 amends s. 945.6031, F.S., to change the frequency of surveys of the physical and mental health care system at each institution from every three years to every 18 months.

Section 15 amends s. 945.6033, F.S., to require the department to include damage provisions in health care contracts.

Section 16 amends s. 945.6034, F.S., to require the department to consider the needs of inmates over 50 years of age and to adopt health care standards for that population.

Section 17 amends s. 945.6039, F.S., to require the department to promulgate rules and to permit an inmate's family member, lawyer, or interested party to hire and pay for an independent medical evaluation or examination by a medical professional of an incarcerated inmate. The results of the medical evaluation or examination must be provided to the department and to the Florida Commission on Offender Review. The bill states that the purpose of this provision is to assist in the delivery of medical care to the inmate and to assist the Florida Commission on Offender Review in considering an inmate for conditional medical release.

Section 18 amends s. 947.149, F.S., to expand the eligibility for the conditional medical release program to include elderly and infirm inmates. The bill defines an "elderly and infirm inmate" as an inmate who has no current or prior convictions for capital or first degree felonies, who has no current or prior convictions for sexual offenses or offenses against children, who is over 70 years of age, and who has a condition caused by injury, disease, or illness which, to a reasonable degree of medical certainty, renders the inmate infirm or physically impaired to the extent that the inmate does not constitute a danger to himself or herself or others.

Sections 19, 20, and 21 amend s. 921.0021 and s. 921.221, F.S., by conforming cross-references to changes made by this act.

Sections 22, 23, and 24 reenact certain sections and make conforming changes.

Section 25 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Correctional Medical Authority

While no official estimates from the Department of Corrections (department/DOC), the Correctional Medical Authority (CMA), the Commission on Offender Review, or the Criminal Justice Impact Conference were available at the writing of this report, it is anticipated that the following sections of PCS/SB 7020 will present the most likely fiscal impact:

Section(s) of the Bill	Issue	Estimated Fiscal Impact
1	Creates the Florida Corrections Commission.	Estimated fiscal impact of approximately \$1.3 million recurring general revenue funds for personnel, travel and expenses. Estimated non-recurring expense of \$96,000.
4	Allows assessment of victim injury against a correctional officer or employee who violates s. 944.34(3)(b)2., F.S.	The Criminal Justice Impact Conference has not yet considered the impact of this section on the prison inmate population. However, the Office of Economic and Demographic Research reports that only six persons were convicted of the offense from 2009 to 2014.

Section(s) of the Bill	Issue	Estimated Fiscal Impact
5	Expands use of education gain-time.	Cost savings – The department projects average daily prison population to be reduced by 66 inmates each year, resulting in an annual cost reduction of approximately \$1.2 million.
6	Requires specialized training for sexual abuse investigations by DOC inspectors.	Need for indeterminate increase in funding for the department.
8	Creates two new criminal penalties for neglect of inmates.	Most likely will have an insignificant prison bed impact.
8	Requires the Criminal Justice Standards and Training Commission (within the Florida Department of Law Enforcement) to enhance the corrections basic recruit training program and revise the advance training program to avoid use of force on inmates and managing inmates who are mentally ill.	According to FDLE, the additional workload may be absorbed within existing resources.
11	Creates the inmates welfare trust fund for the department.	Diverts \$5 million that currently goes into the General Revenue Fund into the new trust fund.
13	Increases the frequency of CMA surveys from every 3 years to every 18 months.	Estimated fiscal impact of approximately \$790,000 for additional personnel and expenses.
16	Allows inmate's family, lawyer or interested party to hire and pay for an independent medical evaluation.	Additional workload by the department expected. Fiscal impact unknown.
17	Expands the current conditional release program to include elderly and infirm inmates.	Cost savings – has the potential to reduce average daily prison population slightly (97 inmates meet criteria for release consideration). Additional workload by the Offender Review Commission may be able to be absorbed within existing resources.

Education Gain-time

According to the preliminary projections by the department, approximately 650 inmates will immediately receive the one-time 60 day additional gain-time award for past educational attainments. It is estimated that approximately 60 of these inmates will be immediately released due to this award since this group is within 60 days of release. In terms of future impact on prison bed space, the department estimates 24,000 inmate-days will be saved per year as a result of this bill. In other words, the average daily prison population is projected to be reduced by 66 inmates over the course of the year. Reduction of the average daily population by 66 inmates would reduce costs by approximately \$1.2 million each year at the current inmate per diem cost of \$49.49.

Elderly and Infirm Inmates

The following table was provided by the department to show the medical grades for those elderly inmates in custody as of January 16, 2015.

“Elderly and Infirm” Inmates Over the Age of 70 who are Eligible³¹ under the Bill to be Reviewed by the Commission and Possibly Released Under the Conditional Medical Release Program							
Age 70-plus	Current Medical Grade in the Department						
	Medical Grade Unknown	Routine care	Currently in Chronic Illness Clinic for six months	Currently in Chronic Illness Clinic for three months	Chronic Illness Clinic and Regular Health Contact	Long Term In-Patient Housing	Total Eligible Inmates as of 1-16-15
TOTAL	1	11	51	32	1	1	97

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.315, 216.136, 944.151, 944.275, 944.31, 944.331, 944.35, 944.8041, 945.215, 945.48, 945.6031, 945.6033, 945.6034, 947.149, 921.0021, 948.10, 951.221, 435.04, 921.0022, 944.72, 945.21501, 945.2151, and 945.6035.

This bill creates the following sections of the Florida Statutes: 944.805 and 945.6039.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriations Subcommittee on Criminal and Civil Justice on March 4, 2015:

The committee substitute:

- Revises the membership of the new Corrections Commission to address concerns that including a sheriff, state attorney, and public defender may violate the prohibition against dual office holding in Art. 2, s. 5 of the Florida Constitution.
- Removes the current restriction against assessing victim injury sentencing points against a correctional officer or employee who commits sexual misconduct with an inmate without committing sexual battery.

³¹ To be eligible for possible early release the 70-plus year old inmate must meet criminal history limitations in the bill (have no current or prior convictions for capital or first degree felonies and who has no current or prior convictions for sexual offenses or offenses against children).

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



824064

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Negron) recommended the following:

Senate Amendment (with title amendment)

Delete lines 209 - 219
and insert:

(4) FLORIDA CORRECTIONS COMMISSION.—The Florida Corrections Commission is created. The commission is assigned to the Justice Administrative Commission for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control, supervision, and direction of the



824064

Justice Administrative Commission. The primary focus of the
commission shall be on matters relating to corrections with an
emphasis on the safe and effective operations of major
correctional institutions. However, in instances in which the
policies of other components of the criminal justice system
affect corrections, the commission shall advise and make
recommendations.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 5

and insert:

Corrections Commission within the Justice
Administrative Commission;



206902

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Negron) recommended the following:

Senate Amendment (with title amendment)

Delete lines 748 - 833
and insert:

(b)1. As used in this paragraph, the term "sexual misconduct" means the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object, but does not include an act done for a bona fide medical purpose or an internal



206902

search conducted in the lawful performance of the employee's duty.

2. Any employee of the department or a private correctional facility as defined in s. 944.710 who engages in sexual misconduct with an inmate or an offender supervised by the department in the community, without committing the crime of sexual battery, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. The consent of the inmate or offender supervised by the department in the community to any act of sexual misconduct may not be raised as a defense to a prosecution under this paragraph.

4. This paragraph does not apply to any employee of the department or any employee of a private correctional facility who is legally married to an inmate or an offender supervised by the department in the community, nor does it apply to any employee who has no knowledge, and would have no reason to believe, that the person with whom the employee has engaged in sexual misconduct is an inmate or an offender under community supervision of the department.

(c) Notwithstanding prosecution, any violation of the provisions of this subsection, as determined by the Public Employees Relations Commission, shall constitute sufficient cause under s. 110.227 for dismissal from employment with the department, and such person shall not again be employed in any capacity in connection with the correctional system.

(d) Each employee who witnesses, or has reasonable cause to suspect, that an inmate or an offender under the supervision of the department in the community has been unlawfully abused or is



206902

the subject of sexual misconduct pursuant to this subsection shall immediately prepare, date, and sign an independent report specifically describing the nature of the force used or the nature of the sexual misconduct, the location and time of the incident, and the persons involved. The report shall be delivered to the inspector general of the department with a copy to be delivered to the warden of the institution or the regional administrator. The inspector general shall immediately conduct an appropriate investigation, and, if probable cause is determined that a violation of this subsection has occurred, the respective state attorney in the circuit in which the incident occurred shall be notified.

(e) If an employee of the department, private provider, or private correctional facility who witnesses unlawful abuse or neglect or has reasonable cause to suspect that an inmate has been unlawfully abused or neglected fears retaliation by coworkers or supervisors if he or she submits a report as provided in paragraph (d), the employee may anonymously and confidentially report the inmate abuse or neglect directly to the department's Office of Inspector General.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 71 - 75

and insert:

correctional facilities; providing for anonymous reporting of



656676

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Negron) recommended the following:

Senate Amendment

Between lines 926 and 927
insert:

Section 12. Paragraph (h) is added to subsection (2) of
section 945.10, Florida Statutes, to read:

945.10 Confidential information.—

(2) The records and information specified in paragraphs
(1)(a)–(h) may be released as follows unless expressly
prohibited by federal law:



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11
12 Records and information released under this subsection remain
13 confidential and exempt from the provisions of s. 119.07(1) and
14 s. 24(a), Art. I of the State Constitution when held by the
15 receiving person or entity.
16 (h) Information specified in paragraphs (1)(a)-(h) to the
17 Florida Corrections Commission.



424966

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Negron) recommended the following:

Senate Amendment (with title amendment)

Between lines 1279 and 1280
insert:

Section 26. The sum of \$808,709 is appropriated to the Corrections Commission from recurring general revenue funds for the 2015-2016 fiscal year and eight full-time equivalent positions are authorized with salary of \$525,000 and associated rate, benefits of \$204,650, and standard expenses of \$79,059.



424966

The sum of \$400,000 is appropriated to the commission from recurring general revenue funds for the 2015-2016 fiscal year, which funds shall be used for travel and expenses of the commissioners and commission employees. The sum of \$96,000 is appropriated to the commission from nonrecurring general revenue for the 2015-2016 fiscal year, which funds shall be used to purchase vehicles for use by employees of the commission.

Section 27. The sum of \$439,548 is appropriated to the Correctional Medical Authority from recurring general revenue funds for the 2015-2016 fiscal year and an additional six full-time equivalent positions are authorized with salary of \$276,000 and associated rate, benefits of \$103,260, and standard expenses of \$60,288. The sum of \$350,000 is appropriated to the authority from recurring general revenue funds for the 2015-2016 fiscal year for health surveyor contract fees.

Section 28. The sum of \$1,000,000 is appropriated to the Department of Corrections from recurring general revenue for the 2015-2016 fiscal year for expenses to provide crisis intervention training for correctional officers who have close contact with inmates housed in a mental health treatment facility, as required by this act.

Section 29. The sum of \$5,000,000 in recurring funds is appropriated from the State Operated Institutions Inmate Welfare Trust Fund to the Department of Corrections for the following purposes:

1. To provide literacy programs, vocational training programs, and educational programs;
2. To operate inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family



424966

services and programs, and libraries;

3. To provide inmate substance abuse treatment programs and transition and life skills training programs;

4. To provide for the purchase, rental, maintenance or repair of electronic or audio visual equipment used by inmates; or

5. To provide for the purchase, rental, maintenance or repair of recreation and wellness equipment.

6. To provide for the purchase, rental, maintenance, or repair of bicycles used by inmates traveling to and from employment in the work-release program authorized in s. 945.091(1)(b).

This appropriation is contingent on SB 540 or similar legislation creating the "State Operated Institutions Inmate Welfare Trust Fund" being adopted in the 2015 Regular Session or an extension thereof and becoming law.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 143

and insert:

thereto; providing for appropriations to the Corrections Commission; providing for appropriations to the Correctional Medical Authority; providing for appropriations to the Department of Corrections; providing effective dates.



758804

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Negron) recommended the following:

Senate Substitute for Amendment (424966) (with title amendment)

Between lines 1279 and 1280
insert:

Section 26. The sum of \$808,709 is appropriated to the Corrections Commission from recurring general revenue funds for the 2015-2016 fiscal year and eight full-time equivalent positions are authorized with salary of \$525,000 and associated



758804

salary rate of 525,000, benefits of \$204,650, and standard expenses of \$79,059. The sum of \$400,000 is appropriated to the commission from recurring general revenue funds for the 2015-2016 fiscal year, which funds shall be used for travel and expenses of the commissioners and commission employees. The sum of \$96,000 is appropriated to the commission from nonrecurring general revenue for the 2015-2016 fiscal year, which funds shall be used to purchase vehicles for use by employees of the commission.

Section 27. The sum of \$439,548 is appropriated to the Correctional Medical Authority from recurring general revenue funds for the 2015-2016 fiscal year and an additional six full-time equivalent positions are authorized with salary of \$276,000 and associated salary rate of 276,000, benefits of \$103,260, and standard expenses of \$60,288. The sum of \$350,000 is appropriated to the authority from recurring general revenue funds for the 2015-2016 fiscal year for health surveyor contract fees.

Section 28. The sum of \$1,000,000 is appropriated to the Department of Corrections from recurring general revenue for the 2015-2016 fiscal year for expenses to provide crisis intervention training for correctional officers who have close contact with inmates housed in a mental health treatment facility, as required by this act.

Section 29. The sum of \$5,000,000 in recurring funds is appropriated from the State Operated Institutions Inmate Welfare Trust Fund to the Department of Corrections for the following purposes:

1. To provide literacy programs, vocational training



758804

programs, and educational programs;

2. To operate inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, and libraries;

3. To provide inmate substance abuse treatment programs and transition and life skills training programs;

4. To provide for the purchase, rental, maintenance or repair of electronic or audio visual equipment used by inmates; or

5. To provide for the purchase, rental, maintenance or repair of recreation and wellness equipment.

6. To provide for the purchase, rental, maintenance, or repair of bicycles used by inmates traveling to and from employment in the work-release program authorized in s. 945.091(1)(b).

This appropriation is contingent on SB 540 or similar legislation creating the "State Operated Institutions Inmate Welfare Trust Fund" being adopted in the 2015 Regular Session or an extension thereof and becoming law.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 143
and insert:

thereto; providing for appropriations to the
Corrections Commission; providing for appropriations
to the Correctional Medical Authority; providing for
appropriations to the Department of Corrections;



758804

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providing effective dates.



570270

576-01915E-15

Proposed Committee Substitute by the Committee on Appropriations

A bill to be entitled

An act relating to corrections; amending s. 20.315, F.S.; revising the method of appointment for the Secretary of Corrections; creating the Florida Corrections Commission within the department; providing for membership and terms of appointment for commission members; prescribing duties and responsibilities of the commission; prohibiting the commission from entering into the department's operation; establishing meeting and notice requirements; requiring the commission to appoint an executive director; authorizing reimbursement of per diem and travel expenses for commission members; prohibiting certain conflicts of interest among commission members; providing for applicability; amending s. 216.136, F.S.; requiring the Criminal Justice Estimating Conference to develop projections of prison admissions and populations for elderly felony offenders; amending s. 921.0021, F.S.; revising the definition of "victim injury" by removing a prohibition on assessing certain victim injury sentence points for sexual misconduct by an employee of the Department of Corrections or a private correctional facility with an inmate or an offender supervised by the department; conforming a provision to changes made by the act; amending s. 944.151, F.S.; expanding the department's security review committee functions; ensuring physical inspections of state and



570270

576-01915E-15

private buildings and structures and prioritizing institutions for inspection that meet certain criteria; amending s. 944.275, F.S.; prohibiting an inmate from receiving incentive gain-time credits for completing the requirements for and receiving a general educational development certificate or vocational certificate if the inmate was convicted of a specified offense on or after a specified date; amending s. 944.31, F.S.; requiring that a copy of a written memorandum of understanding for notification and investigation of certain events between the Department of Corrections and the Department of Law Enforcement be provided in a timely manner to the Governor, the President of the Senate, and the Speaker of the House of Representatives; requiring specialized training in certain circumstances; amending s. 944.331, F.S.; requiring the Department of Corrections to provide multiple private, internal avenues for the reporting by inmates of sexual abuse and sexual harassment; requiring the department, in consultation with the Correctional Medical Authority, to review inmate health care grievance procedures at each correctional institution and private correctional facility; requiring the department to review inmate grievance procedures at each correctional institution and private correctional facility; amending s. 944.35, F.S.; requiring that correctional officers have specialized training in the effective, nonforceful management of mentally ill inmates who may exhibit



570270

576-01915E-15

58 erratic behavior; requiring each institution to create
59 and maintain a system to track the use of force
60 episodes to determine if inmates need subsequent
61 physical or mental health treatment; requiring annual
62 reporting of use of force on the agency website;
63 requiring that reports of physical force be signed
64 under oath; prohibiting employees with notations
65 regarding incidents involving the inappropriate use of
66 force from being assigned to transitional care, crisis
67 stabilization, or corrections mental health treatment
68 facility housing; providing an exception; expanding
69 applicability of a current felony offense to include
70 certain employees of private providers and private
71 correctional facilities; defining the term "neglect of
72 an inmate"; providing for the determination of neglect
73 of an inmate; creating criminal penalties for certain
74 employees who neglect an inmate in specified
75 circumstances; providing for anonymous reporting of
76 inmate abuse directly to the department's Office of
77 Inspector General; requiring that instruction on
78 communication techniques related to crisis
79 stabilization to avoid use of force be included in the
80 correctional officer training program; directing the
81 department to establish policies to protect inmates
82 and employees from retaliation; requiring the
83 department to establish policies relating to the use
84 of chemical agents; amending s. 944.8041, F.S.;
85 requiring the department to report health care costs
86 for elderly inmates in its annual report; creating s.



570270

576-01915E-15

87 944.805, F.S.; providing legislative intent relating
88 to specialized programs for veterans; requiring the
89 department to measure recidivism and report its
90 finding in that regard; amending s. 945.215, F.S.;
91 requiring that specified proceeds and certain funds be
92 deposited in the State Operated Institutions Inmate
93 Welfare Trust Fund; providing that the State Operated
94 Institutions Inmate Welfare Trust Fund is a trust held
95 by the Department of Corrections for the benefit and
96 welfare of certain inmates; prohibiting deposits into
97 the trust fund from exceeding \$5 million per fiscal
98 year; requiring that deposits in excess of that amount
99 be deposited into the General Revenue Fund; requiring
100 that funds of the trust fund be used exclusively for
101 specified purposes at correctional facilities operated
102 by the department; requiring that funds from the trust
103 fund only be expended pursuant to legislative
104 appropriations; requiring the department to annually
105 compile a report, at the statewide and institutional
106 level documenting trust fund receipts and
107 expenditures; requiring the report be submitted by
108 September 1 for the previous fiscal year to specified
109 offices of the Legislature and to the Executive Office
110 of the Governor; prohibiting the purchase of weight-
111 training equipment; providing a contingent effective
112 date; amending s. 945.48, F.S.; specifying
113 correctional officer staffing requirements pertaining
114 to inmates housed in mental health treatment
115 facilities; amending s. 945.6031, F.S.; changing the



570270

576-01915E-15

116 frequency of required surveys; amending s. 945.6033,
117 F.S.; provides for damages in inmate health care
118 contracts; amending s. 945.6034, F.S.; requiring the
119 department to consider the needs of inmates over 50
120 years of age and adopt health care standards for that
121 population; creating s. 945.6039; F.S.; allowing an
122 inmate's family, lawyer, and other interested parties
123 to hire and pay for an independent medical evaluation;
124 specifying the purpose for outside evaluations;
125 requiring the department to provide reasonable and
126 timely access to the inmate; amending s. 947.149,
127 F.S.; defining the term "elderly and infirm inmate";
128 expanding eligibility for conditional medical release
129 to include elderly and infirm inmates; amending ss.
130 948.10 and 951.221, F.S.; conforming cross-references
131 to changes made by the act; providing for
132 applicability; reenacting ss. 435.04(2)(uu) and
133 921.0022(3)(f), F.S., relating to level 2 screening
134 standards and the Criminal Punishment Code and offense
135 severity ranking chart, respectively, to incorporate
136 the amendment made to s. 944.35, F.S., in references
137 thereto; reenacting ss. 944.72(1), 945.21501(1), and
138 945.2151, F.S., relating to the Privately Operated
139 Institutions Inmate Welfare Trust Fund, the Employee
140 Benefit Trust Fund, and the verification of social
141 security numbers, respectively, to incorporate the
142 amendment made to s. 945.215, F.S., in references
143 thereto; providing effective dates.
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570270

576-01915E-15

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

146

147 Section 1. Subsection (3) of section 20.315, Florida
148 Statutes, is amended, present subsections (4) through (12) of
149 that section are redesignated as subsections (5) through (13),
150 respectively, and a new subsection (4) is added to that section,
151 to read:

152 20.315 Department of Corrections.—There is created a
153 Department of Corrections.

154 (3) SECRETARY OF CORRECTIONS.—The head of the Department of
155 Corrections is the Secretary of Corrections. The secretary shall
156 be ~~is~~ appointed by the Governor with the concurrence of three
157 members of the Cabinet, subject to confirmation by the Senate,
158 and shall serve at the pleasure of the Governor and Cabinet. The
159 secretary is responsible for planning, coordinating, and
160 managing the corrections system of the state. The secretary
161 shall ensure that the programs and services of the department
162 are administered in accordance with state and federal laws,
163 rules, and regulations, with established program standards, and
164 consistent with legislative intent. The secretary shall identify
165 the need for and recommend funding for the secure and efficient
166 operation of the state correctional system.

167 (a) The secretary shall appoint a deputy secretary. The
168 deputy secretary shall be directly responsible to the secretary
169 and shall serve at the pleasure of the secretary.

170 (b) The secretary shall appoint a general counsel and an
171 inspector general, who are exempt from part II of chapter 110
172 and are included in the Senior Management Service.

173 (c) The secretary may appoint assistant secretaries,



570270

576-01915E-15

directors, or other such persons that he or she deems are necessary to accomplish the mission and goals of the department, including, but not limited to, the following areas of program responsibility:

1. Security and institutional operations, which shall provide inmate work programs, offender programs, security administration, emergency operations response, and operational oversight of the regions.

2. Health services, which shall be headed by a physician licensed under chapter 458 or an osteopathic physician licensed under chapter 459, or a professionally trained health care administrator with progressively responsible experience in health care administration. This individual shall be responsible for the delivery of health services to offenders within the system and shall have direct professional authority over such services.

3. Community corrections, which shall provide for coordination of community alternatives to incarceration and operational oversight of community corrections regions.

4. Administrative services, which shall provide budget and accounting services within the department, including the construction and maintenance of correctional institutions, human resource management, research, planning and evaluation, and technology.

5. Program, transition, and postrelease services, which shall provide for the direct management and supervision of all departmental programs, including the coordination and delivery of education and job training to the offenders in the custody of the department. In addition, this program shall provide for the



570270

576-01915E-15

direct management and supervision of all programs that furnish transition assistance to inmates who are or have recently been in the custody of the department, including the coordination, facilitation, and contract management of prerelease and postrelease transition services provided by governmental and private providers, including faith-based service groups.

(4) FLORIDA CORRECTIONS COMMISSION.—The Florida Corrections Commission is created. The commission is assigned to the Department of Corrections for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control, supervision, and direction of the department. The primary focus of the commission shall be on matters relating to corrections with an emphasis on the safe and effective operations of major correctional institutions. However, in instances in which the policies of other components of the criminal justice system affect corrections, the commission shall advise and make recommendations.

(a) The commission shall consist of nine members appointed by the Governor and subject to confirmation by the Senate. The initial members of the commission shall be appointed by October 1, 2015. Members of the commission shall be appointed for terms of 4 years. However, to achieve staggered terms, four of the initial members shall be appointed to 2-year terms. Members must be appointed in a manner that ensures equitable representation of different geographic regions of this state. Each member of the commission must be a resident and a registered voter of this state. A commission member must represent the state as a whole and may not subordinate the needs of the state to those of a particular region. The commission's membership should, to the



570270

576-01915E-15

greatest extent possible, include a person with a background in law enforcement or jail management, a person with a background in criminal prosecution, a person with a background in criminal defense, a pastor or former prison chaplain, a community leader, and a business leader.

(b) The primary duties and responsibilities of the Florida Corrections Commission include:

1. Conducting investigations, internal affairs investigations, and criminal investigations.

2. Conducting announced and unannounced inspections of correctional facilities, including facilities operated by private contractors. The commission may enter any place where prisoners in this state are kept and shall be immediately admitted to such place as they desire and may consult and confer with any prisoner privately and without molestation.

3. Identifying and monitoring high-risk and problematic correctional facilities, and reporting findings and recommendations relating to such facilities.

4. Continually monitoring on a statewide basis the incidence of inmate-on-inmate and officer-on-inmate violence and the introduction of contraband.

5. Submitting an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by each November 1, beginning in 2016.

6. Developing legislative, budgetary, and operational recommendations for correctional system improvement.

7. Reviewing the annual Legislative Budget Request of the department and making recommendations and comments on such budgetary request to the Governor.



570270

576-01915E-15

8. Convening public hearings, for which the commission is authorized to issue subpoenas and take sworn testimony of witnesses.

9. Conducting confidential interviews with staff, officers, inmates, correctional health care professionals, citizens, volunteers, and public officials relating to the operations and conditions of correctional facilities.

10. Developing and implementing a set of standards and performance measures which establishes an accountability system that allows each correctional institution or facility to be individually measured annually for performance. The standards and measures shall be primarily focused on inmate achievement, inmate institutional adjustment, safe and secure prison operations, officer safety, officer training, and inmate safety. The Florida Corrections Commission shall maintain an accountability system that tracks the department's progress toward meeting specified goals at both regional and institutional levels.

(c) The commission may not enter into the day-to-day operation of the department, but may conduct investigations.

(d) The commission shall hold a minimum of six regular meetings annually. A majority of the membership of the commission constitutes a quorum at any meeting of the commission. The chair shall be elected from the commission's membership. The chair shall direct that complete and accurate minutes be kept of all commission meetings, which shall be open for public inspection. Additional meetings may be held upon the written request of at least four members, with at least 1 week's notice of such meeting being given to all members and the public



570270

576-01915E-15

290 by the chair pursuant to chapter 120. Emergency meetings may be
291 held without notice upon request of all members. Meetings of the
292 commission shall be held at major correctional facilities around
293 the state as determined by the chair.

294 (e) The commission shall appoint an executive director who
295 shall serve under the direction, supervision, and control of the
296 commission. The executive director, with consent of the
297 commission, shall employ staff as necessary to adequately
298 perform the functions of the commission.

299 (f) Commission members shall serve without compensation but
300 are entitled to receive reimbursement for per diem and travel
301 expenses as provided in s. 112.061.

302 (g) Commission members may not have an immediate family
303 member who works in the department or any private institution or
304 contractor under contract with the department and may not have
305 any interest, direct or indirect, in a contract, franchise,
306 privilege, or other benefit granted or awarded by the
307 department, or any of its contractors or subcontracts, while
308 serving as a member of the commission.

309 Section 2. The amendments made by this act to s. 20.315(3),
310 Florida Statutes, do not apply to a Secretary of Corrections
311 appointed before July 1, 2015.

312 Section 3. Paragraph (d) is added to subsection (5) of
313 section 216.136, Florida Statutes, to read:

314 216.136 Consensus estimating conferences; duties and
315 principals.-

316 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.-The Criminal
317 Justice Estimating Conference shall:

318 (d) Develop projections of prison admissions and



570270

576-01915E-15

319 populations for elderly felony offenders.

320 Section 4. Subsection (7) of section 921.0021, Florida
321 Statutes, is amended to read:

322 921.0021 Definitions.-As used in this chapter, for any
323 felony offense, except any capital felony, committed on or after
324 October 1, 1998, the term:

325 (7) (a) "Victim injury" means the physical injury or death
326 suffered by a person as a direct result of the primary offense,
327 or any additional offense, for which an offender is convicted
328 and which is pending before the court for sentencing at the time
329 of the primary offense.

330 (b) Except as provided in paragraph (c) ~~or paragraph (d)~~,

331 1. If the conviction is for an offense involving sexual
332 contact that includes sexual penetration, the sexual penetration
333 must be scored in accordance with the sentence points provided
334 under s. 921.0024 for sexual penetration, regardless of whether
335 there is evidence of any physical injury.

336 2. If the conviction is for an offense involving sexual
337 contact that does not include sexual penetration, the sexual
338 contact must be scored in accordance with the sentence points
339 provided under s. 921.0024 for sexual contact, regardless of
340 whether there is evidence of any physical injury.

341 If the victim of an offense involving sexual contact suffers any
342 physical injury as a direct result of the primary offense or any
343 additional offense committed by the offender resulting in
344 conviction, such physical injury must be scored separately and
345 in addition to the points scored for the sexual contact or the
346 sexual penetration.



570270

576-01915E-15

~~(e) The sentence points provided under s. 921.0024 for sexual contact or sexual penetration may not be assessed for a violation of s. 944.35(3)(b)2.~~

~~(c)(d)~~ If the conviction is for the offense described in s. 872.06, the sentence points provided under s. 921.0024 for sexual contact or sexual penetration may not be assessed.

~~(d)(e)~~ Notwithstanding paragraph (a), if the conviction is for an offense described in s. 316.027 and the court finds that the offender caused victim injury, sentence points for victim injury may be assessed against the offender.

Section 5. Section 944.151, Florida Statutes, is amended to read:

944.151 Safety and security of correctional institutions and facilities.—It is the intent of the Legislature that the Department of Corrections shall be responsible for the safe operation and security of the correctional institutions and facilities. The safe operation and security of the state's correctional institutions and facilities is critical to ensure public safety and the safety of department employees and offenders and to contain violent and chronic offenders until offenders are otherwise released from the department's custody pursuant to law. The Secretary of Corrections shall, at a minimum:

(1) Appoint and designate select staff to the a safety and security review committee which shall, at a minimum, be composed of: the inspector general, the statewide security coordinator, the regional security coordinators, and three wardens and one correctional officer. The safety and security review committee shall evaluate new safety and security technology; review and



570270

576-01915E-15

discuss issues impacting correctional facilities; review and discuss current issues impacting correctional facilities; and review and discuss other issues as requested by management.

~~(a) Establish a periodic schedule for the physical inspection of buildings and structures of each state and private correctional institution to determine security deficiencies. In scheduling the inspections, priority shall be given to older institutions, institutions that house a large proportion of violent offenders, and institutions that have experienced a significant number of escapes or escape attempts in the past.~~

(2) Ensure that appropriate staff establishes a periodic schedule for the physical inspection of buildings and structures of each state and private correctional institution and facility to determine safety and security deficiencies. In scheduling the inspections, priority shall be given to older institutions, institutions that house a large proportion of violent offenders, institutions with a high level of inappropriate incidents of use of force on inmates, assaults on employees, or inmate sexual abuse, and institutions that have experienced a significant number of escapes or escape attempts in the past.

~~(a)(b)~~ Ensure that appropriate staff conducts ~~Conduct~~ or ~~causes cause~~ to be conducted announced and unannounced comprehensive safety and security audits of all state and private correctional institutions. In conducting the security audits, priority shall be given to older institutions, institutions that house a large proportion of violent offenders, institutions with a high level of inappropriate incidents of use of force on inmates, assaults on employees, or inmate sexual abuse, and institutions that have experienced a history of



570270

576-01915E-15

406 escapes or escape attempts. At a minimum, the audit shall
407 include an evaluation of the physical plant, which shall include
408 the identification of blind spots or areas where staff or
409 inmates may be isolated and the deployment of audio and video
410 monitoring systems and other monitoring technologies in such
411 areas, landscaping, fencing, security alarms and perimeter
412 lighting, confinement, arsenal, key and lock, and entrance/exit
413 and inmate classification and staffing policies. Each
414 correctional institution shall be audited at least annually. The
415 ~~secretary shall~~

416 (b) Report the general survey findings annually to the
417 Governor and the Legislature.

418 (c) Ensure appropriate staff investigates and evaluates the
419 usefulness and dependability of existing safety and security
420 technology at the institutions and new technology and video
421 monitoring systems available and make periodic written
422 recommendations to the secretary on the discontinuation or
423 purchase of various safety and security devices.

424 (d) Contract, if deemed necessary, with security personnel,
425 consulting engineers, architects, or other safety and security
426 experts the department deems necessary for safety and security
427 consultant services.

428 (e) Ensure appropriate staff, in conjunction with the
429 regional offices, establishes a periodic schedule for conducting
430 announced and unannounced escape simulation drills.

431 (f) Adopt, enforce, and annually cause the evaluation of
432 the emergency escape response procedures, which shall at a
433 minimum include the immediate notification and inclusion of
434 local and state law enforcement through mutual aid agreements.



570270

576-01915E-15

435 (g) Ensure appropriate staff reviews staffing policies,
436 classification, and practices as needed.

437 ~~(3)(e)~~ Adopt and enforce minimum safety and security
438 standards and policies that include, but are not limited to:

439 ~~(a)1-~~ Random monitoring of outgoing telephone calls by
440 inmates.

441 ~~(b)2-~~ Maintenance of current photographs of all inmates.

442 ~~(c)3-~~ Daily inmate counts at varied intervals.

443 ~~(d)4-~~ Use of canine units, where appropriate.

444 ~~(e)5-~~ Use of escape alarms and perimeter lighting.

445 ~~(f)6-~~ Florida Crime Information Center/National Crime
446 Information Center capabilities.

447 ~~(g)7-~~ Employment background investigations.

448 ~~(d) Annually make written prioritized budget~~
449 ~~recommendations to the secretary that identify critical security~~
450 ~~deficiencies at major correctional institutions.~~

451 ~~(e) Investigate and evaluate the usefulness and~~
452 ~~dependability of existing security technology at the~~
453 ~~institutions and new technology available and make periodic~~
454 ~~written recommendations to the secretary on the discontinuation~~
455 ~~or purchase of various security devices.~~

456 ~~(f) Contract, if deemed necessary, with security personnel,~~
457 ~~consulting engineers, architects, or other security experts the~~
458 ~~committee deems necessary for security audits and security~~
459 ~~consultant services.~~

460 ~~(g) Establish a periodic schedule for conducting announced~~
461 ~~and unannounced escape simulation drills.~~

462 ~~(4)(2)~~ Direct staff to maintain and produce quarterly
463 reports with accurate escape statistics. For the purposes of



570270

576-01915E-15

these reports, "escape" includes all possible types of escape, regardless of prosecution by the state attorney, and including offenders who walk away from nonsecure community facilities.

~~(3) Adopt, enforce, and annually evaluate the emergency escape response procedures, which shall at a minimum include the immediate notification and inclusion of local and state law enforcement through a mutual aid agreement.~~

(5)(4) Direct staff to submit in the annual legislative budget request a prioritized summary of critical safety and security deficiencies, and repair and renovation ~~security~~ needs.

Section 6. Paragraphs (d) and (e) of subsection (4) of section 944.275, Florida Statutes, are amended to read:

944.275 Gain-time.—

(4)

(d) Notwithstanding paragraph (b) subparagraphs (b)1. and 2-, the education program manager shall recommend, and the Department of Corrections may grant, a one-time award of 60 additional days of incentive gain-time to an inmate who is otherwise eligible and who successfully completes requirements for and is awarded a high school equivalency diploma or vocational certificate. This incentive gain-time award may be granted to reduce any sentence for an offense committed on or after October 1, 1995. However, this gain-time may not be granted to reduce any sentence for an offense committed on or after October 1, 1995, if the inmate is, or has previously been, convicted of a violation of s. 794.011, s. 794.05, former s. 796.03, former s. 796.035, s. 800.04, s. 825.1025, s. 827.03, s. 827.071, s. 847.0133, s. 847.0135, s. 847.0137, s. 847.0138, s. 847.0145, or s. 985.701(1), or a forcible felony offense that is



570270

576-01915E-15

specified in s. 776.08, except burglary as specified in s. 810.02(4). An inmate subject to the 85 percent minimum service requirement pursuant to subparagraph (b)3. may not accumulate gain-time awards at any point when the tentative release date is the same as the 85 percent minimum service date of the sentence imposed. Under no circumstances may an inmate receive more than 60 days for educational attainment pursuant to this section.

(e) Notwithstanding subparagraph (b)3. and paragraph (d), for sentences imposed for offenses committed on or after October 1, 2014, the department may not grant incentive gain-time if the offense is a violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).

Section 7. Section 944.31, Florida Statutes, is amended to read:

944.31 Inspector general; inspectors; power and duties.—

(1) The inspector general shall be responsible for prison inspection and investigation, internal affairs investigations, and management reviews. The office of the inspector general shall be charged with the duty of inspecting the penal and correctional systems of the state. The office of the inspector general shall inspect each correctional institution or any place in which state prisoners are housed, worked, or kept within the state, with reference to its physical conditions, cleanliness, sanitation, safety, and comfort; the quality and supply of all bedding; the quality, quantity, and diversity of food served and the manner in which it is served; the number and condition of the prisoners confined therein; and the general conditions of each institution. The office of inspector general shall see that



570270

576-01915E-15

all the rules and regulations issued by the department are strictly observed and followed by all persons connected with the correctional systems of the state. The office of the inspector general shall coordinate and supervise the work of inspectors throughout the state. The inspector general and inspectors may enter any place where prisoners in this state are kept and shall be immediately admitted to such place as they desire and may consult and confer with any prisoner privately and without molestation. The inspector general and inspectors shall be responsible for criminal and administrative investigation of matters relating to the Department of Corrections. The secretary may designate persons within the office of the inspector general as law enforcement officers to conduct any criminal investigation that occurs on property owned or leased by the department or involves matters over which the department has jurisdiction. A person designated as a law enforcement officer must be certified pursuant to s. 943.1395 and must have a minimum of 3 years' experience as an inspector in the inspector general's office or as a law enforcement officer.

(2) The department, after consultation with the Florida Corrections Commission, shall maintain a written memorandum of understanding with the Department of Law Enforcement for the notification and investigation of mutually agreed-upon predicate events that shall include, but are not limited to, suspicious deaths and organized criminal activity. A copy of an active memorandum of understanding shall be provided in a timely manner to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(3) During investigations, the inspector general and



570270

576-01915E-15

inspectors may consult and confer with any prisoner or staff member privately and without molestation and persons designated as law enforcement officers under this section shall have the authority to arrest, with or without a warrant, any prisoner of or visitor to a state correctional institution for a violation of the criminal laws of the state involving an offense classified as a felony that occurs on property owned or leased by the department and may arrest offenders who have escaped or absconded from custody. Persons designated as law enforcement officers have the authority to arrest with or without a warrant a staff member of the department, including any contract employee, for a violation of the criminal laws of the state involving an offense classified as a felony under this chapter or chapter 893 on property owned or leased by the department. A person designated as a law enforcement officer under this section may make arrests of persons against whom arrest warrants have been issued, including arrests of offenders who have escaped or absconded from custody. The arrested person shall be surrendered without delay to the sheriff of the county in which the arrest is made, with a formal complaint subsequently made against her or him in accordance with law.

(4) The inspector general, and inspectors who conduct sexual abuse investigations in confinement settings, shall receive specialized training in conducting such investigations. The department shall be responsible for providing the specialized training. Specialized training shall include, but need not be limited to, techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the



570270

576-01915E-15

580 criteria and evidence required to substantiate a case for
581 administrative action or prosecution.

582 Section 8. Section 944.331, Florida Statutes, is amended to
583 read:

584 944.331 Inmate grievance procedure.—

585 (1) The department shall establish by rule an inmate
586 grievance procedure, which ~~that~~ must conform to the Minimum
587 Standards for Inmate Grievance Procedures as promulgated by the
588 United States Department of Justice pursuant to 42 U.S.C. s.
589 1997e. The department's office of general counsel shall oversee
590 the grievance procedures established by the department.

591 (2) In establishing grievance procedures, the department
592 shall provide multiple internal avenues for inmates to privately
593 report sexual abuse and sexual harassment and any staff neglect
594 of, or failure to perform, responsibilities which may have
595 contributed to such incidents. The procedures must allow reports
596 to be made in writing by third parties.

597 (3) The department, in consultation with the Correctional
598 Medical Authority, shall review inmate health care grievance
599 procedures at each correctional institution and private
600 correctional facility to determine the procedural soundness and
601 effectiveness of the current health care grievance process, to
602 identify employees prone to misconduct directly related to the
603 delivery of health care services, and to identify life-
604 threatening inmate health concerns. The review shall determine
605 whether inmate health care grievances are being properly
606 reported, transmitted, and processed; inmates are allowed
607 writing utensils and paper; multiple channels of communication
608 exist to report alleged abuse related to the delivery of health



570270

576-01915E-15

609 care services; and protocols are being implemented to protect an
610 inmate who filed a grievance concerning the delivery of health
611 care from retaliation for filing a complaint alleging staff
612 misconduct.

613 (4) The department shall review inmate grievance procedures
614 at each correctional institution and private correctional
615 facility to determine the procedural soundness and effectiveness
616 of the current grievance process, to identify employees prone to
617 misconduct, and to identify life-threatening inmate safety
618 concerns. The review shall determine whether inmate grievances
619 are being properly reported, transmitted, and processed; inmates
620 are allowed writing utensils and paper; multiple channels of
621 communication exist to report alleged abuse; and protocols are
622 being implemented to protect an inmate who filed a grievance
623 from retaliation for filing a complaint alleging staff
624 misconduct.

625 (5) Beginning October 1, 2015, the department in
626 consultation with the Correctional Medical Authority shall
627 annually report, and post to their respective websites, their
628 joint findings. The authority shall document in the report its
629 findings on the effectiveness of inmate health care grievance
630 procedures; cite the number of health care grievances filed by
631 inmates, by institution and by region; specify the types of
632 health care problems alleged by inmates; and summarize the
633 actions taken by the department or the authority as a result of
634 its investigation of inmate health care grievances.

635 Section 9. Section 944.35, Florida Statutes, is amended to
636 read:

637 944.35 Authorized use of force; malicious battery and



570270

576-01915E-15

sexual misconduct prohibited; reporting required; penalties.-

(1) (a) An employee of the department is authorized to apply physical force upon an inmate only when and to the extent that it reasonably appears necessary:

1. To defend himself or herself or another against such other imminent use of unlawful force;

2. To prevent a person from escaping from a state correctional institution when the officer reasonably believes that person is lawfully detained in such institution;

3. To prevent damage to property;

4. To quell a disturbance;

5. To overcome physical resistance to a lawful command; or

6. To administer medical treatment only by or under the supervision of a physician or his or her designee and only:

a. When treatment is necessary to protect the health of other persons, as in the case of contagious or venereal diseases; or

b. When treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death.

As part of the correctional officer training program, the Criminal Justice Standards and Training Commission shall develop a course specifically designed to explain the parameters of this subsection and to teach the proper methods and techniques in applying authorized physical force upon an inmate. Effective October 1, 2015, this course shall include specialized training for effectively managing in nonforceful ways mentally ill inmates who may exhibit erratic behavior.

(b) Following any use of force, a qualified health care



570270

576-01915E-15

provider shall examine any person physically involved to determine the extent of injury, if any, and shall prepare a report which shall include, but not be limited to, a statement of whether further examination by a physician is necessary. The identity of the qualified health care provider on the report shall be designated by using an employee identification number in lieu of a name and signature. Any noticeable physical injury shall be examined by a physician, and the physician shall prepare a report documenting the extent and probable cause of the injury and the treatment prescribed. Such report shall be completed within 5 working days of the incident and shall be submitted to the warden for appropriate investigation.

(c) Each institution shall create and maintain a system to track episodes involving the use of force to determine if inmates require subsequent physical or mental health treatment.

(d) No later than October 1 of each year, the department shall post on the agency website a report documenting incidents involving the use of force during the previous fiscal year. The report shall include, but not be limited to:

1. Descriptive statistics on the reason force was used and whether the use of force was deemed appropriate;

2. Multi-year statistics documenting annual trends in the use of force;

3. Statistical information on the level of inmate or officer injury, including death, in incidents involving the use of force;

4. A breakdown, by institution, of statistics on use of force; and

5. Statistics on the number of employees who were



570270

576-01915E-15

696 disciplined or terminated because of their involvement in
697 incidents involving the inappropriate use of force, based on
698 notations of such incidents in their personnel files.

699 (2) Each employee of the department who either applies
700 physical force or was responsible for making the decision to
701 apply physical force upon an inmate or an offender supervised by
702 the department in the community pursuant to this subsection
703 shall prepare, date, and sign under oath an independent report
704 within 1 working day of the incident. The report shall be
705 delivered to the warden or the circuit administrator, who shall
706 forward the report with all appropriate documentation to the
707 office of the inspector general. The inspector general shall
708 conduct a review and make recommendations regarding the
709 appropriateness or inappropriateness of the use of force. If the
710 inspector general finds that the use of force was appropriate,
711 the employee's report, together with the inspector general's
712 written determination of the appropriateness of the force used
713 and the reasons therefor, shall be forwarded to the circuit
714 administrator or warden upon completion of the review. If the
715 inspector general finds that the use of force was inappropriate,
716 the inspector general shall conduct a complete investigation
717 into the incident and forward the findings of fact to the
718 appropriate regional director for further action. Copies of the
719 employee's report and the inspector general's review shall be
720 kept in the files of the inmate or the offender supervised by
721 the department in the community. A notation of each incident
722 involving use of force and the outcome based on the inspector
723 general's evaluation shall be kept in the employee's file. An
724 employee with two or more notations in the employee's file for



570270

576-01915E-15

725 inappropriate use of force incidents, as specified in s. 944.35,
726 shall not be assigned to transitional care, crisis
727 stabilization, or corrections mental health treatment facility
728 inmate housing units as defined in Florida Administrative Code.
729 However, an employee with two or more notations in the
730 employee's file who remains free of inappropriate use of force
731 incidents for a significant period may be permitted to work in
732 the transitional care, crisis stabilization, or corrections
733 mental health treatment facility inmate housing units.

734 (3)(a)1. Any employee of the department, private provider,
735 or private correctional facility who, with malicious intent,
736 commits a battery upon an inmate or an offender supervised by
737 the department in the community, commits a misdemeanor of the
738 first degree, punishable as provided in s. 775.082 or s.
739 775.083.

740 2. Any employee of the department, private provider, or
741 private correctional facility who, with malicious intent,
742 commits a battery or inflicts cruel or inhuman treatment by
743 neglect or otherwise, and in so doing causes great bodily harm,
744 permanent disability, or permanent disfigurement to an inmate or
745 an offender supervised by the department in the community,
746 commits a felony of the third degree, punishable as provided in
747 s. 775.082, s. 775.083, or s. 775.084.

748 (b) As used in this paragraph, the term "neglect of an
749 inmate" means:

750 1. A failure or omission on the part of an employee of the
751 department, private provider, or private correctional facility,
752 to:

753 a. Provide an inmate with the care, supervision, and



570270

576-01915E-15

services necessary to maintain the inmate's physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the inmate; or

b. Make a reasonable effort to protect an inmate from abuse, neglect, or exploitation by another person.

2. A determination of neglect of an inmate may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or psychological injury, or a substantial risk of death, to an inmate.

3. An employee of the department, private provider, or private correctional facility who willfully or by culpable negligence neglects an inmate and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the inmate commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. Any employee of the department, private provider, or private correctional facility who willfully or by culpable negligence neglects an elderly or disabled inmate without causing great bodily harm, permanent disability, or permanent disfigurement to the inmate commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) ~~(b)~~1. As used in this paragraph, the term "sexual misconduct" means the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object, but does not include



570270

576-01915E-15

an act done for a bona fide medical purpose or an internal search conducted in the lawful performance of the employee's duty.

2. Any employee of the department or a private correctional facility as defined in s. 944.710 who engages in sexual misconduct with an inmate or an offender supervised by the department in the community, without committing the crime of sexual battery, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. The consent of the inmate or offender supervised by the department in the community to any act of sexual misconduct may not be raised as a defense to a prosecution under this paragraph.

4. This paragraph does not apply to any employee of the department or any employee of a private correctional facility who is legally married to an inmate or an offender supervised by the department in the community, nor does it apply to any employee who has no knowledge, and would have no reason to believe, that the person with whom the employee has engaged in sexual misconduct is an inmate or an offender under community supervision of the department.

(d) ~~(e)~~ Notwithstanding prosecution, any violation of the provisions of this subsection, as determined by the Public Employees Relations Commission, shall constitute sufficient cause under s. 110.227 for dismissal from employment with the department, and such person shall not again be employed in any capacity in connection with the correctional system.

(e) ~~(d)~~ Each employee who witnesses, or has reasonable cause to suspect, that an inmate or an offender under the supervision



570270

576-01915E-15

812 of the department in the community has been unlawfully abused or
813 is the subject of sexual misconduct pursuant to this subsection
814 shall immediately prepare, date, and sign an independent report
815 specifically describing the nature of the force used or the
816 nature of the sexual misconduct, the location and time of the
817 incident, and the persons involved. The report shall be
818 delivered to the inspector general of the department with a copy
819 to be delivered to the warden of the institution or the regional
820 administrator. The inspector general shall immediately conduct
821 an appropriate investigation, and, if probable cause is
822 determined that a violation of this subsection has occurred, the
823 respective state attorney in the circuit in which the incident
824 occurred shall be notified.

825 (f) If an employee of the department, private provider, or
826 private correctional facility who witnesses unlawful abuse or
827 neglect or has reasonable cause to suspect that an inmate has
828 been unlawfully abused or neglected, as the term "neglected" is
829 defined in paragraph (b), fears retaliation by coworkers or
830 supervisors if he or she submits a report as provided in
831 paragraph (e), the employee may anonymously and confidentially
832 report the inmate abuse or neglect directly to the department's
833 Office of Inspector General.

834 (4) (a) Any employee required to report pursuant to this
835 section who knowingly or willfully fails to do so, or who
836 knowingly or willfully prevents another person from doing so,
837 commits a misdemeanor of the first degree, punishable as
838 provided in s. 775.082 or s. 775.083.

839 (b) Any person who knowingly or willfully submits
840 inaccurate, incomplete, or untruthful information with regard to



570270

576-01915E-15

841 reports required in this section commits a misdemeanor of the
842 first degree, punishable as provided in s. 775.082 or s.
843 775.083.

844 (c) Any person who knowingly or willfully coerces or
845 threatens any other person with the intent to alter either
846 testimony or a written report regarding an incident where force
847 was used or an incident of sexual misconduct commits a felony of
848 the third degree, punishable as provided in s. 775.082, s.
849 775.083, or s. 775.084.

850
851 As part of the correctional officer training program, the
852 Criminal Justice Standards and Training Commission shall develop
853 course materials for inclusion in the appropriate required
854 course specifically designed to explain the parameters of this
855 subsection, teach communication techniques related to crisis
856 stabilization to avoid the use of force, and to teach sexual
857 assault identification and prevention methods and techniques.

858 (5) The department shall establish a policy to protect from
859 retaliation inmates and employees who report physical or sexual
860 abuse. This policy shall establish multiple protective measures
861 for both inmates and employees relating to the reporting of
862 abuse as well as designate a method of monitoring follow up.

863 (6) The department shall establish a usage and inventory
864 policy to track, by institution, the use of chemical agents and
865 the disposal of expired, used, or damaged canisters of chemical
866 agents. The policy shall include, but not be limited to, a
867 requirement that a numbered seal be affixed to each chemical
868 agent canister in such a manner that the canister cannot be
869 removed from the carrier without breaking the seal. All



570270

576-01915E-15

870 canisters in the carriers will be checked out at the beginning
871 of each shift and checked back in at the end of the shift. The
872 shift supervisor should be charged with verifying the condition
873 of the numbered seals and periodically weighing random canisters
874 to insure that they have not been used without the required
875 documentation.

876 Section 10. Section 944.8041, Florida Statutes, is amended
877 to read:

878 944.8041 Elderly offenders; annual review.—

879 (1) For the purpose of providing information to the
880 Legislature on elderly offenders within the correctional system,
881 the department and the Correctional Medical Authority shall each
882 submit annually a report on the status and treatment of elderly
883 offenders in the state-administered and private state
884 correctional systems and the department's geriatric facilities
885 and dorms. In order to adequately prepare the reports, the
886 department and the Department of Management Services shall grant
887 access to the Correctional Medical Authority that includes
888 access to the facilities, offenders, and any information the
889 agencies require to complete their reports. The review shall
890 also include an examination of promising geriatric policies,
891 practices, and programs currently implemented in other
892 correctional systems within the United States. The reports, with
893 specific findings and recommendations for implementation, shall
894 be submitted to the President of the Senate and the Speaker of
895 the House of Representatives on or before December 31 of each
896 year.

897 (2) The department, in producing the annual report required
898 under s. 20.315, shall report the cost of health care provided



570270

576-01915E-15

899 to elderly inmates. The report shall include, but need not be
900 limited to, the average cost per year to incarcerate an elderly
901 inmate and the types of health care delivered to elderly inmates
902 which result in the highest expenditures.

903 Section 11. Section 944.805, Florida Statutes, is created
904 to read:

905 944.805 Veterans programs in state and private correctional
906 institutions.—

907 (1) The Legislature finds and declares that specialized
908 programs for veterans offered in state and private correctional
909 institutions have the potential to facilitate inmate
910 institutional adjustment, help inmates assume personal
911 responsibility, and ease community reentry through the
912 availability of expanded community resources. For the purposes
913 of this section, the term "veteran" has the same meaning as it
914 is defined in s. 1.01(14).

915 (2) It is the intent of the Legislature that the department
916 expand the use of specialized dormitories for veterans. It is
917 also the intent of the Legislature that veterans housed in state
918 and private correctional institutions be provided special
919 assistance before their release by identifying benefits and
920 services available in the community where the veteran plans to
921 reside.

922 (3) The department shall measure recidivism rates for
923 veterans who have participated in specialized dormitories and
924 for veterans who have received special assistance in community
925 reentry. The findings shall be included in the annual report
926 required under s. 20.315.

927 Section 12. Effective upon SB 540 or similar legislation



570270

576-01915E-15

creating the "State Operated Institutions Inmate Welfare Trust Fund" being adopted in the 2015 Regular Session or an extension thereof and becoming law, subsection (1) of section 945.215, Florida Statutes, is amended, present subsections (2) and (3) are redesignated as subsections (3) and (4), respectively, and a new subsection (2) is added to that section, to read:

945.215 Inmate welfare and employee benefit trust funds.—

(1) INMATE PURCHASES; DEPARTMENT OF CORRECTIONS; STATE OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND.—

(a) ~~The From the~~ net proceeds from operating inmate canteens, vending machines used primarily by inmates and visitors, hobby shops, and other such facilities must be deposited in the State Operated Institutions Inmate Welfare Trust Fund or, as set forth in this section, in the General Revenue Fund; however, funds necessary to purchase items for resale at inmate canteens and vending machines must be deposited into local bank accounts designated by the department.

(b) All proceeds from contracted telephone commissions must be deposited in the State Operated Institutions Inmate Welfare Trust Fund or, as set forth in this section, in the General Revenue Fund. The department shall develop and update, as necessary, administrative procedures to verify that:

1. Contracted telephone companies accurately record and report all telephone calls made by inmates incarcerated in correctional facilities under the department's jurisdiction;

2. Persons who accept collect calls from inmates are charged the contracted rate; and

3. The department receives the contracted telephone commissions.



570270

576-01915E-15

(c) Any funds that may be assigned by inmates or donated to the department by the general public or an inmate service organization must be deposited in the State Operated Institutions Inmate Welfare Trust Fund or, as set forth in this section, in the General Revenue Fund; however, the department shall not accept any donation from, or on behalf of, any individual inmate.

(d) All proceeds from the following sources must be deposited in the State Operated Institutions Inmate Welfare Trust Fund or, as set forth in this section, in the General Revenue Fund:

1. The confiscation and liquidation of any contraband found upon, or in the possession of, any inmate;

2. Disciplinary fines imposed against inmates;

3. Forfeitures of inmate earnings; and

4. Unexpended balances in individual inmate trust fund accounts of less than \$1.

(e) Items for resale at inmate canteens and vending machines maintained at the correctional facilities shall be priced comparatively with like items for retail sale at fair market prices.

(f) Notwithstanding any other provision of law, inmates with sufficient balances in their individual inmate bank trust fund accounts, after all debts against the account are satisfied, shall be allowed to request a weekly draw of up to an amount set by the Secretary of Corrections, not to exceed \$100, to be expended for personal use on canteen and vending machine items.

(2) (a) The State Operated Institutions Inmate Welfare Trust



570270

576-01915E-15

Fund constitutes a trust held by the department for the benefit and welfare of inmates incarcerated in correctional facilities operated directly by the department.

(b) Deposits into the State Operated Institutions Inmate Welfare Trust Fund shall not exceed a total of \$5 million in any fiscal year. Any proceeds or funds that would cause deposits into the State Operated Institutions Inmate Welfare Trust Fund to exceed this restriction shall be deposited into the General Revenue Fund.

(c) Funds in the State Operated Institutions Inmate Welfare Trust Fund shall be used exclusively for the following purposes at correctional facilities operated by the department:

1. To provide literacy programs, vocational training programs, and educational programs;

2. To operate inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, and libraries;

3. To provide inmate substance abuse treatment programs and transition and life skills training programs;

4. To provide for the purchase, rental, maintenance or repair of electronic or audio visual equipment used by inmates;

5. To provide for the purchase, rental, maintenance or repair of recreation and wellness equipment; or

6. To provide for the purchase, rental, maintenance, or repair of bicycles used by inmates traveling to and from employment in the work-release program authorized in s. 945.091(1)(b).

(d) Funds in the State Operated Institutions Inmate Welfare Trust Fund shall be expended only pursuant to legislative



570270

576-01915E-15

appropriation.

(e) The department shall annually compile a report that specifically documents State Operated Institutions Inmate Welfare Trust Fund receipts and expenditures. This report shall be compiled at both the statewide and institutional levels. The department must submit this report for the previous fiscal year by September 1 of each year to the chairs of the appropriate substantive and fiscal committees of the Senate and the House of Representatives and to the Executive Office of the Governor.

(f) Funds in the State Operated Institutions Inmate Welfare Trust Fund or any other fund may not be used to purchase weight-training equipment.

Section 13. Subsection (7) is added to section 945.48, Florida Statutes, to read:

945.48 Rights of inmates provided mental health treatment; procedure for involuntary treatment; correctional officer staffing requirements.—

(7) CORRECTIONAL OFFICER STAFFING.—A correctional officer who has close contact with inmates housed in a mental health treatment facility shall annually complete training in crisis intervention. An employee with two or more notations in the employee's file for inappropriate use of force incidents, as specified in s. 944.35, may not be assigned to transitional care, crisis stabilization, or corrections mental health treatment facility inmate housing units as defined in the Florida Administrative Code. However, an employee with two or more notations in the employee's file who remains free of inappropriate use of force incidents for a significant period may be permitted to work in the transitional care, crisis



570270

576-01915E-15

1044 stabilization, or corrections mental health treatment facility
1045 inmate housing units.

1046 Section 14. Subsection (2) of section 945.6031, Florida
1047 Statutes, is amended to read:

1048 945.6031 Required reports and surveys.—

1049 (2) The authority shall conduct surveys of the physical and
1050 mental health care system at each correctional institution at
1051 least every 18 months ~~triennially~~ and shall report the survey
1052 findings for each institution to the Secretary of Corrections.

1053 Section 15. Section 945.6033, Florida Statutes, is amended
1054 to read:

1055 945.6033 Continuing contracts with health care providers.—

1056 (1) The Department of Corrections may enter into continuing
1057 contracts with licensed health care providers, including
1058 hospitals and health maintenance organizations, for the
1059 provision of inmate health care services which the department is
1060 unable to provide in its facilities.

1061 (2) The Department of Corrections, in negotiating contracts
1062 for the delivery of inmate health care, shall only enter into
1063 contracts which contain damage provisions.

1064 Section 16. Subsection (1) of section 945.6034, Florida
1065 Statutes, is amended to read:

1066 945.6034 Minimum health care standards.—

1067 (1) The Assistant Secretary for Health Services is
1068 responsible for developing a comprehensive health care delivery
1069 system and promulgating all department health care standards.
1070 Such health care standards shall include, but are not limited
1071 to, rules relating to the management structure of the health
1072 care system and the provision of health care services to



570270

576-01915E-15

1073 inmates, health care policies, health care plans, quality
1074 management systems and procedures, health service bulletins, and
1075 treatment protocols. In establishing standards of care, the
1076 department shall examine and consider the needs of inmates over
1077 50 years of age and adopt health care standards unique to this
1078 population.

1079 Section 17. Section 945.6039, Florida Statutes, is created
1080 to read:

1081 945.6039 Independent Medical Evaluations and Examinations.—
1082 The department shall promulgate rules and permit an inmate's
1083 family member, lawyer, or interested party to hire and pay for
1084 an independent medical evaluation or examination by a medical
1085 professional of an incarcerated inmate. The results of the
1086 medical evaluation or examination shall be provided to the
1087 department and to the Commission on Offender Review. The purpose
1088 of these outside evaluations is to assist in the delivery of
1089 medical care to the inmate and to assist the Commission on
1090 Offender Review in considering an inmate for conditional medical
1091 release. Inmates at all department facilities and the contracted
1092 private correctional facilities are eligible for consideration
1093 to arrange for these medical evaluations. The department's
1094 contracted private health care providers may also provide such
1095 medical evaluations. The department, the private correctional
1096 facilities, and private health care providers shall provide
1097 reasonable and timely access to the inmate once a family member,
1098 lawyer, or interested party provides a written request for
1099 access.

1100 Section 18. Present paragraphs (a) and (b) of subsection
1101 (1) of section 947.149, Florida Statutes, are redesignated as



570270

576-01915E-15

paragraphs (b) and (c), respectively, and a new paragraph (a) is added to that subsection, to read:

947.149 Conditional medical release.—

(1) The commission shall, in conjunction with the department, establish the conditional medical release program. An inmate is eligible for consideration for release under the conditional medical release program when the inmate, because of an existing medical or physical condition, is determined by the department to be within one of the following designations:

(a) "Elderly and infirm inmate," which means an inmate who has no current or prior convictions for capital or first degree felonies, who has no current or prior convictions for sexual offenses or offenses against children, who is over 70 years of age, and who has a condition caused by injury, disease, or illness which, to a reasonable degree of medical certainty, renders the inmate infirm or physically impaired to the extent that the inmate does not constitute a danger to himself or herself or others.

Section 19. Subsection (5) of section 948.10, Florida Statutes, is amended to read:

948.10 Community control programs.—

(5) In its annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives under s. 20.315(6) ~~s. 20.315(5)~~, the department shall include a detailed analysis of the community control program and the department's specific efforts to protect the public from offenders placed on community control. The analysis must include, but need not be limited to, specific information on the department's ability to meet minimum officer-to-offender contact



570270

576-01915E-15

standards, the number of crimes committed by offenders on community control, and the level of community supervision provided.

Section 20. Subsection (1) of section 951.221, Florida Statutes, is amended to read:

951.221 Sexual misconduct between detention facility employees and inmates; penalties.—

(1) Any employee of a county or municipal detention facility or of a private detention facility under contract with a county commission who engages in sexual misconduct, as defined in s. 944.35(3)(c)1. ~~s. 944.35(3)(b)1.~~, with an inmate or an offender supervised by the facility without committing the crime of sexual battery commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The consent of an inmate to any act of sexual misconduct may not be raised as a defense to prosecution under this section.

Section 21. For the purpose of incorporating the amendment made by this act to section 944.35, Florida Statutes, in a reference thereto, paragraph (uu) of subsection (2) of section 435.04, Florida Statutes, is reenacted to read:

435.04 Level 2 screening standards.—

(2) The security background investigations under this section must ensure that no persons subject to the provisions of this section have been arrested for and are awaiting final disposition of, have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or have been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of state law or similar law of another



570270

576-01915E-15

jurisdiction:

(uu) Section 944.35(3), relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.

Section 22. For the purpose of incorporating the amendment made by this act to section 944.35, Florida Statutes, in a reference thereto, paragraph (f) of subsection (3) of section 921.0022, Florida Statutes, is reenacted to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Knowing forgery of pedigree papers.
499.0051(4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.



570270

576-01915E-15

499.0051(5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.074(1)(b)	2nd	Aggravated assault on



570270

576-01915E-15

			sexually violent predators facility staff.
1185	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
1186	784.081(2)	2nd	Aggravated assault on specified official or employee.
1187	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
1188	784.083(2)	2nd	Aggravated assault on code inspector.
1189	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
1190	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.



570270

576-01915E-15

	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
1192	790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
1193	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
1194	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
1195	794.05(1)	2nd	Unlawful sexual activity with specified minor.
1196	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less



570270

576-01915E-15

1197			than 18 years.
	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
1198			
	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
1199			
	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
1200			
	810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
1201			
	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
1202			
	812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
1203			
	812.015(9)(a)	2nd	Retail theft; property



570270

576-01915E-15

			stolen \$300 or more; second or subsequent conviction.
1204			
	812.015(9)(b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
1205			
	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
1206			
	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
1207			
	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
1208			
	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
1209			
	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.



570270

576-01915E-15

1210	825.103(3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
1211	827.03(2) (c)	3rd	Abuse of a child.
1212	827.03(2) (d)	3rd	Neglect of a child.
1213	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
1214	836.05	2nd	Threats; extortion.
1215	836.10	2nd	Written threats to kill or do bodily injury.
1216	843.12	3rd	Aids or assists person to escape.
1217	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

Page 47 of 51

3/6/2015 4:48:43 PM



570270

576-01915E-15

1218	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
1219	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
1220	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
1221	944.35(3) (a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
1222	944.40	2nd	Escapes.
1223	944.46	3rd	Harboring, concealing,

Page 48 of 51

3/6/2015 4:48:43 PM



570270

576-01915E-15

aiding escaped
prisoners.

944.47(1)(a)5.

2nd

Introduction of
contraband (firearm,
weapon, or explosive)
into correctional
facility.

951.22(1)

3rd

Intoxicating drug,
firearm, or weapon
introduced into county
facility.

Section 23. For the purpose of incorporating the amendment made by this act to section 945.215, Florida Statutes, in a reference thereto, subsection (1) of section 944.72, Florida Statutes, is reenacted to read:

944.72 Privately Operated Institutions Inmate Welfare Trust Fund.—

(1) There is hereby created in the Department of Corrections the Privately Operated Institutions Inmate Welfare Trust Fund. The purpose of the trust fund shall be the benefit and welfare of inmates incarcerated in private correctional facilities under contract with the department pursuant to this chapter or the Department of Management Services pursuant to chapter 957. Moneys shall be deposited in the trust fund and expenditures made from the trust fund as provided in s. 945.215.



570270

576-01915E-15

Section 24. For the purpose of incorporating the amendment made by this act to section 945.215, Florida Statutes, in a reference thereto, subsection (1) of section 945.21501, Florida Statutes, is reenacted to read:

945.21501 Employee Benefit Trust Fund.—

(1) There is hereby created in the Department of Corrections the Employee Benefit Trust Fund. The purpose of the trust fund shall be to:

(a) Construct, operate, and maintain training and recreation facilities at correctional facilities for the exclusive use of department employees. Any facility constructed using funds from the Employee Benefit Trust Fund is the property of the department and must provide the maximum benefit to all interested employees, regardless of gender.

(b) Provide funding for employee appreciation programs and activities designed to enhance the morale of employees.

Moneys shall be deposited in the trust fund as provided in s. 945.215.

Section 25. For the purpose of incorporating the amendment made by this act to section 945.215, Florida Statutes, in a reference thereto, section 945.2151, Florida Statutes, is reenacted to read:

945.2151 Verifying social security numbers.—Prior to opening a canteen account pursuant to s. 945.215, an inmate who is eligible to receive a social security number must report his or her social security number. The department shall, in adherence with its agreement with the Social Security Administration and in a timely manner, submit sufficient and



570270

576-01915E-15

1271 necessary information to verify that the reported inmate's
1272 social security number is accurate and properly belongs to the
1273 inmate. If the Social Security Administration is unable to
1274 verify a reported social security number for an inmate, the
1275 department shall prohibit canteen purchases by the inmate if the
1276 department concludes that the inmate was deceptive in reporting
1277 the social security number. The prohibition against purchasing
1278 canteen items will remain in effect until a verified social
1279 security number is obtained.

1280 Section 26. Except as otherwise provided in this act, this
1281 act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 7020

INTRODUCER: Criminal Justice Committee

SUBJECT: Corrections

DATE: March 17, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Sumner	Cannon		CJ SPB 7020 as introduced
1.	Clodfelter	Sadberry	ACJ	Recommend: Fav/CS
2.	Clodfelter	Kynoch	AP	Pre-Meeting

I. Summary:

SB 7020 is a bill with a wide variety of changes to the laws affecting the corrections system. Specifically, the bill:

- Revises the method of appointment for the Secretary of Corrections for appointments made on or after July 1, 2015;
- Creates the Florida Corrections Commission to oversee the safe and effective operations of major correctional institutions;
- Requires the Criminal Justice Estimating Conference to project prison admissions for elderly felony offenders;
- Expands the Department of Correction's (department/DOC) security review inspection process to include safety considerations, the identification of blind spots, and the use of audio and video monitoring;
- Requires priority be given to inspecting those institutions with high incidents of use of force on inmates, assaults on employees, and sexual abuse of inmates;
- Expands the ability of an inmate to get a one-time award of gain-time for educational attainment without violating the requirement for every inmate to serve 85 percent of their court imposed sentence;
- Requires a Memorandum of Understanding (MOU) between the Florida Department of Law Enforcement and DOC regarding external investigations of inmate deaths be written and requires notification to the Legislature;
- Requires inspector generals to have specialized training in sexual abuse investigations in conformity with the Prison Rape Elimination Act;
- Requires multiple internal ways for inmates to file a grievance; requires the Correctional Medical Authority (CMA) and the DOC to review grievance procedures at each institution; and requires both entities to post their findings on their websites;
- Requires all correctional officer training programs to include specialized training for managing mentally ill inmates;

- Specifies that health care providers shall use an employee identification number in lieu of a name and signature when completing incident reports;
- Requires that each institution create and maintain a system to track the use of force incidents;
- Requires use of force reports written by employees to be under oath;
- Provides that an employee with two or more notations of inappropriate use of force incidents in their file not be assigned to transitional care, crisis stabilization, or mental health treatment facilities and also provides exceptions for extended good behavior;
- Includes private health care providers and employees of private correctional facilities in the list of persons who can be charged for a misdemeanor or felony for committing a battery with malicious intent or inflicting cruel or inhuman treatment by neglect;
- Creates a new third degree felony for DOC employees or employees of a private provider who willfully or by culpable negligence neglect an elderly or disabled inmate;
- Creates a new second degree felony for DOC employees or employees of a private provider who willfully or by culpable negligence neglect an inmate and in so doing cause great bodily harm;
- Authorizes DOC employees or employees of a private provider who witness abuse or neglect to anonymously report directly to the inspector general's office;
- Requires the correctional officer training program to include instruction on communication techniques to avoid the use of force;
- Requires the department to establish a policy to protect inmates and employees who report abuse or cooperate with investigations from retaliation;
- Establishes a usage and inventory policy to track the use of chemical agents and the disposal of expired, used, or damaged canisters;
- Requires the department to collect and report inmate health cost information for elderly inmates;
- Provides legislative intent related to veterans programs in state and private correctional institutions and requires the department to measure recidivism rates for veterans who participate in programs;
- Recreates the inmate welfare trust fund¹ for department operated institutions, caps the new trust fund at five million dollars, allows the funds to be used for education, chapels, visitation, libraries, wellness, televisions, and other expenditures and prohibits the fund from being used to purchase weight-training equipment;
- Requires correctional officers who have close contact with inmates housed in a mental health treatment facility to complete annual training in crisis intervention;
- Increases the frequency of mental and physical health care surveys conducted by the Correctional Medical Authority from every three years to every 18 months;
- Requires a damage provision in inmate health care contracts;
- Requires the department, in establishing minimum health care standards, to establish standards of care criteria for the needs of inmates over age 50;
- Allows for an inmate's family, lawyer, and other interested parties to hire and pay for an independent medical evaluation; and
- Expands the existing conditional medical release program to include elderly and infirm inmates which would allow the Commission on Offender Review to consider the release of elderly and infirm inmates.

¹ Contingent upon the passage of SB 540 by Senator Evers relating to State Operated Institutions Inmate Welfare Trust Fund.

Staff estimates that the bill will have a total fiscal impact of approximately \$6.9 million. This includes:

- \$5 million diverted from deposits to the General Revenue Fund into the new State Operated Institutions Inmate Welfare Trust Fund;
- Approximately \$1.3 million for personnel, equipment, and expenses of the new Corrections Commission;
- Approximately \$800,000 for additional personnel and expenses to enable the Correctional Medical Authority to increase the frequency of conducting surveys of correctional institutions;
- Approximately \$1 million to provide mental health training for correctional officers; and
- Reduced costs of approximately \$1.2 million due to decreased inmate population resulting from the expansion of eligibility for award of up to 60 days gain-time for educational achievement.

Except as otherwise provided, this bill is effective July 1, 2015.

II. Present Situation:

The Florida Corrections Commission (Commission) and Appointment of the Secretary

The Florida Corrections Commission was established in Chapter 94-117, Laws of Florida, and was abolished in 2006. The commission consisted of nine members appointed by the Governor subject to confirmation by the Senate. The primary functions of the Corrections Commission were to:

- Recommend major correctional policies and assure that approved policies and revisions are properly executed;
- Review community-based intermediate sanctions and recommend intergovernmental approaches;
- Provide a status of elderly offenders and evaluate the annual Department of Corrections' legislative budget request, the comprehensive correctional master plan, and the tentative construction program;
- Monitor the financial status of the department; and
- Regularly evaluate the efficiency, productivity, and management of the department.

The head of the Department of Corrections (department/DOC) is the Secretary of Corrections. The Secretary is appointed by the Governor, is subject to confirmation by the Senate, and serves at the pleasure of the Governor.² On January 5, 2015, Secretary Julie Jones was appointed by Governor Rick Scott to be Secretary of the Florida Department of Corrections.

Criminal Justice Estimating Conference

Consensus Estimating Conferences have statutory authority under ss. 216.133 – 216.138, F.S., to forecast economic, demographic, caseload, and revenue information for a variety of governmental planning and budgeting functions. This ensures that the “State meets the

² Section 20.315, F.S.

constitutional balanced budget requirement.”³ The forecasts are “primarily used in the development of the constitutionally required Long-Range Financial Outlook, the Governor’s budget recommendations and the General Appropriations Act. Economic and demographic forecasts are also used to support estimates of revenues and demands for state services.”⁴

Specifically, the Criminal Justice Estimating Conference is statutorily tasked under s. 216.136(6), F.S., with developing forecasts of prison admissions and population and of supervised felony offender admissions and population; developing information relating to the number of eligible discharges and the projected number of civil commitments for determining needs for space; and developing information relating to the number of sexual offenders and sexual predators who are required by law to be placed on community control, probation, or conditional release who are subject to electronic monitoring.

Security Audits of Correctional Facilities

The 1995 escape of six inmates from Glades Correctional Institute in Belle Glade resulted in the passage of legislation creating a security review committee to help to ensure public safety and contain violent and chronic offenders at correctional institutions and facilities.⁵ In addition, \$6.2 million was provided for 197 positions to help increase the relief factor and \$4.7 million for 180 security staffing positions focusing in the areas of inmate movement, emergency response, searches, and confinement escort.⁶

The committee members are appointed by the Secretary and are composed of, at a minimum, the inspector general, the statewide security coordinator, the regional security coordinators, three wardens, and one correctional officer.

The committee:

- Establishes a periodic schedule for the physical inspection of buildings and structures;
- Conducts or causes to be conducted announced and unannounced comprehensive security audits;
- Adopts and enforces minimum security standards and policies;
- Annually makes written prioritized budget recommendations to the secretary that identify critical security deficiencies at major correctional institutions;
- Investigates and evaluates the usefulness and dependability of existing security technology at the institutions and new technology available and makes periodic written recommendations to the secretary on the discontinuation or purchase of various security devices;
- Contracts, if deemed necessary, with security personnel, consulting engineers, architects, or other security experts; and
- Establishes a periodic schedule for conducting announced and unannounced escape simulation drills.

³ <http://edr.state.fl.us/Content/conferences/index.cfm>

⁴ *Id.*

⁵ Section 944.151, F.S.

⁶ Florida Department of Corrections Timeline, available at <http://www.dc.state.fl.us/oth/timeline/1992-1995b.html> (last visited January 29, 2015).

Education Gain-Time

*Gain-time*⁷

Gain-time is authorized in s. 944.275, F.S., and is a means by which eligible inmates can earn a reduction in the sentence that was imposed by the court. Current forms of gain-time are based upon the department's assessment that the inmate has behaved satisfactorily and engaged in constructive activities. As such, gain-time is a tool by which the department can encourage good behavior and motivate inmates to participate in programs and work assignments. Inmates who are serving life sentences or certain minimum mandatory sentences are not eligible for gain-time during the portion of time that the mandatory sentences are in effect.

Incentive gain-time is awarded to inmates for institutional adjustment, work, and participation in programs.

Meritorious gain-time may be considered for an inmate who commits an outstanding deed. The maximum award is 60 days. Examples of outstanding deeds are saving a life or assisting in recapturing an escaped inmate, or in some manner performing an outstanding service.

Educational Achievement gain-time in the amount of 60 days may be awarded to an inmate who receives a General Education Development (GED) diploma or a certificate for completion of a vocational program. Inmates whose offense was committed on or after October 1, 1995, are not eligible for this one-time award.

Department of Corrections Inspector General and Memorandum of Understanding with Florida Department of Law Enforcement (FDLE)

In 2002, legislation passed that required the department to maintain a Memorandum of Understanding with the FDLE for the notification and investigation of mutually agreed-upon predicate events. The memorandum must include, but is not limited to, reporting and investigation of suspicious deaths and major organized criminal activity.⁸ This practice had been in place previous to this legislation but had not been codified in statute.⁹

Inmate Grievance Procedure and Prison Rape Elimination Act

The department is required to establish by rule an inmate grievance procedure that conforms to the Minimum Standards for Inmate Grievance Procedures as promulgated by the U.S. Department of Justice. This procedure is overseen by the department's Office of General Counsel. According to the department, the purpose for the procedure is to "provide inmates with a channel for the administrative settlement of a legitimate complaint."¹⁰

⁷ Information in this section of the analysis is derived from "Frequently Asked Questions Regarding Gaintime," <http://www.dc.state.fl.us/oth/inmates/gaintime.html#1>, viewed on January 28, 2015. Additional information regarding the history of Florida's sentencing laws and policies can be found in "Historical Summary of Sentencing and Policy in Florida," <http://www.dc.state.fl.us/pub/history/>, viewed on January 28, 2015.

⁸ Ch. 2002.75, L.O.F.

⁹ See Senate Staff Analysis CS/SB 408, January 29, 2002.

¹⁰ Section 944.331, F.S.

The Prison Rape Elimination Act of 2003 (PREA) was created to eliminate sexual abuse in confinement facilities including adult prisons and jails, lockup, community confinement facilities, and juvenile facilities. The PREA consists of 43 standards defining three goals: to prevent; detect; and respond to sexual abuse.

The department established a zero-tolerance policy for all forms of sexual abuse, sexual battery, and sexual harassment. The policy governs inmates, staff members, contractors, and volunteers. The department has two PREA coordinators to help in developing, implementing, and monitoring compliance with the standards.¹¹

Increase in Use of Force

In October 2014, a significant increase in the use-of-force cases in Florida correctional facilities prompted DOC Secretary Crews (Secretary Crews resigned in November 2014) to order an independent audit of the agency's procedures and policies involving the use of force against inmates. There were 7,300 use of force cases by Florida correctional officers in the last fiscal year. This number has "roughly doubled since 2008."¹²

Section 944.35, F.S., authorizes employees of the department to apply physical force upon an inmate only when and to the extent that it reasonably appears necessary:

- To defend himself or herself or another against an imminent use of unlawful force;
- To prevent a person from escaping;
- To prevent damage to property;
- To quell a disturbance;
- To overcome physical resistance to a lawful command; or
- To administer medical treatment by or under the supervision of a physician.

The Criminal Justice Standards and Training Commission (CJSTC) is required to develop a course designed to explain and teach the parameters of the proper methods and techniques in applying authorized force.

Prior to any authorized use of force, Rule 33-602.210, F.A.C., requires the shift supervisor to review the Risk Assessment Form for Use of Chemical Restrain Agents and Electronic Immobilization Devices to determine whether the inmate has a medical condition that may exacerbate the intended force.

Criminal Justice Standards and Training Commission (CJSTC) Advanced Training Program

In 2006, the CJSTC adopted in its Advanced Training Program a course entitled Managing and Communicating with Inmates and Offenders. It is a 40-hour course intended for law enforcement officers, corrections officers, and correctional probation officers. Officers completing this course

¹¹ See Florida Department of Corrections, Prison Rape Elimination Act <http://www.dc.state.fl.us/oth/PREA/> (last visited January 28, 2015).

¹² "Florida prison boss orders use-of-force audit" Miami Herald, December 17, 2014. <http://www.miamiherald.com/news/special-reports/florida-prisons/article2925586.html>

may be eligible for a salary incentive under s. 943.22, F.S. Attendance in this course is voluntary. The goal of the course is to identify management and communication skills relating to officer safety when dealing with offenders and inmates who have mental illness, substance abuse, and co-occurring disorders and where such skills may increase the safety and security of a well-run facility. This course describes many of the different types of disorders an officer may encounter and provides various methods and techniques for de-escalation and inmate/offender management.

The Correctional Basic Recruit Training Program provides a lesson on communications and a separate lesson on inmates with mental illness. Neither lesson meets the intent of s. 944.35, F.S., as amended in this bill.¹³

Criminal Penalties and Employee Misconduct

Employees of the department who, with malicious intent, commit a battery on an inmate supervised by the department, commit a first degree misdemeanor. Employees who, with malicious intent, commit a battery or inflict cruel or inhuman treatment by neglect causing great bodily harm, permanent disability, or permanent disfigurement to an inmate commit a third degree felony.¹⁴

Abuse and Neglect of an Elderly Person or Disabled Adult; penalties

Section 825.102, F.S., provides in part that a person who commits aggravated abuse of an elderly person or disabled adult commits a felony of the first degree. A person who willfully or by culpable negligence neglects an elderly person or disabled adult and, in so doing, causes great bodily harm commits a felony of the second degree. A person who willfully or by culpable negligence neglects an elderly or disabled adult without causing great bodily harm commits a third degree felony.

Elderly Offenders

Section 944.8041, F.S., requires the department and the Correctional Medical Authority to each submit an annual report on the status and treatment of elderly offenders in the state-administered and private state correctional systems and the geriatric facilities and dorms. The report must also include an examination of promising geriatric policies, practices, and programs currently implemented in other correctional systems within the United States. Inmates age 50 and older are classified as “aging or elderly” under the Florida Administrative Code.¹⁵

The department reported that the number of elderly inmates in state prison has steadily increased from 11,178 on June 30, 2006, to 20,753 on June 30, 2014, with an expectation of a continued increase over the next decade.¹⁶

¹³ 2015 FDLE Legislative Bill Analysis

¹⁴ Section 944.35(3)(a), F.S.

¹⁵ R. 33-601-217, F.A.C.

¹⁶ <http://www.dc.state.fl.us/pub/annual/1314/ar-additional-facts-elderly.html>

The Correctional Medical Authority's 2013-2014 Report on Elderly Offenders reported the following findings and recommendations concerning elderly offenders:

The CMA's report on the status of elderly offenders continues to show that older inmates have more health problems and generally consume more health care services than younger inmates. The demands of caring for the elderly continue to have an impact on corrections' health care costs. According to The National Institute of Corrections, the overall cost of incarceration for inmates over 50 is as much as three times higher than for the younger population mostly due to the difference in health care costs. Across the country the impact of rising health care costs, especially for elderly inmates, is similar to the impact in Florida.

Florida's elderly prison population has increased almost 5 percent over the last 5 years and is expected to gain over 6,000 inmates by the end of the next fiscal year. Considering the trend of increasing elderly inmate populations and health care costs, the CMA supports medical passes and special accommodations (e.g., low bunks, special shoes, wheelchairs, etc.) provided to older inmates housed in DOC's general population. DOC policies ensuring periodic screenings, regularly scheduled clinic visits, and the establishment of specific facilities for elderly inmates in need of a higher level of care improves the health of elderly inmates. Improved health status within the aging population will serve as a positive cost-containment measure.

It is recommended that DOC continue to examine and consider the needs of inmates over 50 when establishing standards of care criteria for the private health care providers. Additionally, reporting of detailed health care costs for aging inmates would be beneficial for analysis of projected needs to adequately care for the elderly population in the coming years.¹⁷

Elderly Inmates in Prison on June 30, 2014

- The majority of elderly inmates in prison on June 30, 2014, were serving time for sex offenses (21.6 percent), murder/manslaughter (20.8 percent), or drug offenses (12.9 percent).
- The 20,753 elderly inmates in prison on June 30, 2014, represented 20.6 percent of the total inmate population.
- 94.6 percent of the elderly inmates in prison were male; 5.4 percent were female.
- 46.2 percent of the elderly inmates in prison had no prior prison commitments.
- On June 30, 2014, the department housed three inmates whose age was 92.

Most of the elderly inmates are housed separately from the general population for purposes of reducing the potential for predatory and abusive behavior by younger, more aggressive inmates

¹⁷ Florida Correctional Medical Authority, 2013-2014 Annual Report and Report on Elderly Offenders, p. 35. A footnote within the quote is omitted.

and to promote efficient use of medical resources. There are three centers currently housing elderly inmates:

- Reception and Medical Center on-site in Lake Butler;
- South Unit of the Central Florida Reception Center; and
- Zephyrhills Correctional Institution.

Increased Costs for Elderly Inmates

Florida TaxWatch in September 2014 reported that the department budget had grown by \$560 million (35 percent) from 2000-2012. The health care cost had grown by \$176 million or 76 percent. The report states that the elderly patients accounted for 49 percent of all hospital in days in 2012. By assuming that hospitalization is a representation of overall prison health care costs, the report states the elderly prison population is responsible for approximately half of the \$408 million in prisoner healthcare costs in 2012.¹⁸

The Department of Corrections (DOC) reports that the Pew Center on Research estimated that the overall cost of managing an elderly prisoners is \$70,000 annually. This yields a per diem cost of \$192 per inmate compared to the average DOC per diem of \$50 per inmate.¹⁹

Veterans Programs in Correctional Facilities

In 2012, the department established Veteran's Dormitories at Santa Rosa, Gulf, Martin, Sumter, and Lowell Correctional Institutions. The five dormitories house a total of 400 inmates. These dormitories provide inmates the opportunity to participate in specialized pre-release services including cognitive thinking training, Post-Traumatic Stress Disorder (PTSD) counseling, improved access to Veteran's Affairs benefits, and strict military standards.²⁰

Inmate Welfare Trust Fund and Revenue Received from Canteen Sales

For many years prior to 2003, a trust fund created in s. 945.215, F.S., allowed the department to use revenue from the purchase of inmate canteen items and inmate telephone calls to fund chapels, education, and wellness programs at publicly operated correctional facilities. The source of the most of the revenue was family and friends of the inmates. Chapter 2003-179, Laws of Florida, eliminated the trust fund and required the revenue from inmate canteens, telephone usage, and other revenue generators to go directly into the General Revenue Fund. Although s. 945.215, F.S., was amended to eliminate the Inmate Welfare Trust Fund for state operated correctional facilities, the Inmate Welfare Trust Fund for privately operated facilities was maintained in the law. Consequently, under current law, revenue from the purchase of canteen items and from telephone usage in the DOC operated institutions is deposited into General Revenue and not earmarked for inmate welfare or betterment programs.

¹⁸ "Florida's Aging Prisoner Problem," Florida TaxWatch, September 2014.

¹⁹ Florida Department of Corrections 2013-2014 Annual Report, Elderly Inmates at <http://www.dc.state.fl.us/pub/annual/1314/ar-additional-facts-elderly.html> (Last visited February 25, 2015).

²⁰ Florida Department of Corrections Opens Five Veteran's Dormitories, November 9, 2011 at <http://www.dc.state.fl.us/secretary/press/2011/11-09VetDorms.html> (last visited January 29, 2015).

According to a January 15, 2015, Auditor General audit of the department's canteen operations, from July 2012 through February 2014 sales in department institution canteens totaled approximately \$133.31 million and catalog sales totaled \$868,474. The department received MP3 program commissions from Keefe Commissary Network totaling \$940,412 from MP3 program sales totaling \$5.99 million.²¹

The chart below shows the department's revenue collections from funding sources for the Inmate Welfare Trust Fund before s. 945.215, F.S., was amended to direct those revenues to the General Revenue Fund:

REVENUE COLLECTION SUMMARY PREVIOUS INMATE WELFARE TRUST FUND SOURCES FY 2009-2010 – FY 2013-2014						
Description	Authorizing Statute	Fiscal Year 2009-2010	Fiscal Year 2010-2011	Fiscal Year 2011-2012	Fiscal Year 2012-2013	Fiscal Year 2013-2014
General Revenue Unallocated (GRU) Collections (funding sources for previous IWTF):						
Canteen Commissions ²²	s. 945.215(1)(a) FS	31,382,837	31,162,387	30,970,697	30,907,621	31,027,325
Telephone Commissions	s. 945.215(1)(b) FS	5,294,749	5,205,804	5,156,269	5,334,549	6,142,399
Vending Commissions	s. 945.215(1)(a) FS	250,234	343,096	357,371	369,591	212,345
ITF Balances <\$1.00	s. 944.516(5) FS	1,367	1,194	1,219	1,197	1,211
Total GR Deposits		\$36,930,554	\$36,712,481	\$36,485,556	\$36,612,958	\$37,383,280

Rights of Inmates Provided Mental Health Treatment

The Corrections Mental Health Act (ss. 945.40 through 945.49, F.S.) provides for the evaluation and appropriate treatment of mentally ill inmates who are in the department's custody. It establishes procedures for involuntary placement of an inmate into a hospital setting for the purpose of mental health treatment.

Section 945.48, F.S., provides that an inmate in a mental health treatment facility has the right to receive treatment suited to his or her needs and provided in a humane psychological environment. The inmates provided psychiatric treatment must be asked to give express and informed written consent for the treatment. In addition, there are specific procedures for involuntary treatment of inmates and when and how hearings on involuntary treatment must be conducted.

Correctional Medical Authority

The Correctional Medical Authority (CMA) was created in July 1986, while the state's prison healthcare system was under the jurisdiction of the federal court as a result of litigation that began in 1972. *Costello v. Wainwright* (430 U.S. 57 (1977)) was a class action suit brought by inmates alleging that their constitutional rights had been violated by inadequate medical care, insufficient staffing, overcrowding, and poor sanitation. The CMA was created as part of the settlement of that case and continues to serve as an independent monitoring body providing oversight of the systems in place to provide health care to inmates in the Department of Corrections. In the final order closing the case, Judge Susan Black noted that creation of the CMA made it possible for the Federal Court to relinquish the prison monitoring and oversight

²¹ Report No. 2015-087, January 2015, "Department of Corrections Canteen Operations and Prior Audit Follow-up."

²² Canteen commissions include MP3 music program sales.

function it had performed for the prior twenty years. In light of “Florida’s affirmation of its continued commitment to the CMA’s independence” and the support from the Defendant and the State of Florida, the court found that the CMA was capable of “performing an oversight and monitoring function over the department in order to assure continued compliance with the orders entered in this case.”

In December 2001, the DOC entered into a settlement agreement in a lawsuit (*Osterback v. Crosby*, 16 Fla. Weekly Fed. D 513 (N.D. Fla. 2003)) involving mentally ill inmates housed in close management. The purpose of close management is to confine inmates separate from the general inmate population for reasons of security and for the order and effective management of the prison system. The Osterback agreement included a stipulation that the CMA monitor provisions of the agreement including clinical, administrative, and security components of the program designed to ensure effective treatment of mental illness in the close management population. The CMA completed its special monitoring responsibilities pending the outcome of the federal court’s hearing of the case. The department completed and complied with each component of the close management corrective action plan process. The court entered a final judgment ruling in favor of the department and the case was closed on March 28, 2008. Facilities with close management are now monitored as part of the regular CMA survey process.

The CMA has stated that “*Osterback*, along with the multitude of lawsuits related to the provision of correctional health care, serve as reminders of the CMA’s important role in ensuring proper health and mental health care is provided to incarcerated members of society.”²³

Prior to July 1, 2011, the CMA was housed within the Department of Health (DOH) for administrative purposes. During the 2011 Legislative Session two bills designed to abolish the CMA passed both chambers and were sent to the Governor for approval: Chapter 2011-69, Laws of Florida, (the 2011 General Appropriations Act), which eliminated the funding and positions related to the authority; and HB 5305, which repealed the statutes related to the CMA. The Governor vetoed HB 5305, but not the General Appropriations Act. Therefore, the CMA existed in statute but did not have the funding to operate or perform its duties for the 2011-2012 fiscal year. The CMA was funded again in 2012 and reconstituted as an independent state agency housed within the administrative structure of the Executive Office of the Governor.

The governing board of the authority is composed of nine persons appointed by the Governor subject to confirmation by the Senate. Members of the CMA are not compensated for performance of their duties but they are paid expenses incurred while engaged in the performance of such duties pursuant to s. 112.061, F.S.

Conditional Medical Release and Geriatric-Related Release Policies in Other States

In 1992, the Florida Legislature created the Conditional Medical Release Program (s. 947.149, F.S.) which is a discretionary release process allowing the Florida Commission on Offender Review (FCOR) to release inmates on supervision who are “terminally ill” or “permanently incapacitated” and who are not a danger to others. The department is charged with the

²³ The first two paragraphs of this section and the designated quote are from the State of Florida, Correctional Medical Authority 2012-2013 Annual Report and Report on Aging Inmates, http://www.flgov.com/wp-content/uploads/pdfs/correctional_medical_authority_2012-2013_annual_report.pdf (last viewed February 25, 2015).

responsibility of recommending to the FCOR inmates who are eligible to be considered for conditional medical release. Upon release, the offender is subject to conditions of supervision set by the FCOR. The FCOR monitors the offender's progress through periodic medical reviews. Supervision can be revoked and the offender returned to prison if the FCOR determines that a willful and substantial violation of supervision has occurred or if their medical or physical condition improves to the point that the offender no longer meets release criteria. In Fiscal Year 2013-2014, the FCOR granted conditional medical release to eight of the 19 inmates recommended by the department.

Under current law, Florida does not have a geriatric-based release policy as exists in many states. Louisiana has such a policy and considers inmates as young as 45 years old for geriatric release. Alabama considers inmates beginning at age 55, and the remainder of states with geriatric-based release policies begin considering inmates for release beginning between ages 60 to 65 (these include Virginia, North Carolina, Colorado, Washington D.C., New Mexico, Maryland, Oklahoma, and Wisconsin).²⁴ The federal system considers inmates for geriatric release at age 70.²⁵

III. Effect of Proposed Changes:

Section 1 revises the method of appointment of the Secretary of Corrections for appointments made after July 1, 2015. The new method provides for appointment by the Governor with the concurrence of three members of the Cabinet.

Section 1 also creates the Florida Corrections Commission (Commission). The commission is administratively assigned to the Department of Corrections (department/DOC) but will function independently. The primary purpose of the commission will be to ensure the safe and effective operations of prisons. The commission will consist of nine members appointed by the Governor and subject to confirmation by the Senate. To the extent possible, the composition must include a sheriff, state attorney, public defender, pastor, community leader, and business leader. The primary duties of the Commission will be to:

- Conduct investigations, including internal affairs investigations and criminal investigations;
- Inspect both public and private correctional facilities;
- Identify and monitor high-risk facilities;
- Monitor violence in the prisons and the introduction of contraband;
- Submit an annual report to the Governor and the Legislature;
- Develop budgetary, legislative, and operational recommendations for improvements to our correctional system;
- Review the annual legislative budget request of the department and make recommendations and comments on the budgetary requests;
- Convene public hearings, with the commission able to issue subpoenas and take sworn testimony;
- Conduct confidential interviews with employees, inmates, contract providers, volunteers, and citizens relating to the operations and conditions of the prisons; and

²⁴ "It's About Time: Aging Prisoner, Increasing Cost, and Geriatric Release," April 2010, Vera Institute of Justice.

²⁵ "Florida's Aging Prisoner Problem," September 2014, Florida Taxwatch.

- Develop and implement a set of standards and performance measures to establish and track an accountability system for each prison.

The Commission is prohibited from entering into the day-to-day operations, but may conduct investigations. It is required to meet at least six times per year, with the meetings held at major correctional facilities. The Commission must appoint an executive director, and the executive director may employ staff with the Commission's consent.

Section 2 provides that the amendments made by this act to s. 20.315(3), F.S., do not apply to a Secretary of Corrections appointed before July 1, 2015. Secretary Julie Jones was appointed on January 5, 2015.

Section 3 amends s. 216.136, F.S., to require the Criminal Justice Estimating Conference to develop projections of prison admissions and populations for elderly felony offenders.

Section 4 amends s. 944.151, F.S., to expand the legislative intent to include "safety" as part of the department's responsibilities in operating the correctional institutions and facilities. It requires that the department ensure the safety of department employees and offenders. It also includes institutions with a high level of substantiated or unsubstantiated incidents of use of force on inmates, assaults on employees, or inmate sexual abuse as part of the department's periodic physical inspections. In conducting announced and unannounced audits of all state and private correctional institutions, the bill requires that the evaluation include the identification of blind spots or areas where staff or inmates may be isolated and the deployment of audio and video monitoring systems and other monitoring technologies in such areas.

Section 5 amends s. 944.275, F.S., to allow inmates sentenced for an offense committed on or after October 1, 1995, to be eligible for education attainment gain-time in the amount of 60 days. If this bill becomes law, an inmate may receive a one-time award of 60 days of gain-time for receiving a General Education Development (GED) diploma or for earning a certificate for completion of a vocational program. Under current law, inmates whose offense was committed on or after October 1, 1995, are not eligible for this one-time award.

Section 6 amends s. 944.31, F.S., to require that memorandums of understanding (MOU) between the department and the Florida Department of Law Enforcement (FDLE) be in writing and that a copy of an active MOU be provided in a timely manner to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Under current law, MOU's are formed between the two agencies to, among other events, investigate suspicious deaths and organized criminal activity.

A new subsection (4) is created to require that the inspector general and inspectors who conduct sexual abuse investigations in confinement settings receive specialized training in conducting the investigations. Specialized training must include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution.

The Prison Rape Elimination Act (PREA) has set national standards for the prevention, detection, and response to sexual victimization. Each Department of Corrections' institution will be audited for compliance with the PREA standards. Failure to meet the PREA standards may result in the loss of federal grant funds. According to the department's legislative budget request for Fiscal Year 2015-2016, standard 115.34 requires all investigators to attend specialized training to ensure sexual abuse investigations are conducted properly.

Section 7 amends s. 944.331, F.S., to require the department to provide multiple internal avenues for inmates to privately report sexual abuse and sexual harassment and any staff neglect of, or failure to perform, responsibilities which may have contributed to the incidents. The reports may be made in writing, anonymously, or by third parties.

The bill requires the department, in consultation with the CMA, to review inmate grievance procedures at each correctional institution and private correctional facility to determine the procedural soundness and effectiveness of the grievance process, to identify employees prone to misconduct, and to identify life-threatening inmate health and safety concerns.

Beginning October 1, 2015, the bill requires the department and the CMA to annually report their joint findings to their respective websites. The authority shall document findings on the:

- Effectiveness of inmate health care grievance procedures;
- Number of health care grievances filed by inmates, by institution, and by region;
- Types of health care problems alleged by inmates; and
- Actions taken by the department or the authority as a result of its investigation of inmate health care grievances.

Section 8 amends s. 944.35, F.S., to require correctional officers to have specialized training in effective non-forceful management of mentally ill inmates who exhibit erratic behavior.

The identity of the health care provider shall be designated by using an employee identification number in lieu of a name and signature when completing incident reports.

The bill requires that each institution create and maintain a system to track episodes involving the use of force to determine if inmates require subsequent physical or mental health treatment. By October 1 of each year, the department shall post on the agency website a report documenting incidents involving the use of force during the previous fiscal year. The report shall include, but not be limited to:

- Descriptive statistics on the reason force was used and whether the use of force was deemed appropriate;
- Multi-year statistics documenting annual trends in the use of force;
- Information on the level of inmate or officer injury, including death, in incidents involving the use of force;
- A breakdown, by institution, of statistics on use of force; and
- Statistics on the number of employees who were disciplined or terminated because of their involvement in incidents involving the inappropriate use of force, based on notations of such incidents in their personnel files.

The bill prohibits an employee with two or more notations in the employee's file related to inappropriate use of force to be assigned to transitional care, crisis stabilization, or corrections mental health treatment facility inmate housing units. However, this requirement may be waived if the employee has remained free of inappropriate use of force incidents for a significant length of time.

The bill clarifies that employees of private providers and private correctional facilities can be prosecuted for committing battery with malicious intent (a misdemeanor) or battery or cruel and inhuman treatment with malicious intent that causes great bodily harm (a felony) on an inmate or supervised offender. The statute currently applies explicitly only to employees of the department.

The bill defines "neglect of an inmate" as a failure or omission on the part of an employee of the department, private provider, or private correctional facility to:

- Provide an inmate with the care, supervision, and services necessary to maintain the inmate's physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the inmate; or
- Make a reasonable effort to protect an inmate from abuse, neglect, or exploitation by another person.

Determinations of neglect of an inmate may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or psychological injury or risk of death.

The bill creates two new felony offenses for neglect of an inmate. An employee of the department, a private provider, or a private correctional facility who willfully or by culpable negligence neglects an elderly or disabled inmate without causing great bodily harm commits a third degree felony, punishable by up to 5 years in state prison. An employee of the department, a private provider, or a private correctional facility who willfully or by culpable negligence neglects any inmate and causes great bodily harm commits a second degree felony, punishable by up to 15 years in state prison.

The bill requires the correctional officer training program to include instruction on communication techniques related to crisis stabilization to avoid use of force. It requires the department to establish a policy to protect inmates and employees who report physical or sexual abuse from retaliation. The policy must establish multiple protective measures for both inmates and employees relating to the reporting of abuse and designate a method of monitoring follow up.

According to the FDLE, its Advanced Training Program course, 'Managing and Communicating with Inmates and Offenders,' will have to be revised to incorporate additional techniques using non-forceful ways or the least amount of force necessary to effectively manage mentally ill inmates who exhibit erratic behavior. The FDLE states that an extensive revision in these areas will be required, which may result in an increase in hours for the Correctional Basic Recruit Training Program. The program is currently 420 hours.

The bill requires the department to establish a usage and inventory policy to track, by institution, the use of chemical agents and the disposal of expired, used, or damaged canisters of chemical agents.

Section 9 amends s. 944.8041, F.S., by requiring the department to report the cost of health care to elderly inmates in the annual report. The must include the average incarceration cost per year and the types of health care delivered which result in the highest expenditures.

Section 10 creates s. 944.805, F.S., relating to veterans' programs in state and private correctional institutions. The bill provides legislative intent for specialized programs for veterans to facilitate inmate institutional adjustment, help inmates assume personal responsibility, and ease community reentry through availability of expanded community resources. It also provides legislative intent that veterans housed in state and private correctional institutions be provided special assistance before their release by identifying benefits and services available in the community where the veteran plans to reside.

The bill requires the department to measure recidivism rates for veterans who have participated in specialized dormitories and who have received special assistance in community reentry and to include the data in the annual report.

Section 11 establishes the purpose, revenue sources, and uses for the State Operated Institutions Inmate Welfare Trust Fund (trust fund), contingent upon creation of the trust fund by passage of SB 540. The bill provides that the department hold this trust fund for the benefit and welfare of inmates incarcerated in correctional facilities operated directly by the department. Deposits into the trust fund are limited to five million dollars in any fiscal year. Revenues in excess of five million dollars during a fiscal year will be deposited into the General Revenue Fund.

The funds in the trust fund must be used exclusively for correctional facilities operated by the department to:

- Provide literacy programs, vocational training programs, and educational programs;
- Operate inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, and libraries;
- Provide inmate substance abuse treatment programs and transition and life skills training programs;
- Provide for the purchase, rental, maintenance or repair of electronic or audio visual equipment used by inmates;
- Provide for the purchase, rental, maintenance or repair of recreation and wellness equipment; or
- Provide for the purchase, rental, maintenance, or repair of bicycles used by inmates traveling to and from employment in the work release program.

There is a specific prohibition against using the trust fund to purchase weight-training equipment. Funds in the trust fund may be expended only pursuant to legislative appropriation.

Section 12 amends s. 945.48, F.S., to require annual crisis intervention training for correctional officers who have close contact with inmates housed in a mental health facility. Correctional officers who have two or more notations involving inappropriate use of force in their personnel

files may not be assigned to transitional care, crisis stabilization, or corrections mental health treatment facility inmate housing units. However, an employee with two or more notations in the employee's file who remains free of inappropriate use of force incidents for a significant period may be permitted to work in these units.

Section 13 amends s. 945.6031, F.S., to change the frequency of surveys of the physical and mental health care system at each institution from every three years to every 18 months.

Section 14 amends s. 945.6033, F.S., to require the department to include damage provisions in health care contracts.

Section 15 amends s. 945.6034, F.S., to require the department to consider the needs of inmates over 50 years of age and to adopt health care standards for that population.

Section 16 amends s. 945.6039, F.S., to require the department to promulgate rules and to permit an inmate's family member, lawyer, or interested party to hire and pay for an independent medical evaluation or examination by a medical professional of an incarcerated inmate. The results of the medical evaluation or examination must be provided to the department and to the Florida Commission on Offender Review. The bill states that the purpose of this provision is to assist in the delivery of medical care to the inmate and to assist the Florida Commission on Offender Review in considering an inmate for conditional medical release.

Section 17 amends s. 947.149, F.S., to expand the eligibility for the conditional medical release program to include elderly and infirm inmates. The bill defines an "elderly and infirm inmate" as an inmate who has no current or prior convictions for capital or first degree felonies, who has no current or prior convictions for sexual offenses or offenses against children, who is over 70 years of age, and who has a condition caused by injury, disease, or illness which, to a reasonable degree of medical certainty, renders the inmate infirm or physically impaired to the extent that the inmate does not constitute a danger to himself or herself or others.

Sections 18, 19, and 20 amend s. 921.0021 and s. 921.221, F.S., by conforming cross-references to changes made by this act.

Sections 21, 22, and 23 reenact certain sections and make conforming changes.

Section 24 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Correctional Medical Authority

While no official estimates from the Department of Corrections (department/DOC), the Correctional Medical Authority (CMA), the Commission on Offender Review, or the Criminal Justice Impact Conference were available at the writing of this report, it is anticipated that the following sections of SB 7020 will present the most likely fiscal impact:

Section(s) of the Bill	Issue	Estimated Fiscal Impact
1	Creates the Florida Corrections Commission.	Estimated fiscal impact of approximately \$1.3 million recurring general revenue funds for 8 FTEs (an executive director, 2 correctional analysts, 4 facility investigators, and an administrative assistant) and travel and expenses. Estimated non-recurring expense of \$96,000 for purchase of vehicles for each investigator.
5	Expands use of education gain-time.	Cost savings – The department projects average daily prison population to be reduced by 66 inmates each year, resulting in an annual cost reduction of approximately \$1.2 million.
6	Requires specialized training for sexual abuse investigations by DOC inspectors.	Need for indeterminate increase in funding for the department.
8	Creates two new criminal penalties for neglect of inmates.	Most likely will have an insignificant prison bed impact.
8	Requires the Criminal Justice Standards and Training Commission (within the Florida Department of Law Enforcement) to enhance the corrections basic recruit training program and revise the advance training program to avoid use of force on inmates and managing inmates who are mentally ill.	According to FDLE, the additional workload may be absorbed within existing resources.
11	Creates the inmates welfare trust fund for the department.	Diverts \$5 million that currently goes into the General Revenue Fund into the new trust fund.
13	Increases the frequency of CMA surveys from every 3 years to every 18 months.	Estimated fiscal impact of approximately \$790,000 recurring general revenue funds for six additional health data analysts, health surveyor contract fees, and additional expenses.

Section(s) of the Bill	Issue	Estimated Fiscal Impact
16	Allows inmate's family, lawyer or interested party to hire and pay for an independent medical evaluation.	Additional workload by the department expected. Fiscal impact unknown.
17	Expands the current conditional release program to include elderly and infirm inmates.	Cost savings – has the potential to reduce average daily prison population slightly (97 inmates meet criteria for release consideration). Additional workload by the Offender Review Commission may be able to be absorbed within existing resources.

Education Gain-time

According to the preliminary projections by the department, approximately 650 inmates will immediately receive the one-time 60 day additional gain-time award for past educational attainments. It is estimated that approximately 60 of these inmates will be immediately released due to this award since this group is within 60 days of release. In terms of future impact on prison bed space, the department estimates 24,000 inmate-days will be saved per year as a result of this bill. In other words, the average daily prison population is projected to be reduced by 66 inmates over the course of the year. Reduction of the average daily population by 66 inmates would reduce costs by approximately \$1.2 million each year at the current inmate per diem cost of \$49.49.

Elderly and Infirm Inmates

The following table was provided by the department to show the medical grades for those elderly inmates in custody as of January 16, 2015.

“Elderly and Infirm” Inmates Over the Age of 70 who are Eligible²⁶ under the Bill to be Reviewed by the Commission and Possibly Released Under the Conditional Medical Release Program							
Age 70-plus	Current Medical Grade in the Department						
	Medical Grade Unknown	Routine care	Currently in Chronic Illness Clinic for six months	Currently in Chronic Illness Clinic for three months	Chronic Illness Clinic and Regular Health Contact	Long Term In-Patient Housing	Total Eligible Inmates as of 1-16-15
TOTAL	1	11	51	32	1	1	97

VI. Technical Deficiencies:

Section 1 of the bill providing that members of the commission include a sheriff, state attorney, and public defender may violate Art. 2, s. 5 of the Florida Constitution which prohibits dual office holding.

²⁶ To be eligible for possible early release the 70-plus year old inmate must meet criminal history limitations in the bill (have no current or prior convictions for capital or first degree felonies and who has no current or prior convictions for sexual offenses or offenses against children).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.315, 216.136, 944.151, 944.275, 944.31, 944.331, 944.35, 944.8041, 945.215, 945.48, 945.6031, 945.6033, 945.6034, 947.149, 921.0021, 948.10, 951.221, 435.04, 921.0022, 944.72, 945.21501, 945.2151, and 945.6035.

This bill creates the following sections of the Florida Statutes: 944.805 and 945.6039.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By the Committee on Criminal Justice

591-01637-15

20157020__

1 A bill to be entitled
 2 An act relating to corrections; amending s. 20.315,
 3 F.S.; revising the method of appointment for the
 4 Secretary of Corrections; creating the Florida
 5 Corrections Commission within the department;
 6 providing for membership and terms of appointment for
 7 commission members; prescribing duties and
 8 responsibilities of the commission; prohibiting the
 9 commission from entering into the department's
 10 operation; establishing meeting and notice
 11 requirements; requiring the commission to appoint an
 12 executive director; authorizing reimbursement of per
 13 diem and travel expenses for commission members;
 14 prohibiting certain conflicts of interest among
 15 commission members; providing for applicability;
 16 amending s. 216.136, F.S.; requiring the Criminal
 17 Justice Estimating Conference to develop projections
 18 of prison admissions and populations for elderly
 19 felony offenders; amending s. 944.151, F.S.; expanding
 20 the department's security review committee functions;
 21 ensuring physical inspections of state and private
 22 buildings and structures and prioritizing institutions
 23 for inspection that meet certain criteria; amending s.
 24 944.275, F.S.; prohibiting an inmate from receiving
 25 incentive gain-time credits for completing the
 26 requirements for and receiving a general educational
 27 development certificate or vocational certificate if
 28 the inmate was convicted of a specified offense on or
 29 after a specified date; amending s. 944.31, F.S.;

Page 1 of 39

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591-01637-15

20157020__

30 requiring that a copy of a written memorandum of
 31 understanding for notification and investigation of
 32 certain events between the Department of Corrections
 33 and the Department of Law Enforcement be provided in a
 34 timely manner to the Governor, the President of the
 35 Senate, and the Speaker of the House of
 36 Representatives; requiring specialized training in
 37 certain circumstances; amending s. 944.331, F.S.;
 38 requiring the Department of Corrections to provide
 39 multiple private, internal avenues for the reporting
 40 by inmates of sexual abuse and sexual harassment;
 41 requiring the department, in consultation with the
 42 Correctional Medical Authority, to review inmate
 43 health care grievance procedures at each correctional
 44 institution and private correctional facility;
 45 requiring the department to review inmate grievance
 46 procedures at each correctional institution and
 47 private correctional facility; amending s. 944.35,
 48 F.S.; requiring that correctional officers have
 49 specialized training in the effective, nonforceful
 50 management of mentally ill inmates who may exhibit
 51 erratic behavior; requiring each institution to create
 52 and maintain a system to track the use of force
 53 episodes to determine if inmates need subsequent
 54 physical or mental health treatment; requiring annual
 55 reporting of use of force on the agency website;
 56 requiring that reports of physical force be signed
 57 under oath; prohibiting employees with notations
 58 regarding incidents involving the inappropriate use of

Page 2 of 39

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591-01637-15

20157020__

59 force from being assigned to transitional care, crisis
 60 stabilization, or corrections mental health treatment
 61 facility housing; providing an exception; expanding
 62 applicability of a current felony offense to include
 63 certain employees of private providers and private
 64 correctional facilities; defining the term "neglect of
 65 an inmate"; providing for the determination of neglect
 66 of an inmate; creating criminal penalties for certain
 67 employees who neglect an inmate in specified
 68 circumstances; providing for anonymous reporting of
 69 inmate abuse directly to the department's Office of
 70 Inspector General; requiring that instruction on
 71 communication techniques related to crisis
 72 stabilization to avoid use of force be included in the
 73 correctional officer training program; directing the
 74 department to establish policies to protect inmates
 75 and employees from retaliation; requiring the
 76 department to establish policies relating to the use
 77 of chemical agents; amending s. 944.8041, F.S.;
 78 requiring the department to report health care costs
 79 for elderly inmates in its annual report; creating s.
 80 944.805, F.S.; providing legislative intent relating
 81 to specialized programs for veterans; requiring the
 82 department to measure recidivism and report its
 83 finding in that regard; amending s. 945.215, F.S.;
 84 requiring that specified proceeds and certain funds be
 85 deposited in the State Operated Institutions Inmate
 86 Welfare Trust Fund; providing that the State Operated
 87 Institutions Inmate Welfare Trust Fund is a trust held

591-01637-15

20157020__

88 by the Department of Corrections for the benefit and
 89 welfare of certain inmates; prohibiting deposits into
 90 the trust fund from exceeding \$5 million per fiscal
 91 year; requiring that deposits in excess of that amount
 92 be deposited into the General Revenue Fund; requiring
 93 that funds of the trust fund be used exclusively for
 94 specified purposes at correctional facilities operated
 95 by the department; requiring that funds from the trust
 96 fund only be expended pursuant to legislative
 97 appropriations; requiring the department to annually
 98 compile a report, at the statewide and institutional
 99 level documenting trust fund receipts and
 100 expenditures; requiring the report be submitted by
 101 September 1 for the previous fiscal year to specified
 102 offices of the Legislature and to the Executive Office
 103 of the Governor; prohibiting the purchase of weight-
 104 training equipment; providing a contingent effective
 105 date; amending s. 945.48, F.S.; specifying
 106 correctional officer staffing requirements pertaining
 107 to inmates housed in mental health treatment
 108 facilities; amending s. 945.6031, F.S.; changing the
 109 frequency of required surveys; amending s. 945.6033,
 110 F.S.; provides for damages in inmate health care
 111 contracts; amending s. 945.6034, F.S.; requiring the
 112 department to consider the needs of inmates over 50
 113 years of age and adopt health care standards for that
 114 population; creating s. 945.6039, F.S.; allowing an
 115 inmate's family, lawyer, and other interested parties
 116 to hire and pay for an independent medical evaluation;

591-01637-15

20157020__

117 specifying the purpose for outside evaluations;
 118 requiring the department to provide reasonable and
 119 timely access to the inmate; amending s. 947.149,
 120 F.S.; defining the term "elderly and infirm inmate";
 121 expanding eligibility for conditional medical release
 122 to include elderly and infirm inmates; amending ss.
 123 921.0021, 948.10, and 951.221. F.S.; conforming cross-
 124 references to changes made by the act; providing for
 125 applicability; reenacting ss. 435.04(2)(uu) and
 126 921.0022(3)(f), F.S., to incorporate the amendment
 127 made to s. 944.35, F.S., in references thereto;
 128 reenacting ss. 944.72(1), 945.21501(1), and 945.2151,
 129 F.S., to incorporate the amendment made to s. 945.215,
 130 F.S., in references thereto; reenacting s.
 131 945.6035(6), F.S., to incorporate the amendment made
 132 to s. 945.6031, F.S., in a reference thereto;
 133 providing effective dates.

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

137 Section 1. Subsection (3) of section 20.315, Florida
 138 Statutes, is amended, present subsections (4) through (12) of
 139 that section are redesignated as subsections (5) through (13),
 140 respectively, and a new subsection (4) is added to that section,
 141 to read:

142 20.315 Department of Corrections.—There is created a
 143 Department of Corrections.

144 (3) SECRETARY OF CORRECTIONS.—The head of the Department of
 145 Corrections is the Secretary of Corrections. The secretary shall

591-01637-15

20157020__

146 be ~~is~~ appointed by the Governor with the concurrence of three
 147 members of the Cabinet, subject to confirmation by the Senate,
 148 and shall serve at the pleasure of the Governor and Cabinet. The
 149 secretary is responsible for planning, coordinating, and
 150 managing the corrections system of the state. The secretary
 151 shall ensure that the programs and services of the department
 152 are administered in accordance with state and federal laws,
 153 rules, and regulations, with established program standards, and
 154 consistent with legislative intent. The secretary shall identify
 155 the need for and recommend funding for the secure and efficient
 156 operation of the state correctional system.

157 (a) The secretary shall appoint a deputy secretary. The
 158 deputy secretary shall be directly responsible to the secretary
 159 and shall serve at the pleasure of the secretary.

160 (b) The secretary shall appoint a general counsel and an
 161 inspector general, who are exempt from part II of chapter 110
 162 and are included in the Senior Management Service.

163 (c) The secretary may appoint assistant secretaries,
 164 directors, or other such persons that he or she deems are
 165 necessary to accomplish the mission and goals of the department,
 166 including, but not limited to, the following areas of program
 167 responsibility:

168 1. Security and institutional operations, which shall
 169 provide inmate work programs, offender programs, security
 170 administration, emergency operations response, and operational
 171 oversight of the regions.

172 2. Health services, which shall be headed by a physician
 173 licensed under chapter 458 or an osteopathic physician licensed
 174 under chapter 459, or a professionally trained health care

591-01637-15

20157020__

175 administrator with progressively responsible experience in
 176 health care administration. This individual shall be responsible
 177 for the delivery of health services to offenders within the
 178 system and shall have direct professional authority over such
 179 services.

180 3. Community corrections, which shall provide for
 181 coordination of community alternatives to incarceration and
 182 operational oversight of community corrections regions.

183 4. Administrative services, which shall provide budget and
 184 accounting services within the department, including the
 185 construction and maintenance of correctional institutions, human
 186 resource management, research, planning and evaluation, and
 187 technology.

188 5. Program, transition, and postrelease services, which
 189 shall provide for the direct management and supervision of all
 190 departmental programs, including the coordination and delivery
 191 of education and job training to the offenders in the custody of
 192 the department. In addition, this program shall provide for the
 193 direct management and supervision of all programs that furnish
 194 transition assistance to inmates who are or have recently been
 195 in the custody of the department, including the coordination,
 196 facilitation, and contract management of prerelease and
 197 postrelease transition services provided by governmental and
 198 private providers, including faith-based service groups.

199 (4) FLORIDA CORRECTIONS COMMISSION.—The Florida Corrections
 200 Commission is created. The commission is assigned to the
 201 Department of Corrections for administrative and fiscal
 202 accountability purposes, but it shall otherwise function
 203 independently of the control, supervision, and direction of the

591-01637-15

20157020__

204 department. The primary focus of the commission shall be on
 205 matters relating to corrections with an emphasis on the safe and
 206 effective operations of major correctional institutions.
 207 However, in instances in which the policies of other components
 208 of the criminal justice system affect corrections, the
 209 commission shall advise and make recommendations.

210 (a) The commission shall consist of nine members appointed
 211 by the Governor and subject to confirmation by the Senate. The
 212 initial members of the commission shall be appointed by October
 213 1, 2015. Members of the commission shall be appointed for terms
 214 of 4 years. However, to achieve staggered terms, four of the
 215 initial members shall be appointed to 2-year terms. Members must
 216 be appointed in a manner that ensures equitable representation
 217 of different geographic regions of this state. Each member of
 218 the commission must be a resident and a registered voter of this
 219 state. A commission member must represent the state as a whole
 220 and may not subordinate the needs of the state to those of a
 221 particular region. The commission's membership should, to the
 222 greatest extent possible, include a sheriff, state attorney,
 223 public defender, pastor or former prison chaplain, community
 224 leader, and business leader.

225 (b) The primary duties and responsibilities of the Florida
 226 Corrections Commission include:

227 1. Conducting investigations, internal affairs
 228 investigations, and criminal investigations.

229 2. Conducting announced and unannounced inspections of
 230 correctional facilities, including facilities operated by
 231 private contractors. The commission may enter any place where
 232 prisoners in this state are kept and shall be immediately

591-01637-15 20157020__

233 admitted to such place as they desire and may consult and confer
 234 with any prisoner privately and without molestation.

235 3. Identifying and monitoring high-risk and problematic
 236 correctional facilities, and reporting findings and
 237 recommendations relating to such facilities.

238 4. Continually monitoring on a statewide basis the
 239 incidence of inmate-on-inmate and officer-on-inmate violence and
 240 the introduction of contraband.

241 5. Submitting an annual report to the Governor, the
 242 President of the Senate, and the Speaker of the House of
 243 Representatives by each November 1, beginning in 2016.

244 6. Developing legislative, budgetary, and operational
 245 recommendations for correctional system improvement.

246 7. Reviewing the annual Legislative Budget Request of the
 247 department and making recommendations and comments on such
 248 budgetary request to the Governor.

249 8. Convening public hearings, for which the commission is
 250 authorized to issue subpoenas and take sworn testimony of
 251 witnesses.

252 9. Conducting confidential interviews with staff, officers,
 253 inmates, correctional health care professionals, citizens,
 254 volunteers, and public officials relating to the operations and
 255 conditions of correctional facilities.

256 10. Developing and implementing a set of standards and
 257 performance measures which establishes an accountability system
 258 that allows each correctional institution or facility to be
 259 individually measured annually for performance. The standards
 260 and measures shall be primarily focused on inmate achievement,
 261 inmate institutional adjustment, safe and secure prison

591-01637-15 20157020__

262 operations, officer safety, officer training, and inmate safety.
 263 The Florida Corrections Commission shall maintain an
 264 accountability system that tracks the department's progress
 265 toward meeting specified goals at both regional and
 266 institutional levels.

267 (c) The commission may not enter into the day-to-day
 268 operation of the department, but may conduct investigations.

269 (d) The commission shall hold a minimum of six regular
 270 meetings annually. A majority of the membership of the
 271 commission constitutes a quorum at any meeting of the
 272 commission. The chair shall be elected from the commission's
 273 membership. The chair shall direct that complete and accurate
 274 minutes be kept of all commission meetings, which shall be open
 275 for public inspection. Additional meetings may be held upon the
 276 written request of at least four members, with at least 1 week's
 277 notice of such meeting being given to all members and the public
 278 by the chair pursuant to chapter 120. Emergency meetings may be
 279 held without notice upon request of all members. Meetings of the
 280 commission shall be held at major correctional facilities around
 281 the state as determined by the chair.

282 (e) The commission shall appoint an executive director who
 283 shall serve under the direction, supervision, and control of the
 284 commission. The executive director, with consent of the
 285 commission, shall employ staff as necessary to adequately
 286 perform the functions of the commission.

287 (f) Commission members shall serve without compensation but
 288 are entitled to receive reimbursement for per diem and travel
 289 expenses as provided in s. 112.061.

290 (g) Commission members may not have an immediate family

591-01637-15 20157020__

291 member who works in the department or any private institution or
 292 contractor under contract with the department and may not have
 293 any interest, direct or indirect, in a contract, franchise,
 294 privilege, or other benefit granted or awarded by the
 295 department, or any of its contractors or subcontracts, while
 296 serving as a member of the commission.

297 Section 2. The amendments made by this act to s. 20.315(3),
 298 Florida Statutes, do not apply to a Secretary of Corrections
 299 appointed before July 1, 2015.

300 Section 3. Paragraph (d) is added to subsection (5) of
 301 section 216.136, Florida Statutes, to read:

302 216.136 Consensus estimating conferences; duties and
 303 principals.—

304 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.—The Criminal
 305 Justice Estimating Conference shall:

306 (d) Develop projections of prison admissions and
 307 populations for elderly felony offenders.

308 Section 4. Section 944.151, Florida Statutes, is amended to
 309 read:

310 944.151 Safety and security of correctional institutions
 311 and facilities.—It is the intent of the Legislature that the
 312 Department of Corrections shall be responsible for the safe
 313 operation and security of the correctional institutions and
 314 facilities. The safe operation and security of the state's
 315 correctional institutions and facilities is critical to ensure
 316 public safety and the safety of department employees and
 317 offenders and to contain violent and chronic offenders until
 318 offenders are otherwise released from the department's custody
 319 pursuant to law. The Secretary of Corrections shall, at a

591-01637-15 20157020__

320 minimum:

321 (1) Appoint and designate select staff to the a safety and
 322 security review committee which shall, at a minimum, be composed
 323 of: the inspector general, the statewide security coordinator,
 324 the regional security coordinators, and three wardens and one
 325 correctional officer. The safety and security review committee
 326 shall evaluate new safety and security technology; review and
 327 discuss issues impacting correctional facilities; review and
 328 discuss current issues impacting correctional facilities; and
 329 review and discuss other issues as requested by management.†

330 ~~(a) Establish a periodic schedule for the physical~~
 331 ~~inspection of buildings and structures of each state and private~~
 332 ~~correctional institution to determine security deficiencies. In~~
 333 ~~scheduling the inspections, priority shall be given to older~~
 334 ~~institutions, institutions that house a large proportion of~~
 335 ~~violent offenders, and institutions that have experienced a~~
 336 ~~significant number of escapes or escape attempts in the past.~~

337 (2) Ensure that appropriate staff establishes a periodic
 338 schedule for the physical inspection of buildings and structures
 339 of each state and private correctional institution and facility
 340 to determine safety and security deficiencies. In scheduling the
 341 inspections, priority shall be given to older institutions,
 342 institutions that house a large proportion of violent offenders,
 343 institutions with a high level of inappropriate incidents of use
 344 of force on inmates, assaults on employees, or inmate sexual
 345 abuse, and institutions that have experienced a significant
 346 number of escapes or escape attempts in the past.

347 ~~(a) (b) Ensure that appropriate staff conducts~~ ~~Conduct~~ ~~or~~
 348 causes cause to be conducted announced and unannounced

591-01637-15

20157020__

comprehensive safety and security audits of all state and private correctional institutions. In conducting the security audits, priority shall be given to older institutions, institutions that house a large proportion of violent offenders, institutions with a high level of inappropriate incidents of use of force on inmates, assaults on employees, or inmate sexual abuse, and institutions that have experienced a history of escapes or escape attempts. At a minimum, the audit shall include an evaluation of the physical plant, which shall include the identification of blind spots or areas where staff or inmates may be isolated and the deployment of audio and video monitoring systems and other monitoring technologies in such areas, landscaping, fencing, security alarms and perimeter lighting, confinement, arsenal, key and lock, and entrance/exit and inmate classification and staffing policies. Each correctional institution shall be audited at least annually. ~~The secretary shall~~

(b) Report the general survey findings annually to the Governor and the Legislature.

(c) Ensure appropriate staff investigates and evaluates the usefulness and dependability of existing safety and security technology at the institutions and new technology and video monitoring systems available and make periodic written recommendations to the secretary on the discontinuation or purchase of various safety and security devices.

(d) Contract, if deemed necessary, with security personnel, consulting engineers, architects, or other safety and security experts the department deems necessary for safety and security consultant services.

591-01637-15

20157020__

(e) Ensure appropriate staff, in conjunction with the regional offices, establishes a periodic schedule for conducting announced and unannounced escape simulation drills.

(f) Adopt, enforce, and annually cause the evaluation of the emergency escape response procedures, which shall at a minimum include the immediate notification and inclusion of local and state law enforcement through mutual aid agreements.

(g) Ensure appropriate staff reviews staffing policies, classification, and practices as needed.

~~(3)(e)~~ Adopt and enforce minimum safety and security standards and policies that include, but are not limited to:

1. Random monitoring of outgoing telephone calls by inmates.

2. Maintenance of current photographs of all inmates.

3. Daily inmate counts at varied intervals.

4. Use of canine units, where appropriate.

5. Use of escape alarms and perimeter lighting.

6. Florida Crime Information Center/National Crime Information Center capabilities.

7. Employment background investigations.

~~(d)~~ Annually make written prioritized budget recommendations to the secretary that identify critical security deficiencies at major correctional institutions.

~~(e)~~ Investigate and evaluate the usefulness and dependability of existing security technology at the institutions and new technology available and make periodic written recommendations to the secretary on the discontinuation or purchase of various security devices.

~~(f)~~ Contract, if deemed necessary, with security personnel,

591-01637-15

20157020__

consulting engineers, architects, or other security experts the committee deems necessary for security audits and security consultant services.

~~(g) Establish a periodic schedule for conducting announced and unannounced escape simulation drills.~~

(4)(2) Direct staff to maintain and produce quarterly reports with accurate escape statistics. For the purposes of these reports, "escape" includes all possible types of escape, regardless of prosecution by the state attorney, and including offenders who walk away from nonsecure community facilities.

~~(3) Adopt, enforce, and annually evaluate the emergency escape response procedures, which shall at a minimum include the immediate notification and inclusion of local and state law enforcement through a mutual aid agreement.~~

(5)(4) Direct staff to submit in the annual legislative budget request a prioritized summary of critical safety and security deficiencies, and repair and renovation ~~security~~ needs.

Section 5. Paragraphs (d) and (e) of subsection (4) of section 944.275, Florida Statutes, are amended to read:

944.275 Gain-time.—

(4)

(d) Notwithstanding ~~paragraph (b) subparagraphs (b)1. and 2.,~~ the education program manager shall recommend, and the Department of Corrections may grant, a one-time award of 60 additional days of incentive gain-time to an inmate who is otherwise eligible and who successfully completes requirements for and is awarded a high school equivalency diploma or vocational certificate. This incentive gain-time award may be granted to reduce any sentence for an offense committed on or

591-01637-15

20157020__

after October 1, 1995. However, this gain-time may not be granted to reduce any sentence for an offense committed on or after October 1, 1995, if the inmate is, or has previously been, convicted of a violation of s. 794.011, s. 794.05, former s. 796.03, former s. 796.035, s. 800.04, s. 825.1025, s. 827.03, s. 827.071, s. 847.0133, s. 847.0135, s. 847.0137, s. 847.0138, s. 847.0145, or s. 985.701(1), or a forcible felony offense that is specified in s. 776.08, except burglary as specified in s. 810.02(4). An inmate subject to the 85 percent minimum service requirement pursuant to subparagraph (b)3. may not accumulate gain-time awards at any point when the tentative release date is the same as the 85 percent minimum service date of the sentence imposed. Under no circumstances may an inmate receive more than 60 days for educational attainment pursuant to this section.

(e) Notwithstanding subparagraph (b)3. and paragraph (d), for sentences imposed for offenses committed on or after October 1, 2014, the department may not grant incentive gain-time if the offense is a violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).

Section 6. Section 944.31, Florida Statutes, is amended to read:

944.31 Inspector general; inspectors; power and duties.—

(1) The inspector general shall be responsible for prison inspection and investigation, internal affairs investigations, and management reviews. The office of the inspector general shall be charged with the duty of inspecting the penal and correctional systems of the state. The office of the inspector general shall inspect each correctional institution or any place

591-01637-15

20157020__

in which state prisoners are housed, worked, or kept within the state, with reference to its physical conditions, cleanliness, sanitation, safety, and comfort; the quality and supply of all bedding; the quality, quantity, and diversity of food served and the manner in which it is served; the number and condition of the prisoners confined therein; and the general conditions of each institution. The office of inspector general shall see that all the rules and regulations issued by the department are strictly observed and followed by all persons connected with the correctional systems of the state. The office of the inspector general shall coordinate and supervise the work of inspectors throughout the state. The inspector general and inspectors may enter any place where prisoners in this state are kept and shall be immediately admitted to such place as they desire and may consult and confer with any prisoner privately and without molestation. The inspector general and inspectors shall be responsible for criminal and administrative investigation of matters relating to the Department of Corrections. The secretary may designate persons within the office of the inspector general as law enforcement officers to conduct any criminal investigation that occurs on property owned or leased by the department or involves matters over which the department has jurisdiction. A person designated as a law enforcement officer must be certified pursuant to s. 943.1395 and must have a minimum of 3 years' experience as an inspector in the inspector general's office or as a law enforcement officer.

(2) The department, after consultation with the Florida Corrections Commission, shall maintain a written memorandum of understanding with the Department of Law Enforcement for the

591-01637-15

20157020__

notification and investigation of mutually agreed-upon predicate events that shall include, but are not limited to, suspicious deaths and organized criminal activity. A copy of an active memorandum of understanding shall be provided in a timely manner to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(3) During investigations, the inspector general and inspectors may consult and confer with any prisoner or staff member privately and without molestation and persons designated as law enforcement officers under this section shall have the authority to arrest, with or without a warrant, any prisoner of or visitor to a state correctional institution for a violation of the criminal laws of the state involving an offense classified as a felony that occurs on property owned or leased by the department and may arrest offenders who have escaped or absconded from custody. Persons designated as law enforcement officers have the authority to arrest with or without a warrant a staff member of the department, including any contract employee, for a violation of the criminal laws of the state involving an offense classified as a felony under this chapter or chapter 893 on property owned or leased by the department. A person designated as a law enforcement officer under this section may make arrests of persons against whom arrest warrants have been issued, including arrests of offenders who have escaped or absconded from custody. The arrested person shall be surrendered without delay to the sheriff of the county in which the arrest is made, with a formal complaint subsequently made against her or him in accordance with law.

(4) The inspector general, and inspectors who conduct

591-01637-15 20157020
 523 sexual abuse investigations in confinement settings, shall
 524 receive specialized training in conducting such investigations.
 525 The department shall be responsible for providing the
 526 specialized training. Specialized training shall include, but
 527 need not be limited to, techniques for interviewing sexual abuse
 528 victims, proper use of Miranda and Garrity warnings, sexual
 529 abuse evidence collection in confinement settings, and the
 530 criteria and evidence required to substantiate a case for
 531 administrative action or prosecution.

532 Section 7. Section 944.331, Florida Statutes, is amended to
 533 read:

534 944.331 Inmate grievance procedure.—

535 (1) The department shall establish by rule an inmate
 536 grievance procedure, which ~~that~~ must conform to the Minimum
 537 Standards for Inmate Grievance Procedures as promulgated by the
 538 United States Department of Justice pursuant to 42 U.S.C. s.
 539 1997e. The department's office of general counsel shall oversee
 540 the grievance procedures established by the department.

541 (2) In establishing grievance procedures, the department
 542 shall provide multiple internal avenues for inmates to privately
 543 report sexual abuse and sexual harassment and any staff neglect
 544 of, or failure to perform, responsibilities which may have
 545 contributed to such incidents. The procedures must allow reports
 546 to be made in writing by third parties.

547 (3) The department, in consultation with the Correctional
 548 Medical Authority, shall review inmate health care grievance
 549 procedures at each correctional institution and private
 550 correctional facility to determine the procedural soundness and
 551 effectiveness of the current health care grievance process, to

591-01637-15 20157020
 552 identify employees prone to misconduct directly related to the
 553 delivery of health care services, and to identify life-
 554 threatening inmate health concerns. The review shall determine
 555 whether inmate health care grievances are being properly
 556 reported, transmitted, and processed; inmates are allowed
 557 writing utensils and paper; multiple channels of communication
 558 exist to report alleged abuse related to the delivery of health
 559 care services; and protocols are being implemented to protect an
 560 inmate who filed a grievance concerning the delivery of health
 561 care from retaliation for filing a complaint alleging staff
 562 misconduct.

563 (4) The department shall review inmate grievance procedures
 564 at each correctional institution and private correctional
 565 facility to determine the procedural soundness and effectiveness
 566 of the current grievance process, to identify employees prone to
 567 misconduct, and to identify life-threatening inmate safety
 568 concerns. The review shall determine whether inmate grievances
 569 are being properly reported, transmitted, and processed; inmates
 570 are allowed writing utensils and paper; multiple channels of
 571 communication exist to report alleged abuse; and protocols are
 572 being implemented to protect an inmate who filed a grievance
 573 from retaliation for filing a complaint alleging staff
 574 misconduct.

575 (5) Beginning October 1, 2015, the department in
 576 consultation with the Correctional Medical Authority shall
 577 annually report, and post to their respective websites, their
 578 joint findings. The authority shall document in the report its
 579 findings on the effectiveness of inmate health care grievance
 580 procedures; cite the number of health care grievances filed by

591-01637-15 20157020__

581 inmates, by institution and by region; specify the types of
 582 health care problems alleged by inmates; and summarize the
 583 actions taken by the department or the authority as a result of
 584 its investigation of inmate health care grievances.

585 Section 8. Section 944.35, Florida Statutes, is amended to
 586 read:

587 944.35 Authorized use of force; malicious battery and
 588 sexual misconduct prohibited; reporting required; penalties.—

589 (1) (a) An employee of the department is authorized to apply
 590 physical force upon an inmate only when and to the extent that
 591 it reasonably appears necessary:

592 1. To defend himself or herself or another against such
 593 other imminent use of unlawful force;

594 2. To prevent a person from escaping from a state
 595 correctional institution when the officer reasonably believes
 596 that person is lawfully detained in such institution;

597 3. To prevent damage to property;

598 4. To quell a disturbance;

599 5. To overcome physical resistance to a lawful command; or

600 6. To administer medical treatment only by or under the
 601 supervision of a physician or his or her designee and only:

602 a. When treatment is necessary to protect the health of
 603 other persons, as in the case of contagious or venereal
 604 diseases; or

605 b. When treatment is offered in satisfaction of a duty to
 606 protect the inmate against self-inflicted injury or death.

607
 608 As part of the correctional officer training program, the
 609 Criminal Justice Standards and Training Commission shall develop

591-01637-15 20157020__

610 a course specifically designed to explain the parameters of this
 611 subsection and to teach the proper methods and techniques in
 612 applying authorized physical force upon an inmate. Effective
 613 October 1, 2015, this course shall include specialized training
 614 for effectively managing in nonforceful ways mentally ill
 615 inmates who may exhibit erratic behavior.

616 (b) Following any use of force, a qualified health care
 617 provider shall examine any person physically involved to
 618 determine the extent of injury, if any, and shall prepare a
 619 report which shall include, but not be limited to, a statement
 620 of whether further examination by a physician is necessary. The
 621 identity of the qualified health care provider on the report
 622 shall be designated by using an employee identification number
 623 in lieu of a name and signature. Any noticeable physical injury
 624 shall be examined by a physician, and the physician shall
 625 prepare a report documenting the extent and probable cause of
 626 the injury and the treatment prescribed. Such report shall be
 627 completed within 5 working days of the incident and shall be
 628 submitted to the warden for appropriate investigation.

629 (c) Each institution shall create and maintain a system to
 630 track episodes involving the use of force to determine if
 631 inmates require subsequent physical or mental health treatment.

632 (d) No later than October 1 of each year, the department
 633 shall post on the agency website a report documenting incidents
 634 involving the use of force during the previous fiscal year. The
 635 report shall include, but not be limited to:

636 1. Descriptive statistics on the reason force was used and
 637 whether the use of force was deemed appropriate;

638 2. Multi-year statistics documenting annual trends in the

591-01637-15

20157020__

639 use of force;

640 3. Statistical information on the level of inmate or
 641 officer injury, including death, in incidents involving the use
 642 of force;

643 4. A breakdown, by institution, of statistics on use of
 644 force; and

645 5. Statistics on the number of employees who were
 646 disciplined or terminated because of their involvement in
 647 incidents involving the inappropriate use of force, based on
 648 notations of such incidents in their personnel files.

649 (2) Each employee of the department who either applies
 650 physical force or was responsible for making the decision to
 651 apply physical force upon an inmate or an offender supervised by
 652 the department in the community pursuant to this subsection
 653 shall prepare, date, and sign under oath an independent report
 654 within 1 working day of the incident. The report shall be
 655 delivered to the warden or the circuit administrator, who shall
 656 forward the report with all appropriate documentation to the
 657 office of the inspector general. The inspector general shall
 658 conduct a review and make recommendations regarding the
 659 appropriateness or inappropriateness of the use of force. If the
 660 inspector general finds that the use of force was appropriate,
 661 the employee's report, together with the inspector general's
 662 written determination of the appropriateness of the force used
 663 and the reasons therefor, shall be forwarded to the circuit
 664 administrator or warden upon completion of the review. If the
 665 inspector general finds that the use of force was inappropriate,
 666 the inspector general shall conduct a complete investigation
 667 into the incident and forward the findings of fact to the

591-01637-15

20157020__

668 appropriate regional director for further action. Copies of the
 669 employee's report and the inspector general's review shall be
 670 kept in the files of the inmate or the offender supervised by
 671 the department in the community. A notation of each incident
 672 involving use of force and the outcome based on the inspector
 673 general's evaluation shall be kept in the employee's file. An
 674 employee with two or more notations in the employee's file for
 675 inappropriate use of force incidents, as specified in s. 944.35,
 676 shall not be assigned to transitional care, crisis
 677 stabilization, or corrections mental health treatment facility
 678 inmate housing units as defined in Florida Administrative Code.
 679 However, an employee with two or more notations in the
 680 employee's file who remains free of inappropriate use of force
 681 incidents, for a significant period may be permitted to work in
 682 the transitional care, crisis stabilization, or corrections
 683 mental health treatment facility inmate housing units.

684 (3)(a)1. Any employee of the department, private provider,
 685 or private correctional facility who, with malicious intent,
 686 commits a battery upon an inmate or an offender supervised by
 687 the department in the community, commits a misdemeanor of the
 688 first degree, punishable as provided in s. 775.082 or s.
 689 775.083.

690 2. Any employee of the department, private provider, or
 691 private correctional facility who, with malicious intent,
 692 commits a battery or inflicts cruel or inhuman treatment by
 693 neglect or otherwise, and in so doing causes great bodily harm,
 694 permanent disability, or permanent disfigurement to an inmate or
 695 an offender supervised by the department in the community,
 696 commits a felony of the third degree, punishable as provided in

591-01637-15

20157020__

s. 775.082, s. 775.083, or s. 775.084.

(b) As used in this paragraph, the term "neglect of an inmate" means:

1. A failure or omission on the part of an employee of the department, private provider, or private correctional facility, to:

a. Provide an inmate with the care, supervision, and services necessary to maintain the inmate's physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the inmate; or

b. Make a reasonable effort to protect an inmate from abuse, neglect, or exploitation by another person.

2. A determination of neglect of an inmate may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or psychological injury, or a substantial risk of death, to an inmate.

3. An employee of the department, private provider, or private correctional facility who willfully or by culpable negligence neglects an inmate and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the inmate commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. Any employee of the department, private provider, or private correctional facility who willfully or by culpable negligence neglects an elderly or disabled inmate without causing great bodily harm, permanent disability, or permanent

591-01637-15

20157020__

disfigurement to the inmate commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c)(b) 1. As used in this paragraph, the term "sexual misconduct" means the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object, but does not include an act done for a bona fide medical purpose or an internal search conducted in the lawful performance of the employee's duty.

2. Any employee of the department or a private correctional facility as defined in s. 944.710 who engages in sexual misconduct with an inmate or an offender supervised by the department in the community, without committing the crime of sexual battery, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. The consent of the inmate or offender supervised by the department in the community to any act of sexual misconduct may not be raised as a defense to a prosecution under this paragraph.

4. This paragraph does not apply to any employee of the department or any employee of a private correctional facility who is legally married to an inmate or an offender supervised by the department in the community, nor does it apply to any employee who has no knowledge, and would have no reason to believe, that the person with whom the employee has engaged in sexual misconduct is an inmate or an offender under community supervision of the department.

(d)(e) Notwithstanding prosecution, any violation of the

591-01637-15

20157020__

provisions of this subsection, as determined by the Public Employees Relations Commission, shall constitute sufficient cause under s. 110.227 for dismissal from employment with the department, and such person shall not again be employed in any capacity in connection with the correctional system.

~~(e)~~~~(d)~~ Each employee who witnesses, or has reasonable cause to suspect, that an inmate or an offender under the supervision of the department in the community has been unlawfully abused or is the subject of sexual misconduct pursuant to this subsection shall immediately prepare, date, and sign an independent report specifically describing the nature of the force used or the nature of the sexual misconduct, the location and time of the incident, and the persons involved. The report shall be delivered to the inspector general of the department with a copy to be delivered to the warden of the institution or the regional administrator. The inspector general shall immediately conduct an appropriate investigation, and, if probable cause is determined that a violation of this subsection has occurred, the respective state attorney in the circuit in which the incident occurred shall be notified.

(f) If an employee of the department, private provider, or private correctional facility who witnesses unlawful abuse or neglect or has reasonable cause to suspect that an inmate has been unlawfully abused or neglected, as the term "neglected" is defined in paragraph (b), fears retaliation by coworkers or supervisors if he or she submits a report as provided in paragraph (e), the employee may anonymously and confidentially report the inmate abuse or neglect directly to the department's Office of Inspector General.

591-01637-15

20157020__

(4) (a) Any employee required to report pursuant to this section who knowingly or willfully fails to do so, or who knowingly or willfully prevents another person from doing so, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who knowingly or willfully submits inaccurate, incomplete, or untruthful information with regard to reports required in this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Any person who knowingly or willfully coerces or threatens any other person with the intent to alter either testimony or a written report regarding an incident where force was used or an incident of sexual misconduct commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

As part of the correctional officer training program, the Criminal Justice Standards and Training Commission shall develop course materials for inclusion in the appropriate required course specifically designed to explain the parameters of this subsection, teach communication techniques related to crisis stabilization to avoid the use of force, and ~~to~~ teach sexual assault identification and prevention methods and techniques.

(5) The department shall establish a policy to protect from retaliation inmates and employees who report physical or sexual abuse. This policy shall establish multiple protective measures for both inmates and employees relating to the reporting of abuse as well as designate a method of monitoring follow up.

591-01637-15

20157020__

(6) The department shall establish a usage and inventory policy to track, by institution, the use of chemical agents and the disposal of expired, used, or damaged canisters of chemical agents. The policy shall include, but not be limited to, a requirement that a numbered seal be affixed to each chemical agent canister in such a manner that the canister cannot be removed from the carrier without breaking the seal. All canisters in the carriers will be checked out at the beginning of each shift and checked back in at the end of the shift. The shift supervisor should be charged with verifying the condition of the numbered seals and periodically weighing random canisters to insure that they have not been used without the required documentation.

Section 9. Section 944.8041, Florida Statutes, is amended to read:

944.8041 Elderly offenders; annual review.—

(1) For the purpose of providing information to the Legislature on elderly offenders within the correctional system, the department and the Correctional Medical Authority shall each submit annually a report on the status and treatment of elderly offenders in the state-administered and private state correctional systems and the department's geriatric facilities and dorms. In order to adequately prepare the reports, the department and the Department of Management Services shall grant access to the Correctional Medical Authority that includes access to the facilities, offenders, and any information the agencies require to complete their reports. The review shall also include an examination of promising geriatric policies, practices, and programs currently implemented in other

591-01637-15

20157020__

correctional systems within the United States. The reports, with specific findings and recommendations for implementation, shall be submitted to the President of the Senate and the Speaker of the House of Representatives on or before December 31 of each year.

(2) The department, in producing the annual report required under s. 20.315, shall report the cost of health care provided to elderly inmates. The report shall include, but need not be limited to, the average cost per year to incarcerate an elderly inmate and the types of health care delivered to elderly inmates which result in the highest expenditures.

Section 10. Section 944.805, Florida Statutes, is created to read:

944.805 Veterans programs in state and private correctional institutions.—

(1) The Legislature finds and declares that specialized programs for veterans offered in state and private correctional institutions have the potential to facilitate inmate institutional adjustment, help inmates assume personal responsibility, and ease community reentry through the availability of expanded community resources. For the purposes of this section, the term "veteran" has the same meaning as it is defined in s. 1.01(14).

(2) It is the intent of the Legislature that the department expand the use of specialized dormitories for veterans. It is also the intent of the Legislature that veterans housed in state and private correctional institutions be provided special assistance before their release by identifying benefits and services available in the community where the veteran plans to

591-01637-15

20157020__

871 reside.

872 (3) The department shall measure recidivism rates for
 873 veterans who have participated in specialized dormitories and
 874 for veterans who have received special assistance in community
 875 reentry. The findings shall be included in the annual report
 876 required under s. 20.315.

877 Section 11. Effective upon SB 540 or similar legislation
 878 creating the "State Operated Institutions Inmate Welfare Trust
 879 Fund" being adopted in the 2015 Regular Session or an extension
 880 thereof and becoming law, subsection (1) of section 945.215,
 881 Florida Statutes, is amended, present subsections (2) and (3)
 882 are redesignated as subsections (3) and (4), respectively, and a
 883 new subsection (2) is added to that section to read:

884 945.215 Inmate welfare and employee benefit trust funds.—

885 (1) INMATE PURCHASES; DEPARTMENT OF CORRECTIONS; STATE
 886 OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND.—

887 (a) ~~The From the~~ net proceeds from operating inmate
 888 canteens, vending machines used primarily by inmates and
 889 visitors, hobby shops, and other such facilities must be
 890 deposited in the State Operated Institutions Inmate Welfare
 891 Trust Fund or, as set forth in this section, in the General
 892 Revenue Fund; however, funds necessary to purchase items for
 893 resale at inmate canteens and vending machines must be deposited
 894 into local bank accounts designated by the department.

895 (b) All proceeds from contracted telephone commissions must
 896 be deposited in the State Operated Institutions Inmate Welfare
 897 Trust Fund or, as set forth in this section, in the General
 898 Revenue Fund. The department shall develop and update, as
 899 necessary, administrative procedures to verify that:

591-01637-15

20157020__

900 1. Contracted telephone companies accurately record and
 901 report all telephone calls made by inmates incarcerated in
 902 correctional facilities under the department's jurisdiction;

903 2. Persons who accept collect calls from inmates are
 904 charged the contracted rate; and

905 3. The department receives the contracted telephone
 906 commissions.

907 (c) Any funds that may be assigned by inmates or donated to
 908 the department by the general public or an inmate service
 909 organization must be deposited in the State Operated
 910 Institutions Inmate Welfare Trust Fund or, as set forth in this
 911 section, in the General Revenue Fund; however, the department
 912 shall not accept any donation from, or on behalf of, any
 913 individual inmate.

914 (d) All proceeds from the following sources must be
 915 deposited in the State Operated Institutions Inmate Welfare
 916 Trust Fund or, as set forth in this section, in the General
 917 Revenue Fund:

918 1. The confiscation and liquidation of any contraband found
 919 upon, or in the possession of, any inmate;

920 2. Disciplinary fines imposed against inmates;

921 3. Forfeitures of inmate earnings; and

922 4. Unexpended balances in individual inmate trust fund
 923 accounts of less than \$1.

924 (e) Items for resale at inmate canteens and vending
 925 machines maintained at the correctional facilities shall be
 926 priced comparatively with like items for retail sale at fair
 927 market prices.

928 (f) Notwithstanding any other provision of law, inmates

591-01637-15 20157020

with sufficient balances in their individual inmate bank trust fund accounts, after all debts against the account are satisfied, shall be allowed to request a weekly draw of up to an amount set by the Secretary of Corrections, not to exceed \$100, to be expended for personal use on canteen and vending machine items.

(2) (a) The State Operated Institutions Inmate Welfare Trust Fund constitutes a trust held by the department for the benefit and welfare of inmates incarcerated in correctional facilities operated directly by the department.

(b) Deposits into the State Operated Institutions Inmate Welfare Trust Fund shall not exceed a total of \$5 million in any fiscal year. Any proceeds or funds that would cause deposits into the State Operated Institutions Inmate Welfare Trust Fund to exceed this restriction shall be deposited into the General Revenue Fund.

(c) Funds in the State Operated Institutions Inmate Welfare Trust Fund shall be used exclusively for the following purposes at correctional facilities operated by the department:

1. To provide literacy programs, vocational training programs, and educational programs;

2. To operate inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, and libraries;

3. To provide inmate substance abuse treatment programs and transition and life skills training programs;

4. To provide for the purchase, rental, maintenance or repair of electronic or audio visual equipment used by inmates;

or

591-01637-15 20157020

5. To provide for the purchase, rental, maintenance or repair of recreation and wellness equipment.

6. To provide for the purchase, rental, maintenance, or repair of bicycles used by inmates traveling to and from employment in the work-release program authorized in s. 945.091 (1) (b).

(d) Funds in the State Operated Institutions Inmate Welfare Trust Fund shall be expended only pursuant to legislative appropriation.

(e) The department shall annually compile a report that specifically documents State Operated Institutions Inmate Welfare Trust Fund receipts and expenditures. This report shall be compiled at both the statewide and institutional levels. The department must submit this report for the previous fiscal year by September 1 of each year to the chairs of the appropriate substantive and fiscal committees of the Senate and the House of Representatives and to the Executive Office of the Governor.

(f) Funds in the State Operated Institutions Inmate Welfare Trust Fund or any other fund may not be used to purchase weight-training equipment.

Section 12. Subsection (7) is added to section 945.48, Florida Statutes, to read:

945.48 Rights of inmates provided mental health treatment; procedure for involuntary treatment; correctional officer staffing requirements.—

(7) CORRECTIONAL OFFICER STAFFING.—A correctional officer who has close contact with inmates housed in a mental health treatment facility shall annually complete training in crisis intervention. An employee with two or more notations in the

591-01637-15 20157020__

987 employee's file for inappropriate use of force incidents, as
 988 specified in s. 944.35, may not be assigned to transitional
 989 care, crisis stabilization, or corrections mental health
 990 treatment facility inmate housing units as defined in Florida
 991 Administrative Code. However, an employee with two or more
 992 notations in the employee's file who remains free of
 993 inappropriate use of force incidents, for a significant period
 994 may be permitted to work in the transitional care, crisis
 995 stabilization, or corrections mental health treatment facility
 996 inmate housing units.

997 Section 13. Subsection (2) of section 945.6031, Florida
 998 Statutes, is amended to read:

999 945.6031 Required reports and surveys.—

1000 (2) The authority shall conduct surveys of the physical and
 1001 mental health care system at each correctional institution at
 1002 least every 18 months ~~triennially~~ and shall report the survey
 1003 findings for each institution to the Secretary of Corrections.

1004 Section 14. Section 945.6033, Florida Statutes, is amended
 1005 to read:

1006 945.6033 Continuing contracts with health care providers.—

1007 (1) The Department of Corrections may enter into continuing
 1008 contracts with licensed health care providers, including
 1009 hospitals and health maintenance organizations, for the
 1010 provision of inmate health care services which the department is
 1011 unable to provide in its facilities.

1012 (2) The Department of Corrections, in negotiating contracts
 1013 for the delivery of inmate health care, shall only enter into
 1014 contracts which contain damage provisions.

1015 Section 15. Subsection (1) of section 945.6034, Florida

591-01637-15 20157020__

1016 Statutes, is amended to read:
 1017 945.6034 Minimum health care standards.—
 1018 (1) The Assistant Secretary for Health Services is
 1019 responsible for developing a comprehensive health care delivery
 1020 system and promulgating all department health care standards.
 1021 Such health care standards shall include, but are not limited
 1022 to, rules relating to the management structure of the health
 1023 care system and the provision of health care services to
 1024 inmates, health care policies, health care plans, quality
 1025 management systems and procedures, health service bulletins, and
 1026 treatment protocols. In establishing standards of care, the
 1027 department shall examine and consider the needs of inmates over
 1028 50 years of age and adopt health care standards unique to this
 1029 population.

1030 Section 16. Section 945.6039, Florida Statutes, is created
 1031 to read:

1032 945.6039 Independent Medical Evaluations and Examinations.—

1033 (1) The department shall promulgate rules and permit an
 1034 inmate's family member, lawyer, or interested party to hire and
 1035 pay for an independent medical evaluation or examination by a
 1036 medical professional of an incarcerated inmate. The results of
 1037 the medical evaluation or examination shall be provided to the
 1038 department and to the Commission on Offender Review. The purpose
 1039 of these outside evaluations is to assist in the delivery of
 1040 medical care to the inmate and to assist the Commission on
 1041 Offender Review in considering an inmate for conditional medical
 1042 release. Inmates at all department facilities and the contracted
 1043 private correctional facilities are eligible for consideration
 1044 to arrange for these medical evaluations. The department's

591-01637-15

20157020__

contracted private health care providers may also provide such medical evaluations. The department, the private correctional facilities, and private health care providers shall provide reasonable and timely access to the inmate once a family member, lawyer, or interested party provides a written request for access.

Section 17. Present paragraphs (a) and (b) of subsection (1) of section 947.149, Florida Statutes, are redesignated as paragraphs (b) and (c), respectively, and a new paragraph (a) is added to that subsection, to read:

947.149 Conditional medical release.—

(1) The commission shall, in conjunction with the department, establish the conditional medical release program. An inmate is eligible for consideration for release under the conditional medical release program when the inmate, because of an existing medical or physical condition, is determined by the department to be within one of the following designations:

(a) "Elderly and infirm inmate," which means an inmate who has no current or prior convictions for capital or first degree felonies, who has no current or prior convictions for sexual offenses or offenses against children, who is over 70 years of age, and who has a condition caused by injury, disease, or illness which, to a reasonable degree of medical certainty, renders the inmate infirm or physically impaired to the extent that the inmate does not constitute a danger to himself or herself or others.

Section 18. Paragraph (c) of subsection (7) of section 921.0021, Florida Statutes, is amended to read:

921.0021 Definitions.—As used in this chapter, for any

591-01637-15

20157020__

felony offense, except any capital felony, committed on or after October 1, 1998, the term:

(7)

(c) The sentence points provided under s. 921.0024 for sexual contact or sexual penetration may not be assessed for a violation of s. 944.35(3)(c)2. ~~s. 944.35(3)(b)2.~~

Section 19. Subsection (5) of section 948.10, Florida Statutes, is amended to read:

948.10 Community control programs.—

(5) In its annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives under s. 20.315(6) ~~s. 20.315(5)~~, the department shall include a detailed analysis of the community control program and the department's specific efforts to protect the public from offenders placed on community control. The analysis must include, but need not be limited to, specific information on the department's ability to meet minimum officer-to-offender contact standards, the number of crimes committed by offenders on community control, and the level of community supervision provided.

Section 20. Subsection (1) of section 951.221, Florida Statutes, is amended to read:

951.221 Sexual misconduct between detention facility employees and inmates; penalties.—

(1) Any employee of a county or municipal detention facility or of a private detention facility under contract with a county commission who engages in sexual misconduct, as defined in s. 944.35(3)(c)1. ~~s. 944.35(3)(b)1.~~, with an inmate or an offender supervised by the facility without committing the crime

591-01637-15

20157020__

of sexual battery commits a felony of the third degree,
punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
The consent of an inmate to any act of sexual misconduct may not
be raised as a defense to prosecution under this section.

Section 21. Paragraph (uu) of subsection (2) of s. 435.04
and paragraph (f) of subsection (3) of s. 921.0022, Florida
Statutes, are reenacted for the purpose of incorporating the
amendment made by this act to s. 944.35, Florida Statutes, in
references thereto.

Section 22. Subsection (1) of s. 944.72, subsection (1) of
s. 945.21501, and s. 945.2151, Florida Statutes, are reenacted
for the purpose of incorporating the amendment made by this act
to s. 945.215, Florida Statutes, in references thereto.

Section 23. Subsection (6) of s. 945.6035, Florida Statutes,
is reenacted for the purpose of incorporating the amendment made
by this act to s. 945.6031, Florida Statutes, in a reference
thereto.

Section 24. Except as otherwise provided in this act, this
act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 7024

INTRODUCER: Governmental Oversight and Accountability Committee

SUBJECT: State Board of Administration

DATE: March 17, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Peacock	McVaney		GO SPB 7024 as introduced
1.	Davis/McSwain	DeLoach	AGG	Recommend: Favorable
2.	Davis/McSwain	Kynoch	AP	Pre-meeting

I. Summary:

SB 7024 repeals the current limitation on the authority of the State Board of Administration to invest the funds of the Florida Retirement System Trust Fund in institutions doing business in or with Northern Ireland.

The bill directs the State Board of Administration to distribute any residual balance in the Fund B Surplus Funds Trust Fund, after the original principal balance has been repaid to the trust fund participants, based on each's participant's proportional share of the November 2007 interest earnings that were withheld from distribution and transferred to the Fund B Surplus Funds Trust Fund. The bill has no impact on state funds.

The bill establishes an effective date of July 1, 2015.

II. Present Situation:

State Board of Administration

The State Board of Administration (SBA) is created in Art. IV, s. 4 (e) of the State Constitution. The Governor, the Chief Financial Officer, and the Attorney General serve as the trustees of the SBA. The SBA derives its powers to oversee state funds from Art. XII, s. 9 of the State Constitution. The SBA provides a variety of investment services to various governmental entities at both the state and local government levels.

The SBA has the responsibility to invest the funds of the Florida Retirement System (FRS) Trust Fund which holds the assets of the FRS Pension Plan and the FRS Investment Plan. The FRS is the primary retirement system for employees of the state, universities, state colleges, school

boards, counties, and various other local governments in Florida. The table below shows the primary funds the SBA invests and the balances of those funds as of February 25, 2015.¹

All SBA Funds - Estimated Market Values As of February 25, 2015, Market Close	
Fund Name	Estimated Current Value
Florida Retirement System Pension Plan	\$150,169,315,001
Florida PRIME	\$7,708,345,539
Fund B Surplus Funds Trust Fund	\$43,223,777
Florida Retirement System Investment Plan	\$8,874,130,206
Lawton Chiles Endowment Fund	\$635,027,365
Other SBA Mandates	\$16,352,489,404
Total	\$183,782,531,292

In investing assets, the SBA is statutorily directed to follow the fiduciary standards of care set forth in the Employee Retirement Income Security Act (ERISA), subject to certain limitations.² Pursuant to s. 215.444, F.S., a nine-member Investment Advisory Council provides recommendations on investment policy, strategy, and procedures. The SBA's ability to invest the FRS assets is governed by s. 215.47, F.S., which provides for a "legal list" of the types of investments and for how much of the total fund may be invested in each investment type.

Restrictions on Investments in Northern Ireland

Section 121.153, F.S., was enacted by the Florida Legislature in 1988 and requires the SBA to determine the existence of affirmative action taken to eliminate the ethnic or religious discrimination practiced by the government of Northern Ireland, or with agencies or instrumentalities thereof.

Section 121.153(1)(b), F.S., lists nine (9) types of affirmative actions to eliminate the ethnic or religious discrimination practiced by the Northern Ireland government, agencies and instrumentalities thereof. These affirmative actions include:

- Increasing the representation of individuals from underrepresented religious groups in the workforce, including managerial, supervisory, administrative, clerical, and technical jobs;
- Providing adequate security for the protection of minority employees both at the workplace and while traveling to and from work;
- Banning provocative religious or political emblems from the workplace;
- Publicly advertising all job openings and making special recruitment efforts to attract applicants from underrepresented religious groups;
- Providing that layoff, recall, and termination procedures should not in practice favor particular religious groupings;
- Abolishing job reservations, apprenticeship restrictions, and differential employment criteria, which discriminate on the basis of religion or ethnic origin;

¹ State Board of Administration "Daily Estimate Report" as of February 25, 2015, provided February 26, 2015.

² Sections 215.44 and 215.47, F.S.

- Developing training programs that will prepare substantial numbers of current minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade, and improve the skills of minority employees;
- Establishing procedures to assess, identify, and actively recruit minority employees with potential for further advancement; and
- Appointing senior management staff members to oversee affirmative action efforts and setting up timetables to carry out affirmative action principles.

These above 9 affirmative actions are known as the MacBride Principles.³

To assure compliance with the statutory restrictions, the SBA subscribes to several research services, which collect and analyze employment and other data on businesses operating within Northern Ireland (either through direct owned businesses, wholly-owned subsidiaries, or partially-owned subsidiaries). These research services provide the SBA with summaries of corporate fair employment practices, regulatory developments, and other information relevant to the corporate governance of companies with business operations in Northern Ireland.

In regard to FRS Trust Fund assets deposited in any financial institution, the SBA requires each financial institution to report whether it makes loans or extends credit to Northern Ireland or national corporations of Northern Ireland or agencies or instrumentalities thereof. To comply, the SBA annually solicits input from Bank of America, BNY Mellon, BlackRock, and Wells Fargo. During the 2014 fiscal year, Bank of America, BNY Mellon, BlackRock, and Wells Fargo reported no Northern Ireland lending activity or operations, consistent with the last several years.

Additionally, the SBA's Corporate Governance Principles and Proxy Voting Guidelines incorporate these statutory requirements, and the SBA has historically supported any investor proposals advocating the elimination of ethnic or religious discrimination practices in Northern Ireland. Since 2011, there have been no shareowner proposals submitted covering Northern Ireland and the implementation of the MacBride principles.⁴

Local Government Surplus Trust Fund and Fund B Surplus Funds Trust Fund

The Local Government Surplus Trust Fund (now known as "Florida Prime") was created by the Florida Legislature in 1977.⁵ The Local Government Surplus Funds Trust Fund is open to all units of local government in Florida to invest their surplus funds. The primary investment objectives are safety, liquidity, and competitive returns with minimization of risks.⁶ This fund currently serves over 800 participants across the state, and the fund has pool assets of \$7.86 billion as of February 12, 2015.

In November 2007, the Local Government Surplus Funds Trust Fund experienced an unanticipated liquidity crisis when participants withdrew an unprecedented \$14 billion in funds

³ Neil J. Conway, *Investment Responsibility in Northern Ireland: The MacBride Principles of Fair Employment*, 24 Loy. L.A. Int'l & Comp. L. Rev 1 (Jan. 2002).

⁴ SBA analysis of SB 7024, dated February 11, 2015 (on file with the Committee on Governmental Oversight and Accountability).

⁵ Section 218.405, F.S.

⁶ Section 218.405(2), F.S.

in a single month. The withdrawals were triggered by fears of exposure to so-called “subprime commercial paper.”

Although less than one half of one percent of the fund was comprised of securities that, while rated top-tier at the time of purchase, subsequently became distressed, media reports fueled investor fears about the quality and security of the investments. Many participants lost confidence in the fund, leading to what can best be described as a classic “run on the bank” that significantly diminished the liquidity in the investment pool.

Faced with this liquidity crisis, the SBA’s Trustees implemented a temporary four-day freeze on withdrawals and deposits and created a separate second fund, the “Fund B Surplus Funds Trust Fund,” to hold these distressed securities. Fund B was also seeded with additional funding coming from the reserve account that existed in the Local Government Surplus Funds Trust Fund and the approximately \$95 million in November 2007 interest payments, which would have been distributed to all local government investment pool participants at month-end.

In 2008, the Florida Legislature passed a law to address the repayment of principal to Local Government Surplus Funds Trust Fund participants⁷ and statutorily created the Fund B Surplus Funds Trust Fund.⁸ Fund B’s goal was to maximize the present value of original principal balances. As of September 2014, Fund B participants have received 100% of their original principal. Since returning 100% of participant’s principal, additional returns and legal settlements have produced a residual balance within Fund B of approximately \$43 million.

The current statute has been interpreted to only allow residual proceeds to be returned to the fund from which they came (i.e., the Local Government Surplus Funds Trust Fund). The Participant Local Government Advisory Council, created in law in 2008, met to discuss the fair and appropriate distribution of residual proceeds. The Council determined the most equitable method of distribution would be the transfer of residual proceeds to those who were members in November 2007, on a pro-rata share of the interest withheld in November 2007.

III. Effect of Proposed Changes:

Section 1 repeals s. 121.153, F.S., to remove the restrictions placed on the SBA authority to invest FRS Trust Fund assets in stocks, securities, or other obligations of any institution or company doing business in or with Northern Ireland.

Section 2 amends s. 218.421, F.S., to direct the SBA to distribute the residual balance of the Fund B Surplus Funds Trust Fund to fund participants who were members in November 2007, on a pro-rata share of the interest earnings withheld in November 2007.

Section 3 provides an effective date of July 1, 2015.

⁷ Section 218.422, F.S.

⁸ Section 218.417, F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The bill does not require counties or municipalities to take an action requiring an expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Section 2 of SB 7024 directs the SBA to distribute the remaining balance of the Pool B (approximately \$43.2 million as of February 25, 2015) to local governments who were participants of the Local Government Surplus Funds Trust Fund in November 2007 and did not receive an interest distribution during that month.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill repeals section 121.153 of the Florida Statutes.

This bill substantially amends section 218.421 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Governmental Oversight and Accountability

585-01658-15

20157024__

A bill to be entitled

An act relating to the State Board of Administration; repealing s. 121.153, F.S., relating to restrictions on investments in institutions doing business in or with Northern Ireland; amending s. 218.421, F.S.; establishing conditions for the transfer of any residual balance in the Fund B Surplus Funds Trust Fund upon self-liquidation; specifying the method of calculating the payment amount to an entitled participant; requiring that additional income received after distribution of the residual balance be deposited in the Local Government Surplus Funds Trust Fund; providing an effective date.

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

Section 1. Section 121.153, Florida Statutes, is repealed.

Section 2. Paragraph (e) of subsection (2) of section 218.421, Florida Statutes, is amended to read:

218.421 Fund B Surplus Funds Trust Fund; purpose; rulemaking; administration; reporting.—

(2)

(e) After the trust fund self-liquidates through the full return of the original principal balance to trust fund participants and the payment of all expenses related to the liquidation of assets, any residual balance shall be transferred, within a timeframe established by the board, back to each participant in the Local Government Surplus Funds Trust Fund who had been entitled to, but had not received, a November

585-01658-15

20157024__

2007 interest payment on invested funds at any time during that month. The amount paid to such participants shall be based on each participant's proportional share of the total November 2007 interest earned by such participants in the Local Government Surplus Funds Trust Fund which was not paid out but transferred to the trust fund in order to maximize the payout of principal. If income attributable to an investment held directly or indirectly at any time by the trust fund is received by the board after the residual balance has been paid out to all entitled participants, such income shall be deposited in the Local Government Surplus Funds Trust Fund, any remaining reserve may be transferred by the trustees at their sole discretion back to the trust fund from which the assets were originally separated.

Section 3. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 7030

INTRODUCER: Higher Education Committee

SUBJECT: Postsecondary Education for Students With Disabilities

DATE: March 17, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Graf	Klebacha		HE Submitted as Committee Bill
1.	Sikes	Elwell	AED	Favorable
2.	Sikes	Kynoch	AP	Pre-meeting

I. Summary:

SB 7030 establishes mechanisms for the approval of unique postsecondary education programs tailored to the needs of students with intellectual disabilities and statewide coordination of information. Specifically, the bill includes two key components:

- A process through which postsecondary institutions in Florida can voluntarily seek approval to offer a Florida Postsecondary Comprehensive Transition Program (FPCTP) for students with intellectual disabilities; and
- A Florida Center for Students with Unique Abilities (statewide coordinating center) for statewide coordination of information regarding programs and services for students with disabilities and their parents.

While the FPCTPs are designed to serve as a postsecondary education program option for students with intellectual disabilities, the statewide coordinating center is designed to serve a broader group of students with disabilities and their parents. To assist with the implementation of FPCTPs and statewide coordination of information, the bill establishes requirements for students to enroll in an FPCTP and receive state financial assistance in the form of an FPCTP Scholarship, requirements for institutions to offer FPCTPs, and duties and responsibilities for the statewide coordinating center to implement the bill's provisions.

The bill creates the Florida Center for Students with Unique Abilities and assigns the center with specific responsibilities. The bill also creates the FPCTP Scholarship with a maximum allowable award which will be as specified annually in the General Appropriations Act. The specific appropriation for these programs will be determined by the Legislature in the General Appropriations Act.

The bill takes effect upon becoming a law.

II. Present Situation:

Both federal and state laws address postsecondary options for students with disabilities.

Federal Law

The Higher Education Opportunity Act of 2008

The Higher Education Opportunity Act of 2008 amended and extended the Higher Education Act of 1965 by adding new provisions including, but not limited to, supporting programs that provide students with disabilities with a quality higher education.¹ The new provisions established:

- Comprehensive transition and postsecondary (CTP) programs for students with intellectual disabilities;
- Transition programs for students with intellectual disabilities (TPSID) grants to fund programs that promote the successful transition of students with intellectual disabilities into higher education; and
- National coordination of CTP programs for students with intellectual disabilities.²

A student with an intellectual disability means a student:

- “With a cognitive impairment, characterized by significant limitations in:
 - Intellectual and cognitive functioning; and
 - Adaptive behavior as expressed in conceptual, social, and practical adaptive skills; and
- Who is currently, or was formerly, eligible for a free appropriate public education under the Individuals with Disabilities Education Act.”³

Comprehensive Transition and Postsecondary (CTP) Program

CTP program means a degree, certificate, or nondegree program that meets each of the following:⁴

- Is offered by an institution of higher education (IHE);
- Is delivered to students physically attending the IHE;⁵
- Is designed to support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an IHE in order to prepare for gainful employment;
- Includes an advising and curriculum structure;
- Requires students with intellectual disabilities to be socially and academically integrated with nondisabled students to the maximum extent possible; and
- Requires students with intellectual disabilities to participate on not less than a half-time basis, as determined by the institution, with such participation focusing on academic components, and occurring through one or more of the following activities with nondisabled peers:
 - Regular enrollment in credit-bearing courses offered by the institution.

¹ 20 U.S.C. s. 1140 et. seq.; Pub. L. No. 110-315, 122 Stat. 3361 (Aug. 14, 2008).

² *Id.*

³ 20 U.S.C. s. 1140(2).

⁴ 20 U.S.C. s. 1140(1); 34 C.F.R. s. 231(a).

⁵ 34 C.F.R. s. 668.231(a)(2).

- Auditing or participating in courses offered by the institution for which the student does not receive regular academic credit.
- Enrollment in noncredit-bearing, nondegree courses.
- Participation in internships or work-based training.

Application for Federal Approval

To have a CTP program that is eligible to participate in the federal student aid programs, an institution must submit an updated *Electronic Application for Approval to Participate in the Title IV Federal Student Aid Programs* (E-App) to the United States Department of Education (USDOE).⁶ After submitting the electronic application, the institution must mail the signed signature page to the USDOE and submit, via email, a detailed description of the program along with supporting documents.⁷ The institution also must submit to the USDOE, a copy of the letter or notice sent to the institution's accrediting agency informing the agency of the institution's CTP program.⁸ The estimated timeframe for federal approval ranges between 3 and 6 months, depending on the quality of the application.⁹

Thirty-three institutions in 14 states offer CTP programs that are approved to participate in federal student aid programs.¹⁰ Southeastern University located in Lakeland, Florida, previously offered a CTP program that received approval for participation in federal student aid programs,¹¹ but does not currently offer the CTP program.¹² As a result, currently, there is no public or private institution of higher education in Florida that offers a CTP program that is federally approved for participation in federal student aid programs.¹³ However, Florida Panhandle Technical College located in Chipley, Florida, has submitted its application to the USDOE for federal student aid approval for the college's Project Independence program and the University of North Florida is working on its application for federal approval.¹⁴

⁶ Email, Office of Program Policy Analysis and Government Accountability (Oct. 10, 2014), on file with the Committee on Higher Education staff; 34 C.F.R. s. 668.232.

⁷ *Id.*

⁸ 34 C.F.R. s. 668.232(e). Think College, as the National Coordinating Center, is working with the United States Congress regarding a specialized accreditation for programs for students with disabilities. Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), *available at* http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf, at 7 of 29.

⁹ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), *available at* http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf, at 18 of 85.

¹⁰ Federal Student Aid, U.S. Department of Education, *Students with Intellectual Disabilities May Be Able to Get Certain Types of Federal Student Aid*, <https://studentaid.ed.gov/eligibility/intellectual-disabilities> (last visited Feb. 10, 2015).

¹¹ *Id.* "To be an eligible CTP Program, an institution must participate in the Federal student aid programs and offer an approved CTP program, as provided in 34 CFR 668.231 and 34 CFR 668.232 of the Student Assistance General Provisions regulations." U.S. Department of Education, *Title IV Eligibility for an Institution's Comprehensive Transition and Postsecondary Program for Students with Intellectual Disabilities* (June 6, 2011), <http://www.ifap.ed.gov/eannouncements/060611TitleIVEligInstCompTrans.html> (last visited Feb. 10, 2015).

¹² Telephone interview with Office of Program Policy Analysis and Government Accountability staff (Feb. 5, 2015).

¹³ *Id.*

¹⁴ Email, Office of Program Policy Analysis and Government Accountability (Feb. 5, 2015), on file with the Committee on Higher Education staff.

Federal Student Aid for Students in Federally-Approved CTP Programs

A student with an intellectual disability is authorized to receive federal financial aid from Federal Pell Grant, Federal Supplemental Educational Opportunity Grant and Federal Work-Study programs if the student:¹⁵

- Is enrolled or accepted for enrollment in a CTP program for students with intellectual disabilities at an IHE that participates in the federal student aid programs;
- Maintains satisfactory academic progress, as determined by the institution;¹⁶ and
- Meets the basic federal student aid eligibility requirements, except that the student is not required to have a high school diploma or General Educational Development (GED) and is not required to pursue a degree or certificate.

The student must provide documentation establishing that the student has an intellectual disability.¹⁷

Transition Programs for Students with Intellectual Disabilities (TPSID) Grant

The USDOE provides TPSID grants to institutions of higher education or consortia of institutions of higher education to enable the institutions to create or expand high quality, inclusive model CTP programs for students with intellectual disabilities.¹⁸ The duration of TPSID grant funding for CTP programs is 5 years.¹⁹ TPSID grants were first awarded during fiscal year 2010.²⁰ Over \$10.5 million was awarded under TPSID grants to 27 two- and four-year institutions of higher education or consortia of institutions, located in 23 states.²¹ The 27 institutions included University of South Florida St. Petersburg, which received a TPSID grant in the amount of \$421,269 for the 2010 fiscal year.²² No new awards were made during fiscal year

¹⁵ Federal Student Aid, U.S. Department of Education, *Students with Intellectual Disabilities May Be Able to Get Certain Types of Federal Student Aid*, <https://studentaid.ed.gov/eligibility/intellectual-disabilities> (last visited Feb. 10, 2015); see also 34 C.F.R. ss. 668.233 and 668.32.

¹⁶ An institution is responsible for publishing the institution's standards for students enrolled in its comprehensive transition and postsecondary (CTP) program. 34 C.F.R. s. 668.233(a)(3).

¹⁷ 34 C.F.R. s. 668.233(c).

¹⁸ U.S. Department of Education, *Transition and Postsecondary Programs for Students with Intellectual Disabilities*, <http://www2.ed.gov/programs/tpsid/index.html> (last visited Feb. 10, 2015).

¹⁹ 20 U.S.C. s. 1140g(a)(3). The Transition Programs for Students with Intellectual Disabilities (TPSID) grant expires on September 30, 2015. Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf, at 6 of 29.

²⁰ U.S. Department of Education, *Transition and Postsecondary Programs for Students with Intellectual Disabilities*, <http://www2.ed.gov/programs/tpsid/awards.html> (last visited Feb. 10, 2015).

²¹ U.S. Department of Education, U.S. Secretary of Education Duncan announces \$10.9 Million in Awards Under New Programs That Help Students With Intellectual Disabilities Transition to Postsecondary Education (Oct. 5, 2010), <http://www.ed.gov/news/press-releases/us-secretary-education-duncan-announces-109-million-awards-under-new-programs-he> (last visited Feb. 10, 2015).

²² *Id.* The University of South Florida St. Petersburg, partnered with the University of North Florida and Lynn University to form the Consortium on Postsecondary Education and Intellectual Disabilities and applied for the TPSID grant. Florida Consortium on Postsecondary Education and Intellectual Disabilities, *About the Consortium*, available at <http://fltpsid.info/About.php> (last visited Feb. 10, 2015).

2011 through fiscal year 2014.²³ Since initially awarding the TPSID grants in fiscal year 2010, funds have been awarded only for non-competing continuation grants.²⁴

Currently, the 27 programs funded by TPSID grants are offered on 44 college or university campuses.²⁵ Some of the programs operate on only one campus while other programs operate as a consortium of institutions of higher education.²⁶

An institution or consortium that receives a TPSID grant must use the TPSID grant funds to establish a model CTP program for students with intellectual disabilities that:²⁷

- Serves students with intellectual disabilities;
- Provides supports and services for academic and social inclusion of students with intellectual disabilities in academic courses, extracurricular activities, and other aspects of the IHE's regular postsecondary program;
- Focuses on academic enrichment, socialization, independent living skills, including self-advocacy skills, and integrated work experiences and career skills that lead to gainful employment;
- Integrates person-centered planning in the development of the course of study for each student with an intellectual disability participating in the model program;
- Participates with the coordinating center in the evaluation of the model program;
- Partners with one or more local educational agencies (LEAs) to support students with intellectual disabilities participating in the model program who are still eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA);
- Plans for the sustainability of the model program after the end of the grant period; and
- Creates and offers a meaningful credential²⁸ for students with intellectual disabilities upon completion of the model program.

National Coordination

The Higher Education Opportunity Act of 2008 established a National Center for Information and Technical Support for Postsecondary Students with Disabilities (National Center).²⁹ The National Center is responsible for:³⁰

- Providing assistance to students and families and institutions of higher education.
- Building, maintaining, and updating a database of disability support services information.

²³ U.S. Department of Education, *Transition and Postsecondary Programs for Students with Intellectual Disabilities*, <http://www2.ed.gov/programs/tpsid/awards.html> (last visited Feb. 10, 2015).

²⁴ *Id.*

²⁵ Think College! *National Coordinating Center*, <http://www.thinkcollege.net/about-us/think-college-grant-projects/national-coordinating-center> (last visited Feb. 10, 2015).

²⁶ *Id.*

²⁷ 20 U.S.C. s. 1140g(d).

²⁸ An institution of higher education that receives TPSID grant funds is responsible for developing a meaningful credential for students with intellectual disabilities who complete a model CTP program. Think College! *Fast Facts: Current Status of Meaningful Credentials for Students with Intellectual Disabilities Attending TPSID Model Demonstration Programs* (2014), available at http://www.thinkcollege.net/images/stories/CredentialFF5_F.pdf, at 1 of 2.

²⁹ 20 U.S.C. s. 1140q(a).

³⁰ 20 U.S.C. s. 1140q(a)(4).

- Working with organizations and individuals with proven expertise to evaluate, improve, and disseminate information related to the delivery of high quality disability support services at institutions of higher education.
- Reporting to the United States Secretary of Education an analysis of the condition of postsecondary success for students with disabilities.

The Higher Education Opportunity Act of 2008 also established a national coordinating center for institutions of higher education that offer inclusive CTP programs for students with intellectual disabilities, including institutions participating in TPSID grants.³¹

In October 2010, Think College was selected as the National Coordinating Center by the USDOE to provide support, coordination, training, and evaluation services to 27 TPSID grantees and other programs for students with intellectual disabilities around the nation.³² Think College is a project of the Institute for Community Inclusion at the University of Massachusetts, Boston.³³

State Law

Access to Traditional Postsecondary Education Programs for Students with Disabilities

A student with a disability is “eligible for reasonable substitution for any requirement for admission into a public postsecondary educational institution” if the student can provide documentation that the student’s failure to meet the admission requirement is related to a disability.³⁴ Florida law also allows for “reasonable substitutions for any requirement for graduation, for admission into a program of study, or for entry into the upper division,” so long as such substitutions do not constitute a fundamental alteration in the nature of the program.³⁵

To be eligible for state financial aid awards, students must meet specified eligibility criteria³⁶ including, but not limited to, minimum number of credit hours per term or the equivalent. For instance, state student assistance grants through the Florida Public Student Assistance Grant Program requires students to enroll in a degree program and take a minimum of 6 semester hours or the equivalent per term.³⁷

Such program and state financial aid requirements, while preserving program integrity, may present limited opportunities to certain students with disabilities, such as students with intellectual disabilities, to fully experience campus life and earn a meaningful credential that may help the students secure gainful employment.

³¹ 20 U.S.C. s. 1140q(b) and i(b).

³² Think College! *National Coordinating Center*, <http://www.thinkcollege.net/about-us/think-college-grant-projects/national-coordinating-center> (last visited Feb. 10, 2015).

³³ Think College! *College Options for People with Intellectual Disabilities*, <http://www.thinkcollege.net/> (last visited Feb. 10, 2015).

³⁴ Section 1007.264, F.S.; Rule 6A-10.041, F.A.C. and Board of Governors Regulation 6.018.

³⁵ Section 1007.265, F.S.; Rule 6A-10.041, F.A.C. and Board of Governors Regulation 6.018.

³⁶ Sections 1009.40, F.S.

³⁷ The eligibility status of each student to receive the Florida Public Student Assistance Grant Program award is determined by each institution. Section 1009.50(2) and (4)(c), F.S.

Other Postsecondary Options for Students with Disabilities

As an alternative to pursuing a traditional postsecondary education program, a student with a disability in Florida may choose to enroll in a non-traditional postsecondary program for students with disabilities. Currently, 17 such non-traditional postsecondary programs are available to students with developmental disabilities³⁸ in Florida.³⁹ To enroll in such programs, students with developmental disabilities are not required to meet the institutions' admission criteria with the exception of Nova Southeastern University that requires students to be admitted into the university.⁴⁰ Program components include auditing postsecondary courses, enrolling in vocational courses, and participating in campus life and job training programs.⁴¹ Of the 17 programs:

- Nine programs are available to students with developmental disabilities who are no longer enrolled in school district exceptional student education (ESE) programs. These programs are offered by 2 state universities (University of South Florida and University of North Florida); 1 private not-for-profit private university (Nova Southeastern University); 3 state or community colleges (Florida State College at Jacksonville, Santa Fe College, and Tallahassee Community College); and 2 technical centers (Brewster Technical College and Florida Panhandle Technical College). In Fall 2014, 201 students were enrolled in these programs. Program costs⁴² to students range from \$0 to \$10,000 per year. "While not eligible for federal [student financial] aid, students [enrolled in these programs] can receive some assistance to offset the costs of these programs."⁴³ The sources of funding include funds from Florida's vocational rehabilitation program, institutional funding, local grant programs, and other social service agencies.⁴⁴ During the 2013-2014 academic year, 125 students graduated from 6 of the 9 programs. 33 percent of the students who graduated were employed and 6 percent of the graduates received industry certifications and were pursuing other

³⁸ Developmental disability means "a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely." Section 393.063(9), F.S.

³⁹ Some of the 17 postsecondary programs (i.e., Project Student Access and Inclusion Together at Santa Fe College, Transitioning Owls at Florida Atlantic University, Project Panther LIFE at Florida International University, Project STING RAY at the University of South Florida, and Project ACCESS at the Florida Keys Community College) receive TPSID grant funds. Email, Office of Program Policy Analysis and Government Accountability (Feb. 5, 2015), on file with the Committee on Higher Education staff; Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), *available at* http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf.

⁴⁰ Telephone interview with Office of Program Policy Analysis and Government Accountability staff (Feb. 5, 2015).

⁴¹ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), *available at* http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf, at 15 of 29.

⁴² Program costs include base tuition only and do not include the cost of the residential option for the program which ranges from \$11,000-\$14,000 per year in addition to tuition. Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), *available at* http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf, at 17 of 85.

⁴³ Email, Office of Program Policy Analysis and Government Accountability (Feb. 5, 2015), on file with the Committee on Higher Education staff.

⁴⁴ *Id.*

postsecondary options or pursuing a GED. No outcome data is available for the remaining 59 percent of the students.⁴⁵

- Eight programs are available to students with developmental disabilities, through age 21,⁴⁶ who are still enrolled in school district ESE programs and receiving ESE services.⁴⁷ These programs are offered by 3 state universities (Florida Atlantic University, University of South Florida, and Florida International University), 1 not-for-profit private university (Warner University), and 4 state of community colleges (Florida Keys Community College, Indian River State College, Miami Dade College, and Polk State College). In Fall 2014, 71 students were enrolled in these programs. Students enrolled in such programs are not responsible for paying program costs because the students receive school district ESE services.⁴⁸ During the 2013-2014 academic year, 14 students graduated from 3 of the 8 programs. 67 percent of the students who graduated were employed including 1 graduate who was employed and enrolled in a postsecondary program. 13 percent of the graduates were as enrolled in a postsecondary education program and no outcome is available for the remaining 20 percent of the students.⁴⁹

None of the 17 programs award college credit or a college degree.⁵⁰ In some instances, students with developmental disabilities complete courses that may be applied toward a workforce credential.⁵¹

Additionally, according to research conducted by Florida's Office of Program Policy Analysis and Government Accountability, parents of students with developmental disabilities expressed concerns regarding a lack of information regarding postsecondary options for students with developmental disabilities.⁵² Parents also emphasized the need for statewide coordination of

⁴⁵ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf, at 20 of 85.

⁴⁶ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf, at 14 of 29.

⁴⁷ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf, at 22 of 85.

⁴⁸ Florida International University requires students enrolled in the Project Panther LIFE program to be Vocational Rehabilitation clients to receive Vocational Rehabilitation funds toward Project Panther LIFE program costs. Similarly, University of South Florida St. Petersburg, requires students enrolled in Project STING RAY to be Vocational Rehabilitation clients to offset Project STING RAY program costs. Telephone interview with Office of Program Policy Analysis and Government Accountability staff (Feb. 5, 2015).

⁴⁹ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf, 22 of 85.

⁵⁰ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf, at 13 of 29.

⁵¹ *Id.*

⁵² Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf, at 22 of 29.

postsecondary options and provision of student financial aid, including the ability for such students to apply Florida Prepaid College Plans, to offset program costs.⁵³

III. Effect of Proposed Changes:

The bill establishes mechanisms for the approval of postsecondary education programs tailored to the needs of students with intellectual disabilities and statewide coordination of information. Specifically, the bill includes two key components:

- A process through which postsecondary institutions in Florida can voluntarily seek approval to offer a Florida Postsecondary Comprehensive Transition Program (FPCTP) for students with intellectual disabilities; and
- A Florida Center for Students with Unique Abilities (statewide coordinating center) for statewide coordination of information regarding programs and services for students with disabilities and their parents.

While the FPCTPs are designed to serve as a postsecondary education program option for students with intellectual disabilities, the statewide coordinating center is designed to serve a broader group of students with disabilities and their parents. To assist with the implementation of FPCTPs and statewide coordination of information, the bill establishes requirements for students to enroll in an FPCTP and receive state financial assistance in the form of an FPCTP Scholarship, requirements for institutions to offer FPCTPs, and duties and responsibilities for the statewide coordinating center to implement bill provisions.

Florida Postsecondary Comprehensive Transition Program (FPCTP)

FPCTPs are established for students with intellectual disabilities. The bill aligns the FPCTP approval requirements to the federal requirements for comprehensive transition and postsecondary (CTP) programs. In addition to the federal requirements, to address the legislative purpose and intent, an eligible institution⁵⁴ must in its application for program approval:

- Identify a credential associated with the proposed program which is awarded to a student with an intellectual disability after the student completes the FPCTP.
- Incorporate in program design, at a minimum, inclusive and successful experiential education practices relating to curricular, assessment, and advising structure and internship and employment opportunities. If the FPCTP is designed to be a college credit-bearing degree program, the eligible institution must be responsible for maintaining the rigor and effectiveness of the FPCTP at the same level as another comparable degree program offered by the institution.

⁵³ *Id.* Florida Prepaid College Board suggested clarifying in law that a qualified beneficiary may apply the benefits of an advance payment contract toward the program fees of a program designed for students with disabilities. Florida Prepaid College Board, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), *available at* http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf, at 12 of 85.

⁵⁴ SB 7030 defines eligible institution as a state university; a Florida College System (FCS) institution; a technical center; or an independent college or university that is located and chartered in Florida, is not-for-profit, is accredited by the Southern Association of Colleges and Schools (SACS), and eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program.

- Include a plan for partnerships with businesses to promote experiential training and employment opportunities for students with intellectual disabilities.
- Include performance information, based on indicators identified by the statewide coordinating center, to measure satisfactory academic progress of students and performance of the program.
- Include any other requirement identified by the statewide coordinating center.
- Include a 5-year plan regarding enrollment and operational expectations for the proposed program.

State FPCTP Approval

To voluntarily offer an FPCTP, the president or executive director of an institution must submit an application and supporting documents to the statewide coordinating center, by a date established by the center.

The application⁵⁵ for approval of a comprehensive transition program proposed by the institution must be approved by the institution's governing board. Additionally, the application must address the federal CTP⁵⁶ and state FPCTP requirements. Notwithstanding current processes for program approval,⁵⁷ the center director must submit recommendations regarding program approval or disapproval to the Chancellor of the State University System of Florida (chancellor), for programs proposed by the state universities, or the Commissioner of Education (commissioner), for programs proposed by Florida College System (FCS) institutions, technical centers, or Independent Colleges and Universities of Florida (ICUF) institutions. Receipt of approval for a proposed program means that the program is approved to operate as a Florida-approved CTP program. If the chancellor or the commissioner, as applicable, does not take action on the center director's recommendation within 15 days after receipt of such recommendation, the proposed program is considered as an approved FPCTP by default. This expedited approval process likely will assist with timely implementation of FPCTPs by institutions. Additionally, students and their families will be able to plan ahead for the students' enrollment in the FPCTPs. To avoid delays in students' access to FPCTPs, an approved program must be implemented no later than the year immediately following the academic year during which the approval is granted. To renew an approved FPCTP, an institution must submit to the statewide coordinating center, an application for renewing the approved program, no later than 3 years following the year during which the approval was initially granted.

The supporting documents must include documented evidence of receipt of federal approval for a comprehensive transition program offered by the institution which is determined as an eligible program for federal student aid programs, documented evidence of submission of an application for such federal approval, or documentation demonstrating the institution's governing board's commitment to submit an application within the next academic year for federal approval. The

⁵⁵ SB 7030 requires the statewide coordinating center to create an application, based on federal CTP requirements, for approval of proposed programs and renewal of approved programs.

⁵⁶ 20 U.S.C. s. 1140(1); 34 C.F.R. s. 668.232; and Email, Office of Program Policy Analysis and Government Accountability (Oct. 10, 2014), on file with the Committee on Higher Education staff.

⁵⁷ The current process for program approval is based on the criteria established by the Board of Governors of the State University System of Florida (BOG) or the State Board of Education (SBE), as applicable, for the review and approval of proposed new programs at state universities and Florida College System (FCS) institutions. Section 1004.03, F.S.; see Board of Governors Regulation 8.011.

federal approval, if received, would allow students enrolled in FPCTPs to become eligible to receive federal student financial aid.⁵⁸

Student Requirements

Students who wish to enroll in an FPCTP must meet specified criteria. Additionally, a state financial assistance scholarship is established to assist such students with program costs.

Eligibility to Enroll in an FPCTP

To enroll in an FPCTP, the bill establishes student eligibility criteria, requiring that a student:

- Meet the federal definition of a student with an intellectual disability.⁵⁹
- Physically attend⁶⁰ a state university, a FCS institution, a technical center, or an ICUF institution.
- Submit to the institution documentation establishing that the student has an intellectual disability⁶¹ which may include an individualized plan for employment (IPE)⁶² or a diagnosis by a licensed physician⁶³ or a licensed psychologist.⁶⁴

Eligibility to Receive State Financial Assistance

The FPCTP Scholarship is not need-based and is established for students for intellectual disabilities who:

- Meet the student eligibility requirements, as specified in the bill, and
- Enroll in an FPCTP.

The scholarship will likely help students offset costs associated with their enrollment in an FPCTP which may include, but not be limited to, tuition and program fees.

To maintain eligibility to receive the scholarship, a student must continue to meet the federal definition of a student with an intellectual disability, be enrolled in an FPCTP, and demonstrate satisfactory academic progress.⁶⁵ Each institution is responsible for determining satisfactory academic progress of students based on indicators identified by the statewide coordinating center, in collaboration with the Board of Governors for the State University System of Florida (BOG) and the State Board of Education (SBE).

Institution Requirements

In addition to fulfilling FPCTP application and documentation requirements to offer a Florida-approved CTP program, an institution must:

⁵⁸ Federal Student Aid, U.S. Department of Education, *Students with Intellectual Disabilities May Be Able to Get Certain Types of Federal Student Aid*, <https://studentaid.ed.gov/eligibility/intellectual-disabilities> (last visited Feb. 4, 2015).

⁵⁹ 20 U.S.C. s. 1140(2).

⁶⁰ 34 C.F.R. s. 668.231(a)(2).

⁶¹ 34 C.F.R. s. 668.233(c).

⁶² The Division of Vocational Rehabilitation of the Department of Education makes determinations regarding whether an individual is eligible for vocational rehabilitation services. The goals, objectives, nature, and scope of vocational rehabilitation services must be included in the individualized plan for employment. Section 413.20(3), F.S.

⁶³ Chapters 458 and 459, F.S.

⁶⁴ Chapter 490, F.S.

⁶⁵ An institution is responsible for publishing the institution's standards for students enrolled in its comprehensive transition and postsecondary (CTP) program. 34 C.F.R. s. 668.233(a)(3).

- Notify students and their parents about the eligibility requirements for enrolling in an FPCTP and receiving the FPCTP Scholarship.
- Make student eligibility determinations regarding program enrollment and scholarship receipt based on specified criteria.⁶⁶
- Certify to the statewide coordinating center the amount of funds disbursed to each student, and must remit to the coordinating center any undisbursed advances by June 1 of each year to reconcile FPCTP Scholarship funds before the end of each fiscal year on June 30.
- Submit an annual report, by August 1 of each year, to the statewide coordinating center which, at a minimum, for the prior academic year, addresses information regarding recruitment, enrollment, and retention of students; completion rate of students enrolled in FPCTPs and courses, as applicable; transition success of students as measured by employment rates and salary levels at 1 year and 5 years after completion; and any other performance indicator identified by the statewide coordinating center.

Statewide Coordination

To address the concerns of students with developmental disabilities and their parents regarding a lack of statewide coordination of postsecondary options for such students, a statewide coordinating center is established within the University of Central Florida. The center is named the Florida Center for Students with Unique Abilities (statewide coordinating center or center). The center is designed to serve as a one-stop shop for reliable and accurate information on programs and services for students with disabilities including, but not limited to, students with intellectual disabilities. This will likely reduce stress that parents express related to searching for quality postsecondary options for their child and help parents plan ahead for a pathway to postsecondary education and employment opportunities for their child. Specifically, the center must:

- Disseminate information to students with disabilities and their parents regarding available education programs, services, resources, and employment opportunities for such students.
- Coordinate and facilitate the statewide implementation of FPCTP provisions including, but not limited to, recommending approval or disapproval of programs; creating an application for program approval and renewal; disbursing FPCTP Scholarship funds to institutions for awards to eligible students; collaborating with the National Coordinating Center (i.e., Think College) to develop guidelines for statewide implementation of comprehensive transition programs; and consulting with the Higher Education Coordinating Council to identify meaningful credentials for FPCTPs and engage businesses and stakeholders to promote experiential training and employment opportunities for students with intellectual disabilities.
- Provide technical assistance regarding programs and services for students with intellectual disabilities to administrators, instructors, staff, and others, as applicable, at institutions by:
 - Holding meetings to share successful practices and address issues or concerns.
 - Facilitating collaboration between institutions and school districts, private schools, and parents of students enrolled in home education programs.
 - Assisting institutions with state and federal applications for approval of comprehensive transition programs.

⁶⁶ Similar to some state financial aid awards and tuition assistance grants, the bill requires institutions to determine eligibility of students to receive the FPCTP Scholarship based on specified criteria. Sections 1009.50(4)(c), 1009.505(4)(c), 1009.51(4)(c), and 1009.52(4)(c), F.S.

- Assisting institutions with the identification of funding sources for FPCTPs and financial assistance for students enrolled in FPCTPs.
- Monitoring federal and state law regarding comprehensive transition programs and notifying the Legislature, the Governor, the BOG, the SBE of any change in relevant law.
- Provide, by October 1 of each year, to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chancellor, and the commissioner, a summary of:
 - The status of statewide implementation of FPCTPs including, but not limited to, information related to the approval and disapproval of applications and reasons for disapproval and no action, and FPCTP Scholarships awarded and undisbursed advances remitted to the statewide coordinating center.
 - The student and program performance indicators identified by the statewide coordinating center and performance information submitted by the institutions to the center.
 - The projected number of students with intellectual disabilities who may enroll in FPCTPs within the next academic year.
 - The education programs and services for students with intellectual disabilities which are available at the institutions.

Rulemaking

The bill requires the BOG and the SBE to consult with the statewide coordinating center to expeditiously adopt regulations and rules, as applicable, to allow the center to perform its responsibilities beginning in the 2015-2016 fiscal year.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

SB 7030 authorizes Florida Postsecondary Comprehensive Transition Program (FPCTP) Scholarship awards for students with intellectual disabilities who meet the eligibility

requirements to receive the scholarship to offset costs associated with enrollment in an FPCTP which may include, but not be limited to, tuition and program fees.

C. Government Sector Impact:

The bill creates the Florida Center for Students with Unique Abilities and assigns the center with specific responsibilities. The estimated annual cost for the center to perform the responsibilities outlined in the bill is approximately \$1 million. The bill also creates the FPCTP Scholarship with a maximum allowable award which will be as specified annually in the General Appropriations Act. Scholarship awards, as authorized, must be prorated if funds are not adequate to provide the maximum allowable award to each eligible student.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1004.6501 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By the Committee on Higher Education

589-01644-15

20157030__

1 A bill to be entitled
 2 An act relating to postsecondary education for
 3 students with disabilities; creating s. 1004.6501,
 4 F.S.; providing a short title; providing purposes and
 5 legislative intent; defining terms; establishing
 6 eligibility requirements for enrollment in the Florida
 7 Postsecondary Comprehensive Transition Program;
 8 requiring eligible institutions to make student
 9 eligibility determinations; establishing the Florida
 10 Center for Students with Unique Abilities; specifying
 11 the duties of the center and the center director;
 12 specifying application requirements for initial
 13 approval and renewal of approval; requiring an
 14 eligible institution with an approved program to
 15 submit an annual report to the center by a specified
 16 date; establishing a Florida Postsecondary
 17 Comprehensive Transition Program Scholarship for
 18 certain qualified students; specifying the
 19 requirements for a student to maintain eligibility for
 20 the scholarship; providing for the distribution of
 21 scholarship funds; requiring an eligible institution
 22 to report certain data and information to the center;
 23 requiring an eligible institution to certify and
 24 report the amount of funds disbursed and undisbursed
 25 advances to the center by a specified date; requiring
 26 the center, with the Board of Governors and the State
 27 Board of Education, to identify program progress and
 28 performance indicators; requiring an annual report to
 29 the Governor, the President of the Senate, the Speaker

Page 1 of 13

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589-01644-15

20157030__

30 of the House of Representatives, the Chancellor of the
 31 State University System, and the Commissioner of
 32 Education by a specified date; requiring the center,
 33 with other stakeholders, to submit to the Governor,
 34 the President of the Senate, and the Speaker of the
 35 House of Representatives statutory or budget
 36 recommendations for the program; requiring the Board
 37 of Governors and the State Board of Education, in
 38 consultation with the center, to adopt regulations and
 39 rules; providing an effective date.

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

42
 43 Section 1. Section 1004.6501, Florida Statutes, is created
 44 to read:

45 1004.6501 Florida Postsecondary Comprehensive Transition
 46 Program and the Florida Center for Students with Unique
 47 Abilities.—

48 (1) SHORT TITLE.—This section shall be known and may be
 49 cited as the "Florida Postsecondary Comprehensive Transition
 50 Program Act."

51 (2) PURPOSE AND LEGISLATIVE INTENT.—The purpose of this
 52 section is to increase independent living, inclusive and
 53 experiential postsecondary education, and employment
 54 opportunities for students with intellectual disabilities
 55 through degree, certificate, or nondegree programs and to
 56 establish statewide coordination of the dissemination of
 57 information regarding programs and services for students with
 58 disabilities. It is the intent of the Legislature that students

Page 2 of 13

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589-01644-15 20157030

with intellectual disabilities and students with disabilities have access to meaningful postsecondary education credentials and a meaningful campus experience.

(3) DEFINITIONS.—As used in this section, the term:

(a) "Center" means the Florida Center for Students with Unique Abilities established under subsection (5).

(b) "Director" means the director of the center.

(c) "Eligible institution" means a state university; a Florida College System institution; a career center; a charter technical career center; or an independent college or university that is located and chartered in this state, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, and is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program.

(d) "Florida Postsecondary Comprehensive Transition Program Scholarship" or "scholarship" means the scholarship established under this section to provide state financial assistance awards to students who meet the student eligibility requirements specified in subsection (4) and are enrolled in an FPCTP.

(e) "FPCTP" means a Florida Postsecondary Comprehensive Transition Program that is approved pursuant to paragraph (5)(b) and offered by an eligible institution.

(f) "Transitional student" means a student who is 18 to 26 years of age and meets the student eligibility requirements specified in subsection (4).

(4) STUDENT ELIGIBILITY.—To be eligible to enroll in an FPCTP at an eligible institution, a student must, as determined by the institution, based on guidelines established by the

589-01644-15 20157030

center:

(a) Be a "student with an intellectual disability" as that term is defined in 20 U.S.C. s. 1140(2), including, but not limited to, a transitional student.

(b) Physically attend the eligible institution.

(c) Submit to the eligible institution documentation regarding his or her intellectual disability. Such documentation may include, but not be limited to, a current individualized plan for employment associated with an evaluation completed pursuant to s. 413.20(3) or a diagnosis from a physician who is licensed under chapter 458 or chapter 459 or a psychologist licensed under chapter 490.

(5) CENTER RESPONSIBILITIES.—The Florida Center for Students with Unique Abilities is established within the University of Central Florida. At a minimum, the center shall:

(a) Disseminate information to students with disabilities and their parents, including, but not limited to:

1. Education programs, services, and resources that are available at eligible institutions.
2. Supports, accommodations, technical assistance, or training provided by eligible institutions, the advisory council established pursuant to s. 383.141, and regional autism centers established pursuant to s. 1004.55.
3. Mentoring, networking, and employment opportunities.

(b) Coordinate and facilitate the statewide implementation of this section. The director of the center shall oversee the approval of the comprehensive transition programs. Notwithstanding the program approval requirements of s. 1004.03, the director shall review applications for the initial approval

589-01644-15

20157030__

of an application for, or renewal of approval of, a comprehensive transition program proposed by an eligible institution. Within 30 days after receipt of an application, the director shall issue his or her recommendation regarding approval to the Chancellor of the State University System or the Commissioner of Education, as applicable, or shall give written notice to the applicant of any deficiencies in the application, which the eligible institution must be given an opportunity to correct. Within 15 days after receipt of a notice of deficiencies, the eligible institution shall, if the eligible institution seeks program approval, correct the application deficiencies and return the application to the center. Within 30 days after receipt of a revised application, the director shall recommend approval or disapproval of the revised application to the chancellor or the commissioner, as applicable. Within 15 days after receipt of the director's recommendation for approval or disapproval, the chancellor or the commissioner shall approve or disapprove the recommendation. If the chancellor or the commissioner does not take action on the director's recommendation within 15 days after receipt of such recommendation, the comprehensive transition program proposed by the institution shall be considered an FPCTP by default. Additionally, the director shall:

1. Consult and collaborate with the National Center and the Coordinating Center, as identified in 20 U.S.C. s. 1140g, regarding guidelines established by the center for effective implementation of the programs for students with disabilities and for students with intellectual disabilities which align with the federal requirements and standards, quality indicators, and

589-01644-15

20157030__

benchmarks identified by the National Center and the Coordinating Center.

2. Consult and collaborate with the Higher Education Coordinating Council to identify meaningful credentials for FPCTPs and to engage businesses and stakeholders to promote experiential training and employment opportunities for students with intellectual disabilities.

3. Create the application for the initial approval and renewal of approval as an FPCTP for use by an eligible institution which, at a minimum, must align with the federal comprehensive transition and postsecondary program application requirements.

4. Establish requirements and timelines for the:

a. Submission and review of an application.

b. Approval or disapproval of an initial or renewal application. Initial approval of an application for an FPCTP that meets the requirements of subsection (6) is valid for the 3 academic years immediately following the academic year during which the approval is granted. An eligible institution may submit an application to the center requesting that the initial approval be renewed. If the approval is granted and the FPCTP continues to meet the requirements of this section, including, but not limited to, program and student performance outcomes, and federal requirements, a renewal is valid for the 5 academic years immediately following the academic year during which the renewal is initially granted.

c. Implementation of an FPCTP, beginning no later than the academic year immediately following the academic year during which the approval is granted.

589-01644-15

20157030__

175 5. Administer scholarship funds.
 176 6. Oversee and report on the implementation and
 177 administration of this section by planning, advising, and
 178 evaluating approved degree, certificate, and nondegree programs
 179 and the performance of students and programs pursuant to
 180 subsection (8).
 181 (c) Provide technical assistance regarding programs and
 182 services for students with intellectual disabilities to
 183 administrators, instructors, staff, and others, as applicable,
 184 at eligible institutions by:
 185 1. Holding meetings and annual workshops to share
 186 successful practices and to address issues or concerns.
 187 2. Facilitating collaboration between eligible institutions
 188 and school districts, private schools pursuant to s. 1002.42,
 189 and parents of students enrolled in home education programs
 190 pursuant to s. 1002.41 in assisting students with intellectual
 191 disabilities and their parents to plan for the transition of
 192 such students into an FPCTP or another program at an eligible
 193 institution.
 194 3. Assisting eligible institutions with state FPCTP and
 195 federal comprehensive transition and postsecondary program
 196 applications.
 197 4. Assisting eligible institutions with the identification
 198 of funding sources for an FPCTP and for student financial
 199 assistance for students enrolled in an FPCTP.
 200 5. Monitoring federal and state law relating to the
 201 comprehensive transition program and notifying the Legislature,
 202 the Governor, the Board of Governors, and the State Board of
 203 Education of any change in law which may impact the

Page 7 of 13

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589-01644-15

20157030__

204 implementation of this section.
 205 (6) INSTITUTION ELIGIBILITY AND RESPONSIBILITIES.—
 206 (a) To offer an FPCTP, the president or executive director
 207 of an eligible institution, as applicable, must submit to the
 208 center, by a date established by the center, the following:
 209 1. An application for approval of a comprehensive
 210 transition program proposed by the eligible institution which
 211 must be approved by the institution's governing board and must
 212 address the requirements of the federal comprehensive transition
 213 and postsecondary program under 20 U.S.C. s. 1140 and the
 214 requirements of this section, including, but not limited to:
 215 a. Identification of a credential associated with the
 216 proposed program, which is awarded to a student with an
 217 intellectual disability who meets the student eligibility
 218 requirements specified in subsection (4) upon completion of the
 219 FPCTP.
 220 b. The program length and design, including, at a minimum,
 221 inclusive and successful experiential education practices
 222 relating to curricular, assessment, and advising structure and
 223 internship and employment opportunities which must support
 224 students with intellectual disabilities who are seeking to
 225 continue academic, career and technical, and independent living
 226 instruction at an eligible institution, including, but not
 227 limited to, opportunities to earn industry certifications, to
 228 prepare students for gainful employment. If offering a college
 229 credit-bearing degree program, an institution shall be
 230 responsible for maintaining the rigor and effectiveness of a
 231 comprehensive transition degree program at the same level as
 232 another comparable degree program offered by the institution

Page 8 of 13

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589-01644-15 20157030__

233 pursuant to the applicable accreditation standards.

234 c. The plan for students with intellectual disabilities to

235 be integrated socially and academically with nondisabled

236 students, to the maximum extent possible, and to participate on

237 not less than a half-time basis, as determined by the eligible

238 institution, with such participation focusing on academic

239 components and occurring through one or more of the following

240 activities with nondisabled students:

241 (I) Regular enrollment in credit-bearing courses offered by

242 the institution.

243 (II) Auditing or participating in courses offered by the

244 institution for which the student does not receive academic

245 credit.

246 (III) Enrollment in noncredit-bearing, nondegree courses.

247 (IV) Participation in internships or work-based training.

248 d. The plan for partnerships with businesses to promote

249 experiential training and employment opportunities for students

250 with intellectual disabilities.

251 e. Performance indicators pursuant to subsection (8) and

252 other requirements identified by the center.

253 f. A 5-year plan incorporating enrollment and operational

254 expectations for the program.

255 2. Documented evidence of a federally approved

256 comprehensive transition and postsecondary program that is

257 determined to be an eligible program for the federal student aid

258 programs and is currently offered at the institution, documented

259 evidence of the submission of an application for such federal

260 approval of a comprehensive transition and postsecondary program

261 proposed by the institution, or documentation demonstrating the

589-01644-15 20157030__

262 commitment of the institution's governing board to submit an

263 application within the subsequent academic year for federal

264 approval of a comprehensive transition and postsecondary program

265 proposed by the institution pursuant to 20 U.S.C. s. 1140.

266 (b) An eligible institution may submit an application to

267 the center for approval pursuant to the requirements of this

268 section for implementation of the FPCTP no later than the

269 academic year immediately following the academic year during

270 which the approval is granted. An eligible institution must

271 submit a renewal application to the center no later than 3 years

272 following the year during which the approval is initially

273 granted.

274 (c) By August 1 of each year, an eligible institution that

275 has an FPCTP shall submit an annual report to the center which,

276 at minimum, for the prior academic year, addresses the following

277 performance indicators:

278 1. Efforts to recruit students in the FPCTP and the number

279 of students enrolled in the program.

280 2. Efforts to retain students in the FPCTP and the

281 retention rate of students in the program.

282 3. The completion rate of students enrolled in the FPCTP

283 and courses, as applicable.

284 4. Transition success of students who complete an FPCTP, as

285 measured by employment rates and salary levels at 1 year and 5

286 years after completion.

287 5. Other performance indicators identified by the center

288 pursuant to subsection (8).

289 (d) An eligible institution shall notify students with

290 intellectual disabilities and their parents of the student

589-01644-15 20157030

291 eligibility requirements specified in subsection (4) and the
 292 scholarship requirements and eligibility requirements specified
 293 in subsection (7).

294 (7) FLORIDA POSTSECONDARY COMPREHENSIVE TRANSITION PROGRAM
 295 SCHOLARSHIP.—

296 (a) Beginning in the 2015-2016 academic year, the Florida
 297 Postsecondary Comprehensive Transition Program Scholarship is
 298 established for students who meet the student eligibility
 299 requirements specified in subsection (4) and who are enrolled in
 300 an FPCTP.

301 (b) To maintain eligibility to receive a scholarship, a
 302 student must continue to meet the requirements of paragraph (a)
 303 and must demonstrate satisfactory academic progress in the
 304 FPCTP, as determined by the eligible institution that the
 305 student attends, based on the indicators identified by the
 306 center pursuant to subsection (8).

307 (c) Payment of scholarship funds shall be transmitted to
 308 the director of the center, or to his or her designee, in
 309 advance of the registration period. The director, or his or her
 310 designee, shall disburse the scholarship funds to the eligible
 311 institutions that are responsible for awarding the scholarship
 312 to students who meet the requirements of paragraphs (a) and (b).

313 (d) During each academic term, by a date established by the
 314 center, an eligible institution shall report to the center the
 315 number and value of all scholarships awarded under this
 316 subsection. Each eligible institution shall also report to the
 317 center necessary demographic and eligibility data and other data
 318 requested by the center for students who received the
 319 scholarship awards.

589-01644-15 20157030

320 (e) By a date annually established by the center, each
 321 eligible institution shall certify to the center the amount of
 322 funds disbursed to each student and shall remit to the center
 323 any undisbursed advances by June 1 of each year.

324 (f) Funding for the scholarship and the maximum allowable
 325 award shall be as provided annually in the General
 326 Appropriations Act. If funds appropriated are not adequate to
 327 provide the maximum allowable award to each eligible student,
 328 the awards may be prorated.

329 (8) ACCOUNTABILITY.—

330 (a) The center, in collaboration with the Board of
 331 Governors and the State Board of Education, shall identify
 332 indicators for the satisfactory progress of a student in an
 333 FPCTP and for the performance of such programs. Each eligible
 334 institution must address the indicators identified by the center
 335 in its application for the approval of a proposed FPCTP and for
 336 the renewal of an FPCTP and in the annual report that the
 337 institution submits to the center.

338 (b) By October 1 of each year, the center shall provide to
 339 the Governor, the President of the Senate, the Speaker of the
 340 House of Representatives, the Chancellor of the State University
 341 System, and the Commissioner of Education, a summary of
 342 information including, but not limited to:

343 1. The status of the statewide coordination of FPCTPs and
 344 the implementation of FPCTPs at eligible institutions including,
 345 but not limited to:

346 a. The number of applications approved and disapproved and
 347 the reasons for each disapproval and no action taken by the
 348 chancellor or the commissioner.

589-01644-15

20157030__

b. The number and value of all scholarships awarded to students and undisbursed advances remitted to the center pursuant to subsection (7).

2. Indicators identified by the center pursuant to paragraph (a) and the performance of each eligible institution based on the indicators identified in paragraph (6)(c).

3. The projected number of students with intellectual disabilities who may be eligible to enroll in the FPCTPs within the next academic year.

4. Education programs and services for students with intellectual disabilities which are available at an eligible institution.

(c) Beginning in the 2015-2016 fiscal year, the center, in collaboration with the Board of Governors, State Board of Education, Higher Education Coordinating Council, and other stakeholders, by December 1 each year, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives statutory or budget recommendations for improving the implementation and delivery of FPCTPs and other education programs and services for students with disabilities.

(9) RULES.—The Board of Governors and the State Board of Education, in consultation with the center, shall expeditiously adopt the necessary regulations and rules, as applicable, to allow the center to perform its responsibilities pursuant to this section beginning in the 2015-2016 fiscal year.

Section 2. This act shall take effect upon becoming a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Committee

BILL: SPB 7054

INTRODUCER: For consideration by the Appropriations Committee

SUBJECT: Department of Transportation

DATE: March 17, 2015

REVISED: _____

ANALYST

Miller

STAFF DIRECTOR

Kynoch

REFERENCE

ACTION

Pre-meeting

I. Summary:

SPB 7054 redirects the portion of the \$225 additional fee imposed on initial registration of motor vehicles (referred to as the “New Wheels Fee”) that currently is deposited into the General Revenue Fund to the State Transportation Trust Fund (STTF). The bill further specifies how the revenues from this fee are to be used by the Florida Department of Transportation. The designated uses include the following programs and amounts:

- The Florida Shared-Use Nonmotorized Trail Network - \$25 million.
- The New Starts Transit Program - 3.4 percent (\$7.1 million).
- The Small County Outreach Program - 5 percent (\$10.2 million).
- The Florida Strategic Intermodal System - 20.6 percent (\$42.5 million).
- The Transportation Regional Incentive Program - 6.9 percent (\$14.2 million).
- All remaining funds for any transportation purpose authorized by law.

The bill creates the Florida Shared-Use Nonmotorized Trail (SunTrail) network, which is a component of the Florida Greenways and Trails System. The statewide SunTrail network consists of multiuse trails or shared-use paths separated from motor vehicle traffic and constructed with asphalt, concrete or other hard surface which provides nonmotorized transportation opportunities for bicyclists and pedestrians statewide. The bill also provides legislative findings and intent related to the SunTrail network, and includes provisions for the planning, development, operation, and maintenance of the network components. The bill requires the Florida Department of Transportation (FDOT) to annually allocate \$50 million for the SunTrail network in the FDOT work program.

The Revenue Estimating Conference has not met on this bill, but staff estimates that the bill will increase the distribution of the New Wheels fee revenue to the STTF from \$107 million to \$206 million, or a positive fiscal impact of \$99 million. There would be a corresponding negative fiscal impact of \$99 million to the General Revenue Fund. These estimated impacts are for the 2015-2016 fiscal year; future impacts would be on a recurring basis with the impact depending on the amount of New Wheels Fee revenue collected.

The bill provides and effective date of July 1, 2015.

II. Present Situation:

New Wheels Fee

Section 320.072, F.S., provides for the New Wheels Fee. Section 320.072(1), F.S., provides for a fee of \$225 on the initial application for registration of automobiles, light truck, motorhomes and truck campers. Section 320.072(4), F.S., provides that 44.5 percent of that fee is deposited into the State Transportation Trust Fund, 41.2 percent is deposited into the General Revenue Fund and 14.3 percent is deposited in the Highway Safety Operating Trust Fund.

The fee was first established in 1989, and is designed primarily to affect only those vehicle owners whose actions result in net additions to the state's number of registered vehicles. This is accomplished by exempting several kinds of registration transactions such as trade-ins and transfers of title between family members living in the same house; and by allowing refunds of the fee, if another eligible vehicle is disposed of within 90 days. The fee applies only to automobiles, light trucks, and certain recreational vehicles.

Trail Development

The development of Florida's bicycle and pedestrian infrastructure did not begin in earnest until the late 20th century. The American railroad industry was deregulated by the Staggers Rail Act of 1980, providing Florida with an immediate abundance of abandoned rail corridors.¹ Organizations such as The Rails-to-Trails Conservancy and The Trust for Public Land, the FDOT, and the Department of Environmental Protection (DEP) coordinated to develop numerous abandoned rail corridors as shared-use "rail-trails" for nonmotorized transportation and recreation. Many of Florida's premier nonmotorized trails, including the Pinellas Trail, the Tallahassee-St. Marks Trail, and the West Orange Trail, are a result of rail-trail conversions.

The second major thrust in trail development came in 1991 when Congress shifted surface transportation policy through passage of the Intermodal Surface Transportation Efficiency Act.² For the first time, pedestrian and bicycle facilities were identified as components of the nation's transportation infrastructure, and a dedicated funding source was created for multiuse trails and paths with local governments serving as project sponsors.³ Many of the resulting projects are community-centric, short-distance trails, initiated by local governments and other governmental entities not traditionally associated with transportation development, such as water management districts and school districts.

Trail Connectivity

While many locales have benefited from federal trail funding, an unintended consequence of trail development being initiated by numerous state entities and local governments is a collection of random trails rather than a statewide system. As a result, many trails lack connectivity with other

¹ Pub. Law No. 96-448, H.R. 72365, 96th Cong. (Oct. 14, 1980).

² Pub. Law No. 102-240, H.R. 2950, 102nd Cong. (Dec. 18, 1991).

³ Joe Maher, *Federal Funding for Conservation and Recreation Trails* (Feb. 2009), available at http://www.rff.org/RFF/Documents/RFF-BCK-ORRG_DOT.pdf (last visited Mar. 11, 2015).

trails and often serve no meaningful origins and destinations. Trail users are often required to use roads, sidewalks, and highways to connect trails or to complete a trip. Many trail trips are “out-and-back” trips in which the origin and destination are the same location. Such trips serve little to no transportation function and do not realize the full economic potential of a trail network.

In 1995, the Legislature recognized the benefits of an expanded greenways and trails network and created the Florida Greenways Coordinating Council (FGCC).⁴ The Legislature tasked the FGCC with promoting the creation of a statewide greenways and trails system and designated the DEP as the lead agency of the system.⁵ The FGCC published the Connecting Florida Communities with Greenways and Trails Plan in 1998. The plan contains a multiuse recreational Opportunity Trail Map and is considered the first visioning document for connecting Florida’s greenways and trails. The plan provides a comprehensive approach to the Florida Greenways and Trails System (FGTS) by providing a review of existing greenways and trails and recommendations to complete the system. The plan recommends:

- The DEP establish a process to prioritize greenways and trails for ecological, recreational, and cultural significance;
- The DEP identify the critical linkages in the statewide greenways and trails system;
- The FGCC evaluate and prioritize greenways and trails proposed by the DEP based on:
 - Willingness of the landowner;
 - Ecological, recreational, and cultural significance;
 - Acquisition considerations;
 - Management considerations;
 - Community support; and
 - Identification of critical linkages.
- The DEP develop a process for designating lands for the statewide greenways and trails system;
- The FGCC promote awareness and generate support of the greenways and trails system;
- Encouraging landowners to voluntarily sell or donate conservation easements or fee simple title to land;
- Coordinating with owners to acquire linear facilities;
- Encouraging developers to include trails in residential areas and to link residential trails with the statewide system;
- Identifying a funding mechanism for the creation and maintenance of trail systems;
- Directing the Legislature to create the Florida Greenways and Trails Council; and
- Measuring the success of the statewide trails system by:
 - Tracking the current trail system and new land designations in a database;
 - Maintaining natural areas so they may be considered for designation or remain designated;
 - Creating a system that provides public access to a trail within 15 minutes of every Floridian; and
 - Ensuring a 95 percent satisfaction rate for visitors to greenways and trails facilities.⁶

⁴ Chapter 95-260, Laws of Fla.

⁵*Id.*

⁶ The DEP, Florida Greenways Coordinating Council, *Connecting Florida’s Communities with Greenways and Trails* (1998), available at http://www.dep.state.fl.us/gwt/FGTS_Plan/PDF/1998FGTSPanConnectingFlorida'sCommunities.pdf (last visited Mar. 5, 2015).

In 1999, the Legislature created the Florida Greenways and Trails Council as recommended by the 1998 Connecting Communities with Greenways and Trails Plan. Section 260.0142(4), F.S., directs the council to:

- Facilitate a statewide system of interconnected landscape linkages, conservation corridors, greenbelts, recreational corridors and trails, scenic corridors, utilitarian corridors, reserves, regional parks and preserves, ecological sites, and cultural/historic/recreational sites using land-based trails that connect, urban, suburban, and rural areas of the state;
- Recommend priorities for critical links in the FGTS;
- Review recommendations for acquisition funding;
- Review designation proposals to be include in the FGTS;
- Encourage public-private partnerships;
- Review the established benchmarks and make recommendations for appropriate action;
- Recommend updates to the implementation plan for the FGTS;
- Promote greenways and trails support organizations; and
- Support the FGTS through intergovernmental coordination, budget recommendations, and any other appropriate way.

In 2008, Florida was recognized as a leader in greenways and trails and awarded the Best Trails State Award by American Trail. Although the statewide system of trails had expanded to include thousands of miles of paved, unpaved, and paddling trails to accommodate hikers, bikers, equestrians, and paddlers, many gaps to the trail system remain.⁷

In 2013, the DEP published the 2013-2017 Florida Greenways and Trails System Plan. The 2013-2017 plan was the first update to the FGTS since the Connecting Florida Communities with Greenways and Trails Plan was published in 1998. The updated plan provides goals for the FGTS to advance Florida's economy, tourism, health, transportation, recreation, conservation, and quality of life. Specifically, the plan:

- Establishes priorities for coordinating, directing, and focusing resources;
- Provides a new framework for systematically closing the gaps in trails and connecting priority corridors within the FGTS to establish a fully connected and integrated statewide trail network; and
- Provides linkages between additional state planning efforts and the FGTS. The additional state planning efforts include:
 - The Florida Five-year Strategic Plan for Economic Development;
 - The VISIT Florida Marketing Plan;
 - The Florida State Health Improvement Plan;
 - The Florida Transportation Plan 2060;
 - The Florida Statewide Comprehensive Outdoor Recreation Plan; and
 - The Cooperative Conservation Blueprint and Wildlife Action Plan.

⁷ The DEP, *Coast to Coast Connector, Status Report : July 1, 2014 to December 31, 2014*, available at http://www.dep.state.fl.us/gwt/FGTS_Plan/Long%20Distance%20Corridors/1st%20Edition%20Jan%202015.pdf (last visited Mar. 5, 2015).

The Coast-to-Coast Connector (C2C) is an essential component of the 2013-2017 FGTS plan and the Florida Greenways and Trails Foundation “Close the Gaps” campaign.⁸ The C2C is an approximately 275-mile system of local, regional, state, and federal trails crossing nine counties from Titusville to St. Petersburg. Approximately 200 miles of the corridor are developed or funded for completion. The remaining portion of the C2C will cost an estimated \$42 million to complete.⁹

Once complete, the C2C will link communities and provide a year-round ecotourism engine throughout the region. The C2C includes two of the state's most popular trails, the Pinellas Trail and the West Orange Trail, each of which have served approximately 1 million users per year and fueled the economic transformation of trail communities, particularly Dunedin and Winter Garden.¹⁰ Components of the C2C will also serve other planned trails including multi-day loop trails such as the 250-mile Heart of Florida Greenway¹¹ and the 300-mile St. Johns River-to-Sea Loop¹².

Interagency Coordination

The FDOT created the Florida Bicycle and Pedestrian Partnership Council in 2010, which includes representatives from the FDOT, state agencies, local governments, and non-profit organizations. The council provides policy recommendations for the state's walking, biking, and trail facilities to the FDOT and its partners. The primary focus of the council is to implement bicycle and pedestrian connections, promote bicycle and pedestrian safety, promote the use of design discretion to accommodate bicycle and pedestrian needs, and to promote the State Health Improvement Plan.¹³

The council has directed the FDOT to partner with the DEP to pursue opportunities that contribute to the full implementation of the FGTS Priority Network including:

- Considering additional right of ways for separate shared-use paths during all transportation corridor planning;
- Expanding the limited access pilot-projects;
- Developing an interagency Memoranda of Agreements to promote cooperation; and
- Working with metropolitan planning organizations and other regional entities.

Trail Benefits

In addition to the intrinsic value nonmotorized travel brings to community mobility, sustainable transportation, and personal health, trails provide access to conservation lands and create wildlife corridors. Trails also produce numerous quantifiable economic benefits, including increasing the

⁸ The Florida Greenways and Trails Foundation is a non-profit organization that supports the mission and programs of the DEP Office of Greenways and Trails.

⁹ *Supra* note 7.

¹⁰ *Supra* note 7.

¹¹ The Florida Greenways and Trails Foundation, *Close the Gaps: Heart of Florida Greenway* (May 29, 2012), available at <http://fgtf.org/maps/hof/overview.pdf> (last visited Mar. 11, 2015).

¹² ETM, *St. Johns River-to-Sea Loop Trail Status Update* (Sept 2011), available at http://www.etmnc.com/SJR2C/sg_userfiles/SJR2C_Summary_Report_09-19-11.pdf (last visited Mar. 11, 2015).

¹³ The DOT, *The Florida Bicycle and Pedestrian Partnership Council: 2012/2013 Annual Progress Report* (Oct. 2013), available at <http://www.dot.state.fl.us/planning/policy/bikeped/Annualrpt2012-13.pdf> (last visited Mar. 11, 2015).

value of nearby properties, increasing spending at local businesses, influencing business location and relocation decisions, revitalizing depressed areas, providing sustainable tourism opportunities, and creating jobs.

Property Values

Based on an analysis of comparable trails from across the country, the construction of Miami-Dade County's Ludlam Trail will increase property values within a half mile of the trail 0.32 to 0.73 percent faster than other properties throughout the county. This translates into a total property value increase over a 25-year period of \$121 million to \$282 million.¹⁴ A study of property values near trails in Delaware found that properties within 50 meters of the bike paths sell for \$8,800 more than similar homes.¹⁵ A survey co-sponsored by the National Association of Home Builders and the National Association of Realtors found that proximity to nonmotorized trails came in second only to highway access when recent home buyers were asked about the "importance of community amenities."¹⁶

Local Businesses and Economic Development

An economic impact analysis of trails in Orange County, Florida, found in 2010 average spending per trail user was \$20 per visit, representing food and beverages, transportation, books and maps, bike maintenance, rentals, and more. The West Orange Trail supports 61 jobs and represents an estimated economic impact of \$5 million for downtown Winter Garden. Longer destination trails increase spending and benefit hotels, bed and breakfasts, and outdoor outfitters.¹⁷ A study of the Great Allegheny Passage, a 132-mile corridor in Pennsylvania, found that users reporting longer average travel distances to the trail were more likely to spend successive days on or near the trail. Those who reported an overnight stay in conjunction with their trips averaged spending \$203 per person.¹⁸ A survey on the Greenbrier River Trail, an 81-mile corridor in West Virginia, found an overwhelming majority of trail users were highly educated professionals with high income levels, two-thirds were from outside of West Virginia, 93 percent were staying in the area from one to four days, 58 percent spent between \$100 and \$500 in the area, and 93 percent indicated that they were highly likely to plan a return trip.¹⁹

Revitalization of Depressed Areas

Companies often choose locations in communities that offer a high level of amenities to employees as a means of attracting and retaining top-level workers. Trails can make

¹⁴ Miami-Dade County, Park and Recreation Department, *Miami-Dade County Trail Benefits Study: Ludlam Trail Case Study* (Jan. 2011), available at <http://atfiles.org/files/pdf/Miami-Dade-Ludlam-Trail-Benefits.pdf> (last visited Mar. 11, 2015).

¹⁵ Lindsey et al, *Property Values, Recreation Values, and Urban Greenways* (2004) available at http://staff.washington.edu/kwolf/Archive/Classes/ESRM304_SocSci/304%20Soc%20Sci%20Lab%20Articles/Lindsey_2004.pdf (Mar. 11, 2015).

¹⁶ National Trails Training Partnership, *Benefits of Trails and Greenways* <http://www.americantrails.org/resources/benefits/homebuyers02.html> (last visited Mar. 11, 2015).

¹⁷ East Central Florida Regional Planning Council, *Economic Impact Analysis of Orange County Trails* available at http://www.dep.state.fl.us/gwt/economic/PDF/Orange_County_Trail_Report_final_May2011.pdf (last visited Mar. 11, 2015).

¹⁸ The Great Allegheny Passage, *The Great Allegheny Passage Economic Impact Study (2007-2008)* available at <http://www.atatrail.org/docs/GAPEconomicImpactStudy200809.pdf> (last visited Mar. 11, 2015).

¹⁹ ATI, *Maximizing Economic Benefits from a Rails-to-Trails Project in Southern West Virginia – A Case Study of the Greenbrier River Trail* (May 2001) available at <http://atfiles.org/files/pdf/greenbrierecon.pdf> (last visited Mar. 11, 2015).

communities attractive to businesses looking to expand or relocate both because of the amenities they offer to employees and the opportunities they offer to trail visitors.²⁰

In Dunedin, Florida, after the abandoned CSX railroad was transformed into the Pinellas Trail, the downtown went from 70 percent storefront occupancy to 95 percent occupancy.²¹

Tourism Opportunities

The Outer Banks of North Carolina generates \$60 million in economic activity through bicycle tourism. The one-time investment of \$6.7 million on bicycle infrastructure has resulted in an annual nine-to-one return. Analysis of Outer Banks trail amenities shows bicycle tourists tend to be affluent and educated. More than half of survey respondents said bicycling had a strong influence on their decision to return to the area. Two-thirds of respondents said that riding on bike facilities made them feel safer and three-quarters said that more paths, shoulders, and lanes should be built.²²

Proponents of trail development contend that the longer a given trail is, the greater its propensity for becoming a “destination trail,” and the greater distance users will travel to use the trail. Users traveling farther stay in the area longer and, consequently, increase spending in the area. Users of the Great Allegheny Passage/C&O Canal Towpath, a 335-mile system of biking and hiking trails that connects Pittsburgh to Washington, DC, travel an average of 131 miles to the trailhead. Those that traveled 50 miles or more had daily expenditures approximately two times that of users that traveled less.²³

Trail development creates more jobs than road development

A national comparison of the number of jobs created per \$1 million spent on various types of transportation projects found that for every \$1 million spent on the development of multiuse trails, 9.57 jobs were created while road-only development yields 7.75 jobs.²⁴

III. Effect of Proposed Changes:

Section 1 amends s. 320.072 (4), F.S., to provide for the redistribution of the New Wheels Fee of \$225 on the initial application for registration of automobiles, light truck, motorhomes and truck campers. This section of the bill increases the percentage of revenues from the fee that is to be deposited into the State Transportation Trust Fund from 44.5 percent to 85.7 percent; and eliminates the requirement that 41.2 percent of the revenues from the fee be deposited into the General Revenue Fund. The 14.3 percent that is deposited in the Highway Safety Operating

²⁰ NPS, *Economic Impacts of Protecting Rivers, Trails, and Greenway Corridors: Corporate Relocation and Retention. Rivers, Trails and Conservation Assistance Program* (1995), available at http://www.nps.gov/pwro/rtca/econ_all.pdf (last visited Mar. 11, 2015).

²¹ The DEP, *The Impact of Trails on Communities*, available at <http://www.opportunityflorida.com/pdf/Jim%20Wood%20-%20Trails%20and%20Economic%20Impact%20-%20Rural%20Summit.pdf> (last visited Mar. 11, 2015).

²² NCDOT, *Pathways to Prosperity: The Economic Impact of Investments in Bicycling Facilities* (July 2004), available at http://www.ncdot.gov/bikeped/download/bikeped_research_eiafulltechreport.pdf (last visited Mar. 5, 2015).

²³ *Supra* note 19, at 70.

²⁴ PERI, *Pedestrian and Bicycle Infrastructure: A National Study of Employment Impacts* (June 2011), available at <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.362.5819&rep=rep1&type=pdf> (last visited Mar. 11, 2015).

Trust Fund would remain unchanged. This provision is estimated to increase the distribution of the New Wheels fee revenue to the State Transportation Trust Fund from \$107 million to a total of \$206 million, an increase of \$99 million.

This section further specifies how the revenues from this fee are to be used by the FDOT. The designated uses include the following programs and amounts (estimated amounts from percentages are shown in parentheses):

- The Florida Shared-Use Nonmotorized Trail Network²⁵ - \$25 million.
- The New Starts Transit Program²⁶ - 3.4 percent (\$7.1 million).
- The Small County Outreach Program²⁷ - 5 percent (\$10.2 million).
- The Florida Strategic Intermodal System²⁸ - 20.6 percent (\$42.5 million).
- The Transportation Regional Incentive Program²⁹ - 6.9 percent (\$14.2 million).
- All remaining funds for any transportation purpose authorized by law.

Section 2 creates s. 339.81, F.S., to establish for the Florida Shared-Use Nonmotorized Trail (SunTrail) network, as a component of the Florida Greenways and Trails System.³⁰ The bill provides legislative findings and intent related to the SunTrail network. The bill specifies that SunTrails are constructed with asphalt, concrete, or another hard surface, and by the virtue of the design, location, extent of connectivity or potential connectivity, and allowable uses, provide nonmotorized transportation opportunities for bicyclists and pedestrians statewide. SunTrails would include many points of origin and destinations including, but not limited to, communities, conservation areas, state parks, beaches, and other natural or cultural attractions. A variety of statewide trip purposes would be served by the SunTrail network including work, school, shopping, social, recreational, and personal fitness purposes.

The SunTrail components would not include sidewalks, nature trails, or loop trails in a single park or natural area, or on-road facilities, other than:

- An on-road facility that is no greater than one-half mile in length connecting two or more nonmotorized trails, if the provision of the non-road facility is unfeasible and if the on-road facility is signed and marked for nonmotorized use; and
- On-road components of the Florida Keys Overseas Heritage Trail.

The bill specifies that the planning, development, operation, and maintenance of the SunTrail network is a public purpose. The FDOT and other agencies and units of government are authorized to expend funds and accept gifts and grants of funds, property, and property rights for the development of the SunTrail network.

The bill requires the FDOT to include SunTrail network projects within the five-year work program.³¹ The bill requires the FDOT to annually allocate \$50 million for the SunTrail network. The FDOT is authorized to enter into memoranda of agreement with other governmental entities

²⁵ Created as s. 339.81, F.S. by section 2 of this bill.

²⁶ Title 49, U.S.C. s. 5309 and s. 341.051, F.S.

²⁷ Section 339.2818, F.S.

²⁸ Sections 339.61, 339.62, 339.63, and 339.64, F.S.

²⁹ Section 339.2819, F.S.

³⁰ Established in ch. 260, F.S.

³¹ Section 339.135, F.S.

and contract with private entities to provide maintenance services on individual components of the network and may adopt rules to assist in developing and maintaining the network. The bill also provides FDOT with authority to adopt rules related to the SunTrail network.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Under SPB 7054, expanding the state's trail network has the potential of producing numerous economic benefits, including increasing the value of nearby properties, increasing spending at local businesses, influencing business location and relocation decisions, revitalizing depressed areas, providing sustainable tourism opportunities, and creating jobs.³²

C. Government Sector Impact:

Section 1 of the bill provides for the redistribution of the New Wheels Fee of \$225 on the initial application for registration of automobiles, light truck, motorhomes and truck campers. The Revenue Estimating Conference has not met on this bill, but staff estimates that the bill will increase the distribution of the New Wheels Fee revenue to the STTF from \$107 million to \$206 million, or a positive fiscal impact of \$99 million. There would be a corresponding negative fiscal impact of \$99 million to the General Revenue Fund. These estimated impacts are for the 2015-2016 fiscal year; future impacts would be on a recurring basis with the impact depending on the amount of New Wheels Fee revenue collected.

The bill further specifies how the revenues from this fee are to be used by the FDOT. The designated uses include the following programs and amounts (estimated amounts from percentages are shown in parentheses):

³² See the description of Trail Benefits beginning on page 5 above.

- The Florida Shared-Use Nonmotorized Trail Network - \$25 million.
- The New Starts Transit Program - 3.4 percent (\$7.1 million).
- The Small County Outreach Program - 5 percent (\$10.2 million).
- The Florida Strategic Intermodal System - 20.6 percent (\$42.5 million).
- The Transportation Regional Incentive Program - 6.9 percent (\$14.2 million).
- All remaining funds for any transportation purpose authorized by law.

Section 2 of the bill creates the SunTrail network, and requires the FDOT to annually allocate \$50 million for the SunTrail network in the FDOT work program. This would require that in addition to the funding specified in section 1, \$25 million of other transportation resources be used annually by FDOT for the SunTrail network.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 320.072 of the Florida Statutes.

This bill creates section 339.81 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

FOR CONSIDERATION By the Committee on Appropriations

576-02249A-15

20157054pb

A bill to be entitled

An act relating to the Department of Transportation; amending s. 320.072, F.S.; revising the distribution of revenues from additional fees imposed on certain motor vehicle registration transactions; providing for the use of moneys from such distribution by the department; creating s. 339.81, F.S.; creating the Florida Shared-Use Nonmotorized Trail Network; providing legislative findings and intent; providing descriptions and components of the network; providing for the planning, development, operation, and maintenance of the network; requiring funding to be allocated to the Florida Shared-Use Nonmotorized Trail Network in the program and resource plan of the department; authorizing memoranda of agreement and contracts for maintaining the network; authorizing the department to adopt rules; providing an effective date.

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

Section 1. Subsection (4) of s. 320.072, Florida Statutes, is amended to read:

320.072 Additional fee imposed on certain motor vehicle registration transactions.—

(4) A tax collector or other authorized agent of the department shall promptly remit all moneys collected pursuant to this section, less any refunds granted pursuant to subsection (3), to the department. The department shall deposit 85.7 ~~44.5~~

Page 1 of 5

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576-02249A-15

20157054pb

percent of such moneys into the State Transportation Trust Fund, and 14.3 percent into the Highway Safety Operating Trust Fund, ~~and 41.2 percent into the General Revenue Fund.~~ Notwithstanding any other law, the moneys deposited into the State Transportation Trust Fund pursuant to this subsection shall be used by the Department of Transportation for the following:

(a) The Florida Shared-Use Nonmotorized Trail Network established in s. 339.81, \$25 million.

(b) The capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and pursuant to s. 341.051, 3.4 percent.

(c) The Small County Outreach Program pursuant to s. 339.2818, 5 percent.

(d) The Florida Strategic Intermodal System pursuant to ss. 339.61, 339.62, 339.63, and 339.64, 20.6 percent.

(e) The Transportation Regional Incentive Program pursuant to s. 339.2819, 6.9 percent.

(f) All remaining funds for any transportation purpose authorized by law.

Section 2. Section 339.81, Florida Statutes, is created to read:

339.81 Florida Shared-Use Nonmotorized Trail Network.—

(1) The Legislature finds that increasing demands continue to be placed on the state's transportation system by a growing economy, continued population growth, and increasing tourism. The Legislature also finds that significant challenges to providing additional capacity to the conventional transportation system exist and will require enhanced accommodation of alternative travel modes to meet the needs of residents and

Page 2 of 5

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576-02249A-15

20157054pb

visitors. The Legislature further finds that improving bicyclist and pedestrian safety for both residents and visitors remains a high priority. Therefore, the Legislature declares that the development of a nonmotorized trail network will increase mobility and recreational alternatives for Florida's residents and visitors, enhance economic prosperity, enrich quality of life, enhance safety, and reflect responsible environmental stewardship. To that end, it is the intent of the Legislature that the department make use of its expertise in efficiently providing transportation projects to develop the Florida Shared-Use Nonmotorized Trail Network, consisting of a statewide network of nonmotorized trails which allows nonmotorized vehicles and pedestrians to access a variety of origins and destinations with limited exposure to motorized vehicles.

(2) The Florida Shared-Use Nonmotorized Trail Network is created as a component of the Florida Greenways and Trails System established in chapter 260. The statewide network consists of multiuse trails or shared-use paths physically separated from motor vehicle traffic and constructed with asphalt, concrete, or another hard surface which, by virtue of design, location, extent of connectivity or potential connectivity, and allowable uses, provides nonmotorized transportation opportunities for bicyclists and pedestrians statewide between and within a wide range of points of origin and destinations, including, but not limited to, communities, conservation areas, state parks, beaches, and other natural or cultural attractions for a variety of trip purposes, including work, school, shopping, and other personal business, as well as social, recreational, and personal fitness purposes.

576-02249A-15

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(3) Network components do not include sidewalks, nature trails, loop trails wholly within a single park or natural area, or on-road facilities, such as bicycle lanes or routes other than:

(a) On-road facilities that are no longer than one-half mile connecting two or more nonmotorized trails, if the provision of non-road facilities is unfeasible and if such on-road facilities are signed and marked for nonmotorized use; or

(b) On-road components of the Florida Keys Overseas Heritage Trail.

(4) The planning, development, operation, and maintenance of the Florida Shared-Use Nonmotorized Trail Network is declared to be a public purpose, and the department, together with other agencies of this state and all counties, municipalities, and special districts of this state, may spend public funds for such purposes and accept gifts and grants of funds, property, or property rights from public or private sources to be used for such purposes.

(5) The department shall include the Florida Shared-Use Nonmotorized Trail Network in its work program developed pursuant to s. 339.135. For purposes of funding and maintaining projects within the network, the department shall allocate in its program and resource plan a minimum of \$50 million annually, beginning in the 2015-2016 fiscal year.

(6) The department may enter into a memorandum of agreement with a local government or other agency of the state to transfer maintenance responsibilities of an individual network component. The department may contract with a not-for-profit entity or private sector business or entity to provide maintenance

576-02249A-15

20157054pb

117 services on an individual network component.

118 (7) The department may adopt rules to aid in the

119 development and maintenance of components of the network.

120 Section 3. This act shall take effect July 1, 2015.