

**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

|        |   |   |     |           |                       |                |
|--------|---|---|-----|-----------|-----------------------|----------------|
| 693702 | A | S | RCS | AGG, Dean | Delete L.217 - 286:   | 03/11 10:57 AM |
| 923230 | A | S | RCS | AGG, Dean | Delete L.710 - 711:   | 03/11 10:57 AM |
| 333834 | A | S | RCS | AGG, Dean | Delete L.2871 - 2872: | 03/11 10:57 AM |
| 421370 | A | S | RCS | AGG, Dean | Delete L.2905 - 2908: | 03/11 10:57 AM |
| 973290 | A | S | RCS | AGG, Dean | Delete L.4298 - 4310: | 03/11 10:57 AM |

**CS/SB 586** by **EP, Dean**; (Compare to H 1291) Implementation of the Water and Land Conservation Constitutional Amendment

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| 807908 | A | S | RCS | AGG, Dean | Delete L.59 - 62: | 03/11 10:57 AM |
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**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**  
**APPROPRIATIONS SUBCOMMITTEE ON GENERAL**  
**GOVERNMENT**  
**Senator Hays, Chair**  
**Senator Braynon, Vice Chair**

**MEETING DATE:** Wednesday, March 11, 2015  
**TIME:** 9:00 a.m.—12:00 noon  
**PLACE:** *Toni Jennings Committee Room*, 110 Senate Office Building

**MEMBERS:** Senator Hays, Chair; Senator Braynon, Vice Chair; Senators Altman, Dean, Lee, Margolis, and Simpson

| TAB | BILL NO. and INTRODUCER                   | BILL DESCRIPTION and<br>SENATE COMMITTEE ACTIONS  | COMMITTEE ACTION           |
|-----|---|---|----------------------------|
| 1   | <b>SB 576</b><br>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.<br><br>EP     02/18/2015 Favorable<br>AGG    03/11/2015 Favorable<br>AP | Favorable<br>Yeas 7 Nays 0 |
| 2   | <b>SB 578</b><br>Dean<br>(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.<br><br>EP     02/18/2015 Favorable<br>AGG    03/11/2015 Favorable<br>AP  | Favorable<br>Yeas 7 Nays 0 |
| 3   | <b>SB 580</b><br>Dean<br>(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.<br><br>EP     02/18/2015 Favorable<br>AGG    03/11/2015 Favorable<br>AP  | Favorable<br>Yeas 7 Nays 0 |

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Subcommittee on General Government  
 Wednesday, March 11, 2015, 9:00 a.m.—12:00 noon

| TAB | BILL NO. and INTRODUCER   | BILL DESCRIPTION and<br>SENATE COMMITTEE ACTIONS   | COMMITTEE ACTION           |
|-----|---|--|----------------------------|
| 4   | <b>SB 582</b><br>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.  | Favorable<br>Yeas 7 Nays 0 |
|     |   | EP 02/18/2015 Favorable<br>AGG 03/11/2015 Favorable<br>AP  |                            |
| 5   | <b>SB 584</b><br>Dean<br>(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. | Fav/CS<br>Yeas 7 Nays 0    |
|     |   | EP 02/18/2015 Favorable<br>AGG 03/11/2015 Fav/CS<br>AP   |                            |
| 6   | <b>CS/SB 586</b><br>Environmental Preservation and Conservation / Dean<br>(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.   | Fav/CS<br>Yeas 7 Nays 0    |
|     |   | EP 02/18/2015 Fav/CS<br>AGG 03/11/2015 Fav/CS<br>AP  |                            |

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.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

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BILL: SB 576

INTRODUCER: Senator Dean

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

DATE: March 10, 2015

REVISED: \_\_\_\_\_

|    | ANALYST        | STAFF DIRECTOR | REFERENCE  | ACTION                      |
|----|----------------|----------------|------------|-----------------------------|
| 1. | <u>Gudeman</u> | <u>Uchino</u>  | <u>EP</u>  | <b>Favorable</b>            |
| 2. | <u>Howard</u>  | <u>DeLoach</u> | <u>AGG</u> | <b>Recommend: Favorable</b> |
| 3. | _____          | _____          | <u>AP</u>  | _____                       |

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**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.<sup>1</sup> 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.<sup>2</sup>

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<sup>1</sup> 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).

<sup>2</sup> 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.<sup>3</sup>

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;<sup>4</sup> 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.

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<sup>3</sup> 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.”

<sup>4</sup> 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.<sup>5</sup>

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.<sup>6</sup>

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.

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<sup>5</sup> 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.

<sup>6</sup> *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.

By Senator Dean

5-00848-15

2015576\_\_

1 A bill to be entitled  
 2 An act relating to trust funds; amending s. 20.1971,  
 3 F.S.; creating the Land Acquisition Trust Fund within  
 4 the Agency for Persons with Disabilities; providing  
 5 for the purpose of the trust fund and sources of  
 6 funds; requiring the agency to maintain the integrity  
 7 of such funds; providing for disposition of funds  
 8 available from reversions or reductions in budget  
 9 authority; requiring that title to lands or related  
 10 property interests acquired be vested in the Board of  
 11 Trustees of the Internal Improvement Trust Fund;  
 12 requiring the agency or its designee to manage the  
 13 lands or property interests acquired in accordance  
 14 with the purposes set forth in s. 28, Art. X of the  
 15 State Constitution; providing a restriction on how  
 16 funds may be invested; providing for future review and  
 17 termination or re-creation of the trust fund;  
 18 providing an effective date.

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

20 Section 1. Subsection (6) is added to section 20.1971,  
 21 Florida Statutes, to read:  
 22 20.1971 Agency for Persons with Disabilities; trust funds.-  
 23 The following trust funds shall be administered by the Agency  
 24 for Persons with Disabilities:  
 25 (6) The Land Acquisition Trust Fund.  
 26 (a) Funds to be credited to the trust fund shall consist of  
 27 funds received from the Land Acquisition Trust Fund within the  
 28

29 Page 1 of 3

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

5-00848-15

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30 Department of Environmental Protection. Funds shall be used for  
 31 the purposes set forth in s. 28, Art. X of the State  
 32 Constitution.  
 33 (b) The Agency for Persons with Disabilities must maintain  
 34 integrity of such moneys transferred from the Department of  
 35 Environmental Protection. Any transferred moneys available from  
 36 reversions or reductions in budget authority shall be  
 37 transferred back to the Land Acquisition Trust Fund within the  
 38 Department of Environmental Protection within 15 days after such  
 39 reversion or reduction and shall be available for future  
 40 appropriation for the purposes set forth in s. 28, Art. X of the  
 41 State Constitution.  
 42 (c) If expenditures from the trust fund will result in  
 43 state ownership of land or related property interests, title  
 44 shall be vested in the Board of Trustees of the Internal  
 45 Improvement Trust Fund as required under chapter 253. Such  
 46 acquisition of land or related property interests shall be by  
 47 voluntary, negotiated acquisition and, if title is to be vested  
 48 in the Board of Trustees of the Internal Improvement Trust Fund,  
 49 is subject to the acquisition procedures of s. 253.025.  
 50 Acquisition costs shall include purchase prices and costs and  
 51 fees associated with title work, surveys, and appraisals  
 52 required to complete the acquisition. The Agency for Persons  
 53 with Disabilities or its designee shall manage such lands or  
 54 related property interests in accordance with the purposes set  
 55 forth in s. 28, Art. X of the State Constitution. Other uses,  
 56 not contrary to such purposes, may be authorized.  
 57 (d) Moneys in the trust fund may not be invested as  
 58 provided in s. 17.61, but shall be retained in the trust fund

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5-00848-15

2015576\_\_

59 for investment with interest appropriated to the General Revenue  
60 Fund as provided in s. 17.57.

61 (e) In accordance with s. 19(f)(2), Art. III of the State  
62 Constitution the Land Acquisition Trust Fund within the Agency  
63 for Persons with Disabilities shall, unless terminated sooner,  
64 be terminated on July 1, 2019. Before its scheduled termination,  
65 the trust fund shall be reviewed as provided under s. 215.3206.

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



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Environmental Preservation and  
Conservation, *Chair*  
Agriculture, *Vice Chair*  
Appropriations Subcommittee on General  
Government  
Children, Families, and Elder Affairs  
Community Affairs  
Ethics and Elections

**SENATOR CHARLES S. DEAN, SR.**  
5th District

February 19, 2015

The Honorable Alan Hays  
320 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chairman Hays,

I respectfully request you place Senate Bills 576, 578, 580, 582, 584, and 586 on your Appropriations Subcommittee on General Government agenda at your earliest convenience.

If you have any concerns, please do not hesitate to contact me personally.

Sincerely,

A handwritten signature in black ink that reads "Charles S. Dean".

Charles S. Dean  
State Senator District 5

cc: Jamie DeLoach, Staff Director

**REPLY TO:**

- 405 Tompkins Street, Inverness, Florida 34450 (352) 860-5175
- 311 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005
- 315 SE 25th Avenue, Ocala, Florida 34471-2689 (352) 873-6513

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

**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.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

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BILL: SB 578  
INTRODUCER: Senator Dean  
SUBJECT: Land Acquisition Trust Fund/Department of Agriculture and Consumer Services  
DATE: March 10, 2015      REVISED: \_\_\_\_\_

|    | ANALYST                | STAFF DIRECTOR | REFERENCE  | ACTION                      |
|----|------------------------|----------------|------------|-----------------------------|
| 1. | <u>Gudeman</u>         | <u>Uchino</u>  | <u>EP</u>  | <b>Favorable</b>            |
| 2. | <u>Howard/Blizzard</u> | <u>DeLoach</u> | <u>AGG</u> | <b>Recommend: Favorable</b> |
| 3. | _____                  | _____          | <u>AP</u>  | _____                       |

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**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.<sup>1</sup> 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.<sup>2</sup>

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<sup>1</sup> 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).

<sup>2</sup> 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.<sup>3</sup>

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;<sup>4</sup> 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.

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<sup>3</sup> 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.”

<sup>4</sup> 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.<sup>5</sup>

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.<sup>6</sup>

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.

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<sup>5</sup> 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.

<sup>6</sup> *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.

By Senator Dean

5-00834-15

2015578\_\_

1 A bill to be entitled  
 2 An act relating to trust funds; creating s. 20.142,  
 3 F.S.; creating the Land Acquisition Trust Fund within  
 4 the Department of Agriculture and Consumer Services;  
 5 providing for the purpose of the trust fund and  
 6 sources of funds; requiring the department to maintain  
 7 the integrity of such funds; providing for disposition  
 8 of funds from reversions or reductions in budget  
 9 authority from the trust fund; requiring that title to  
 10 lands or related property interests acquired be vested  
 11 in the Board of Trustees of the Internal Improvement  
 12 Trust Fund; requiring the department or its designee  
 13 to manage lands or related property interests acquired  
 14 in accordance with the purposes set forth in s. 28,  
 15 Art. X of the State Constitution; providing a  
 16 restriction on how funds may be invested; providing  
 17 for future review and termination or re-creation of  
 18 the trust fund; providing an effective date.

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

20 Section 1. Section 20.142, Florida Statutes, is created to  
 21 read:

22 20.142 Land Acquisition Trust Fund.-

23 (1) The Land Acquisition Trust Fund is created within the  
 24 Department of Agriculture and Consumer Services. The trust fund  
 25 is established for use as a depository for funds received from  
 26 the Land Acquisition Trust Fund within the Department of  
 27 Environmental Protection and for expenditure of such funds for  
 28  
 29

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

5-00834-15

2015578\_\_

30 the purposes set forth in s. 28, Art. X of the State  
 31 Constitution.

32 (2) The Department of Agriculture and Consumer Services  
 33 must maintain the integrity of such moneys transferred from the  
 34 Department of Environmental Protection. Any transferred moneys  
 35 available from reversions or reductions in budget authority  
 36 shall be transferred back to the Land Acquisition Trust Fund  
 37 within the Department of Environmental Protection within 15 days  
 38 after such reversion or reduction and shall be available for  
 39 future appropriation for the purposes set forth in s. 28, Art. X  
 40 of the State Constitution.

41 (3) If expenditures from the trust fund will result in  
 42 state ownership of land or related property interests, title  
 43 shall be vested in the Board of Trustees of the Internal  
 44 Improvement Trust Fund as required under chapter 253. Such  
 45 acquisition of land or related property interests shall be by  
 46 voluntary, negotiated acquisition and, if title is to be vested  
 47 in the Board of Trustees of the Internal Improvement Trust Fund,  
 48 is subject to the acquisition procedures of s. 253.025.  
 49 Acquisition costs shall include purchase prices and costs and  
 50 fees associated with title work, surveys, and appraisals  
 51 required to complete an acquisition. The Department of  
 52 Agriculture and Consumer Services or its designee shall manage  
 53 such lands or related property interests in accordance with the  
 54 purposes set forth in s. 28, Art. X of the State Constitution.  
 55 Other uses, not contrary to such purposes, may be authorized.

56 (4) Moneys in the trust fund may not be invested as  
 57 provided in s. 17.61, but shall be retained in the trust fund  
 58 for investment with interest appropriated to the General Revenue

Page 2 of 3

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

5-00834-15

2015578\_\_

59 Fund as provided in s. 17.57.

60 (5) In accordance with s. 19(f)(2), Art. III of the State  
61 Constitution, the Land Acquisition Trust Fund within the  
62 Department of Agriculture and Consumer Services shall, unless  
63 terminated sooner, be terminated on July 1, 2019. Before its  
64 scheduled termination, the trust fund shall be reviewed as  
65 provided in s. 215.3206.

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





# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Environmental Preservation and  
Conservation, *Chair*  
Agriculture, *Vice Chair*  
Appropriations Subcommittee on General  
Government  
Children, Families, and Elder Affairs  
Community Affairs  
Ethics and Elections

**SENATOR CHARLES S. DEAN, SR.**  
5th District

February 19, 2015

The Honorable Alan Hays  
320 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chairman Hays,

I respectfully request you place Senate Bills 576, 578, 580, 582, 584, and 586 on your Appropriations Subcommittee on General Government agenda at your earliest convenience.

If you have any concerns, please do not hesitate to contact me personally.

Sincerely,

A handwritten signature in black ink that reads "Charles S. Dean".

Charles S. Dean  
State Senator District 5

cc: Jamie DeLoach, Staff Director

**REPLY TO:**

- 405 Tompkins Street, Inverness, Florida 34450 (352) 860-5175
- 311 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005
- 315 SE 25th Avenue, Ocala, Florida 34471-2689 (352) 873-6513

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

**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 Subcommittee on General Government

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BILL: SB 580

INTRODUCER: Senator Dean

SUBJECT: Land Acquisition Trust Fund/Department of State

DATE: March 10, 2015

REVISED: \_\_\_\_\_

|    | ANALYST        | STAFF DIRECTOR | REFERENCE  | ACTION                      |
|----|----------------|----------------|------------|-----------------------------|
| 1. | <u>Gudeman</u> | <u>Uchino</u>  | <u>EP</u>  | <b>Favorable</b>            |
| 2. | <u>Howard</u>  | <u>DeLoach</u> | <u>AGG</u> | <b>Recommend: Favorable</b> |
| 3. | _____          | _____          | <u>AP</u>  | _____                       |

---

**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.<sup>1</sup> 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.<sup>2</sup>

---

<sup>1</sup> 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).

<sup>2</sup> 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.<sup>3</sup>

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;<sup>4</sup> 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.

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<sup>3</sup> 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.”

<sup>4</sup> 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.<sup>5</sup>

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.<sup>6</sup>

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.

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<sup>5</sup> 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.

<sup>6</sup> *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.

By Senator Dean

5-00823-15

2015580\_\_

1 A bill to be entitled  
 2 An act relating to trust funds; creating s. 20.106,  
 3 F.S.; creating the Land Acquisition Trust Fund within  
 4 the Department of State; providing for the purpose of  
 5 the trust fund and sources of funds; requiring the  
 6 department to maintain the integrity of such funds;  
 7 providing for disposition of funds from reversions or  
 8 reductions in budget authority from the trust fund;  
 9 requiring that title to lands or related property  
 10 interests acquired be vested in the Board of Trustees  
 11 of the Internal Improvement Trust Fund; requiring the  
 12 department or its designee to manage lands or related  
 13 property interests in accordance with the purposes set  
 14 forth in s. 28, Art. X of the State Constitution;  
 15 providing a restriction on how funds may be invested;  
 16 providing for future review and termination or re-  
 17 creation of the trust fund; providing an effective  
 18 date.

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

20 Section 1. Section 20.106, Florida Statutes, is created to  
 21 read:

22 20.106 Land Acquisition Trust Fund.-

23 (1) The Land Acquisition Trust Fund is created within the  
 24 Department of State. The trust fund is established for use as a  
 25 depository for funds received from the Land Acquisition Trust  
 26 Fund within the Department of Environmental Protection and for  
 27 expenditure of such funds for the purposes set forth in s. 28,  
 28  
 29

Page 1 of 3

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

5-00823-15

2015580\_\_

30 Art. X of the State Constitution.  
 31 (2) The Department of State must maintain the integrity of  
 32 such moneys transferred from the Department of Environmental  
 33 Protection. Any transferred moneys available from reversions or  
 34 reductions in budget authority shall be transferred back to the  
 35 Land Acquisition Trust Fund within the Department of  
 36 Environmental Protection within 15 days after such reversion or  
 37 reduction and shall be available for future appropriation for  
 38 the purposes set forth in s. 28, Art. X of the State  
 39 Constitution.  
 40 (3) If expenditures from the trust fund will result in  
 41 state ownership of land or related property interests, title  
 42 shall be vested in the Board of Trustees of the Internal  
 43 Improvement Trust Fund as required under chapter 253. Such  
 44 acquisition of land or related property interests shall be by  
 45 voluntary, negotiated acquisition and, if title is to be vested  
 46 in the Board of Trustees of the Internal Improvement Trust Fund,  
 47 is subject to the acquisition procedures of s. 253.025.  
 48 Acquisition costs include purchase prices and costs and fees  
 49 associated with title work, surveys, and appraisals required to  
 50 complete an acquisition. The Department of State or its designee  
 51 shall manage such lands or related property interests in  
 52 accordance with the purposes set forth in s. 28, Art. X of the  
 53 State Constitution. Other uses, not contrary to such purposes,  
 54 may be authorized.  
 55 (4) Moneys in the trust fund may not be invested as  
 56 provided in s. 17.61, but shall be retained in the trust fund  
 57 for investment with interest appropriated to the General Revenue  
 58 Fund as provided in s. 17.57.

Page 2 of 3

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5-00823-15

2015580

59       (5) In accordance with s. 19(f)(2), Art. III of the State  
60       Constitution, the Land Acquisition Trust Fund within the  
61       Department of State shall, unless terminated sooner, be  
62       terminated on July 1, 2019. Before its scheduled termination,  
63       the trust fund shall be reviewed as provided in s. 215.3206.  
64       Section 2. This act shall take effect July 1, 2015.



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Environmental Preservation and  
Conservation, *Chair*  
Agriculture, *Vice Chair*  
Appropriations Subcommittee on General  
Government  
Children, Families, and Elder Affairs  
Community Affairs  
Ethics and Elections

**SENATOR CHARLES S. DEAN, SR.**  
5th District

February 19, 2015

The Honorable Alan Hays  
320 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chairman Hays,

I respectfully request you place Senate Bills 576, 578, 580, 582, 584, and 586 on your Appropriations Subcommittee on General Government agenda at your earliest convenience.

If you have any concerns, please do not hesitate to contact me personally.

Sincerely,

A handwritten signature in black ink that reads "Charles S. Dean".

Charles S. Dean  
State Senator District 5

cc: Jamie DeLoach, Staff Director

**REPLY TO:**

- 405 Tompkins Street, Inverness, Florida 34450 (352) 860-5175
- 311 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005
- 315 SE 25th Avenue, Ocala, Florida 34471-2689 (352) 873-6513

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore



**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 Subcommittee on General Government

---

BILL: SB 582

INTRODUCER: Senator Dean

SUBJECT: Land Acquisition Trust Fund/Department of Transportation

DATE: March 10, 2015

REVISED: \_\_\_\_\_

|    | ANALYST        | STAFF DIRECTOR | REFERENCE  | ACTION                      |
|----|----------------|----------------|------------|-----------------------------|
| 1. | <u>Gudeman</u> | <u>Uchino</u>  | <u>EP</u>  | <b>Favorable</b>            |
| 2. | <u>Howard</u>  | <u>DeLoach</u> | <u>AGG</u> | <b>Recommend: Favorable</b> |
| 3. | _____          | _____          | <u>AP</u>  | _____                       |

---

**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.<sup>1</sup> 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.<sup>2</sup>

---

<sup>1</sup> 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).

<sup>2</sup> 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.<sup>3</sup>

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;<sup>4</sup> 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.

---

<sup>3</sup> 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.”

<sup>4</sup> 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.<sup>5</sup>

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.

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<sup>5</sup> *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.

By Senator Dean

5-00822-15

2015582\_\_

A bill to be entitled

An act relating to trust funds; creating s. 20.232, F.S.; creating the Land Acquisition Trust Fund within the Department of Transportation; providing for the purpose of the trust fund and sources of funds; requiring the department to maintain the integrity of such funds; providing for disposition of funds from reversions or reductions in budget authority from the trust fund; 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 a restriction on how funds may be invested; providing for future review and termination or re-creation of the trust fund; providing an effective date.

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

Section 1. Section 20.232, Florida Statutes, is created to read:

20.232 Land Acquisition Trust Fund.-

(1) The Land Acquisition Trust Fund is created within the Department of Transportation. The trust fund is established for use as a depository for funds received from the Land Acquisition Trust Fund within the Department of Environmental Protection and for expenditure of such funds for the purposes set forth in s. 28, Art. X of the State Constitution.

Page 1 of 2

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

5-00822-15

2015582\_\_

(2) The Department of Transportation must maintain the integrity of such moneys transferred from the Department of Environmental Protection. Subsequent to any applicable work program amendment, certified forward or rolled forward pursuant to s. 339.135, any transferred moneys available from reversions or reductions in budget authority from the Land Acquisition Trust Fund within the Department of Transportation shall be transferred back to the Land Acquisition Trust Fund within the Department of Environmental Protection within 15 days after such reversion or reduction and shall be available for future appropriation for the purposes set forth in s. 28, Art. X of the State Constitution.

(3) If expenditures from the trust fund are used in the acquisition of land or related property interests, title shall be vested in the state as required under s. 337.25. The Department of Transportation or its designee shall manage such lands or related property interests in accordance with the purposes set forth in s. 28, Art. X of the State Constitution. Other uses, not contrary to such purposes, may be authorized.

(4) Moneys in the trust fund may not be invested as provided in s. 17.61, but shall be retained in the trust fund for investment with interest appropriated to the General Revenue Fund as provided in s. 17.57.

(5) In accordance with s. 19(f)(2), Art. III of the State Constitution, the Land Acquisition Trust Fund within the Department of Transportation shall, unless terminated sooner, be terminated on July 1, 2019. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206.

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

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Environmental Preservation and  
Conservation, *Chair*  
Agriculture, *Vice Chair*  
Appropriations Subcommittee on General  
Government  
Children, Families, and Elder Affairs  
Community Affairs  
Ethics and Elections

**SENATOR CHARLES S. DEAN, SR.**  
5th District

February 19, 2015

The Honorable Alan Hays  
320 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chairman Hays,

I respectfully request you place Senate Bills 576, 578, 580, 582, 584, and 586 on your Appropriations Subcommittee on General Government agenda at your earliest convenience.

If you have any concerns, please do not hesitate to contact me personally.

Sincerely,

A handwritten signature in black ink that reads "Charles S. Dean".

Charles S. Dean  
State Senator District 5

cc: Jamie DeLoach, Staff Director

**REPLY TO:**

- 405 Tompkins Street, Inverness, Florida 34450 (352) 860-5175
- 311 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005
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Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

**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 Subcommittee on General Government

**BILL:** PCS/SB 584 (631392)

**INTRODUCER:** Appropriations Subcommittee on General Government and Senator Dean

**SUBJECT:** Implementation of the Water and Land Conservation Constitutional Amendment

**DATE:** March 11, 2015      **REVISED:** \_\_\_\_\_

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION                   |
|----|---------|----------------|-----------|--------------------------|
| 1. | Gudeman | Uchino         | EP        | <b>Favorable</b>         |
| 2. | Howard  | DeLoach        | AGG       | <b>Recommend: Fav/CS</b> |
| 3. |         |                | AP        |                          |

**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.<sup>1</sup> 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).<sup>2</sup>

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

- As provided by law, to finance or refinance:

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<sup>1</sup> 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).

<sup>2</sup> 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.<sup>3</sup>

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);<sup>4</sup> 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.<sup>5</sup>

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<sup>3</sup> 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.”

<sup>4</sup> See s. 379.212, F.S.

<sup>5</sup> 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](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.<sup>6</sup> Title to these lands is vested in the Boards of Trustees of the Internal Improvement Fund (BOT), which consists of the Governor and Cabinet.<sup>7</sup>

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.<sup>8</sup>

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.<sup>9</sup>

### ***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.<sup>10</sup> 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.<sup>11</sup>

The LATF was established in 1963 to fund the purposes of the Outdoor Recreation and Conservation Lands Act.<sup>12</sup> The original source of revenue to the LATF was a five percent tax on outdoor clothing and equipment.<sup>13</sup> 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.<sup>14</sup>

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<sup>6</sup> Chapter 610, s. 1, Laws of Fla. (1854).

<sup>7</sup> Section 253.02, F.S.

<sup>8</sup> Section 253.01, F.S.

<sup>9</sup> 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).

<sup>10</sup> Section 375.011, F.S.

<sup>11</sup> 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](http://www.dep.state.fl.us/lands/files/Florida_LandAcquisition.pdf) (last visited Feb. 15, 2015).

<sup>12</sup> Section 375.041, F.S.

<sup>13</sup> 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).

<sup>14</sup> 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](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.<sup>15</sup>

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.<sup>16</sup>

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.<sup>17</sup>

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.<sup>18</sup>

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<sup>15</sup> *Supra* note 12.

<sup>16</sup> *Id.*

<sup>17</sup> Chapter 2008-247, s. 21, Laws of Fla.

<sup>18</sup> 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.<sup>19</sup> 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.<sup>20</sup>

### ***Conservation and Recreation Lands Trust Fund***

In 1979, the CARL Trust Fund was created and expanded the environmentally endangered lands program.<sup>21</sup> 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.<sup>22</sup>

A land acquisition selection committee was also created in 1979 in s. 259.035, F.S.<sup>23</sup> 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.<sup>24</sup> 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

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<sup>19</sup> Section 259.02, F.S., (1972).

<sup>20</sup> 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](http://www.dep.state.fl.us/lands/files/Florida_LandAcquisition.pdf) (last visited Feb. 15, 2015).

<sup>21</sup> Section 259.032, F.S.

<sup>22</sup> Chapter 79-255, s. 8, Laws of Fla.

<sup>23</sup> Chapter 79-255, s. 14, Laws of Fla.

<sup>24</sup> 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.<sup>25</sup>

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.<sup>26</sup>

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.<sup>27</sup>

### ***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

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<sup>25</sup> Section 259.032(10), F.S.

<sup>26</sup> 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).

<sup>27</sup> Section 259.032(3), F.S.

public utilization.<sup>28</sup> 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 Suwanee 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.<sup>29</sup>

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.<sup>30</sup>

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<sup>28</sup> 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](http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/land_assessment_study_process.pdf) (last visited Feb. 15, 2015).

<sup>29</sup> Chapter 85-347, s. 7, Laws of Fla.

<sup>30</sup> 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.<sup>31</sup>

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.<sup>32</sup>

### ***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.<sup>33</sup> 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.<sup>34</sup>

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<sup>31</sup> Section 376.307, F.S.,

<sup>32</sup> 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).

<sup>33</sup> Section 259.101, F.S.

<sup>34</sup> 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.<sup>35</sup> 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.<sup>36</sup> 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.<sup>37</sup>

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.<sup>38</sup>

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.<sup>39</sup> 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.<sup>40</sup> The Green Swamp is a primary recharge area for the Floridan Aquifer and also forms the headwaters of the

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<sup>35</sup> Section 375.045, F.S.

<sup>36</sup> Sections 375.045, 375.051, and 201.15, F.S.

<sup>37</sup> Section 259.101(4), F.S.

<sup>38</sup> Section 259.101(3), F.S.

<sup>39</sup> 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).

<sup>40</sup> Marian Ryan, *The Green Swamp, Florida's Liquid Heart*, myregion.org, available at [http://www.myregion.org/clientuploads/pdfs/nfl\\_green-swamp.pdf](http://www.myregion.org/clientuploads/pdfs/nfl_green-swamp.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.<sup>41</sup>

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).<sup>42</sup> 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.<sup>43</sup> In 1992, the Green Swamp was added to the P2000 project list.<sup>44</sup>

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.<sup>45</sup> 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.<sup>46</sup>

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.<sup>47</sup>

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.<sup>48</sup>

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<sup>41</sup> The DEP, *Wetland Delineation, Green Swamp Wilderness Preserve*, available at <http://www.dep.state.fl.us/water/wetlands/delineation/docs/gmswamp.pdf> (last visited Feb. 15, 2015).

<sup>42</sup> *Supra* note 40.

<sup>43</sup> *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.

<sup>44</sup> *Supra* note 39.

<sup>45</sup> Section 380.0677, F.S.

<sup>46</sup> *Id.*

<sup>47</sup> Section 380.0677(4), F.S.

<sup>48</sup> 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.<sup>49</sup>

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.<sup>50</sup>

### ***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.<sup>51</sup>

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.<sup>52</sup> 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.<sup>53</sup> 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;

<sup>49</sup> Sections 380.0677(9) and (10), F.S.

<sup>50</sup> Chapter 99-247, s. 51, Laws of Fla.

<sup>51</sup> Section 259.105, F.S.

<sup>52</sup> Section 259.1051, F.S.

<sup>53</sup> 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:<sup>54</sup>

- 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.<sup>55</sup>

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<sup>54</sup> Rule 18-24.0021, F.A.C.

<sup>55</sup> 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.<sup>56</sup>

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.<sup>57</sup>

### ***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.<sup>58</sup>

### ***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.<sup>59</sup>

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.

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<sup>56</sup> Sections 258.034 and 258.014, F.S.

<sup>57</sup> The DEP, *Div. of Recreation and Parks*, <http://www.dep.state.fl.us/parks/> (last visited Feb. 15, 2015).

<sup>58</sup> Section 589.011, F.S.

<sup>59</sup> 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.<sup>60</sup>

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.<sup>61</sup>

### ***Florida Recreation Development Assistance Program***

The Florida Recreation Development Assistance Program (FRDAP) was established in 1986 and is administered by the DEP.<sup>62</sup> 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.<sup>63</sup>

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.<sup>64</sup> 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.<sup>65</sup>

### ***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.<sup>66</sup> 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.<sup>67</sup>

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

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<sup>60</sup> Section 403.0871, F.S.

<sup>61</sup> *Id.*

<sup>62</sup> Section 375.075, F.S.

<sup>63</sup> FRDAP Program Description, provided by the Senate Appropriations Subcommittee on General Government, (on file with the Senate Committee on Environmental Preservation and Conservation).

<sup>64</sup> The Statewide Comprehensive Outdoor Recreation Plan is the state's official plan for outdoor recreation pursuant to s. 375.021, F.S.

<sup>65</sup> Section 375.075, F.S.

<sup>66</sup> Chapter 89-175, s. 28, Laws of Fla.

<sup>67</sup> 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.<sup>68</sup>

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.<sup>69</sup>

### ***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.<sup>70</sup> 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.<sup>71</sup>

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.<sup>72</sup>

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.<sup>73</sup> 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.<sup>74</sup>

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;

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<sup>68</sup> Section 380.502, F.S.

<sup>69</sup> Section 259.105(3)(c), F.S.

<sup>70</sup> Section 403.1651, F.S.

<sup>71</sup> Chapter 2008-232, s. 7, Laws of Fla.

<sup>72</sup> *Id.*

<sup>73</sup> 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).

<sup>74</sup> 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.<sup>75</sup>

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.<sup>76</sup>

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".<sup>77</sup> 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.<sup>78</sup>

### ***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

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<sup>75</sup> 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](http://www.leg.state.fl.us/data/Publications/2000/House/reports/interim_reports/pdf/evrglade.pdf) (last visited Feb. 15, 2015).

<sup>76</sup> *Id.*

<sup>77</sup> 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](http://www.evergladesplan.org/docs/comp_plan_apr99/summary.pdf) (last visited Feb. 15, 2015).

<sup>78</sup> 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.<sup>79</sup>

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.<sup>80</sup> In 2009, the Legislature eliminated documentary stamp tax distributions to the fund.<sup>81</sup>

### ***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.<sup>82</sup>

### ***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.<sup>83</sup>

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.

<sup>79</sup> Section 403.891, F.S.

<sup>80</sup> Chapter 2007-335, s. 2, Laws of Fla.

<sup>81</sup> Chapter 2009-68, s. 1, Laws of Fla.

<sup>82</sup> Section 379.206, F.S.

<sup>83</sup> 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 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 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 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:<sup>84</sup>

| <b>Funds Terminated/Agency</b>  | <b>Estimated Fund Balance as of June 30, 2015</b> | <b>Recipient Fund of Estimated Balances</b> |
|---|---|---|
| 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          |

<sup>84</sup> 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.

|   |              |                                    |
|---|--------------|------------------------------------|
| 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:

| <b>Revenues</b>   | <b>Terminated Fund</b>   | <b>Recipient Fund of Revenues</b>  |
|---|--|--|
| 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 |
| 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:

| <b>Revenues</b>                         | <b>Current Trust Fund</b>   | <b>Recipient Fund of Revenues</b>            |
|---|-----------------------------|--|
| 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.



693702

LEGISLATIVE ACTION

| Senate     | . | House |
|------------|---|-------|
| Comm: RCS  | . |       |
| 03/11/2015 | . |       |
|            | . |       |
|            | . |       |
|            | . |       |

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Appropriations Subcommittee on General Government (Dean)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 217 - 286

and insert:

(2) (a) All current balances remaining in the Florida  
Communities Trust Fund and the Florida Preservation 2000 Trust  
Fund shall be transferred to the Florida Forever Trust Fund,  
FLAIR number 37-2-348.

(b) All current balances remaining in the Ecosystem  
Management and Restoration Trust Fund, the Water Management



693702

11 Lands Trust Fund, and the Conservation and Recreation Lands  
12 Trust Fund shall be transferred to the Water Quality Assurance  
13 Trust Fund, FLAIR number 37-2-780.

14 (3) The Department of Environmental Protection shall pay  
15 all outstanding debts or obligations of the terminated trust  
16 funds as required, and the Chief Financial Officer shall close  
17 out and remove the terminated trust funds from the various state  
18 accounting systems using generally accepted accounting  
19 principles concerning warrants outstanding, assets, and  
20 liabilities.

21  
22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Delete lines 8 - 14

25 and insert:

26 disposition of balances in the trust funds; requiring  
27 the Department of Environmental Protection to pay all  
28 outstanding debts or obligations of the terminated  
29 trust funds; requiring the Chief Financial Officer to  
30 close out and remove the terminated trust funds from  
31 the various state counting systems; amending s. 17.61,  
32 F.S.;



923230

LEGISLATIVE ACTION

|            |   |       |
|------------|---|-------|
| Senate     | . | House |
| Comm: RCS  | . |       |
| 03/11/2015 | . |       |
|            | . |       |
|            | . |       |
|            | . |       |

Appropriations Subcommittee on General Government (Dean)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 710 - 711

and insert:

to the terms of such trust, shall be deposited into the Grants  
and Donations ~~Land Acquisition~~ Trust Fund and appropriated to  
the

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

And the title is amended as follows:



923230

11           Delete line 47  
12 and insert:  
13           to be deposited into the Grants and Donations Trust  
14           Fund;



333834

LEGISLATIVE ACTION

| Senate     | . | House |
|------------|---|-------|
| Comm: RCS  | . |       |
| 03/11/2015 | . |       |
|            | . |       |
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|            | . |       |

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Appropriations Subcommittee on General Government (Dean)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 2871 - 2872

and insert:

Section 27. 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





333834

11 possible, the department may enter into interagency or  
12 interlocal agreements with any other state agency, any water  
13 management district, or any local government conducting programs  
14 related to or materially affecting the water resources of the  
15 state. All such agreements shall be subject to the provisions of  
16 s. 373.046. In addition to its other powers and duties, the  
17 department shall, to the greatest extent possible:

18 (8)

19 (c) Notwithstanding paragraph (b), the use of state funds  
20 for land purchases from willing sellers is authorized for  
21 projects ~~within the South Florida Water Management District's~~  
22 ~~approved 5-year plan of acquisition pursuant to s. 373.59 or~~  
23 within the South Florida Water Management District's approved  
24 Florida Forever water management district work plan pursuant to  
25 s. 373.199.

26  
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete lines 84 - 88

30 and insert:

31 F.S.; conforming cross-references; amending ss.

32 338.250, 373.026, and 373.089, F.S.;



421370

LEGISLATIVE ACTION

| Senate     | . | House |
|------------|---|-------|
| Comm: RCS  | . |       |
| 03/11/2015 | . |       |
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|            | . |       |
|            | . |       |

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Appropriations Subcommittee on General Government (Dean)  
recommended the following:

**Senate Amendment**

Delete lines 2905 - 2908  
and insert:  
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

Delete lines 2982 - 2985  
and insert:



421370

11 ~~retained deposited in the Water Management Lands Trust Fund~~  
12 ~~established under s. 373.59~~ and used exclusively within the  
13 territory of the water management district which collected  
14 ~~deposits~~ the money ~~into the fund~~. Any such



973290

LEGISLATIVE ACTION

| Senate     | . | House |
|------------|---|-------|
| Comm: RCS  | . |       |
| 03/11/2015 | . |       |
|            | . |       |
|            | . |       |
|            | . |       |

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Appropriations Subcommittee on General Government (Dean)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 4298 - 4310

and insert:

Section 72. 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.



973290

11           Section 73. Except as otherwise expressly provided in this  
12 act and except for this section, which shall take effect upon  
13 this act becoming law, this act shall take effect July 1, 2015.  
14

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

16 And the title is amended as follows:

17           Delete lines 193 - 201

18 and insert:

19           technical changes; providing for the transfer of  
20           certain funds; providing effective dates.

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.

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

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

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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

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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

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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

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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.

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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:

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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

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233 as practicable after September 30, 2015, as to reverted  
 234 appropriations for operations and as soon as practicable after  
 235 the Governor furnishes the annual report required pursuant to s.  
 236 216.301(2), Florida Statutes, as to reverted fixed capital  
 237 outlay appropriations. All such reverted and transferred  
 238 balances must be available for reappropriation by the  
 239 Legislature.

240 (b) All undisbursed, unobligated balances of appropriations  
 241 from the Ecosystem Management and Restoration Trust Fund which  
 242 have reverted pursuant to s. 216.301, Florida Statutes, shall be  
 243 transferred to the Water Quality Assurance Trust Fund, FLAIR  
 244 number 37-2-780, within the Department of Environmental  
 245 Protection as soon as practicable after September 30, 2015, as  
 246 to reverted appropriations for operations and as soon as  
 247 practicable after the Governor furnishes the annual report  
 248 required pursuant to s. 216.301(2), Florida Statutes, as to  
 249 reverted fixed capital outlay appropriations. All such reverted  
 250 and transferred balances must be available for reappropriation  
 251 by the Legislature.

252 (c) All undisbursed, unobligated balances of appropriations  
 253 from the Water Management Lands Trust Fund which have reverted  
 254 pursuant to s. 216.301, Florida Statutes, shall be transferred  
 255 to the Water Quality Assurance Trust Fund, FLAIR number 37-2-  
 256 780, within the Department of Environmental Protection as soon  
 257 as practicable after September 30, 2015, as to reverted  
 258 appropriations for operations and as soon as practicable after  
 259 the Governor furnishes the annual report required pursuant to s.  
 260 216.301(2), Florida Statutes, as to reverted fixed capital  
 261 outlay appropriations. All such reverted and transferred

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262 balances must be available for reappropriation by the  
 263 Legislature.

264 (d) All undisbursed, unobligated balances of fixed capital  
 265 outlay appropriations in the Conservation and Recreation Lands  
 266 Trust Fund which have reverted pursuant to s. 216.301, Florida  
 267 Statutes, shall be transferred to the Water Quality Assurance  
 268 Trust Fund, FLAIR number 37-2-780, within the Department of  
 269 Environmental Protection as soon as practicable after September  
 270 30, 2015, as to reverted appropriations for operations and as  
 271 soon as practicable after the Governor furnishes the annual  
 272 report required pursuant to s. 216.301(2), Florida Statutes, as  
 273 to reverted fixed capital outlay appropriations. All such  
 274 reverted and transferred balances must be available for  
 275 reappropriation by the Legislature.

276 (e) The Department of Environmental Protection shall pay  
 277 any outstanding debts and obligations of each of the trust funds  
 278 identified in paragraphs (a)-(d) as soon as practicable. After  
 279 the payment of all such outstanding debts and obligations and  
 280 the transfer of all reverted undisbursed and unobligated  
 281 appropriation balances from a trust fund identified in  
 282 paragraphs (a)-(d), the Chief Financial Officer shall close out  
 283 and remove each such trust fund from the various state  
 284 accounting systems using generally accepted accounting  
 285 principles concerning warrants outstanding, assets, and  
 286 liabilities.

287 Section 2. (1) The Conservation and Recreation Lands  
 288 Program Trust Fund, FLAIR number 42-2-931, within the Department  
 289 of Agriculture and Consumer Services is terminated.

290 (2) The Department of Agriculture and Consumer Services

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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.

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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,

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 349 further exposes the state's highly developed coastline to severe  
 350 storm damage, and threatens beach-related jobs, which, if not  
 351 stopped, may significantly reduce state sales tax revenues,  
 352 funds deposited into the State Treasury to the credit of the  
 353 ~~Land Acquisition Ecosystem Management and Restoration~~ Trust  
 354 Fund, ~~in the annual amounts provided in s. 201.15,~~ shall be  
 355 ~~used, for a period of not less than 15 years,~~ to fund the  
 356 development, implementation, and administration of the state's  
 357 beach management plan, as provided in ss. 161.091-161.212 and as  
 358 authorized in s. 28, Art. X of the State Constitution, ~~prior to~~  
 359 ~~the use of such funds deposited pursuant to s. 201.15 in that~~  
 360 ~~trust fund for any other purpose.~~

361 Section 8. Paragraphs (a) and (b) of subsection (6) of  
 362 section 211.3103, Florida Statutes, are amended to read:

363 211.3103 Levy of tax on severance of phosphate rock; rate,  
 364 basis, and distribution of tax.—

365 (6) (a) Beginning January 1, 2023 ~~July 1 of the 2011-2012~~  
 366 ~~fiscal year,~~ the proceeds of all taxes, interest, and penalties  
 367 imposed under this section are exempt from the general revenue  
 368 service charge provided in s. 215.20, and such proceeds shall be  
 369 paid into the State Treasury as follows:

370 1. To the credit of the ~~State Park Conservation and~~  
 371 ~~Recreation Lands~~ Trust Fund, 25.5 percent.

372 2. To the credit of the General Revenue Fund of the state,  
 373 35.7 percent.

374 3. For payment to counties in proportion to the number of  
 375 tons of phosphate rock produced from a phosphate rock matrix  
 376 located within such political boundary, 12.8 percent. The  
 377 department shall distribute this portion of the proceeds

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 378 annually based on production information reported by the  
 379 producers on the annual returns for the taxable year. Any such  
 380 proceeds received by a county shall be used only for phosphate-  
 381 related expenses.

382 4. For payment to counties that have been designated as a  
 383 rural area of opportunity pursuant to s. 288.0656 in proportion  
 384 to the number of tons of phosphate rock produced from a  
 385 phosphate rock matrix located within such political boundary,  
 386 10.0 percent. The department shall distribute this portion of  
 387 the proceeds annually based on production information reported  
 388 by the producers on the annual returns for the taxable year.

389 Payments under this subparagraph shall be made to the counties  
 390 unless the Legislature by special act creates a local authority  
 391 to promote and direct the economic development of the county. If  
 392 such authority exists, payments shall be made to that authority.

393 5. To the credit of the Nonmandatory Land Reclamation Trust  
 394 Fund, 6.2 percent.

395 6. To the credit of the Phosphate Research Trust Fund in  
 396 the Division of Universities of the Department of Education, 6.2  
 397 percent.

398 7. To the credit of the Minerals Trust Fund, 3.6 percent.

399 (b) Notwithstanding paragraph (a), from January 1, 2015,  
 400 until December 31, 2022, the proceeds of all taxes, interest,  
 401 and penalties imposed under this section are exempt from the  
 402 general revenue service charge provided in s. 215.20, and such  
 403 proceeds shall be paid to the State Treasury as follows:

404 1. To the credit of the ~~State Park Conservation and~~  
 405 ~~Recreation Lands~~ Trust Fund, 22.8 percent.

406 2. To the credit of the General Revenue Fund of the state,

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407 31.9 percent.

408 3. For payment to counties pursuant to subparagraph (a)3.,

409 11.5 percent.

410 4. For payment to counties pursuant to subparagraph (a)4.,

411 8.9 percent.

412 5. To the credit of the Nonmandatory Land Reclamation Trust

413 Fund, 16.1 percent.

414 6. To the credit of the Phosphate Research Trust Fund in

415 the Division of Universities of the Department of Education, 5.6

416 percent.

417 7. To the credit of the Minerals Trust Fund, 3.2 percent.

418 Section 9. Subsection (2) of section 215.20, Florida

419 Statutes, is amended to read:

420 215.20 Certain income and certain trust funds to contribute

421 to the General Revenue Fund.—

422 (2) Notwithstanding the provisions of subsection (1), the

423 trust funds of the Department of Citrus and the Department of

424 Agriculture and Consumer Services, including funds collected in

425 the General Inspection Trust Fund for marketing orders and in

426 the Florida Citrus Advertising Trust Fund, shall be subject to a

427 4 percent service charge, which is hereby appropriated to the

428 General Revenue Fund. This subsection paragraph does not apply

429 ~~to the Conservation and Recreation Lands Program Trust Fund, the~~

430 ~~Citrus Inspection Trust Fund, the Florida Forever Program Trust~~

431 ~~Fund, the Market Improvements Working Capital Trust Fund, the~~

432 ~~Pest Control Trust Fund, the Plant Industry Trust Fund, or other~~

433 ~~funds collected in the General Inspection Trust Fund in the~~

434 ~~Department of Agriculture and Consumer Services.~~

435 Section 10. Paragraph (a) of subsection (1) and subsections

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436 (2) and (6) of section 215.618, Florida Statutes, are amended to

437 read:

438 215.618 Bonds for acquisition and improvement of land,

439 water areas, and related property interests and resources.—

440 (1) (a) The issuance of Florida Forever bonds, not to exceed

441 \$5.3 billion, to finance or refinance the cost of acquisition

442 and improvement of land, water areas, and related property

443 interests and resources, in urban and rural settings, for the

444 purposes of restoration, conservation, recreation, water

445 resource development, or historical preservation, and for

446 capital improvements to lands and water areas that accomplish

447 environmental restoration, enhance public access and

448 recreational enjoyment, promote long-term management goals, and

449 facilitate water resource development is hereby authorized,

450 subject to ~~the provisions of~~ s. 259.105 and pursuant to s.

451 11(e), Art. VII of the State Constitution and, on or after July

452 1, 2015, to also finance or refinance the acquisition and

453 improvement of land, water areas, and related property interests

454 as provided in s. 28, Art. X of the State Constitution. ~~Florida~~

455 ~~Forever bonds may also be issued to refund Preservation 2000~~

456 ~~bonds issued pursuant to s. 375.051. The \$5.3 billion limitation~~

457 ~~on the issuance of Florida Forever bonds does not apply to~~

458 ~~refunding bonds. The duration of each series of Florida Forever~~

459 ~~bonds issued may not exceed 20 annual maturities. ~~Preservation~~~~

460 ~~2000 bonds and Florida Forever bonds shall be equally and~~

461 ~~ratably secured by moneys distributable to the Land Acquisition~~

462 ~~Trust Fund pursuant to s. 201.15(1)(a), except to the extent~~

463 ~~specifically provided otherwise by the documents authorizing the~~

464 ~~issuance of the bonds.~~

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465 (2) The state covenants ~~does hereby covenant~~ with the  
 466 holders of Florida Forever bonds ~~and Preservation 2000 bonds~~  
 467 that it will not take any action which will materially and  
 468 adversely affect the rights of such holders so long as such  
 469 bonds are outstanding, including, but not limited to, a  
 470 reduction in the portion of documentary stamp taxes  
 471 distributable to the Land Acquisition Trust Fund for payment of  
 472 debt service on ~~Preservation 2000 bonds or~~ Florida Forever  
 473 bonds.

474 (6) Pursuant to authority granted under ~~by~~ s. 11(e), Art.  
 475 VII of the State Constitution, there is hereby continued and re-  
 476 created the Land Acquisition Trust Fund which shall ~~be a~~  
 477 continuation of the Land Acquisition Trust Fund which exists for  
 478 purposes of s. 9(a)(1), Art. XII of the State Constitution. The  
 479 Land Acquisition Trust Fund shall continue beyond the  
 480 termination of bonding authority provided for in s. 9(a)(1),  
 481 Art. XII of the State Constitution, pursuant to the authority  
 482 provided by s. 11(e), Art. VII of the State Constitution and  
 483 shall continue for so long as Preservation 2000 bonds or Florida  
 484 Forever bonds are outstanding and secured by taxes distributable  
 485 thereto or until the requirement of s. 28(a), Art. X of the  
 486 State Constitution expires, whichever is later.

487 Section 11. Subsection (2) of section 215.619, Florida  
 488 Statutes, is amended to read:

489 215.619 Bonds for Everglades restoration.—

490 (2) The state covenants with the holders of Everglades  
 491 restoration bonds that it will not take any action that will  
 492 materially and adversely affect the rights of the holders so  
 493 long as the bonds are outstanding, including, but not limited

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494 to, a reduction in the portion of documentary stamp taxes  
 495 distributable under s. 201.15(1) for payment of debt service on  
 496 ~~Preservation 2000 bonds, Florida Forever bonds, or Everglades~~  
 497 ~~restoration bonds.~~

498 Section 12. Subsection (5) of section 253.027, Florida  
 499 Statutes, is amended to read:

500 253.027 Emergency archaeological property acquisition.—

501 (5) ACCOUNT EXPENDITURES.—

502 (a) No moneys shall be spent for the acquisition of any  
 503 property, including title works, appraisal fees, and survey  
 504 costs, unless:

505 1. The property is an archaeological property of major  
 506 statewide significance.

507 2. The structures, artifacts, or relics, or their historic  
 508 significance, will be irretrievably lost if the state cannot  
 509 acquire the property.

510 3. The site is presently on an acquisition list for  
 511 ~~Conservation and Recreation Lands or for~~ Florida Forever lands,  
 512 or complies with the criteria for inclusion on any such list,  
 513 but has yet to be included on the list.

514 4. No other source of immediate funding is available to  
 515 purchase or otherwise protect the property.

516 5. The site is not otherwise protected by local, state, or  
 517 federal laws.

518 6. The acquisition is not inconsistent with the state  
 519 comprehensive plan and the state land acquisition program.

520 (b) No moneys shall be spent from the account for  
 521 excavation or restoration of the properties acquired. Funds may  
 522 be spent for preliminary surveys to determine if the sites meet

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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:

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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

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581 satisfy any such encumbrance or expense, if those funds were  
 582 used, and then in the Internal Improvement Trust Fund; and  
 583 (b) The remainder shall be distributed as set forth in s.  
 584 895.09.

585 Section 14. Subsection (3), paragraphs (a) and (k) through  
 586 (n) of subsection (6), and subsections (10) and (11) of section  
 587 253.034, Florida Statutes, are amended to read:  
 588 253.034 State-owned lands; uses.—  
 589 (3) Recognizing in recognition that recreational trails  
 590 purchased with rails-to-trails funds pursuant to former s.  
 591 259.101(3)(g), Florida Statutes 2014, or s. 259.105(3)(h) have  
 592 had historic transportation uses and that their linear character  
 593 may extend many miles, the Legislature intends that if when the  
 594 necessity arises to serve public needs, after balancing the need  
 595 to protect trail users from collisions with automobiles and a  
 596 preference for the use of overpasses and underpasses to the  
 597 greatest extent feasible and practical, transportation uses  
 598 shall be allowed to cross recreational trails purchased pursuant  
 599 to former s. 259.101(3)(g), Florida Statutes 2014, or s.  
 600 259.105(3)(h). When these crossings are needed, the location and  
 601 design should consider and mitigate the impact on humans and  
 602 environmental resources, and the value of the land shall be paid  
 603 based on fair market value.

604 (6) The Board of Trustees of the Internal Improvement Trust  
 605 Fund shall determine which lands, the title to which is vested  
 606 in the board, may be surplus. For conservation lands, the  
 607 board shall determine whether the lands are no longer needed for  
 608 conservation purposes and may dispose of them by an affirmative  
 609 vote of at least three members. In the case of a land exchange

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610 involving the disposition of conservation lands, the board must  
 611 determine by an affirmative vote of at least three members that  
 612 the exchange will result in a net positive conservation benefit.  
 613 For all other lands, the board shall determine whether the lands  
 614 are no longer needed and may dispose of them by an affirmative  
 615 vote of at least three members.

616 (a) For the purposes of this subsection, all lands acquired  
 617 by the state before July 1, 1999, using proceeds from  
 618 Preservation 2000 bonds, the former Conservation and Recreation  
 619 Lands Trust Fund, the former Water Management Lands Trust Fund,  
 620 Environmentally Endangered Lands Program, and the Save Our Coast  
 621 Program and titled to the board which are identified as core  
 622 parcels or within original project boundaries are deemed to have  
 623 been acquired for conservation purposes.

624 (k) Proceeds from the any sale of surplus conservation  
 625 lands purchased before July 1, 2015, pursuant to this subsection  
 626 shall be deposited into the Florida Forever Trust Fund ~~from~~  
 627 ~~which such lands were acquired.~~

628 (l) Proceeds from the sale of surplus conservation lands  
 629 purchased on or after July 1, 2015, shall be deposited into the  
 630 Land Acquisition Trust Fund or, if required by bond covenants,  
 631 into the trust fund from which the lands were purchased.  
 632 ~~However, if the fund from which the lands were originally~~  
 633 ~~acquired no longer exists, such proceeds shall be deposited into~~  
 634 ~~an appropriate account to be used for land management by the~~  
 635 ~~lead managing agency assigned the lands before the lands were~~  
 636 ~~declared surplus.~~

637 (m) Funds received from the sale of surplus nonconservation  
 638 lands, or lands that were acquired by gift, by donation, or for



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639 no consideration, shall be deposited into the Internal  
640 Improvement Trust Fund.

641 ~~(n)-(1)~~ Notwithstanding this subsection, such disposition of  
642 land may not be made if it would have the effect of causing all  
643 or any portion of the interest on any revenue bonds issued to  
644 lose the exclusion from gross income for federal income tax  
645 purposes.

646 ~~(o)-(m)~~ The sale of filled, formerly submerged land that  
647 does not exceed 5 acres in area is not subject to review by the  
648 council or its successor.

649 ~~(p)-(n)~~ The board may adopt rules to administer this section  
650 which may include procedures for administering surplus land  
651 requests and criteria for when the division may approve requests  
652 to surplus nonconservation lands on behalf of the board.

653 (10) The following additional uses of conservation lands  
654 acquired pursuant to the Florida Forever program and other  
655 state-funded conservation land purchase programs shall be  
656 authorized, upon a finding by the board of trustees, if they  
657 meet the criteria specified in paragraphs (a)-(e): water  
658 resource development projects, water supply development  
659 projects, stormwater management projects, linear facilities, and  
660 sustainable agriculture and forestry. Such additional uses are  
661 authorized where:

662 (a) Not inconsistent with the management plan for such  
663 lands;

664 (b) Compatible with the natural ecosystem and resource  
665 values of such lands;

666 (c) The proposed use is appropriately located on such lands  
667 and where due consideration is given to the use of other

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668 available lands;

669 (d) The using entity reasonably compensates the titleholder  
670 for such use based upon an appropriate measure of value; and

671 (e) The use is consistent with the public interest.  
672

673 A decision by the board of trustees pursuant to this section  
674 shall be given a presumption of correctness. Moneys received  
675 from the use of state lands pursuant to this section shall be  
676 returned to the lead managing entity in accordance with s.  
677 259.032(9)(c) ~~the provisions of s. 259.032(11)(c).~~

678 (11) Lands listed as projects for acquisition may be  
679 managed for conservation pursuant to s. 259.032, on an interim  
680 basis by a private party in anticipation of a state purchase in  
681 accordance with a contractual arrangement between the acquiring  
682 agency and the private party that may include management service  
683 contracts, leases, cost-share arrangements or resource  
684 conservation agreements. Lands designated as eligible under this  
685 subsection shall be managed to maintain or enhance the resources  
686 the state is seeking to protect by acquiring the land. Funding  
687 for these contractual arrangements may originate from the  
688 documentary stamp tax revenue deposited into the Land  
689 Acquisition Conservation and Recreation Lands Trust Fund and  
690 Water Management Lands Trust Fund. ~~No more than \$6.2 million may~~  
691 ~~be expended from the Land Acquisition Trust Fund 5 percent of~~  
692 ~~funds allocated under the trust funds shall be expended~~ for this  
693 purpose.

694 Section 15. Section 253.7824, Florida Statutes, is amended  
695 to read:

696 253.7824 Sale of products; proceeds.—The department may

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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

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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:~~

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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.~~

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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

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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~~

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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

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871 work, appraisal fees, environmental audits, and survey costs  
 872 related to acquisition expenses for lands to be acquired,  
 873 donated, or exchanged which qualify under the categories of this  
 874 section, at the discretion of the board. When the Legislature  
 875 has authorized the Department of Environmental Protection to  
 876 condemn a specific parcel of land and such parcel has already  
 877 been approved for acquisition ~~under this section~~, the land may  
 878 be acquired in accordance with the provisions of chapter 73 or  
 879 chapter 74, and the funds appropriated to acquire conservation  
 880 and recreation lands fund may be used to pay the condemnation  
 881 award and all costs, including a reasonable attorney's fee,  
 882 associated with condemnation.

883 ~~(7)(9)~~ All lands managed under this chapter and s. 253.034  
 884 shall be:

885 (a) Managed in a manner that will provide the greatest  
 886 combination of benefits to the public and to the resources.

887 (b) Managed for public outdoor recreation which is  
 888 compatible with the conservation and protection of public lands.  
 889 Such management may include, but not be limited to, the  
 890 following public recreational uses: fishing, hunting, camping,  
 891 bicycling, hiking, nature study, swimming, boating, canoeing,  
 892 horseback riding, diving, model hobbyist activities, birding,  
 893 sailing, jogging, and other related outdoor activities  
 894 compatible with the purposes for which the lands were acquired.

895 (c) Managed for the purposes for which the lands were  
 896 acquired, consistent with paragraph (9) (a) ~~(11) (a)~~.

897 (d) Concurrent with its adoption of the annual ~~Conservation~~  
 898 ~~and Recreation Lands~~ list of acquisition projects pursuant to s.  
 899 259.035, the board of trustees shall adopt a management

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900 prospectus for each project. The management prospectus shall  
 901 delineate:

902 1. The management goals for the property;

903 2. The conditions that will affect the intensity of  
 904 management;

905 3. An estimate of the revenue-generating potential of the  
 906 property, if appropriate;

907 4. A timetable for implementing the various stages of  
 908 management and for providing access to the public, if  
 909 applicable;

910 5. A description of potential multiple-use activities as  
 911 described in this section and s. 253.034;

912 6. Provisions for protecting existing infrastructure and  
 913 for ensuring the security of the project upon acquisition;

914 7. The anticipated costs of management and projected  
 915 sources of revenue, including legislative appropriations, to  
 916 fund management needs; and

917 8. Recommendations as to how many employees will be needed  
 918 to manage the property, and recommendations as to whether local  
 919 governments, volunteer groups, the former landowner, or other  
 920 interested parties can be involved in the management.

921 (e) Concurrent with the approval of the acquisition  
 922 contract pursuant to s. 259.041(3)(c) for any interest in lands  
 923 except those lands being acquired under the provisions of s.  
 924 259.1052, the board of trustees shall designate an agency or  
 925 agencies to manage such lands. The board shall evaluate and  
 926 amend, as appropriate, the management policy statement for the  
 927 project as provided by s. 259.035, consistent with the purposes  
 928 for which the lands are acquired. For any fee simple acquisition

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929 of a parcel which is or will be leased back for agricultural  
 930 purposes, or any acquisition of a less-than-fee interest in land  
 931 that is or will be used for agricultural purposes, the Board of  
 932 Trustees of the Internal Improvement Trust Fund shall first  
 933 consider having a soil and water conservation district, created  
 934 pursuant to chapter 582, manage and monitor such interests.

935 (f) State agencies designated to manage lands acquired  
 936 under this chapter or with funds deposited into the Land  
 937 Acquisition Trust Fund pursuant to s. 28(a), Art. X of the State  
 938 Constitution, except those lands acquired under s. 259.1052, may  
 939 contract with local governments and soil and water conservation  
 940 districts to assist in management activities, including the  
 941 responsibility of being the lead land manager. Such land  
 942 management contracts may include a provision for the transfer of  
 943 management funding to the local government or soil and water  
 944 conservation district from the land acquisition Conservation and  
 945 Recreation Lands trust fund of the lead land managing agency in  
 946 an amount adequate for the local government or soil and water  
 947 conservation district to perform its contractual land management  
 948 responsibilities and proportionate to its responsibilities, and  
 949 which otherwise would have been expended by the state agency to  
 950 manage the property.

951 (g) Immediately following the acquisition of any interest  
 952 in conservation and recreation lands ~~under this chapter~~, the  
 953 Department of Environmental Protection, acting on behalf of the  
 954 board of trustees, may issue to the lead managing entity an  
 955 interim assignment letter to be effective until the execution of  
 956 a formal lease.

957 ~~(8)(10)~~ (a) State, regional, or local governmental agencies

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958 or private entities designated to manage lands under this  
 959 section shall develop and adopt, with the approval of the board  
 960 of trustees, an individual management plan for each project  
 961 designed to conserve and protect such lands and their associated  
 962 natural resources. Private sector involvement in management plan  
 963 development may be used to expedite the planning process.

964 (b) Individual management plans required by s. 253.034(5),  
 965 for parcels over 160 acres, shall be developed with input from  
 966 an advisory group. Members of this advisory group shall include,  
 967 at a minimum, representatives of the lead land managing agency,  
 968 comanaging entities, local private property owners, the  
 969 appropriate soil and water conservation district, a local  
 970 conservation organization, and a local elected official. The  
 971 advisory group shall conduct at least one public hearing within  
 972 the county in which the parcel or project is located. For those  
 973 parcels or projects that are within more than one county, at  
 974 least one areawide public hearing shall be acceptable and the  
 975 lead managing agency shall invite a local elected official from  
 976 each county. The areawide public hearing shall be held in the  
 977 county in which the core parcels are located. Notice of such  
 978 public hearing shall be posted on the parcel or project  
 979 designated for management, advertised in a paper of general  
 980 circulation, and announced at a scheduled meeting of the local  
 981 governing body before the actual public hearing. The management  
 982 prospectus required pursuant to paragraph (7)(d) ~~(9)(d)~~ shall be  
 983 available to the public for a period of 30 days prior to the  
 984 public hearing.

985 (c) Once a plan is adopted, the managing agency or entity  
 986 shall update the plan at least every 10 years in a form and

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987 manner prescribed by rule of the board of trustees. Such  
 988 updates, for parcels over 160 acres, shall be developed with  
 989 input from an advisory group. Such plans may include transfers  
 990 of leasehold interests to appropriate conservation organizations  
 991 or governmental entities designated by the Land Acquisition and  
 992 Management Advisory Council or its successor, for uses  
 993 consistent with the purposes of the organizations and the  
 994 protection, preservation, conservation, restoration, and proper  
 995 management of the lands and their resources. Volunteer  
 996 management assistance is encouraged, including, but not limited  
 997 to, assistance by youths participating in programs sponsored by  
 998 state or local agencies, by volunteers sponsored by  
 999 environmental or civic organizations, and by individuals  
 1000 participating in programs for committed delinquents and adults.

1001 (d)1. For each project for which lands are acquired after  
 1002 July 1, 1995, an individual management plan shall be adopted and  
 1003 in place no later than 1 year after the essential parcel or  
 1004 parcels identified in the priority list developed pursuant to s.  
 1005 259.105 ~~ss. 259.101(4) and 259.105~~ have been acquired. The  
 1006 Department of Environmental Protection shall distribute only 75  
 1007 percent of the acquisition funds to which a budget entity or  
 1008 water management district would otherwise be entitled ~~from the~~  
 1009 ~~Preservation 2000 Trust Fund~~ to any budget entity or any water  
 1010 management district that has more than one-third of its  
 1011 management plans overdue.

1012 2. The requirements of subparagraph 1. do not apply to the  
 1013 individual management plan for the Babcock Crescent B Ranch  
 1014 being acquired pursuant to s. 259.1052. The management plan for  
 1015 the ranch shall be adopted and in place no later than 2 years

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1016 following the date of acquisition by the state.

1017 (e) Individual management plans shall conform to the  
 1018 appropriate policies and guidelines of the state land management  
 1019 plan and shall include, but not be limited to:

1020 1. A statement of the purpose for which the lands were  
 1021 acquired, the projected use or uses as defined in s. 253.034,  
 1022 and the statutory authority for such use or uses.

1023 2. Key management activities necessary to achieve the  
 1024 desired outcomes, including, but not limited to, providing  
 1025 public access, preserving and protecting natural resources,  
 1026 protecting cultural and historical resources, restoring habitat,  
 1027 protecting threatened and endangered species, controlling the  
 1028 spread of nonnative plants and animals, performing prescribed  
 1029 fire activities, and other appropriate resource management.

1030 3. A specific description of how the managing agency plans  
 1031 to identify, locate, protect, and preserve, or otherwise use  
 1032 fragile, nonrenewable natural and cultural resources.

1033 4. A priority schedule for conducting management  
 1034 activities, based on the purposes for which the lands were  
 1035 acquired.

1036 5. A cost estimate for conducting priority management  
 1037 activities, to include recommendations for cost-effective  
 1038 methods of accomplishing those activities.

1039 6. A cost estimate for conducting other management  
 1040 activities which would enhance the natural resource value or  
 1041 public recreation value for which the lands were acquired. The  
 1042 cost estimate shall include recommendations for cost-effective  
 1043 methods of accomplishing those activities.

1044 7. A determination of the public uses and public access

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1045 that would be consistent with the purposes for which the lands  
1046 were acquired.

1047 (f) The Division of State Lands shall submit a copy of each  
1048 individual management plan for parcels which exceed 160 acres in  
1049 size to each member of the Acquisition and Restoration Council,  
1050 which shall:

1051 1. Within 60 days after receiving a plan from the division,  
1052 review each plan for compliance with the requirements of this  
1053 subsection and with the requirements of the rules established by  
1054 the board pursuant to this subsection.

1055 2. Consider the propriety of the recommendations of the  
1056 managing agency with regard to the future use or protection of  
1057 the property.

1058 3. After its review, submit the plan, along with its  
1059 recommendations and comments, to the board of trustees, with  
1060 recommendations as to whether to approve the plan as submitted,  
1061 approve the plan with modifications, or reject the plan.

1062 (g) The board of trustees shall consider the individual  
1063 management plan submitted by each state agency and the  
1064 recommendations of the Acquisition and Restoration Council and  
1065 the Division of State Lands and shall approve the plan with or  
1066 without modification or reject such plan. The use or possession  
1067 of any lands owned by the board of trustees which is not in  
1068 accordance with an approved individual management plan is  
1069 subject to termination by the board of trustees.

1070

1071 By July 1 of each year, each governmental agency and each  
1072 private entity designated to manage lands shall report to the  
1073 Secretary of Environmental Protection on the progress of

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1074 funding, staffing, and resource management of every project for  
1075 which the agency or entity is responsible.

1076 ~~(9)(11)~~(a) The Legislature recognizes that acquiring lands  
1077 pursuant to this chapter serves the public interest by  
1078 protecting land, air, and water resources which contribute to  
1079 the public health and welfare, providing areas for natural  
1080 resource based recreation, and ensuring the survival of unique  
1081 and irreplaceable plant and animal species. The Legislature  
1082 intends for these lands to be managed and maintained for the  
1083 purposes for which they were acquired and for the public to have  
1084 access to and use of these lands where it is consistent with  
1085 acquisition purposes and would not harm the resources the state  
1086 is seeking to protect on the public's behalf.

1087 (b) An amount of not less than 1.5 percent of the  
1088 cumulative total of funds ever deposited into the Florida  
1089 Preservation 2000 Trust Fund and the Florida Forever Trust Fund  
1090 shall be made available for the purposes of management,  
1091 maintenance, and capital improvements ~~not eligible for funding~~  
1092 ~~pursuant to s. 11(e), Art. VII of the State Constitution,~~ and  
1093 for associated contractual services, for conservation and  
1094 recreation lands acquired with funds deposited into the Land  
1095 Acquisition Trust Fund pursuant to s. 28(a), Art. X of the State  
1096 Constitution or pursuant to former s. 259.032, Florida Statutes  
1097 2014 this section, former s. 259.101, Florida Statutes 2014, s.  
1098 259.105, s. 259.1052, or previous programs for the acquisition  
1099 of lands for conservation and recreation, including state  
1100 forests, to which title is vested in the board of trustees and  
1101 other conservation and recreation lands managed by a state  
1102 agency. ~~Of this amount, \$250,000 shall be transferred annually~~



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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)~~

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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~~

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1161 ~~Everglades restoration projects included in the final report of~~  
 1162 ~~the Select Committee on Indian River Lagoon and Lake Okeechobee~~  
 1163 ~~Basin, dated November 8, 2013, pursuant to nonoperating budget~~  
 1164 ~~authority under s. 216.181(12). This subsection expires July 1,~~  
 1165 ~~2015.~~

1166 ~~(10)(12)~~ (a) ~~Beginning July 1, 1999,~~ The Legislature may  
 1167 ~~expend shall make available sufficient~~ funds annually from an  
 1168 ~~appropriate the Conservation and Recreation Lands~~ trust fund to  
 1169 the department for payment in lieu of taxes to qualifying  
 1170 counties and local governments as defined in paragraph (b) for  
 1171 all actual tax losses incurred as a result of board of trustees  
 1172 acquisitions for state agencies under the Florida Forever  
 1173 program or the former Florida Preservation 2000 program during  
 1174 any year. ~~Reserved funds not used for payments in lieu of taxes~~  
 1175 ~~in any year shall revert to the fund to be used for land~~  
 1176 ~~management in accordance with the provisions of this section.~~

1177 (b) Payment in lieu of taxes shall be available:

1178 1. To all counties that have a population of 150,000 or  
 1179 fewer. Population levels shall be determined pursuant to s.  
 1180 11.031.

1181 2. To all local governments located in eligible counties.

1182 3. To Glades County, where a privately owned and operated  
 1183 prison leased to the state has recently been opened and where  
 1184 privately owned and operated juvenile justice facilities leased  
 1185 to the state have recently been constructed and opened, a  
 1186 payment in lieu of taxes, in an amount that offsets the loss of  
 1187 property tax revenue, which funds have already been appropriated  
 1188 and allocated from the Department of Correction's budget for the  
 1189 purpose of reimbursing amounts equal to lost ad valorem taxes.

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1190 (c) If insufficient funds are available in any year to make  
 1191 full payments to all qualifying counties and local governments,  
 1192 such counties and local governments shall receive a pro rata  
 1193 share of the moneys available.

1194 (d) The payment amount shall be based on the average amount  
 1195 of actual taxes paid on the property for the 3 years preceding  
 1196 acquisition. Applications for payment in lieu of taxes shall be  
 1197 made no later than January 31 of the year following acquisition.  
 1198 No payment in lieu of taxes shall be made for properties which  
 1199 were exempt from ad valorem taxation for the year immediately  
 1200 preceding acquisition.

1201 (e) If property which was subject to ad valorem taxation  
 1202 was acquired by a tax-exempt entity for ultimate conveyance to  
 1203 the state under this chapter, payment in lieu of taxes shall be  
 1204 made for such property based upon the average amount of taxes  
 1205 paid on the property for the 3 years prior to its being removed  
 1206 from the tax rolls. The department shall certify to the  
 1207 Department of Revenue those properties that may be eligible  
 1208 under this provision. Once eligibility has been established,  
 1209 that county or local government shall receive annual payments  
 1210 for each tax loss until the qualifying county or local  
 1211 government exceeds the population threshold pursuant to this  
 1212 section.

1213 (f) Payment in lieu of taxes pursuant to this subsection  
 1214 shall be made annually to qualifying counties and local  
 1215 governments after certification by the Department of Revenue  
 1216 that the amounts applied for are reasonably appropriate, based  
 1217 on the amount of actual taxes paid on the eligible property.  
 1218 With the assistance of the local government requesting payment

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1219 in lieu of taxes, the state agency that acquired the land is  
 1220 responsible for preparing and submitting application requests  
 1221 for payment to the Department of Revenue for certification.

1222 (g) If the board of trustees conveys to a local government  
 1223 title to any land owned by the board, any payments in lieu of  
 1224 taxes on the land made to the local government shall be  
 1225 discontinued as of the date of the conveyance.

1226  
 1227 For the purposes of this subsection, "local government" includes  
 1228 municipalities, the county school board, mosquito control  
 1229 districts, and any other local government entity which levies ad  
 1230 valorem taxes, with the exception of a water management  
 1231 district.

1232 ~~(13) Moneys credited to the fund each year which are not~~  
 1233 ~~used for management, maintenance, or capital improvements~~  
 1234 ~~pursuant to subsection (11); for payment in lieu of taxes~~  
 1235 ~~pursuant to subsection (12); or for the purposes of subsection~~  
 1236 ~~(5), shall be available for the acquisition of land pursuant to~~  
 1237 ~~this section.~~

1238 (11)(14) The board of trustees may adopt rules to further  
 1239 define the categories of land for acquisition under this  
 1240 chapter.

1241 (12)(15) Within 90 days after receiving a certified letter  
 1242 from the owner of a property on the ~~Conservation and Recreation~~  
 1243 ~~Lands list or the priority list established pursuant to s.~~  
 1244 259.105 objecting to the property being included in an  
 1245 acquisition project, where such property is a project or part of  
 1246 a project which has not been listed for purchase in the current  
 1247 year's land acquisition work plan, the board of trustees shall

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1248 delete the property from the list or from the boundary of an  
 1249 acquisition project on the list.

1250 Section 18. Subsections (3), (4), and (6) of section  
 1251 259.035, Florida Statutes, are amended to read:

1252 259.035 Acquisition and Restoration Council.—

1253 (3) The council shall provide assistance to the board of  
 1254 trustees in reviewing the recommendations and plans for state-  
 1255 owned lands required under s. 253.034 and chapter 259 ~~ss.~~  
 1256 ~~253.034 and 259.032~~. The council shall, in reviewing such  
 1257 recommendations and plans, consider the optimization of  
 1258 multiple-use and conservation strategies to accomplish the  
 1259 provisions funded pursuant to former s. 259.101(3)(a), Florida  
 1260 Statutes 2014, and to s. 259.105(3)(b) ~~ss. 259.101(3)(a) and~~  
 1261 ~~259.105(3)(b)~~.

1262 (4)(a) The council may use existing rules adopted by the  
 1263 board of trustees, until it develops and recommends amendments  
 1264 to those rules, to competitively evaluate, select, and rank  
 1265 projects eligible for the Conservation and Recreation Lands list  
 1266 pursuant to ~~ss. 259.032(3) and 259.101(4)~~.

1267 (a)(b) By January 1, 2017 ~~December 1, 2009~~, the Acquisition  
 1268 and Restoration Council shall develop rules defining specific  
 1269 criteria and numeric performance measures needed for lands that  
 1270 are to be acquired for public purpose with funds deposited into  
 1271 the Land Acquisition Trust Fund pursuant to s. 28(a), Art. X of  
 1272 the State Constitution under the Florida Forever program  
 1273 ~~pursuant to s. 259.105. Each recipient of Florida Forever funds~~  
 1274 ~~shall assist the council in the development of such rules.~~ These  
 1275 rules shall be reviewed and adopted by the board, then submitted  
 1276 to the Legislature for consideration by February 1, 2017 ~~2010~~.

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1277 The Legislature may reject, modify, or take no action relative  
 1278 to the proposed rules. If no action is taken, the rules shall be  
 1279 implemented. Subsequent to their approval, each recipient of  
 1280 ~~Florida Forever funds from the Land Acquisition Trust Fund~~ shall  
 1281 annually report to the Division of State Lands on each of the  
 1282 numeric performance measures accomplished during the previous  
 1283 fiscal year.

1284 ~~(b)(c)~~ In developing or amending rules, the council shall  
 1285 give weight to the criteria included in s. 259.105(10). The  
 1286 board of trustees shall review the recommendations and shall  
 1287 adopt rules necessary to administer this section.

1288 (6) The proposal for a project pursuant to this section or  
 1289 s. 259.105(3)(b) may be implemented only if adopted by the  
 1290 council and approved by the board of trustees. The council shall  
 1291 consider and evaluate in writing the merits and demerits of each  
 1292 project that is proposed for acquisition using funds available  
 1293 pursuant to s. 28, Art. X of the State Constitution ~~Conservation~~  
 1294 ~~and Recreation Lands, Florida Preservation 2000, or Florida~~  
 1295 ~~Forever funding and shall ensure that each proposed project~~  
 1296 meets the requirements of s. 28, Art. X of the State  
 1297 Constitution will meet a stated public purpose for the  
 1298 ~~restoration, conservation, or preservation of environmentally~~  
 1299 ~~sensitive lands and water areas or for providing outdoor~~  
 1300 ~~recreational opportunities.~~ The council also shall determine  
 1301 whether the project conforms, where applicable, with the  
 1302 comprehensive plan developed pursuant to s. 259.04(1)(a), the  
 1303 comprehensive multipurpose outdoor recreation plan developed  
 1304 pursuant to s. 375.021, the state lands management plan adopted  
 1305 pursuant to s. 253.03(7), the water resources work plans

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1306 developed pursuant to s. 373.199, and the provisions of s.  
 1307 259.032, s. 259.101, or s. 259.105, whichever is applicable.

1308 Section 19. Subsection (4) of section 259.036, Florida  
 1309 Statutes, is amended to read:

1310 259.036 Management review teams.—

1311 (4) In the event a land management plan has not been  
 1312 adopted within the timeframes specified in s. 259.032(8) ~~s.~~  
 1313 ~~259.032(10)~~, the department may direct a management review of  
 1314 the property, to be conducted by the land management review  
 1315 team. The review shall consider the extent to which the land is  
 1316 being managed for the purposes for which it was acquired and the  
 1317 degree to which actual management practices are in compliance  
 1318 with the management policy statement and management prospectus  
 1319 for that property.

1320 Section 20. Paragraph (b) of subsection (3) of section  
 1321 259.037, Florida Statutes, is amended to read:

1322 259.037 Land Management Uniform Accounting Council.—

1323 (3)

1324 (b) Each reporting agency shall also:

1325 1. Include a report of the available public use  
 1326 opportunities for each management unit of state land, the total  
 1327 management cost for public access and public use, and the cost  
 1328 associated with each use option.

1329 2. List the acres of land requiring minimal management  
 1330 effort, moderate management effort, and significant management  
 1331 effort pursuant to s. 259.032(9)(c) ~~former s. 259.032(11)(e)~~.

1332 For each category created in paragraph (a), the reporting agency  
 1333 shall include the amount of funds requested, the amount of funds  
 1334 received, and the amount of funds expended for land management.

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1335 3. List acres managed and cost of management for each park,  
1336 preserve, forest, reserve, or management area.

1337 4. List acres managed, cost of management, and lead manager  
1338 for each state lands management unit for which secondary  
1339 management activities were provided.

1340 5. Include a report of the estimated calculable financial  
1341 benefits to the public for the ecosystem services provided by  
1342 conservation lands, based on the best readily available  
1343 information or science that provides a standard measurement  
1344 methodology to be consistently applied by the land managing  
1345 agencies. Such information may include, but need not be limited  
1346 to, the value of natural lands for protecting the quality and  
1347 quantity of drinking water through natural water filtration and  
1348 recharge, contributions to protecting and improving air quality,  
1349 benefits to agriculture through increased soil productivity and  
1350 preservation of biodiversity, and savings to property and lives  
1351 through flood control.

1352 Section 21. Subsection (1) of section 259.04, Florida  
1353 Statutes, is amended to read:

1354 259.04 Board; powers and duties.—

1355 (1) For projects and acquisitions selected for purchase  
1356 pursuant to ss. 259.035, ~~259.101~~, and 259.105:

1357 (a) The board is given the responsibility, authority, and  
1358 power to develop and execute a comprehensive, statewide 5-year  
1359 plan to conserve, restore, and protect environmentally  
1360 endangered lands, ecosystems, lands necessary for outdoor  
1361 recreational needs, and other lands as identified in ss.  
1362 259.032, ~~259.101~~, and 259.105. This plan shall be kept current  
1363 through continual reevaluation and revision. The advisory

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1364 council or its successor shall assist the board in the  
1365 development, reevaluation, and revision of the plan.

1366 (b) The board may enter into contracts with the government  
1367 of the United States or any agency or instrumentality thereof;  
1368 the state or any county, municipality, district authority, or  
1369 political subdivision; or any private corporation, partnership,  
1370 association, or person providing for or relating to the  
1371 conservation or protection of certain lands in accomplishing the  
1372 purposes of this chapter.

1373 (c) Within 45 days after the advisory council or its  
1374 successor submits the lists of projects to the board, the board  
1375 shall approve, in whole or in part, the lists of projects in the  
1376 order of priority in which such projects are presented. To the  
1377 greatest extent practicable, projects on the lists shall be  
1378 acquired in their approved order of priority.

1379 (d) The board is authorized to acquire, by purchase, gift,  
1380 or devise or otherwise, the fee title or any lesser interest of  
1381 lands, water areas, and related resources for environmentally  
1382 endangered lands.

1383 Section 22. Paragraphs (a) and (b) of subsection (11) and  
1384 subsection (15) of section 259.041, Florida Statutes, are  
1385 amended to read:

1386 259.041 Acquisition of state-owned lands for preservation,  
1387 conservation, and recreation purposes.—

1388 (11) (a) The Legislature finds that, with the increasing  
1389 pressures on the natural areas of this state and on open space  
1390 suitable for recreational use, the state must develop creative  
1391 techniques to maximize the use of acquisition and management  
1392 funds. The Legislature also finds that the state's conservation

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1393 and recreational land acquisition agencies should be encouraged  
 1394 to augment their traditional, fee simple acquisition programs  
 1395 with the use of alternatives to fee simple acquisition  
 1396 techniques. Additionally, the Legislature finds that generations  
 1397 of private landowners have been good stewards of their land,  
 1398 protecting or restoring native habitats and ecosystems to the  
 1399 benefit of the natural resources of this state, its heritage,  
 1400 and its citizens. The Legislature also finds that using  
 1401 alternatives to fee simple acquisition by public land  
 1402 acquisition agencies will achieve the following public policy  
 1403 goals:

1404 1. Allow more lands to be brought under public protection  
 1405 for preservation, conservation, and recreational purposes with  
 1406 less expenditure of public funds.

1407 2. Retain, on local government tax rolls, some portion of  
 1408 or interest in lands which are under public protection.

1409 3. Reduce long-term management costs by allowing private  
 1410 property owners to continue acting as stewards of their land,  
 1411 where appropriate.

1412  
 1413 Therefore, it is the intent of the Legislature that public land  
 1414 acquisition agencies develop programs to pursue alternatives to  
 1415 fee simple acquisition and to educate private landowners about  
 1416 such alternatives and the benefits of such alternatives. It is  
 1417 also the intent of the Legislature that a portion of the shares  
 1418 of ~~Preservation 2000~~ and Florida Forever bond proceeds be used  
 1419 to purchase eligible properties using alternatives to fee simple  
 1420 acquisition.

1421 (b) All project applications shall identify, within their

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1422 acquisition plans, projects that require a full fee simple  
 1423 interest to achieve the public policy goals, together with the  
 1424 reasons full title is determined to be necessary. The state  
 1425 agencies and the water management districts may use alternatives  
 1426 to fee simple acquisition to bring the remaining projects in  
 1427 their acquisition plans under public protection. For the  
 1428 purposes of this subsection, the term "alternatives to fee  
 1429 simple acquisition" includes, but is not limited to: purchase of  
 1430 development rights; obtaining conservation easements; obtaining  
 1431 flowage easements; purchase of timber rights, mineral rights, or  
 1432 hunting rights; purchase of agricultural interests or  
 1433 silvicultural interests; ~~entering into land protection~~  
 1434 ~~agreements as defined in s. 380.0677(3)~~; fee simple acquisitions  
 1435 with reservations; creating life estates; or any other  
 1436 acquisition technique that achieves the public policy goals  
 1437 listed in paragraph (a). It is presumed that a private landowner  
 1438 retains the full range of uses for all the rights or interests  
 1439 in the landowner's land which are not specifically acquired by  
 1440 the public agency. The lands upon which hunting rights are  
 1441 specifically acquired pursuant to this paragraph shall be  
 1442 available for hunting in accordance with the management plan or  
 1443 hunting regulations adopted by the Florida Fish and Wildlife  
 1444 Conservation Commission, unless the hunting rights are purchased  
 1445 specifically to protect activities on adjacent lands.

1446 (15) The board of trustees, by an affirmative vote of at  
 1447 least three of its members, may direct the department to  
 1448 purchase lands on an immediate basis using up to 15 percent of  
 1449 the funds allocated to the department pursuant to s. 259.105 ~~ss.~~  
 1450 ~~259.101(3)(a) and 259.105~~ for the acquisition of lands that:

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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

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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

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1509 submitted by local governments which further the goals,  
 1510 objectives, and policies of the conservation, recreation and  
 1511 open space, or coastal elements of their local comprehensive  
 1512 plans or which serve to conserve natural resources or resolve  
 1513 land use conflicts.

1514 (e) South Florida's water supply and unique natural  
 1515 environment depend on the protection of lands buffering the East  
 1516 Everglades and the Everglades water conservation areas.

1517

1518 In addition, the Legislature recognizes the conflicting desires  
 1519 of the citizens of this state to prosper through economic  
 1520 development and to preserve the natural areas of Florida that  
 1521 development threatens to claim. The Legislature further  
 1522 recognizes the urgency of acquiring natural areas in the state  
 1523 for preservation, yet acknowledges the difficulty of ensuring  
 1524 adequate funding for accelerated acquisition in light of other  
 1525 equally critical financial needs of the state. ~~It is the~~  
 1526 ~~Legislature's desire and intent to fund the implementation of~~  
 1527 ~~the Florida Preservation 2000 Act for each of the 10 years of~~  
 1528 ~~the program's duration and to do so in a fiscally responsible~~  
 1529 ~~manner.~~

1530

1531 (3) TITLE TO CERTAIN PROPERTY ACQUIRED WITH PRESERVATION  
 1532 2000 BONDS LAND ACQUISITION PROGRAMS SUPPLEMENTED. ~~Less the~~  
 1533 ~~costs of issuance, the costs of funding reserve accounts, and~~  
 1534 ~~other costs with respect to the bonds, the proceeds of bonds~~  
 1535 ~~issued pursuant to this act shall be deposited into the Florida~~  
 1536 ~~Preservation 2000 Trust Fund created by s. 375.045. In fiscal~~  
 1537 ~~year 2000-2001, for each Florida Preservation 2000 program~~  
~~described in paragraphs (a)-(g), that portion of each program's~~

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1538 ~~total remaining cash balance which, as of June 30, 2000, is in~~  
 1539 ~~excess of that program's total remaining appropriation balances~~  
 1540 ~~shall be redistributed by the department and deposited into the~~  
 1541 ~~Save Our Everglades Trust Fund for land acquisition. For~~  
 1542 ~~purposes of calculating the total remaining cash balances for~~  
 1543 ~~this redistribution, the Florida Preservation 2000 Series 2000~~  
 1544 ~~bond proceeds, including interest thereon, and the fiscal year~~  
 1545 ~~1999-2000 General Appropriations Act amounts shall be deducted~~  
 1546 ~~from the remaining cash and appropriation balances,~~  
 1547 ~~respectively. The remaining proceeds shall be distributed by the~~  
 1548 ~~Department of Environmental Protection in the following manner:~~

1549 ~~(a) Fifty percent to the Department of Environmental~~  
 1550 ~~Protection for the purchase of public lands as described in s.~~  
 1551 ~~259.032. Of this 50 percent, at least one-fifth shall be used~~  
 1552 ~~for the acquisition of coastal lands.~~

1553 ~~(b) Thirty percent to the Department of Environmental~~  
 1554 ~~Protection for the purchase of water management lands pursuant~~  
 1555 ~~to s. 373.59, to be distributed among the water management~~  
 1556 ~~districts as provided in that section. Funds received by each~~  
 1557 ~~district may also be used for acquisition of lands necessary to~~  
 1558 ~~implement surface water improvement and management plans or for~~  
 1559 ~~acquisition of lands necessary to implement the Everglades~~  
 1560 ~~Construction Project authorized by s. 373.4592.~~

1561 ~~(c) Ten percent to the Department of Environmental~~  
 1562 ~~Protection to provide land acquisition grants and loans to local~~  
 1563 ~~governments through the Florida Communities Trust pursuant to~~  
 1564 ~~part III of chapter 380. From funds allocated to the trust, \$3~~  
 1565 ~~million annually shall be used by the Division of State Lands~~  
 1566 ~~within the Department of Environmental Protection to implement~~

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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~~

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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  
 1608 Local governments may use federal grants or loans, private  
 1609 donations, or environmental mitigation funds, including  
 1610 environmental mitigation funds required pursuant to s. 338.250,  
 1611 for any part or all of any local match required for the purposes  
 1612 described in this subsection. Bond proceeds allocated pursuant  
 1613 to paragraph (e) may be used to purchase lands on the priority  
 1614 lists developed pursuant to s. 259.035. Title to lands purchased  
 1615 pursuant to former paragraphs (a), (d), (e), (f), or and (g) of  
 1616 this subsection, Florida Statutes 2014, shall be vested in the  
 1617 Board of Trustees of the Internal Improvement Trust Fund. Title  
 1618 to lands purchased pursuant to former paragraph (c) of this  
 1619 subsection, Florida Statutes 2014, may be vested in the Board of  
 1620 Trustees of the Internal Improvement Trust Fund. The board of  
 1621 trustees shall hold title to land protection agreements and  
 1622 conservation easements that were ~~or will be~~ acquired pursuant to  
 1623 former s. 380.0677, Florida Statutes 2014, and the Southwest  
 1624 Florida Water Management District and the St. Johns River Water

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1625 Management District shall monitor such agreements and easements  
1626 within their respective districts until the state assumes this  
1627 responsibility.

1628 ~~(4) PROJECT CRITERIA.--~~

1629 ~~(a) Proceeds of bonds issued pursuant to this act and~~  
1630 ~~distributed pursuant to paragraphs (3)(a) and (b) shall be spent~~  
1631 ~~only on projects which meet at least one of the following~~  
1632 ~~criteria, as determined pursuant to paragraphs (b) and (c):~~

1633 ~~1. A significant portion of the land in the project is in~~  
1634 ~~imminent danger of development, in imminent danger of loss of~~  
1635 ~~its significant natural attributes, or in imminent danger of~~  
1636 ~~subdivision which will result in multiple ownership and may make~~  
1637 ~~acquisition of the project more costly or less likely to be~~  
1638 ~~accomplished;~~

1639 ~~2. Compelling evidence exists that the land is likely to be~~  
1640 ~~developed during the next 12 months, or appraisals made during~~  
1641 ~~the past 5 years indicate an escalation in land value at an~~  
1642 ~~average rate that exceeds the average rate of interest likely to~~  
1643 ~~be paid on the bonds;~~

1644 ~~3. A significant portion of the land in the project serves~~  
1645 ~~to protect or recharge groundwater and to protect other valuable~~  
1646 ~~natural resources or provide space for natural resource based~~  
1647 ~~recreation;~~

1648 ~~4. The project can be purchased at 80 percent of appraised~~  
1649 ~~value or less;~~

1650 ~~5. A significant portion of the land in the project serves~~  
1651 ~~as habitat for endangered, threatened, or rare species or serves~~  
1652 ~~to protect natural communities which are listed by the Florida~~  
1653 ~~Natural Areas Inventory as critically imperiled, imperiled, or~~

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1654 ~~rare, or as excellent quality occurrences of natural~~  
1655 ~~communities; or~~

1656 ~~6. A significant portion of the land serves to preserve~~  
1657 ~~important archaeological or historical sites.~~

1658 ~~(b) Each year that bonds are to be issued pursuant to this~~  
1659 ~~act, the Land Acquisition and Management Advisory Council shall~~  
1660 ~~review that year's approved Conservation and Recreation Lands~~  
1661 ~~priority list and shall, by the first board meeting in February,~~  
1662 ~~present to the Board of Trustees of the Internal Improvement~~  
1663 ~~Trust Fund for approval a listing of projects on the list which~~  
1664 ~~meet one or more of the criteria listed in paragraph (a). The~~  
1665 ~~board may remove projects from the list developed pursuant to~~  
1666 ~~this paragraph, but may not add projects.~~

1667 ~~(c) Each year that bonds are to be issued pursuant to this~~  
1668 ~~act, each water management district governing board shall review~~  
1669 ~~the lands on its current year's Save Our Rivers 5-year plan and~~  
1670 ~~shall, by January 15, adopt a listing of projects from the plan~~  
1671 ~~which meet one or more of the criteria listed in paragraph (a).~~

1672 ~~(d) In the acquisition of coastal lands pursuant to~~  
1673 ~~paragraph (3)(a), the following additional criteria shall also~~  
1674 ~~be considered:~~

1675 ~~1. The value of acquiring coastal high-hazard parcels,~~  
1676 ~~consistent with hazard mitigation and postdisaster redevelopment~~  
1677 ~~policies, in order to minimize the risk to life and property and~~  
1678 ~~to reduce the need for future disaster assistance.~~

1679 ~~2. The value of acquiring beachfront parcels, irrespective~~  
1680 ~~of size, to provide public access and recreational opportunities~~  
1681 ~~in highly developed urban areas.~~

1682 ~~3. The value of acquiring identified parcels the~~

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1683 ~~development of which would adversely affect coastal resources.~~  
 1684  
 1685 ~~When a nonprofit environmental organization which is tax-exempt~~  
 1686 ~~pursuant to s. 501(c) (3) of the United States Internal Revenue~~  
 1687 ~~Code sells land to the state, such land at the time of such sale~~  
 1688 ~~shall be deemed to meet one or more of the criteria listed in~~  
 1689 ~~paragraph (a) if such land meets one or more of the criteria at~~  
 1690 ~~the time the organization purchases it. Listings of projects~~  
 1691 ~~compiled pursuant to paragraphs (b) and (c) may be revised to~~  
 1692 ~~include projects on the Conservation and Recreation Lands~~  
 1693 ~~priority list or in a water management district's 5-year plan~~  
 1694 ~~which come under the criteria in paragraph (a) after the dates~~  
 1695 ~~specified in paragraph (b) or paragraph (c). The requirement of~~  
 1696 ~~paragraph (3) (a) regarding coastal lands is met as long as an~~  
 1697 ~~average of one-fifth of the cumulative proceeds allocated~~  
 1698 ~~through fiscal year 1999-2000 pursuant to that paragraph is used~~  
 1699 ~~to purchase coastal lands.~~  
 1700 ~~(e) The Legislature finds that the Florida Preservation~~  
 1701 ~~2000 Program has provided financial resources that have enabled~~  
 1702 ~~the acquisition of significant amounts of land for public~~  
 1703 ~~ownership in the first 7 years of the program's existence. In~~  
 1704 ~~the remaining years of the Florida Preservation 2000 Program,~~  
 1705 ~~agencies that receive funds are encouraged to better coordinate~~  
 1706 ~~their expenditures so that future acquisitions, when combined~~  
 1707 ~~with previous acquisitions, will form more complete patterns of~~  
 1708 ~~protection for natural areas and functioning ecosystems to~~  
 1709 ~~better accomplish the intent of paragraph (2) (c).~~  
 1710 ~~(f) The Legislature intends that, in the remaining years of~~  
 1711 ~~the Florida Preservation 2000 Program, emphasis be given to the~~

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1712 ~~completion of projects in which one or more parcels have already~~  
 1713 ~~been acquired and to the acquisition of lands containing~~  
 1714 ~~ecological resources which are either not represented or~~  
 1715 ~~underrepresented on lands currently in public ownership. The~~  
 1716 ~~Legislature also intends that future acquisitions under the~~  
 1717 ~~Florida Preservation 2000 Program be limited to projects on the~~  
 1718 ~~current project lists, or any additions to the list as~~  
 1719 ~~determined and prioritized by the study, or those projects that~~  
 1720 ~~can reasonably be expected to be acquired by the end of the~~  
 1721 ~~Florida Preservation 2000 Program.~~  
 1722 (4) FLORIDA FOREST SERVICE FUND USE. ~~(5) Any funds~~  
 1723 ~~received by the Florida Forest Service from the Preservation~~  
 1724 ~~2000 Trust Fund pursuant to paragraph (3) (e) shall be used only~~  
 1725 ~~to pay the cost of the acquisition of lands in furtherance of~~  
 1726 ~~outdoor recreation and natural resources conservation in this~~  
 1727 ~~state. The administration and use of any funds received by the~~  
 1728 ~~Florida Forest Service from the Preservation 2000 Trust Fund~~  
 1729 ~~will be subject to such terms and conditions imposed thereon by~~  
 1730 ~~the agency of the state responsible for the issuance of the~~  
 1731 ~~revenue bonds, the proceeds of which are deposited in the~~  
 1732 ~~Preservation 2000 Trust Fund, including restrictions imposed to~~  
 1733 ~~ensure that the interest on any such revenue bonds issued by the~~  
 1734 ~~state as tax-exempt revenue bonds will not be included in the~~  
 1735 ~~gross income of the holders of such bonds for federal income tax~~  
 1736 ~~purposes. All deeds or leases with respect to any real property~~  
 1737 ~~acquired with Preservation 2000 funds must ~~received by the~~~~  
 1738 ~~Florida Forest Service from the Preservation 2000 Trust Fund~~  
 1739 ~~shall contain sufficient such covenants and restrictions as are~~  
 1740 ~~sufficient to ensure that the use of such real property at all~~

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1741 ~~times~~ complies with s. 375.051 and s. 9, Art. XII of the 1968  
 1742 Constitution of Florida, ~~and shall contain~~ reverter clauses  
 1743 providing for the reversion of title to such property to the  
 1744 Board of Trustees of the Internal Improvement Trust Fund or, in  
 1745 the case of a lease of such property, providing for termination  
 1746 of the lease upon a failure to use the property conveyed thereby  
 1747 for such purposes.

1748 ~~(5)(6)~~ DISPOSITION OF LANDS.—

1749 (a) Any lands acquired pursuant to former paragraphs  
 1750 paragraph (3) (a), paragraph (3) (c), paragraph (3) (d), paragraph  
 1751 (3) (e), paragraph (3) (f), or paragraph (3) (g) of this section,  
 1752 Florida Statutes 2014, if title to such lands is vested in the  
 1753 Board of Trustees of the Internal Improvement Trust Fund, may be  
 1754 disposed of by the Board of Trustees of the Internal Improvement  
 1755 Trust Fund in accordance with the provisions and procedures set  
 1756 forth in s. 253.034(6), and lands acquired pursuant to former  
 1757 paragraph (3) (b) of this section, Florida Statutes 2014, may be  
 1758 disposed of by the owning water management district in  
 1759 accordance with the procedures and provisions set forth in ss.  
 1760 373.056 and 373.089 provided such disposition also shall satisfy  
 1761 the requirements of paragraphs (b) and (c).

1762 (b) Before land acquired with Preservation 2000 funds may  
 1763 be surplus as required by s. 253.034(6), or determined to be  
 1764 no longer required for its purposes under s. 373.056(4), as  
 1765 ~~whichever may be~~ applicable, there shall first be a  
 1766 determination by the Board of Trustees of the Internal  
 1767 Improvement Trust Fund, or, in the case of water management  
 1768 district lands, by the owning water management district, that  
 1769 such land no longer needs to be preserved in furtherance of the

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1770 intent of the Florida Preservation 2000 Act. Any lands eligible  
 1771 to be disposed of under this procedure also may be used to  
 1772 acquire other lands through an exchange of lands ~~if, provided~~  
 1773 such lands obtained in an exchange are described in the same  
 1774 paragraph of former subsection (3) of this section, Florida  
 1775 Statutes 2014, as the lands disposed.

1776 (c) ~~Notwithstanding paragraphs (a) and (b), no such~~  
 1777 ~~disposition of land shall be made if such disposition would have~~  
 1778 ~~the effect of causing all or any portion of the interest on any~~  
 1779 ~~revenue bonds issued to fund the Florida Preservation 2000 Act~~  
 1780 ~~to lose their exclusion from gross income for purposes of~~  
 1781 ~~federal income taxation. Any Revenue derived from the disposal~~  
 1782 ~~of such lands acquired with Preservation 2000 funds may not be~~  
 1783 ~~used for any purpose except for deposit into the Florida~~  
 1784 ~~Preservation 2000 Trust Fund, or the Florida Forever Trust Fund~~  
 1785 ~~within the Department of Environmental Protection, for recredit~~  
 1786 ~~to the share held under former subsection (3) of this section,~~  
 1787 Florida Statutes 2014, in which such disposed land is described.

1788 ~~(6)(7)~~ ALTERNATE USES OF ACQUIRED LANDS.—

1789 (a) The Board of Trustees of the Internal Improvement Trust  
 1790 Fund, or, in the case of water management district lands, the  
 1791 owning water management district, may authorize the granting of  
 1792 a lease, easement, or license for the use of any lands acquired  
 1793 pursuant to former subsection (3) of this section, Florida  
 1794 Statutes 2014, for any governmental use permitted by s. 17, Art.  
 1795 IX of the State Constitution of 1885, as adopted by s. 9(a),  
 1796 Art. XII of the State Constitution, and any other incidental  
 1797 public or private use that is determined by the board or the  
 1798 owning water management district to be compatible with the

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1799 purposes for which such lands were acquired.

1800 (b) Any existing lease, easement, or license acquired for  
1801 incidental public or private use on, under, or across any lands  
1802 acquired pursuant to former subsection (3) of this section,  
1803 Florida Statutes 2014, shall be presumed not to be incompatible  
1804 with the purposes for which such lands were acquired.

1805 ~~(c) Notwithstanding the provisions of paragraph (a), no~~  
1806 ~~such lease, easement, or license shall be entered into by the~~  
1807 ~~Department of Environmental Protection or other appropriate~~  
1808 ~~state agency if the granting of such lease, easement, or license~~  
1809 ~~would adversely affect the exclusion of the interest on any~~  
1810 ~~revenue bonds issued to fund the acquisition of the affected~~  
1811 ~~lands from gross income for federal income tax purposes, as~~  
1812 ~~described in s. 375.045(4).~~

1813 (7) ALTERNATIVES TO FEE SIMPLE ACQUISITION.- ~~(8)~~

1814 (a) The Legislature finds that, with the increasing  
1815 pressures on the natural areas of this state, the state must  
1816 develop creative techniques to maximize the use of acquisition  
1817 and management moneys. The Legislature ~~also~~ finds that the  
1818 state's environmental land-buying agencies should be encouraged  
1819 to augment their traditional, fee simple acquisition programs  
1820 with the use of alternatives to fee simple acquisition  
1821 techniques. The Legislature also finds that using alternatives  
1822 to fee simple acquisition by public land-buying agencies will  
1823 achieve the following public policy goals:

1824 1. Allow more lands to be brought under public protection  
1825 for preservation, conservation, and recreational purposes at  
1826 less expense using public funds.

1827 2. Retain, on local government tax rolls, some portion of

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1828 or interest in lands that ~~which~~ are under public protection.

1829 3. Reduce long-term management costs by allowing private  
1830 property owners to continue acting as stewards of the land, as  
1831 ~~where~~ appropriate.

1832  
1833 Therefore, it is the intent of the Legislature that public land-  
1834 buying agencies develop programs to pursue alternatives to fee  
1835 simple acquisition and to educate private landowners about such  
1836 alternatives and the benefits of such alternatives. It also is  
1837 the intent of the Legislature that the department and the water  
1838 management districts spend a portion of their shares of  
1839 Preservation 2000 bond proceeds to purchase eligible properties  
1840 using alternatives to fee simple acquisition. Finally, it is the  
1841 intent of the Legislature that public agencies acquire lands in  
1842 fee simple for public access and recreational activities. Lands  
1843 protected using alternatives to fee simple acquisition  
1844 techniques may ~~shall~~ not be accessible to the public unless such  
1845 access is negotiated with and agreed to by the private  
1846 landowners who retain interests in such lands.

1847 (b) The Land Acquisition Advisory Council and the water  
1848 management districts shall identify, within their 1997  
1849 acquisition plans, those projects that ~~which~~ require a full fee  
1850 simple interest to achieve the public policy goals, along with  
1851 the reasons why full title is determined to be necessary. The  
1852 council and the water management districts may use alternatives  
1853 to fee simple acquisition to bring the remaining projects in  
1854 their acquisition plans under public protection. For the  
1855 purposes of this subsection, the term "alternatives to fee  
1856 simple acquisition" includes the, ~~but is not limited to:~~

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 1857 purchase of development rights; conservation easements; flowage  
 1858 easements; ~~the~~ purchase of timber rights, mineral rights, or  
 1859 hunting rights; ~~the~~ purchase of agricultural interests or  
 1860 silvicultural interests; land protection agreements; fee simple  
 1861 acquisitions with reservations; or any other acquisition  
 1862 technique ~~that which~~ achieves the public policy goals identified  
 1863 ~~listed~~ in paragraph (a). It is presumed that a private landowner  
 1864 retains the full range of uses for all the rights or interests  
 1865 in the landowner's land which are not specifically acquired by  
 1866 the public agency. Life estates and fee simple acquisitions with  
 1867 leaseback provisions do ~~shall~~ not qualify as an alternative to  
 1868 fee simple acquisition under this subsection, although the  
 1869 department and the districts are encouraged to use such  
 1870 techniques if ~~where~~ appropriate.

1871 (c) The department and each water management district shall  
 1872 implement initiatives to use alternatives to fee simple  
 1873 acquisition and to educate private landowners about such  
 1874 alternatives. These initiatives must ~~shall~~ include at least two  
 1875 acquisitions a year by the department and each water management  
 1876 district utilizing alternatives to fee simple.

1877 (d) The Legislature finds that the lack of direct sales  
 1878 comparison information has served as an impediment to successful  
 1879 implementation of alternatives to fee simple acquisition. It is  
 1880 the intent of the Legislature that, in the absence of direct  
 1881 comparable sales information, appraisals of alternatives to fee  
 1882 simple acquisitions be based on the difference between the full  
 1883 fee simple valuation and the value of the interests remaining  
 1884 with the seller after acquisition.

1885 (e) The public agency ~~that which~~ has been assigned

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 1886 management responsibility shall inspect and monitor any less-  
 1887 than-fee-simple interest according to the terms of the purchase  
 1888 agreement relating to such interest.

1889 (f) The department and the water management districts may  
 1890 enter into joint acquisition agreements to jointly fund the  
 1891 purchase of lands using alternatives to fee simple techniques.

1892 (8) PUBLIC RECREATIONAL USE.—An agency or water management  
 1893 district that acquired lands using Preservation 2000 funds  
 1894 distributed pursuant to former subsection (3) of this section,  
 1895 Florida Statutes 2014, shall manage such lands to make them  
 1896 available for public recreational use if the recreational use  
 1897 does not interfere with the protection of natural resource  
 1898 values. The agency or district may enter into an agreement with  
 1899 the department or another appropriate state agency to transfer  
 1900 management authority or lease to such agencies lands purchased  
 1901 with Preservation 2000 funds for the purpose of managing the  
 1902 lands to make them available for public recreational use. The  
 1903 water management districts and the department shall take action  
 1904 to control the growth of nonnative invasive plant species on  
 1905 lands they manage which were purchased with Preservation 2000  
 1906 funds.

1907 Section 24. Section 259.105, Florida Statutes, is amended  
 1908 to read:

1909 259.105 The Florida Forever Act.—

1910 (1) This section may be cited as the "Florida Forever Act."

1911 (2) (a) The Legislature finds and declares that:

1912 1. Land acquisition programs have provided tremendous  
 1913 financial resources for purchasing environmentally significant  
 1914 lands to protect those lands from imminent development or

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1915 alteration, thereby ensuring present and future generations'  
 1916 access to important waterways, open spaces, and recreation and  
 1917 conservation lands.

1918 2. The continued alteration and development of Florida's  
 1919 natural and rural areas to accommodate the state's growing  
 1920 population have contributed to the degradation of water  
 1921 resources, the fragmentation and destruction of wildlife  
 1922 habitats, the loss of outdoor recreation space, and the  
 1923 diminishment of wetlands, forests, working landscapes, and  
 1924 coastal open space.

1925 3. The potential development of Florida's remaining natural  
 1926 areas and escalation of land values require government efforts  
 1927 to restore, bring under public protection, or acquire lands and  
 1928 water areas to preserve the state's essential ecological  
 1929 functions and invaluable quality of life.

1930 4. It is essential to protect the state's ecosystems by  
 1931 promoting a more efficient use of land, to ensure opportunities  
 1932 for viable agricultural activities on working lands, and to  
 1933 promote vital rural and urban communities that support and  
 1934 produce development patterns consistent with natural resource  
 1935 protection.

1936 5. Florida's groundwater, surface waters, and springs are  
 1937 under tremendous pressure due to population growth and economic  
 1938 expansion and require special protection and restoration  
 1939 efforts, including the protection of uplands and springsheds  
 1940 that provide vital recharge to aquifer systems and are critical  
 1941 to the protection of water quality and water quantity of the  
 1942 aquifers and springs. To ensure that sufficient quantities of  
 1943 water are available to meet the current and future needs of the

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1944 natural systems and citizens of the state, and assist in  
 1945 achieving the planning goals of the department and the water  
 1946 management districts, water resource development projects on  
 1947 public lands, where compatible with the resource values of and  
 1948 management objectives for the lands, are appropriate.

1949 6. The needs of urban, suburban, and small communities in  
 1950 Florida for high-quality outdoor recreational opportunities,  
 1951 greenways, trails, and open space have not been fully met by  
 1952 previous acquisition programs. Through such programs as the  
 1953 Florida Communities Trust and the Florida Recreation Development  
 1954 Assistance Program, the state shall place additional emphasis on  
 1955 acquiring, protecting, preserving, and restoring open space,  
 1956 ecological greenways, and recreation properties within urban,  
 1957 suburban, and rural areas where pristine natural communities or  
 1958 water bodies no longer exist because of the proximity of  
 1959 developed property.

1960 7. Many of Florida's unique ecosystems, such as the Florida  
 1961 Everglades, are facing ecological collapse due to Florida's  
 1962 burgeoning population growth and other economic activities. To  
 1963 preserve these valuable ecosystems for future generations,  
 1964 essential parcels of land must be acquired to facilitate  
 1965 ecosystem restoration.

1966 8. Access to public lands to support a broad range of  
 1967 outdoor recreational opportunities and the development of  
 1968 necessary infrastructure, where compatible with the resource  
 1969 values of and management objectives for such lands, promotes an  
 1970 appreciation for Florida's natural assets and improves the  
 1971 quality of life.

1972 9. Acquisition of lands, in fee simple, less-than-fee

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1973 interest, or other techniques shall be based on a comprehensive  
 1974 science-based assessment of Florida's natural resources which  
 1975 targets essential conservation lands by prioritizing all current  
 1976 and future acquisitions based on a uniform set of data and  
 1977 planned so as to protect the integrity and function of  
 1978 ecological systems and working landscapes, and provide multiple  
 1979 benefits, including preservation of fish and wildlife habitat,  
 1980 recreation space for urban and rural areas, and the restoration  
 1981 of natural water storage, flow, and recharge.

1982 10. The state has embraced performance-based program  
 1983 budgeting as a tool to evaluate the achievements of publicly  
 1984 funded agencies, build in accountability, and reward those  
 1985 agencies which are able to consistently achieve quantifiable  
 1986 goals. While previous and existing state environmental programs  
 1987 have achieved varying degrees of success, few of these programs  
 1988 can be evaluated as to the extent of their achievements,  
 1989 primarily because performance measures, standards, outcomes, and  
 1990 goals were not established at the outset. Therefore, the Florida  
 1991 Forever program shall be developed and implemented in the  
 1992 context of measurable state goals and objectives.

1993 11. The state must play a major role in the recovery and  
 1994 management of its imperiled species through the acquisition,  
 1995 restoration, enhancement, and management of ecosystems that can  
 1996 support the major life functions of such species. It is the  
 1997 intent of the Legislature to support local, state, and federal  
 1998 programs that result in net benefit to imperiled species habitat  
 1999 by providing public and private land owners meaningful  
 2000 incentives for acquiring, restoring, managing, and repopulating  
 2001 habitats for imperiled species. It is the further intent of the

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2002 Legislature that public lands, both existing and to be acquired,  
 2003 identified by the lead land managing agency, in consultation  
 2004 with the Florida Fish and Wildlife Conservation Commission for  
 2005 animals or the Department of Agriculture and Consumer Services  
 2006 for plants, as habitat or potentially restorable habitat for  
 2007 imperiled species, be restored, enhanced, managed, and  
 2008 repopulated as habitat for such species to advance the goals and  
 2009 objectives of imperiled species management consistent with the  
 2010 purposes for which such lands are acquired without restricting  
 2011 other uses identified in the management plan. It is also the  
 2012 intent of the Legislature that of the proceeds distributed  
 2013 pursuant to subsection (3), additional consideration be given to  
 2014 acquisitions that achieve a combination of conservation goals,  
 2015 including the restoration, enhancement, management, or  
 2016 repopulation of habitat for imperiled species. The Acquisition  
 2017 and Restoration Council, in addition to the criteria in  
 2018 subsection (9), shall give weight to projects that include  
 2019 acquisition, restoration, management, or repopulation of habitat  
 2020 for imperiled species. The term "imperiled species" as used in  
 2021 this chapter and chapter 253, means plants and animals that are  
 2022 federally listed under the Endangered Species Act, or state-  
 2023 listed by the Fish and Wildlife Conservation Commission or the  
 2024 Department of Agriculture and Consumer Services.

2025 a. As part of the state's role, all state lands that have  
 2026 imperiled species habitat shall include as a consideration in  
 2027 management plan development the restoration, enhancement,  
 2028 management, and repopulation of such habitats. In addition, the  
 2029 lead land managing agency of such state lands may use fees  
 2030 received from public or private entities for projects to offset



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2031 adverse impacts to imperiled species or their habitat in order  
 2032 to restore, enhance, manage, repopulate, or acquire land and to  
 2033 implement land management plans developed under s. 253.034 or a  
 2034 land management prospectus developed and implemented under this  
 2035 chapter. Such fees shall be deposited into a foundation or fund  
 2036 created by each land management agency under s. 379.223, s.  
 2037 589.012, or s. 259.032(9)(c) ~~s. 259.032(11)(e)~~, to be used  
 2038 solely to restore, manage, enhance, repopulate, or acquire  
 2039 imperiled species habitat.

2040 b. Where habitat or potentially restorable habitat for  
 2041 imperiled species is located on state lands, the Fish and  
 2042 Wildlife Conservation Commission and the Department of  
 2043 Agriculture and Consumer Services shall be included on any  
 2044 advisory group required under chapter 253, and the short-term  
 2045 and long-term management goals required under chapter 253 must  
 2046 advance the goals and objectives of imperiled species management  
 2047 consistent with the purposes for which the land was acquired  
 2048 without restricting other uses identified in the management  
 2049 plan.

2050 12. There is a need to change the focus and direction of  
 2051 the state's major land acquisition programs and to extend  
 2052 funding and bonding capabilities, so that future generations may  
 2053 enjoy the natural resources of this state.

2054 (b) The Legislature recognizes that acquisition of lands in  
 2055 fee simple is only one way to achieve the aforementioned goals  
 2056 and encourages the use of less-than-fee interests, other  
 2057 techniques, and the development of creative partnerships between  
 2058 governmental agencies and private landowners. Such partnerships  
 2059 may include those that advance the restoration, enhancement,

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2060 management, or repopulation of imperiled species habitat on  
 2061 state lands as provided for in subparagraph (a)11. Easements  
 2062 acquired pursuant to s. 570.71(2)(a) and (b), land protection  
 2063 agreements, and nonstate funded tools such as rural land  
 2064 stewardship areas, sector planning, and mitigation should be  
 2065 used, where appropriate, to bring environmentally sensitive  
 2066 tracts under an acceptable level of protection at a lower  
 2067 financial cost to the public, and to provide private landowners  
 2068 with the opportunity to enjoy and benefit from their property.

2069 (c) Public agencies or other entities that receive funds  
 2070 under this section shall coordinate their expenditures so that  
 2071 project acquisitions, when combined with acquisitions under  
 2072 Florida Forever, Preservation 2000, Save Our Rivers, the Florida  
 2073 Communities Trust, other public land acquisition programs, and  
 2074 the techniques, partnerships, and tools referenced in  
 2075 subparagraph (a)11. and paragraph (b), are used to form more  
 2076 complete patterns of protection for natural areas, ecological  
 2077 greenways, and functioning ecosystems, to better accomplish the  
 2078 intent of this section.

2079 (d) A long-term financial commitment to restoring,  
 2080 enhancing, and managing Florida's public lands in order to  
 2081 implement land management plans developed under s. 253.034 or a  
 2082 land management prospectus developed and implemented under this  
 2083 chapter must accompany any land acquisition program to ensure  
 2084 that the natural resource values of such lands are restored,  
 2085 enhanced, managed, and protected; that the public enjoys the  
 2086 lands to their fullest potential; and that the state achieves  
 2087 the full benefits of its investment of public dollars.  
 2088 Innovative strategies such as public-private partnerships and

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2089 interagency planning and sharing of resources shall be used to  
2090 achieve the state's management goals.

2091 (e) With limited dollars available for restoration,  
2092 enhancement, management, and acquisition of land and water areas  
2093 and for providing long-term management and capital improvements,  
2094 a competitive selection process shall select those projects best  
2095 able to meet the goals of Florida Forever and maximize the  
2096 efficient use of the program's funding.

2097 (f) To ensure success and provide accountability to the  
2098 citizens of this state, it is the intent of the Legislature that  
2099 any cash or bond proceeds used pursuant to this section be used  
2100 to implement the goals and objectives recommended by a  
2101 comprehensive science-based assessment and approved by the Board  
2102 of Trustees of the Internal Improvement Trust Fund and the  
2103 Legislature.

2104 (g) As it has with previous land acquisition programs, the  
2105 Legislature recognizes the desires of the residents of this  
2106 state to prosper through economic development and to preserve,  
2107 restore, and manage the state's natural areas and recreational  
2108 open space. The Legislature further recognizes the urgency of  
2109 restoring the natural functions, including wildlife and  
2110 imperiled species habitat functions, of public lands or water  
2111 bodies before they are degraded to a point where recovery may  
2112 never occur, yet acknowledges the difficulty of ensuring  
2113 adequate funding for restoration, enhancement, and management  
2114 efforts in light of other equally critical financial needs of  
2115 the state. It is the Legislature's desire and intent to fund the  
2116 implementation of this section and to do so in a fiscally  
2117 responsible manner, by issuing bonds to be repaid with

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2118 documentary stamp tax or other revenue sources, including those  
2119 identified in subparagraph (a)11.

2120 (h) The Legislature further recognizes the important role  
2121 that many of our state and federal military installations  
2122 contribute to protecting and preserving Florida's natural  
2123 resources as well as our economic prosperity. Where the state's  
2124 land conservation plans overlap with the military's need to  
2125 protect lands, waters, and habitat to ensure the sustainability  
2126 of military missions, it is the Legislature's intent that  
2127 agencies receiving funds under this program cooperate with our  
2128 military partners to protect and buffer military installations  
2129 and military airspace, by:

2130 1. Protecting habitat on nonmilitary land for any species  
2131 found on military land that is designated as threatened or  
2132 endangered, or is a candidate for such designation under the  
2133 Endangered Species Act or any Florida statute;

2134 2. Protecting areas underlying low-level military air  
2135 corridors or operating areas;

2136 3. Protecting areas identified as clear zones, accident  
2137 potential zones, and air installation compatible use buffer  
2138 zones delineated by our military partners; and

2139 4. Providing the military with technical assistance to  
2140 restore, enhance, and manage military land as habitat for  
2141 imperiled species or species designated as threatened or  
2142 endangered, or a candidate for such designation, and for the  
2143 recovery or reestablishment of such species.

2144 (3) Less the costs of issuing and the costs of funding  
2145 reserve accounts and other costs associated with bonds, the  
2146 proceeds of cash payments or bonds issued pursuant to this

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2147 section shall be deposited into the Florida Forever Trust Fund  
 2148 created by s. 259.1051. The proceeds shall be distributed by the  
 2149 Department of Environmental Protection in the following manner:

2150 (a) Thirty percent to the Department of Environmental  
 2151 Protection for the acquisition of lands and capital project  
 2152 expenditures necessary to implement the water management  
 2153 districts' priority lists developed pursuant to s. 373.199. The  
 2154 funds are to be distributed to the water management districts as  
 2155 provided in subsection (11). A minimum of 50 percent of the  
 2156 total funds provided over the life of the Florida Forever  
 2157 program pursuant to this paragraph shall be used for the  
 2158 acquisition of lands.

2159 (b) Thirty-five percent to the Department of Environmental  
 2160 Protection for the acquisition of lands and capital project  
 2161 expenditures described in this section. Of the proceeds  
 2162 distributed pursuant to this paragraph, it is the intent of the  
 2163 Legislature that an increased priority be given to those  
 2164 acquisitions which achieve a combination of conservation goals,  
 2165 including protecting Florida's water resources and natural  
 2166 groundwater recharge. At a minimum, 3 percent, and no more than  
 2167 10 percent, of the funds allocated pursuant to this paragraph  
 2168 shall be spent on capital project expenditures identified during  
 2169 the time of acquisition which meet land management planning  
 2170 activities necessary for public access.

2171 (c) Twenty-one percent to the Department of Environmental  
 2172 Protection for use by the Florida Communities Trust for the  
 2173 purposes of part III of chapter 380, as described and limited by  
 2174 this subsection, and grants to local governments or nonprofit  
 2175 environmental organizations that are tax-exempt under s.

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2176 501(c)(3) of the United States Internal Revenue Code for the  
 2177 acquisition of community-based projects, urban open spaces,  
 2178 parks, and greenways to implement local government comprehensive  
 2179 plans. From funds available to the trust and used for land  
 2180 acquisition, 75 percent shall be matched by local governments on  
 2181 a dollar-for-dollar basis. The Legislature intends that the  
 2182 Florida Communities Trust emphasize funding projects in low-  
 2183 income or otherwise disadvantaged communities and projects that  
 2184 provide areas for direct water access and water-dependent  
 2185 facilities that are open to the public and offer public access  
 2186 by vessels to waters of the state, including boat ramps and  
 2187 associated parking and other support facilities. At least 30  
 2188 percent of the total allocation provided to the trust shall be  
 2189 used in Standard Metropolitan Statistical Areas, but one-half of  
 2190 that amount shall be used in localities in which the project  
 2191 site is located in built-up commercial, industrial, or mixed-use  
 2192 areas and functions to intersperse open spaces within congested  
 2193 urban core areas. From funds allocated to the trust, no less  
 2194 than 5 percent shall be used to acquire lands for recreational  
 2195 trail systems, provided that in the event these funds are not  
 2196 needed for such projects, they will be available for other trust  
 2197 projects. Local governments may use federal grants or loans,  
 2198 private donations, or environmental mitigation funds, including  
 2199 environmental mitigation funds required pursuant to s. 338.250,  
 2200 for any part or all of any local match required for acquisitions  
 2201 funded through the Florida Communities Trust. Any lands  
 2202 purchased by nonprofit organizations using funds allocated under  
 2203 this paragraph must provide for such lands to remain permanently  
 2204 in public use through a reversion of title to local or state

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2205 government, conservation easement, or other appropriate  
 2206 mechanism. Projects funded with funds allocated to the trust  
 2207 shall be selected in a competitive process measured against  
 2208 criteria adopted in rule by the trust.

2209 (d) Two percent to the Department of Environmental  
 2210 Protection for grants pursuant to s. 375.075.

2211 (e) One and five-tenths percent to the Department of  
 2212 Environmental Protection for the purchase of inholdings and  
 2213 additions to state parks and for capital project expenditures as  
 2214 described in this section. At a minimum, 1 percent, and no more  
 2215 than 10 percent, of the funds allocated pursuant to this  
 2216 paragraph shall be spent on capital project expenditures  
 2217 identified during the time of acquisition which meet land  
 2218 management planning activities necessary for public access. For  
 2219 the purposes of this paragraph, "state park" means any real  
 2220 property in the state which is under the jurisdiction of the  
 2221 Division of Recreation and Parks of the department, or which may  
 2222 come under its jurisdiction.

2223 (f) One and five-tenths percent to the Florida Forest  
 2224 Service of the Department of Agriculture and Consumer Services  
 2225 to fund the acquisition of state forest inholdings and additions  
 2226 pursuant to s. 589.07, the implementation of reforestation plans  
 2227 or sustainable forestry management practices, and for capital  
 2228 project expenditures as described in this section. At a minimum,  
 2229 1 percent, and no more than 10 percent, of the funds allocated  
 2230 for the acquisition of inholdings and additions pursuant to this  
 2231 paragraph shall be spent on capital project expenditures  
 2232 identified during the time of acquisition which meet land  
 2233 management planning activities necessary for public access.

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2234 (g) One and five-tenths percent to the Fish and Wildlife  
 2235 Conservation Commission to fund the acquisition of inholdings  
 2236 and additions to lands managed by the commission which are  
 2237 important to the conservation of fish and wildlife and for  
 2238 capital project expenditures as described in this section. At a  
 2239 minimum, 1 percent, and no more than 10 percent, of the funds  
 2240 allocated pursuant to this paragraph shall be spent on capital  
 2241 project expenditures identified during the time of acquisition  
 2242 which meet land management planning activities necessary for  
 2243 public access.

2244 (h) One and five-tenths percent to the Department of  
 2245 Environmental Protection for the Florida Greenways and Trails  
 2246 Program, to acquire greenways and trails or greenways and trail  
 2247 systems pursuant to chapter 260, including, but not limited to,  
 2248 abandoned railroad rights-of-way and the Florida National Scenic  
 2249 Trail and for capital project expenditures as described in this  
 2250 section. At a minimum, 1 percent, and no more than 10 percent,  
 2251 of the funds allocated pursuant to this paragraph shall be spent  
 2252 on capital project expenditures identified during the time of  
 2253 acquisition which meet land management planning activities  
 2254 necessary for public access.

2255 (i) Three and five-tenths percent to the Department of  
 2256 Agriculture and Consumer Services for the acquisition of  
 2257 agricultural lands, through perpetual conservation easements and  
 2258 other perpetual less-than-fee techniques, which will achieve the  
 2259 objectives of Florida Forever and s. 570.71. Rules concerning  
 2260 the application, acquisition, and priority ranking process for  
 2261 such easements shall be developed pursuant to s. 570.71(10) and  
 2262 as provided by this paragraph. The board shall ensure that such

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2263 rules are consistent with the acquisition process provided for  
 2264 in s. 259.041. Provisions of the rules developed pursuant to s.  
 2265 570.71(10), shall also provide for the following:

2266 1. An annual priority list shall be developed pursuant to  
 2267 s. 570.71(10), submitted to the Acquisition and Restoration  
 2268 Council for review, and approved by the board pursuant to s.  
 2269 259.04.

2270 2. Terms of easements and acquisitions proposed pursuant to  
 2271 this paragraph shall be approved by the board and shall not be  
 2272 delegated by the board to any other entity receiving funds under  
 2273 this section.

2274 3. All acquisitions pursuant to this paragraph shall  
 2275 contain a clear statement that they are subject to legislative  
 2276 appropriation.

2277  
 2278 No funds provided under this paragraph shall be expended until  
 2279 final adoption of rules by the board pursuant to s. 570.71.

2280 (j) Two and five-tenths percent to the Department of  
 2281 Environmental Protection for the acquisition of land and capital  
 2282 project expenditures necessary to implement the Stan Mayfield  
 2283 Working Waterfronts Program within the Florida Communities Trust  
 2284 pursuant to s. 380.5105.

2285 (k) It is the intent of the Legislature that cash payments  
 2286 or proceeds of Florida Forever bonds distributed under this  
 2287 section shall be expended in an efficient and fiscally  
 2288 responsible manner. An agency that receives proceeds from  
 2289 Florida Forever bonds under this section may not maintain a  
 2290 balance of unencumbered funds in its Florida Forever subaccount  
 2291 beyond 3 fiscal years from the date of deposit of funds from

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2292 each bond issue. Any funds that have not been expended or  
 2293 encumbered after 3 fiscal years from the date of deposit shall  
 2294 be distributed by the Legislature at its next regular session  
 2295 for use in the Florida Forever program.

2296 (l) For the purposes of paragraphs (e), (f), (g), and (h),  
 2297 the agencies that receive the funds shall develop their  
 2298 individual acquisition or restoration lists in accordance with  
 2299 specific criteria and numeric performance measures developed  
 2300 pursuant s. 259.035(4). Proposed additions may be acquired if  
 2301 they are identified within the original project boundary, the  
 2302 management plan required pursuant to s. 253.034(5), or the  
 2303 management prospectus required pursuant to s. 259.032(7)(d) ~~s.~~  
 2304 ~~259.032(9)(d)~~. Proposed additions not meeting the requirements  
 2305 of this paragraph shall be submitted to the Acquisition and  
 2306 Restoration Council for approval. The council may only approve  
 2307 the proposed addition if it meets two or more of the following  
 2308 criteria: serves as a link or corridor to other publicly owned  
 2309 property; enhances the protection or management of the property;  
 2310 would add a desirable resource to the property; would create a  
 2311 more manageable boundary configuration; has a high resource  
 2312 value that otherwise would be unprotected; or can be acquired at  
 2313 less than fair market value.

2314 ~~(m) Notwithstanding paragraphs (a)-(j) and for the 2014-~~  
 2315 ~~2015 fiscal year only:~~

2316 ~~1. Five million dollars to the Department of Agriculture~~  
 2317 ~~and Consumer Services for the acquisition of agricultural lands~~  
 2318 ~~through perpetual conservation easements and other perpetual~~  
 2319 ~~less than fee techniques, which will achieve the objectives of~~  
 2320 ~~Florida Forever and s. 570.71.~~

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2321 ~~2. The remaining moneys appropriated from the Florida~~  
 2322 ~~Forever Trust Fund shall be distributed only to the Division of~~  
 2323 ~~State Lands within the Department of Environmental Protection~~  
 2324 ~~for land acquisitions that are less than fee interest, for~~  
 2325 ~~partnerships in which the state's portion of the acquisition~~  
 2326 ~~cost is no more than 50 percent, or for conservation lands~~  
 2327 ~~needed for military buffering or springs or water resources~~  
 2328 ~~protection.~~

2329  
 2330 ~~This paragraph expires July 1, 2015.~~

2331 ~~(4) Notwithstanding subsection (3) and for the 2014-2015~~  
 2332 ~~fiscal year only, the funds appropriated in section 56 of the~~  
 2333 ~~2014-2015 General Appropriations Act may be provided to water~~  
 2334 ~~management districts for land acquisitions, including less than~~  
 2335 ~~fee interest, identified by water management districts as being~~  
 2336 ~~needed for water resource protection or ecosystem restoration.~~  
 2337 ~~This subsection expires July 1, 2015.~~

2338 (4)(5) It is the intent of the Legislature that projects or  
 2339 acquisitions funded pursuant to paragraphs (3) (a) and (b)  
 2340 contribute to the achievement of the following goals, which  
 2341 shall be evaluated in accordance with specific criteria and  
 2342 numeric performance measures developed pursuant s. 259.035(4):

2343 (a) Enhance the coordination and completion of land  
 2344 acquisition projects, as measured by:

2345 1. The number of acres acquired through the state's land  
 2346 acquisition programs that contribute to the enhancement of  
 2347 essential natural resources, ecosystem service parcels, and  
 2348 connecting linkage corridors as identified and developed by the  
 2349 best available scientific analysis;

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2350 2. The number of acres protected through the use of  
 2351 alternatives to fee simple acquisition; or

2352 3. The number of shared acquisition projects among Florida  
 2353 Forever funding partners and partners with other funding  
 2354 sources, including local governments and the Federal Government.

2355 (b) Increase the protection of Florida's biodiversity at  
 2356 the species, natural community, and landscape levels, as  
 2357 measured by:

2358 1. The number of acres acquired of significant strategic  
 2359 habitat conservation areas;

2360 2. The number of acres acquired of highest priority  
 2361 conservation areas for Florida's rarest species;

2362 3. The number of acres acquired of significant landscapes,  
 2363 landscape linkages, and conservation corridors, giving priority  
 2364 to completing linkages;

2365 4. The number of acres acquired of underrepresented native  
 2366 ecosystems;

2367 5. The number of landscape-sized protection areas of at  
 2368 least 50,000 acres that exhibit a mosaic of predominantly intact  
 2369 or restorable natural communities established through new  
 2370 acquisition projects or augmentations to previous projects; or

2371 6. The percentage increase in the number of occurrences of  
 2372 imperiled species on publicly managed conservation areas.

2373 (c) Protect, restore, and maintain the quality and natural  
 2374 functions of land, water, and wetland systems of the state, as  
 2375 measured by:

2376 1. The number of acres of publicly owned land identified as  
 2377 needing restoration, enhancement, and management, acres  
 2378 undergoing restoration or enhancement, acres with restoration

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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;

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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,

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2437 by type, made available on public land.

2438 (f) Preserve significant archaeological or historic sites,  
2439 as measured by:

2440 1. The increase in the number of and percentage of historic  
2441 and archaeological properties listed in the Florida Master Site  
2442 File or National Register of Historic Places which are protected  
2443 or preserved for public use; or

2444 2. The increase in the number and percentage of historic  
2445 and archaeological properties that are in state ownership.

2446 (g) Increase the amount of forestland available for  
2447 sustainable management of natural resources, as measured by:

2448 1. The number of acres acquired that are available for  
2449 sustainable forest management;

2450 2. The number of acres of state-owned forestland managed  
2451 for economic return in accordance with current best management  
2452 practices;

2453 3. The number of acres of forestland acquired that will  
2454 serve to maintain natural groundwater recharge functions; or

2455 4. The percentage and number of acres identified for  
2456 restoration actually restored by reforestation.

2457 (h) Increase the amount of open space available in urban  
2458 areas, as measured by:

2459 1. The percentage of local governments that participate in  
2460 land acquisition programs and acquire open space in urban cores;  
2461 or

2462 2. The percentage and number of acres of purchases of open  
2463 space within urban service areas.

2464

2465 Florida Forever projects and acquisitions funded pursuant to

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2466 paragraph (3) (c) shall be measured by goals developed by rule by  
2467 the Florida Communities Trust Governing Board created in s.  
2468 380.504.

2469 ~~(5)-(6)~~ (a) All lands acquired pursuant to this section shall  
2470 be managed for multiple-use purposes, where compatible with the  
2471 resource values of and management objectives for such lands. As  
2472 used in this section, "multiple-use" includes, but is not  
2473 limited to, outdoor recreational activities as described in ss.  
2474 253.034 and 259.032(7)(b) ~~259.032(9)(b)~~, water resource  
2475 development projects, sustainable forestry management, carbon  
2476 sequestration, carbon mitigation, or carbon offsets.

2477 (b) Upon a decision by the entity in which title to lands  
2478 acquired pursuant to this section has vested, such lands may be  
2479 designated single use as defined in s. 253.034(2)(b).

2480 (c) For purposes of this section, the Board of Trustees of  
2481 the Internal Improvement Trust Fund shall adopt rules that  
2482 pertain to the use of state lands for carbon sequestration,  
2483 carbon mitigation, or carbon offsets and that provide for  
2484 climate-change-related benefits.

2485 ~~(6)-(7)~~ As provided in this section, a water resource or  
2486 water supply development project may be allowed only if the  
2487 following conditions are met: minimum flows and levels have been  
2488 established for those waters, if any, which may reasonably be  
2489 expected to experience significant harm to water resources as a  
2490 result of the project; the project complies with all applicable  
2491 permitting requirements; and the project is consistent with the  
2492 regional water supply plan, if any, of the water management  
2493 district and with relevant recovery or prevention strategies if  
2494 required pursuant to s. 373.0421(2).



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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

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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

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2553 resource problems on a regional basis.

2554 (g) The project has a significant portion of its land area  
2555 in imminent danger of development, in imminent danger of losing  
2556 its significant natural attributes or recreational open space,  
2557 or in imminent danger of subdivision which would result in  
2558 multiple ownership and make acquisition of the project costly or  
2559 less likely to be accomplished.

2560 (h) The project implements an element from a plan developed  
2561 by an ecosystem management team.

2562 (i) The project is one of the components of the Everglades  
2563 restoration effort.

2564 (j) The project may be purchased at 80 percent of appraised  
2565 value.

2566 (k) The project may be acquired, in whole or in part, using  
2567 alternatives to fee simple, including but not limited to, tax  
2568 incentives, mitigation funds, or other revenues; the purchase of  
2569 development rights, hunting rights, agricultural or  
2570 silvicultural rights, or mineral rights; or obtaining  
2571 conservation easements or flowage easements.

2572 (l) The project is a joint acquisition, either among public  
2573 agencies, nonprofit organizations, or private entities, or by a  
2574 public-private partnership.

2575 ~~(10)-(11)~~ The Acquisition and Restoration Council shall give  
2576 increased priority to those projects for which matching funds  
2577 are available and to project elements previously identified on  
2578 an acquisition list pursuant to this section that can be  
2579 acquired at 80 percent or less of appraised value. The council  
2580 shall also give increased priority to those projects where the  
2581 state's land conservation plans overlap with the military's need

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2582 to protect lands, water, and habitat to ensure the  
2583 sustainability of military missions including:

2584 (a) Protecting habitat on nonmilitary land for any species  
2585 found on military land that is designated as threatened or  
2586 endangered, or is a candidate for such designation under the  
2587 Endangered Species Act or any Florida statute;

2588 (b) Protecting areas underlying low-level military air  
2589 corridors or operating areas; and

2590 (c) Protecting areas identified as clear zones, accident  
2591 potential zones, and air installation compatible use buffer  
2592 zones delineated by our military partners, and for which federal  
2593 or other funding is available to assist with the project.

2594 (11)~~(12)~~ For the purposes of funding projects pursuant to  
2595 paragraph (3) (a), the Secretary of Environmental Protection  
2596 shall ensure that each water management district receives the  
2597 following percentage of funds annually:

2598 (a) Thirty-five percent to the South Florida Water  
2599 Management District, of which amount \$25 million for 2 years  
2600 beginning in fiscal year 2000-2001 shall be transferred by the  
2601 Department of Environmental Protection into the Save Our  
2602 Everglades Trust Fund and shall be used exclusively to implement  
2603 the comprehensive plan under s. 373.470.

2604 (b) Twenty-five percent to the Southwest Florida Water  
2605 Management District.

2606 (c) Twenty-five percent to the St. Johns River Water  
2607 Management District.

2608 (d) Seven and one-half percent to the Suwannee River Water  
2609 Management District.

2610 (e) Seven and one-half percent to the Northwest Florida

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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

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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) ~~s.~~  
2657 ~~259.032(9)(a)~~.  
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

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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

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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

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2727 conservation easements and other less-than-fee techniques, tax  
 2728 incentives, life estates, landowner agreements, and other  
 2729 partnerships, including conservation easements acquired in  
 2730 partnership with federal conservation programs, which will  
 2731 achieve the objectives of Florida Forever while allowing the  
 2732 continuation of compatible agricultural uses on the land. Terms  
 2733 of easements proposed for acquisition under this category shall  
 2734 be developed by the Division of State Lands in coordination with  
 2735 the Department of Agriculture and Consumer Services.

2736

2737 Projects within each category shall be ranked by order of  
 2738 priority. The work plan shall be adopted by the Acquisition and  
 2739 Restoration Council after at least one public hearing. A copy of  
 2740 the work plan shall be provided to the board of trustees of the  
 2741 Internal Improvement Trust Fund no later than October 1 of each  
 2742 year.

2743 (18)~~(19)~~ (a) The Board of Trustees of the Internal  
 2744 Improvement Trust Fund, or, in the case of water management  
 2745 district lands, the owning water management district, may  
 2746 authorize the granting of a lease, easement, or license for the  
 2747 use of certain lands acquired pursuant to this section, for  
 2748 certain uses that are determined by the appropriate board to be  
 2749 compatible with the resource values of and management objectives  
 2750 for such lands.

2751 (b) Any existing lease, easement, or license acquired for  
 2752 incidental public or private use on, under, or across any lands  
 2753 acquired pursuant to this section shall be presumed to be  
 2754 compatible with the purposes for which such lands were acquired.

2755 (c) Notwithstanding the provisions of paragraph (a), no

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2756 such lease, easement, or license shall be entered into by the  
 2757 Department of Environmental Protection or other appropriate  
 2758 state agency if the granting of such lease, easement, or license  
 2759 would adversely affect the exclusion of the interest on any  
 2760 revenue bonds issued to fund the acquisition of the affected  
 2761 lands from gross income for federal income tax purposes,  
 2762 pursuant to Internal Revenue Service regulations.

2763 (19)~~(20)~~ The Acquisition and Restoration Council shall  
 2764 recommend adoption of rules by the board of trustees necessary  
 2765 to implement the provisions of this section relating to:  
 2766 solicitation, scoring, selecting, and ranking of Florida Forever  
 2767 project proposals; disposing of or leasing lands or water areas  
 2768 selected for funding through the Florida Forever program; and  
 2769 the process of reviewing and recommending for approval or  
 2770 rejection the land management plans associated with publicly  
 2771 owned properties. Rules promulgated pursuant to this subsection  
 2772 shall be submitted to the President of the Senate and the  
 2773 Speaker of the House of Representatives, for review by the  
 2774 Legislature, no later than 30 days prior to the 2010 Regular  
 2775 Session and shall become effective only after legislative  
 2776 review. In its review, the Legislature may reject, modify, or  
 2777 take no action relative to such rules. The board of trustees  
 2778 shall conform such rules to changes made by the Legislature, or,  
 2779 if no action was taken by the Legislature, such rules shall  
 2780 become effective.

2781 (20)~~(21)~~ Lands listed as projects for acquisition under the  
 2782 Florida Forever program may be managed for conservation pursuant  
 2783 to s. 259.032, on an interim basis by a private party in  
 2784 anticipation of a state purchase in accordance with a

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2785 contractual arrangement between the acquiring agency and the  
 2786 private party that may include management service contracts,  
 2787 leases, cost-share arrangements, or resource conservation  
 2788 agreements. Lands designated as eligible under this subsection  
 2789 shall be managed to maintain or enhance the resources the state  
 2790 is seeking to protect by acquiring the land and to accelerate  
 2791 public access to the lands as soon as practicable. Funding for  
 2792 these contractual arrangements may originate from the  
 2793 documentary stamp tax revenue deposited into the Land  
 2794 Acquisition Conservation and Recreation Lands Trust Fund and  
 2795 Water Management Lands Trust Fund. No more than \$6.2 million may  
 2796 be expended from the Land Acquisition Trust Fund 5 percent of  
 2797 funds allocated under the trust funds shall be expended for this  
 2798 purpose.

2799 Section 25. Subsections (1) and (3) of section 259.1051,  
 2800 Florida Statutes, are amended to read:

2801 259.1051 Florida Forever Trust Fund.—

2802 (1) There is created the Florida Forever Trust Fund to  
 2803 carry out the purposes of ss. 259.032, 259.105, 259.1052, and  
 2804 375.031. The Florida Forever Trust Fund shall be held and  
 2805 administered by the Department of Environmental Protection.  
 2806 Proceeds from the sale of bonds, except proceeds of refunding  
 2807 bonds, issued under s. 215.618 and payable from moneys  
 2808 transferred to the Land Acquisition Trust Fund under s.  
 2809 201.15(1) ~~s. 201.15(1)(a)~~, not to exceed \$5.3 billion, must be  
 2810 deposited into this trust fund to be distributed and used as  
 2811 provided in s. 259.105(3). The bond resolution adopted by the  
 2812 governing board of the Division of Bond Finance of the State  
 2813 Board of Administration may provide for additional provisions

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2814 that govern the disbursement of the bond proceeds.

2815 (3) The Department of Environmental Protection shall ensure  
 2816 that the proceeds from the sale of bonds issued under s. 215.618  
 2817 and payable from moneys transferred to the Land Acquisition  
 2818 Trust Fund under s. 201.15(1) ~~s. 201.15(1)(a)~~ shall be  
 2819 administered and expended in a manner that ensures compliance of  
 2820 each issue of bonds that are issued on the basis that interest  
 2821 thereon will be excluded from gross income for federal income  
 2822 tax purposes, with the applicable provisions of the United  
 2823 States Internal Revenue Code and the regulations promulgated  
 2824 thereunder, to the extent necessary to preserve the exclusion of  
 2825 interest on the bonds from gross income for federal income tax  
 2826 purposes. The Department of Environmental Protection shall  
 2827 administer the use and disbursement of the proceeds of such  
 2828 bonds or require that the use and disbursement thereof be  
 2829 administered in a manner to implement strategies to maximize any  
 2830 available benefits under the applicable provisions of the United  
 2831 States Internal Revenue Code or regulations promulgated  
 2832 thereunder, to the extent not inconsistent with the purposes  
 2833 identified in s. 259.105(3).

2834 Section 26. Paragraph (a) of subsection (2) of section  
 2835 338.250, Florida Statutes, is amended to read:

2836 338.250 Central Florida Beltway Mitigation.—

2837 (2) Environmental mitigation required as a result of  
 2838 construction of the beltway, or portions thereof, shall be  
 2839 satisfied in the following manner:

2840 (a) For those projects which the Department of  
 2841 Transportation is authorized to construct, funds for  
 2842 environmental mitigation shall be deposited in the Central

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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

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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:

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2901 (5) To recover a civil penalty for each offense in an  
 2902 amount not to exceed \$10,000 per offense. Each date during which  
 2903 such violation occurs constitutes a separate offense.

2904 (a) A civil penalty recovered by a water management  
 2905 district pursuant to this subsection shall be deposited in the  
 2906 Water Quality Assurance Management Lands Trust Fund established  
 2907 under s. 376.307 ~~s. 373.59~~ and used exclusively by the water  
 2908 management district that deposits the money into the fund. A  
 2909 civil penalty recovered by the department pursuant to this  
 2910 subsection shall be deposited into the Water Quality Assurance  
 2911 Trust Fund established under s. 376.307 ~~Any such civil penalty~~  
 2912 ~~recovered after the expiration of such fund shall be deposited~~  
 2913 ~~in the Ecosystem Management and Restoration Trust Fund and used~~  
 2914 ~~exclusively within the water management district that deposits~~  
 2915 ~~the money into the fund.~~

2916 Section 30. Subsection (5) of section 373.1391, Florida  
 2917 Statutes, is amended to read:

2918 373.1391 Management of real property.—

2919 (5) The following additional uses of lands acquired  
 2920 pursuant to the Florida Forever program and other state-funded  
 2921 land purchase programs shall be authorized, upon a finding by  
 2922 the governing board, if they meet the criteria specified in  
 2923 paragraphs (a)-(e): water resource development projects, water  
 2924 supply development projects, stormwater management projects,  
 2925 linear facilities, and sustainable agriculture and forestry.  
 2926 Such additional uses are authorized where:

2927 (a) Not inconsistent with the management plan for such  
 2928 lands;

2929 (b) Compatible with the natural ecosystem and resource

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2930 values of such lands;

2931 (c) The proposed use is appropriately located on such lands  
 2932 and where due consideration is given to the use of other  
 2933 available lands;

2934 (d) The using entity reasonably compensates the titleholder  
 2935 for such use based upon an appropriate measure of value; and

2936 (e) The use is consistent with the public interest.  
 2937

2938 A decision by the governing board pursuant to this subsection  
 2939 shall be given a presumption of correctness. Moneys received  
 2940 from the use of state lands pursuant to this subsection shall be  
 2941 returned to the lead managing agency ~~in accordance with the~~  
 2942 ~~provisions of s. 373.59.~~

2943 Section 31. Subsection (7) of section 373.199, Florida  
 2944 Statutes, is amended to read:

2945 373.199 Florida Forever Water Management District Work  
 2946 Plan.—

2947 (7) By June 1, 2001, each district shall file with the  
 2948 President of the Senate, the Speaker of the House of  
 2949 Representatives, and the Secretary of Environmental Protection  
 2950 the initial 5-year work plan as required under subsection (2).  
 2951 By March 1 of each year thereafter, as part of the consolidated  
 2952 annual report required by s. 373.036(7), each district shall  
 2953 report on acquisitions completed during the year together with  
 2954 modifications or additions to its 5-year work plan. Included in  
 2955 the report shall be:

2956 (a) A description of land management activity for each  
 2957 property or project area owned by the water management district.

2958 (b) A list of any lands surplus and the amount of

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2959 compensation received.

2960 (c) The progress of funding, staffing, and resource  
2961 management of every project funded pursuant to former s.  
2962 259.101(3), Florida Statutes 2014 s. 259.101, s. 259.105, or  
2963 former s. 373.59(2), Florida Statutes 2014, s. 373.59 for which  
2964 the district is responsible.

2965  
2966 The secretary shall submit the report referenced in this  
2967 subsection to the Board of Trustees of the Internal Improvement  
2968 Trust Fund together with the Acquisition and Restoration  
2969 Council's project list as required under s. 259.105.

2970 Section 32. Subsection (7) of section 373.430, Florida  
2971 Statutes, is amended to read:

2972 373.430 Prohibitions, violation, penalty, intent.—

2973 (7) All moneys recovered under the provisions of this  
2974 section shall be allocated to the use of the water management  
2975 district, the department, or the local government, whichever  
2976 undertook and maintained the enforcement action. All monetary  
2977 penalties and damages recovered by the department or the state  
2978 under the provisions of this section shall be deposited into ~~in~~  
2979 the Florida Permit Fee Ecosystem Management and Restoration  
2980 Trust Fund. All monetary penalties and damages recovered  
2981 pursuant to this section by a water management district shall be  
2982 deposited into ~~in~~ the Florida Permit Fee Water Management Lands  
2983 Trust Fund established under s. 403.0871 s. 373.59 and used  
2984 exclusively within the territory of the water management  
2985 district which deposits the money into the fund. ~~Any such~~  
2986 ~~monetary penalties and damages recovered after the expiration of~~  
2987 ~~such fund shall be deposited in the Ecosystem Management and~~

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2988 ~~Restoration Trust Fund and used exclusively within the territory~~  
2989 ~~of the water management district which deposits the money into~~  
2990 ~~the fund.~~ All monetary penalties and damages recovered pursuant  
2991 to this subsection by a local government to which authority has  
2992 been delegated pursuant to s. 373.103(8) shall be used to  
2993 enhance surface water improvement or pollution control  
2994 activities.

2995 Section 33. Subsections (3) through (6) of section 373.459,  
2996 Florida Statutes, are amended to read:

2997 373.459 Funds for surface water improvement and  
2998 management.—

2999 (3) ~~The Ecosystem Management and Restoration Trust Fund~~  
3000 ~~shall be used for the deposit of funds appropriated by the~~  
3001 ~~Legislature for the purposes of ss. 373.451-373.4595.~~ The  
3002 department shall administer all funds appropriated to or  
3003 received for surface water improvement and management  
3004 activities. Expenditure of the moneys shall be limited to the  
3005 costs of detailed planning and plan and program implementation  
3006 for priority surface water bodies. Moneys may from the fund  
3007 ~~shall~~ not be expended for planning for, or construction or  
3008 expansion of, treatment facilities for domestic or industrial  
3009 waste disposal.

3010 (4) The department shall authorize the release of money  
3011 ~~from the fund~~ in accordance with the provisions of s. 373.501(2)  
3012 ~~and procedures in s. 373.59(4) and (5).~~

3013 ~~(5) Moneys in the fund which are not needed to meet current~~  
3014 ~~obligations incurred under this section shall be transferred to~~  
3015 ~~the State Board of Administration, to the credit of the trust~~  
3016 ~~fund, to be invested in the manner provided by law. Interest~~

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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

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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

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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

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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~~

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3133 ~~payable from the Water Management Lands Trust Fund shall be~~  
 3134 ~~issued solely for the purposes set forth in s. 373.59. Revenue~~  
 3135 ~~bonds and notes shall be, and shall be deemed to be, for all~~  
 3136 ~~purposes, negotiable instruments, subject only to the provisions~~  
 3137 ~~of the revenue bonds and notes for registration. The powers and~~  
 3138 ~~authority of districts to issue revenue bonds, including, but~~  
 3139 ~~not limited to, bonds to finance a stormwater management system~~  
 3140 ~~as defined by s. 373.403, and to enter into contracts incidental~~  
 3141 ~~thereto, and to do all things necessary and desirable in~~  
 3142 ~~connection with the issuance of revenue bonds, shall be~~  
 3143 ~~coextensive with the powers and authority of municipalities to~~  
 3144 ~~issue bonds under state law. The provisions of this section~~  
 3145 ~~constitute full and complete authority for the issuance of~~  
 3146 ~~revenue bonds and shall be liberally construed to effectuate its~~  
 3147 ~~purpose.~~

3148 Section 38. Section 373.59, Florida Statutes, is amended to  
 3149 read:

3150 373.59 Payment in lieu of taxes for lands acquired for  
 3151 water management district purposes ~~Water Management Lands Trust~~  
 3152 ~~Fund.-~~

3153 (1) ~~There is established within the Department of~~  
 3154 ~~Environmental Protection the Water Management Lands Trust Fund~~  
 3155 ~~to be used as a nonlapsing fund for the purposes of this~~  
 3156 ~~section. The moneys in this fund are hereby continually~~  
 3157 ~~appropriated for the purposes of land acquisition, management,~~  
 3158 ~~maintenance, capital improvements of land titled to the~~  
 3159 ~~districts, payments in lieu of taxes, debt service on bonds~~  
 3160 ~~issued prior to July 1, 1999, debt service on bonds issued on or~~  
 3161 ~~after July 1, 1999, which are issued to refund bonds issued~~

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3162 ~~before July 1, 1999, preacquisition costs associated with land~~  
 3163 ~~purchases, and the department's costs of administration of the~~  
 3164 ~~fund. No refunding bonds may be issued which mature after the~~  
 3165 ~~final maturity date of the bonds being refunded or which provide~~  
 3166 ~~for higher debt service in any year than is payable on such~~  
 3167 ~~bonds as of February 1, 2009. The department's costs of~~  
 3168 ~~administration shall be charged proportionally against each~~  
 3169 ~~district's allocation using the formula provided in subsection~~  
 3170 ~~(8). Capital improvements shall include, but need not be limited~~  
 3171 ~~to, perimeter fencing, signs, firelanes, control of invasive~~  
 3172 ~~exotic species, controlled burning, habitat inventory and~~  
 3173 ~~restoration, law enforcement, access roads and trails, and~~  
 3174 ~~minimal public accommodations, such as primitive campsites,~~  
 3175 ~~garbage receptacles, and toilets. The moneys in the fund may~~  
 3176 ~~also be appropriated to supplement operational expenditures at~~  
 3177 ~~the Northwest Florida Water Management District and the Suwannee~~  
 3178 ~~River Water Management District, with such appropriations~~  
 3179 ~~allocated prior to the allocations set out in subsection (8) to~~  
 3180 ~~the five water management districts.~~

3181 ~~(2) Until the Preservation 2000 Program is concluded, each~~  
 3182 ~~district shall file with the Legislature and the Secretary of~~  
 3183 ~~Environmental Protection a report of acquisition activity, by~~  
 3184 ~~January 15 of each year, together with modifications or~~  
 3185 ~~additions to its 5-year plan of acquisition. Included in the~~  
 3186 ~~report shall be an identification of those lands which require a~~  
 3187 ~~full fee simple interest to achieve water management goals and~~  
 3188 ~~those lands which can be acquired using alternatives to fee~~  
 3189 ~~simple acquisition techniques and still achieve such goals. In~~  
 3190 ~~their evaluation of which lands would be appropriate for~~

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3191 acquisition through alternatives to fee simple, district staff  
 3192 shall consider criteria including, but not limited to,  
 3193 acquisition costs, the net present value of future land  
 3194 management costs, the net present value of ad valorem revenue  
 3195 loss to the local government, and the potential for revenue  
 3196 generated from activities compatible with acquisition  
 3197 objectives. The report shall also include a description of land  
 3198 management activity. However, no acquisition of lands shall  
 3199 occur without a public hearing similar to those held pursuant to  
 3200 the provisions set forth in s. 120.54. In the annual update of  
 3201 its 5-year plan for acquisition, each district shall identify  
 3202 lands needed to protect or recharge groundwater and shall  
 3203 establish a plan for their acquisition as necessary to protect  
 3204 potable water supplies. Lands which serve to protect or recharge  
 3205 groundwater identified pursuant to this paragraph shall also  
 3206 serve to protect other valuable natural resources or provide  
 3207 space for natural resource based recreation. Once all  
 3208 Preservation 2000 funds allocated to the water management  
 3209 districts have been expended or committed, this subsection shall  
 3210 be repealed.

3211 (3) Each district shall remove the property of an unwilling  
 3212 seller from its plan of acquisition at the next scheduled update  
 3213 of the plan, if in receipt of a request to do so by the property  
 3214 owner. This subsection shall be repealed at the conclusion of  
 3215 the Preservation 2000 program.

3216 (4) The Secretary of Environmental Protection shall release  
 3217 moneys from the Water Management Lands Trust Fund to a district  
 3218 for preacquisition costs within 30 days after receipt of a  
 3219 resolution adopted by the district's governing board which

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3220 identifies and justifies any such preacquisition costs necessary  
 3221 for the purchase of any lands listed in the district's 5-year  
 3222 plan. The district shall return to the department any funds not  
 3223 used for the purposes stated in the resolution, and the  
 3224 department shall deposit the unused funds into the Water  
 3225 Management Lands Trust Fund.

3226 (5) The Secretary of Environmental Protection shall release  
 3227 to the districts moneys for management, maintenance, and capital  
 3228 improvements following receipt of a resolution and request  
 3229 adopted by the governing board which specifies the designated  
 3230 managing agency, specific management activities, public use,  
 3231 estimated annual operating costs, and other acceptable  
 3232 documentation to justify release of moneys.

3233 (6) If a district issues revenue bonds or notes under s.  
 3234 373.584 prior to July 1, 1999, the district may pledge its share  
 3235 of the moneys in the Water Management Lands Trust Fund as  
 3236 security for such bonds or notes. The Department of  
 3237 Environmental Protection shall pay moneys from the trust fund to  
 3238 a district or its designee sufficient to pay the debt service,  
 3239 as it becomes due, on the outstanding bonds and notes of the  
 3240 district; however, such payments shall not exceed the district's  
 3241 cumulative portion of the trust fund. However, any moneys  
 3242 remaining after payment of the amount due on the debt service  
 3243 shall be released to the district pursuant to subsection (5).

3244 (7) Any unused portion of a district's share of the fund  
 3245 shall accumulate in the trust fund to the credit of that  
 3246 district. Interest earned on such portion shall also accumulate  
 3247 to the credit of that district to be used for management,  
 3248 maintenance, and capital improvements as provided in this

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3249 section. The total moneys over the life of the fund available to  
 3250 any district under this section shall not be reduced except by  
 3251 resolution of the district governing board stating that the need  
 3252 for the moneys no longer exists. Any water management district  
 3253 with fund balances in the Water Management Lands Trust Fund as  
 3254 of March 1, 1999, may expend those funds for land acquisitions  
 3255 pursuant to s. 373.139, or for the purpose specified in this  
 3256 subsection.

3257 ~~(8) Moneys from the Water Management Lands Trust Fund shall~~  
 3258 ~~be allocated as follows:~~

3259 ~~(a) Beginning with the 2009-2010 fiscal year, thirty~~  
 3260 ~~percent shall be used first to pay debt service on bonds issued~~  
 3261 ~~before February 1, 2009, by the South Florida Water Management~~  
 3262 ~~District which are secured by revenues provided by this section~~  
 3263 ~~or to fund debt service reserve funds, rebate obligations, or~~  
 3264 ~~other amounts payable with respect to such bonds, then to~~  
 3265 ~~transfer \$3,000,000 to the credit of the General Revenue Fund in~~  
 3266 ~~each fiscal year, and lastly to distribute the remainder to the~~  
 3267 ~~South Florida Water Management District.~~

3268 ~~(b) Beginning with the 2009-2010 fiscal year, twenty-five~~  
 3269 ~~percent shall be used first to transfer \$2,500,000 to the credit~~  
 3270 ~~of the General Revenue Fund in each fiscal year and then to~~  
 3271 ~~distribute the remainder to the Southwest Florida Water~~  
 3272 ~~Management District.~~

3273 ~~(c) Beginning with the 2009-2010 fiscal year, twenty-five~~  
 3274 ~~percent shall be used first to pay debt service on bonds issued~~  
 3275 ~~before February 1, 2009, by the St. Johns River Water Management~~  
 3276 ~~District which are secured by revenues provided by this section~~  
 3277 ~~or to fund debt service reserve funds, rebate obligations, or~~

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3278 other amounts payable with respect to such bonds, then to  
 3279 transfer \$2,500,000 to the credit of the General Revenue Fund in  
 3280 each fiscal year, and to distribute the remainder to the St.  
 3281 Johns River Water Management District.

3282 ~~(d) Ten percent to the Suwannee River Water Management~~  
 3283 ~~District.~~

3284 ~~(e) Ten percent to the Northwest Florida Water Management~~  
 3285 ~~District.~~

3286 ~~(9) Moneys in the fund not needed to meet current~~  
 3287 ~~obligations incurred under this section shall be transferred to~~  
 3288 ~~the State Board of Administration, to the credit of the fund, to~~  
 3289 ~~be invested in the manner provided by law. Interest received on~~  
 3290 ~~such investments shall be credited to the fund.~~

3291 ~~(10) (a) Beginning July 1, 1999, not more than one-fourth of~~  
 3292 ~~the Funds provided for in subsections (1) and (8) in any year~~  
 3293 ~~shall be reserved annually by a governing board, during the~~  
 3294 ~~development of its annual operating budget, for payments in lieu~~  
 3295 ~~of taxes for all actual ad valorem tax losses incurred as a~~  
 3296 ~~result of all governing board acquisitions for water management~~  
 3297 ~~district purposes. Reserved funds not used for payments in lieu~~  
 3298 ~~of taxes in any year shall revert to the Water Management Lands~~  
 3299 ~~Trust Fund to be used in accordance with the provisions of this~~  
 3300 ~~section.~~

3301 (2) (b) Payment in lieu of taxes shall be available:  
 3302 (a) 1- To all counties that have a population of 150,000 or  
 3303 fewer. Population levels shall be determined pursuant to s.  
 3304 186.901. The population estimates published April 1 and used in  
 3305 the revenue-sharing formula pursuant to s. 186.901 shall be used  
 3306 to determine eligibility under this subsection and shall apply

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3307 to payments made for the subsequent fiscal year.  
 3308 ~~(b)2-~~ To all local governments located in eligible counties  
 3309 and whose lands are bought and taken off the tax rolls.

3310  
 3311 For properties acquired after January 1, 2000, in the event that  
 3312 such properties otherwise eligible for payment in lieu of taxes  
 3313 under this subsection are leased or reserved and remain subject  
 3314 to ad valorem taxes, payments in lieu of taxes shall commence or  
 3315 recommence upon the expiration or termination of the lease or  
 3316 reservation. If the lease is terminated for only a portion of  
 3317 the lands at any time, the annual payments shall be made for  
 3318 that portion only commencing the year after such termination,  
 3319 without limiting the requirement that annual payments shall be  
 3320 made on the remaining portion or portions of the land as the  
 3321 lease on each expires. For the purposes of this subsection,  
 3322 "local government" includes municipalities and the county school  
 3323 board.

3324 ~~(3)(e)~~ If sufficient funds are unavailable in any year to  
 3325 make full payments to all qualifying counties and local  
 3326 governments, such counties and local governments shall receive a  
 3327 pro rata share of the moneys available.

3328 ~~(4)(d)~~ The payment amount shall be based on the average  
 3329 amount of actual ad valorem taxes paid on the property for the 3  
 3330 years preceding acquisition. Applications for payment in lieu of  
 3331 taxes shall be made no later than May 31 of the year for which  
 3332 payment is sought. No payment in lieu of taxes shall be made for  
 3333 properties which were exempt from ad valorem taxation for the  
 3334 year immediately preceding acquisition.

3335 ~~(5)(e)~~ If property that was subject to ad valorem taxation

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3336 was acquired by a tax-exempt entity for ultimate conveyance to  
 3337 the state under this chapter, payment in lieu of taxes shall be  
 3338 made for such property based upon the average amount of ad  
 3339 valorem taxes paid on the property for the 3 years prior to its  
 3340 being removed from the tax rolls. The water management districts  
 3341 shall certify to the Department of Revenue those properties that  
 3342 may be eligible under this provision. Once eligibility has been  
 3343 established, that governmental entity shall receive annual  
 3344 payments for each tax loss until the qualifying governmental  
 3345 entity exceeds the population threshold pursuant to subsection  
 3346 ~~(2) paragraph (b)~~.

3347 ~~(6)(f)~~ Payment in lieu of taxes pursuant to this subsection  
 3348 shall be made annually to qualifying counties and local  
 3349 governments after certification by the Department of Revenue  
 3350 that the amounts applied for are reasonably appropriate, based  
 3351 on the amount of actual ad valorem taxes paid on the eligible  
 3352 property, and after the water management districts have provided  
 3353 supporting documents to the Chief Financial Officer and have  
 3354 requested that payment be made in accordance with the  
 3355 requirements of this section. With the assistance of the local  
 3356 government requesting payment in lieu of taxes, the water  
 3357 management district that acquired the land is responsible for  
 3358 preparing and submitting application requests for payment to the  
 3359 Department of Revenue for certification.

3360 ~~(7)(g)~~ If a water management district conveys to a county  
 3361 or local government title to any land owned by the district, any  
 3362 payments in lieu of taxes on the land made to the county or  
 3363 local government shall be discontinued as of the date of the  
 3364 conveyance.

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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~~

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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

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 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

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 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 it 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).

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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~~

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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~~

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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)(e)~~ 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

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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

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3597 read:

3598 376.11 Florida Coastal Protection Trust Fund.—

3599 (1) The purpose of this section is to provide a mechanism  
3600 to have financial resources immediately available for prevention  
3601 of, and cleanup and rehabilitation after, a pollutant discharge,  
3602 to prevent further damage by the pollutant, and to pay for  
3603 damages. It is the legislative intent that this section be  
3604 liberally construed to effect the purposes set forth, such  
3605 interpretation being especially imperative in light of the  
3606 danger to the environment and resources.

3607 (2) The Florida Coastal Protection Trust Fund is  
3608 established, to be used by the department and the Fish and  
3609 Wildlife Conservation Commission as a nonlapsing revolving fund  
3610 ~~for carrying out the purposes of ss. 376.011-376.21.~~

3611 (3) The following funds shall be deposited into the Florida  
3612 Coastal Protection Trust Fund: To this fund shall be credited

3613 (a) All registration fees, penalties, judgments, damages  
3614 recovered pursuant to s. 376.121, other fees and charges related  
3615 to ss. 376.011-376.21, and the excise tax revenues levied,  
3616 collected, and credited pursuant to ss. 206.9935(1) and  
3617 206.9945(1) (a);

3618 (b) Proceeds of fines and awards of damages pursuant to s.  
3619 161.054; and

3620 (c) Funds from other sources otherwise specified by law.

3621 (4) Charges against the fund shall be in accordance with  
3622 this section.

3623 (5) ~~(3)~~ Moneys in the fund that are not needed currently to  
3624 meet the obligations of the department in the exercise of its  
3625 responsibilities under ss. 376.011-376.21 shall be deposited

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3626 with the Chief Financial Officer to the credit of the fund and  
3627 may be invested in such manner as is provided for by statute.  
3628 Interest received on such investment shall be credited to the  
3629 fund, except as otherwise specified herein.

3630 ~~(6) ~~(4)~~ Moneys in the Florida Coastal Protection Trust Fund~~  
3631 ~~may shall be used disbursed for the following purposes and no~~  
3632 ~~others:~~

3633 (a) Carrying out the purposes of ss. 376.011-376.21.

3634 ~~(b) ~~(a)~~ Administrative expenses, personnel expenses, and~~  
3635 ~~equipment costs of the department and the Fish and Wildlife~~  
3636 ~~Conservation Commission related to the enforcement of ss.~~  
3637 ~~376.011-376.21.~~

3638 ~~(c) ~~(b)~~ All costs involved in the prevention and abatement~~  
3639 ~~of pollution related to the discharge of pollutants covered by~~  
3640 ~~ss. 376.011-376.21 and the abatement of other potential~~  
3641 ~~pollution hazards as authorized herein.~~

3642 ~~(d) ~~(e)~~ All costs and expenses of the cleanup, restoration,~~  
3643 ~~and rehabilitation of waterfowl, wildlife, and all other natural~~  
3644 ~~resources damaged by the discharge of pollutants, including the~~  
3645 ~~costs of assessing and recovering damages to natural resources,~~  
3646 ~~whether performed or authorized by the department or any other~~  
3647 ~~state or local agency.~~

3648 ~~(e) ~~(d)~~ All provable costs and damages which are the~~  
3649 ~~proximate results of the discharge of pollutants covered by ss.~~  
3650 ~~376.011-376.21.~~

3651 ~~(f) ~~(e)~~ Loans to the Inland Protection Trust Fund created in~~  
3652 ~~s. 376.3071.~~

3653 ~~(g) ~~(f)~~ The interest earned from investments of the balance~~  
3654 ~~in the Florida Coastal Protection Trust Fund shall be used for~~

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3655 funding the administrative expenses, personnel expenses, and  
 3656 equipment costs of the department relating to the enforcement of  
 3657 ss. 376.011-376.21.

3658 ~~(h)(g)~~ The funding of a grant program to local governments,  
 3659 pursuant to s. 376.15(3)(d) and (e), for the removal of derelict  
 3660 vessels from the public waters of the state.

3661 ~~(i)(h)~~ The department may spend up to \$1 million per year  
 3662 from the principal of the fund to acquire, design, train, and  
 3663 maintain emergency cleanup response teams and equipment located  
 3664 at appropriate ports throughout the state for the purpose of  
 3665 cleaning oil and other toxic materials from coastal waters. When  
 3666 the teams and equipment are not needed for these purposes they  
 3667 may be used for any other valid purpose of the department.

3668 ~~(j)(i)~~ To provide a temporary transfer of funds in an  
 3669 amount not to exceed \$10 million to the Minerals Trust Fund as  
 3670 set forth in s. 376.40.

3671 ~~(k)(j)~~ Funding for marine law enforcement.

3672 ~~(7)(5)~~ Any interest in lands acquired using moneys in the  
 3673 Florida Coastal Protection Trust Fund shall be held by the  
 3674 Trustees of the Internal Improvement Trust Fund, and such lands  
 3675 shall be acquired pursuant to the procedures set forth in s.  
 3676 253.025.

3677 ~~(8)(6)~~ The department shall recover to the use of the fund  
 3678 from the person or persons causing the discharge or from the  
 3679 Federal Government, jointly and severally, all sums owed or  
 3680 expended from the fund, pursuant to s. 376.123(10), except that  
 3681 recoveries resulting from damage due to a discharge of a  
 3682 pollutant or other similar disaster shall be apportioned between  
 3683 the Florida Coastal Protection Trust Fund and the General

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3684 Revenue Fund so as to repay the full costs to the General  
 3685 Revenue Fund of any sums disbursed therefrom as a result of such  
 3686 disaster. Requests for reimbursement to the fund for the above  
 3687 costs, if not paid within 30 days of demand, shall be turned  
 3688 over to the Department of Legal Affairs for collection.

3689 Section 47. Subsection (8) of section 376.123, Florida  
 3690 Statutes, is amended to read:

3691 376.123 Claims against the Florida Coastal Protection Trust  
 3692 Fund.—

3693 (8) If a person chooses to make a claim against the fund  
 3694 and accepts payment from, or a judgment against, the fund, then  
 3695 the department shall be subrogated to any cause of action that  
 3696 the claimant may have had, to the extent of such payment or  
 3697 judgment, and shall diligently pursue recovery on that cause of  
 3698 action pursuant to subsection (10) and s. 376.11(8) ~~or~~  
 3699 ~~376.11(6)~~. In any such action, the amount of damages shall be  
 3700 proved by the department by submitting to the court a written  
 3701 report of the amounts paid or owed from the fund to claimants.  
 3702 Such written report shall be admissible as evidence, and the  
 3703 amounts paid from or owed by the fund to the claimants stated  
 3704 therein shall be irrebuttably presumed to be the amount of  
 3705 damages.

3706 Section 48. Paragraphs (g) through (l) are added to  
 3707 subsection (1) of section 376.307, Florida Statutes, subsection  
 3708 (4) of that section is amended, and subsection (8) is added to  
 3709 that section, to read:

3710 376.307 Water Quality Assurance Trust Fund.—

3711 (1) The Water Quality Assurance Trust Fund is intended to  
 3712 serve as a broad-based fund for use in responding to incidents

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3713 of contamination that pose a serious danger to the quality of  
3714 groundwater and surface water resources or otherwise pose a  
3715 serious danger to the public health, safety, or welfare. Moneys  
3716 in this fund may be used:

3717 (g) For detailed planning for and implementation of  
3718 programs for the management and restoration of ecosystems.

3719 (h) For development and implementation of surface water  
3720 improvement and management plans and programs under ss. 373.451-  
3721 373.4595.

3722 (i) For activities to restore polluted areas of the state,  
3723 as defined by the department, to their condition before  
3724 pollution occurred or to otherwise enhance pollution control  
3725 activities.

3726 (j) For activities undertaken by the department to recover  
3727 moneys as a result of actions against a person for a violation  
3728 of chapter 373.

3729 (k) Funding activities described in s. 403.086(9) which are  
3730 authorized for implementation under the Leah Schad Memorial  
3731 Ocean Outfall Program.

3732 (l) Funding activities to restore or rehabilitate injured  
3733 or destroyed coral reefs.

3734 (4) The trust fund shall be funded as follows:

3735 (a) An annual transfer of interest funds from the Florida  
3736 Coastal Protection Trust Fund pursuant to s. 376.11(6)(g) ~~s-~~  
3737 ~~376.11(4)(f)~~.

3738 (b) All excise taxes levied, collected, and credited to the  
3739 Water Quality Assurance Trust Fund in accordance with the  
3740 provisions of ss. 206.9935(2) and 206.9945(1)(b).

3741 (c) All penalties, judgments, recoveries, reimbursements,

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3742 and other fees and charges related to the enforcement of ss.  
3743 376.30-376.317, other than penalties, judgments, and other fees  
3744 and charges related to the enforcement of ss. 376.3071 and  
3745 376.3073.

3746 (d) The fee on the retail sale of lead-acid batteries  
3747 credited to the Water Quality Assurance Trust Fund under s.  
3748 403.7185.

3749 (e) All penalties, judgments, recoveries, reimbursements,  
3750 loans, and other fees and charges collected under s. 376.3078;  
3751 tax revenues levied, collected, and credited under ss. 376.70  
3752 and 376.75; and registration fees collected under s.  
3753 376.303(1)(d).

3754 (f) All civil penalties recovered pursuant to s.  
3755 373.129(5)(a).

3756 (g) Funds appropriated by the Legislature for the purposes  
3757 of ss. 373.451-373.4598.

3758 (h) Moneys collected pursuant to s. 403.121 and designated  
3759 for deposit into the Water Quality Assurance Trust Fund.

3760 (i) Moneys recovered by the state as a result of actions  
3761 against a person for a violation of chapter 373 or chapter 403  
3762 initiated by the department.

3763 (j) Damages recovered for coral reef protection pursuant to  
3764 s. 403.93345.

3765 (k) Funds available for the Leah Schad Memorial Ocean  
3766 Outfall Program pursuant to s. 403.08601.

3767 (l) Funds received by the state for injury to or  
3768 destruction of coral reefs, which moneys would otherwise be  
3769 deposited into the General Revenue Fund or the Internal  
3770 Improvement Trust Fund. The department may enter into settlement

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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),

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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.

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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~~

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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

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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

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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

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3945 redesign of such areas and for the installation of public  
 3946 improvements required to serve such areas. After redesign and  
 3947 installation of public improvements, if any, lands in  
 3948 redevelopment projects, with the exception of lands acquired for  
 3949 public purposes, shall be conveyed to any person for development  
 3950 in accordance with a redevelopment project plan approved  
 3951 according to this part.

3952 (b) The purpose of resource enhancement projects shall be  
 3953 to enhance natural resources which, because of indiscriminate  
 3954 dredging or filling, improper location of improvements, natural  
 3955 or human-induced events, or incompatible land uses, have  
 3956 suffered loss of natural and scenic values. Grants and loans  
 3957 awarded for resource enhancement projects shall be used for the  
 3958 assembly of parcels of land to improve resource management, for  
 3959 relocation of improperly located or designed improvements, and  
 3960 for other corrective measures which will enhance the natural and  
 3961 scenic character of project areas.

3962 (c) The purpose of public access projects shall be to  
 3963 acquire interests in and initially develop lands which are  
 3964 suitable for and which will be used for public accessways to  
 3965 surface waters. The trust shall identify local governments and  
 3966 nonprofit organizations which will accept responsibility for  
 3967 maintenance and liability for public accessways which are  
 3968 located outside the state park system. The trust may lease any  
 3969 public access site developed under this part to a local  
 3970 government or nonprofit organization, provided that the  
 3971 conditions of the lease guarantee public use of the site. The  
 3972 trust may accept, from any local government or nonprofit  
 3973 organization, fees collected for providing public access to

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3974 surface waters. The trust shall expend any such funds it accepts  
 3975 only for acquisition, development, and maintenance of such  
 3976 public accessways. To the maximum extent possible, the trust  
 3977 shall expend such fees in the general area where they are  
 3978 collected or in areas where public access to surface waters is  
 3979 clearly deficient. The trust may transfer funds, including such  
 3980 fees, to a local government or nonprofit organization to acquire  
 3981 public access sites. In developing or coordinating public access  
 3982 projects, the trust shall ensure that project plans involving  
 3983 beach access are consistent with state laws governing beach  
 3984 access.

3985 (d) The purpose of urban waterfront restoration projects  
 3986 shall be to restore deteriorated or deteriorating urban  
 3987 waterfronts for public use and enjoyment. Urban waterfront  
 3988 restoration projects shall include public access sites.

3989 (e) The purpose of working waterfront projects shall be to  
 3990 restore and preserve working waterfronts as provided in s.  
 3991 380.5105.

3992 (f) The trust shall cooperate with local governments, state  
 3993 agencies, federal agencies, and nonprofit organizations in  
 3994 ensuring the reservation of lands for parks, recreation, fish  
 3995 and wildlife habitat, historical preservation, or scientific  
 3996 study. ~~If in the event that~~ any local government, state agency,  
 3997 federal agency, or nonprofit organization is unable, due to  
 3998 limited financial resources or other circumstances of a  
 3999 temporary nature, to acquire a site for the purposes described  
 4000 in this paragraph, the trust may acquire and hold the site for  
 4001 subsequent conveyance to the appropriate governmental agency or  
 4002 nonprofit organization. The trust may provide such technical

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4003 assistance as ~~is~~ required to aid local governments, state and  
 4004 federal agencies, and nonprofit organizations in completing  
 4005 acquisition and related functions. The trust ~~may shall~~ not  
 4006 reserve lands acquired in accordance with this paragraph for  
 4007 more than 5 years from the time of acquisition. A local  
 4008 government, federal or state agency, or nonprofit organization  
 4009 may acquire the land at any time during this period for public  
 4010 purposes. The purchase price shall be based upon the trust's  
 4011 cost of acquisition, plus administrative and management costs in  
 4012 reserving the land. The payment of the ~~this~~ purchase price shall  
 4013 be by money, trust-approved property of an equivalent value, or  
 4014 a combination of money and trust-approved property. If, after  
 4015 the 5-year period, the trust has not sold to a governmental  
 4016 agency or nonprofit organization land acquired for site  
 4017 reservation, the trust shall dispose of such land at fair market  
 4018 value or shall trade it for other land of comparable value which  
 4019 will serve to accomplish the purposes of this part. Any proceeds  
 4020 from the sale of such land shall be deposited into ~~in~~ the  
 4021 appropriate Florida Communities trust fund pursuant to s.  
 4022 253.034(6)(k), (l), or (m). All moneys and revenue from the  
 4023 operation, management, lease, or other disposition of land,  
 4024 water areas, related resources, and the facilities thereon  
 4025 acquired or constructed under this part shall be credited to or  
 4026 deposited into the Internal Improvement Trust Fund.

4027  
 4028 Project costs may include costs of providing parks, open space,  
 4029 public access sites, scenic easements, and other areas and  
 4030 facilities serving the public where such features are part of a  
 4031 project plan approved according to this part. In undertaking or

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4032 coordinating projects or activities authorized by this part, the  
 4033 trust shall, when appropriate, use and promote the use of  
 4034 creative land acquisition methods, including the acquisition of  
 4035 less than fee interest through, among other methods,  
 4036 conservation easements, transfer of development rights, leases,  
 4037 and leaseback arrangements. The trust ~~also~~ shall assist local  
 4038 governments in the use of sound alternative methods of financing  
 4039 for funding projects and activities authorized under ~~by~~ this  
 4040 part. Any funds over and above eligible project costs, which  
 4041 remain after completion of a project approved according to this  
 4042 part, shall be transmitted to the state and deposited into ~~in~~  
 4043 the Florida Forever Florida Communities Trust Fund.

4044 Section 58. Paragraph (f) of subsection (3) and subsections  
 4045 (5) and (7) of section 380.510, Florida Statutes, are amended to  
 4046 read:

4047 380.510 Conditions of grants and loans.—

4048 (3) In the case of a grant or loan for land acquisition,  
 4049 agreements shall provide all of the following:

4050 ~~(f) The term of any grant using funds received from the~~  
 4051 ~~Preservation 2000 Trust Fund, pursuant to s. 259.101(3)(e),~~  
 4052 ~~shall be for a period not to exceed 24 months. The governing~~  
 4053 ~~board of the trust may offer a grant with a shorter term and may~~  
 4054 ~~extend a grant beyond 24 months when the grant recipient~~  
 4055 ~~demonstrates that significant progress is being made toward~~  
 4056 ~~closing the project or that extenuating circumstances warrant an~~  
 4057 ~~extension of time. If a local government project which was~~  
 4058 ~~awarded a grant is not closed within 24 months and the governing~~  
 4059 ~~board of the trust does not grant an extension, the grant~~  
 4060 ~~reverts to the trust's unencumbered balance of Preservation 2000~~

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4061 ~~funds to be redistributed to other eligible projects. The local~~  
 4062 ~~government may reapply for a grant to fund the project in the~~  
 4063 ~~trust's next application cycle.~~

4064

4065 Any deed or other instrument of conveyance whereby a nonprofit  
 4066 organization or local government acquires real property under  
 4067 this section shall set forth the interest of the state. The  
 4068 trust shall keep at least one copy of any such instrument and  
 4069 shall provide at least one copy to the Board of Trustees of the  
 4070 Internal Improvement Trust Fund.

4071

4072 (5) Any funds the trust collects from a nonprofit  
 4073 organization or local government under a grant or loan agreement  
 4074 shall be deposited into in the Internal Improvement Florida  
 4075 Communities Trust Fund within the Department of Environmental  
 4076 Protection.

4077

4078 (7) Any funds received by the trust ~~from the Preservation~~  
 4079 ~~2000 Trust Fund pursuant to s. 259.105(3) (c) or s. 375.041 s.~~  
 4080 ~~259.101(3) (c) and the Florida Forever Trust Fund pursuant to s.~~  
 4081 ~~259.105(3) (e) shall be held separate and apart from any other~~  
 4082 ~~funds held by the trust and shall be used for the land~~  
 4083 ~~acquisition purposes of this part. In addition to the other~~  
 4084 ~~conditions set forth in this section, the disbursement of~~  
 4085 ~~Preservation 2000 and Florida Forever funds from the trust shall~~  
 4086 ~~be subject to the following conditions:~~

4087

4088 (a) The administration and use of Florida Forever any funds  
 4089 are received by the trust from the Preservation 2000 Trust Fund  
 4090 and the Florida Forever Trust Fund shall be subject to such  
 4091 terms and conditions imposed thereon by the agency of the state  
 4092 responsible for the bonds, the proceeds of which are deposited

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4090 ~~into in the Preservation 2000 Trust Fund and the Florida Forever~~  
 4091 ~~Trust Fund, including restrictions imposed to ensure that the~~  
 4092 ~~interest on any such bonds issued by the state as tax-exempt~~  
 4093 ~~bonds is will not be included in the gross income of the holders~~  
 4094 ~~of such bonds for federal income tax purposes.~~

4095

4096 (b) All deeds or leases with respect to any real property  
 4097 acquired with funds received by the trust from the Preservation  
 4098 2000 Trust Fund, the Florida Forever Trust Fund, or the Land  
 4099 Acquisition Trust Fund must shall contain such covenants and  
 4100 restrictions as are sufficient to ensure that the use of such  
 4101 real property at all times complies with s. 375.051 and s. 9,  
 4102 Art. XII of the State Constitution. Each deed All deeds or lease  
 4103 leases with respect to any real property acquired with funds  
 4104 received by the trust from the Florida Forever Trust Fund before  
 4105 July 1, 2015, must shall contain ~~such~~ covenants and restrictions  
 4106 ~~as are~~ sufficient to ensure that the use of such real property  
 4107 at all times complies with s. 11(e), Art. VII of the State  
 4108 Constitution. Each deed or lease with respect to any real  
 4109 property acquired with funds received by the trust from the  
 4110 Florida Forever Trust Fund after July 1, 2015, must contain  
 4111 covenants and restrictions sufficient to ensure that the use of  
 4112 such real property at all times complies with s. 28, Art. X of  
 4113 the State Constitution. Each deed or lease must shall contain a  
 4114 reversion, conveyance, or termination clause that vests will  
 4115 vest title in the Board of Trustees of the Internal Improvement  
 4116 Trust Fund if any of the covenants or restrictions are violated  
 4117 by the titleholder or leaseholder or by some third party with  
 4118 the knowledge of the titleholder or leaseholder.

4119

4120 Section 59. Section 380.511, Florida Statutes, is repealed.

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4119 Section 60. Subsection (2) of section 403.0615, Florida  
4120 Statutes, is amended to read:

4121 403.0615 Water resources restoration and preservation.—  
4122 (2) Subject to specific legislative appropriation, the  
4123 department shall establish a program to assist in the  
4124 restoration and preservation of bodies of water and to enhance  
4125 existing public access when deemed necessary for the enhancement  
4126 of the restoration effort. ~~This program shall be funded from the~~  
4127 ~~General Revenue Fund, from funds available from the Ecosystem~~  
4128 ~~Management and Restoration Trust Fund, and from available~~  
4129 ~~federal moneys.~~

4130 Section 61. Section 403.08601, Florida Statutes, is amended  
4131 to read:

4132 403.08601 Leah Schad Memorial Ocean Outfall Program.—The  
4133 Legislature declares that as funds become available the state  
4134 may assist the local governments and agencies responsible for  
4135 implementing the Leah Schad Memorial Ocean Outfall Program  
4136 pursuant to s. 403.086(9). Funds received from other sources  
4137 provided for in law, the General Appropriations Act, from gifts  
4138 designated for implementation of the plan from individuals,  
4139 corporations, or other entities, or federal funds appropriated  
4140 by Congress for implementation of the plan, may be deposited  
4141 into an account of the Water Quality Assurance Ecosystem  
4142 ~~Management and Restoration Trust Fund created pursuant to s.~~  
4143 ~~403.1651.~~

4144 Section 62. Subsection (11) of section 403.121, Florida  
4145 Statutes, is amended to read:

4146 403.121 Enforcement; procedure; remedies.—The department  
4147 shall have the following judicial and administrative remedies

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4148 available to it for violations of this chapter, as specified in  
4149 s. 403.161(1).

4150 (11) Penalties collected pursuant to this section shall be  
4151 deposited into ~~in~~ the Water Quality Assurance Ecosystem  
4152 ~~Management and Restoration~~ Trust Fund or other trust fund  
4153 designated by statute and shall be used to fund the restoration  
4154 of ecosystems, or polluted areas of the state, as defined by the  
4155 department, to their condition before pollution occurred. The  
4156 Florida Conflict Resolution Consortium may use a portion of the  
4157 fund to administer the mediation process provided in paragraph  
4158 (2) (e) and to contract with private mediators for administrative  
4159 penalty cases.

4160 Section 63. Section 403.1651, Florida Statutes, is  
4161 repealed.

4162 Section 64. Subsection (1) of section 403.885, Florida  
4163 Statutes, is amended to read:

4164 403.885 Water Projects Grant Program.—

4165 (1) The Department of Environmental Protection shall  
4166 administer a grant program to use funds ~~transferred pursuant to~~  
4167 ~~s. 212.20 to the Ecosystem Management and Restoration Trust Fund~~  
4168 ~~or other moneys as~~ appropriated by the Legislature for water  
4169 quality improvement, stormwater management, wastewater  
4170 management, and water restoration and other water projects as  
4171 specifically appropriated by the Legislature. Eligible  
4172 recipients of such grants include counties, municipalities,  
4173 water management districts, and special districts that have  
4174 legal responsibilities for water quality improvement, water  
4175 management, stormwater management, wastewater management, lake  
4176 and river water restoration projects, and drinking water

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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;

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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

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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

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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

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4293 Trust Fund or the ~~Land Acquisition~~ trust fund used pursuant to  
4294 s. 253.03(12), not including administrative costs of the  
4295 Department of Environmental Protection previously paid directly  
4296 from the Internal Improvement Trust Fund in accordance with  
4297 legislative appropriation.

4298 Section 72. Paragraph (c) of subsection (1) of s. 260.015,  
4299 Florida Statutes, is reenacted for the purpose of incorporating  
4300 the amendment made by this act to s. 259.035, Florida Statutes,  
4301 in a reference thereto.

4302 Section 73. Paragraph (b) of subsection (3) of s. 258.015,  
4303 Florida Statutes, is reenacted for the purpose of incorporating  
4304 the amendment made by this act to s. 375.041, Florida Statutes,  
4305 in a reference thereto.

4306 Section 74. Subsection (2) of s. 287.0595, Florida  
4307 Statutes, is reenacted for the purpose of incorporating the  
4308 amendment made by this act to s. 376.307, Florida Statutes, in a  
4309 reference thereto.

4310 Section 75. This act shall take effect July 1, 2015.





# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Environmental Preservation and  
Conservation, *Chair*  
Agriculture, *Vice Chair*  
Appropriations Subcommittee on General  
Government  
Children, Families, and Elder Affairs  
Community Affairs  
Ethics and Elections

**SENATOR CHARLES S. DEAN, SR.**  
5th District

February 19, 2015

The Honorable Alan Hays  
320 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chairman Hays,

I respectfully request you place Senate Bills 576, 578, 580, 582, 584, and 586 on your Appropriations Subcommittee on General Government agenda at your earliest convenience.

If you have any concerns, please do not hesitate to contact me personally.

Sincerely,

A handwritten signature in black ink that reads "Charles S. Dean".

Charles S. Dean  
State Senator District 5

cc: Jamie DeLoach, Staff Director

**REPLY TO:**

- 405 Tompkins Street, Inverness, Florida 34450 (352) 860-5175
- 311 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005
- 315 SE 25th Avenue, Ocala, Florida 34471-2689 (352) 873-6513

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

**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.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

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BILL: PCS/SB 586 (485002)

INTRODUCER: 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 11, 2015

REVISED: \_\_\_\_\_

|    | ANALYST        | STAFF DIRECTOR | REFERENCE  | ACTION                   |
|----|----------------|----------------|------------|--------------------------|
| 1. | <u>Gudeman</u> | <u>Uchino</u>  | <u>EP</u>  | <u>Fav/CS</u>            |
| 2. | <u>Betta</u>   | <u>DeLoach</u> | <u>AGG</u> | <u>Recommend: Fav/CS</u> |
| 3. | _____          | _____          | <u>AP</u>  | _____                    |

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Technical Changes

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**I. Summary:**

PCS/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;<sup>1</sup>
  - 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;

---

<sup>1</sup> 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;<sup>2</sup>
  - 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;<sup>3</sup>
  - 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;<sup>4</sup>
  - 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;<sup>5</sup>
  - 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

---

<sup>2</sup> 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.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *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.<sup>6</sup> 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.<sup>7</sup>

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

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<sup>6</sup> 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).

<sup>7</sup> 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.<sup>8</sup>

### 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;<sup>9</sup>
- 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;<sup>10</sup> 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;

<sup>8</sup> 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.”

<sup>9</sup> 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.

<sup>10</sup> 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 2-20** 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/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<br>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<br>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<br>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.



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LEGISLATIVE ACTION

| Senate     | . | House |
|------------|---|-------|
| Comm: RCS  | . |       |
| 03/11/2015 | . |       |
|            | . |       |
|            | . |       |
|            | . |       |

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Appropriations Subcommittee on General Government (Dean)  
recommended the following:

**Senate Amendment**

Delete lines 59 - 62

and insert:

(2) If the amounts deposited pursuant to subsection (1) are less than 33 percent of all taxes collected after first deducting the costs of collection, an amount equal to 33 percent of all taxes collected after first deducting the costs of collection, minus the amounts deposited pursuant to subsection (1), shall be

By the Committee on Environmental Preservation and Conservation;  
and Senator Dean

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1 A bill to be entitled  
2 An act relating to the implementation of the water and  
3 land conservation constitutional amendment; amending  
4 s. 201.15, F.S.; revising and deleting distributions  
5 of the tax; providing that specified distributions to  
6 the Land Acquisition Trust Fund are not subject to the  
7 service charge under s. 215.20, F.S.; revising the  
8 purposes for which distributions may be used;  
9 repealing s. 161.05301, F.S., relating to beach  
10 erosion control project staffing; repealing s.  
11 161.091(3), F.S., relating to funding for the state's  
12 beach management plan; repealing s. 375.045, F.S.,  
13 relating to the Florida Preservation 2000 Trust Fund;  
14 amending s. 375.075, F.S.; requiring specified public  
15 recreation projects to have been selected through the  
16 Department of Environmental Protection's competitive  
17 selection process prior to the release of funds;  
18 conforming provisions to changes made by the act;  
19 amending ss. 201.0205, 215.618, 215.619, 259.032,  
20 259.1051, 339.0801, 339.55, 341.303, 343.58, 369.252,  
21 379.214, 379.362, 403.8911, 420.5092, and 420.9073,  
22 F.S.; conforming provisions to changes made by the  
23 act; reenacting ss. 201.031(2), 339.2818(6),  
24 339.2819(5), 339.61(3), 341.051(6), 373.470(4)(e), and  
25 420.9079(1), F.S., to incorporate the amendment made  
26 by this act to s. 201.15, F.S., in references thereto;  
27 providing an effective date.  
28  
29 Be It Enacted by the Legislature of the State of Florida:

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

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30  
31 Section 1. Section 201.15, Florida Statutes, is amended to  
32 read:  
33 201.15 Distribution of taxes collected.—All taxes collected  
34 under this chapter, except taxes distributed to the Land  
35 Acquisition Trust Fund pursuant to subsections (1) and (2), are  
36 subject to the service charge imposed in s. 215.20(1). Before  
37 distribution ~~pursuant to under~~ this section, the Department of  
38 Revenue shall deduct amounts necessary to pay the costs of the  
39 collection and enforcement of the tax levied by this chapter.  
40 The Such costs and ~~the~~ service charge may not be levied against  
41 any portion of taxes pledged to debt service on bonds to the  
42 extent that the costs and service charge are required to pay any  
43 amounts relating to the bonds. ~~After distributions are made~~  
44 ~~pursuant to subsection (1),~~ All of the costs of the collection  
45 and enforcement of the tax levied by this chapter and the  
46 service charge shall be available and transferred to the extent  
47 necessary to pay debt service and any other amounts payable with  
48 respect to bonds authorized before January 1, 2015, secured by  
49 revenues distributed pursuant to this section ~~subsection (1)~~.  
50 All taxes remaining after deduction of costs ~~and the service~~  
51 ~~charge~~ shall be distributed as follows:  
52 (1) All of the remaining taxes collected under this chapter  
53 are pledged and shall be first made available to make payments  
54 on bonds issued pursuant to s. 215.618 or s. 215.619, as  
55 provided under paragraphs (3)(a) and (b), or on any other bonds  
56 authorized to be issued on a parity basis with such bonds.  
57 Amounts necessary to make such payments shall be deposited in  
58 the Land Acquisition Trust Fund.

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

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59 (2) From taxes remaining after the payments required  
 60 pursuant to subsection (1), an amount equal to 33 percent of all  
 61 taxes collected after first deducting the costs of collection,  
 62 minus amounts paid pursuant to subsection (1), shall be  
 63 deposited in the Land Acquisition Trust Fund.

64 (3) Amounts on deposit in the Land Acquisition Trust Fund  
 65 Sixty-three and thirty-one hundredths percent of the remaining  
 66 taxes shall be used in for the following order purposes:

67 (a) Payment of ~~Amounts necessary to pay the debt service~~  
 68 ~~on, or funding of fund debt service reserve funds, rebate~~  
 69 ~~obligations, or other amounts payable with respect to~~  
 70 ~~Preservation 2000 bonds issued pursuant to s. 375.051 and~~  
 71 ~~Florida Forever bonds issued pursuant to s. 215.618, shall be~~  
 72 ~~paid into the State Treasury to the credit of the Land~~  
 73 ~~Acquisition Trust Fund to be used for such purposes. The amount~~  
 74 ~~used for such purposes transferred to the Land Acquisition Trust~~  
 75 ~~Fund may not exceed \$300 million in each fiscal year 1999-2000~~  
 76 ~~and thereafter for Preservation 2000 bonds and bonds issued to~~  
 77 ~~refund Preservation 2000 bonds, and \$300 million in fiscal year~~  
 78 ~~2000-2001 and thereafter for Florida Forever bonds. The annual~~  
 79 ~~amount transferred to the Land Acquisition Trust Fund for~~  
 80 ~~Florida Forever bonds may not exceed \$30 million in the first~~  
 81 ~~fiscal year in which bonds are issued. The limitation on the~~  
 82 ~~amount transferred shall be increased by an additional \$30~~  
 83 ~~million in each subsequent fiscal year, but may not exceed a~~  
 84 ~~total of \$300 million in any fiscal year for all bonds issued.~~  
 85 It is the intent of the Legislature that all bonds issued to  
 86 fund the Florida Forever Act be retired by December 31, 2040.  
 87 Except for bonds issued to refund previously issued bonds, no

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88 series of bonds may be issued pursuant to this paragraph unless  
 89 such bonds are approved and the debt service for the remainder  
 90 of the fiscal year in which the bonds are issued is specifically  
 91 appropriated in the General Appropriations Act. ~~For purposes of~~  
 92 ~~refunding Preservation 2000 bonds, amounts designated within~~  
 93 ~~this section for Preservation 2000 and Florida Forever bonds may~~  
 94 ~~be transferred between the two programs to the extent provided~~  
 95 ~~for in the documents authorizing the issuance of the bonds. The~~  
 96 ~~Preservation 2000 bonds and Florida Forever bonds are equally~~  
 97 ~~and ratably secured by moneys distributable to the Land~~  
 98 ~~Acquisition Trust Fund pursuant to this section, except as~~  
 99 ~~specifically provided otherwise by the documents authorizing the~~  
 100 ~~issuance of the bonds. Moneys transferred to the Land~~  
 101 ~~Acquisition Trust Fund pursuant to this paragraph, or earnings~~  
 102 ~~thereon, may not be used or made available to pay debt service~~  
 103 ~~on the Save Our Coast revenue bonds.~~

104 (b) Payment ~~Moneys shall be paid~~ into the State Treasury to  
 105 the credit of the Save Our Everglades Trust Fund in amounts  
 106 necessary to pay debt service, provide reserves, and pay rebate  
 107 obligations and other amounts due with respect to bonds issued  
 108 pursuant to ~~under~~ s. 215.619. Taxes distributed under paragraph  
 109 (a) and this paragraph must be collectively distributed on a pro  
 110 rata basis when the available moneys under this subsection are  
 111 not sufficient to cover the amounts required under paragraph (a)  
 112 and this paragraph.  
 113

114 Bonds issued pursuant to s. 215.618 or s. 215.619 are equally  
 115 and ratably secured by moneys distributable to the Land  
 116 Acquisition Trust Fund.

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117 (4)(e) After the required distributions to the Land  
 118 Acquisition Trust Fund pursuant to subsections (1) and (2) and  
 119 deduction of the service charge imposed pursuant to s. 215.20(1)  
 120 payments under paragraphs (a) and (b), the remainder shall be  
 121 distributed as follows paid into the State Treasury to the  
 122 credit of:

123 (a)1- ~~The State Transportation Trust Fund in the Department~~  
 124 ~~of Transportation in the amount of The lesser of 24.18442 38.2~~  
 125 ~~percent of the remainder or \$541.75 million in each fiscal year~~  
 126 ~~shall be paid into the State Treasury to the credit of the State~~  
 127 ~~Transportation Trust Fund. Out Of such funds, the first \$50~~  
 128 ~~million for the 2012-2013 fiscal year; \$65 million for the 2013-~~  
 129 ~~2014 fiscal year; and \$75 million for each the 2014-2015 fiscal~~  
 130 ~~year and all subsequent years, shall be transferred to the State~~  
 131 ~~Economic Enhancement and Development Trust Fund within the~~  
 132 ~~Department of Economic Opportunity. Notwithstanding any other~~  
 133 ~~law, the remaining amount credited to the State Transportation~~  
 134 ~~Trust Fund shall remainder is to be used for the following~~  
 135 ~~specified purposes, notwithstanding any other law to the~~  
 136 ~~contrary:~~

137 1.a- ~~For the purposes of~~ Capital funding for the New Starts  
 138 Transit Program, authorized by Title 49, U.S.C. s. 5309 and  
 139 specified in s. 341.051, in the amount of 10 percent of the  
 140 these funds;

141 2.b- ~~For the purposes of~~ The Small County Outreach Program  
 142 specified in s. 339.2818, in the amount of 10 5 percent of the  
 143 these funds. Effective July 1, 2014, the percentage allocated  
 144 under this sub-subparagraph shall be increased to 10 percent;

145 3.c- ~~For the purposes of~~ The Strategic Intermodal System

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146 specified in ss. 339.61, 339.62, 339.63, and 339.64, in the  
 147 amount of 75 percent of the these funds after deduction of the  
 148 payments required pursuant to subparagraphs 1. and 2. allocating  
 149 ~~for the New Starts Transit Program described in sub-subparagraph~~  
 150 ~~a. and the Small County Outreach Program described in sub-~~  
 151 ~~subparagraph b.; and~~

152 4.d- ~~For the purposes of~~ The Transportation Regional  
 153 Incentive Program specified in s. 339.2819, in the amount of 25  
 154 percent of the these funds after deduction of the payments  
 155 required pursuant to subparagraphs 1. and 2. allocating for the  
 156 ~~New Starts Transit Program described in sub-subparagraph a. and~~  
 157 ~~the Small County Outreach Program described in sub-subparagraph~~  
 158 ~~b. Effective July 1, 2014, The first \$60 million of the funds~~  
 159 ~~allocated pursuant to this subparagraph sub-subparagraph shall~~  
 160 ~~be allocated annually to the Florida Rail Enterprise for the~~  
 161 ~~purposes established in s. 341.303(5).~~

162 (b)2- ~~The Grants and Donations Trust Fund in the Department~~  
 163 ~~of Economic Opportunity in the amount of The lesser of .1456 .23~~  
 164 ~~percent of the remainder or \$3.25 million in each fiscal year~~  
 165 ~~shall be paid into the State Treasury to the credit of the~~  
 166 ~~Grants and Donations Trust Fund in the Department of Economic~~  
 167 ~~Opportunity to fund technical assistance to local governments.~~

168 3- ~~The Ecosystem Management and Restoration Trust Fund in~~  
 169 ~~the amount of the lesser of 2.12 percent of the remainder or \$30~~  
 170 ~~million in each fiscal year, to be used for the preservation and~~  
 171 ~~repair of the state's beaches as provided in ss. 161.091-~~  
 172 ~~161.212.~~

173 4- ~~General Inspection Trust Fund in the amount of the~~  
 174 ~~lesser of .02 percent of the remainder or \$300,000 in each~~

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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~~

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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.~~

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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~~

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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)~~ 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) 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),

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291 to the State Economic Enhancement and Development Trust Fund  
 292 within the Department of Economic Opportunity. The remainder  
 293 shall be used as follows:

294 1.(a) Twelve and one-half percent of that amount shall be  
 295 deposited into the State Housing Trust Fund and ~~be~~ expended by  
 296 the Department of Economic Opportunity and ~~by~~ the Florida  
 297 Housing Finance Corporation for the purposes for which the State  
 298 Housing Trust Fund was created and exists by law.

299 2.(b) Eighty-seven and one-half percent of that amount  
 300 shall be distributed to the Local Government Housing Trust Fund  
 301 and used for the purposes for which the Local Government Housing  
 302 Trust Fund was created and exists by law. Funds from this  
 303 category may also be used to provide for state and local  
 304 services to assist the homeless.

305 (e) The sum of \$1.16 million in each fiscal year shall be  
 306 paid into the State Treasury to the credit of the Internal  
 307 Improvement Trust Fund for the purpose of making payment in lieu  
 308 of taxes under s. 259.032(12)(b).

309 ~~(11) The distribution of proceeds deposited into the Water~~  
 310 ~~Management Lands Trust Fund and the Conservation and Recreation~~  
 311 ~~Lands Trust Fund, pursuant to subsections (4) and (5), may not~~  
 312 ~~be used for land acquisition but may be used for preacquisition~~  
 313 ~~costs associated with land purchases. The Legislature intends~~  
 314 ~~that the Florida Forever program supplant the acquisition~~  
 315 ~~programs formerly authorized under ss. 259.032 and 373.59.~~

316 ~~(12) Amounts distributed pursuant to subsections (5), (6),~~  
 317 ~~(7), and (8) are subject to the payment of debt service on~~  
 318 ~~outstanding Conservation and Recreation Lands revenue bonds.~~

319 ~~(13) In each fiscal year that the remaining taxes exceed~~

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320 ~~collections in the prior fiscal year, the stated maximum dollar~~  
 321 ~~amounts provided in subsections (2), (4), (6), and (7) shall~~  
 322 ~~each be increased by an amount equal to 10 percent of the~~  
 323 ~~increase in the remaining taxes collected under this chapter~~  
 324 ~~multiplied by the applicable percentage provided in those~~  
 325 ~~subsections.~~

326 ~~(14) If the payment requirements in any year for bonds~~  
 327 ~~outstanding on July 1, 2007, or bonds issued to refund such~~  
 328 ~~bonds, exceed the limitations of this section, distributions to~~  
 329 ~~the trust fund from which the bond payments are made must be~~  
 330 ~~increased to the lesser of the amount needed to pay bond~~  
 331 ~~obligations or the limit of the applicable percentage~~  
 332 ~~distribution provided in subsections (1) (10).~~

333 (5)(15) Distributions to the State Housing Trust Fund  
 334 pursuant to paragraphs (4)(c) and (d) ~~subsections (9) and (10)~~  
 335 must be sufficient to cover amounts required to be transferred  
 336 to the Florida Affordable Housing Guarantee Program's annual  
 337 debt service reserve and guarantee fund pursuant to s.  
 338 420.5092(6)(a) and (b) up to the amount required to be  
 339 transferred to such reserve and fund based on the percentage  
 340 distribution of documentary stamp tax revenues to the State  
 341 Housing Trust Fund which is in effect in the 2004-2005 fiscal  
 342 year.

343 ~~(16) If amounts necessary to pay debt service or any other~~  
 344 ~~amounts payable with respect to Preservation 2000 bonds, Florida~~  
 345 ~~Forever bonds, or Everglades Restoration bonds authorized before~~  
 346 ~~January 1, 2015, exceed the amounts distributable pursuant to~~  
 347 ~~subsection (1), all moneys distributable pursuant to this~~  
 348 ~~section are available for such obligations and transferred in~~



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349 the amounts necessary to pay such obligations when due. However,  
 350 amounts distributable pursuant to subsection (2), subsection  
 351 (3), subsection (4), subsection (5), paragraph (9) (a), or  
 352 paragraph (10) (a) are not available to pay such obligations to  
 353 the extent that such moneys are necessary to pay debt service on  
 354 bonds secured by revenues pursuant to those provisions.

355 ~~(6)(17)~~ After the distributions provided in the preceding  
 356 subsections, any remaining taxes shall be paid into the State  
 357 Treasury to the credit of the General Revenue Fund.

358 Section 2. Section 161.05301, Florida Statutes, is  
 359 repealed.

360 Section 3. Subsection (3) of section 161.091, Florida  
 361 Statutes, is repealed.

362 Section 4. Section 375.045, Florida Statutes, is repealed.

363 Section 5. Subsection (1) and paragraph (c) of subsection  
 364 (2) of section 375.075, Florida Statutes, are amended to read:

365 375.075 Outdoor recreation; financial assistance to local  
 366 governments.—

367 (1) The Department of Environmental Protection may ~~is~~  
 368 ~~authorized to~~ establish the Florida Recreation Development  
 369 Assistance Program to provide grants to qualified local  
 370 governmental entities to acquire or develop land for public  
 371 outdoor recreation purposes. ~~To the extent not needed for debt~~  
 372 ~~service on bonds issued pursuant to s. 375.051, each year~~ The  
 373 department shall annually develop and plan a program ~~which shall~~  
 374 ~~be based upon funding of not less than 5 percent of the money~~  
 375 ~~credited to the Land Acquisition Trust Fund pursuant to s.~~  
 376 ~~201.15(2) and (3) in that year. The department shall develop and~~  
 377 ~~plan a program which shall be based upon~~ the cumulative total

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378 funding provided from this section and from the Florida Forever  
 379 Trust Fund pursuant to s. 259.105(3) (d).

380 (2)

381 (c) Funds may not be released under ~~No release of funds~~  
 382 ~~from the Land Acquisition Trust Fund, or from the Florida~~  
 383 ~~Forever Trust Fund beginning in fiscal year 2001-2002, for this~~  
 384 ~~program may be made~~ for these public recreation projects until  
 385 the projects have been selected through the competitive  
 386 selection process provided for in this section.

387 Section 6. Section 201.0205, Florida Statutes, is amended  
 388 to read:

389 201.0205 Counties that have implemented ch. 83-220;  
 390 inapplicability of 10-cent tax increase by s. 2, ch. 92-317,  
 391 Laws of Florida.—The 10-cent tax increase in the documentary  
 392 stamp tax levied by s. 2, chapter 92-317, does not apply to  
 393 deeds and other taxable instruments relating to real property  
 394 located in any county that has implemented the provisions of  
 395 chapter 83-220, Laws of Florida, as amended by chapters 84-270,  
 396 86-152, and 89-252, Laws of Florida. Each such county and each  
 397 eligible jurisdiction within such county may ~~shall not be~~  
 398 ~~eligible to~~ participate in programs funded pursuant to s.  
 399 201.15(4)(c) ~~s. 201.15(9)~~. However, each such county and each  
 400 eligible jurisdiction within such county may ~~shall be eligible~~  
 401 ~~to~~ participate in programs funded pursuant to s. 201.15(4)(d) ~~s.~~  
 402 ~~201.15(10)~~.

403 Section 7. Paragraph (a) of subsection (1) and subsection  
 404 (3) of section 215.618, Florida Statutes, are amended to read:

405 215.618 Bonds for acquisition and improvement of land,  
 406 water areas, and related property interests and resources.—

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407 (1) (a) The issuance of Florida Forever bonds, not to exceed  
 408 \$5.3 billion, to finance or refinance the cost of acquisition  
 409 and improvement of land, water areas, and related property  
 410 interests and resources, in urban and rural settings, for the  
 411 purposes of restoration, conservation, recreation, water  
 412 resource development, or historical preservation, and for  
 413 capital improvements to lands and water areas that accomplish  
 414 environmental restoration, enhance public access and  
 415 recreational enjoyment, promote long-term management goals, and  
 416 facilitate water resource development is hereby authorized,  
 417 subject to ~~the provisions of~~ s. 259.105 and pursuant to s.  
 418 11(e), Art. VII of the State Constitution. ~~Florida Forever bonds~~  
 419 ~~may also be issued to refund Preservation 2000 bonds issued~~  
 420 ~~pursuant to s. 375.051. The \$5.3 billion limitation on the~~  
 421 ~~issuance of Florida Forever bonds does not apply to refunding~~  
 422 ~~bonds. The duration of each series of Florida Forever bonds~~  
 423 ~~issued may not exceed 20 annual maturities. Preservation 2000~~  
 424 ~~bonds and Florida Forever bonds shall be equally and ratably~~  
 425 ~~secured by moneys distributable to the Land Acquisition Trust~~  
 426 ~~Fund pursuant to s. 201.15(1)(a), except to the extent~~  
 427 ~~specifically provided otherwise by the documents authorizing the~~  
 428 ~~issuance of the bonds.~~

429 (3) Bonds issued pursuant to this section ~~are shall be~~  
 430 payable from taxes distributable to the Land Acquisition Trust  
 431 Fund pursuant to s. 201.15(1)(~~a~~). Bonds issued pursuant to this  
 432 section ~~do shall~~ not constitute a general obligation of, or a  
 433 pledge of the full faith and credit of, the state.

434 Section 8. Subsections (2) and (3) of section 215.619,  
 435 Florida Statutes, are amended to read:

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436 215.619 Bonds for Everglades restoration.-

437 (2) The state covenants with the holders of Everglades  
 438 restoration bonds that it will not take any action that will  
 439 materially and adversely affect the rights of the holders so  
 440 long as the bonds are outstanding, including, but not limited  
 441 to, a reduction in the portion of documentary stamp taxes  
 442 distributable pursuant to ~~under~~ s. 201.15(1) for payment of debt  
 443 service on ~~Preservation 2000 bonds,~~ Florida Forever bonds, or  
 444 Everglades restoration bonds.

445 (3) Everglades restoration bonds are payable from, and  
 446 secured by a first lien on, taxes distributable pursuant to  
 447 ~~under~~ s. 201.15(1)(~~b~~) and do not constitute a general obligation  
 448 of, or a pledge of the full faith and credit of, the state.  
 449 Everglades restoration bonds shall be secured on a parity basis  
 450 with bonds secured by moneys distributable pursuant to ~~under~~ s.  
 451 201.15(1)(~~a~~).

452 Section 9. Paragraph (a) of subsection (2) of section  
 453 259.032, Florida Statutes, is amended to read:

454 259.032 Conservation and Recreation Lands Trust Fund;  
 455 purpose.-

456 (2) (a) The Conservation and Recreation Lands Trust Fund is  
 457 established within the Department of Environmental Protection.  
 458 The fund shall be used as a nonlapsing, revolving fund  
 459 exclusively for the purposes of this section. The Department of  
 460 Revenue fund shall credit the fund each month ~~be credited~~ with  
 461 the proceeds from the following excise taxes:

462 ~~1. The excise taxes on documents as provided in s. 201.15,~~

463 and

464 ~~2. The excise tax on the severance of phosphate rock as~~

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465 provided in s. 211.3103.

466

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

469 Section 10. Subsections (1) and (3) of section 259.1051,  
 470 Florida Statutes, are amended to read:

471 259.1051 Florida Forever Trust Fund.—

472 (1) ~~There is created~~ The Florida Forever Trust Fund is  
 473 created to carry out the purposes of ss. 259.032, 259.105,  
 474 259.1052, and 375.031. The Florida Forever Trust Fund shall be  
 475 held and administered by the department ~~of Environmental~~  
 476 ~~Protection~~. Proceeds from the sale of bonds, except proceeds of  
 477 refunding bonds, issued pursuant to ~~under~~ s. 215.618 and payable  
 478 from moneys transferred to the Land Acquisition Trust Fund  
 479 pursuant to ~~under~~ s. 201.15(1)(a), not to exceed \$5.3 billion,  
 480 shall ~~must~~ be deposited into this trust fund to be distributed  
 481 and used as provided in s. 259.105(3). The bond resolution  
 482 adopted by the governing board of the division ~~of Bond Finance~~  
 483 ~~of the State Board of Administration~~ may provide for additional  
 484 provisions that govern the disbursement of the bond proceeds.

485 (3) The department ~~of Environmental Protection~~ shall ensure  
 486 that the proceeds from the sale of bonds issued pursuant to  
 487 ~~under~~ s. 215.618 and payable from moneys transferred to the Land  
 488 Acquisition Trust Fund pursuant to ~~under~~ s. 201.15(1)(a) are  
 489 ~~shall be~~ administered and expended in a manner that ensures  
 490 compliance of each issue of bonds that are issued on the basis  
 491 that interest thereon will be excluded from gross income for  
 492 federal income tax purposes, with the applicable provisions of  
 493 the United States Internal Revenue Code and the regulations

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494 adopted ~~promulgated~~ thereunder, to the extent necessary to  
 495 preserve the exclusion of interest on the bonds from gross  
 496 income for federal income tax purposes. The department ~~of~~  
 497 ~~Environmental Protection~~ shall administer the use and  
 498 disbursement of the proceeds of such bonds or require that such  
 499 ~~the~~ use and disbursement ~~thereof~~ be administered in a manner to  
 500 implement strategies to maximize any available benefits under  
 501 the applicable provisions of the United States Internal Revenue  
 502 Code or regulations adopted ~~promulgated~~ thereunder, if  
 503 consistent ~~to the extent not inconsistent~~ with the purposes  
 504 identified in s. 259.105(3).

505 Section 11. Subsection (4) of section 339.0801, Florida  
 506 Statutes, is amended to read:

507 339.0801 Allocation of increased revenues derived from  
 508 amendments to s. 319.32(5) (a) by ch. 2012-128.—Funds that result  
 509 from increased revenues to the State Transportation Trust Fund  
 510 derived from the amendments to s. 319.32(5) (a) made by this act  
 511 must be used annually, first as set forth in subsection (1) and  
 512 then as set forth in subsections (2)-(5), notwithstanding any  
 513 other provision of law:

514 (4) Beginning in the 2013-2014 fiscal year and annually  
 515 thereafter, \$10 million shall be allocated to the Small County  
 516 Outreach Program, to be used as specified in s. 339.2818. These  
 517 funds are in addition to the funds provided for the program  
 518 pursuant to s. 201.15 ~~in s. 201.15(1)(c)1.b.~~

519 Section 12. Subsection (9) of section 339.55, Florida  
 520 Statutes, is amended to read:

521 339.55 State-funded infrastructure bank.—

522 (9) Funds paid into the State Transportation Trust Fund

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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).

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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

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581 the State University System or other governmental or private  
582 sector entities for research concerning control agents;  
583 production and growth of biological control agents; and  
584 development of workable methods for the eradication or  
585 maintenance control of invasive exotic plants on public lands. →

586 ~~and~~

587 (4) Use funds in the Invasive Plant Control Trust Fund as  
588 authorized by the Legislature for carrying out activities under  
589 this section on public lands. ~~A minimum of 20 percent of the~~  
590 ~~amount credited to the Invasive Plant Control Trust Fund~~  
591 ~~pursuant to s. 201.15(6) shall be used for the purpose of~~  
592 ~~controlling nonnative, upland, invasive plant species on public~~  
593 ~~lands.~~

594 Section 16. Subsection (2) of section 379.214, Florida  
595 Statutes, is amended to read:

596 379.214 Invasive Plant Control Trust Fund.—

597 (2) Funds to be credited to and uses of the trust fund  
598 shall be administered in accordance with the provisions of ss.  
599 ~~201.15, 206.606, 328.76, 369.20, 369.22, 369.252, and 379.502.~~

600 Section 17. Subsection (3) of section 379.362, Florida  
601 Statutes, is amended to read:

602 379.362 Wholesale and retail saltwater products dealers;  
603 regulation.—

604 (3) OYSTER MANAGEMENT AND RESTORATION PROGRAMS.—The  
605 Department of Agriculture and Consumer Services shall ~~use or~~  
606 ~~distribute funds paid into the State Treasury to the credit of~~  
607 ~~the General Inspection Trust Fund pursuant to s. 201.15, less~~  
608 ~~reasonable costs of administration, to fund the following oyster~~  
609 management and restoration programs in Apalachicola Bay and

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610 other oyster harvest areas in the state:

611 (a) The relaying and transplanting of live oysters.

612 (b) Shell planting to construct or rehabilitate oyster  
613 bars.

614 (c) Education programs for licensed oyster harvesters on  
615 oyster biology, aquaculture, boating and water safety,  
616 sanitation, resource conservation, small business management,  
617 and other relevant subjects.

618 (d) Research directed toward the enhancement of oyster  
619 production in the bay and the water management needs of the bay.

620 Section 18. Section 403.8911, Florida Statutes, is amended  
621 to read:

622 403.8911 Annual appropriation from the Water Protection and  
623 Sustainability Program Trust Fund.—

624 ~~(1)~~ Funds paid into the Water Protection and Sustainability  
625 Program Trust Fund ~~pursuant to s. 201.15~~ are ~~hereby~~ annually  
626 appropriated for expenditure for the purposes for which the  
627 ~~Water Protection and Sustainability Program~~ trust fund is  
628 established.

629 ~~(2)~~ If the ~~Water Protection and Sustainability Program~~  
630 trust fund is not created, such funds are ~~hereby~~ annually  
631 appropriated for expenditure from the Ecosystem Management and  
632 Restoration Trust Fund solely for the purposes established in s.  
633 403.890.

634 Section 19. Subsections (5) and (6) of section 420.5092,  
635 Florida Statutes, are amended to read:

636 420.5092 Florida Affordable Housing Guarantee Program.—

637 (5) Pursuant to s. 16, Art. VII of the State Constitution,  
638 the corporation may issue, in accordance with s. 420.509,

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639 revenue bonds of the corporation to establish the guarantee  
 640 fund. ~~The Such~~ revenue bonds are ~~shall be~~ primarily payable from  
 641 and secured by annual debt service reserves, from interest  
 642 earned on funds on deposit in the guarantee fund, from fees,  
 643 charges, and reimbursements established by the corporation for  
 644 the issuance of affordable housing guarantees, and from any  
 645 other revenue sources received by the corporation and deposited  
 646 by the corporation into the guarantee fund for the issuance of  
 647 affordable housing guarantees. ~~If To the extent~~ such primary  
 648 revenue sources are considered insufficient by the corporation,  
 649 pursuant to the certification provided in subsection (6), to  
 650 fully fund the annual debt service reserve, the certified  
 651 deficiency in such reserve is also ~~shall be~~ additionally payable  
 652 from the first proceeds of the documentary stamp tax moneys  
 653 deposited into the State Housing Trust Fund pursuant to s.  
 654 201.15(4)(c) and (d) ~~s. 201.15(9)(a) and (10)(a)~~ during the  
 655 ensuing state fiscal year.

656 (6) (a) If the primary revenue sources to be used for  
 657 repayment of revenue bonds used to establish the guarantee fund  
 658 are insufficient for such repayment, the annual principal and  
 659 interest due on each series of revenue bonds is ~~shall be~~ payable  
 660 from funds in the annual debt service reserve. The corporation  
 661 shall, before June 1 of each year, perform a financial audit to  
 662 determine whether at the end of the state fiscal year there will  
 663 be on deposit in the guarantee fund an annual debt service  
 664 reserve from interest earned pursuant to the investment of the  
 665 guarantee fund, fees, charges, and reimbursements received from  
 666 issued affordable housing guarantees and other revenue sources  
 667 available to the corporation. Based upon the findings in such

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668 guarantee fund financial audit, the corporation shall certify to  
 669 the Chief Financial Officer the amount of any projected  
 670 deficiency in the annual debt service reserve for any series of  
 671 outstanding bonds as of the end of the state fiscal year and the  
 672 amount necessary to maintain such annual debt service reserve.  
 673 Upon receipt of such certification, the Chief Financial Officer  
 674 shall transfer to the annual debt service reserve, from the  
 675 first available taxes distributed to the State Housing Trust  
 676 Fund pursuant to s. 201.15(4)(c) and (d) ~~s. 201.15(9)(a) and~~  
 677 ~~(10)(a)~~ during the ensuing state fiscal year, the amount  
 678 certified as necessary to maintain the annual debt service  
 679 reserve.

680 (b) If the claims payment obligations under affordable  
 681 housing guarantees from amounts on deposit in the guarantee fund  
 682 would cause the claims paying rating assigned to the guarantee  
 683 fund to be less than the third-highest rating classification of  
 684 any nationally recognized rating service, which classifications  
 685 being consistent with s. 215.84(3) and rules adopted thereto by  
 686 the State Board of Administration, the corporation shall certify  
 687 to the Chief Financial Officer the amount of such claims payment  
 688 obligations. Upon receipt of such certification, the Chief  
 689 Financial Officer shall transfer to the guarantee fund, from the  
 690 first available taxes distributed to the State Housing Trust  
 691 Fund pursuant to s. 201.15(4)(c) and (d) ~~s. 201.15(9)(a) and~~  
 692 ~~(10)(a)~~ during the ensuing state fiscal year, the amount  
 693 certified as necessary to meet such obligations, such transfer  
 694 to be subordinate to any transfer referenced in paragraph (a)  
 695 and not to exceed 50 percent of the amounts distributed to the  
 696 State Housing Trust Fund pursuant to s. 201.15(4)(c) and (d) ~~s.~~

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697 ~~201.15(9)(a) and (10)(a)~~ during the preceding state fiscal year.

698 Section 20. Subsections (1), (2), and (3) of section  
699 420.9073, Florida Statutes, are amended to read:

700 420.9073 Local housing distributions.—

701 (1) Distributions calculated in this section shall be  
702 disbursed on a quarterly or more frequent basis by the  
703 corporation pursuant to s. 420.9072, subject to availability of  
704 funds. Each county's share of the funds to be distributed from  
705 the portion of the funds in the Local Government Housing Trust  
706 Fund received pursuant to s. 201.15(4)(c) ~~s. 201.15(9)~~ shall be  
707 calculated by the corporation for each fiscal year as follows:

708 (a) Each county other than a county that has implemented  
709 ~~the provisions of~~ chapter 83-220, Laws of Florida, as amended by  
710 chapters 84-270, 86-152, and 89-252, Laws of Florida, shall  
711 receive the guaranteed amount for each fiscal year.

712 (b) Each county other than a county that has implemented  
713 ~~the provisions of~~ chapter 83-220, Laws of Florida, as amended by  
714 chapters 84-270, 86-152, and 89-252, Laws of Florida, may  
715 receive an additional share calculated as follows:

716 1. Multiply each county's percentage of the total state  
717 population excluding the population of any county that has  
718 implemented ~~the provisions of~~ chapter 83-220, Laws of Florida,  
719 as amended by chapters 84-270, 86-152, and 89-252, Laws of  
720 Florida, by the total funds to be distributed.

721 2. If the result in subparagraph 1. is less than the  
722 guaranteed amount as determined in subsection (3), that county's  
723 additional share shall be zero.

724 3. For each county in which the result in subparagraph 1.  
725 is greater than the guaranteed amount as determined in

592-01699-15 2015586c1

726 subsection (3), the amount calculated in subparagraph 1. shall  
727 be reduced by the guaranteed amount. The result for each such  
728 county shall be expressed as a percentage of the amounts so  
729 determined for all counties. Each such county shall receive an  
730 additional share equal to such percentage multiplied by the  
731 total funds received by the Local Government Housing Trust Fund  
732 pursuant to s. 201.15(4)(c) ~~s. 201.15(9)~~ reduced by the  
733 guaranteed amount paid to all counties.

734 (2) Distributions calculated in this section shall be  
735 disbursed on a quarterly or more frequent basis by the  
736 corporation pursuant to s. 420.9072, subject to availability of  
737 funds. Each county's share of the funds to be distributed from  
738 the portion of the funds in the Local Government Housing Trust  
739 Fund received pursuant to s. 201.15(4)(d) ~~s. 201.15(10)~~ shall be  
740 calculated by the corporation for each fiscal year as follows:

741 (a) Each county shall receive the guaranteed amount for  
742 each fiscal year.

743 (b) Each county may receive an additional share calculated  
744 as follows:

745 1. Multiply each county's percentage of the total state  
746 population, by the total funds to be distributed.

747 2. If the result in subparagraph 1. is less than the  
748 guaranteed amount as determined in subsection (3), that county's  
749 additional share shall be zero.

750 3. For each county in which the result in subparagraph 1.  
751 is greater than the guaranteed amount, the amount calculated in  
752 subparagraph 1. shall be reduced by the guaranteed amount. The  
753 result for each such county shall be expressed as a percentage  
754 of the amounts so determined for all counties. Each such county

592-01699-15

2015586c1

755 shall receive an additional share equal to this percentage  
756 multiplied by the total funds received by the Local Government  
757 Housing Trust Fund pursuant to s. 201.15(4)(d) ~~s. 201.15(10)~~ as  
758 reduced by the guaranteed amount paid to all counties.

759 (3) Calculation of guaranteed amounts:

760 (a) The guaranteed amount under subsection (1) shall be  
761 calculated for each state fiscal year by multiplying \$350,000 by  
762 a fraction, the numerator of which is the amount of funds  
763 distributed to the Local Government Housing Trust Fund pursuant  
764 to s. 201.15(4)(c) ~~s. 201.15(9)~~ and the denominator of which is  
765 the total amount of funds distributed to the Local Government  
766 Housing Trust Fund pursuant to s. 201.15.

767 (b) The guaranteed amount under subsection (2) shall be  
768 calculated for each state fiscal year by multiplying \$350,000 by  
769 a fraction, the numerator of which is the amount of funds  
770 distributed to the Local Government Housing Trust Fund pursuant  
771 to s. 201.15(4)(d) ~~s. 201.15(10)~~ and the denominator of which is  
772 the total amount of funds distributed to the Local Government  
773 Housing Trust Fund pursuant to s. 201.15.

774 Section 21. Subsection (2) of s. 201.031, subsection (6) of  
775 s. 339.2818, subsection (5) of s. 339.2819, subsection (3) of s.  
776 339.61, subsection (6) of s. 341.051, paragraph (e) of  
777 subsection (4) of s. 373.470, and subsection (1) of s. 420.9079,  
778 Florida Statutes, are reenacted for the purpose of incorporating  
779 the amendment made by this act to s. 201.15, Florida Statutes,  
780 in references thereto.

781 Section 22. This act shall take effect July 1, 2015.



APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/12/15

Meeting Date

586

Bill Number (if applicable)

Topic LAF Funding

Amendment Barcode (if applicable)

Name Megan Sirjane Samples

Job Title Leg Advocate

Address Pb Box 1757

Phone 282 9684

Street

Tallahassee FL 32302

City

State

Zip

Email

Speaking: For [ ] Against [X] Information [ ]

Waive Speaking: In Support [ ] Against [X] (The Chair will read this information into the record.)

Representing FL League of Cities

Appearing at request of Chair: Yes [ ] No [X]

Lobbyist registered with Legislature: Yes [X] No [ ]

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

March 11, 2015

586

*Meeting Date*

*Bill Number (if applicable)*

Topic Affordable Housing

*Amendment Barcode (if applicable)*

Name Jaimie Ross

Job Title president

Address 1367 East Lafayette Street

Phone 850/212/0587

*Street*

Tallahassee

FL

32301

Email ross@flhousing.org

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing The Florida Housing Coalition

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/15

Meeting Date

586

Bill Number (if applicable)

Topic Doc. Stamp Distribution - Transportation

Amendment Barcode (if applicable)

Name Bob Burleson

Job Title President

Address 1007 E DeSoto Park Dr

Phone 850-942-1404

Street

Tallahassee FL 32301

Email bburleson@ftba.com

City

State

Zip

Speaking:  For  Against  Information Waive Speaking:  In Support  Against

*taking money from Trans. Trust fund*

(The Chair will read this information into the record.)

Representing FL. Transportation Builders Assoc

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

3-11-15

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB586

Meeting Date

Bill Number (if applicable)

Topic Trust Fund Amendment A

Amendment Barcode (if applicable)

Name Amy Datz

Job Title Retired Environmental Scientist

Address 1130 Crestview Ave

Phone 850 322-7599

Street

Tallahassee FL 32303

Email amali@datz.com

City

State

Zip

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [x] In Support [ ] Against (The Chair will read this information into the record.)

Representing Environmental Caucus of FL

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [ ] Yes [x] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-11-15

Meeting Date

SB 586

Bill Number (if applicable)

Topic Affordable Housing

Amendment Barcode (if applicable)

Name Jayne Agee

Job Title public policy representative

Address 200 S. Monroe St.

Phone 561-603-8386

Street

Tallahassee

City

FL

State

32301

Zip

Email jayne0@floridarealtors.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Realtors

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-11-15

Meeting Date

SR-586

Bill Number (if applicable)

Topic Impl. WATER & LAND CONSER. CONST. AMEND

Amendment Barcode (if applicable)

Name Robby BERNAL

Job Title Dir. Business Development & Public Policy

Address 1812 Riggins Road

Phone RTO 671-3700

Street

Tallahassee, FL 32308

City

State

Zip

Email RBERNAL@LEADINGAGEFLORIDA.ORG

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing LEADING AGE FLORIDA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/15

Meeting Date

SB 586

Bill Number (if applicable)

Topic TRUST FUNDS / AFFORDABLE HOUSING

Amendment Barcode (if applicable)

Name DOUGLAS BUCK

Job Title \_\_\_\_\_

Address P.O. Box 1258

Phone 850-224-4316

Street

TALLAHASSEE

FL

32301

Email dbuck@fhba.com

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FLORIDA HOME BUILDERS ASSOC.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/14/14)

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/15 Meeting Date

586 Bill Number (if applicable)

Topic Amendment 1 - Funds Distribution to AFFORDABLE HOUSING Amendment Barcode (if applicable)
Name Jessica Scher

Job Title Director, Public Policy

Address 3250 SW 3rd Ave Phone 305-322-6143

Street Miami, FL 33129 City State Zip

Email schery@unitedwaymiami.org

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [X] Against (The Chair will read this information into the record.)

Representing United Way

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/15  
Meeting Date

586  
Bill Number (if applicable)

Topic Land Conservation

Amendment Barcode (if applicable)

Name Arthur Rosenberg

Job Title Attorney

Address 3000 Biscayne Blvd  
Street

Phone 850-509-2085

Miami, FL 33137  
City State Zip

Email arthur@floridalegal.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Legal Services

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Environmental Preservation and  
Conservation, *Chair*  
Agriculture, *Vice Chair*  
Appropriations Subcommittee on General  
Government  
Children, Families, and Elder Affairs  
Community Affairs  
Ethics and Elections

**SENATOR CHARLES S. DEAN, SR.**  
5th District

February 19, 2015

The Honorable Alan Hays  
320 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chairman Hays,

I respectfully request you place Senate Bills 576, 578, 580, 582, 584, and 586 on your Appropriations Subcommittee on General Government agenda at your earliest convenience.

If you have any concerns, please do not hesitate to contact me personally.

Sincerely,

A handwritten signature in black ink that reads "Charles S. Dean".

Charles S. Dean  
State Senator District 5

cc: Jamie DeLoach, Staff Director

**REPLY TO:**

- 405 Tompkins Street, Inverness, Florida 34450 (352) 860-5175
- 311 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005
- 315 SE 25th Avenue, Ocala, Florida 34471-2689 (352) 873-6513

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

# CourtSmart Tag Report

Room: EL 110  
Caption: Appropriations Subcommittee on General Government

Type:  
Judge:

Started: 3/11/2015 9:03:18 AM  
Ends: 3/11/2015 9:46:36 AM Length: 00:43:19

|            |  |
|------------|--|
| 9:03:20 AM | Sen. Hays (Chair)  |
| 9:04:06 AM | SB 576   |
| 9:04:14 AM | Sen. Dean  |
| 9:05:06 AM | Sen. Hays  |
| 9:07:35 AM | SB 578   |
| 9:07:38 AM | Sen. Dean  |
| 9:08:04 AM | Sen. Hays  |
| 9:08:38 AM | SB 580   |
| 9:08:40 AM | Sen. Dean  |
| 9:08:59 AM | Sen. Hays  |
| 9:09:29 AM | SB 582   |
| 9:09:35 AM | Sen. Dean  |
| 9:09:55 AM | Sen. Hays  |
| 9:10:33 AM | SB 584   |
| 9:10:36 AM | Sen. Dean  |
| 9:12:08 AM | Sen. Hays  |
| 9:12:16 AM | Am. 693702   |
| 9:12:59 AM | Sen. Margolis  |
| 9:13:22 AM | Sen. Hays  |
| 9:13:26 AM | Sen. Dean  |
| 9:13:30 AM | Sen. Dean  |
| 9:15:20 AM | Sen. Hays  |
| 9:15:49 AM | Sen. Margolis  |
| 9:15:54 AM | Sen. Hays  |
| 9:15:56 AM | Sen. Margolis  |
| 9:15:59 AM | Sen. Hays  |
| 9:16:18 AM | Am. 923230   |
| 9:16:23 AM | Sen. Hays  |
| 9:16:26 AM | Sen. Dean  |
| 9:16:44 AM | Sen. Hays  |
| 9:16:59 AM | Am. 333834   |
| 9:17:06 AM | Sen. Dean  |
| 9:18:04 AM | Am. 421370   |
| 9:18:05 AM | Sen. Hays  |
| 9:18:11 AM | Sen. Dean  |
| 9:18:57 AM | Am. 973290   |
| 9:19:02 AM | Sen. Dean  |
| 9:19:23 AM | Sen. Hays  |
| 9:19:43 AM | SB 584 (con't)   |
| 9:20:29 AM | SB 586   |
| 9:20:37 AM | Sen. Dean  |
| 9:21:41 AM | Sen. Hays  |
| 9:21:48 AM | Am. 807908   |
| 9:21:57 AM | Sen. Dean  |
| 9:22:09 AM | Sen. Hays  |
| 9:22:34 AM | SB 586 (Con't)   |
| 9:22:36 AM | Sen. Hays  |
| 9:22:53 AM | Bob Burleson, President, Florida Transportation Builders Association |
| 9:24:33 AM | Jaimie Ross, President, The Florida Housing Coalition                |
| 9:26:16 AM | Sen. Margolis  |
| 9:26:50 AM | J. Ross  |
| 9:27:34 AM | Sen. Margolis  |

9:27:57 AM Sen. Braynon  
9:28:23 AM Sen. Hays  
9:28:36 AM Sen. Dean  
9:29:05 AM Sen. Hays  
9:29:51 AM J. Ross  
9:29:55 AM Sen. Braynon  
9:30:10 AM Sen. Hays  
9:30:31 AM Sen. Lee  
9:33:46 AM Sen. Hays  
9:34:14 AM Megan Samples, Legal Advocate, FL League of Cities (waives in support)  
9:34:32 AM Amy Deta, Retired Environmental Scientist (waive in support)  
9:34:39 AM Jaymee Agee, Public Policy Representative, Florida Realtors  
9:34:45 AM Bobby Bernal, Director of Business Developmental Public Policy, Leading Age Florida (waiving against)  
9:34:55 AM Douglas Buck, Florida Home Builder Association (waives against)  
9:35:00 AM Jessica Scher, Director of Public Policy, United Way (waives against)  
9:35:04 AM Arthur Rosenburg, Attorney, Florida Legal Services (waives against)  
9:35:16 AM Sen. Braynon  
9:36:25 AM Sen. Altman  
9:38:22 AM Sen. Hays  
9:38:28 AM Sen. Lee  
9:41:49 AM Sen. Hays  
9:44:23 AM Sen. Dean  
9:45:16 AM Sen. Hays  
9:46:14 AM Sen. Braynon  
9:46:28 AM Sen. Hays