

Bill No. SB 2544

Barcode 143272

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation (Dockery)  
recommended the following **substitute for amendment** (213840):

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Subsections (2),(3),(4), and (10) of  
section 259.105, Florida Statutes, are amended to read:

259.105 The Florida Forever Act.--

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

1. The Preservation 2000 program provided tremendous  
financial resources for purchasing environmentally significant  
lands to protect those lands from imminent development,  
thereby assuring present and future generations access to  
important open spaces and recreation and conservation lands.

2. The continued alteration and development of  
Florida's natural areas to accommodate the state's rapidly  
growing population have contributed to the degradation of  
water resources, the fragmentation and destruction of wildlife  
habitats, the loss of outdoor recreation space, and the

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1 | diminishment of wetlands, forests, and public beaches.

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

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

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

27 |           6. Many of Florida's unique ecosystems, such as the  
28 | Florida Everglades, are facing ecological collapse due to  
29 | Florida's burgeoning population. To preserve these valuable  
30 | ecosystems for future generations, parcels of land must be  
31 | acquired to facilitate ecosystem restoration.

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1           7. Access to public lands to support a broad range of  
2 outdoor recreational opportunities and the development of  
3 necessary infrastructure, where compatible with the resource  
4 values of and management objectives for such lands, promotes  
5 an appreciation for Florida's natural assets and improves the  
6 quality of life.

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

14           9. The state has embraced performance-based program  
15 budgeting as a tool to evaluate the achievements of publicly  
16 funded agencies, build in accountability, and reward those  
17 agencies which are able to consistently achieve quantifiable  
18 goals. While previous and existing state environmental  
19 programs have achieved varying degrees of success, few of  
20 these programs can be evaluated as to the extent of their  
21 achievements, primarily because performance measures,  
22 standards, outcomes, and goals were not established at the  
23 outset. Therefore, the Florida Forever program shall be  
24 developed and implemented in the context of measurable state  
25 goals and objectives.

26           10. It is the intent of the Legislature to change the  
27 focus and direction of the state's major land acquisition  
28 programs and to extend funding and bonding capabilities, so  
29 that future generations may enjoy the natural resources of  
30 Florida.

31           (b) The Legislature recognizes that acquisition is

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1 only one way to achieve the aforementioned goals and  
2 encourages the development of creative partnerships between  
3 governmental agencies and private landowners. Land protection  
4 agreements and similar tools should be used, where  
5 appropriate, to bring environmentally sensitive tracts under  
6 an acceptable level of protection at a lower financial cost to  
7 the public, and to provide private landowners with the  
8 opportunity to enjoy and benefit from their property.

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

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

24 (e) With limited dollars available for restoration and  
25 acquisition of land and water areas and for providing  
26 long-term management and capital improvements, a competitive  
27 selection process can select those projects best able to meet  
28 the goals of Florida Forever and maximize the efficient use of  
29 the program's funding.

30 (f) To ensure success and provide accountability to  
31 the citizens of this state, it is the intent of the

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1 Legislature that any bond proceeds used pursuant to this  
2 section be used to implement the goals and objectives  
3 recommended by the Florida Forever Advisory Council as  
4 approved by the Board of Trustees of the Internal Improvement  
5 Trust Fund and the Legislature.

6 (g) As it has with previous land acquisition programs,  
7 the Legislature recognizes the desires of the citizens of this  
8 state to prosper through economic development and to preserve  
9 the natural areas and recreational open space of Florida. The  
10 Legislature further recognizes the urgency of restoring the  
11 natural functions of public lands or water bodies before they  
12 are degraded to a point where recovery may never occur, yet  
13 acknowledges the difficulty of ensuring adequate funding for  
14 restoration efforts in light of other equally critical  
15 financial needs of the state. It is the Legislature's desire  
16 and intent to fund the implementation of this section and to  
17 do so in a fiscally responsible manner, by issuing bonds to be  
18 repaid with documentary stamp tax revenue.

19 (h) The Legislature further recognizes the importance  
20 of state and federal military installations in protecting and  
21 preserving the state and its natural resources, and in  
22 contributing to the economic prosperity of the state. It is  
23 therefore the Legislature's intent that where the goals of the  
24 Florida Forever program overlap with the protection needs of  
25 military installations, agencies receiving funds under the  
26 Florida Forever program shall cooperate with the state's  
27 military partners to protect and buffer military  
28 installations, including areas identified as clear zones,  
29 accident potential zones, air installation compatible use  
30 zones, and other buffer zones as delineated by the state's  
31 military partners.

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1           (3) Less the costs of issuing and the costs of funding  
 2 reserve accounts and other costs associated with bonds, the  
 3 proceeds of bonds issued pursuant to this section shall be  
 4 deposited into the Florida Forever Trust Fund created by s.  
 5 259.1051. The proceeds shall be distributed by the Department  
 6 of Environmental Protection in the following manner:

7           (a) Thirty-five percent to the Department of  
 8 Environmental Protection for the acquisition of lands and  
 9 capital project expenditures necessary to implement the water  
 10 management districts' priority lists developed pursuant to s.  
 11 373.199. The funds are to be distributed to the water  
 12 management districts as provided in subsection (11). A  
 13 minimum of 50 percent of the total funds provided over the  
 14 life of the Florida Forever program pursuant to this paragraph  
 15 shall be used for the acquisition of lands.

16           (b) Thirty-five percent to the Department of  
 17 Environmental Protection for the acquisition of lands and  
 18 capital project expenditures described in this section. Of the  
 19 proceeds distributed pursuant to this paragraph, it is the  
 20 intent of the Legislature that an increased priority be given  
 21 to those acquisitions which achieve a combination of  
 22 conservation goals, including protecting Florida's water  
 23 resources and natural groundwater recharge, and those  
 24 acquisitions which protect and buffer military installations  
 25 where such needs are delineated by the state's military  
 26 partners. Capital project expenditures may not exceed 10  
 27 percent of the funds allocated pursuant to this paragraph.

28           (c) Twenty-two percent to the Department of Community  
 29 Affairs for use by the Florida Communities Trust for the  
 30 purposes of part III of chapter 380, as described and limited  
 31 by this subsection, and grants to local governments or

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1 nonprofit environmental organizations that are tax exempt  
2 under s. 501(c)(3) of the United States Internal Revenue Code  
3 for the acquisition of community-based projects, urban open  
4 spaces, parks, and greenways to implement local government  
5 comprehensive plans. From funds available to the trust and  
6 used for land acquisition, 75 percent shall be matched by  
7 local governments on a dollar-for-dollar basis. The  
8 Legislature intends that the Florida Communities Trust  
9 emphasize funding projects in low-income or otherwise  
10 disadvantaged communities. At least 30 percent of the total  
11 allocation provided to the trust shall be used in Standard  
12 Metropolitan Statistical Areas, but one-half of that amount  
13 shall be used in localities in which the project site is  
14 located in built-up commercial, industrial, or mixed-use areas  
15 and functions to intersperse open spaces within congested  
16 urban core areas. From funds allocated to the trust, no less  
17 than 5 percent shall be used to acquire lands for recreational  
18 trail systems, provided that in the event these funds are not  
19 needed for such projects, they will be available for other  
20 trust projects. Local governments may use federal grants or  
21 loans, private donations, or environmental mitigation funds,  
22 including environmental mitigation funds required pursuant to  
23 s. 338.250, for any part or all of any local match required  
24 for acquisitions funded through the Florida Communities Trust.  
25 Any lands purchased by nonprofit organizations using funds  
26 allocated under this paragraph must provide for such lands to  
27 remain permanently in public use through a reversion of title  
28 to local or state government, conservation easement, or other  
29 appropriate mechanism. Projects funded with funds allocated  
30 to the Trust shall be selected in a competitive process  
31 measured against criteria adopted in rule by the Trust.

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1           (d) Two percent to the Department of Environmental  
 2 Protection for grants to qualified local entities for the  
 3 acquisition or development of land for public outdoor  
 4 recreation purposes under ~~pursuant to~~ s. 375.075.

5           (e) One and five-tenths percent to the Department of  
 6 Environmental Protection for the purchase of inholdings and  
 7 additions to state parks and for capital project expenditures  
 8 as described in this section. Capital project expenditures may  
 9 not exceed 10 percent of the funds allocated under this  
 10 paragraph. For the purposes of this paragraph, "state park"  
 11 means any real property in the state which is under the  
 12 jurisdiction of the Division of Recreation and Parks of the  
 13 department, or which may come under its jurisdiction.

14           (f) One and five-tenths percent to the Division of  
 15 Forestry of the Department of Agriculture and Consumer  
 16 Services to fund the acquisition of state forest inholdings  
 17 and additions pursuant to s. 589.07, the implementation of  
 18 reforestation plans or sustainable forestry management  
 19 practices, and for capital project expenditures as described  
 20 in this section. Capital project expenditures may not exceed  
 21 10 percent of the funds allocated under this paragraph.

22           (g) One and five-tenths percent to the Fish and  
 23 Wildlife Conservation Commission to fund the acquisition of  
 24 inholdings and additions to lands managed by the commission  
 25 which are important to the conservation of fish and wildlife  
 26 and for capital project expenditures as described in this  
 27 section. Capital project expenditures may not exceed 10  
 28 percent of the funds allocated under this paragraph.

29           (h) One and five-tenths percent to the Department of  
 30 Environmental Protection for the Florida Greenways and Trails  
 31 Program, to acquire greenways and trails or greenways and



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1 trail systems pursuant to chapter 260, including, but not  
 2 limited to, abandoned railroad rights-of-way and the Florida  
 3 National Scenic Trail and for capital project expenditures as  
 4 described in this section. Capital project expenditures may  
 5 not exceed 10 percent of the funds allocated under this  
 6 paragraph.

7 (i) It is the intent of the Legislature that proceeds  
 8 of Florida Forever bonds distributed under this section shall  
 9 be expended in an efficient and fiscally responsible manner.  
 10 An agency that receives proceeds from Florida Forever bonds  
 11 under this section may not maintain a balance of unencumbered  
 12 funds in its Florida Forever subaccount beyond 3 fiscal years  
 13 from the date of deposit of funds from each bond issue. Any  
 14 funds that have not been expended or encumbered after 3 fiscal  
 15 years from the date of deposit shall be distributed by the  
 16 Legislature at its next regular session for use in the Florida  
 17 Forever program.

18 (j) For the purposes of paragraphs (d), (e), (f), and  
 19 (g), the agencies which receive the funds shall develop their  
 20 individual acquisition or restoration lists. Proposed  
 21 additions may be acquired if they are identified within the  
 22 original project boundary, the management plan required  
 23 pursuant to s. 253.034(5), or the management prospectus  
 24 required pursuant to s. 259.032(9)(d). Proposed additions not  
 25 meeting the requirements of this paragraph shall be submitted  
 26 to the Acquisition and Restoration Council for approval. The  
 27 council may only approve the proposed addition if it meets two  
 28 or more of the following criteria: serves as a link or  
 29 corridor to other publicly owned property; enhances the  
 30 protection or management of the property; would add a  
 31 desirable resource to the property; would create a more

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1 manageable boundary configuration; has a high resource value  
2 that otherwise would be unprotected; or can be acquired at  
3 less than fair market value.

4 (4) It is the intent of the Legislature that projects  
5 or acquisitions funded pursuant to paragraphs (3)(a) and (b)  
6 contribute to the achievement of the following goals:

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

9 1. The number of acres acquired through the state's  
10 land acquisition programs that contribute to the completion of  
11 Florida Preservation 2000 projects or projects begun before  
12 Preservation 2000;

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

15 3. The number of shared acquisition projects among  
16 Florida Forever funding partners and partners with other  
17 funding sources, including local governments and the Federal  
18 Government.

19 (b) Increase the protection of Florida's biodiversity  
20 at the species, natural community, and landscape levels, as  
21 measured by:

22 1. The number of acres acquired of significant  
23 strategic habitat conservation areas;

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

26 3. The number of acres acquired of significant  
27 landscapes, landscape linkages, and conservation corridors,  
28 giving priority to completing linkages;

29 4. The number of acres acquired of underrepresented  
30 native ecosystems;

31 5. The number of landscape-sized protection areas of

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1 at least 50,000 acres that exhibit a mosaic of predominantly  
2 intact or restorable natural communities established through  
3 new acquisition projects or augmentations to previous  
4 projects; or

5           6. The percentage increase in the number of  
6 occurrences of endangered species, threatened species, or  
7 species of special concern on publicly managed conservation  
8 areas.

9           (c) Protect, restore, and maintain the quality and  
10 natural functions of land, water, and wetland systems of the  
11 state, as measured by:

12           1. The number of acres of publicly owned land  
13 identified as needing restoration, acres undergoing  
14 restoration, and acres with restoration activities completed;

15           2. The percentage of water segments that fully meet,  
16 partially meet, or do not meet their designated uses as  
17 reported in the Department of Environmental Protection's State  
18 Water Quality Assessment 305(b) Report;

19           3. The percentage completion of targeted capital  
20 improvements in surface water improvement and management plans  
21 created under s. 373.453(2), regional or master stormwater  
22 management system plans, or other adopted restoration plans;

23           4. The number of acres acquired that protect natural  
24 floodplain functions;

25           5. The number of acres acquired that protect surface  
26 waters of the state;

27           6. The number of acres identified for acquisition to  
28 minimize damage from flooding and the percentage of those  
29 acres acquired;

30           7. The number of acres acquired that protect fragile  
31 coastal resources;

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1           8. The number of acres of functional wetland systems  
2 protected;

3           9. The percentage of miles of critically eroding  
4 beaches contiguous with public lands that are restored or  
5 protected from further erosion;

6           10. The percentage of public lakes and rivers in which  
7 invasive, nonnative aquatic plants are under maintenance  
8 control; or

9           11. The number of acres of public conservation lands  
10 in which upland invasive, exotic plants are under maintenance  
11 control.

12           (d) Ensure that sufficient quantities of water are  
13 available to meet the current and future needs of natural  
14 systems and the citizens of the state, as measured by:

15           1. The number of acres acquired which provide  
16 retention and storage of surface water in naturally occurring  
17 storage areas, such as lakes and wetlands, consistent with the  
18 maintenance of water resources or water supplies and  
19 consistent with district water supply plans;

20           2. The quantity of water made available through the  
21 water resource development component of a district water  
22 supply plan for which a water management district is  
23 responsible; or

24           3. The number of acres acquired of groundwater  
25 recharge areas critical to springs, sinks, aquifers, other  
26 natural systems, or water supply.

27           (e) Increase natural resource-based public  
28 recreational and educational opportunities, as measured by:

29           1. The number of acres acquired that are available for  
30 natural resource-based public recreation or education;

31           2. The miles of trails that are available for public

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1 recreation, giving priority to those that provide significant  
2 connections including those that will assist in completing the  
3 Florida National Scenic Trail; or

4           3. The number of new resource-based recreation  
5 facilities, by type, made available on public land.

6           (f) Preserve significant archaeological or historic  
7 sites, as measured by:

8           1. The increase in the number of and percentage of  
9 historic and archaeological properties listed in the Florida  
10 Master Site File or National Register of Historic Places which  
11 are protected or preserved for public use; or

12           2. The increase in the number and percentage of  
13 historic and archaeological properties that are in state  
14 ownership.

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

17           1. The number of acres acquired that are available for  
18 sustainable forest management;

19           2. The number of acres of state-owned forestland  
20 managed for economic return in accordance with current best  
21 management practices;

22           3. The number of acres of forestland acquired that  
23 will serve to maintain natural groundwater recharge functions;

24 or

25           4. The percentage and number of acres identified for  
26 restoration actually restored by reforestation.

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

29           1. The percentage of local governments that  
30 participate in land acquisition programs and acquire open  
31 space in urban cores; or

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

3           (i) Recognize the importance of the role military  
4 installations play in protecting and preserving the state's  
5 natural resources, as measured by the percentage and number of  
6 acres acquired to protect and buffer military installations.

7  
8 Florida Forever projects and acquisitions funded pursuant to  
9 paragraph (3)(c) shall be measured by goals developed by rule  
10 by the Florida Communities Trust Governing Board created in s.  
11 380.504.

12           (10) The Acquisition and Restoration Council shall  
13 give increased priority to those projects for which matching  
14 funds are available and to project elements previously  
15 identified on an acquisition list pursuant to this section  
16 that can be acquired at 80 percent or less of appraised value.  
17 Where the goals of the Florida Forever program overlap with  
18 the protection needs of military installations, the council  
19 shall give increased priority to projects that protect and  
20 buffer military installations and areas identified as clear  
21 zones, accident potential zones, air installation compatible  
22 use zones, or other buffer zones delineated by the state's  
23 military partners.

24           Section 2. Paragraphs (c) and (e) of subsection (3) of  
25 section 373.1961, Florida Statutes, are amended to read:

26           373.1961 Water production; general powers and duties;  
27 identification of needs; funding criteria; economic  
28 incentives; reuse funding.--

29           (3) FUNDING.--

30           (c) The financial assistance for alternative water  
31 supply projects allocated in each district's budget as

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1 required in s. 373.196(6) shall be combined with the state  
 2 funds and used to assist in funding the project construction  
 3 costs of alternative water supply projects selected by the  
 4 governing board. If a district has determined that a regional  
 5 water supply plan is not necessary, or if the district has not  
 6 completed any regional water supply plan, or the regional  
 7 water supply plan does not identify the need for any  
 8 alternative water supply projects, funds deposited in that  
 9 district's trust fund may also be used for water resource  
 10 development projects, including, but not limited to, springs  
 11 protection.

12 (e) Applicants for projects that may receive funding  
 13 assistance pursuant to the Water Protection and Sustainability  
 14 Program shall, at a minimum, be required to pay 60 percent of  
 15 the project's construction costs. The water management  
 16 districts may, at their discretion, totally or partially waive  
 17 this requirement for projects sponsored by financially  
 18 disadvantaged small local governments as defined in s.  
 19 403.885(4). The water management districts or basin boards  
 20 may, at their discretion, use ad valorem or federal revenues  
 21 to assist a project applicant in meeting the requirements of  
 22 this paragraph. However, the state's share of financial  
 23 assistance for project construction shall not exceed twenty  
 24 percent of the total project construction costs.

25 Section 3. Subsection (2) of section 373.459, Florida  
 26 Statutes, is amended to read:

27 373.459 Funds for surface water improvement and  
 28 management.--

29 (2) Except for the Suwannee River Water Management  
 30 District, the Northwest Florida Water Management District, or  
 31 financially disadvantaged small local governments as defined

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1 under s. 403.885(5), an entity that receives state funding for  
 2 the implementation of programs specified in ss.  
 3 373.451-373.459, including a water management district,  
 4 federal, local, or regional agency, university, or nonprofit  
 5 or private organization, shall provide a 50-percent match of  
 6 cash or in-kind services towards the implementation of the  
 7 specific project for which it is contracting.

8 Section 4. Subsection (9) of section 373.59, Florida  
 9 Statutes, is amended to read:

10 373.59 Water Management Lands Trust Fund.--

11 (9) Moneys in the fund not needed to meet current  
 12 obligations incurred under this section shall be transferred  
 13 to the Water Protection and Sustainability Program Trust Fund  
 14 in the Department of Environmental Protection and shall  
 15 supplement revenues transferred from the Department of Revenue  
 16 for deposit into the Water Protection and Sustainability  
 17 Program Trust Fund to be distributed by the Department of  
 18 Environmental Protection to the water management districts to  
 19 provide funding assistance for the development of alternative  
 20 water supplies as provided in s. 373.1961. ~~State Board of~~  
 21 Administration, to the credit of the fund, to be invested in  
 22 the manner provided by law. ~~Interest received on such~~  
 23 investments shall be credited to the fund.

24 Section 5. Subsection (1) of section 403.891, Florida  
 25 Statutes, is amended to read:

26 403.891 Water Protection and Sustainability Program  
 27 Trust Fund of the Department of Environmental Protection.--

28 (1) The Water Protection and Sustainability Program  
 29 Trust Fund is created within the Department of Environmental  
 30 Protection. The purpose of the trust fund is to receive funds  
 31 pursuant to s. 201.15(1)(d)2., funds as provided under s.



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1 373.59(9), funds from other sources provided for in law and  
 2 the General Appropriations Act, and funds received by the  
 3 department in order to implement the provisions of the Water  
 4 Sustainability and Protection Program created in s. 403.890.  
 5 However, funds transferred from the Water Management Lands  
 6 Trust Fund under s. 373.59(9) may only fund alternative water  
 7 supply projects under s. 373.1961.

8 Section 6. Subsection (1) of section 373.4144, Florida  
 9 Statutes, is amended to read:

10 373.4144 Federal environmental permitting.--

11 (1) In order to effectuate efficient wetland  
 12 permitting and avoid duplication, the department and water  
 13 management districts shall implement a voluntary statewide  
 14 programmatic general permit for all dredge and fill activities  
 15 impacting 10 acres or less of wetlands or other surface  
 16 waters, including navigable waters, subject to agreement with  
 17 the United States Army Corps of Engineers in accordance with  
 18 the following conditions:

19 (a) By seeking to use the statewide programmatic  
 20 general permit authorized by this section, an applicant  
 21 consents to the department or district applying the  
 22 landward-most delineation of wetlands or other surface waters  
 23 applicable pursuant to this part or the regulations  
 24 implementing s. 404 of the Clean Water Act, Pub. L. No.  
 25 92-500, as amended, 33 U.S.C. ss. 1251 et seq., and s. 10 of  
 26 the Rivers and Harbors Act of 1899. In the implementation of  
 27 the 1987 Corps of Engineers Wetlands Manual Technical Report  
 28 (87-1), the department or district shall equate high organic  
 29 matter in the surface horizon in accordance with the National  
 30 Resource Conservation Service indications for hydric soils  
 31 approved for use in this state. The department shall ensure

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1 statewide coordination and consistency in the delineation of  
 2 surface waters and wetlands, pursuant to the statewide  
 3 programmatic general permit authorized by this part, by  
 4 providing training and guidance to the department and  
 5 districts in the implementation of such permit.

6 (b) By seeking to use the statewide programmatic  
 7 general permit authorized by this subsection an applicant  
 8 consents to applicable substantive federal wetland regulatory  
 9 criteria, which are not included pursuant to this part, but  
 10 which are authorized by the regulation implementing s. 404 of  
 11 the Clean Water Act, Pub. L. No. 92-500, as amended, 33 U.S.C.  
 12 ss. 1251 et seq., and s. 10 of the Rivers and Harbors Act of  
 13 1899 as required by the Corps of Engineers, notwithstanding  
 14 the provisions of s. 373.4145 and for the limited purposes of  
 15 implementing the statewide programmatic general permit  
 16 authorized by this section. ~~The department is directed to~~  
 17 ~~develop, on or before October 1, 2005, a mechanism or plan to~~  
 18 ~~consolidate, to the maximum extent practicable, the federal~~  
 19 ~~and state wetland permitting programs. It is the intent of the~~  
 20 ~~Legislature that all dredge and fill activities impacting 10~~  
 21 ~~acres or less of wetlands or waters, including navigable~~  
 22 ~~waters, be processed by the state as part of the environmental~~  
 23 ~~resource permitting program implemented by the department and~~  
 24 ~~the water management districts. The resulting mechanism or~~  
 25 ~~plan shall analyze and propose the development of an expanded~~  
 26 ~~state programmatic general permit program in conjunction with~~  
 27 ~~the United States Army Corps of Engineers pursuant to s. 404~~  
 28 ~~of the Clean Water Act, Pub. L. No. 92-500, as amended, 33~~  
 29 ~~U.S.C. ss. 1251 et seq., and s. 10 of the Rivers and Harbors~~  
 30 ~~Act of 1899. Alternatively, or in combination with an expanded~~  
 31 ~~state programmatic general permit, the mechanism or plan may~~

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1 ~~propose the creation of a series of regional general permits~~  
 2 ~~issued by the United States Army Corps of Engineers pursuant~~  
 3 ~~to the referenced statutes. All of the regional general~~  
 4 ~~permits must be administered by the department or the water~~  
 5 ~~management districts or their designees.~~

6 Section 7. Subsection (19) of section 373.4211,  
 7 Florida Statutes, is amended to read:

8 373.4211 Ratification of chapter 17-340, Florida  
 9 Administrative Code, on the delineation of the landward extent  
 10 of wetlands and surface waters.--Pursuant to s. 373.421, the  
 11 Legislature ratifies chapter 17-340, Florida Administrative  
 12 Code, approved on January 13, 1994, by the Environmental  
 13 Regulation Commission, with the following changes:

14 (19)(a) Rule 17-340.450(3) is amended by adding, after  
 15 the species list, the following language:

16 "Within Monroe County and the Key Largo portion of Dade  
 17 County only, the following species shall be listed as  
 18 facultative: Alternanthera paronychioides, Byrsonima lucida,  
 19 Ernodea littoralis, Guapira discolor, Marnilkara bahamensis,  
 20 Pisonis rotundata, Pithecellobium keyensis, Pithecellobium  
 21 unguis-cati, Randia aculeata, Reynosia septentrionalis, and  
 22 Thrinax radiata."

23 (b) The vegetative index used to identify and  
 24 delineate wetlands is modified such that slash pine (pinus  
 25 elliotti) and gallberry (Ilex global) are classified as  
 26 facultative and thus added to the list in rule 62-340.450(3),  
 27 Florida Administrative Code.

28 (c) Surface water and wetland delineations identified  
 29 and approved by a permit issued under rules adopted pursuant  
 30 to this part prior to the effective date of the statewide  
 31 programmatic general permit authorized by s. 373.4144(1) shall

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1 remain valid until expiration of such permit, notwithstanding  
 2 the changes to rule 62-340.450(3), Florida Administrative  
 3 Code, as described in this subsection. For purposes of this  
 4 paragraph, the term "identified and approved" means:

5 1. The delineation was field-verified by the  
 6 permitting agency and such verification was surveyed as part  
 7 of the application review process for the permit; or

8 2. The delineation was field-verified by the  
 9 permitting agency and approved pursuant to the permit.

10

11 Where surface water and wetland delineations were not  
 12 identified and approved pursuant to the permit issued under  
 13 rules adopted pursuant to this part, delineations within the  
 14 geographical area to which such permit applies shall be  
 15 determined pursuant to the rules applicable at the time the  
 16 permit was issued, notwithstanding the changes to rule  
 17 62-340.450(3), Florida Administrative Code, as described in  
 18 this subsection. This paragraph shall also apply to any  
 19 modification of the permit issued under rules adopted pursuant  
 20 to this part, which does not constitute a substantial  
 21 modification, within the geographical area to which the permit  
 22 applies.

23 (d) Any declaratory statement issued by the department  
 24 under s. 403.914, 1984 Supplement to the Florida Statutes  
 25 1983, as amended, pursuant to rules adopted thereunder, or by  
 26 the department or a water management district under s.  
 27 373.421, in response to a petition filed on or before the  
 28 effective date of the statewide programmatic general permit  
 29 authorized by s. 373.4144(1), shall continue to be valid for  
 30 the duration of such declaratory statement. Any such petition  
 31 pending on or before the effective date of the statewide

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1 programmatic general permit authorized by s. 373.4144(1),  
2 shall be exempt from the changes to rule 62-340.450(3),  
3 Florida Administrative Code, as described in this subsection,  
4 and shall be subject to the provisions of chapter 62-340,  
5 Florida Administrative Code, in effect prior to such change.  
6 Activities proposed within the boundaries of a valid  
7 declaratory statement issued pursuant to a petition submitted  
8 to either the department or the relevant water management  
9 district on or before the effective date of the statewide  
10 programmatic general permit authorized by s. 373.4144(1), or a  
11 revalidated jurisdictional determination prior to its  
12 expiration, shall continue thereafter to be exempt from the  
13 changes to rule 62-340.450(3), Florida Administrative Code, as  
14 described in this subsection.

15       (e) A permit application under this part for dredging  
16 and filling or other activity which is pending on or before  
17 the effective date of the statewide programmatic general  
18 permit authorized by s. 373.4144(1) shall be exempt from the  
19 changes to rule 62-340.450(3), Florida Administrative Code, as  
20 described in this subsection.

21       (f) Activities associated with mining operations as  
22 defined by and subject to ss. 378.201-378.212 and  
23 378.701-378.703 and included in a conceptual reclamation plan  
24 or modification application submitted on or before the  
25 effective date of the statewide programmatic general permit  
26 authorized by s. 373.4144(1) shall be exempt from changes to  
27 rule 62-340.450(3), Florida Administrative Code, as described  
28 in this subsection.

29       Section 8. This act shall take effect upon becoming a  
30 law.

31

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

2 And the title is amended as follows:

3           Delete everything before the enacting clause

4

5 and insert:

6                           A bill to be entitled

7           An act relating to environmental protection;

8           amending s. 259.105, F.S.; revising

9           requirements relating to the distribution of

10           funds under the Florida Forever program;

11           revising goals of the program; establishing the

12           Legislature's intent that the protection and

13           buffering of military installations is of great

14           importance; directing the Acquisition and

15           Restoration Council to give priority

16           consideration to the acquisition of lands that

17           protect and buffer military installations;

18           amending s. 373.1961, F.S.; clarifying

19           requirements for the use of alternative water

20           supply funds; amending s. 373.459, F.S.;

21           providing an exception to match requirements

22           for the Suwannee River and Northwest Florida

23           Water Management Districts; amending s. 373.59,

24           F.s.; requiring that certain funds transferred

25           to the State Board of Administration to the

26           credit of the Water Management Lands Trust Fund

27           be transferred to the Water Protection and

28           Sustainability Program Trust Fund in the

29           Department of Environmental protection ;

30           specifying the purposes of which transferred

31           funds may be used; amending s. 403.891, F.S.;

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1 providing for the deposit of certain funds into  
2 the Water Protection and Sustainability Program  
3 Trust Fund; limiting the purposes for which  
4 those funds may be used; amending s. 373.4144,  
5 F.S.; removing provisions requiring the  
6 Department of Environmental Protection to  
7 develop a mechanism consolidating federal and  
8 state wetland permitting programs; authorizing  
9 implementation of a statewide programmatic  
10 general permit by the department and water  
11 management districts for certain dredge and  
12 fill activities; specifying conditions  
13 applicable to such permit; authorizing the  
14 department to adopt rules and apply program  
15 criteria; amending s. 373.4211, F.S.; revising  
16 provisions concerning the vegetative index used  
17 to delineate the landward extent of wetlands  
18 and surface waters; providing a definition;  
19 providing for permit modification under certain  
20 circumstances; providing for certain  
21 declaratory statements from the department;  
22 providing exemptions for certain permit  
23 petitions and applications relating to  
24 specified activities; providing an effective  
25 date.

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