

Bill No. SB 2544

Barcode 213840

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation (Dockery)
recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. The Legislature finds that rising land costs have reduced the effectiveness of the Florida Forever program. It is therefore the intent of the Legislature to accelerate the distribution of funds under the Florida Forever program created under s. 259.105, Florida Statutes. In order to provide for the issuance of bonds anticipated under s. 215.618, Florida Statutes, by the end of the 2007-2008 fiscal year, the annual limit on debt service for Florida Forever bonds should be lifted to allow bond proceeds distributed under the Florida Forever program to rise to \$600 million in each of the 2006-2007 and 2007-2008 fiscal years.

Section 2. Paragraph (a) of subsection (1) of section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.--All taxes

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1 collected under this chapter shall be distributed as follows
 2 and shall be subject to the service charge imposed in s.
 3 215.20(1), except that such service charge shall not be levied
 4 against any portion of taxes pledged to debt service on bonds
 5 to the extent that the amount of the service charge is
 6 required to pay any amounts relating to the bonds:

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

10 (a) Amounts as shall be necessary to pay the debt
 11 service on, or fund debt service reserve funds, rebate
 12 obligations, or other amounts payable with respect to
 13 Preservation 2000 bonds issued pursuant to s. 375.051 and
 14 Florida Forever bonds issued pursuant to s. 215.618, shall be
 15 paid into the State Treasury to the credit of the Land
 16 Acquisition Trust Fund to be used for such purposes. The
 17 amount transferred to the Land Acquisition Trust Fund for such
 18 purposes shall not exceed \$300 million in fiscal year
 19 1999-2000 and thereafter for Preservation 2000 bonds and bonds
 20 issued to refund Preservation 2000 bonds, and \$300 million in
 21 fiscal year 2000-2001 and thereafter for Florida Forever
 22 bonds. The annual amount transferred to the Land Acquisition
 23 Trust Fund for Florida Forever bonds shall not exceed \$30
 24 million in the first fiscal year in which bonds are issued.

25 Beginning in the 2006-2007 fiscal year, the limitation on the
 26 amount transferred shall be increased by an additional ~~\$30~~ \$60
 27 million in each subsequent fiscal year, but shall not exceed a
 28 total of \$300 million in any fiscal year for all bonds issued.
 29 It is the intent of the Legislature that all bonds issued to
 30 fund the Florida Forever Act be retired by December 31, 2030.

31 Except for bonds issued to refund previously issued bonds, no

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1 series of bonds may be issued pursuant to this paragraph
2 unless such bonds are approved and the debt service for the
3 remainder of the fiscal year in which the bonds are issued is
4 specifically appropriated in the General Appropriations Act.
5 For purposes of refunding Preservation 2000 bonds, amounts
6 designated within this section for Preservation 2000 and
7 Florida Forever bonds may be transferred between the two
8 programs to the extent provided for in the documents
9 authorizing the issuance of the bonds. The Preservation 2000
10 bonds and Florida Forever bonds shall be equally and ratably
11 secured by moneys distributable to the Land Acquisition Trust
12 Fund pursuant to this section, except to the extent
13 specifically provided otherwise by the documents authorizing
14 the issuance of the bonds. No moneys transferred to the Land
15 Acquisition Trust Fund pursuant to this paragraph, or earnings
16 thereon, shall be used or made available to pay debt service
17 on the Save Our Coast revenue bonds.

18 Section 3. Effective July 1, 2007, paragraph (a) of
19 subsection (1) of section 201.15, Florida Statutes, as amended
20 by section 1 of chapter 2005-92, Laws of Florida, is amended
21 to read:

22 201.15 Distribution of taxes collected.--All taxes
23 collected under this chapter shall be distributed as follows
24 and shall be subject to the service charge imposed in s.
25 215.20(1), except that such service charge shall not be levied
26 against any portion of taxes pledged to debt service on bonds
27 to the extent that the amount of the service charge is
28 required to pay any amounts relating to the bonds:

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

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1 (a) Amounts as shall be necessary to pay the debt
2 service on, or fund debt service reserve funds, rebate
3 obligations, or other amounts payable with respect to
4 Preservation 2000 bonds issued pursuant to s. 375.051 and
5 Florida Forever bonds issued pursuant to s. 215.618, shall be
6 paid into the State Treasury to the credit of the Land
7 Acquisition Trust Fund to be used for such purposes. The
8 amount transferred to the Land Acquisition Trust Fund shall
9 not exceed \$300 million in fiscal year 1999-2000 and
10 thereafter for Preservation 2000 bonds and bonds issued to
11 refund Preservation 2000 bonds, and \$300 million in fiscal
12 year 2000-2001 and thereafter for Florida Forever bonds. The
13 annual amount transferred to the Land Acquisition Trust Fund
14 for Florida Forever bonds shall not exceed \$30 million in the
15 first fiscal year in which bonds are issued. Beginning in the
16 2006-2007 fiscal year, the limitation on the amount
17 transferred shall be increased by an additional \$60 ~~\$30~~
18 million in each subsequent fiscal year, but shall not exceed a
19 total of \$300 million in any fiscal year for all bonds issued.
20 It is the intent of the Legislature that all bonds issued to
21 fund the Florida Forever Act be retired by December 31, 2030.
22 Except for bonds issued to refund previously issued bonds, no
23 series of bonds may be issued pursuant to this paragraph
24 unless such bonds are approved and the debt service for the
25 remainder of the fiscal year in which the bonds are issued is
26 specifically appropriated in the General Appropriations Act.
27 For purposes of refunding Preservation 2000 bonds, amounts
28 designated within this section for Preservation 2000 and
29 Florida Forever bonds may be transferred between the two
30 programs to the extent provided for in the documents
31 authorizing the issuance of the bonds. The Preservation 2000

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1 bonds and Florida Forever bonds shall be equally and ratably
 2 secured by moneys distributable to the Land Acquisition Trust
 3 Fund pursuant to this section, except to the extent
 4 specifically provided otherwise by the documents authorizing
 5 the issuance of the bonds. No moneys transferred to the Land
 6 Acquisition Trust Fund pursuant to this paragraph, or earnings
 7 thereon, shall be used or made available to pay debt service
 8 on the Save Our Coast revenue bonds.

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

11 259.105 The Florida Forever Act.--

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

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

18 2. The continued alteration and development of
 19 Florida's natural areas to accommodate the state's rapidly
 20 growing population have contributed to the degradation of
 21 water resources, the fragmentation and destruction of wildlife
 22 habitats, the loss of outdoor recreation space, and the
 23 diminishment of wetlands, forests, and public beaches.

24 3. The potential development of Florida's remaining
 25 natural areas and escalation of land values require a
 26 continuation of government efforts to restore, bring under
 27 public protection, or acquire lands and water areas to
 28 preserve the state's invaluable quality of life.

29 4. Florida's groundwater, surface waters, and springs
 30 are under tremendous pressure due to population growth and
 31 economic expansion and require special protection and

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1 restoration efforts. To ensure that sufficient quantities of
 2 water are available to meet the current and future needs of
 3 the natural systems and citizens of the state, and assist in
 4 achieving the planning goals of the department and the water
 5 management districts, water resource development projects on
 6 public lands, where compatible with the resource values of and
 7 management objectives for the lands, are appropriate.

8 5. The needs of urban Florida for high-quality outdoor
 9 recreational opportunities, greenways, trails, and open space
 10 have not been fully met by previous acquisition programs.
 11 Through such programs as the Florida Communities Trust and the
 12 Florida Recreation Development Assistance Program, the state
 13 shall place additional emphasis on acquiring, protecting,
 14 preserving, and restoring open space, greenways, and
 15 recreation properties within urban areas where pristine
 16 natural communities or water bodies no longer exist because of
 17 the proximity of developed property.

18 6. Many of Florida's unique ecosystems, such as the
 19 Florida Everglades, are facing ecological collapse due to
 20 Florida's burgeoning population. To preserve these valuable
 21 ecosystems for future generations, parcels of land must be
 22 acquired to facilitate ecosystem restoration.

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

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

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

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

17 10. It is the intent of the Legislature to change the
18 focus and direction of the state's major land acquisition
19 programs and to extend funding and bonding capabilities, so
20 that future generations may enjoy the natural resources of
21 Florida.

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

31 (c) Public agencies or other entities that receive

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1 funds under this section are encouraged to better coordinate
2 their expenditures so that project acquisitions, when combined
3 with acquisitions under Preservation 2000, Save Our Rivers,
4 the Florida Communities Trust, and other public land
5 acquisition programs, will form more complete patterns of
6 protection for natural areas and functioning ecosystems, to
7 better accomplish the intent of this section.

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

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

21 (f) To ensure success and provide accountability to
22 the citizens of this state, it is the intent of the
23 Legislature that any bond proceeds used pursuant to this
24 section be used to implement the goals and objectives
25 recommended by the Florida Forever Advisory Council as
26 approved by the Board of Trustees of the Internal Improvement
27 Trust Fund and the Legislature.

28 (g) As it has with previous land acquisition programs,
29 the Legislature recognizes the desires of the citizens of this
30 state to prosper through economic development and to preserve
31 the natural areas and recreational open space of Florida. The

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1 Legislature further recognizes the urgency of restoring the
 2 natural functions of public lands or water bodies before they
 3 are degraded to a point where recovery may never occur, yet
 4 acknowledges the difficulty of ensuring adequate funding for
 5 restoration efforts in light of other equally critical
 6 financial needs of the state. It is the Legislature's desire
 7 and intent to fund the implementation of this section and to
 8 do so in a fiscally responsible manner, by issuing bonds to be
 9 repaid with documentary stamp tax revenue.

10 (h) The Legislature further recognizes the importance
 11 of state and federal military installations in protecting and
 12 preserving the state and its natural resources, and in
 13 contributing to the economic prosperity of the state. It is
 14 therefore the Legislature's intent that where the goals of the
 15 Florida Forever program overlap with the protection needs of
 16 military installations, agencies receiving funds under the
 17 Florida Forever program shall cooperate with the state's
 18 military partners to protect and buffer military
 19 installations, including areas identified as clear zones,
 20 accident potential zones, air installation compatible use
 21 zones, and other buffer zones as delineated by the state's
 22 military partners.

23 (3) Less the costs of issuing and the costs of funding
 24 reserve accounts and other costs associated with bonds, the
 25 proceeds of bonds issued pursuant to this section shall be
 26 deposited into the Florida Forever Trust Fund created by s.
 27 259.1051. The bond proceeds and any funding provided under s.
 28 375.041(6) shall be distributed by the Department of
 29 Environmental Protection in the following manner:

30 (a) Thirty-five percent to the Department of
 31 Environmental Protection for the acquisition of lands and

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1 capital project expenditures necessary to implement the water
 2 management districts' priority lists developed pursuant to s.
 3 373.199. The funds are to be distributed to the water
 4 management districts as provided in subsection (11). A
 5 minimum of 50 percent of the total funds provided over the
 6 life of the Florida Forever program pursuant to this paragraph
 7 shall be used for the acquisition of lands.

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

20 (c) Twenty-two percent to the Department of Community
 21 Affairs for use by the Florida Communities Trust for the
 22 purposes of part III of chapter 380, as described and limited
 23 by this subsection, and grants to local governments or
 24 nonprofit environmental organizations that are tax exempt
 25 under s. 501(c)(3) of the United States Internal Revenue Code
 26 for the acquisition of community-based projects, urban open
 27 spaces, parks, and greenways to implement local government
 28 comprehensive plans. From funds available to the trust and
 29 used for land acquisition, 75 percent shall be matched by
 30 local governments on a dollar-for-dollar basis. The
 31 Legislature intends that the Florida Communities Trust

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

24 (d) Two percent to the Department of Environmental
25 Protection for ~~grants~~ to qualified local entities for the
26 acquisition or development of land for public outdoor
27 recreation purposes under ~~pursuant to~~ s. 375.075.

28 (e) One and five-tenths percent to the Department of
29 Environmental Protection for the purchase of inholdings and
30 additions to state parks and for capital project expenditures
31 as described in this section. Capital project expenditures may

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1 not exceed 10 percent of the funds allocated under this
 2 paragraph. For the purposes of this paragraph, "state park"
 3 means any real property in the state which is under the
 4 jurisdiction of the Division of Recreation and Parks of the
 5 department, or which may come under its jurisdiction.

6 (f) One and five-tenths percent to the Division of
 7 Forestry of the Department of Agriculture and Consumer
 8 Services to fund the acquisition of state forest inholdings
 9 and additions pursuant to s. 589.07, the implementation of
 10 reforestation plans or sustainable forestry management
 11 practices, and for capital project expenditures as described
 12 in this section. Capital project expenditures may not exceed
 13 10 percent of the funds allocated under this paragraph.

14 (g) One and five-tenths percent to the Fish and
 15 Wildlife Conservation Commission to fund the acquisition of
 16 inholdings and additions to lands managed by the commission
 17 which are important to the conservation of fish and wildlife
 18 and for capital project expenditures as described in this
 19 section. Capital project expenditures may not exceed 10
 20 percent of the funds allocated under this paragraph.

21 (h) One and five-tenths percent to the Department of
 22 Environmental Protection for the Florida Greenways and Trails
 23 Program, to acquire greenways and trails or greenways and
 24 trail systems pursuant to chapter 260, including, but not
 25 limited to, abandoned railroad rights-of-way and the Florida
 26 National Scenic Trail and for capital project expenditures as
 27 described in this section. Capital project expenditures may
 28 not exceed 10 percent of the funds allocated under this
 29 paragraph.

30 (i) It is the intent of the Legislature that proceeds
 31 of Florida Forever bonds distributed under this section shall

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1 be expended in an efficient and fiscally responsible manner.
 2 An agency that receives proceeds from Florida Forever bonds
 3 under this section may not maintain a balance of unencumbered
 4 funds in its Florida Forever subaccount beyond 3 fiscal years
 5 from the date of deposit of funds from each bond issue. Any
 6 funds that have not been expended or encumbered after 3 fiscal
 7 years from the date of deposit shall be distributed by the
 8 Legislature at its next regular session for use in the Florida
 9 Forever program.

10 (j) For the purposes of paragraphs (d), (e), (f), and
 11 (g), the agencies which receive the funds shall develop their
 12 individual acquisition or restoration lists. Proposed
 13 additions may be acquired if they are identified within the
 14 original project boundary, the management plan required
 15 pursuant to s. 253.034(5), or the management prospectus
 16 required pursuant to s. 259.032(9)(d). Proposed additions not
 17 meeting the requirements of this paragraph shall be submitted
 18 to the Acquisition and Restoration Council for approval. The
 19 council may only approve the proposed addition if it meets two
 20 or more of the following criteria: serves as a link or
 21 corridor to other publicly owned property; enhances the
 22 protection or management of the property; would add a
 23 desirable resource to the property; would create a more
 24 manageable boundary configuration; has a high resource value
 25 that otherwise would be unprotected; or can be acquired at
 26 less than fair market value.

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

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

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1 1. The number of acres acquired through the state's
 2 land acquisition programs that contribute to the completion of
 3 Florida Preservation 2000 projects or projects begun before
 4 Preservation 2000;

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

7 3. The number of shared acquisition projects among
 8 Florida Forever funding partners and partners with other
 9 funding sources, including local governments and the Federal
 10 Government.

11 (b) Increase the protection of Florida's biodiversity
 12 at the species, natural community, and landscape levels, as
 13 measured by:

14 1. The number of acres acquired of significant
 15 strategic habitat conservation areas;

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

18 3. The number of acres acquired of significant
 19 landscapes, landscape linkages, and conservation corridors,
 20 giving priority to completing linkages;

21 4. The number of acres acquired of underrepresented
 22 native ecosystems;

23 5. The number of landscape-sized protection areas of
 24 at least 50,000 acres that exhibit a mosaic of predominantly
 25 intact or restorable natural communities established through
 26 new acquisition projects or augmentations to previous
 27 projects; or

28 6. The percentage increase in the number of
 29 occurrences of endangered species, threatened species, or
 30 species of special concern on publicly managed conservation
 31 areas.

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1 (c) Protect, restore, and maintain the quality and
2 natural functions of land, water, and wetland systems of the
3 state, as measured by:

4 1. The number of acres of publicly owned land
5 identified as needing restoration, acres undergoing
6 restoration, and acres with restoration activities completed;

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

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

15 4. The number of acres acquired that protect natural
16 floodplain functions;

17 5. The number of acres acquired that protect surface
18 waters of the state;

19 6. The number of acres identified for acquisition to
20 minimize damage from flooding and the percentage of those
21 acres acquired;

22 7. The number of acres acquired that protect fragile
23 coastal resources;

24 8. The number of acres of functional wetland systems
25 protected;

26 9. The percentage of miles of critically eroding
27 beaches contiguous with public lands that are restored or
28 protected from further erosion;

29 10. The percentage of public lakes and rivers in which
30 invasive, nonnative aquatic plants are under maintenance
31 control; or

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

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

7 1. The number of acres acquired which provide
8 retention and storage of surface water in naturally occurring
9 storage areas, such as lakes and wetlands, consistent with the
10 maintenance of water resources or water supplies and
11 consistent with district water supply plans;

12 2. The quantity of water made available through the
13 water resource development component of a district water
14 supply plan for which a water management district is
15 responsible; or

16 3. The number of acres acquired of groundwater
17 recharge areas critical to springs, sinks, aquifers, other
18 natural systems, or water supply.

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

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

23 2. The miles of trails that are available for public
24 recreation, giving priority to those that provide significant
25 connections including those that will assist in completing the
26 Florida National Scenic Trail; or

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

29 (f) Preserve significant archaeological or historic
30 sites, as measured by:

31 1. The increase in the number of and percentage of

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1 historic and archaeological properties listed in the Florida
2 Master Site File or National Register of Historic Places which
3 are protected or preserved for public use; or

4 2. The increase in the number and percentage of
5 historic and archaeological properties that are in state
6 ownership.

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

9 1. The number of acres acquired that are available for
10 sustainable forest management;

11 2. The number of acres of state-owned forestland
12 managed for economic return in accordance with current best
13 management practices;

14 3. The number of acres of forestland acquired that
15 will serve to maintain natural groundwater recharge functions;
16 or

17 4. The percentage and number of acres identified for
18 restoration actually restored by reforestation.

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

21 1. The percentage of local governments that
22 participate in land acquisition programs and acquire open
23 space in urban cores; or

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

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

30
31 Florida Forever projects and acquisitions funded pursuant to

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

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

16 Section 5. Subsections (1) and (3) of section
17 259.1051, Florida Statutes, are amended to read:

18 259.1051 Florida Forever Trust Fund.--

19 (1) There is created the Florida Forever Trust Fund to
20 carry out the purposes of ss. 259.032, 259.105, and 375.031.
21 The Florida Forever Trust Fund shall be held and administered
22 by the Department of Environmental Protection. Funds credited
23 to the Land Acquisition Trust Fund under s. 375.041(6) and
24 proceeds from the sale of bonds, except proceeds of refunding
25 bonds, issued under s. 215.618 and payable from moneys
26 transferred to the Land Acquisition Trust Fund under s.
27 201.15(1)(a), not to exceed \$3 billion, must be deposited into
28 this trust fund to be distributed and used as provided in s.
29 259.105(3). The bond resolution adopted by the governing board
30 of the Division of Bond Finance of the State Board of
31 Administration may provide for additional provisions that

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1 govern the disbursement of the bond proceeds.

2 (3) The Department of Environmental Protection shall
3 ensure that funds as provided under s. 375.041(6) and the
4 proceeds from the sale of bonds issued under s. 215.618 and
5 payable from moneys transferred to the Land Acquisition Trust
6 Fund under s. 201.15(1)(a) shall be administered and expended
7 in a manner that ensures compliance of each issue of bonds
8 that are issued on the basis that interest thereon will be
9 excluded from gross income for federal income tax purposes,
10 with the applicable provisions of the United States Internal
11 Revenue Code and the regulations promulgated thereunder, to
12 the extent necessary to preserve the exclusion of interest on
13 the bonds from gross income for federal income tax purposes.
14 The Department of Environmental Protection shall administer
15 the use and disbursement of the proceeds of such funds bonds
16 or require that the use and disbursement thereof be
17 administered in a manner to implement strategies to maximize
18 any available benefits under the applicable provisions of the
19 United States Internal Revenue Code or regulations promulgated
20 thereunder, to the extent not inconsistent with the purposes
21 identified in s. 259.105(3).

22 Section 6. Subsection (6) of section 375.041, Florida
23 Statutes, is amended to read:

24 375.041 Land Acquisition Trust Fund.--

25 (6) For the 2006-2007 and 2007-2008 fiscal years only,
26 any funds credited to the Land Acquisition Trust Fund in
27 excess of distributions required by state law as of July 1,
28 2006, shall be transferred to the Florida Forever Trust Fund
29 in the Department of Environmental Protection to be used to
30 accelerate the acquisition of land under the Florida Forever
31 program. Any bond issue authorized under s. 215.618 shall be

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1 reduced by the funds appropriated under this subsection and
2 funds appropriated to the Florida Forever Trust Fund under
3 this subsection may not exceed \$600 million in any fiscal
4 year. This paragraph expires July 1, 2008. For the 2005-2006
5 fiscal year only, funds allocated to the Land Acquisition
6 Trust Fund may also be appropriated for water quality issues
7 in the General Appropriations Act. This subsection expires
8 July 1, 2006.

9 Section 7. Paragraphs (c) and (e) of subsection (3) of
10 section 373.1961, Florida Statutes, are amended to read:

11 373.1961 Water production; general powers and duties;
12 identification of needs; funding criteria; economic
13 incentives; reuse funding.--

14 (3) FUNDING.--

15 (c) The financial assistance for alternative water
16 supply projects allocated in each district's budget as
17 required in s. 373.196(6) shall be combined with the state
18 funds and used to assist in funding the project construction
19 costs of alternative water supply projects selected by the
20 governing board. If a district has determined that a regional
21 water supply plan is not necessary, or if the district has not
22 completed any regional water supply plan, or the regional
23 water supply plan does not identify the need for any
24 alternative water supply projects, funds deposited in that
25 district's trust fund may also be used for water resource
26 development projects, including, but not limited to, springs
27 protection.

28 (e) Applicants for projects that may receive funding
29 assistance pursuant to the Water Protection and Sustainability
30 Program shall, at a minimum, be required to pay 60 percent of
31 the project's construction costs. The water management

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1 | districts may, at their discretion, totally or partially waive
 2 | this requirement for projects sponsored by financially
 3 | disadvantaged small local governments as defined in s.
 4 | 403.885(4). The water management districts or basin boards
 5 | may, at their discretion, use ad valorem or federal revenues
 6 | to assist a project applicant in meeting the requirements of
 7 | this paragraph. However, the state's share of financial
 8 | assistance for project construction shall not exceed twenty
 9 | percent of the total project construction costs.

10 | Section 8. Subsection (2) of section 373.459, Florida
 11 | Statutes, is amended to read:

12 | 373.459 Funds for surface water improvement and
 13 | management.--

14 | (2) Except for the Suwannee River Water Management
 15 | District, the Northwest Florida Water Management District or
 16 | financially disadvantaged small local governments as defined
 17 | under s. 403.885(5), an entity that receives state funding for
 18 | the implementation of programs specified in ss.

19 | 373.451-373.459, including a water management district,
 20 | federal, local, or regional agency, university, or nonprofit
 21 | or private organization, shall provide a 50-percent match of
 22 | cash or in-kind services towards the implementation of the
 23 | specific project for which it is contracting.

24 | Section 9. Subsection (9) of section 373.59, Florida
 25 | Statutes, is amended to read:

26 | 373.59 Water Management Lands Trust Fund.--

27 | (9) Moneys in the fund not needed to meet current
 28 | obligations incurred under this section shall be transferred
 29 | to the Water Protection and Sustainability Program Trust Fund
 30 | in the Department of Environmental Protection and shall
 31 | supplement revenues transferred from the Department of Revenue

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1 for deposit into the Water Protection and Sustainability
 2 Program Trust Fund to be distributed by the Department of
 3 Environmental Protection to the water management districts to
 4 provide funding assistance for the development of alternative
 5 water supplies as provided in s. 373.1961. ~~State Board of~~
 6 ~~Administration, to the credit of the fund, to be invested in~~
 7 ~~the manner provided by law. Interest received on such~~
 8 ~~investments shall be credited to the fund.~~

9 Section 10. Subsection (1) of section 403.891, Florida
 10 Statutes, is amended to read:

11 403.891 Water Protection and Sustainability Program
 12 Trust Fund of the Department of Environmental Protection.--

13 (1) The Water Protection and Sustainability Program
 14 Trust Fund is created within the Department of Environmental
 15 Protection. The purpose of the trust fund is to receive funds
 16 pursuant to s. 201.15(1)(d)2., funds as provided under s.
 17 373.59(9), funds from other sources provided for in law and
 18 the General Appropriations Act, and funds received by the
 19 department in order to implement the provisions of the Water
 20 Sustainability and Protection Program created in s. 403.890.
 21 However, funds transferred from the Water Management Lands
 22 Trust Fund under s. 373.59(9) may only fund alternative water
 23 supply projects under s. 373.1961.

24 Section 11. Subsection (19) of section 373.4211,
 25 Florida Statutes, is amended to read:

26 373.4211 Ratification of chapter 17-340, Florida
 27 Administrative Code, on the delineation of the landward extent
 28 of wetlands and surface waters.--Pursuant to s. 373.421, the
 29 Legislature ratifies chapter 17-340, Florida Administrative
 30 Code, approved on January 13, 1994, by the Environmental
 31 Regulation Commission, with the following changes:

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

3 "Within Monroe County and the Key Largo portion of Dade
4 County only, the following species shall be listed as
5 facultative: Alternanthera paronychioides, Byrsonima lucida,
6 Ernodea littoralis, Guapira discolor, Marnilkara bahamensis,
7 Pisonis rotundata, Pithecellobium keyensis, Pithecellobium
8 unquis-cati, Randia aculeata, Reynosia septentrionalis, and
9 Thrinax radiata."

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

15 Section 12. Except as otherwise expressly provided in
16 this act, this act shall take effect upon becoming a law.

17
18

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

20 And the title is amended as follows:

21 Delete everything before the enacting clause

22

23 and insert:

24 A bill to be entitled
25 An act relating to environmental protection;
26 providing legislative intent regarding
27 accelerated funding for the Florida Forever
28 program; amending s. 201.15, F.S.; revising
29 provisions governing distribution of a portion
30 of the proceeds of the excise tax on documents
31 to the Land Acquisition Trust Fund; amending s.

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1 259.105, F.S.; revising requirements relating
2 to the distribution of funds under the Florida
3 Forever program; revising goals of the program;
4 establishing the Legislature's intent that the
5 protection and buffering of military
6 installations is of great importance; directing
7 the Acquisition and Restoration Council to give
8 priority consideration to the acquisition of
9 lands that protect and buffer military
10 installations; amending s. 259.1051, F.S.;
11 authorizing the deposit of certain funds into
12 the Florida Forever Trust Fund; amending s.
13 375.041, F.S.; requiring that certain funds
14 credited to the Land Acquisition trust Fund be
15 transferred to the Florida Forever Trust Fund
16 for the accelerated acquisition of land under
17 the Florida Forever program; amending s.
18 373.1961, F.S.; clarifying requirements for the
19 use of alternative water supply funds; amending
20 s. 373.459, F.S.; providing an exception to
21 match requirements for the Suwannee River and
22 Northwest Florida Water Management Districts;
23 amending s. 373.59, F.s.; requiring that
24 certain funds transferred to the State Board of
25 Administration to the credit of the Water
26 Management Lands Trust Fund be transferred to
27 the Water Protection and Sustainability Program
28 Trust Fund in the Department of Environmental
29 protection ; specifying the purposes of which
30 transferred funds may be used; amending s.
31 403.891, F.S.; providing for the deposit of

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1 certain funds into the Water Protection and
2 Sustainability Program Trust Fund; limiting the
3 purposes for which those funds may be used;
4 amending s. 373.4211, F.S.; revising provisions
5 concerning the vegetative index used to
6 delineate the landward extent of wetlands and
7 surface waters; providing effective dates.
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