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CHAMBER ACTION

Senate

House

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Floor: 5/AD/2R  
4/16/2008 2:46 PM

1 Senator Saunders moved the following **amendment**:

2  
3 **Senate Amendment**

4 Delete line(s) 1639 through 2227

5 and insert:

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

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

8 1. Land acquisition programs have ~~The Preservation 2000~~  
9 ~~program~~ provided tremendous financial resources for purchasing  
10 environmentally significant lands to protect those lands from  
11 imminent development or alteration, thereby ensuring ~~assuring~~  
12 present and future generations' access to important waterways,  
13 open spaces, and recreation and conservation lands.

14 2. The continued alteration and development of Florida's  
15 natural and rural areas to accommodate the state's ~~rapidly~~  
16 growing population have contributed to the degradation of water  
17 resources, the fragmentation and destruction of wildlife



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18 habitats, the loss of outdoor recreation space, and the  
19 diminishment of wetlands, forests, working landscapes, and  
20 coastal open space and public beaches.

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

26 4. It is essential to protect the state's ecosystems by  
27 promoting a more efficient use of land, to ensure opportunities  
28 for viable agricultural activities on working lands, and to  
29 promote vital rural and urban communities that support and  
30 produce development patterns consistent with natural resource  
31 protection.

32 5.4. Florida's groundwater, surface waters, and springs are  
33 under tremendous pressure due to population growth and economic  
34 expansion and require special protection and restoration efforts,  
35 including the protection of uplands and springsheds that provide  
36 vital recharge to aquifer systems and are critical to the  
37 protection of water quality and water quantity of the aquifers  
38 and springs. To ensure that sufficient quantities of water are  
39 available to meet the current and future needs of the natural  
40 systems and citizens of the state, and assist in achieving the  
41 planning goals of the department and the water management  
42 districts, water resource development projects on public lands,  
43 where compatible with the resource values of and management  
44 objectives for the lands, are appropriate.

45 6.5. The needs of urban, suburban, and small communities in  
46 Florida for high-quality outdoor recreational opportunities,  
47 greenways, trails, and open space have not been fully met by



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48 | previous acquisition programs. Through such programs as the  
49 | Florida Communities Trust and the Florida Recreation Development  
50 | Assistance Program, the state shall place additional emphasis on  
51 | acquiring, protecting, preserving, and restoring open space,  
52 | ecological greenways, and recreation properties within urban,  
53 | suburban, and rural areas where pristine natural communities or  
54 | water bodies no longer exist because of the proximity of  
55 | developed property.

56 |       ~~7.6.~~ Many of Florida's unique ecosystems, such as the  
57 | Florida Everglades, are facing ecological collapse due to  
58 | Florida's burgeoning population growth and other economic  
59 | activities. To preserve these valuable ecosystems for future  
60 | generations, essential parcels of land must be acquired to  
61 | facilitate ecosystem restoration.

62 |       ~~8.7.~~ Access to public lands to support a broad range of  
63 | outdoor recreational opportunities and the development of  
64 | necessary infrastructure, where compatible with the resource  
65 | values of and management objectives for such lands, promotes an  
66 | appreciation for Florida's natural assets and improves the  
67 | quality of life.

68 |       ~~9.8.~~ Acquisition of lands, in fee simple, less-than-fee  
69 | interest, or other techniques shall ~~in any lesser interest,~~  
70 | ~~should~~ be based on a comprehensive science-based assessment of  
71 | Florida's natural resources which targets essential conservation  
72 | lands by prioritizing all current and future acquisitions based  
73 | on a uniform set of data and planned so as to protect the  
74 | integrity and function of ecological systems and working  
75 | landscapes, and provide multiple benefits, including preservation  
76 | of fish and wildlife habitat, recreation space for urban and as



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77 ~~well as~~ rural areas, and the restoration of natural water  
78 storage, flow, and recharge.

79 10.9. The state has embraced performance-based program  
80 budgeting as a tool to evaluate the achievements of publicly  
81 funded agencies, build in accountability, and reward those  
82 agencies which are able to consistently achieve quantifiable  
83 goals. While previous and existing state environmental programs  
84 have achieved varying degrees of success, few of these programs  
85 can be evaluated as to the extent of their achievements,  
86 primarily because performance measures, standards, outcomes, and  
87 goals were not established at the outset. Therefore, the Florida  
88 Forever program shall be developed and implemented in the context  
89 of measurable state goals and objectives.

90 11.10. It is the intent of the Legislature to change the  
91 focus and direction of the state's major land acquisition  
92 programs and to extend funding and bonding capabilities, so that  
93 future generations may enjoy the natural resources of Florida.

94 (b) The Legislature recognizes that acquisition of lands in  
95 fee simple is only one way to achieve the aforementioned goals  
96 and encourages the use of less-than-fee interests, other  
97 techniques, and the development of creative partnerships between  
98 governmental agencies and private landowners. Easements, land  
99 protection agreements, and similar tools should be used, where  
100 appropriate, to bring environmentally sensitive tracts under an  
101 acceptable level of protection at a lower financial cost to the  
102 public, and to provide private landowners with the opportunity to  
103 enjoy and benefit from their property.

104 (c) Public agencies or other entities that receive funds  
105 under this section shall ~~are encouraged to better~~ coordinate  
106 their expenditures so that project acquisitions, when combined



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107 | with acquisitions under Florida Forever, Preservation 2000, Save  
108 | Our Rivers, the Florida Communities Trust, and other public land  
109 | acquisition programs, will form more complete patterns of  
110 | protection for natural areas, ecological greenways, and  
111 | functioning ecosystems, to better accomplish the intent of this  
112 | section.

113 |         (d) A long-term financial commitment to managing Florida's  
114 | public lands must accompany any new land acquisition program to  
115 | ensure that the natural resource values of such lands are  
116 | protected, that the public has the opportunity to enjoy the lands  
117 | to their fullest potential, and that the state achieves the full  
118 | benefits of its investment of public dollars. Innovative  
119 | strategies such as public-private partnerships and interagency  
120 | planning and sharing of resources shall be used to achieve the  
121 | state's management goals.

122 |         (e) With limited dollars available for restoration and  
123 | acquisition of land and water areas and for providing long-term  
124 | management and capital improvements, a competitive selection  
125 | process shall ~~can~~ select those projects best able to meet the  
126 | goals of Florida Forever and maximize the efficient use of the  
127 | program's funding.

128 |         (f) To ensure success and provide accountability to the  
129 | citizens of this state, it is the intent of the Legislature that  
130 | any cash or bond proceeds used pursuant to this section be used  
131 | to implement the goals and objectives recommended by a  
132 | comprehensive science-based assessment and ~~the Florida Forever~~  
133 | Advisory Council ~~as~~ approved by the Board of Trustees of the  
134 | Internal Improvement Trust Fund and the Legislature.

135 |         (g) As it has with previous land acquisition programs, the  
136 | Legislature recognizes the desires of the citizens of this state



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137 to prosper through economic development and to preserve the  
138 natural areas and recreational open space of Florida. The  
139 Legislature further recognizes the urgency of restoring the  
140 natural functions of public lands or water bodies before they are  
141 degraded to a point where recovery may never occur, yet  
142 acknowledges the difficulty of ensuring adequate funding for  
143 restoration efforts in light of other equally critical financial  
144 needs of the state. It is the Legislature's desire and intent to  
145 fund the implementation of this section and to do so in a  
146 fiscally responsible manner, by issuing bonds to be repaid with  
147 documentary stamp tax or other revenue sources.

148 (h) The Legislature further recognizes the important role  
149 that many of our state and federal military installations  
150 contribute to protecting and preserving Florida's natural  
151 resources as well as our economic prosperity. Where the state's  
152 land conservation plans overlap with the military's need to  
153 protect lands, waters, and habitat to ensure the sustainability  
154 of military missions, it is the Legislature's intent that  
155 agencies receiving funds under this program cooperate with our  
156 military partners to protect and buffer military installations  
157 and military airspace, by:

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

162 2. Protecting areas underlying low-level military air  
163 corridors or operating areas; ~~and~~

164 3. Protecting areas identified as clear zones, accident  
165 potential zones, and air installation compatible use buffer zones  
166 delineated by our military partners; and ~~and~~



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167        4. Providing the military with technical assistance to  
168 restore, enhance, and manage military land as habitat for  
169 imperiled species or species designated as threatened or  
170 endangered, or a candidate for such designation, and for the  
171 recovery or reestablishment of such species.

172            (3) Less the costs of issuing and the costs of funding  
173 reserve accounts and other costs associated with bonds, the  
174 proceeds of cash payments or bonds issued pursuant to this  
175 section shall be deposited into the Florida Forever Trust Fund  
176 created by s. 259.1051. The proceeds shall be distributed by the  
177 Department of Environmental Protection in the following manner:

178            (a) Thirty ~~Thirty-five~~ percent to the Department of  
179 Environmental Protection for the acquisition of lands and capital  
180 project expenditures necessary to implement the water management  
181 districts' priority lists developed pursuant to s. 373.199. The  
182 funds are to be distributed to the water management districts as  
183 provided in subsection (11). A minimum of 50 percent of the total  
184 funds provided over the life of the Florida Forever program  
185 pursuant to this paragraph shall be used for the acquisition of  
186 lands.

187            (b) Thirty-five percent to the Department of Environmental  
188 Protection for the acquisition of lands and capital project  
189 expenditures described in this section. Of the proceeds  
190 distributed pursuant to this paragraph, it is the intent of the  
191 Legislature that an increased priority be given to those  
192 acquisitions which achieve a combination of conservation goals,  
193 including protecting Florida's water resources and natural  
194 groundwater recharge. At a minimum, 3 percent, and no more than  
195 10 percent, of the funds allocated pursuant to this paragraph  
196 shall be spent on capital project expenditures identified during



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197 | the time of acquisition which meet land management planning  
198 | activities necessary for public access ~~may not exceed 10 percent~~  
199 | ~~of the funds allocated pursuant to this paragraph.~~

200 |       (c) Twenty-two percent to the Department of Community  
201 | Affairs for use by the Florida Communities Trust for the purposes  
202 | of part III of chapter 380, as described and limited by this  
203 | subsection, and grants to local governments or nonprofit  
204 | environmental organizations that are tax-exempt under s.  
205 | 501(c) (3) of the United States Internal Revenue Code for the  
206 | acquisition of community-based projects, urban open spaces,  
207 | parks, and greenways to implement local government comprehensive  
208 | plans. From funds available to the trust and used for land  
209 | acquisition, 75 percent shall be matched by local governments on  
210 | a dollar-for-dollar basis. The Legislature intends that the  
211 | Florida Communities Trust emphasize funding projects in low-  
212 | income or otherwise disadvantaged communities. At least 30  
213 | percent of the total allocation provided to the trust shall be  
214 | used in Standard Metropolitan Statistical Areas, but one-half of  
215 | that amount shall be used in localities in which the project site  
216 | is located in built-up commercial, industrial, or mixed-use areas  
217 | and functions to intersperse open spaces within congested urban  
218 | core areas. From funds allocated to the trust, no less than 5  
219 | percent shall be used to acquire lands for recreational trail  
220 | systems, provided that in the event these funds are not needed  
221 | for such projects, they will be available for other trust  
222 | projects. Local governments may use federal grants or loans,  
223 | private donations, or environmental mitigation funds, including  
224 | environmental mitigation funds required pursuant to s. 338.250,  
225 | for any part or all of any local match required for acquisitions  
226 | funded through the Florida Communities Trust. Any lands purchased





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227 | by nonprofit organizations using funds allocated under this  
228 | paragraph must provide for such lands to remain permanently in  
229 | public use through a reversion of title to local or state  
230 | government, conservation easement, or other appropriate  
231 | mechanism. Projects funded with funds allocated to the Trust  
232 | shall be selected in a competitive process measured against  
233 | criteria adopted in rule by the Trust.

234 |         (d) Two percent to the Department of Environmental  
235 | Protection for grants pursuant to s. 375.075.

236 |         (e) One and five-tenths percent to the Department of  
237 | Environmental Protection for the purchase of inholdings and  
238 | additions to state parks and for capital project expenditures as  
239 | described in this section. At a minimum, 1 percent, and no more  
240 | than 10 percent, of the funds allocated pursuant to this  
241 | paragraph shall be spent on capital project expenditures  
242 | identified during the time of acquisition which meet land  
243 | management planning activities necessary for public access ~~may~~  
244 | ~~not exceed 10 percent of the funds allocated under this~~  
245 | ~~paragraph.~~ For the purposes of this paragraph, "state park" means  
246 | any real property in the state which is under the jurisdiction of  
247 | the Division of Recreation and Parks of the department, or which  
248 | may come under its jurisdiction.

249 |         (f) One and five-tenths percent to the Division of Forestry  
250 | of the Department of Agriculture and Consumer Services to fund  
251 | the acquisition of state forest inholdings and additions pursuant  
252 | to s. 589.07, the implementation of reforestation plans or  
253 | sustainable forestry management practices, and for capital  
254 | project expenditures as described in this section. At a minimum,  
255 | 1 percent, and no more than 10 percent, of the funds allocated  
256 | for the acquisition of inholdings and additions pursuant to this



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257 paragraph shall be spent on capital project expenditures  
258 identified during the time of acquisition which meet land  
259 management planning activities necessary for public access ~~may~~  
260 ~~not exceed 10 percent of the funds allocated under this~~  
261 ~~paragraph.~~

262 (g) One and five-tenths percent to the Fish and Wildlife  
263 Conservation Commission to fund the acquisition of inholdings and  
264 additions to lands managed by the commission which are important  
265 to the conservation of fish and wildlife and for capital project  
266 expenditures as described in this section. At a minimum, 1  
267 percent, and no more than 10 percent, of the funds allocated  
268 pursuant to this paragraph shall be spent on capital project  
269 expenditures identified during the time of acquisition which meet  
270 land management planning activities necessary for public access  
271 ~~may not exceed 10 percent of the funds allocated under this~~  
272 ~~paragraph.~~

273 (h) One and five-tenths percent to the Department of  
274 Environmental Protection for the Florida Greenways and Trails  
275 Program, to acquire greenways and trails or greenways and trail  
276 systems pursuant to chapter 260, including, but not limited to,  
277 abandoned railroad rights-of-way and the Florida National Scenic  
278 Trail and for capital project expenditures as described in this  
279 section. At a minimum, 1 percent, and no more than 10 percent, of  
280 the funds allocated pursuant to this paragraph shall be spent on  
281 capital project expenditures identified during the time of  
282 acquisition which meet land management planning activities  
283 necessary for public access ~~may not exceed 10 percent of the~~  
284 ~~funds allocated under this paragraph.~~

285 (i) Three and five-tenths percent to the Department of  
286 Agriculture and Consumer Services for the acquisition of



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287 agricultural lands, through perpetual conservation easements and  
288 other perpetual less-than-fee techniques, which will achieve the  
289 objectives of Florida Forever and s. 570.71. Rules concerning the  
290 application, acquisition, and priority ranking process for such  
291 easements shall be developed pursuant to s. 570.71(10) and as  
292 provided by this paragraph. The board shall ensure that such  
293 rules are consistent with the acquisition process provided for in  
294 s. 259.041. Provisions of the rules developed pursuant to s.  
295 570.71(10), shall also provide for the following:

296 1. An annual priority list shall be developed pursuant to  
297 s. 570.71(10), submitted to the Acquisition and Restoration  
298 Council for review, and approved by the board pursuant to s.  
299 259.04.

300 2. Terms of easements and acquisitions proposed pursuant to  
301 this paragraph shall be approved by the board and shall not be  
302 delegated by the board to any other entity receiving funds under  
303 this section.

304 3. All acquisitions pursuant to this paragraph shall  
305 contain a clear statement that they are subject to legislative  
306 appropriation.

307  
308 No funds provided under this paragraph shall be expended until  
309 final adoption of rules by the board pursuant to s. 570.71.

310 (j) One and five-tenths percent to the Department of  
311 Community Affairs for the acquisition of lands and capital  
312 project expenditures necessary to implement the Waterfronts  
313 Florida Program pursuant to s. 342.2015.

314 (k) ~~(i)~~ It is the intent of the Legislature that cash  
315 payments or proceeds of Florida Forever bonds distributed under  
316 this section shall be expended in an efficient and fiscally



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317 responsible manner. An agency that receives proceeds from Florida  
318 Forever bonds under this section may not maintain a balance of  
319 unencumbered funds in its Florida Forever subaccount beyond 3  
320 fiscal years from the date of deposit of funds from each bond  
321 issue. Any funds that have not been expended or encumbered after  
322 3 fiscal years from the date of deposit shall be distributed by  
323 the Legislature at its next regular session for use in the  
324 Florida Forever program.

325 (1)~~(j)~~ For the purposes of paragraphs ~~(d)~~, (e), (f), and  
326 (g), and (h), the agencies that ~~which~~ receive the funds shall  
327 develop their individual acquisition or restoration lists in  
328 accordance with specific criteria and numeric performance  
329 measures developed pursuant s. 259.035(4). Proposed additions may  
330 be acquired if they are identified within the original project  
331 boundary, the management plan required pursuant to s. 253.034(5),  
332 or the management prospectus required pursuant to s.  
333 259.032(9)(d). Proposed additions not meeting the requirements of  
334 this paragraph shall be submitted to the Acquisition and  
335 Restoration Council for approval. The council may only approve  
336 the proposed addition if it meets two or more of the following  
337 criteria: serves as a link or corridor to other publicly owned  
338 property; enhances the protection or management of the property;  
339 would add a desirable resource to the property; would create a  
340 more manageable boundary configuration; has a high resource value  
341 that otherwise would be unprotected; or can be acquired at less  
342 than fair market value.

343 (4) It is the intent of the Legislature that projects or  
344 acquisitions funded pursuant to paragraphs (3)(a) and (b)  
345 contribute to the achievement of the following goals, which shall



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346 be evaluated in accordance with specific criteria and numeric  
347 performance measures developed pursuant s. 259.035(4):

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

350 1. The number of acres acquired through the state's land  
351 acquisition programs that contribute to the enhancement of  
352 essential natural resources, ecosystem service parcels, and  
353 connecting linkage corridors as identified and developed by the  
354 best available scientific analysis ~~completion of Florida~~  
355 ~~Preservation 2000 projects or projects begun before Preservation~~  
356 ~~2000;~~

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

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

362 (b) Increase the protection of Florida's biodiversity at  
363 the species, natural community, and landscape levels, as measured  
364 by:

365 1. The number of acres acquired of significant strategic  
366 habitat conservation areas;

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

369 3. The number of acres acquired of significant landscapes,  
370 landscape linkages, and conservation corridors, giving priority  
371 to completing linkages;

372 4. The number of acres acquired of underrepresented native  
373 ecosystems;

374 5. The number of landscape-sized protection areas of at  
375 least 50,000 acres that exhibit a mosaic of predominantly intact



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376 or restorable natural communities established through new  
377 acquisition projects or augmentations to previous projects; or

378 6. The percentage increase in the number of occurrences of  
379 endangered species, threatened species, or species of special  
380 concern on publicly managed conservation areas.

381 (c) Protect, restore, and maintain the quality and natural  
382 functions of land, water, and wetland systems of the state, as  
383 measured by:

384 1. The number of acres of publicly owned land identified as  
385 needing restoration, acres undergoing restoration, and acres with  
386 restoration activities completed;

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

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

395 4. The number of acres acquired that protect natural  
396 floodplain functions;

397 5. The number of acres acquired that protect surface waters  
398 of the state;

399 6. The number of acres identified for acquisition to  
400 minimize damage from flooding and the percentage of those acres  
401 acquired;

402 7. The number of acres acquired that protect fragile  
403 coastal resources;

404 8. The number of acres of functional wetland systems  
405 protected;



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406           9. The percentage of miles of critically eroding beaches  
407 contiguous with public lands that are restored or protected from  
408 further erosion;

409           10. The percentage of public lakes and rivers in which  
410 invasive, nonnative aquatic plants are under maintenance control;  
411 or

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

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

418           1. The number of acres acquired which provide retention and  
419 storage of surface water in naturally occurring storage areas,  
420 such as lakes and wetlands, consistent with the maintenance of  
421 water resources or water supplies and consistent with district  
422 water supply plans;

423           2. The quantity of water made available through the water  
424 resource development component of a district water supply plan  
425 for which a water management district is responsible; or

426           3. The number of acres acquired of groundwater recharge  
427 areas critical to springs, sinks, aquifers, other natural  
428 systems, or water supply.

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

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

433           2. The miles of trails that are available for public  
434 recreation, giving priority to those that provide significant



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435 connections including those that will assist in completing the  
436 Florida National Scenic Trail; or

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

439 (f) Preserve significant archaeological or historic sites,  
440 as measured by:

441 1. The increase in the number of and percentage of historic  
442 and archaeological properties listed in the Florida Master Site  
443 File or National Register of Historic Places which are protected  
444 or preserved for public use; or

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

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

449 1. The number of acres acquired that are available for  
450 sustainable forest management;

451 2. The number of acres of state-owned forestland managed  
452 for economic return in accordance with current best management  
453 practices;

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

456 4. The percentage and number of acres identified for  
457 restoration actually restored by reforestation.

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

460 1. The percentage of local governments that participate in  
461 land acquisition programs and acquire open space in urban cores;  
462 or

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





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465  
466 Florida Forever projects and acquisitions funded pursuant to  
467 paragraph (3)(c) shall be measured by goals developed by rule by  
468 the Florida Communities Trust Governing Board created in s.  
469 380.504.

470 (5)(a) All lands acquired pursuant to this section shall be  
471 managed for multiple-use purposes, where compatible with the  
472 resource values of and management objectives for such lands. As  
473 used in this section, "multiple-use" includes, but is not limited  
474 to, outdoor recreational activities as described in ss. 253.034  
475 and 259.032(9)(b), water resource development projects, ~~and~~  
476 sustainable forestry management, carbon sequestration, carbon  
477 mitigation, or carbon offsets.

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

481 (c) For purposes of this section, the Board of Trustees of  
482 the Internal Improvement Trust Fund shall adopt rules that  
483 pertain to the use of state lands for carbon sequestration,  
484 carbon mitigation, or carbon offsets and that provide for  
485 climate-change-related benefits.

486 (6) As provided in this section, a water resource or water  
487 supply development project may be allowed only if the following  
488 conditions are met: minimum flows and levels have been  
489 established for those waters, if any, which may reasonably be  
490 expected to experience significant harm to water resources as a  
491 result of the project; the project complies with all applicable  
492 permitting requirements; and the project is consistent with the  
493 regional water supply plan, if any, of the water management



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494 district and with relevant recovery or prevention strategies if  
495 required pursuant to s. 373.0421(2).

496 (7) (a) Beginning no later than July 1, 2001, and every year  
497 thereafter, the Acquisition and Restoration Council shall accept  
498 applications from state agencies, local governments, nonprofit  
499 and for-profit organizations, private land trusts, and  
500 individuals for project proposals eligible for funding pursuant  
501 to paragraph (3) (b). The council shall evaluate the proposals  
502 received pursuant to this subsection to ensure that they meet at  
503 least one of the criteria under subsection (9).

504 (b) Project applications shall contain, at a minimum, the  
505 following:

506 1. A minimum of two numeric performance measures that  
507 directly relate to the overall goals adopted by the council. Each  
508 performance measure shall include a baseline measurement, which  
509 is the current situation; a performance standard which the  
510 project sponsor anticipates the project will achieve; and the  
511 performance measurement itself, which should reflect the  
512 incremental improvements the project accomplishes towards  
513 achieving the performance standard.

514 2. Proof that property owners within any proposed  
515 acquisition have been notified of their inclusion in the proposed  
516 project. Any property owner may request the removal of such  
517 property from further consideration by submitting a request to  
518 the project sponsor or the Acquisition and Restoration Council by  
519 certified mail. Upon receiving this request, the council shall  
520 delete the property from the proposed project; however, the board  
521 of trustees, at the time it votes to approve the proposed project  
522 lists pursuant to subsection (16), may add the property back on  
523 to the project lists if it determines by a super majority of its



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524 members that such property is critical to achieve the purposes of  
525 the project.

526 (c) The title to lands acquired under this section shall  
527 vest in the Board of Trustees of the Internal Improvement Trust  
528 Fund, except that title to lands acquired by a water management  
529 district shall vest in the name of that district and lands  
530 acquired by a local government shall vest in the name of the  
531 purchasing local government.

532 (8) The Acquisition and Restoration Council shall develop a  
533 project list that shall represent those projects submitted  
534 pursuant to subsection (7).

535 (9) The Acquisition and Restoration Council shall recommend  
536 rules for adoption by the board of trustees to competitively  
537 evaluate, select, and rank projects eligible for Florida Forever  
538 funds pursuant to paragraph (3)(b) and for additions to the  
539 Conservation and Recreation Lands list pursuant to ss. 259.032  
540 and 259.101(4). In developing these proposed rules, the  
541 Acquisition and Restoration Council shall give weight to the  
542 following criteria:

543 (a) The project meets multiple goals described in  
544 subsection (4).

545 (b) The project is part of an ongoing governmental effort  
546 to restore, protect, or develop land areas or water resources.

547 (c) The project enhances or facilitates management of  
548 properties already under public ownership.

549 (d) The project has significant archaeological or historic  
550 value.

551 (e) The project has funding sources that are identified and  
552 assured through at least the first 2 years of the project.



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553 (f) The project contributes to the solution of water  
554 resource problems on a regional basis.

555 (g) The project has a significant portion of its land area  
556 in imminent danger of development, in imminent danger of losing  
557 its significant natural attributes or recreational open space, or  
558 in imminent danger of subdivision which would result in multiple  
559 ownership and make acquisition of the project costly or less  
560 likely to be accomplished.

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

563 (i) The project is one of the components of the Everglades  
564 restoration effort.

565 (j) The project may be purchased at 80 percent of appraised  
566 value.

567 (k) The project may be acquired, in whole or in part, using  
568 alternatives to fee simple, including but not limited to, tax  
569 incentives, mitigation funds, or other revenues, the purchase of  
570 development rights, hunting rights, agricultural or silvicultural  
571 rights, or mineral rights or obtaining conservation easements or  
572 flowage easements.

573 (l) The project is a joint acquisition, either among public  
574 agencies, nonprofit organizations, or private entities, or by a  
575 public-private partnership.

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