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576-02162-15

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

A bill to be entitled

An act relating to the implementation of the water and land conservation constitutional amendment; terminating certain trust funds within the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and the Fish and Wildlife Conservation Commission; providing for the disposition of balances in the trust funds; requiring the Department of Environmental Protection to pay all outstanding debts or obligations of the terminated trust funds; requiring the Chief Financial Officer to close out and remove the terminated trust funds from the various state accounting systems; amending s. 17.61, F.S.; requiring moneys in land acquisition trust funds created or designated to receive funds under s. 28, Art. X of the State Constitution to be retained in those trust funds; repealing s. 161.05301, F.S., relating to beach erosion control project staffing; amending s. 161.054, F.S.; redirecting certain proceeds from the Ecosystem Management and Restoration Trust Fund to the Florida Coastal Protection Trust Fund; amending s. 161.091, F.S.; authorizing disbursements from the Land Acquisition Trust Fund for the beach management plan; amending s. 211.3103, F.S.; authorizing a percentage of proceeds from the phosphate rock excise tax to be credited to the State Park Trust Fund; amending s. 215.20, F.S.;



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28 conforming provisions to changes made by the act;
29 amending s. 215.618, F.S.; authorizing Florida Forever
30 bonds to be issued to finance or refinance the
31 acquisition and improvement of land, water areas, and
32 related property interests; amending ss. 215.619,
33 253.027, and 253.03, F.S.; conforming provisions to
34 changes made by the act; amending s. 253.034, F.S.;
35 requiring proceeds from the sale of surplus
36 conservation lands before a certain date to be
37 deposited into the Florida Forever Trust Fund and
38 after such date under certain circumstances into the
39 Land Acquisition Trust Fund; prohibiting more than a
40 certain amount of funds to be expended from the Land
41 Acquisition Trust Fund for funding a certain
42 contractual arrangement; amending s. 253.7824, F.S.;
43 conforming provisions to changes made by the act;
44 amending s. 258.435, F.S.; requiring moneys received
45 in trust by the Department of Environmental Protection
46 relating to aquatic preserves to be deposited into the
47 Grants and Donations Trust Fund; amending s. 259.032,
48 F.S.; conforming provisions affected by the
49 termination of the Conservation and Recreation Lands
50 Trust Fund; authorizing state agencies designated to
51 manage lands acquired with funds deposited into the
52 Land Acquisition Trust Fund to contract with local
53 governments and soil and water conservation districts
54 to assist in management activities; amending s.
55 259.035, F.S.; requiring the Acquisition and
56 Restoration Council to develop rules defining specific



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57 criteria and numeric performance measures needed for
58 lands acquired with funds deposited into the Land
59 Acquisition Trust Fund pursuant to s. 28(a), Art. X of
60 the State Constitution; requiring the proposed rules
61 to be submitted to the Legislature for consideration;
62 requiring recipients of funds from the Land
63 Acquisition Trust Fund to annually report to the
64 Division of State Lands; requiring the council to
65 consider and evaluate in writing each project proposed
66 for acquisition using such funds and ensure that each
67 proposed project meets the requirements of s. 28, Art.
68 X of the State Constitution; amending ss. 259.036,
69 259.037, 259.04, and 259.041, F.S.; conforming cross-
70 references; amending s. 259.101, F.S.; conforming
71 provisions affected by the termination of the
72 Preservation 2000 Trust Fund; requiring agencies and
73 water management districts that acquired lands using
74 Preservation 2000 funds to make them available for
75 public recreational use; requiring water management
76 districts and the department to control the growth of
77 nonnative invasive plant species on certain lands;
78 amending s. 259.105, F.S.; deleting obsolete
79 provisions; conforming cross-references; prohibiting
80 more than a certain amount of funds to be expended
81 from the Land Acquisition Trust Fund for funding a
82 certain contractual arrangement; amending s. 259.1051,
83 F.S.; conforming cross-references; amending ss.
84 338.250, 373.026, and 373.089, F.S.; conforming
85 provisions to changes made by the act; amending s.



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86 373.129, F.S.; requiring certain civil penalties to be
87 deposited into the Water Quality Assurance Trust Fund;
88 amending ss. 373.1391 and 373.199, F.S.; conforming
89 provisions to changes made by the act; amending s.
90 373.430, F.S.; requiring certain moneys to be
91 deposited into the Florida Permit Fee Trust Fund
92 rather than the Ecosystem Management and Restoration
93 Trust Fund; amending ss. 373.459, 373.4592, 373.45926,
94 373.470, and 373.584, F.S.; conforming provisions to
95 changes made by the act; amending s. 373.59, F.S.;
96 conforming provisions affected by the termination of
97 the Water Management Lands Trust Fund; amending s.
98 373.5905, F.S.; conforming a cross-reference; amending
99 ss. 373.703 and 375.031, F.S.; conforming provisions
100 to changes made by the act; amending s. 375.041, F.S.;
101 designating the Land Acquisition Trust Fund within the
102 Department of Environmental Protection for receipt of
103 certain documentary stamp tax revenues for the
104 prescribed uses of s. 28, Art. X of the State
105 Constitution; providing priority for the use of moneys
106 in the trust fund; requiring agencies receiving
107 transfers of moneys from the fund to maintain the
108 integrity of such funds; amending s. 375.044, F.S.;
109 conforming provisions to changes made by the act;
110 repealing s. 375.045, F.S., relating to the Florida
111 Preservation 2000 Trust Fund; amending s. 375.075,
112 F.S.; conforming provisions to changes made by the
113 act; amending s. 376.11, F.S.; revising the funds
114 required to be deposited into the Florida Coastal



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115 Protection Trust Fund and the purposes for which such
116 funds may be used; amending s. 376.123, F.S.;
117 conforming a cross-reference; amending s. 376.307,
118 F.S.; revising the funds required to be deposited into
119 the Water Quality Assurance Trust Fund and the
120 purposes for which such funds may be used; amending s.
121 376.40, F.S.; conforming a cross-reference; repealing
122 s. 379.202, F.S., relating to the Conservation and
123 Recreation Lands Program Trust Fund of the Fish and
124 Wildlife Conservation Commission; amending s. 379.206,
125 F.S.; requiring grants and donations from development-
126 of-regional-impact wildlife mitigation contributions
127 to be credited to the Grants and Donations Trust Fund;
128 amending s. 379.212, F.S.; providing that the Land
129 Acquisition Trust Fund within the Fish and Wildlife
130 Conservation Commission shall be used to implement s.
131 28, Art. X of the State Constitution; authorizing the
132 department to transfer certain funds; requiring the
133 commission to maintain the integrity of such funds;
134 providing for the transfer of certain funds; amending
135 s. 379.362, F.S.; requiring the Department of
136 Agriculture and Consumer Services to use funds
137 appropriated from the Land Acquisition Fund within the
138 Department of Environmental Protection to fund certain
139 oyster management and restoration programs; amending
140 s. 380.0666, F.S.; conforming provisions to changes
141 made by the act; repealing s. 380.0677, F.S., relating
142 to the Green Swamp Land Authority; amending s.
143 380.507, F.S.; conforming provisions to changes made



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144 by the act; amending s. 380.508, F.S.; requiring
145 certain funds to be credited to or deposited into the
146 Internal Improvement Trust Fund; requiring funds over
147 and above eligible project costs to be deposited into
148 the Florida Forever Trust Fund rather than the Florida
149 Communities Trust Fund; amending s. 380.510, F.S.;
150 requiring certain funds collected under a grant or
151 loan agreement to be deposited into the Internal
152 Improvement Trust Fund rather than the Florida
153 Communities Trust Fund; requiring the deed or lease of
154 any real property acquired with certain funds to
155 contain covenants and restrictions sufficient to
156 ensure that the use of such real property complies
157 with s. 28, Art. X of the State Constitution;
158 repealing s. 380.511, F.S., relating to the Florida
159 Communities Trust Fund; amending s. 403.0615, F.S.;
160 conforming provisions to changes made by the act;
161 amending ss. 403.08601 and 403.121, F.S.; requiring
162 certain funds to be deposited into the Water Quality
163 Assurance Trust Fund rather than the Ecosystem
164 Management and Restoration Trust Fund; repealing s.
165 403.1651, F.S., relating to the Ecosystem Management
166 and Restoration Trust Fund; amending s. 403.885, F.S.;
167 conforming provisions to changes made by the act;
168 repealing s. 403.8911, F.S., relating to the annual
169 appropriation from the Water Protection and
170 Sustainability Program Trust Fund; amending s.
171 403.9325, F.S.; redefining the term "public lands set
172 aside for conservation or preservation" to include



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173 lands and interests acquired with funds deposited into
174 the Land Acquisition Trust Fund; amending s.
175 403.93345, F.S.; redefining the term "fund" to mean
176 the Water Quality Assurance Trust Fund; requiring
177 certain funds to be deposited into the Water Quality
178 Assurance Trust Fund rather than the Ecosystem
179 Management and Restoration Trust Fund; repealing s.
180 570.207, F.S., relating to the Conservation and
181 Recreation Lands Program Trust Fund of the Department
182 of Agriculture and Consumer Services; amending s.
183 570.321, F.S.; conforming provisions to changes made
184 by the act; amending s. 570.71, F.S.; excluding funds
185 from the Land Acquisition Trust Fund from being
186 deposited into the Incidental Trust Fund under certain
187 circumstances; amending s. 895.09, F.S.; conforming
188 provisions to changes made by the act; making
189 technical changes; providing effective dates.

190
191 Be It Enacted by the Legislature of the State of Florida:

192
193 Section 1. (1) The following trust funds within the
194 Department of Environmental Protection are terminated:

195 (a) The Florida Preservation 2000 Trust Fund, FLAIR number
196 37-2-332.

197 (b) The Florida Communities Trust Fund, FLAIR number 37-2-
198 244.

199 (c) The Ecosystem Management and Restoration Trust Fund,
200 FLAIR number 37-2-193.

201 (d) The Water Management Lands Trust Fund, FLAIR number 37-



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202 2-776.

203 (e) The Conservation and Recreation Lands Trust Fund, FLAIR
204 number 37-2-131.

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

209 (b) All current balances remaining in the Ecosystem
210 Management and Restoration Trust Fund, the Water Management
211 Lands Trust Fund, and the Conservation and Recreation Lands
212 Trust Fund shall be transferred to the Water Quality Assurance
213 Trust Fund, FLAIR number 37-2-780.

214 (3) The Department of Environmental Protection shall pay
215 all outstanding debts or obligations of the terminated trust
216 funds as required, and the Chief Financial Officer shall close
217 out and remove the terminated trust funds from the various state
218 accounting systems using generally accepted accounting
219 principles concerning warrants outstanding, assets, and
220 liabilities.

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

224 (2) The Department of Agriculture and Consumer Services
225 shall pay any outstanding debts or obligations of the terminated
226 trust fund as soon as practicable, and the Chief Financial
227 Officer shall close out and remove that terminated trust fund
228 from the various state accounting systems using generally
229 accepted accounting principles concerning warrants outstanding,
230 assets, and liabilities.



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231 Section 3. (1) The Conservation and Recreation Lands
232 Program Trust Fund, FLAIR number 72-2-931, within the Fish and
233 Wildlife Conservation Commission is terminated.

234 (2) The Fish and Wildlife Conservation Commission shall pay
235 any outstanding debts or obligations of the terminated trust
236 fund as soon as practicable, and the Chief Financial Officer
237 shall close out and remove that terminated trust fund from the
238 various state accounting systems using generally accepted
239 accounting principles concerning warrants outstanding, assets,
240 and liabilities.

241 Section 4. Paragraph (e) is added to subsection (3) of
242 section 17.61, Florida Statutes, to read:

243 17.61 Chief Financial Officer; powers and duties in the
244 investment of certain funds.—

245 (3)

246 (e) Moneys in any land acquisition trust fund created or
247 designated to receive funds under s. 28, Art. X of the State
248 Constitution may not be invested as provided in this section,
249 but shall be retained in those trust funds, with the interest
250 appropriated to the General Revenue Fund, as provided in s.
251 17.57.

252 Section 5. Section 161.05301, Florida Statutes, is
253 repealed.

254 Section 6. Subsection (3) of section 161.054, Florida
255 Statutes, is amended to read:

256 161.054 Administrative fines; liability for damage; liens.—

257 (3) The imposition of a fine or an award of damages
258 pursuant to this section shall create a lien upon the real and
259 personal property of the violator, enforceable by the department



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260 as are statutory liens under chapter 85. The proceeds of such
261 fines and awards of damages shall be deposited in the Florida
262 Coastal Protection Ecosystem Management and Restoration Trust
263 Fund.

264 Section 7. Subsections (1) and (3) of section 161.091,
265 Florida Statutes, are amended to read:

266 161.091 Beach management; funding; repair and maintenance
267 strategy.—

268 (1) Subject to such appropriations as the Legislature may
269 make therefor from time to time, disbursements from the Land
270 Acquisition Ecosystem Management and Restoration Trust Fund may
271 be made by the department in order to carry out the proper state
272 responsibilities in a comprehensive, long-range, statewide beach
273 management plan for erosion control; beach preservation,
274 restoration, and nourishment; and storm and hurricane protection
275 and other activities authorized for beaches and shores pursuant
276 to s. 28, Art. X of the State Constitution. Legislative intent
277 in appropriating such funds is for the implementation of those
278 projects that contribute most significantly to addressing the
279 state's beach erosion problems.

280 (3) In accordance with the intent expressed in s. 161.088
281 and the legislative finding that erosion of the beaches of this
282 state is detrimental to tourism, the state's major industry,
283 further exposes the state's highly developed coastline to severe
284 storm damage, and threatens beach-related jobs, which, if not
285 stopped, may significantly reduce state sales tax revenues,
286 funds deposited into the State Treasury to the credit of the
287 Land Acquisition Ecosystem Management and Restoration Trust
288 Fund, ~~in the annual amounts provided in s. 201.15,~~ shall be



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289 ~~used, for a period of not less than 15 years,~~ to fund the
290 development, implementation, and administration of the state's
291 beach management plan, as provided in ss. 161.091-161.212 and as
292 authorized in s. 28, Art. X of the State Constitution, ~~prior to~~
293 ~~the use of such funds deposited pursuant to s. 201.15 in that~~
294 ~~trust fund for any other purpose.~~

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

297 211.3103 Levy of tax on severance of phosphate rock; rate,
298 basis, and distribution of tax.—

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

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

306 2. To the credit of the General Revenue Fund of the state,
307 35.7 percent.

308 3. For payment to counties in proportion to the number of
309 tons of phosphate rock produced from a phosphate rock matrix
310 located within such political boundary, 12.8 percent. The
311 department shall distribute this portion of the proceeds
312 annually based on production information reported by the
313 producers on the annual returns for the taxable year. Any such
314 proceeds received by a county shall be used only for phosphate-
315 related expenses.

316 4. For payment to counties that have been designated as a
317 rural area of opportunity pursuant to s. 288.0656 in proportion



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318 to the number of tons of phosphate rock produced from a
319 phosphate rock matrix located within such political boundary,
320 10.0 percent. The department shall distribute this portion of
321 the proceeds annually based on production information reported
322 by the producers on the annual returns for the taxable year.
323 Payments under this subparagraph shall be made to the counties
324 unless the Legislature by special act creates a local authority
325 to promote and direct the economic development of the county. If
326 such authority exists, payments shall be made to that authority.

327 5. To the credit of the Nonmandatory Land Reclamation Trust
328 Fund, 6.2 percent.

329 6. To the credit of the Phosphate Research Trust Fund in
330 the Division of Universities of the Department of Education, 6.2
331 percent.

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

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

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

340 2. To the credit of the General Revenue Fund of the state,
341 31.9 percent.

342 3. For payment to counties pursuant to subparagraph (a)3.,
343 11.5 percent.

344 4. For payment to counties pursuant to subparagraph (a)4.,
345 8.9 percent.

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



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347 Fund, 16.1 percent.

348 6. To the credit of the Phosphate Research Trust Fund in
349 the Division of Universities of the Department of Education, 5.6
350 percent.

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

352 Section 9. Subsection (2) of section 215.20, Florida
353 Statutes, is amended to read:

354 215.20 Certain income and certain trust funds to contribute
355 to the General Revenue Fund.—

356 (2) Notwithstanding the provisions of subsection (1), the
357 trust funds of the Department of Citrus and the Department of
358 Agriculture and Consumer Services, including funds collected in
359 the General Inspection Trust Fund for marketing orders and in
360 the Florida Citrus Advertising Trust Fund, shall be subject to a
361 4 percent service charge, which is hereby appropriated to the
362 General Revenue Fund. This subsection ~~paragraph~~ does not apply
363 to ~~the Conservation and Recreation Lands Program Trust Fund~~, the
364 Citrus Inspection Trust Fund, the Florida Forever Program Trust
365 Fund, the Market Improvements Working Capital Trust Fund, the
366 Pest Control Trust Fund, the Plant Industry Trust Fund, or other
367 funds collected in the General Inspection Trust Fund in the
368 Department of Agriculture and Consumer Services.

369 Section 10. Paragraph (a) of subsection (1) and subsections
370 (2) and (6) of section 215.618, Florida Statutes, are amended to
371 read:

372 215.618 Bonds for acquisition and improvement of land,
373 water areas, and related property interests and resources.—

374 (1) (a) The issuance of Florida Forever bonds, not to exceed
375 \$5.3 billion, to finance or refinance the cost of acquisition



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376 and improvement of land, water areas, and related property
377 interests and resources, in urban and rural settings, for the
378 purposes of restoration, conservation, recreation, water
379 resource development, or historical preservation, and for
380 capital improvements to lands and water areas that accomplish
381 environmental restoration, enhance public access and
382 recreational enjoyment, promote long-term management goals, and
383 facilitate water resource development is hereby authorized,
384 subject to ~~the provisions of~~ s. 259.105 and pursuant to s.
385 11(e), Art. VII of the State Constitution and, on or after July
386 1, 2015, to also finance or refinance the acquisition and
387 improvement of land, water areas, and related property interests
388 as provided in s. 28, Art. X of the State Constitution. Florida
389 ~~Forever bonds may also be issued to refund Preservation 2000~~
390 ~~bonds issued pursuant to s. 375.051. The \$5.3 billion limitation~~
391 on the issuance of Florida Forever bonds does not apply to
392 refunding bonds. The duration of each series of Florida Forever
393 bonds issued may not exceed 20 annual maturities. ~~Preservation~~
394 ~~2000 bonds and Florida Forever bonds shall be equally and~~
395 ~~ratably secured by moneys distributable to the Land Acquisition~~
396 ~~Trust Fund pursuant to s. 201.15(1)(a), except to the extent~~
397 ~~specifically provided otherwise by the documents authorizing the~~
398 ~~issuance of the bonds.~~

399 (2) The state covenants ~~does hereby covenant~~ with the
400 holders of Florida Forever bonds ~~and Preservation 2000 bonds~~
401 that it will not take any action which will materially and
402 adversely affect the rights of such holders so long as such
403 bonds are outstanding, including, but not limited to, a
404 reduction in the portion of documentary stamp taxes



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405 distributable to the Land Acquisition Trust Fund for payment of
406 debt service on ~~Preservation 2000 bonds or~~ Florida Forever
407 bonds.

408 (6) Pursuant to authority granted under ~~by~~ s. 11(e), Art.
409 VII of the State Constitution, there is hereby continued and re-
410 created the Land Acquisition Trust Fund which shall ~~be a~~
411 ~~continuation of the Land Acquisition Trust Fund which exists for~~
412 ~~purposes of s. 9(a)(1), Art. XII of the State Constitution. The~~
413 ~~Land Acquisition Trust Fund shall continue beyond the~~
414 ~~termination of bonding authority provided for in s. 9(a)(1),~~
415 ~~Art. XII of the State Constitution, pursuant to the authority~~
416 ~~provided by s. 11(e), Art. VII of the State Constitution and~~
417 ~~shall~~ continue for so long as ~~Preservation 2000 bonds or~~ Florida
418 Forever bonds are outstanding and secured by taxes distributable
419 thereto or until the requirement of s. 28(a), Art. X of the
420 State Constitution expires, whichever is later.

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

423 215.619 Bonds for Everglades restoration.-

424 (2) The state covenants with the holders of Everglades
425 restoration bonds that it will not take any action that will
426 materially and adversely affect the rights of the holders so
427 long as the bonds are outstanding, including, but not limited
428 to, a reduction in the portion of documentary stamp taxes
429 distributable under s. 201.15(1) for payment of debt service on
430 ~~Preservation 2000 bonds,~~ Florida Forever bonds, or Everglades
431 restoration bonds.

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



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434 253.027 Emergency archaeological property acquisition.—

435 (5) ACCOUNT EXPENDITURES.—

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

439 1. The property is an archaeological property of major
440 statewide significance.

441 2. The structures, artifacts, or relics, or their historic
442 significance, will be irretrievably lost if the state cannot
443 acquire the property.

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

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

450 5. The site is not otherwise protected by local, state, or
451 federal laws.

452 6. The acquisition is not inconsistent with the state
453 comprehensive plan and the state land acquisition program.

454 (b) No moneys shall be spent from the account for
455 excavation or restoration of the properties acquired. Funds may
456 be spent for preliminary surveys to determine if the sites meet
457 the criteria of this section. An amount not to exceed \$100,000
458 may also be spent from the account to inventory and evaluate
459 archaeological and historic resources on properties purchased,
460 or proposed for purchase, pursuant to s. 259.105(3)(b) ~~s.~~
461 ~~259.032~~.

462 Section 13. Subsection (12) of section 253.03, Florida



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463 Statutes, is amended to read:

464 253.03 Board of trustees to administer state lands; lands
465 enumerated.—

466 (12) The Board of Trustees of the Internal Improvement
467 Trust Fund is hereby authorized to administer, manage, control,
468 conserve, protect, and sell all real property forfeited to the
469 state pursuant to ss. 895.01-895.09 or acquired by the state
470 pursuant to s. 607.0505 or former s. 620.192. The board is
471 directed to immediately determine the value of all such property
472 and shall ascertain whether the property is in any way
473 encumbered. If the board determines that it is in the best
474 interest of the state to do so, funds from the Internal
475 Improvement Trust Fund may be used to satisfy any such
476 encumbrances. If forfeited property receipts are not sufficient
477 to satisfy encumbrances on the property and expenses permitted
478 under this section, funds from another appropriate ~~the Land~~
479 ~~Acquisition~~ trust fund may be used to satisfy any such
480 encumbrances and expenses. All property acquired by the board
481 pursuant to s. 607.0505, former s. 620.192, or ss. 895.01-895.09
482 shall be sold as soon as commercially feasible unless the
483 Attorney General recommends and the board determines that
484 retention of the property in public ownership would effectuate
485 one or more of the following policies of statewide significance:
486 protection or enhancement of floodplains, marshes, estuaries,
487 lakes, rivers, wilderness areas, wildlife areas, wildlife
488 habitat, or other environmentally sensitive natural areas or
489 ecosystems; or preservation of significant archaeological or
490 historical sites identified by the Secretary of State. In such
491 event the property shall remain in the ownership of the board,



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492 to be controlled, managed, and disposed of in accordance with
493 this chapter, and the Internal Improvement Trust Fund shall be
494 reimbursed from the Land Acquisition Trust Fund, or other
495 appropriate fund designated by the board, for any funds expended
496 from the Internal Improvement Trust Fund pursuant to this
497 subsection in regard to such property. Upon the recommendation
498 of the Attorney General, the board may reimburse the
499 investigative agency for its investigative expenses, costs, and
500 attorneys' fees, and may reimburse law enforcement agencies for
501 actual expenses incurred in conducting investigations leading to
502 the forfeiture of such property from funds deposited in the
503 Internal Improvement Trust Fund of the Department of
504 Environmental Protection. The proceeds of the sale of property
505 acquired under s. 607.0505, former s. 620.192, or ss. 895.01-
506 895.09 shall be distributed as follows:

507 (a) After satisfaction of any valid claims arising under
508 ~~the provisions of~~ s. 895.09(1) (a) or (b), any moneys used to
509 satisfy encumbrances and expended as costs of administration,
510 appraisal, management, conservation, protection, sale, and real
511 estate sales services and any interest earnings lost to the ~~Land~~
512 ~~Acquisition~~ trust fund that was used as of a date certified by
513 the Department of Environmental Protection shall be replaced
514 first in the ~~Land Acquisition~~ trust fund that was used to
515 satisfy any such encumbrance or expense, if those funds were
516 used, and then in the Internal Improvement Trust Fund; and

517 (b) The remainder shall be distributed as set forth in s.
518 895.09.

519 Section 14. Subsection (3), paragraphs (a) and (k) through
520 (n) of subsection (6), and subsections (10) and (11) of section



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521 253.034, Florida Statutes, are amended to read:

522 253.034 State-owned lands; uses.—

523 (3) Recognizing ~~In recognition~~ that recreational trails
524 purchased with rails-to-trails funds pursuant to former s.
525 259.101(3)(g), Florida Statutes 2014, or s. 259.105(3)(h) have
526 had historic transportation uses and that their linear character
527 may extend many miles, the Legislature intends that if ~~when~~ the
528 necessity arises to serve public needs, after balancing the need
529 to protect trail users from collisions with automobiles and a
530 preference for the use of overpasses and underpasses to the
531 greatest extent feasible and practical, transportation uses
532 shall be allowed to cross recreational trails purchased pursuant
533 to former s. 259.101(3)(g), Florida Statutes 2014, or s.
534 259.105(3)(h). When these crossings are needed, the location and
535 design should consider and mitigate the impact on humans and
536 environmental resources, and the value of the land shall be paid
537 based on fair market value.

538 (6) The Board of Trustees of the Internal Improvement Trust
539 Fund shall determine which lands, the title to which is vested
540 in the board, may be surplus. For conservation lands, the
541 board shall determine whether the lands are no longer needed for
542 conservation purposes and may dispose of them by an affirmative
543 vote of at least three members. In the case of a land exchange
544 involving the disposition of conservation lands, the board must
545 determine by an affirmative vote of at least three members that
546 the exchange will result in a net positive conservation benefit.
547 For all other lands, the board shall determine whether the lands
548 are no longer needed and may dispose of them by an affirmative
549 vote of at least three members.



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550 (a) For the purposes of this subsection, all lands acquired
551 by the state before July 1, 1999, using proceeds from
552 Preservation 2000 bonds, the former Conservation and Recreation
553 Lands Trust Fund, the former Water Management Lands Trust Fund,
554 Environmentally Endangered Lands Program, and the Save Our Coast
555 Program and titled to the board which are identified as core
556 parcels or within original project boundaries are deemed to have
557 been acquired for conservation purposes.

558 (k) Proceeds from the any sale of surplus conservation
559 lands purchased before July 1, 2015, pursuant to this subsection
560 shall be deposited into the Florida Forever Trust Fund from
561 which such lands were acquired.

562 (l) Proceeds from the sale of surplus conservation lands
563 purchased on or after July 1, 2015, shall be deposited into the
564 Land Acquisition Trust Fund or, if required by bond covenants,
565 into the trust fund from which the lands were purchased.
566 ~~However, if the fund from which the lands were originally~~
567 ~~acquired no longer exists, such proceeds shall be deposited into~~
568 ~~an appropriate account to be used for land management by the~~
569 ~~lead managing agency assigned the lands before the lands were~~
570 ~~declared surplus.~~

571 (m) Funds received from the sale of surplus nonconservation
572 lands, or lands that were acquired by gift, by donation, or for
573 no consideration, shall be deposited into the Internal
574 Improvement Trust Fund.

575 (n) ~~(l)~~ Notwithstanding this subsection, such disposition of
576 land may not be made if it would have the effect of causing all
577 or any portion of the interest on any revenue bonds issued to
578 lose the exclusion from gross income for federal income tax



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579 purposes.

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

583 (p)~~(n)~~ The board may adopt rules to administer this section
584 which may include procedures for administering surplus land
585 requests and criteria for when the division may approve requests
586 to surplus nonconservation lands on behalf of the board.

587 (10) The following additional uses of conservation lands
588 acquired pursuant to the Florida Forever program and other
589 state-funded conservation land purchase programs shall be
590 authorized, upon a finding by the board of trustees, if they
591 meet the criteria specified in paragraphs (a)-(e): water
592 resource development projects, water supply development
593 projects, stormwater management projects, linear facilities, and
594 sustainable agriculture and forestry. Such additional uses are
595 authorized where:

596 (a) Not inconsistent with the management plan for such
597 lands;

598 (b) Compatible with the natural ecosystem and resource
599 values of such lands;

600 (c) The proposed use is appropriately located on such lands
601 and where due consideration is given to the use of other
602 available lands;

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

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

606

607 A decision by the board of trustees pursuant to this section



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608 shall be given a presumption of correctness. Moneys received
609 from the use of state lands pursuant to this section shall be
610 returned to the lead managing entity in accordance with s.
611 259.032(9)(c) ~~the provisions of s. 259.032(11)(e).~~

612 (11) Lands listed as projects for acquisition may be
613 managed for conservation pursuant to s. 259.032, on an interim
614 basis by a private party in anticipation of a state purchase in
615 accordance with a contractual arrangement between the acquiring
616 agency and the private party that may include management service
617 contracts, leases, cost-share arrangements or resource
618 conservation agreements. Lands designated as eligible under this
619 subsection shall be managed to maintain or enhance the resources
620 the state is seeking to protect by acquiring the land. Funding
621 for these contractual arrangements may originate from the
622 documentary stamp tax revenue deposited into the Land
623 Acquisition Conservation and Recreation Lands Trust Fund and
624 Water Management Lands Trust Fund. No more than \$6.2 million may
625 be expended from the Land Acquisition Trust Fund 5 percent of
626 funds allocated under the trust funds shall be expended for this
627 purpose.

628 Section 15. Section 253.7824, Florida Statutes, is amended
629 to read:

630 253.7824 Sale of products; proceeds.—The department may
631 authorize the removal and sale of products from the land where
632 environmentally appropriate, the proceeds from which shall be
633 deposited into the appropriate in the Land Acquisition trust
634 fund pursuant to s. 253.034(6)(k), (l), or (m).

635 Section 16. Subsection (1) of section 258.435, Florida
636 Statutes, is amended to read:



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637 258.435 Use of aquatic preserves for the accommodation of
638 visitors.—

639 (1) The Department of Environmental Protection shall
640 promote the public use of aquatic preserves and their associated
641 uplands. The department may receive gifts and donations to carry
642 out the purpose of this part. Moneys received in trust by the
643 department by gift, devise, appropriation, or otherwise, subject
644 to the terms of such trust, shall be deposited into the Grants
645 and Donations Land Acquisition Trust Fund and appropriated to
646 the department for the administration, development, improvement,
647 promotion, and maintenance of aquatic preserves and their
648 associated uplands and for any future acquisition or development
649 of aquatic preserves and their associated uplands.

650 Section 17. Section 259.032, Florida Statutes, is amended
651 to read:

652 259.032 Conservation and recreation lands ~~Trust Fund,~~
653 ~~purpose.~~—

654 (1) It is the policy of the state that the citizens of this
655 state shall be assured public ownership of natural areas for
656 purposes of maintaining this state's unique natural resources;
657 protecting air, land, and water quality; promoting water
658 resource development to meet the needs of natural systems and
659 citizens of this state; promoting restoration activities on
660 public lands; and providing lands for natural resource based
661 recreation. In recognition of this policy, it is the intent of
662 the Legislature to provide such public lands for the people
663 residing in urban and metropolitan areas of the state, as well
664 as those residing in less populated, rural areas. It is the
665 further intent of the Legislature, with regard to the lands



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666 described in paragraph (2) (c) ~~(3) (e)~~, that a high priority be
667 given to the acquisition, restoration, and management of such
668 lands in or near counties exhibiting the greatest concentration
669 of population and, with regard to the lands described in
670 subsection (2) ~~(3)~~, that a high priority be given to acquiring
671 lands or rights or interests in lands that advance the goals and
672 objectives of the Fish and Wildlife Conservation Commission's
673 approved species or habitat recovery plans, or lands within any
674 area designated as an area of critical state concern under s.
675 380.05 which, in the judgment of the advisory council
676 established pursuant to s. 259.035, or its successor, cannot be
677 adequately protected by application of land development
678 regulations adopted pursuant to s. 380.05. Finally, it is the
679 Legislature's intent that lands acquired for conservation and
680 recreation purposes ~~through this program and any successor~~
681 ~~programs~~ be managed in such a way as to protect or restore their
682 natural resource values, and provide the greatest benefit,
683 including public access, to the citizens of this state.

684 ~~(2) (a) The Conservation and Recreation Lands Trust Fund is~~
685 ~~established within the Department of Environmental Protection.~~
686 ~~The fund shall be used as a nonlapsing, revolving fund~~
687 ~~exclusively for the purposes of this section. The fund shall be~~
688 ~~credited with proceeds from the following excise taxes:~~

689 ~~1. The excise taxes on documents as provided in s. 201.15;~~
690 ~~and~~

691 ~~2. The excise tax on the severance of phosphate rock as~~
692 ~~provided in s. 211.3103.~~

693
694 ~~The Department of Revenue shall credit to the fund each month~~



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695 ~~the proceeds from such taxes as provided in this paragraph.~~

696 ~~(b) There shall annually be transferred from the~~
697 ~~Conservation and Recreation Lands Trust Fund to the Land~~
698 ~~Acquisition Trust Fund that amount, not to exceed \$20 million~~
699 ~~annually, as shall be necessary to pay the debt service on, or~~
700 ~~fund debt service reserve funds, rebate obligations, or other~~
701 ~~amounts with respect to bonds issued pursuant to s. 375.051 to~~
702 ~~acquire lands on the established priority list developed~~
703 ~~pursuant to ss. 259.101(4) and 259.105; however, no moneys~~
704 ~~transferred to the Land Acquisition Trust Fund pursuant to this~~
705 ~~paragraph, or earnings thereon, shall be used or made available~~
706 ~~to pay debt service on the Save Our Coast revenue bonds. Amounts~~
707 ~~transferred annually from the Conservation and Recreation Lands~~
708 ~~Trust Fund to the Land Acquisition Trust Fund pursuant to this~~
709 ~~paragraph shall have the highest priority over other payments or~~
710 ~~transfers from the Conservation and Recreation Lands Trust Fund,~~
711 ~~and no other payments or transfers shall be made from the~~
712 ~~Conservation and Recreation Lands Trust Fund until such~~
713 ~~transfers to the Land Acquisition Trust Fund have been made.~~
714 ~~Moneys in the Conservation and Recreation Lands Trust Fund also~~
715 ~~shall be used to manage lands and to pay for related costs,~~
716 ~~activities, and functions pursuant to the provisions of this~~
717 ~~section.~~

718 ~~(2)(3)~~ The Governor and Cabinet, sitting as the Board of
719 Trustees of the Internal Improvement Trust Fund, may expend
720 allocate moneys appropriated by the Legislature ~~from the fund in~~
721 ~~any one year~~ to acquire the fee or any lesser interest in lands
722 for the following public purposes:

723 (a) To conserve and protect environmentally unique and



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724 irreplaceable lands that contain native, relatively unaltered
725 flora and fauna representing a natural area unique to, or scarce
726 within, a region of this state or a larger geographic area;

727 (b) To conserve and protect lands within designated areas
728 of critical state concern, if the proposed acquisition relates
729 to the natural resource protection purposes of the designation;

730 (c) To conserve and protect native species habitat or
731 endangered or threatened species, emphasizing long-term
732 protection for endangered or threatened species designated G-1
733 or G-2 by the Florida Natural Areas Inventory, and especially
734 those areas that are special locations for breeding and
735 reproduction;

736 (d) To conserve, protect, manage, or restore important
737 ecosystems, landscapes, and forests, if the protection and
738 conservation of such lands is necessary to enhance or protect
739 significant surface water, groundwater, coastal, recreational,
740 timber, or fish or wildlife resources which cannot otherwise be
741 accomplished through local and state regulatory programs;

742 (e) To promote water resource development that benefits
743 natural systems and citizens of the state;

744 (f) To facilitate the restoration and subsequent health and
745 vitality of the Florida Everglades;

746 (g) To provide areas, including recreational trails, for
747 natural resource based recreation and other outdoor recreation
748 on any part of any site compatible with conservation purposes;

749 (h) To preserve significant archaeological or historic
750 sites;

751 (i) To conserve urban open spaces suitable for greenways or
752 outdoor recreation which are compatible with conservation



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753 purposes; or

754 (j) To preserve agricultural lands under threat of
755 conversion to development through less-than-fee acquisitions.

756 ~~(3)-(4)~~ Lands acquired for conservation and recreation
757 purposes under this section shall be for use as state-designated
758 parks, recreation areas, preserves, reserves, historic or
759 archaeological sites, geologic or botanical sites, recreational
760 trails, forests, wilderness areas, wildlife management areas,
761 urban open space, or other state-designated recreation or
762 conservation lands; or they shall qualify for such state
763 designation and use if they are to be managed by other
764 governmental agencies or nonstate entities as provided for in
765 this section.

766 ~~(4)-(5)~~ The board of trustees may expend appropriated funds
767 allocate, in any year, an amount not to exceed 5 percent of the
768 money credited to the fund in that year, such allocation to be
769 used for the initiation and maintenance of a natural areas
770 inventory to aid in the identification of areas to be acquired
771 for conservation and recreation purposes pursuant to this
772 section.

773 ~~(6)~~ Moneys in the fund not needed to meet obligations
774 incurred under this section shall be deposited with the Chief
775 Financial Officer to the credit of the fund and may be invested
776 in the manner provided by law. Interest received on such
777 investments shall be credited to the Conservation and Recreation
778 Lands Trust Fund.

779 ~~(5)-(7)~~ The board of trustees may enter into any contract
780 necessary to accomplish the purposes of this section. The lead
781 land managing agencies designated by the board of trustees also



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782 are directed by the Legislature to enter into contracts or
783 interagency agreements with other governmental entities,
784 including local soil and water conservation districts, or
785 private land managers who have the expertise to perform specific
786 management activities which a lead agency lacks, or which would
787 cost more to provide in-house. Such activities shall include,
788 but not be limited to, controlled burning, road and ditch
789 maintenance, mowing, and wildlife assessments.

790 ~~(6)(8)~~ Conservation and recreation lands ~~to be considered~~
791 ~~for purchase under this section~~ are subject to the selection
792 procedures of s. 259.035 and related rules and shall be acquired
793 in accordance with acquisition procedures for state lands
794 provided for in s. 259.041, except as otherwise provided by the
795 Legislature. An inholding or an addition to conservation and
796 recreation lands ~~a project selected for purchase pursuant to~~
797 ~~this chapter~~ is not subject to the selection procedures of s.
798 259.035 if the estimated value of such inholding or addition
799 does not exceed \$500,000. When at least 90 percent of the
800 acreage of a project has been purchased for conservation and
801 recreation purposes ~~pursuant to this chapter~~, the project may be
802 removed from the list and the remaining acreage may continue to
803 be purchased. Funds appropriated to acquire conservation and
804 recreation lands ~~Moneys from the fund~~ may be used for title
805 work, appraisal fees, environmental audits, and survey costs
806 related to acquisition expenses for lands to be acquired,
807 donated, or exchanged which qualify under the categories of this
808 section, at the discretion of the board. When the Legislature
809 has authorized the Department of Environmental Protection to
810 condemn a specific parcel of land and such parcel has already



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811 been approved for acquisition ~~under this section~~, the land may
812 be acquired in accordance with the provisions of chapter 73 or
813 chapter 74, and the funds appropriated to acquire conservation
814 and recreation lands fund may be used to pay the condemnation
815 award and all costs, including a reasonable attorney's fee,
816 associated with condemnation.

817 ~~(7)-(9)~~ All lands managed under this chapter and s. 253.034
818 shall be:

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

821 (b) Managed for public outdoor recreation which is
822 compatible with the conservation and protection of public lands.
823 Such management may include, but not be limited to, the
824 following public recreational uses: fishing, hunting, camping,
825 bicycling, hiking, nature study, swimming, boating, canoeing,
826 horseback riding, diving, model hobbyist activities, birding,
827 sailing, jogging, and other related outdoor activities
828 compatible with the purposes for which the lands were acquired.

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

831 (d) Concurrent with its adoption of the annual ~~Conservation~~
832 ~~and Recreation Lands~~ list of acquisition projects pursuant to s.
833 259.035, the board of trustees shall adopt a management
834 prospectus for each project. The management prospectus shall
835 delineate:

- 836 1. The management goals for the property;
- 837 2. The conditions that will affect the intensity of
838 management;
- 839 3. An estimate of the revenue-generating potential of the



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840 property, if appropriate;

841 4. A timetable for implementing the various stages of
842 management and for providing access to the public, if
843 applicable;

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

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

848 7. The anticipated costs of management and projected
849 sources of revenue, including legislative appropriations, to
850 fund management needs; and

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

855 (e) Concurrent with the approval of the acquisition
856 contract pursuant to s. 259.041(3)(c) for any interest in lands
857 except those lands being acquired under the provisions of s.
858 259.1052, the board of trustees shall designate an agency or
859 agencies to manage such lands. The board shall evaluate and
860 amend, as appropriate, the management policy statement for the
861 project as provided by s. 259.035, consistent with the purposes
862 for which the lands are acquired. For any fee simple acquisition
863 of a parcel which is or will be leased back for agricultural
864 purposes, or any acquisition of a less-than-fee interest in land
865 that is or will be used for agricultural purposes, the Board of
866 Trustees of the Internal Improvement Trust Fund shall first
867 consider having a soil and water conservation district, created
868 pursuant to chapter 582, manage and monitor such interests.



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869 (f) State agencies designated to manage lands acquired
870 under this chapter or with funds deposited into the Land
871 Acquisition Trust Fund pursuant to s. 28(a), Art. X of the State
872 Constitution, except those lands acquired under s. 259.1052, may
873 contract with local governments and soil and water conservation
874 districts to assist in management activities, including the
875 responsibility of being the lead land manager. Such land
876 management contracts may include a provision for the transfer of
877 management funding to the local government or soil and water
878 conservation district from the land acquisition ~~Conservation and~~
879 ~~Recreation Lands~~ trust fund of the lead land managing agency in
880 an amount adequate for the local government or soil and water
881 conservation district to perform its contractual land management
882 responsibilities and proportionate to its responsibilities, and
883 which otherwise would have been expended by the state agency to
884 manage the property.

885 (g) Immediately following the acquisition of any interest
886 in conservation and recreation lands ~~under this chapter,~~ the
887 Department of Environmental Protection, acting on behalf of the
888 board of trustees, may issue to the lead managing entity an
889 interim assignment letter to be effective until the execution of
890 a formal lease.

891 ~~(8)-(10)~~(a) State, regional, or local governmental agencies
892 or private entities designated to manage lands under this
893 section shall develop and adopt, with the approval of the board
894 of trustees, an individual management plan for each project
895 designed to conserve and protect such lands and their associated
896 natural resources. Private sector involvement in management plan
897 development may be used to expedite the planning process.



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898 (b) Individual management plans required by s. 253.034(5),
899 for parcels over 160 acres, shall be developed with input from
900 an advisory group. Members of this advisory group shall include,
901 at a minimum, representatives of the lead land managing agency,
902 comanaging entities, local private property owners, the
903 appropriate soil and water conservation district, a local
904 conservation organization, and a local elected official. The
905 advisory group shall conduct at least one public hearing within
906 the county in which the parcel or project is located. For those
907 parcels or projects that are within more than one county, at
908 least one areawide public hearing shall be acceptable and the
909 lead managing agency shall invite a local elected official from
910 each county. The areawide public hearing shall be held in the
911 county in which the core parcels are located. Notice of such
912 public hearing shall be posted on the parcel or project
913 designated for management, advertised in a paper of general
914 circulation, and announced at a scheduled meeting of the local
915 governing body before the actual public hearing. The management
916 prospectus required pursuant to paragraph (7) (d) ~~(9) (d)~~ shall be
917 available to the public for a period of 30 days prior to the
918 public hearing.

919 (c) Once a plan is adopted, the managing agency or entity
920 shall update the plan at least every 10 years in a form and
921 manner prescribed by rule of the board of trustees. Such
922 updates, for parcels over 160 acres, shall be developed with
923 input from an advisory group. Such plans may include transfers
924 of leasehold interests to appropriate conservation organizations
925 or governmental entities designated by the Land Acquisition and
926 Management Advisory Council or its successor, for uses



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927 consistent with the purposes of the organizations and the
928 protection, preservation, conservation, restoration, and proper
929 management of the lands and their resources. Volunteer
930 management assistance is encouraged, including, but not limited
931 to, assistance by youths participating in programs sponsored by
932 state or local agencies, by volunteers sponsored by
933 environmental or civic organizations, and by individuals
934 participating in programs for committed delinquents and adults.

935 (d)1. For each project for which lands are acquired after
936 July 1, 1995, an individual management plan shall be adopted and
937 in place no later than 1 year after the essential parcel or
938 parcels identified in the priority list developed pursuant to s.
939 259.105 ~~ss. 259.101(4) and 259.105~~ have been acquired. The
940 Department of Environmental Protection shall distribute only 75
941 percent of the acquisition funds to which a budget entity or
942 water management district would otherwise be entitled ~~from the~~
943 ~~Preservation 2000 Trust Fund~~ to any budget entity or any water
944 management district that has more than one-third of its
945 management plans overdue.

946 2. The requirements of subparagraph 1. do not apply to the
947 individual management plan for the Babcock Crescent B Ranch
948 being acquired pursuant to s. 259.1052. The management plan for
949 the ranch shall be adopted and in place no later than 2 years
950 following the date of acquisition by the state.

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

954 1. A statement of the purpose for which the lands were
955 acquired, the projected use or uses as defined in s. 253.034,



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956 and the statutory authority for such use or uses.

957 2. Key management activities necessary to achieve the
958 desired outcomes, including, but not limited to, providing
959 public access, preserving and protecting natural resources,
960 protecting cultural and historical resources, restoring habitat,
961 protecting threatened and endangered species, controlling the
962 spread of nonnative plants and animals, performing prescribed
963 fire activities, and other appropriate resource management.

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

967 4. A priority schedule for conducting management
968 activities, based on the purposes for which the lands were
969 acquired.

970 5. A cost estimate for conducting priority management
971 activities, to include recommendations for cost-effective
972 methods of accomplishing those activities.

973 6. A cost estimate for conducting other management
974 activities which would enhance the natural resource value or
975 public recreation value for which the lands were acquired. The
976 cost estimate shall include recommendations for cost-effective
977 methods of accomplishing those activities.

978 7. A determination of the public uses and public access
979 that would be consistent with the purposes for which the lands
980 were acquired.

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



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985 1. Within 60 days after receiving a plan from the division,
986 review each plan for compliance with the requirements of this
987 subsection and with the requirements of the rules established by
988 the board pursuant to this subsection.

989 2. Consider the propriety of the recommendations of the
990 managing agency with regard to the future use or protection of
991 the property.

992 3. After its review, submit the plan, along with its
993 recommendations and comments, to the board of trustees, with
994 recommendations as to whether to approve the plan as submitted,
995 approve the plan with modifications, or reject the plan.

996 (g) The board of trustees shall consider the individual
997 management plan submitted by each state agency and the
998 recommendations of the Acquisition and Restoration Council and
999 the Division of State Lands and shall approve the plan with or
1000 without modification or reject such plan. The use or possession
1001 of any lands owned by the board of trustees which is not in
1002 accordance with an approved individual management plan is
1003 subject to termination by the board of trustees.

1004
1005 By July 1 of each year, each governmental agency and each
1006 private entity designated to manage lands shall report to the
1007 Secretary of Environmental Protection on the progress of
1008 funding, staffing, and resource management of every project for
1009 which the agency or entity is responsible.

1010 ~~(9)~~ (a) The Legislature recognizes that acquiring lands
1011 pursuant to this chapter serves the public interest by
1012 protecting land, air, and water resources which contribute to
1013 the public health and welfare, providing areas for natural



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1014 resource based recreation, and ensuring the survival of unique
1015 and irreplaceable plant and animal species. The Legislature
1016 intends for these lands to be managed and maintained for the
1017 purposes for which they were acquired and for the public to have
1018 access to and use of these lands where it is consistent with
1019 acquisition purposes and would not harm the resources the state
1020 is seeking to protect on the public's behalf.

1021 (b) An amount of not less than 1.5 percent of the
1022 cumulative total of funds ever deposited into the Florida
1023 Preservation 2000 Trust Fund and the Florida Forever Trust Fund
1024 shall be made available for the purposes of management,
1025 maintenance, and capital improvements ~~not eligible for funding~~
1026 ~~pursuant to s. 11(e), Art. VII of the State Constitution,~~ and
1027 for associated contractual services, for conservation and
1028 recreation lands acquired with funds deposited into the Land
1029 Acquisition Trust Fund pursuant to s. 28(a), Art. X of the State
1030 Constitution or pursuant to former s. 259.032, Florida Statutes
1031 2014 this section, former s. 259.101, Florida Statutes 2014, s.
1032 259.105, s. 259.1052, or previous programs for the acquisition
1033 of lands for conservation and recreation, including state
1034 forests, to which title is vested in the board of trustees and
1035 other conservation and recreation lands managed by a state
1036 agency. Of this amount, \$250,000 shall be transferred annually
1037 to the Plant Industry Trust Fund within the Department of
1038 Agriculture and Consumer Services for the purpose of
1039 implementing the Endangered or Threatened Native Flora
1040 Conservation Grants Program pursuant to s. 581.185(11). Each
1041 agency with management responsibilities shall annually request
1042 from the Legislature funds sufficient to fulfill such



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1043 responsibilities to implement individual management plans. For
1044 the purposes of this paragraph, capital improvements shall
1045 include, but need not be limited to, perimeter fencing, signs,
1046 firelanes, access roads and trails, and minimal public
1047 accommodations, such as primitive campsites, garbage
1048 receptacles, and toilets. Any equipment purchased with funds
1049 provided pursuant to this paragraph may be used for the purposes
1050 described in this paragraph on any conservation and recreation
1051 lands managed by a state agency. ~~The funding requirement created~~
1052 ~~in this paragraph is subject to an annual evaluation by the~~
1053 ~~Legislature in order to ensure that such requirement does not~~
1054 ~~impact the respective trust fund in a manner that would prevent~~
1055 ~~the trust fund from meeting other minimum requirements.~~

1056 (c) All revenues generated through multiple-use management
1057 or compatible secondary-use management shall be returned to the
1058 lead agency responsible for such management and shall be used to
1059 pay for management activities on all conservation, preservation,
1060 and recreation lands under the agency's jurisdiction. In
1061 addition, such revenues shall be segregated in an agency trust
1062 fund and shall remain available to the agency in subsequent
1063 fiscal years to support land management appropriations. For the
1064 purposes of this paragraph, compatible secondary-use management
1065 shall be those activities described in subsection (7) ~~(9)~~
1066 undertaken on parcels designated as single use pursuant to s.
1067 253.034(2)(b).

1068 (d) Up to one-fifth of the funds appropriated for the
1069 purposes identified ~~provided for~~ in paragraph (b) shall be
1070 reserved by the board of trustees for interim management of
1071 acquisitions and for associated contractual services, to ensure



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1072 the conservation and protection of natural resources on project
1073 sites and to allow limited public recreational use of lands.
1074 Interim management activities may include, but not be limited
1075 to, resource assessments, control of invasive, nonnative
1076 species, habitat restoration, fencing, law enforcement,
1077 controlled burning, and public access consistent with
1078 preliminary determinations made pursuant to paragraph (7) (g)
1079 ~~(9) (g)~~. The board of trustees shall make these interim funds
1080 available immediately upon purchase.

1081 (e) The department shall set long-range and annual goals
1082 for the control and removal of nonnative, invasive plant species
1083 on public lands. Such goals shall differentiate between aquatic
1084 plant species and upland plant species. In setting such goals,
1085 the department may rank, in order of adverse impact, species
1086 that impede or destroy the functioning of natural systems.
1087 Notwithstanding paragraph (a), up to one-fourth of the funds
1088 provided for in paragraph (b) may be used by the agencies
1089 receiving those funds for control and removal of nonnative,
1090 invasive species on public lands.

1091 ~~(f) For the 2014-2015 fiscal year only, moneys in the~~
1092 ~~Conservation and Recreation Lands Trust Fund may be transferred~~
1093 ~~to the Florida Forever Trust Fund for the Florida Forever~~
1094 ~~program and to the Save Our Everglades Trust Fund to support~~
1095 ~~Everglades restoration projects included in the final report of~~
1096 ~~the Select Committee on Indian River Lagoon and Lake Okeechobee~~
1097 ~~Basin, dated November 8, 2013, pursuant to nonoperating budget~~
1098 ~~authority under s. 216.181(12). This subsection expires July 1,~~
1099 ~~2015.~~

1100 (10) (12) (a) ~~Beginning July 1, 1999,~~ The Legislature may



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1101 ~~expend shall make available sufficient~~ funds annually from an
1102 appropriate ~~the Conservation and Recreation Lands~~ trust fund to
1103 the department for payment in lieu of taxes to qualifying
1104 counties and local governments as defined in paragraph (b) for
1105 all actual tax losses incurred as a result of board of trustees
1106 acquisitions for state agencies under the Florida Forever
1107 program or the former Florida Preservation 2000 program ~~during~~
1108 ~~any year. Reserved funds not used for payments in lieu of taxes~~
1109 ~~in any year shall revert to the fund to be used for land~~
1110 ~~management in accordance with the provisions of this section.~~

1111 (b) Payment in lieu of taxes shall be available:

1112 1. To all counties that have a population of 150,000 or
1113 fewer. Population levels shall be determined pursuant to s.
1114 11.031.

1115 2. To all local governments located in eligible counties.

1116 3. To Glades County, where a privately owned and operated
1117 prison leased to the state has recently been opened and where
1118 privately owned and operated juvenile justice facilities leased
1119 to the state have recently been constructed and opened, a
1120 payment in lieu of taxes, in an amount that offsets the loss of
1121 property tax revenue, which funds have already been appropriated
1122 and allocated from the Department of Correction's budget for the
1123 purpose of reimbursing amounts equal to lost ad valorem taxes.

1124 (c) If insufficient funds are available in any year to make
1125 full payments to all qualifying counties and local governments,
1126 such counties and local governments shall receive a pro rata
1127 share of the moneys available.

1128 (d) The payment amount shall be based on the average amount
1129 of actual taxes paid on the property for the 3 years preceding



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1130 acquisition. Applications for payment in lieu of taxes shall be
1131 made no later than January 31 of the year following acquisition.
1132 No payment in lieu of taxes shall be made for properties which
1133 were exempt from ad valorem taxation for the year immediately
1134 preceding acquisition.

1135 (e) If property which was subject to ad valorem taxation
1136 was acquired by a tax-exempt entity for ultimate conveyance to
1137 the state under this chapter, payment in lieu of taxes shall be
1138 made for such property based upon the average amount of taxes
1139 paid on the property for the 3 years prior to its being removed
1140 from the tax rolls. The department shall certify to the
1141 Department of Revenue those properties that may be eligible
1142 under this provision. Once eligibility has been established,
1143 that county or local government shall receive annual payments
1144 for each tax loss until the qualifying county or local
1145 government exceeds the population threshold pursuant to this
1146 section.

1147 (f) Payment in lieu of taxes pursuant to this subsection
1148 shall be made annually to qualifying counties and local
1149 governments after certification by the Department of Revenue
1150 that the amounts applied for are reasonably appropriate, based
1151 on the amount of actual taxes paid on the eligible property.
1152 With the assistance of the local government requesting payment
1153 in lieu of taxes, the state agency that acquired the land is
1154 responsible for preparing and submitting application requests
1155 for payment to the Department of Revenue for certification.

1156 (g) If the board of trustees conveys to a local government
1157 title to any land owned by the board, any payments in lieu of
1158 taxes on the land made to the local government shall be



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1159 discontinued as of the date of the conveyance.

1160
1161 For the purposes of this subsection, "local government" includes
1162 municipalities, the county school board, mosquito control
1163 districts, and any other local government entity which levies ad
1164 valorem taxes, with the exception of a water management
1165 district.

1166 ~~(13) Moneys credited to the fund each year which are not~~
1167 ~~used for management, maintenance, or capital improvements~~
1168 ~~pursuant to subsection (11); for payment in lieu of taxes~~
1169 ~~pursuant to subsection (12); or for the purposes of subsection~~
1170 ~~(5), shall be available for the acquisition of land pursuant to~~
1171 ~~this section.~~

1172 (11)~~(14)~~ The board of trustees may adopt rules to further
1173 define the categories of land for acquisition under this
1174 chapter.

1175 (12)~~(15)~~ Within 90 days after receiving a certified letter
1176 from the owner of a property on the ~~Conservation and Recreation~~
1177 ~~Lands list or the~~ priority list established pursuant to s.
1178 259.105 objecting to the property being included in an
1179 acquisition project, where such property is a project or part of
1180 a project which has not been listed for purchase in the current
1181 year's land acquisition work plan, the board of trustees shall
1182 delete the property from the list or from the boundary of an
1183 acquisition project on the list.

1184 Section 18. Subsections (3), (4), and (6) of section
1185 259.035, Florida Statutes, are amended to read:

1186 259.035 Acquisition and Restoration Council.—

1187 (3) The council shall provide assistance to the board of



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1188 trustees in reviewing the recommendations and plans for state-
1189 owned lands required under s. 253.034 and chapter 259 ss.
1190 ~~253.034 and 259.032~~. The council shall, in reviewing such
1191 recommendations and plans, consider the optimization of
1192 multiple-use and conservation strategies to accomplish the
1193 provisions funded pursuant to former s. 259.101(3)(a), Florida
1194 Statutes 2014, and to s. 259.105(3)(b) ss. 259.101(3)(a) and
1195 259.105(3)(b).

1196 ~~(4)(a) The council may use existing rules adopted by the~~
1197 ~~board of trustees, until it develops and recommends amendments~~
1198 ~~to those rules, to competitively evaluate, select, and rank~~
1199 ~~projects eligible for the Conservation and Recreation Lands list~~
1200 ~~pursuant to ss. 259.032(3) and 259.101(4).~~

1201 ~~(a)(b)~~ By January 1, 2017 ~~December 1, 2009~~, the Acquisition
1202 and Restoration Council shall develop rules defining specific
1203 criteria and numeric performance measures needed for lands that
1204 are to be acquired for public purpose with funds deposited into
1205 the Land Acquisition Trust Fund pursuant to s. 28(a), Art. X of
1206 the State Constitution under the Florida Forever program
1207 ~~pursuant to s. 259.105. Each recipient of Florida Forever funds~~
1208 ~~shall assist the council in the development of such rules. These~~
1209 rules shall be reviewed and adopted by the board, then submitted
1210 to the Legislature for consideration by February 1, 2017 ~~2010~~.
1211 The Legislature may reject, modify, or take no action relative
1212 to the proposed rules. If no action is taken, the rules shall be
1213 implemented. Subsequent to their approval, each recipient of
1214 ~~Florida Forever funds~~ from the Land Acquisition Trust Fund shall
1215 annually report to the Division of State Lands on each of the
1216 numeric performance measures accomplished during the previous



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1217 fiscal year.

1218 (b)~~(e)~~ In developing or amending rules, the council shall
1219 give weight to the criteria included in s. 259.105(10). The
1220 board of trustees shall review the recommendations and shall
1221 adopt rules necessary to administer this section.

1222 (6) The proposal for a project pursuant to this section or
1223 s. 259.105(3)(b) may be implemented only if adopted by the
1224 council and approved by the board of trustees. The council shall
1225 consider and evaluate in writing the merits and demerits of each
1226 project that is proposed for acquisition using funds available
1227 pursuant to s. 28, Art. X of the State Constitution ~~Conservation~~
1228 ~~and Recreation Lands, Florida Preservation 2000,~~ or Florida
1229 Forever funding and shall ensure that each proposed project
1230 meets the requirements of s. 28, Art. X of the State
1231 Constitution ~~will meet a stated public purpose for the~~
1232 ~~restoration, conservation, or preservation of environmentally~~
1233 ~~sensitive lands and water areas or for providing outdoor~~
1234 ~~recreational opportunities.~~ The council also shall determine
1235 whether the project conforms, where applicable, with the
1236 comprehensive plan developed pursuant to s. 259.04(1)(a), the
1237 comprehensive multipurpose outdoor recreation plan developed
1238 pursuant to s. 375.021, the state lands management plan adopted
1239 pursuant to s. 253.03(7), the water resources work plans
1240 developed pursuant to s. 373.199, and the provisions of s.
1241 259.032, s. 259.101, or s. 259.105, whichever is applicable.

1242 Section 19. Subsection (4) of section 259.036, Florida
1243 Statutes, is amended to read:

1244 259.036 Management review teams.-

1245 (4) In the event a land management plan has not been



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1246 adopted within the timeframes specified in s. 259.032(8) ~~s.~~
1247 ~~259.032(10)~~, the department may direct a management review of
1248 the property, to be conducted by the land management review
1249 team. The review shall consider the extent to which the land is
1250 being managed for the purposes for which it was acquired and the
1251 degree to which actual management practices are in compliance
1252 with the management policy statement and management prospectus
1253 for that property.

1254 Section 20. Paragraph (b) of subsection (3) of section
1255 259.037, Florida Statutes, is amended to read:

1256 259.037 Land Management Uniform Accounting Council.—

1257 (3)

1258 (b) Each reporting agency shall also:

1259 1. Include a report of the available public use
1260 opportunities for each management unit of state land, the total
1261 management cost for public access and public use, and the cost
1262 associated with each use option.

1263 2. List the acres of land requiring minimal management
1264 effort, moderate management effort, and significant management
1265 effort pursuant to s. 259.032(9)(c) ~~former s. 259.032(11)(c)~~.
1266 For each category created in paragraph (a), the reporting agency
1267 shall include the amount of funds requested, the amount of funds
1268 received, and the amount of funds expended for land management.

1269 3. List acres managed and cost of management for each park,
1270 preserve, forest, reserve, or management area.

1271 4. List acres managed, cost of management, and lead manager
1272 for each state lands management unit for which secondary
1273 management activities were provided.

1274 5. Include a report of the estimated calculable financial



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1275 benefits to the public for the ecosystem services provided by
1276 conservation lands, based on the best readily available
1277 information or science that provides a standard measurement
1278 methodology to be consistently applied by the land managing
1279 agencies. Such information may include, but need not be limited
1280 to, the value of natural lands for protecting the quality and
1281 quantity of drinking water through natural water filtration and
1282 recharge, contributions to protecting and improving air quality,
1283 benefits to agriculture through increased soil productivity and
1284 preservation of biodiversity, and savings to property and lives
1285 through flood control.

1286 Section 21. Subsection (1) of section 259.04, Florida
1287 Statutes, is amended to read:

1288 259.04 Board; powers and duties.—

1289 (1) For projects and acquisitions selected for purchase
1290 pursuant to ss. 259.035, ~~259.101~~, and 259.105:

1291 (a) The board is given the responsibility, authority, and
1292 power to develop and execute a comprehensive, statewide 5-year
1293 plan to conserve, restore, and protect environmentally
1294 endangered lands, ecosystems, lands necessary for outdoor
1295 recreational needs, and other lands as identified in ss.
1296 259.032, ~~259.101~~, and 259.105. This plan shall be kept current
1297 through continual reevaluation and revision. The advisory
1298 council or its successor shall assist the board in the
1299 development, reevaluation, and revision of the plan.

1300 (b) The board may enter into contracts with the government
1301 of the United States or any agency or instrumentality thereof;
1302 the state or any county, municipality, district authority, or
1303 political subdivision; or any private corporation, partnership,



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1304 association, or person providing for or relating to the
1305 conservation or protection of certain lands in accomplishing the
1306 purposes of this chapter.

1307 (c) Within 45 days after the advisory council or its
1308 successor submits the lists of projects to the board, the board
1309 shall approve, in whole or in part, the lists of projects in the
1310 order of priority in which such projects are presented. To the
1311 greatest extent practicable, projects on the lists shall be
1312 acquired in their approved order of priority.

1313 (d) The board is authorized to acquire, by purchase, gift,
1314 or devise or otherwise, the fee title or any lesser interest of
1315 lands, water areas, and related resources for environmentally
1316 endangered lands.

1317 Section 22. Paragraphs (a) and (b) of subsection (11) and
1318 subsection (15) of section 259.041, Florida Statutes, are
1319 amended to read:

1320 259.041 Acquisition of state-owned lands for preservation,
1321 conservation, and recreation purposes.—

1322 (11) (a) The Legislature finds that, with the increasing
1323 pressures on the natural areas of this state and on open space
1324 suitable for recreational use, the state must develop creative
1325 techniques to maximize the use of acquisition and management
1326 funds. The Legislature also finds that the state's conservation
1327 and recreational land acquisition agencies should be encouraged
1328 to augment their traditional, fee simple acquisition programs
1329 with the use of alternatives to fee simple acquisition
1330 techniques. Additionally, the Legislature finds that generations
1331 of private landowners have been good stewards of their land,
1332 protecting or restoring native habitats and ecosystems to the



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1333 benefit of the natural resources of this state, its heritage,
1334 and its citizens. The Legislature also finds that using
1335 alternatives to fee simple acquisition by public land
1336 acquisition agencies will achieve the following public policy
1337 goals:

1338 1. Allow more lands to be brought under public protection
1339 for preservation, conservation, and recreational purposes with
1340 less expenditure of public funds.

1341 2. Retain, on local government tax rolls, some portion of
1342 or interest in lands which are under public protection.

1343 3. Reduce long-term management costs by allowing private
1344 property owners to continue acting as stewards of their land,
1345 where appropriate.

1346

1347 Therefore, it is the intent of the Legislature that public land
1348 acquisition agencies develop programs to pursue alternatives to
1349 fee simple acquisition and to educate private landowners about
1350 such alternatives and the benefits of such alternatives. It is
1351 also the intent of the Legislature that a portion of the shares
1352 of ~~Preservation 2000~~ and Florida Forever bond proceeds be used
1353 to purchase eligible properties using alternatives to fee simple
1354 acquisition.

1355 (b) All project applications shall identify, within their
1356 acquisition plans, projects that require a full fee simple
1357 interest to achieve the public policy goals, together with the
1358 reasons full title is determined to be necessary. The state
1359 agencies and the water management districts may use alternatives
1360 to fee simple acquisition to bring the remaining projects in
1361 their acquisition plans under public protection. For the



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1362 purposes of this subsection, the term "alternatives to fee
1363 simple acquisition" includes, but is not limited to: purchase of
1364 development rights; obtaining conservation easements; obtaining
1365 flowage easements; purchase of timber rights, mineral rights, or
1366 hunting rights; purchase of agricultural interests or
1367 silvicultural interests; ~~entering into land protection~~
1368 ~~agreements as defined in s. 380.0677(3);~~ fee simple acquisitions
1369 with reservations; creating life estates; or any other
1370 acquisition technique that achieves the public policy goals
1371 listed in paragraph (a). It is presumed that a private landowner
1372 retains the full range of uses for all the rights or interests
1373 in the landowner's land which are not specifically acquired by
1374 the public agency. The lands upon which hunting rights are
1375 specifically acquired pursuant to this paragraph shall be
1376 available for hunting in accordance with the management plan or
1377 hunting regulations adopted by the Florida Fish and Wildlife
1378 Conservation Commission, unless the hunting rights are purchased
1379 specifically to protect activities on adjacent lands.

1380 (15) The board of trustees, by an affirmative vote of at
1381 least three of its members, may direct the department to
1382 purchase lands on an immediate basis using up to 15 percent of
1383 the funds allocated to the department pursuant to s. 259.105 ~~ss.~~
1384 ~~259.101(3)(a) and 259.105~~ for the acquisition of lands that:

1385 (a) Are listed or placed at auction by the Federal
1386 Government as part of the Resolution Trust Corporation sale of
1387 lands from failed savings and loan associations;

1388 (b) Are listed or placed at auction by the Federal
1389 Government as part of the Federal Deposit Insurance Corporation
1390 sale of lands from failed banks; or



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1391 (c) Will be developed or otherwise lost to potential public
1392 ownership, or for which federal matching funds will be lost, by
1393 the time the land can be purchased under the program within
1394 which the land is listed for acquisition.

1395
1396 For such acquisitions, the board of trustees may waive or modify
1397 all procedures required for land acquisition pursuant to this
1398 chapter and all competitive bid procedures required pursuant to
1399 chapters 255 and 287. Lands acquired pursuant to this subsection
1400 must, at the time of purchase, be on one of the acquisition
1401 lists established pursuant to this chapter, or be essential for
1402 water resource development, protection, or restoration, or a
1403 significant portion of the lands must contain natural
1404 communities or plant or animal species that ~~which~~ are listed by
1405 the Florida Natural Areas Inventory as critically imperiled,
1406 imperiled, or rare, or as excellent quality occurrences of
1407 natural communities.

1408 Section 23. Section 259.101, Florida Statutes, is amended
1409 to read:

1410 259.101 Florida Preservation 2000 Act.—

1411 (1) SHORT TITLE.—This section may be cited as the “Florida
1412 Preservation 2000 Act.”

1413 (2) LEGISLATIVE FINDINGS.—The Legislature finds and
1414 declares that:

1415 (a) The alteration and development of Florida’s natural
1416 areas to accommodate its rapidly growing population have
1417 contributed to the degradation of water resources, the
1418 fragmentation and destruction of wildlife habitats, the loss of
1419 recreation space, and the diminishment of wetlands and forests.



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1420 (b) Imminent development of Florida's remaining natural
1421 areas and continuing increases in land values necessitate an
1422 aggressive program of public land acquisition during the next
1423 decade to preserve the quality of life that attracts so many
1424 people to Florida.

1425 (c) Acquisition of public lands, in fee simple or in any
1426 lesser interest, should be based on a comprehensive assessment
1427 of Florida's natural resources and planned so as to protect the
1428 integrity of ecological systems and to provide multiple
1429 benefits, including preservation of fish and wildlife habitat,
1430 recreation space, and water recharge areas. Governmental
1431 agencies responsible for public land acquisition should work
1432 together to purchase lands jointly and to coordinate individual
1433 purchases within ecological systems.

1434 (d) One of the purposes of the Florida Communities Trust
1435 program is to acquire, protect, and preserve open space and
1436 recreation properties within urban areas where pristine animal
1437 and plant communities no longer exist. These areas are often
1438 overlooked in other programs because of their smaller size and
1439 proximity to developed property. These smaller parcels are,
1440 however, critically important to the quality of life in these
1441 urban areas for the residents who live there as well as to the
1442 many visitors to the state. The trust shall consider projects
1443 submitted by local governments which further the goals,
1444 objectives, and policies of the conservation, recreation and
1445 open space, or coastal elements of their local comprehensive
1446 plans or which serve to conserve natural resources or resolve
1447 land use conflicts.

1448 (e) South Florida's water supply and unique natural



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1449 environment depend on the protection of lands buffering the East
1450 Everglades and the Everglades water conservation areas.

1451
1452 In addition, the Legislature recognizes the conflicting desires
1453 of the citizens of this state to prosper through economic
1454 development and to preserve the natural areas of Florida that
1455 development threatens to claim. The Legislature further
1456 recognizes the urgency of acquiring natural areas in the state
1457 for preservation, yet acknowledges the difficulty of ensuring
1458 adequate funding for accelerated acquisition in light of other
1459 equally critical financial needs of the state. ~~It is the~~
1460 ~~Legislature's desire and intent to fund the implementation of~~
1461 ~~the Florida Preservation 2000 Act for each of the 10 years of~~
1462 ~~the program's duration and to do so in a fiscally responsible~~
1463 ~~manner.~~

1464 (3) TITLE TO CERTAIN PROPERTY ACQUIRED WITH PRESERVATION
1465 2000 BONDS LAND ACQUISITION PROGRAMS SUPPLEMENTED. ~~Less the~~
1466 ~~costs of issuance, the costs of funding reserve accounts, and~~
1467 ~~other costs with respect to the bonds, the proceeds of bonds~~
1468 ~~issued pursuant to this act shall be deposited into the Florida~~
1469 ~~Preservation 2000 Trust Fund created by s. 375.045. In fiscal~~
1470 ~~year 2000-2001, for each Florida Preservation 2000 program~~
1471 ~~described in paragraphs (a)-(g), that portion of each program's~~
1472 ~~total remaining cash balance which, as of June 30, 2000, is in~~
1473 ~~excess of that program's total remaining appropriation balances~~
1474 ~~shall be redistributed by the department and deposited into the~~
1475 ~~Save Our Everglades Trust Fund for land acquisition. For~~
1476 ~~purposes of calculating the total remaining cash balances for~~
1477 ~~this redistribution, the Florida Preservation 2000 Series 2000~~



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1478 ~~bond proceeds, including interest thereon, and the fiscal year~~
1479 ~~1999-2000 General Appropriations Act amounts shall be deducted~~
1480 ~~from the remaining cash and appropriation balances,~~
1481 ~~respectively. The remaining proceeds shall be distributed by the~~
1482 ~~Department of Environmental Protection in the following manner:~~

1483 ~~(a) Fifty percent to the Department of Environmental~~
1484 ~~Protection for the purchase of public lands as described in s.~~
1485 ~~259.032. Of this 50 percent, at least one-fifth shall be used~~
1486 ~~for the acquisition of coastal lands.~~

1487 ~~(b) Thirty percent to the Department of Environmental~~
1488 ~~Protection for the purchase of water management lands pursuant~~
1489 ~~to s. 373.59, to be distributed among the water management~~
1490 ~~districts as provided in that section. Funds received by each~~
1491 ~~district may also be used for acquisition of lands necessary to~~
1492 ~~implement surface water improvement and management plans or for~~
1493 ~~acquisition of lands necessary to implement the Everglades~~
1494 ~~Construction Project authorized by s. 373.4592.~~

1495 ~~(c) Ten percent to the Department of Environmental~~
1496 ~~Protection to provide land acquisition grants and loans to local~~
1497 ~~governments through the Florida Communities Trust pursuant to~~
1498 ~~part III of chapter 380. From funds allocated to the trust, \$3~~
1499 ~~million annually shall be used by the Division of State Lands~~
1500 ~~within the Department of Environmental Protection to implement~~
1501 ~~the Green Swamp Land Protection Initiative specifically for the~~
1502 ~~purchase of conservation easements, as defined in s.~~
1503 ~~380.0677(3), of lands, or severable interests or rights in~~
1504 ~~lands, in the Green Swamp Area of Critical State Concern. From~~
1505 ~~funds allocated to the trust, \$3 million annually shall be used~~
1506 ~~by the Monroe County Comprehensive Plan Land Authority~~



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1507 ~~specifically for the purchase of a real property interest in~~
1508 ~~those lands subject to the Rate of Growth Ordinances adopted by~~
1509 ~~local governments in Monroe County or those lands within the~~
1510 ~~boundary of an approved Conservation and Recreation Lands~~
1511 ~~project located within the Florida Keys or Key West Areas of~~
1512 ~~Critical State Concern; however, title to lands acquired within~~
1513 ~~the boundary of an approved Conservation and Recreation Lands~~
1514 ~~project may, in accordance with an approved joint acquisition~~
1515 ~~agreement, vest in the Board of Trustees of the Internal~~
1516 ~~Improvement Trust Fund. Of the remaining funds, one half shall~~
1517 ~~be matched by local governments on a dollar-for-dollar basis. To~~
1518 ~~the extent allowed by federal requirements for the use of bond~~
1519 ~~proceeds, the trust shall expend Preservation 2000 funds to~~
1520 ~~carry out the purposes of part III of chapter 380.~~

1521 ~~(d) Two and nine-tenths percent to the Department of~~
1522 ~~Environmental Protection for the purchase of inholdings and~~
1523 ~~additions to state parks. For the purposes of this paragraph,~~
1524 ~~"state park" means all real property in the state under the~~
1525 ~~jurisdiction of the Division of Recreation and Parks of the~~
1526 ~~department, or which may come under its jurisdiction.~~

1527 ~~(e) Two and nine-tenths percent to the Florida Forest~~
1528 ~~Service of the Department of Agriculture and Consumer Services~~
1529 ~~to fund the acquisition of state forest inholdings and additions~~
1530 ~~pursuant to s. 589.07.~~

1531 ~~(f) Two and nine-tenths percent to the Fish and Wildlife~~
1532 ~~Conservation Commission to fund the acquisition of inholdings~~
1533 ~~and additions to lands managed by the commission which are~~
1534 ~~important to the conservation of fish and wildlife.~~

1535 ~~(g) One and three-tenths percent to the Department of~~



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1536 ~~Environmental Protection for the Florida Greenways and Trails~~
1537 ~~Program, to acquire greenways and trails or greenways and trails~~
1538 ~~systems pursuant to chapter 260, including, but not limited to,~~
1539 ~~abandoned railroad rights-of-way and the Florida National Scenic~~
1540 ~~Trail.~~

1541
1542 ~~Local governments may use federal grants or loans, private~~
1543 ~~donations, or environmental mitigation funds, including~~
1544 ~~environmental mitigation funds required pursuant to s. 338.250,~~
1545 ~~for any part or all of any local match required for the purposes~~
1546 ~~described in this subsection. Bond proceeds allocated pursuant~~
1547 ~~to paragraph (c) may be used to purchase lands on the priority~~
1548 ~~lists developed pursuant to s. 259.035. Title to lands purchased~~
1549 ~~pursuant to former paragraphs (a), (d), (e), (f), or and (g) of~~
1550 ~~this subsection, Florida Statutes 2014, shall be vested in the~~
1551 ~~Board of Trustees of the Internal Improvement Trust Fund. Title~~
1552 ~~to lands purchased pursuant to former paragraph (c) of this~~
1553 ~~subsection, Florida Statutes 2014, may be vested in the Board of~~
1554 ~~Trustees of the Internal Improvement Trust Fund. The board of~~
1555 ~~trustees shall hold title to land protection agreements and~~
1556 ~~conservation easements that were or will be acquired pursuant to~~
1557 ~~former s. 380.0677, Florida Statutes 2014, and the Southwest~~
1558 ~~Florida Water Management District and the St. Johns River Water~~
1559 ~~Management District shall monitor such agreements and easements~~
1560 ~~within their respective districts until the state assumes this~~
1561 ~~responsibility.~~

1562 ~~(4) PROJECT CRITERIA.—~~

1563 ~~(a) Proceeds of bonds issued pursuant to this act and~~
1564 ~~distributed pursuant to paragraphs (3) (a) and (b) shall be spent~~



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1565 ~~only on projects which meet at least one of the following~~
1566 ~~criteria, as determined pursuant to paragraphs (b) and (c):~~

1567 ~~1. A significant portion of the land in the project is in~~
1568 ~~imminent danger of development, in imminent danger of loss of~~
1569 ~~its significant natural attributes, or in imminent danger of~~
1570 ~~subdivision which will result in multiple ownership and may make~~
1571 ~~acquisition of the project more costly or less likely to be~~
1572 ~~accomplished;~~

1573 ~~2. Compelling evidence exists that the land is likely to be~~
1574 ~~developed during the next 12 months, or appraisals made during~~
1575 ~~the past 5 years indicate an escalation in land value at an~~
1576 ~~average rate that exceeds the average rate of interest likely to~~
1577 ~~be paid on the bonds;~~

1578 ~~3. A significant portion of the land in the project serves~~
1579 ~~to protect or recharge groundwater and to protect other valuable~~
1580 ~~natural resources or provide space for natural resource based~~
1581 ~~recreation;~~

1582 ~~4. The project can be purchased at 80 percent of appraised~~
1583 ~~value or less;~~

1584 ~~5. A significant portion of the land in the project serves~~
1585 ~~as habitat for endangered, threatened, or rare species or serves~~
1586 ~~to protect natural communities which are listed by the Florida~~
1587 ~~Natural Areas Inventory as critically imperiled, imperiled, or~~
1588 ~~rare, or as excellent quality occurrences of natural~~
1589 ~~communities; or~~

1590 ~~6. A significant portion of the land serves to preserve~~
1591 ~~important archaeological or historical sites.~~

1592 ~~(b) Each year that bonds are to be issued pursuant to this~~
1593 ~~act, the Land Acquisition and Management Advisory Council shall~~



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1594 ~~review that year's approved Conservation and Recreation Lands~~
1595 ~~priority list and shall, by the first board meeting in February,~~
1596 ~~present to the Board of Trustees of the Internal Improvement~~
1597 ~~Trust Fund for approval a listing of projects on the list which~~
1598 ~~meet one or more of the criteria listed in paragraph (a). The~~
1599 ~~board may remove projects from the list developed pursuant to~~
1600 ~~this paragraph, but may not add projects.~~

1601 ~~(c) Each year that bonds are to be issued pursuant to this~~
1602 ~~act, each water management district governing board shall review~~
1603 ~~the lands on its current year's Save Our Rivers 5-year plan and~~
1604 ~~shall, by January 15, adopt a listing of projects from the plan~~
1605 ~~which meet one or more of the criteria listed in paragraph (a).~~

1606 ~~(d) In the acquisition of coastal lands pursuant to~~
1607 ~~paragraph (3) (a), the following additional criteria shall also~~
1608 ~~be considered:~~

1609 ~~1. The value of acquiring coastal high-hazard parcels,~~
1610 ~~consistent with hazard mitigation and postdisaster redevelopment~~
1611 ~~policies, in order to minimize the risk to life and property and~~
1612 ~~to reduce the need for future disaster assistance.~~

1613 ~~2. The value of acquiring beachfront parcels, irrespective~~
1614 ~~of size, to provide public access and recreational opportunities~~
1615 ~~in highly developed urban areas.~~

1616 ~~3. The value of acquiring identified parcels the~~
1617 ~~development of which would adversely affect coastal resources.~~

1618
1619 ~~When a nonprofit environmental organization which is tax-exempt~~
1620 ~~pursuant to s. 501(c) (3) of the United States Internal Revenue~~
1621 ~~Code sells land to the state, such land at the time of such sale~~
1622 ~~shall be deemed to meet one or more of the criteria listed in~~



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1623 ~~paragraph (a) if such land meets one or more of the criteria at~~
1624 ~~the time the organization purchases it. Listings of projects~~
1625 ~~compiled pursuant to paragraphs (b) and (c) may be revised to~~
1626 ~~include projects on the Conservation and Recreation Lands~~
1627 ~~priority list or in a water management district's 5-year plan~~
1628 ~~which come under the criteria in paragraph (a) after the dates~~
1629 ~~specified in paragraph (b) or paragraph (c). The requirement of~~
1630 ~~paragraph (3) (a) regarding coastal lands is met as long as an~~
1631 ~~average of one-fifth of the cumulative proceeds allocated~~
1632 ~~through fiscal year 1999-2000 pursuant to that paragraph is used~~
1633 ~~to purchase coastal lands.~~

1634 ~~(c) The Legislature finds that the Florida Preservation~~
1635 ~~2000 Program has provided financial resources that have enabled~~
1636 ~~the acquisition of significant amounts of land for public~~
1637 ~~ownership in the first 7 years of the program's existence. In~~
1638 ~~the remaining years of the Florida Preservation 2000 Program,~~
1639 ~~agencies that receive funds are encouraged to better coordinate~~
1640 ~~their expenditures so that future acquisitions, when combined~~
1641 ~~with previous acquisitions, will form more complete patterns of~~
1642 ~~protection for natural areas and functioning ecosystems to~~
1643 ~~better accomplish the intent of paragraph (2) (c).~~

1644 ~~(f) The Legislature intends that, in the remaining years of~~
1645 ~~the Florida Preservation 2000 Program, emphasis be given to the~~
1646 ~~completion of projects in which one or more parcels have already~~
1647 ~~been acquired and to the acquisition of lands containing~~
1648 ~~ecological resources which are either not represented or~~
1649 ~~underrepresented on lands currently in public ownership. The~~
1650 ~~Legislature also intends that future acquisitions under the~~
1651 ~~Florida Preservation 2000 Program be limited to projects on the~~



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1652 ~~current project lists, or any additions to the list as~~
1653 ~~determined and prioritized by the study, or those projects that~~
1654 ~~can reasonably be expected to be acquired by the end of the~~
1655 ~~Florida Preservation 2000 Program.~~

1656 (4) FLORIDA FOREST SERVICE FUND USE. - ~~(5) Any funds~~
1657 ~~received by the Florida Forest Service from the Preservation~~
1658 ~~2000 Trust Fund pursuant to paragraph (3) (c) shall be used only~~
1659 ~~to pay the cost of the acquisition of lands in furtherance of~~
1660 ~~outdoor recreation and natural resources conservation in this~~
1661 ~~state. The administration and use of any funds received by the~~
1662 ~~Florida Forest Service from the Preservation 2000 Trust Fund~~
1663 ~~will be subject to such terms and conditions imposed thereon by~~
1664 ~~the agency of the state responsible for the issuance of the~~
1665 ~~revenue bonds, the proceeds of which are deposited in the~~
1666 ~~Preservation 2000 Trust Fund, including restrictions imposed to~~
1667 ~~ensure that the interest on any such revenue bonds issued by the~~
1668 ~~state as tax-exempt revenue bonds will not be included in the~~
1669 ~~gross income of the holders of such bonds for federal income tax~~
1670 ~~purposes. All deeds or leases with respect to any real property~~
1671 ~~acquired with Preservation 2000 funds must ~~received by the~~~~
1672 ~~Florida Forest Service from the Preservation 2000 Trust Fund~~
1673 ~~shall contain sufficient such covenants and restrictions as are~~
1674 ~~sufficient to ensure that the use of such real property at all~~
1675 ~~times complies with s. 375.051 and s. 9, Art. XII of the 1968~~
1676 ~~Constitution of Florida, and shall contain reverter clauses~~
1677 ~~providing for the reversion of title to such property to the~~
1678 ~~Board of Trustees of the Internal Improvement Trust Fund or, in~~
1679 ~~the case of a lease of such property, providing for termination~~
1680 ~~of the lease upon a failure to use the property conveyed thereby~~



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1681 for such purposes.

1682 ~~(5)-(6)~~ DISPOSITION OF LANDS.—

1683 (a) Any lands acquired pursuant to former paragraphs
1684 ~~paragraph (3) (a), paragraph (3) (c), paragraph (3) (d), paragraph~~
1685 ~~(3) (e), paragraph (3) (f), or paragraph (3) (g) of this section,~~
1686 Florida Statutes 2014, if title to such lands is vested in the
1687 Board of Trustees of the Internal Improvement Trust Fund, may be
1688 disposed of by the Board of Trustees of the Internal Improvement
1689 Trust Fund in accordance with the provisions and procedures set
1690 forth in s. 253.034(6), and lands acquired pursuant to former
1691 paragraph (3) (b) of this section, Florida Statutes 2014, may be
1692 disposed of by the owning water management district in
1693 accordance with the procedures and provisions set forth in ss.
1694 373.056 and 373.089 provided such disposition also shall satisfy
1695 the requirements of paragraphs (b) and (c).

1696 (b) Before land acquired with Preservation 2000 funds may
1697 be surplus as required by s. 253.034(6),~~7~~ or determined to be
1698 no longer required for its purposes under s. 373.056(4), as
1699 ~~whichever may be~~ applicable, there shall first be a
1700 determination by the Board of Trustees of the Internal
1701 Improvement Trust Fund, or, in the case of water management
1702 district lands, by the owning water management district, that
1703 such land no longer needs to be preserved in furtherance of the
1704 intent of the Florida Preservation 2000 Act. Any lands eligible
1705 to be disposed of under this procedure also may be used to
1706 acquire other lands through an exchange of lands if, ~~provided~~
1707 such lands obtained in an exchange are described in the same
1708 paragraph of former subsection (3) of this section, Florida
1709 Statutes 2014, as the lands disposed.



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1710 (c) ~~Notwithstanding paragraphs (a) and (b), no such~~
1711 ~~disposition of land shall be made if such disposition would have~~
1712 ~~the effect of causing all or any portion of the interest on any~~
1713 ~~revenue bonds issued to fund the Florida Preservation 2000 Act~~
1714 ~~to lose their exclusion from gross income for purposes of~~
1715 ~~federal income taxation. Any Revenue derived from the disposal~~
1716 of ~~such~~ lands acquired with Preservation 2000 funds may not be
1717 used for any purpose except for deposit into the Florida
1718 Preservation 2000 Trust Fund, or the Florida Forever Trust Fund
1719 within the Department of Environmental Protection, for recredit
1720 to the share held under former subsection (3) of this section,
1721 Florida Statutes 2014, in which such disposed land is described.

1722 (6) (7) ALTERNATE USES OF ACQUIRED LANDS.-

1723 (a) The Board of Trustees of the Internal Improvement Trust
1724 Fund, or, in the case of water management district lands, the
1725 owning water management district, may authorize the granting of
1726 a lease, easement, or license for the use of any lands acquired
1727 pursuant to former subsection (3) of this section, Florida
1728 Statutes 2014, for any governmental use permitted by s. 17, Art.
1729 IX of the State Constitution of 1885, as adopted by s. 9(a),
1730 Art. XII of the State Constitution, and any other incidental
1731 public or private use that is determined by the board or the
1732 owning water management district to be compatible with the
1733 purposes for which such lands were acquired.

1734 (b) Any existing lease, easement, or license acquired for
1735 incidental public or private use on, under, or across any lands
1736 acquired pursuant to former subsection (3) of this section,
1737 Florida Statutes 2014, shall be presumed not to be incompatible
1738 with the purposes for which such lands were acquired.



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1739 ~~(c) Notwithstanding the provisions of paragraph (a), no~~
1740 ~~such lease, easement, or license shall be entered into by the~~
1741 ~~Department of Environmental Protection or other appropriate~~
1742 ~~state agency if the granting of such lease, easement, or license~~
1743 ~~would adversely affect the exclusion of the interest on any~~
1744 ~~revenue bonds issued to fund the acquisition of the affected~~
1745 ~~lands from gross income for federal income tax purposes, as~~
1746 ~~described in s. 375.045(4).~~

1747 (7) ALTERNATIVES TO FEE SIMPLE ACQUISITION. ~~(8)~~

1748 (a) The Legislature finds that, with the increasing
1749 pressures on the natural areas of this state, the state must
1750 develop creative techniques to maximize the use of acquisition
1751 and management moneys. The Legislature ~~also~~ finds that the
1752 state's environmental land-buying agencies should be encouraged
1753 to augment their traditional, fee simple acquisition programs
1754 with the use of alternatives to fee simple acquisition
1755 techniques. The Legislature also finds that using alternatives
1756 to fee simple acquisition by public land-buying agencies will
1757 achieve the following public policy goals:

1758 1. Allow more lands to be brought under public protection
1759 for preservation, conservation, and recreational purposes at
1760 less expense using public funds.

1761 2. Retain, on local government tax rolls, some portion of
1762 or interest in lands that ~~which~~ are under public protection.

1763 3. Reduce long-term management costs by allowing private
1764 property owners to continue acting as stewards of the land, as
1765 ~~where~~ appropriate.

1766
1767 Therefore, it is the intent of the Legislature that public land-



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1768 buying agencies develop programs to pursue alternatives to fee
1769 simple acquisition and to educate private landowners about such
1770 alternatives and the benefits of such alternatives. It also is
1771 the intent of the Legislature that the department and the water
1772 management districts spend a portion of their shares of
1773 Preservation 2000 bond proceeds to purchase eligible properties
1774 using alternatives to fee simple acquisition. Finally, it is the
1775 intent of the Legislature that public agencies acquire lands in
1776 fee simple for public access and recreational activities. Lands
1777 protected using alternatives to fee simple acquisition
1778 techniques may ~~shall~~ not be accessible to the public unless such
1779 access is negotiated with and agreed to by the private
1780 landowners who retain interests in such lands.

1781 (b) The Land Acquisition Advisory Council and the water
1782 management districts shall identify, within their 1997
1783 acquisition plans, those projects that ~~which~~ require a full fee
1784 simple interest to achieve the public policy goals, along with
1785 the reasons why full title is determined to be necessary. The
1786 council and the water management districts may use alternatives
1787 to fee simple acquisition to bring the remaining projects in
1788 their acquisition plans under public protection. For the
1789 purposes of this subsection, the term "alternatives to fee
1790 simple acquisition" includes the, ~~but is not limited to:~~
1791 purchase of development rights; conservation easements; flowage
1792 easements; the purchase of timber rights, mineral rights, or
1793 hunting rights; the purchase of agricultural interests or
1794 silvicultural interests; land protection agreements; fee simple
1795 acquisitions with reservations; or any other acquisition
1796 technique that ~~which~~ achieves the public policy goals identified



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1797 ~~listed~~ in paragraph (a). It is presumed that a private landowner
1798 retains the full range of uses for all the rights or interests
1799 in the landowner's land which are not specifically acquired by
1800 the public agency. Life estates and fee simple acquisitions with
1801 leaseback provisions do ~~shall~~ not qualify as an alternative to
1802 fee simple acquisition under this subsection, although the
1803 department and the districts are encouraged to use such
1804 techniques if ~~where~~ appropriate.

1805 (c) The department and each water management district shall
1806 implement initiatives to use alternatives to fee simple
1807 acquisition and to educate private landowners about such
1808 alternatives. These initiatives must ~~shall~~ include at least two
1809 acquisitions a year by the department and each water management
1810 district utilizing alternatives to fee simple.

1811 (d) The Legislature finds that the lack of direct sales
1812 comparison information has served as an impediment to successful
1813 implementation of alternatives to fee simple acquisition. It is
1814 the intent of the Legislature that, in the absence of direct
1815 comparable sales information, appraisals of alternatives to fee
1816 simple acquisitions be based on the difference between the full
1817 fee simple valuation and the value of the interests remaining
1818 with the seller after acquisition.

1819 (e) The public agency that ~~which~~ has been assigned
1820 management responsibility shall inspect and monitor any less-
1821 than-fee-simple interest according to the terms of the purchase
1822 agreement relating to such interest.

1823 (f) The department and the water management districts may
1824 enter into joint acquisition agreements to jointly fund the
1825 purchase of lands using alternatives to fee simple techniques.



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1826 (8) PUBLIC RECREATIONAL USE.—An agency or water management
1827 district that acquired lands using Preservation 2000 funds
1828 distributed pursuant to former subsection (3) of this section,
1829 Florida Statutes 2014, shall manage such lands to make them
1830 available for public recreational use if the recreational use
1831 does not interfere with the protection of natural resource
1832 values. The agency or district may enter into an agreement with
1833 the department or another appropriate state agency to transfer
1834 management authority or lease to such agencies lands purchased
1835 with Preservation 2000 funds for the purpose of managing the
1836 lands to make them available for public recreational use. The
1837 water management districts and the department shall take action
1838 to control the growth of nonnative invasive plant species on
1839 lands they manage which were purchased with Preservation 2000
1840 funds.

1841 Section 24. Section 259.105, Florida Statutes, is amended
1842 to read:

1843 259.105 The Florida Forever Act.—

1844 (1) This section may be cited as the “Florida Forever Act.”

1845 (2) (a) The Legislature finds and declares that:

1846 1. Land acquisition programs have provided tremendous
1847 financial resources for purchasing environmentally significant
1848 lands to protect those lands from imminent development or
1849 alteration, thereby ensuring present and future generations’
1850 access to important waterways, open spaces, and recreation and
1851 conservation lands.

1852 2. The continued alteration and development of Florida’s
1853 natural and rural areas to accommodate the state’s growing
1854 population have contributed to the degradation of water



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1855 resources, the fragmentation and destruction of wildlife
1856 habitats, the loss of outdoor recreation space, and the
1857 diminishment of wetlands, forests, working landscapes, and
1858 coastal open space.

1859 3. The potential development of Florida's remaining natural
1860 areas and escalation of land values require government efforts
1861 to restore, bring under public protection, or acquire lands and
1862 water areas to preserve the state's essential ecological
1863 functions and invaluable quality of life.

1864 4. It is essential to protect the state's ecosystems by
1865 promoting a more efficient use of land, to ensure opportunities
1866 for viable agricultural activities on working lands, and to
1867 promote vital rural and urban communities that support and
1868 produce development patterns consistent with natural resource
1869 protection.

1870 5. Florida's groundwater, surface waters, and springs are
1871 under tremendous pressure due to population growth and economic
1872 expansion and require special protection and restoration
1873 efforts, including the protection of uplands and springsheds
1874 that provide vital recharge to aquifer systems and are critical
1875 to the protection of water quality and water quantity of the
1876 aquifers and springs. To ensure that sufficient quantities of
1877 water are available to meet the current and future needs of the
1878 natural systems and citizens of the state, and assist in
1879 achieving the planning goals of the department and the water
1880 management districts, water resource development projects on
1881 public lands, where compatible with the resource values of and
1882 management objectives for the lands, are appropriate.

1883 6. The needs of urban, suburban, and small communities in



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1884 Florida for high-quality outdoor recreational opportunities,
1885 greenways, trails, and open space have not been fully met by
1886 previous acquisition programs. Through such programs as the
1887 Florida Communities Trust and the Florida Recreation Development
1888 Assistance Program, the state shall place additional emphasis on
1889 acquiring, protecting, preserving, and restoring open space,
1890 ecological greenways, and recreation properties within urban,
1891 suburban, and rural areas where pristine natural communities or
1892 water bodies no longer exist because of the proximity of
1893 developed property.

1894 7. Many of Florida's unique ecosystems, such as the Florida
1895 Everglades, are facing ecological collapse due to Florida's
1896 burgeoning population growth and other economic activities. To
1897 preserve these valuable ecosystems for future generations,
1898 essential parcels of land must be acquired to facilitate
1899 ecosystem restoration.

1900 8. Access to public lands to support a broad range of
1901 outdoor recreational opportunities and the development of
1902 necessary infrastructure, where compatible with the resource
1903 values of and management objectives for such lands, promotes an
1904 appreciation for Florida's natural assets and improves the
1905 quality of life.

1906 9. Acquisition of lands, in fee simple, less-than-fee
1907 interest, or other techniques shall be based on a comprehensive
1908 science-based assessment of Florida's natural resources which
1909 targets essential conservation lands by prioritizing all current
1910 and future acquisitions based on a uniform set of data and
1911 planned so as to protect the integrity and function of
1912 ecological systems and working landscapes, and provide multiple



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1913 benefits, including preservation of fish and wildlife habitat,
1914 recreation space for urban and rural areas, and the restoration
1915 of natural water storage, flow, and recharge.

1916 10. The state has embraced performance-based program
1917 budgeting as a tool to evaluate the achievements of publicly
1918 funded agencies, build in accountability, and reward those
1919 agencies which are able to consistently achieve quantifiable
1920 goals. While previous and existing state environmental programs
1921 have achieved varying degrees of success, few of these programs
1922 can be evaluated as to the extent of their achievements,
1923 primarily because performance measures, standards, outcomes, and
1924 goals were not established at the outset. Therefore, the Florida
1925 Forever program shall be developed and implemented in the
1926 context of measurable state goals and objectives.

1927 11. The state must play a major role in the recovery and
1928 management of its imperiled species through the acquisition,
1929 restoration, enhancement, and management of ecosystems that can
1930 support the major life functions of such species. It is the
1931 intent of the Legislature to support local, state, and federal
1932 programs that result in net benefit to imperiled species habitat
1933 by providing public and private land owners meaningful
1934 incentives for acquiring, restoring, managing, and repopulating
1935 habitats for imperiled species. It is the further intent of the
1936 Legislature that public lands, both existing and to be acquired,
1937 identified by the lead land managing agency, in consultation
1938 with the Florida Fish and Wildlife Conservation Commission for
1939 animals or the Department of Agriculture and Consumer Services
1940 for plants, as habitat or potentially restorable habitat for
1941 imperiled species, be restored, enhanced, managed, and



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1942 repopulated as habitat for such species to advance the goals and
1943 objectives of imperiled species management consistent with the
1944 purposes for which such lands are acquired without restricting
1945 other uses identified in the management plan. It is also the
1946 intent of the Legislature that of the proceeds distributed
1947 pursuant to subsection (3), additional consideration be given to
1948 acquisitions that achieve a combination of conservation goals,
1949 including the restoration, enhancement, management, or
1950 repopulation of habitat for imperiled species. The Acquisition
1951 and Restoration Council, in addition to the criteria in
1952 subsection (9), shall give weight to projects that include
1953 acquisition, restoration, management, or repopulation of habitat
1954 for imperiled species. The term "imperiled species" as used in
1955 this chapter and chapter 253, means plants and animals that are
1956 federally listed under the Endangered Species Act, or state-
1957 listed by the Fish and Wildlife Conservation Commission or the
1958 Department of Agriculture and Consumer Services.

1959 a. As part of the state's role, all state lands that have
1960 imperiled species habitat shall include as a consideration in
1961 management plan development the restoration, enhancement,
1962 management, and repopulation of such habitats. In addition, the
1963 lead land managing agency of such state lands may use fees
1964 received from public or private entities for projects to offset
1965 adverse impacts to imperiled species or their habitat in order
1966 to restore, enhance, manage, repopulate, or acquire land and to
1967 implement land management plans developed under s. 253.034 or a
1968 land management prospectus developed and implemented under this
1969 chapter. Such fees shall be deposited into a foundation or fund
1970 created by each land management agency under s. 379.223, s.



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1971 589.012, or s. 259.032(9)(c) ~~s. 259.032(11)(e)~~, to be used
1972 solely to restore, manage, enhance, repopulate, or acquire
1973 imperiled species habitat.

1974 b. Where habitat or potentially restorable habitat for
1975 imperiled species is located on state lands, the Fish and
1976 Wildlife Conservation Commission and the Department of
1977 Agriculture and Consumer Services shall be included on any
1978 advisory group required under chapter 253, and the short-term
1979 and long-term management goals required under chapter 253 must
1980 advance the goals and objectives of imperiled species management
1981 consistent with the purposes for which the land was acquired
1982 without restricting other uses identified in the management
1983 plan.

1984 12. There is a need to change the focus and direction of
1985 the state's major land acquisition programs and to extend
1986 funding and bonding capabilities, so that future generations may
1987 enjoy the natural resources of this state.

1988 (b) The Legislature recognizes that acquisition of lands in
1989 fee simple is only one way to achieve the aforementioned goals
1990 and encourages the use of less-than-fee interests, other
1991 techniques, and the development of creative partnerships between
1992 governmental agencies and private landowners. Such partnerships
1993 may include those that advance the restoration, enhancement,
1994 management, or repopulation of imperiled species habitat on
1995 state lands as provided for in subparagraph (a)11. Easements
1996 acquired pursuant to s. 570.71(2)(a) and (b), land protection
1997 agreements, and nonstate funded tools such as rural land
1998 stewardship areas, sector planning, and mitigation should be
1999 used, where appropriate, to bring environmentally sensitive



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2000 tracts under an acceptable level of protection at a lower
2001 financial cost to the public, and to provide private landowners
2002 with the opportunity to enjoy and benefit from their property.

2003 (c) Public agencies or other entities that receive funds
2004 under this section shall coordinate their expenditures so that
2005 project acquisitions, when combined with acquisitions under
2006 Florida Forever, Preservation 2000, Save Our Rivers, the Florida
2007 Communities Trust, other public land acquisition programs, and
2008 the techniques, partnerships, and tools referenced in
2009 subparagraph (a)11. and paragraph (b), are used to form more
2010 complete patterns of protection for natural areas, ecological
2011 greenways, and functioning ecosystems, to better accomplish the
2012 intent of this section.

2013 (d) A long-term financial commitment to restoring,
2014 enhancing, and managing Florida's public lands in order to
2015 implement land management plans developed under s. 253.034 or a
2016 land management prospectus developed and implemented under this
2017 chapter must accompany any land acquisition program to ensure
2018 that the natural resource values of such lands are restored,
2019 enhanced, managed, and protected; that the public enjoys the
2020 lands to their fullest potential; and that the state achieves
2021 the full benefits of its investment of public dollars.

2022 Innovative strategies such as public-private partnerships and
2023 interagency planning and sharing of resources shall be used to
2024 achieve the state's management goals.

2025 (e) With limited dollars available for restoration,
2026 enhancement, management, and acquisition of land and water areas
2027 and for providing long-term management and capital improvements,
2028 a competitive selection process shall select those projects best



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2029 able to meet the goals of Florida Forever and maximize the
2030 efficient use of the program's funding.

2031 (f) To ensure success and provide accountability to the
2032 citizens of this state, it is the intent of the Legislature that
2033 any cash or bond proceeds used pursuant to this section be used
2034 to implement the goals and objectives recommended by a
2035 comprehensive science-based assessment and approved by the Board
2036 of Trustees of the Internal Improvement Trust Fund and the
2037 Legislature.

2038 (g) As it has with previous land acquisition programs, the
2039 Legislature recognizes the desires of the residents of this
2040 state to prosper through economic development and to preserve,
2041 restore, and manage the state's natural areas and recreational
2042 open space. The Legislature further recognizes the urgency of
2043 restoring the natural functions, including wildlife and
2044 imperiled species habitat functions, of public lands or water
2045 bodies before they are degraded to a point where recovery may
2046 never occur, yet acknowledges the difficulty of ensuring
2047 adequate funding for restoration, enhancement, and management
2048 efforts in light of other equally critical financial needs of
2049 the state. It is the Legislature's desire and intent to fund the
2050 implementation of this section and to do so in a fiscally
2051 responsible manner, by issuing bonds to be repaid with
2052 documentary stamp tax or other revenue sources, including those
2053 identified in subparagraph (a)11.

2054 (h) The Legislature further recognizes the important role
2055 that many of our state and federal military installations
2056 contribute to protecting and preserving Florida's natural
2057 resources as well as our economic prosperity. Where the state's



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2058 land conservation plans overlap with the military's need to
2059 protect lands, waters, and habitat to ensure the sustainability
2060 of military missions, it is the Legislature's intent that
2061 agencies receiving funds under this program cooperate with our
2062 military partners to protect and buffer military installations
2063 and military airspace, by:

2064 1. Protecting habitat on nonmilitary land for any species
2065 found on military land that is designated as threatened or
2066 endangered, or is a candidate for such designation under the
2067 Endangered Species Act or any Florida statute;

2068 2. Protecting areas underlying low-level military air
2069 corridors or operating areas;

2070 3. Protecting areas identified as clear zones, accident
2071 potential zones, and air installation compatible use buffer
2072 zones delineated by our military partners; and

2073 4. Providing the military with technical assistance to
2074 restore, enhance, and manage military land as habitat for
2075 imperiled species or species designated as threatened or
2076 endangered, or a candidate for such designation, and for the
2077 recovery or reestablishment of such species.

2078 (3) Less the costs of issuing and the costs of funding
2079 reserve accounts and other costs associated with bonds, the
2080 proceeds of cash payments or bonds issued pursuant to this
2081 section shall be deposited into the Florida Forever Trust Fund
2082 created by s. 259.1051. The proceeds shall be distributed by the
2083 Department of Environmental Protection in the following manner:

2084 (a) Thirty percent to the Department of Environmental
2085 Protection for the acquisition of lands and capital project
2086 expenditures necessary to implement the water management



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2087 districts' priority lists developed pursuant to s. 373.199. The
2088 funds are to be distributed to the water management districts as
2089 provided in subsection (11). A minimum of 50 percent of the
2090 total funds provided over the life of the Florida Forever
2091 program pursuant to this paragraph shall be used for the
2092 acquisition of lands.

2093 (b) Thirty-five percent to the Department of Environmental
2094 Protection for the acquisition of lands and capital project
2095 expenditures described in this section. Of the proceeds
2096 distributed pursuant to this paragraph, it is the intent of the
2097 Legislature that an increased priority be given to those
2098 acquisitions which achieve a combination of conservation goals,
2099 including protecting Florida's water resources and natural
2100 groundwater recharge. At a minimum, 3 percent, and no more than
2101 10 percent, of the funds allocated pursuant to this paragraph
2102 shall be spent on capital project expenditures identified during
2103 the time of acquisition which meet land management planning
2104 activities necessary for public access.

2105 (c) Twenty-one percent to the Department of Environmental
2106 Protection for use by the Florida Communities Trust for the
2107 purposes of part III of chapter 380, as described and limited by
2108 this subsection, and grants to local governments or nonprofit
2109 environmental organizations that are tax-exempt under s.
2110 501(c)(3) of the United States Internal Revenue Code for the
2111 acquisition of community-based projects, urban open spaces,
2112 parks, and greenways to implement local government comprehensive
2113 plans. From funds available to the trust and used for land
2114 acquisition, 75 percent shall be matched by local governments on
2115 a dollar-for-dollar basis. The Legislature intends that the



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2116 Florida Communities Trust emphasize funding projects in low-
2117 income or otherwise disadvantaged communities and projects that
2118 provide areas for direct water access and water-dependent
2119 facilities that are open to the public and offer public access
2120 by vessels to waters of the state, including boat ramps and
2121 associated parking and other support facilities. At least 30
2122 percent of the total allocation provided to the trust shall be
2123 used in Standard Metropolitan Statistical Areas, but one-half of
2124 that amount shall be used in localities in which the project
2125 site is located in built-up commercial, industrial, or mixed-use
2126 areas and functions to intersperse open spaces within congested
2127 urban core areas. From funds allocated to the trust, no less
2128 than 5 percent shall be used to acquire lands for recreational
2129 trail systems, provided that in the event these funds are not
2130 needed for such projects, they will be available for other trust
2131 projects. Local governments may use federal grants or loans,
2132 private donations, or environmental mitigation funds, including
2133 environmental mitigation funds required pursuant to s. 338.250,
2134 for any part or all of any local match required for acquisitions
2135 funded through the Florida Communities Trust. Any lands
2136 purchased by nonprofit organizations using funds allocated under
2137 this paragraph must provide for such lands to remain permanently
2138 in public use through a reversion of title to local or state
2139 government, conservation easement, or other appropriate
2140 mechanism. Projects funded with funds allocated to the trust
2141 shall be selected in a competitive process measured against
2142 criteria adopted in rule by the trust.

2143 (d) Two percent to the Department of Environmental
2144 Protection for grants pursuant to s. 375.075.



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2145 (e) One and five-tenths percent to the Department of
2146 Environmental Protection for the purchase of inholdings and
2147 additions to state parks and for capital project expenditures as
2148 described in this section. At a minimum, 1 percent, and no more
2149 than 10 percent, of the funds allocated pursuant to this
2150 paragraph shall be spent on capital project expenditures
2151 identified during the time of acquisition which meet land
2152 management planning activities necessary for public access. For
2153 the purposes of this paragraph, "state park" means any real
2154 property in the state which is under the jurisdiction of the
2155 Division of Recreation and Parks of the department, or which may
2156 come under its jurisdiction.

2157 (f) One and five-tenths percent to the Florida Forest
2158 Service of the Department of Agriculture and Consumer Services
2159 to fund the acquisition of state forest inholdings and additions
2160 pursuant to s. 589.07, the implementation of reforestation plans
2161 or sustainable forestry management practices, and for capital
2162 project expenditures as described in this section. At a minimum,
2163 1 percent, and no more than 10 percent, of the funds allocated
2164 for the acquisition of inholdings and additions pursuant to this
2165 paragraph shall be spent on capital project expenditures
2166 identified during the time of acquisition which meet land
2167 management planning activities necessary for public access.

2168 (g) One and five-tenths percent to the Fish and Wildlife
2169 Conservation Commission to fund the acquisition of inholdings
2170 and additions to lands managed by the commission which are
2171 important to the conservation of fish and wildlife and for
2172 capital project expenditures as described in this section. At a
2173 minimum, 1 percent, and no more than 10 percent, of the funds



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2174 allocated pursuant to this paragraph shall be spent on capital
2175 project expenditures identified during the time of acquisition
2176 which meet land management planning activities necessary for
2177 public access.

2178 (h) One and five-tenths percent to the Department of
2179 Environmental Protection for the Florida Greenways and Trails
2180 Program, to acquire greenways and trails or greenways and trail
2181 systems pursuant to chapter 260, including, but not limited to,
2182 abandoned railroad rights-of-way and the Florida National Scenic
2183 Trail and for capital project expenditures as described in this
2184 section. At a minimum, 1 percent, and no more than 10 percent,
2185 of the funds allocated pursuant to this paragraph shall be spent
2186 on capital project expenditures identified during the time of
2187 acquisition which meet land management planning activities
2188 necessary for public access.

2189 (i) Three and five-tenths percent to the Department of
2190 Agriculture and Consumer Services for the acquisition of
2191 agricultural lands, through perpetual conservation easements and
2192 other perpetual less-than-fee techniques, which will achieve the
2193 objectives of Florida Forever and s. 570.71. Rules concerning
2194 the application, acquisition, and priority ranking process for
2195 such easements shall be developed pursuant to s. 570.71(10) and
2196 as provided by this paragraph. The board shall ensure that such
2197 rules are consistent with the acquisition process provided for
2198 in s. 259.041. Provisions of the rules developed pursuant to s.
2199 570.71(10), shall also provide for the following:

2200 1. An annual priority list shall be developed pursuant to
2201 s. 570.71(10), submitted to the Acquisition and Restoration
2202 Council for review, and approved by the board pursuant to s.



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2203 259.04.

2204 2. Terms of easements and acquisitions proposed pursuant to
2205 this paragraph shall be approved by the board and shall not be
2206 delegated by the board to any other entity receiving funds under
2207 this section.

2208 3. All acquisitions pursuant to this paragraph shall
2209 contain a clear statement that they are subject to legislative
2210 appropriation.

2211
2212 No funds provided under this paragraph shall be expended until
2213 final adoption of rules by the board pursuant to s. 570.71.

2214 (j) Two and five-tenths percent to the Department of
2215 Environmental Protection for the acquisition of land and capital
2216 project expenditures necessary to implement the Stan Mayfield
2217 Working Waterfronts Program within the Florida Communities Trust
2218 pursuant to s. 380.5105.

2219 (k) It is the intent of the Legislature that cash payments
2220 or proceeds of Florida Forever bonds distributed under this
2221 section shall be expended in an efficient and fiscally
2222 responsible manner. An agency that receives proceeds from
2223 Florida Forever bonds under this section may not maintain a
2224 balance of unencumbered funds in its Florida Forever subaccount
2225 beyond 3 fiscal years from the date of deposit of funds from
2226 each bond issue. Any funds that have not been expended or
2227 encumbered after 3 fiscal years from the date of deposit shall
2228 be distributed by the Legislature at its next regular session
2229 for use in the Florida Forever program.

2230 (l) For the purposes of paragraphs (e), (f), (g), and (h),
2231 the agencies that receive the funds shall develop their



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2232 individual acquisition or restoration lists in accordance with
2233 specific criteria and numeric performance measures developed
2234 pursuant s. 259.035(4). Proposed additions may be acquired if
2235 they are identified within the original project boundary, the
2236 management plan required pursuant to s. 253.034(5), or the
2237 management prospectus required pursuant to s. 259.032(7)(d) ~~s.~~
2238 ~~259.032(9)(d)~~. Proposed additions not meeting the requirements
2239 of this paragraph shall be submitted to the Acquisition and
2240 Restoration Council for approval. The council may only approve
2241 the proposed addition if it meets two or more of the following
2242 criteria: serves as a link or corridor to other publicly owned
2243 property; enhances the protection or management of the property;
2244 would add a desirable resource to the property; would create a
2245 more manageable boundary configuration; has a high resource
2246 value that otherwise would be unprotected; or can be acquired at
2247 less than fair market value.

2248 ~~(m) Notwithstanding paragraphs (a)-(j) and for the 2014-~~
2249 ~~2015 fiscal year only:~~

2250 ~~1. Five million dollars to the Department of Agriculture~~
2251 ~~and Consumer Services for the acquisition of agricultural lands~~
2252 ~~through perpetual conservation easements and other perpetual~~
2253 ~~less-than-fee techniques, which will achieve the objectives of~~
2254 ~~Florida Forever and s. 570.71.~~

2255 ~~2. The remaining moneys appropriated from the Florida~~
2256 ~~Forever Trust Fund shall be distributed only to the Division of~~
2257 ~~State Lands within the Department of Environmental Protection~~
2258 ~~for land acquisitions that are less-than-fee interest, for~~
2259 ~~partnerships in which the state's portion of the acquisition~~
2260 ~~cost is no more than 50 percent, or for conservation lands~~



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2261 ~~needed for military buffering or springs or water resources~~
2262 ~~protection.~~

2263
2264 ~~This paragraph expires July 1, 2015.~~

2265 ~~(4) Notwithstanding subsection (3) and for the 2014-2015~~
2266 ~~fiscal year only, the funds appropriated in section 56 of the~~
2267 ~~2014-2015 General Appropriations Act may be provided to water~~
2268 ~~management districts for land acquisitions, including less-than-~~
2269 ~~fee interest, identified by water management districts as being~~
2270 ~~needed for water resource protection or ecosystem restoration.~~
2271 ~~This subsection expires July 1, 2015.~~

2272 ~~(4)(5)~~ It is the intent of the Legislature that projects or
2273 acquisitions funded pursuant to paragraphs (3)(a) and (b)
2274 contribute to the achievement of the following goals, which
2275 shall be evaluated in accordance with specific criteria and
2276 numeric performance measures developed pursuant s. 259.035(4):

2277 (a) Enhance the coordination and completion of land
2278 acquisition projects, as measured by:

2279 1. The number of acres acquired through the state's land
2280 acquisition programs that contribute to the enhancement of
2281 essential natural resources, ecosystem service parcels, and
2282 connecting linkage corridors as identified and developed by the
2283 best available scientific analysis;

2284 2. The number of acres protected through the use of
2285 alternatives to fee simple acquisition; or

2286 3. The number of shared acquisition projects among Florida
2287 Forever funding partners and partners with other funding
2288 sources, including local governments and the Federal Government.

2289 (b) Increase the protection of Florida's biodiversity at



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2290 the species, natural community, and landscape levels, as
2291 measured by:

2292 1. The number of acres acquired of significant strategic
2293 habitat conservation areas;

2294 2. The number of acres acquired of highest priority
2295 conservation areas for Florida's rarest species;

2296 3. The number of acres acquired of significant landscapes,
2297 landscape linkages, and conservation corridors, giving priority
2298 to completing linkages;

2299 4. The number of acres acquired of underrepresented native
2300 ecosystems;

2301 5. The number of landscape-sized protection areas of at
2302 least 50,000 acres that exhibit a mosaic of predominantly intact
2303 or restorable natural communities established through new
2304 acquisition projects or augmentations to previous projects; or

2305 6. The percentage increase in the number of occurrences of
2306 imperiled species on publicly managed conservation areas.

2307 (c) Protect, restore, and maintain the quality and natural
2308 functions of land, water, and wetland systems of the state, as
2309 measured by:

2310 1. The number of acres of publicly owned land identified as
2311 needing restoration, enhancement, and management, acres
2312 undergoing restoration or enhancement, acres with restoration
2313 activities completed, and acres managed to maintain such
2314 restored or enhanced conditions; the number of acres which
2315 represent actual or potential imperiled species habitat; the
2316 number of acres which are available pursuant to a management
2317 plan to restore, enhance, repopulate, and manage imperiled
2318 species habitat; and the number of acres of imperiled species



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- 2319 habitat managed, restored, enhanced, repopulated, or acquired;
- 2320 2. The percentage of water segments that fully meet,
- 2321 partially meet, or do not meet their designated uses as reported
- 2322 in the Department of Environmental Protection's State Water
- 2323 Quality Assessment 305(b) Report;
- 2324 3. The percentage completion of targeted capital
- 2325 improvements in surface water improvement and management plans
- 2326 created under s. 373.453(2), regional or master stormwater
- 2327 management system plans, or other adopted restoration plans;
- 2328 4. The number of acres acquired that protect natural
- 2329 floodplain functions;
- 2330 5. The number of acres acquired that protect surface waters
- 2331 of the state;
- 2332 6. The number of acres identified for acquisition to
- 2333 minimize damage from flooding and the percentage of those acres
- 2334 acquired;
- 2335 7. The number of acres acquired that protect fragile
- 2336 coastal resources;
- 2337 8. The number of acres of functional wetland systems
- 2338 protected;
- 2339 9. The percentage of miles of critically eroding beaches
- 2340 contiguous with public lands that are restored or protected from
- 2341 further erosion;
- 2342 10. The percentage of public lakes and rivers in which
- 2343 invasive, nonnative aquatic plants are under maintenance
- 2344 control; or
- 2345 11. The number of acres of public conservation lands in
- 2346 which upland invasive, exotic plants are under maintenance
- 2347 control.



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2348 (d) Ensure that sufficient quantities of water are
2349 available to meet the current and future needs of natural
2350 systems and the citizens of the state, as measured by:

2351 1. The number of acres acquired which provide retention and
2352 storage of surface water in naturally occurring storage areas,
2353 such as lakes and wetlands, consistent with the maintenance of
2354 water resources or water supplies and consistent with district
2355 water supply plans;

2356 2. The quantity of water made available through the water
2357 resource development component of a district water supply plan
2358 for which a water management district is responsible; or

2359 3. The number of acres acquired of groundwater recharge
2360 areas critical to springs, sinks, aquifers, other natural
2361 systems, or water supply.

2362 (e) Increase natural resource-based public recreational and
2363 educational opportunities, as measured by:

2364 1. The number of acres acquired that are available for
2365 natural resource-based public recreation or education;

2366 2. The miles of trails that are available for public
2367 recreation, giving priority to those that provide significant
2368 connections including those that will assist in completing the
2369 Florida National Scenic Trail; or

2370 3. The number of new resource-based recreation facilities,
2371 by type, made available on public land.

2372 (f) Preserve significant archaeological or historic sites,
2373 as measured by:

2374 1. The increase in the number of and percentage of historic
2375 and archaeological properties listed in the Florida Master Site
2376 File or National Register of Historic Places which are protected



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2377 or preserved for public use; or
2378 2. The increase in the number and percentage of historic
2379 and archaeological properties that are in state ownership.
2380 (g) Increase the amount of forestland available for
2381 sustainable management of natural resources, as measured by:
2382 1. The number of acres acquired that are available for
2383 sustainable forest management;
2384 2. The number of acres of state-owned forestland managed
2385 for economic return in accordance with current best management
2386 practices;
2387 3. The number of acres of forestland acquired that will
2388 serve to maintain natural groundwater recharge functions; or
2389 4. The percentage and number of acres identified for
2390 restoration actually restored by reforestation.
2391 (h) Increase the amount of open space available in urban
2392 areas, as measured by:
2393 1. The percentage of local governments that participate in
2394 land acquisition programs and acquire open space in urban cores;
2395 or
2396 2. The percentage and number of acres of purchases of open
2397 space within urban service areas.
2398
2399 Florida Forever projects and acquisitions funded pursuant to
2400 paragraph (3) (c) shall be measured by goals developed by rule by
2401 the Florida Communities Trust Governing Board created in s.
2402 380.504.
2403 ~~(5)~~(6)(a) All lands acquired pursuant to this section shall
2404 be managed for multiple-use purposes, where compatible with the
2405 resource values of and management objectives for such lands. As



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2406 used in this section, "multiple-use" includes, but is not
2407 limited to, outdoor recreational activities as described in ss.
2408 253.034 and 259.032(7)(b) ~~259.032(9)(b)~~, water resource
2409 development projects, sustainable forestry management, carbon
2410 sequestration, carbon mitigation, or carbon offsets.

2411 (b) Upon a decision by the entity in which title to lands
2412 acquired pursuant to this section has vested, such lands may be
2413 designated single use as defined in s. 253.034(2)(b).

2414 (c) For purposes of this section, the Board of Trustees of
2415 the Internal Improvement Trust Fund shall adopt rules that
2416 pertain to the use of state lands for carbon sequestration,
2417 carbon mitigation, or carbon offsets and that provide for
2418 climate-change-related benefits.

2419 (6) ~~(7)~~ As provided in this section, a water resource or
2420 water supply development project may be allowed only if the
2421 following conditions are met: minimum flows and levels have been
2422 established for those waters, if any, which may reasonably be
2423 expected to experience significant harm to water resources as a
2424 result of the project; the project complies with all applicable
2425 permitting requirements; and the project is consistent with the
2426 regional water supply plan, if any, of the water management
2427 district and with relevant recovery or prevention strategies if
2428 required pursuant to s. 373.0421(2).

2429 (7) ~~(8)~~ (a) Beginning no later than July 1, 2001, and every
2430 year thereafter, the Acquisition and Restoration Council shall
2431 accept applications from state agencies, local governments,
2432 nonprofit and for-profit organizations, private land trusts, and
2433 individuals for project proposals eligible for funding pursuant
2434 to paragraph (3)(b). The council shall evaluate the proposals



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2435 received pursuant to this subsection to ensure that they meet at
2436 least one of the criteria under subsection (8) ~~(9)~~.

2437 (b) Project applications shall contain, at a minimum, the
2438 following:

2439 1. A minimum of two numeric performance measures that
2440 directly relate to the overall goals adopted by the council.
2441 Each performance measure shall include a baseline measurement,
2442 which is the current situation; a performance standard which the
2443 project sponsor anticipates the project will achieve; and the
2444 performance measurement itself, which should reflect the
2445 incremental improvements the project accomplishes towards
2446 achieving the performance standard.

2447 2. Proof that property owners within any proposed
2448 acquisition have been notified of their inclusion in the
2449 proposed project. Any property owner may request the removal of
2450 such property from further consideration by submitting a request
2451 to the project sponsor or the Acquisition and Restoration
2452 Council by certified mail. Upon receiving this request, the
2453 council shall delete the property from the proposed project;
2454 however, the board of trustees, at the time it votes to approve
2455 the proposed project lists pursuant to subsection (15) ~~(16)~~, may
2456 add the property back on to the project lists if it determines
2457 by a super majority of its members that such property is
2458 critical to achieve the purposes of the project.

2459 (c) The title to lands acquired under this section shall
2460 vest in the Board of Trustees of the Internal Improvement Trust
2461 Fund, except that title to lands acquired by a water management
2462 district shall vest in the name of that district and lands
2463 acquired by a local government shall vest in the name of the



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2464 purchasing local government.

2465 ~~(8)-(9)~~ The Acquisition and Restoration Council shall
2466 develop a project list that shall represent those projects
2467 submitted pursuant to subsection (6) ~~(7)~~.

2468 ~~(9)-(10)~~ The Acquisition and Restoration Council shall
2469 recommend rules for adoption by the board of trustees to
2470 competitively evaluate, select, and rank projects eligible for
2471 Florida Forever funds pursuant to paragraph (3) (b) ~~and for~~
2472 ~~additions to the Conservation and Recreation Lands list pursuant~~
2473 ~~to ss. 259.032 and 259.101(4)~~. In developing these proposed
2474 rules, the Acquisition and Restoration Council shall give weight
2475 to the following criteria:

2476 (a) The project meets multiple goals described in
2477 subsection (4).

2478 (b) The project is part of an ongoing governmental effort
2479 to restore, protect, or develop land areas or water resources.

2480 (c) The project enhances or facilitates management of
2481 properties already under public ownership.

2482 (d) The project has significant archaeological or historic
2483 value.

2484 (e) The project has funding sources that are identified and
2485 assured through at least the first 2 years of the project.

2486 (f) The project contributes to the solution of water
2487 resource problems on a regional basis.

2488 (g) The project has a significant portion of its land area
2489 in imminent danger of development, in imminent danger of losing
2490 its significant natural attributes or recreational open space,
2491 or in imminent danger of subdivision which would result in
2492 multiple ownership and make acquisition of the project costly or



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2493 less likely to be accomplished.

2494 (h) The project implements an element from a plan developed
2495 by an ecosystem management team.

2496 (i) The project is one of the components of the Everglades
2497 restoration effort.

2498 (j) The project may be purchased at 80 percent of appraised
2499 value.

2500 (k) The project may be acquired, in whole or in part, using
2501 alternatives to fee simple, including but not limited to, tax
2502 incentives, mitigation funds, or other revenues; the purchase of
2503 development rights, hunting rights, agricultural or
2504 silvicultural rights, or mineral rights; or obtaining
2505 conservation easements or flowage easements.

2506 (l) The project is a joint acquisition, either among public
2507 agencies, nonprofit organizations, or private entities, or by a
2508 public-private partnership.

2509 (10)~~(11)~~ The Acquisition and Restoration Council shall give
2510 increased priority to those projects for which matching funds
2511 are available and to project elements previously identified on
2512 an acquisition list pursuant to this section that can be
2513 acquired at 80 percent or less of appraised value. The council
2514 shall also give increased priority to those projects where the
2515 state's land conservation plans overlap with the military's need
2516 to protect lands, water, and habitat to ensure the
2517 sustainability of military missions including:

2518 (a) Protecting habitat on nonmilitary land for any species
2519 found on military land that is designated as threatened or
2520 endangered, or is a candidate for such designation under the
2521 Endangered Species Act or any Florida statute;



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2522 (b) Protecting areas underlying low-level military air
2523 corridors or operating areas; and

2524 (c) Protecting areas identified as clear zones, accident
2525 potential zones, and air installation compatible use buffer
2526 zones delineated by our military partners, and for which federal
2527 or other funding is available to assist with the project.

2528 ~~(11)-(12)~~ For the purposes of funding projects pursuant to
2529 paragraph (3) (a), the Secretary of Environmental Protection
2530 shall ensure that each water management district receives the
2531 following percentage of funds annually:

2532 (a) Thirty-five percent to the South Florida Water
2533 Management District, of which amount \$25 million for 2 years
2534 beginning in fiscal year 2000-2001 shall be transferred by the
2535 Department of Environmental Protection into the Save Our
2536 Everglades Trust Fund and shall be used exclusively to implement
2537 the comprehensive plan under s. 373.470.

2538 (b) Twenty-five percent to the Southwest Florida Water
2539 Management District.

2540 (c) Twenty-five percent to the St. Johns River Water
2541 Management District.

2542 (d) Seven and one-half percent to the Suwannee River Water
2543 Management District.

2544 (e) Seven and one-half percent to the Northwest Florida
2545 Water Management District.

2546 ~~(12)-(13)~~ It is the intent of the Legislature that in
2547 developing the list of projects for funding pursuant to
2548 paragraph (3) (a), that these funds not be used to abrogate the
2549 financial responsibility of those point and nonpoint sources
2550 that have contributed to the degradation of water or land areas.



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2551 Therefore, an increased priority shall be given by the water
2552 management district governing boards to those projects that have
2553 secured a cost-sharing agreement allocating responsibility for
2554 the cleanup of point and nonpoint sources.

2555 (13)~~(14)~~ An affirmative vote of five members of the
2556 Acquisition and Restoration Council shall be required in order
2557 to place a proposed project on the list developed pursuant to
2558 subsection (7) ~~(8)~~. Any member of the council who by family or a
2559 business relationship has a connection with any project proposed
2560 to be ranked shall declare such interest prior to voting for a
2561 project's inclusion on the list.

2562 (14)~~(15)~~ Each year that cash disbursements or bonds are to
2563 be issued pursuant to this section, the Acquisition and
2564 Restoration Council shall review the most current approved
2565 project list and shall, by the first board meeting in May,
2566 present to the Board of Trustees of the Internal Improvement
2567 Trust Fund for approval a listing of projects developed pursuant
2568 to subsection (7) ~~(8)~~. The board of trustees may remove projects
2569 from the list developed pursuant to this subsection, but may not
2570 add projects or rearrange project rankings.

2571 (15)~~(16)~~ The Acquisition and Restoration Council shall
2572 submit to the board of trustees, with its list of projects, a
2573 report that includes, but shall not be limited to, the following
2574 information for each project listed:

- 2575 (a) The stated purpose for inclusion.
- 2576 (b) Projected costs to achieve the project goals.
- 2577 (c) An interim management budget that includes all costs
2578 associated with immediate public access.
- 2579 (d) Specific performance measures.



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- 2580 (e) Plans for public access.
- 2581 (f) An identification of the essential parcel or parcels
2582 within the project without which the project cannot be properly
2583 managed.
- 2584 (g) Where applicable, an identification of those projects
2585 or parcels within projects which should be acquired in fee
2586 simple or in less than fee simple.
- 2587 (h) An identification of those lands being purchased for
2588 conservation purposes.
- 2589 (i) A management policy statement for the project and a
2590 management prospectus pursuant to s. 259.032(7)(d) ~~s.~~
2591 ~~259.032(9)(d)~~.
- 2592 (j) An estimate of land value based on county tax assessed
2593 values.
- 2594 (k) A map delineating project boundaries.
- 2595 (l) An assessment of the project's ecological value,
2596 outdoor recreational value, forest resources, wildlife
2597 resources, ownership pattern, utilization, and location.
- 2598 (m) A discussion of whether alternative uses are proposed
2599 for the property and what those uses are.
- 2600 (n) A designation of the management agency or agencies.
- 2601 ~~(16)(17)~~ All proposals for projects pursuant to paragraph
2602 (3)(b) shall be implemented only if adopted by the Acquisition
2603 and Restoration Council and approved by the board of trustees.
2604 The council shall consider and evaluate in writing the merits
2605 and demerits of each project that is proposed for Florida
2606 Forever funding ~~and each proposed addition to the Conservation
2607 and Recreation Lands list program~~. The council shall ensure that
2608 each proposed project will meet a stated public purpose for the



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2609 restoration, conservation, or preservation of environmentally
2610 sensitive lands and water areas or for providing outdoor
2611 recreational opportunities and that each proposed addition to
2612 the Conservation and Recreation Lands list will meet the public
2613 purposes under s. 259.032(3) and, when applicable, s.
2614 ~~259.101(4)~~. The council also shall determine whether the project
2615 or addition conforms, where applicable, with the comprehensive
2616 plan developed pursuant to s. 259.04(1)(a), the comprehensive
2617 multipurpose outdoor recreation plan developed pursuant to s.
2618 375.021, the state lands management plan adopted pursuant to s.
2619 253.03(7), the water resources work plans developed pursuant to
2620 s. 373.199, and the provisions of this section.

2621 ~~(17)-(18)~~ On an annual basis, the Division of State Lands
2622 shall prepare an annual work plan that prioritizes projects on
2623 the Florida Forever list and sets forth the funding available in
2624 the fiscal year for land acquisition. The work plan shall
2625 consider the following categories of expenditure for land
2626 conservation projects already selected for the Florida Forever
2627 list pursuant to subsection (7) ~~(8)~~:

2628 (a) A critical natural lands category, including functional
2629 landscape-scale natural systems, intact large hydrological
2630 systems, lands that have significant imperiled natural
2631 communities, and corridors linking large landscapes, as
2632 identified and developed by the best available scientific
2633 analysis.

2634 (b) A partnerships or regional incentive category,
2635 including:

2636 1. Projects where local and regional cost-share agreements
2637 provide a lower cost and greater conservation benefit to the



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2638 people of the state. Additional consideration shall be provided
2639 under this category where parcels are identified as part of a
2640 local or regional visioning process and are supported by
2641 scientific analysis; and

2642 2. Bargain and shared projects where the state will receive
2643 a significant reduction in price for public ownership of land as
2644 a result of the removal of development rights or other interests
2645 in lands or receives alternative or matching funds.

2646 (c) A substantially complete category of projects where
2647 mainly inholdings, additions, and linkages between preserved
2648 areas will be acquired and where 85 percent of the project is
2649 complete.

2650 (d) A climate-change category list of lands where
2651 acquisition or other conservation measures will address the
2652 challenges of global climate change, such as through protection,
2653 restoration, mitigation, and strengthening of Florida's land,
2654 water, and coastal resources. This category includes lands that
2655 provide opportunities to sequester carbon, provide habitat,
2656 protect coastal lands or barrier islands, and otherwise mitigate
2657 and help adapt to the effects of sea-level rise and meet other
2658 objectives of the program.

2659 (e) A less-than-fee category for working agricultural lands
2660 that significantly contribute to resource protection through
2661 conservation easements and other less-than-fee techniques, tax
2662 incentives, life estates, landowner agreements, and other
2663 partnerships, including conservation easements acquired in
2664 partnership with federal conservation programs, which will
2665 achieve the objectives of Florida Forever while allowing the
2666 continuation of compatible agricultural uses on the land. Terms



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2667 of easements proposed for acquisition under this category shall
2668 be developed by the Division of State Lands in coordination with
2669 the Department of Agriculture and Consumer Services.

2670
2671 Projects within each category shall be ranked by order of
2672 priority. The work plan shall be adopted by the Acquisition and
2673 Restoration Council after at least one public hearing. A copy of
2674 the work plan shall be provided to the board of trustees of the
2675 Internal Improvement Trust Fund no later than October 1 of each
2676 year.

2677 (18)~~(19)~~ (a) The Board of Trustees of the Internal
2678 Improvement Trust Fund, or, in the case of water management
2679 district lands, the owning water management district, may
2680 authorize the granting of a lease, easement, or license for the
2681 use of certain lands acquired pursuant to this section, for
2682 certain uses that are determined by the appropriate board to be
2683 compatible with the resource values of and management objectives
2684 for such lands.

2685 (b) Any existing lease, easement, or license acquired for
2686 incidental public or private use on, under, or across any lands
2687 acquired pursuant to this section shall be presumed to be
2688 compatible with the purposes for which such lands were acquired.

2689 (c) Notwithstanding the provisions of paragraph (a), no
2690 such lease, easement, or license shall be entered into by the
2691 Department of Environmental Protection or other appropriate
2692 state agency if the granting of such lease, easement, or license
2693 would adversely affect the exclusion of the interest on any
2694 revenue bonds issued to fund the acquisition of the affected
2695 lands from gross income for federal income tax purposes,



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2696 pursuant to Internal Revenue Service regulations.

2697 ~~(19)~~~~(20)~~ The Acquisition and Restoration Council shall
2698 recommend adoption of rules by the board of trustees necessary
2699 to implement the provisions of this section relating to:
2700 solicitation, scoring, selecting, and ranking of Florida Forever
2701 project proposals; disposing of or leasing lands or water areas
2702 selected for funding through the Florida Forever program; and
2703 the process of reviewing and recommending for approval or
2704 rejection the land management plans associated with publicly
2705 owned properties. Rules promulgated pursuant to this subsection
2706 shall be submitted to the President of the Senate and the
2707 Speaker of the House of Representatives, for review by the
2708 Legislature, no later than 30 days prior to the 2010 Regular
2709 Session and shall become effective only after legislative
2710 review. In its review, the Legislature may reject, modify, or
2711 take no action relative to such rules. The board of trustees
2712 shall conform such rules to changes made by the Legislature, or,
2713 if no action was taken by the Legislature, such rules shall
2714 become effective.

2715 ~~(20)~~~~(21)~~ Lands listed as projects for acquisition under the
2716 Florida Forever program may be managed for conservation pursuant
2717 to s. 259.032, on an interim basis by a private party in
2718 anticipation of a state purchase in accordance with a
2719 contractual arrangement between the acquiring agency and the
2720 private party that may include management service contracts,
2721 leases, cost-share arrangements, or resource conservation
2722 agreements. Lands designated as eligible under this subsection
2723 shall be managed to maintain or enhance the resources the state
2724 is seeking to protect by acquiring the land and to accelerate



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2725 public access to the lands as soon as practicable. Funding for
2726 these contractual arrangements may originate from the
2727 documentary stamp tax revenue deposited into the Land
2728 Acquisition Conservation and Recreation Lands Trust Fund and
2729 Water Management Lands Trust Fund. No more than \$6.2 million may
2730 be expended from the Land Acquisition Trust Fund 5 percent of
2731 funds allocated under the trust funds shall be expended for this
2732 purpose.

2733 Section 25. Subsections (1) and (3) of section 259.1051,
2734 Florida Statutes, are amended to read:

2735 259.1051 Florida Forever Trust Fund.—

2736 (1) There is created the Florida Forever Trust Fund to
2737 carry out the purposes of ss. 259.032, 259.105, 259.1052, and
2738 375.031. The Florida Forever Trust Fund shall be held and
2739 administered by the Department of Environmental Protection.
2740 Proceeds from the sale of bonds, except proceeds of refunding
2741 bonds, issued under s. 215.618 and payable from moneys
2742 transferred to the Land Acquisition Trust Fund under s.
2743 201.15(1) s. 201.15(1)(a), not to exceed \$5.3 billion, must be
2744 deposited into this trust fund to be distributed and used as
2745 provided in s. 259.105(3). The bond resolution adopted by the
2746 governing board of the Division of Bond Finance of the State
2747 Board of Administration may provide for additional provisions
2748 that govern the disbursement of the bond proceeds.

2749 (3) The Department of Environmental Protection shall ensure
2750 that the proceeds from the sale of bonds issued under s. 215.618
2751 and payable from moneys transferred to the Land Acquisition
2752 Trust Fund under s. 201.15(1) s. 201.15(1)(a) shall be
2753 administered and expended in a manner that ensures compliance of



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2754 each issue of bonds that are issued on the basis that interest
2755 thereon will be excluded from gross income for federal income
2756 tax purposes, with the applicable provisions of the United
2757 States Internal Revenue Code and the regulations promulgated
2758 thereunder, to the extent necessary to preserve the exclusion of
2759 interest on the bonds from gross income for federal income tax
2760 purposes. The Department of Environmental Protection shall
2761 administer the use and disbursement of the proceeds of such
2762 bonds or require that the use and disbursement thereof be
2763 administered in a manner to implement strategies to maximize any
2764 available benefits under the applicable provisions of the United
2765 States Internal Revenue Code or regulations promulgated
2766 thereunder, to the extent not inconsistent with the purposes
2767 identified in s. 259.105(3).

2768 Section 26. Paragraph (a) of subsection (2) of section
2769 338.250, Florida Statutes, is amended to read:

2770 338.250 Central Florida Beltway Mitigation.—

2771 (2) Environmental mitigation required as a result of
2772 construction of the beltway, or portions thereof, shall be
2773 satisfied in the following manner:

2774 (a) For those projects which the Department of
2775 Transportation is authorized to construct, funds for
2776 environmental mitigation shall be deposited in the Central
2777 Florida Beltway Trust Fund created within the department at the
2778 time bonds for the specific project are sold. If a road building
2779 authority other than the department is authorized to construct
2780 the project, funds for environmental mitigation shall be
2781 deposited in a mitigation fund account established in the
2782 construction fund for the bond issues. Said account shall be



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2783 established at the time bond proceeds are deposited into the
2784 construction fund for the specific project. These funds shall be
2785 provided from bond proceeds, and the use of such funds from bond
2786 proceeds for mitigation shall be deemed a public purpose. The
2787 amount to be provided for mitigation for the Eastern Beltway in
2788 Seminole County shall be up to \$4 million, the amount to be
2789 provided for mitigation for the Western Beltway shall be up to
2790 \$30.5 million, the amount to be provided for mitigation for the
2791 Southern Connector shall be up to \$14.28 million, the amount to
2792 be provided for mitigation for the Turnpike/Southern Connector
2793 Interchange shall be up to \$1.46 million, and the amount to be
2794 provided for mitigation for the Southern Connector Extension
2795 shall be in proportion to the amount provided for the Southern
2796 Connector based upon the amount of wetlands displaced. To the
2797 extent allowed by law, the interest on said funds as earned,
2798 after deposit into the Central Florida Beltway Trust Fund, or in
2799 a mitigation fund account shall accrue and be paid to the agency
2800 responsible for the construction of the appropriate project.
2801 Where feasible, mitigation funds shall be used in coordination
2802 with funds from ~~the Conservation and Recreation Lands Trust~~
2803 ~~Fund, Save Our Rivers Land Acquisition Program, or from other~~
2804 appropriate sources.

2805 Section 27. Paragraph (c) of subsection (8) of section
2806 373.026, Florida Statutes, is amended to read:

2807 373.026 General powers and duties of the department.—The
2808 department, or its successor agency, shall be responsible for
2809 the administration of this chapter at the state level. However,
2810 it is the policy of the state that, to the greatest extent
2811 possible, the department may enter into interagency or



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2812 interlocal agreements with any other state agency, any water
2813 management district, or any local government conducting programs
2814 related to or materially affecting the water resources of the
2815 state. All such agreements shall be subject to the provisions of
2816 s. 373.046. In addition to its other powers and duties, the
2817 department shall, to the greatest extent possible:

2818 (8)

2819 (c) Notwithstanding paragraph (b), the use of state funds
2820 for land purchases from willing sellers is authorized for
2821 projects ~~within the South Florida Water Management District's~~
2822 ~~approved 5-year plan of acquisition pursuant to s. 373.59 or~~
2823 within the South Florida Water Management District's approved
2824 Florida Forever water management district work plan pursuant to
2825 s. 373.199.

2826 Section 28. Subsection (4) of section 373.089, Florida
2827 Statutes, is amended to read:

2828 373.089 Sale or exchange of lands, or interests or rights
2829 in lands.—The governing board of the district may sell lands, or
2830 interests or rights in lands, to which the district has acquired
2831 title or to which it may hereafter acquire title in the
2832 following manner:

2833 (4) The governing board of a district may exchange lands,
2834 or interests or rights in lands, owned by, or lands, or
2835 interests or rights in lands, for which title is otherwise
2836 vested in, the district for other lands, or interests or rights
2837 in lands, within the state owned by any person. The governing
2838 board shall fix the terms and conditions of any such exchange
2839 and may pay or receive any sum of money that the board considers
2840 necessary to equalize the values of exchanged properties. Land,



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2841 or interests or rights in land, acquired under former s. 373.59,
2842 Florida Statutes 2014, may be exchanged only for lands, or
2843 interests or rights in lands, that otherwise meet the
2844 requirements of that section for acquisition.

2845 Section 29. Paragraph (a) of subsection (5) of section
2846 373.129, Florida Statutes, is amended to read:

2847 373.129 Maintenance of actions.—The department, the
2848 governing board of any water management district, any local
2849 board, or a local government to which authority has been
2850 delegated pursuant to s. 373.103(8), is authorized to commence
2851 and maintain proper and necessary actions and proceedings in any
2852 court of competent jurisdiction for any of the following
2853 purposes:

2854 (5) To recover a civil penalty for each offense in an
2855 amount not to exceed \$10,000 per offense. Each date during which
2856 such violation occurs constitutes a separate offense.

2857 (a) A civil penalty recovered by a water management
2858 district pursuant to this subsection shall be retained ~~deposited~~
2859 ~~in the Water Management Lands Trust Fund established under s.~~
2860 ~~373.59~~ and used exclusively by the water management district
2861 that collected ~~deposits~~ the money ~~into the fund~~. A civil penalty
2862 recovered by the department pursuant to this subsection shall be
2863 deposited into the Water Quality Assurance Trust Fund
2864 established under s. 376.307 ~~Any such civil penalty recovered~~
2865 ~~after the expiration of such fund shall be deposited in the~~
2866 ~~Ecosystem Management and Restoration Trust Fund and used~~
2867 ~~exclusively within the water management district that deposits~~
2868 ~~the money into the fund.~~

2869 Section 30. Subsection (5) of section 373.1391, Florida



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2870 Statutes, is amended to read:

2871 373.1391 Management of real property.—

2872 (5) The following additional uses of lands acquired
2873 pursuant to the Florida Forever program and other state-funded
2874 land purchase programs shall be authorized, upon a finding by
2875 the governing board, if they meet the criteria specified in
2876 paragraphs (a)-(e): water resource development projects, water
2877 supply development projects, stormwater management projects,
2878 linear facilities, and sustainable agriculture and forestry.
2879 Such additional uses are authorized where:

2880 (a) Not inconsistent with the management plan for such
2881 lands;

2882 (b) Compatible with the natural ecosystem and resource
2883 values of such lands;

2884 (c) The proposed use is appropriately located on such lands
2885 and where due consideration is given to the use of other
2886 available lands;

2887 (d) The using entity reasonably compensates the titleholder
2888 for such use based upon an appropriate measure of value; and

2889 (e) The use is consistent with the public interest.

2890

2891 A decision by the governing board pursuant to this subsection
2892 shall be given a presumption of correctness. Moneys received
2893 from the use of state lands pursuant to this subsection shall be
2894 returned to the lead managing agency ~~in accordance with the~~
2895 ~~provisions of s. 373.59.~~

2896 Section 31. Subsection (7) of section 373.199, Florida
2897 Statutes, is amended to read:

2898 373.199 Florida Forever Water Management District Work



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2899 Plan.—
2900 (7) By June 1, 2001, each district shall file with the
2901 President of the Senate, the Speaker of the House of
2902 Representatives, and the Secretary of Environmental Protection
2903 the initial 5-year work plan as required under subsection (2).
2904 By March 1 of each year thereafter, as part of the consolidated
2905 annual report required by s. 373.036(7), each district shall
2906 report on acquisitions completed during the year together with
2907 modifications or additions to its 5-year work plan. Included in
2908 the report shall be:

2909 (a) A description of land management activity for each
2910 property or project area owned by the water management district.

2911 (b) A list of any lands surplused and the amount of
2912 compensation received.

2913 (c) The progress of funding, staffing, and resource
2914 management of every project funded pursuant to former s.
2915 259.101(3), Florida Statutes 2014 ~~s. 259.101~~, s. 259.105, or
2916 former s. 373.59(2), Florida Statutes 2014, ~~s. 373.59~~ for which
2917 the district is responsible.

2918
2919 The secretary shall submit the report referenced in this
2920 subsection to the Board of Trustees of the Internal Improvement
2921 Trust Fund together with the Acquisition and Restoration
2922 Council's project list as required under s. 259.105.

2923 Section 32. Subsection (7) of section 373.430, Florida
2924 Statutes, is amended to read:

2925 373.430 Prohibitions, violation, penalty, intent.—

2926 (7) All moneys recovered under the provisions of this
2927 section shall be allocated to the use of the water management



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2928 district, the department, or the local government, whichever
2929 undertook and maintained the enforcement action. All monetary
2930 penalties and damages recovered by the department or the state
2931 under the provisions of this section shall be deposited into ~~in~~
2932 the Florida Permit Fee Ecosystem Management and Restoration
2933 Trust Fund. All monetary penalties and damages recovered
2934 pursuant to this section by a water management district shall be
2935 retained ~~deposited in the Water Management Lands Trust Fund~~
2936 ~~established under s. 373.59~~ and used exclusively within the
2937 territory of the water management district which collected
2938 ~~deposits~~ the money ~~into the fund~~. Any such monetary penalties
2939 ~~and damages recovered after the expiration of such fund shall be~~
2940 ~~deposited in the Ecosystem Management and Restoration Trust Fund~~
2941 ~~and used exclusively within the territory of the water~~
2942 ~~management district which deposits the money into the fund~~. All
2943 monetary penalties and damages recovered pursuant to this
2944 subsection by a local government to which authority has been
2945 delegated pursuant to s. 373.103(8) shall be used to enhance
2946 surface water improvement or pollution control activities.

2947 Section 33. Subsections (3) through (6) of section 373.459,
2948 Florida Statutes, are amended to read:

2949 373.459 Funds for surface water improvement and
2950 management.—

2951 (3) ~~The Ecosystem Management and Restoration Trust Fund~~
2952 ~~shall be used for the deposit of funds appropriated by the~~
2953 ~~Legislature for the purposes of ss. 373.451-373.4595~~. The
2954 department shall administer all funds appropriated to or
2955 received for surface water improvement and management
2956 activities. Expenditure of the moneys shall be limited to the



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2957 costs of detailed planning and plan and program implementation
2958 for priority surface water bodies. Moneys ~~may from the fund~~
2959 ~~shall~~ not be expended for planning for, or construction or
2960 expansion of, treatment facilities for domestic or industrial
2961 waste disposal.

2962 (4) The department shall authorize the release of money
2963 ~~from the fund~~ in accordance with ~~the provisions of s. 373.501(2)~~
2964 ~~and procedures in s. 373.59(4) and (5).~~

2965 ~~(5) Moneys in the fund which are not needed to meet current~~
2966 ~~obligations incurred under this section shall be transferred to~~
2967 ~~the State Board of Administration, to the credit of the trust~~
2968 ~~fund, to be invested in the manner provided by law. Interest~~
2969 ~~received on such investments shall be credited to the trust~~
2970 ~~fund.~~

2971 ~~(5)(6)~~ The match requirement of subsection (2) ~~does shall~~
2972 not apply to the Suwannee River Water Management District, the
2973 Northwest Florida Water Management District, or a financially
2974 disadvantaged small local government as defined in former s.
2975 403.885(3).

2976 Section 34. Paragraph (a) of subsection (3) of section
2977 373.4592, Florida Statutes, is amended to read:

2978 373.4592 Everglades improvement and management.—

2979 (3) EVERGLADES LONG-TERM PLAN.—

2980 (a) The Legislature finds that the Everglades Program
2981 required by this section establishes more extensive and
2982 comprehensive requirements for surface water improvement and
2983 management within the Everglades than the SWIM plan requirements
2984 provided in ss. 373.451 and 373.453. In order to avoid
2985 duplicative requirements, and in order to conserve the resources



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2986 available to the district, the SWIM plan requirements of those
2987 sections shall not apply to the Everglades Protection Area and
2988 the EAA during the term of the Everglades Program, and the
2989 district will neither propose, nor take final agency action on,
2990 any Everglades SWIM plan for those areas until the Everglades
2991 Program is fully implemented. Funds identified under former s.
2992 259.101(3)(b), Florida Statutes 2014, may be used for
2993 acquisition of lands necessary to implement the Everglades
2994 Construction Project, to the extent these funds are identified
2995 in the Statement of Principles of July 1993. The district's
2996 actions in implementing the Everglades Construction Project
2997 relating to the responsibilities of the EAA and C-139 Basin for
2998 funding and water quality compliance in the EAA and the
2999 Everglades Protection Area shall be governed by this section.
3000 Other strategies or activities in the March 1992 Everglades SWIM
3001 plan may be implemented if otherwise authorized by law.

3002 Section 35. Subsection (4) of section 373.45926, Florida
3003 Statutes, is amended to read:

3004 373.45926 Everglades Trust Fund; allocation of revenues and
3005 expenditure of funds for conservation and protection of natural
3006 resources and abatement of water pollution.—

3007 (4) The following funds shall be deposited into the
3008 Everglades Trust Fund specifically for the implementation of the
3009 Everglades Forever Act.

3010 (a) Alligator Alley toll revenues pursuant to s. 338.26(3).

3011 (b) Everglades agricultural privilege tax revenues pursuant
3012 to s. 373.4592(6).

3013 (c) C-139 agricultural privilege tax revenues pursuant to
3014 s. 373.4592(7).



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3015 (d) Special assessment revenues pursuant to s. 373.4592(8).

3016 (e) Ad valorem revenues pursuant to s. 373.4592(4)(a).

3017 (f) Federal funds appropriated by the United States

3018 Congress for any component of the Everglades Construction

3019 Project.

3020 ~~(g) Preservation 2000 funds for acquisition of lands~~
3021 ~~necessary for implementation of the Everglades Forever Act as~~
3022 ~~prescribed in an annual appropriation.~~

3023 (g) ~~(h)~~ Any additional funds specifically appropriated by
3024 the Legislature for this purpose.

3025 (h) ~~(i)~~ Gifts designated for implementation of the
3026 Everglades Forever Act from individuals, corporations, and other
3027 entities.

3028 (i) ~~(j)~~ Any additional funds that become available for this
3029 purpose from any other source.

3030 Section 36. Paragraph (a) of subsection (6) and paragraph
3031 (b) of subsection (7) of section 373.470, Florida Statutes, are
3032 amended to read:

3033 373.470 Everglades restoration.—

3034 (6) DISTRIBUTIONS FROM SAVE OUR EVERGLADES TRUST FUND.—

3035 (a) Except as provided in paragraphs (d) and (e) and for
3036 funds appropriated for debt service, the department shall
3037 distribute funds in the Save Our Everglades Trust Fund to the
3038 district in accordance with a legislative appropriation and s.
3039 373.026(8)(b) ~~and (e)~~. Distribution of funds to the district
3040 from the Save Our Everglades Trust Fund shall be equally matched
3041 by the cumulative contributions from the district by fiscal year
3042 2019-2020 by providing funding or credits toward project
3043 components. The dollar value of in-kind project design and



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3044 construction work by the district in furtherance of the
3045 comprehensive plan and existing interest in public lands needed
3046 for a project component are credits towards the district's
3047 contributions.

3048 (7) ANNUAL REPORT.—To provide enhanced oversight of and
3049 accountability for the financial commitments established under
3050 this section and the progress made in the implementation of the
3051 comprehensive plan, the following information must be prepared
3052 annually as part of the consolidated annual report required by
3053 s. 373.036(7):

3054 (b) The department shall prepare a detailed report on all
3055 funds expended by the state and credited toward the state's
3056 share of funding for implementation of the comprehensive plan.
3057 The report shall include:

3058 1. A description of all expenditures, by source and amount,
3059 from ~~the Conservation and Recreation Lands Trust Fund,~~ the Land
3060 Acquisition Trust Fund, ~~the Preservation 2000 Trust Fund,~~ the
3061 Florida Forever Trust Fund, the Save Our Everglades Trust Fund,
3062 and other named funds or accounts for the acquisition or
3063 construction of project components or other features or
3064 facilities that benefit the comprehensive plan.

3065 2. A description of the purposes for which the funds were
3066 expended.

3067 3. The unencumbered fiscal-year-end balance that remains in
3068 each trust fund or account identified in subparagraph 1.

3069
3070 The information required in paragraphs (a), (b), and (c) shall
3071 be provided as part of the consolidated annual report required
3072 by s. 373.036(7). The initial report is due by November 30,



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3073 2000, and each annual report thereafter is due by March 1.
3074 Section 37. Subsection (2) of section 373.584, Florida
3075 Statutes, is amended to read:
3076 373.584 Revenue bonds.—
3077 (2) Revenues derived by the district ~~from the Water~~
3078 ~~Management Lands Trust Fund as provided in s. 373.59 or any~~
3079 ~~other revenues of the district~~ may be pledged to the payment of
3080 ~~such~~ revenue bonds; however, the ad valorem taxing powers of the
3081 district may not be pledged to the payment of such revenue bonds
3082 without prior compliance with the requirements of the State
3083 Constitution as to the affirmative vote of the electors of the
3084 district and with the requirements of s. 373.563, ~~and bonds~~
3085 ~~payable from the Water Management Lands Trust Fund shall be~~
3086 ~~issued solely for the purposes set forth in s. 373.59.~~ Revenue
3087 bonds and notes shall be, and shall be deemed to be, for all
3088 purposes, negotiable instruments, subject only to the provisions
3089 of the revenue bonds and notes for registration. The powers and
3090 authority of districts to issue revenue bonds, including, but
3091 not limited to, bonds to finance a stormwater management system
3092 as defined by s. 373.403, and to enter into contracts incidental
3093 thereto, and to do all things necessary and desirable in
3094 connection with the issuance of revenue bonds, shall be
3095 coextensive with the powers and authority of municipalities to
3096 issue bonds under state law. The provisions of this section
3097 constitute full and complete authority for the issuance of
3098 revenue bonds and shall be liberally construed to effectuate its
3099 purpose.

3100 Section 38. Section 373.59, Florida Statutes, is amended to
3101 read:



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3102 373.59 Payment in lieu of taxes for lands acquired for
3103 water management district purposes ~~Water Management Lands Trust~~
3104 ~~Fund.~~—

3105 (1) ~~There is established within the Department of~~
3106 ~~Environmental Protection the Water Management Lands Trust Fund~~
3107 ~~to be used as a nonlapsing fund for the purposes of this~~
3108 ~~section. The moneys in this fund are hereby continually~~
3109 ~~appropriated for the purposes of land acquisition, management,~~
3110 ~~maintenance, capital improvements of land titled to the~~
3111 ~~districts, payments in lieu of taxes, debt service on bonds~~
3112 ~~issued prior to July 1, 1999, debt service on bonds issued on or~~
3113 ~~after July 1, 1999, which are issued to refund bonds issued~~
3114 ~~before July 1, 1999, preacquisition costs associated with land~~
3115 ~~purchases, and the department's costs of administration of the~~
3116 ~~fund. No refunding bonds may be issued which mature after the~~
3117 ~~final maturity date of the bonds being refunded or which provide~~
3118 ~~for higher debt service in any year than is payable on such~~
3119 ~~bonds as of February 1, 2009. The department's costs of~~
3120 ~~administration shall be charged proportionally against each~~
3121 ~~district's allocation using the formula provided in subsection~~
3122 ~~(8). Capital improvements shall include, but need not be limited~~
3123 ~~to, perimeter fencing, signs, firelanes, control of invasive~~
3124 ~~exotic species, controlled burning, habitat inventory and~~
3125 ~~restoration, law enforcement, access roads and trails, and~~
3126 ~~minimal public accommodations, such as primitive campsites,~~
3127 ~~garbage receptacles, and toilets. The moneys in the fund may~~
3128 ~~also be appropriated to supplement operational expenditures at~~
3129 ~~the Northwest Florida Water Management District and the Suwannee~~
3130 ~~River Water Management District, with such appropriations~~



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3131 ~~allocated prior to the allocations set out in subsection (8) to~~
3132 ~~the five water management districts.~~

3133 ~~(2) Until the Preservation 2000 Program is concluded, each~~
3134 ~~district shall file with the Legislature and the Secretary of~~
3135 ~~Environmental Protection a report of acquisition activity, by~~
3136 ~~January 15 of each year, together with modifications or~~
3137 ~~additions to its 5-year plan of acquisition. Included in the~~
3138 ~~report shall be an identification of those lands which require a~~
3139 ~~full fee simple interest to achieve water management goals and~~
3140 ~~those lands which can be acquired using alternatives to fee~~
3141 ~~simple acquisition techniques and still achieve such goals. In~~
3142 ~~their evaluation of which lands would be appropriate for~~
3143 ~~acquisition through alternatives to fee simple, district staff~~
3144 ~~shall consider criteria including, but not limited to,~~
3145 ~~acquisition costs, the net present value of future land~~
3146 ~~management costs, the net present value of ad valorem revenue~~
3147 ~~loss to the local government, and the potential for revenue~~
3148 ~~generated from activities compatible with acquisition~~
3149 ~~objectives. The report shall also include a description of land~~
3150 ~~management activity. However, no acquisition of lands shall~~
3151 ~~occur without a public hearing similar to those held pursuant to~~
3152 ~~the provisions set forth in s. 120.54. In the annual update of~~
3153 ~~its 5-year plan for acquisition, each district shall identify~~
3154 ~~lands needed to protect or recharge groundwater and shall~~
3155 ~~establish a plan for their acquisition as necessary to protect~~
3156 ~~potable water supplies. Lands which serve to protect or recharge~~
3157 ~~groundwater identified pursuant to this paragraph shall also~~
3158 ~~serve to protect other valuable natural resources or provide~~
3159 ~~space for natural resource based recreation. Once all~~



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3160 ~~Preservation 2000 funds allocated to the water management~~
3161 ~~districts have been expended or committed, this subsection shall~~
3162 ~~be repealed.~~

3163 ~~(3) Each district shall remove the property of an unwilling~~
3164 ~~seller from its plan of acquisition at the next scheduled update~~
3165 ~~of the plan, if in receipt of a request to do so by the property~~
3166 ~~owner. This subsection shall be repealed at the conclusion of~~
3167 ~~the Preservation 2000 program.~~

3168 ~~(4) The Secretary of Environmental Protection shall release~~
3169 ~~moneys from the Water Management Lands Trust Fund to a district~~
3170 ~~for preacquisition costs within 30 days after receipt of a~~
3171 ~~resolution adopted by the district's governing board which~~
3172 ~~identifies and justifies any such preacquisition costs necessary~~
3173 ~~for the purchase of any lands listed in the district's 5-year~~
3174 ~~plan. The district shall return to the department any funds not~~
3175 ~~used for the purposes stated in the resolution, and the~~
3176 ~~department shall deposit the unused funds into the Water~~
3177 ~~Management Lands Trust Fund.~~

3178 ~~(5) The Secretary of Environmental Protection shall release~~
3179 ~~to the districts moneys for management, maintenance, and capital~~
3180 ~~improvements following receipt of a resolution and request~~
3181 ~~adopted by the governing board which specifies the designated~~
3182 ~~managing agency, specific management activities, public use,~~
3183 ~~estimated annual operating costs, and other acceptable~~
3184 ~~documentation to justify release of moneys.~~

3185 ~~(6) If a district issues revenue bonds or notes under s.~~
3186 ~~373.584 prior to July 1, 1999, the district may pledge its share~~
3187 ~~of the moneys in the Water Management Lands Trust Fund as~~
3188 ~~security for such bonds or notes. The Department of~~



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3189 ~~Environmental Protection shall pay moneys from the trust fund to~~
3190 ~~a district or its designee sufficient to pay the debt service,~~
3191 ~~as it becomes due, on the outstanding bonds and notes of the~~
3192 ~~district; however, such payments shall not exceed the district's~~
3193 ~~cumulative portion of the trust fund. However, any moneys~~
3194 ~~remaining after payment of the amount due on the debt service~~
3195 ~~shall be released to the district pursuant to subsection (5).~~

3196 ~~(7) Any unused portion of a district's share of the fund~~
3197 ~~shall accumulate in the trust fund to the credit of that~~
3198 ~~district. Interest earned on such portion shall also accumulate~~
3199 ~~to the credit of that district to be used for management,~~
3200 ~~maintenance, and capital improvements as provided in this~~
3201 ~~section. The total moneys over the life of the fund available to~~
3202 ~~any district under this section shall not be reduced except by~~
3203 ~~resolution of the district governing board stating that the need~~
3204 ~~for the moneys no longer exists. Any water management district~~
3205 ~~with fund balances in the Water Management Lands Trust Fund as~~
3206 ~~of March 1, 1999, may expend those funds for land acquisitions~~
3207 ~~pursuant to s. 373.139, or for the purpose specified in this~~
3208 ~~subsection.~~

3209 ~~(8) Moneys from the Water Management Lands Trust Fund shall~~
3210 ~~be allocated as follows:~~

3211 ~~(a) Beginning with the 2009-2010 fiscal year, thirty~~
3212 ~~percent shall be used first to pay debt service on bonds issued~~
3213 ~~before February 1, 2009, by the South Florida Water Management~~
3214 ~~District which are secured by revenues provided by this section~~
3215 ~~or to fund debt service reserve funds, rebate obligations, or~~
3216 ~~other amounts payable with respect to such bonds, then to~~
3217 ~~transfer \$3,000,000 to the credit of the General Revenue Fund in~~



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3218 ~~each fiscal year, and lastly to distribute the remainder to the~~
3219 ~~South Florida Water Management District.~~

3220 ~~(b) Beginning with the 2009-2010 fiscal year, twenty-five~~
3221 ~~percent shall be used first to transfer \$2,500,000 to the credit~~
3222 ~~of the General Revenue Fund in each fiscal year and then to~~
3223 ~~distribute the remainder to the Southwest Florida Water~~
3224 ~~Management District.~~

3225 ~~(c) Beginning with the 2009-2010 fiscal year, twenty-five~~
3226 ~~percent shall be used first to pay debt service on bonds issued~~
3227 ~~before February 1, 2009, by the St. Johns River Water Management~~
3228 ~~District which are secured by revenues provided by this section~~
3229 ~~or to fund debt service reserve funds, rebate obligations, or~~
3230 ~~other amounts payable with respect to such bonds, then to~~
3231 ~~transfer \$2,500,000 to the credit of the General Revenue Fund in~~
3232 ~~each fiscal year, and to distribute the remainder to the St.~~
3233 ~~Johns River Water Management District.~~

3234 ~~(d) Ten percent to the Suwannee River Water Management~~
3235 ~~District.~~

3236 ~~(e) Ten percent to the Northwest Florida Water Management~~
3237 ~~District.~~

3238 ~~(9) Moneys in the fund not needed to meet current~~
3239 ~~obligations incurred under this section shall be transferred to~~
3240 ~~the State Board of Administration, to the credit of the fund, to~~
3241 ~~be invested in the manner provided by law. Interest received on~~
3242 ~~such investments shall be credited to the fund.~~

3243 ~~(10) (a) Beginning July 1, 1999, not more than one-fourth of~~
3244 ~~the Funds provided for in subsections (1) and (8) in any year~~
3245 ~~shall be reserved annually by a governing board, during the~~
3246 ~~development of its annual operating budget, for payments in lieu~~



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3247 of taxes for all actual ad valorem tax losses incurred as a
3248 result of all governing board acquisitions for water management
3249 district purposes. ~~Reserved funds not used for payments in lieu~~
3250 ~~of taxes in any year shall revert to the Water Management Lands~~
3251 ~~Trust Fund to be used in accordance with the provisions of this~~
3252 ~~section.~~

3253 (2) ~~(b)~~ Payment in lieu of taxes shall be available:

3254 (a) ~~1.~~ To all counties that have a population of 150,000 or
3255 fewer. Population levels shall be determined pursuant to s.
3256 186.901. The population estimates published April 1 and used in
3257 the revenue-sharing formula pursuant to s. 186.901 shall be used
3258 to determine eligibility under this subsection and shall apply
3259 to payments made for the subsequent fiscal year.

3260 (b) ~~2.~~ To all local governments located in eligible counties
3261 and whose lands are bought and taken off the tax rolls.

3262
3263 For properties acquired after January 1, 2000, in the event that
3264 such properties otherwise eligible for payment in lieu of taxes
3265 under this subsection are leased or reserved and remain subject
3266 to ad valorem taxes, payments in lieu of taxes shall commence or
3267 recommence upon the expiration or termination of the lease or
3268 reservation. If the lease is terminated for only a portion of
3269 the lands at any time, the annual payments shall be made for
3270 that portion only commencing the year after such termination,
3271 without limiting the requirement that annual payments shall be
3272 made on the remaining portion or portions of the land as the
3273 lease on each expires. For the purposes of this subsection,
3274 "local government" includes municipalities and the county school
3275 board.



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3276 (3)~~(e)~~ If sufficient funds are unavailable in any year to
3277 make full payments to all qualifying counties and local
3278 governments, such counties and local governments shall receive a
3279 pro rata share of the moneys available.

3280 (4)~~(d)~~ The payment amount shall be based on the average
3281 amount of actual ad valorem taxes paid on the property for the 3
3282 years preceding acquisition. Applications for payment in lieu of
3283 taxes shall be made no later than May 31 of the year for which
3284 payment is sought. No payment in lieu of taxes shall be made for
3285 properties which were exempt from ad valorem taxation for the
3286 year immediately preceding acquisition.

3287 (5)~~(e)~~ If property that was subject to ad valorem taxation
3288 was acquired by a tax-exempt entity for ultimate conveyance to
3289 the state under this chapter, payment in lieu of taxes shall be
3290 made for such property based upon the average amount of ad
3291 valorem taxes paid on the property for the 3 years prior to its
3292 being removed from the tax rolls. The water management districts
3293 shall certify to the Department of Revenue those properties that
3294 may be eligible under this provision. Once eligibility has been
3295 established, that governmental entity shall receive annual
3296 payments for each tax loss until the qualifying governmental
3297 entity exceeds the population threshold pursuant to subsection
3298 (2) ~~paragraph (b)~~.

3299 (6)~~(f)~~ Payment in lieu of taxes pursuant to this subsection
3300 shall be made annually to qualifying counties and local
3301 governments after certification by the Department of Revenue
3302 that the amounts applied for are reasonably appropriate, based
3303 on the amount of actual ad valorem taxes paid on the eligible
3304 property, and after the water management districts have provided



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3305 supporting documents to the Chief Financial Officer and have
3306 requested that payment be made in accordance with the
3307 requirements of this section. With the assistance of the local
3308 government requesting payment in lieu of taxes, the water
3309 management district that acquired the land is responsible for
3310 preparing and submitting application requests for payment to the
3311 Department of Revenue for certification.

3312 ~~(7)(g)~~ If a water management district conveys to a county
3313 or local government title to any land owned by the district, any
3314 payments in lieu of taxes on the land made to the county or
3315 local government shall be discontinued as of the date of the
3316 conveyance.

3317 ~~(11) Notwithstanding any provision of this section to the~~
3318 ~~contrary, the governing board of a water management district may~~
3319 ~~request, and the Secretary of Environmental Protection shall~~
3320 ~~release upon such request, moneys allocated to the districts~~
3321 ~~pursuant to subsection (8) for purposes consistent with the~~
3322 ~~provisions of s. 373.709, s. 373.705, s. 373.139, or ss.~~
3323 ~~373.451-373.4595 and for legislatively authorized land~~
3324 ~~acquisition and water restoration initiatives. No funds may be~~
3325 ~~used pursuant to this subsection until necessary debt service~~
3326 ~~obligations, requirements for payments in lieu of taxes, and~~
3327 ~~land management obligations that may be required by this chapter~~
3328 ~~are provided for.~~

3329 ~~(12) Notwithstanding subsection (8), and for the 2014-2015~~
3330 ~~fiscal year only, the moneys from the Water Management Lands~~
3331 ~~Trust Fund are allocated as follows:~~

3332 ~~(a) An amount necessary to pay debt service on bonds issued~~
3333 ~~before February 1, 2009, by the South Florida Water Management~~



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3334 ~~District and the St. Johns River Water Management District,~~
3335 ~~which are secured by revenues provided pursuant to this section,~~
3336 ~~or to fund debt service reserve funds, rebate obligations, or~~
3337 ~~other amounts payable with respect to such bonds.~~

3338 ~~(b) Eight million dollars to be transferred to the General~~
3339 ~~Revenue Fund.~~

3340 ~~(c) Seven million seven hundred thousand dollars to be~~
3341 ~~transferred to the Save Our Everglades Trust Fund to support~~
3342 ~~Everglades restoration projects included in the final report of~~
3343 ~~the Select Committee on Indian River Lagoon and Lake Okeechobee~~
3344 ~~Basin, dated November 8, 2013.~~

3345 ~~(d) Any remaining funds to be provided in accordance with~~
3346 ~~the General Appropriations Act.~~

3347

3348 ~~This subsection expires July 1, 2015.~~

3349 Section 39. Section 373.5905, Florida Statutes, is amended
3350 to read:

3351 373.5905 Reinstatement of payments in lieu of taxes;
3352 duration.—If a water management district has made a payment in
3353 lieu of taxes to a governmental entity and subsequently
3354 suspended such payment, beginning July 1, 2009, the water
3355 management district shall reinstate appropriate payments and
3356 continue the payments for as long as the county population
3357 remains below the population threshold pursuant to s.

3358 373.59(2)(a) ~~s. 373.59(10)(b)~~. This section does not authorize
3359 or provide for payments in arrears.

3360 Section 40. Subsection (8) of section 373.703, Florida
3361 Statutes, is amended to read:

3362 373.703 Water production; general powers and duties.—In the



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3363 performance of, and in conjunction with, its other powers and
3364 duties, the governing board of a water management district
3365 existing pursuant to this chapter:

3366 (8) In addition to the power to issue revenue bonds
3367 pursuant to s. 373.584, may issue revenue bonds for the purposes
3368 of paying the costs and expenses incurred in carrying out the
3369 purposes of this chapter or refunding obligations of the
3370 district issued pursuant to this section. Such revenue bonds
3371 shall be secured by, and be payable from, revenues derived from
3372 the operation, lease, or use of its water production and
3373 transmission facilities and other water-related facilities and
3374 from the sale of water or services relating thereto. Such
3375 revenue bonds may not be secured by, or be payable from, ~~moneys~~
3376 ~~derived by the district from the Water Management Lands Trust~~
3377 ~~Fund or from~~ ad valorem taxes received by the district or from
3378 moneys appropriated by the Legislature, unless otherwise
3379 specifically authorized by law. All provisions of s. 373.584
3380 relating to the issuance of revenue bonds which are not
3381 inconsistent with this section shall apply to the issuance of
3382 revenue bonds pursuant to this section. The district may also
3383 issue bond anticipation notes in accordance with the provisions
3384 of s. 373.584.

3385 Section 41. Subsection (8) of section 375.031, Florida
3386 Statutes, is amended to read:

3387 375.031 Acquisition of land; procedures.—

3388 (8) The department may, if it deems it desirable and in the
3389 best interest of the program, request the board of trustees to
3390 sell or otherwise dispose of any lands or water storage areas
3391 acquired under this act. The board of trustees, when so



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3392 requested, shall offer the lands or water storage areas, on such
3393 terms as the department may determine, first to other state
3394 agencies and then, if still available, to the county or
3395 municipality in which the lands or water storage areas lie. If
3396 not acquired by another state agency or local governmental body
3397 for beneficial public purposes, the lands or water storage areas
3398 shall then be offered by the board of trustees at public sale,
3399 after first giving notice of such sale by publication in a
3400 newspaper published in the county or counties in which such
3401 lands or water storage areas lie not less than once a week for 3
3402 consecutive weeks. All proceeds from the sale or disposition of
3403 any lands or water storage areas pursuant to this section shall
3404 be deposited into the appropriate trust fund pursuant to s.
3405 253.034(6)(k), (l), or (m) in the Land Acquisition Trust Fund.

3406 Section 42. Section 375.041, Florida Statutes, is amended
3407 to read:

3408 375.041 Land Acquisition Trust Fund.—

3409 (1) There is created a Land Acquisition Trust Fund within
3410 the Department of Environmental Protection. The Land Acquisition
3411 Trust Fund is designated by s. 28, Art. X of the State
3412 Constitution for receipt of certain documentary stamp tax
3413 revenue for the uses prescribed therein ~~to facilitate and~~
3414 ~~expedite the acquisition of land, water areas, and related~~
3415 ~~resources required to accomplish the purposes of this act.~~ The
3416 Land Acquisition Trust Fund shall be held and administered by
3417 the department. All moneys and revenue from the ~~operation,~~
3418 ~~management,~~ sale, lease, or other disposition of land, water
3419 areas, or related resources acquired on or after July 1, 2015,
3420 under the Florida Forever Program, and the facilities thereon



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3421 ~~acquired or constructed under this act shall be deposited into~~
3422 ~~in~~ or credited to the Land Acquisition Trust Fund or, if
3423 required by bond covenants, into the trust fund from which the
3424 lands were purchased. Moneys accruing to any agency for the
3425 purposes enumerated in this act may be deposited in this fund.
3426 ~~There shall also be deposited into the Land Acquisition Trust~~
3427 ~~Fund other moneys as authorized by appropriate act of the~~
3428 ~~Legislature.~~ All moneys so deposited into the Land Acquisition
3429 Trust Fund shall be trust funds for the uses and purposes herein
3430 set forth, within the meaning of s. 215.32(1)(b); and such
3431 moneys shall not become or be commingled with the General
3432 Revenue Fund of the state, as defined by s. 215.32(1)(a).

3433 (2) Funds distributed into ~~The moneys on deposit in the~~
3434 Land Acquisition Trust Fund pursuant to s. 201.15(1) shall be
3435 ~~first~~ applied first to:

3436 (a) Pay debt service or to fund debt service reserve funds,
3437 rebate obligations, or other amounts payable with respect to
3438 Florida Forever bonds issued under s. 215.63; pay into the State
3439 Treasury to the credit of the Save Our Everglades Trust Fund
3440 amounts necessary to pay debt service, provide reserves, and pay
3441 rebate obligations and other amounts due with respect to bonds
3442 issued under s. 215.619; and pay debt service or funding of debt
3443 service reserve funds, rebate obligations, or other amounts
3444 payable with respect to the bonds issued under s. 373.584;

3445 (b) Pay debt service on bonds issued before February 1,
3446 2009, by the South Florida Water Management District and the St.
3447 Johns River Water Management District which are secured by
3448 revenues provided pursuant to former s. 373.59, Florida Statutes
3449 2014, or to fund debt service reserve funds, rebate obligations,



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3450 or other amounts payable with respect to such bonds. This
3451 paragraph expires August 1, 2016; and

3452 (c) Distribute \$32 million to the South Florida Water
3453 Management District for the Long-Term Plan as defined in s.
3454 373.4592(2). This paragraph expires July 1, 2024 ~~pay the rentals~~
3455 ~~due under lease-purchase agreements or to meet debt service~~
3456 ~~requirements of revenue bonds issued pursuant to s. 375.051;~~
3457 ~~provided, however, that debt service on Save Our Coast bonds~~
3458 ~~shall not be paid from moneys transferred to the Land~~
3459 ~~Acquisition Trust Fund pursuant to s. 259.032(2)(b).~~

3460 (3)~~(a)~~ Any remaining moneys in the Land Acquisition Trust
3461 Fund which are not distributed ~~pledged for rentals or debt~~
3462 ~~service~~ as provided in subsection (2) may be expended from time
3463 to time for the purposes set forth in s. 28, Art. X of the State
3464 Constitution to acquire land, water areas, and related resources
3465 ~~and to construct, improve, enlarge, extend, operate, and~~
3466 ~~maintain capital improvements and facilities in accordance with~~
3467 ~~the plan. Moneys accruing to other agencies for the purposes~~
3468 designated in subsection (1) shall be transferred pursuant to
3469 nonoperating budget authority under s. 216.181(12). Agencies
3470 shall maintain the integrity of such transferred moneys. Any
3471 transferred moneys available from reversions or reductions of
3472 budget authority in the other agencies shall be transferred back
3473 to the Land Acquisition Trust Fund in the Department of
3474 Environmental Protection within 15 days after such reversion or
3475 reduction and must be available for future appropriation
3476 pursuant to s. 28, Art. X of the State Constitution.

3477 ~~(b) In addition to the uses allowed under paragraph (a),~~
3478 ~~for the 2014-2015 fiscal year, moneys in the Land Acquisition~~



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3479 ~~Trust Fund may be transferred to support the Total Maximum Daily~~
3480 ~~Loads Program as provided in the General Appropriations Act.~~
3481 ~~This paragraph expires July 1, 2015.~~

3482 ~~(c) For the 2014-2015 fiscal year only, moneys in the Land~~
3483 ~~Acquisition Trust Fund may be transferred to the Save Our~~
3484 ~~Everglades Trust Fund to support Everglades restoration projects~~
3485 ~~included in the final report of the Select Committee on Indian~~
3486 ~~River Lagoon and Lake Okeechobee Basin, dated November 8, 2013,~~
3487 ~~and to the Florida Forever Trust Fund for the Florida Forever~~
3488 ~~program pursuant to nonoperating budget authority under s.~~
3489 ~~216.181(12). This paragraph expires July 1, 2015.~~

3490 ~~(4) The department may disburse moneys in the Land~~
3491 ~~Acquisition Trust Fund to pay all necessary expenses to carry~~
3492 ~~out the purposes of this act. The department shall disburse~~
3493 ~~moneys from the Land Acquisition Trust Fund to the Fish and~~
3494 ~~Wildlife Conservation Commission for the purpose of funding law~~
3495 ~~enforcement services on state lands.~~

3496 ~~(4)-(5)~~ When the Legislature has authorized the Department
3497 of Environmental Protection to condemn a specific parcel of land
3498 and such parcel already has been approved for acquisition
3499 through the fund, the land may be acquired in accordance with
3500 the provisions of chapter 73 or chapter 74, and the fund may be
3501 used to pay the condemnation award and all costs, including a
3502 reasonable attorney ~~attorney's~~ fee, associated with
3503 condemnation.

3504 Section 43. Subsection (2) of section 375.044, Florida
3505 Statutes, is amended to read:

3506 375.044 Land Acquisition Trust Fund budget request.—

3507 (2) The legislative budget request shall be submitted to



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3508 the Executive Office of the Governor and the Legislature in
3509 conjunction with the provisions of ss. 216.023, 216.031, and
3510 216.043. The 10-year request shall include, but need ~~shall~~ not
3511 be limited to:

3512 (a) A 10-year annual cash-flow analysis of the Land
3513 Acquisition Trust Fund.

3514 ~~(b) The requested schedule of the agency for issuance of~~
3515 ~~Save Our Coasts bonds.~~

3516 (b) ~~(e)~~ Forecasts of anticipated revenues to the Land
3517 Acquisition Trust Fund.

3518 (c) ~~(d)~~ The estimate of the agency of Land Acquisition Trust
3519 Fund encumbrances and commitments for each year and the
3520 corresponding estimates of expenditures.

3521 Section 44. Section 375.045, Florida Statutes, is repealed.

3522 Section 45. Subsection (1) and paragraph (c) of subsection
3523 (2) of section 375.075, Florida Statutes, are amended to read:

3524 375.075 Outdoor recreation; financial assistance to local
3525 governments.-

3526 (1) The Department of Environmental Protection is
3527 authorized to establish the Florida Recreation Development
3528 Assistance Program to provide grants subject to legislative
3529 appropriation to qualified local governmental entities to
3530 acquire or develop land for public outdoor recreation purposes.
3531 ~~To the extent not needed for debt service on bonds issued~~
3532 ~~pursuant to s. 375.051, each year the department shall develop~~
3533 ~~and plan a program which shall be based upon funding of not less~~
3534 ~~than 5 percent of the money credited to the Land Acquisition~~
3535 ~~Trust Fund pursuant to s. 201.15(2) and (3) in that year. The~~
3536 department shall develop and plan a program that must ~~which~~



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3537 ~~shall~~ be based upon the ~~cumulative total~~ funding appropriated by
3538 the Legislature for such purpose provided from this section and
3539 ~~from the Florida Forever Trust Fund pursuant to s.~~
3540 ~~259.105(3)(d).~~

3541 (2)

3542 (c) Funds may not be released under ~~No release of funds~~
3543 ~~from the Land Acquisition Trust Fund, or from the Florida~~
3544 ~~Forever Trust Fund beginning in fiscal year 2001-2002, for this~~
3545 program ~~may be made~~ for these public recreation projects until
3546 the projects have been selected through the competitive
3547 selection process provided for in this section.

3548 Section 46. Section 376.11, Florida Statutes, is amended to
3549 read:

3550 376.11 Florida Coastal Protection Trust Fund.—

3551 (1) The purpose of this section is to provide a mechanism
3552 to have financial resources immediately available for prevention
3553 of, and cleanup and rehabilitation after, a pollutant discharge,
3554 to prevent further damage by the pollutant, and to pay for
3555 damages. It is the legislative intent that this section be
3556 liberally construed to effect the purposes set forth, such
3557 interpretation being especially imperative in light of the
3558 danger to the environment and resources.

3559 (2) The Florida Coastal Protection Trust Fund is
3560 established, to be used by the department and the Fish and
3561 Wildlife Conservation Commission as a nonlapsing revolving fund
3562 ~~for carrying out the purposes of ss. 376.011-376.21.~~

3563 (3) The following funds shall be deposited into the Florida
3564 Coastal Protection Trust Fund: ~~To this fund shall be credited~~

3565 (a) All registration fees, penalties, judgments, damages



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3566 recovered pursuant to s. 376.121, other fees and charges related
3567 to ss. 376.011-376.21, and the excise tax revenues levied,
3568 collected, and credited pursuant to ss. 206.9935(1) and
3569 206.9945(1) (a);

3570 (b) Proceeds of fines and awards of damages pursuant to s.
3571 161.054; and

3572 (c) Funds from other sources otherwise specified by law.

3573 (4) Charges against the fund shall be in accordance with
3574 this section.

3575 (5)~~(3)~~ Moneys in the fund that are not needed currently to
3576 meet the obligations of the department in the exercise of its
3577 responsibilities under ss. 376.011-376.21 shall be deposited
3578 with the Chief Financial Officer to the credit of the fund and
3579 may be invested in such manner as is provided for by statute.
3580 Interest received on such investment shall be credited to the
3581 fund, except as otherwise specified herein.

3582 (6)~~(4)~~ Moneys in the Florida Coastal Protection Trust Fund
3583 may shall be used disbursed for the following purposes ~~and no~~
3584 ~~others:~~

3585 (a) Carrying out the purposes of ss. 376.011-376.21.

3586 (b)~~(a)~~ Administrative expenses, personnel expenses, and
3587 equipment costs of the department and the Fish and Wildlife
3588 Conservation Commission related to the enforcement of ss.
3589 376.011-376.21.

3590 (c)~~(b)~~ All costs involved in the prevention and abatement
3591 of pollution related to the discharge of pollutants covered by
3592 ss. 376.011-376.21 and the abatement of other potential
3593 pollution hazards as authorized herein.

3594 (d)~~(c)~~ All costs and expenses of the cleanup, restoration,



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3595 and rehabilitation of waterfowl, wildlife, and all other natural
3596 resources damaged by the discharge of pollutants, including the
3597 costs of assessing and recovering damages to natural resources,
3598 whether performed or authorized by the department or any other
3599 state or local agency.

3600 (e)~~(d)~~ All provable costs and damages which are the
3601 proximate results of the discharge of pollutants covered by ss.
3602 376.011-376.21.

3603 (f)~~(e)~~ Loans to the Inland Protection Trust Fund created in
3604 s. 376.3071.

3605 (g)~~(f)~~ The interest earned from investments of the balance
3606 in the Florida Coastal Protection Trust Fund shall be used for
3607 funding the administrative expenses, personnel expenses, and
3608 equipment costs of the department relating to the enforcement of
3609 ss. 376.011-376.21.

3610 (h)~~(g)~~ The funding of a grant program to local governments,
3611 pursuant to s. 376.15(3)(d) and (e), for the removal of derelict
3612 vessels from the public waters of the state.

3613 (i)~~(h)~~ The department may spend up to \$1 million per year
3614 from the principal of the fund to acquire, design, train, and
3615 maintain emergency cleanup response teams and equipment located
3616 at appropriate ports throughout the state for the purpose of
3617 cleaning oil and other toxic materials from coastal waters. When
3618 the teams and equipment are not needed for these purposes they
3619 may be used for any other valid purpose of the department.

3620 (j)~~(i)~~ To provide a temporary transfer of funds in an
3621 amount not to exceed \$10 million to the Minerals Trust Fund as
3622 set forth in s. 376.40.

3623 (k)~~(j)~~ Funding for marine law enforcement.



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3624 (7)~~(5)~~ Any interest in lands acquired using moneys in the
3625 Florida Coastal Protection Trust Fund shall be held by the
3626 Trustees of the Internal Improvement Trust Fund, and such lands
3627 shall be acquired pursuant to the procedures set forth in s.
3628 253.025.

3629 (8)~~(6)~~ The department shall recover to the use of the fund
3630 from the person or persons causing the discharge or from the
3631 Federal Government, jointly and severally, all sums owed or
3632 expended from the fund, pursuant to s. 376.123(10), except that
3633 recoveries resulting from damage due to a discharge of a
3634 pollutant or other similar disaster shall be apportioned between
3635 the Florida Coastal Protection Trust Fund and the General
3636 Revenue Fund so as to repay the full costs to the General
3637 Revenue Fund of any sums disbursed therefrom as a result of such
3638 disaster. Requests for reimbursement to the fund for the above
3639 costs, if not paid within 30 days of demand, shall be turned
3640 over to the Department of Legal Affairs for collection.

3641 Section 47. Subsection (8) of section 376.123, Florida
3642 Statutes, is amended to read:

3643 376.123 Claims against the Florida Coastal Protection Trust
3644 Fund.—

3645 (8) If a person chooses to make a claim against the fund
3646 and accepts payment from, or a judgment against, the fund, then
3647 the department shall be subrogated to any cause of action that
3648 the claimant may have had, to the extent of such payment or
3649 judgment, and shall diligently pursue recovery on that cause of
3650 action pursuant to subsection (10) and s. 376.11(8) ~~s.~~
3651 ~~376.11(6)~~. In any such action, the amount of damages shall be
3652 proved by the department by submitting to the court a written



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3653 report of the amounts paid or owed from the fund to claimants.
3654 Such written report shall be admissible as evidence, and the
3655 amounts paid from or owed by the fund to the claimants stated
3656 therein shall be irrebuttably presumed to be the amount of
3657 damages.

3658 Section 48. Paragraphs (g) through (l) are added to
3659 subsection (1) of section 376.307, Florida Statutes, subsection
3660 (4) of that section is amended, and subsection (8) is added to
3661 that section, to read:

3662 376.307 Water Quality Assurance Trust Fund.—

3663 (1) The Water Quality Assurance Trust Fund is intended to
3664 serve as a broad-based fund for use in responding to incidents
3665 of contamination that pose a serious danger to the quality of
3666 groundwater and surface water resources or otherwise pose a
3667 serious danger to the public health, safety, or welfare. Moneys
3668 in this fund may be used:

3669 (g) For detailed planning for and implementation of
3670 programs for the management and restoration of ecosystems.

3671 (h) For development and implementation of surface water
3672 improvement and management plans and programs under ss. 373.451-
3673 373.4595.

3674 (i) For activities to restore polluted areas of the state,
3675 as defined by the department, to their condition before
3676 pollution occurred or to otherwise enhance pollution control
3677 activities.

3678 (j) For activities undertaken by the department to recover
3679 moneys as a result of actions against a person for a violation
3680 of chapter 373.

3681 (k) Funding activities described in s. 403.086(9) which are



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3682 authorized for implementation under the Leah Schad Memorial
3683 Ocean Outfall Program.

3684 (l) Funding activities to restore or rehabilitate injured
3685 or destroyed coral reefs.

3686 (4) The trust fund shall be funded as follows:

3687 (a) An annual transfer of interest funds from the Florida
3688 Coastal Protection Trust Fund pursuant to s. 376.11(6)(g) ~~s.~~
3689 ~~376.11(4)(f)~~.

3690 (b) All excise taxes levied, collected, and credited to the
3691 Water Quality Assurance Trust Fund in accordance with the
3692 provisions of ss. 206.9935(2) and 206.9945(1)(b).

3693 (c) All penalties, judgments, recoveries, reimbursements,
3694 and other fees and charges related to the enforcement of ss.
3695 376.30-376.317, other than penalties, judgments, and other fees
3696 and charges related to the enforcement of ss. 376.3071 and
3697 376.3073.

3698 (d) The fee on the retail sale of lead-acid batteries
3699 credited to the Water Quality Assurance Trust Fund under s.
3700 403.7185.

3701 (e) All penalties, judgments, recoveries, reimbursements,
3702 loans, and other fees and charges collected under s. 376.3078;
3703 tax revenues levied, collected, and credited under ss. 376.70
3704 and 376.75; and registration fees collected under s.
3705 376.303(1)(d).

3706 (f) All civil penalties recovered pursuant to s.
3707 373.129(5)(a).

3708 (g) Funds appropriated by the Legislature for the purposes
3709 of ss. 373.451-373.4598.

3710 (h) Moneys collected pursuant to s. 403.121 and designated



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3711 for deposit into the Water Quality Assurance Trust Fund.
3712 (i) Moneys recovered by the state as a result of actions
3713 against a person for a violation of chapter 373 or chapter 403
3714 initiated by the department.
3715 (j) Damages recovered for coral reef protection pursuant to
3716 s. 403.93345.
3717 (k) Funds available for the Leah Schad Memorial Ocean
3718 Outfall Program pursuant to s. 403.08601.
3719 (l) Funds received by the state for injury to or
3720 destruction of coral reefs, which moneys would otherwise be
3721 deposited into the General Revenue Fund or the Internal
3722 Improvement Trust Fund. The department may enter into settlement
3723 agreements that require responsible parties to pay a third party
3724 to fund projects related to the restoration of a coral reef, to
3725 accomplish mitigation for injury to a coral reef, or to support
3726 the activities of law enforcement agencies related to coral reef
3727 injury response, investigation, and assessment. Participation of
3728 a law enforcement agency in the receipt of funds through this
3729 mechanism shall be at the law enforcement agency's discretion.
3730 (m) Moneys from sources otherwise specified by law.
3731 (8) A settlement entered into by the department may not
3732 limit the Legislature's authority to appropriate moneys from the
3733 trust fund; however, the department may enter into a settlement
3734 in which the department agrees to request that moneys received
3735 pursuant to the settlement will be included in its legislative
3736 budget request for purposes set out in the settlement; and
3737 further, the department may enter into a settlement in cases
3738 involving joint enforcement with the Hillsborough County
3739 pollution control program, as a program approved by the



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3740 department pursuant to s. 403.182, in which the department
3741 agrees that moneys are to be deposited into that local program's
3742 pollution recovery fund and used for projects directed toward
3743 addressing the environmental damage that was the cause of action
3744 for which funds were received.

3745 Section 49. Subsection (4) of section 376.40, Florida
3746 Statutes, is amended to read:

3747 376.40 Petroleum exploration and production; purposes;
3748 funding.—

3749 (4) FUNDING.—There shall be deposited in the Minerals Trust
3750 Fund:

3751 (a) All fees charged permittees under ss. 377.24(1),
3752 377.2408(1), and 377.2425(1) (b).

3753 (b) All penalties, judgments, recoveries, reimbursements,
3754 and other fees and charges related to the implementation of this
3755 section.

3756 (c) Any other funds required to be deposited in the trust
3757 fund under provisions of law.

3758
3759 If moneys on deposit in the trust fund are not sufficient to
3760 satisfy the needed remedial or corrective action, and if the
3761 responsible party does not take remedial and corrective action
3762 in a timely manner or if a catastrophic event occurs, a
3763 temporary transfer of the required amount, or a maximum of \$10
3764 million, from the Florida Coastal Protection Trust Fund pursuant
3765 to s. 376.11(6)(j) ~~s. 376.11(4)(i)~~ is authorized. The Florida
3766 Coastal Protection Trust Fund shall be reimbursed immediately
3767 upon deposit into the Minerals Trust Fund of moneys referred to
3768 in paragraph (b).



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3769 Section 50. Section 379.202, Florida Statutes, is repealed.

3770 Section 51. Subsection (2) of section 379.206, Florida
3771 Statutes, is amended to read:

3772 379.206 Grants and Donations Trust Fund.—

3773 (2) The fund is established for use as a depository for
3774 funds to be used for allowable grant and donor agreement
3775 activities funded by restricted contractual revenue. Moneys to
3776 be credited to the trust fund shall consist of grants and
3777 donations from private and public nonfederal sources,
3778 development-of-regional-impact wildlife mitigation
3779 contributions, interest earnings, and cash advances from other
3780 trust funds.

3781 Section 52. Section 379.212, Florida Statutes, is amended
3782 to read:

3783 379.212 Land Acquisition Trust Fund.—

3784 (1) (a) There is established within the Fish and Wildlife
3785 Conservation Commission the Land Acquisition Trust Fund to
3786 implement s. 28, Art. X of the State Constitution ~~for the~~
3787 ~~purpose of acquiring, assisting other agencies or local~~
3788 ~~governments in acquiring, or managing lands important to the~~
3789 ~~conservation of fish and wildlife.~~

3790 (b) The Fish and Wildlife Conservation Commission or its
3791 designee shall manage such lands for the primary purpose of
3792 maintaining and enhancing their habitat value for fish and
3793 wildlife. Other uses may be allowed that are not contrary to
3794 this purpose.

3795 (c) If ~~Where~~ acquisition pursuant to this section will
3796 result in state ownership of land, title shall be vested in the
3797 Board of Trustees of the Internal Improvement Trust Fund as



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3798 required in chapter 253. Land acquisition pursuant to this
3799 section shall be voluntary, negotiated acquisition and, if where
3800 title is to be vested in the Board of Trustees of the Internal
3801 Improvement Trust Fund, is subject to the acquisition procedures
3802 of s. 253.025.

3803 (d) Acquisition costs shall include purchase prices and
3804 costs and fees associated with title work, surveys, and
3805 appraisals required to complete an acquisition.

3806 (2) The fund may be credited with funds transferred from
3807 the Land Acquisition Trust Fund within the Department of
3808 Environmental Protection as provided in s. 375.041 Moneys which
3809 may be deposited into the Land Acquisition Trust Fund for the
3810 purposes of this section may include, but not be limited to,
3811 donations, grants, development of regional impact wildlife
3812 mitigation contributions, or legislative appropriations.
3813 Preservation 2000 acquisition moneys and Conservation and
3814 Recreation Lands management moneys shall not be deposited into
3815 this fund.

3816 (3) The Fish and Wildlife Conservation Commission shall
3817 maintain the integrity of such moneys transferred from the
3818 Department of Environmental Protection. Any transferred moneys
3819 available from reversions and reductions in budget authority
3820 shall be transferred back to the Land Acquisition Trust Fund in
3821 the Department of Environmental Protection within 15 days after
3822 such reversion or reduction and must be available for future
3823 appropriation pursuant to s. 28, Art. X of the State
3824 Constitution.

3825 Section 53. Effective upon becoming a law, all undisbursed,
3826 unobligated balances and all certified forward appropriations



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3827 remaining in the Land Acquisition Trust Fund within the Fish and
3828 Wildlife Conservation Commission on June 30, 2015, shall be
3829 transferred to the Grants and Donations Trust Fund, FLAIR number
3830 77-2-339, within the Fish and Wildlife Conservation Commission.

3831 Section 54. Subsection (3) of section 379.362, Florida
3832 Statutes, is amended to read:

3833 379.362 Wholesale and retail saltwater products dealers;
3834 regulation.—

3835 (3) OYSTER MANAGEMENT AND RESTORATION PROGRAMS.—The
3836 Department of Agriculture and Consumer Services shall use ~~or~~
3837 ~~distribute~~ funds appropriated from the Land Acquisition Trust
3838 Fund within the department ~~paid into the State Treasury to the~~
3839 ~~credit of the General Inspection Trust Fund pursuant to s.~~
3840 ~~201.15, less reasonable costs of administration,~~ to fund the
3841 following oyster management and restoration programs in
3842 Apalachicola Bay and other oyster harvest areas in the state:

3843 (a) The relaying and transplanting of live oysters.

3844 (b) Shell planting to construct or rehabilitate oyster
3845 bars.

3846 (c) Education programs for licensed oyster harvesters on
3847 oyster biology, aquaculture, boating and water safety,
3848 sanitation, resource conservation, small business management,
3849 and other relevant subjects.

3850 (d) Research directed toward the enhancement of oyster
3851 production in the bay and the water management needs of the bay.

3852 Section 55. Subsection (12) of section 380.0666, Florida
3853 Statutes, is amended to read:

3854 380.0666 Powers of land authority.—The land authority shall
3855 have all the powers necessary or convenient to carry out and



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3856 effectuate the purposes and provisions of this act, including
3857 the following powers, which are in addition to all other powers
3858 granted by other provisions of this act:

3859 (12) To identify parcels of land within the area or areas
3860 of critical state concern that would be appropriate acquisitions
3861 by the state ~~from the Conservation and Recreational Lands Trust~~
3862 ~~Fund~~ and recommend such acquisitions to the advisory council
3863 established pursuant to s. 259.035 or its successor.

3864 Section 56. Section 380.0677, Florida Statutes, is
3865 repealed.

3866 Section 57. Subsection (11) of section 380.507, Florida
3867 Statutes, is amended to read:

3868 380.507 Powers of the trust.—The trust shall have all the
3869 powers necessary or convenient to carry out the purposes and
3870 provisions of this part, including:

3871 (11) To make rules necessary to carry out the purposes of
3872 this part and to exercise any power granted in this part,
3873 pursuant to ~~the provisions of~~ chapter 120. The trust shall adopt
3874 rules governing the acquisition of lands with using proceeds
3875 from ~~the Preservation 2000 Trust Fund and the Florida Forever~~
3876 ~~Trust Fund~~, consistent with the intent expressed in the Florida
3877 Forever Act. Such rules for land acquisition must include, but
3878 are not limited to, procedures for appraisals and
3879 confidentiality consistent with ss. 125.355(1)(a) and (b) and
3880 166.045(1)(a) and (b), a method of determining a maximum
3881 purchase price, and procedures to assure that the land is
3882 acquired in a voluntarily negotiated transaction, surveyed,
3883 conveyed with marketable title, and examined for hazardous
3884 materials contamination. Land acquisition procedures of a local



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3885 land authority created pursuant to s. 380.0663 ~~or s. 380.0677~~
3886 may be used for the land acquisition programs described in
3887 former s. ~~by ss.~~ 259.101(3)(c), Florida Statutes 2014, and in s.
3888 259.105 if within areas of critical state concern designated
3889 pursuant to s. 380.05, subject to approval of the trust.

3890 Section 58. Subsection (4) of section 380.508, Florida
3891 Statutes, is amended to read:

3892 380.508 Projects; development, review, and approval.—

3893 (4) Projects or activities which the trust undertakes,
3894 coordinates, or funds in any manner shall comply with the
3895 following guidelines:

3896 (a) The purpose of redevelopment projects shall be to
3897 restore areas which are adversely affected by scattered
3898 ownership, poor lot layout, inadequate park and open space,
3899 incompatible land uses, or other conditions which endanger the
3900 environment or impede orderly development. Grants and loans
3901 awarded for redevelopment projects shall be used for assembling
3902 parcels of land within redevelopment project areas for the
3903 redesign of such areas and for the installation of public
3904 improvements required to serve such areas. After redesign and
3905 installation of public improvements, if any, lands in
3906 redevelopment projects, with the exception of lands acquired for
3907 public purposes, shall be conveyed to any person for development
3908 in accordance with a redevelopment project plan approved
3909 according to this part.

3910 (b) The purpose of resource enhancement projects shall be
3911 to enhance natural resources which, because of indiscriminate
3912 dredging or filling, improper location of improvements, natural
3913 or human-induced events, or incompatible land uses, have



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3914 suffered loss of natural and scenic values. Grants and loans
3915 awarded for resource enhancement projects shall be used for the
3916 assembly of parcels of land to improve resource management, for
3917 relocation of improperly located or designed improvements, and
3918 for other corrective measures which will enhance the natural and
3919 scenic character of project areas.

3920 (c) The purpose of public access projects shall be to
3921 acquire interests in and initially develop lands which are
3922 suitable for and which will be used for public accessways to
3923 surface waters. The trust shall identify local governments and
3924 nonprofit organizations which will accept responsibility for
3925 maintenance and liability for public accessways which are
3926 located outside the state park system. The trust may lease any
3927 public access site developed under this part to a local
3928 government or nonprofit organization, provided that the
3929 conditions of the lease guarantee public use of the site. The
3930 trust may accept, from any local government or nonprofit
3931 organization, fees collected for providing public access to
3932 surface waters. The trust shall expend any such funds it accepts
3933 only for acquisition, development, and maintenance of such
3934 public accessways. To the maximum extent possible, the trust
3935 shall expend such fees in the general area where they are
3936 collected or in areas where public access to surface waters is
3937 clearly deficient. The trust may transfer funds, including such
3938 fees, to a local government or nonprofit organization to acquire
3939 public access sites. In developing or coordinating public access
3940 projects, the trust shall ensure that project plans involving
3941 beach access are consistent with state laws governing beach
3942 access.



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3943 (d) The purpose of urban waterfront restoration projects
3944 shall be to restore deteriorated or deteriorating urban
3945 waterfronts for public use and enjoyment. Urban waterfront
3946 restoration projects shall include public access sites.

3947 (e) The purpose of working waterfront projects shall be to
3948 restore and preserve working waterfronts as provided in s.
3949 380.5105.

3950 (f) The trust shall cooperate with local governments, state
3951 agencies, federal agencies, and nonprofit organizations in
3952 ensuring the reservation of lands for parks, recreation, fish
3953 and wildlife habitat, historical preservation, or scientific
3954 study. If ~~In the event that~~ any local government, state agency,
3955 federal agency, or nonprofit organization is unable, due to
3956 limited financial resources or other circumstances of a
3957 temporary nature, to acquire a site for the purposes described
3958 in this paragraph, the trust may acquire and hold the site for
3959 subsequent conveyance to the appropriate governmental agency or
3960 nonprofit organization. The trust may provide such technical
3961 assistance as ~~is~~ required to aid local governments, state and
3962 federal agencies, and nonprofit organizations in completing
3963 acquisition and related functions. The trust may ~~shall~~ not
3964 reserve lands acquired in accordance with this paragraph for
3965 more than 5 years from the time of acquisition. A local
3966 government, federal or state agency, or nonprofit organization
3967 may acquire the land at any time during this period for public
3968 purposes. The purchase price shall be based upon the trust's
3969 cost of acquisition, plus administrative and management costs in
3970 reserving the land. The payment of the ~~this~~ purchase price shall
3971 be by money, trust-approved property of an equivalent value, or



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3972 a combination of money and trust-approved property. If, after
3973 the 5-year period, the trust has not sold to a governmental
3974 agency or nonprofit organization land acquired for site
3975 reservation, the trust shall dispose of such land at fair market
3976 value or shall trade it for other land of comparable value which
3977 will serve to accomplish the purposes of this part. Any proceeds
3978 from the sale of such land shall be deposited into ~~in~~ the
3979 appropriate Florida Communities trust fund pursuant to s.
3980 253.034(6)(k), (l), or (m). All moneys and revenue from the
3981 operation, management, lease, or other disposition of land,
3982 water areas, related resources, and the facilities thereon
3983 acquired or constructed under this part shall be credited to or
3984 deposited into the Internal Improvement Trust Fund.

3985
3986 Project costs may include costs of providing parks, open space,
3987 public access sites, scenic easements, and other areas and
3988 facilities serving the public where such features are part of a
3989 project plan approved according to this part. In undertaking or
3990 coordinating projects or activities authorized by this part, the
3991 trust shall, when appropriate, use and promote the use of
3992 creative land acquisition methods, including the acquisition of
3993 less than fee interest through, among other methods,
3994 conservation easements, transfer of development rights, leases,
3995 and leaseback arrangements. The trust ~~also~~ shall assist local
3996 governments in the use of sound alternative methods of financing
3997 for funding projects and activities authorized under ~~by~~ this
3998 part. Any funds over and above eligible project costs, which
3999 remain after completion of a project approved according to this
4000 part, shall be transmitted to the state and deposited into ~~in~~



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4001 the Florida Forever ~~Florida Communities~~ Trust Fund.

4002 Section 59. Paragraph (f) of subsection (3) and subsections
4003 (5) and (7) of section 380.510, Florida Statutes, are amended to
4004 read:

4005 380.510 Conditions of grants and loans.—

4006 (3) In the case of a grant or loan for land acquisition,
4007 agreements shall provide all of the following:

4008 ~~(f) The term of any grant using funds received from the~~
4009 ~~Preservation 2000 Trust Fund, pursuant to s. 259.101(3)(c),~~
4010 ~~shall be for a period not to exceed 24 months. The governing~~
4011 ~~board of the trust may offer a grant with a shorter term and may~~
4012 ~~extend a grant beyond 24 months when the grant recipient~~
4013 ~~demonstrates that significant progress is being made toward~~
4014 ~~closing the project or that extenuating circumstances warrant an~~
4015 ~~extension of time. If a local government project which was~~
4016 ~~awarded a grant is not closed within 24 months and the governing~~
4017 ~~board of the trust does not grant an extension, the grant~~
4018 ~~reverts to the trust's unencumbered balance of Preservation 2000~~
4019 ~~funds to be redistributed to other eligible projects. The local~~
4020 ~~government may reapply for a grant to fund the project in the~~
4021 ~~trust's next application cycle.~~

4022
4023 Any deed or other instrument of conveyance whereby a nonprofit
4024 organization or local government acquires real property under
4025 this section shall set forth the interest of the state. The
4026 trust shall keep at least one copy of any such instrument and
4027 shall provide at least one copy to the Board of Trustees of the
4028 Internal Improvement Trust Fund.

4029 (5) Any funds the trust collects from a nonprofit



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4030 organization or local government under a grant or loan agreement
4031 shall be deposited into ~~in~~ the Internal Improvement Florida
4032 Communities Trust Fund within the Department of Environmental
4033 Protection.

4034 (7) Any funds received by the trust ~~from the Preservation~~
4035 ~~2000 Trust Fund~~ pursuant to s. 259.105(3)(c) or s. 375.041 s.
4036 ~~259.101(3)(c)~~ and the ~~Florida Forever Trust Fund~~ pursuant to ~~s.~~
4037 ~~259.105(3)(c)~~ shall be held separate and apart from any other
4038 funds held by the trust and ~~shall be~~ used for the land
4039 acquisition purposes of this part. ~~In addition to the other~~
4040 ~~conditions set forth in this section, the disbursement of~~
4041 ~~Preservation 2000 and Florida Forever funds from the trust shall~~
4042 ~~be subject to the following conditions:~~

4043 (a) The administration and use of Florida Forever any funds
4044 are ~~received by the trust from the Preservation 2000 Trust Fund~~
4045 ~~and the Florida Forever Trust Fund~~ shall be subject to such
4046 terms and conditions imposed thereon by the agency of the state
4047 responsible for the bonds, the proceeds of which are deposited
4048 into ~~in~~ the ~~Preservation 2000 Trust Fund~~ and the Florida Forever
4049 Trust Fund, including restrictions imposed to ensure that the
4050 interest on any such bonds issued by the state as tax-exempt
4051 bonds is ~~will~~ not ~~be~~ included in the gross income of the holders
4052 of such bonds for federal income tax purposes.

4053 (b) All deeds or leases with respect to any real property
4054 acquired with funds received by the trust from the Preservation
4055 2000 Trust Fund, the Florida Forever Trust Fund, or the Land
4056 Acquisition Trust Fund must ~~shall~~ contain such covenants and
4057 restrictions as are sufficient to ensure that the use of such
4058 real property at all times complies with s. 375.051 and s. 9,



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4059 Art. XII of the State Constitution. Each deed ~~All deeds~~ or lease
4060 ~~leases~~ with respect to any real property acquired with funds
4061 received by the trust from the Florida Forever Trust Fund before
4062 July 1, 2015, must ~~shall~~ contain ~~such~~ covenants and restrictions
4063 ~~as are~~ sufficient to ensure that the use of such real property
4064 at all times complies with s. 11(e), Art. VII of the State
4065 Constitution. Each deed or lease with respect to any real
4066 property acquired with funds received by the trust from the
4067 Florida Forever Trust Fund after July 1, 2015, must contain
4068 covenants and restrictions sufficient to ensure that the use of
4069 such real property at all times complies with s. 28, Art. X of
4070 the State Constitution. Each deed or lease must ~~shall~~ contain a
4071 reversion, conveyance, or termination clause that vests ~~will~~
4072 ~~vest~~ title in the Board of Trustees of the Internal Improvement
4073 Trust Fund if any of the covenants or restrictions are violated
4074 by the titleholder or leaseholder or by some third party with
4075 the knowledge of the titleholder or leaseholder.

4076 Section 60. Section 380.511, Florida Statutes, is repealed.

4077 Section 61. Subsection (2) of section 403.0615, Florida
4078 Statutes, is amended to read:

4079 403.0615 Water resources restoration and preservation.—

4080 (2) Subject to specific legislative appropriation, the
4081 department shall establish a program to assist in the
4082 restoration and preservation of bodies of water and to enhance
4083 existing public access when deemed necessary for the enhancement
4084 of the restoration effort. ~~This program shall be funded from the~~
4085 ~~General Revenue Fund, from funds available from the Ecosystem~~
4086 ~~Management and Restoration Trust Fund, and from available~~
4087 ~~federal moneys.~~



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4088 Section 62. Section 403.08601, Florida Statutes, is amended
4089 to read:

4090 403.08601 Leah Schad Memorial Ocean Outfall Program.—The
4091 Legislature declares that as funds become available the state
4092 may assist the local governments and agencies responsible for
4093 implementing the Leah Schad Memorial Ocean Outfall Program
4094 pursuant to s. 403.086(9). Funds received from other sources
4095 provided for in law, the General Appropriations Act, from gifts
4096 designated for implementation of the plan from individuals,
4097 corporations, or other entities, or federal funds appropriated
4098 by Congress for implementation of the plan, may be deposited
4099 into an account of the Water Quality Assurance Ecosystem
4100 ~~Management and Restoration~~ Trust Fund created pursuant to s.
4101 403.1651.

4102 Section 63. Subsection (11) of section 403.121, Florida
4103 Statutes, is amended to read:

4104 403.121 Enforcement; procedure; remedies.—The department
4105 shall have the following judicial and administrative remedies
4106 available to it for violations of this chapter, as specified in
4107 s. 403.161(1).

4108 (11) Penalties collected pursuant to this section shall be
4109 deposited into ~~in~~ the Water Quality Assurance Ecosystem
4110 ~~Management and Restoration~~ Trust Fund or other trust fund
4111 designated by statute and shall be used to fund the restoration
4112 of ecosystems, or polluted areas of the state, as defined by the
4113 department, to their condition before pollution occurred. The
4114 Florida Conflict Resolution Consortium may use a portion of the
4115 fund to administer the mediation process provided in paragraph
4116 (2) (e) and to contract with private mediators for administrative



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4117 penalty cases.

4118 Section 64. Section 403.1651, Florida Statutes, is
4119 repealed.

4120 Section 65. Subsection (1) of section 403.885, Florida
4121 Statutes, is amended to read:

4122 403.885 Water Projects Grant Program.—

4123 (1) The Department of Environmental Protection shall
4124 administer a grant program to use funds ~~transferred pursuant to~~
4125 ~~s. 212.20 to the Ecosystem Management and Restoration Trust Fund~~
4126 ~~or other moneys~~ as appropriated by the Legislature for water
4127 quality improvement, stormwater management, wastewater
4128 management, and water restoration and other water projects as
4129 specifically appropriated by the Legislature. Eligible
4130 recipients of such grants include counties, municipalities,
4131 water management districts, and special districts that have
4132 legal responsibilities for water quality improvement, water
4133 management, stormwater management, wastewater management, lake
4134 and river water restoration projects, and drinking water
4135 projects pursuant to this section.

4136 Section 66. Section 403.8911, Florida Statutes, is
4137 repealed.

4138 Section 67. Subsection (6) of section 403.9325, Florida
4139 Statutes, is amended to read:

4140 403.9325 Definitions.—For the purposes of ss. 403.9321–
4141 403.9333, the term:

4142 (6) “Public lands set aside for conservation or
4143 preservation” means:

4144 (a) Lands and interests acquired with funds deposited into
4145 the Land Acquisition Trust Fund pursuant to s. 28(a), Art. X of



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- 4146 the State Constitution;
4147 (b)~~(a)~~ Conservation and recreation lands under chapter 259;
4148 (c)~~(b)~~ State and national parks;
4149 (d)~~(e)~~ State and national reserves and preserves, except as
4150 provided in s. 403.9326(3);
4151 (e)~~(d)~~ State and national wilderness areas;
4152 (f)~~(e)~~ National wildlife refuges (only those lands under
4153 Federal Government ownership);
4154 (g)~~(f)~~ Lands acquired through the former Water Management
4155 Lands Trust Fund, Save Our Rivers Program;
4156 (h)~~(g)~~ Lands acquired under the Save Our Coast program;
4157 (i)~~(h)~~ Lands acquired under the environmentally endangered
4158 lands bond program;
4159 (j)~~(i)~~ Public lands designated as conservation or
4160 preservation under a local government comprehensive plan;
4161 (k)~~(j)~~ Lands purchased by a water management district, the
4162 Fish and Wildlife Conservation Commission, or any other state
4163 agency for conservation or preservation purposes;
4164 (l)~~(k)~~ Public lands encumbered by a conservation easement
4165 that does not provide for the trimming of mangroves; and
4166 (m)~~(l)~~ Public lands designated as critical wildlife areas
4167 by the Fish and Wildlife Conservation Commission.

4168 Section 68. Paragraph (f) of subsection (3) and subsection
4169 (11) of section 403.93345, Florida Statutes, are amended to
4170 read:

4171 403.93345 Coral reef protection.—

4172 (3) As used in this section, the term:

4173 (f) "Fund" means the Water Quality Assurance Ecosystem
4174 Management and Restoration Trust Fund.



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4175 (11) All damages recovered by or on behalf of this state
4176 for injury to, or destruction of, the coral reefs of the state
4177 that would otherwise be deposited in the general revenue
4178 accounts of the State Treasury or in the Internal Improvement
4179 Trust Fund shall be deposited into ~~in~~ the Water Quality
4180 Assurance Ecosystem Management and Restoration Trust Fund in the
4181 department and shall remain in such account until expended by
4182 the department for the purposes of this section. Moneys in the
4183 fund received from damages recovered for injury to, or
4184 destruction of, coral reefs must be expended only for the
4185 following purposes:

4186 (a) To provide funds to the department for reasonable costs
4187 incurred in obtaining payment of the damages for injury to, or
4188 destruction of, coral reefs, including administrative costs and
4189 costs of experts and consultants. Such funds may be provided in
4190 advance of recovery of damages.

4191 (b) To pay for restoration or rehabilitation of the injured
4192 or destroyed coral reefs or other natural resources by a state
4193 agency or through a contract to any qualified person.

4194 (c) To pay for alternative projects selected by the
4195 department. Any such project shall be selected on the basis of
4196 its anticipated benefits to the residents of this state who used
4197 the injured or destroyed coral reefs or other natural resources
4198 or will benefit from the alternative project.

4199 (d) All claims for trust fund reimbursements under
4200 paragraph (a) must be made within 90 days after payment of
4201 damages is made to the state.

4202 (e) Each private recipient of fund disbursements shall be
4203 required to agree in advance that its accounts and records of



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4204 expenditures of such moneys are subject to audit at any time by
4205 appropriate state officials and to submit a final written report
4206 describing such expenditures within 90 days after the funds have
4207 been expended.

4208 (f) When payments are made to a state agency from the fund
4209 for expenses compensable under this subsection, such
4210 expenditures shall be considered as being for extraordinary
4211 expenses, and no agency appropriation shall be reduced by any
4212 amount as a result of such reimbursement.

4213 Section 69. Section 570.207, Florida Statutes, is repealed.

4214 Section 70. Subsection (2) of section 570.321, Florida
4215 Statutes, is amended to read:

4216 570.321 Plant Industry Trust Fund.—

4217 (2) Funds to be credited to and uses of the trust fund
4218 shall be administered in accordance with ss. ~~259.032~~, 581.031,
4219 581.141, 581.211, 581.212, 586.045, 586.15, 586.16, 593.114, and
4220 593.117.

4221 Section 71. Subsection (12) of section 570.71, Florida
4222 Statutes, is amended to read:

4223 570.71 Conservation easements and agreements.—

4224 (12) The department may use appropriated funds from the
4225 following sources to implement this section:

- 4226 (a) State funds;
- 4227 (b) Federal funds;
- 4228 (c) Other governmental entities;
- 4229 (d) Nongovernmental organizations; or
- 4230 (e) Private individuals.

4231
4232 Any such funds provided, other than from the Land Acquisition



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4233 Trust Fund, shall be deposited into the Incidental Conservation
4234 ~~and Recreation Lands Program~~ Trust Fund within the Department of
4235 Agriculture and Consumer Services and used for the purposes of
4236 this section, including administrative and operating expenses
4237 related to appraisals, mapping, title process, personnel, and
4238 other real estate expenses.

4239 Section 72. Paragraph (c) of subsection (1) of section
4240 895.09, Florida Statutes, is amended to read:

4241 895.09 Disposition of funds obtained through forfeiture
4242 proceedings.-

4243 (1) A court entering a judgment of forfeiture in a
4244 proceeding brought pursuant to s. 895.05 shall retain
4245 jurisdiction to direct the distribution of any cash or of any
4246 cash proceeds realized from the forfeiture and disposition of
4247 the property. The court shall direct the distribution of the
4248 funds in the following order of priority:

4249 (c) Any claim by the Board of Trustees of the Internal
4250 Improvement Trust Fund on behalf of the Internal Improvement
4251 Trust Fund or the ~~Land Acquisition~~ trust fund used pursuant to
4252 s. 253.03(12), not including administrative costs of the
4253 Department of Environmental Protection previously paid directly
4254 from the Internal Improvement Trust Fund in accordance with
4255 legislative appropriation.

4256 Section 73. Except as otherwise expressly provided in this
4257 act and except for this section, which shall take effect upon
4258 this act becoming law, this act shall take effect July 1, 2015.