



1 A bill to be entitled
 2 An act relating to the Florida Forever program;
 3 amending s. 259.105, F.S.; revising the distribution
 4 of proceeds from the Florida Forever Trust Fund;
 5 eliminating and consolidating funding for certain land
 6 acquisition and management programs; removing obsolete
 7 provisions; amending s. 375.041, F.S.; requiring a
 8 specified amount of funds in the Land Acquisition
 9 Trust Fund within the Department of Environmental
 10 Protection to be appropriated annually each fiscal
 11 year to the Florida Forever Trust Fund; amending ss.
 12 20.3315, 253.027, 253.034, 259.035, 380.510, 570.715,
 13 and 589.065, F.S.; conforming cross-references;
 14 providing an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Subsections (13) through (20) of section
 19 259.105, Florida Statutes, are renumbered as subsections (11)
 20 through (18), respectively, and paragraph (a) of subsection (2),
 21 subsections (3) and (4), paragraphs (a) and (b) of subsection
 22 (7), subsection (9), and present subsections (11), (12), and
 23 (16) of that section are amended to read:

24 259.105 The Florida Forever Act.—

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



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26 | 1. Land acquisition programs have provided tremendous
27 | financial resources for purchasing environmentally significant
28 | lands to protect those lands from imminent development or
29 | alteration, thereby ensuring present and future generations'
30 | access to important waterways, open spaces, and recreation and
31 | conservation lands.

32 | 2. The continued alteration and development of the state's
33 | natural and rural areas to accommodate the state's growing
34 | population have contributed to the degradation of water
35 | resources, the fragmentation and destruction of wildlife
36 | habitats, the loss of outdoor recreation space, and the
37 | diminishment of wetlands, forests, working landscapes, and
38 | coastal open space.

39 | 3. The potential development of the state's remaining
40 | natural areas and escalation of land values require government
41 | efforts to restore, bring under public protection, or acquire
42 | lands and water areas to preserve the state's essential
43 | ecological functions and invaluable quality of life.

44 | 4. It is essential to protect the state's ecosystems by
45 | promoting a more efficient use of land, to ensure opportunities
46 | for viable agricultural activities on working lands, and to
47 | promote vital rural and urban communities that support and
48 | produce development patterns consistent with natural resource
49 | protection.

50 | 5. The state's groundwater, surface waters, and springs



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51 are under tremendous pressure due to population growth and
52 economic expansion and require special protection and
53 restoration efforts, including the protection of uplands and
54 springsheds that provide vital recharge to aquifer systems and
55 are critical to the protection of water quality and water
56 quantity of the aquifers and springs. To ensure that sufficient
57 quantities of water are available to meet the current and future
58 needs of the natural systems and citizens of the state, and
59 assist in achieving the planning goals of the department and the
60 water management districts, water resource development projects
61 on public lands, if compatible with the resource values of and
62 management objectives for the lands, are appropriate.

63 6. The needs of urban, suburban, and small communities in
64 the state for high-quality outdoor recreational opportunities,
65 greenways, trails, and open space have not been fully met by
66 previous acquisition programs. Through such programs as the
67 Florida Communities Trust ~~and the Florida Recreation Development~~
68 ~~Assistance Program~~, the state shall place additional emphasis on
69 acquiring, protecting, preserving, and restoring open space,
70 ecological greenways, and recreation properties within urban,
71 suburban, and rural areas where pristine natural communities or
72 water bodies no longer exist because of the proximity of
73 developed property.

74 7. Many of the state's unique ecosystems, such as the
75 Florida Everglades, are facing ecological collapse due to the



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76 state's burgeoning population growth and other economic
77 activities. To preserve these valuable ecosystems for future
78 generations, essential parcels of land must be acquired to
79 facilitate ecosystem restoration.

80 8. Access to public lands to support a broad range of
81 outdoor recreational opportunities and the development of
82 necessary infrastructure, if compatible with the resource values
83 of and management objectives for such lands, promotes an
84 appreciation for the state's natural assets and improves the
85 quality of life.

86 9. Acquisition of lands, in fee simple, less than fee
87 interest, or other techniques shall be based on a comprehensive
88 science-based assessment of the state's natural resources which
89 targets essential conservation lands by prioritizing all current
90 and future acquisitions based on a uniform set of data and
91 planned so as to protect the integrity and function of
92 ecological systems and working landscapes, and provide multiple
93 benefits, including preservation of fish and wildlife habitat,
94 recreation space for urban and rural areas, and the restoration
95 of natural water storage, flow, and recharge.

96 10. The state has embraced performance-based program
97 budgeting as a tool to evaluate the achievements of publicly
98 funded agencies, build in accountability, and reward those
99 agencies which are able to consistently achieve quantifiable
100 goals. While previous and existing state environmental programs



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101 have achieved varying degrees of success, few of these programs
102 can be evaluated as to the extent of their achievements,
103 primarily because performance measures, standards, outcomes, and
104 goals were not established at the outset. Therefore, the Florida
105 Forever program shall be developed and implemented in the
106 context of measurable state goals and objectives.

107 11. The state must play a major role in the recovery and
108 management of its imperiled species through the acquisition,
109 restoration, enhancement, and management of ecosystems that can
110 support the major life functions of such species. It is the
111 intent of the Legislature to support local, state, and federal
112 programs that result in net benefit to imperiled species habitat
113 by providing public and private land owners meaningful
114 incentives for acquiring, restoring, managing, and repopulating
115 habitats for imperiled species. It is the further intent of the
116 Legislature that public lands, both existing and to be acquired,
117 identified by the lead land managing agency, in consultation
118 with the Fish and Wildlife Conservation Commission for animals
119 or the Department of Agriculture and Consumer Services for
120 plants, as habitat or potentially restorable habitat for
121 imperiled species, be restored, enhanced, managed, and
122 repopulated as habitat for such species to advance the goals and
123 objectives of imperiled species management for conservation,
124 recreation, or both, consistent with the land management plan
125 without restricting other uses identified in the management



126 | plan. It is also the intent of the Legislature that of the
127 | proceeds distributed pursuant to subsection (3), additional
128 | consideration be given to acquisitions that achieve a
129 | combination of conservation goals, including the restoration,
130 | enhancement, management, or repopulation of habitat for
131 | imperiled species. The council, in addition to the criteria in
132 | subsection (9), shall give weight to projects that include
133 | acquisition, restoration, management, or repopulation of habitat
134 | for imperiled species. The term "imperiled species" as used in
135 | this chapter and chapter 253, means plants and animals that are
136 | federally listed under the Endangered Species Act, or state-
137 | listed by the Fish and Wildlife Conservation Commission or the
138 | Department of Agriculture and Consumer Services. As part of the
139 | state's role, all state lands that have imperiled species
140 | habitat shall include as a consideration in management plan
141 | development the restoration, enhancement, management, and
142 | repopulation of such habitats. In addition, the lead land
143 | managing agency of such state lands may use fees received from
144 | public or private entities for projects to offset adverse
145 | impacts to imperiled species or their habitat in order to
146 | restore, enhance, manage, repopulate, or acquire land and to
147 | implement land management plans developed under s. 253.034 or a
148 | land management prospectus developed and implemented under this
149 | chapter. Such fees shall be deposited into a foundation or fund
150 | created by each land management agency under s. 379.223, s.



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151 589.012, or s. 259.032(9)(c), to be used solely to restore,
152 manage, enhance, repopulate, or acquire imperiled species
153 habitat.

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

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

164 ~~(a) Thirty percent to the Department of Environmental~~
165 ~~Protection for the acquisition of lands and capital project~~
166 ~~expenditures necessary to implement the water management~~
167 ~~districts' priority lists developed pursuant to s. 373.199. The~~
168 ~~funds are to be distributed to the water management districts as~~
169 ~~provided in subsection (11). A minimum of 50 percent of the~~
170 ~~total funds provided over the life of the Florida Forever~~
171 ~~program pursuant to this paragraph shall be used for the~~
172 ~~acquisition of lands.~~

173 (a) ~~(b)~~ Thirty-five percent to the Department of
174 Environmental Protection for the acquisition of lands ~~and~~
175 ~~capital project expenditures~~ described in this section. Of the



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176 | proceeds distributed pursuant to this paragraph, it is the
177 | intent of the Legislature that an increased priority be given to
178 | those acquisitions that ~~which~~ achieve a combination of
179 | conservation goals, including protecting Florida's water
180 | resources and natural groundwater recharge. ~~At a minimum, 3~~
181 | ~~percent, and no more than 10 percent, of the funds allocated~~
182 | ~~pursuant to this paragraph shall be spent on capital project~~
183 | ~~expenditures identified during the time of acquisition which~~
184 | ~~meet land management planning activities necessary for public~~
185 | ~~access.~~ Beginning in the 2017-2018 fiscal year and continuing
186 | through the 2026-2027 fiscal year, at least \$5 million of the
187 | funds allocated pursuant to this paragraph shall be spent on
188 | land acquisition within the Florida Keys Area of Critical State
189 | Concern as authorized pursuant to s. 259.045.

190 | **(b)(e)** ~~Twenty-five~~ **Twenty-one** percent to the Department of
191 | Environmental Protection for use by the Florida Communities
192 | Trust for the purposes of part III of chapter 380, including the
193 | Stan Mayfield Working Waterfronts program pursuant to s.
194 | 380.5105, as described and limited by this subsection, and
195 | grants to local governments or nonprofit environmental
196 | organizations that are tax-exempt under s. 501(c)(3) of the
197 | United States Internal Revenue Code for the acquisition of
198 | community-based projects, urban open spaces, parks, and
199 | greenways to implement local government comprehensive plans.
200 | From funds available to the trust and used for land acquisition,



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201 75 percent shall be matched by local governments on a dollar-
202 for-dollar basis. ~~The Legislature intends that the Florida~~
203 ~~Communities Trust emphasize funding projects in low-income or~~
204 ~~otherwise disadvantaged communities and projects that provide~~
205 ~~areas for direct water access and water dependent facilities~~
206 ~~that are open to the public and offer public access by vessels~~
207 ~~to waters of the state, including boat ramps and associated~~
208 ~~parking and other support facilities. At least 30 percent of the~~
209 ~~total allocation provided to the trust shall be used in Standard~~
210 ~~Metropolitan Statistical Areas, but one-half of that amount~~
211 ~~shall be used in localities in which the project site is located~~
212 ~~in built-up commercial, industrial, or mixed-use areas and~~
213 ~~functions to intersperse open spaces within congested urban core~~
214 ~~areas. From funds allocated to the trust, no less than 5 percent~~
215 ~~shall be used to acquire lands for recreational trail systems,~~
216 ~~provided that in the event these funds are not needed for such~~
217 ~~projects, they will be available for other trust projects. Local~~
218 governments may use federal grants or loans, private donations,
219 or environmental mitigation funds for any part or all of any
220 local match required for acquisitions funded through the Florida
221 Communities Trust. Any lands purchased by nonprofit
222 organizations using funds allocated under this paragraph must
223 provide for such lands to remain permanently in public use
224 through a reversion of title to local or state government,
225 conservation easement, or other appropriate mechanism. Projects



226 funded with funds allocated to the trust shall be selected in a
227 competitive process measured against criteria adopted in rule by
228 the trust.

229 ~~(d) Two percent to the Department of Environmental
230 Protection for grants pursuant to s. 375.075.~~

231 ~~(e) One and five-tenths percent to the Department of
232 Environmental Protection for the purchase of inholdings and
233 additions to state parks and for capital project expenditures as
234 described in this section. At a minimum, 1 percent, and no more
235 than 10 percent, of the funds allocated pursuant to this
236 paragraph shall be spent on capital project expenditures
237 identified during the time of acquisition which meet land
238 management planning activities necessary for public access. For
239 the purposes of this paragraph, "state park" means any real
240 property in the state which is under the jurisdiction of the
241 Division of Recreation and Parks of the department, or which may
242 come under its jurisdiction.~~

243 ~~(f) One and five-tenths percent to the Florida Forest
244 Service of the Department of Agriculture and Consumer Services
245 to fund the acquisition of state forest inholdings and additions
246 pursuant to s. 589.07, the implementation of reforestation plans
247 or sustainable forestry management practices, and for capital
248 project expenditures as described in this section. At a minimum,
249 1 percent, and no more than 10 percent, of the funds allocated
250 for the acquisition of inholdings and additions pursuant to this~~



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251 ~~paragraph shall be spent on capital project expenditures~~
252 ~~identified during the time of acquisition which meet land~~
253 ~~management planning activities necessary for public access.~~

254 ~~(g) One and five-tenths percent to the Fish and Wildlife~~
255 ~~Conservation Commission to fund the acquisition of inholdings~~
256 ~~and additions to lands managed by the commission which are~~
257 ~~important to the conservation of fish and wildlife and for~~
258 ~~capital project expenditures as described in this section. At a~~
259 ~~minimum, 1 percent, and no more than 10 percent, of the funds~~
260 ~~allocated pursuant to this paragraph shall be spent on capital~~
261 ~~project expenditures identified during the time of acquisition~~
262 ~~which meet land management planning activities necessary for~~
263 ~~public access.~~

264 ~~(h) One and five-tenths percent to the Department of~~
265 ~~Environmental Protection for the Florida Greenways and Trails~~
266 ~~Program, to acquire greenways and trails or greenways and trail~~
267 ~~systems pursuant to chapter 260, including, but not limited to,~~
268 ~~abandoned railroad rights-of-way and the Florida National Scenic~~
269 ~~Trail and for capital project expenditures as described in this~~
270 ~~section. At a minimum, 1 percent, and no more than 10 percent,~~
271 ~~of the funds allocated pursuant to this paragraph shall be spent~~
272 ~~on capital project expenditures identified during the time of~~
273 ~~acquisition which meet land management planning activities~~
274 ~~necessary for public access.~~

275 ~~(c)(i) Forty Three and five-tenths percent to the~~



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276 Department of Agriculture and Consumer Services for the
277 acquisition of agricultural lands, through perpetual
278 conservation easements and other perpetual less than fee
279 techniques, which will achieve the objectives of the Florida
280 Forever program and s. 570.71. Rules concerning the application,
281 acquisition, and priority ranking process for such easements
282 shall be developed pursuant to s. 570.71(10) and as provided by
283 this paragraph. The board shall ensure that such rules are
284 consistent with the acquisition process provided for in s.
285 570.715. The rules developed pursuant to s. 570.71(10), shall
286 also provide for the following:

287 1. An annual priority list shall be developed pursuant to
288 s. 570.71(10), submitted to the council for review, and approved
289 by the board pursuant to s. 259.04.

290 2. Terms of easements and acquisitions proposed pursuant
291 to this paragraph shall be approved by the board and may not be
292 delegated by the board to any other entity receiving funds under
293 this section.

294 3. All acquisitions pursuant to this paragraph shall
295 contain a clear statement that they are subject to legislative
296 appropriation.

297
298 ~~Funds provided under this paragraph may not be expended until~~
299 ~~final adoption of rules by the board pursuant to s. 570.71.~~

300 ~~(j) Two and five-tenths percent to the Department of~~



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301 ~~Environmental Protection for the acquisition of land and capital~~
302 ~~project expenditures necessary to implement the Stan Mayfield~~
303 ~~Working Waterfronts Program within the Florida Communities Trust~~
304 ~~pursuant to s. 380.5105.~~

305 (d) ~~(k)~~ It is the intent of the Legislature that cash
306 payments or proceeds of Florida Forever bonds distributed under
307 this section shall be expended in an efficient and fiscally
308 responsible manner. An agency that receives proceeds from
309 Florida Forever bonds under this section may not maintain a
310 balance of unencumbered funds in its Florida Forever subaccount
311 beyond 3 fiscal years from the date of deposit of funds from
312 each bond issue. Any funds that have not been expended or
313 encumbered after 3 fiscal years from the date of deposit shall
314 be distributed by the Legislature at its next regular session
315 for use in the Florida Forever program.

316 ~~(l) For the purposes of paragraphs (e), (f), (g), and (h),~~
317 ~~the agencies that receive the funds shall develop their~~
318 ~~individual acquisition or restoration lists in accordance with~~
319 ~~specific criteria and numeric performance measures developed~~
320 ~~pursuant to s. 259.035(4). Proposed additions may be acquired if~~
321 ~~they are identified within the original project boundary, the~~
322 ~~management plan required pursuant to s. 253.034(5), or the~~
323 ~~management prospectus required pursuant to s. 259.032(7)(c).~~
324 ~~Proposed additions not meeting the requirements of this~~
325 ~~paragraph shall be submitted to the council for approval. The~~



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326 ~~council may only approve the proposed addition if it meets two~~
327 ~~or more of the following criteria: serves as a link or corridor~~
328 ~~to other publicly owned property; enhances the protection or~~
329 ~~management of the property; would add a desirable resource to~~
330 ~~the property; would create a more manageable boundary~~
331 ~~configuration; has a high resource value that otherwise would be~~
332 ~~unprotected; or can be acquired at less than fair market value.~~

333 ~~(m) Notwithstanding paragraphs (a) (j) and for the 2016-~~
334 ~~2017 fiscal year only:~~

335 ~~1. The amount of \$15,156,206 to only the Division of State~~
336 ~~Lands within the Department of Environmental Protection for the~~
337 ~~Board of Trustees Florida Forever Priority List land acquisition~~
338 ~~projects.~~

339 ~~2. Thirty-five million dollars to the Department of~~
340 ~~Agriculture and Consumer Services for the acquisition of~~
341 ~~agricultural lands through perpetual conservation easements and~~
342 ~~other perpetual less-than-fee techniques, which will achieve the~~
343 ~~objectives of Florida Forever and s. 570.71.~~

344 ~~3.a. Notwithstanding any allocation required pursuant to~~
345 ~~paragraph (c), \$10 million shall be allocated to the Florida~~
346 ~~Communities Trust for projects acquiring conservation or~~
347 ~~recreation lands to enhance recreational opportunities for~~
348 ~~individuals with unique abilities.~~

349 ~~b. The Department of Environmental Protection may waive~~
350 ~~the local government matching fund requirement of paragraph (c)~~



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351 ~~for projects acquiring conservation or recreation lands to~~
352 ~~enhance recreational opportunities for individuals with unique~~
353 ~~abilities.~~

354 ~~e. Notwithstanding sub-subparagraphs a. and b., any funds~~
355 ~~required to be used to acquire conservation or recreation lands~~
356 ~~to enhance recreational opportunities for individuals with~~
357 ~~unique abilities which have not been awarded for those purposes~~
358 ~~by May 1, 2017, may be awarded to redevelop or renew outdoor~~
359 ~~recreational facilities on public lands, including recreational~~
360 ~~trails, parks, and urban open spaces, together with improvements~~
361 ~~required to enhance recreational enjoyment and public access to~~
362 ~~public lands, if such redevelopment and renewal is primarily~~
363 ~~geared toward enhancing recreational opportunities for~~
364 ~~individuals with unique abilities. The department may waive the~~
365 ~~local matching requirement of paragraph (c) for such~~
366 ~~redevelopment and renewal projects.~~

367
368 ~~This paragraph expires July 1, 2017.~~

369 (4) It is the intent of the Legislature that projects or
370 acquisitions funded pursuant to paragraph (3) (a) ~~paragraphs~~
371 ~~(3) (a) and (b)~~ contribute to the achievement of the following
372 goals, which shall be evaluated in accordance with specific
373 criteria and numeric performance measures developed pursuant to
374 s. 259.035(4):

375 (a) Enhance the coordination and completion of land



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376 acquisition projects, as measured by:

377 1. The number of acres acquired through the state's land
378 acquisition programs that contribute to the enhancement of
379 essential natural resources, ecosystem service parcels, and
380 connecting linkage corridors as identified and developed by the
381 best available scientific analysis;

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

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

387 (b) Increase the protection of Florida's biodiversity at
388 the species, natural community, and landscape levels, as
389 measured by:

390 1. The number of acres acquired of significant strategic
391 habitat conservation areas;

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

394 3. The number of acres acquired of significant landscapes,
395 landscape linkages, and conservation corridors, giving priority
396 to completing linkages;

397 4. The number of acres acquired of underrepresented native
398 ecosystems;

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



401 or restorable natural communities established through new
402 acquisition projects or augmentations to previous projects; or
403 6. The percentage increase in the number of occurrences of
404 imperiled species on publicly managed conservation areas.

405 (c) Protect, restore, and maintain the quality and natural
406 functions of land, water, and wetland systems of the state, as
407 measured by:

408 1. The number of acres of publicly owned land identified
409 as needing restoration, enhancement, and management, acres
410 undergoing restoration or enhancement, acres with restoration
411 activities completed, and acres managed to maintain such
412 restored or enhanced conditions; the number of acres which
413 represent actual or potential imperiled species habitat; the
414 number of acres which are available pursuant to a management
415 plan to restore, enhance, repopulate, and manage imperiled
416 species habitat; and the number of acres of imperiled species
417 habitat managed, restored, enhanced, repopulated, or acquired;

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

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



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- 426 4. The number of acres acquired that protect natural
427 floodplain functions;
- 428 5. The number of acres acquired that protect surface
429 waters of the state;
- 430 6. The number of acres identified for acquisition to
431 minimize damage from flooding and the percentage of those acres
432 acquired;
- 433 7. The number of acres acquired that protect fragile
434 coastal resources;
- 435 8. The number of acres of functional wetland systems
436 protected;
- 437 9. The percentage of miles of critically eroding beaches
438 contiguous with public lands that are restored or protected from
439 further erosion;
- 440 10. The percentage of public lakes and rivers in which
441 invasive, nonnative aquatic plants are under maintenance
442 control; or
- 443 11. The number of acres of public conservation lands in
444 which upland invasive, exotic plants are under maintenance
445 control.
- 446 (d) Ensure that sufficient quantities of water are
447 available to meet the current and future needs of natural
448 systems and the citizens of the state, as measured by:
- 449 1. The number of acres acquired which provide retention
450 and storage of surface water in naturally occurring storage



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451 areas, such as lakes and wetlands, consistent with the
452 maintenance of water resources or water supplies and consistent
453 with district water supply plans;

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

457 3. The number of acres acquired of groundwater recharge
458 areas critical to springs, sinks, aquifers, other natural
459 systems, or water supply.

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

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

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

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

470 (f) Preserve significant archaeological or historic sites,
471 as measured by:

472 1. The increase in the number of and percentage of
473 historic and archaeological properties listed in the Florida
474 Master Site File or National Register of Historic Places which
475 are protected or preserved for public use; or



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

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

480 1. The number of acres acquired that are available for
481 sustainable forest management;

482 2. The number of acres of state-owned forestland managed
483 for economic return in accordance with current best management
484 practices;

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

487 4. The percentage and number of acres identified for
488 restoration actually restored by reforestation.

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

491 1. The percentage of local governments that participate in
492 land acquisition programs and acquire open space in urban cores;
493 or

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

496
497 Florida Forever projects and acquisitions funded pursuant to
498 paragraph (3) (b) ~~(3) (c)~~ shall be measured by goals developed by
499 rule by the Florida Communities Trust Governing Board created in
500 s. 380.504.



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

509 (b) Project applications shall contain, at a minimum, the
510 following:

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

519 2. Proof that property owners within any proposed
520 acquisition have been notified of their inclusion in the
521 proposed project. Any property owner may request the removal of
522 such property from further consideration by submitting a request
523 to the project sponsor or the Acquisition and Restoration
524 Council by certified mail. Upon receiving this request, the
525 council shall delete the property from the proposed project;



526 | however, the board of trustees, at the time it votes to approve
527 | the proposed project lists pursuant to subsection (14) ~~(16)~~, may
528 | add the property back on to the project lists if it determines
529 | by a super majority of its members that such property is
530 | critical to achieve the purposes of the project.

531 | (9) The Acquisition and Restoration Council shall
532 | recommend rules for adoption by the board of trustees to
533 | competitively evaluate, select, and rank projects eligible for
534 | Florida Forever funds pursuant to paragraph (3) (a) ~~(3) (b)~~. In
535 | developing these proposed rules, the Acquisition and Restoration
536 | Council shall give weight to the following criteria:

537 | (a) The project meets multiple goals described in
538 | subsection (4).

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

541 | (c) The project enhances or facilitates management of
542 | properties already under public ownership.

543 | (d) The project has significant archaeological or historic
544 | value.

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

547 | (f) The project contributes to the solution of water
548 | resource problems on a regional basis.

549 | (g) The project has a significant portion of its land area
550 | in imminent danger of development, in imminent danger of losing



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551 its significant natural attributes or recreational open space,
552 or in imminent danger of subdivision which would result in
553 multiple ownership and make acquisition of the project costly or
554 less likely to be accomplished.

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

557 (i) The project is one of the components of the Everglades
558 restoration effort.

559 (j) The project may be purchased at 80 percent of
560 appraised value.

561 (k) The project may be acquired, in whole or in part,
562 using alternatives to fee simple, including but not limited to,
563 tax incentives, mitigation funds, or other revenues; the
564 purchase of development rights, hunting rights, agricultural or
565 silvicultural rights, or mineral rights; or obtaining
566 conservation easements or flowage easements.

567 (l) The project is a joint acquisition, either among
568 public agencies, nonprofit organizations, or private entities,
569 or by a public-private partnership.

570 ~~(11) For the purposes of funding projects pursuant to~~
571 ~~paragraph (3) (a), the Secretary of Environmental Protection~~
572 ~~shall ensure that each water management district receives the~~
573 ~~following percentage of funds annually:~~

574 ~~(a) Thirty-five percent to the South Florida Water~~
575 ~~Management District, of which amount \$25 million for 2 years~~



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576 ~~beginning in fiscal year 2000-2001 shall be transferred by the~~
577 ~~Department of Environmental Protection into the Save Our~~
578 ~~Everglades Trust Fund and shall be used exclusively to implement~~
579 ~~the comprehensive plan under s. 373.470.~~

580 ~~(b) Twenty five percent to the Southwest Florida Water~~
581 ~~Management District.~~

582 ~~(c) Twenty five percent to the St. Johns River Water~~
583 ~~Management District.~~

584 ~~(d) Seven and one-half percent to the Suwannee River Water~~
585 ~~Management District.~~

586 ~~(e) Seven and one-half percent to the Northwest Florida~~
587 ~~Water Management District.~~

588 ~~(12) It is the intent of the Legislature that in~~
589 ~~developing the list of projects for funding pursuant to~~
590 ~~paragraph (3) (a), that these funds not be used to abrogate the~~
591 ~~financial responsibility of those point and nonpoint sources~~
592 ~~that have contributed to the degradation of water or land areas.~~
593 ~~Therefore, an increased priority shall be given by the water~~
594 ~~management district governing boards to those projects that have~~
595 ~~secured a cost sharing agreement allocating responsibility for~~
596 ~~the cleanup of point and nonpoint sources.~~

597 ~~(14) (16)~~ All proposals for projects pursuant to paragraph
598 (3) (a) ~~(3) (b)~~ shall be implemented only if adopted by the
599 Acquisition and Restoration Council and approved by the board of
600 trustees. The council shall consider and evaluate in writing the



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601 merits and demerits of each project that is proposed for Florida
602 Forever funding. The council shall ensure that each proposed
603 project will meet a stated public purpose for the restoration,
604 conservation, or preservation of environmentally sensitive lands
605 and water areas or for providing outdoor recreational
606 opportunities. The council also shall determine whether the
607 project or addition conforms, where applicable, with the
608 comprehensive plan developed pursuant to s. 259.04(1)(a), the
609 comprehensive multipurpose outdoor recreation plan developed
610 pursuant to s. 375.021, the state lands management plan adopted
611 pursuant to s. 253.03(7), the water resources work plans
612 developed pursuant to s. 373.199, and the provisions of this
613 section.

614 Section 2. Paragraph (b) of subsection (3) of section
615 375.041, Florida Statutes, is amended to read:

616 375.041 Land Acquisition Trust Fund.—

617 (3) Funds distributed into the Land Acquisition Trust Fund
618 pursuant to s. 201.15 shall be applied:

619 (b) Of the funds remaining after the payments required
620 under paragraph (a), but before funds may be appropriated,
621 pledged, or dedicated for other uses:

622 1. A minimum of the lesser of 25 percent or \$200 million
623 shall be appropriated annually for Everglades projects that
624 implement the Comprehensive Everglades Restoration Plan as set
625 forth in s. 373.470, including the Central Everglades Planning



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626 Project subject to Congressional authorization; the Long-Term
627 Plan as defined in s. 373.4592(2); and the Northern Everglades
628 and Estuaries Protection Program as set forth in s. 373.4595.
629 From these funds, \$32 million shall be distributed each fiscal
630 year through the 2023-2024 fiscal year to the South Florida
631 Water Management District for the Long-Term Plan as defined in
632 s. 373.4592(2). After deducting the \$32 million distributed
633 under this subparagraph, from the funds remaining, a minimum of
634 the lesser of 76.5 percent or \$100 million shall be appropriated
635 each fiscal year through the 2025-2026 fiscal year for the
636 planning, design, engineering, and construction of the
637 Comprehensive Everglades Restoration Plan as set forth in s.
638 373.470, including the Central Everglades Planning Project
639 subject to Congressional authorization. The Department of
640 Environmental Protection and the South Florida Water Management
641 District shall give preference to those Everglades restoration
642 projects that reduce harmful discharges of water from Lake
643 Okeechobee to the St. Lucie or Caloosahatchee estuaries in a
644 timely manner. For the purpose of performing the calculation
645 provided in this subparagraph, the amount of debt service paid
646 pursuant to paragraph (a) for bonds issued after July 1, 2016,
647 for the purposes set forth under paragraph (b) shall be added to
648 the amount remaining after the payments required under paragraph
649 (a). The amount of the distribution calculated shall then be
650 reduced by an amount equal to the debt service paid pursuant to



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651 paragraph (a) on bonds issued after July 1, 2016, for the
652 purposes set forth under this subparagraph.

653 2. A minimum of the lesser of 7.6 percent or \$50 million
654 shall be appropriated annually for spring restoration,
655 protection, and management projects. For the purpose of
656 performing the calculation provided in this subparagraph, the
657 amount of debt service paid pursuant to paragraph (a) for bonds
658 issued after July 1, 2016, for the purposes set forth under
659 paragraph (b) shall be added to the amount remaining after the
660 payments required under paragraph (a). The amount of the
661 distribution calculated shall then be reduced by an amount equal
662 to the debt service paid pursuant to paragraph (a) on bonds
663 issued after July 1, 2016, for the purposes set forth under this
664 subparagraph.

665 3. The sum of \$5 million shall be appropriated annually
666 each fiscal year through the 2025-2026 fiscal year to the St.
667 Johns River Water Management District for projects dedicated to
668 the restoration of Lake Apopka. This distribution shall be
669 reduced by an amount equal to the debt service paid pursuant to
670 paragraph (a) on bonds issued after July 1, 2016, for the
671 purposes set forth in this subparagraph.

672 4. The following sums shall be appropriated annually each
673 fiscal year to the Florida Forever Trust Fund created by s.
674 259.1051 for distribution by the Department of Environmental
675 Protection pursuant to s. 259.105(3):



- 676 a. For the 2018-2019 fiscal year and each fiscal year
677 through the 2020-2021 fiscal year, the sum of \$57 million.
- 678 b. For the 2021-2022 fiscal year, the sum of \$78 million.
- 679 c. For the 2022-2023 fiscal year, the sum of \$89 million.
- 680 d. For the 2023-2024 fiscal year and the 2024-2025 fiscal
681 year, the sum of \$110 million.
- 682 e. For the 2025-2026 fiscal year, the sum of \$127 million.
- 683 f. For the 2026-2027 fiscal year, the sum of \$147 million.
- 684 g. For the 2027-2028 fiscal year, the sum of \$157 million.
- 685 h. For the 2028-2029 fiscal year, the sum of \$179 million.
- 686 i. For the 2029-2030 fiscal year and each fiscal year
687 through the 2035-2036 fiscal year, the sum of \$200 million.

688

689 The distribution shall be reduced by an amount equal to the debt
690 service paid pursuant to paragraph (a) on bonds issued after
691 July 1, 2017, for the purposes set forth in this subparagraph.

692 Section 3. Subsection (1) of section 20.3315, Florida
693 Statutes, is amended to read:

694 20.3315 Florida Forever Program Trust Fund of the Florida
695 Fish and Wildlife Conservation Commission.—

696 (1) There is created a Florida Forever Program Trust Fund
697 within the Florida Fish and Wildlife Conservation Commission to
698 carry out the duties of the commission under the Florida Forever
699 Act as specified in s. 259.105 ~~259.105(3)(g)~~. The trust fund
700 shall receive funds pursuant to s. 259.105 ~~259.105(3)(g)~~.



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701 Section 4. Subsection (4) and paragraph (b) of subsection
702 (5) of section 253.027, Florida Statutes, are amended to read:

703 253.027 Emergency archaeological property acquisition.—

704 (4) EMERGENCY ARCHAEOLOGICAL ACQUISITION.—The sum of \$2
705 million shall be reserved annually within the Florida Forever
706 Trust Fund for the purpose of emergency archaeological
707 acquisition. Any portion of that amount not spent or obligated
708 by the end of the third quarter of the fiscal year may be used
709 for approved acquisitions pursuant to s. 259.105(3)(a)
710 ~~259.105(3)(b)~~.

711 (5) ACCOUNT EXPENDITURES.—

712 (b) Funds may not ~~No moneys shall~~ be spent from the
713 account for excavation or restoration of the properties
714 acquired. Funds may be spent for preliminary surveys to
715 determine if the sites meet the criteria of this section. An
716 amount not to exceed \$100,000 may also be spent from the account
717 to inventory and evaluate archaeological and historic resources
718 on properties purchased, or proposed for purchase, pursuant to
719 s. 259.105(3)(a) ~~259.105(3)(b)~~.

720 Section 5. Subsection (3) of section 253.034, Florida
721 Statutes, is amended to read:

722 253.034 State-owned lands; uses.—

723 (3) Recognizing that recreational trails purchased with
724 rails-to-trails funds pursuant to former s. 259.101(3)(g),
725 Florida Statutes 2014, or former s. 259.105(3)(h), Florida



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726 Statutes 2016, have had historic transportation uses and that
727 their linear character may extend many miles, the Legislature
728 intends that if the necessity arises to serve public needs,
729 after balancing the need to protect trail users from collisions
730 with automobiles and a preference for the use of overpasses and
731 underpasses to the greatest extent feasible and practical,
732 transportation uses shall be allowed to cross recreational
733 trails purchased pursuant to former s. 259.101(3)(g), Florida
734 Statutes 2014, or former s. 259.105(3)(h), Florida Statutes
735 2016. When these crossings are needed, the location and design
736 should consider and mitigate the impact on humans and
737 environmental resources, and the value of the land shall be paid
738 based on fair market value.

739 Section 6. Subsections (3) and (6) of section 259.035,
740 Florida Statutes, are amended to read:

741 259.035 Acquisition and Restoration Council.—

742 (3) The council shall provide assistance to the board in
743 reviewing the recommendations and plans for state-owned
744 conservation lands required under s. 253.034 and this chapter.
745 The council shall, in reviewing such plans, consider the
746 optimization of multiple-use and conservation strategies to
747 accomplish the provisions funded pursuant to former s.
748 259.101(3)(a), Florida Statutes 2014, and to s. 259.105(3)(a)
749 ~~259.105(3)(b)~~.

750 (6) The proposal for a project pursuant to this section or



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751 s. 259.105(3)(a) ~~259.105(3)(b)~~ may be implemented only if
752 adopted by the council and approved by the board of trustees.
753 The council shall consider and evaluate in writing the merits
754 and demerits of each project that is proposed for acquisition
755 using funds available pursuant to s. 28, Art. X of the State
756 Constitution or Florida Forever funding and shall ensure that
757 each proposed project meets the requirements of s. 28, Art. X of
758 the State Constitution. The council also shall determine whether
759 the project conforms, where applicable, with the comprehensive
760 plan developed pursuant to s. 259.04(1)(a), the comprehensive
761 multipurpose outdoor recreation plan developed pursuant to s.
762 375.021, the state lands management plan adopted pursuant to s.
763 253.03(7), the water resources work plans developed pursuant to
764 s. 373.199, and the provisions of s. 259.032, s. 259.101, or s.
765 259.105, whichever is applicable.

766 Section 7. Subsection (7) of section 380.510, Florida
767 Statutes, is amended to read:

768 380.510 Conditions of grants and loans.—

769 (7) Any funds received by the trust pursuant to s.
770 259.105(3)(b) ~~259.105(3)(c)~~ or s. 375.041 shall be held separate
771 and apart from any other funds held by the trust and used for
772 the land acquisition purposes of this part.

773 (a) The administration and use of Florida Forever funds
774 are subject to such terms and conditions imposed thereon by the
775 agency of the state responsible for the bonds, the proceeds of



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776 | which are deposited into the Florida Forever Trust Fund,
777 | including restrictions imposed to ensure that the interest on
778 | any such bonds issued by the state as tax-exempt bonds is not
779 | included in the gross income of the holders of such bonds for
780 | federal income tax purposes.

781 | (b) All deeds or leases with respect to any real property
782 | acquired with funds received by the trust from the former
783 | Preservation 2000 Trust Fund, the Florida Forever Trust Fund, or
784 | the Land Acquisition Trust Fund must contain such covenants and
785 | restrictions as are sufficient to ensure that the use of such
786 | real property at all times complies with s. 375.051 and s. 9,
787 | Art. XII of the State Constitution. Each deed or lease with
788 | respect to any real property acquired with funds received by the
789 | trust from the Florida Forever Trust Fund before July 1, 2015,
790 | must contain covenants and restrictions sufficient to ensure
791 | that the use of such real property at all times complies with s.
792 | 11(e), Art. VII of the State Constitution. Each deed or lease
793 | with respect to any real property acquired with funds received
794 | by the trust from the Florida Forever Trust Fund after July 1,
795 | 2015, must contain covenants and restrictions sufficient to
796 | ensure that the use of such real property at all times complies
797 | with s. 28, Art. X of the State Constitution. Each deed or lease
798 | must contain a reversion, conveyance, or termination clause that
799 | vests title in the Board of Trustees of the Internal Improvement
800 | Trust Fund if any of the covenants or restrictions are violated



801 by the titleholder or leaseholder or by some third party with
802 the knowledge of the titleholder or leaseholder.

803 Section 8. Paragraph (d) of subsection (1) of section
804 570.715, Florida Statutes, is amended to read:

805 570.715 Conservation easement acquisition procedures.—

806 (1) For less than fee simple acquisitions pursuant to s.
807 570.71, the Department of Agriculture and Consumer Services
808 shall comply with the following acquisition procedures:

809 (d) On behalf of the board of trustees and before the
810 appraisal of parcels approved for purchase under ss.

811 259.105(3)(c) ~~259.105(3)(i)~~ and 570.71, the department may enter
812 into option contracts to buy less than fee simple interest in
813 such parcels. Any such option contract shall state that the
814 final purchase price is subject to approval by the board of
815 trustees and that the final purchase price may not exceed the
816 maximum offer authorized by law. Any such option contract
817 presented to the board of trustees for final purchase price
818 approval shall explicitly state that payment of the final
819 purchase price is subject to an appropriation by the
820 Legislature. The consideration for any such option contract may
821 not exceed \$1,000 or 0.01 percent of the estimate by the
822 department of the value of the parcel, whichever amount is
823 greater.

824 Section 9. Subsection (1) of section 589.065, Florida
825 Statutes, is amended to read:



826 589.065 Florida Forever Program Trust Fund of the
 827 Department of Agriculture and Consumer Services.—
 828 (1) There is created a Florida Forever Program Trust Fund
 829 within the Department of Agriculture and Consumer Services to
 830 carry out the duties of the department under the Florida Forever
 831 Act as specified in s. 259.105 ~~259.105(3)(f)~~. The trust fund
 832 shall receive funds pursuant to s. 259.105 ~~259.105(3)(f)~~.
 833 Section 10. This act shall take effect July 1, 2017.