

1 A bill to be entitled
2 An act relating to natural resources; amending s.
3 125.35, F.S.; requiring counties to return specified
4 state conservation funds to the state when certain
5 lands purchased with such funds are sold; amending s.
6 163.3177, F.S.; exempting certain local governments
7 from requirements to develop and maintain work plans
8 for building public, private, and regional water
9 supply facilities; creating s. 166.0452, F.S.;
10 requiring municipalities to return specified state
11 conservation funds to the state when certain lands
12 purchased with such funds are sold; amending s.
13 215.618, F.S.; removing provisions authorizing the use
14 of Florida Forever funds for capital improvement and
15 water resource development projects; amending s.
16 253.0251, F.S.; authorizing the Department of
17 Environmental Protection to assist local governments
18 in administering local rural-lands-protection easement
19 programs; providing requirements and restrictions for
20 such assistance; amending s. 259.03, F.S.; removing
21 the definitions of "capital improvement," "capital
22 project expenditure," and "water resource development
23 project"; amending s. 259.032, F.S.; removing
24 provisions authorizing the use of Florida Forever
25 funds for capital improvement and water resource

26 | development projects; amending s. 259.105, F.S.;

27 | revising the distribution of proceeds from the Florida

28 | Forever Trust Fund; eliminating and consolidating

29 | funding for certain land acquisition and management

30 | programs; removing obsolete provisions; removing

31 | provisions authorizing the use of Florida Forever

32 | funds for water resource development projects,

33 | restoration, enhancement, and management of certain

34 | land and water areas, and certain capital

35 | improvements; including wildlife crossings and

36 | connections between such crossings and wildlife

37 | habitats as criteria for assessing certain projects

38 | and land acquisitions; amending s. 373.089, F.S.;

39 | prohibiting water management districts from disposing

40 | of lands acquired with state funds under certain

41 | conditions; requiring water management districts to

42 | return specified state conservation funds to the state

43 | when certain lands purchased with such funds are sold;

44 | amending s. 373.139, F.S.; removing provisions

45 | prohibiting water management districts from disposing

46 | of lands acquired with state funds under certain

47 | conditions; amending s. 373.1391, F.S.; requiring

48 | revenue generated from the management of certain

49 | conservation lands to be retained by the

50 | jurisdictional water management district and used for

51 | specified purposes; amending s. 373.199, F.S.;

52 | limiting the use of Florida Forever funds for water

53 | management district projects; amending s. 373.4598,

54 | F.S.; revising requirements related to the operation

55 | of water storage and use for Phase I and Phase II of

56 | the C-51 reservoir project if state funds are

57 | appropriated for such phases; authorizing the South

58 | Florida Water Management District to enter into

59 | certain capacity allocation agreements and to request

60 | a waiver for repayment of certain loans; authorizing

61 | the Department of Environmental Protection to waive

62 | such loan repayment under certain conditions; amending

63 | s. 373.713, F.S.; requiring regional water supply

64 | authorities to annually coordinate with water

65 | management districts on the status of certain water

66 | resource development projects; amending s. 375.041,

67 | F.S.; requiring the Department of Environmental

68 | Protection and the South Florida Water Management

69 | District to give specified funding priority to the C-

70 | 43 West Basin Storage Reservoir Project; requiring a

71 | specified amount of funds in the Land Acquisition

72 | Trust Fund within the Department of Environmental

73 | Protection to be appropriated annually each fiscal

74 | year to the Florida Forever Trust Fund; amending s.

75 | 403.087, F.S.; revising requirements for the renewal

76 of operation permits for domestic wastewater treatment
77 facilities; amending s. 403.0891, F.S.; requiring the
78 Department of Transportation to coordinate with the
79 Department of Environmental Protection, water
80 management districts, and local governments to make
81 certain determinations regarding beneficial uses of
82 stormwater from road construction projects and to
83 implement such beneficial uses under certain
84 conditions; authorizing the Department of
85 Environmental Protection, in consultation with the
86 Department of Transportation, to adopt rules; creating
87 s. 403.892, F.S.; providing legislative findings;
88 requiring public water systems and domestic wastewater
89 treatment systems to develop management plans and
90 create reserve funds by a specified date; defining the
91 term "domestic wastewater treatment system"; providing
92 requirements for such plans and funds; specifying
93 eligibility criteria for state funding; directing the
94 Department of Environmental Protection to adopt rules;
95 amending s. 570.76, F.S.; authorizing the Department
96 of Agriculture and Consumer Services to assist local
97 governments in administering local rural-lands-
98 protection easement programs; providing requirements
99 and restrictions for such assistance; amending ss.
100 20.3315, 253.027, 253.034, 259.035, 259.037, 380.510,

101 570.715, and 589.065, F.S.; conforming cross-
102 references; providing a declaration of important state
103 interest; providing an effective date.
104

105 Be It Enacted by the Legislature of the State of Florida:
106

107 Section 1. Subsections (4) and (5) are added to section
108 125.35, Florida Statutes, to read:

109 125.35 County authorized to sell real and personal
110 property and to lease real property.—

111 (4) Proceeds from the sale of surplus conservation lands
112 purchased with Florida Forever funds before July 1, 2015, shall
113 be deposited into the Florida Forever Trust Fund. If the county
114 purchased the conservation land with multiple revenue sources,
115 the county shall deposit an amount based on the percentage of
116 Florida Forever funds used for the original purchase.

117 (5) Proceeds from the sale of surplus conservation lands
118 purchased with state funds on or after July 1, 2015, shall be
119 deposited into the Land Acquisition Trust Fund. If the county
120 purchased the conservation land with funds other than those from
121 the Land Acquisition Trust Fund or a land acquisition trust fund
122 created to implement s. 28, Art. X of the State Constitution,
123 the proceeds shall be deposited into the fund from which the
124 land was purchased. If the county purchased the conservation
125 land with multiple revenue sources, the county shall deposit an

126 | amount based on the percentage of state funds used for the
 127 | original purchase.

128 | Section 2. Paragraph (c) of subsection (6) of section
 129 | 163.3177, Florida Statutes, is amended to read:

130 | 163.3177 Required and optional elements of comprehensive
 131 | plan; studies and surveys.—

132 | (6) In addition to the requirements of subsections (1)–
 133 | (5), the comprehensive plan shall include the following
 134 | elements:

135 | (c) A general sanitary sewer, solid waste, drainage,
 136 | potable water, and natural groundwater aquifer recharge element
 137 | correlated to principles and guidelines for future land use,
 138 | indicating ways to provide for future potable water, drainage,
 139 | sanitary sewer, solid waste, and aquifer recharge protection
 140 | requirements for the area. The element may be a detailed
 141 | engineering plan including a topographic map depicting areas of
 142 | prime groundwater recharge.

143 | 1. Each local government shall address in the data and
 144 | analyses required by this section those facilities that provide
 145 | service within the local government's jurisdiction. Local
 146 | governments that provide facilities to serve areas within other
 147 | local government jurisdictions shall also address those
 148 | facilities in the data and analyses required by this section,
 149 | using data from the comprehensive plan for those areas for the
 150 | purpose of projecting facility needs as required in this

151 subsection. For shared facilities, each local government shall
152 indicate the proportional capacity of the systems allocated to
153 serve its jurisdiction.

154 2. The element shall describe the problems and needs and
155 the general facilities that will be required for solution of the
156 problems and needs, including correcting existing facility
157 deficiencies. The element shall address coordinating the
158 extension of, or increase in the capacity of, facilities to meet
159 future needs while maximizing the use of existing facilities and
160 discouraging urban sprawl; conserving potable water resources;
161 and protecting the functions of natural groundwater recharge
162 areas and natural drainage features.

163 3. Within 18 months after the governing board approves an
164 updated regional water supply plan, the element must incorporate
165 the alternative water supply project or projects selected by the
166 local government from those identified in the regional water
167 supply plan pursuant to s. 373.709(2)(a) or proposed by the
168 local government under s. 373.709(8)(b). If a local government
169 is located within two water management districts, the local
170 government shall adopt its comprehensive plan amendment within
171 18 months after the later updated regional water supply plan.
172 The element must identify such alternative water supply projects
173 and traditional water supply projects and conservation and reuse
174 necessary to meet the water needs identified in s. 373.709(2)(a)
175 within the local government's jurisdiction and include a work

176 | plan, covering at least a 10-year planning period, for building
177 | public, private, and regional water supply facilities, including
178 | development of alternative water supplies, which are identified
179 | in the element as necessary to serve existing and new
180 | development. The work plan shall be updated, at a minimum, every
181 | 5 years within 18 months after the governing board of a water
182 | management district approves an updated regional water supply
183 | plan. A local government designated as a rural area of
184 | opportunity pursuant to s. 288.0656 which does not own, operate,
185 | or maintain its own water supply facilities, including, but not
186 | limited to, wells, treatment facilities, and distribution
187 | infrastructure, is not required to develop or maintain the work
188 | plan required under this subparagraph. Local governments, public
189 | and private utilities, regional water supply authorities,
190 | special districts, and water management districts are encouraged
191 | to cooperatively plan for the development of multijurisdictional
192 | water supply facilities that are sufficient to meet projected
193 | demands for established planning periods, including the
194 | development of alternative water sources to supplement
195 | traditional sources of groundwater and surface water supplies.

196 | 4. A local government that does not own, operate, or
197 | maintain its own water supply facilities, including, but not
198 | limited to, wells, treatment facilities, and distribution
199 | infrastructure, and is served by a public water utility with a
200 | permitted allocation of greater than 300 million gallons per day

201 is not required to amend its comprehensive plan in response to
202 an updated regional water supply plan or to maintain a work plan
203 if any such local government's usage of water constitutes less
204 than 1 percent of the public water utility's total permitted
205 allocation. However, any such local government is required to
206 cooperate with, and provide relevant data to, any local
207 government or utility provider that provides service within its
208 jurisdiction, and to keep its general sanitary sewer, solid
209 waste, potable water, and natural groundwater aquifer recharge
210 element updated in accordance with s. 163.3191.

211 Section 3. Section 166.0452, Florida Statutes, is created
212 to read:

213 166.0452 Disposition of municipal conservation land
214 purchased with state funds.-

215 (1) Proceeds from the sale of surplus conservation lands
216 purchased with Florida Forever funds before July 1, 2015, shall
217 be deposited into the Florida Forever Trust Fund. If the
218 municipality purchased the conservation land with multiple
219 revenue sources, the municipality shall deposit an amount based
220 on the percentage of Florida Forever funds used for the original
221 purchase.

222 (2) Proceeds from the sale of surplus conservation lands
223 purchased with state funds on or after July 1, 2015, shall be
224 deposited into the Land Acquisition Trust Fund. If the
225 municipality purchased the conservation land with funds other

226 than those from the Land Acquisition Trust Fund or a land
227 acquisition trust fund created to implement s. 28, Art. X of the
228 State Constitution, the proceeds shall be deposited into the
229 fund from which the land was purchased. If the municipality
230 purchased the conservation land with multiple revenue sources,
231 the municipality shall deposit an amount based on the percentage
232 of state funds used for the original purchase.

233 Section 4. Paragraph (a) of subsection (1) and subsection
234 (6) of section 215.618, Florida Statutes, are amended to read:

235 215.618 Bonds for acquisition and improvement of land,
236 water areas, and related property interests and resources.—

237 (1) (a) The issuance of Florida Forever bonds, not to
238 exceed \$5.3 billion, to finance or refinance the cost of
239 acquisition ~~and improvement~~ of land, water areas, and related
240 property interests and resources, in urban and rural settings,
241 for the purposes of restoration, conservation, recreation, water
242 resource development, or historical preservation, ~~and for~~
243 ~~capital improvements to lands and water areas that accomplish~~
244 ~~environmental restoration, enhance public access and~~
245 ~~recreational enjoyment, promote long-term management goals, and~~
246 ~~facilitate water resource development~~ is hereby authorized,
247 subject to s. 259.105 and pursuant to s. 11(e), Art. VII of the
248 State Constitution and, on or after July 1, 2015, to also
249 finance or refinance the acquisition ~~and improvement~~ of land,
250 water areas, and related property interests as provided in s.

251 28, Art. X of the State Constitution. The \$5.3 billion
252 limitation on the issuance of Florida Forever bonds does not
253 apply to refunding bonds. The duration of each series of Florida
254 Forever bonds issued may not exceed 20 annual maturities. Not
255 more than 58.25 percent of documentary stamp taxes collected may
256 be taken into account for the purpose of satisfying an
257 additional bonds test set forth in any authorizing resolution
258 for bonds issued on or after July 1, 2015.

259 (6) ~~There shall be~~ No sale, disposition, lease, easement,
260 license, or other use of any land, water areas, or related
261 property interests acquired ~~or improved~~ with proceeds of Florida
262 Forever bonds may be made if it ~~which~~ would cause all or any
263 portion of the interest of such bonds to lose the exclusion from
264 gross income for federal income tax purposes.

265 Section 5. Subsection (8) is added to section 253.0251,
266 Florida Statutes, to read:

267 253.0251 Alternatives to fee simple acquisition.—

268 (8) The Department of Environmental Protection may provide
269 assistance to local governments administering rural-lands-
270 protection easement programs. The department may provide
271 technical support to review applications for inclusion in the
272 local government's program, serve as acquisition agents for the
273 local government using the procedures in s. 570.715, facilitate
274 real estate closings, and monitor compliance with the
275 conservation easements. The department may not use any state

276 funds to assist in the purchase of such easements or pay any
277 acquisition costs. The local government must compensate the
278 department for its services. The agreement for assistance must
279 be documented in a memorandum of agreement between the
280 department and the local government. The title to such
281 conservation easements shall be held in the name of the local
282 government.

283 Section 6. Subsections (3) and (6) of section 259.03,
284 Florida Statutes, are amended to read:

285 259.03 Definitions.—The following terms and phrases when
286 used in this chapter shall have the meanings ascribed to them in
287 this section, except where the context clearly indicates a
288 different meaning:

289 ~~(3) "Capital improvement" or "capital project expenditure"~~
290 ~~means those activities relating to the acquisition, restoration,~~
291 ~~public access, and recreational uses of such lands, water areas,~~
292 ~~and related resources deemed necessary to accomplish the~~
293 ~~purposes of this chapter. Eligible activities include, but are~~
294 ~~not limited to: the initial removal of invasive plants; the~~
295 ~~construction, improvement, enlargement or extension of~~
296 ~~facilities' signs, firelanes, access roads, and trails; or any~~
297 ~~other activities that serve to restore, conserve, protect, or~~
298 ~~provide public access, recreational opportunities, or necessary~~
299 ~~services for land or water areas. Such activities shall be~~
300 ~~identified prior to the acquisition of a parcel or the approval~~

301 ~~of a project. The continued expenditures necessary for a capital~~
302 ~~improvement approved under this subsection shall not be eligible~~
303 ~~for funding provided in this chapter.~~

304 ~~(6) "Water resource development project" means a project~~
305 ~~eligible for funding pursuant to s. 259.105 that increases the~~
306 ~~amount of water available to meet the needs of natural systems~~
307 ~~and the citizens of the state by enhancing or restoring aquifer~~
308 ~~recharge, facilitating the capture and storage of excess flows~~
309 ~~in surface waters, or promoting reuse. The implementation of~~
310 ~~eligible projects under s. 259.105 includes land acquisition,~~
311 ~~land and water body restoration, aquifer storage and recovery~~
312 ~~facilities, surface water reservoirs, and other capital~~
313 ~~improvements. The term does not include construction of~~
314 ~~treatment, transmission, or distribution facilities.~~

315 Section 7. Paragraphs (b), (d), and (e) of subsection (9)
316 of section 259.032, Florida Statutes, are amended to read:

317 259.032 Conservation and recreation lands.—

318 (9)

319 ~~(b) An amount of not less than 1.5 percent of the~~
320 ~~cumulative total of funds ever deposited into the former Florida~~
321 ~~Preservation 2000 Trust Fund and the Florida Forever Trust Fund~~
322 ~~shall be made available for the purposes of management,~~
323 ~~maintenance, and capital improvements, and for associated~~
324 ~~contractual services, for conservation and recreation lands~~
325 ~~acquired with funds deposited into the Land Acquisition Trust~~

326 ~~Fund pursuant to s. 28(a), Art. X of the State Constitution or~~
327 ~~pursuant to former s. 259.032, Florida Statutes 2014, former s.~~
328 ~~259.101, Florida Statutes 2014, s. 259.105, s. 259.1052, or~~
329 ~~previous programs for the acquisition of lands for conservation~~
330 ~~and recreation, including state forests, to which title is~~
331 ~~vested in the board of trustees and other conservation and~~
332 ~~recreation lands managed by a state agency. Each agency with~~
333 ~~management responsibilities shall annually request from the~~
334 ~~Legislature funds sufficient to fulfill such responsibilities to~~
335 ~~implement individual management plans. For the purposes of this~~
336 ~~paragraph, capital improvements shall include, but need not be~~
337 ~~limited to, perimeter fencing, signs, firelanes, access roads~~
338 ~~and trails, and minimal public accommodations, such as primitive~~
339 ~~campsites, garbage receptacles, and toilets. Any equipment~~
340 ~~purchased with funds provided pursuant to this paragraph may be~~
341 ~~used for the purposes described in this paragraph on any~~
342 ~~conservation and recreation lands managed by a state agency. The~~
343 ~~funding requirement created in this paragraph is subject to an~~
344 ~~annual evaluation by the Legislature to ensure that such~~
345 ~~requirement does not impact the respective trust fund in a~~
346 ~~manner that would prevent the trust fund from meeting other~~
347 ~~minimum requirements.~~

348 ~~(d) Up to one fifth of the funds appropriated for the~~
349 ~~purposes identified in paragraph (b) shall be reserved by the~~
350 ~~board for interim management of acquisitions and for associated~~

351 ~~contractual services, to ensure the conservation and protection~~
352 ~~of natural resources on project sites and to allow limited~~
353 ~~public recreational use of lands. Interim management activities~~
354 ~~may include, but not be limited to, resource assessments,~~
355 ~~control of invasive, nonnative species, habitat restoration,~~
356 ~~fencing, law enforcement, controlled burning, and public access~~
357 ~~consistent with preliminary determinations made pursuant to~~
358 ~~paragraph (7) (f). The board shall make these interim funds~~
359 ~~available immediately upon purchase.~~

360 ~~(c) The department shall set long range and annual goals~~
361 ~~for the control and removal of nonnative, invasive plant species~~
362 ~~on public lands. Such goals shall differentiate between aquatic~~
363 ~~plant species and upland plant species. In setting such goals,~~
364 ~~the department may rank, in order of adverse impact, species~~
365 ~~that impede or destroy the functioning of natural systems.~~
366 ~~Notwithstanding paragraph (a), up to one-fourth of the funds~~
367 ~~provided for in paragraph (b) may be used by the agencies~~
368 ~~receiving those funds for control and removal of nonnative,~~
369 ~~invasive species on public lands.~~

370 Section 8. Section 259.105, Florida Statutes, is amended
371 to read:

372 259.105 The Florida Forever Act.—

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

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

376 1. Land acquisition programs have provided tremendous
377 financial resources for purchasing environmentally significant
378 lands to protect those lands from imminent development or
379 alteration, thereby ensuring present and future generations'
380 access to important waterways, open spaces, and recreation and
381 conservation lands.

382 2. The continued alteration and development of the state's
383 natural and rural areas to accommodate the state's growing
384 population have contributed to the degradation of water
385 resources, the fragmentation and destruction of wildlife
386 habitats, the loss of outdoor recreation space, and the
387 diminishment of wetlands, forests, working landscapes, and
388 coastal open space.

389 3. The potential development of the state's remaining
390 natural areas and escalation of land values require government
391 efforts to restore, bring under public protection, or acquire
392 lands and water areas to preserve the state's essential
393 ecological functions and invaluable quality of life.

394 4. It is essential to protect the state's ecosystems by
395 promoting a more efficient use of land, to ensure opportunities
396 for viable agricultural activities on working lands, and to
397 promote vital rural and urban communities that support and
398 produce development patterns consistent with natural resource
399 protection.

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

401 are under tremendous pressure due to population growth and
402 economic expansion and require special protection and
403 restoration efforts, including the protection of uplands and
404 springsheds that provide vital recharge to aquifer systems and
405 are critical to the protection of water quality and water
406 quantity of the aquifers and springs. To ensure that sufficient
407 quantities of water are available to meet the current and future
408 needs of the natural systems and citizens of the state, and
409 assist in achieving the planning goals of the department and the
410 water management districts, water resource development projects
411 on public lands, if compatible with the resource values of and
412 management objectives for the lands, are appropriate.

413 6. The needs of urban, suburban, and small communities in
414 the state for high-quality outdoor recreational opportunities,
415 greenways, trails, and open space have not been fully met by
416 previous acquisition programs. Through such programs as the
417 Florida Communities Trust and the Florida Recreation Development
418 Assistance Program, the state shall place additional emphasis on
419 acquiring, protecting, preserving, and restoring open space,
420 ecological greenways, and recreation properties within urban,
421 suburban, and rural areas where pristine natural communities or
422 water bodies no longer exist because of the proximity of
423 developed property.

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

426 state's burgeoning population growth and other economic
427 activities. To preserve these valuable ecosystems for future
428 generations, essential parcels of land must be acquired to
429 facilitate ecosystem restoration.

430 8. Access to public lands to support a broad range of
431 outdoor recreational opportunities and the development of
432 necessary infrastructure, if compatible with the resource values
433 of and management objectives for such lands, promotes an
434 appreciation for the state's natural assets and improves the
435 quality of life.

436 9. Acquisition of lands, in fee simple, less than fee
437 interest, or other techniques shall be based on a comprehensive
438 science-based assessment of the state's natural resources which
439 targets essential conservation lands by prioritizing all current
440 and future acquisitions based on a uniform set of data and
441 planned so as to protect the integrity and function of
442 ecological systems and working landscapes, and provide multiple
443 benefits, including preservation of fish and wildlife habitat,
444 connection of wildlife habitat with a wildlife crossing,
445 recreation space for urban and rural areas, and the restoration
446 of natural water storage, flow, and recharge.

447 10. The state has embraced performance-based program
448 budgeting as a tool to evaluate the achievements of publicly
449 funded agencies, build in accountability, and reward those
450 agencies which are able to consistently achieve quantifiable

451 goals. While previous and existing state environmental programs
452 have achieved varying degrees of success, few of these programs
453 can be evaluated as to the extent of their achievements,
454 primarily because performance measures, standards, outcomes, and
455 goals were not established at the outset. Therefore, the Florida
456 Forever program shall be developed and implemented in the
457 context of measurable state goals and objectives.

458 11. The state must play a major role in the recovery and
459 management of its imperiled species through the acquisition,
460 restoration, enhancement, and management of ecosystems that can
461 support the major life functions of such species. It is the
462 intent of the Legislature to support local, state, and federal
463 programs that result in net benefit to imperiled species habitat
464 by providing public and private land owners meaningful
465 incentives for acquiring, restoring, managing, and repopulating
466 habitats for imperiled species. It is the further intent of the
467 Legislature that public lands, both existing and to be acquired,
468 identified by the lead land managing agency, in consultation
469 with the Fish and Wildlife Conservation Commission for animals
470 or the Department of Agriculture and Consumer Services for
471 plants, as habitat or potentially restorable habitat for
472 imperiled species, be restored, enhanced, managed, and
473 repopulated as habitat for such species to advance the goals and
474 objectives of imperiled species management for conservation,
475 recreation, or both, consistent with the land management plan

476 without restricting other uses identified in the management
477 plan. It is also the intent of the Legislature that of the
478 proceeds distributed pursuant to subsection (3), additional
479 consideration be given to acquisitions that achieve a
480 combination of conservation goals, including the restoration,
481 enhancement, management, or repopulation of habitat for
482 imperiled species. The council, ~~in addition to the criteria in~~
483 ~~subsection (9),~~ shall give weight to projects that include
484 acquisition, restoration, management, or repopulation of habitat
485 for imperiled species. The term "imperiled species" as used in
486 this chapter and chapter 253, means plants and animals that are
487 federally listed under the Endangered Species Act, or state-
488 listed by the Fish and Wildlife Conservation Commission or the
489 Department of Agriculture and Consumer Services. As part of the
490 state's role, all state lands that have imperiled species
491 habitat shall include as a consideration in management plan
492 development the restoration, enhancement, management, and
493 repopulation of such habitats. In addition, the lead land
494 managing agency of such state lands may use fees received from
495 public or private entities for projects to offset adverse
496 impacts to imperiled species or their habitat in order to
497 restore, enhance, manage, repopulate, or acquire land and to
498 implement land management plans developed under s. 253.034 or a
499 land management prospectus developed and implemented under this
500 chapter. Such fees shall be deposited into a foundation or fund

501 created by each land management agency under s. 379.223, s.
502 589.012, or s. 259.032(9)(b) ~~s. 259.032(9)(e)~~, to be used solely
503 to restore, manage, enhance, repopulate, or acquire imperiled
504 species habitat.

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

509 (b) The Legislature recognizes that acquisition of lands
510 in fee simple is only one way to achieve the aforementioned
511 goals and encourages the use of less-than-fee interests, other
512 techniques, and the development of creative partnerships between
513 governmental agencies and private landowners. Such partnerships
514 may include those that advance the restoration, enhancement,
515 management, or repopulation of imperiled species habitat on
516 state lands as provided for in subparagraph (a)11. Easements
517 acquired pursuant to s. 570.71(2)(a) and (b), land protection
518 agreements, and nonstate funded tools such as rural land
519 stewardship areas, sector planning, and mitigation should be
520 used, where appropriate, to bring environmentally sensitive
521 tracts under an acceptable level of protection at a lower
522 financial cost to the public, and to provide private landowners
523 with the opportunity to enjoy and benefit from their property.

524 (c) Public agencies or other entities that receive funds
525 under this section shall coordinate their expenditures so that

526 project acquisitions, when combined with acquisitions under
527 Florida Forever, Preservation 2000, Save Our Rivers, the Florida
528 Communities Trust, other public land acquisition programs, and
529 the techniques, partnerships, and tools referenced in
530 subparagraph (a)11. and paragraph (b), are used to form more
531 complete patterns of protection for natural areas, ecological
532 greenways, and functioning ecosystems, to better accomplish the
533 intent of this section.

534 (d) A long-term financial commitment to restoring,
535 enhancing, and managing the state's ~~Florida's~~ public lands in
536 order to implement land management plans developed under s.
537 253.034 or a land management prospectus developed and
538 implemented under this chapter must accompany any land
539 acquisition program to ensure that the natural resource values
540 of such lands are restored, enhanced, managed, and protected;
541 that the public enjoys the lands to their fullest potential; and
542 that the state achieves the full benefits of its investment of
543 public dollars. Innovative strategies such as public-private
544 partnerships and interagency planning and sharing of resources
545 shall be used to achieve the state's management goals.

546 (e) With limited dollars available for ~~restoration,~~
547 ~~enhancement, management, and~~ acquisition of land and water areas
548 ~~and for providing long-term management and capital improvements,~~
549 a competitive selection process shall select those projects best
550 able to meet the goals of the Florida Forever program and

551 maximize the efficient use of the program's funding.

552 (f) To ensure success and provide accountability to the
553 citizens of this state, it is the intent of the Legislature that
554 any cash or bond proceeds used pursuant to this section be used
555 to implement the goals and objectives recommended by a
556 comprehensive science-based assessment and approved by the board
557 ~~of Trustees of the Internal Improvement Trust Fund~~ and the
558 Legislature.

559 (g) As it has with previous land acquisition programs, the
560 Legislature recognizes the desires of the residents of this
561 state to prosper through economic development and to preserve,
562 restore, and manage the state's natural areas and recreational
563 open space. The Legislature further recognizes the urgency of
564 restoring the natural functions, including wildlife and
565 imperiled species habitat functions, of public lands or water
566 bodies before they are degraded to a point where recovery may
567 never occur, yet acknowledges the difficulty of ensuring
568 adequate funding for restoration, enhancement, and management
569 efforts in light of other equally critical financial needs of
570 the state. It is the Legislature's desire and intent to fund the
571 implementation of this section and to do so in a fiscally
572 responsible manner, by issuing bonds to be repaid with
573 documentary stamp tax or other revenue sources, including those
574 identified in subparagraph (a)11.

575 (h) The Legislature further recognizes the important role

576 that many of our state and federal military installations
577 contribute to protecting and preserving the state's ~~Florida's~~
578 natural resources as well as our economic prosperity. Where the
579 state's land conservation plans overlap with the military's need
580 to protect lands, waters, and habitat to ensure the
581 sustainability of military missions, it is the Legislature's
582 intent that agencies receiving funds under this program
583 cooperate with our military partners to protect and buffer
584 military installations and military airspace, by:

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

589 2. Protecting areas underlying low-level military air
590 corridors or operating areas;

591 3. Protecting areas identified as clear zones, accident
592 potential zones, and air installation compatible use buffer
593 zones delineated by our military partners; and

594 4. Providing the military with technical assistance to
595 restore, enhance, and manage military land as habitat for
596 imperiled species or species designated as threatened or
597 endangered, or a candidate for such designation, and for the
598 recovery or reestablishment of such species.

599 (3) Less the costs of issuing and the costs of funding
600 reserve accounts and other costs associated with bonds, the

601 proceeds of cash payments or bonds issued pursuant to this
602 section shall be deposited into the Florida Forever Trust Fund
603 created by s. 259.1051. The proceeds shall be distributed by the
604 department ~~of Environmental Protection~~ in the following manner:

605 ~~(a) Thirty percent to the Department of Environmental~~
606 ~~Protection for the acquisition of lands and capital project~~
607 ~~expenditures necessary to implement the water management~~
608 ~~districts' priority lists developed pursuant to s. 373.199. The~~
609 ~~funds are to be distributed to the water management districts as~~
610 ~~provided in subsection (11). A minimum of 50 percent of the~~
611 ~~total funds provided over the life of the Florida Forever~~
612 ~~program pursuant to this paragraph shall be used for the~~
613 ~~acquisition of lands.~~

614 ~~(a)(b)~~ Thirty-three and one-third ~~Thirty-five~~ percent to
615 the department ~~of Environmental Protection~~ for the acquisition
616 of lands ~~and capital project expenditures~~ described in this
617 section and the purchase of inholdings for lands managed by the
618 department, the Fish and Wildlife Conservation Commission, and
619 the Florida Forest Service within the Department of Agriculture
620 and Consumer Services, and to provide grants pursuant to s.
621 375.075. Of the proceeds distributed pursuant to this paragraph,
622 it is the intent of the Legislature that an increased priority
623 be given to those acquisitions that ~~which~~ achieve a combination
624 of conservation goals, including protecting the state's
625 ~~Florida's~~ water resources and natural groundwater recharge. ~~At a~~

626 ~~minimum, 3 percent, and no more than 10 percent, of the funds~~
627 ~~allocated pursuant to this paragraph shall be spent on capital~~
628 ~~project expenditures identified during the time of acquisition~~
629 ~~which meet land management planning activities necessary for~~
630 ~~public access.~~ Beginning in the 2017-2018 fiscal year and
631 continuing through the 2026-2027 fiscal year, at least \$5
632 million of the funds allocated pursuant to this paragraph shall
633 be spent on land acquisition within the Florida Keys Area of
634 Critical State Concern as authorized pursuant to s. 259.045.

635 (b)(e) Thirty-three and one-third ~~Twenty-one~~ percent to
636 the department ~~of Environmental Protection~~ for use by the
637 Florida Communities Trust for the purposes of part III of
638 chapter 380, including the Stan Mayfield Working Waterfronts
639 program pursuant to s. 380.5105, as described and limited by
640 this subsection, and grants to local governments or nonprofit
641 environmental organizations that are tax-exempt under s.
642 501(c)(3) of the United States Internal Revenue Code for the
643 acquisition of community-based projects, urban open spaces,
644 parks, and greenways to implement local government comprehensive
645 plans. From funds available to the trust and used for land
646 acquisition, 75 percent shall be matched by local governments on
647 a dollar-for-dollar basis. ~~The Legislature intends that the~~
648 ~~Florida Communities Trust emphasize funding projects in low-~~
649 ~~income or otherwise disadvantaged communities and projects that~~
650 ~~provide areas for direct water access and water-dependent~~

651 ~~facilities that are open to the public and offer public access~~
652 ~~by vessels to waters of the state, including boat ramps and~~
653 ~~associated parking and other support facilities. At least 30~~
654 ~~percent of the total allocation provided to the trust shall be~~
655 ~~used in Standard Metropolitan Statistical Areas, but one half of~~
656 ~~that amount shall be used in localities in which the project~~
657 ~~site is located in built-up commercial, industrial, or mixed-use~~
658 ~~areas and functions to intersperse open spaces within congested~~
659 ~~urban core areas. From funds allocated to the trust, no less~~
660 ~~than 5 percent shall be used to acquire lands for recreational~~
661 ~~trail systems, provided that in the event these funds are not~~
662 ~~needed for such projects, they will be available for other trust~~
663 ~~projects.~~ Local governments may use federal grants or loans,
664 private donations, or environmental mitigation funds for any
665 part or all of any local match required for acquisitions funded
666 through the Florida Communities Trust. Any lands purchased by
667 nonprofit organizations using funds allocated under this
668 paragraph must provide for such lands to remain permanently in
669 public use through a reversion of title to local or state
670 government, conservation easement, or other appropriate
671 mechanism. Projects funded with funds allocated to the trust
672 shall be selected in a competitive process measured against
673 criteria adopted in rule by the trust.

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

676 ~~(e) One and five-tenths percent to the Department of~~
677 ~~Environmental Protection for the purchase of inholdings and~~
678 ~~additions to state parks and for capital project expenditures as~~
679 ~~described in this section. At a minimum, 1 percent, and no more~~
680 ~~than 10 percent, of the funds allocated pursuant to this~~
681 ~~paragraph shall be spent on capital project expenditures~~
682 ~~identified during the time of acquisition which meet land~~
683 ~~management planning activities necessary for public access. For~~
684 ~~the purposes of this paragraph, "state park" means any real~~
685 ~~property in the state which is under the jurisdiction of the~~
686 ~~Division of Recreation and Parks of the department, or which may~~
687 ~~come under its jurisdiction.~~

688 ~~(f) One and five-tenths percent to the Florida Forest~~
689 ~~Service of the Department of Agriculture and Consumer Services~~
690 ~~to fund the acquisition of state forest inholdings and additions~~
691 ~~pursuant to s. 589.07, the implementation of reforestation plans~~
692 ~~or sustainable forestry management practices, and for capital~~
693 ~~project expenditures as described in this section. At a minimum,~~
694 ~~1 percent, and no more than 10 percent, of the funds allocated~~
695 ~~for the acquisition of inholdings and additions pursuant to this~~
696 ~~paragraph shall be spent on capital project expenditures~~
697 ~~identified during the time of acquisition which meet land~~
698 ~~management planning activities necessary for public access.~~

699 ~~(g) One and five-tenths percent to the Fish and Wildlife~~
700 ~~Conservation Commission to fund the acquisition of inholdings~~

701 ~~and additions to lands managed by the commission which are~~
702 ~~important to the conservation of fish and wildlife and for~~
703 ~~capital project expenditures as described in this section. At a~~
704 ~~minimum, 1 percent, and no more than 10 percent, of the funds~~
705 ~~allocated pursuant to this paragraph shall be spent on capital~~
706 ~~project expenditures identified during the time of acquisition~~
707 ~~which meet land management planning activities necessary for~~
708 ~~public access.~~

709 ~~(h) One and five-tenths percent to the Department of~~
710 ~~Environmental Protection for the Florida Greenways and Trails~~
711 ~~Program, to acquire greenways and trails or greenways and trail~~
712 ~~systems pursuant to chapter 260, including, but not limited to,~~
713 ~~abandoned railroad rights-of-way and the Florida National Scenic~~
714 ~~Trail and for capital project expenditures as described in this~~
715 ~~section. At a minimum, 1 percent, and no more than 10 percent,~~
716 ~~of the funds allocated pursuant to this paragraph shall be spent~~
717 ~~on capital project expenditures identified during the time of~~
718 ~~acquisition which meet land management planning activities~~
719 ~~necessary for public access.~~

720 ~~(c)(i)~~ Thirty-three and one-third ~~Three and five-tenths~~
721 ~~percent to the Department of Agriculture and Consumer Services~~
722 ~~for the acquisition of agricultural lands, through perpetual~~
723 ~~conservation easements and other perpetual less than fee~~
724 ~~techniques, which will achieve the objectives of the Florida~~
725 ~~Forever program and s. 570.71. Rules concerning the application,~~

726 acquisition, and priority ranking process for such easements
727 shall be developed pursuant to s. 570.71(10) and as provided by
728 this paragraph. Increased priority shall be given to the
729 acquisition of rural-lands-protection easements for which local
730 governments are willing to provide cost-share funding for the
731 acquisition. The board shall ensure that such rules are
732 consistent with the acquisition process provided for in s.
733 570.715. The rules developed pursuant to s. 570.71(10), shall
734 also provide for the following:

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

738 2. Terms of easements and acquisitions proposed pursuant
739 to this paragraph shall be approved by the board and may not be
740 delegated by the board to any other entity receiving funds under
741 this section.

742 3. All acquisitions pursuant to this paragraph shall
743 contain a clear statement that they are subject to legislative
744 appropriation.

745
746 ~~Funds provided under this paragraph may not be expended until~~
747 ~~final adoption of rules by the board pursuant to s. 570.71.~~

748 ~~(j) Two and five tenths percent to the Department of~~
749 ~~Environmental Protection for the acquisition of land and capital~~
750 ~~project expenditures necessary to implement the Stan Mayfield~~

751 ~~Working Waterfronts Program within the Florida Communities Trust~~
752 ~~pursuant to s. 380.5105.~~

753 (d)~~(k)~~ It is the intent of the Legislature that cash
754 payments or proceeds of Florida Forever bonds distributed under
755 this section shall be expended in an efficient and fiscally
756 responsible manner. An agency that receives proceeds from
757 Florida Forever bonds under this section may not maintain a
758 balance of unencumbered funds in its Florida Forever subaccount
759 beyond 3 fiscal years from the date of deposit of funds from
760 each bond issue. Any funds that have not been expended or
761 encumbered after 3 fiscal years from the date of deposit shall
762 be distributed by the Legislature at its next regular session
763 for use in the Florida Forever program.

764 ~~(l) For the purposes of paragraphs (e), (f), (g), and (h),~~
765 ~~the agencies that receive the funds shall develop their~~
766 ~~individual acquisition or restoration lists in accordance with~~
767 ~~specific criteria and numeric performance measures developed~~
768 ~~pursuant to s. 259.035(4). Proposed additions may be acquired if~~
769 ~~they are identified within the original project boundary, the~~
770 ~~management plan required pursuant to s. 253.034(5), or the~~
771 ~~management prospectus required pursuant to s. 259.032(7)(c).~~
772 ~~Proposed additions not meeting the requirements of this~~
773 ~~paragraph shall be submitted to the council for approval. The~~
774 ~~council may only approve the proposed addition if it meets two~~
775 ~~or more of the following criteria: serves as a link or corridor~~

776 ~~to other publicly owned property; enhances the protection or~~
777 ~~management of the property; would add a desirable resource to~~
778 ~~the property; would create a more manageable boundary~~
779 ~~configuration; has a high resource value that otherwise would be~~
780 ~~unprotected; or can be acquired at less than fair market value.~~

781 ~~(m) Notwithstanding paragraphs (a) – (j) and for the 2016–~~
782 ~~2017 fiscal year only:~~

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

787 ~~2. Thirty-five million dollars to the Department of~~
788 ~~Agriculture and Consumer Services for the acquisition of~~
789 ~~agricultural lands through perpetual conservation easements and~~
790 ~~other perpetual less than fee techniques, which will achieve the~~
791 ~~objectives of Florida Forever and s. 570.71.~~

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

797 ~~b. The Department of Environmental Protection may waive~~
798 ~~the local government matching fund requirement of paragraph (c)~~
799 ~~for projects acquiring conservation or recreation lands to~~
800 ~~enhance recreational opportunities for individuals with unique~~

801 | ~~abilities.~~

802 | ~~e. Notwithstanding sub-subparagraphs a. and b., any funds~~
 803 | ~~required to be used to acquire conservation or recreation lands~~
 804 | ~~to enhance recreational opportunities for individuals with~~
 805 | ~~unique abilities which have not been awarded for those purposes~~
 806 | ~~by May 1, 2017, may be awarded to redevelop or renew outdoor~~
 807 | ~~recreational facilities on public lands, including recreational~~
 808 | ~~trails, parks, and urban open spaces, together with improvements~~
 809 | ~~required to enhance recreational enjoyment and public access to~~
 810 | ~~public lands, if such redevelopment and renewal is primarily~~
 811 | ~~geared toward enhancing recreational opportunities for~~
 812 | ~~individuals with unique abilities. The department may waive the~~
 813 | ~~local matching requirement of paragraph (c) for such~~
 814 | ~~redevelopment and renewal projects.~~

815 |
 816 | ~~This paragraph expires July 1, 2017.~~

817 | (4) It is the intent of the Legislature that projects or
 818 | acquisitions funded pursuant to paragraph (3) (a) ~~paragraphs~~
 819 | ~~(3) (a) and (b)~~ contribute to the achievement of the following
 820 | goals, which shall be evaluated in accordance with specific
 821 | criteria and numeric performance measures developed pursuant to
 822 | s. 259.035(4):

823 | (a) Enhance the coordination and completion of the state's
 824 | land acquisition projects, as measured by:

825 | 1. The number of acres acquired through the state's land

826 acquisition programs that contribute to the enhancement of
827 essential natural resources, ecosystem service parcels, and
828 connecting linkage corridors as identified and developed by the
829 best available scientific analysis;

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

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

835 (b) Increase the protection of the state's ~~Florida's~~
836 biodiversity at the species, natural community, and landscape
837 levels, as measured by:

838 1. The number of acres acquired of significant strategic
839 habitat conservation areas;

840 2. The number of acres acquired of highest priority
841 conservation areas for the state's ~~Florida's~~ rarest species;

842 3. The number of acres acquired of significant landscapes,
843 landscape linkages, wildlife crossings, and conservation
844 corridors, giving priority to completing linkages;

845 4. The number of acres acquired of underrepresented native
846 ecosystems;

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

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

853 (c) Protect, restore, and maintain the quality and natural
854 functions of the state's land, water, and wetland systems of the
855 state, as measured by:

856 1. The number of acres of publicly owned land identified
857 as needing restoration, enhancement, and management, acres
858 undergoing restoration or enhancement, acres with restoration
859 activities completed, and acres managed to maintain such
860 restored or enhanced conditions; the number of acres which
861 represent actual or potential imperiled species habitat; the
862 number of acres which are available pursuant to a management
863 plan to restore, enhance, repopulate, and manage imperiled
864 species habitat; and the number of acres of imperiled species
865 habitat managed, restored, enhanced, repopulated, or acquired;

866 2. The percentage of water segments that fully meet,
867 partially meet, or do not meet their designated uses as reported
868 in the department's ~~Department of Environmental Protection's~~
869 State Water Quality Assessment 305(b) Report;

870 ~~3. The percentage completion of targeted capital~~
871 ~~improvements in surface water improvement and management plans~~
872 ~~created under s. 373.453(2), regional or master stormwater~~
873 ~~management system plans, or other adopted restoration plans;~~

874 3.4. The number of acres acquired that protect natural
875 floodplain functions;

876 ~~4.5.~~ The number of acres acquired that protect surface
877 waters ~~of the state~~;

878 ~~5.6.~~ The number of acres identified for acquisition to
879 minimize damage from flooding and the percentage of those acres
880 acquired;

881 ~~6.7.~~ The number of acres acquired that protect fragile
882 coastal resources;

883 ~~7.8.~~ The number of acres of functional wetland systems
884 protected;

885 ~~8.9.~~ The percentage of miles of critically eroding beaches
886 contiguous with public lands that are restored or protected from
887 further erosion;

888 ~~9.10.~~ The percentage of public lakes and rivers in which
889 invasive, nonnative aquatic plants are under maintenance
890 control; or

891 ~~10.11.~~ The number of acres of public conservation lands in
892 which upland invasive, exotic plants are under maintenance
893 control.

894 (d) Ensure that sufficient quantities of water are
895 available to meet the current and future needs of the state's
896 natural systems and ~~the citizens of the state~~, as measured by:

897 1. The number of acres acquired which provide retention
898 and storage of surface water in naturally occurring storage
899 areas, such as lakes and wetlands, consistent with the
900 maintenance of water resources or water supplies and consistent

901 with district water supply plans; or
 902 ~~2. The quantity of water made available through the water~~
 903 ~~resource development component of a district water supply plan~~
 904 ~~for which a water management district is responsible; or~~

905 ~~2.3.~~ The number of acres acquired of groundwater recharge
 906 areas critical to springs, sinks, aquifers, other natural
 907 systems, or water supply.

908 (e) Increase the state's natural resource-based public
 909 recreational and educational opportunities, as measured by:

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

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

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

918 (f) Preserve the state's significant archaeological or
 919 historic sites, as measured by:

920 1. The increase in the number of and percentage of
 921 historic and archaeological properties listed in the Florida
 922 Master Site File or National Register of Historic Places which
 923 are protected or preserved for public use; or

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

926 (g) Increase the amount of forestland available for
 927 sustainable management of the state's natural resources, as
 928 measured by:

929 1. The number of acres acquired that are available for
 930 sustainable forest management;

931 2. The number of acres of state-owned forestland managed
 932 for economic return in accordance with current best management
 933 practices;

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

936 4. The percentage and number of acres identified for
 937 restoration actually restored by reforestation.

938 (h) Increase the amount of open space available in the
 939 state's urban areas, as measured by:

940 1. The percentage of local governments that participate in
 941 land acquisition programs and acquire open space in urban cores;
 942 or

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

945
 946 Florida Forever projects and acquisitions funded pursuant to
 947 paragraph (3) (b) ~~(3) (e)~~ shall be measured by goals developed by
 948 rule by the Florida Communities Trust Governing Board created in
 949 s. 380.504.

950 (5) (a) All lands acquired pursuant to this section shall

951 be managed for multiple-use purposes, if where compatible with
952 the resource values of and management objectives for such lands.
953 As used in this section, "multiple-use" includes, but is not
954 limited to, outdoor recreational activities as described in ss.
955 253.034 and 259.032(7) (b), ~~water resource development projects,~~
956 sustainable forestry management, carbon sequestration, carbon
957 mitigation, or carbon offsets.

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

961 (c) For purposes of this section, the board ~~of Trustees of~~
962 ~~the Internal Improvement Trust Fund~~ shall adopt rules that
963 pertain to the use of state lands for carbon sequestration,
964 carbon mitigation, or carbon offsets and that provide for
965 climate-change-related benefits.

966 ~~(6) As provided in this section, a water resource or water~~
967 ~~supply development project may be allowed only if the following~~
968 ~~conditions are met: minimum flows and levels have been~~
969 ~~established for those waters, if any, which may reasonably be~~
970 ~~expected to experience significant harm to water resources as a~~
971 ~~result of the project; the project complies with all applicable~~
972 ~~permitting requirements; and the project is consistent with the~~
973 ~~regional water supply plan, if any, of the water management~~
974 ~~district and with relevant recovery or prevention strategies if~~
975 ~~required pursuant to s. 373.0421(2).~~

976 (6)~~(7)~~(a) Beginning no later than July 1, 2001, and every
977 year thereafter, the ~~Acquisition and Restoration~~ council shall
978 accept applications from state agencies, local governments,
979 nonprofit and for-profit organizations, private land trusts, and
980 individuals for project proposals eligible for funding pursuant
981 to paragraph (3) (a) ~~(3) (b)~~. The council shall evaluate the
982 proposals received pursuant to this subsection to ensure that
983 they meet at least one of the criteria under subsection (8) ~~(9)~~.

984 (b) Project applications shall contain, at a minimum, the
985 following:

986 1. A minimum of two numeric performance measures that
987 directly relate to the overall goals adopted by the council.
988 Each performance measure shall include a baseline measurement,
989 which is the current situation; a performance standard which the
990 project sponsor anticipates the project will achieve; and the
991 performance measurement itself, which should reflect the
992 incremental improvements the project accomplishes towards
993 achieving the performance standard.

994 2. Proof that property owners within any proposed
995 acquisition have been notified of their inclusion in the
996 proposed project. Any property owner may request the removal of
997 such property from further consideration by submitting a request
998 to the project sponsor or the Acquisition and Restoration
999 Council by certified mail. Upon receiving this request, the
1000 council shall delete the property from the proposed project;

1001 however, the board ~~of trustees~~, at the time it votes to approve
1002 the proposed project lists pursuant to subsection (14) ~~(16)~~, may
1003 add the property back on to the project lists if it determines
1004 by a super majority of its members that such property is
1005 critical to achieve the purposes of the project.

1006 (c) The title to lands acquired under this section shall
1007 vest in the board ~~of Trustees of the Internal Improvement Trust~~
1008 ~~Fund~~, except that title to lands acquired by a water management
1009 district shall vest in the name of that district and lands
1010 acquired by a local government shall vest in the name of the
1011 purchasing local government.

1012 (7) ~~(8)~~ The ~~Acquisition and Restoration~~ council shall
1013 develop a project list that shall represent those projects
1014 submitted pursuant to subsection (6) ~~(7)~~.

1015 (8) ~~(9)~~ The ~~Acquisition and Restoration~~ council shall
1016 recommend rules for adoption by the board of trustees to
1017 competitively evaluate, select, and rank projects eligible for
1018 Florida Forever funds pursuant to paragraph (3) (a) ~~(3) (b)~~. In
1019 developing these proposed rules, the ~~Acquisition and Restoration~~
1020 council shall give weight to the following criteria:

1021 (a) The project meets multiple goals described in
1022 subsection (4).

1023 (b) The project is part of an ongoing governmental effort
1024 to restore, protect, or develop land areas or water resources.

1025 (c) The project enhances or facilitates management of

1026 | properties already under public ownership.

1027 | (d) The project has significant archaeological or historic
1028 | value.

1029 | (e) The project has funding sources that are identified
1030 | and assured through at least the first 2 years of the project.

1031 | (f) The project contributes to the solution of water
1032 | resource problems on a regional basis.

1033 | (g) The project has a significant portion of its land area
1034 | in imminent danger of development, in imminent danger of losing
1035 | its significant natural attributes or recreational open space,
1036 | or in imminent danger of subdivision which would result in
1037 | multiple ownership and make acquisition of the project costly or
1038 | less likely to be accomplished.

1039 | (h) The project implements an element from a plan
1040 | developed by an ecosystem management team.

1041 | (i) The project is one of the components of the Everglades
1042 | restoration effort.

1043 | (j) The project may be purchased at 80 percent of
1044 | appraised value.

1045 | (k) The project may be acquired, in whole or in part,
1046 | using alternatives to fee simple, including but not limited to,
1047 | tax incentives, mitigation funds, or other revenues; the
1048 | purchase of development rights, hunting rights, agricultural or
1049 | silvicultural rights, or mineral rights; or obtaining
1050 | conservation easements or flowage easements.

1051 (1) The project is a joint acquisition, either among
 1052 public agencies, nonprofit organizations, or private entities,
 1053 or by a public-private partnership.

1054 (9)~~(10)~~ The council shall give increased priority to:

1055 (a) Projects for which matching funds are available.

1056 (b) Project elements previously identified on an
 1057 acquisition list pursuant to this section that can be acquired
 1058 at 80 percent or less of appraised value.

1059 (c) Projects that can be acquired in less than fee
 1060 ownership, such as a permanent conservation easement.

1061 (d) Projects that contribute to improving the quality and
 1062 quantity of surface water and groundwater.

1063 (e) Projects that contribute to improving the water
 1064 quality and flow of springs.

1065 (f) Projects for which the state's land conservation plans
 1066 overlap with the military's need to protect lands, water, and
 1067 habitat to ensure the sustainability of military missions
 1068 including:

1069 1. Protecting habitat on nonmilitary land for any species
 1070 found on military land that is designated as threatened or
 1071 endangered, or is a candidate for such designation under the
 1072 Endangered Species Act or any Florida statute;

1073 2. Protecting areas underlying low-level military air
 1074 corridors or operating areas; and

1075 3. Protecting areas identified as clear zones, accident

1076 potential zones, and air installation compatible use buffer
 1077 zones delineated by our military partners, and for which federal
 1078 or other funding is available to assist with the project.

1079 ~~(11) For the purposes of funding projects pursuant to~~
 1080 ~~paragraph (3) (a), the Secretary of Environmental Protection~~
 1081 ~~shall ensure that each water management district receives the~~
 1082 ~~following percentage of funds annually:~~

1083 ~~(a) Thirty five percent to the South Florida Water~~
 1084 ~~Management District, of which amount \$25 million for 2 years~~
 1085 ~~beginning in fiscal year 2000-2001 shall be transferred by the~~
 1086 ~~Department of Environmental Protection into the Save Our~~
 1087 ~~Everglades Trust Fund and shall be used exclusively to implement~~
 1088 ~~the comprehensive plan under s. 373.470.~~

1089 ~~(b) Twenty five percent to the Southwest Florida Water~~
 1090 ~~Management District.~~

1091 ~~(c) Twenty five percent to the St. Johns River Water~~
 1092 ~~Management District.~~

1093 ~~(d) Seven and one half percent to the Suwannee River Water~~
 1094 ~~Management District.~~

1095 ~~(e) Seven and one half percent to the Northwest Florida~~
 1096 ~~Water Management District.~~

1097 (10)(12) Water management districts may not use funds
 1098 received from the Florida Forever Trust Fund ~~It is the intent of~~
 1099 ~~the Legislature that in developing the list of projects for~~
 1100 ~~funding pursuant to paragraph (3) (a), that these funds not be~~

1101 ~~used~~ to abrogate the financial responsibility of those point and
1102 nonpoint sources that have contributed to the degradation of
1103 water or land areas. ~~Therefore, an increased priority shall be~~
1104 ~~given by~~ The water management district governing boards shall
1105 give increased priority to those projects that have secured a
1106 cost-sharing agreement allocating responsibility for the cleanup
1107 of point and nonpoint sources.

1108 (11) ~~(13)~~ An affirmative vote of at least five members of
1109 the council shall be required in order to place a project
1110 submitted pursuant to subsection (6) ~~(7)~~ on the proposed project
1111 list developed pursuant to subsection (7) ~~(8)~~. Any member of the
1112 council who by family or a business relationship has a
1113 connection with any project proposed to be ranked shall declare
1114 such interest before voting for a project's inclusion on the
1115 list.

1116 (12) ~~(14)~~ Each year that cash disbursements or bonds are to
1117 be issued pursuant to this section, the ~~Acquisition and~~
1118 ~~Restoration~~ council shall review the most current approved
1119 project list and shall, by the first board meeting in May,
1120 present to the board ~~of Trustees of the Internal Improvement~~
1121 ~~Trust Fund~~ for approval a listing of projects developed pursuant
1122 to subsection (7) ~~(8)~~. The board ~~of trustees~~ may remove projects
1123 from the list developed pursuant to this subsection, but may not
1124 add projects or rearrange project rankings.

1125 (13) ~~(15)~~ The council shall submit to the board, with its

1126 | list of projects, a report that includes, but need not be
 1127 | limited to, the following information for each project listed:
 1128 | (a) The stated purpose for inclusion.
 1129 | (b) Projected costs to achieve the project goals.
 1130 | (c) An interim management budget that includes all costs
 1131 | associated with immediate public access.
 1132 | (d) Specific performance measures.
 1133 | (e) Plans for public access.
 1134 | (f) An identification of the essential parcel or parcels
 1135 | within the project without which the project cannot be properly
 1136 | managed.
 1137 | (g) Where applicable, an identification of those projects
 1138 | or parcels within projects which should be acquired in fee
 1139 | simple or in less than fee simple.
 1140 | (h) An identification of those lands being purchased for
 1141 | conservation purposes.
 1142 | (i) A management policy statement for the project and a
 1143 | management prospectus pursuant to s. 259.032(7)(c).
 1144 | (j) An estimate of land value based on county tax assessed
 1145 | values.
 1146 | (k) A map delineating project boundaries.
 1147 | (l) An assessment of the project's ecological value,
 1148 | outdoor recreational value, forest resources, wildlife
 1149 | resources, ownership pattern, utilization, and location.
 1150 | (m) A discussion of whether alternative uses are proposed

1151 for the property and what those uses are.

1152 (n) A designation of the management agency or agencies.

1153 (14)~~(16)~~ All proposals for projects pursuant to paragraph

1154 (3) (a) ~~(3) (b)~~ shall be implemented only if adopted by the

1155 ~~Acquisition and Restoration~~ council and approved by the board of

1156 ~~trustees~~. The council shall consider and evaluate in writing the

1157 merits and demerits of each project that is proposed for Florida

1158 Forever funding. The council shall ensure that each proposed

1159 project will meet a stated public purpose for the restoration,

1160 conservation, or preservation of environmentally sensitive lands

1161 and water areas or for providing outdoor recreational

1162 opportunities. The council also shall determine whether the

1163 project or addition conforms, where applicable, with the

1164 comprehensive plan developed pursuant to s. 259.04(1) (a), the

1165 comprehensive multipurpose outdoor recreation plan developed

1166 pursuant to s. 375.021, the state lands management plan adopted

1167 pursuant to s. 253.03(7), the water resources work plans

1168 developed pursuant to s. 373.199, and the provisions of this

1169 section. Grants provided pursuant to s. 375.075 which are funded

1170 under paragraph (3) (b) are not subject to review or approval by

1171 the council.

1172 (15)~~(17)~~ On an annual basis, the Division of State Lands

1173 shall prepare an annual work plan that prioritizes projects on

1174 the Florida Forever list and sets forth the funding available in

1175 the fiscal year for land acquisition. The work plan shall

1176 consider the following categories of expenditure for land
1177 conservation projects already selected for the Florida Forever
1178 list pursuant to subsection (7) ~~(8)~~:

1179 (a) A critical natural lands category, including
1180 functional landscape-scale natural systems, intact large
1181 hydrological systems, lands that have significant imperiled
1182 natural communities, and corridors linking large landscapes, as
1183 identified and developed by the best available scientific
1184 analysis.

1185 (b) A partnerships or regional incentive category,
1186 including:

1187 1. Projects where local and regional cost-share agreements
1188 provide a lower cost and greater conservation benefit to the
1189 people of the state. Additional consideration shall be provided
1190 under this category where parcels are identified as part of a
1191 local or regional visioning process and are supported by
1192 scientific analysis; and

1193 2. Bargain and shared projects where the state will
1194 receive a significant reduction in price for public ownership of
1195 land as a result of the removal of development rights or other
1196 interests in lands or receives alternative or matching funds.

1197 (c) A substantially complete category of projects where
1198 mainly inholdings, additions, and linkages between preserved
1199 areas will be acquired and where 85 percent of the project is
1200 complete.

1201 (d) A climate-change category list of lands where
 1202 acquisition or other conservation measures will address the
 1203 challenges of global climate change, such as through protection,
 1204 restoration, mitigation, and strengthening of the state's
 1205 ~~Florida's~~ land, water, and coastal resources. This category
 1206 includes lands that provide opportunities to sequester carbon,
 1207 provide habitat, protect coastal lands or barrier islands, and
 1208 otherwise mitigate and help adapt to the effects of sea-level
 1209 rise and meet other objectives of the program.

1210 (e) A less-than-fee category for working agricultural
 1211 lands that significantly contribute to resource protection
 1212 through conservation easements and other less-than-fee
 1213 techniques, tax incentives, life estates, landowner agreements,
 1214 and other partnerships, including conservation easements
 1215 acquired in partnership with federal conservation programs,
 1216 which will achieve the objectives of the Florida Forever program
 1217 while allowing the continuation of compatible agricultural uses
 1218 on the land. Terms of easements proposed for acquisition under
 1219 this category shall be developed by the Division of State Lands
 1220 in coordination with the Department of Agriculture and Consumer
 1221 Services.

1222
 1223 Projects within each category shall be ranked by order of
 1224 priority. The work plan shall be adopted by the ~~Acquisition and~~
 1225 ~~Restoration~~ council after at least one public hearing. A copy of

1226 the work plan shall be provided to the board ~~of trustees of the~~
1227 ~~Internal Improvement Trust Fund~~ no later than October 1 of each
1228 year.

1229 (16)~~(18)~~ (a) The board ~~of Trustees of the Internal~~
1230 ~~Improvement Trust Fund~~, or, in the case of water management
1231 district lands, the owning water management district, may
1232 authorize the granting of a lease, easement, or license for the
1233 use of certain lands acquired pursuant to this section, for
1234 certain uses that are determined by the appropriate board to be
1235 compatible with the resource values of and management objectives
1236 for such lands.

1237 (b) Any existing lease, easement, or license acquired for
1238 incidental public or private use on, under, or across any lands
1239 acquired pursuant to this section shall be presumed to be
1240 compatible with the purposes for which such lands were acquired.

1241 (c) Notwithstanding the provisions of paragraph (a), no
1242 such lease, easement, or license may ~~shall~~ be entered into by
1243 the department ~~of Environmental Protection~~ or other appropriate
1244 state agency if the granting of such lease, easement, or license
1245 would adversely affect the exclusion of the interest on any
1246 revenue bonds issued to fund the acquisition of the affected
1247 lands from gross income for federal income tax purposes,
1248 pursuant to Internal Revenue Service regulations.

1249 (17)~~(19)~~ The council shall recommend adoption of rules by
1250 the board necessary to implement this section relating to

1251 solicitation, scoring, selecting, and ranking of Florida Forever
1252 project proposals; disposing of or leasing lands or water areas
1253 selected for funding through the Florida Forever program; and
1254 the process of reviewing and recommending for approval or
1255 rejection the land management plans associated with publicly
1256 owned properties.

1257 (18)~~(20)~~ Lands listed as projects for acquisition under
1258 the Florida Forever program may be managed for conservation
1259 pursuant to s. 259.032, on an interim basis by a private party
1260 in anticipation of a state purchase in accordance with a
1261 contractual arrangement between the acquiring agency and the
1262 private party that may include management service contracts,
1263 leases, cost-share arrangements, or resource conservation
1264 agreements. Lands designated as eligible under this subsection
1265 shall be managed to maintain or enhance the resources the state
1266 is seeking to protect by acquiring the land and to accelerate
1267 public access to the lands as soon as practicable. Funding for
1268 these contractual arrangements may originate from the
1269 documentary stamp tax revenue deposited into the Land
1270 Acquisition Trust Fund. No more than \$6.2 million may be
1271 expended from the Land Acquisition Trust Fund for this purpose.

1272 Section 9. Subsections (9), (10), and (11) are added to
1273 section 373.089, Florida Statutes, to read:

1274 373.089 Sale or exchange of lands, or interests or rights
1275 in lands.—The governing board of the district may sell lands, or

1276 interests or rights in lands, to which the district has acquired
1277 title or to which it may hereafter acquire title in the
1278 following manner:

1279 (9) No disposition of land may be made if it would cause
1280 all or any portion of the interest on any revenue bonds to fund
1281 acquisitions made by the district to lose the exclusion from
1282 gross income for purposes of federal income taxation. Proceeds
1283 derived from such disposition may not be used for any purpose
1284 except the purchase of other lands meeting the criteria
1285 specified in s. 373.139 or payment of debt service on revenue
1286 bonds or notes issued under s. 373.584.

1287 (10) Proceeds from the sale of surplus conservation lands
1288 purchased with Florida Forever funds before July 1, 2015, shall
1289 be deposited into the Florida Forever Trust Fund. If the
1290 district purchased the conservation land with multiple revenue
1291 sources, the district shall deposit an amount based on the
1292 percentage of Florida Forever funds used for the original
1293 purchase.

1294 (11) Proceeds from the sale of surplus conservation lands
1295 purchased with state funds on or after July 1, 2015, shall be
1296 deposited into the Land Acquisition Trust Fund. If the district
1297 purchased the conservation land with funds other than those from
1298 the Land Acquisition Trust Fund or a land acquisition trust fund
1299 created to implement s. 28, Art. X of the State Constitution,
1300 the proceeds shall be deposited into the fund from which the

HB 7063

2018

1301 land was purchased. If the district purchased the conservation
1302 land with multiple revenue sources, the district shall deposit
1303 an amount based on the percentage of state funds used for the
1304 original purchase.

1305

1306 If the Board of Trustees of the Internal Improvement Trust Fund
1307 declines to accept title to the lands offered under this
1308 section, the land may be disposed of by the district under the
1309 provisions of this section.

1310 Section 10. Subsection (6) of section 373.139, Florida
1311 Statutes, is amended to read:

1312 373.139 Acquisition of real property.—

1313 ~~(6) A district may dispose of land acquired under this~~
1314 ~~section pursuant to s. 373.056 or s. 373.089. However, no such~~
1315 ~~disposition of land shall be made if it would have the effect of~~
1316 ~~causing all or any portion of the interest on any revenue bonds~~
1317 ~~issued pursuant to s. 259.101 or s. 259.105 to fund the~~
1318 ~~acquisition programs detailed in this section to lose the~~
1319 ~~exclusion from gross income for purposes of federal income~~
1320 ~~taxation. Revenue derived from such disposition may not be used~~
1321 ~~for any purpose except the purchase of other lands meeting the~~
1322 ~~criteria specified in this section or payment of debt service on~~
1323 ~~revenue bonds or notes issued under s. 373.584.~~

1324 Section 11. Subsection (7) is added to section 373.1391,
1325 Florida Statutes, to read:

1326 373.1391 Management of real property.—

1327 (7) All revenues generated through multiple-use management
1328 or compatible secondary-use management of district conservation
1329 lands purchased with state funds shall be retained by the
1330 district responsible for such management and shall be used to
1331 pay for management activities on all conservation, preservation,
1332 and recreation lands under the district's jurisdiction. In
1333 addition, such revenues shall be segregated in a district trust
1334 fund and shall remain available to the district in subsequent
1335 fiscal years to fund land management activities.

1336 Section 12. Paragraph (h) of subsection (4) of section
1337 373.199, Florida Statutes, is amended to read:

1338 373.199 Florida Forever Water Management District Work
1339 Plan.—

1340 (4) The list submitted by the districts shall include,
1341 where applicable, the following information for each project:

1342 (h) A clear and concise estimate of the funding needed to
1343 carry out the restoration, protection, or improvement project,
1344 or the development of new water resources, where applicable, and
1345 a clear and concise identification of the projected sources and
1346 uses of Florida Forever funds. Only the land acquisition
1347 elements and associated land acquisition costs for projects
1348 identified on the list may receive Florida Forever funding. All
1349 other project elements must use other funding sources.

1350 Section 13. Paragraph (d) of subsection (9) of section

1351 373.4598, Florida Statutes, is amended and paragraph (f) is
 1352 added to that subsection to read:

1353 373.4598 Water storage reservoirs.—

1354 (9) C-51 RESERVOIR PROJECT.—

1355 (d) If state funds are appropriated for Phase I or Phase
 1356 II of the C-51 reservoir project:

1357 1. The district, to the extent practicable, shall operate
 1358 either Phase I or Phase II of the reservoir to maximize the
 1359 reduction of high-volume Lake Okeechobee regulatory releases to
 1360 the St. Lucie or Caloosahatchee estuaries, in addition to
 1361 maximizing the reduction of harmful discharges ~~providing relief~~
 1362 to the Lake Worth Lagoon. However, the operation of Phase I of
 1363 the C-51 reservoir project must be in accordance with any
 1364 operation and maintenance agreement adopted by the district;

1365 2. Water made available by Phase I or Phase II of the
 1366 reservoir ~~must~~ ~~shall~~ be used for natural systems in addition to
 1367 any permitted ~~allocated~~ amounts for water supply issued in
 1368 accordance with executed capacity allocation agreements; and

1369 3. ~~Any~~ Water received from Lake Okeechobee may only ~~not~~ be
 1370 available to support consumptive use permits if such use is in
 1371 accordance with the South Florida Water Management District
 1372 rules for the applicable restricted allocation area as defined
 1373 in s. 373.037(1).

1374 (f) The South Florida Water Management District may enter
 1375 into a capacity allocation agreement with a water supply entity

1376 for a pro rata share of unreserved capacity in the water storage
 1377 facility and may request the department to waive repayment of
 1378 all or a portion of the loan issued pursuant to s. 373.475. The
 1379 department may authorize such waiver if the department
 1380 determines it has received reasonable value for such waiver.

1381 Section 14. Subsection (10) is added to section 373.713,
 1382 Florida Statutes, to read:

1383 373.713 Regional water supply authorities.—

1384 (10) Each regional water supply authority shall annually
 1385 coordinate with the appropriate water management district to
 1386 submit a status report on water resource development projects
 1387 receiving state funding for inclusion in the consolidated water
 1388 management district annual report required by s. 373.036(7).

1389 Section 15. Paragraph (b) of subsection (3) of section
 1390 375.041, Florida Statutes, is amended to read:

1391 375.041 Land Acquisition Trust Fund.—

1392 (3) Funds distributed into the Land Acquisition Trust Fund
 1393 pursuant to s. 201.15 shall be applied:

1394 (b) Of the funds remaining after the payments required
 1395 under paragraph (a), but before funds may be appropriated,
 1396 pledged, or dedicated for other uses:

1397 1. A minimum of the lesser of 25 percent or \$200 million
 1398 shall be appropriated annually for Everglades projects that
 1399 implement the Comprehensive Everglades Restoration Plan as set
 1400 forth in s. 373.470, including the Central Everglades Planning

1401 Project subject to Congressional authorization; the Long-Term
1402 Plan as defined in s. 373.4592(2); and the Northern Everglades
1403 and Estuaries Protection Program as set forth in s. 373.4595.
1404 From these funds, \$32 million shall be distributed each fiscal
1405 year through the 2023-2024 fiscal year to the South Florida
1406 Water Management District for the Long-Term Plan as defined in
1407 s. 373.4592(2). After deducting the \$32 million distributed
1408 under this subparagraph, from the funds remaining, a minimum of
1409 the lesser of 76.5 percent or \$100 million shall be appropriated
1410 each fiscal year through the 2025-2026 fiscal year for the
1411 planning, design, engineering, and construction of the
1412 Comprehensive Everglades Restoration Plan as set forth in s.
1413 373.470, including the Central Everglades Planning Project , the
1414 Everglades Agricultural Area Storage Reservoir Project, the Lake
1415 Okeechobee Watershed Project, the C-43 West Basin Storage
1416 Reservoir Project, the Indian River Lagoon-South Project, the
1417 Western Everglades Restoration Project, and the Picayune Strand
1418 Restoration Project. The Department of Environmental Protection
1419 and the South Florida Water Management District shall give
1420 preference to those Everglades restoration projects that reduce
1421 harmful discharges of water from Lake Okeechobee to the St.
1422 Lucie or Caloosahatchee estuaries in a timely manner, with the
1423 highest priority given to the C-43 West Basin Storage Reservoir
1424 Project. For the purpose of performing the calculation provided
1425 in this subparagraph, the amount of debt service paid pursuant

1426 to paragraph (a) for bonds issued after July 1, 2016, for the
1427 purposes set forth under paragraph (b) shall be added to the
1428 amount remaining after the payments required under paragraph
1429 (a). The amount of the distribution calculated shall then be
1430 reduced by an amount equal to the debt service paid pursuant to
1431 paragraph (a) on bonds issued after July 1, 2016, for the
1432 purposes set forth under this subparagraph.

1433 2. A minimum of the lesser of 7.6 percent or \$50 million
1434 shall be appropriated annually for spring restoration,
1435 protection, and management projects. For the purpose of
1436 performing the calculation provided in this subparagraph, the
1437 amount of debt service paid pursuant to paragraph (a) for bonds
1438 issued after July 1, 2016, for the purposes set forth under
1439 paragraph (b) shall be added to the amount remaining after the
1440 payments required under paragraph (a). The amount of the
1441 distribution calculated shall then be reduced by an amount equal
1442 to the debt service paid pursuant to paragraph (a) on bonds
1443 issued after July 1, 2016, for the purposes set forth under this
1444 subparagraph.

1445 3. The sum of \$5 million shall be appropriated annually
1446 each fiscal year through the 2025-2026 fiscal year to the St.
1447 Johns River Water Management District for projects dedicated to
1448 the restoration of Lake Apopka. This distribution shall be
1449 reduced by an amount equal to the debt service paid pursuant to
1450 paragraph (a) on bonds issued after July 1, 2016, for the

1451 purposes set forth in this subparagraph.

1452 4. The sum of \$64 million is appropriated and shall be
 1453 transferred to the Everglades Trust Fund for the 2018-2019
 1454 fiscal year, and each fiscal year thereafter, for the EAA
 1455 reservoir project pursuant to s. 373.4598. Any funds remaining
 1456 in any fiscal year shall be made available only for Phase II of
 1457 the C-51 reservoir project or projects identified in
 1458 subparagraph 1. and must be used in accordance with laws
 1459 relating to such projects. Any funds made available for such
 1460 purposes in a fiscal year are in addition to the amount
 1461 appropriated under subparagraph 1. This distribution shall be
 1462 reduced by an amount equal to the debt service paid pursuant to
 1463 paragraph (a) on bonds issued after July 1, 2017, for the
 1464 purposes set forth in this subparagraph.

1465 5. The following sums shall be appropriated annually each
 1466 fiscal year to the Florida Forever Trust Fund for distribution
 1467 by the Department of Environmental Protection pursuant to s.
 1468 259.105(3):

1469 a. For the 2019-2020 fiscal year and the 2020-2021 fiscal
 1470 year, the sum of \$57 million.

1471 b. For the 2021-2022 fiscal year, the sum of \$78 million.

1472 c. For the 2022-2023 fiscal year, the sum of \$89 million.

1473 d. For the 2023-2024 fiscal year and the 2024-2025 fiscal
 1474 year, the sum of \$110 million.

1475 e. For the 2025-2026 fiscal year, the sum of \$127 million.

- 1476 f. For the 2026-2027 fiscal year, the sum of \$147 million.
- 1477 g. For the 2027-2028 fiscal year, the sum of \$157 million.
- 1478 h. For the 2028-2029 fiscal year, the sum of \$179 million.
- 1479 i. For the 2029-2030 fiscal year and each fiscal year
- 1480 through the 2035-2036 fiscal year, the sum of \$200 million.

1481

1482 The distribution shall be reduced by an amount equal to the debt

1483 service paid pursuant to paragraph (a) on bonds issued after

1484 July 1, 2018, for the purposes set forth in this subparagraph.

1485 ~~5. Notwithstanding subparagraph 3., for the 2017-2018~~

1486 ~~fiscal year, funds shall be appropriated as provided in the~~

1487 ~~General Appropriations Act. This subparagraph expires July 1,~~

1488 ~~2018.~~

1489 Section 16. Paragraphs (e) and (f) of subsection (3) of

1490 section 403.087, Florida Statutes, are amended and paragraph (g)

1491 is added to that subsection to read:

1492 403.087 Permits; general issuance; denial; revocation;

1493 prohibition; penalty.-

1494 (3) A renewal of an operation permit for a domestic

1495 wastewater treatment facility other than a facility regulated

1496 under the National Pollutant Discharge Elimination System

1497 (NPDES) Program under s. 403.0885 must be issued upon request

1498 for a term of up to 10 years, for the same fee and under the

1499 same conditions as a 5-year permit, in order to provide the

1500 owner or operator with a financial incentive, if:

1501 (e) The treatment facility has generally met water quality
 1502 standards in the preceding 2 years, except for violations
 1503 attributable to events beyond the control of the treatment plant
 1504 or its operator, such as destruction of equipment by fire, wind,
 1505 or other abnormal events that could not reasonably be expected
 1506 to occur; ~~and~~

1507 (f) The department, or a local program approved under s.
 1508 403.182, has conducted, in the preceding 12 months, an
 1509 inspection of the facility and has verified in writing to the
 1510 operator of the facility that it is not exceeding the permitted
 1511 capacity and is in substantial compliance; and

1512 (g) The department has reviewed the annual status reports
 1513 required by s. 403.892 and is satisfied that the treatment
 1514 facility is timely implementing its asset management plan.

1515
 1516 The department shall keep records of the number of 10-year
 1517 permits applied for and the number and duration of permits
 1518 issued for longer than 5 years.

1519 Section 17. Section 403.0891, Florida Statutes, is amended
 1520 to read:

1521 403.0891 State, regional, and local stormwater management
 1522 plans and programs.—The department, the water management
 1523 districts, ~~and~~ local governments, and the Department of
 1524 Transportation shall have the responsibility for the development
 1525 of mutually compatible stormwater management programs.

1526 (1) The department shall include goals in the water
 1527 resource implementation rule for the proper management of
 1528 stormwater.

1529 (2) Each water management district to which the state's
 1530 stormwater management program is delegated shall establish
 1531 district and, where appropriate, watershed or drainage basin
 1532 stormwater management goals which are consistent with the goals
 1533 adopted by the state and with plans adopted pursuant to ss.
 1534 373.451-373.4595, the Surface Water Improvement and Management
 1535 Act.

1536 (3) (a) Each local government required by chapter 163 to
 1537 submit a comprehensive plan, whose plan is submitted after July
 1538 1, 1992, and the others when updated after July 1, 1992, in the
 1539 development of its stormwater management program described by
 1540 elements within its comprehensive plan shall consider the water
 1541 resource implementation rule, district stormwater management
 1542 goals, plans approved pursuant to the Surface Water Improvement
 1543 and Management Act, ss. 373.451-373.4595, and technical
 1544 assistance information provided by the water management
 1545 districts pursuant to s. 373.711.

1546 (b) Local governments are encouraged to consult with the
 1547 water management districts, the Department of Transportation,
 1548 and the department before adopting or updating their local
 1549 government comprehensive plan or public facilities report as
 1550 required by s. 189.08, whichever is applicable.

1551 (4) The department, in coordination and cooperation with
1552 water management districts and local governments, shall conduct
1553 a continuing review of the costs of stormwater management
1554 systems and the effect on water quality and quantity, and fish
1555 and wildlife values. The department, the water management
1556 districts, and local governments shall use the review for
1557 planning purposes and to establish priorities for watersheds and
1558 stormwater management systems which require better management
1559 and treatment of stormwater with emphasis on the costs and
1560 benefits of needed improvements to stormwater management systems
1561 to better meet needs for flood protection and protection of
1562 water quality, and fish and wildlife values.

1563 (5) The results of the review shall be maintained by the
1564 department and the water management districts and shall be
1565 provided to appropriate local governments or other parties on
1566 request. The results also shall be used in the development of
1567 the goals developed pursuant to subsections (1) and (2).

1568 (6) The department and the Department of Economic
1569 Opportunity, in cooperation with local governments in the
1570 coastal zone, shall develop a model stormwater management
1571 program that could be adopted by local governments. The model
1572 program shall contain dedicated funding options, including a
1573 stormwater utility fee system based upon an equitable unit cost
1574 approach. Funding options shall be designed to generate capital
1575 to retrofit existing stormwater management systems, build new

1576 treatment systems, operate facilities, and maintain and service
 1577 debt.

1578 (7) The Department of Transportation shall coordinate with
 1579 the department, water management districts, and local
 1580 governments to determine whether it is economically feasible to
 1581 use stormwater resulting from road construction projects for the
 1582 beneficial use of providing alternative water supplies,
 1583 including, but not limited to, directing stormwater to reclaimed
 1584 water facilities or water storage reservoirs. If it is
 1585 determined that beneficial use of such stormwater is
 1586 economically feasible, such use shall be implemented. The
 1587 department, in consultation with the Department of
 1588 Transportation, may adopt rules to implement this subsection.

1589 Section 18. Section 403.892, Florida Statutes, is created
 1590 to read:

1591 403.892 Asset management plan and reserve fund.—

1592 (1) The Legislature finds that the systematic management
 1593 of public water system and domestic wastewater treatment system
 1594 assets is essential to the protection of public health and
 1595 natural resources. The development and implementation of an
 1596 asset management plan focusing on the long-term life cycle and
 1597 performance of system assets, including transmission,
 1598 distribution, and collection lines, is necessary to ensure the
 1599 timely planning, assessment, maintenance, repair, and
 1600 replacement of these system components. The establishment and

1601 proper funding of a reserve fund is necessary to ensure the
1602 timely implementation of an asset management plan.

1603 (2) By August 1, 2022, each public water system, as
1604 defined in s. 403.852, and domestic wastewater treatment system
1605 shall develop an asset management plan and create a reserve fund
1606 to implement the asset management plan in a cost effective and
1607 timely manner. Each August 1 thereafter, each public water
1608 system and domestic wastewater treatment system shall post on
1609 its website the implementation status of its asset management
1610 plan and reserve fund and shall provide a report regarding such
1611 information to the department. As used in this subsection, the
1612 term "domestic wastewater treatment system" means any plant or
1613 other works used to treat, stabilize, or hold domestic wastes,
1614 including pipelines or conduits, pumping stations, and force
1615 mains and all other structures, devices, appurtenances, and
1616 facilities used for collecting or conducting wastes to an
1617 ultimate point for treatment or disposal. A domestic wastewater
1618 treatment system does not include an onsite sewage treatment and
1619 disposal system as defined in s. 381.0065.

1620 (3) To be eligible for state funding, a public water
1621 system or domestic wastewater treatment system must demonstrate
1622 that it is adequately implementing its asset management plan and
1623 has reserves available in its reserve fund.

1624 (4) By July 1, 2019, the department shall adopt rules
1625 establishing the asset management plan requirements, including,

1626 but not limited to:

1627 (a) Identification of each asset;

1628 (b) Evaluation of the current age, condition, and useful
1629 life of each asset;

1630 (c) A risk-benefit analysis to determine the optimum
1631 renewal or replacement time of each asset; and

1632 (d) A list of renewal projects with projected timeframes
1633 for completion and estimated costs.

1634 Section 19. Subsection (9) is added to section 570.76,
1635 Florida Statutes, to read:

1636 570.76 Department of Agriculture and Consumer Services;
1637 powers and duties.—For the accomplishment of the purposes
1638 specified in this act, the department shall have all powers and
1639 duties necessary, including, but not limited to, the power and
1640 duty to:

1641 (9) Provide assistance to local governments in
1642 administering local rural-lands-protection easement programs.
1643 The department may provide technical support to review
1644 applications for inclusion in the local government's program and
1645 monitor compliance with the conservation easements. The
1646 department may not use any state funds to assist in the purchase
1647 of such easements or pay any acquisition costs. The local
1648 government must compensate the department for its services. The
1649 agreement for assistance must be documented in a memorandum of
1650 agreement between the department and the local government. The

1651 title to such conservation easements shall be held in the name
 1652 of the local government.

1653 Section 20. Subsection (1) of section 20.3315, Florida
 1654 Statutes, is amended to read:

1655 20.3315 Florida Forever Program Trust Fund of the Florida
 1656 Fish and Wildlife Conservation Commission.—

1657 (1) There is created a Florida Forever Program Trust Fund
 1658 within the Florida Fish and Wildlife Conservation Commission to
 1659 carry out the duties of the commission under the Florida Forever
 1660 Act as specified in s. 259.105 ~~s. 259.105(3)(g)~~. The trust fund
 1661 shall receive funds pursuant to s. 259.105 ~~s. 259.105(3)(g)~~.

1662 Section 21. Subsection (4) and paragraph (b) of subsection
 1663 (5) of section 253.027, Florida Statutes, are amended to read:

1664 253.027 Emergency archaeological property acquisition.—

1665 (4) EMERGENCY ARCHAEOLOGICAL ACQUISITION.—The sum of \$2
 1666 million shall be reserved annually within the Florida Forever
 1667 Trust Fund for the purpose of emergency archaeological
 1668 acquisition. Any portion of that amount not spent or obligated
 1669 by the end of the third quarter of the fiscal year may be used
 1670 for approved acquisitions pursuant to s. 259.105(3)(a) ~~s.~~
 1671 ~~259.105(3)(b)~~.

1672 (5) ACCOUNT EXPENDITURES.—

1673 (b) Funds may not ~~No moneys shall~~ be spent from the
 1674 account for excavation or restoration of the properties
 1675 acquired. Funds may be spent for preliminary surveys to

1676 determine if the sites meet the criteria of this section. An
1677 amount not to exceed \$100,000 may also be spent from the account
1678 to inventory and evaluate archaeological and historic resources
1679 on properties purchased, or proposed for purchase, pursuant to
1680 s. 259.105(3)(a) ~~s. 259.105(3)(b)~~.

1681 Section 22. Subsections (3) and (9) of section 253.034,
1682 Florida Statutes, are amended to read:

1683 253.034 State-owned lands; uses.—

1684 (3) Recognizing that recreational trails purchased with
1685 rails-to-trails funds pursuant to former s. 259.101(3)(g),
1686 Florida Statutes 2014, or former s. 259.105(3)(h), Florida
1687 Statutes 2017, have had historic transportation uses and that
1688 their linear character may extend many miles, the Legislature
1689 intends that if the necessity arises to serve public needs,
1690 after balancing the need to protect trail users from collisions
1691 with automobiles and a preference for the use of overpasses and
1692 underpasses to the greatest extent feasible and practical,
1693 transportation uses shall be allowed to cross recreational
1694 trails purchased pursuant to former s. 259.101(3)(g), Florida
1695 Statutes 2014, or former s. 259.105(3)(h), Florida Statutes
1696 2017. When these crossings are needed, the location and design
1697 should consider and mitigate the impact on humans and
1698 environmental resources, and the value of the land shall be paid
1699 based on fair market value.

1700 (9) The following additional uses of conservation lands

1701 acquired pursuant to the Florida Forever program and other
 1702 state-funded conservation land purchase programs shall be
 1703 authorized, upon a finding by the board of trustees, if they
 1704 meet the criteria specified in paragraphs (a)-(e): water
 1705 resource development projects, water supply development
 1706 projects, stormwater management projects, linear facilities, and
 1707 sustainable agriculture and forestry. Such additional uses are
 1708 authorized if:

1709 (a) The use is not inconsistent with the management plan
 1710 for such lands;

1711 (b) The use is compatible with the natural ecosystem and
 1712 resource values of such lands;

1713 (c) The use is appropriately located on such lands and due
 1714 consideration is given to the use of other available lands;

1715 (d) The using entity reasonably compensates the
 1716 titleholder for such use based upon an appropriate measure of
 1717 value; and

1718 (e) The use is consistent with the public interest.

1719
 1720 A decision by the board of trustees pursuant to this section
 1721 shall be given a presumption of correctness. Moneys received
 1722 from the use of state lands pursuant to this section shall be
 1723 returned to the lead managing entity in accordance with s.
 1724 259.032(9)(b) ~~s. 259.032(9)(c)~~.

1725 Section 23. Subsection (3), paragraph (b) of

1726 subsection(4), and subsection (6) of section 259.035, Florida
1727 Statutes, are amended to read:

1728 259.035 Acquisition and Restoration Council.—

1729 (3) The council shall provide assistance to the board in
1730 reviewing the recommendations and plans for state-owned
1731 conservation lands required under s. 253.034 and this chapter.
1732 The council shall, in reviewing such plans, consider the
1733 optimization of multiple-use and conservation strategies to
1734 accomplish the provisions funded pursuant to former s.
1735 259.101(3)(a), Florida Statutes 2014, and to s. 259.105(3)(a) ~~s.~~
1736 ~~259.105(3)(b)~~.

1737 (4)

1738 (b) In developing or amending rules, the council shall
1739 give weight to the criteria included in s. 259.105(8) ~~s.~~
1740 ~~259.105(9)~~. The board of trustees shall review the
1741 recommendations and shall adopt rules necessary to administer
1742 this section.

1743 (6) The proposal for a project pursuant to this section or
1744 s. 259.105(3)(a) ~~s. 259.105(3)(b)~~ may be implemented only if
1745 adopted by the council and approved by the board of trustees.
1746 The council shall consider and evaluate in writing the merits
1747 and demerits of each project that is proposed for acquisition
1748 using funds available pursuant to s. 28, Art. X of the State
1749 Constitution or Florida Forever funding and shall ensure that
1750 each proposed project meets the requirements of s. 28, Art. X of

1751 the State Constitution. The council also shall determine whether
1752 the project conforms, where applicable, with the comprehensive
1753 plan developed pursuant to s. 259.04(1)(a), the comprehensive
1754 multipurpose outdoor recreation plan developed pursuant to s.
1755 375.021, the state lands management plan adopted pursuant to s.
1756 253.03(7), the water resources work plans developed pursuant to
1757 s. 373.199, and the provisions of s. 259.032, s. 259.101, or s.
1758 259.105, whichever is applicable.

1759 Section 24. Paragraph (b) of subsection (3) of section
1760 259.037, Florida Statutes, is amended to read:

1761 259.037 Land Management Uniform Accounting Council.—

1762 (3)

1763 (b) Each reporting agency shall also:

1764 1. Include a report of the available public use
1765 opportunities for each management unit of state land, the total
1766 management cost for public access and public use, and the cost
1767 associated with each use option.

1768 2. List the acres of land requiring minimal management
1769 effort, moderate management effort, and significant management
1770 effort pursuant to s. 259.032(9)(b) ~~s. 259.032(9)(c)~~. For each
1771 category created in paragraph (a), the reporting agency shall
1772 include the amount of funds requested, the amount of funds
1773 received, and the amount of funds expended for land management.

1774 3. List acres managed and cost of management for each
1775 park, preserve, forest, reserve, or management area.

1776 4. List acres managed, cost of management, and lead
 1777 manager for each state lands management unit for which secondary
 1778 management activities were provided.

1779 5. Include a report of the estimated calculable financial
 1780 benefits to the public for the ecosystem services provided by
 1781 conservation lands, based on the best readily available
 1782 information or science that provides a standard measurement
 1783 methodology to be consistently applied by the land managing
 1784 agencies. Such information may include, but need not be limited
 1785 to, the value of natural lands for protecting the quality and
 1786 quantity of drinking water through natural water filtration and
 1787 recharge, contributions to protecting and improving air quality,
 1788 benefits to agriculture through increased soil productivity and
 1789 preservation of biodiversity, and savings to property and lives
 1790 through flood control.

1791 Section 25. Subsection (7) of section 380.510, Florida
 1792 Statutes, is amended to read:

1793 380.510 Conditions of grants and loans.—

1794 (7) Any funds received by the trust pursuant to s.
 1795 259.105(3)(b) ~~s. 259.105(3)(e)~~ or s. 375.041 shall be held
 1796 separate and apart from any other funds held by the trust and
 1797 used for the land acquisition purposes of this part.

1798 (a) The administration and use of Florida Forever funds
 1799 are subject to such terms and conditions imposed thereon by the
 1800 agency of the state responsible for the bonds, the proceeds of

1801 | which are deposited into the Florida Forever Trust Fund,
1802 | including restrictions imposed to ensure that the interest on
1803 | any such bonds issued by the state as tax-exempt bonds is not
1804 | included in the gross income of the holders of such bonds for
1805 | federal income tax purposes.

1806 | (b) All deeds or leases with respect to any real property
1807 | acquired with funds received by the trust from the former
1808 | Preservation 2000 Trust Fund, the Florida Forever Trust Fund, or
1809 | the Land Acquisition Trust Fund must contain such covenants and
1810 | restrictions as are sufficient to ensure that the use of such
1811 | real property at all times complies with s. 375.051 and s. 9,
1812 | Art. XII of the State Constitution. Each deed or lease with
1813 | respect to any real property acquired with funds received by the
1814 | trust from the Florida Forever Trust Fund before July 1, 2015,
1815 | must contain covenants and restrictions sufficient to ensure
1816 | that the use of such real property at all times complies with s.
1817 | 11(e), Art. VII of the State Constitution. Each deed or lease
1818 | with respect to any real property acquired with funds received
1819 | by the trust from the Florida Forever Trust Fund after July 1,
1820 | 2015, must contain covenants and restrictions sufficient to
1821 | ensure that the use of such real property at all times complies
1822 | with s. 28, Art. X of the State Constitution. Each deed or lease
1823 | must contain a reversion, conveyance, or termination clause that
1824 | vests title in the Board of Trustees of the Internal Improvement
1825 | Trust Fund if any of the covenants or restrictions are violated

1826 by the titleholder or leaseholder or by some third party with
 1827 the knowledge of the titleholder or leaseholder.

1828 Section 26. Paragraph (d) of subsection (1) of section
 1829 570.715, Florida Statutes, is amended to read:

1830 570.715 Conservation easement acquisition procedures.—

1831 (1) For less than fee simple acquisitions pursuant to s.
 1832 570.71, the Department of Agriculture and Consumer Services
 1833 shall comply with the following acquisition procedures:

1834 (d) On behalf of the board of trustees and before the
 1835 appraisal of parcels approved for purchase under ss.
 1836 259.105(3)(c) ~~ss. 259.105(3)(i)~~ and 570.71, the department may
 1837 enter into option contracts to buy less than fee simple interest
 1838 in such parcels. Any such option contract shall state that the
 1839 final purchase price is subject to approval by the board of
 1840 trustees and that the final purchase price may not exceed the
 1841 maximum offer authorized by law. Any such option contract
 1842 presented to the board of trustees for final purchase price
 1843 approval shall explicitly state that payment of the final
 1844 purchase price is subject to an appropriation by the
 1845 Legislature. The consideration for any such option contract may
 1846 not exceed \$1,000 or 0.01 percent of the estimate by the
 1847 department of the value of the parcel, whichever amount is
 1848 greater.

1849 Section 27. Subsection (1) of section 589.065, Florida
 1850 Statutes, is amended to read:

1851 589.065 Florida Forever Program Trust Fund of the
 1852 Department of Agriculture and Consumer Services.—

1853 (1) There is created a Florida Forever Program Trust Fund
 1854 within the Department of Agriculture and Consumer Services to
 1855 carry out the duties of the department under the Florida Forever
 1856 Act as specified in s. 259.105 ~~s. 259.105(3)(f)~~. The trust fund
 1857 shall receive funds pursuant to s. 259.105 ~~s. 259.105(3)(f)~~.

1858 Section 28. The Legislature finds that the systematic
 1859 management of public water system and domestic wastewater
 1860 treatment system assets is essential to the protection of public
 1861 health and natural resources. Therefore, the Legislature
 1862 determines and declares that this act fulfills an important
 1863 state interest.

1864 Section 29. This act shall take effect July 1, 2018.