

HB 1377

2022

1 A bill to be entitled
2 An act relating to land acquisition funding; amending
3 s. 201.15, F.S.; extending the retirement date of
4 bonds issues to fund the Florida Forever Act; amending
5 s. 259.105, F.S.; revising the distribution of
6 proceeds from the Florida Forever Trust Fund for land
7 acquisition and capital project expenditures under the
8 Florida Forever Act; removing an obsolete provision;
9 conforming cross-references; amending s. 375.041,
10 F.S.; requiring a specified annual appropriation to
11 the Florida Forever Trust Fund; prohibiting the use of
12 moneys from the Land Acquisition Trust Fund for
13 specified costs; amending ss. 20.3315, 253.027,
14 253.034, 259.035, 380.510, 570.715, and 589.065, F.S.;
15 conforming cross-references; providing an effective
16 date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraph (a) of subsection (3) of section
21 201.15, Florida Statutes, is amended to read:

22 201.15 Distribution of taxes collected.—All taxes
23 collected under this chapter are hereby pledged and shall be
24 first made available to make payments when due on bonds issued
25 pursuant to s. 215.618 or s. 215.619, or any other bonds

26 | authorized to be issued on a parity basis with such bonds. Such
 27 | pledge and availability for the payment of these bonds shall
 28 | have priority over any requirement for the payment of service
 29 | charges or costs of collection and enforcement under this
 30 | section. All taxes collected under this chapter, except taxes
 31 | distributed to the Land Acquisition Trust Fund pursuant to
 32 | subsections (1) and (2), are subject to the service charge
 33 | imposed in s. 215.20(1). Before distribution pursuant to this
 34 | section, the Department of Revenue shall deduct amounts
 35 | necessary to pay the costs of the collection and enforcement of
 36 | the tax levied by this chapter. The costs and service charge may
 37 | not be levied against any portion of taxes pledged to debt
 38 | service on bonds to the extent that the costs and service charge
 39 | are required to pay any amounts relating to the bonds. All of
 40 | the costs of the collection and enforcement of the tax levied by
 41 | this chapter and the service charge shall be available and
 42 | transferred to the extent necessary to pay debt service and any
 43 | other amounts payable with respect to bonds authorized before
 44 | January 1, 2017, secured by revenues distributed pursuant to
 45 | this section. All taxes remaining after deduction of costs shall
 46 | be distributed as follows:

47 | (3) Amounts on deposit in the Land Acquisition Trust Fund
 48 | shall be used in the following order:

49 | (a) Payment of debt service or funding of debt service
 50 | reserve funds, rebate obligations, or other amounts payable with

51 | respect to Florida Forever bonds issued pursuant to s. 215.618.
 52 | The amount used for such purposes may not exceed \$300 million in
 53 | each fiscal year. It is the intent of the Legislature that all
 54 | bonds issued to fund the Florida Forever Act be retired by
 55 | December 31, 2054 ~~2040~~. Except for bonds issued to refund
 56 | previously issued bonds, a ~~ne~~ series of bonds may not be issued
 57 | pursuant to this paragraph unless such bonds are approved and
 58 | the debt service for the remainder of the fiscal year in which
 59 | the bonds are issued is specifically appropriated in the General
 60 | Appropriations Act or other law with respect to bonds issued for
 61 | the purposes of s. 373.4598.

62 |
 63 | Bonds issued pursuant to s. 215.618 or s. 215.619 are equally
 64 | and ratably secured by moneys distributable to the Land
 65 | Acquisition Trust Fund.

66 | Section 2. Subsections (3), (4), (7), (9), and (16) of
 67 | section 259.105, Florida Statutes, are amended to read:

68 | 259.105 The Florida Forever Act.—

69 | (3) Less the costs of issuing and the costs of funding
 70 | reserve accounts and other costs associated with bonds, the
 71 | proceeds of cash payments or bonds issued pursuant to this
 72 | section shall be deposited into the Florida Forever Trust Fund
 73 | created by s. 259.1051. The proceeds shall be distributed by the
 74 | Department of Environmental Protection in the following manner:

75 | ~~(a) Thirty percent to the Department of Environmental~~

76 | ~~Protection for the acquisition of lands and capital project~~
77 | ~~expenditures necessary to implement the water management~~
78 | ~~districts' priority lists developed pursuant to s. 373.199. The~~
79 | ~~funds are to be distributed to the water management districts as~~
80 | ~~provided in subsection (11). A minimum of 50 percent of the~~
81 | ~~total funds provided over the life of the Florida Forever~~
82 | ~~program pursuant to this paragraph shall be used for the~~
83 | ~~acquisition of lands.~~

84 | (a) ~~(b)~~ Thirty-five percent to the Department of
85 | Environmental Protection for the acquisition of lands and
86 | capital project expenditures described in this section. Of the
87 | proceeds distributed pursuant to this paragraph, it is the
88 | intent of the Legislature that an increased priority be given to
89 | those acquisitions which achieve a combination of conservation
90 | goals, including protecting Florida's water resources and
91 | natural groundwater recharge. At a minimum, 3 percent, and no
92 | more than 10 percent, of the funds allocated pursuant to this
93 | paragraph shall be spent on capital project expenditures
94 | identified during the time of acquisition which meet land
95 | management planning activities necessary for public access.
96 | Beginning in the 2017-2018 fiscal year and continuing through
97 | the 2026-2027 fiscal year, at least \$5 million of the funds
98 | allocated pursuant to this paragraph shall be spent on land
99 | acquisition within the Florida Keys Area of Critical State
100 | Concern as authorized pursuant to s. 259.045.

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101 (b)(e) ~~Twenty~~ Twenty-one percent to the Department of
102 Environmental Protection for use by the Florida Communities
103 Trust for the purposes of part III of chapter 380, as described
104 and limited by this subsection, and grants to local governments
105 or nonprofit environmental organizations that are tax-exempt
106 under s. 501(c)(3) of the United States Internal Revenue Code
107 for the acquisition of community-based projects, urban open
108 spaces, parks, and greenways to implement local government
109 comprehensive plans. From funds available to the trust and used
110 for land acquisition, 75 percent shall be matched by local
111 governments on a dollar-for-dollar basis. The Legislature
112 intends that the ~~Florida Communities~~ trust emphasize funding
113 projects in low-income or otherwise disadvantaged communities
114 ~~and projects that provide areas for direct water access and~~
115 ~~water-dependent facilities that are open to the public and offer~~
116 ~~public access by vessels to waters of the state, including boat~~
117 ~~ramps and associated parking and other support facilities.~~ At
118 least 30 percent of the total allocation provided to the trust
119 shall be used in Standard Metropolitan Statistical Areas, but
120 one-half of that amount shall be used in localities in which the
121 project site is located in built-up commercial, industrial, or
122 mixed-use areas and functions to intersperse open spaces within
123 congested urban core areas. Up to 2 percent of the total
124 allocation provided to the trust may be used for expenditures
125 necessary to implement the Stan Mayfield Working Waterfronts

126 program pursuant to s. 380.5105 ~~From funds allocated to the~~
127 ~~trust, no less than 5 percent shall be used to acquire lands for~~
128 ~~recreational trail systems, provided that in the event these~~
129 ~~funds are not needed for such projects, they will be available~~
130 ~~for other trust projects.~~ Local governments may use federal
131 grants or loans, private donations, or environmental mitigation
132 funds for any part or all of any local match required for
133 acquisitions funded through the ~~Florida Communities~~ trust. Any
134 lands purchased by nonprofit organizations using funds allocated
135 under this paragraph must provide for such lands to remain
136 permanently in public use through a reversion of title to local
137 or state government, conservation easement, or other appropriate
138 mechanism. Projects funded with funds allocated to the trust
139 shall be selected in a competitive process measured against
140 criteria adopted in rule by the trust.

141 (c) ~~(d)~~ Two percent to the Department of Environmental
142 Protection for grants pursuant to s. 375.075.

143 (d) ~~(e)~~ Two ~~One and five-tenths~~ percent to the Department
144 of Environmental Protection for the purchase of inholdings and
145 additions to state parks and for capital project expenditures as
146 described in this section. At a minimum, 1 percent, and no more
147 than 10 percent, of the funds allocated pursuant to this
148 paragraph shall be spent on capital project expenditures
149 identified during the time of acquisition which meet land
150 management planning activities necessary for public access. For

151 the purposes of this paragraph, the term "state park" means any
152 real property in the state which is under the jurisdiction of
153 the Division of Recreation and Parks of the department, or which
154 may come under its jurisdiction.

155 (e)-(f) Two ~~One and five-tenths~~ percent to the Florida
156 Forest Service of the Department of Agriculture and Consumer
157 Services to fund the acquisition of state forest inholdings and
158 additions pursuant to s. 589.07, the implementation of
159 reforestation plans or sustainable forestry management
160 practices, and for capital project expenditures as described in
161 this section. At a minimum, 1 percent, and no more than 10
162 percent, of the funds allocated for the acquisition of
163 inholdings and additions pursuant to this paragraph shall be
164 spent on capital project expenditures identified during the time
165 of acquisition which meet land management planning activities
166 necessary for public access.

167 (f)-(g) Two ~~One and five-tenths~~ percent to the Fish and
168 Wildlife Conservation Commission to fund the acquisition of
169 inholdings and additions to lands managed by the commission
170 which are important to the conservation of fish and wildlife and
171 for capital project expenditures as described in this section.
172 At a minimum, 1 percent, and no more than 10 percent, of the
173 funds allocated pursuant to this paragraph shall be spent on
174 capital project expenditures identified during the time of
175 acquisition which meet land management planning activities

176 necessary for public access.

177 (g)~~(h)~~ Two ~~One and five-tenths~~ percent to the Department
 178 of Environmental Protection for the Florida Greenways and Trails
 179 Program, to acquire greenways and trails or greenways and trail
 180 systems pursuant to chapter 260, including, but not limited to,
 181 abandoned railroad rights-of-way and the Florida National Scenic
 182 Trail and for capital project expenditures as described in this
 183 section. At a minimum, 1 percent, and no more than 10 percent,
 184 of the funds allocated pursuant to this paragraph shall be spent
 185 on capital project expenditures identified during the time of
 186 acquisition which meet land management planning activities
 187 necessary for public access.

188 (h)~~(i)~~ Thirty-five ~~Three and five-tenths~~ percent to the
 189 Department of Agriculture and Consumer Services for the
 190 acquisition of agricultural lands, through perpetual
 191 conservation easements and other perpetual less than fee
 192 techniques, which will achieve the objectives of Florida Forever
 193 and s. 570.71. Rules concerning the application, acquisition,
 194 and priority ranking process for such easements shall be
 195 developed pursuant to s. 570.71(10) and as provided by this
 196 paragraph. The board shall ensure that such rules are consistent
 197 with the acquisition process provided for in s. 570.715. The
 198 rules developed pursuant to s. 570.71(10), shall also provide
 199 for the following:

- 200 1. An annual priority list shall be developed pursuant to

201 s. 570.71(10), submitted to the council for review, and approved
 202 by the board pursuant to s. 259.04.

203 2. Terms of easements and acquisitions proposed pursuant
 204 to this paragraph shall be approved by the board and may not be
 205 delegated by the board to any other entity receiving funds under
 206 this section.

207 3. All acquisitions pursuant to this paragraph shall
 208 contain a clear statement that they are subject to legislative
 209 appropriation.

210
 211 Funds provided under this paragraph may not be expended until
 212 final adoption of rules by the board pursuant to s. 570.71.

213 ~~(j) Two and five-tenths percent to the Department of~~
 214 ~~Environmental Protection for the acquisition of land and capital~~
 215 ~~project expenditures necessary to implement the Stan Mayfield~~
 216 ~~Working Waterfronts Program within the Florida Communities Trust~~
 217 ~~pursuant to s. 380.5105.~~

218 (i)~~(k)~~ It is the intent of the Legislature that cash
 219 payments or proceeds of Florida Forever bonds distributed under
 220 this section shall be expended in an efficient and fiscally
 221 responsible manner. An agency that receives proceeds from
 222 Florida Forever bonds under this section may not maintain a
 223 balance of unencumbered funds in its Florida Forever subaccount
 224 beyond 3 fiscal years from the date of deposit of funds from
 225 each bond issue. Any funds that have not been expended or

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226 | encumbered after 3 fiscal years from the date of deposit shall
227 | be distributed by the Legislature at its next regular session
228 | for use in the Florida Forever program.

229 | (j)~~(l)~~ For the purposes of paragraphs (e), (f), and (g),
230 | ~~and (h)~~, the agencies that receive the funds shall develop their
231 | individual acquisition or restoration lists in accordance with
232 | specific criteria and numeric performance measures developed
233 | pursuant to s. 259.035(4). Proposed additions may be acquired if
234 | they are identified within the original project boundary, the
235 | management plan required pursuant to s. 253.034(5), or the
236 | management prospectus required pursuant to s. 259.032(7)(c).
237 | Proposed additions not meeting the requirements of this
238 | paragraph shall be submitted to the council for approval. The
239 | council may only approve the proposed addition if it meets two
240 | or more of the following criteria: serves as a link or corridor
241 | to other publicly owned property; enhances the protection or
242 | management of the property; would add a desirable resource to
243 | the property; would create a more manageable boundary
244 | configuration; has a high resource value that otherwise would be
245 | unprotected; or can be acquired at less than fair market value.

246 | ~~(m) Notwithstanding paragraphs (a) - (j) and for the 2021-~~
247 | ~~2022 fiscal year, the amount of \$1,998,100 to only the~~
248 | ~~Department of Environmental Protection for grants pursuant to s.~~
249 | ~~375.075. This paragraph expires July 1, 2022.~~

250 | (4) It is the intent of the Legislature that projects or

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251 acquisitions funded pursuant to paragraph ~~paragraphs~~ (3) (a) ~~and~~
252 ~~(b)~~ contribute to the achievement of the following goals, which
253 shall be evaluated in accordance with specific criteria and
254 numeric performance measures developed pursuant to s.

255 259.035(4):

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

258 1. The number of acres acquired through the state's land
259 acquisition programs that contribute to the enhancement of
260 essential natural resources, ecosystem service parcels, and
261 connecting linkage corridors as identified and developed by the
262 best available scientific analysis;

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

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

268 (b) Increase the protection of Florida's biodiversity at
269 the species, natural community, and landscape levels, as
270 measured by:

271 1. The number of acres acquired of significant strategic
272 habitat conservation areas;

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

275 3. The number of acres acquired of significant landscapes,

276 | landscape linkages, and conservation corridors, giving priority
277 | to completing linkages;

278 | 4. The number of acres acquired of underrepresented native
279 | ecosystems;

280 | 5. The number of landscape-sized protection areas of at
281 | least 50,000 acres that exhibit a mosaic of predominantly intact
282 | or restorable natural communities established through new
283 | acquisition projects or augmentations to previous projects; or

284 | 6. The percentage increase in the number of occurrences of
285 | imperiled species on publicly managed conservation areas.

286 | (c) Protect, restore, and maintain the quality and natural
287 | functions of land, water, and wetland systems of the state, as
288 | measured by:

289 | 1. The number of acres of publicly owned land identified
290 | as needing restoration, enhancement, and management, acres
291 | undergoing restoration or enhancement, acres with restoration
292 | activities completed, and acres managed to maintain such
293 | restored or enhanced conditions; the number of acres which
294 | represent actual or potential imperiled species habitat; the
295 | number of acres which are available pursuant to a management
296 | plan to restore, enhance, repopulate, and manage imperiled
297 | species habitat; and the number of acres of imperiled species
298 | habitat managed, restored, enhanced, repopulated, or acquired;

299 | 2. The percentage of water segments that fully meet,
300 | partially meet, or do not meet their designated uses as reported

301 in the Department of Environmental Protection's State Water
302 Quality Assessment 305(b) Report;

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

307 4. The number of acres acquired that protect natural
308 floodplain functions;

309 5. The number of acres acquired that protect surface
310 waters of the state;

311 6. The number of acres identified for acquisition to
312 minimize damage from flooding and the percentage of those acres
313 acquired;

314 7. The number of acres acquired that protect fragile
315 coastal resources;

316 8. The number of acres of functional wetland systems
317 protected;

318 9. The percentage of miles of critically eroding beaches
319 contiguous with public lands that are restored or protected from
320 further erosion;

321 10. The percentage of public lakes and rivers in which
322 invasive, nonnative aquatic plants are under maintenance
323 control; or

324 11. The number of acres of public conservation lands in
325 which upland invasive, exotic plants are under maintenance

326 control.

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

330 1. The number of acres acquired which provide retention
331 and storage of surface water in naturally occurring storage
332 areas, such as lakes and wetlands, consistent with the
333 maintenance of water resources or water supplies and consistent
334 with district water supply plans;

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

338 3. The number of acres acquired of groundwater recharge
339 areas critical to springs, sinks, aquifers, other natural
340 systems, or water supply.

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

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

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

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

351 (f) Preserve significant archaeological or historic sites,
352 as measured by:

353 1. The increase in the number of and percentage of
354 historic and archaeological properties listed in the Florida
355 Master Site File or National Register of Historic Places which
356 are protected or preserved for public use; or

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

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

361 1. The number of acres acquired that are available for
362 sustainable forest management;

363 2. The number of acres of state-owned forestland managed
364 for economic return in accordance with current best management
365 practices;

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

368 4. The percentage and number of acres identified for
369 restoration actually restored by reforestation.

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

372 1. The percentage of local governments that participate in
373 land acquisition programs and acquire open space in urban cores;
374 or

375 2. The percentage and number of acres of purchases of open

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376 space within urban service areas.

377 (i) Mitigate the effects of natural disasters and floods
 378 in developed areas, as measured by:

379 1. The number of acres acquired within a 100-year
 380 floodplain or a coastal high hazard area;

381 2. The number of acres acquired or developed to serve dual
 382 functions as:

383 a. Flow ways or temporary water storage areas during
 384 flooding or high water events, not including permanent
 385 reservoirs; and

386 b. Greenways or open spaces available to the public for
 387 recreation;

388 3. The number of acres that protect existing open spaces
 389 and natural buffer areas within a floodplain that also serve as
 390 natural flow ways or natural temporary water storage areas; and

391 4. The percentage of the land acquired within the project
 392 boundary that creates additional open spaces, natural buffer
 393 areas, and greenways within a floodplain, while precluding
 394 rebuilding in areas that repeatedly flood.

395
 396 Florida Forever projects and acquisitions funded pursuant to
 397 paragraph (3)(b) ~~(3)(e)~~ shall be measured by goals developed by
 398 rule by the Florida Communities Trust Governing Board created in
 399 s. 380.504.

400 (7) (a) No later than July 1 annually, the Acquisition and

401 Restoration Council shall accept applications from state
402 agencies, local governments, nonprofit and for-profit
403 organizations, private land trusts, and individuals for project
404 proposals eligible for funding pursuant to paragraph (3) (a)
405 ~~(3) (b)~~. The council shall evaluate the proposals received
406 pursuant to this subsection to ensure that they meet at least
407 one of the criteria under subsection (9).

408 (b) Project applications shall contain, at a minimum, the
409 following:

410 1. A minimum of two numeric performance measures that
411 directly relate to the overall goals adopted by the council.
412 Each performance measure shall include a baseline measurement,
413 which is the current situation; a performance standard which the
414 project sponsor anticipates the project will achieve; and the
415 performance measurement itself, which should reflect the
416 incremental improvements the project accomplishes towards
417 achieving the performance standard.

418 2. Proof that property owners within any proposed
419 acquisition have been notified of their inclusion in the
420 proposed project. Any property owner may request the removal of
421 such property from further consideration by submitting a request
422 to the project sponsor or the Acquisition and Restoration
423 Council by certified mail. Upon receiving this request, the
424 council shall delete the property from the proposed project;
425 however, the board of trustees, at the time it votes to approve

426 the proposed project lists pursuant to subsection (16), may add
427 the property back on to the project lists if it determines by a
428 super majority of its members that such property is critical to
429 achieve the purposes of the project.

430 (c) The title to lands acquired under this section shall
431 vest in the Board of Trustees of the Internal Improvement Trust
432 Fund, except that title to lands acquired by a water management
433 district shall vest in the name of that district and lands
434 acquired by a local government shall vest in the name of the
435 purchasing local government.

436 (9) The Acquisition and Restoration Council shall
437 recommend rules for adoption by the board of trustees to
438 competitively evaluate, select, and rank projects eligible for
439 Florida Forever funds pursuant to paragraph (3) (a) ~~(3) (b)~~. In
440 developing these proposed rules, the Acquisition and Restoration
441 Council shall give weight to the following criteria:

442 (a) The project meets multiple goals described in
443 subsection (4).

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

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

448 (d) The project has significant archaeological or historic
449 value.

450 (e) The project has funding sources that are identified

451 and assured through at least the first 2 years of the project.

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

454 (g) The project has a significant portion of its land area
455 in imminent danger of development, in imminent danger of losing
456 its significant natural attributes or recreational open space,
457 or in imminent danger of subdivision which would result in
458 multiple ownership and make acquisition of the project costly or
459 less likely to be accomplished.

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

462 (i) The project is one of the components of the Everglades
463 restoration effort.

464 (j) The project may be purchased at 80 percent of
465 appraised value.

466 (k) The project may be acquired, in whole or in part,
467 using alternatives to fee simple, including but not limited to,
468 tax incentives, mitigation funds, or other revenues; the
469 purchase of development rights, hunting rights, agricultural or
470 silvicultural rights, or mineral rights; or obtaining
471 conservation easements or flowage easements.

472 (l) The project is a joint acquisition, either among
473 public agencies, nonprofit organizations, or private entities,
474 or by a public-private partnership.

475 (16) All proposals for projects pursuant to paragraph

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476 (3) (a) ~~(3) (b)~~ shall be implemented only if adopted by the
477 Acquisition and Restoration Council and approved by the board of
478 trustees. The council shall consider and evaluate in writing the
479 merits and demerits of each project that is proposed for Florida
480 Forever funding. The council shall ensure that each proposed
481 project will meet a stated public purpose for the restoration,
482 conservation, or preservation of environmentally sensitive lands
483 and water areas or for providing outdoor recreational
484 opportunities. The council also shall determine whether the
485 project or addition conforms, where applicable, with the
486 comprehensive plan developed pursuant to s. 259.04(1)(a), the
487 comprehensive multipurpose outdoor recreation plan developed
488 pursuant to s. 375.021, the state lands management plan adopted
489 pursuant to s. 253.03(7), the water resources work plans
490 developed pursuant to s. 373.199, and the provisions of this
491 section.

492 Section 3. Subsections (3) and (4) of section 375.041,
493 Florida Statutes, are amended to read:

494 375.041 Land Acquisition Trust Fund.—

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

497 (a) First, to pay debt service or to fund debt service
498 reserve funds, rebate obligations, or other amounts payable with
499 respect to Florida Forever bonds issued under s. 215.618; and
500 pay debt service, provide reserves, and pay rebate obligations

501 and other amounts due with respect to Everglades restoration
502 bonds issued under s. 215.619; and

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

506 1. A minimum of the lesser of 25 percent or \$200 million
507 shall be appropriated annually for Everglades projects that
508 implement the Comprehensive Everglades Restoration Plan as set
509 forth in s. 373.470, including the Central Everglades Planning
510 Project subject to Congressional authorization; the Long-Term
511 Plan as defined in s. 373.4592(2); and the Northern Everglades
512 and Estuaries Protection Program as set forth in s. 373.4595.
513 From these funds, \$32 million shall be distributed each fiscal
514 year through the 2023-2024 fiscal year to the South Florida
515 Water Management District for the Long-Term Plan as defined in
516 s. 373.4592(2). After deducting the \$32 million distributed
517 under this subparagraph, from the funds remaining, a minimum of
518 the lesser of 76.5 percent or \$100 million shall be appropriated
519 each fiscal year through the 2025-2026 fiscal year for the
520 planning, design, engineering, and construction of the
521 Comprehensive Everglades Restoration Plan as set forth in s.
522 373.470, including the Central Everglades Planning Project, the
523 Everglades Agricultural Area Storage Reservoir Project, the Lake
524 Okeechobee Watershed Project, the C-43 West Basin Storage
525 Reservoir Project, the Indian River Lagoon-South Project, the

526 Western Everglades Restoration Project, and the Picayune Strand
527 Restoration Project. The Department of Environmental Protection
528 and the South Florida Water Management District shall give
529 preference to those Everglades restoration projects that reduce
530 harmful discharges of water from Lake Okeechobee to the St.
531 Lucie or Caloosahatchee estuaries in a timely manner. For the
532 purpose of performing the calculation provided in this
533 subparagraph, the amount of debt service paid pursuant to
534 paragraph (a) for bonds issued after July 1, 2016, for the
535 purposes set forth under this paragraph ~~(b)~~ shall be added to
536 the amount remaining after the payments required under paragraph
537 (a). The amount of the distribution calculated shall then be
538 reduced by an amount equal to the debt service paid pursuant to
539 paragraph (a) on bonds issued after July 1, 2016, for the
540 purposes set forth under this subparagraph.

541 2. A minimum of the lesser of 7.6 percent or \$50 million
542 shall be appropriated annually for spring restoration,
543 protection, and management projects. For the purpose of
544 performing the calculation provided in this subparagraph, the
545 amount of debt service paid pursuant to paragraph (a) for bonds
546 issued after July 1, 2016, for the purposes set forth under this
547 paragraph ~~(b)~~ shall be added to the amount remaining after the
548 payments required under paragraph (a). The amount of the
549 distribution calculated shall then be reduced by an amount equal
550 to the debt service paid pursuant to paragraph (a) on bonds

551 issued after July 1, 2016, for the purposes set forth under this
 552 subparagraph.

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

560 4. The sum of \$64 million is appropriated and shall be
 561 transferred to the Everglades Trust Fund for the 2018-2019
 562 fiscal year, and each fiscal year thereafter, for the EAA
 563 reservoir project pursuant to s. 373.4598. Any funds remaining
 564 in any fiscal year shall be made available only for Phase II of
 565 the C-51 reservoir project or projects identified in
 566 subparagraph 1. and must be used in accordance with laws
 567 relating to such projects. Any funds made available for such
 568 purposes in a fiscal year are in addition to the amount
 569 appropriated under subparagraph 1. This distribution shall be
 570 reduced by an amount equal to the debt service paid pursuant to
 571 paragraph (a) on bonds issued after July 1, 2017, for the
 572 purposes set forth in this subparagraph.

573 5. The sum of \$50 million shall be appropriated annually
 574 to the South Florida Water Management District for the Lake
 575 Okeechobee Watershed Restoration Project in accordance with s.

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576 373.4599. This distribution must be reduced by an amount equal
577 to the debt service paid pursuant to paragraph (a) on bonds
578 issued after July 1, 2021, for the purposes set forth in this
579 subparagraph.

580 6. A minimum of the lesser of 40 percent or \$350 million
581 shall be appropriated annually to the Florida Forever Trust Fund
582 ~~Notwithstanding subparagraph 3., for the 2021-2022 fiscal year,~~
583 ~~funds shall be appropriated as provided in the General~~
584 ~~Appropriations Act. This subparagraph expires July 1, 2022.~~

585 (4) Any remaining moneys in the Land Acquisition Trust
586 Fund which are not distributed as provided in subsection (3) may
587 be appropriated from time to time for the purposes set forth in
588 s. 28, Art. X of the State Constitution, except that moneys
589 distributed from the Land Acquisition Trust Fund may not be used
590 for costs associated with any of the following budget entities:

591 (a) The Executive Direction and Support Services and the
592 Technology and Information Services within the Department of
593 Environmental Protection.

594 (b) The Executive Direction and Support Services and the
595 Office of Agriculture Technology Services within the Department
596 of Agriculture and Consumer Services.

597 (c) The Office of Executive Direction and Administrative
598 Support Services within the Fish and Wildlife Conservation
599 Commission.

600 (d) The Executive Direction and Support Services within

601 the Department of State.

602 Section 4. Subsection (1) of section 20.3315, Florida
603 Statutes, is amended to read:

604 20.3315 Florida Forever Program Trust Fund of the Florida
605 Fish and Wildlife Conservation Commission.—

606 (1) There is created a Florida Forever Program Trust Fund
607 within the Florida Fish and Wildlife Conservation Commission to
608 carry out the duties of the commission under the Florida Forever
609 Act as specified in s. 259.105(3)(f) ~~s. 259.105(3)(g)~~. The trust
610 fund shall receive funds pursuant to s. 259.105(3)(f) ~~s.~~
611 ~~259.105(3)(g)~~.

612 Section 5. Subsections (4) and (5) of section 253.027,
613 Florida Statutes, are amended to read:

614 253.027 Emergency archaeological property acquisition.—

615 (4) EMERGENCY ARCHAEOLOGICAL ACQUISITION.—The sum of \$2
616 million shall be reserved annually within the Florida Forever
617 Trust Fund for the purpose of emergency archaeological
618 acquisition. Any portion of that amount not spent or obligated
619 by the end of the third quarter of the fiscal year may be used
620 for approved acquisitions pursuant to s. 259.105(3)(a) ~~s.~~
621 ~~259.105(3)(b)~~.

622 (5) ACCOUNT EXPENDITURES.—

623 (a) ~~No~~ Moneys may not ~~shall~~ be spent for the acquisition
624 of any property, including title works, appraisal fees, and
625 survey costs, unless:

626 1. The property is an archaeological property of major
627 statewide significance.

628 2. The structures, artifacts, or relics, or their historic
629 significance, will be irretrievably lost if the state cannot
630 acquire the property.

631 3. The site is presently on an acquisition list for
632 Florida Forever lands or complies with the criteria for
633 inclusion on any such list, but has yet to be included on the
634 list.

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

637 5. The site is not otherwise protected by local, state, or
638 federal laws.

639 6. The acquisition is not inconsistent with the state
640 comprehensive plan and the state land acquisition program.

641 (b) ~~No~~ Moneys may not ~~shall~~ be spent from the account for
642 excavation or restoration of the properties acquired. Funds may
643 be spent for preliminary surveys to determine if the sites meet
644 the criteria of this section. An amount not to exceed \$100,000
645 may also be spent from the account to inventory and evaluate
646 archaeological and historic resources on properties purchased,
647 or proposed for purchase, pursuant to s. 259.105(3)(a) ~~s.~~
648 ~~259.105(3)(b)~~.

649 Section 6. Subsection (3) of section 253.034, Florida
650 Statutes, is amended to read:

651 253.034 State-owned lands; uses.—

652 (3) Recognizing that recreational trails purchased with
653 rails-to-trails funds pursuant to former s. 259.101(3)(g),
654 Florida Statutes 2014, or s. 259.105(3)(g) ~~s. 259.105(3)(h)~~ have
655 had historic transportation uses and that their linear character
656 may extend many miles, the Legislature intends that if the
657 necessity arises to serve public needs, after balancing the need
658 to protect trail users from collisions with automobiles and a
659 preference for the use of overpasses and underpasses to the
660 greatest extent feasible and practical, transportation uses
661 shall be allowed to cross recreational trails purchased pursuant
662 to former s. 259.101(3)(g), Florida Statutes 2014, or s.
663 259.105(3)(g) ~~s. 259.105(3)(h)~~. When these crossings are needed,
664 the location and design should consider and mitigate the impact
665 on humans and environmental resources, and the value of the land
666 shall be paid based on fair market value.

667 Section 7. Subsections (3) and (6) of section 259.035,
668 Florida Statutes, are amended to read:

669 259.035 Acquisition and Restoration Council.—

670 (3) The council shall provide assistance to the board in
671 reviewing the recommendations and plans for state-owned
672 conservation lands required under s. 253.034 and this chapter.
673 The council shall, in reviewing such plans, consider the
674 optimization of multiple-use and conservation strategies to
675 accomplish the provisions funded pursuant to former s.

676 | 259.101(3)(a), Florida Statutes 2014, and to s. 259.105(3)(a) ~~s.~~
 677 | ~~259.105(3)(b)~~.

678 | (6) The proposal for a project pursuant to this section or
 679 | s. 259.105(3)(a) ~~s. 259.105(3)(b)~~ may be implemented only if
 680 | adopted by the council and approved by the board of trustees.
 681 | The council shall consider and evaluate in writing the merits
 682 | and demerits of each project that is proposed for acquisition
 683 | using funds available pursuant to s. 28, Art. X of the State
 684 | Constitution or Florida Forever funding and shall ensure that
 685 | each proposed project meets the requirements of s. 28, Art. X of
 686 | the State Constitution. The council also shall determine whether
 687 | the project conforms, where applicable, with the comprehensive
 688 | plan developed pursuant to s. 259.04(1)(a), the comprehensive
 689 | multipurpose outdoor recreation plan developed pursuant to s.
 690 | 375.021, the state lands management plan adopted pursuant to s.
 691 | 253.03(7), the water resources work plans developed pursuant to
 692 | s. 373.199, and the provisions of s. 259.032, s. 259.101, or s.
 693 | 259.105, whichever is applicable.

694 | Section 8. Subsection (7) of section 380.510, Florida
 695 | Statutes, is amended to read:

696 | 380.510 Conditions of grants and loans.—

697 | (7) Any funds received by the trust pursuant to s.
 698 | 259.105(3)(b) ~~s. 259.105(3)(c)~~ or s. 375.041 shall be held
 699 | separate and apart from any other funds held by the trust and
 700 | used for the land acquisition purposes of this part.

701 (a) The administration and use of Florida Forever funds
702 are subject to such terms and conditions imposed thereon by the
703 agency of the state responsible for the bonds, the proceeds of
704 which are deposited into the Florida Forever Trust Fund,
705 including restrictions imposed to ensure that the interest on
706 any such bonds issued by the state as tax-exempt bonds is not
707 included in the gross income of the holders of such bonds for
708 federal income tax purposes.

709 (b) All deeds or leases with respect to any real property
710 acquired with funds received by the trust from the former
711 Preservation 2000 Trust Fund, the Florida Forever Trust Fund, or
712 the Land Acquisition Trust Fund must contain such covenants and
713 restrictions as are sufficient to ensure that the use of such
714 real property at all times complies with s. 375.051 and s. 9,
715 Art. XII of the State Constitution. Each deed or lease with
716 respect to any real property acquired with funds received by the
717 trust from the Florida Forever Trust Fund before July 1, 2015,
718 must contain covenants and restrictions sufficient to ensure
719 that the use of such real property at all times complies with s.
720 11(e), Art. VII of the State Constitution. Each deed or lease
721 with respect to any real property acquired with funds received
722 by the trust from the Florida Forever Trust Fund after July 1,
723 2015, must contain covenants and restrictions sufficient to
724 ensure that the use of such real property at all times complies
725 with s. 28, Art. X of the State Constitution. Each deed or lease

726 must contain a reversion, conveyance, or termination clause that
727 vests title in the Board of Trustees of the Internal Improvement
728 Trust Fund if any of the covenants or restrictions are violated
729 by the titleholder or leaseholder or by some third party with
730 the knowledge of the titleholder or leaseholder.

731 Section 9. Paragraph (d) of subsection (1) of section
732 570.715, Florida Statutes, is amended to read:

733 570.715 Conservation easement acquisition procedures.—

734 (1) For less than fee simple acquisitions pursuant to s.
735 570.71, the Department of Agriculture and Consumer Services
736 shall comply with the following acquisition procedures:

737 (d) On behalf of the board of trustees and before the
738 appraisal of parcels approved for purchase under ss.
739 259.105(3)(h) ~~ss. 259.105(3)(i)~~ and 570.71, the department may
740 enter into option contracts to buy less than fee simple interest
741 in such parcels. Any such option contract shall state that the
742 final purchase price is subject to approval by the board of
743 trustees and that the final purchase price may not exceed the
744 maximum offer authorized by law. Any such option contract
745 presented to the board of trustees for final purchase price
746 approval shall explicitly state that payment of the final
747 purchase price is subject to an appropriation by the
748 Legislature. The consideration for any such option contract may
749 not exceed \$1,000 or 0.01 percent of the estimate by the
750 department of the value of the parcel, whichever amount is

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751 greater.

752 Section 10. Subsection (1) of section 589.065, Florida
753 Statutes, is amended to read:

754 589.065 Florida Forever Program Trust Fund of the
755 Department of Agriculture and Consumer Services.—

756 (1) There is created a Florida Forever Program Trust Fund
757 within the Department of Agriculture and Consumer Services to
758 carry out the duties of the department under the Florida Forever
759 Act as specified in s. 259.105(3)(e) ~~s. 259.105(3)(f)~~. The trust
760 fund shall receive funds pursuant to s. 259.105(3)(e) ~~s.~~
761 ~~259.105(3)(f)~~.

762 Section 11. This act shall take effect July 1, 2022.