

By Senator Stewart

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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 issued 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 amending s. 375.041, F.S.; requiring a specified
10 annual appropriation to the Florida Forever Trust
11 Fund; prohibiting the use of moneys from the Land
12 Acquisition Trust Fund for specified costs; amending
13 ss. 20.3315, 253.027, 253.034, 259.035, 380.510,
14 570.715, and 589.065, F.S.; conforming cross-
15 references; providing an effective date.

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

18
19 Section 1. Paragraph (a) of subsection (3) of section
20 201.15, Florida Statutes, is amended to read:

21 201.15 Distribution of taxes collected.—All taxes collected
22 under this chapter are hereby pledged and shall be first made
23 available to make payments when due on bonds issued pursuant to
24 s. 215.618 or s. 215.619, or any other bonds authorized to be
25 issued on a parity basis with such bonds. Such pledge and
26 availability for the payment of these bonds shall have priority
27 over any requirement for the payment of service charges or costs
28 of collection and enforcement under this section. All taxes
29 collected under this chapter, except taxes distributed to the

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30 Land Acquisition Trust Fund pursuant to subsections (1) and (2),
31 are subject to the service charge imposed in s. 215.20(1).
32 Before distribution pursuant to this section, the Department of
33 Revenue shall deduct amounts necessary to pay the costs of the
34 collection and enforcement of the tax levied by this chapter.
35 The costs and service charge may not be levied against any
36 portion of taxes pledged to debt service on bonds to the extent
37 that the costs and service charge are required to pay any
38 amounts relating to the bonds. All of the costs of the
39 collection and enforcement of the tax levied by this chapter and
40 the service charge shall be available and transferred to the
41 extent necessary to pay debt service and any other amounts
42 payable with respect to bonds authorized before January 1, 2017,
43 secured by revenues distributed pursuant to this section. All
44 taxes remaining after deduction of costs shall be distributed as
45 follows:

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

48 (a) Payment of debt service or funding of debt service
49 reserve funds, rebate obligations, or other amounts payable with
50 respect to Florida Forever bonds issued pursuant to s. 215.618.
51 The amount used for such purposes may not exceed \$300 million in
52 each fiscal year. It is the intent of the Legislature that all
53 bonds issued to fund the Florida Forever Act be retired by
54 December 31, 2054 ~~2040~~. Except for bonds issued to refund
55 previously issued bonds, a ~~no~~ series of bonds may not be issued
56 pursuant to this paragraph unless such bonds are approved and
57 the debt service for the remainder of the fiscal year in which
58 the bonds are issued is specifically appropriated in the General

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59 Appropriations Act or other law with respect to bonds issued for
60 the purposes of s. 373.4598.

61
62 Bonds issued pursuant to s. 215.618 or s. 215.619 are equally
63 and ratably secured by moneys distributable to the Land
64 Acquisition Trust Fund.

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

67 259.105 The Florida Forever Act.—

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

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

83 (a)(b) Thirty-five and seven-tenths percent to the
84 Department of Environmental Protection for the acquisition of
85 lands and capital project expenditures described in this
86 section. Of the proceeds distributed pursuant to this paragraph,
87 it is the intent of the Legislature that an increased priority

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88 be given to those acquisitions which achieve a combination of
89 conservation goals, including protecting Florida's water
90 resources and natural groundwater recharge. At a minimum, 3
91 percent, and no more than 10 percent, of the funds allocated
92 pursuant to this paragraph shall be spent on capital project
93 expenditures identified during the time of acquisition which
94 meet land management planning activities necessary for public
95 access. Beginning in the 2017-2018 fiscal year and continuing
96 through the 2026-2027 fiscal year, at least \$5 million of the
97 funds allocated pursuant to this paragraph shall be spent on
98 land acquisition within the Florida Keys Area of Critical State
99 Concern as authorized pursuant to s. 259.045.

100 (b) ~~(e)~~ Twenty and seven-tenths ~~Twenty-one~~ percent to the
101 Department of Environmental Protection for use by the Florida
102 Communities Trust for the purposes of part III of chapter 380,
103 as described and limited by this subsection, and grants to local
104 governments or nonprofit environmental organizations that are
105 tax-exempt under s. 501(c)(3) of the United States Internal
106 Revenue Code for the acquisition of community-based projects,
107 urban open spaces, parks, and greenways to implement local
108 government comprehensive plans. From funds available to the
109 trust and used for land acquisition, 75 percent shall be matched
110 by local governments on a dollar-for-dollar basis. The
111 Legislature intends that the ~~Florida Communities~~ trust emphasize
112 funding projects in low-income or otherwise disadvantaged
113 communities ~~and projects that provide areas for direct water~~
114 ~~access and water-dependent facilities that are open to the~~
115 ~~public and offer public access by vessels to waters of the~~
116 ~~state, including boat ramps and associated parking and other~~

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117 ~~support facilities.~~ At least 30 percent of the total allocation
118 provided to the trust shall be used in Standard Metropolitan
119 Statistical Areas, but one-half of that amount shall be used in
120 localities in which the project site is located in built-up
121 commercial, industrial, or mixed-use areas and functions to
122 intersperse open spaces within congested urban core areas. Up to
123 2 percent of the total allocation provided to the trust may be
124 used for expenditures necessary to implement the Stan Mayfield
125 Working Waterfronts program pursuant to s. 380.5105 ~~From funds~~
126 ~~allocated to the trust, no less than 5 percent shall be used to~~
127 ~~acquire lands for recreational trail systems, provided that in~~
128 ~~the event these funds are not needed for such projects, they~~
129 ~~will be available for other trust projects.~~ Local governments
130 may use federal grants or loans, private donations, or
131 environmental mitigation funds for any part or all of any local
132 match required for acquisitions funded through the ~~Florida~~
133 ~~Communities~~ trust. Any lands purchased by nonprofit
134 organizations using funds allocated under this paragraph must
135 provide for such lands to remain permanently in public use
136 through a reversion of title to local or state government,
137 conservation easement, or other appropriate mechanism. Projects
138 funded with funds allocated to the trust shall be selected in a
139 competitive process measured against criteria adopted in rule by
140 the trust.

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

143 ~~(d)(e)~~ Two and seven-tenths ~~One and five-tenths~~ percent to
144 the Department of Environmental Protection for the purchase of
145 inholdings and additions to state parks and for capital project

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146 expenditures as described in this section. At a minimum, 1
147 percent, and no more than 10 percent, of the funds allocated
148 pursuant to this paragraph shall be spent on capital project
149 expenditures identified during the time of acquisition which
150 meet land management planning activities necessary for public
151 access. For the purposes of this paragraph, the term "state
152 park" means any real property in the state which is under the
153 jurisdiction of the Division of Recreation and Parks of the
154 department, or which may come under its jurisdiction.

155 (e)~~(f)~~ Two and seven-tenths ~~One and five-tenths~~ percent to
156 the Florida Forest Service of the Department of Agriculture and
157 Consumer Services to fund the acquisition of state forest
158 inholdings and additions pursuant to s. 589.07, the
159 implementation of reforestation plans or sustainable forestry
160 management practices, and for capital project expenditures as
161 described in this section. At a minimum, 1 percent, and no more
162 than 10 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 and seven-tenths ~~One and five-tenths~~ percent to
168 the Fish and Wildlife Conservation Commission to fund the
169 acquisition of inholdings and additions to lands managed by the
170 commission which are important to the conservation of fish and
171 wildlife and for capital project expenditures as described in
172 this section. At a minimum, 1 percent, and no more than 10
173 percent, of the funds allocated pursuant to this paragraph shall
174 be spent on capital project expenditures identified during the

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175 time of acquisition which meet land management planning
176 activities necessary for public access.

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

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

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

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

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

211

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

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

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

230 (j)~~(l)~~ For the purposes of paragraphs (e), (f), and (g),
231 ~~and (h)~~, the agencies that receive the funds shall develop their
232 individual acquisition or restoration lists in accordance with

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233 specific criteria and numeric performance measures developed
234 pursuant to s. 259.035(4). Proposed additions may be acquired if
235 they are identified within the original project boundary, the
236 management plan required pursuant to s. 253.034(5), or the
237 management prospectus required pursuant to s. 259.032(7)(c).
238 Proposed additions not meeting the requirements of this
239 paragraph shall be submitted to the council for approval. The
240 council may only approve the proposed addition if it meets two
241 or more of the following criteria: serves as a link or corridor
242 to other publicly owned property; enhances the protection or
243 management of the property; would add a desirable resource to
244 the property; would create a more manageable boundary
245 configuration; has a high resource value that otherwise would be
246 unprotected; or can be acquired at less than fair market value.

247 ~~(m) Notwithstanding paragraphs (a)–(j) and for the 2021–~~
248 ~~2022 fiscal year, the amount of \$1,998,100 to only the~~
249 ~~Department of Environmental Protection for grants pursuant to s.~~
250 ~~375.075. This paragraph expires July 1, 2022.~~

251 (4) It is the intent of the Legislature that projects or
252 acquisitions funded pursuant to paragraph ~~paragraphs~~ (3)(a) and
253 ~~(b)~~ contribute to the achievement of the following goals, which
254 shall be evaluated in accordance with specific criteria and
255 numeric performance measures developed pursuant to s.
256 259.035(4):

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

259 1. The number of acres acquired through the state's land
260 acquisition programs that contribute to the enhancement of
261 essential natural resources, ecosystem service parcels, and

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262 connecting linkage corridors as identified and developed by the
263 best available scientific analysis;

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

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

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

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

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

276 3. The number of acres acquired of significant landscapes,
277 landscape linkages, and conservation corridors, giving priority
278 to completing linkages;

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

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

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

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

290 1. The number of acres of publicly owned land identified as

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

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

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

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

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

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

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

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

319 9. The percentage of miles of critically eroding beaches

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320 contiguous with public lands that are restored or protected from
321 further erosion;

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

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

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

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

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

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

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

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

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

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349 Florida National Scenic Trail; or

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

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

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

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

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

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

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

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

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

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

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

376 2. The percentage and number of acres of purchases of open
377 space within urban service areas.

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

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

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

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

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

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

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

396

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

401 (7)(a) No later than July 1 annually, the Acquisition and
402 Restoration Council shall accept applications from state
403 agencies, local governments, nonprofit and for-profit
404 organizations, private land trusts, and individuals for project
405 proposals eligible for funding pursuant to paragraph (3)(a)
406 ~~(3)(b)~~. The council shall evaluate the proposals received

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407 pursuant to this subsection to ensure that they meet at least
408 one of the criteria under subsection (9).

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

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

419 2. Proof that property owners within any proposed
420 acquisition have been notified of their inclusion in the
421 proposed project. Any property owner may request the removal of
422 such property from further consideration by submitting a request
423 to the project sponsor or the Acquisition and Restoration
424 Council by certified mail. Upon receiving this request, the
425 council shall delete the property from the proposed project;
426 however, the board of trustees, at the time it votes to approve
427 the proposed project lists pursuant to subsection (16), may add
428 the property back on to the project lists if it determines by a
429 super majority of its members that such property is critical to
430 achieve the purposes of the project.

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

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436 purchasing local government.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

493 Section 3. Subsections (3) and (4) of section 375.041,

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494 Florida Statutes, are amended to read:

495 375.041 Land Acquisition Trust Fund.—

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

498 (a) First, to pay debt service or to fund debt service
499 reserve funds, rebate obligations, or other amounts payable with
500 respect to Florida Forever bonds issued under s. 215.618; and
501 pay debt service, provide reserves, and pay rebate obligations
502 and other amounts due with respect to Everglades restoration
503 bonds issued under s. 215.619; and

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

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

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523 373.470, including the Central Everglades Planning Project, the
524 Everglades Agricultural Area Storage Reservoir Project, the Lake
525 Okeechobee Watershed Project, the C-43 West Basin Storage
526 Reservoir Project, the Indian River Lagoon-South Project, the
527 Western Everglades Restoration Project, and the Picayune Strand
528 Restoration Project. The Department of Environmental Protection
529 and the South Florida Water Management District shall give
530 preference to those Everglades restoration projects that reduce
531 harmful discharges of water from Lake Okeechobee to the St.
532 Lucie or Caloosahatchee estuaries in a timely manner. For the
533 purpose of performing the calculation provided in this
534 subparagraph, the amount of debt service paid pursuant to
535 paragraph (a) for bonds issued after July 1, 2016, for the
536 purposes set forth under this paragraph shall be added to the
537 amount remaining after the payments required under paragraph
538 (a). The amount of the distribution calculated shall then be
539 reduced by an amount equal to the debt service paid pursuant to
540 paragraph (a) on bonds issued after July 1, 2016, for the
541 purposes set forth under this subparagraph.

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

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

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

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

574 5. The sum of \$50 million shall be appropriated annually to
575 the South Florida Water Management District for the Lake
576 Okeechobee Watershed Restoration Project in accordance with s.
577 373.4599. This distribution must be reduced by an amount equal
578 to the debt service paid pursuant to paragraph (a) on bonds
579 issued after July 1, 2021, for the purposes set forth in this
580 subparagraph.

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581 6. A minimum of the lesser of 40 percent or \$300 million
582 shall be appropriated annually to the Florida Forever Trust Fund
583 ~~Notwithstanding subparagraph 3., for the 2022-2023 fiscal year,~~
584 ~~funds shall be appropriated as provided in the General~~
585 ~~Appropriations Act. This subparagraph expires July 1, 2023.~~

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

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

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

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

601 (d) The Executive Direction and Support Services within the
602 Department of State.

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

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

607 (1) There is created a Florida Forever Program Trust Fund
608 within the Florida Fish and Wildlife Conservation Commission to
609 carry out the duties of the commission under the Florida Forever

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610 Act as specified in s. 259.105(3)(f) ~~s. 259.105(3)(g)~~. The trust
611 fund shall receive funds pursuant to s. 259.105(3)(f) ~~s.~~
612 ~~259.105(3)(g)~~.

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

615 253.027 Emergency archaeological property acquisition.—

616 (4) EMERGENCY ARCHAEOLOGICAL ACQUISITION.—The sum of \$2
617 million shall be reserved annually within the Florida Forever
618 Trust Fund for the purpose of emergency archaeological
619 acquisition. Any portion of that amount not spent or obligated
620 by the end of the third quarter of the fiscal year may be used
621 for approved acquisitions pursuant to s. 259.105(3)(a) ~~s.~~
622 ~~259.105(3)(b)~~.

623 (5) ACCOUNT EXPENDITURES.—

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

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

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

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

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

641 (b) ~~Ne~~ 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,

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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.—

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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 are
702 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

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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
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

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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, 2023.