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# Agriculture & Natural Resources Appropriations Subcommittee

Tuesday, February 6, 2018  
12:30 PM – 2:30 PM  
Morris Hall

## Meeting Packet



**The Florida House of Representatives**  
**Appropriations Committee**  
**Agriculture & Natural Resources Appropriations Subcommittee**

**Richard Corcoran**  
**Speaker**

**Ben Albritton**  
**Chair**

**AGENDA**

Tuesday, February 6, 2018  
Morris Hall  
12:30 p.m. – 2:30 p.m.

- i. Call to Order/Roll Call
- ii. Opening Remarks by Chair Albritton
- iii. Consideration of Bill:
  - a. CS/HB 145
  - b. HB 645
  - c. HB 703
  - d. CS/HB 1149
  - e. HB 7063
- iv. Closing Remarks and Adjournment



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 145 Nonnative Animals

**SPONSOR(S):** Natural Resources & Public Lands Subcommittee; Beshears

**TIED BILLS:** IDEN./SIM. BILLS: SB 168

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Natural Resources & Public Lands Subcommittee	13 Y, 0 N, As CS	Gregory	Shugar
2) Agriculture & Natural Resources Appropriations Subcommittee		White <i>CCW</i>	Pigott <i>Sp</i>
3) Government Accountability Committee			

### SUMMARY ANALYSIS

Nonnative species are animals living outside of captivity that did not historically inhabit Florida. Humans introduced most nonnative species to Florida, while some nonnative species migrated to Florida through natural range expansion. Nonnative species may become invasive species soon after introduction or years after they expand their range. These species may cause ecological problems, cause economic damage, create nuisances, or harm infrastructure. Currently, the Fish and Wildlife Conservation Commission (FWC) undertakes several statewide efforts to restrict the introduction and spread of nonnative species. This includes providing public education, pet amnesty days to surrender exotic pets to pre-qualified adopters, restricting or prohibiting the possession of certain nonnative species, undertaking nonnative species eradication programs, and encouraging hunting and fishing of nonnative species.

The bill specifically addresses concerns with the following priority invasive species:

- Tegu lizards;
- Lionfish; and
- Conditional nonnative lizards and snakes, which are Burmese or Indian pythons, reticulated pythons, Northern African pythons, Southern African pythons, Amethystine or scrub pythons, Green Anacondas, and Nile monitors.

The bill requires FWC to establish a pilot program to mitigate the impacts of priority invasive species by authorizing FWC to enter into competitively bid contracts with individuals and entities to capture and destroy the priority invasive species found on public lands and public waters. The bill requires FWC to:

- Ensure that each animal captured and killed is documented, photographed, and the geographic location is recorded for research purposes;
- Direct the disposal of all animals captured and not destroyed; and
- Submit a report of findings and recommendations regarding its implementation of the pilot program to the Governor, the President of the Senate, and the Speaker of the House of Representative by January 1, 2021.

Lastly, the bill appropriates \$300,000 in nonrecurring funds from the Land Acquisition Trust Fund for both fiscal years 2018-2019 and 2019-2020 to implement the pilot program.

This bill has an effective date of July 1, 2018.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### PRESENT SITUATION

###### Nonnative Species

Nonnative species (or exotic species) are animals living outside of captivity that did not historically inhabit Florida. Humans introduced most nonnative species to Florida, while some nonnative species migrated to Florida through natural range expansion. Common examples of nonnative species include coyotes, armadillos, parrots, feral hogs, and different species of insects. Only a handful of escaped or released nonnative species survive. The majority of those who do survive likely will not cause a negative effect on native wildlife. The Fish and Wildlife Conservation Commission (FWC) maintains a list of nonnative species on its website.<sup>1</sup>

Nonnative species may become invasive species soon after introduction or years after they expand their range. These species may cause ecological problems, cause economic damage, create nuisances, or harm infrastructure.<sup>2</sup>

FWC undertakes several statewide efforts to restrict the introduction and spread of nonnative species. This includes providing public education, pet amnesty days to surrender exotic pets to pre-qualified adopters,<sup>3</sup> restricting or prohibiting the possession of certain nonnative species, undertaking nonnative species eradication programs, and encouraging hunting and fishing of nonnative species.

Individuals may not transport into the state, introduce, or possess, for any purpose that might reasonably be expected to result in liberation into the state, any nonnative species without a permit from FWC.<sup>4</sup> Individuals who possess these species must meet requirements set by FWC including certain captivity requirements to prevent escape, identification requirements, record keeping requirements, inspection requirements, transportation requirements, disaster incident plans, and detailed research plans.<sup>5</sup>

Individuals may hunt and fish all nonnative freshwater aquatic life and animal life throughout the year, without restriction, unless otherwise specified in FWC rules.<sup>6</sup>

###### Tegus

Argentine black and white tegus (tegas) are large lizards native to South America. Tegus are black and white with banding along the tail. Tegus may reach up to four feet in length. These lizards spend most of their time on land, though they can swim and may submerge themselves for long periods. Tegus are primarily active during the day and will burrow or hide overnight. Their diet includes fruits, eggs, insects, and small animals, such as lizards and rodents.<sup>7</sup>

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<sup>1</sup> FWC, *What is a nonnative species?*, <http://myfwc.com/wildlifehabitats/nonnatives/what-are-nonnatives/> (last visited January 23, 2018); FWC, *Exotic Information*, <http://myfwc.com/wildlifehabitats/nonnatives/exotic-information/> (last visited January 23, 2018).

<sup>2</sup> FWC, *Invasive Species*, <http://myfwc.com/wildlifehabitats/nonnatives/invasive-species/> (last visited January 23, 2018); FWC, *Exotic Information*, <http://myfwc.com/wildlifehabitats/nonnatives/exotic-information/> (last visited January 23, 2018).

<sup>3</sup> FWC, *Exotic Pet Amnesty Day Events*, <http://myfwc.com/wildlifehabitats/nonnatives/amnesty-program/events/> (last visited January 23, 2018); r. 68-5.004, F.A.C.

<sup>4</sup> Section 379.231(1), F.S.; r. 68-5.001(1), F.A.C. Four specific species are exempt from these prohibitions.

<sup>5</sup> Rules 68-5.001(3) & (4), F.A.C.

<sup>6</sup> Rule 68-5.001(2), F.A.C.

<sup>7</sup> FWC, *Argentine black and white tegu*, <http://myfwc.com/wildlifehabitats/nonnatives/reptiles/argentine-black-and-white-tegu/> (last visited January 23, 2018).

FWC has identified tegus in several areas of Florida. Two breeding populations of tegus are known to exist in Hillsborough and Miami-Dade Counties.<sup>8</sup> These nonnative lizards present a concern because they compete with and prey on native wildlife, including threatened species. Individuals must possess a permit from FWC to sell tegus.<sup>9</sup> Currently, FWC works with other agencies and organizations to assess the threat of tegus and develop management strategies, including targeted trapping and removal. The goal of these partnerships is to minimize the impact of tegus on native wildlife and natural areas.<sup>10</sup> FWC encourages individuals who see tegus to report their location.<sup>11</sup> FWC's cooperative efforts have removed over 5000 tegus from Florida.<sup>12</sup>

### Lionfish

Lionfish are a marine species identifiable by their red, brown, and white striped zebra-like appearance and 18 venomous spines. Lionfish may grow to 18 inches in length where they are not indigenous. These marine predators use their spines defensively against larger predators.<sup>13</sup>

Lionfish stalk their prey and corral them into corners. A lionfish diet may include yellowtail snapper, Nassau grouper, parrotfish, banded coral shrimp, and cleaner species. Once lionfish find suitable habitat as an adult, they tend to stay and can reach densities of more than 200 adults per acre.<sup>14</sup>

Lionfish were first reported in Florida waters near Dania Beach in 1985. By 2014, lionfish spread throughout the southern Atlantic, Gulf Coast, and Caribbean.<sup>15</sup> Lionfish pose problems for the marine environment because they eat native fish, eliminate species that serve important ecological roles such as keeping algae in check on reefs, and compete for food with native predatory fish like grouper and snapper.<sup>16</sup>

FWC places several restrictions on the possession of lionfish. Individuals may not import live lionfish, hybrids, or eggs.<sup>17</sup> Wholesale and retail dealers may only possess lionfish harvested from Florida waters or adjacent federal waters.<sup>18</sup> Common carriers or employees of carriers may not carry, knowingly receive for carriage, or permit the carriage of any live lionfish, including their hybrids or eggs, except for lionfish lawfully harvested from Florida waters or adjacent federal waters.<sup>19</sup> Individuals may only possess lionfish for the purpose of destruction, unless permitted by FWC.<sup>20</sup> Further, individuals may not breed lionfish or cultivate their larvae or eggs, unless permitted by FWC.<sup>21</sup>

FWC undertakes many activities to control the lionfish population, including:

- Partnering with dive shops to train divers to confidentially and safely harvest lionfish;<sup>22</sup>

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<sup>8</sup> FWC presentation on Bears, Lionfish, Tegus, and Pythons, p. 23, Agriculture and Natural Resources Appropriations Subcommittee, February 15, 2017, available at:

[http://myfloridahouse.gov/Sections/Documents/loadoc.aspx?PublicationType=Committees&CommitteeId=2893&Session=2017&DocumentType=Meeting Packets&FileName=anr 2-15-17.pdf](http://myfloridahouse.gov/Sections/Documents/loadoc.aspx?PublicationType=Committees&CommitteeId=2893&Session=2017&DocumentType=Meeting%20Packets&FileName=anr%202-15-17.pdf).

<sup>9</sup> Section 379.3761, F.S.

<sup>10</sup> FWC, *Tegus in Florida*, <http://myfwc.com/media/2380549/Tegu-brochure.pdf> (last visited January 23, 2018).

<sup>11</sup> *Id.*

<sup>12</sup> FWC presentation on Nonnative Fish and Wildlife Update, p. 10, FWC Meeting, December 5, 2017, available at:

<http://myfwc.com/media/4339787/4A-NonnativePresentation.pdf>.

<sup>13</sup> FWC, *Lionfish – Pterois volitans*, <http://myfwc.com/wildlifehabitats/nonnatives/marine-species/lionfish/> (last visited January 23, 2018).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> Rules 68-5.005(2) and 68B-5.006(5), F.A.C.

<sup>18</sup> Rule 68-5.005(4), F.A.C.

<sup>19</sup> Rule 68-5.005(5), F.A.C.

<sup>20</sup> Rules 68-5.005(7) and 68B-5.006(7), F.A.C.

<sup>21</sup> Rules 68-5.005(8) and 68B-5.006(6), F.A.C.

<sup>22</sup> FWC, *Lionfish Derby and Event Calendar*, <http://myfwc.com/fishing/saltwater/recreational/lionfish/events/> (last visited January 23, 2018).

- Encouraging lionfish excursions and derbies;<sup>23</sup>
- Performing research to assess lionfish populations and develop management plans;<sup>24</sup>
- Undertaking a lionfish summit in 2013 to develop a collaborative framework for partnering on future lionfish management that includes identification of research priorities, management actions and outreach initiatives;<sup>25</sup> and
- Encouraging individuals to report lionfish sightings.<sup>26</sup>

Further, FWC provides exceptions to certain marine fishing regulations to encourage fishing for lionfish, including:

- Exempting divers who harvest lionfish from the recreational fishing license requirements if they use certain gear;<sup>27</sup>
- Allowing recreational divers to harvest an unlimited amount of lionfish;<sup>28</sup>
- Allowing recreational divers to use rebreathers when harvesting lionfish;<sup>29</sup> and
- Allowing the take of lionfish in John Pennekamp State Park.<sup>30</sup>

Since May 2016, FWC's cooperative efforts have removed 110,786 lionfish from Florida water.<sup>31</sup>

### Conditional Nonnative Snakes and Lizards

Individuals and businesses may not keep, possess, import into the state, sell, barter, trade, or breed the following snakes and lizards listed in s. 379.372(2)(a), F.S., for personal use or for sale for personal use: Burmese or Indian python, reticulated python, Northern African python, Southern African python, amethystine or scrub python, green anaconda, or Nile monitor.<sup>32</sup>

Reptile dealers, public exhibitors, researchers, or nuisance trappers may apply for a permit to import or possess conditional nonnative snakes and lizards.<sup>33</sup> Those who possess conditional nonnative snakes and lizards must keep them indoors or in outdoor enclosures with a fixed roof and a permanent passive integrated transponder (PIT) tag, also known as a microchip.<sup>34</sup> Owners of such species must submit a Captive Wildlife Disaster and Critical Incident Plan to the commission and must maintain records of their inventory.<sup>35</sup>

These conditional nonnative lizards and snakes are native to Africa and Asia. They prey on a variety of birds, mammals, and reptiles, including alligators. Each species of snake or lizard has been observed throughout Florida, but concentrate mainly in south Florida.<sup>36</sup>

<sup>23</sup> *Id.*

<sup>24</sup> FWC, *Fish and Wildlife Research Institute*, <http://myfwc.com/research/saltwater/fish/lionfish/> (last visited January 23, 2018).

<sup>25</sup> FWC, *FWC Lionfish Summit Summary Report*,

<https://www.mbari.org/pdf/REPORT%202013%20Florida%20Fish%20and%20Wildlife%20Conservation%20Commission%20Lionfish%20Summit.pdf> (last visited January 23, 2018).

<sup>26</sup> FWC, *Report Lionfish*, <http://myfwc.com/media/4039504/LionfishBrochure.pdf> (last visited January 23, 2018).

<sup>27</sup> Rule 68B-5.006(2), F.A.C.

<sup>28</sup> Rule 68B-5.006(3), F.A.C.

<sup>29</sup> Rules 68B-4.012 and 68B-5.006(4), F.A.C.

<sup>30</sup> Rule 68B-5.002(2)(h), F.A.C.

<sup>31</sup> FWC presentation on Bears, Lionfish, Tegus, and Pythons, p. 18, Agriculture and Natural Resources Appropriations Subcommittee, February 15, 2017, available at:

[http://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2893&Session=2017&DocumentType=Meeting Packets&FileName=anr-2-15-17.pdf](http://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2893&Session=2017&DocumentType=Meeting%20Packets&FileName=anr-2-15-17.pdf).

<sup>32</sup> Rule 68-5.002(4), F.A.C.

<sup>33</sup> Rules 68-5.001 and 68-5.002, F.A.C.; FWC, *Conditional Snakes and Lizards*,

<http://myfwc.com/wildlifehabitats/nonnatives/regulations/snakes-and-lizards/> (last visited January 23, 2018).

<sup>34</sup> Rule 68-5.001(3)(e), F.A.C.; FWC, *Conditional Snakes and Lizards*,

<http://myfwc.com/wildlifehabitats/nonnatives/regulations/snakes-and-lizards/> (last visited January 23, 2018).

<sup>35</sup> *Id.*

<sup>36</sup> FWC, *Nonnatives - Burmese Python*, <http://myfwc.com/wildlifehabitats/nonnatives/reptiles/burmese-python/> (last visited January 23, 2018); FWC, *Nonnatives - Nile Monitor*, <http://myfwc.com/wildlifehabitats/nonnatives/reptiles/nile-monitor/> (last visited January 23, 2018).

Because of their large size as adults, conditional nonnative snakes and lizards living in Florida have few predators. While they may prey upon other nonnative species, they also prey upon native species and may reduce local native populations. Further, some conditional nonnative snakes and lizards may pose a threat to human and pet safety.<sup>37</sup>

FWC undertakes many activities to control the population of conditional snakes and lizards, including:

- Encouraging individuals to report sightings;<sup>38</sup>
- Managing a Burmese Python Removal Program that allows the capture of all conditional reptile species;<sup>39</sup>
- Authorizing python hunting within wildlife management areas;<sup>40</sup> and
- Hosting Python Challenges in 2013 and 2016 that offered rewards for harvesting pythons.<sup>41</sup>

FWC's cooperative efforts have removed over 5,000 pythons from Florida.<sup>42</sup>

### Wildlife Management Areas

Wildlife Management Areas (WMAs) are public lands managed, or cooperatively managed with other government agencies, by FWC for the enjoyment of anglers, hunters, wildlife viewers, and boaters.<sup>43</sup> FWC manages approximately 5.8 million acres of WMA.<sup>44</sup> To hunt in a WMA, individuals must possess a hunting license, a WMA permit, and possibly other permits depending on the species or season.<sup>45</sup> Further, each individual WMA may have special regulations for particular areas or species. For example, in J.W. Corbert WMA:

- Conditional nonnative snakes and lizards may be taken after the last day of small game season through the second Sunday in April and during established seasons for the taking of game animals or alligators, and only by persons properly licensed and permitted to take game animals or alligators;
- Guns are a prohibited method of take for conditional nonnative snakes and lizards, except when the use of guns to take game or alligators is authorized and after the last day of small game season through the second Sunday in April when all legal methods of take for game animals or alligators are allowed, except the use of centerfire rifles is prohibited;
- Conditional nonnative snakes and lizards may not be removed from the WMA alive;
- Persons that take any conditional nonnative snakes and lizards must report the take within 36 hours and provide all data requested; and
- The day after small game season ends through the second Sunday in April shooting hours for conditional nonnative snakes and lizards is 1/2 hour before sunrise until 1/2 hour after sunset.<sup>46</sup>

The following WMAs, Public Small Game Hunting Areas, and Wildlife and Environmental Areas allow python hunting: Allapattah Flats WMA, Allapattah Flats SGA, C-23/24 Reservoir SGA, CREW WEA, Dinner Island Ranch WMA, Dupuis SGA, Everglades and Francis S. Taylor WMA, Fisheating Creek,

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23, 2018); FWC, *Northern African Python*, <http://myfwc.com/wildlifehabitats/nonnatives/reptiles/northern-african-python/> (last visited January 23, 2018).

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> FWC, *Python Removal Program*, <http://myfwc.com/license/wildlife/nonnative-species/python-permit-program/> (last visited January 23, 2018).

<sup>40</sup> *Id.*

<sup>41</sup> FWC, *2016 Python Challenge*, <http://pythonchallenge.org/> (last visited January 23, 2018).

<sup>42</sup> FWC presentation on Nonnative Fish and Wildlife Update, p. 4, FWC Meeting, December 5, 2017, available at: <http://myfwc.com/media/4339787/4A-NonnativePresentation.pdf>.

<sup>43</sup> FWC, *What are Wildlife Management Areas?*, <http://myfwc.com/viewing/recreation/wmas/> (last visited January 23, 2018).

<sup>44</sup> *Id.*

<sup>45</sup> Section 379.354(1), F.S.; r. 68A-15.004, F.A.C.; FWC, *WMA Brochures*, <http://myfwc.com/hunting/wma-brochures/> (last visited January 23, 2018).

<sup>46</sup> Rule 68A-15.064(2)(d), F.A.C.



Frog Pond North SGA, Holey Land WMA, J. W. Corbett WMA, John C. and Mariana Jones/Hungryland WEA, John G. and Susan H. Dupuis Jr. WEA, Picayune Strand WMA, Rocky Glades SGA, Rotenberger WMA, Southern Glades WEA, Spirit-of-the-Wild WMA, STA 1 West SGA, STA 2 SGA, STA 3/4 SGA, and STA 5 SGA.<sup>47</sup>

## EFFECT OF THE PROPOSED CHANGES

The bill creates s. 379.2311, F.S., to require FWC to establish a pilot program to mitigate the impacts of priority invasive species on the public lands and waters of the state. The bill defines the term “priority invasive species” to include:

- Lizards of the genus *Tupinambis*, also known as tegu lizards;
- Conditional nonnative snakes and lizards identified in s. 379.372(2), F.S.;<sup>48</sup>
- *Pterois volitans*, also known as red lionfish; and
- *Pterois miles*, also known as the common lionfish or devil firefish.

The bill finds that priority invasive species continue to expand their range and to decimate the fauna and flora of the Everglades and other natural areas, waters, and ecosystems of this state at an accelerating rate. The goal of the pilot program is to examine the benefits of using strategically deployed, trained private contractors to slow the advance of the priority invasive species and to contain and eradicate these species from Florida.

The bill authorizes FWC to enter competitively bid contracts with individuals and entities to capture and destroy priority invasive species on public lands and public waters. The bill requires that:

- Any private contracted work performed on public land or in waters of the state not owned or managed by FWC have the consent of the owner;
- FWC ensure that each priority invasive species captured and disposed is documented, photographed, and the geographic location is recorded for research purposes;
- FWC direct the disposal of all animals captured and not destroyed in removal efforts; and
- FWC submit a report of findings and recommendations regarding its implementation of the pilot program to the Governor, the President of the Senate, and the Speaker of the House of Representative by January 1, 2021.

Lastly, the bill appropriates \$300,000 in nonrecurring funds from the Land Acquisition Trust Fund for both fiscal years 2018-2019 and 2019-2020 to implement the pilot program.

### B. SECTION DIRECTORY:

**Section 1.** Creates s. 379.2311, F.S., relating to nonnative animal management.

**Section 2.** Provides an effective date of July 1, 2018.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

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<sup>47</sup> FWC, *Python Removal Program*, <http://myfwc.com/license/wildlife/nonnative-species/python-permit-program/> (last visited January 23, 2018).

<sup>48</sup> Section 379.372(2)(a), F.S.; r. 68-5.002(4), F.A.C.

2. Expenditures:

The bill appropriates \$300,000 in nonrecurring funds to the FWC each year for fiscal years 2018-2019 and 2019-2020 from the Land Acquisition Trust Fund to implement the nonnative species hunting and fishing pilot program created by the bill and submit a report of findings and recommendations regarding implementation of the pilot program to the Governor, the President of the Senate, and the Speaker of the House of Representative by January 1, 2021.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have an indeterminate positive fiscal impact on entities or individuals in the business of capturing or destroying species by authorizing FWC to contract with these entities or individuals to capture or destroy priority invasive species on public lands and public waters. The bill may further have an indeterminate positive fiscal impact on individuals or entities in the business of selling or fishing of the species threatened by these priority invasive species.

D. FISCAL COMMENTS:

FWC currently has \$2.4 million appropriated in its recurring base budget for nonnative species management.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On December 6, 2017, the Natural Resources and Public Lands Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment removed the definition for "pet dealer" and removed the requirement that pet dealers implant a passive integrated transponder

(PIT) tag in all nonnative animals identified by FWC that threaten the state's wildlife habitat before selling, reselling, or offering for sale such animals. The amendment also removed the requirement for FWC to adopt rules to identify such animals and adopt standards for the type of PIT tag that pet dealers must use and the method used to implant the tags.

A bill to be entitled

An act relating to nonnative animals; creating s. 379.2311, F.S.; defining the term "priority invasive species"; providing legislative findings; requiring the Fish and Wildlife Conservation Commission to establish a pilot program for the eradication of priority invasive species; providing the goal of the pilot program; authorizing the commission to enter into specified contracts; specifying parameters for the implementation of the pilot program; specifying procedures for the capture and disposal of animals that belong to priority invasive species; requiring the commission to submit a report to the Governor and the Legislature by a specified date; providing appropriations; providing an effective date.

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

Section 1. Section 379.2311, Florida Statutes, is created to read:

379.2311 Nonnative animal management.-

(1) As used in this section, the term "priority invasive species" means the following:

(a) Lizards of the genus *Tupinambis*, also known as tegu lizards;

26        (b) Species identified in s. 379.372(2)(a);  
 27        (c) *Pterois volitans*, also known as red lionfish; and  
 28        (d) *Pterois miles*, also known as the common lionfish or  
 29 devil firefish.

30        (2) The Legislature finds that priority invasive species  
 31 continue to expand their range and to decimate the fauna and  
 32 flora of the Everglades and other natural areas and ecosystems  
 33 in the southern and central parts of the state at an  
 34 accelerating rate. Therefore, the commission shall establish a  
 35 pilot program to mitigate the impact of priority invasive  
 36 species on the public lands or waters of this state.

37        (a) The goal of the pilot program is to examine the  
 38 benefits of using strategically deployed, trained private  
 39 contractors to slow the advance of priority invasive species,  
 40 contain their populations, and eradicate them from this state.

41        (b) In implementing the pilot program, the commission may  
 42 enter into contracts in accordance with chapter 287 with  
 43 entities or individuals to capture or destroy animals belonging  
 44 to priority invasive species found on public lands or in the  
 45 waters of this state. Any private contracted work to be  
 46 performed on public land or in the waters of the state not owned  
 47 or managed by the commission must have the consent of the owner.

48        (c) The commission shall ensure that all captures and  
 49 disposals of animals that belong to these priority invasive  
 50 species are documented and photographed and that the geographic

51 location of the take is recorded for research purposes. The  
 52 commission shall direct the disposal of all animals captured and  
 53 not destroyed in removal efforts.

54 (d) The commission shall submit a report of findings and  
 55 recommendations regarding its implementation of the pilot  
 56 program to the Governor, the President of the Senate, and the  
 57 Speaker of the House of Representatives by January 1, 2021.

58 Section 2. For the 2018-2019 and 2019-2020 fiscal years,  
 59 the sum of \$300,000 in nonrecurring funds is appropriated each  
 60 year from the Land Acquisition Trust Fund to the Fish and  
 61 Wildlife Conservation Commission for the purpose of implementing  
 62 s. 379.2311.

63 Section 3. This act shall take effect July 1, 2018.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Agriculture & Natural  
 2 Resources Appropriations Subcommittee  
 3 Representative Beshears offered the following:

**Amendment (with title amendment)**

Remove lines 58-62

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**T I T L E A M E N D M E N T**

11 Remove line 15 and insert:  
 12 an effective date.





## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 645 Young Farmers and Ranchers  
**SPONSOR(S):** Raburn  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 872

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Property Rights Subcommittee	13 Y, 0 N	Thompson	Smith
2) Agriculture & Natural Resources Appropriations Subcommittee		White <i>CCW</i>	Pigott <i>SP</i>
3) Commerce Committee			

### SUMMARY ANALYSIS

Florida is one of the nation's top ten most productive agricultural states. However, according to research, the overall number of farms is declining.

To support the start-up functions associated with new farming and ranching operations, the bill creates within the Department of Agriculture and Consumer Services (DACS) the Florida Young Farmer and Rancher Matching Grant Program. DACS is required to select grant recipients from applicants between 18 and 35 years of age or veterans of any age, who have operated a farm or ranch less than 10 years. Awards are between \$5,000 and \$20,000, with no more than one award to an individual grant recipient per grant period. Annual grant funding for this program is contingent upon appropriation by the legislature.

The bill creates within DACS the Florida Young Farmer and Rancher Advisory Council. The council is to consist of 12 members appointed by the Commissioner of Agriculture. The bill authorizes the council to submit annually to the commissioner findings and recommendations for mitigating challenges facing aspiring farmers and ranchers in the early stages of their careers, and to examine issues that include, but are not limited to, access to land, availability of credit and capital, and access to business skills training.

The bill requires DACS to establish on its website a clearinghouse for resources available to young and beginning farmers and ranchers, including, but not limited to, local, state, federal, and private sources of grants, loans, and scholarships, as well as general resources on finance and business planning. The bill requires the clearinghouse to include resources available to beginning agricultural producers who are defined as veterans under s. 1.01, F.S.

The bill will have an indeterminate negative fiscal impact on state government. The provisions of the bill relating to the Advisory Council and Clearinghouse can be absorbed within existing resources, but the Grant Program may require additional temporary staffing if funding is appropriated. Annual funding for the Young Farmer and Rancher Matching Grant Program is subject to legislative appropriation. The bill does not provide an appropriation. See *Fiscal Analysis and Economic Impact Statement*.

The bill provides an effective date of July 1, 2018.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

###### Florida Agriculture

Florida had 47,100 commercial farms in 2016, using approximately 9.41 million acres of farmland. There were 5,600 farms with sales exceeding \$100,000, and the average farm size was 200 acres. Florida ranks 18th among all states in number of farms and 30th in land in farms.<sup>1</sup>

Florida is one of the nation's top ten most productive agricultural states.<sup>2</sup> However, the number of farms is declining throughout the state.<sup>3</sup> In the 1990s, the agricultural economy increased only five percent compared to 25 percent and 50 percent in previous decades.<sup>4</sup>

There are no grant programs or councils administered by DACS to assist young farmers and ranchers. DACS does provide resources through its Agricultural Industry,<sup>5</sup> Grant Opportunity,<sup>6</sup> and Business Development<sup>7</sup> webpages. At this time, financial resource content is limited to assisting growers with export operations.

##### **Effect of Proposed Changes**

The bill creates within DACS the Florida Young Farmer and Rancher Matching Grant Program and the Florida Young Farmer and Rancher Advisory Council, and requires DACS to establish on its website the Florida Young Farmer and Rancher Resource Clearinghouse.

###### *Young Farmer and Rancher Matching Grant Program*

To support the start-up functions associated with new farming and ranching operations, the bill creates within DACS the Florida Young Farmer and Rancher Matching Grant Program. Grants administered through this program must be for the purpose of fostering the creation and expansion of agricultural businesses by young farmers and ranchers in the state. In order to be eligible to receive a grant, a person must, at a minimum:

- Be an agricultural producer who is at least 18 years of age but younger than 35 years of age or be an agricultural producer who is a veteran as defined by s. 1.01, F.S.;<sup>8</sup>

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<sup>1</sup> United States Department of Agriculture National Agricultural Statistics Service, Statistical Bulletin 2017, at A-6, [https://www.nass.usda.gov/Statistics\\_by\\_State/Florida/Publications/Annual\\_Statistical\\_Bulletin/2017/\\_ASB-2017.pdf](https://www.nass.usda.gov/Statistics_by_State/Florida/Publications/Annual_Statistical_Bulletin/2017/_ASB-2017.pdf) (last visited January 24, 2018).

<sup>2</sup> University of Florida IFAS Extension, *Expanding Florida's Farming Business to Incorporate Tourism*, <http://edis.ifas.ufl.edu/fr242> (last visited January 24, 2018).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Information pertaining to the agricultural industry may be retrieved from <http://www.freshfromflorida.com/Agriculture-Industry/Search-by-Industry>.

<sup>6</sup> Information pertaining to grant opportunities can be retrieved from <http://www.freshfromflorida.com/Business-Services/Grant-Opportunities>.

<sup>7</sup> Information pertaining to business development can be retrieved from <http://www.freshfromflorida.com/Divisions-Offices/Marketing-and-Development/Agriculture-Industry/Business-Development-Resources/Exporting-Florida-Agricultural-Products>.

<sup>8</sup> s. 1.01(14), F.S., defines the term "veteran" as a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges.

- Have operated a farm or ranch for not more than 10 years;
- Demonstrate, at minimum, a dollar-for-dollar matching investment for grant money requested; and
- Timely submit a grant application.

The department may only designate one period each year for accepting applications for this grant program.

Each grant award under the program must be between \$5,000 and \$20,000, and no more than one award may be made per individual grant recipient per grant period. Annual grant funding for this program is contingent upon specific annual appropriation by the Legislature.

*Florida Young Farmer and Rancher Advisory Council*

The bill creates within DACS the Florida Young Farmer and Rancher Advisory Council. The bill requires that the council consist of 12 members to be appointed by the Commissioner of Agriculture. The commissioner is required to initially appoint six members for a one-year term, and six members for a two-year term. Thereafter, members must be appointed for two-year terms.

The bill provides that the meetings, powers, duties, procedures, and recordkeeping of the Florida Young Farmers and Ranchers Advisory Council shall be pursuant to s. 570.232, F.S.

The bill specifically authorizes the council to do the following:

- Submit annually to the commissioner findings and recommendations for mitigating challenges facing aspiring farmers and ranchers in the early stages of their careers; and
- Examine issues that include, but are not limited to, access to land, availability of credit and capital, and access to business skills training.

*Florida Young Farmer and Rancher Resource Clearinghouse*

The bill requires DACS to establish on its website a clearinghouse for resources available to young and beginning farmers and ranchers, including, but not limited to, local, state, federal, and private sources of grants, loans, and scholarships, as well as general resources on finance and business planning. The bill requires the clearinghouse to include resources available to beginning agricultural producers who are defined as veterans under s. 1.01, F.S.

**B. SECTION DIRECTORY:**

- Section 1** Creates s. 570.842, F.S.; relating to the Florida Young Farmer and Rancher Matching Grant Program.
- Section 2** Creates s. 570.843, F.S.; relating to the Florida Young Farmer and Rancher Advisory Council.
- Section 3** Creates s. 570.844, F.S.; relating to the Florida Young Farmer and Rancher Resource Clearinghouse.
- Section 4** Provides an effective date of July 1, 2018.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

The bill has an indeterminate negative fiscal impact on DACS. According to DACS, the bill will likely have a minor fiscal impact on the department. The bill will create an increase in workload relating to the Advisory Council and Clearinghouse, but DACS indicates that this workload can be absorbed within existing resources.

Expenditures for grants are unknown and contingent upon an annual appropriation. If the legislature appropriates funding for the Grant Program, temporary staff may be needed to manage the application and grant award process, depending on the amount of the appropriation and the size of the applicant pool.<sup>9</sup>

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Young farmer, rancher, and veteran applicants in the state that are eligible under the Young Farmer and Rancher Matching Grant Program may be awarded between \$5,000 and \$20,000, with no more than one award being made to an individual grant recipient per grant period. According to DACS, if an appropriation is made, the grant program could potentially positively impact the level of cultivation within the state, thus increasing revenue for the young farmers or ranchers targeted by this program.<sup>10</sup>

### D. FISCAL COMMENTS:

Annual funding for the Young Farmer and Rancher Matching Grant Program is subject to legislative appropriation. The bill does not provide an appropriation.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

#### 2. Other:

None.

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<sup>9</sup> Florida Department of Agriculture and Consumer Services, Agency Analysis of 2018 House Bill 645, p. 2 (Jan. 18, 2018).

<sup>10</sup> Florida Department of Agriculture and Consumer Services, Agency Analysis of 2018 House Bill 645, p. 1 (Jan. 18, 2018).

**B. RULE-MAKING AUTHORITY:**

DACS is required to adopt rules governing the operation, application process, and selection criteria for grant recipients in administering the Florida Young Farmer and Rancher Matching Grant Program.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

Not applicable.

1                                   A bill to be entitled  
2       An act relating to young farmers and ranchers;  
3       creating s. 570.842, F.S.; creating the Florida Young  
4       Farmer and Rancher Matching Grant Program within the  
5       Department of Agriculture and Consumer Services;  
6       specifying the purpose of the grants; requiring the  
7       department to select grant recipients based on certain  
8       criteria; requiring the department to adopt rules;  
9       specifying minimum grant selection criteria;  
10      specifying a grant award minimum and maximum;  
11      requiring that no more than one award per year may go  
12      to an individual recipient; specifying that grant  
13      funding is contingent upon specific appropriation from  
14      the Legislature; creating s. 570.843, F.S.; creating  
15      the Young Farmer and Rancher Advisory Council within  
16      the department; specifying membership of the council;  
17      providing for staggered terms; specifying the  
18      meetings, powers, duties, procedures, and  
19      recordkeeping of the council; specifying that the  
20      council may submit findings and recommendations to the  
21      Commissioner of Agriculture; specifying the issues the  
22      council may examine; creating s. 570.844, F.S.;  
23      requiring the department to establish a clearinghouse  
24      on its website for resources to assist young and  
25      beginning farmers and ranchers; providing an effective

26 date.

27

28 Be It Enacted by the Legislature of the State of Florida:

29

30 Section 1. Section 570.842, Florida Statutes, is created  
31 to read:

32 570.842 Florida Young Farmer and Rancher Matching Grant  
33 Program.—

34 (1) To support the start-up functions associated with new  
35 farming and ranching operations, there is created within the  
36 department the Florida Young Farmer and Rancher Matching Grant  
37 Program.

38 (a) Grants administered by the department through this  
39 program must be for the purpose of fostering the creation and  
40 expansion of agricultural businesses by young farmers and  
41 ranchers in the state.

42 (b) The department shall select grant recipients based on  
43 selection criteria developed pursuant to subsection (2).

44 (2) The department shall adopt rules governing the  
45 operation of the program, an application process, and selection  
46 criteria for grant recipients. At a minimum, in order to be  
47 eligible to receive a grant, a person must:

48 (a) Be an agricultural producer who is at least 18 years  
49 of age but younger than 35 years of age or be an agricultural  
50 producer who is a veteran as defined by s. 1.01;

51 (b) Have operated a farm or ranch for not more than 10  
 52 years;

53 (c) Demonstrate, at minimum, a dollar-for-dollar matching  
 54 investment for grant money requested; and

55 (d) Submit, on a form prescribed by the department, a  
 56 grant application during the application period established by  
 57 the department. The department may only designate one period  
 58 each year for accepting applications.

59 (3) Each grant award under the program must be between  
 60 \$5,000 and \$20,000, with no more than one award being made to an  
 61 individual grant recipient per grant period.

62 (4) Annual grant funding for this program is contingent  
 63 upon specific annual appropriation by the Legislature.

64 Section 2. Section 570.843, Florida Statutes, is created  
 65 to read:

66 570.843 Florida Young Farmer and Rancher Advisory  
 67 Council.-

68 (1) There is created within the department the Florida  
 69 Young Farmer and Rancher Advisory Council, to consist of 12  
 70 members to be appointed by the commissioner. Initially, 6  
 71 members shall be appointed by the commissioner for a 1-year term  
 72 and 6 members for a 2-year term. Thereafter, members shall be  
 73 appointed for 2-year terms.

74 (2) The meetings, powers, duties, procedures, and  
 75 recordkeeping of the Florida Young Farmers and Ranchers Advisory



76 Council shall be pursuant to s. 570.232.

77 (3) The council may submit to the commissioner, annually,  
 78 findings and recommendations for mitigating challenges facing  
 79 aspiring farmers and ranchers in the early stages of their  
 80 careers. The council may examine issues that include, but are  
 81 not limited to, access to land, availability of credit and  
 82 capital, and access to business skills training.

83 Section 3. Section 570.844, Florida Statutes, is created  
 84 to read:

85 570.844 Florida Young Farmer and Rancher Resource  
 86 Clearinghouse.—The department shall establish on its website a  
 87 clearinghouse for resources available to young and beginning  
 88 farmers and ranchers, including, but not limited to, local,  
 89 state, federal, and private sources of grants, loans, and  
 90 scholarships, as well as general resources on finance and  
 91 business planning. This must include resources available to  
 92 beginning agricultural producers who are defined as veterans  
 93 under s. 1.01.

94 Section 4. This act shall take effect July 1, 2018.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Agriculture & Natural  
 2 Resources Appropriations Subcommittee  
 3 Representative Raburn offered the following:

**Amendment (with title amendment)**

Remove lines 30-63

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**T I T L E A M E N D M E N T**

11 Remove lines 3-14 and insert:  
 12 creating s. 570.843, F.S.; creating



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 703 Water Management District Surplus Lands

**SPONSOR(S):** Burgess, Jr.

**TIED BILLS:** HB 705 **IDEN./SIM. BILLS:** SB 806

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Natural Resources & Public Lands Subcommittee	13 Y, 0 N	Gregory	Shugar
2) Agriculture & Natural Resources Appropriations Subcommittee		White <i>CCW</i>	Pigott <i>SP</i>
3) Government Accountability Committee			

### SUMMARY ANALYSIS

A water management district (WMD) may acquire, own, manage, and dispose of real property in its own name to further its goals and mission. When selling land, a WMD must follow the procedures set forth in ss. 373.056 and 373.089, F.S.

The bill makes several changes to the surplus procedures for WMDs to create efficiencies in the process. Specifically, the bill:

- Requires a WMD to publish notice of its intent to sell surplus property at least 30 days, but not more than 360 days, before the WMD approves a sale;
- Authorizes a WMD to sell land valued at \$25,000 or less to an adjacent property owner, rather than giving such property owners the opportunity to purchase the property before the rest of the general public;
- Requires a WMD, if the governing board elects to offer for sale the parcel to adjacent property owners, to publish the notice of intention to offer to sell land valued at \$25,000 or less to adjacent property owners in the newspaper in the county where the land is located only one time;
- Defines "adjacent property owners" as those owners whose property abuts the parcel; and
- Removes the requirement that a WMD accept sealed bids and either sell the property to the highest bidder, or reject all offers thirty days after publication of notice if the WMD does not sell the land to the adjacent property owner. Instead, if the WMD does not sell the parcel to the adjacent property owner, the bill authorizes a WMD to sell the parcel valued at \$25,000 or less to the general public for the highest price obtainable at any time.

The bill may have an indeterminate positive fiscal impact on state and local governments.

The bill has an effective date of July 1, 2018.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

A water management district (WMD) may acquire real property for flood control; water storage; water management; conservation and protection of water resources; aquifer recharge; water resource and water supply development; and preservation of wetlands, streams, and lakes.<sup>1</sup> Further, a WMD may accept real property from state and local governments when it is in the public interest and for public convenience and welfare, for the public benefit, necessary for carrying out the works or improvement of any WMD for the protection of property and the inhabitants in the WMD against the effects of water, and for assisting the WMD to acquire land at least public expense.<sup>2</sup> Unlike most state lands, these lands are held and conveyed in the name of the WMD, not the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees).<sup>3</sup>

The five WMDs own approximately 1,908,969 acres of conservation land. Approximately 1,481,129 acres are held in fee simple, while 427,840 acres are held in conservation easements.<sup>4</sup> In addition to the purposes described above, WMDs manage their lands for recreation, camping, trail use, hunting, and revenue generation. Lands held by a WMD are not subject to taxes or special assessments so long as the title or rights remain held by the WMD.<sup>5</sup>

##### Sale of WMD Lands

A WMD may sell lands its governing board determines to be surplus at any time.<sup>6</sup> If a WMD decides to sell its real property, or interest therein, it must follow the procedures in ss. 373.056 or 373.089, F.S.<sup>7</sup> These lands must be sold at the highest price obtainable, but not less than the appraised value of the land determined by a certified appraiser 360 days before the sale.<sup>8</sup> Such sales must be in cash and on the terms set by the governing board of the WMD.<sup>9</sup> The WMD must publish notice of its intent to sell the land in a newspaper in the county where the land is located.<sup>10</sup> The notice of intent must be published three times for three successive weeks at least 30 days, and not more than 360 days, before any sale.<sup>11</sup> The notice of intent must describe the land to be sold or the interest or rights to be sold.<sup>12</sup>

Public and private entities may request that a WMD make its lands available for purchase when those lands are not essential or necessary to meet conservation purposes, and when:

- The land is located in a county with a population of 75,000 or fewer or within a county with a population of 100,000 or fewer that is contiguous to a county with a population of 75,000 or fewer; and

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<sup>1</sup> Section 373.139(2), F.S.

<sup>2</sup> Section 373.056(1)(a), F.S. State and local governments may require WMDs to return the land if the WMD ceases to use the land for the purposes described above. Section 373.056(2), F.S.

<sup>3</sup> Section 373.099, F.S.

<sup>4</sup> Florida Natural Areas Inventory, *Summary of Florida Conservation Lands February 2017*, available at: [http://www.fnai.org/PDF/Maacres\\_201702\\_FCL\\_plus\\_LTF.pdf](http://www.fnai.org/PDF/Maacres_201702_FCL_plus_LTF.pdf) (last visited January 22, 2018).

<sup>5</sup> Section 373.056(5) and (6), F.S.

<sup>6</sup> Section 373.089(1), F.S.

<sup>7</sup> Section 373.139(6), F.S.

<sup>8</sup> Section 373.089(1), F.S.

<sup>9</sup> Section 373.089(2), F.S.

<sup>10</sup> Section 373.089(3), F.S.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

- More than 50 percent of the lands within the county boundary are federal lands and lands titled in the name of the state, a state agency, a WMD, or a local government.<sup>13</sup>

When public and private entities make such a request, and the lands are determined to be surplus, the WMD must give priority consideration to public or private buyers who are willing to return the property to productive use so long as the property can reenter the county ad valorem tax roll.<sup>14</sup>

When deciding whether to sell lands designated as acquired for conservation purposes, the governing board of the WMD must determine by a two-thirds vote that the land is no longer needed for conservation purposes.<sup>15</sup> For all other lands, the governing board of the WMD must determine by a majority vote that the land is no longer needed.<sup>16</sup>

Prior to selling land, a WMD must first offer title to lands acquired in whole or in part with Florida Forever fund to the Board of Trustees unless:

- The land will be used for linear facilities, including electric transmission and distribution facilities, telecommunication transmission and distribution facilities, pipeline transmission and distribution facilities, public transportation corridors, and related appurtenances;
- The WMD will sell the fee interest in the land and retain a conservation easement to fulfill the conservation objectives for which the land was acquired;
- The land will be exchanged for other lands that meet or exceed the conservation objectives for which the original land was acquired;
- The land will be used by a governmental entity for a public purpose; or
- The portion of an overall purchase deemed surplus at the time of the acquisition.<sup>17</sup>

If the Board of Trustees declines to accept title to the land, the WMD may dispose of the land.<sup>18</sup>

A WMD may expedite the disposal of land valued at \$25,000 or less. If a parcel of land is no longer essential or necessary for conservation purposes and is valued at \$25,000 or less, as determined by a certified appraisal obtained within 360 days before the effective date of a contract for the sale, the governing board of the WMD may determine that the parcel of land is surplus. Unlike other surplus parcels, the WMD must publish the notice of intention to sell in the newspaper in the county where the land is located only one time. The WMD must send the notice of intention to sell the parcel to adjacent property owners by certified mail and publish the notice on its website. Fourteen days after publication of notice, the WMD may sell the parcel to an adjacent property owner. If there are two or more owners of adjacent property, the WMD may accept sealed bids and sell the parcel to the highest bidder or reject all offers. Thirty days after publication of notice, the WMD must accept sealed bids and may sell the parcel to the highest bidder or reject all offers.<sup>19</sup>

### **Effect of the Proposed Changes**

The bill changes various procedures, allowing a WMD to more efficiently sell any surplus lands.

The bill amends s. 373.089(3), F.S., to require a WMD to publish notice of its intent to sell surplus property at least 30 days, but not more than 360 days, before the WMD *approves a sale*. Current law however, specifies that the required notice must occur at least 30 days, but not more than 360 days, before the sale. Depending on how a particular WMD interprets this notice requirement, this may extend the publication time for the WMD's intent to sell its land.

<sup>13</sup> Section 373.089(5), F.S.

<sup>14</sup> *Id.*

<sup>15</sup> Section 373.089(6)(a), F.S.

<sup>16</sup> Section 373.089(6)(b), F.S.

<sup>17</sup> Section 373.089(7), F.S.

<sup>18</sup> *Id.*

<sup>19</sup> Section 373.089(8), F.S.

The bill amends s. 373.089(8)(a), F.S., to authorize a WMD to sell land valued at \$25,000 or less to the adjacent property owner rather than giving such property owners the opportunity to purchase the property before the rest of the general public. Thus, a WMD may opt to sell the land to adjacent property owners first or offer the land to the general public, regardless of whether they are neighboring property owners. If the governing board elects to offer for sale the parcel to adjacent property owners, the bill also requires the governing board to publish the notice of intention to offer to sell land valued at \$25,000 or less in the newspaper in the county where the land is located only once. In addition, the governing board must send the notice of intention to sell the parcel to adjacent property owners by certified mail and publish the notice on its website. A WMD must still wait 14 days after publication of notice before selling the parcel to the adjacent property owner. The bill defines “adjacent property owners” as those owners whose property abuts the parcel.

Lastly, the bill amends s. 373.089(8)(c), F.S., to remove the requirement that a WMD accept sealed bids and sell the property to the highest bidder or reject all offers 30 days after publication of notice, if the WMD does not sell the land to the adjacent property owner. Instead, if the WMD does not sell the parcel to the adjacent property owner, the bill authorizes a WMD to sell the parcel valued at \$25,000 or less at any time to the general public for the highest price obtainable. The bill further removes the provision which specifically gives the WMD one of two directives: to either sell the parcel to the highest bidder or reject all offers.

**B. SECTION DIRECTORY:**

**Section 1.** Amends s. 373.089, F.S., relating to the sale or exchange of lands, or interest or rights in lands.

**Section 2.** Provides an effective date of July 1, 2018.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

**1. Revenues:**

The bill may have an indeterminate positive fiscal impact on a WMD selling surplus lands valued at \$25,000 or less by authorizing it to more efficiently sell surplus property by removing the requirement that the WMD:

- Offer the land to the adjacent owner first; and
- Use competitive bidding procedures to sell lands not sold to the adjacent property owners.

**2. Expenditures:**

The bill may have an indeterminate positive fiscal impact on a WMD selling surplus lands valued at \$25,000 or less, by removing the requirement that a WMD use competitive bidding procedures to sell lands not sold to adjacent property owners.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

**1. Revenues:**

Lands owned by a WMD are exempt from taxes and special assessments.<sup>20</sup> The bill may have an indeterminate positive fiscal impact on local governments if a WMD is able to more efficiently sell their surplus property to owners who may be taxed by local governments.

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<sup>20</sup> Section 373.056(5) and (6), F.S.  
**STORAGE NAME:** h0703b.ANR.DOCX  
**DATE:** 1/17/2018

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.



1                   A bill to be entitled  
 2           An act relating to water management district surplus  
 3           lands; amending s. 373.089, F.S.; revising the  
 4           circumstances when a water management district must  
 5           publish its intention to sell surplus lands; revising  
 6           the process for selling certain lower valued surplus  
 7           lands; defining the term "adjacent property owners";  
 8           providing an effective date.

9  
 10   Be It Enacted by the Legislature of the State of Florida:

11  
 12           Section 1. Subsections (3) and (8) of section 373.089,  
 13   Florida Statutes, are amended to read:

14           373.089 Sale or exchange of lands, or interests or rights  
 15   in lands.—The governing board of the district may sell lands, or  
 16   interests or rights in lands, to which the district has acquired  
 17   title or to which it may hereafter acquire title in the  
 18   following manner:

19           (3) Before selling any surplus land, or interests or  
 20   rights in land, the district shall publish a notice of intention  
 21   to sell in a newspaper published in the county in which the  
 22   land, or interests or rights in the land, is situated once each  
 23   week for 3 successive weeks, three insertions being sufficient.  
 24   The first publication of the required notice must occur at least  
 25   30 days, but not more than 360 days, before any sale is approved

26 by the district and must include a description of lands, or  
 27 interests or rights in lands, to be offered for sale.

28 (8) (a) If a parcel of land is no longer essential or  
 29 necessary for conservation purposes and is valued at \$25,000 or  
 30 less as determined by a certified appraisal obtained within 360  
 31 days before the effective date of a contract for the sale, as  
 32 specified in subsection (1), the governing board may determine  
 33 that the parcel of land is surplus and may offer to sell it to  
 34 the adjacent property owners. If the governing board elects to  
 35 offer for sale the parcel to adjacent property owners pursuant  
 36 to this subsection, the governing board must publish the notice  
 37 of intention to sell ~~must be published~~ as required under  
 38 subsection (3), one time only and the governing board must  
 39 ~~shall~~ send the notice of intention to sell the parcel to  
 40 adjacent property owners by certified mail and publish the  
 41 notice on its website. For the purpose of this subsection, the  
 42 term "adjacent property owners" means those owners whose  
 43 property abuts the parcel.

44 (b) Fourteen days after publication of such notice, the  
 45 district may sell the parcel to an adjacent property owner or,  
 46 if there are two or more owners of adjacent property, accept  
 47 sealed bids and sell the parcel to the highest bidder or reject  
 48 all offers.

49 (c) If the parcel is not sold to an adjacent property  
 50 owner pursuant to paragraph (b), the district may sell the

51 parcel at any time to the general public for the highest price  
 52 obtainable ~~Thirty days after publication of such notice, the~~  
 53 ~~district shall accept sealed bids and may sell the parcel to the~~  
 54 ~~highest bidder or reject all offers.~~

55

56 If the Board of Trustees of the Internal Improvement Trust Fund  
 57 declines to accept title to the lands offered under this  
 58 section, the land may be disposed of by the district under the  
 59 provisions of this section.

60 Section 2. This act shall take effect July 1, 2018.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1149 Environmental Regulation  
**SPONSOR(S):** Natural Resources & Public Lands Subcommittee; Payne  
**TIED BILLS:** IDEN./SIM. BILLS: CS/SB 1308

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Natural Resources & Public Lands Subcommittee	12 Y, 1 N, As CS	Moore	Shugar
2) Agriculture & Natural Resources Appropriations Subcommittee		White <i>CCW</i>	Pigott <i>SP</i>
3) Government Accountability Committee			

### SUMMARY ANALYSIS

The bill revises policies relating to Florida’s environmental regulation by:

- Providing examples of reclaimed water use that may create an impact offset to include those that prevent or stop further saltwater intrusion, raise aquifer levels, improve the water quality of an aquifer, or augment surface water to increase the quantity of water available for water supply;
- Requiring the Department of Environmental Protection (DEP) to revise the water resource implementation rule to create criteria by which an impact offset or substitution credit may be applied to the issuance, renewal, or extension of a consumptive use permit (CUP) or may be used to address additional water resource constraints imposed by the adoption of a recovery or prevention strategy;
- Including the reuse of reclaimed water through aquifer recharge as a critical component of meeting the state’s existing and future water supply needs while sustaining natural systems;
- Requiring DEP and water management districts (WMD) to develop and enter into a memorandum of agreement no later than December 1, 2018, providing for coordinated review of any reclaimed water project requiring a reclaimed water facility permit, an underground injection control permit, and a CUP, to be used solely at the permit applicant’s request;
- Requiring counties and municipalities to address the contamination of recyclable material in contracts with residential recycling collectors for collection or transportation of residential recyclable material;
- Defining “residential recycling collector;”
- Requiring counties and municipalities to address the contamination of recyclable material in contracts with material recovery facilities (MRF) for processing of residential recyclable material;
- Requiring local government contracts with a residential recycling collector or MRF to define “contaminated recyclable material” in a manner that is appropriate for the local community, based on available recyclable material markets;
- Requiring local government contracts with a residential recycling collector or MRF to include strategies and obligations of the parties to reduce the amount of contaminated recyclable material being collected or processed, procedures for identifying, documenting, managing, and rejecting contaminated recyclable materials, and remedies that will be used for contaminated recyclable material;
- Providing applicability of these contract requirements in any local government contract with a residential recycling collector or MRF executed or renewed after the effective date of the act;
- Prohibiting local governments from requiring additional verification from DEP that a particular activity meets a permit exception; and
- Revising the permit exception for the replacement or repair of existing docks and piers to allow for the repair or replacement if it is in approximately the same location, no larger in size than the existing dock or pier, and no additional aquatic resources are adversely and permanently impacted.

The bill has an insignificant negative fiscal impact on state government and a positive fiscal impact on local governments and the private sector.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Reuse of Reclaimed Water in Consumptive Use Permitting**

###### Present Situation

###### *Reclaimed Water*

Reclaimed water<sup>1</sup> is water from a domestic wastewater<sup>2</sup> treatment facility, which has received at least secondary treatment<sup>3</sup> and basic disinfection for reuse.<sup>4</sup>

###### *Water Resource Implementation Rule*

The water resource implementation rule, ch. 62-40, F.A.C., sets forth goals, objectives, and guidance for the development and review of programs, rules, and plans relating to water resources, based on statutory policies and directives.<sup>5</sup> The Legislature required the Department of Environmental Protection (DEP) to initiate rulemaking by October 1, 2012, to revise the rule to include:

- Criteria for the use of a proposed impact offset<sup>6</sup> derived from the use of reclaimed water when a water management district (WMD) evaluated an application for a consumptive use permit (CUP); and
- Criteria for the use of substitution credits<sup>7</sup> where a WMD had adopted rules establishing withdrawal limits from a specified water resource within a defined geographic area.<sup>8</sup>

The revisions to the water resource implementation rule can be found in rules 62-40.416(7) and (8), F.A.C., respectively.

###### *Consumptive Use Permitting*

Before using waters of the state,<sup>9</sup> a person must apply for and obtain a CUP from the applicable WMD<sup>10</sup> or the DEP. The WMD or DEP may impose reasonable conditions necessary to assure that such use is consistent with the overall objectives of the WMD or DEP and is not harmful to the water resources of the area.<sup>11</sup> To obtain a CUP, an applicant must establish that the proposed use of water is

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<sup>1</sup> s. 373.019(17), F.S.; Rule 62-610.200(48), F.A.C.

<sup>2</sup> Rule 62-610.200(15), F.A.C.

<sup>3</sup> Rule 62-610.200(54), F.A.C.

<sup>4</sup> Rules 62-610.200(12), 62-600.200(18), and 62-600.440(5), F.A.C.

<sup>5</sup> s. 373.019(25), and 373.036, F.S.

<sup>6</sup> s. 373.250(5)(a)1, F.S., defines “impact offset” to mean the use of reclaimed water to reduce or eliminate a harmful impact that has occurred or would otherwise occur as a result of other surface water or groundwater withdrawals.

<sup>7</sup> s. 373.250(5)(a)2, F.S., defines “substitution credit” to mean the use of reclaimed water to replace all or a portion of an existing permitted use of resource-limited surface water or groundwater, allowing a different user or use to initiate a withdrawal or increase its withdrawal from the same resource-limited surface water or groundwater source provided that the withdrawal creates no net adverse impact on the limited water resource or creates a net positive impact if required by water management district rule as part of a strategy to protect or recover a water resource.

<sup>8</sup> s. 373.250(5)(a)1-2, F.S.

<sup>9</sup> s. 373.019(22), F.S., defines “water” or “waters of the state” to mean any and all water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground, as well as all coastal waters within the jurisdiction of the state.

<sup>10</sup> s. 373.216, F.S.; see chs. 40A-2, 40B-2, 40C-2, 40D-2, and 40E-2, F.A.C., for CUP permitting requirements.

<sup>11</sup> s. 373.219(1), F.S.; An individual solely using water for domestic consumption is exempt from CUP requirements.

a reasonable-beneficial use,<sup>12</sup> will not interfere with any presently existing legal use of water, and is consistent with the public interest.<sup>13</sup>

### *Recovery or Prevention Strategy*

If, at the time a minimum flow<sup>14</sup> or minimum water level<sup>15</sup> (MFL) is initially established for a water body or is revised, and the existing flow or water level in the water body is below, or is projected to fall within 20 years below, the applicable MFL, the DEP or WMD must concurrently adopt or modify and implement a recovery or prevention strategy. If a MFL has been established for a water body and the existing flow or water level in the water body falls below, or is projected to fall within 20 years below, the applicable MFL, the DEP or the WMD must expeditiously adopt a recovery or prevention strategy.<sup>16</sup>

A recovery or prevention strategy must include the development of additional water supplies and other actions to achieve recovery to the established MFL as soon as practicable or prevent the existing flow or water level from falling below the established MFL. A recovery or prevention strategy must also include a phased-in approach or a timetable that will allow for the provision of sufficient water supplies for all existing and projected reasonable-beneficial uses, including implementation of conservation and other efficiency measures to offset reductions in permitted withdrawals.<sup>17</sup>

### Effect of the Proposed Changes

The bill amends s. 373.250(5), F.S., regarding the reuse of reclaimed water, to delete the obsolete rulemaking provision that directs DEP to initiate rulemaking to develop criteria for the use of impact offsets and substitution credits under the water resource implementation rule.

The bill amends s. 373.250(5)(a)1., F.S., providing examples of reclaimed water use that may create an impact offset to include those that prevent or stop further saltwater intrusion; raise aquifer levels; improve the water quality of an aquifer; or augment surface water to increase the quantity of water available for water supply.

The bill creates s. 373.250(5)(a)3., F.S., requiring the water resource implementation rule to include criteria by which an impact offset or substitution credit may be applied to the issuance, renewal, or extension of a utility's or another user's CUP or may be used to address additional water resource constraints imposed through the adoption of a recovery or prevention strategy.

## **Reuse of Reclaimed Water and Pollution Control**

### Present Situation

#### *Aquifer Recharge*

Aquifer recharge is the underground injection and storage of water into an aquifer. It is primarily considered a water resource development and conservation strategy used to preserve and enhance

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<sup>12</sup> s. 373.019(16), F.S., defines "reasonable-beneficial use" to mean the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest.

<sup>13</sup> s. 373.223(1), F.S.

<sup>14</sup> s. 373.042(1)(a), F.S., the minimum flow is the limit at which further water withdrawals would be significantly harmful to the water resources or ecology of the area.

<sup>15</sup> s. 373.042(1)(b), F.S., the minimum level is the level of groundwater in an aquifer or the level of a surface waterbody at which further withdrawals will significantly harm the water resources of the area..

<sup>16</sup> s. 373.0421(2), F.S.

<sup>17</sup> *Id.*

water resources and natural systems (e.g., sustain water levels, meet MFLs) and to attenuate flooding.<sup>18</sup> Aquifer recharge wells include:

- Recharge wells used to replenish, augment, or store water in an aquifer;
- Salt water intrusion barrier wells used to inject water into a fresh water aquifer to prevent the intrusion of salt water into the fresh water;
- Subsidence control wells used to inject fluids into a zone which does not produce oil or gas to reduce or eliminate subsidence associated with the overdraft of fresh water; and
- Connector wells used to connect two aquifers to allow interchange of water between those aquifers.<sup>19</sup>

### *Reclaimed Water Facility Permitting*

Any facility or activity that discharges wastes into waters of the state, or which will reasonably be expected to be a source of water pollution, must obtain a wastewater permit from DEP.<sup>20</sup> DEP may issue construction permits for wastewater systems, treatment works, or reuse or disposal systems based upon review of a preliminary design report, application forms, and other required information, all of which shall be formulated by DEP rule. Upon a demonstration that a system constructed in accordance with a construction permit issued operates as designed, DEP must issue a permit for operation of the system.<sup>21</sup>

### *Underground Injection Control Permitting*

DEP has general control and supervision over underground water, lakes, rivers, streams, canals, ditches, and coastal waters under the jurisdiction of the state insofar as their pollution may affect the public health or impair the interest of the public or persons lawfully using them.<sup>22</sup> DEP regulates the disposal of appropriately treated fluids via underground injection wells through its underground injection control (UIC) program. The UIC permitting program prevents degradation of the quality of aquifers adjacent to the injection zone. Subsurface injection, the practice of emplacing fluids in a permeable underground aquifer by gravity flow or under pressure through an injection well, is one of a variety of wastewater disposal or reuse methods used in the state.<sup>23</sup>

### Effect of the Proposed Changes

The bill amends s. 403.064(1), F.S., providing legislative findings, regarding the reuse of reclaimed water, to include reuse through aquifer recharge as a critical component of meeting the state's existing and future water supply needs while sustaining natural systems.

The bill creates s. 403.064(17), F.S., requiring DEP and the WMDs to develop and enter into a memorandum of agreement (MOA) providing for coordinated review of any reclaimed water project requiring a reclaimed water facility permit, a UIC permit, and a CUP no later than December 1, 2018. The bill requires the MOA to provide such coordinated review solely at the applicant's request. The bill provides that the goal of the coordinated review is to share information, avoid requesting the applicant to submit redundant information, and ensure, to the extent feasible, a harmonized review of the reclaimed water project under these various permitting programs, including the use of a proposed impact offset or substitution credit.

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<sup>18</sup> DEP, *Report on Expansion of Beneficial Use of Reclaimed Water, Stormwater and Excess Surface Water*, pg. 83, <https://floridadep.gov/sites/default/files/SB536%20Final%20Report.pdf> (last visited Jan. 25, 2018).

<sup>19</sup> Rule 62-528.300(1)(e), F.A.C.

<sup>20</sup> s. 403.087(1), F.S.; Florida Water Permits, *Florida's Water Permitting Portal*, <http://flwaterpermits.com/typesofpermits.html> (last visited Jan. 25, 2018).

<sup>21</sup> s. 403.0881, F.S.; see chs. 62-610, and 62-620, F.A.C., for reuse and wastewater permitting requirements, respectively.

<sup>22</sup> s. 403.062, F.S.

<sup>23</sup> Florida Water Permits, *Florida's Water Permitting Portal*. <http://flwaterpermits.com/typesofpermits.html> (last visited Jan. 25, 2018); see ch. 62-528, F.A.C., for UIC permitting requirements.



## Recyclable Materials and Contamination

### Present Situation

Recycling is any process by which solid waste<sup>24</sup> or materials that would otherwise become solid waste are collected, separated or processed and reused or returned to use in the form of raw materials or intermediate or final products (e.g., crude oil, fuels, and fuel substitutes).<sup>25</sup> Recyclable materials are those materials that are capable of being recycled and would otherwise be processed or disposed of as solid waste.<sup>26</sup>

### *Local Government Recycling Programs*

Counties and municipalities are encouraged to form cooperative arrangements for implementing recycling programs.<sup>27</sup> Recycling programs must recover a significant portion of at least four of the following materials from the solid waste stream prior to final disposal at a solid waste disposal facility, and to offer these materials for recycling:

- Newspaper;
- Aluminum cans;
- Steel cans;
- Glass;
- Plastic bottles;
- Cardboard;
- Office paper; and
- Yard trash.

Local governments are also encouraged to separate all plastics, metal, and all grades of paper for recycling prior to final disposal and are further encouraged to recycle yard trash and other mechanically treated solid waste into compost available for agricultural and other acceptable uses.<sup>28</sup>

### *Recycling Goal*

Each county must implement a recyclable materials recycling program with a goal of recycling recyclable solid waste by 40 percent by December 31, 2012; 50 percent by December 31, 2014; 60 percent by December 31, 2016; 70 percent by December 31, 2018; and 75 percent by December 31, 2020 (recycling goal).<sup>29</sup> To assess the progress in meeting the recycling goal, counties are annually required to provide information to DEP regarding their annual solid waste management program and recycling activities.<sup>30</sup> The recycling goal for 2016 fell short, having achieving 56 percent.<sup>31</sup>

### *Local Government Contracting for Solid Waste*

A county or municipality may enter into a written agreement with other persons to fulfill some or all of its solid waste responsibilities.<sup>32</sup> In developing and implementing recycling programs, counties and municipalities are required to give consideration to the collection, marketing, and disposition of

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<sup>24</sup> s. 403.703(36), F.S., defines solid waste.

<sup>25</sup> s. 403.703(31), F.S.

<sup>26</sup> s. 403.706(30), F.S.

<sup>27</sup> s. 403.706(2)(a), F.S.

<sup>28</sup> s. 403.706(2)(g), F.S.

<sup>29</sup> s. 403.706(2)(a), F.S.

<sup>30</sup> s. 403.706(7), F.S.

<sup>31</sup> DEP, *Florida and the 2020 75% Recycling Goal*, [https://floridadep.gov/sites/default/files/FinalRecyclingReportVolume1\\_0\\_0.pdf](https://floridadep.gov/sites/default/files/FinalRecyclingReportVolume1_0_0.pdf) (last visited Jan. 25, 2018).

<sup>32</sup> s. 403.706(8), F.S.

recyclable materials by persons engaged in the business of recycling, whether or not the persons are operating for profit. Counties and municipalities are encouraged to use for-profit and nonprofit organizations in fulfilling their solid waste responsibilities.<sup>33</sup>

### *Curbside Recyclable Materials Collection*

In the development and implementation of a curbside recyclable materials collection program, a county or municipality is required to enter into negotiations with a franchisee who is operating to exclusively collect solid waste within a service area of a county or municipality to undertake curbside recyclable materials collection responsibilities for a county or municipality. If the county or municipality and such franchisee fail to reach an agreement within 60 days from the initiation of such negotiations, the county or municipality may solicit proposals (RFP) from other persons to undertake curbside recyclable materials collection responsibilities for the county or municipality as it may require. Upon the determination of the lowest responsible proposal, the county or municipality may undertake, or enter into a written agreement with the person who submitted the lowest responsible proposal to undertake, the curbside recyclable materials collection responsibilities for the county or municipality, notwithstanding the exclusivity of such franchise agreement.<sup>34</sup>

### *Contamination of Recyclable Material*

Contamination of recyclable material occurs when residents place materials that are not recyclable into curbside recycling bins (e.g., plastic bags, styrofoam peanuts, and other increasingly popular thin plastics). While a material recovery facility (MRF)<sup>35</sup> is equipped to handle some non-recyclable materials, excessive contamination can undermine the recycling process resulting in additional sorting, processing, energy consumption, and other increased costs due to equipment downtime, repair or replacement needs. In addition to increased recycling processing costs, contamination also results in poorer quality recyclables, and increased rejection and landfilling of unusable materials.<sup>36</sup>

### Effect of the Proposed Changes

The bill creates s. 403.706(22), F.S., requiring counties and municipalities to address the contamination of recyclable material in contracts with residential recycling collectors for collection or transportation of residential recyclable material, and with MRFs for processing of residential recyclable material. The bill requires that the contracts define the term, “contaminated recyclable material” in a manner that is appropriate for the local community, based on the available markets for recyclable material.

The bill provides that a residential recycling collector may not be required to collect or transport contaminated recyclable material and defines a “residential recycling collector” as a for-profit business entity that collects and transports residential recyclable material on behalf of a county or municipality. The bill requires that contracts between a residential recycling collector and a county or municipality for the collection or transportation of residential recyclable material, and each RFP for residential recyclable material include:

- The respective strategies and obligations of the county or municipality and the collector to reduce the amount of contaminated recyclable material being collected;
- The procedures for identifying, documenting, managing, and rejecting residential recycling containers, carts, or bins that contain contaminated recyclable material;
- The remedies that will be used if a container, cart, or bin contains contaminated recyclable material; and

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<sup>33</sup> s. 403.706(10), F.S.

<sup>34</sup> s. 403.706(9), F.S.

<sup>35</sup> s. 403.703(20), F.S., defines a MRF to mean a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

<sup>36</sup> DEP, *Florida and the 2020 75% Recycling Goal*, [https://floridadep.gov/sites/default/files/FinalRecyclingReportVolume1\\_0\\_0.pdf](https://floridadep.gov/sites/default/files/FinalRecyclingReportVolume1_0_0.pdf) (last visited Jan. 25, 2018).

- The education and enforcement measures that will be used to reduce the amount of contaminated recyclable material.

The bill provides that a MRF is not required to process contaminated recyclable material. The bill requires that contracts between a MRF and a county or municipality for processing residential recyclable material define the term “contaminated recyclable material” and include:

- The respective strategies and obligations of the parties to reduce the amount of contaminated recyclable material being processed;
- The procedures for identifying, documenting, managing, and rejecting residential recycling containers or loads that contain contaminated recyclable material; and
- The remedies that will be used if a container or load contains contaminated recyclable material.

The bill provides that the contract requirements apply to each contract between a municipality or county and a residential recycling collector or MRF executed or renewed after the effective date of the act.

## **Verification of State Permit Exceptions**

### Present Situation

Current law provides exceptions from state environmental permitting<sup>37</sup> for certain types of projects.<sup>38</sup> Generally, these permit exceptions restrict how the project is undertaken, provide size and location requirements, or provide for maintenance, repair, or replacement of existing structures.<sup>39</sup> These exceptions do not relieve an applicant from obtaining permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a WMD or from complying with local pollution control programs, or other requirements of local governments.<sup>40</sup>

### Effect of Proposed Changes

The bill amends s. 403.813(1), F.S., prohibiting local governments from requiring additional verification from DEP that a particular activity meets a permit exception.

## **Dock and Pier Replacement and Repair Permit Exception**

### Present Situation

Currently, an exception from environmental permitting applies for the replacement or repair of existing docks and piers if fill<sup>41</sup> material is not used and the replacement or repaired dock or pier is in the same location and of the same configuration and dimensions as the dock or pier being replaced or repaired. The exception allows the use of different construction materials or minor deviations to allow upgrades to current structural and design standards.<sup>42</sup> Other permit exceptions that allow for repair or replacement also require the repair or replacement to be of the same configuration, location, length, and dimensions. These include the repair or replacement of stormwater pipes or culverts,<sup>43</sup> open-trestle foot bridges and vehicular bridges that are 100 feet or less in length and two lanes or less in width,<sup>44</sup> and insect control impoundment dikes, which are less than 100 feet in length.<sup>45</sup> Another permit

<sup>37</sup> See chs. 373 and 403, F.S.

<sup>38</sup> s. 403.803(1), F.S.

<sup>39</sup> s. 403.803(1)(a)-(v), F.S.

<sup>40</sup> s. 403.813(1), F.S.

<sup>41</sup> Filling means deposition of any material (such as sand, dock pilings or seawalls) in wetlands or other surface waters;

<https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/erp-dredging-and-filling> (last visited Jan. 25, 2018).

<sup>42</sup> s. 403.813(1)(d), F.S.

<sup>43</sup> s. 403.813(1)(h), F.S.

<sup>44</sup> s. 403.813(1)(l), F.S.

<sup>45</sup> s. 403.813(1)(p), F.S.

exception, regarding the restoration of seawalls, allows for the restoration of the seawall to take place at the previous location or upland of, or within 18 inches waterward of the previous location.<sup>46</sup>

### Effect of the Proposed Changes

The bill amends s. 403.813(1)(d), F.S., regarding the exception for replacement or repair of existing docks or piers. The bill removes the requirement that a dock or pier replacement or repair remain in the same location and be of the same configuration and dimensions as the existing dock or pier. The bill provides that the repair or replacement of the dock or pier must be in *approximately* the same location and no larger in size than the existing dock or pier, and no additional aquatic resources may be adversely and permanently impacted by the replacement.

#### B. SECTION DIRECTORY:

- Section 1. Amends s. 327.250, F.S., relating to reuse of reclaimed water.
- Section 2. Amends s. 403.064, F.S., relating to reuse of reclaimed water.
- Section 3. Amends s. 403.706, F.S., relating to local government solid waste responsibilities.
- Section 4. Amends s. 403.813, F.S., relating to permit exceptions.
- Section 5. Directs the Division of Law Revision and Information to replace the effective date of the act with the date the act becomes a law.
- Section 6. Provides an effective date of upon becoming law.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None.

##### 2. Expenditures:

The bill will have an insignificant negative fiscal impact on the DEP related to rule-making. DEP indicates that this impact can be absorbed within existing resources.<sup>47</sup>

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

The bill may have a positive fiscal impact on local governments that are no longer required to collect, transport, or process contaminated recyclable material. The bill may have a positive fiscal impact on local governments resulting from revisions to the water resource implementation rule creating criteria by which an impact offset or substitution credit may be applied to the issuance, renewal, or extension of a utility's or another user's CUP or may be used to address additional water resource constraints imposed through the adoption of a MFL recovery or prevention strategy.

<sup>46</sup> s. 403.813(1)(e), F.S.

<sup>47</sup> Department of Environmental Protection, Agency Analysis of House Bill 1149, p. 6 (January 22, 2018).

The bill may have a positive fiscal impact on the local governments who implement a reclaimed water project that requires a reclaimed water facility permit, a UIC permit, and a CUP by utilizing the coordinated review process established by DEP and WMD MOA required by the bill.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have a positive fiscal impact on the private sector resulting from revisions to the water resource implementation rule creating criteria by which an impact offset or substitution credit may be applied to the issuance, renewal, or extension of a utility's or another user's CUP or may be used to address additional water resource constraints imposed through the adoption of a MFL recovery or prevention strategy.

The bill may have a positive fiscal impact on members of the private sector who implement a reclaimed water project that requires a reclaimed water facility permit, a UIC permit, and a CUP by utilizing the coordinated review process established by DEP and WMD MOA required by the bill.

The bill may have a positive fiscal impact on MRFs if the bill results in less contaminated recyclable material coming into the facility undermining their recycling processes.

The bill may have a positive fiscal impact on the private sector by prohibiting a local government from requiring verification from DEP or WMD on a permit exception under s. 403.813, F.S. The bill may also have a positive fiscal impact on the private sector by expanding the permit exception for the replacement or repair of existing docks and piers.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires DEP to revise the water resource implementation rule to create criteria by which an impact offset or substitution credit may be applied to the issuance, renewal, or extension of a utility's or another user's CUP or may be used to address additional water resource constraints imposed through the adoption of a recovery or prevention strategy.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Recyclable Materials and Contamination

The bill may further hinder the recycling goal by requiring the definition of "contaminated recyclable material" to be appropriate for the local community, based on available markets for recyclable material. This could result in recyclable materials not being recycled simply because there is no market for them in the local community, however there may be a market outside of the local community.

The bill also uses the term “contaminated” in reference to recyclable materials, which may cause unintended confusion. Contamination traditionally has been associated with spills, discharges, and escapes of pollutants, dry cleaning solvents, and hazardous substances into the environment. The term “contaminant” means any physical, chemical, biological, or radiological substance present in any medium which may result in adverse effects to human health or the environment or which creates an adverse nuisance, organoleptic, or aesthetic condition in groundwater.<sup>48</sup> The term “contaminated site” means any contiguous land, sediment, surface water, or groundwater areas that contain contaminants that may be harmful to human health or the environment.<sup>49</sup> Contaminated sites trigger site rehabilitation<sup>50</sup> requirements<sup>51</sup> and contamination notification requirements.<sup>52</sup>

#### Verification of State Permit Exceptions

It is unclear as to what extent local governments are prohibited from verifying that a particular activity meets a permit exception from DEP or WMD. The bill appears to prohibit any verification, including a local government verifying with DEP or WMD whether a potential permit exception violation has occurred.

#### Dock and Pier Replacement and Repair Permit Exception

The bill allows the location of a replaced or repaired dock or pier to be in approximately the same location, which could make verification of this exception difficult to measure. Perhaps adding some measurable information such as that provided for the allowable placements for the restoration of seawalls<sup>53</sup> would be helpful.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 23, 2018, the Natural Resources & Public Lands Subcommittee adopted one amendment and reported the bill favorable with a committee substitute. The amendment removed and replaced section 3 of the bill, and provides as follows:

- Requires counties and municipalities to address the contamination of recyclable material in contracts with residential recycling collectors for collection or transportation of residential recyclable material, and with MRFs for processing of residential recyclable material;
- Requires that the contracts define the term “contaminated recyclable material” in a manner that is appropriate for the local community, based on the available markets for recyclable material;
- Provides that a residential recycling collector is not required to collect or transport contaminated recyclable material;
- Defines a “residential recycling collector” to mean a for-profit business entity that collects and transports residential recyclable material on behalf of a county or municipality;
- Requires that contracts between a residential recycling collector and a county or municipality for the collection or transportation of residential recyclable material, and each RFP for residential recyclable material include:
  - The respective strategies and obligations of the county or municipality and the collector to reduce the amount of contaminated recyclable material being collected;
  - The procedures for identifying, documenting, managing, and rejecting residential recycling containers, carts, or bins that contain contaminated recyclable material;
  - The remedies that will be used if a container, cart, or bin contains contaminated recyclable material; and

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<sup>48</sup> s. 376.301(10) and 376.79(6), F.S.

<sup>49</sup> s. 376.301(11), F.S.

<sup>50</sup> s. 376.301(43), F.S., defines site rehabilitation.

<sup>51</sup> See s. 376.30701, F.S., for site rehabilitation requirements.

<sup>52</sup> See s. 376.30702, F.S., for contamination notification requirements.

<sup>53</sup> s. 403.813(1)(e), F.S.

- The education and enforcement measures that will be used to reduce the amount of contaminated recyclable material.
- Provides that a MRF is not required to process contaminated recyclable material;
- Requires that contracts between a MRF and a county or municipality for processing residential recyclable material include:
  - The respective strategies and obligations of the parties to reduce the amount of contaminated recyclable material being processed;
  - The procedures for identifying, documenting, managing, and rejecting residential recycling containers or loads that contain contaminated recyclable material; and
  - The remedies that will be used if a container or load contains contaminated recyclable material; and
- Provides that the contract requirements apply to each contract between a municipality or county and a residential recycling collector or MRF executed or renewed after the effective date of the act.

1                                    A bill to be entitled  
 2            An act relating to environmental regulation; amending  
 3            s. 373.250, F.S.; deleting an obsolete provision;  
 4            providing examples of reclaimed water use that may  
 5            create an impact offset; revising the required  
 6            provisions of the water resource implementation rule;  
 7            amending s. 403.064, F.S.; revising legislative  
 8            findings; requiring the Department of Environmental  
 9            Protection and the water management districts to  
 10           develop and enter into a memorandum of agreement  
 11           providing for a coordinated review of any reclaimed  
 12           water project requiring a reclaimed water facility  
 13           permit, an underground injection control permit, and a  
 14           consumptive use permit; specifying the required  
 15           provisions of such memorandum; specifying the date by  
 16           which the memorandum must be developed and executed;  
 17           amending s. 403.706, F.S.; requiring counties and  
 18           municipalities to address contamination of recyclable  
 19           material in specified contracts; prohibiting counties  
 20           and municipalities from requiring the collection or  
 21           transport of contaminated recyclable material by  
 22           residential recycling collectors; defining the term  
 23           "residential recycling collector"; specifying required  
 24           contract provisions in residential recycling collector  
 25           and materials recovery facility contracts with



26 counties and municipalities; providing applicability;  
 27 amending s. 403.813, F.S.; providing that a local  
 28 government may not require further verification from  
 29 the department for certain projects; revising the  
 30 types of dock and pier replacements and repairs that  
 31 are exempt from such verification and certain  
 32 permitting requirements; providing a directive to the  
 33 Division of Law Revision and Information; providing an  
 34 effective date.

35

36 Be It Enacted by the Legislature of the State of Florida:

37

38 Section 1. Subsection (5) of section 373.250, Florida  
 39 Statutes, is amended to read:

40 373.250 Reuse of reclaimed water.-

41 (5) (a) ~~No later than October 1, 2012, the department shall~~  
 42 ~~initiate rulemaking to adopt revisions to~~ The water resource  
 43 implementation rule, as defined in s. 373.019(25), must ~~which~~  
 44 ~~shall~~ include:

45 1. Criteria for the use of a proposed impact offset  
 46 derived from the use of reclaimed water when a water management  
 47 district evaluates an application for a consumptive use permit.  
 48 As used in this subparagraph, the term "impact offset" means the  
 49 use of reclaimed water to reduce or eliminate a harmful impact  
 50 that has occurred or would otherwise occur as a result of other

51 surface water or groundwater withdrawals. Examples of reclaimed  
 52 water use that may create an impact offset include, but are not  
 53 limited to, the use of reclaimed water to:

- 54 a. Prevent or stop further saltwater intrusion;
- 55 b. Raise aquifer levels;
- 56 c. Improve the water quality of an aquifer; or
- 57 d. Augment surface water to increase the quantity of water  
 58 available for water supply.

59 2. Criteria for the use of substitution credits where a  
 60 water management district has adopted rules establishing  
 61 withdrawal limits from a specified water resource within a  
 62 defined geographic area. As used in this subparagraph, the term  
 63 "substitution credit" means the use of reclaimed water to  
 64 replace all or a portion of an existing permitted use of  
 65 resource-limited surface water or groundwater, allowing a  
 66 different user or use to initiate a withdrawal or increase its  
 67 withdrawal from the same resource-limited surface water or  
 68 groundwater source provided that the withdrawal creates no net  
 69 adverse impact on the limited water resource or creates a net  
 70 positive impact if required by water management district rule as  
 71 part of a strategy to protect or recover a water resource.

72 3. Criteria by which an impact offset or substitution  
 73 credit may be applied to the issuance, renewal, or extension of  
 74 the utility's or another user's consumptive use permit or may be  
 75 used to address additional water resource constraints imposed

76 | through the adoption of a recovery or prevention strategy under  
 77 | s. 373.0421.

78 | (b) Within 60 days after the final adoption by the  
 79 | department of the revisions to the water resource implementation  
 80 | rule required under paragraph (a), each water management  
 81 | district must ~~shall~~ initiate rulemaking to incorporate those  
 82 | revisions by reference into the rules of the district.

83 | Section 2. Subsection (1) of section 403.064, Florida  
 84 | Statutes, is amended, and subsection (17) is added to that  
 85 | section, to read:

86 | 403.064 Reuse of reclaimed water.—

87 | (1) The encouragement and promotion of water conservation,  
 88 | and reuse of reclaimed water, as defined by the department, are  
 89 | state objectives and are considered to be in the public  
 90 | interest. The Legislature finds that the reuse of reclaimed  
 91 | water, including reuse through aquifer recharge, is a critical  
 92 | component of meeting the state's existing and future water  
 93 | supply needs while sustaining natural systems. The Legislature  
 94 | further finds that for those wastewater treatment plants  
 95 | permitted and operated under an approved reuse program by the  
 96 | department, the reclaimed water shall be considered  
 97 | environmentally acceptable and not a threat to public health and  
 98 | safety. The Legislature encourages the development of incentive-  
 99 | based programs for reuse implementation.

100 | (17) The department and the water management districts

101 shall develop and enter into a memorandum of agreement providing  
 102 for a coordinated review of any reclaimed water project  
 103 requiring a reclaimed water facility permit, an underground  
 104 injection control permit, and a consumptive use permit. The  
 105 memorandum of agreement must provide that the coordinated review  
 106 is performed only if the applicant for such permits requests a  
 107 coordinated review. The goal of the coordinated review is to  
 108 share information, avoid requesting the applicant to submit  
 109 redundant information, and ensure, to the extent feasible, a  
 110 harmonized review of the reclaimed water project under these  
 111 various permitting programs, including the use of a proposed  
 112 impact offset or substitution credit in accordance with s.  
 113 373.250(5). The department and the water management districts  
 114 must develop and execute such memorandum of agreement no later  
 115 than December 1, 2018.

116 Section 3. Present subsection (22) of section 403.706,  
 117 Florida Statutes, is renumbered as subsection (23), and a new  
 118 subsection (22) is added to that section, to read:

119 403.706 Local government solid waste responsibilities.—

120 (22) Counties and municipalities shall address the  
 121 contamination of recyclable material in contracts for the  
 122 collection, transportation, and processing of residential  
 123 recyclable material based upon the following:

124 (a) A residential recycling collector may not be required  
 125 to collect or transport contaminated recyclable material. As

126 used in this subsection, the term "residential recycling  
 127 collector" means a for-profit business entity that collects and  
 128 transports residential recyclable material on behalf of a county  
 129 or municipality.

130 (b) A materials recovery facility may not be required to  
 131 process contaminated recyclable material.

132 (c) Each contract between a residential recycling  
 133 collector and a county or municipality for the collection or  
 134 transport of residential recyclable material, and each request  
 135 for proposal for residential recyclable material, must define  
 136 the term "contaminated recyclable material" in a manner that is  
 137 appropriate for the local community, based on the available  
 138 markets for recyclable material. The contract and request for  
 139 proposal must include:

140 1. The respective strategies and obligations of the county  
 141 or municipality and the collector to reduce the amount of  
 142 contaminated recyclable material being collected;

143 2. The procedures for identifying, documenting, managing,  
 144 and rejecting residential recycling containers, carts, or bins  
 145 that contain contaminated recyclable material;

146 3. The remedies that will be used if a container, cart, or  
 147 bin contains contaminated recyclable material; and

148 4. The education and enforcement measures that will be  
 149 used to reduce the amount of contaminated recyclable material.

150 (d) Each contract between a materials recovery facility

151 and a county or municipality for processing residential  
 152 recyclable material must define the term "contaminated  
 153 recyclable material" in a manner that is appropriate for the  
 154 local community, based on the available markets for recyclable  
 155 material. The contract must include:

156 1. The respective strategies and obligations of the  
 157 parties to reduce the amount of contaminated recyclable material  
 158 being processed;

159 2. The procedures for identifying, documenting, managing,  
 160 and rejecting residential recycling containers or loads that  
 161 contain contaminated recyclable material; and

162 3. The remedies that will be used if a container or load  
 163 contains contaminated recyclable material.

164 (e) This subsection shall apply to each contract between a  
 165 municipality or county and a residential recycling collector or  
 166 materials recovery facility executed or renewed after the  
 167 effective date of this act.

168 Section 4. Subsection (1) of section 403.813, Florida  
 169 Statutes, is amended to read:

170 403.813 Permits issued at district centers; exceptions.—

171 (1) A permit is not required under this chapter, chapter  
 172 373, chapter 61-691, Laws of Florida, or chapter 25214 or  
 173 chapter 25270, 1949, Laws of Florida, and a local government may  
 174 not require further verification from the department, for  
 175 activities associated with the following types of projects;

176 however, except as otherwise provided in this subsection, this  
 177 subsection does not relieve an applicant from any requirement to  
 178 obtain permission to use or occupy lands owned by the Board of  
 179 Trustees of the Internal Improvement Trust Fund or a water  
 180 management district in its governmental or proprietary capacity  
 181 or from complying with applicable local pollution control  
 182 programs authorized under this chapter or other requirements of  
 183 county and municipal governments:

184 (a) The installation of overhead transmission lines,  
 185 having ~~with~~ support structures that ~~which~~ are not constructed in  
 186 waters of the state and which do not create a navigational  
 187 hazard.

188 (b) The installation and repair of mooring pilings and  
 189 dolphins associated with private docking facilities or piers and  
 190 the installation of private docks, piers, and recreational  
 191 docking facilities, or piers and recreational docking facilities  
 192 of local governmental entities when the local governmental  
 193 entity's activities will not take place in any manatee habitat,  
 194 any of which docks:

195 1. Has 500 square feet or less of over-water surface area  
 196 for a dock ~~which is~~ located in an area designated as Outstanding  
 197 Florida Waters or 1,000 square feet or less of over-water  
 198 surface area for a dock ~~which is~~ located in an area that ~~which~~  
 199 is not designated as Outstanding Florida Waters;

200 2. Is constructed on or held in place by pilings or is a

201 floating dock ~~which is~~ constructed so as not to involve filling  
 202 or dredging other than that necessary to install the pilings;

203 3. May ~~shall~~ not substantially impede the flow of water or  
 204 create a navigational hazard;

205 4. Is used for recreational, noncommercial activities  
 206 associated with the mooring or storage of boats and boat  
 207 paraphernalia; and

208 5. Is the sole dock constructed pursuant to this exemption  
 209 as measured along the shoreline for a distance of 65 feet,  
 210 unless the parcel of land or individual lot as platted is less  
 211 than 65 feet in length along the shoreline, in which case there  
 212 may be one exempt dock allowed per parcel or lot.

213  
 214 ~~Nothing in~~ This paragraph does not ~~shall~~ prohibit the department  
 215 from taking appropriate enforcement action pursuant to this  
 216 chapter to abate or prohibit any activity otherwise exempt from  
 217 permitting pursuant to this paragraph if the department can  
 218 demonstrate that the exempted activity has caused water  
 219 pollution in violation of this chapter.

220 (c) The installation and maintenance to design  
 221 specifications of boat ramps on artificial bodies of water where  
 222 navigational access to the proposed ramp exists or the  
 223 installation of boat ramps open to the public in any waters of  
 224 the state where navigational access to the proposed ramp exists  
 225 and where the construction of the proposed ramp will be less



226 | than 30 feet wide and will involve the removal of less than 25  
 227 | cubic yards of material from the waters of the state, and the  
 228 | maintenance to design specifications of such ramps; however, the  
 229 | material to be removed shall be placed upon a self-contained  
 230 | upland site so as to prevent the escape of the spoil material  
 231 | into the waters of the state.

232 |         (d) The replacement or repair of existing docks and piers,  
 233 | except that fill material may not be used and the replacement or  
 234 | repaired dock or pier must be in approximately the same location  
 235 | and no larger in size than the existing dock or pier, and no  
 236 | additional aquatic resources may be adversely and permanently  
 237 | impacted by such replacement or repair ~~the same location and of~~  
 238 | ~~the same configuration and dimensions as the dock or pier being~~  
 239 | ~~replaced or repaired.~~ This does not preclude the use of  
 240 | different construction materials or minor deviations to allow  
 241 | upgrades to current structural and design standards.

242 |         (e) The restoration of seawalls at their previous  
 243 | locations or upland of, or within 18 inches waterward of, their  
 244 | previous locations. However, this may ~~shall~~ not affect the  
 245 | permitting requirements of chapter 161, and department rules  
 246 | shall clearly indicate that this exception does not constitute  
 247 | an exception from the permitting requirements of chapter 161.

248 |         (f) The performance of maintenance dredging of existing  
 249 | manmade canals, channels, intake and discharge structures, and  
 250 | previously dredged portions of natural water bodies within

251 drainage rights-of-way or drainage easements which have been  
 252 recorded in the public records of the county, where the spoil  
 253 material is to be removed and deposited on a self-contained,  
 254 upland spoil site which will prevent the escape of the spoil  
 255 material into the waters of the state, provided that no more  
 256 dredging is to be performed than is necessary to restore the  
 257 canals, channels, and intake and discharge structures, and  
 258 previously dredged portions of natural water bodies, to original  
 259 design specifications or configurations, provided that the work  
 260 is conducted in compliance with s. 379.2431(2)(d), provided that  
 261 no significant impacts occur to previously undisturbed natural  
 262 areas, and provided that control devices for return flow and  
 263 best management practices for erosion and sediment control are  
 264 utilized to prevent bank erosion and scouring and to prevent  
 265 turbidity, dredged material, and toxic or deleterious substances  
 266 from discharging into adjacent waters during maintenance  
 267 dredging. Further, for maintenance dredging of previously  
 268 dredged portions of natural water bodies within recorded  
 269 drainage rights-of-way or drainage easements, an entity that  
 270 seeks an exemption must notify the department or water  
 271 management district, as applicable, at least 30 days before  
 272 ~~prior to~~ dredging and provide documentation of original design  
 273 specifications or configurations where such exist. This  
 274 exemption applies to all canals and previously dredged portions  
 275 of natural water bodies within recorded drainage rights-of-way

276 or drainage easements constructed before ~~prior to~~ April 3, 1970,  
 277 and to those canals and previously dredged portions of natural  
 278 water bodies constructed on or after April 3, 1970, pursuant to  
 279 all necessary state permits. This exemption does not apply to  
 280 the removal of a natural or manmade barrier separating a canal  
 281 or canal system from adjacent waters. When no previous permit  
 282 has been issued by the Board of Trustees of the Internal  
 283 Improvement Trust Fund or the United States Army Corps of  
 284 Engineers for construction or maintenance dredging of the  
 285 existing manmade canal or intake or discharge structure, such  
 286 maintenance dredging shall be limited to a depth of no more than  
 287 5 feet below mean low water. The Board of Trustees of the  
 288 Internal Improvement Trust Fund may fix and recover from the  
 289 permittee an amount equal to the difference between the fair  
 290 market value and the actual cost of the maintenance dredging for  
 291 material removed during such maintenance dredging. However, no  
 292 charge shall be exacted by the state for material removed during  
 293 such maintenance dredging by a public port authority. The  
 294 removing party may subsequently sell such material; however,  
 295 proceeds from such sale that exceed the costs of maintenance  
 296 dredging shall be remitted to the state and deposited in the  
 297 Internal Improvement Trust Fund.

298 (g) The maintenance of existing insect control structures,  
 299 dikes, and irrigation and drainage ditches, provided that spoil  
 300 material is deposited on a self-contained, upland spoil site

301 | which will prevent the escape of the spoil material into waters  
 302 | of the state. In the case of insect control structures, if the  
 303 | cost of using a self-contained upland spoil site is so  
 304 | excessive, as determined by the Department of Health, pursuant  
 305 | to s. 403.088(1), that it will inhibit proposed insect control,  
 306 | then-existing spoil sites or dikes may be used, upon  
 307 | notification to the department. In the case of insect control  
 308 | where upland spoil sites are not used pursuant to this  
 309 | exemption, turbidity control devices shall be used to confine  
 310 | the spoil material discharge to that area previously disturbed  
 311 | when the receiving body of water is used as a potable water  
 312 | supply, is designated as shellfish harvesting waters, or  
 313 | functions as a habitat for commercially or recreationally  
 314 | important shellfish or finfish. In all cases, no more dredging  
 315 | is to be performed than is necessary to restore the dike or  
 316 | irrigation or drainage ditch to its original design  
 317 | specifications.

318 |         (h) The repair or replacement of existing functional pipes  
 319 | or culverts the purpose of which is the discharge or conveyance  
 320 | of stormwater. In all cases, the invert elevation, the diameter,  
 321 | and the length of the culvert may ~~shall~~ not be changed. However,  
 322 | the material used for the culvert may be different from the  
 323 | original.

324 |         (i) The construction of private docks of 1,000 square feet  
 325 | or less of over-water surface area and seawalls in artificially

326 created waterways where such construction will not violate  
 327 existing water quality standards, impede navigation, or affect  
 328 flood control. This exemption does not apply to the construction  
 329 of vertical seawalls in estuaries or lagoons unless the proposed  
 330 construction is within an existing manmade canal where the  
 331 shoreline is currently occupied in whole or part by vertical  
 332 seawalls.

333 (j) The construction and maintenance of swales.

334 (k) The installation of aids to navigation and buoys  
 335 associated with such aids, provided the devices are marked  
 336 pursuant to s. 327.40.

337 (l) The replacement or repair of existing open-trestle  
 338 foot bridges and vehicular bridges that are 100 feet or less in  
 339 length and two lanes or less in width, provided that no more  
 340 dredging or filling of submerged lands is performed other than  
 341 that which is necessary to replace or repair pilings and that  
 342 the structure to be replaced or repaired is the same length, the  
 343 same configuration, and in the same location as the original  
 344 bridge. No debris from the original bridge shall be allowed to  
 345 remain in the waters of the state.

346 (m) The installation of subaqueous transmission and  
 347 distribution lines laid on, or embedded in, the bottoms of  
 348 waters in the state, except in Class I and Class II waters and  
 349 aquatic preserves, provided no dredging or filling is necessary.

350 (n) The replacement or repair of subaqueous transmission

351 and distribution lines laid on, or embedded in, the bottoms of  
 352 waters of the state.

353 (o) The construction of private seawalls in wetlands or  
 354 other surface waters where such construction is between and  
 355 adjoins at both ends existing seawalls; follows a continuous and  
 356 uniform seawall construction line with the existing seawalls; is  
 357 no more than 150 feet in length; and does not violate existing  
 358 water quality standards, impede navigation, or affect flood  
 359 control. However, in estuaries and lagoons the construction of  
 360 vertical seawalls is limited to the circumstances and purposes  
 361 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect  
 362 the permitting requirements of chapter 161, and department rules  
 363 must clearly indicate that this exception does not constitute an  
 364 exception from the permitting requirements of chapter 161.

365 (p) The restoration of existing insect control impoundment  
 366 dikes which are less than 100 feet in length. Such impoundments  
 367 shall be connected to tidally influenced waters for 6 months  
 368 each year beginning September 1 and ending February 28 if  
 369 feasible or operated in accordance with an impoundment  
 370 management plan approved by the department. A dike restoration  
 371 may involve no more dredging than is necessary to restore the  
 372 dike to its original design specifications. For the purposes of  
 373 this paragraph, restoration does not include maintenance of  
 374 impoundment dikes of operating insect control impoundments.

375 (q) The construction, operation, or maintenance of

376 stormwater management facilities which are designed to serve  
 377 single-family residential projects, including duplexes,  
 378 triplexes, and quadruplexes, if they are less than 10 acres  
 379 total land and have less than 2 acres of impervious surface and  
 380 if the facilities:

381 1. Comply with all regulations or ordinances applicable to  
 382 stormwater management and adopted by a city or county;

383 2. Are not part of a larger common plan of development or  
 384 sale; and

385 3. Discharge into a stormwater discharge facility exempted  
 386 or permitted by the department under this chapter which has  
 387 sufficient capacity and treatment capability as specified in  
 388 this chapter and is owned, maintained, or operated by a city,  
 389 county, special district with drainage responsibility, or water  
 390 management district; however, this exemption does not authorize  
 391 discharge to a facility without the facility owner's prior  
 392 written consent.

393 (r) The removal of aquatic plants, the removal of  
 394 tussocks, the associated replanting of indigenous aquatic  
 395 plants, and the associated removal from lakes of organic  
 396 detrital material when such planting or removal is performed and  
 397 authorized by permit or exemption granted under s. 369.20 or s.  
 398 369.25, provided that:

399 1. Organic detrital material that exists on the surface of  
 400 natural mineral substrate shall be allowed to be removed to a

401 depth of 3 feet or to the natural mineral substrate, whichever  
 402 is less;

403       2. All material removed pursuant to this paragraph shall  
 404 be deposited in an upland site in a manner that will prevent the  
 405 reintroduction of the material into waters in the state except  
 406 when spoil material is permitted to be used to create wildlife  
 407 islands in freshwater bodies of the state when a governmental  
 408 entity is permitted pursuant to s. 369.20 to create such islands  
 409 as a part of a restoration or enhancement project;

410       3. All activities are performed in a manner consistent  
 411 with state water quality standards; and

412       4. No activities under this exemption are conducted in  
 413 wetland areas, as defined in s. 373.019(27), which are supported  
 414 by a natural soil as shown in applicable United States  
 415 Department of Agriculture county soil surveys, except when a  
 416 governmental entity is permitted pursuant to s. 369.20 to  
 417 conduct such activities as a part of a restoration or  
 418 enhancement project.

419

420 The department may not adopt implementing rules for this  
 421 paragraph, notwithstanding any other provision of law.

422       (s) The construction, installation, operation, or  
 423 maintenance of floating vessel platforms or floating boat lifts,  
 424 provided that such structures:

425       1. Float at all times in the water for the sole purpose of



426 supporting a vessel so that the vessel is out of the water when  
 427 not in use;

428       2. Are wholly contained within a boat slip previously  
 429 permitted under ss. 403.91-403.929, 1984 Supplement to the  
 430 Florida Statutes 1983, as amended, or part IV of chapter 373, or  
 431 do not exceed a combined total of 500 square feet, or 200 square  
 432 feet in an Outstanding Florida Water, when associated with a  
 433 dock that is exempt under this subsection or associated with a  
 434 permitted dock with no defined boat slip or attached to a  
 435 bulkhead on a parcel of land where there is no other docking  
 436 structure;

437       3. Are not used for any commercial purpose or for mooring  
 438 vessels that remain in the water when not in use, and do not  
 439 substantially impede the flow of water, create a navigational  
 440 hazard, or unreasonably infringe upon the riparian rights of  
 441 adjacent property owners, as defined in s. 253.141;

442       4. Are constructed and used so as to minimize adverse  
 443 impacts to submerged lands, wetlands, shellfish areas, aquatic  
 444 plant and animal species, and other biological communities,  
 445 including locating such structures in areas where seagrasses are  
 446 least dense adjacent to the dock or bulkhead; and

447       5. Are not constructed in areas specifically prohibited  
 448 for boat mooring under conditions of a permit issued in  
 449 accordance with ss. 403.91-403.929, 1984 Supplement to the  
 450 Florida Statutes 1983, as amended, or part IV of chapter 373, or

451 other form of authorization issued by a local government.  
 452  
 453 Structures that qualify for this exemption are relieved from any  
 454 requirement to obtain permission to use or occupy lands owned by  
 455 the Board of Trustees of the Internal Improvement Trust Fund  
 456 and, with the exception of those structures attached to a  
 457 bulkhead on a parcel of land where there is no docking  
 458 structure, may ~~shall~~ not be subject to any more stringent  
 459 permitting requirements, registration requirements, or other  
 460 regulation by any local government. Local governments may  
 461 require either permitting or one-time registration of floating  
 462 vessel platforms to be attached to a bulkhead on a parcel of  
 463 land where there is no other docking structure as necessary to  
 464 ensure compliance with local ordinances, codes, or regulations.  
 465 Local governments may require either permitting or one-time  
 466 registration of all other floating vessel platforms as necessary  
 467 to ensure compliance with the exemption criteria in this  
 468 section; to ensure compliance with local ordinances, codes, or  
 469 regulations relating to building or zoning, which are no more  
 470 stringent than the exemption criteria in this section or address  
 471 subjects other than subjects addressed by the exemption criteria  
 472 in this section; and to ensure proper installation, maintenance,  
 473 and precautionary or evacuation action following a tropical  
 474 storm or hurricane watch of a floating vessel platform or  
 475 floating boat lift that is proposed to be attached to a bulkhead

476 or parcel of land where there is no other docking structure. The  
 477 exemption provided in this paragraph shall be in addition to the  
 478 exemption provided in paragraph (b). The department shall adopt  
 479 a general permit by rule for the construction, installation,  
 480 operation, or maintenance of those floating vessel platforms or  
 481 floating boat lifts that do not qualify for the exemption  
 482 provided in this paragraph but do not cause significant adverse  
 483 impacts to occur individually or cumulatively. The issuance of  
 484 such general permit shall also constitute permission to use or  
 485 occupy lands owned by the Board of Trustees of the Internal  
 486 Improvement Trust Fund. No local government shall impose a more  
 487 stringent regulation, permitting requirement, registration  
 488 requirement, or other regulation covered by such general permit.  
 489 Local governments may require either permitting or one-time  
 490 registration of floating vessel platforms as necessary to ensure  
 491 compliance with the general permit in this section; to ensure  
 492 compliance with local ordinances, codes, or regulations relating  
 493 to building or zoning that are no more stringent than the  
 494 general permit in this section; and to ensure proper  
 495 installation and maintenance of a floating vessel platform or  
 496 floating boat lift that is proposed to be attached to a bulkhead  
 497 or parcel of land where there is no other docking structure.

498 (t) The repair, stabilization, or paving of existing  
 499 county maintained roads and the repair or replacement of bridges  
 500 that are part of the roadway, within the Northwest Florida Water

501 Management District and the Suwannee River Water Management  
 502 District, provided:

503 1. The road and associated bridge were in existence and in  
 504 use as a public road or bridge, and were maintained by the  
 505 county as a public road or bridge on or before January 1, 2002;

506 2. The construction activity does not realign the road or  
 507 expand the number of existing traffic lanes of the existing  
 508 road; however, the work may include the provision of safety  
 509 shoulders, clearance of vegetation, and other work reasonably  
 510 necessary to repair, stabilize, pave, or repave the road,  
 511 provided that the work is constructed by generally accepted  
 512 engineering standards;

513 3. The construction activity does not expand the existing  
 514 width of an existing vehicular bridge in excess of that  
 515 reasonably necessary to properly connect the bridge with the  
 516 road being repaired, stabilized, paved, or repaved to safely  
 517 accommodate the traffic expected on the road, which may include  
 518 expanding the width of the bridge to match the existing  
 519 connected road. However, no debris from the original bridge  
 520 shall be allowed to remain in waters of the state, including  
 521 wetlands;

522 4. Best management practices for erosion control shall be  
 523 employed as necessary to prevent water quality violations;

524 5. Roadside swales or other effective means of stormwater  
 525 treatment must be incorporated as part of the project;

526           6. No more dredging or filling of wetlands or water of the  
 527 state is performed than that which is reasonably necessary to  
 528 repair, stabilize, pave, or repave the road or to repair or  
 529 replace the bridge, in accordance with generally accepted  
 530 engineering standards; and

531           7. Notice of intent to use the exemption is provided to  
 532 the department, if the work is to be performed within the  
 533 Northwest Florida Water Management District, or to the Suwannee  
 534 River Water Management District, if the work is to be performed  
 535 within the Suwannee River Water Management District, 30 days  
 536 before ~~prior to~~ performing any work under the exemption.

537  
 538 Within 30 days after this act becomes a law, the department  
 539 shall initiate rulemaking to adopt a no fee general permit for  
 540 the repair, stabilization, or paving of existing roads that are  
 541 maintained by the county and the repair or replacement of  
 542 bridges that are part of the roadway where such activities do  
 543 not cause significant adverse impacts to occur individually or  
 544 cumulatively. The general permit shall apply statewide and, with  
 545 no additional rulemaking required, apply to qualified projects  
 546 reviewed by the Suwannee River Water Management District, the  
 547 St. Johns River Water Management District, the Southwest Florida  
 548 Water Management District, and the South Florida Water  
 549 Management District under the division of responsibilities  
 550 contained in the operating agreements applicable to part IV of

551 chapter 373. Upon adoption, this general permit shall, pursuant  
 552 to ~~the provisions of~~ subsection (2), supersede and replace the  
 553 exemption in this paragraph.

554 (u) Notwithstanding any provision to the contrary in this  
 555 subsection, a permit or other authorization under chapter 253,  
 556 chapter 369, chapter 373, or this chapter is not required for an  
 557 individual residential property owner for the removal of organic  
 558 detrital material from freshwater rivers or lakes that have a  
 559 natural sand or rocky substrate and that are not Aquatic  
 560 Preserves or for the associated removal and replanting of  
 561 aquatic vegetation for the purpose of environmental enhancement,  
 562 providing that:

563 1. No activities under this exemption are conducted in  
 564 wetland areas, as defined in s. 373.019(27), which are supported  
 565 by a natural soil as shown in applicable United States  
 566 Department of Agriculture county soil surveys.

567 2. No filling or peat mining is allowed.

568 3. No removal of native wetland trees, including, but not  
 569 limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.

570 4. When removing organic detrital material, no portion of  
 571 the underlying natural mineral substrate or rocky substrate is  
 572 removed.

573 5. Organic detrital material and plant material removed is  
 574 deposited in an upland site in a manner that will not cause  
 575 water quality violations.

576           6. All activities are conducted in such a manner, and with  
 577 appropriate turbidity controls, so as to prevent any water  
 578 quality violations outside the immediate work area.

579           7. Replanting with a variety of aquatic plants native to  
 580 the state shall occur in a minimum of 25 percent of the  
 581 preexisting vegetated areas where organic detrital material is  
 582 removed, except for areas where the material is removed to bare  
 583 rocky substrate; however, an area may be maintained clear of  
 584 vegetation as an access corridor. The access corridor width may  
 585 not exceed 50 percent of the property owner's frontage or 50  
 586 feet, whichever is less, and may be a sufficient length  
 587 waterward to create a corridor to allow access for a boat or  
 588 swimmer to reach open water. Replanting must be at a minimum  
 589 density of 2 feet on center and be completed within 90 days  
 590 after removal of existing aquatic vegetation, except that under  
 591 dewatered conditions replanting must be completed within 90 days  
 592 after reflooding. The area to be replanted must extend waterward  
 593 from the ordinary high water line to a point where normal water  
 594 depth would be 3 feet or the preexisting vegetation line,  
 595 whichever is less. Individuals are required to make a reasonable  
 596 effort to maintain planting density for a period of 6 months  
 597 after replanting is complete, and the plants, including  
 598 naturally recruited native aquatic plants, must be allowed to  
 599 expand and fill in the revegetation area. Native aquatic plants  
 600 to be used for revegetation must be salvaged from the

601 enhancement project site or obtained from an aquatic plant  
 602 nursery regulated by the Department of Agriculture and Consumer  
 603 Services. Plants that are not native to the state may not be  
 604 used for replanting.

605 8. No activity occurs any farther than 100 feet waterward  
 606 of the ordinary high water line, and all activities must be  
 607 designed and conducted in a manner that will not unreasonably  
 608 restrict or infringe upon the riparian rights of adjacent upland  
 609 riparian owners.

610 9. The person seeking this exemption notifies the  
 611 applicable department district office in writing at least 30  
 612 days before commencing work and allows the department to conduct  
 613 a preconstruction site inspection. Notice must include an  
 614 organic-detrital-material removal and disposal plan and, if  
 615 applicable, a vegetation-removal and revegetation plan.

616 10. The department is provided written certification of  
 617 compliance with the terms and conditions of this paragraph  
 618 within 30 days after completion of any activity occurring under  
 619 this exemption.

620 (v) Notwithstanding any other provision in this chapter,  
 621 chapter 373, or chapter 161, a permit or other authorization is  
 622 not required for the following exploratory activities associated  
 623 with beach restoration and nourishment projects and inlet  
 624 management activities:

625 1. The collection of geotechnical, geophysical, and



626 | cultural resource data, including surveys, mapping, acoustic  
 627 | soundings, benthic and other biologic sampling, and coring.

628 |         2. Oceanographic instrument deployment, including  
 629 | temporary installation on the seabed of coastal and  
 630 | oceanographic data collection equipment.

631 |         3. Incidental excavation associated with any of the  
 632 | activities listed under subparagraph 1. or subparagraph 2.

633 |         Section 5. The Division of Law Revision and Information is  
 634 | directed to replace the phrase "the effective date of this act"  
 635 | wherever it occurs in this act with the date the act becomes a  
 636 | law.

637 |         Section 6. This act shall take effect upon becoming a law.



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 7063      PCB GAC 18-02      Natural Resources  
**SPONSOR(S):** Government Accountability Committee, Caldwell  
**TIED BILLS:**                      **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Government Accountability Committee	20 Y, 0 N	Shugar	Williamson
1) Agriculture & Natural Resources Appropriations Subcommittee		White <i>CCW</i>	Pigott <i>JP</i>
2) Appropriations Committee			

**SUMMARY ANALYSIS**

The bill revises policies relating to Florida’s natural resources. The bill, in part:

- Modifies the funding allocations currently identified in the Florida Forever Act by consolidating the allocations from nine categories to three categories: land acquisition, Florida Communities Trust, and the Rural and Family Lands Protection Program. Each category would receive 33 1/3 percent of the funding received for the Florida Forever Program.
- Removes the authorization to use Florida Forever funding for capital improvement projects, water resource development projects, and land management.
- Consolidates all land acquisition into one category, including acquisition projects selected by the Acquisition and Restoration Council; acquisitions identified on water management districts’ (WMDs) priority lists; acquisitions of inholdings and additions to state parks, state forests, lands managed by the Fish and Wildlife Conservation Commission, and greenways and trails; and land acquisition grants under the Florida Recreation and Development Assistance Program.
- Requires annual dedicated funding for Florida Forever from the Land Acquisition Trust Fund (LATF) beginning in fiscal year 2019-2020.
- Prioritizes eligible Comprehensive Everglades Restoration Plan (CERP) projects for funding under the LATF to prioritize Phase I and Phase II of the C-43 Reservoir above other CERP projects.
- Requires counties, municipalities, and WMDs to deposit any proceeds generated from the disposal of conservation lands acquired with state funds in the appropriate state trust fund.
- Requires WMDs to deposit any revenue generated from the use of conservation lands purchased with state funds into a separate agency trust fund to be used to support future land management activities.
- Authorizes the Department of Environmental Protection (DEP) and the Department of Agriculture and Consumer Services to assist local governments in implementing local rural-lands-protection easement programs.
- Exempts certain local governments from the comprehensive plan requirement to develop and maintain a water facilities work plan.
- Clarifies operation provisions of the C-51 reservoir project and providing waiver of repayment from the water storage facility revolving loan fund.
- Requires regional water supply authorities to provide annual status reports to WMDs on water resource development projects for inclusion in the consolidated WMD annual report.
- Requires the Department of Transportation to coordinate with WMDs, DEP, and local governments to redirect stormwater from road projects for beneficial use, if economically feasible.
- Requires public water systems and domestic wastewater systems to develop an asset management plan (AMP) and create a reserve fund to implement AMP.

The bill appears to have an indeterminate fiscal impact on the state and local governments. See Fiscal Comments.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Florida Forever

###### Present Situation

The Florida Forever Program seeks to purchase environmentally sensitive lands to protect natural resources, avoid degradation of water resources, improve recreational opportunities, and preserve wildlife habitat.<sup>1</sup> The state may issue up to \$5.3 billion in Florida Forever bonds to finance or refinance the cost of acquisition and improvement of land, water areas, and related property interests and resources in urban and rural settings for:

- Restoration, conservation, recreation, water resource development, or historical preservation; and
- Capital improvements<sup>2</sup> to lands and water areas that accomplish environmental restoration, enhance public access and recreational enjoyment, promote long-term management goals, and facilitate water resource development.<sup>3</sup>

The Florida Forever Trust Fund was created to serve as the repository for Florida Forever bond proceeds to fund the Florida Forever program. The Department of Environmental Protection (DEP) administers the Florida Forever Trust Fund. The Florida Forever Trust Fund receives its funding from the Land Acquisition Trust Fund (LATF).<sup>4</sup> DEP must distribute revenues from the Florida Forever Trust Fund in accordance with the Florida Forever Act.<sup>5</sup>

Each year, at least 1 ½ percent of the cumulative total of funds deposited into the Florida Forever Trust Fund must be made available for the purposes of management, maintenance, and capital improvements, and for associated contractual services, for conservation and recreation lands acquired with funds deposited into the LATF or the former Preservation 2000 or Florida Forever programs.<sup>6</sup> The Board of Trustees of the Internal Improvement Trust Fund (BOT)<sup>7</sup> must reserve up to one-fifth of those funds for interim management of acquisitions and for associated contractual services to ensure the conservation and protection of natural resources on project sites and to allow limited public recreational use of lands.<sup>8</sup> Further, managing agencies may use up to one-fourth of these funds to control and remove nonnative, invasive species on public lands.<sup>9</sup>

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<sup>1</sup> Section 259.105(2), F.S.

<sup>2</sup> Section 259.03(3), F.S., defines a “capital improvement” or “capital project expenditure” to mean those activities relating to the acquisition, restoration, public access, and recreational uses of such lands, water areas, and related resources deemed necessary to accomplish the purposes of the Land Conservation Program. Eligible activities include, but are not limited to: the initial removal of invasive plants; the construction, improvement, enlargement or extension of facilities’ signs, firelanes, access roads, and trails; or any other activities that serve to restore, conserve, protect, or provide public access, recreational opportunities, or necessary services for land or water areas.

<sup>3</sup> Section 215.618(1)(a), F.S.; s. 259.03(6), F.S., defines a water resource development project to mean a project eligible for Florida Forever funding that increases the amount of water available to meet the needs of natural systems and the citizens of the state by enhancing or restoring aquifer recharge, facilitating the capture and storage of excess flows in surface waters, or promoting reuse.

<sup>4</sup> Section 259.1051, F.S.

<sup>5</sup> Section 215.618(5), F.S.

<sup>6</sup> Section 259.032(9)(b), F.S.

<sup>7</sup> Section 253.001, F.S., provides that the BOT holds state lands in trust for the use and benefit of the people of Florida; s. 253.02(1), F.S., provides that the BOT consists of the Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture; The BOT may acquire, sell, transfer, and administer state lands in the manner consistent with chapters 253 and 259, F.S.

<sup>8</sup> Section 259.032(9)(d), F.S.

<sup>9</sup> Section 259.032(9)(e), F.S.

## *Florida Forever Projects*

Florida Forever is Florida's conservation and recreation lands acquisition program, a blueprint for conserving natural resources and renewing Florida's commitment to conserve the state's natural and cultural heritage.<sup>10</sup> The Acquisition and Recreation Council (ARC),<sup>11</sup> with the assistance of the Florida Natural Area Inventories and several state agencies, evaluates applications for acquisition projects under the Florida Forever Program and provides recommendations to BOT on the projects to pursue.<sup>12</sup> To be considered for acquisition under the Florida Forever Program, the project must contribute to the achievement of the following goals:

- Enhance the coordination and completion of land acquisition projects;
- Increase the protection of Florida's biodiversity at the species, natural community, and landscape levels;
- Protect, restore, and maintain the quality and natural functions of land, water, and wetland systems of the state;
- Ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state;
- Increase natural resource-based public recreational and educational opportunities;
- Preserve significant archaeological or historic sites;
- Increase the amount of forestland available for sustainable management of natural resources; or
- Increase the amount of open space available in urban areas.<sup>13</sup>

Further, ARC must consider the following factors when reviewing project applications to determine whether the project:

- Meets multiple goals described above;
- Is part of an ongoing governmental effort to restore, protect, or develop land areas or water resources;
- Enhances or facilitates management of properties already under public ownership;
- Has significant archaeological or historic value;
- Has funding sources that are identified and assured through at least the first two years of the project;
- Contributes to the solution of water resource problems on a regional basis;
- Has a significant portion of its land area in imminent danger of development, in imminent danger of losing its significant natural attributes or recreational open space, or in imminent danger of subdivision which would result in multiple ownership and make acquisition of the project costly or less likely to be accomplished;
- Implements an element from a plan developed by an ecosystem management team;
- Is one of the components of the Everglades restoration effort;
- May be purchased at 80 percent of appraised value;
- May be acquired, in whole or in part, using alternatives to fee simple, including but not limited to, tax incentives, mitigation funds, or other revenues; the purchase of development rights, hunting rights, agricultural or silvicultural rights, or mineral rights; or obtaining conservation easements or flowage easements; and
- Is a joint acquisition, either among public agencies, nonprofit organizations, or private entities, or by a public-private partnership.<sup>14</sup>

<sup>10</sup> DEP, *Florida Forever*, <https://floridadep.gov/lands/environmental-services/content/florida-forever-0> (last visited January 18, 2018).

<sup>11</sup> Section 259.035(1), F.S., provides that the ARC is a 10-member board established to assist the BOT to review the recommendations and plans for state-owned lands. Four members are appointed by the Governor, one member is appointed by the Secretary of DEP, one member is appointed by the Director of the Florida Forest Service, two members are appointed by the Executive Director of the Fish and Wildlife Conservation Commission (FWC), one member is appointed by the Secretary of the Department of State, and one member is appointed by the Commissioner of Agriculture.

<sup>12</sup> Sections 259.105(8), (14), and (15), F.S.

<sup>13</sup> Section 259.105(4), F.S.

<sup>14</sup> Section 259.105(9), F.S.

Using its established criteria, ARC develops a priority list of applications submitted. An affirmative vote of at least five members of ARC is required to place a proposed project on the priority list. ARC evaluates and selects projects twice per year, in June and December, and ranks the projects annually.<sup>15</sup> Each project on the priority list is placed in one of the following categories of expenditure for land conservation projects: climate change, critical natural, less-than-fee, partnerships, greater than 85 percent complete, and critical historical.<sup>16</sup> ARC ranks the projects within each category from highest to lowest priority.

ARC presents the priority list to the BOT.<sup>17</sup> Florida Forever projects may only be implemented if the BOT approves ARC's recommendations to acquire the particular parcel.<sup>18</sup> While the BOT may remove projects from the priority list, the BOT may not add or rearrange projects on the priority list.<sup>19</sup>

The Division of State Lands within DEP prepares an annual work plan based on the priority list developed by ARC. This work plan outlines the specific projects and acquisitions within projects that DEP will seek to acquire with Florida Forever funds available for that fiscal year.<sup>20</sup> Currently, there are 43 projects, totaling approximately 1.4 million acres, in the work plan.<sup>21</sup>

#### *Water Management District Projects*

Water management districts (WMDs) may acquire real property to conserve and protect water and water-related resources.<sup>22</sup> Each WMD must develop a five-year work plan that identifies projects necessary to promote reclamation, storage, or recovery of water and other properties or activities that would assist in meeting the goals of Florida Forever.<sup>23</sup> DEP must submit the WMDs report on acquisitions to the BOT along with the recommendations from ARC for Florida Forever projects.<sup>24</sup>

#### *Florida Communities Trust and Stan Mayfield Working Waterfronts Program Projects*

Florida Communities Trust (FCT) assists communities to protect important natural resources, provide recreational opportunities, and preserve Florida's traditional working waterfronts through the competitive criteria in the Parks and Open Space Florida Forever Grant Program and the Stan Mayfield Working Waterfronts Florida Forever Grant Program. These local land acquisition grant programs provide funding to local governments and eligible non-profit organizations to acquire land for parks, open spaces, greenways, and projects supporting Florida's seafood harvesting and aquaculture industries.<sup>25</sup> From the funds available to the FCT and used for land acquisition, local governments must match at least 75 percent on a dollar-for-dollar basis.<sup>26</sup>

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<sup>15</sup> DEP, *Frequently Asked Questions about Florida Forever*, <https://floridadep.gov/lands/environmental-services/content/faq-florida-forever> (last visited January 18, 2018).

<sup>16</sup> Section 259.105(17), F.S.

<sup>17</sup> Section 259.105(14), F.S.

<sup>18</sup> Section 259.105(16), F.S.

<sup>19</sup> Section 259.105(14), F.S.

<sup>20</sup> Section 259.105(17), F.S.

<sup>21</sup> DEP, *Focused on Florida's Future, Florida Forever Program*, p. 7, presentation before the Senate Appropriations Subcommittee on the Environment and Natural Resources (Oct. 25, 2017), available at:

<https://www.flsenate.gov/Committees/Show/AEN/Meeting%20Packet/3992> (last visited January 18, 2018).

<sup>22</sup> Section 373.139, F.S.

<sup>23</sup> Sections 373.199(2) and (3), F.S.

<sup>24</sup> Section 373.199(7), F.S.

<sup>25</sup> DEP, *Florida Communities Trust Home*, <https://floridadep.gov/ooo/land-and-recreation-grants/content/florida-communities-trust-fft-home> (last visited January 18, 2018); *see also* s. 380.507, F.S.

<sup>26</sup> Section 259.105(3)(c), F.S.

### *Florida Recreation Development Assistance Program Projects*

Florida Recreation Development Assistance Program Projects (FRDAP) is a competitive, reimbursement grant program. FRDAP provides financial assistance for acquisition or development of land for public outdoor recreation. Eligible participants include all county governments, municipalities, and other legally created local governmental entities with the responsibility for providing outdoor recreational sites and facilities for the public.<sup>27</sup> Local governments may submit three applications a year. The most any one project may receive is \$200,000.<sup>28</sup>

### *State Parks Projects*

The Division of Recreation and Parks (DRP) within DEP manages 175 parks covering 800,000 acres and 100 miles of beaches.<sup>29</sup> DRP may acquire in the name of the state any property, real or personal, by purchase, grant, devise, condemnation, donation, or otherwise. In DRP's judgement, this property must be necessary or proper toward the administration of the purposes of the parks.<sup>30</sup> DRP must develop its individual acquisition or restoration lists in accordance with specific criteria and numeric performance measures developed by ARC for acquisitions. DRP may acquire proposed additions if DRP identified them within the original project boundary, adopted management plan, or management prospectus. If the proposed acquisition does not meet those criteria, ARC must approve the proposed acquisition.<sup>31</sup>

### *Florida Forest Service Projects*

The Florida Forest Service (FFS) within the Department of Agriculture and Consumer Services (DACS) manages 37 state forests consisting of over a million acres of forest for multiple purposes including timber, recreation, and wildlife habitat.<sup>32</sup> FFS may acquire lands suitable for state forest purposes by gift, donation, contribution, purchase, or otherwise and may enter into agreements with the federal government or other agencies for acquiring by gift, purchase, or otherwise such lands as are suitable and desirable for state forests.<sup>33</sup> FFS must develop its individual acquisition or restoration lists in accordance with specific criteria and numeric performance measures developed by ARC for acquisitions. FFS may acquire proposed additions if FFS identified them within the original project boundary, the adopted management plan, or the management prospectus. If the proposed acquisition does not meet FFS criteria, then ARC must approve the proposed acquisition.<sup>34</sup>

### *Fish and Wildlife Conservation Commission Projects*

Wildlife management areas (WMAs) are public lands managed or cooperatively managed with other government agencies by the Fish and Wildlife Conservation Commission (FWC) for the enjoyment of anglers, hunters, wildlife viewers, and boaters.<sup>35</sup> FWC, with the approval of the Governor, may acquire in the name of the state lands and waters suitable for the protection and propagation of game, fish, nongame birds, or fur-bearing animals, or game farms for hunting purposes, by purchase, lease, gift, or

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<sup>27</sup> DEP, *Florida Recreation Development Assistance Program*, <https://floridadep.gov/ooo/land-and-recreation-grants/content/florida-recreation-development-assistance-program/> (last visited January 18, 2018).

<sup>28</sup> Section 375.075(3), F.S.

<sup>29</sup> DEP, *Division of Recreation and Parks*, <https://floridadep.gov/parks> (last visited January 18, 2018).

<sup>30</sup> Section 258.007(1), F.S. DRP's ability to use condemnation is limited to parks within its jurisdiction on July 1, 1980, and may not exceed 40 acres or 10 percent of the total acreage of the park, whichever is less.

<sup>31</sup> Section 259.105(3)(l), F.S.

<sup>32</sup> DACS, *Florida Forest Service*, <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service> (last visited January 18, 2018); DACS, *Our Forests*, <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Our-Forests> (last visited January 18, 2018).

<sup>33</sup> Section 589.07, F.S.

<sup>34</sup> Section 259.105(3)(l), F.S.

<sup>35</sup> FWC, *What are Wildlife Management Areas?*, <http://myfwc.com/viewing/recreation/wmas/> (last visited January 18, 2018).

otherwise to be known as state game lands.<sup>36</sup> FWC must develop its individual acquisition or restoration lists in accordance with specific criteria and numeric performance measures developed by ARC for acquisitions. FWC may acquire proposed additions if it identified them within the original project boundary, adopted management plan, or management prospectus. If the proposed acquisition does not meet those criteria, ARC must approve the proposed acquisition.<sup>37</sup>

### *Florida Greenways and Trails Program Projects*

The Office of Greenways and Trails (OGT) within DRP provides statewide leadership and coordination to establish, expand, and promote the Florida Greenways and Trails System (FGT).<sup>38</sup> FGT is a statewide system of greenways and trails that consists of individual and networks of greenways and trails designated by DEP as part of the statewide system.<sup>39</sup> DEP may acquire land by gift or purchase or any lesser interest in land, including easements, for purposes of greenways and trails.<sup>40</sup> The Florida Greenways and Trails Council (Council) recommends lands for acquisition based on ranking criteria developed by DEP. DEP's Secretary either approves the Council's recommendations or modifies them.<sup>41</sup> OGT must develop its individual acquisition or restoration lists in accordance with specific criteria and numeric performance measures developed by ARC for acquisitions.<sup>42</sup> OGT is exempt from the evaluation and selection procedures developed by ARC.<sup>43</sup>

### *Rural and Family Lands Protection Program Projects*

The Rural and Family Lands Protection Program (RFLPP) within DACS is an agricultural land preservation program designed to protect important agricultural lands through the acquisition of permanent agricultural land conservation easements. The program meets three needs:

- Protects valuable agricultural lands from conversion to other uses;
- Creates easement documents that work together with agricultural production to ensure sustainable agricultural practices and reasonable protection of the environment without interfering with agricultural operations in such a way that could put the continued economic viability of these operations at risk; and
- Protects natural resources, not as the primary purpose, but in conjunction with economically viable agricultural operations.<sup>44</sup>

DACS adopted rules that established an application process; a process and criteria for setting priorities for use of funds to achieve the purposes of the program and giving preference to ranch and timber lands managed using sustainable practices; an appraisal process; and a process for title review and compliance and approval of the rules by the BOT.<sup>45</sup>

### *Florida Forever Act*

The proceeds from cash payments or bonds issued under the Florida Forever Act must be deposited into the Florida Forever Trust Fund, minus the costs of issuing and the costs of funding reserve

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<sup>36</sup> Section 379.2222, F.S.

<sup>37</sup> Section 259.105(3)(l), F.S.

<sup>38</sup> DEP, *Office of Greenways and Trails*, <https://floridadep.gov/parks/ogt> (last visited January 18, 2018).

<sup>39</sup> Section 260.014, F.S.

<sup>40</sup> Section 260.015(1), F.S.

<sup>41</sup> Section 260.016(2), F.S.; rr. 62S-1.300(7) and (8), F.A.C.

<sup>42</sup> Section 259.105(3)(l), F.S.

<sup>43</sup> Section 260.015(1)(c), F.S.

<sup>44</sup> DACS, *Rural and Family Lands Protection Program*, <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Our-Forests/Land-Planning-and-Administration-Section/Rural-and-Family-Lands-Protection-Program2> (last visited January 18, 2018); s. 570.71(1), F.S.

<sup>45</sup> Section 570.71(10), F.S.; ch. 5I-7, F.A.C.



accounts and other costs associated with bonds.<sup>46</sup> DEP must distribute those proceeds in the following manner:

- Thirty percent to DEP for the acquisition of lands and capital project expenditures necessary to implement the WMDs' priority lists developed in their five-year work plans. WMDs must use a minimum of 50 percent of the total funds provided over the life of the Florida Forever Program for the acquisition of lands. The funds must be distributed to WMDs as follows: 35 percent to the South Florida WMD, 25 percent to the Southwest Florida WMD, 25 percent to the St. Johns River WMD, 7 ½ percent to the Suwannee River WMD, and 7 ½ percent to the Northwest Florida WMD.<sup>47</sup>
- Thirty-five percent to DEP for the acquisition of lands and capital project expenditures under the Florida Forever Program. The funds for the Florida Forever Program must be spent as follows:
  - Increased priority should be given to those acquisitions that achieve a combination of conservation goals, including protecting Florida's water resources and natural groundwater recharge;
  - At a minimum, three percent, and no more than 10 percent, of the funds allocated to the Florida Forever Program must be spent on capital project expenditures identified during the time of acquisition that meet land management planning activities necessary for public access; and
  - Beginning in the 2017-2018 fiscal year (FY) and continuing through the 2026-2027 FY, at least \$5 million must be spent on land acquisition within the Florida Keys Area of Critical State Concern.
- Twenty-one percent to DEP for use by FCT for purposes of the FCT Act and grants to local governments or nonprofit environmental organizations that are tax-exempt under s. 501(c)(3) of the United States Internal Revenue Code. FCT and the grant recipients must use those funds for the acquisition of community-based projects, urban open spaces, parks, and greenways to implement local government comprehensive plans. The funds for FCT must be spent as follows:
  - Emphasize funding projects in low-income or otherwise disadvantaged communities and projects that provide areas for direct water access and water-dependent facilities that are open to the public and offer public access by vessels to waters of the state, including boat ramps and associated parking and other support facilities;
  - At least 30 percent of the total allocation must be used in Standard Metropolitan Statistical Areas. One-half of that amount must be used in localities where the project site is located in built-up commercial, industrial, or mixed-use areas and functions to intersperse open spaces within congested urban core areas; and
  - No less than five percent must be used to acquire lands for recreational trail systems, provided that in the event these funds are not needed for such projects, they will be available for other trust projects.
- Two percent to DEP for grants under FRDAP.
- One and five-tenths percent to DEP for the purchase of inholdings and additions to state parks and for capital project expenditures. At a minimum, one percent, and no more than 10 percent, of the funds allocated to state parks must be spent on capital project expenditures identified during the time of acquisition that meet land management planning activities necessary for public access.
- One and five-tenths percent to FFS to fund the acquisition of state forest inholdings and additions, the implementation of reforestation plans or sustainable forestry management practices, and for capital project expenditures. At a minimum, one percent, and no more than 10 percent, of the funds allocated for the acquisition of inholdings and additions for state forests may be spent on capital project expenditures identified during the time of acquisition that meet land management planning activities necessary for public access.
- One and five-tenths percent to FWC to fund the acquisition of inholdings and additions to lands managed by FWC. The acquisitions must be important to the conservation of fish and wildlife and for certain capital project expenditures. At a minimum, one percent, and no more than 10

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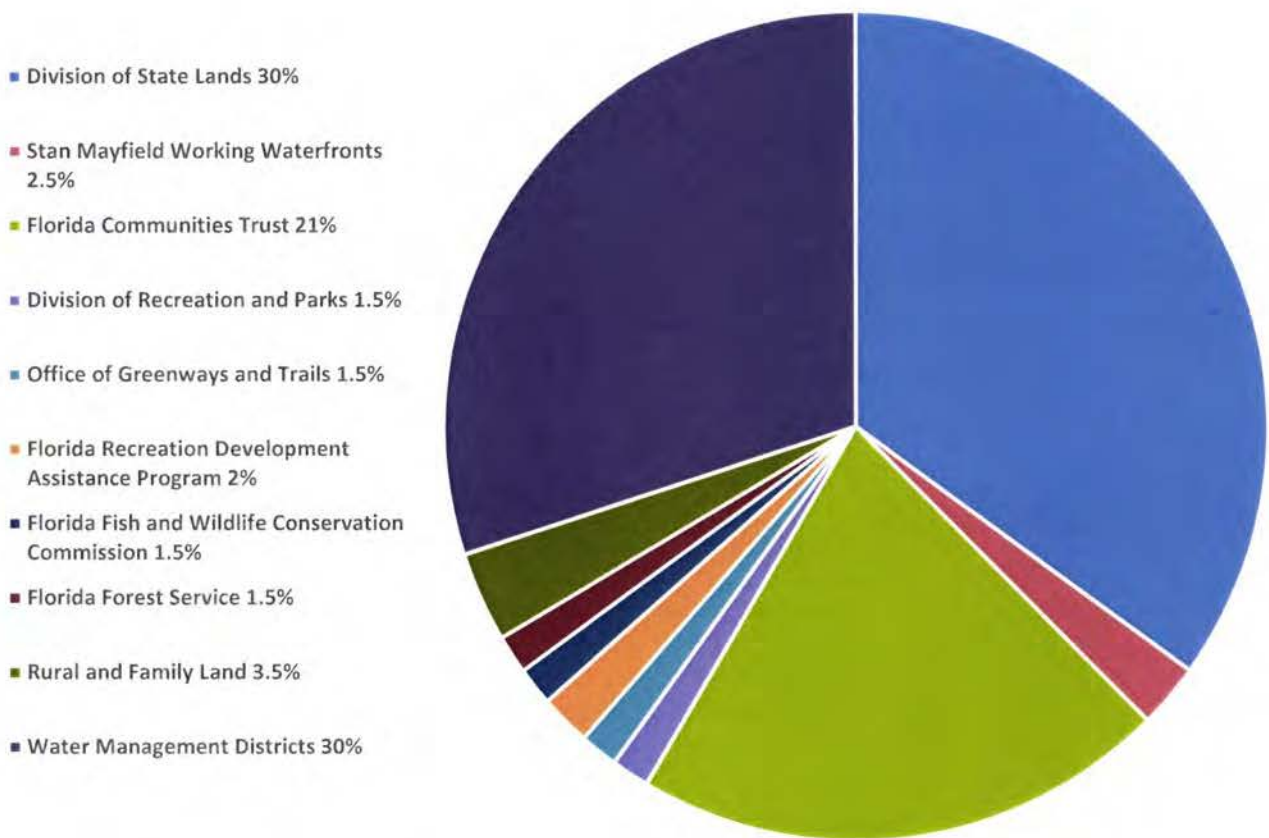
<sup>46</sup> Section 259.105(3), F.S.

<sup>47</sup> Section 259.105(11), F.S.

percent, of the funds allocated to FWC may be spent on capital project expenditures identified during the time of acquisition that meet land management planning activities necessary for public access.

- One and five-tenths percent to DEP for FGT to acquire greenways and trails or greenways and trail systems. At a minimum, one percent, and no more than 10 percent, of the funds allocated to FGT may be spent on capital project expenditures identified during the time of acquisition that meet land management planning activities necessary for public access.
- Three and five-tenths percent to DACS for the acquisition of agricultural lands through perpetual conservation easements and other perpetual less than fee techniques that achieve the objectives of the Florida Forever Program and RFLPP.
- Two and five-tenths percent to DEP for the acquisition of land and capital project expenditures necessary to implement the Stan Mayfield Working Waterfronts Program within FCT.<sup>48</sup>

### Current Florida Forever Distribution



### Effect of the Proposed Changes

The bill amends ss. 215.618(1)(a); 259.032(9)(b), (d), and (e); and 259.105(2)(a), (2)(e), (4)(c)3., (4)(d)2., and (6), F.S., to remove the authorization to use Florida Forever funds for improvements, land management, enhancement, restoration, water resource development projects, and capital improvement projects to focus Florida Forever on land acquisition. These activities are authorized and are typically funded directly from the LATF.

<sup>48</sup> Section 259.105(3), F.S.  
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The bill amends s. 259.03, F.S., to remove the definitions of “capital improvement,” “capital project expenditure,” and “water resource development project” because those types of projects will no longer be funded through Florida Forever based on the changes in the bill.

The bill amends s. 259.105(2)(a)9., F.S., to add connection of wildlife habitat with a wildlife crossing to the list of multiple benefits current and future Florida Forever acquisitions may provide. It also amends s. 259.105(4)(b)3., F.S., to add wildlife crossings to the criteria and numeric performance measures ARC must consider when evaluating projects that contribute to the goals of Florida Forever. These changes may require the BOT to amend ch. 18-24, F.A.C.

The bill amends s. 259.105(3), F.S., to consolidate the allocations identified in the Florida Forever Act into three categories: land acquisition, FCT, and RFLPP. Specifically, the bill:

- Consolidates funding allocations for land acquisition for Florida Forever projects selected by ARC; the purchase of inholdings for lands managed by DEP, FWC, and FFS; and FRDAP grants into one allocation receiving 33 ⅓ percent of the funding. FRDAP grants will not require review and approval by ARC.
- Removes funding allocations for acquisitions identified on WMDs’ priority lists; acquisition of inholdings and additions to state parks, state forests, and lands managed by FWC; and greenways and trails. These projects will still be eligible to receive funding through the priority list developed by ARC.
- Increases the funding allocation for FCT projects from 21 percent to 33 ⅓ percent and consolidates the Stan Mayfield Working Waterfronts Program into this allocation.
- Removes the requirement that allocations from FCT funding be used to fund projects in low-income or otherwise disadvantaged communities and projects that provide areas for direct water access and water-dependent facilities that are open to the public and offer public access by vessels to waters of the state.
- Removes the requirement that at least 30 percent of the allocations from FCT funding be used in Standard Metropolitan Statistical Areas.
- Removes the requirement that no less than five percent of allocations from FCT funding be used to acquire lands for recreational trail systems.
- Increases funding allocations for RFLPP from 3 ⅕ percent to 33 ⅓ percent and requires that DACS give higher priority to the acquisition of rural-lands-protection easements where local governments are willing to provide cost-share funding for the acquisition.
- Removes the authority for state parks, FFS, FWC, and OGT to create a list of acquisitions and inholdings based on the selection criteria established by ARC and acquire those lands if they are identified within the original project boundary, adopted management plan, or management prospectus. State parks, FFS, and FWC will now be required to seek approval through ARC to acquire such lands; however, this requirement will not apply to OGT.<sup>49</sup>
- Removes specific appropriations for the 2016-2017 FY.

The bill repeals s. 259.105(11), F.S., to remove the requirement that each WMD receives a certain percentage of funds from the Florida Forever Trust Fund. It also amends s. 259.105(12), F.S., to prohibit WMDs from using Florida Forever funds to abrogate the financial responsibility of those point and nonpoint sources that have contributed to the degradation of water or land areas.

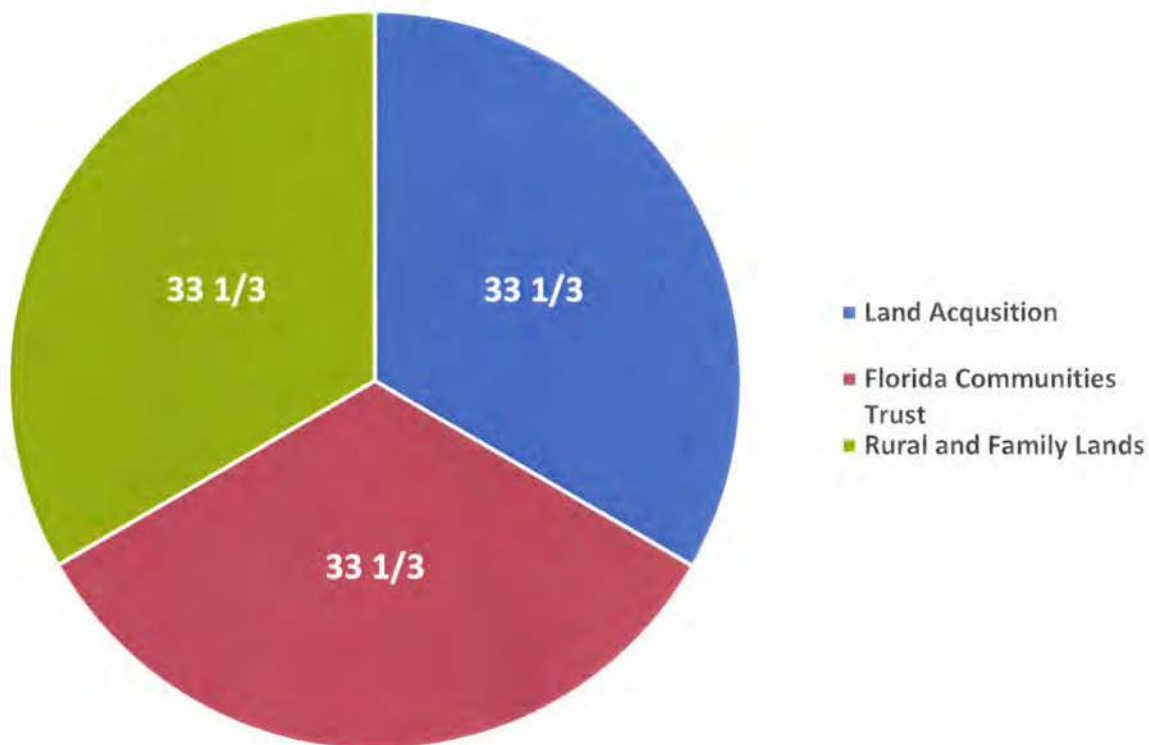
The bill amends s. 373.199(4)(h), F.S., to restrict the use of Florida Forever funds received by WMDs by providing that the funds may only be used to acquire land and pay associated land acquisition costs for projects identified in their annual work plans. WMDs must use other funding services to fund all other elements of their work plans.

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<sup>49</sup> See s. 260.015(1)(c), F.S.  
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The following graph represents the proposed changes to the Florida Forever distribution:

Proposed Changes to Florida Forever Distribution



## Land Acquisition Trust Fund

### Present Situation

Article X, s. 28 of the Florida Constitution directs 33 percent of net revenues derived from existing excise tax on documents<sup>50</sup> to LATF for 20 years.<sup>51</sup> Funds from LATF must be used to:

- Finance or refinance the acquisition and improvement of land, water areas, and related property interests and resources for conservation lands; WMAs; lands that protect water resources and drinking water sources and lands providing recharge for groundwater and aquifer systems; lands in the Everglades Agricultural Area and the Everglades Protection Area; beaches and shores; outdoor recreation lands; rural landscapes; working farms and ranches; historic or geologic sites; together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands;<sup>52</sup> and
- Pay the debt service on bonds.<sup>53</sup>

Section 375.041, F.S., implements Art. X, s. 28 of the Florida Constitution by allocating the distribution of funds from LATF. First, LATF funds must be used to pay debt service or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds; and pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to

<sup>50</sup> The documentary stamp tax is imposed on documents that transfer interest in Florida real property and certain types of debt. Documents subject to the tax include deeds, bonds, corporate shares, notes and written obligations to pay money, and mortgages, liens, and other evidences of indebtedness. Sections 201.02, 201.07, and 201.08, F.S.

<sup>51</sup> FLA. CONST. art. X, s. 28(a).

<sup>52</sup> FLA. CONST. art. X, s. 28(b)(1).

<sup>53</sup> FLA. CONST. art. X, s. 28(b)(2).

Everglades restoration bonds.<sup>54</sup> Next, of the funds remaining after the payments to fund debt service, but before funds may be appropriated, pledged, or dedicated for other uses:

- A minimum of the lesser of 25 percent or \$200 million must be appropriated annually for Everglades restoration projects;<sup>55</sup>
- A minimum of the lesser of 7 <sup>6</sup>/<sub>10</sub> percent or \$50 million must be appropriated annually for spring restoration, protection, and management projects;<sup>56</sup>
- The sum of \$5 million must be appropriated each fiscal year through the 2025-2026 FY to the St. Johns River WMD for projects dedicated to the restoration of Lake Apopka;<sup>57</sup> and
- The sum of \$64 million must be appropriated and transferred to the Everglades Trust Fund for the 2018-2019 FY, and each fiscal year thereafter, for the Everglades Agricultural Area reservoir project.<sup>58</sup>

Finally, any remaining moneys in LATF not distributed as previously discussed must be appropriated for the purposes set forth in Art. X, s. 28 of the Florida Constitution.<sup>59</sup>

### *C-43 Reservoir*

The Comprehensive Everglades Restoration Plan (CERP) is the congressionally approved framework for restoring, protecting and preserving the water resources of central and southern Florida. CERP calls for the construction of the Caloosahatchee River (C-43) West Basin Storage Reservoir Project. The project will help store and manage basin runoff, as well as Lake Okeechobee regulatory discharges, to meet the needs of the Caloosahatchee Estuary during the wet and dry seasons by reducing the frequency of undesirable salinity ranges.<sup>60</sup>

### Effect of the Proposed Changes

The bill creates s. 375.041(3)(b)5., F.S., to establish the funding allocations for the Florida Forever Trust Fund for FYs 2019-2020 through 2035-2036. The bill also amends s. 375.041(3)(b)1., F.S., to require the highest funding priority for the construction of the C-43 West Basin Storage Reservoir Project.<sup>61</sup>

### **Conservation Lands**

#### Revenue Generated from the Disposition of Conservation Lands

##### *Present Situation*

WMDs and local governments use a myriad of funding sources to purchase conservation lands. These funds may come from the state through the Florida Forever Program (or previously from Preservation 2000) or directly from the LATF. Funds for land acquisition may also come from taxes collected by the WMDs and local governments (ad valorem funds).<sup>62</sup>

For the disposal of property, WMDs follow the procedures in s. 373.089, F.S., while the BOT must follow the procedures found in s. 253.0341, F.S., which include additional requirements to ensure the

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<sup>54</sup> Section 375.041(3)(a), F.S.

<sup>55</sup> Section 375.041(3)(b)1., F.S.

<sup>56</sup> Section 375.041(3)(b)2., F.S.

<sup>57</sup> Section 375.041(3)(b)3., F.S.

<sup>58</sup> Section 375.041(3)(b)4., F.S.

<sup>59</sup> Section 375.041(4), F.S.

<sup>60</sup> South Florida WMD, *Quick Facts on Caloosahatchee River (C-43) West Basin Storage Reservoir*, [https://www.sfwmd.gov/sites/default/files/documents/spl\\_calooos\\_c43\\_reservoir.pdf](https://www.sfwmd.gov/sites/default/files/documents/spl_calooos_c43_reservoir.pdf) (last visited January 18, 2018).

<sup>61</sup> South Florida WMD, *C-43 Draft Financial and Construction Update*, available upon request from the Natural Resources & Public Lands Subcommittee.

<sup>62</sup> Section 373.503, F.S.

public's interest is protected. The requirements include a study and standard for determining lands to sell, ARC review, first rights of refusal to local governments and colleges, appraisal procedures, bid requirements, and the management and accounting of funds generated from disposition of lands.

If a WMD sells conservation lands, with the exception of lands purchased with Preservation 2000 or Florida Forever funds, it is unclear where the proceeds of the sale must go. Beginning July 1, 2015, the BOT must deposit proceeds from any sale of conservation lands into the LATF.<sup>63</sup> This requirement arguably may not apply to WMDs because the statute directing the use of the disposition funds only mentions the BOT. The BOT, WMDs, and local governments must deposit any revenues generated from the disposal of lands acquired with Preservation 2000 funds into the Florida Forever Trust Fund within DEP.<sup>64</sup> WMDs cannot use any revenue derived from disposition of Preservation 2000 or Florida Forever lands for any purpose, except for the purchase of other lands meeting the criteria specified for the selection of WMD lands in s. 373.139, F.S., or payment of debt service on revenue bonds or notes issued by the WMD to undertake capital projects or other projects allowed by the Florida Constitution.<sup>65</sup> Further, the BOT and WMDs may not surplus or exchange lands if the effect of the sale or exchange would cause all or any portion of the interest on any revenue bonds issued to lose their tax-exempt status.<sup>66</sup>

It appears that at least one WMD improperly used funds from the disposition of conservation lands for purposes not authorized by statute. Further, some WMDs do not appear to be keeping proper records for the use and disposition of funds for conservation lands.<sup>67</sup>

### *Effect of the Proposed Changes*

The bill creates ss. 125.35(4) and (5), 166.0452, and 373.089(10) and (11), F.S., to require counties, municipalities, and WMDs to deposit proceeds from the sale of surplus conservation lands purchased with Florida Forever funds before July 1, 2015, into the Florida Forever Trust Fund. The bill also requires counties, municipalities, and WMDs to deposit proceeds from the sale of surplus conservation lands purchased with funds from the state on or after July 1, 2015, into the LATF. When counties, municipalities, or WMDs purchase conservation lands with state funds other than those from LATF or a land acquisition trust fund created to implement s. 28, Art. X of the Florida Constitution, counties, municipalities, and WMDs must deposit the proceeds from the sale into the fund from which they purchased the lands. If counties, municipalities, or WMDs bought the conservation land with multiple revenue sources, counties, municipalities, and WMDs must deposit an amount based on the percentage of state funds used for the original purchase.

The bill also relocates the provision prohibiting WMDs from surplus or exchanging lands in certain instances from s. 373.139(6), F.S., to s. 373.089(9), F.S.

### Revenue Generated from the Use of Conservation Lands Purchased with State Funding

#### *Present Situation*

Several WMDs generate revenue from the use of conservation lands purchased with state funds, including timber sales, hunting, and recreation. All state agencies must return revenues generated through multiple-use management or compatible secondary use management of their lands to the lead managing agency. The lead managing agency may only use these funds to pay for management activities on conservation, preservation, and recreation lands under the agency's jurisdiction. In addition, the agency must segregate such revenue in an agency trust fund to remain available to the

<sup>63</sup> Section 253.0341(13), F.S.

<sup>64</sup> Section 259.101(5)(c), F.S.

<sup>65</sup> Section 373.139(6), F.S.

<sup>66</sup> Sections 215.618(6), 253.0341(15), and 373.139(6), F.S.

<sup>67</sup> State of Florida Auditor General, *Operational Audit Report NO. 2017-215, Suwannee River Water Management District* (June 2017), available at: [https://flauditor.gov/pages/pdf\\_files/2017-215.pdf](https://flauditor.gov/pages/pdf_files/2017-215.pdf) (last visited January 18, 2018).

agency in subsequent fiscal years to support land management activities.<sup>68</sup> It appears at least one WMD has used funds derived from the use of conservation lands purchased with state funding for purposes unrelated to land management, and the WMD did not segregate the revenue into the appropriate trust funds.<sup>69</sup>

### *Effect of the Proposed Changes*

The bill creates s. 373.1391(7), F.S., to require revenue generated through management or compatible secondary use management of district conservation lands purchased with state funds be retained by the WMD responsible for such management. It requires the WMD to use such revenue to pay for management activities on all conservation, preservation, and recreation lands under the district's jurisdiction. In addition, the WMD must segregate such revenue in a district trust fund and such revenue must remain available to the district in subsequent fiscal years to support land management activities.

### Local Rural Conservation Easement Programs

#### *Present Situation*

As previously discussed, the Rural and Family Lands Protection Program (RFLPP) within DACS is an agricultural land preservation program designed to protect important agricultural lands through the acquisition of permanent agricultural land conservation easements. Local governments may conduct similar programs within their jurisdictions to facilitate the preservation of agricultural lands through acquisition of development rights.<sup>70</sup> These types of programs provide several benefits including:

- Protecting important farmland while keeping the land in private ownership and on local tax rolls;
- Creating a flexible property interest that can be tailored to meet the needs of individual farmers and ranchers and unique properties;
- Providing land owners with several tax benefits including income, estate, and property tax reductions;<sup>71</sup> and
- Helping farmers and ranchers transfer their operations to the next generation.<sup>72</sup>

#### *Effect of the Proposed Changes*

The bill creates ss. 253.0251(8) and 570.76(9), F.S., authorizing DEP and DACS to provide assistance to local governments administering their own rural-lands-protection easement program. DEP may provide technical support to review applications for inclusion in the local government's rural-lands-protection easement program, serve as the acquisition agent for the local government using the procedures it uses for the RFLPP, facilitate real estate closings, and monitor compliance with the conservation easements. DACS may provide technical support to review applications for inclusion in the local governments' rural-lands-protection easement program and monitor compliance with the conservation easements. The departments may not use any state funds to assist in the purchase of such easements or pay any acquisition costs. The local government must compensate the departments for their services and the departments and local government must document the agreement for assistance in a memorandum of agreement. The local government holds title to the conservation easement acquired on its behalf.

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<sup>68</sup> Sections 253.036 and 259.032(9)(c), F.S.

<sup>69</sup> State of Florida Auditor General, *Operational Audit Report NO. 2017-215, Suwannee River Water Management District* (June 2017), available at: [https://flauditor.gov/pages/pdf\\_files/2017-215.pdf](https://flauditor.gov/pages/pdf_files/2017-215.pdf) (last visited January 18, 2018).

<sup>70</sup> See Miami-Dade County, *Purchase of Development Rights*, <http://www.miamidade.gov/business/agriculture-purchase-development-rights.asp> (last visited January 18, 2018).

<sup>71</sup> See s. 193.501, F.S.

<sup>72</sup> Farmland Information Center, *Agricultural Conservation Easements*, available at: [http://www.farmlandinfo.org/sites/default/files/Agricultural\\_Conervation\\_Easements\\_AFT\\_FIC\\_01-2016.pdf](http://www.farmlandinfo.org/sites/default/files/Agricultural_Conervation_Easements_AFT_FIC_01-2016.pdf) (last visited January 18, 2018).

## Comprehensive Plan Water Facilities Work Plan

### Present Situation

Local governments are required to include a general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element in their comprehensive plan, correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area.<sup>73</sup>

The element must describe the problems and needs and the general facilities that will be required for solution of the problems and needs, including correcting existing facility deficiencies. It must address coordinating the extension of, or increase in the capacity of, facilities to meet future needs while maximizing the use of existing facilities and discouraging urban sprawl; conserving potable water resources; and protecting the functions of natural groundwater recharge areas and natural drainage features.<sup>74</sup> The element must also identify traditional water supply projects, alternative water supply projects, conservation, and reuse necessary to meet the water needs within the local government's jurisdiction. It must include a work plan, covering at least a 10-year planning period, for building public, private, and regional water supply facilities, including development of alternative water supplies, which are identified as necessary to serve existing and new development (water facilities work plan). Local governments must update the water facilities work plan at least every five years within 18 months after a WMD approves an updated regional water supply plan (RWSP).<sup>75</sup>

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

- Amend its comprehensive plan in response to an updated RWSP; or
- Maintain a work plan if any such local government's usage of water constitutes less than one percent of the public water utility's total permitted allocation.

However, the local government must cooperate with and provide relevant data to any local government or utility provider that provides services within its jurisdiction, and keep its general sanitary sewer, solid waste, potable water, and natural groundwater aquifer recharge element updated.

### *Rural Area of Opportunity*

A rural area of opportunity (RAO) is a rural community,<sup>76</sup> or a region composed of rural communities, designated by the Governor, which has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster that presents a unique economic development opportunity of regional impact.<sup>77</sup> The three designated RAOs are the:

- Northwest RAO, which includes Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Wakulla, and Washington counties, and the City of Freeport;
- South Central RAO, which includes DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee counties, and the cities of Pahokee, Belle Glade, and South Bay, and Immokalee; and

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<sup>73</sup> Section 163.3177(6)(c), F.S.

<sup>74</sup> Section 163.3177(6)(c)2., F.S.

<sup>75</sup> Section 163.3177(6)(c)3., F.S.

<sup>76</sup> Section 288.0656(2)(e), defines a "rural community" to mean: a county with a population of 75,000 or fewer; a county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer; a municipality within a county meeting the definition of rural community; an unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors and verified by the Department of Economic Opportunity (DEO). Population must be determined in accordance with the most recent official estimate pursuant to s. 186.901, F.S.

<sup>77</sup> Section 288.0656(2)(d), F.S.



- North Central RAO, which includes Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor, and Union counties.<sup>78</sup>

### Effect of the Proposed Changes

The bill amends s. 163.3177(6)(c)3., F.S., to exempt a local government that is designated as a RAO, and that does not own, operate, or maintain its own water supply facilities, including, wells, treatment facilities, and distribution infrastructure, from developing or maintaining a water facilities work plan.

### **C-51 Reservoir Project**

#### Present Situation

The C-51 reservoir project is a water storage facility<sup>79</sup> located in western Palm Beach County south of Lake Okeechobee consisting of in-ground reservoirs and conveyance structures that will provide water supply and water management benefits to participating water supply utilities and provide environmental benefits by reducing freshwater discharges to tide and making water available for natural systems.<sup>80</sup>

The C-51 reservoir project consists of Phase I and Phase II. Phase I will provide approximately 14,000 acre-feet of water storage and will hydraulically connect to the South Florida WMD's L-8 Flow Equalization Basin. Phase II will provide approximately 46,000 acre-feet of water storage, for a total increase of 60,000 acre-feet of water storage.<sup>81</sup>

If state funds are appropriated for Phase I or Phase II, the South Florida WMD must operate the reservoir to maximize the reduction of high-volume Lake Okeechobee regulatory releases to the St. Lucie or Caloosahatchee estuaries, in addition to providing relief to the Lake Worth Lagoon; water made available by the reservoir must be used for natural systems in addition to any allocated amounts for water supply; and any water received from Lake Okeechobee may not be available to support consumptive use permits (CUPs).<sup>82</sup>

Phase I may be funded by appropriation or through the water storage facility revolving loan fund. Phase II may be funded by the issuance of Florida Forever bonds, through the water storage facility revolving loan fund, as a project component of the CERP, or through the Everglades Trust Fund.<sup>83</sup>

#### *Water Storage Facility Revolving Loan Fund*

The state, through DEP, must provide funding assistance to local governments or water supply entities for the development and construction of water storage facilities to increase the availability of sufficient water for all existing and future reasonable-beneficial uses and natural systems. DEP may make loans, provide loan guarantees, purchase loan insurance, and refinance local debt through the issuance of new loans for water storage facilities approved by DEP. Local governments or water supply entities may borrow funds made available and may pledge any revenues or other adequate security available to them to repay any funds borrowed. DEP may award loan amounts for up to 75 percent of the costs of planning, designing, constructing, upgrading, or replacing water resource infrastructure or facilities, whether natural or manmade, including the acquisition of real property for water storage facilities.<sup>84</sup> The minimum amount of a loan is \$75,000 and the term of the loan may not exceed 30 years.<sup>85</sup>

<sup>78</sup> DEO, *RAO*, <http://www.floridajobs.org/business-growth-and-partnerships/rural-and-economic-development-initiative/rural-areas-of-opportunity> (last visited January 17, 2018).

<sup>79</sup> Section 373.475(2)(b), F.S., defines water storage facility.

<sup>80</sup> Section 373.4598(9)(a), F.S.

<sup>81</sup> Section 373.4598(9)(b), F.S.

<sup>82</sup> Section 373.4598(9)(d), F.S.

<sup>83</sup> Section 373.4598(9)(e), F.S.; *See* s. 373.475, F.S., for the water storage facility revolving loan fund.

<sup>84</sup> Sections 373.475(3)(a)-(b), F.S.

<sup>85</sup> Section 373.475(7), F.S.

## Effect of the Proposed Changes

The bill amends s. 373.4598(9)(d), F.S., and provides that if state funds are appropriated for Phase I or Phase II, the South Florida WMD, to the extent practicable, must operate either Phase I or Phase II to maximize the reduction of high-volume Lake Okeechobee regulatory releases to the St. Lucie or Caloosahatchee estuaries, in addition to maximizing the reduction of harmful discharges to the Lake Worth Lagoon. However, the operation of Phase I must be in accordance with any operation and maintenance agreement adopted by the South Florida WMD, water made available by Phase I or Phase II must be used for natural systems in addition to any permitted amounts for water supply issued in accordance with executed capacity allocation agreements, and water received from Lake Okeechobee must only be available to support CUPs if the use is in accordance with rules of the applicable restricted allocation area.

The bill allows the South Florida WMD to enter into a capacity allocation agreement with a water supply entity for a pro rata share of unreserved capacity in the water storage facility and to request DEP to waive repayment of all or a portion of the loan issued under the water storage facility revolving loan fund. The bill allows DEP to authorize such waiver if, at its determination, it has received reasonable value for the waiver.

## **Regional Water Supply Authorities**

### Present Situation

Municipalities, counties, and special districts are encouraged to create regional water supply authorities (RWSA) or multijurisdictional water supply entities to develop, recover, store, and supply water for county or municipal purposes that will give priority to reducing adverse environmental effects of excessive or improper withdrawals of water from concentrated areas.<sup>86</sup> RWSAs are created by interlocal agreement, and are reviewed and approved by DEP to ensure the agreement will be in the public interest. Currently, there are four RWSAs in Florida: Tampa Bay Water (formerly known as the West Coast RWSA), Peace River/Manasota RWSA, Withlacoochee RWSA, and Walton/Okaloosa/Santa Rosa Regional Utility Authority.<sup>87</sup>

### *Water Resource Development and Funding*

WMDs take the lead in identifying and implementing water resource development projects, and are responsible for securing necessary funding for regionally significant water resource development projects, including regionally significant projects that prevent or limit adverse water resource impacts, avoid competition among water users, or support the provision of new water supplies in order to meet a MFL or to implement a recovery or prevention strategy or water reservation.<sup>88</sup>

WMDs are required to include in their annual budget submittals the amount of funds for each water resource development project in the annual funding plan of the WMD's five-year Water Resource Development Work Program (Work Program).<sup>89</sup>

### *Water Supply Development and Funding*

Local governments, RWSAs, and government-owned and privately owned water utilities are the lead in securing funding for and implementing water supply development projects.<sup>90</sup> Generally, direct

<sup>86</sup> Sections 373.707(1)(c) and 373.713(1), F.S.

<sup>87</sup> DEO, *Water Supply Planning*, <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/water-supply-planning> (last visited January 15, 2018).

<sup>88</sup> Sections 373.705(1)(a) and (2)(b), F.S.

<sup>89</sup> Section 373.705(3)(b)1., F.S.; s. 373.536(6)(a)4., F.S., is the Work Program.

<sup>90</sup> Sections 373.705(1)(b) and (2)(c), F.S.

beneficiaries of water supply development projects should pay the costs of the projects from which they benefit, and water supply development projects should continue to be paid for through local funding sources.<sup>91</sup>

Water supply development projects that are consistent with RWSPs and that meet one or more of the following criteria must receive priority consideration for state or WMD funding assistance:

- Supports establishment of a dependable, sustainable supply of water that is not otherwise financially feasible;
- Provides substantial environmental benefits, but requires assistance to be economically competitive; or
- Significantly implements reuse, storage, recharge, or conservation of water that contributes to the sustainability of regional water sources.<sup>92</sup>

Additionally, if a water supply development project meets one of the criteria previously mentioned and meets one or more of the following criteria, then the project must be given first consideration for state or WMD funding assistance:

- Brings about replacement of existing sources aiding in the implementation of an MFL;
- Implements reuse assisting in the elimination of a domestic wastewater ocean outfall; or
- Reduces or eliminates the adverse effects of competition between legal users and the natural system.<sup>93</sup>

Water supply development must be conducted in coordination with the WMD regional water supply planning and water resource development.<sup>94</sup>

#### *Consolidated WMD Annual Report*

By March 1, each WMD must prepare and submit to DEP, the Governor, and the Legislature a consolidated WMD annual report on the management of water resources.<sup>95</sup> Among the requirements of the consolidated WMD annual report is the inclusion of the Work Program.<sup>96</sup>

The Work Program must describe the WMD's implementation strategy and include an annual funding plan for each of the five years included in the Work Plan for the water resource and water supply development components of each approved RWSP developed or revised. The Work Program must address all the elements of the water resource development component in the WMD's RWSPs, as well as the water supply projects proposed for WMD funding and assistance.<sup>97</sup>

#### *Polk Regional Water Cooperative and Annual Report*

In 2016, Polk County and 15 municipalities within the county entered into an interlocal agreement to create a RWSA known as the Polk Regional Water Cooperative (cooperative).<sup>98</sup> In 2017, HB 573 passed, requiring the cooperative to prepare a comprehensive annual report for water resource projects it identified for state funding consideration.<sup>99</sup> The cooperative must submit its comprehensive annual report by December 1, 2017, and annually thereafter, to the Governor, Legislature, DEP, and

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<sup>91</sup> Sections 373.705(2)(c), F.S.

<sup>92</sup> Section 373.705(4)(a), F.S.

<sup>93</sup> Section 373.705(4)(b), F.S.

<sup>94</sup> Section 373.705(2)(d), F.S.

<sup>95</sup> Section 373.036(7)(a), F.S.

<sup>96</sup> Section 373.036(7)(b)5., F.S.

<sup>97</sup> Section 373.536(6)(a)4., F.S.

<sup>98</sup> Polk Regional Water Cooperative, *Interlocal Agreement Relating to the Establishment of the Polk Regional Water Cooperative*, [http://www.prwcwater.org/docs/default-source/documents/prwc-charter-\(formation-interlocal-agreement\).pdf?sfvrsn=fb00418\\_4](http://www.prwcwater.org/docs/default-source/documents/prwc-charter-(formation-interlocal-agreement).pdf?sfvrsn=fb00418_4) (last visited January 15, 2018).

<sup>99</sup> Ch. 2017-111, Laws of Fla.; s. 373.463(1), F.S.

appropriate WMDs.<sup>100</sup> Additionally, the cooperative must coordinate annually with the appropriate WMD to submit a status report on projects receiving priority state funding for inclusion in the consolidated WMD annual report.<sup>101</sup>

### Effect of the Proposed Changes

The bill amends s. 373.713, F.S., and requires RWSAs to coordinate annually with the appropriate WMD to submit a status report on water resource development projects receiving state funding for inclusion in the consolidated WMD annual report.

## **Stormwater Management**

### Present Situation

Stormwater is generated from rain events that produce drainage and runoff, which is the flow of rainfall over land or impervious surfaces (e.g., paved streets, parking lots, rooftops) that does not soak into the ground.<sup>102</sup> The National Pollutant Discharge Elimination System (NPDES) Stormwater Program regulates discharges of stormwater from three potential sources: Municipal Separate Storm Sewer Systems (MS4s), construction activities, and industrial activities. The United States Environmental Protection Agency (EPA) developed the NPDES stormwater permitting program in two phases. Phase I, promulgated in 1990, addresses large and medium MS4s<sup>103</sup> and certain categories of industrial activity, one of which is large construction activity that disturbs five or more acres of land. Phase II, promulgated in 1999, addresses additional sources, including MS4s not regulated under Phase I, and small construction activity disturbing between one and five acres.<sup>104</sup> In October 2000, the EPA authorized DEP to implement the NPDES stormwater permitting program in all areas of the state, except tribal lands.<sup>105</sup>

### *Department of Transportation*

Stormwater discharges from the Department of Transportation's (DOT) projects and facilities are regulated under multiple water pollution control programs, including the NPDES stormwater permitting program. DOT operates both Phase I and Phase II MS4s throughout the state.<sup>106</sup>

### *State, Regional, and Local Stormwater Management Plans and Programs*

DEP, WMDs, and local governments are responsible for the development of mutually compatible stormwater management programs.<sup>107</sup> DEP is required to include goals in the water resource implementation rule for the proper management of stormwater.<sup>108</sup> WMDs are required to establish district and, where appropriate, watershed or drainage basin stormwater management goals that are consistent with the goals adopted by the state and with plans adopted pursuant to the Surface Water Improvement and Management Act (SWIM).<sup>109</sup> In developing their stormwater management programs, local governments must consider the water resource implementation rule, WMD stormwater

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<sup>100</sup> Section 373.463(2), F.S.

<sup>101</sup> Section 373.463(3), F.S.; see s. 373.036(7), F.S., for the consolidated WMD annual report.

<sup>102</sup> Rule 62-624.200(12), F.A.C.; DEP, *NPDES Stormwater Program*. <https://floridadep.gov/water/stormwater> (last visited January 16, 2018).

<sup>103</sup> Rules 62-624.200(4) and (7), F.A.C., define large and medium municipal separate storm sewer system, respectively.

<sup>104</sup> DEP, *NPDES Stormwater Program*. <https://floridadep.gov/water/stormwater>; DEP, *EPA Federal Regulations*, <https://floridadep.gov/water/stormwater/content/epa-federal-regulations> (last visited January 16, 2018).

<sup>105</sup> Section 403.0885, F.S.; DEP, *EPA Federal Regulations*, <https://floridadep.gov/water/stormwater/content/epa-federal-regulations> (last visited January 16, 2018).

<sup>106</sup> DOT, *NPDES Storm Water*, [http://www.fdot.gov/maintenance/NPDES\\_StormWater.shtm](http://www.fdot.gov/maintenance/NPDES_StormWater.shtm) (last visited January 16, 2018).

<sup>107</sup> Section 403.0891, F.S.

<sup>108</sup> Section 403.0891(1), F.S.

<sup>109</sup> Section 403.0891(2), F.S.

management goals, plans approved pursuant to the SWIM, and technical assistance information provided by WMDs. Local governments are also encouraged to consult with WMDs, DOT, and DEP before adopting or updating their comprehensive plan or public facilities report, whichever is applicable.<sup>110</sup>

DEP, in coordination and cooperation with WMDs and local governments, must conduct a continuing review of the costs of stormwater management systems<sup>111</sup> and the effect on water quality and quantity and fish and wildlife values. DEP, WMDs, and local governments must use the review for planning purposes and to establish priorities for watersheds and stormwater management systems, which require better management and treatment of stormwater with emphasis on the costs and benefits of needed improvements to stormwater management systems to better meet needs for flood protection and protection of water quality, and fish and wildlife values.<sup>112</sup> The results of the review must be maintained by DEP and WMDs and be provided to appropriate local governments or other parties on request.<sup>113</sup>

### *Altamonte Springs-FDOT Integrated Reuse and Stormwater Treatment*

A partnership between the City of Altamonte Springs, DOT, DEP, and the St. Johns River WMD provided a multi-faceted funding approach, bringing the Altamonte Springs-FDOT Integrated Reuse and Stormwater Treatment (A-FIRST) to fruition. This \$11.5 million stormwater and reclaimed water management project will provide up to 4.5 million gallons of water to the City of Altamonte Springs and the City of Apopka.<sup>114</sup> The project captures stormwater from Interstate 4 and redirects it to the City of Altamonte Springs' reclaimed water system for use as irrigation. The City of Altamonte Springs sends any of its remaining reclaimed water to the City of Apopka.<sup>115</sup>

### Effect of Proposed Changes

The bill creates s. 403.0891(7), F.S., and requires DOT to coordinate with DEP, WMDs, and local governments to determine whether it is economically feasible to use stormwater resulting from road construction projects for the beneficial use of providing alternative water supplies, including, but not limited to, directing stormwater to reclaimed water facilities or water storage reservoirs. If it is determined that beneficial use of such stormwater is economically feasible, then such use must be implemented. The bill allows DEP, in consultation with DOT, to adopt rules to implement the provisions regarding beneficial uses of stormwater from DOT road construction projects.

## **Drinking Water and Domestic Wastewater Treatment Utilities Asset Management**

### Present Situation

Renewing and replacing drinking water and domestic wastewater treatment infrastructure is an ongoing task. Asset management can help a utility maximize the value of its capital as well as its operations and maintenance dollars. Asset management provides utility managers and decision makers with critical information on capital assets and timing of investments. Some key steps for asset management are making an inventory of critical assets, evaluating the condition and performance of such assets, and developing plans to maintain, repair, and replace assets and to fund these activities.<sup>116</sup> The EPA

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<sup>110</sup> Section 403.0891(3), F.S.

<sup>111</sup> Section 403.031(16), F.S., defines stormwater management system.

<sup>112</sup> Section 403.0891(4), F.S.

<sup>113</sup> Section 403.0891(5), F.S.

<sup>114</sup> DEP, *Regional Water Supply Planning 2016 Annual Report*, pg. 22, <https://floridadep.gov/sites/default/files/FINAL%20Regional%20Water%20Supply%20Planning%202016%20Status%20Annual%20Report.pdf> (last visited January 15, 2018).

<sup>115</sup> City of Altamonte Springs, *A-FIRST*, <http://www.altamonte.org/index.aspx?NID=699> (last visited January 15, 2018).

<sup>116</sup> EPA, *Sustainable Water Infrastructure - Asset Management for Water and Wastewater Utilities*, <https://www.epa.gov/sustainable-water-infrastructure/asset-management-water-and-wastewater-utilities> (last visited January 16, 2018).

provides guidance and reference manuals for utilities to aid in developing asset management plans (AMPs).<sup>117</sup> Many states, including Florida, provide financial incentives for the development and implementation of an AMP when requesting funding under the State Revolving Fund (SRF) or other state funding mechanism.<sup>118</sup>

### *State Revolving Loan Fund Asset Management Incentives*

There are currently two SRF programs, the Clean Water SRF created under the Clean Water Act and the Drinking Water SRF created under the Safe Drinking Water Act. A SRF is a fund administered by a state to provide low interest loans for investments in drinking water and domestic wastewater treatment infrastructure and implementation of nonpoint source pollution control and estuary protection projects. A SRF receives its initial capital from federal grants and state contributions, and then revolves through the repayment of principal and earned interest on outstanding loans.<sup>119</sup>

DEP administers both SRF programs.<sup>120</sup> With respect to AMPs,<sup>121</sup> development of such plans are incentivized through priority scoring,<sup>122</sup> reduction of interest rates,<sup>123</sup> principal forgiveness for financially disadvantaged small communities,<sup>124</sup> and eligibility for small community wastewater facilities grants.<sup>125</sup>

To receive points, the AMP must be adopted by ordinance or resolution and written procedures must be in place that implement the plan in a timely manner. The AMP must include:

- Identification of all assets within the project sponsor's system;
- An evaluation of the current age, condition, and anticipated useful life of each asset;
- The current value of the assets and the cost to operate and maintain all assets;
- A capital improvement plan based on a survey of industry standards, life expectancy, life cycle analysis, and remaining useful life;
- An analysis of funding needs;
- An analysis of population growth and wastewater or stormwater flow projections and drinking water use projections, as applicable, for the sponsor's planning area, and a model, if applicable, for impact fees;
- Commercial, industrial and residential rate structures, and the establishment of an adequate funding rate structure;
- A threshold rate set to ensure the proper operation of the utility. If the sponsor transfers any of the utility proceeds to other funds, the rates must be set higher than the threshold rate to facilitate the transfer and proper operation of the utility; and
- A plan to preserve the assets; renewal, replacement, and repair of the assets as necessary, and a risk-benefit analysis to determine the optimum renewal or replacement time.<sup>126</sup>

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<sup>117</sup> EPA, *Asset Management: A Best Practices Guide*, <https://nepis.epa.gov/Exe/ZyPDF.cgi/P1000LP0.PDF?Dockey=P1000LP0.PDF>; EPA, *Reference Guide for Asset Management Tools/Asset Management Plan Components and Implementation Tools for Small and Medium Sized Drinking Water and Wastewater Systems*, (May 2014) [https://www.epa.gov/sites/production/files/2016-04/documents/am\\_tools\\_guide\\_may\\_2014.pdf](https://www.epa.gov/sites/production/files/2016-04/documents/am_tools_guide_may_2014.pdf) (last visited January 16, 2018).

<sup>118</sup> EPA, *State Asset Management Initiatives*, (August 2012), [https://www.epa.gov/sites/production/files/2016-04/documents/state\\_asset\\_management\\_initiatives\\_11-01-12.pdf](https://www.epa.gov/sites/production/files/2016-04/documents/state_asset_management_initiatives_11-01-12.pdf) (last visited January 16, 2018).

<sup>119</sup> EPA, *Fed Funds for Water and Wastewater Utilities*, <https://www.epa.gov/fedfunds/epa-state-revolving-funds> (last visited January 16, 2018); DEP, *State Revolving Fund*, <https://floridadep.gov/wra/srf> (last visited January 16, 2018).

<sup>120</sup> Sections 403.1835(10) and 403.8532(9), F.S.; ch. 62-503, and 62-552, F.A.C.; DEP, *State Revolving Fund*, <https://floridadep.gov/wra/srf> (last visited January 16, 2018).

<sup>121</sup> Rules 62-503.200(3) and 62-552.200(2), F.A.C., define an AMP.

<sup>122</sup> Rule 62-503.300(e), F.A.C.

<sup>123</sup> Rules 62-503.300(5)(b)1., 62-503.700(7), 62-552.300(6)(c)1., and 62-552.700(7), F.A.C.

<sup>124</sup> Rules 62-503.500(4) and 62-552.300(2)(b)4., F.A.C.

<sup>125</sup> Rules 62-505.300(d) and 62-505.350(5)(c), F.A.C.

<sup>126</sup> Rules 62-503.700(7) and 62-552.700(7), F.A.C.

## *Water and Wastewater Utility Reserve Fund*

In 2016, the Legislature authorized the Public Service Commission (PSC) to allow a utility to create a utility reserve fund for repair and replacement of existing distribution and collection infrastructure that is nearing the end of its useful life or is detrimental to water quality or reliability of service. The utility reserve fund would be funded by a portion of the rates charged by the utility, by a secured escrow account, or through a letter of credit. The PSC was required to adopt rules governing the implementation, management, and use of the fund, including expenses for which the fund may be used, segregation of reserve account funds, requirements for a capital improvement plan, and requirements for PSC authorization before disbursements are made from the fund.<sup>127</sup>

An applicant that requests approval to create a utility reserve fund must provide a capital improvement plan,<sup>128</sup> or an AMP prepared by the Florida Rural Water Association,<sup>129</sup> to the PSC.<sup>130</sup> The request may be a stand-alone application or in conjunction with an application for rate increase.<sup>131</sup>

## *Domestic Wastewater Treatment Facility Renewal Operating Permit*

A domestic wastewater treatment plant operating permit is issued for a term of five years.<sup>132</sup> An applicant may request renewal of an operation permit for a term of up to 10 years for the same fee and under the same conditions as a five-year permit and must be issued the permit if:

- The treatment facility is not regulated under the NPDES program;
- The waters from the treatment facility are not discharged to Class I municipal injection wells or the treatment facility is not required to comply with the federal standards under the Underground Injection Control Program;
- The treatment facility is not operating under a temporary operating permit or a permit with an accompanying administrative order and does not have any enforcement action pending against it by EPA, DEP, or an approved local program;
- The treatment facility has operated under an operation permit for five years and, for at least the preceding two years, has generally operated in conformance with the limits of permitted flows and other conditions specified in the permit;
- DEP has reviewed the discharge monitoring reports required by DEP rule and is satisfied that the reports are accurate;
- The treatment facility has generally met water quality standards in the preceding two years, except for violations attributable to events beyond the control of the treatment plant or its operator (e.g., destruction of equipment by fire, wind, or other abnormal events that could not reasonably be expected to occur); and
- DEP or an approved local program has conducted, in the preceding 12 months, an inspection of the facility and has verified in writing to the operator of the facility that it is not exceeding the permitted capacity and is in substantial compliance.<sup>133</sup>

## Effect of the Proposed Changes

The bill creates s. 403.892, F.S., relating to AMPs and reserve funds for public water systems and domestic wastewater treatment systems. The bill provides legislative findings regarding the public health and natural resource benefits of developing and implementing AMPs for public water system and

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<sup>127</sup> Ch. 2016-226, Laws of Fla.; s. 367.081(2)(c), F.S.; *See* r. 25-30.444, F.A.C., for the adopted rule.

<sup>128</sup> Rule 25-30.444(2)(e), F.A.C., provides a list of requirements for inclusion in the capital improvement plan.

<sup>129</sup> The Florida Rural Water Association is a nonprofit, non-regulatory professional association that assists water and wastewater systems with water and wastewater operations; Florida Rural Water Association, *Home*, <http://www.frwa.net/> (last visited January 16, 2018).

<sup>130</sup> Rules 25-30.444(2)(e) and (m), F.A.C.

<sup>131</sup> Rule 25-30.444(2), F.A.C.; *see* ss. 367.081(2)(a), 367.0814, or 367.0822, F.S., for rate increases.

<sup>132</sup> Section 403.087(1), F.S.; r. 62-620.320(8), F.A.C.

<sup>133</sup> Section 403.087(3), F.S.

domestic wastewater treatment system assets. The findings include the necessity of establishing and properly funding a reserve fund to ensure the timely implementation of an AMP.

The bill requires each public water system<sup>134</sup> and domestic wastewater treatment system to develop an AMP by August 1, 2022, and create a reserve fund to implement the AMP in a cost effective and timely manner. Every August 1 thereafter, each public water system and domestic wastewater treatment system must post on its website the implementation status of the AMP and reserve fund and must provide a report regarding such information to DEP. The bill requires a public water system or domestic wastewater treatment system to demonstrate that it is adequately implementing its AMP and has appropriate reserves in place in its reserve fund to be eligible for state funding.

The bill defines a "domestic wastewater treatment system" to mean any plant or other works used to treat, stabilize, or hold domestic wastes, including pipelines or conduits, pumping stations, and force mains and all other structures, devices, appurtenances, and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal. Domestic wastewater treatment systems do not include onsite sewage treatment and disposal systems, as defined in s. 381.0065, F.S.

The bill requires DEP to adopt rules by July 1, 2019, establishing AMP requirements that include, but are not limited to:

- Identification of each asset;
- Evaluation of the current age, condition, and useful life of each asset;
- A risk-benefit analysis to determine the optimum renewal or replacement time of each asset; and
- A list of renewal projects with projected timeframes for completion and estimated costs.

The bill amends s. 403.087(3), F.S., adding the timely implementation of the AMP as criteria for a domestic wastewater treatment facility to be eligible for a 10-year permit.

## B. SECTION DIRECTORY:

Section 1. Amends s. 125.35, F.S., relating to county authorized to sell real and personal property and to lease real estate.

Section 2. Amends s. 163.3177, F.S., relating to required and optional elements of a comprehensive plan.

Section 3. Creates s. 166.0452, F.S. relating to disposition of municipal conservation land purchased with state funds.

Section 4. Amends s. 215.618, F.S., relating to bonds for acquisition and improvement of land, water areas, and related property interests and resources.

Section 5. Amends s. 253.0251, F.S., relating to alternatives for fee simple acquisition for conservation and recreation lands.

Section 6. Amends s. 259.03, F.S., relating to definitions used for the Florida Forever program.

Section 7. Amends s. 259.032, F.S., relating to conservation and recreation lands.

Section 8. Amends s. 259.105, F.S., relating to the Florida Forever Act.

Section 9. Amends s. 373.089, F.S., relating to sale or exchange of lands, or interests or rights in lands by WMDs.

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<sup>134</sup> Section 403.852(2), F.S., defines a public water system.



- Section 10. Amends s. 373.139, F.S., relating to acquisition of real property by WMDs.
- Section 11. Amends s. 373.1391, F.S., relating to management of real property by WMDs.
- Section 12. Amends s. 373.199, F.S., relating to Florida Forever WMD Work Plan.
- Section 13. Amends s. 373.4598, F.S., relating to the C-51 reservoir project.
- Section 14. Amends s. 373.713, F.S., relating to RWSAs.
- Section 15. Amends s. 375.041, F.S., relating to the LATF.
- Section 16. Amends s. 403.087, F.S., relating to permits for domestic wastewater treatment facilities.
- Section 17. Amends s. 403.0891, F.S., relating to state, regional and local stormwater management plans and programs.
- Section 18. Creates s. 403.892, F.S., relating to an AMP and reserve fund.
- Section 19. Amends s. 570.76, F.S., relating to DACS powers and duties.
- Section 20. Amends s. 20.3315, F.S., conforming cross references.
- Section 21. Amends s. 253.027, F.S., conforming cross references.
- Section 22. Amends s. 253.034, F.S., conforming cross references.
- Section 23. Amends s. 259.035, F.S., conforming cross references.
- Section 24. Amends s. 259.037, F.S., conforming cross references.
- Section 25. Amends s. 380.510, F.S., conforming cross references.
- Section 26. Amends s. 570.715, F.S., conforming cross references.
- Section 27. Amends s. 589.065, F.S., conforming cross references.
- Section 28. Provides a statement of legislative findings.
- Section 29. Provides an effective date of July 1, 2018.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

See Fiscal Comments.

#### **2. Expenditures:**

The bill establishes the funding allocations for the Florida Forever Trust Fund for FYs 2019-2020 through 2035-2036 as follows:

- For FY 2019-2020 and FY 2020-2021, the sum of \$57 million.
- For FY 2021-2022, the sum of \$78 million.

- For FY 2022-2023, the sum of \$89 million.
- For FY 2023-2024 and FY 2024-2025, the sum of \$110 million
- For FY 2025-2026, the sum of \$127 million.
- For FY 2026-2027, the sum of \$147 million
- For FY 2027-2028, the sum of \$157 million.
- For FY 2028-2029, the sum of \$179 million.
- For FY 2029-2030 and each FY through 2035-2036, the sum of \$200 million.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

The bill may have a positive fiscal impact on the private sector for water supply entities receiving waivers of loan repayment under the water storage facility revolving loan fund for the C-51 reservoir project.

The bill may have a negative fiscal impact on private sector entities that own and operate public water systems and domestic wastewater treatment systems due to the requirement to develop and implement an AMP and reserve fund for their public water systems and domestic wastewater treatment systems.

**D. FISCAL COMMENTS:**

After all of the recurring base funding and statutorily-required expenditures have been allocated, there is a limited amount of revenues remaining in the LATF to fund issues such as beach projects, total maximum daily loads, state park repairs, state forest repairs, wildlife management area repairs, non-agricultural nonpoint source pollution prevention, and many others. The dedicated LATF allocation to the Florida Forever Program Trust Fund in the bill would require using funding sources other than LATF to fund critical issues that have been funded from the LATF in recent years. The primary alternative funding source would be the General Revenue Fund, because there is not enough funding available in other trust funds to provide for these issues. Assuming that current reserves and typical expenditures are not reduced or shifted to another funding source, the bill would place the LATF at a deficit of \$77.3 million in Fiscal Year 2019-2020.

The bill may have a positive fiscal impact on DEP and DACS by authorizing those agencies to provide assistance to local governments administering their own rural-lands-protection easement program. The local governments must compensate DEP and DACS for the services provided as defined in a memorandum of agreement. In addition, it may have a positive fiscal impact on those local governments choosing to seek assistance from the departments when administering their own rural-lands-protection easement program, because DEP and DACS may assist the local governments in more efficiently operating their program.

The bill may have a negative fiscal impact on counties, municipalities, and WMDs that do not currently return proceeds from the sale of surplus conservation lands purchased with state funds to the proper state trust fund. In addition, the bill may have a negative fiscal impact on WMDs by requiring the districts to deposit any revenue generated from the use of conservation lands purchased with state funds into a separate agency trust fund used to support future land management activities. WMDs will no longer be able to use such funds for other district activities.

The bill may have a positive fiscal impact on the South Florida WMD by prioritizing construction of the C-43 reservoir project.

Chapter 2017-10, L.O.F., provided \$30 million in nonrecurring funds from the General Revenue Trust Fund to be deposited in the Water Resource Projection and Sustainability Trust Fund for the purpose of providing a loan to the water supply entity responsible for implementing Phase I of the C-51 reservoir project utilizing through the water storage facility revolving loan fund as provided in s. 373.475, F.S. The water supply entity has executed capacity allocation agreements with local governments to allow the local governments to utilize specific water allocations identified in the agreements. The executed capacity allocation agreements do not utilize the total capacity of water available in the reservoir. The bill allows the South Florida Water Management District (District) to enter into a capacity allocation agreement with the water supply entity for an allocation of the unreserved water needed that will be for the natural system based on water needs identified in CERP or other restoration plans. The District may request that DEP waive repayment of all or a portion of the loan based on pro rata share of the costs for providing the water storage capacity in the reservoir that will be used by the District. Instead of the District directly providing the funding to develop the water capacity in the C-51 reservoir, the District may request that DEP waive repayments of the loan by the water supply entity. Waiving the repayment of the loan will reduce the future funding available for other water storage reservoirs that qualify for loans under the water storage facility revolving loan fund.

The bill may have a negative fiscal impact on state agencies and local governments that own and operate public water systems and domestic wastewater treatment systems because it requires them to develop and implement an AMP and reserve fund for their public water systems and domestic wastewater treatment systems. The bill also requires a public water system or domestic wastewater treatment system to demonstrate that it is adequately implementing its AMP and has appropriate reserves in place in its reserve fund to be eligible for state funds. Remote state facilities, such as those owned by the Department of Corrections, own and operate public water systems and domestic wastewater treatment systems that are subject to the requirements, as do local governments.

The bill may have a positive fiscal impact on those local governments designated as a RAO by exempting them from the requirement to develop or maintain a water facilities work plan.

The bill may have a negative fiscal impact on local governments who are a RWSA due to the requirement that such local governments coordinate annually with the appropriate WMD to submit a status report on water resource development projects receiving state funding for inclusion in the consolidated WMD annual report.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

The county/municipality mandates provision of Art. VII, s. 18 of the Florida Constitution may apply because this bill requires local governments to develop and implement AMPs for public water supply systems and domestic wastewater treatment systems that are local government owned. An exception may apply because the bill provides a legislative finding of important state interest and the bill appears to apply to similarly situated persons in that state agencies and local governments must comply with the requirement. In addition, an exception would apply if the bill passes by a two-thirds vote of the membership since it includes a legislative finding of important state interest.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

The bill allows DEP, in consultation with DOT, to adopt rules to implement beneficial uses of stormwater from DOT road construction projects.

The bill requires DEP to adopt rules establishing AMP requirements by July 1, 2019.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.

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

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

27 revising the distribution of proceeds from the Florida

28 Forever Trust Fund; eliminating and consolidating

29 funding for certain land acquisition and management

30 programs; removing obsolete provisions; removing

31 provisions authorizing the use of Florida Forever

32 funds for water resource development projects,

33 restoration, enhancement, and management of certain

34 land and water areas, and certain capital

35 improvements; including wildlife crossings and

36 connections between such crossings and wildlife

37 habitats as criteria for assessing certain projects

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

39 prohibiting water management districts from disposing

40 of lands acquired with state funds under certain

41 conditions; requiring water management districts to

42 return specified state conservation funds to the state

43 when certain lands purchased with such funds are sold;

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

45 prohibiting water management districts from disposing

46 of lands acquired with state funds under certain

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

48 revenue generated from the management of certain

49 conservation lands to be retained by the

50 jurisdictional water management district and used for

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

52 | limiting the use of Florida Forever funds for water

53 | management district projects; amending s. 373.4598,

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

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

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

57 | appropriated for such phases; authorizing the South

58 | Florida Water Management District to enter into

59 | certain capacity allocation agreements and to request

60 | a waiver for repayment of certain loans; authorizing

61 | the Department of Environmental Protection to waive

62 | such loan repayment under certain conditions; amending

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

64 | authorities to annually coordinate with water

65 | management districts on the status of certain water

66 | resource development projects; amending s. 375.041,

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

68 | Protection and the South Florida Water Management

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

70 | 43 West Basin Storage Reservoir Project; requiring a

71 | specified amount of funds in the Land Acquisition

72 | Trust Fund within the Department of Environmental

73 | Protection to be appropriated annually each fiscal

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

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

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



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

104

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

106

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

267 253.0251 Alternatives to fee simple acquisition.—

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

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

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

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

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



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

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

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

317 259.032 Conservation and recreation lands.—

318 (9)

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

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

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

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

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

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

372 259.105 The Florida Forever Act.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

575 (h) The Legislature further recognizes the important role

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

745

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

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

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

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

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

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

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

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

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

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

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

801 ~~abilities.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



901 with district water supply plans; or  
 902 ~~2. The quantity of water made available through the water~~  
 903 ~~resource development component of a district water supply plan~~  
 904 ~~for which a water management district is responsible; or~~  
 905 2.3. The number of acres acquired of groundwater recharge  
 906 areas critical to springs, sinks, aquifers, other natural  
 907 systems, or water supply.  
 908 (e) Increase the state's natural resource-based public  
 909 recreational and educational opportunities, as measured by:  
 910 1. The number of acres acquired that are available for  
 911 natural resource-based public recreation or education;  
 912 2. The miles of trails that are available for public  
 913 recreation, giving priority to those that provide significant  
 914 connections including those that will assist in completing the  
 915 Florida National Scenic Trail; or  
 916 3. The number of new resource-based recreation facilities,  
 917 by type, made available on public land.  
 918 (f) Preserve the state's significant archaeological or  
 919 historic sites, as measured by:  
 920 1. The increase in the number of and percentage of  
 921 historic and archaeological properties listed in the Florida  
 922 Master Site File or National Register of Historic Places which  
 923 are protected or preserved for public use; or  
 924 2. The increase in the number and percentage of historic  
 925 and archaeological properties that are in state ownership.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1025 (c) The project enhances or facilitates management of

1026 | properties already under public ownership.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1075 3. Protecting areas identified as clear zones, accident

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

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

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

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

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

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

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

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



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

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

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

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

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

1151 for the property and what those uses are.

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

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

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

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

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

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

1158 Forever funding. The council shall ensure that each proposed

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

1160 conservation, or preservation of environmentally sensitive lands

1161 and water areas or for providing outdoor recreational

1162 opportunities. The council also shall determine whether the

1163 project or addition conforms, where applicable, with the

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

1165 comprehensive multipurpose outdoor recreation plan developed

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

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

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

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

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

1171 the council.

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

1173 shall prepare an annual work plan that prioritizes projects on

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

1305  
 1306 If the Board of Trustees of the Internal Improvement Trust Fund  
 1307 declines to accept title to the lands offered under this  
 1308 section, the land may be disposed of by the district under the  
 1309 provisions of this section.

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

1312 373.139 Acquisition of real property.—

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

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

1326 373.1391 Management of real property.-

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

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

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

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

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

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

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

1353 373.4598 Water storage reservoirs.—

1354 (9) C-51 RESERVOIR PROJECT.—

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

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

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

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

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

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

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

1383 373.713 Regional water supply authorities.—

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

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

1391 375.041 Land Acquisition Trust Fund.—

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

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

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

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

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

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

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

1451 purposes set forth in this subparagraph.

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

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

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

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

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

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

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

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

1481

1482 The distribution shall be reduced by an amount equal to the debt  
 1483 service paid pursuant to paragraph (a) on bonds issued after  
 1484 July 1, 2018, for the purposes set forth in this subparagraph.

1485 ~~5. Notwithstanding subparagraph 3., for the 2017-2018~~  
 1486 ~~fiscal year, funds shall be appropriated as provided in the~~  
 1487 ~~General Appropriations Act. This subparagraph expires July 1,~~  
 1488 ~~2018.~~

1489 Section 16. Paragraphs (e) and (f) of subsection (3) of  
 1490 section 403.087, Florida Statutes, are amended and paragraph (g)  
 1491 is added to that subsection to read:

1492 403.087 Permits; general issuance; denial; revocation;  
 1493 prohibition; penalty.—

1494 (3) A renewal of an operation permit for a domestic  
 1495 wastewater treatment facility other than a facility regulated  
 1496 under the National Pollutant Discharge Elimination System  
 1497 (NPDES) Program under s. 403.0885 must be issued upon request  
 1498 for a term of up to 10 years, for the same fee and under the  
 1499 same conditions as a 5-year permit, in order to provide the  
 1500 owner or operator with a financial incentive, if:



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1591 403.892 Asset management plan and reserve fund.—

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

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

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

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

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

1626 but not limited to:

1627 (a) Identification of each asset;

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

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

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

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

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

1641 (9) Provide assistance to local governments in  
 1642 administering local rural-lands-protection easement programs.

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

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

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

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

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

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

1664 253.027 Emergency archaeological property acquisition.—

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

1672 (5) ACCOUNT EXPENDITURES.—

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

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

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

1683 253.034 State-owned lands; uses.—

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

1700 (9) The following additional uses of conservation lands



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

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

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

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

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

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

1719

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

1724 259.032(9)(b) ~~s. 259.032(9)(c)~~.

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

1726 subsection(4), and subsection (6) of section 259.035, Florida  
 1727 Statutes, are amended to read:  
 1728       259.035 Acquisition and Restoration Council.—  
 1729       (3) The council shall provide assistance to the board in  
 1730 reviewing the recommendations and plans for state-owned  
 1731 conservation lands required under s. 253.034 and this chapter.  
 1732 The council shall, in reviewing such plans, consider the  
 1733 optimization of multiple-use and conservation strategies to  
 1734 accomplish the provisions funded pursuant to former s.  
 1735 259.101(3)(a), Florida Statutes 2014, and to s. 259.105(3)(a) ~~s.~~  
 1736 ~~259.105(3)(b)~~.  
 1737       (4)  
 1738       (b) In developing or amending rules, the council shall  
 1739 give weight to the criteria included in s. 259.105(8) ~~s.~~  
 1740 ~~259.105(9)~~. The board of trustees shall review the  
 1741 recommendations and shall adopt rules necessary to administer  
 1742 this section.  
 1743       (6) The proposal for a project pursuant to this section or  
 1744 s. 259.105(3)(a) ~~s. 259.105(3)(b)~~ may be implemented only if  
 1745 adopted by the council and approved by the board of trustees.  
 1746 The council shall consider and evaluate in writing the merits  
 1747 and demerits of each project that is proposed for acquisition  
 1748 using funds available pursuant to s. 28, Art. X of the State  
 1749 Constitution or Florida Forever funding and shall ensure that  
 1750 each proposed project meets the requirements of s. 28, Art. X of

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

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

1761 259.037 Land Management Uniform Accounting Council.—

1762 (3)

1763 (b) Each reporting agency shall also:

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

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

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

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

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

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

1793 380.510 Conditions of grants and loans.—

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

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

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

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

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

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

1830 570.715 Conservation easement acquisition procedures.—

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

1834 (d) On behalf of the board of trustees and before the  
 1835 appraisal of parcels approved for purchase under ss.

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

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

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

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

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

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

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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Agriculture & Natural  
2 Resources Appropriations Subcommittee  
3 Representative Caldwell offered the following:

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
7 Section 1. Subsections (4) and (5) are added to section  
8 125.35, Florida Statutes, to read:

9 125.35 County authorized to sell real and personal  
10 property and to lease real property.-

11 (4) Proceeds from the sale of surplus conservation lands  
12 purchased with Florida Forever funds before July 1, 2015, shall  
13 be deposited into the Florida Forever Trust Fund if the county  
14 does not use the proceeds for another purpose identified in the  
15 Florida Forever Act within three years. If the county purchased  
16 the conservation land with multiple revenue sources, the county



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17 shall deposit an amount based on the percentage of Florida  
18 Forever funds used for the original purchase.

19 (5) Proceeds from the sale of surplus conservation lands  
20 purchased with state funds on or after July 1, 2015, shall be  
21 deposited into the Land Acquisition Trust Fund if the county  
22 does not use the proceeds for another purpose identified in s.  
23 28, Art. X of the State Constitution within three years. If the  
24 county purchased the conservation land with funds other than  
25 those from the Land Acquisition Trust Fund or a land acquisition  
26 trust fund created to implement s. 28, Art. X of the State  
27 Constitution, the proceeds shall be deposited into the fund from  
28 which the land was purchased. If the county purchased the  
29 conservation land with multiple revenue sources, the county  
30 shall deposit an amount based on the percentage of state funds  
31 used for the original purchase.

32 Section 2. Subsection (14) of section 161.101, Florida  
33 Statutes, is amended to read:

34 161.101 State and local participation in authorized  
35 projects and studies relating to beach management and erosion  
36 control.—

37 (14) The intent of the Legislature in preserving and  
38 protecting Florida's sandy beaches pursuant to this act is to  
39 direct beach erosion control appropriations to the state's most  
40 severely eroded beaches, and to prevent further adverse impact  
41 caused by improved, modified, or altered inlets, coastal

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42 armoring, or existing upland development. In establishing annual  
43 project funding priorities, the department shall seek formal  
44 input from local coastal governments, beach and general  
45 government interest groups, and university experts. Criteria to  
46 be considered by the department in determining annual funding  
47 priorities shall include:

48 (a) The severity of erosion conditions, the threat to  
49 existing upland development, and recreational ~~and/or economic~~  
50 benefits.

51 (k) The economic benefit of the project as measured by the  
52 ratio of the tourist development tax revenue collected pursuant  
53 to s. 125.0104 for the most recent year to state sales tax and  
54 the tourist development tax revenues for the most recent year.  
55 The department must calculate this ratio using state sales tax  
56 and the tourist development tax data of the county having  
57 jurisdiction over the project area. If multiple counties have  
58 jurisdiction over the project area, the department must assess  
59 each county individually using these ratios. The department  
60 shall calculate the mean average of these ratios to determine  
61 the final overall economic benefit of the project for the  
62 multicounty project.

63

64 In the event that more than one project qualifies equally under  
65 the provisions of this subsection, the department shall assign  
66 funding priority to those projects that are ready to proceed.

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67 Section 3. Subsection (1) and present subsection (2) of  
68 section 161.161, Florida Statutes, are amended, a new subsection  
69 (2) is added to that section, and present subsections (2)  
70 through (7) are redesignated as subsections (3) through (8),  
71 respectively, to read:

72 161.161 Procedure for approval of projects.—

73 (1) The department shall develop and maintain a  
74 comprehensive long-term beach management plan for the  
75 restoration and maintenance of the state's critically eroded  
76 beaches fronting the Atlantic Ocean, Gulf of Mexico, and Straits  
77 of Florida. In developing and maintaining this ~~the beach~~  
78 ~~management plan, the department~~ shall:

79 (a) Address long-term solutions to the problem of  
80 critically eroded beaches in this state.

81 (b) Evaluate each improved, modified, or altered inlet and  
82 determine whether the inlet is a significant cause of beach  
83 erosion. With respect to each inlet determined to be a  
84 significant cause of beach erosion, the plan shall include:

85 ~~1-~~ the extent to which such inlet causes beach erosion and  
86 recommendations to mitigate the erosive impact of the inlet,  
87 including, but not limited to, ~~recommendations regarding~~ inlet  
88 sediment bypassing; improvement of infrastructure to facilitate  
89 sand bypassing; modifications to channel dredging, jetty design,  
90 and disposal of spoil material; establishment of feeder beaches;  
91 and beach restoration and beach nourishment; ~~and~~

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92 ~~2. Cost estimates necessary to take inlet corrective~~  
93 ~~measures and recommendations regarding cost sharing among the~~  
94 ~~beneficiaries of such inlet.~~

95 (c) Evaluate Design criteria for beach restoration and  
96 beach nourishment projects, including, but not limited to, +

97 ~~1. dune elevation and width and revegetation and~~  
98 ~~stabilization requirements,~~ + and

99 ~~2. beach profiles~~ profile.

100 (d) Consider Evaluate the establishment of regional  
101 sediment management alternatives for one or more individual  
102 beach and inlet sand bypassing projects ~~feeder beaches~~ as an  
103 alternative to ~~direct~~ beach restoration when appropriate and  
104 cost-effective, and recommend the location of such regional  
105 sediment management alternatives ~~feeder beaches~~ and the source  
106 of beach-compatible sand.

107 (e) Identify causes of shoreline erosion and change,  
108 determine calculate erosion rates, and maintain an updated list  
109 of critically eroded sandy beaches based on data, analyses, and  
110 investigations of shoreline conditions ~~and project long-term~~  
111 ~~erosion for all major beach and dune systems by surveys and~~  
112 ~~profiles.~~

113 (f) ~~Identify shoreline development and degree of density~~  
114 ~~and~~ Assess impacts of development and coastal protection  
115 ~~shoreline protective structures on shoreline change and erosion.~~

116 (g) Identify short-term and long-term economic costs and

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117 benefits of beaches to the state of Florida and individual beach  
118 communities, including recreational value to user groups, tax  
119 base, revenues generated, and beach acquisition and maintenance  
120 costs.

121 (h) Study dune and vegetation conditions, identify  
122 existing beach projects without dune features or with dunes  
123 without adequate elevations, and encourage dune restoration and  
124 revegetation to be incorporated as part of storm damage recovery  
125 projects or future dune maintenance events.

126 (i) Identify beach areas used by marine turtles and  
127 develop strategies for protection of the turtles and their nests  
128 and nesting locations.

129 (j) Identify alternative management responses to preserve  
130 undeveloped beach and dune systems and, to restore damaged beach  
131 and dune systems. In identifying such management responses, the  
132 department shall consider, at a minimum, and to prevent  
133 inappropriate development and redevelopment on migrating  
134 beaches, and consider beach restoration and nourishment,  
135 armoring, relocation and abandonment, dune and vegetation  
136 restoration, and acquisition.

137 (k) Document procedures and policies for preparing post-  
138 storm damage assessments and corresponding recovery plans,  
139 including repair cost estimates ~~Establish criteria, including~~  
140 ~~costs and specific implementation actions, for alternative~~  
141 ~~management techniques.~~

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142 (1) Identify and assess ~~Select and recommend~~ appropriate  
143 management measures for all of the state's critically eroded  
144 sandy beaches ~~in a beach management program~~.

145 ~~(m) Establish a list of beach restoration and beach~~  
146 ~~nourishment projects, arranged in order of priority, and the~~  
147 ~~funding levels needed for such projects.~~

148 (2) The comprehensive long-term beach management plan  
149 developed and maintained by the department pursuant to  
150 subsection (1) must include, at a minimum, a strategic beach  
151 management plan, a critically eroded beaches report, and a  
152 statewide long-range budget plan.

153 (a) The strategic beach management plan must identify and  
154 recommend appropriate measures for all of the state's critically  
155 eroded sandy beaches and may incorporate plans be prepared at  
156 the regional level, taking into account ~~based upon~~ areas of  
157 greatest need and probable federal and local funding. Upon  
158 approval in accordance with this section, such regional plans  
159 shall be ~~components of the statewide beach management plan and~~  
160 shall serve as the basis for state funding decisions ~~upon~~  
161 ~~approval in accordance with chapter 86-138, Laws of Florida. In~~  
162 ~~accordance with a schedule established for the submission of~~  
163 ~~regional plans by the department, any completed plan must be~~  
164 ~~submitted to the secretary of the department for approval no~~  
165 ~~later than March 1 of each year. These regional plans shall~~  
166 ~~include, but shall not be limited to, recommendations of~~

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167 ~~appropriate funding mechanisms for implementing projects in the~~  
168 ~~beach management plan, giving consideration to the use of~~  
169 ~~single county and multicounty taxing districts or other revenue~~  
170 ~~generation measures by state and local governments and the~~  
171 ~~private sector. Prior to finalizing the strategic beach~~  
172 ~~management presenting the plan to the secretary of the~~  
173 ~~department, the department shall hold a public meeting in the~~  
174 ~~region areas for which the plan is prepared or through a~~  
175 ~~publicly noticed webinar. The plan submission schedule shall be~~  
176 ~~submitted to the secretary for approval. Any revisions to such~~  
177 ~~schedule must be approved in like manner.~~

178 (b) The critically eroded beaches report must be  
179 developed, in part, based on the requirements specified in  
180 paragraph (1)(e), and must be maintained by the department.

181 (c) The statewide long-range budget plan must include at  
182 least 5 years of planned beach restoration, beach nourishment,  
183 and inlet management project funding needs as identified, and  
184 subsequently refined, by local government sponsors. The plan  
185 must identify the proposed schedule of the feasibility, design,  
186 construction, and monitoring phases of the projects anticipated  
187 in the next 5 years and the projected costs of those phases. The  
188 projects may be presented by region and do not need to be  
189 presented in priority order. However, the department should  
190 identify issues that may prevent successful completion of such  
191 projects and recommend solutions that would allow the projects

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192 to progress.

193 (3)(2) Annually, The secretary shall annually present the  
194 statewide long-range budget plan to the Legislature as part of  
195 the department's annual budget request. The work plan must be  
196 accompanied by a 5-year financial forecast for the availability  
197 of funding for the projects recommendations for funding beach  
198 erosion control projects prioritized according to the criteria  
199 established in s. 161.101(14).

200 Section 4. Paragraph (c) of subsection (6) of section  
201 163.3177, Florida Statutes, is amended to read:

202 163.3177 Required and optional elements of comprehensive  
203 plan; studies and surveys.—

204 (6) In addition to the requirements of subsections (1)-  
205 (5), the comprehensive plan shall include the following  
206 elements:

207 (c) A general sanitary sewer, solid waste, drainage,  
208 potable water, and natural groundwater aquifer recharge element  
209 correlated to principles and guidelines for future land use,  
210 indicating ways to provide for future potable water, drainage,  
211 sanitary sewer, solid waste, and aquifer recharge protection  
212 requirements for the area. The element may be a detailed  
213 engineering plan including a topographic map depicting areas of  
214 prime groundwater recharge.

215 1. Each local government shall address in the data and  
216 analyses required by this section those facilities that provide



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217 service within the local government's jurisdiction. Local  
218 governments that provide facilities to serve areas within other  
219 local government jurisdictions shall also address those  
220 facilities in the data and analyses required by this section,  
221 using data from the comprehensive plan for those areas for the  
222 purpose of projecting facility needs as required in this  
223 subsection. For shared facilities, each local government shall  
224 indicate the proportional capacity of the systems allocated to  
225 serve its jurisdiction.

226 2. The element shall describe the problems and needs and  
227 the general facilities that will be required for solution of the  
228 problems and needs, including correcting existing facility  
229 deficiencies. The element shall address coordinating the  
230 extension of, or increase in the capacity of, facilities to meet  
231 future needs while maximizing the use of existing facilities and  
232 discouraging urban sprawl; conserving potable water resources;  
233 and protecting the functions of natural groundwater recharge  
234 areas and natural drainage features.

235 3. Within 18 months after the governing board approves an  
236 updated regional water supply plan, the element must incorporate  
237 the alternative water supply project or projects selected by the  
238 local government from those identified in the regional water  
239 supply plan pursuant to s. 373.709(2)(a) or proposed by the  
240 local government under s. 373.709(8)(b). If a local government  
241 is located within two water management districts, the local

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242 government shall adopt its comprehensive plan amendment within  
243 18 months after the later updated regional water supply plan.  
244 The element must identify such alternative water supply projects  
245 and traditional water supply projects and conservation and reuse  
246 necessary to meet the water needs identified in s. 373.709(2)(a)  
247 within the local government's jurisdiction and include a work  
248 plan, covering at least a 10-year planning period, for building  
249 public, private, and regional water supply facilities, including  
250 development of alternative water supplies, which are identified  
251 in the element as necessary to serve existing and new  
252 development. The work plan shall be updated, at a minimum, every  
253 5 years within 18 months after the governing board of a water  
254 management district approves an updated regional water supply  
255 plan. A local government designated as a rural area of  
256 opportunity pursuant to s. 288.0656 which does not own, operate,  
257 or maintain its own water supply facilities, including, but not  
258 limited to, wells, treatment facilities, and distribution  
259 infrastructure, is not required to develop or maintain the work  
260 plan required under this subparagraph. Local governments, public  
261 and private utilities, regional water supply authorities,  
262 special districts, and water management districts are encouraged  
263 to cooperatively plan for the development of multijurisdictional  
264 water supply facilities that are sufficient to meet projected  
265 demands for established planning periods, including the  
266 development of alternative water sources to supplement

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267 traditional sources of groundwater and surface water supplies.

268 4. A local government that does not own, operate, or  
269 maintain its own water supply facilities, including, but not  
270 limited to, wells, treatment facilities, and distribution  
271 infrastructure, and is served by a public water utility with a  
272 permitted allocation of greater than 300 million gallons per day  
273 is not required to amend its comprehensive plan in response to  
274 an updated regional water supply plan or to maintain a work plan  
275 if any such local government's usage of water constitutes less  
276 than 1 percent of the public water utility's total permitted  
277 allocation. However, any such local government is required to  
278 cooperate with, and provide relevant data to, any local  
279 government or utility provider that provides service within its  
280 jurisdiction, and to keep its general sanitary sewer, solid  
281 waste, potable water, and natural groundwater aquifer recharge  
282 element updated in accordance with s. 163.3191.

283 Section 5. Section 166.0452, Florida Statutes, is created  
284 to read:

285 166.0452 Disposition of municipal conservation land  
286 purchased with state funds.-

287 (1) Proceeds from the sale of surplus conservation lands  
288 purchased with Florida Forever funds before July 1, 2015, shall  
289 be deposited into the Florida Forever Trust Fund if the  
290 municipality does not use the proceeds for another purpose  
291 identified in the Florida Forever Act within three years. If the

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292 municipality purchased the conservation land with multiple  
293 revenue sources, the municipality shall deposit an amount based  
294 on the percentage of Florida Forever funds used for the original  
295 purchase.

296 (2) Proceeds from the sale of surplus conservation lands  
297 purchased with state funds on or after July 1, 2015, shall be  
298 deposited into the Land Acquisition Trust Fund if the  
299 municipality does not use the proceeds for another purpose  
300 identified in s. 28, Art. X of the State Constitution within  
301 three years. If the municipality purchased the conservation land  
302 with funds other than those from the Land Acquisition Trust Fund  
303 or a land acquisition trust fund created to implement s. 28,  
304 Art. X of the State Constitution, the proceeds shall be  
305 deposited into the fund from which the land was purchased. If  
306 the municipality purchased the conservation land with multiple  
307 revenue sources, the municipality shall deposit an amount based  
308 on the percentage of state funds used for the original purchase.

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

311 215.618 Bonds for acquisition and improvement of land,  
312 water areas, and related property interests and resources.—

313 (1) (a) The issuance of Florida Forever bonds, not to  
314 exceed \$5.3 billion, to finance or refinance the cost of  
315 acquisition ~~and improvement~~ of land, water areas, and related  
316 property interests and resources, in urban and rural settings,

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317 for the purposes of restoration, conservation, recreation, water  
318 resource development, or historical preservation, ~~and for~~  
319 ~~capital improvements to lands and water areas that accomplish~~  
320 ~~environmental restoration, enhance public access and~~  
321 ~~recreational enjoyment, promote long term management goals, and~~  
322 ~~facilitate water resource development is hereby authorized,~~  
323 subject to s. 259.105, and to finance or refinance any costs  
324 related to the purposes identified in s. 373.4598, is  
325 authorized. The issuance of Florida Forever bonds shall be and  
326 pursuant to s. 11(e), Art. VII of the State Constitution and, on  
327 or after July 1, 2015, to also finance or refinance the  
328 acquisition and improvement of land, water areas, and related  
329 property interests and the purposes identified in s. 373.4598 as  
330 provided in s. 28, Art. X of the State Constitution. The \$5.3  
331 billion limitation on the issuance of Florida Forever bonds does  
332 not apply to refunding bonds. The duration of each series of  
333 Florida Forever bonds issued may not exceed 20 annual  
334 maturities. Not more than 58.25 percent of documentary stamp  
335 taxes collected may be taken into account for the purpose of  
336 satisfying an additional bonds test set forth in any authorizing  
337 resolution for bonds issued on or after July 1, 2015.

338 (6) ~~There shall be~~ No sale, disposition, lease, easement,  
339 license, or other use of any land, water areas, or related  
340 property interests acquired ~~or improved~~ with proceeds of Florida  
341 Forever bonds may be made if it ~~which~~ would cause all or any

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342 portion of the interest of such bonds to lose the exclusion from  
343 gross income for federal income tax purposes.

344 Section 7. Subsection (8) is added to section 253.0251,  
345 Florida Statutes, to read:

346 253.0251 Alternatives to fee simple acquisition.—

347 (8) The Department of Environmental Protection may provide  
348 assistance to local governments administering rural-lands-  
349 protection easement programs. The department may provide  
350 technical support to review applications for inclusion in the  
351 local government's program, serve as acquisition agents for the  
352 local government using the procedures in s. 570.715, facilitate  
353 real estate closings, and monitor compliance with the  
354 conservation easements. The department may not use any state  
355 funds to assist in the purchase of such easements or pay any  
356 acquisition costs. The local government must compensate the  
357 department for its services. The agreement for assistance must  
358 be documented in a memorandum of agreement between the  
359 department and the local government. The title to such  
360 conservation easements shall be held in the name of the local  
361 government.

362 Section 8. Paragraph (b) of subsection (5) of section  
363 253.034, Florida Statutes, is amended to read:

364 253.034 State-owned lands; uses.—

365 (5) Each manager of conservation lands shall submit to the  
366 Division of State Lands a land management plan at least every 10

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367 years in a form and manner adopted by rule of the board of  
368 trustees and in accordance with s. 259.032. Each manager of  
369 conservation lands shall also update a land management plan  
370 whenever the manager proposes to add new facilities or make  
371 substantive land use or management changes that were not  
372 addressed in the approved plan, or within 1 year after the  
373 addition of significant new lands. Each manager of  
374 nonconservation lands shall submit to the Division of State  
375 Lands a land use plan at least every 10 years in a form and  
376 manner adopted by rule of the board of trustees. The division  
377 shall review each plan for compliance with the requirements of  
378 this subsection and the requirements of the rules adopted by the  
379 board of trustees pursuant to this section. All nonconservation  
380 land use plans, whether for single-use or multiple-use  
381 properties, shall be managed to provide the greatest benefit to  
382 the state. Plans for managed areas larger than 1,000 acres shall  
383 contain an analysis of the multiple-use potential of the  
384 property which includes the potential of the property to  
385 generate revenues to enhance the management of the property. In  
386 addition, the plan shall contain an analysis of the potential  
387 use of private land managers to facilitate the restoration or  
388 management of these lands. If a newly acquired property has a  
389 valid conservation plan that was developed by a soil and  
390 conservation district, such plan shall be used to guide  
391 management of the property until a formal land use plan is

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392 completed.

393 (b) Short-term and long-term management goals for state  
394 conservation lands shall include measurable objectives for the  
395 following, as appropriate:

396 1. Habitat restoration and improvement.

397 2. Public access and recreational opportunities.

398 3. Hydrological preservation and restoration.

399 4. Sustainable forest management.

400 5. Exotic and invasive species maintenance and control,  
401 including prioritizing the species that must be maintained or  
402 controlled and the areas where the control and maintenance must  
403 first be addressed.

404 6. Capital facilities and infrastructure.

405 7. Cultural and historical resources.

406 8. Imperiled species habitat maintenance, enhancement,  
407 restoration, or population restoration.

408 Section 9. Subsection (3) is added to section 258.014,  
409 Florida Statutes, to read:

410 258.014 Fees for use of state parks.—

411 (3) The division shall adopt rules to create a state park  
412 annual entrance pass program for volunteer work related to  
413 nonnative and invasive plant species removal. The division shall  
414 issue an annual entrance pass to all state parks at no charge to  
415 individuals who perform 50 hours of volunteer service at any  
416 state park to remove nonnative and invasive plant species. The



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417 volunteer work performed by the individual must be consistent  
418 with the park's adopted unit management plan and under the  
419 supervision of the division. The rules must include, at a  
420 minimum:

421 (a) Identification of what qualifies as volunteer hours  
422 performed.

423 (b) A process to document and verify the individual  
424 performed 50 hours of volunteer service for nonnative and  
425 invasive species removal at state parks prior to receiving an  
426 annual entrance pass at no charge.

427 (c) A process to identify appropriate nonnative and  
428 invasive species removal activities and locations appropriate  
429 for volunteers consistent with each park's unit management plan.

430 (d) A process for supervising volunteer activities to  
431 ensure the safety of the volunteers and the service is conducted  
432 in a manner consistent with the park's unit management plan.

433 Section 10. Subsections (3) and (6) of section 259.03,  
434 Florida Statutes, are amended to read:

435 259.03 Definitions.—The following terms and phrases when  
436 used in this chapter shall have the meanings ascribed to them in  
437 this section, except where the context clearly indicates a  
438 different meaning:

439 ~~(3) "Capital improvement" or "capital project expenditure"~~  
440 ~~means those activities relating to the acquisition, restoration,~~  
441 ~~public access, and recreational uses of such lands, water areas,~~

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442 ~~and related resources deemed necessary to accomplish the~~  
443 ~~purposes of this chapter. Eligible activities include, but are~~  
444 ~~not limited to: the initial removal of invasive plants; the~~  
445 ~~construction, improvement, enlargement or extension of~~  
446 ~~facilities' signs, firelanes, access roads, and trails; or any~~  
447 ~~other activities that serve to restore, conserve, protect, or~~  
448 ~~provide public access, recreational opportunities, or necessary~~  
449 ~~services for land or water areas. Such activities shall be~~  
450 ~~identified prior to the acquisition of a parcel or the approval~~  
451 ~~of a project. The continued expenditures necessary for a capital~~  
452 ~~improvement approved under this subsection shall not be eligible~~  
453 ~~for funding provided in this chapter.~~

454 ~~(6) "Water resource development project" means a project~~  
455 ~~eligible for funding pursuant to s. 259.105 that increases the~~  
456 ~~amount of water available to meet the needs of natural systems~~  
457 ~~and the citizens of the state by enhancing or restoring aquifer~~  
458 ~~recharge, facilitating the capture and storage of excess flows~~  
459 ~~in surface waters, or promoting reuse. The implementation of~~  
460 ~~eligible projects under s. 259.105 includes land acquisition,~~  
461 ~~land and water body restoration, aquifer storage and recovery~~  
462 ~~facilities, surface water reservoirs, and other capital~~  
463 ~~improvements. The term does not include construction of~~  
464 ~~treatment, transmission, or distribution facilities.~~

465 Section 11. Paragraphs (b), (d), and (e) of subsection (9)  
466 of section 259.032, Florida Statutes, are amended to read:

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467 259.032 Conservation and recreation lands.—  
468 (9)  
469 ~~(b) An amount of not less than 1.5 percent of the~~  
470 ~~cumulative total of funds ever deposited into the former Florida~~  
471 ~~Preservation 2000 Trust Fund and the Florida Forever Trust Fund~~  
472 ~~shall be made available for the purposes of management,~~  
473 ~~maintenance, and capital improvements, and for associated~~  
474 ~~contractual services, for conservation and recreation lands~~  
475 ~~acquired with funds deposited into the Land Acquisition Trust~~  
476 ~~Fund pursuant to s. 28(a), Art. X of the State Constitution or~~  
477 ~~pursuant to former s. 259.032, Florida Statutes 2014, former s.~~  
478 ~~259.101, Florida Statutes 2014, s. 259.105, s. 259.1052, or~~  
479 ~~previous programs for the acquisition of lands for conservation~~  
480 ~~and recreation, including state forests, to which title is~~  
481 ~~vested in the board of trustees and other conservation and~~  
482 ~~recreation lands managed by a state agency. Each agency with~~  
483 ~~management responsibilities shall annually request from the~~  
484 ~~Legislature funds sufficient to fulfill such responsibilities to~~  
485 ~~implement individual management plans. For the purposes of this~~  
486 ~~paragraph, capital improvements shall include, but need not be~~  
487 ~~limited to, perimeter fencing, signs, firelanes, access roads~~  
488 ~~and trails, and minimal public accommodations, such as primitive~~  
489 ~~campsites, garbage receptacles, and toilets. Any equipment~~  
490 ~~purchased with funds provided pursuant to this paragraph may be~~  
491 ~~used for the purposes described in this paragraph on any~~

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492 ~~conservation and recreation lands managed by a state agency. The~~  
493 ~~funding requirement created in this paragraph is subject to an~~  
494 ~~annual evaluation by the Legislature to ensure that such~~  
495 ~~requirement does not impact the respective trust fund in a~~  
496 ~~manner that would prevent the trust fund from meeting other~~  
497 ~~minimum requirements.~~

498 ~~(d) Up to one fifth of the funds appropriated for the~~  
499 ~~purposes identified in paragraph (b) shall be reserved by the~~  
500 ~~board for interim management of acquisitions and for associated~~  
501 ~~contractual services, to ensure the conservation and protection~~  
502 ~~of natural resources on project sites and to allow limited~~  
503 ~~public recreational use of lands. Interim management activities~~  
504 ~~may include, but not be limited to, resource assessments,~~  
505 ~~control of invasive, nonnative species, habitat restoration,~~  
506 ~~fencing, law enforcement, controlled burning, and public access~~  
507 ~~consistent with preliminary determinations made pursuant to~~  
508 ~~paragraph (7) (f). The board shall make these interim funds~~  
509 ~~available immediately upon purchase.~~

510 ~~(e) The department shall set long range and annual goals~~  
511 ~~for the control and removal of nonnative, invasive plant species~~  
512 ~~on public lands. Such goals shall differentiate between aquatic~~  
513 ~~plant species and upland plant species. In setting such goals,~~  
514 ~~the department may rank, in order of adverse impact, species~~  
515 ~~that impede or destroy the functioning of natural systems.~~  
516 ~~Notwithstanding paragraph (a), up to one fourth of the funds~~

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517 ~~provided for in paragraph (b) may be used by the agencies~~  
518 ~~receiving those funds for control and removal of nonnative,~~  
519 ~~invasive species on public lands.~~

520 Section 12. Section 259.105, Florida Statutes, is amended  
521 to read:

522 259.105 The Florida Forever Act.—

523 (1) This section may be cited as the "Florida Forever  
524 Act."

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

526 1. Land acquisition programs have provided tremendous  
527 financial resources for purchasing environmentally significant  
528 lands to protect those lands from imminent development or  
529 alteration, thereby ensuring present and future generations'  
530 access to important waterways, open spaces, and recreation and  
531 conservation lands.

532 2. The continued alteration and development of the state's  
533 natural and rural areas to accommodate the state's growing  
534 population have contributed to the degradation of water  
535 resources, the fragmentation and destruction of wildlife  
536 habitats, the loss of outdoor recreation space, and the  
537 diminishment of wetlands, forests, working landscapes, and  
538 coastal open space.

539 3. The potential development of the state's remaining  
540 natural areas and escalation of land values require government  
541 efforts to restore, bring under public protection, or acquire

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542 lands and water areas to preserve the state's essential  
543 ecological functions and invaluable quality of life.

544 4. It is essential to protect the state's ecosystems by  
545 promoting a more efficient use of land, to ensure opportunities  
546 for viable agricultural activities on working lands, and to  
547 promote vital rural and urban communities that support and  
548 produce development patterns consistent with natural resource  
549 protection.

550 5. The state's groundwater, surface waters, and springs  
551 are under tremendous pressure due to population growth and  
552 economic expansion and require special protection and  
553 restoration efforts, including the protection of uplands and  
554 springsheds that provide vital recharge to aquifer systems and  
555 are critical to the protection of water quality and water  
556 quantity of the aquifers and springs. To ensure that sufficient  
557 quantities of water are available to meet the current and future  
558 needs of the natural systems and citizens of the state, and  
559 assist in achieving the planning goals of the department and the  
560 water management districts, water resource development projects  
561 on public lands, if compatible with the resource values of and  
562 management objectives for the lands, are appropriate.

563 6. The needs of urban, suburban, and small communities in  
564 the state for high-quality outdoor recreational opportunities,  
565 greenways, trails, and open space have not been fully met by  
566 previous acquisition programs. Through such programs as the

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567 Florida Communities Trust and the Florida Recreation Development  
568 Assistance Program, the state shall place additional emphasis on  
569 acquiring, protecting, preserving, and restoring open space,  
570 ecological greenways, and recreation properties within urban,  
571 suburban, and rural areas where pristine natural communities or  
572 water bodies no longer exist because of the proximity of  
573 developed property.

574 7. Many of the state's unique ecosystems, such as the  
575 Florida Everglades, are facing ecological collapse due to the  
576 state's burgeoning population growth and other economic  
577 activities. To preserve these valuable ecosystems for future  
578 generations, essential parcels of land must be acquired to  
579 facilitate ecosystem restoration.

580 8. Access to public lands to support a broad range of  
581 outdoor recreational opportunities and the development of  
582 necessary infrastructure, if compatible with the resource values  
583 of and management objectives for such lands, promotes an  
584 appreciation for the state's natural assets and improves the  
585 quality of life.

586 9. Acquisition of lands, in fee simple, less than fee  
587 interest, or other techniques shall be based on a comprehensive  
588 science-based assessment of the state's natural resources which  
589 targets essential conservation lands by prioritizing all current  
590 and future acquisitions based on a uniform set of data and  
591 planned so as to protect the integrity and function of

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592 ecological systems and working landscapes, and provide multiple  
593 benefits, including preservation of fish and wildlife habitat,  
594 connection of wildlife habitat with a wildlife crossing,  
595 recreation space for urban and rural areas, and the restoration  
596 of natural water storage, flow, and recharge.

597 10. The state has embraced performance-based program  
598 budgeting as a tool to evaluate the achievements of publicly  
599 funded agencies, build in accountability, and reward those  
600 agencies which are able to consistently achieve quantifiable  
601 goals. While previous and existing state environmental programs  
602 have achieved varying degrees of success, few of these programs  
603 can be evaluated as to the extent of their achievements,  
604 primarily because performance measures, standards, outcomes, and  
605 goals were not established at the outset. Therefore, the Florida  
606 Forever program shall be developed and implemented in the  
607 context of measurable state goals and objectives.

608 11. The state must play a major role in the recovery and  
609 management of its imperiled species through the acquisition,  
610 restoration, enhancement, and management of ecosystems that can  
611 support the major life functions of such species. It is the  
612 intent of the Legislature to support local, state, and federal  
613 programs that result in net benefit to imperiled species habitat  
614 by providing public and private land owners meaningful  
615 incentives for acquiring, restoring, managing, and repopulating  
616 habitats for imperiled species. It is the further intent of the



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617 Legislature that public lands, both existing and to be acquired,  
618 identified by the lead land managing agency, in consultation  
619 with the Fish and Wildlife Conservation Commission for animals  
620 or the Department of Agriculture and Consumer Services for  
621 plants, as habitat or potentially restorable habitat for  
622 imperiled species, be restored, enhanced, managed, and  
623 repopulated as habitat for such species to advance the goals and  
624 objectives of imperiled species management for conservation,  
625 recreation, or both, consistent with the land management plan  
626 without restricting other uses identified in the management  
627 plan. It is also the intent of the Legislature that of the  
628 proceeds distributed pursuant to subsection (3), additional  
629 consideration be given to acquisitions that achieve a  
630 combination of conservation goals, including the restoration,  
631 enhancement, management, or repopulation of habitat for  
632 imperiled species. The council, ~~in addition to the criteria in~~  
633 ~~subsection (9),~~ shall give weight to projects that include  
634 acquisition, restoration, management, or repopulation of habitat  
635 for imperiled species. The term "imperiled species" as used in  
636 this chapter and chapter 253, means plants and animals that are  
637 federally listed under the Endangered Species Act, or state-  
638 listed by the Fish and Wildlife Conservation Commission or the  
639 Department of Agriculture and Consumer Services. As part of the  
640 state's role, all state lands that have imperiled species  
641 habitat shall include as a consideration in management plan

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642 development the restoration, enhancement, management, and  
643 repopulation of such habitats. In addition, the lead land  
644 managing agency of such state lands may use fees received from  
645 public or private entities for projects to offset adverse  
646 impacts to imperiled species or their habitat in order to  
647 restore, enhance, manage, repopulate, or acquire land and to  
648 implement land management plans developed under s. 253.034 or a  
649 land management prospectus developed and implemented under this  
650 chapter. Such fees shall be deposited into a foundation or fund  
651 created by each land management agency under s. 379.223, s.  
652 589.012, or s. 259.032(9)(b) ~~s. 259.032(9)(e)~~, to be used solely  
653 to restore, manage, enhance, repopulate, or acquire imperiled  
654 species habitat.

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

659 (b) The Legislature recognizes that acquisition of lands  
660 in fee simple is only one way to achieve the aforementioned  
661 goals and encourages the use of less-than-fee interests, other  
662 techniques, and the development of creative partnerships between  
663 governmental agencies and private landowners. Such partnerships  
664 may include those that advance the restoration, enhancement,  
665 management, or repopulation of imperiled species habitat on  
666 state lands as provided for in subparagraph (a)11. Easements

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667 acquired pursuant to s. 570.71(2)(a) and (b), land protection  
668 agreements, and nonstate funded tools such as rural land  
669 stewardship areas, sector planning, and mitigation should be  
670 used, where appropriate, to bring environmentally sensitive  
671 tracts under an acceptable level of protection at a lower  
672 financial cost to the public, and to provide private landowners  
673 with the opportunity to enjoy and benefit from their property.

674 (c) Public agencies or other entities that receive funds  
675 under this section shall coordinate their expenditures so that  
676 project acquisitions, when combined with acquisitions under  
677 Florida Forever, Preservation 2000, Save Our Rivers, the Florida  
678 Communities Trust, other public land acquisition programs, and  
679 the techniques, partnerships, and tools referenced in  
680 subparagraph (a)11. and paragraph (b), are used to form more  
681 complete patterns of protection for natural areas, ecological  
682 greenways, and functioning ecosystems, to better accomplish the  
683 intent of this section.

684 (d) A long-term financial commitment to restoring,  
685 enhancing, and managing the state's Florida's public lands in  
686 order to implement land management plans developed under s.  
687 253.034 or a land management prospectus developed and  
688 implemented under this chapter must accompany any land  
689 acquisition program to ensure that the natural resource values  
690 of such lands are restored, enhanced, managed, and protected;  
691 that the public enjoys the lands to their fullest potential; and

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692 that the state achieves the full benefits of its investment of  
693 public dollars. Innovative strategies such as public-private  
694 partnerships and interagency planning and sharing of resources  
695 shall be used to achieve the state's management goals.

696 (e) With limited dollars available for ~~restoration,~~  
697 ~~enhancement, management, and~~ acquisition of land and water areas  
698 ~~and for providing long term management and capital improvements,~~  
699 a competitive selection process shall select those projects best  
700 able to meet the goals of the Florida Forever program and  
701 maximize the efficient use of the program's funding.

702 (f) To ensure success and provide accountability to the  
703 citizens of this state, it is the intent of the Legislature that  
704 any cash or bond proceeds used pursuant to this section be used  
705 to implement the goals and objectives recommended by a  
706 comprehensive science-based assessment and approved by the board  
707 ~~of Trustees of the Internal Improvement Trust Fund~~ and the  
708 Legislature.

709 (g) As it has with previous land acquisition programs, the  
710 Legislature recognizes the desires of the residents of this  
711 state to prosper through economic development and to preserve,  
712 restore, and manage the state's natural areas and recreational  
713 open space. The Legislature further recognizes the urgency of  
714 restoring the natural functions, including wildlife and  
715 imperiled species habitat functions, of public lands or water  
716 bodies before they are degraded to a point where recovery may

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717 never occur, yet acknowledges the difficulty of ensuring  
718 adequate funding for restoration, enhancement, and management  
719 efforts in light of other equally critical financial needs of  
720 the state. It is the Legislature's desire and intent to fund the  
721 implementation of this section and to do so in a fiscally  
722 responsible manner, by issuing bonds to be repaid with  
723 documentary stamp tax or other revenue sources, including those  
724 identified in subparagraph (a)11.

725 (h) The Legislature further recognizes the important role  
726 that many of our state and federal military installations  
727 contribute to protecting and preserving the state's Florida's  
728 natural resources as well as our economic prosperity. Where the  
729 state's land conservation plans overlap with the military's need  
730 to protect lands, waters, and habitat to ensure the  
731 sustainability of military missions, it is the Legislature's  
732 intent that agencies receiving funds under this program  
733 cooperate with our military partners to protect and buffer  
734 military installations and military airspace, by:

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

739 2. Protecting areas underlying low-level military air  
740 corridors or operating areas;

741 3. Protecting areas identified as clear zones, accident

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742 potential zones, and air installation compatible use buffer  
743 zones delineated by our military partners; and

744 4. Providing the military with technical assistance to  
745 restore, enhance, and manage military land as habitat for  
746 imperiled species or species designated as threatened or  
747 endangered, or a candidate for such designation, and for the  
748 recovery or reestablishment of such species.

749 (3) Less the costs of issuing and the costs of funding  
750 reserve accounts and other costs associated with bonds, the  
751 proceeds of cash payments or bonds issued pursuant to this  
752 section shall be deposited into the Florida Forever Trust Fund  
753 created by s. 259.1051. The proceeds shall be distributed by the  
754 department of ~~Environmental Protection~~ in the following manner:

755 ~~(a) Thirty percent to the Department of Environmental~~  
756 ~~Protection for the acquisition of lands and capital project~~  
757 ~~expenditures necessary to implement the water management~~  
758 ~~districts' priority lists developed pursuant to s. 373.199. The~~  
759 ~~funds are to be distributed to the water management districts as~~  
760 ~~provided in subsection (11). A minimum of 50 percent of the~~  
761 ~~total funds provided over the life of the Florida Forever~~  
762 ~~program pursuant to this paragraph shall be used for the~~  
763 ~~acquisition of lands.~~

764 (a) (b) Thirty-three and one-third ~~Thirty-five~~ percent to  
765 the department of ~~Environmental Protection~~ for the acquisition  
766 of lands and ~~capital project expenditures~~ described in this

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767 section, lands necessary to implement the water management  
768 districts' priority lists developed pursuant to s. 373.199, the  
769 purchase of inholdings for lands managed by the department, the  
770 Fish and Wildlife Conservation Commission, and the Florida  
771 Forest Service within the Department of Agriculture and Consumer  
772 Services, and to provide grants for land acquisition pursuant to  
773 s. 375.075. Of the proceeds distributed pursuant to this  
774 paragraph, it is the intent of the Legislature that an increased  
775 priority be given to those acquisitions ~~that~~ which achieve a  
776 combination of conservation goals, including protecting the  
777 state's Florida's water resources and natural groundwater  
778 recharge. ~~At a minimum, 3 percent, and no more than 10 percent,~~  
779 ~~of the funds allocated pursuant to this paragraph shall be spent~~  
780 ~~on capital project expenditures identified during the time of~~  
781 ~~acquisition which meet land management planning activities~~  
782 ~~necessary for public access.~~

783 1. In addition to utilizing funds for acquisitions on the  
784 list adopted by the council, the department shall distribute  
785 funds for lands necessary to implement the water management  
786 districts' priority lists developed pursuant to s. 373.199, the  
787 purchase of inholdings for lands managed by the department, the  
788 Fish and Wildlife Conservation Commission, and the Florida  
789 Forest Service within the Department of Agriculture and Consumer  
790 Services, and to provide grants for land acquisition pursuant to  
791 s. 375.075, if the acquisition proposed by an agency is

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792 identified as a current year priority, has demonstrated to be  
793 the greatest need, and is consistent with annual legislative  
794 appropriations.

795 2. The agencies that receive funds for the acquisition of  
796 inholdings shall develop their individual acquisition or  
797 restoration lists in accordance with specific criteria and  
798 numeric performance measures developed pursuant to s.  
799 259.035(4). Proposed additions may be acquired if the proposed  
800 additions are identified within the original project boundary,  
801 the management plan required pursuant to s. 253.034(5), or the  
802 management prospectus required pursuant to s. 259.032(7)(c).  
803 Proposed additions not meeting the requirements of this  
804 subparagraph shall be submitted to the council for approval. The  
805 council may only approve the proposed addition if it meets two  
806 or more of the following criteria:

- 807 a. Serves as a link or corridor to other publicly owned  
808 property.
- 809 b. Enhances the protection or management of the property.
- 810 c. Adds a desirable resource to the property.
- 811 d. Creates a more manageable boundary configuration.
- 812 e. Protects a high resource value that would otherwise not  
813 be protected.
- 814 f. Can be acquired at less than fair market value.

815 3. Beginning in the 2017-2018 fiscal year and continuing  
816 through the 2026-2027 fiscal year, at least \$5 million of the



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817 funds allocated pursuant to this paragraph shall be spent on  
818 land acquisition within the Florida Keys Area of Critical State  
819 Concern as authorized pursuant to s. 259.045.

820 ~~(b)(e)~~ Thirty-three and one-third ~~Twenty-one~~ percent to  
821 the department of ~~Environmental Protection~~ for use by the  
822 Florida Communities Trust for the purposes of part III of  
823 chapter 380, including the Stan Mayfield Working Waterfronts  
824 program pursuant to s. 380.5105, as described and limited by  
825 this subsection, and grants to local governments or nonprofit  
826 environmental organizations that are tax-exempt under s.  
827 501(c)(3) of the United States Internal Revenue Code for the  
828 acquisition of community-based projects, urban open spaces,  
829 parks, and greenways to implement local government comprehensive  
830 plans. From funds available to the trust and used for land  
831 acquisition, 75 percent shall be matched by local governments on  
832 a dollar-for-dollar basis. ~~The Legislature intends that the~~  
833 ~~Florida Communities Trust emphasize funding projects in low-~~  
834 ~~income or otherwise disadvantaged communities and projects that~~  
835 ~~provide areas for direct water access and water dependent~~  
836 ~~facilities that are open to the public and offer public access~~  
837 ~~by vessels to waters of the state, including boat ramps and~~  
838 ~~associated parking and other support facilities. At least 30~~  
839 ~~percent of the total allocation provided to the trust shall be~~  
840 ~~used in Standard Metropolitan Statistical Areas, but one-half of~~  
841 ~~that amount shall be used in localities in which the project~~

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842 ~~site is located in built up commercial, industrial, or mixed use~~  
843 ~~areas and functions to intersperse open spaces within congested~~  
844 ~~urban core areas. From funds allocated to the trust, no less~~  
845 ~~than 5 percent shall be used to acquire lands for recreational~~  
846 ~~trail systems, provided that in the event these funds are not~~  
847 ~~needed for such projects, they will be available for other trust~~  
848 ~~projects.~~ Local governments may use federal grants or loans,  
849 private donations, or environmental mitigation funds for any  
850 part or all of any local match required for acquisitions funded  
851 through the Florida Communities Trust. Any lands purchased by  
852 nonprofit organizations using funds allocated under this  
853 paragraph must provide for such lands to remain permanently in  
854 public use through a reversion of title to local or state  
855 government, conservation easement, or other appropriate  
856 mechanism. Projects funded with funds allocated to the trust  
857 shall be selected in a competitive process measured against  
858 criteria adopted in rule by the trust.

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

861 ~~(e) One and five tenths percent to the Department of~~  
862 ~~Environmental Protection for the purchase of inholdings and~~  
863 ~~additions to state parks and for capital project expenditures as~~  
864 ~~described in this section. At a minimum, 1 percent, and no more~~  
865 ~~than 10 percent, of the funds allocated pursuant to this~~  
866 ~~paragraph shall be spent on capital project expenditures~~

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867 ~~identified during the time of acquisition which meet land~~  
868 ~~management planning activities necessary for public access. For~~  
869 ~~the purposes of this paragraph, "state park" means any real~~  
870 ~~property in the state which is under the jurisdiction of the~~  
871 ~~Division of Recreation and Parks of the department, or which may~~  
872 ~~come under its jurisdiction.~~

873 ~~(f) One and five tenths percent to the Florida Forest~~  
874 ~~Service of the Department of Agriculture and Consumer Services~~  
875 ~~to fund the acquisition of state forest inholdings and additions~~  
876 ~~pursuant to s. 589.07, the implementation of reforestation plans~~  
877 ~~or sustainable forestry management practices, and for capital~~  
878 ~~project expenditures as described in this section. At a minimum,~~  
879 ~~1 percent, and no more than 10 percent, of the funds allocated~~  
880 ~~for the acquisition of inholdings and additions pursuant to this~~  
881 ~~paragraph shall be spent on capital project expenditures~~  
882 ~~identified during the time of acquisition which meet land~~  
883 ~~management planning activities necessary for public access.~~

884 ~~(g) One and five tenths percent to the Fish and Wildlife~~  
885 ~~Conservation Commission to fund the acquisition of inholdings~~  
886 ~~and additions to lands managed by the commission which are~~  
887 ~~important to the conservation of fish and wildlife and for~~  
888 ~~capital project expenditures as described in this section. At a~~  
889 ~~minimum, 1 percent, and no more than 10 percent, of the funds~~  
890 ~~allocated pursuant to this paragraph shall be spent on capital~~  
891 ~~project expenditures identified during the time of acquisition~~

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892 ~~which meet land management planning activities necessary for~~  
893 ~~public access.~~

894 ~~(h) One and five tenths percent to the Department of~~  
895 ~~Environmental Protection for the Florida Greenways and Trails~~  
896 ~~Program, to acquire greenways and trails or greenways and trail~~  
897 ~~systems pursuant to chapter 260, including, but not limited to,~~  
898 ~~abandoned railroad rights of way and the Florida National Scenic~~  
899 ~~Trail and for capital project expenditures as described in this~~  
900 ~~section. At a minimum, 1 percent, and no more than 10 percent,~~  
901 ~~of the funds allocated pursuant to this paragraph shall be spent~~  
902 ~~on capital project expenditures identified during the time of~~  
903 ~~acquisition which meet land management planning activities~~  
904 ~~necessary for public access.~~

905 ~~(c)(i) Thirty-three and one-third Three and five tenths~~  
906 ~~percent to the Department of Agriculture and Consumer Services~~  
907 ~~for the acquisition of agricultural lands, through perpetual~~  
908 ~~conservation easements and other perpetual less than fee~~  
909 ~~techniques, which will achieve the objectives of the Florida~~  
910 ~~Forever program and s. 570.71. Rules concerning the application,~~  
911 ~~acquisition, and priority ranking process for such easements~~  
912 ~~shall be developed pursuant to s. 570.71(10) and as provided by~~  
913 ~~this paragraph. Increased priority shall be given to the~~  
914 ~~acquisition of rural-lands-protection easements for which local~~  
915 ~~governments are willing to provide cost-share funding for the~~  
916 ~~acquisition. The board shall ensure that such rules are~~

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917 consistent with the acquisition process provided for in s.  
918 570.715. The rules developed pursuant to s. 570.71(10), shall  
919 also provide for the following:

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

923 2. Terms of easements and acquisitions proposed pursuant  
924 to this paragraph shall be approved by the board and may not be  
925 delegated by the board to any other entity receiving funds under  
926 this section.

927 3. All acquisitions pursuant to this paragraph shall  
928 contain a clear statement that they are subject to legislative  
929 appropriation.

930

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

933 ~~(j) Two and five tenths percent to the Department of~~  
934 ~~Environmental Protection for the acquisition of land and capital~~  
935 ~~project expenditures necessary to implement the Stan Mayfield~~  
936 ~~Working Waterfronts Program within the Florida Communities Trust~~  
937 ~~pursuant to s. 380.5105.~~

938 (d) ~~(k)~~ It is the intent of the Legislature that cash  
939 payments or proceeds of Florida Forever bonds distributed under  
940 this section shall be expended in an efficient and fiscally  
941 responsible manner. An agency that receives proceeds from

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942 Florida Forever bonds under this section may not maintain a  
943 balance of unencumbered funds in its Florida Forever subaccount  
944 beyond 3 fiscal years from the date of deposit of funds from  
945 each bond issue. Any funds that have not been expended or  
946 encumbered after 3 fiscal years from the date of deposit shall  
947 be distributed by the Legislature at its next regular session  
948 for use in the Florida Forever program.

949 ~~(l) For the purposes of paragraphs (e), (f), (g), and (h),~~  
950 ~~the agencies that receive the funds shall develop their~~  
951 ~~individual acquisition or restoration lists in accordance with~~  
952 ~~specific criteria and numeric performance measures developed~~  
953 ~~pursuant to s. 259.035(4). Proposed additions may be acquired if~~  
954 ~~they are identified within the original project boundary, the~~  
955 ~~management plan required pursuant to s. 253.034(5), or the~~  
956 ~~management prospectus required pursuant to s. 259.032(7)(c).~~  
957 ~~Proposed additions not meeting the requirements of this~~  
958 ~~paragraph shall be submitted to the council for approval. The~~  
959 ~~council may only approve the proposed addition if it meets two~~  
960 ~~or more of the following criteria: serves as a link or corridor~~  
961 ~~to other publicly owned property; enhances the protection or~~  
962 ~~management of the property; would add a desirable resource to~~  
963 ~~the property; would create a more manageable boundary~~  
964 ~~configuration; has a high resource value that otherwise would be~~  
965 ~~unprotected; or can be acquired at less than fair market value.~~

966 ~~(m) Notwithstanding paragraphs (a) (j) and for the 2016-~~

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967 ~~2017 fiscal year only.~~

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

972 ~~2. Thirty five million dollars to the Department of~~  
973 ~~Agriculture and Consumer Services for the acquisition of~~  
974 ~~agricultural lands through perpetual conservation easements and~~  
975 ~~other perpetual less than fee techniques, which will achieve the~~  
976 ~~objectives of Florida Forever and s. 570.71.~~

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

982 ~~b. The Department of Environmental Protection may waive~~  
983 ~~the local government matching fund requirement of paragraph (c)~~  
984 ~~for projects acquiring conservation or recreation lands to~~  
985 ~~enhance recreational opportunities for individuals with unique~~  
986 ~~abilities.~~

987 ~~c. Notwithstanding sub-subparagraphs a. and b., any funds~~  
988 ~~required to be used to acquire conservation or recreation lands~~  
989 ~~to enhance recreational opportunities for individuals with~~  
990 ~~unique abilities which have not been awarded for those purposes~~  
991 ~~by May 1, 2017, may be awarded to redevelop or renew outdoor~~

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992 ~~recreational facilities on public lands, including recreational~~  
993 ~~trails, parks, and urban open spaces, together with improvements~~  
994 ~~required to enhance recreational enjoyment and public access to~~  
995 ~~public lands, if such redevelopment and renewal is primarily~~  
996 ~~geared toward enhancing recreational opportunities for~~  
997 ~~individuals with unique abilities. The department may waive the~~  
998 ~~local matching requirement of paragraph (c) for such~~  
999 ~~redevelopment and renewal projects.~~

1000

1001 ~~This paragraph expires July 1, 2017.~~

1002 (4) It is the intent of the Legislature that projects or  
1003 acquisitions funded pursuant to paragraph (3) (a) ~~paragraphs~~  
1004 ~~(3) (a) and (b)~~ contribute to the achievement of the following  
1005 goals, which shall be evaluated in accordance with specific  
1006 criteria and numeric performance measures developed pursuant to  
1007 s. 259.035(4):

1008 (a) Enhance the coordination and completion of the state's  
1009 land acquisition projects, as measured by:

1010 1. The number of acres acquired through the state's land  
1011 acquisition programs that contribute to the enhancement of  
1012 essential natural resources, ecosystem service parcels, and  
1013 connecting linkage corridors as identified and developed by the  
1014 best available scientific analysis;

1015 2. The number of acres protected through the use of  
1016 alternatives to fee simple acquisition; or

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1017 3. The number of shared acquisition projects among Florida  
1018 Forever funding partners and partners with other funding  
1019 sources, including local governments and the Federal Government.

1020 (b) Increase the protection of the state's Florida's  
1021 biodiversity at the species, natural community, and landscape  
1022 levels, as measured by:

1023 1. The number of acres acquired of significant strategic  
1024 habitat conservation areas;

1025 2. The number of acres acquired of highest priority  
1026 conservation areas for the state's Florida's rarest species;

1027 3. The number of acres acquired of significant landscapes,  
1028 landscape linkages, wildlife crossings, and conservation  
1029 corridors, giving priority to completing linkages;

1030 4. The number of acres acquired of underrepresented native  
1031 ecosystems;

1032 5. The number of landscape-sized protection areas of at  
1033 least 50,000 acres that exhibit a mosaic of predominantly intact  
1034 or restorable natural communities established through new  
1035 acquisition projects or augmentations to previous projects; or

1036 6. The percentage increase in the number of occurrences of  
1037 imperiled species on publicly managed conservation areas.

1038 (c) Protect, restore, and maintain the quality and natural  
1039 functions of the state's land, water, and wetland systems of the  
1040 state, as measured by:

1041 1. The number of acres of publicly owned land identified

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1042 as needing restoration, enhancement, and management, acres  
1043 undergoing restoration or enhancement, acres with restoration  
1044 activities completed, and acres managed to maintain such  
1045 restored or enhanced conditions; the number of acres which  
1046 represent actual or potential imperiled species habitat; the  
1047 number of acres which are available pursuant to a management  
1048 plan to restore, enhance, repopulate, and manage imperiled  
1049 species habitat; and the number of acres of imperiled species  
1050 habitat managed, restored, enhanced, repopulated, or acquired;

1051 2. The percentage of water segments that fully meet,  
1052 partially meet, or do not meet their designated uses as reported  
1053 in the department's ~~Department of Environmental Protection's~~  
1054 State Water Quality Assessment 305(b) Report;

1055 ~~3. The percentage completion of targeted capital~~  
1056 ~~improvements in surface water improvement and management plans~~  
1057 ~~created under s. 373.453(2), regional or master stormwater~~  
1058 ~~management system plans, or other adopted restoration plans;~~

1059 ~~3.4.~~ The number of acres acquired that protect natural  
1060 floodplain functions;

1061 ~~4.5.~~ The number of acres acquired that protect surface  
1062 waters ~~of the state;~~

1063 ~~5.6.~~ The number of acres identified for acquisition to  
1064 minimize damage from flooding and the percentage of those acres  
1065 acquired;

1066 ~~6.7.~~ The number of acres acquired that protect fragile

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1067 coastal resources;

1068 ~~7.8.~~ The number of acres of functional wetland systems  
1069 protected;

1070 ~~8.9.~~ The percentage of miles of critically eroding beaches  
1071 contiguous with public lands that are restored or protected from  
1072 further erosion;

1073 ~~9.10.~~ The percentage of public lakes and rivers in which  
1074 invasive, nonnative aquatic plants are under maintenance  
1075 control; or

1076 ~~10.11.~~ The number of acres of public conservation lands in  
1077 which upland invasive, exotic plants are under maintenance  
1078 control.

1079 (d) Ensure that sufficient quantities of water are  
1080 available to meet the current and future needs of the state's  
1081 natural systems and ~~the citizens of the state~~, as measured by:

1082 1. The number of acres acquired which provide retention  
1083 and storage of surface water in naturally occurring storage  
1084 areas, such as lakes and wetlands, consistent with the  
1085 maintenance of water resources or water supplies and consistent  
1086 with district water supply plans; or

1087 ~~2. The quantity of water made available through the water~~  
1088 ~~resource development component of a district water supply plan~~  
1089 ~~for which a water management district is responsible; or~~

1090 ~~2.3.~~ The number of acres acquired of groundwater recharge  
1091 areas critical to springs, sinks, aquifers, other natural

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1092 systems, or water supply.

1093 (e) Increase the state's natural resource-based public  
1094 recreational and educational opportunities, as measured by:

1095 1. The number of acres acquired that are available for  
1096 natural resource-based public recreation or education;

1097 2. The miles of trails that are available for public  
1098 recreation, giving priority to those that provide significant  
1099 connections including those that will assist in completing the  
1100 Florida National Scenic Trail; or

1101 3. The number of new resource-based recreation facilities,  
1102 by type, made available on public land.

1103 (f) Preserve the state's significant archaeological or  
1104 historic sites, as measured by:

1105 1. The increase in the number of and percentage of  
1106 historic and archaeological properties listed in the Florida  
1107 Master Site File or National Register of Historic Places which  
1108 are protected or preserved for public use; or

1109 2. The increase in the number and percentage of historic  
1110 and archaeological properties that are in state ownership.

1111 (g) Increase the amount of forestland available for  
1112 sustainable management of the state's natural resources, as  
1113 measured by:

1114 1. The number of acres acquired that are available for  
1115 sustainable forest management;

1116 2. The number of acres of state-owned forestland managed

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1117 for economic return in accordance with current best management  
1118 practices;

1119 3. The number of acres of forestland acquired that will  
1120 serve to maintain natural groundwater recharge functions; or

1121 4. The percentage and number of acres identified for  
1122 restoration actually restored by reforestation.

1123 (h) Increase the amount of open space available in the  
1124 state's urban areas, as measured by:

1125 1. The percentage of local governments that participate in  
1126 land acquisition programs and acquire open space in urban cores;  
1127 or

1128 2. The percentage and number of acres of purchases of open  
1129 space within urban service areas.

1130

1131 Florida Forever projects and acquisitions funded pursuant to  
1132 paragraph (3)(b) ~~(3)(e)~~ shall be measured by goals developed by  
1133 rule by the Florida Communities Trust Governing Board created in  
1134 s. 380.504.

1135 (5)(a) All lands acquired pursuant to this section shall  
1136 be managed for multiple-use purposes, if ~~where~~ compatible with  
1137 the resource values of and management objectives for such lands.  
1138 As used in this section, "multiple-use" includes, but is not  
1139 limited to, outdoor recreational activities as described in ss.  
1140 253.034 and 259.032(7)(b), ~~water resource development projects,~~  
1141 sustainable forestry management, carbon sequestration, carbon

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1142 mitigation, or carbon offsets.

1143 (b) Upon a decision by the entity in which title to lands  
1144 acquired pursuant to this section has vested, such lands may be  
1145 designated single use as defined in s. 253.034(2)(b).

1146 (c) For purposes of this section, the board ~~of Trustees of~~  
1147 ~~the Internal Improvement Trust Fund~~ shall adopt rules that  
1148 pertain to the use of state lands for carbon sequestration,  
1149 carbon mitigation, or carbon offsets and that provide for  
1150 climate-change-related benefits.

1151 ~~(6) As provided in this section, a water resource or water~~  
1152 ~~supply development project may be allowed only if the following~~  
1153 ~~conditions are met: minimum flows and levels have been~~  
1154 ~~established for those waters, if any, which may reasonably be~~  
1155 ~~expected to experience significant harm to water resources as a~~  
1156 ~~result of the project; the project complies with all applicable~~  
1157 ~~permitting requirements; and the project is consistent with the~~  
1158 ~~regional water supply plan, if any, of the water management~~  
1159 ~~district and with relevant recovery or prevention strategies if~~  
1160 ~~required pursuant to s. 373.0421(2).~~

1161 (6) ~~(7)~~ (a) Beginning no later than July 1, 2001, and every  
1162 year thereafter, the ~~Acquisition and Restoration~~ council shall  
1163 accept applications from state agencies, local governments,  
1164 nonprofit and for-profit organizations, private land trusts, and  
1165 individuals for project proposals eligible for funding pursuant  
1166 to paragraph (3) (a) ~~(3)~~ (b). The council shall evaluate the

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1167 proposals received pursuant to this subsection to ensure that  
1168 they meet at least one of the criteria under subsection (8) ~~(9)~~.

1169 (b) Project applications shall contain, at a minimum, the  
1170 following:

1171 1. A minimum of two numeric performance measures that  
1172 directly relate to the overall goals adopted by the council.  
1173 Each performance measure shall include a baseline measurement,  
1174 which is the current situation; a performance standard which the  
1175 project sponsor anticipates the project will achieve; and the  
1176 performance measurement itself, which should reflect the  
1177 incremental improvements the project accomplishes towards  
1178 achieving the performance standard.

1179 2. Proof that property owners within any proposed  
1180 acquisition have been notified of their inclusion in the  
1181 proposed project. Any property owner may request the removal of  
1182 such property from further consideration by submitting a request  
1183 to the project sponsor or the Acquisition and Restoration  
1184 Council by certified mail. Upon receiving this request, the  
1185 council shall delete the property from the proposed project;  
1186 however, the board ~~of trustees~~, at the time it votes to approve  
1187 the proposed project lists pursuant to subsection (14) ~~(16)~~, may  
1188 add the property back on to the project lists if it determines  
1189 by a super majority of its members that such property is  
1190 critical to achieve the purposes of the project.

1191 (c) The title to lands acquired under this section shall

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1192 vest in the board of ~~Trustees of the Internal Improvement Trust~~  
1193 ~~Fund~~, except that title to lands acquired by a water management  
1194 district shall vest in the name of that district and lands  
1195 acquired by a local government shall vest in the name of the  
1196 purchasing local government.

1197 (7) ~~(8)~~ The ~~Acquisition and Restoration~~ council shall  
1198 develop a project list that shall represent those projects  
1199 submitted pursuant to subsection (6) ~~(7)~~.

1200 (8) ~~(9)~~ The ~~Acquisition and Restoration~~ council shall  
1201 recommend rules for adoption by the board of trustees to  
1202 competitively evaluate, select, and rank projects eligible for  
1203 Florida Forever funds pursuant to paragraph (3)(a) ~~(3)(b)~~. In  
1204 developing these proposed rules, the ~~Acquisition and Restoration~~  
1205 council shall give weight to the following criteria:

1206 (a) The project meets multiple goals described in  
1207 subsection (4).

1208 (b) The project is part of an ongoing governmental effort  
1209 to restore, protect, or develop land areas or water resources.

1210 (c) The project enhances or facilitates management of  
1211 properties already under public ownership.

1212 (d) The project has significant archaeological or historic  
1213 value.

1214 (e) The project has funding sources that are identified  
1215 and assured through at least the first 2 years of the project.

1216 (f) The project contributes to the solution of water



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1217 resource problems on a regional basis.

1218 (g) The project has a significant portion of its land area  
1219 in imminent danger of development, in imminent danger of losing  
1220 its significant natural attributes or recreational open space,  
1221 or in imminent danger of subdivision which would result in  
1222 multiple ownership and make acquisition of the project costly or  
1223 less likely to be accomplished.

1224 (h) The project implements an element from a plan  
1225 developed by an ecosystem management team.

1226 (i) The project is one of the components of the Everglades  
1227 restoration effort.

1228 (j) The project may be purchased at 80 percent of  
1229 appraised value.

1230 (k) The project may be acquired, in whole or in part,  
1231 using alternatives to fee simple, including but not limited to,  
1232 tax incentives, mitigation funds, or other revenues; the  
1233 purchase of development rights, hunting rights, agricultural or  
1234 silvicultural rights, or mineral rights; or obtaining  
1235 conservation easements or flowage easements.

1236 (l) The project is a joint acquisition, either among  
1237 public agencies, nonprofit organizations, or private entities,  
1238 or by a public-private partnership.

1239 (9)~~(10)~~ The council shall give increased priority to:

1240 (a) Projects for which matching funds are available.

1241 (b) Project elements previously identified on an

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1242 acquisition list pursuant to this section that can be acquired  
1243 at 80 percent or less of appraised value.

1244 (c) Projects that can be acquired in less than fee  
1245 ownership, such as a permanent conservation easement.

1246 (d) Projects that contribute to improving the quality and  
1247 quantity of surface water and groundwater.

1248 (e) Projects that contribute to improving the water  
1249 quality and flow of springs.

1250 (f) Projects for which the state's land conservation plans  
1251 overlap with the military's need to protect lands, water, and  
1252 habitat to ensure the sustainability of military missions  
1253 including:

1254 1. Protecting habitat on nonmilitary land for any species  
1255 found on military land that is designated as threatened or  
1256 endangered, or is a candidate for such designation under the  
1257 Endangered Species Act or any Florida statute;

1258 2. Protecting areas underlying low-level military air  
1259 corridors or operating areas; and

1260 3. Protecting areas identified as clear zones, accident  
1261 potential zones, and air installation compatible use buffer  
1262 zones delineated by our military partners, and for which federal  
1263 or other funding is available to assist with the project.

1264 ~~(11) For the purposes of funding projects pursuant to~~  
1265 ~~paragraph (3) (a), the Secretary of Environmental Protection~~  
1266 ~~shall ensure that each water management district receives the~~

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1267 ~~following percentage of funds annually:~~

1268 ~~(a) Thirty five percent to the South Florida Water~~  
1269 ~~Management District, of which amount \$25 million for 2 years~~  
1270 ~~beginning in fiscal year 2000 2001 shall be transferred by the~~  
1271 ~~Department of Environmental Protection into the Save Our~~  
1272 ~~Everglades Trust Fund and shall be used exclusively to implement~~  
1273 ~~the comprehensive plan under s. 373.470.~~

1274 ~~(b) Twenty five percent to the Southwest Florida Water~~  
1275 ~~Management District.~~

1276 ~~(c) Twenty five percent to the St. Johns River Water~~  
1277 ~~Management District.~~

1278 ~~(d) Seven and one half percent to the Suwannee River Water~~  
1279 ~~Management District.~~

1280 ~~(e) Seven and one half percent to the Northwest Florida~~  
1281 ~~Water Management District.~~

1282 ~~(10)(12)~~ Water management districts may not use funds  
1283 received from the Florida Forever Trust Fund ~~It is the intent of~~  
1284 ~~the Legislature that in developing the list of projects for~~  
1285 ~~funding pursuant to paragraph (3)(a), that these funds not be~~  
1286 ~~used to abrogate the financial responsibility of those point and~~  
1287 ~~nonpoint sources that have contributed to the degradation of~~  
1288 ~~water or land areas. Therefore, an increased priority shall be~~  
1289 ~~given by~~ The water management district governing boards shall  
1290 give increased priority ~~to those projects that have secured a~~  
1291 ~~cost-sharing agreement allocating responsibility for the cleanup~~

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1292 of point and nonpoint sources.

1293       (11)~~(13)~~ An affirmative vote of at least five members of  
1294 the council shall be required in order to place a project  
1295 submitted pursuant to subsection (6) ~~(7)~~ on the proposed project  
1296 list developed pursuant to subsection (7) ~~(8)~~. Any member of the  
1297 council who by family or a business relationship has a  
1298 connection with any project proposed to be ranked shall declare  
1299 such interest before voting for a project's inclusion on the  
1300 list.

1301       (12)~~(14)~~ Each year that cash disbursements or bonds are to  
1302 be issued pursuant to this section, the ~~Acquisition and~~  
1303 ~~Restoration~~ council shall review the most current approved  
1304 project list and shall, by the first board meeting in May,  
1305 present to the board of ~~Trustees of the Internal Improvement~~  
1306 ~~Trust Fund~~ for approval a listing of projects developed pursuant  
1307 to subsection (7) ~~(8)~~. The board of ~~trustees~~ may remove projects  
1308 from the list developed pursuant to this subsection, but may not  
1309 add projects or rearrange project rankings.

1310       (13)~~(15)~~ The council shall submit to the board, with its  
1311 list of projects, a report that includes, but need not be  
1312 limited to, the following information for each project listed:

- 1313       (a) The stated purpose for inclusion.  
1314       (b) Projected costs to achieve the project goals.  
1315       (c) An interim management budget that includes all costs  
1316 associated with immediate public access.

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- 1317 (d) Specific performance measures.
- 1318 (e) Plans for public access.
- 1319 (f) An identification of the essential parcel or parcels  
1320 within the project without which the project cannot be properly  
1321 managed.
- 1322 (g) Where applicable, an identification of those projects  
1323 or parcels within projects which should be acquired in fee  
1324 simple or in less than fee simple.
- 1325 (h) An identification of those lands being purchased for  
1326 conservation purposes.
- 1327 (i) A management policy statement for the project and a  
1328 management prospectus pursuant to s. 259.032(7)(c).
- 1329 (j) An estimate of land value based on county tax assessed  
1330 values.
- 1331 (k) A map delineating project boundaries.
- 1332 (l) An assessment of the project's ecological value,  
1333 outdoor recreational value, forest resources, wildlife  
1334 resources, ownership pattern, utilization, and location.
- 1335 (m) A discussion of whether alternative uses are proposed  
1336 for the property and what those uses are.
- 1337 (n) A designation of the management agency or agencies.
- 1338 ~~(14)-(16)~~ All proposals for projects pursuant to paragraph  
1339 ~~(3)(a)~~ ~~(3)(b)~~ shall be implemented only if adopted by the  
1340 ~~Acquisition and Restoration~~ council and approved by the board of  
1341 ~~trustees~~. The council shall consider and evaluate in writing the

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1342 merits and demerits of each project that is proposed for Florida  
1343 Forever funding. The council shall ensure that each proposed  
1344 project will meet a stated public purpose for the restoration,  
1345 conservation, or preservation of environmentally sensitive lands  
1346 and water areas or for providing outdoor recreational  
1347 opportunities. The council also shall determine whether the  
1348 project or addition conforms, where applicable, with the  
1349 comprehensive plan developed pursuant to s. 259.04(1)(a), the  
1350 comprehensive multipurpose outdoor recreation plan developed  
1351 pursuant to s. 375.021, the state lands management plan adopted  
1352 pursuant to s. 253.03(7), the water resources work plans  
1353 developed pursuant to s. 373.199, and the provisions of this  
1354 section. Grants provided pursuant to s. 375.075 which are funded  
1355 under paragraph (3)(b) are not subject to review or approval by  
1356 the council.

1357 ~~(15)(17)~~ On an annual basis, the Division of State Lands  
1358 shall prepare an annual work plan that prioritizes projects on  
1359 the Florida Forever list and sets forth the funding available in  
1360 the fiscal year for land acquisition. The work plan shall  
1361 consider the following categories of expenditure for land  
1362 conservation projects already selected for the Florida Forever  
1363 list pursuant to subsection (7) ~~(8)~~:

1364 (a) A critical natural lands category, including  
1365 functional landscape-scale natural systems, intact large  
1366 hydrological systems, lands that have significant imperiled

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1367 natural communities, and corridors linking large landscapes, as  
1368 identified and developed by the best available scientific  
1369 analysis.

1370 (b) A partnerships or regional incentive category,  
1371 including:

1372 1. Projects where local and regional cost-share agreements  
1373 provide a lower cost and greater conservation benefit to the  
1374 people of the state. Additional consideration shall be provided  
1375 under this category where parcels are identified as part of a  
1376 local or regional visioning process and are supported by  
1377 scientific analysis; and

1378 2. Bargain and shared projects where the state will  
1379 receive a significant reduction in price for public ownership of  
1380 land as a result of the removal of development rights or other  
1381 interests in lands or receives alternative or matching funds.

1382 (c) A substantially complete category of projects where  
1383 mainly inholdings, additions, and linkages between preserved  
1384 areas will be acquired and where 85 percent of the project is  
1385 complete.

1386 (d) A climate-change category list of lands where  
1387 acquisition or other conservation measures will address the  
1388 challenges of global climate change, such as through protection,  
1389 restoration, mitigation, and strengthening of the state's  
1390 ~~Florida's~~ land, water, and coastal resources. This category  
1391 includes lands that provide opportunities to sequester carbon,

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1392 provide habitat, protect coastal lands or barrier islands, and  
1393 otherwise mitigate and help adapt to the effects of sea-level  
1394 rise and meet other objectives of the program.

1395 (e) A less-than-fee category for working agricultural  
1396 lands that significantly contribute to resource protection  
1397 through conservation easements and other less-than-fee  
1398 techniques, tax incentives, life estates, landowner agreements,  
1399 and other partnerships, including conservation easements  
1400 acquired in partnership with federal conservation programs,  
1401 which will achieve the objectives of the Florida Forever program  
1402 while allowing the continuation of compatible agricultural uses  
1403 on the land. Terms of easements proposed for acquisition under  
1404 this category shall be developed by the Division of State Lands  
1405 in coordination with the Department of Agriculture and Consumer  
1406 Services.

1407  
1408 Projects within each category shall be ranked by order of  
1409 priority. The work plan shall be adopted by the ~~Acquisition and~~  
1410 ~~Restoration~~ council after at least one public hearing. A copy of  
1411 the work plan shall be provided to the board ~~of trustees of the~~  
1412 ~~Internal Improvement Trust Fund~~ no later than October 1 of each  
1413 year.

1414 (16) ~~(18)~~ (a) The board ~~of Trustees of the Internal~~  
1415 ~~Improvement Trust Fund~~, or, in the case of water management  
1416 district lands, the owning water management district, may

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1417 authorize the granting of a lease, easement, or license for the  
1418 use of certain lands acquired pursuant to this section, for  
1419 certain uses that are determined by the appropriate board to be  
1420 compatible with the resource values of and management objectives  
1421 for such lands.

1422 (b) Any existing lease, easement, or license acquired for  
1423 incidental public or private use on, under, or across any lands  
1424 acquired pursuant to this section shall be presumed to be  
1425 compatible with the purposes for which such lands were acquired.

1426 (c) Notwithstanding the provisions of paragraph (a), no  
1427 such lease, easement, or license may ~~shall~~ be entered into by  
1428 the department of ~~Environmental Protection~~ or other appropriate  
1429 state agency if the granting of such lease, easement, or license  
1430 would adversely affect the exclusion of the interest on any  
1431 revenue bonds issued to fund the acquisition of the affected  
1432 lands from gross income for federal income tax purposes,  
1433 pursuant to Internal Revenue Service regulations.

1434 (17) ~~(19)~~ The council shall recommend adoption of rules by  
1435 the board necessary to implement this section relating to  
1436 solicitation, scoring, selecting, and ranking of Florida Forever  
1437 project proposals; disposing of or leasing lands or water areas  
1438 selected for funding through the Florida Forever program; and  
1439 the process of reviewing and recommending for approval or  
1440 rejection the land management plans associated with publicly  
1441 owned properties.

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1442           ~~(18)(20)~~ Lands listed as projects for acquisition under  
1443 the Florida Forever program may be managed for conservation  
1444 pursuant to s. 259.032, on an interim basis by a private party  
1445 in anticipation of a state purchase in accordance with a  
1446 contractual arrangement between the acquiring agency and the  
1447 private party that may include management service contracts,  
1448 leases, cost-share arrangements, or resource conservation  
1449 agreements. Lands designated as eligible under this subsection  
1450 shall be managed to maintain or enhance the resources the state  
1451 is seeking to protect by acquiring the land and to accelerate  
1452 public access to the lands as soon as practicable. Funding for  
1453 these contractual arrangements may originate from the  
1454 documentary stamp tax revenue deposited into the Land  
1455 Acquisition Trust Fund. No more than \$6.2 million may be  
1456 expended from the Land Acquisition Trust Fund for this purpose.

1457           Section 13. Subsections (9), (10), and (11) are added to  
1458 section 373.089, Florida Statutes, to read:

1459           373.089 Sale or exchange of lands, or interests or rights  
1460 in lands.—The governing board of the district may sell lands, or  
1461 interests or rights in lands, to which the district has acquired  
1462 title or to which it may hereafter acquire title in the  
1463 following manner:

1464           (9) No disposition of land may be made if it would cause  
1465 all or any portion of the interest on any revenue bonds to fund  
1466 acquisitions made by the district to lose the exclusion from

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1467 gross income for purposes of federal income taxation. Proceeds  
1468 derived from such disposition may not be used for any purpose  
1469 except the purchase of other lands meeting the criteria  
1470 specified in s. 373.139 or payment of debt service on revenue  
1471 bonds or notes issued under s. 373.584.

1472 (10) Proceeds from the sale of surplus conservation lands  
1473 purchased with Florida Forever funds before July 1, 2015, shall  
1474 be deposited into the Florida Forever Trust Fund if the district  
1475 does not use the proceeds to purchase other lands meeting the  
1476 criteria specified in s. 373.139 or payment of debt service on  
1477 revenue bonds or notes issued under s. 373.584 within three  
1478 years. If the district purchased the conservation land with  
1479 multiple revenue sources, the district shall deposit an amount  
1480 based on the percentage of Florida Forever funds used for the  
1481 original purchase.

1482 (11) Proceeds from the sale of surplus conservation lands  
1483 purchased with state funds on or after July 1, 2015, shall be  
1484 deposited into the Land Acquisition Trust Fund if the district  
1485 does not use the proceeds to purchase other lands meeting the  
1486 criteria specified in s. 373.139 or payment of debt service on  
1487 revenue bonds or notes issued under s. 373.584 within three  
1488 years. If the district purchased the conservation land with  
1489 funds other than those from the Land Acquisition Trust Fund or a  
1490 land acquisition trust fund created to implement s. 28, Art. X  
1491 of the State Constitution, the proceeds shall be deposited into

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1492 the fund from which the land was purchased. If the district  
1493 purchased the conservation land with multiple revenue sources,  
1494 the district shall deposit an amount based on the percentage of  
1495 state funds used for the original purchase.

1496

1497 If the Board of Trustees of the Internal Improvement Trust Fund  
1498 declines to accept title to the lands offered under this  
1499 section, the land may be disposed of by the district under the  
1500 provisions of this section.

1501 Section 14. Subsection (6) of section 373.139, Florida  
1502 Statutes, is amended to read:

1503 373.139 Acquisition of real property.—

1504 ~~(6) A district may dispose of land acquired under this~~  
1505 ~~section pursuant to s. 373.056 or s. 373.089. However, no such~~  
1506 ~~disposition of land shall be made if it would have the effect of~~  
1507 ~~causing all or any portion of the interest on any revenue bonds~~  
1508 ~~issued pursuant to s. 259.101 or s. 259.105 to fund the~~  
1509 ~~acquisition programs detailed in this section to lose the~~  
1510 ~~exclusion from gross income for purposes of federal income~~  
1511 ~~taxation. Revenue derived from such disposition may not be used~~  
1512 ~~for any purpose except the purchase of other lands meeting the~~  
1513 ~~criteria specified in this section or payment of debt service on~~  
1514 ~~revenue bonds or notes issued under s. 373.584.~~

1515 Section 15. Subsection (7) is added to section 373.1391,  
1516 Florida Statutes, to read:

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1517 373.1391 Management of real property.-  
1518 (7) All revenues generated through multiple-use management  
1519 or compatible secondary-use management of district conservation  
1520 lands purchased with state funds shall be retained by the  
1521 district responsible for such management and shall be used to  
1522 pay for management activities on all conservation, preservation,  
1523 and recreation lands under the district's jurisdiction. In  
1524 addition, such revenues shall be segregated in a district trust  
1525 fund or special revenue account and shall remain available to  
1526 the district in subsequent fiscal years to fund land management  
1527 activities.

1528 Section 16. Paragraph (h) of subsection (4) of section  
1529 373.199, Florida Statutes, is amended to read:

1530 373.199 Florida Forever Water Management District Work  
1531 Plan.-

1532 (4) The list submitted by the districts shall include,  
1533 where applicable, the following information for each project:

1534 (h) A clear and concise estimate of the funding needed to  
1535 carry out the restoration, protection, or improvement project,  
1536 or the development of new water resources, where applicable, and  
1537 a clear and concise identification of the projected sources and  
1538 uses of Florida Forever funds. Only the land acquisition  
1539 elements and associated land acquisition costs for projects  
1540 identified on the list may receive Florida Forever funding. All  
1541 other project elements must use other funding sources.

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1542 Section 17. Paragraph (d) of subsection (9) of section  
1543 373.4598, Florida Statutes, is amended and paragraph (f) is  
1544 added to that subsection to read:

1545 373.4598 Water storage reservoirs.—

1546 (9) C-51 RESERVOIR PROJECT.—

1547 (d) If state funds are appropriated for Phase I or Phase  
1548 II of the C-51 reservoir project:

1549 1. The district, to the extent practicable, shall operate  
1550 either Phase I or Phase II of the reservoir to maximize the  
1551 reduction of high-volume Lake Okeechobee regulatory releases to  
1552 the St. Lucie or Caloosahatchee estuaries, in addition to  
1553 maximizing the reduction of harmful discharges providing relief  
1554 to the Lake Worth Lagoon. However, the operation of Phase I of  
1555 the C-51 reservoir project must be in accordance with any  
1556 operation and maintenance agreement adopted by the district;

1557 2. Water made available by Phase I or Phase II of the  
1558 reservoir must shall be used for natural systems in addition to  
1559 any permitted allocated amounts for water supply issued in  
1560 accordance with executed capacity allocation agreements; and

1561 3. ~~Any~~ Water received from Lake Okeechobee may only not be  
1562 available to support consumptive use permits if such use is in  
1563 accordance with the South Florida Water Management District  
1564 rules for the applicable restricted allocation area as defined  
1565 in s. 373.037(1).

1566 (f) The South Florida Water Management District may enter

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1567 into a capacity allocation agreement with a water supply entity  
1568 for a pro rata share of unreserved capacity in the water storage  
1569 facility and may request the department to waive repayment of  
1570 all or a portion of the loan issued pursuant to s. 373.475. The  
1571 department may authorize such waiver if the department  
1572 determines it has received reasonable value for such waiver.

1573 Section 18. Subsection (10) is added to section 373.713,  
1574 Florida Statutes, to read:

1575 373.713 Regional water supply authorities.—

1576 (10) Each regional water supply authority shall annually  
1577 coordinate with the appropriate water management district to  
1578 submit a status report on water resource development projects  
1579 receiving state funding for inclusion in the consolidated water  
1580 management district annual report required by s. 373.036(7).

1581 Section 19. Paragraph (b) of subsection (3) of section  
1582 375.041, Florida Statutes, is amended to read:

1583 375.041 Land Acquisition Trust Fund.—

1584 (3) Funds distributed into the Land Acquisition Trust Fund  
1585 pursuant to s. 201.15 shall be applied:

1586 (b) Of the funds remaining after the payments required  
1587 under paragraph (a), but before funds may be appropriated,  
1588 pledged, or dedicated for other uses:

1589 1. A minimum of the lesser of 25 percent or \$200 million  
1590 shall be appropriated annually for Everglades projects that  
1591 implement the Comprehensive Everglades Restoration Plan as set

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1592 forth in s. 373.470, including the Central Everglades Planning  
1593 Project subject to Congressional authorization; the Long-Term  
1594 Plan as defined in s. 373.4592(2); and the Northern Everglades  
1595 and Estuaries Protection Program as set forth in s. 373.4595.  
1596 From these funds, \$32 million shall be distributed each fiscal  
1597 year through the 2023-2024 fiscal year to the South Florida  
1598 Water Management District for the Long-Term Plan as defined in  
1599 s. 373.4592(2). After deducting the \$32 million distributed  
1600 under this subparagraph, from the funds remaining, a minimum of  
1601 the lesser of 76.5 percent or \$100 million shall be appropriated  
1602 each fiscal year through the 2025-2026 fiscal year for the  
1603 planning, design, engineering, and construction of the  
1604 Comprehensive Everglades Restoration Plan as set forth in s.  
1605 373.470, including the Central Everglades Planning Project , the  
1606 Everglades Agricultural Area Storage Reservoir Project, the Lake  
1607 Okeechobee Watershed Project, the C-43 West Basin Storage  
1608 Reservoir Project, the Indian River Lagoon-South Project, the  
1609 Western Everglades Restoration Project, and the Picayune Strand  
1610 Restoration Project. The Department of Environmental Protection  
1611 and the South Florida Water Management District shall give  
1612 preference to those Everglades restoration projects that reduce  
1613 harmful discharges of water from Lake Okeechobee to the St.  
1614 Lucie or Caloosahatchee estuaries in a timely manner, with the  
1615 highest priority given to the C-43 West Basin Storage Reservoir  
1616 Project. For the purpose of performing the calculation provided

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1617 in this subparagraph, the amount of debt service paid pursuant  
1618 to paragraph (a) for bonds issued after July 1, 2016, for the  
1619 purposes set forth under paragraph (b) shall be added to the  
1620 amount remaining after the payments required under paragraph  
1621 (a). The amount of the distribution calculated shall then be  
1622 reduced by an amount equal to the debt service paid pursuant to  
1623 paragraph (a) on bonds issued after July 1, 2016, for the  
1624 purposes set forth under this subparagraph.

1625 2. A minimum of the lesser of 7.6 percent or \$50 million  
1626 shall be appropriated annually for spring restoration,  
1627 protection, and management projects. For the purpose of  
1628 performing the calculation provided in this subparagraph, the  
1629 amount of debt service paid pursuant to paragraph (a) for bonds  
1630 issued after July 1, 2016, for the purposes set forth under  
1631 paragraph (b) shall be added to the amount remaining after the  
1632 payments required under paragraph (a). The amount of the  
1633 distribution calculated shall then be reduced by an amount equal  
1634 to the debt service paid pursuant to paragraph (a) on bonds  
1635 issued after July 1, 2016, for the purposes set forth under this  
1636 subparagraph.

1637 3. The sum of \$5 million shall be appropriated annually  
1638 each fiscal year through the 2025-2026 fiscal year to the St.  
1639 Johns River Water Management District for projects dedicated to  
1640 the restoration of Lake Apopka. This distribution shall be  
1641 reduced by an amount equal to the debt service paid pursuant to

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1642 paragraph (a) on bonds issued after July 1, 2016, for the  
1643 purposes set forth in this subparagraph.

1644 4. The sum of \$64 million is appropriated and shall be  
1645 transferred to the Everglades Trust Fund for the 2018-2019  
1646 fiscal year, and each fiscal year thereafter, for the EAA  
1647 reservoir project pursuant to s. 373.4598. Any funds remaining  
1648 in any fiscal year shall be made available only for Phase II of  
1649 the C-51 reservoir project or projects identified in  
1650 subparagraph 1. and must be used in accordance with laws  
1651 relating to such projects. Any funds made available for such  
1652 purposes in a fiscal year are in addition to the amount  
1653 appropriated under subparagraph 1. This distribution shall be  
1654 reduced by an amount equal to the debt service paid pursuant to  
1655 paragraph (a) on bonds issued after July 1, 2017, for the  
1656 purposes set forth in this subparagraph.

1657 5. The following sums shall be appropriated annually each  
1658 fiscal year to the Florida Forever Trust Fund for distribution  
1659 by the Department of Environmental Protection pursuant to s.  
1660 259.105(3):

1661 a. For the 2019-2020 fiscal year and the 2020-2021 fiscal  
1662 year, the sum of \$57 million.

1663 b. For the 2021-2022 fiscal year, the sum of \$78 million.

1664 c. For the 2022-2023 fiscal year, the sum of \$89 million.

1665 d. For the 2023-2024 fiscal year and the 2024-2025 fiscal  
1666 year, the sum of \$110 million.

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1667 e. For the 2025-2026 fiscal year, the sum of \$127 million.

1668 f. For the 2026-2027 fiscal year, the sum of \$147 million.

1669 g. For the 2027-2028 fiscal year, the sum of \$157 million.

1670 h. For the 2028-2029 fiscal year, the sum of \$179 million.

1671 i. For the 2029-2030 fiscal year and each fiscal year  
1672 through the 2035-2036 fiscal year, the sum of \$200 million.

1673  
1674 The distribution shall be reduced by an amount equal to the debt  
1675 service paid pursuant to paragraph (a) on bonds issued after  
1676 July 1, 2018, for the purposes set forth in this subparagraph.

1677 ~~5. Notwithstanding subparagraph 3., for the 2017-2018~~  
1678 ~~fiscal year, funds shall be appropriated as provided in the~~  
1679 ~~General Appropriations Act. This subparagraph expires July 1,~~  
1680 ~~2018.~~

1681 Section 20. Paragraph (c) is added to subsection (12) of  
1682 section 403.067, Florida Statutes, to read:

1683 403.067 Establishment and implementation of total maximum  
1684 daily loads.—

1685 (12) IMPLEMENTATION OF ADDITIONAL PROGRAMS.—

1686 (c) The department may consider and include innovative  
1687 nutrient reduction pilot projects designed to reduce nutrient  
1688 pollution as part of basin management action plans pursuant to  
1689 subsection (7). The department may also provide cost-share  
1690 funding for innovative nutrient reduction pilot projects.

1691 Section 21. Paragraphs (e) and (f) of subsection (3) of

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1692 section 403.087, Florida Statutes, are amended and paragraph (g)  
1693 is added to that subsection to read:

1694 403.087 Permits; general issuance; denial; revocation;  
1695 prohibition; penalty.-

1696 (3) A renewal of an operation permit for a domestic  
1697 wastewater treatment facility other than a facility regulated  
1698 under the National Pollutant Discharge Elimination System  
1699 (NPDES) Program under s. 403.0885 must be issued upon request  
1700 for a term of up to 10 years, for the same fee and under the  
1701 same conditions as a 5-year permit, in order to provide the  
1702 owner or operator with a financial incentive, if:

1703 (e) The treatment facility has generally met water quality  
1704 standards in the preceding 2 years, except for violations  
1705 attributable to events beyond the control of the treatment plant  
1706 or its operator, such as destruction of equipment by fire, wind,  
1707 or other abnormal events that could not reasonably be expected  
1708 to occur; and

1709 (f) The department, or a local program approved under s.  
1710 403.182, has conducted, in the preceding 12 months, an  
1711 inspection of the facility and has verified in writing to the  
1712 operator of the facility that it is not exceeding the permitted  
1713 capacity and is in substantial compliance; and

1714 (g) The department has reviewed the annual status reports  
1715 required by s. 403.892 and is satisfied that the treatment  
1716 facility is timely implementing its asset management plan.

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1718 The department shall keep records of the number of 10-year  
1719 permits applied for and the number and duration of permits  
1720 issued for longer than 5 years.

1721 Section 22. Section 403.0891, Florida Statutes, is amended  
1722 to read:

1723 403.0891 State, regional, and local stormwater management  
1724 plans and programs.—The department, the water management  
1725 districts, ~~and~~ local governments, and the Department of  
1726 Transportation shall have the responsibility for the development  
1727 of mutually compatible stormwater management programs.

1728 (1) The department shall include goals in the water  
1729 resource implementation rule for the proper management of  
1730 stormwater.

1731 (2) Each water management district to which the state's  
1732 stormwater management program is delegated shall establish  
1733 district and, where appropriate, watershed or drainage basin  
1734 stormwater management goals which are consistent with the goals  
1735 adopted by the state and with plans adopted pursuant to ss.  
1736 373.451-373.4595, the Surface Water Improvement and Management  
1737 Act.

1738 (3) (a) Each local government required by chapter 163 to  
1739 submit a comprehensive plan, whose plan is submitted after July  
1740 1, 1992, and the others when updated after July 1, 1992, in the  
1741 development of its stormwater management program described by

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1742 elements within its comprehensive plan shall consider the water  
1743 resource implementation rule, district stormwater management  
1744 goals, plans approved pursuant to the Surface Water Improvement  
1745 and Management Act, ss. 373.451-373.4595, and technical  
1746 assistance information provided by the water management  
1747 districts pursuant to s. 373.711.

1748 (b) Local governments are encouraged to consult with the  
1749 water management districts, the Department of Transportation,  
1750 and the department before adopting or updating their local  
1751 government comprehensive plan or public facilities report as  
1752 required by s. 189.08, whichever is applicable.

1753 (4) The department, in coordination and cooperation with  
1754 water management districts and local governments, shall conduct  
1755 a continuing review of the costs of stormwater management  
1756 systems and the effect on water quality and quantity, and fish  
1757 and wildlife values. The department, the water management  
1758 districts, and local governments shall use the review for  
1759 planning purposes and to establish priorities for watersheds and  
1760 stormwater management systems which require better management  
1761 and treatment of stormwater with emphasis on the costs and  
1762 benefits of needed improvements to stormwater management systems  
1763 to better meet needs for flood protection and protection of  
1764 water quality, and fish and wildlife values.

1765 (5) The results of the review shall be maintained by the  
1766 department and the water management districts and shall be

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1767 provided to appropriate local governments or other parties on  
1768 request. The results also shall be used in the development of  
1769 the goals developed pursuant to subsections (1) and (2).

1770 (6) The department and the Department of Economic  
1771 Opportunity, in cooperation with local governments in the  
1772 coastal zone, shall develop a model stormwater management  
1773 program that could be adopted by local governments. The model  
1774 program shall contain dedicated funding options, including a  
1775 stormwater utility fee system based upon an equitable unit cost  
1776 approach. Funding options shall be designed to generate capital  
1777 to retrofit existing stormwater management systems, build new  
1778 treatment systems, operate facilities, and maintain and service  
1779 debt.

1780 (7) The Department of Transportation shall coordinate with  
1781 the department, water management districts, and local  
1782 governments to determine whether it is economically feasible to  
1783 use stormwater resulting from road construction projects for the  
1784 beneficial use of providing alternative water supplies,  
1785 including, but not limited to, directing stormwater to reclaimed  
1786 water facilities or water storage reservoirs. If it is  
1787 determined that beneficial use of such stormwater is  
1788 economically feasible by the affected parties, such use shall be  
1789 implemented by the part. The department, in consultation with  
1790 the Department of Transportation, may adopt rules to implement  
1791 this subsection.

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1792 Section 23. Subsection (5) of section 403.412, Florida  
1793 Statutes, is amended to read:  
1794 403.412 Environmental Protection Act.—  
1795 (5) In any administrative, licensing, or other proceedings  
1796 authorized by law for the protection of the air, water, or other  
1797 natural resources of the state from pollution, impairment, or  
1798 destruction, the Department of Legal Affairs, a political  
1799 subdivision or municipality of the state, or a citizen of the  
1800 state shall have standing to intervene as a party on the filing  
1801 of a verified pleading asserting that the activity, conduct, or  
1802 product to be licensed or permitted has or will have the effect  
1803 of impairing, polluting, or otherwise injuring the air, water,  
1804 or other natural resources of the state. As used in this section  
1805 and as it relates to citizens, the term "intervene" means to  
1806 join an ongoing s. 120.569 or s. 120.57 proceeding; this section  
1807 does not authorize a citizen to institute, initiate, petition  
1808 for, or request a proceeding under s. 120.569 or s. 120.57.  
1809 Nothing herein limits or prohibits a citizen whose substantial  
1810 interests will be determined or affected by a proposed agency  
1811 action from initiating a formal administrative proceeding under  
1812 s. 120.569 or s. 120.57. A citizen's substantial interests will  
1813 be considered to be determined or affected if the party  
1814 demonstrates it may suffer an injury in fact which is of  
1815 sufficient immediacy and is of the type and nature intended to  
1816 be protected by this chapter. No demonstration of special injury

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1817 different in kind from the general public at large is required.  
1818 A sufficient demonstration of a substantial interest may be made  
1819 by a petitioner who establishes that the proposed activity,  
1820 conduct, or product to be licensed or permitted affects the  
1821 petitioner's use or enjoyment of air, water, or natural  
1822 resources protected by this chapter. The final order in a  
1823 proceeding pursuant to s. 120.57(1) may award reasonable costs  
1824 and reasonable attorney fees to the prevailing party from an  
1825 intervener when an intervener is a nonprevailing adverse party,  
1826 as defined in s. 120.595, as determined by the administrative  
1827 law judge. The final order may only require the intervener to  
1828 pay the portion of the reasonable costs and reasonable attorney  
1829 fees related to the intervener's participation in the  
1830 administrative proceeding.

1831 Section 24. Paragraph (f) of subsection (12) of section  
1832 403.814, Florida Statutes, is amended to read:

1833 403.814 General permits; delegation.—

1834 (12) A general permit is granted for the construction,  
1835 alteration, and maintenance of a stormwater management system  
1836 serving a total project area of up to 10 acres meeting the  
1837 criteria of this subsection. Such stormwater management systems  
1838 must be designed, operated, and maintained in accordance with  
1839 applicable rules adopted pursuant to part IV of chapter 373.  
1840 There is a rebuttable presumption that the discharge from such  
1841 systems complies with state water quality standards. The

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1842 construction of such a system may proceed without any further  
1843 agency action by the department or water management district if,  
1844 before construction begins, an electronic self-certification is  
1845 submitted to the department or water management district which  
1846 certifies that the proposed system was designed by a Florida  
1847 registered professional and that the registered professional has  
1848 certified that the proposed system meets the requirements of  
1849 this section and will meet the following additional  
1850 requirements:

1851 (f) The project does not:

- 1852 1. Cause or contribute to adverse water quantity or  
1853 flooding impacts to receiving water and adjacent lands;  
1854 2. Cause or contribute to adverse impacts to existing  
1855 surface water storage and conveyance capabilities;  
1856 3. Cause or contribute to a violation of state water  
1857 quality standards; or  
1858 4. Cause or contribute to an adverse impact to the  
1859 maintenance of surface or ground water levels or surface water  
1860 flows established pursuant to s. 373.042 or a work of the  
1861 district established pursuant to s. 373.086.

1862 Section 25. Section 403.892, Florida Statutes, is created  
1863 to read:

1864 403.892 Asset management plan and reserve fund.—

1865 (1) The Legislature finds that the systematic management  
1866 of public water system and domestic wastewater treatment system

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1867 assets is essential to the protection of public health and  
1868 natural resources. The development and implementation of an  
1869 asset management plan focusing on the long-term life cycle and  
1870 performance of system assets, including transmission,  
1871 distribution, and collection lines, is necessary to ensure the  
1872 timely planning, assessment, maintenance, repair, and  
1873 replacement of these system components. The establishment and  
1874 proper funding of a reserve fund is necessary to ensure the  
1875 timely implementation of an asset management plan.

1876 (2) By August 1, 2022, each public water system, as  
1877 defined in s. 403.852, and domestic wastewater treatment system  
1878 shall develop an asset management plan and create a reserve fund  
1879 to implement the asset management plan in a cost effective and  
1880 timely manner. Each August 1 thereafter, each public water  
1881 system and domestic wastewater treatment system shall post on  
1882 its website the implementation status of its asset management  
1883 plan and reserve fund and shall provide a report regarding such  
1884 information to the department. As used in this subsection, the  
1885 term "domestic wastewater treatment system" means any plant or  
1886 other works used to treat, stabilize, or hold domestic wastes,  
1887 including pipelines or conduits, pumping stations, and force  
1888 mains and all other structures, devices, appurtenances, and  
1889 facilities used for collecting or conducting wastes to an  
1890 ultimate point for treatment or disposal. A domestic wastewater  
1891 treatment system does not include an onsite sewage treatment and

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1892 disposal system as defined in s. 381.0065.

1893 (3) To be eligible for state funding, a public water  
1894 system or domestic wastewater treatment system must demonstrate  
1895 that it is adequately implementing its asset management plan and  
1896 has reserves available in its reserve fund.

1897 (4) By July 1, 2019, the department shall adopt rules  
1898 establishing the asset management plan requirements, including,  
1899 but not limited to:

1900 (a) Identification of each asset;

1901 (b) Evaluation of the current age, condition, and useful  
1902 life of each asset;

1903 (c) A risk-benefit analysis to determine the optimum  
1904 repair or replacement time of each asset;

1905 (d) A list of repair and replacement projects with  
1906 projected timeframes for completion and estimated costs;

1907 (e) Identification of funding options, including a  
1908 separate reserve account or other comparable fund or account,  
1909 for implementation of the repair or replacement projects; and

1910 (f) Identification of plans comparable to an asset  
1911 management plan.

1912 Section 26. Section 403.893, Florida Statutes, is created  
1913 to read:

1914 403.893 Public water system and domestic wastewater  
1915 treatment system infrastructure floodplain resiliency.—It is the  
1916 policy of the state to encourage public water systems and

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1917 domestic wastewater treatment systems to increase the resilience  
1918 of its critical infrastructure against flooding. A public water  
1919 system or domestic wastewater treatment system with  
1920 infrastructure within an identified special flood hazard area,  
1921 commonly referred to as a 100-year flood, or in a moderate flood  
1922 hazard area, commonly referred to as a 500-year flood, in  
1923 accordance with Federal Emergency Management Agency 100-year and  
1924 500-year Flood Maps, must build any new infrastructure to  
1925 withstand the respective flood conditions including, at a  
1926 minimum, elevated control panels and appurtenant structures  
1927 above the flood prone elevation, and have submersible  
1928 components, including pumps and flow meters.

1929 Section 27. Subsection (9) is added to section 570.76,  
1930 Florida Statutes, to read:

1931 570.76 Department of Agriculture and Consumer Services;  
1932 powers and duties.—For the accomplishment of the purposes  
1933 specified in this act, the department shall have all powers and  
1934 duties necessary, including, but not limited to, the power and  
1935 duty to:

1936 (9) Provide assistance to local governments in  
1937 administering local rural-lands-protection easement programs.  
1938 The department may provide technical support to review  
1939 applications for inclusion in the local government's program and  
1940 monitor compliance with the conservation easements. The  
1941 department may not use any state funds to assist in the purchase

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1942 of such easements or pay any acquisition costs. The local  
1943 government must compensate the department for its services. The  
1944 agreement for assistance must be documented in a memorandum of  
1945 agreement between the department and the local government. The  
1946 title to such conservation easements shall be held in the name  
1947 of the local government.

1948 Section 28. Section 1004.49, Florida Statutes, is amended  
1949 to read:

1950 1004.49 Florida LAKEWATCH Program.—The Florida LAKEWATCH  
1951 Program is hereby created within the School of Forest Resources  
1952 and Conservation's Fisheries and Aquatic Sciences Program  
1953 ~~Department of Fisheries and Aquaculture~~ of the Institute of Food  
1954 and Agricultural Sciences at the University of Florida. The  
1955 purpose of the program is to provide public education and  
1956 training with respect to the water quality of Florida's lakes.  
1957 The Fisheries and Aquatic Sciences Program ~~Department of~~  
1958 ~~Fisheries and Aquaculture~~ may, in implementing the LAKEWATCH  
1959 program:

1960 (1) Train, supervise, and coordinate volunteers to collect  
1961 water quality data from Florida's lakes, streams, and estuaries.

1962 (2) Compile the data collected by volunteers.

1963 (3) Disseminate information to the public about the  
1964 LAKEWATCH program.

1965 (4) Provide or loan equipment to volunteers in the  
1966 program.

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1967 (5) Perform other functions as may be necessary or  
1968 beneficial in coordinating the LAKEWATCH program.

1969  
1970 Data collected and compiled shall be used to establish trends  
1971 and provide general background information and may ~~shall in no~~  
1972 ~~instance~~ be used by the Department of Environmental Protection  
1973 if the data collection methods meet sufficient quality assurance  
1974 and quality control requirements approved by the Department of  
1975 Environmental Protection ~~in a regulatory proceeding.~~

1976 Section 29. Subsection (1) of section 20.3315, Florida  
1977 Statutes, is amended to read:

1978 20.3315 Florida Forever Program Trust Fund of the Florida  
1979 Fish and Wildlife Conservation Commission.—

1980 (1) There is created a Florida Forever Program Trust Fund  
1981 within the Florida Fish and Wildlife Conservation Commission to  
1982 carry out the duties of the commission under the Florida Forever  
1983 Act as specified in s. 259.105 ~~s. 259.105(3)(g)~~. The trust fund  
1984 shall receive funds pursuant to s. 259.105 ~~s. 259.105(3)(g)~~.

1985 Section 30. Subsection (4) and paragraph (b) of subsection  
1986 (5) of section 253.027, Florida Statutes, are amended to read:

1987 253.027 Emergency archaeological property acquisition.—

1988 (4) EMERGENCY ARCHAEOLOGICAL ACQUISITION.—The sum of \$2  
1989 million shall be reserved annually within the Florida Forever  
1990 Trust Fund for the purpose of emergency archaeological  
1991 acquisition. Any portion of that amount not spent or obligated

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1992 by the end of the third quarter of the fiscal year may be used  
1993 for approved acquisitions pursuant to s. 259.105(3)(a) ~~s.~~  
1994 ~~259.105(3)(b)~~.

1995 (5) ACCOUNT EXPENDITURES.—

1996 (b) Funds may not ~~No moneys shall~~ be spent from the  
1997 account for excavation or restoration of the properties  
1998 acquired. Funds may be spent for preliminary surveys to  
1999 determine if the sites meet the criteria of this section. An  
2000 amount not to exceed \$100,000 may also be spent from the account  
2001 to inventory and evaluate archaeological and historic resources  
2002 on properties purchased, or proposed for purchase, pursuant to  
2003 s. 259.105(3)(a) ~~s. 259.105(3)(b)~~.

2004 Section 31. Subsections (3) and (9) of section 253.034,  
2005 Florida Statutes, are amended to read:

2006 253.034 State-owned lands; uses.—

2007 (3) Recognizing that recreational trails purchased with  
2008 rails-to-trails funds pursuant to former s. 259.101(3)(g),  
2009 Florida Statutes 2014, or former s. 259.105(3)(h), Florida  
2010 Statutes 2017, have had historic transportation uses and that  
2011 their linear character may extend many miles, the Legislature  
2012 intends that if the necessity arises to serve public needs,  
2013 after balancing the need to protect trail users from collisions  
2014 with automobiles and a preference for the use of overpasses and  
2015 underpasses to the greatest extent feasible and practical,  
2016 transportation uses shall be allowed to cross recreational



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2017 trails purchased pursuant to former s. 259.101(3)(g), Florida  
2018 Statutes 2014, or former s. 259.105(3)(h), Florida Statutes  
2019 2017. When these crossings are needed, the location and design  
2020 should consider and mitigate the impact on humans and  
2021 environmental resources, and the value of the land shall be paid  
2022 based on fair market value.

2023 (9) The following additional uses of conservation lands  
2024 acquired pursuant to the Florida Forever program and other  
2025 state-funded conservation land purchase programs shall be  
2026 authorized, upon a finding by the board of trustees, if they  
2027 meet the criteria specified in paragraphs (a)-(e): water  
2028 resource development projects, water supply development  
2029 projects, stormwater management projects, linear facilities, and  
2030 sustainable agriculture and forestry. Such additional uses are  
2031 authorized if:

2032 (a) The use is not inconsistent with the management plan  
2033 for such lands;

2034 (b) The use is compatible with the natural ecosystem and  
2035 resource values of such lands;

2036 (c) The use is appropriately located on such lands and due  
2037 consideration is given to the use of other available lands;

2038 (d) The using entity reasonably compensates the  
2039 titleholder for such use based upon an appropriate measure of  
2040 value; and

2041 (e) The use is consistent with the public interest.

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2042  
2043 A decision by the board of trustees pursuant to this section  
2044 shall be given a presumption of correctness. Moneys received  
2045 from the use of state lands pursuant to this section shall be  
2046 returned to the lead managing entity in accordance with s.  
2047 259.032(9)(b) ~~s. 259.032(9)(e)~~.

2048 Section 32. Subsection (3), paragraph (b) of  
2049 subsection(4), and subsection (6) of section 259.035, Florida  
2050 Statutes, are amended to read:

2051 259.035 Acquisition and Restoration Council.--

2052 (3) The council shall provide assistance to the board in  
2053 reviewing the recommendations and plans for state-owned  
2054 conservation lands required under s. 253.034 and this chapter.  
2055 The council shall, in reviewing such plans, consider the  
2056 optimization of multiple-use and conservation strategies to  
2057 accomplish the provisions funded pursuant to former s.  
2058 259.101(3)(a), Florida Statutes 2014, and to s. 259.105(3)(a) ~~s.~~  
2059 ~~259.105(3)(b)~~.

2060 (4)

2061 (b) In developing or amending rules, the council shall  
2062 give weight to the criteria included in s. 259.105(8) ~~s.~~  
2063 ~~259.105(9)~~. The board of trustees shall review the  
2064 recommendations and shall adopt rules necessary to administer  
2065 this section.

2066 (6) The proposal for a project pursuant to this section or

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2067 s. 259.105(3)(a) ~~s. 259.105(3)(b)~~ may be implemented only if  
2068 adopted by the council and approved by the board of trustees.  
2069 The council shall consider and evaluate in writing the merits  
2070 and demerits of each project that is proposed for acquisition  
2071 using funds available pursuant to s. 28, Art. X of the State  
2072 Constitution or Florida Forever funding and shall ensure that  
2073 each proposed project meets the requirements of s. 28, Art. X of  
2074 the State Constitution. The council also shall determine whether  
2075 the project conforms, where applicable, with the comprehensive  
2076 plan developed pursuant to s. 259.04(1)(a), the comprehensive  
2077 multipurpose outdoor recreation plan developed pursuant to s.  
2078 375.021, the state lands management plan adopted pursuant to s.  
2079 253.03(7), the water resources work plans developed pursuant to  
2080 s. 373.199, and the provisions of s. 259.032, s. 259.101, or s.  
2081 259.105, whichever is applicable.

2082 Section 33. Paragraph (b) of subsection (3) of section  
2083 259.037, Florida Statutes, is amended to read:

2084 259.037 Land Management Uniform Accounting Council.—

2085 (3)

2086 (b) Each reporting agency shall also:

2087 1. Include a report of the available public use  
2088 opportunities for each management unit of state land, the total  
2089 management cost for public access and public use, and the cost  
2090 associated with each use option.

2091 2. List the acres of land requiring minimal management

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2092 effort, moderate management effort, and significant management  
2093 effort pursuant to s. 259.032(9)(b) ~~s. 259.032(9)(c)~~. For each  
2094 category created in paragraph (a), the reporting agency shall  
2095 include the amount of funds requested, the amount of funds  
2096 received, and the amount of funds expended for land management.

2097 3. List acres managed and cost of management for each  
2098 park, preserve, forest, reserve, or management area.

2099 4. List acres managed, cost of management, and lead  
2100 manager for each state lands management unit for which secondary  
2101 management activities were provided.

2102 5. Include a report of the estimated calculable financial  
2103 benefits to the public for the ecosystem services provided by  
2104 conservation lands, based on the best readily available  
2105 information or science that provides a standard measurement  
2106 methodology to be consistently applied by the land managing  
2107 agencies. Such information may include, but need not be limited  
2108 to, the value of natural lands for protecting the quality and  
2109 quantity of drinking water through natural water filtration and  
2110 recharge, contributions to protecting and improving air quality,  
2111 benefits to agriculture through increased soil productivity and  
2112 preservation of biodiversity, and savings to property and lives  
2113 through flood control.

2114 Section 34. Subsection (7) of section 380.510, Florida  
2115 Statutes, is amended to read:

2116 380.510 Conditions of grants and loans.—

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2117 (7) Any funds received by the trust pursuant to s.  
2118 259.105(3)(b) ~~s. 259.105(3)(e)~~ or s. 375.041 shall be held  
2119 separate and apart from any other funds held by the trust and  
2120 used for the land acquisition purposes of this part.

2121 (a) The administration and use of Florida Forever funds  
2122 are subject to such terms and conditions imposed thereon by the  
2123 agency of the state responsible for the bonds, the proceeds of  
2124 which are deposited into the Florida Forever Trust Fund,  
2125 including restrictions imposed to ensure that the interest on  
2126 any such bonds issued by the state as tax-exempt bonds is not  
2127 included in the gross income of the holders of such bonds for  
2128 federal income tax purposes.

2129 (b) All deeds or leases with respect to any real property  
2130 acquired with funds received by the trust from the former  
2131 Preservation 2000 Trust Fund, the Florida Forever Trust Fund, or  
2132 the Land Acquisition Trust Fund must contain such covenants and  
2133 restrictions as are sufficient to ensure that the use of such  
2134 real property at all times complies with s. 375.051 and s. 9,  
2135 Art. XII of the State Constitution. Each deed or lease with  
2136 respect to any real property acquired with funds received by the  
2137 trust from the Florida Forever Trust Fund before July 1, 2015,  
2138 must contain covenants and restrictions sufficient to ensure  
2139 that the use of such real property at all times complies with s.  
2140 11(e), Art. VII of the State Constitution. Each deed or lease  
2141 with respect to any real property acquired with funds received

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2142 by the trust from the Florida Forever Trust Fund after July 1,  
2143 2015, must contain covenants and restrictions sufficient to  
2144 ensure that the use of such real property at all times complies  
2145 with s. 28, Art. X of the State Constitution. Each deed or lease  
2146 must contain a reversion, conveyance, or termination clause that  
2147 vests title in the Board of Trustees of the Internal Improvement  
2148 Trust Fund if any of the covenants or restrictions are violated  
2149 by the titleholder or leaseholder or by some third party with  
2150 the knowledge of the titleholder or leaseholder.

2151 Section 35. Paragraph (d) of subsection (1) of section  
2152 570.715, Florida Statutes, is amended to read:

2153 570.715 Conservation easement acquisition procedures.—

2154 (1) For less than fee simple acquisitions pursuant to s.  
2155 570.71, the Department of Agriculture and Consumer Services  
2156 shall comply with the following acquisition procedures:

2157 (d) On behalf of the board of trustees and before the  
2158 appraisal of parcels approved for purchase under ss.  
2159 259.105(3)(c) ~~ss. 259.105(3)(i)~~ and 570.71, the department may  
2160 enter into option contracts to buy less than fee simple interest  
2161 in such parcels. Any such option contract shall state that the  
2162 final purchase price is subject to approval by the board of  
2163 trustees and that the final purchase price may not exceed the  
2164 maximum offer authorized by law. Any such option contract  
2165 presented to the board of trustees for final purchase price  
2166 approval shall explicitly state that payment of the final

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2167 purchase price is subject to an appropriation by the  
2168 Legislature. The consideration for any such option contract may  
2169 not exceed \$1,000 or 0.01 percent of the estimate by the  
2170 department of the value of the parcel, whichever amount is  
2171 greater.

2172 Section 36. Subsection (1) of section 589.065, Florida  
2173 Statutes, is amended to read:

2174 589.065 Florida Forever Program Trust Fund of the  
2175 Department of Agriculture and Consumer Services.—

2176 (1) There is created a Florida Forever Program Trust Fund  
2177 within the Department of Agriculture and Consumer Services to  
2178 carry out the duties of the department under the Florida Forever  
2179 Act as specified in s. 259.105 ~~s. 259.105(3)(f)~~. The trust fund  
2180 shall receive funds pursuant to s. 259.105 ~~s. 259.105(3)(f)~~.

2181 Section 37. The Legislature finds that the systematic  
2182 management of public water system and domestic wastewater  
2183 treatment system assets is essential to the protection of public  
2184 health and natural resources. Therefore, the Legislature  
2185 determines and declares that this act fulfills an important  
2186 state interest.

2187 Section 38. This act shall take effect July 1, 2018.

2188

2189

2190 **T I T L E A M E N D M E N T**

2191 Remove everything before the enacting clause and insert:

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7063 (2018)

Amendment No. 1

2192 An act relating to natural resources; amending s. 125.35, F.S.;  
2193 requiring counties to return specified state conservation funds  
2194 to the state when certain lands purchased with such funds are  
2195 sold; amending s. 161.101, F.S.; revising the criteria to be  
2196 considered by the Department of Environmental Protection in  
2197 determining and assigning annual funding priorities for beach  
2198 management and erosion control projects amending; s. 161.161,  
2199 F.S.; revising requirements for the comprehensive long-term  
2200 management plan; requiring the plan to include a strategic beach  
2201 management plan, a critically eroded beaches report, and a  
2202 statewide long-range budget plan; providing for the development  
2203 and maintenance of such plans; deleting a requirement that the  
2204 department submit a certain beach management plan on a certain  
2205 date each year; requiring the department to hold a public  
2206 meeting before finalization of the strategic beach management  
2207 plan; requiring the department to submit a statewide long-range  
2208 budget plan and a related forecast for the availability of  
2209 funding to the Legislature; amending s. 163.3177, F.S.;  
2210 exempting certain local governments from requirements to develop  
2211 and maintain work plans for building public, private, and  
2212 regional water supply facilities; creating s. 166.0452, F.S.;  
2213 requiring municipalities to return specified state conservation  
2214 funds to the state when certain lands purchased with such funds  
2215 are sold; amending s. 215.618, F.S.; removing provisions  
2216 authorizing the use of Florida Forever funds for capital

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7063 (2018)

Amendment No. 1

2217 improvement and water resource development projects; amending s.  
2218 253.0251, F.S.; authorizing the Department of Environmental  
2219 Protection to assist local governments in administering local  
2220 rural-lands-protection easement programs; providing requirements  
2221 and restrictions for such assistance; amending s. 253.034, F.S.;  
2222 requiring land management plans to prioritize exotic and  
2223 invasive species management and control; amending s. 258.014;  
2224 creating a state park volunteer annual entrance pass program;  
2225 amending s. 259.03, F.S.; removing the definitions of "capital  
2226 improvement," "capital project expenditure," and "water resource  
2227 development project"; amending s. 259.032, F.S.; removing  
2228 provisions authorizing the use of Florida Forever funds for  
2229 capital improvement and water resource development projects;  
2230 amending s. 259.105, F.S.; revising the distribution of proceeds  
2231 from the Florida Forever Trust Fund; eliminating and  
2232 consolidating funding for certain land acquisition and  
2233 management programs; removing obsolete provisions; removing  
2234 provisions authorizing the use of Florida Forever funds for  
2235 water resource development projects, restoration, enhancement,  
2236 and management of certain land and water areas, and certain  
2237 capital improvements; including wildlife crossings and  
2238 connections between such crossings and wildlife habitats as  
2239 criteria for assessing certain projects and land acquisitions;  
2240 amending s. 373.089, F.S.; prohibiting water management  
2241 districts from disposing of lands acquired with state funds

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Bill No. HB 7063 (2018)

Amendment No. 1

2242 under certain conditions; requiring water management districts  
2243 to return specified state conservation funds to the state when  
2244 certain lands purchased with such funds are sold; amending s.  
2245 373.139, F.S.; removing provisions prohibiting water management  
2246 districts from disposing of lands acquired with state funds  
2247 under certain conditions; amending s. 373.1391, F.S.; requiring  
2248 revenue generated from the management of certain conservation  
2249 lands to be retained by the jurisdictional water management  
2250 district and used for specified purposes; amending s. 373.199,  
2251 F.S.; limiting the use of Florida Forever funds for water  
2252 management district projects; amending s. 373.4598, F.S.;  
2253 revising requirements related to the operation of water storage  
2254 and use for Phase I and Phase II of the C-51 reservoir project  
2255 if state funds are appropriated for such phases; authorizing the  
2256 South Florida Water Management District to enter into certain  
2257 capacity allocation agreements and to request a waiver for  
2258 repayment of certain loans; authorizing the Department of  
2259 Environmental Protection to waive such loan repayment under  
2260 certain conditions; amending s. 373.713, F.S.; requiring  
2261 regional water supply authorities to annually coordinate with  
2262 water management districts on the status of certain water  
2263 resource development projects; amending s. 375.041, F.S.;  
2264 requiring the Department of Environmental Protection and the  
2265 South Florida Water Management District to give specified  
2266 funding priority to the C-43 West Basin Storage Reservoir

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## COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7063 (2018)

Amendment No. 1

2267 Project; requiring a specified amount of funds in the Land  
2268 Acquisition Trust Fund within the Department of Environmental  
2269 Protection to be appropriated annually each fiscal year to the  
2270 Florida Forever Trust Fund; amending 403.067, F.S.; providing  
2271 that the Department of Environmental Protection may consider and  
2272 include innovative nutrient pilot projects in the development of  
2273 basin management action plans; providing the department may  
2274 provide funding for such projects; amending s. 403.087, F.S.;;  
2275 revising requirements for the renewal of operation permits for  
2276 domestic wastewater treatment facilities; amending s. 403.0891,  
2277 F.S.; requiring the Department of Transportation to coordinate  
2278 with the Department of Environmental Protection, water  
2279 management districts, and local governments to make certain  
2280 determinations regarding beneficial uses of stormwater from road  
2281 construction projects and to implement such beneficial uses  
2282 under certain conditions; authorizing the Department of  
2283 Environmental Protection, in consultation with the Department of  
2284 Transportation, to adopt rules; amending s. 403.412, F.S.;;  
2285 authorizing prevailing parties to collect attorney's fees from  
2286 interveners in administrative hearings; amending s. 403.814,  
2287 F.S.; providing that a general permit for construction,  
2288 alteration, and maintenance of a stormwater management system  
2289 serving a total project area of up to 10 acres may be granted if  
2290 the project does not cause or contribute to adverse impacts;  
2291 creating s. 403.892, F.S.;; providing legislative findings;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7063 (2018)

Amendment No. 1

2292 requiring public water systems and domestic wastewater treatment  
2293 systems to develop asset management plans and create reserve  
2294 funds by a specified date; defining the term "domestic  
2295 wastewater treatment system"; providing requirements for such  
2296 plans and funds; specifying eligibility criteria for state  
2297 funding; directing the Department of Environmental Protection to  
2298 adopt rules; creating s. 403.893, F.S.; requiring water and  
2299 wastewater utilities in identified 100-year and 500-year flood  
2300 areas to build new infrastructure to withstand respective flood  
2301 conditions; including minimum criteria; amending s. 570.76,  
2302 F.S.; authorizing the Department of Agriculture and Consumer  
2303 Services to assist local governments in administering local  
2304 rural-lands-protection easement programs; providing requirements  
2305 and restrictions for such assistance; amending s. 1004.49, F.S.;  
2306 renaming the Department of Fisheries and Aquaculture of the  
2307 Institute of Food and Agricultural Sciences at the University of  
2308 Florida to the School of Forest Resources and Conservation's  
2309 Fisheries and Aquatic Science Program; providing that the  
2310 LAKEWATCH Program may train, supervise, and coordinate  
2311 volunteers to collect water quality data from Florida's lakes,  
2312 streams, and estuaries; providing that the Department of  
2313 Environmental Protection may use the data collected if the data  
2314 collection methods meet sufficient quality assurance and quality  
2315 control requirements; amending ss. 20.3315, 253.027, 253.034,  
2316 259.035, 259.037, 380.510, 570.715, and 589.065, F.S.;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7063 (2018)

Amendment No. 1

2317 conforming cross-references; providing a declaration of  
2318 important state interest; providing an effective date.

