



Agriculture & Natural Resources Appropriations Subcommittee

March 11, 2015
9:00 AM – 12:00 PM
Reed Hall



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

Steve Crisafulli
Speaker

Ben Albritton
Chair


March 11, 2015

AGENDA
9:00 AM – 12:00 PM
Reed Hall

- I. Call to Order/Roll Call
- II. HB 1291—Implementation of Water & Land Conservation Constitutional Amendment by Boyd
- III. HB 1295—Trust Funds/Creation/Land Acquisition Trust Fund/DACS
- IV. Closing/Adjourn

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1291 Implementation of Water and Land Conservation Constitutional Amendment
SPONSOR(S): Boyd
TIED BILLS: HB 1293, HB 1295 **IDEN./SIM. BILLS:** SB 584, CS/SB 586

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Appropriations Subcommittee		Massengale	Massengale 
2) Appropriations Committee			

SUMMARY ANALYSIS

HB 1291 implements the recent constitutional initiative approved by the voters relating to water and land conservation. The amendment requires that 33 percent of documentary stamp taxes collected be distributed to the Land Acquisition Trust Fund (LATF) and prohibits funds from the LATF from being used for other than a specified list of purposes and prohibits the comingling of LATF with the General Revenue Fund. The bill:

- Revises documentary stamp tax distribution to reflect the required 33 percent distribution to the Land Acquisition Trust Fund:
 - Eliminates the distribution to various trust funds currently receiving documentary stamp tax distributions, including Ecosystem Management and Restoration Trust Fund, Water Management Lands Trust Fund, Conservation and Recreation Lands (CARL) Trust Fund, General Inspection Trust Fund, Invasive Plant Control Trust Fund, State Game Trust Fund, and Water Quality Assurance Trust Fund.
 - Maintains current documentary stamp tax distributions to State Economic Enhancement and Development Trust Fund, State Transportation Trust Fund, and state and local housing trust funds.
 - Reduces documentary stamp tax distribution to the General Revenue Fund.
- Terminates the following trust funds: Department of Environmental Protection's (DEP) Florida Communities Trust Fund, CARL Trust Fund, Ecosystem Management and Restoration Trust Fund, Florida Preservation 2000 Trust Fund, Water Management Lands Trust Fund, and Department of Agriculture and Consumer Services' (DACS) and Fish and Wildlife Conservation Commission's (FWC) Conservation and Recreation Lands Program Trust Funds; provides for the disposition of the cash balances of the terminated funds.
- Provides transparency and accountability relating to expenditure of LATF funds by creating a mechanism by which only LATF documentary stamp tax revenues are appropriated in the LATF;
- Specifies that DEP will transfer cash to other agencies' LATFs by nonoperating authority to fund appropriations in the annual General Appropriations Act.
- Specifies that any transferred moneys available from reversions or reductions of budget authority in the other agencies must be transferred back to the LATF in the DEP within 15 days after such reversion or reduction and be available for future appropriation pursuant to Art. X, s. 28 of the State Constitution.
- Revises the disposition of revenue from sale or other disposition of lands; forfeited property; fines and penalties; donations; sale of products; and operation, management or lease of conservation lands and facilities on those lands
- Requires that interest earned on invested LATF accrue to the General Revenue Fund.
- Deletes phosphate rock severance tax distribution to the CARL Trust Fund and redistributes pro rata share to remaining recipients.
- Revises all environmental bonding provisions to comply with constitutional amendment and repeals all obsolete bonding provisions (CARL, Save Our Coasts, and Florida Preservation 2000).
- Revises DEP's and FWC's Land Acquisition Trust Funds to comply with constitutional amendment.
- Corrects cross references and conforms provisions to changes made by the act.

The bill has a significant fiscal impact on state and local governments, but no fiscal impact on the private sector (see Fiscal Analysis and Economic Impact Statement section for more detail).

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Constitutional Amendment

On November 4, 2014, an initiative petition relating to water and land conservation¹ was approved by the voters. The provision added a new section 28 to Article X of the Florida Constitution to read as follows:²

SECTION 28. Land Acquisition Trust Fund.—

a) Effective on July 1 of the year following passage of this amendment by the voters, and for a period of 20 years after that effective date, the Land Acquisition Trust Fund shall receive no less than 33 percent of net revenues derived from the existing excise tax on documents, as defined in the statutes in effect on January 1, 2012, as amended from time to time, or any successor or replacement tax, after the Department of Revenue first deducts a service charge to pay the costs of the collection and enforcement of the excise tax on documents.

b) Funds in the Land Acquisition Trust Fund shall be expended only for the following purposes:

1) As provided by law, to finance or refinance: the acquisition and improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands including wetlands, forests, and fish and wildlife habitat; wildlife management areas; lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer systems; lands in the Everglades Agricultural Area and the Everglades Protection Area, as defined in Article II, Section 7(b); beaches and shores; outdoor recreation lands, including recreational trails, parks, and urban open space; 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.

2) To pay the debt service on bonds issued pursuant to Article VII, Section 11(e).

c) The moneys deposited into the Land Acquisition Trust Fund, as defined by the statutes in effect on January 1, 2012, shall not be or become commingled with the General Revenue Fund of the state.

Documentary Stamp Tax

Current Situation

In chapter 201, Florida Statutes, 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.³ Deeds and other documents granting, assigning, or transferring ownership (including fractional ownership) of real property are taxed at a rate of \$0.70 per \$100 or fractional part of \$100 of consideration (\$0.60 per \$100 consideration in Miami-Dade County), and \$0.35 per \$100 or fractional part of \$100 of consideration for other types of documents.⁴ There is a cap of \$2,450 on the

¹ The initiative was sponsored by a political committee called Florida's Water and Land Legacy, Inc. See, <http://election.dos.state.fl.us/initiatives/initdetail.asp?account=59894&seqnum=1>

² The ballot title read: "Water and Land Conservation - Dedicates funds to acquire and restore Florida." The ballot summary read as follows:
Funds the Land Acquisition Trust Fund to acquire, restore, improve, and manage conservation lands including wetlands and forests; fish and wildlife habitat; lands protecting water resources and drinking water sources, including the Everglades, and the water quality of rivers, lakes, and streams; beaches and shores; outdoor recreational lands; working farms and ranches; and historic or geologic sites, by dedicating 33 percent of net revenues from the existing excise tax on documents for 20 years.

³ Sections 201.02, 201.07, and 201.208, F.S.

⁴ Miami-Dade County currently levies a documentary stamp surtax on certain types of documents, ch. 83-220, L.O.F., as amended.

total amount of documentary stamp taxes that may be assessed on promissory notes, nonnegotiable notes, or assignments of compensation.

Current law provides for the distribution of documentary stamp taxes to a wide variety of trust funds. A significant portion of the collections is also deposited into the General Revenue Fund. The trust funds that receive documentary stamp tax distributions are used to fund land and water conservation, preservation, and maintenance; economic development; housing; and transportation programs.⁵

Under section 201.15, F.S., documentary stamp taxes are distributed as follows:

- Of total collections, 8 percent is distributed to the General Revenue Fund as a service charge per s. 215.20(1), F.S.
- The Department of Revenue (DOR) deducts amounts necessary to pay for collection and enforcement of the tax, about \$9.8 million per year.

Of the taxes remaining after the deduction of the above, 63.31 percent is distributed as follows:

- Amounts necessary to pay debt service on Florida Preservation 2000 (now retired), Florida Forever (to the Land Acquisition Trust Fund), and Everglades Restoration (to the Save Our Everglades Trust Fund) bonds.
- The remainder of the 63.31 percent share is distributed as follows:
 - State Transportation Trust Fund—the lesser of 38.2 percent or \$541.75 million, of which the first \$75 million is transferred to the State Economic Enhancement and Development Trust Fund.
 - Grants and Donations Trust Fund of Department of Economic Opportunity—the lesser of 0.23 percent or \$3.25 million.
 - Ecosystem Management and Restoration Trust Fund—the lesser of 2.12 percent or \$30 million.
 - General Inspection Trust Fund—the lesser of 0.02 percent or \$300,000.
 - General Revenue Fund—After all of the above distributions, the remainder of the 63.31 percent portion is distributed to the General Revenue Fund.

Further distributions of taxes remaining after deduction of the general revenue service charge and collection and enforcement costs are as follows:

- Land Acquisition Trust Fund—the lesser of 7.56 percent or \$84.9 million, of which \$6.3 million is transferred to the General Revenue Fund.
- Land Acquisition Trust Fund for the payment of debt service on coastal land acquisition (bonds now retired)—the lesser of 1.94 percent or \$26 million, \$11 million of which is transferred to the General Revenue Fund.
- Water Management Lands Trust Fund—the lesser of 4.2 percent or \$60.5 million.
- Conservation and Recreation Lands Trust Fund—3.52 percent, of which 11.15 percent is transferred to the State Game Trust Fund.
- Invasive Plant Control Trust Fund—the lesser of 2.28 percent or \$34.1 million.
- State Game Trust Fund—the lesser of 0.5 percent or \$9.3 million.
- Water Quality Assurance Trust Fund—0.5 percent.
- General Inspection Trust Fund—0.5 percent.
- State Housing Trust Fund—7.53 percent, of which the first \$35 million is transferred to the State Economic Enhancement and Development Trust Fund. Half of the remainder is transferred to the Local Government Housing Trust Fund.
- State Housing Trust Fund—8.66 percent, of which the first \$40 million is transferred to the State Economic Enhancement and Development Trust Fund, and 87.5 percent of the remainder is transferred to the Local Government Housing Trust Fund.

- Any remaining taxes are distributed to the General Revenue Fund.

The above statutory distribution formula resulted in the following distribution of tax revenue in Fiscal Year 2013-2014:

Fund	Distribution Amount (millions of dollars)⁶	Percent
General Revenue (including service charge)	\$742.5	41.1%
Department of Revenue	\$9.8	0.5%
Florida Forever & Everglades Restoration Debt Service	\$170.8	9.4%
State Transportation TF	\$270.2	14.9%
DEO Grants & Donations TF	\$2.0	0.1%
Ecosystem Management & Restoration TF	\$18.6	1.0%
General Inspection TF	\$4.3	0.2%
Land Acquisition TF	\$94.8	5.2%
Water Management Lands TF	\$61.2	3.4%
Conservation & Recreation Lands TF	\$51.8	2.9%
Invasive Plant Control TF	\$34.5	1.9%
State Game TF	\$14.8	0.8%
Water Quality Assurance TF	\$4.1	0.2%
State Housing TF	\$57.8	3.2%
Local Government Housing TF	\$135.3	7.5%
State Economic Enhancement & Development TF	\$140.0	7.7%
Total	\$1,812.5	100%

In the event that the 63.31 percent share of taxes described above is insufficient to pay required debt service on Florida Forever and Save Our Everglades bonds, all of the other documentary stamp tax revenues are available to make bond payments, except for revenues that have been bonded under other programs.⁷ This additional coverage is expressed statutorily as a secondary pledge, after exhaustion of the 63.31 percent distribution.

The state's capacity to issue debt under the Florida Forever and Save Our Everglades programs is limited by the 63.31 percent of revenue remaining after deduction of the general revenue service

⁶ Revenue Estimating Conference, General Revenue Fund, December 15, 2014.

⁷ s. 201.15(16), F.S.

charge and DOR costs. Furthermore, issuance of additional debt must meet the “additional bonds test.” The additional bonds test compares the revenues that may be pledged for debt service (in this case the 63.31 percent) with the total debt service of any new debt combined with that for existing bonds. These requirements are set forth in bond issuance agreements. Current bonding agreements state that new bonds may not be issued if available revenues are less than 150 percent of debt service for all bonds, including any newly issued ones.

Effect of Proposed Changes

HB 1291 amends s. 201.15, F.S., to change the distribution of documentary stamp taxes. Under the bill, 33 percent of the documentary stamp taxes (after deduction of DOR collection and enforcement costs) will be deposited into the Land Acquisition Trust Fund. Amounts required for debt service under Florida Forever and Save Our Everglades are included in this amount.

Current distributions to the State Economic Enhancement and Development (SEED) Trust Fund, State Transportation Trust Fund, Grants and Donation Trust Fund in the Department of Economic Opportunity, State Housing Trust Fund,⁸ Local Housing Trust Fund, and to the General Inspection Trust Fund relating to oyster restoration and management are not affected. To achieve the same distribution to the above trust funds as under current law, the bill defines two amounts—the “unadjusted remainder” and the “adjusted remainder”—against which statutory distribution percentages are applied. The “unadjusted remainder” is defined as the total amount of documentary stamp taxes collected after first deducting the 8 percent general revenue service charge and the DOR’s collection and enforcement costs. It is used to calculate distributions to the State Housing Trust Fund, Local Housing Trust Fund, and part of the distribution to the SEED Trust Fund. The “adjusted remainder” is defined as the unadjusted remainder multiplied by 63.31 percent then reduced by the amount necessary to pay debt service on Florida Forever and Save Our Everglades bonds. It is used to calculate distributions to the Grants and Donations Trust Fund, State Transportation Trust Fund, General Inspection Trust Fund, and part of the distribution to the SEED Trust Fund.

Documentary stamp tax distributions to the following trust funds will be eliminated:

1. Ecosystem Management and Restoration Trust Fund.
2. Water Management Lands Trust Fund.
3. Conservation and Recreation Lands Trust Fund.
4. General Inspection Trust Fund relating to water quality impacts associated with agricultural nonpoint sources.⁹
5. Invasive Plant Control Trust Fund.¹⁰
6. State Game Trust Fund.¹¹
7. Water Quality Assurance Trust Fund.

The bill specifies that the general revenue service charge pursuant to s. 215.20(1), F.S., must apply to all documentary stamp tax revenues, except for the 33 percent distributed to the Land Acquisition Trust Fund.

⁸ The transfer of funds from the State Transportation Trust Fund (STTF) to the Economic Enhancement and Development Trust Fund and the specified purposes of the use of the funds from the STTF are unaltered by the bill. See s. 201.15(1)(d), F.S., as amended by the bill.

⁹ Pursuant to s. 570.20, F.S., “[a]ll donations and all inspection fees and other funds authorized and received from whatever source in the enforcement of the inspection laws administered by the department shall be paid into the General Inspection Trust Fund of Florida, which is created in the office of the Chief Financial Officer. All expenses incurred in carrying out the provisions of the inspection laws shall be paid from this fund as other funds are paid from the State Treasury.”

¹⁰ The Invasive Plant Control Trust Fund is created pursuant to s. 379.214, F.S., in the Fish and Wildlife Conservation Commission.

¹¹ Pursuant to s. 379.211, F.S., the purpose of the State Game Trust Fund within the Fish and Wildlife Conservation Commission is as follows:

[F]unds resulting from the operation of the commission and from the administration of the laws and regulations pertaining to birds, game, fur-bearing animals, freshwater fish, reptiles, and amphibians, together with any other funds specifically provided for such purposes shall constitute the State Game Trust Fund and shall be used by the commission as it shall deem fit in carrying out the provisions hereof and for no other purposes, except that annual use fees deposited into the trust fund from the sale of the Largemouth Bass license plate may be expended for the purposes provided under s. 320.08058(17).

Additionally, prior to any other distributions or uses, the bill makes 100 percent of collections available to pay debt service on Florida Forever, Save Our Everglades, and any other bonds issued on parity with those bonds. However, the bill also amends ss. 215.618 and 215.619, F.S., to state that only 58.25 percent of documentary stamp tax collections shall be considered when evaluating whether additional bonding capacity is available under the additional bonds test. The effect is that, while additional revenues are given first priority to pay debt service on bonds if needed, the state's capacity to issue bonds is not increased.

The bill repeals s. 403.8911, F.S., relating to annual appropriations of funds paid into the Water Protection and Sustainability Program Trust Fund pursuant to s. 201.15, F.S., the documentary stamp tax statute. There are no current distributions from s. 201.15, F.S., into the Water Protection and Sustainability Program Trust Fund.¹² The bill also amends ss. 201.0205, 215.618, 215.619, 259.1051, 339.0801(4), 339.55(9), 341.303(5), 343.58(4), 369.252, 379.214, 420.5092, and 420.9073, F.S., to conform cross references to the changes made to s. 201.15, F.S.

Phosphate Rock Severance Tax

Section 211.3103, F.S., levies an excise tax upon each person engaging in the business of severing phosphate rock from the soils or waters of the state for commercial use. Currently, a portion of this tax is deposited into the Conservation and Recreation Lands Trust Fund. As discussed further below, this trust fund is terminated by this bill. HB 1291 redistributes the phosphate rock severance tax on a pro-rata basis as follows:

	Distribution Prior to January 1, 2015	Current distribution January 1, 2015–December 31, 2022	Bill distribution January 1, 2015–December 31, 2022	Bill distribution Beginning January 1, 2023
Conservation and Recreation Lands Trust Fund	25.5%	22.8%	0%	0%
General Revenue Fund	35.7%	31.9%	41.3%	47.9%
Counties in proportion to number of tons of phosphate rock produced	12.8%	11.5%	14.9%	17.2%
Counties designated as rural area of opportunity	10.0%	8.9%	11.5%	13.4%
Nonmandatory Land Reclamation Trust Fund	6.2%	16.1%	20.9%	8.3%
Phosphate Research Trust Fund	6.2%	5.6%	7.3%	8.3%
Minerals Trust Fund	3.6%	3.2%	4.1%	4.9%

Land Acquisition Trust Fund

Since 1963 there have been a series of land acquisition programs authorized by statute. These include Outdoor Recreation and Conservation (1963), Environmentally Endangered Lands (1972), Conservation and Recreation Lands (1979), Save Our Rivers (1981), Save Our Coasts (1981), Florida Communities Trust (1989), Florida Preservation 2000 (1990), and Florida Forever (2000).

¹² The distribution was repealed in ch. 2009-68, L.O.F.
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Pursuant to s. 253.03, F.S., with certain exceptions, the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees)¹³ of the state is “vested and charged with the acquisition, administration, management, control, supervision, conservation, protection, and disposition of all lands owned by, or which may hereafter inure to, the state or any of its agencies, departments, boards, or commissions.” The procedures for state land acquisitions, titles to which will vest in the Board of Trustees, are provided in chapters 253 and 259, F.S. The Department of Environmental Protection (DEP) serves as staff to the Board of Trustees.

Pursuant to s. 259.035, F.S., the Acquisition and Restoration Council (ARC) is responsible for evaluating, selecting and ranking state land acquisition projects for submission to the Board of Trustees for approval. The ARC comprises ten voting members, four of whom are appointed by the Governor.

Section 375.041, F.S., creates the Land Acquisition Trust Fund within the DEP to facilitate and expedite the acquisition of land, water areas, and related resources. Revenue sources consist of documentary stamp tax revenue distributed pursuant to 201.15, F.S.; revenue from the operation, management, sale, lease, or other disposition of land, water areas, related resources, and the facilities acquired or constructed on these lands; and interest earnings on investments.

HB 1291 amends s. 375.041, F.S. to remove language providing for uses and purposes of the Land Acquisition Trust Fund and to specify that the trust fund is created to implement the provisions prescribed in Art. X, s. 28 of the State Constitution. The bill specifies that the Land Acquisition Trust Fund will continue for as long as bonds are outstanding pursuant to ss. 215.618 or 215.619, or any bonds issued on a parity basis with such bonds, or until the requirements of Art. X, s. 28 of the State Constitution expire, whichever is later.

Pursuant to the provisions of the bill, the only funds deposited into the Land Acquisition Trust Fund will be documentary stamp tax revenue distributed to the trust fund pursuant to s. 201.15, F.S., and proceeds from the sale of surplus conservation lands purchased on or after July 1, 2015. All other revenue currently being deposited into the Land Acquisition Trust Fund will be deposited into a different trust fund. Cash will be transferred by way of nonoperating budget authority to the existing LATF in the Fish and Wildlife Conservation Commission and to newly created Land Acquisition Trust Funds in the Department of State and Department of Agriculture and Consumer Services to support annual appropriations from these trust funds. The funds transferred from the DEP Land Acquisition Trust Fund will be the only source of revenue for the Land Acquisition Trust Fund of these other agencies. Because funds from other sources will not be deposited (and commingled) into these trust funds, interested parties will be able to track expenditures made from the required percentage of documentary stamp tax revenue to insure that these expenditures comply with the new constitutional requirements regarding the use of these funds.

The bill requires moneys from the Land Acquisition Trust Fund to be allocated as follows:

1. The amounts necessary to pay debt service or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds issued under s. 215.618, F.S., and Everglades restoration bonds issued under s. 215.619, F.S.
2. The amount necessary to pay debt service on bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns Water Management District, or necessary to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to such bonds. This provision expires July 1, 2016.
3. Thirty-two million dollars to be distributed to the South Florida Water Management District for the Long-Term Plan as defined in s. 373.4592(2), F.S. This provision expires July 1, 2024.
4. Any remaining funds to be provided in accordance with the General Appropriations Act.

The bill requires DEP to transfer funds from the LATF to other trust funds for the purposes listed above pursuant to nonoperating budget authority as provided in s. 216.181(12), F.S. Any transferred moneys

¹³ The Board comprises the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture, FLA. CONST. art. IV, s. 4(f).

available from reversions or reductions of budget authority in the other agencies must be transferred back to the LATF in the DEP within 15 days after such reversion or reduction and be available for future appropriation pursuant to Art. X, s. 28 of the State Constitution.

In order to adhere to the constitutional amendment's requirement that the LATF only be used for certain purposes and in order to redirect revenue sources other than documentary stamp tax to other trust funds, the bill makes the following changes to funding sources, uses and purposes of the LATF:

1. Section 253.03, F.S., currently requires the Board of Trustees of the Internal Improvement Trust Fund to administer all real property forfeited to the state and provides that funds from the Internal Improvement Trust Fund may be used to satisfy encumbrances on the property. If forfeited property receipts are not sufficient to fund encumbrances or expenses, funds from the Land Acquisition Trust Fund, may be used. HB 1291 removes that reference to the Land Acquisition Trust Fund and provides that another appropriate trust fund may be used.
2. Section 253.034, F.S., currently provides that lands listed as projects for acquisition may be managed for conservation on an interim basis by a private party in anticipation of a state purchase using no more than 5 percent of the funds allocated from the Conservation and Recreation Lands Trust Fund and Water Management Lands Trust Fund. HB 1291 amends this section to designate the Land Acquisition Trust Fund as the funding source and specifies that no more than \$6.2 million from this trust fund may be expended for this purpose. The bill makes an identical change to language in s. 259.105, F.S., relating to the Florida Forever Act.
3. The bill amends s. 258.435, F.S., which currently specifies that gifts and donations received by the DEP for the administration and maintenance of aquatic preserves and their associated uplands must be deposited into the Land Acquisition Trust Fund, to provide for the deposit of such funds into the Grants and Donations Trust Fund.
4. The bill amends s. 253.7824, F.S., which currently provides that the Department of Environmental Protection may authorize the removal and sale of products from the land where environmentally appropriate, to require that the proceeds be deposited into Internal Improvement Trust Fund rather than the Land Acquisition Trust Fund.
5. The bill amends s. 259.032, F.S., which currently requires that all revenues generated through multiple-use management or compatible secondary-use management must be segregated in an agency trust fund that is used for land management, to require these revenues to be deposited into a fund used for land management other than the Land Acquisition Trust Fund.
6. The bill amends s. 369.252(4), F.S., which currently specifies that a minimum of 20 percent of the amount credited to the Invasive Plant Control Trust Fund through the documentary stamp tax distribution must be used for the purpose of controlling nonnative, upland, invasive plant species on public lands. The bill eliminates the referenced documentary stamp tax distribution to the Invasive Plant Control Trust Fund and specifies that a minimum of 20 percent of the amount transferred from the Land Acquisition Trust Fund to the Invasive Plant Control Trust Fund must be used for controlling nonnative, upland, invasive plant species on public lands.
7. The bill amends s. 375.041, F.S., to specify that revenue from the sale or other disposition of land purchased before July 1, 2015, will be deposited into the Florida Forever Trust Fund. Revenue from the operation, management, or lease of land, water areas, related resources, and the facilities thereon acquired or constructed under the act will be deposited into the Internal Improvement Trust Fund.
8. The bill amends s. 375.044, F.S., relating to Land Acquisition Trust Fund budget requests to remove the requirement that the legislative budget request include information regarding the issuance of Save Our Coasts bonds, which have been retired.

9. The bill amends s. 375.075, F.S., which authorizes DEP to establish the Florida Recreation Development Assistance Program to provide grants to qualified local governmental entities to acquire or develop land for public outdoor recreation purposes. The bill removes references to the Land Acquisition Trust Fund and the Florida Forever Trust Fund being used for this purpose and provides that the grants will be subject to legislative appropriation.
10. The bill amends s. 403.93345, F.S., to add lands and interests acquired with funds deposited into the Land Acquisition Trust Fund pursuant to Art. X, s. 28 of the State Constitution to the definition of public lands that have been set aside for conservation or preservation.
11. The bill amends s. 895.09, F.S., relating to the disposition of funds obtained through forfeiture proceedings to remove a reference to the Land Acquisition Trust Fund.

Land Acquisition Trust Fund—Fish and Wildlife Conservation Commission

Section 379.212, F.S., establishes the Land Acquisition Trust Fund in the Fish and Wildlife Conservation Commission (FWC) for the purpose of acquiring, assisting other agencies or local governments in acquiring or managing lands important to the conservation of fish and wildlife. Revenue sources of the trust fund include donations, grants, development of regional impact wildlife mitigation contributions, and legislative appropriations.

HB 1291 amends this section to specify that the trust fund is established to implement the provisions prescribed in Art. X, s. 28 of the Florida Constitution. The bill specifies that the trust fund may be credited with funds transferred from the LATF within the DEP, and that the FWC must maintain the integrity of moneys transferred from DEP's Land Acquisition Trust Fund. Any transferred moneys available from reversions or reductions in budget authority will be transferred back to the LATF in the DEP within 15 days after such reversions or reductions.

The bill also amends s. 379.206, F.S., relating to the Grants and Donations Trust Fund of the Fish and Wildlife Conservation Commission to specify that funds related to the development of regional impact wildlife mitigation contributions will be deposited in this trust fund rather than the FWC's Land Acquisition Trust Fund.

Land Acquisition Trust Fund—Department of Agriculture and Consumer Services

HB 1295, a bill that is a companion bill to this bill, will create a Land Acquisition Trust Fund in the Department of Agriculture and Consumer Services to receive transfers of funds from DEP's Land Acquisition Trust Fund.

Land Acquisition Trust Fund—Department of State

HB 1293, a bill that is a companion bill to this bill, creates a Land Acquisition Trust Fund in the Department of State to receive transfers of funds from DEP's Land Acquisition Trust Fund.

HB 1291 amends s. 17.61, F.S., to require that interest derived from the investment of Land Acquisition Trust Funds of the Department of Environmental Protection, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, and the Department of State will accrue to the General Revenue Fund.

Surplus Lands

Currently, section 253.034, F.S., requires that the Board of Trustees of the Internal Improvement Trust Fund must determine which conservation and nonconservation lands may be surplus. The proceeds from the sale of surplus lands are deposited into the fund from which the lands were acquired.

HB 1291 amends s. 253.034, F.S., to specify that proceeds from the sale of any surplus conservation lands purchased before July 1, 2015, will be deposited into the Florida Forever Trust Fund and

proceeds from the sale of any surplus conservation lands purchased after that date shall be deposited into the Land Acquisition Trust Fund or the trust fund from which the lands were purchased if required by bond covenant. The bill also amends s. 375.041, F.S., to specify that all proceeds from the sale or other disposition of lands or water storage areas pursuant to that section must be deposited into the appropriate trust fund based on the date of sale as described in s. 253.034, F.S. The bill amends s. 259.101, F.S., relating to the Florida Preservation 2000 Act to specify that revenue derived from the disposal of lands acquired with Florida Preservation 2000 funds must be deposited into the Florida Forever Trust Fund.

Florida Forever

Section 259.105, F.S., creates the Florida Forever Act. The Florida Forever Program was enacted by the 1999 Legislature as a successor program to Florida Preservation 2000, a land acquisition program designed to protect, conserve, and preserve environmentally sensitive lands. Section 201.15(11), F.S., states that “[t]he Legislature intends that the Florida Forever program supplant the acquisition programs formerly authorized under ss. 259.032 and 373.59 [Conservation and Recreation Lands Trust Fund and Water Management Lands Trust Fund].” The Florida Forever Program may be funded through cash transfers from the General Revenue Fund or other trust funds and the sale of bonds. Proceeds of bonds issued are deposited into the Florida Forever Trust Fund created pursuant to s. 259.1051, F.S. The bonds are repaid through the appropriation of debt service supported by documentary stamp tax revenue into the Land Acquisition Trust Fund.

Section 259.105(3), F.S., provides for the distribution of cash payments or bond proceeds to the Department of Environmental Protection, to water management districts, to the Fish and Wildlife Conservation Commission, and to the Department of Agriculture and Consumer Services for specified purposes.¹⁴ This section also provides specific evaluation criteria and performance measures that acquisitions or projects are required to meet. HB 1291 retains the current fund distribution list and removes language that provides for a different distribution of funds for the 2014-2015 fiscal year because that language will be obsolete.

Other Environmental Trust Funds

HB 1291 terminates the following trust funds which will no longer receive documentary stamp tax revenue or are otherwise obsolete; the trust funds will be discussed in more detail below:

1. Department of Environmental Protection—
 - a. Florida Communities Trust Fund.¹⁵
 - b. Conservation and Recreation Lands Trust Fund.¹⁶
 - c. Ecosystem Management and Restoration Trust Fund.¹⁷
 - d. Florida Preservation 2000 Trust Fund.¹⁸
 - e. Water Management Lands Trust Fund.¹⁹
2. Department of Agriculture and Consumer Services—Conservation and Recreation Lands Program Trust Fund.²⁰
3. Fish and Wildlife Conservation Commission—Conservation and Recreation Lands Program Trust Fund.²¹

¹⁴ Section 259.105(3)(m), F.S., specifies an alternative distribution of funds from the Florida Forever Trust Fund for the 2014-2015 fiscal year only as follows:

1. Five million dollars to the Department of Agriculture and Consumer Services for the acquisition of agricultural lands through perpetual conservation easements and other perpetual less-than-fee techniques, which will achieve the objectives of Florida Forever and s. 570.71.
2. The remaining moneys appropriated from the Florida Forever Trust Fund shall be distributed only to the Division of State Lands within the Department of Environmental Protection for land acquisitions that are less-than-fee interest, for partnerships in which the state's portion of the acquisition cost is no more than 50 percent, or for conservation lands needed for military buffering or springs or water resources protection. This paragraph expires July 1, 2015.

¹⁵ FLAIR number 37-2-244

¹⁶ FLAIR number 37-2-131

¹⁷ FLAIR number 37-2-193

¹⁸ FLAIR number 37-2-332

¹⁹ FLAIR number 37-2-776

²⁰ FLAIR number 42-2-931

²¹ FLAIR number 77-2-931

Florida Communities Trust Fund

Part III of chapter 380, F.S., creates the Florida Communities Trust Act. The Florida Communities Trust is created in s. 380.504, F.S., as a state land acquisition grant program that provides funding to local governments and eligible non-profit environmental organizations for acquisition of community based parks, open space, and greenways that further outdoor recreation and natural resource protection needs identified in local government comprehensive plans. The trust governing board consists of the Secretary of the DEP and four members appointed by the Governor. The trust is organizationally housed within DEP.

The Florida Communities Trust Fund²² within the DEP is used to fund the activities of the Florida Communities Trust. The revenue in the Florida Communities Trust Fund comes from distributions from the Florida Forever Trust Fund.

HB 1291 terminates the Florida Communities Trust Fund and repeals s. 380.511, F.S., which creates the trust fund. The current balances of the Florida Communities Trust Fund will be transferred to the Land Acquisition Trust Fund.

The bill also makes the following changes related to the Florida Communities Trust:

1. Provides that funds from the sale of lands purchased by the Florida Communities Trust will be deposited into the appropriate trust fund pursuant to s. 253.034(6), F.S., rather than the Florida Communities Trust Fund (s. 380.508, F.S.).
2. Provides that all moneys and revenue from the operation, management, lease, or other disposition of land, water areas, related resources and the facilities thereon acquired or constructed through the Florida Communities Trust will be deposited into the Internal Improvement Trust Fund (s. 380.508, F.S.).
3. Provides that any funds over and above eligible project costs, which remain after completion of a project, will be deposited into the Florida Forever Trust Fund instead of the Florida Communities Trust Fund (s. 380.508, F.S.).
4. Provides that any funds that the Florida Communities Trust collects from a nonprofit organization or local government under a grant or loan agreement must be deposited into the Internal Improvement Trust Fund within the DEP rather than the Florida Communities Trust Fund (s. 380.510(5), F.S.).
5. Requires deeds or leases with respect to any property acquired by the Florida Communities Trust with Land Acquisition Trust Fund proceeds to contain certain covenants and restrictions (s. 380.510, F.S.).

Florida Preservation 2000 Act and Trust Fund

Section 259.101, F.S., creates the Florida Preservation 2000 Act, which authorizes the issuance of bonds to fund land acquisition. The Florida Preservation 2000 Trust Fund is created within the DEP by section 375.045, Florida Statutes, to carry out the purposes of ss. 259.032 (Conservation and Recreation Lands Trust Fund), 259.101 (The Florida Preservation 2000 Act), and 375.031, F.S. (acquisition of land or water resources for conservation or improvement). Revenue sources consisted of the proceeds of the sale of revenue bonds. The funds for this program have all been expended and the bonds have been retired.

HB 1291 amends s. 259.101, F.S., related to the Florida Preservation 2000 Act to remove outdated language relating to distribution of funds and project criteria. The bill maintains portions of the section relating to alternatives to fee simple acquisition and to the disposition and use of lands acquired with Preservation 2000 funds. The bill requires deeds or leases with respect to any property acquired with Florida Preservation 2000 funds to contain certain covenants and restrictions.

²² s. 380.511, F.S.

The bill terminates the Florida Preservation 2000 Trust Fund and repeals s. 375.045, F.S., which creates the trust fund. The current balances of the Florida Preservation Trust fund will be transferred to the Land Acquisition Trust Fund. The bill transfers current language from s. 375.045(3), F.S., to s. 259.101, F.S., which requires any agency or water management district that acquired lands using Preservation 2000 funds to manage the lands to make them available for public recreational use, and requires the agency or water management district to control the growth of nonnative invasive plant species on lands they manage that were purchased with Preservation 2000 funds. The bill also removes a reference to Preservation 2000 bonds in s. 259.041(11), F.S.

The bill amends the following sections of statute to remove or replace references to the terminated trust fund:

- s. 373.45926, F.S., relating to the Everglades Trust Fund to remove reference to Preservation 2000 funds being a funding source for the trust fund.
- s. 380.507, F.S. to remove the requirement that the Board of Trustees of the Internal Improvement Trust Fund adopt rules governing the acquisition of lands using proceeds from the Preservation 2000 Trust Fund.

The bill also amends ss. 253.034(3), 259.032, 259.035, 259.04, 259.041(15), 259.105(9), 373.199(7)(c), 373.4592(3)(a), 380.507(11) and 380.510, F.S., to conform cross references to the changes made by the bill to s. 259.101, F.S.

Water Management Lands Trust Fund

The Water Management Lands Trust Fund is created within the DEP pursuant to s. 373.59, F.S. The trust fund disperses funds to Florida's five water management districts for the purpose of land acquisition, management, maintenance, capital improvements of land titled to the water management districts, payments in lieu of taxes, and debt service on bonds. Revenue sources consist of documentary stamp taxes and fines and damages relating to water pollution. The section provides for the allocation of funds from the trust fund.

HB 1291 eliminates the documentary stamp tax distribution to this trust fund, and terminates the Water Management Lands Trust Fund. The bill amends s. 373.59, F.S., which creates the trust fund to remove provisions relating to the distribution of funds from the trust fund, the purpose and use of the trust fund and the requirement that the water management districts submit reports relating to land acquisition plans. The balance of the trust fund will be transferred to the General Revenue Fund pursuant to s. 215.3206, F.S.²³

The bill amends s. 373.584, F.S., relating to revenue bonds to remove the authority for a water management district to pledge revenues derived from the Water Management Lands Trust Fund to pay revenue bonds. The bill amends s. 373.703, F.S., relating to water production to remove the reference to the Water Management Lands Trust Fund and to provide that revenue bonds issued by a water management district may not be secured by funds appropriated by the Legislature unless specifically authorized by the Legislature.

The bill also amends s. 373.459(4), F.S., relating to funds for surface water improvement and management and 373.026, F.S., relating to general powers and duties of the department to remove references to s. 373.59, F.S. that will no longer be applicable because of the revisions made to that section of statute. The bill also amends ss. 373.089(4), 373.1391(5), and 373.199(7)(c), F.S., to amend cross references to reflect the changes made to s. 373.59, F.S.

²³ Cash balances associated with debt service on bonds issued before February 1, 2009, by the South Florida Water Management and the St. Johns River Water Management District will be transferred to the Land Acquisition Trust Fund.

Ecosystem Management and Restoration Trust Fund

The Ecosystem Management and Restoration Trust Fund is created within the DEP pursuant to s. 403.1651, F.S. The trust fund is used for funding programs for the management and restoration of ecosystems, surface water improvement and management plans and programs, activities to restore polluted areas of the state, activities to restore or rehabilitate injured or destroyed coral reefs, activities by the department to recover moneys as a result of actions against any person for a violation of chapter 373 and activities authorized for the implementation of the Leah Schad Memorial Ocean Outfall Program implemented in s. 403.086(9), F.S.

HB 1291 eliminates the documentary stamp tax distribution to this trust fund. The bill terminates the Ecosystem Management and Restoration Trust Fund and repeals s. 403.1651, F.S., which creates the trust fund. The balance of the fund will be transferred to the General Revenue Fund pursuant to s. 215.3206, F.S.²⁴

Pursuant to s. 376.307, F.S., the Water Quality Assurance Trust Fund in the Department of Environmental Protection is "intended to serve as a broad-based fund for use in responding to incidents of contamination that pose a serious danger to the quality of groundwater and surface water resources or otherwise pose a serious danger to the public health, safety, or welfare."

HB 1291 amends s. 376.307, F.S., to specify that funds from the Water Quality Assurance Trust Fund may be used for these purposes instead of the Ecosystem Management and Restoration Trust Fund:

1. Detailed planning for and implementation of programs for the management and restoration of ecosystems,
2. Development and implementation of surface water improvement and management plans and programs,
3. Activities to restore polluted water areas of the state, as defined by the department, to their condition before pollution occurred or to otherwise enhance pollution control activities.
4. Activities by the department to recover moneys as a result of actions against any person for a violation of chapter 373.
5. Activities authorized for the implementation of the Leah Schad Memorial Ocean Outfall Program pursuant to s. 403.08601, F.S.
6. Funding activities to restore or rehabilitate injured or destroyed coral reefs.

The bill further amends s. 376.307, F.S., to specify that these additional revenue sources will be credited to the Water Quality Assurance Trust Fund:

1. Damages recovered for coral reef protection pursuant to s. section 403.93345, F.S.
2. All civil penalties recovered pursuant to s. 373.129(5)(a), F.S.
3. Funds appropriated by the Legislature for the purposes of Surface Water Improvement and Management Act in ss. 373.451–373.4598, F.S.
4. Moneys collected pursuant to s. 403.121, F.S., and designated for deposit into the Water Quality Assurance Trust Fund.
5. Moneys recovered by the state as a result of activities against a person for a violation of chapter 373, F.S., or chapter 403, F.S., initiated by the department.
6. Funds available for the Leah Schad Memorial Ocean Outfall Program pursuant to s. 403.08601, F.S.

The bill makes corresponding changes to s. 403.08601, F.S. The bill amends s. 373.129, F.S., to specify that civil penalties recovered by a water management district shall be retained by the water management district where the violation occurred. The bill also amends ss. 373.430(7) and 403.121(11), F.S., to provide that certain administrative fines, damages and civil penalties will be deposited into the Water Quality Assurance Trust Fund rather than the Ecosystem Management and Restoration Trust Fund.

²⁴ Cash balances associated with the Reef Grounding Program and Pollution Recovery Restricted Accounts will be transferred to the Water Quality Assurance Trust Fund.

The Florida Coastal Protection Trust Fund is established pursuant to s. 376.11, F.S., to be used by the Department of Environmental Protection and the Fish and Wildlife Conservation Commission to “provide a mechanism to have financial resources immediately available for prevention of, and cleanup and rehabilitation after, a pollutant discharge, to prevent further damage by the pollutant, and to pay for damages.” Certain registration fees, penalties, judgments, damages and excise tax revenues are credited to the trust fund.

HB 1291 amends s. 161.054, F.S., to provide that administrative fines relating to coastal construction imposed pursuant to that section will be deposited into the Florida Coastal Protection Trust Fund rather than the Ecosystem Management and Restoration Trust Fund. The bill also amends s. 376.11, F.S., relating to the Florida Coastal Protection Trust Fund to make a corresponding change and corrects cross-references in ss. 376.123 and 376.40, F.S.

The bill also amends the following statutes to remove or replace references to Ecosystem Management and Restoration Trust Fund, which has been terminated by the bill:

1. s. 161.05301, F.S., relating to appropriations from the Ecosystem Management and Restoration Trust Fund for beach erosion control to repeal this section of statute.
2. s. 161.091, F.S., relating to beach management to replace a reference to the Ecosystem Management and Restoration Trust Fund with the Land Acquisition Trust Fund and to specify that the trust fund may be used for activities authorized for beaches and shores pursuant to Art. X, s. 28 of the constitution.
3. s. 373.459, F.S., to remove reference to the trust fund being used for the deposit of funds appropriated by the Legislature for the Surface Water Improvement and Management Act in ss. 373.451–373.4595, F.S.
4. s. 403.0615, F.S., relating to program to assist in the restoration and preservation of bodies of water to provide that the program is subject to legislative appropriation and to remove reference to Ecosystem Management and Restoration Trust Fund, General Revenue Fund and federal moneys.
5. s. 403.885, F.S., relating to the Water Projects Grant Program to remove a reference to the terminated trust fund as the funding source.

Conservation and Recreation Lands Trust Fund—Department of Environmental Protection

The Conservation and Recreation Lands Trust Fund is created in the DEP by s. 259.032, F.S. The fund receives documentary stamp taxes pursuant to s. 201.15, F.S., and phosphate rock severance taxes pursuant to s. 211.3103, F.S. This section authorizes the Board of Trustees of the Internal Improvement Trust Fund to expend funds to acquire the fee or any lesser interest in lands for a list of specified public purposes relating to conservation or recreation. Pursuant to s. 201.15(11), F.S., the documentary stamp tax distribution deposited into the Conservation and Recreation Lands Trust Fund “may not be used for land acquisition but may be used for preacquisition costs associated with land purchases.”

HB 1291 eliminates the documentary stamp tax distribution to this trust fund and terminates the trust fund. The balance of the Conservation and Recreation Lands Trust Fund will be transferred to the General Revenue Fund pursuant to s. 215.3206, F.S. The bill amends s. 259.032, F.S., which creates the trust fund to remove references to funding sources and uses of the trust fund. The bill re-titles s. 259.032, F.S., “conservation and recreation lands” and retains current provisions in this section authorizing the Board of Trustees of the Internal Improvement Trust Fund to expend funds to acquire the fee or any lesser interest in lands for specified public purposes and current provisions relating to the selection, use and management of these lands.

The bill amends s. 380.0666, F.S., which authorizes a local land authority created by a county to identify parcels of land that would be appropriate acquisitions by the state from the Conservation and Recreational Lands Trust Fund to remove the reference to the trust fund. The bill also amends s. 253.027, F.S., relating to emergency archaeological property acquisition and s. 259.105, F.S., relating

to the Florida Forever Act to remove references to the Conservation and Recreation Lands acquisition list.

The bill amends s. 259.035, F.S., relating to the Acquisition and Restoration Council to eliminate outdated language relating to rules of the council and require the council to develop certain rules by December 1, 2016 relating to criteria and performance measures for lands that are to be acquired for public purpose. The bill further amends this section to apply current requirements regarding to the evaluation of projects proposed for funding to projects to be funded pursuant to Art. X, s. 28 of the Florida Constitution. The bill also amends s. 338.250, F.S., relating to the Central Florida Beltway to remove reference to the Conservation and Recreation Lands Trust Fund and Save Our Rivers Land Acquisition Trust Fund.

The bill repeals s. 380.0677, F.S., relating to an obsolete provision for the Green Swamp Land Authority. The bill amends ss. 253.027, 253.034, 259.035, 259.036, 259.037, 259.105, 570.321, F.S., to conform cross references to the changes made by the bill to s. 259.032, F.S.

Conservation and Recreation Lands Program Trust Fund—Department of Agriculture and Consumer Services and Fish and Wildlife Conservation Commission

Section 570.207, F.S., creates the Conservation and Recreation Lands Program Trust Fund in DACS. Section 379.202, F.S., creates the Conservation and Recreation Lands Program Trust Fund in the FWC. According to these statutes, the purpose of these trust funds is to provide for the management of conservation and recreation lands by the department and commission.

HB 1291 terminates the Conservation and Recreation Lands Program Trust Funds within the Department of Agriculture and Consumer Services and within the FWC, and repeals ss. 570.207 and s. 379.202, F.S., which create these trust funds. The balance of these trust funds will be transferred to the General Revenue Fund pursuant to s. 215.3206, F.S.

The bill amends s. 570.71, F.S., relating to conservation easements and agreements to specify that funds from various sources (other than the LATF) will be deposited into the Incidental Trust Fund rather than Conservation and Recreation Lands Program Trust Fund for this purpose. The bill amends s. 215.20, F.S., which currently exempts the Conservation and Recreation Lands Program Trust Fund of DACS from the general revenue service charge to remove the reference to the terminated trust fund.

Payment in Lieu of Taxes

Currently, s. 259.032(12), F.S., requires the Legislature to make available sufficient funds annually from the Conservation and Recreation Lands Trust Fund for payment in lieu of taxes to qualifying counties and local governments for all actual tax losses incurred as a result of land acquisitions under the Florida Forever or Preservation 2000 program during any year. This section specifies that payment in lieu of taxes must be available for all counties that have a population of 150,000 or fewer and all local government within these counties, as well as to Glades County for a specified prison and juvenile justice facility.

HB 1291 amends this section to retain the requirement that funds be made available for payment in lieu of taxes, but removes the reference to the Conservation and Recreation Lands Trust Fund as the funding source. The bill also removes the requirement relating to Glades County. There is no juvenile justice facility in Glades County that meets the statutory criteria. Furthermore, in recent years, several counties, including Glades County, have received funding in the General Appropriations Act for payment in lieu of taxes for correctional facilities.²⁵ However, this issue has been funded through the General Revenue Fund, not the Conservation and Recreation Land Trust Fund.

²⁵ See proviso language preceding specific appropriation 625 in the 2014-2015 General Appropriations Act, ch. 2014-51, L.O. F. Moore Haven Correctional Facility is in Glades County and that county received \$339,242 for payment in lieu of taxes for the 2014-2015 fiscal year.

Currently s. 373.59, F.S., specifies that water management district governing boards must reserve funds from the Water Management Lands Trust Fund for payment in lieu of taxes for all actual ad valorem tax losses incurred as a result of governing board acquisitions for water management district purposes. The payment in lieu of taxes must be available for all counties that have a population of 150,000 or fewer and all local governments located in these counties whose lands are bought and taken off the tax rolls.

HB 1291 amends this provision to retain the requirements that such payments be made and to remove the reference to the Water Management Lands Trust Fund as the funding source. The bill also moves language from s. 373.5905, F.S., to s. 373.59, F.S., which requires a water management district that has made a payment in lieu of taxes to a governmental entity and subsequently suspended such payment to reinstate appropriate payments. The bill repeals s. 373.5905, F.S.

Bond Authority

Section 215.618, F.S., authorizes the issuance of 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 the purposes of restoration, conservation, recreation, water resource development, or historical preservation, and for capital improvements 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 is hereby authorized, subject to the provisions of s. 259.105 and pursuant to Art. VII, s. 11(e) of the State Constitution.

The duration of each series of Florida Forever bonds issued may not exceed 20 years. This section also authorizes Florida Forever bonds to be issued to refund Preservation 2000 bonds issued pursuant to s. 375.051, F.S. The \$5.3 billion limitation on the issuance of Florida Forever bonds does not apply to refunding bonds.

HB 1291 amends s. 215.618, F.S., to remove the reference to Preservation 2000 bonds, which have been retired. The bill makes similar changes to s. 215.619, F.S., which authorizes bonds for Everglades restoration. The bill also repeals s. 375.051, F.S.

HB 1291 reenacts ss. 339.2818(6), 338.2819(5), 339.61(3), 341.051(6), 373.470(4)(e), and 420.9079(1), F.S., incorporating by reference the changes made by this act to s. 201.15, F.S.; s. 258.015(3)(b), F.S., incorporating by reference the changes made by this act to s. 375.041, F.S.; and s. 287.0595(2), F.S., incorporating by reference the changes made by this act to 376.307, F.S.

B. SECTION DIRECTORY:

Section 1 Terminates the Department of Environmental Protection's Conservation and Recreation Lands Trust Fund, Ecosystem Management and Restoration Trust Fund, Florida Communities Trust Fund, Florida Preservation 2000 Trust Fund, and the Water Management Lands Trust Fund.

Section 2 Terminates the Department of Agriculture and Consumer Service's Conservation and Recreation Lands Program Trust Fund.

Section 3 Terminates Fish and Wildlife Conservation Commission's Conservation and Recreation Lands Program Trust Fund.

Section 4 Amends s. 17.61, F.S., relating to interest earnings on investment of Land Acquisition Trust Funds.

Section 5 Amends s. 161.054, F.S., relating to administrative fines for coastal construction.

Section 6 Amends s. 161.091, F.S., relating to beach management funding.

Section 7 Amends s. 201.0205, F.S., correcting cross reference for changes to s. 201.15, F.S., relating to inapplicability of 10-cent tax increase for certain documents and counties.

Section 8 Amends s. 201.15, F.S., relating to documentary stamp tax distributions.

Section 9 Amends s. 211.3103, F.S., deleting distribution from tax on severance of phosphate rock to the Conservation and Recreation Lands Trust Fund and redistributing to remaining recipients.

Section 10 Amends s. 215.20, F.S., deleting reference to Department of Agriculture and Consumer Service's Conservation and Recreation Lands Program Trust Fund.

Section 11 Amends s. 215.618, F.S., deleting obsolete reference to Florida Preservation 2000 bonds; providing percentage cap of the amount of documentary stamp taxes that can be taken into account to satisfy certain bond tests.

Section 12 Amends s. 215.619, F.S., deleting obsolete reference to Florida Preservation 2000 bonds; providing percentage cap of the amount of documentary stamp taxes that can be taken into account to satisfy certain bond tests.

Section 13 Amends s. 253.027, F.S., deleting obsolete language on Conservation and Recreation Lands acquisition list.

Section 14 Amends s. 253.03, F.S., relating to Board of Trustees of the Internal Improvement Trust Fund administration of forfeited property.

Section 15 Amends s. 253.034, F.S., correcting cross references from the termination of Florida Preservation 2000 Trust Fund, Conservation and Recreation Lands Trust Fund and Water Management Lands Trust Fund; depositing proceeds from sale of conservation lands in the Florida Forever Trust Fund or Land Acquisition TF.

Section 16 Amends s. 253.7824, F.S. relating to deposit of funds from sale of products.

Section 17 Amends s. 258.435, F.S. relating to deposit of funds for the administration of aquatic preserves.

Section 18 Amends s. 259.032, F.S., conforming provisions relating to the termination of the Conservation and Recreation Lands Trust Fund.

Section 19 Amends s. 259.035, F.S., conforming provisions relating to the termination of the Conservation and Recreation Lands Trust Fund; revising date by which rules must be developed by the Acquisition and Restoration Council.

Section 20 Amends s. 259.036, F.S., correcting cross reference for changes to s. 259.032 relating to management review teams.

Section 21 Amends s. 259.037, F.S. correcting cross references for changes to s. 259.032, F.S., relating to the Land Management Uniform Accounting Council.

Section 22 Amends s. 259.04, F.S., correcting cross references for changes to s. 259.101, F.S., relating to the Board of Trustees of the Internal Improvement TF.

Section 23 Amends s. 259.041, F.S., correcting cross references for changes to s. 259.101, F.S., relating to acquisition of state-owned lands for preservation, conservation and recreation purposes.

Section 24 Amends s. 259.101, F.S., correcting cross references for changes to ss. 259.032 and 259.101, F.S.; adding provision on retaining public recreational use.

Section 25 Amends s. 259.105, F.S., correcting cross references for changes to ss. 259.032 and 259.101, F.S.

Section 26 Amends s. 259.1051, F.S., correcting cross reference for changes to s. 201.15, F.S., relating to Florida Forever Trust Fund.

Section 27 Amends s. 338.250, F.S., correcting cross reference for changes to s. 201.15, F.S., relating to Central Florida Beltway mitigation.

Section 28 Amends s. 339.0801, F.S., correcting cross reference for changes to s. 201.15, F.S., relating to State Transportation Trust Fund.

Section 29 Amends s. 339.55, F.S., correcting cross reference for changes to s. 201.15, F.S., relating to State Transportation Trust Fund.

Section 30 Amends s. 341.303, F.S., correcting cross reference for changes to s. 201.15, F.S., relating to Florida Rail Enterprise.

Section 31 Amends s. 343.58, F.S., correcting cross reference for changes to s. 201.15, F.S., relating to South Florida Regional Transportation Authority.

Section 32 Amends s. 369.252, F.S., correcting cross reference for changes to s. 201.15, F.S., relating to invasive plant control on public lands.

Section 33 Amends s. 373.026, F.S., correcting cross reference for changes to s. 373.59, F.S., relating to South Florida Water Management District 5-year plan of acquisition.

Section 34 Amends s. 373.089, F.S., correcting cross reference for changes to s. 373.59, F.S., relating to sale or exchange of lands, or interests or rights in lands.

Section 35 Amends s. 373.129, F.S., replacing Water Management Lands Trust Fund with Water Quality Assurance Trust Fund for deposit of civil penalties relating to pollution discharge and removal; deleting obsolete reference to Ecosystem Management and Restoration Trust Fund.

Section 36 Amends s. 373.1391, F.S., correcting cross reference for changes to s. 373.59, F.S., relating to management of real property.

Section 37 Amends s. 373.199, F.S., correcting cross references for changes to ss. 259.032 and 259.101, F.S., relating to the Florida Forever Water Management District Work Plan.

Section 38 Amends s. 373.430, F.S., replacing Water Management Lands Trust Fund with Water Quality Assurance Trust Fund for deposit of damages relating to pollution discharge and removal; deleting obsolete reference relating to Ecosystem Management and Restoration Trust Fund.

Section 39 Amends s. 373.459, F.S., deleting Ecosystem Management and Restoration Trust Fund reference for surface water improvement and management.

Section 40 Amends s. 373.4592, F.S., correcting cross reference for changes to s. 259.101, F.S., relating to Everglades improvement and management.

Section 41 Amends s. 373.45926, F.S., deleting obsolete Florida Preservation 2000 provision relating to Everglades Trust Fund.

Section 42 Amends s. 373.470, F.S., correcting cross reference for changes to s. 373.59, F.S., relating to Everglades restoration.

Section 43 Amends s. 373.584, F.S., deleting reference to Water Management Lands Trust Fund relating to water management district revenue bonds.

Section 44 Amends s. 373.59, F.S., eliminating establishment of Water Management Lands Trust Fund and distribution to water management districts; retaining payment in lieu of taxes.

Section 45 Amends s. 373.703, F.S., prohibiting use of funds appropriated by the Legislature as collateral for water production revenue bonds in water management districts unless authorized by the Legislature.

Section 46 Amends s. 375.031, F.S., relating to proceeds from sale or disposition of any lands or water storage areas.

Section 47 Amends s. 375.041, F.S., relating to the purpose and use of the Land Acquisition Trust Fund within the Department of Environmental Protection; authorizing transfer to other agencies under nonoperating authority in s. 216.181(12), F.S.; requiring return of all unencumbered funds to the Land Acquisition Trust Fund to be available for future appropriation; deleting obsolete bond reference.

Section 48 Amends s. 375.044, F.S., deleting obsolete bond reference.

Section 49 Amends s. 375.075, F.S., relating to Florida Recreation Development Assistance Program.

Section 50 Amends s. 376.11, F.S., relating to Florida Coastal Protection Trust Fund.

Section 51 Amends s. 376.123, F.S., relating to claims against the Florida Coastal Protection Trust Fund.

Section 52 Amends s. 376.307, F.S., relating to Water Quality Assurance Trust Fund.

Section 53 Amends s. 376.40, F.S. relating to petroleum exploration and production.

Section 54 Amends s. 379.206, F.S., transferring mitigation contributions from Land Acquisition Trust Fund to Grants and Donations Trust Fund within the Fish and Wildlife Conservation Commission.

Section 55 Amends s. 379.212, F.S., relating to purpose and use of Land Acquisition Trust Fund within the Fish and Wildlife Conservation Commission; requiring return of all unencumbered funds to Land Acquisition Trust Fund within the Department of Environmental Protection to be available for future appropriation.

Section 56 Amends s. 379.214, F.S., correcting cross reference for changes to s. 201.15, F.S., relating to Invasive Plant Control Trust Fund.

Section 57 Amends s. 380.0666, F.S., correcting cross reference for changes to s. 259.032, F.S., relating to powers of land authority.

Section 58 Amends s. 380.507, F.S., deleting obsolete provision relating to powers of the Florida Communities Trust.

Section 59 Amends s. 380.508, F.S., relating to proceeds from the sale, lease, operation, management of land, water areas and related resources and facilities for Florida Communities Trust projects.

Section 60 Amends s. 380.510, F.S., relating to conditions of grants and loans and deeds and leases of the Florida Communities Trust.

Section 61 Amends s. 403.0615, F.S., making water resources restoration and preservation subject to specific legislative appropriation.

Section 62 Amends s. 403.08601, F.S., replacing Ecosystem Management and Restoration Trust Fund with Water Quality Assurance Trust Fund as depository of certain revenue sources for Leah Schad Memorial Ocean Outfall Program.

Section 63 Amends 403.121, F.S., replacing Ecosystem Management and Restoration Trust Fund with Water Quality Assurance Trust Fund for enforcement, procedures, and judicial and administrative remedies relating to wastewater systems.

Section 64 Amends s. 403.885, F.S., deleting obsolete distribution to the Ecosystem Management and Restoration Trust Fund relating to the Water Projects Grant Program.

Section 65 Amends s. 403.9325, F.S., relating to definition of public lands that have been set aside for conservation or preservation.

Section 66 Amends s. 403.93345, F.S., replacing Ecosystem Management and Restoration Trust Fund with Coastal Protection Trust Fund relating to coral reef protection.

Section 67 Amends s. 420.5092, F.S., correcting cross reference for changes to s. 201.15, F.S., relating to Affordable Housing Guarantee Program.

Section 68 Amends s. 420.9073, F.S., correcting cross reference for changes to s. 201.15, F.S., relating to local housing distributions.

Section 69 Amends s. 570.321, F.S., deleting cross reference for changes to s. 259.032, F.S., relating to Endangered or Threatened Native Florida Grants Program.

Section 70 Amends s. 570.71, F.S., relating to conservation easements and agreements.

Section 71 Amends s. 895.09, F.S., relating to disposition of funds obtained through forfeiture proceedings.

Section 72 Repeals s. 161.05301, F.S., relating to beach erosion control project staffing; s. 373.5905, F.S., relating to reinstatement of payments in lieu of taxes; s. 375.045, F.S., relating to Florida Preservation 2000 Trust Fund; s. 375.051, F.S., relating to the issuance of revenue bonds subject to the constitutional amendment; s. 379.202, F.S., relating to the Conservation and Recreation Lands Program Trust Fund of the Fish and Wildlife Conservation Commission; s. 380.0677, F.S., relating to the Green Swamp Land Authority; s. 380.511, F.S., relating to the Florida Communities Trust Fund; s. 403.1651, F.S., relating to the Ecosystem Management and Restoration Trust Fund; s. 403.8911, F.S., relating to annual appropriation from the Water Protection and Sustainability Program Trust Fund; and s. 570.207, F.S., relating to the Conservation and Recreation Lands Program Trust Fund of the Department of Agriculture and Consumer Services.

Sections 73, 74, 75, 76, 77, and 78 Reenact ss. 339.2818(6), 338.2819(5), 339.61(3), 341.051(6), 373.470(4)(e) and 420.9079(1), F.S., incorporating by reference the changes made by this act to s. 201.15, F.S.

Section 79 Reenacts s. 258.015(3)(b), F.S., incorporating by reference the changes made by this act to s. 375.041, F.S.

Section 80 Reenacts s. 287.0595(2), F.S., incorporating by reference the changes made by this act to s. 376.307, F.S.

Section 81 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill amends the distribution of the documentary stamp tax collections.²⁶

Estimated Documentary Stamp Tax Distributions (in millions)	FY 2015-2016		FY 2016-2017		FY 2024-2025	
	Current	Proposed	Current	Proposed	Current	Proposed
General Revenue Fund	\$1,036.1	\$749.1	\$1,127.2	\$795.9	\$1,808.0	\$1,177.5
DOR Operating TF	\$9.8	\$9.8	\$9.8	\$9.8	\$9.8	\$9.8
Land Acquisition TF	\$242.3	\$757.7	\$242.4	\$809.5	\$189.0	\$1,91.0
Save Our Everglades TF	\$25.9	\$0.0	\$25.8	\$0.0	\$26.8	\$0.0
Ecosystem Management & Restoration TF	\$24.7	\$0.0	\$26.6	\$0.0	\$30.0	\$0.0
General Inspection TF (oyster management)	\$0.2	\$0.2	\$0.3	\$0.3	\$0.3	\$0.3
Water Management Lands TF	\$49.0	\$0.0	\$48.8	\$0.0	\$48.7	\$0.0
Conservation & Recreation Lands (CARL) TF	\$66.0	\$0.0	\$70.6	\$0.0	\$95.1	\$0.0
State Game TF (from CARL TF for land management)	\$8.3	\$0.0	\$8.9	\$0.0	\$11.9	\$0.0
Invasive Plant Control TF	\$34.5	\$0.0	\$34.4	\$0.0	\$34.4	\$0.0
State Game TF (lake restoration)	\$9.4	\$0.0	\$9.4	\$0.0	\$9.4	\$0.0
Water Quality Assurance TF	\$5.3	\$0.0	\$5.6	\$0.0	\$7.6	\$0.0
General Inspection TF	\$5.3	\$0.0	\$5.6	\$0.0	\$7.6	\$0.0
State Housing TF	\$79.9	\$79.9	\$86.9	\$86.9	\$124.9	\$124.9
Local Housing TF	\$187.0	\$187.0	\$203.4	\$203.4	\$292.4	\$292.4
DEO Grants & Donations TF	\$2.7	\$2.7	\$2.9	\$2.9	\$3.3	\$3.3
State Transportation TF	\$369.5	\$369.5	\$404.4	\$404.4	\$466.8	\$466.8
State Economic Enhancement & Development TF	\$150.0	\$150.0	\$150.0	\$150.0	\$150.0	\$150.0
Total Estimated Tax Collections	\$2,305.9	\$2,305.9	\$2,462.9	\$2,462.9	\$3,316.0	\$3,316.0

The bill amends the disposition of the following revenue sources from DEP's Land Acquisition TF to the funds listed below.

Revenues	Current Trust Fund	Recipient Fund of Revenues
Proceeds from the Sale of Products	Land Acquisition TF	Internal Improvement TF
Gifts & Donations for Aquatic Preserves	Land Acquisition TF	Grants & Donations TF

The bill terminates the trust funds listed below and transfers the estimated fund balances to the following funds.

²⁶ Revenue Estimating Conference, Documentary Stamp Tax Collections and Distributions, December 15, 2014.
STORAGE NAME: h1291.ANRAS.DOCX
DATE: 3/6/2015

Terminated Funds	Estimated June 30, 2015 Fund Balances ²⁷	Recipient Funds
DEP Conservation & Recreation Lands (CARL) TF	\$11,261,857	General Revenue Fund
DEP Ecosystem Management & Restoration TF	\$4,530,630	General Revenue Fund
DEP Ecosystem Management & Restoration TF (Reef Grounding Program & Pollution Recovery Restricted Accounts)	\$1,400,529	Water Quality Assurance TF
DEP Florida Communities TF	\$244,500	Land Acquisition TF
DEP Florida Preservation 2000 TF	\$429,031	Land Acquisition TF
DEP Water Management Lands TF (Debt Service)	\$13,388,037	Land Acquisition TF
DEP Water Management Lands TF	\$1,647,435	General Revenue Fund
DACS CARL Program TF	\$3,360,592	General Revenue Fund
FWC CARL Program TF	\$65,540	General Revenue Fund

The bill amends the disposition of the following revenue sources from the terminated trust funds to the trust funds listed below.

Revenues	Terminated Fund	Recipient Fund of Revenues
Beach Administrative Fines	Ecosystem Management & Restoration TF	Florida Coastal Protection TF
Water Management District Civil Penalties	Water Management Lands TF	Retained in WMD where violation occurred
Water Resources Penalties & Damages	Ecosystem Management & Restoration TF and Water Management Lands TF	Water Quality Assurance TF
Surface Water Improvement & Management	Ecosystem Management & Restoration TF	Water Quality Assurance TF
Damages Recovered for Coral Reefs	Ecosystem Management & Restoration TF	Water Quality Assurance TF
Leah Schad Memorial Ocean Outfall Funds	Ecosystem Management & Restoration TF	Water Quality Assurance TF
Settlement Funds for Pollution Control	Ecosystem Management & Restoration TF	Water Quality Assurance TF
Land & Water Management Disposition of Lands	Florida Communities TF	Appropriate Trust Fund
Land & Water Management Nonprofits and Local Governments	Florida Communities TF	Internal Improvement TF
Environmental Control Enforcement Penalties	Ecosystem Management & Restoration TF	Water Quality Assurance TF

The bill eliminates the \$250,000 annual transfer from the DEP Conservation and Recreation Lands Trust Fund to the DACS Plant Industry Trust Fund for the Endangered or Threatened Native Flora Conservation Grants program.

The bill requires that interest earned on the investment of Land Acquisition Trust Fund in the Department of Environmental Protection, Department of Agriculture and Consumer Services, Fish and Wildlife Conservation Commission, and the Department of State accrues to the General Revenue Fund. The impact to the General Revenue fund is indeterminate.

The bill replaces the funding for contractual agreements with private parties for the management of conservation lands under the Florida Forever program from 5 percent of the documentary stamp tax deposited into the Conservation and Recreation Lands Trust Fund and Water Management Lands Trust Fund to \$6.2 million from the Land Acquisition Trust Fund. The \$6.2 million represents the 5 percent projected to be deposited into the Conservation and Recreation Lands Trust Fund and

²⁷ Agencies' Trust Funds Analyses on file with House Agriculture & Natural Resources Appropriations Subcommittee (December 18, 2014).

Water Management Lands Trust Fund for Fiscal Year 2015-2016 based on the August 2014 Revenue Estimating Conference.

The bill terminates the distribution of the phosphate rock severance tax to the Conservation and Recreation Lands Trust Funds and redistributes the proceeds to the remaining recipients.

**Estimated Phosphate Rock
Severance Tax Distributions
(in millions)**

	FY 2015-2016		FY 2016-2017	
	Current	Proposed	Current	Proposed
CARL TF	\$8.4	\$0	\$8.4	\$0
General Revenue Fund	\$11.8	\$15.3	\$11.8	\$15.2
Counties in Proportion to Number of Tons of Phosphate Rock Produced	\$4.2	\$5.5	\$4.2	\$5.5
Counties Designated as Rural Area of Opportunity	\$3.3	\$4.3	\$3.3	\$4.3
Nonmandatory Land Reclamation TF	\$6.0	\$7.7	\$5.9	\$7.7
Phosphate Research TF	\$2.1	\$2.7	\$2.1	\$2.7
Minerals TF	\$1.2	\$1.5	\$1.2	\$1.5
Total Estimated Tax Collections*	\$37.0	\$37.0	\$36.9	\$36.9

*Although the distribution changes again on January 1, 2023, there are no official estimates of the phosphate rock severance tax collections for Fiscal Year 2022-2023.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See fiscal impact on counties based on changes to phosphate rock severance tax distributions in the chart above.

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.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the Acquisition and Restoration Council to develop rules defining specific criteria and numeric performance measures needed for lands that are to be acquired with funds deposited into the Land Acquisition Trust Fund pursuant to Art. X, s. 28 of the State Constitution.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to implementation of the water and
 3 land conservation constitutional amendment;
 4 terminating the Conservation and Recreation Lands
 5 Trust Fund, the Ecosystem Management and Restoration
 6 Trust Fund, the Florida Communities Trust Fund, the
 7 Florida Preservation 2000 Trust Fund, and the Water
 8 Management Lands Trust Fund within the Department of
 9 Environmental Protection; providing for the
 10 disposition of the balances in and revenues of certain
 11 trust funds; prescribing procedures for the
 12 termination of such trust funds; terminating the
 13 Conservation and Recreation Lands Program Trust Fund
 14 within the Department of Agriculture and Consumer
 15 Services; terminating the Conservation and Recreation
 16 Lands Program Trust Fund within the Fish and Wildlife
 17 Conservation Commission; prescribing procedures for
 18 the termination of such trust funds; amending s.
 19 17.61, F.S.; specifying that interest payments from
 20 the certain trust funds within the Department of
 21 Agriculture and Consumer Services, Department of
 22 Environmental Protection, Fish and Wildlife
 23 Conservation Commission, and Department of State
 24 accrue to general revenue funds; amending s. 161.091,
 25 F.S.; conforming provisions; authorizing funds to be
 26 used for activities identified in the water and land

27 | conservation constitutional amendment; amending s.
 28 | 201.15, F.S.; amending distributions of documentary
 29 | stamp taxes to conform to requirements of the water
 30 | and land conservation constitutional amendment;
 31 | amending s. 211.3103, F.S.; eliminating the
 32 | Conservation and Recreation Lands Trust Fund from the
 33 | distribution of the tax on severance of phosphate
 34 | rock; revising dates and distributions of moneys to
 35 | fund specific programs and activities; amending s.
 36 | 215.618, F.S.; providing a percentage cap of the
 37 | amount of documentary stamp taxes that may be taken
 38 | into account to satisfy certain bonds tests;
 39 | specifying that Florida Forever bonds are secured on
 40 | parity with Everglades bonds; amending s. 215.619,
 41 | F.S.; providing a percentage cap of the amount of
 42 | documentary stamp taxes that may be taken into account
 43 | to satisfy certain bonds tests; specifying that
 44 | Everglades bonds are secured on parity with Florida
 45 | Forever bonds; amending s. 253.034, F.S.; specifying
 46 | the trust fund into which the sale of certain surplus
 47 | conservation lands must be deposited; limiting the
 48 | amount of funds that can be spent from the Land
 49 | Acquisition Trust Fund for certain management
 50 | agreements or contracts; conforming provisions;
 51 | amending s. 259.032, F.S.; conforming provisions;
 52 | deleting mandated cap on funds authorized for the

53 natural areas inventory; deleting funds mandated for
 54 placement into the Plant Industry Trust Fund; amending
 55 s. 259.035; revising date by which rules of the
 56 Acquisition and Restoration Council must be developed;
 57 deleting obsolete provisions; conforming provisions;
 58 amending s. 259.101, F.S.; requiring an agency or
 59 district that acquired lands using Preservation 2000
 60 funds to manage lands to make such lands available for
 61 public recreational use under certain circumstances;
 62 deleting obsolete provisions; conforming provisions;
 63 amending s. 373.459, F.S.; deleting provisions
 64 providing for reversion of certain unused funds to
 65 State Board of Administration; amending s. 373.59,
 66 F.S.; deleting allocations of funds from the Water
 67 Management Lands Trust Fund to individual water
 68 management districts; deleting obsolete provisions;
 69 conforming provisions; amending s. 373.703, F.S.;
 70 deleting obsolete provisions; restricting use of
 71 legislative appropriations as security for certain
 72 revenue bonds under certain circumstances; amending s.
 73 375.041, F.S.; providing purpose for creation of the
 74 Land Acquisition Trust Fund; specifying trust fund for
 75 the receipt of funds from sale of lands; specifying
 76 trust for the receipt of funds from management of
 77 lands; specifying the allocation of funds from the
 78 Land Acquisition Trust Fund; specifying that funds

79 accruing to other agencies for certain purposes shall
 80 be transferred to such agencies; requiring a certain
 81 transferred fund to revert to the Land Acquisition
 82 Trust Fund under certain circumstances within a
 83 specified time; conforming provisions; deleting
 84 obsolete provisions; amending s. 375.075, F.S.;
 85 deleting identification of the minimum amount of
 86 funding available for the Florida Recreation
 87 Development Assistance program; revising the funding
 88 sources to be considered when drafting the recreation
 89 plan; amending s. 376.307, F.S.; specifying uses of
 90 the Water Quality Assurance Trust Fund; providing
 91 funding sources for the Water Quality Assurance Trust
 92 Fund; amending s. 379.206, F.S.; providing that
 93 development-of-regional-impact mitigation criteria may
 94 be credited to the Grants and Donations Trust Fund;
 95 amending s. 379.212, F.S.; authorizing Land
 96 Acquisition Trust Fund within the Department of
 97 Environmental Protection to be transferred to the Land
 98 Acquisition Trust Fund within Fish and Wildlife
 99 Conservation Commission under certain circumstances;
 100 deleting obsolete provisions; amending s 380.508,
 101 F.S.; specifying the trust fund for receipt of funds
 102 from sale of certain lands by a trust; specifying the
 103 trust fund for receipt of funds from management of
 104 certain lands by a trust; conforming changes; amending

105 s. 403.0615, F.S.; deleting a provision specifying
 106 that the water resources restoration and preservation
 107 program be funded by general revenue; specifying the
 108 program shall be funded by specific appropriation;
 109 amending s. 570.71, F.S.; restricting certain funds in
 110 the Land Acquisition Trust Fund from deposit into the
 111 Incidental Trust Fund within the Department of
 112 Agriculture and Consumer Services for certain
 113 purposes; amending ss. 161.054, 201.0205, 215.20,
 114 253.027, 253.03, 253.7824, 258.435, 259.036, 259.037,
 115 259.04, 259.041, 259.105, 259.1051, 338.250, 339.0801,
 116 339.55, 341.303, 343.58, 369.252, 373.026, 373.089,
 117 373.129, 373.199, 373.430, 373.4592, 373.45926,
 118 373.470, 373.584, 375.031, 375.044, 376.11, 376.123,
 119 376.40, 379.214, 380.0666, 380.507, 380.510,
 120 403.08601, 403.121, 403.885, 403.9325, 403.93345,
 121 420.5092, 420.9073, 570.321, and 895.09, F.S.;

122 conforming provisions to changes made by the act;
 123 deleting obsolete provisions; repealing s. 161.05301,
 124 F.S., relating to beach erosion control project
 125 staffing; repealing s. 373.5905, F.S., relating to
 126 payments in lieu of taxes; repealing s. 375.045, F.S.,
 127 relating to Florida Preservation 2000 Trust Fund;
 128 repealing s. 375.051, F.S., relating to the issuance
 129 of revenue bonds subject to the constitutional
 130 amendment; repealing s. 379.202, F.S., relating to the

131 Conservation and Recreation Lands Program Trust Fund
 132 of the Fish and Wildlife Conservation Commission;
 133 repealing s. 380.0677, F.S., relating to the Green
 134 Swamp Land Authority; repealing s. 380.511, F.S.,
 135 relating to the Florida Communities Trust Fund;
 136 repealing s. 403.1651, F.S., relating to the Ecosystem
 137 Management and Restoration Trust Fund; repealing s.
 138 403.8911, F.S., relating to annual appropriation from
 139 the Water Protection and Sustainability Program Trust
 140 Fund; repealing s. 570.207, F.S., relating to
 141 Conservation and Recreation Lands Program Trust Fund
 142 of the Department of Agriculture and Consumer
 143 Services; reenacting ss. 339.2818(6), F.S., relating
 144 to the Small County Outreach Program, s. 339.2819(5),
 145 F.S., relating to the Transportation Regional
 146 Incentive Program, s. 339.61(3), F.S., relating to the
 147 Florida Strategic Intermodal System, s. 341.051(6),
 148 F.S., relating to the New Starts Transit Program, s.
 149 373.470(4)(e), F.S., relating to debt service for
 150 Everglades restoration bonds, and s. 420.9079(1),
 151 F.S., relating to the Local Government Housing Trust
 152 Fund, to incorporate the amendment made by this act to
 153 s. 201.15, F.S., in references thereto; reenacting s.
 154 258.015(3)(b), F.S., relating to funds available to
 155 citizen support organizations, to incorporate the
 156 amendment made by this act to s. 375.041, F.S., in a

157 reference thereto; reenacting s. 287.0595(2), F.S.,
 158 relating to Department of Environmental Protection's
 159 authority to adopt certain pollution response rules,
 160 to incorporate the amendment made by this act to s.
 161 376.307, F.S., in a reference thereto; providing an
 162 effective date.

163
 164 Be It Enacted by the Legislature of the State of Florida:
 165

166 Section 1. (1) The following trust funds within the
 167 Department of Environmental Protection are terminated:

168 (a) The Conservation and Recreation Lands Trust Fund,
 169 FLAIR number 37-2-131.

170 (b) The Ecosystem Management and Restoration Trust Fund,
 171 FLAIR number 37-2-193.

172 (c) The Florida Communities Trust Fund, FLAIR number 37-2-
 173 244.

174 (d) The Florida Preservation 2000 Trust Fund, FLAIR number
 175 37-2-332.

176 (e) The Water Management Lands Trust Fund, FLAIR number
 177 37-2-776.

178 (2) All current balances remaining in, and all revenues
 179 of, the Conservation and Recreation Lands Trust Fund shall be
 180 transferred to the General Revenue Fund.

181 (3) All current balances remaining in, and all revenues
 182 of, the Ecosystem Management and Restoration Trust Fund shall be

183 transferred to the General Revenue Fund, except for balances
 184 associated with the Reef Grounding Program and the Pollution
 185 Recovery Restricted Accounts, which shall be transferred to the
 186 Water Quality Assurance Trust Fund, FLAIR number 37-2-780.

187 (4) All current balances remaining in, and all revenues
 188 of, the Water Management Lands Trust Fund shall be transferred
 189 to the General Revenue Fund, except for balances associated with
 190 debt service on bonds issued before February 1, 2009, by the
 191 South Florida Water Management District and the St. Johns River
 192 Water Management District, which shall be transferred to the
 193 Land Acquisition Trust Fund, FLAIR number 37-2-423.

194 (5) All current balances remaining in, and all revenues
 195 of, the Florida Communities Trust Fund and the Florida
 196 Preservation 2000 Trust Fund shall be transferred to the Land
 197 Acquisition Trust Fund, FLAIR number 37-2-423.

198 (6) The Department of Environmental Protection shall pay
 199 any outstanding debts or obligations of the terminated trust
 200 funds as soon as practicable, and the Chief Financial Officer
 201 shall close out and remove the terminated trust funds from
 202 various state accounting systems using generally accepted
 203 accounting principles concerning warrants outstanding, assets,
 204 and liabilities.

205 Section 2. (1) The Conservation and Recreation Lands
 206 Program Trust Fund within the Department of Agriculture and
 207 Consumer Services is terminated, FLAIR number 42-2-931.

208 (2) The Department of Agriculture and Consumer Services

209 shall pay any outstanding debts or obligations of the terminated
 210 trust fund as soon as practicable, and the Chief Financial
 211 Officer shall close out and remove the terminated trust fund
 212 from various state accounting systems using generally accepted
 213 accounting principles concerning warrants outstanding, assets,
 214 and liabilities.

215 Section 3. (1) The Conservation and Recreation Lands
 216 Program Trust Fund within the Fish and Wildlife Conservation
 217 Commission is terminated, FLAIR number 77-2-931.

218 (2) The Fish and Wildlife Conservation Commission shall
 219 pay any outstanding debts or obligations of the terminated trust
 220 fund as soon as practicable, and the Chief Financial Officer
 221 shall close out and remove the terminated trust fund from
 222 various state accounting systems using generally accepted
 223 accounting principles concerning warrants outstanding, assets,
 224 and liabilities.

225 Section 4. Paragraph (c) of subsection (3) of section
 226 17.61, Florida Statutes, is amended to read:

227 17.61 Chief Financial Officer; powers and duties in the
 228 investment of certain funds.—

229 (3)

230 (c) Except as provided in this paragraph and except for
 231 moneys described in paragraph (d), the following agencies may
 232 not invest trust fund moneys as provided in this section, but
 233 shall retain such moneys in their respective trust funds for
 234 investment, with interest appropriated to the General Revenue

- 235 Fund, pursuant to s. 17.57:
- 236 1. The Agency for Health Care Administration, except for
- 237 the Tobacco Settlement Trust Fund.
- 238 2. The Agency for Persons with Disabilities, except for:
- 239 a. The Federal Grants Trust Fund.
- 240 b. The Tobacco Settlement Trust Fund.
- 241 3. The Department of Children and Families, except for:
- 242 a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.
- 243 b. The Social Services Block Grant Trust Fund.
- 244 c. The Tobacco Settlement Trust Fund.
- 245 d. The Working Capital Trust Fund.
- 246 4. The Department of Corrections.
- 247 5. The Department of Elderly Affairs, except for:
- 248 a. The Federal Grants Trust Fund.
- 249 b. The Tobacco Settlement Trust Fund.
- 250 6. The Department of Health, except for:
- 251 a. The Federal Grants Trust Fund.
- 252 b. The Grants and Donations Trust Fund.
- 253 c. The Maternal and Child Health Block Grant Trust Fund.
- 254 d. The Tobacco Settlement Trust Fund.
- 255 7. The Department of Highway Safety and Motor Vehicles,
- 256 only for the Security Deposits Trust Fund.
- 257 8. The Department of Juvenile Justice.
- 258 9. The Department of Law Enforcement.
- 259 10. The Department of Legal Affairs.
- 260 11. The Department of State, only for:

261 a. The Grants and Donations Trust Fund.

262 b. The Land Acquisition Trust Fund.

263 ~~c. b.~~ The Records Management Trust Fund.

264 12. The Department of Economic Opportunity, only for the
265 Economic Development Trust Fund.

266 13. The Florida Public Service Commission, only for the
267 Florida Public Service Regulatory Trust Fund.

268 14. The Justice Administrative Commission.

269 15. The state courts system.

270 16. The Department of Agriculture and Consumer Services,
271 only for the Land Acquisition Trust Fund.

272 17. The Department of Environmental Protection, only for
273 the Land Acquisition Trust Fund.

274 18. The Fish and Wildlife Conservation Commission, only
275 for the Land Acquisition Trust Fund.

276 Section 5. Subsection (3) of section 161.054, Florida
277 Statutes, is amended to read:

278 161.054 Administrative fines; liability for damage;
279 liens.—

280 (3) The imposition of a fine or an award of damages
281 pursuant to this section shall create a lien upon the real and
282 personal property of the violator, enforceable by the department
283 as are statutory liens under chapter 85. The proceeds of such
284 fines and awards of damages shall be deposited in the Florida
285 Coastal Protection Ecosystem Management and Restoration Trust
286 Fund.

287 Section 6. Subsections (1) and (3) of section 161.091,
 288 Florida Statutes, are amended to read:

289 161.091 Beach management; funding; repair and maintenance
 290 strategy.-

291 (1) Subject to such appropriations as the Legislature may
 292 make therefor from time to time, disbursements from the Land
 293 Acquisition Ecosystem Management and Restoration Trust Fund may
 294 be made by the department in order to carry out the proper state
 295 responsibilities in a comprehensive, long-range, statewide beach
 296 management plan for erosion control; beach preservation,
 297 restoration, and nourishment; ~~and~~ storm and hurricane
 298 protection; and other activities authorized for beaches and
 299 shores pursuant to s. 28, Art. X of the State Constitution.

300 Legislative intent in appropriating such funds is for the
 301 implementation of those projects that contribute most
 302 significantly to addressing the state's beach erosion problems.

303 (3) In accordance with the intent expressed in s. 161.088
 304 and the legislative finding that erosion of the beaches of this
 305 state is detrimental to tourism, the state's major industry,
 306 further exposes the state's highly developed coastline to severe
 307 storm damage, and threatens beach-related jobs, which, if not
 308 stopped, may significantly reduce state sales tax revenues,
 309 funds deposited into the State Treasury to the credit of the
 310 Land Acquisition Trust Fund may be used ~~the Ecosystem Management~~
 311 ~~and Restoration Trust Fund, in the annual amounts provided in s.~~
 312 ~~201.15, shall be used, for a period of not less than 15 years,~~

313 to fund the development, implementation, and administration of
 314 the state's beach management plan, as provided in ss. 161.091-
 315 161.212 and as authorized under s. 28, Art. X of the State
 316 Constitution, ~~prior to the use of such funds deposited pursuant~~
 317 ~~to s. 201.15 in that trust fund for any other purpose.~~

318 Section 7. Section 201.0205, Florida Statutes, is amended
 319 to read:

320 201.0205 Counties that have implemented ch. 83-220;
 321 inapplicability of 10-cent tax increase by s. 2, ch. 92-317,
 322 Laws of Florida.—The 10-cent tax increase in the documentary
 323 stamp tax levied by s. 2, chapter 92-317, does not apply to
 324 deeds and other taxable instruments relating to real property
 325 located in any county that has implemented the provisions of
 326 chapter 83-220, Laws of Florida, as amended by chapters 84-270,
 327 86-152, and 89-252, Laws of Florida. Each such county and each
 328 eligible jurisdiction within such county shall not be eligible
 329 to participate in programs funded pursuant to s. 201.15(5)(d)
 330 ~~201.15(9)~~. However, each such county and each eligible
 331 jurisdiction within such county shall be eligible to participate
 332 in programs funded pursuant to s. 201.15(5)(e) ~~201.15(10)~~.

333 Section 8. Section 201.15, Florida Statutes, is amended to
 334 read:

335 201.15 Distribution of taxes collected.—

336 (1) All taxes collected under this chapter are hereby
 337 pledged and shall first be made available to make payments when
 338 due on bonds issued pursuant to s. 215.618 or s. 215.619 as

339 provided in paragraphs (3)(a) and (b), or any other bonds
 340 authorized to be issued on a parity basis with such bonds.
 341 Amounts necessary to make such payments shall be deposited into
 342 the Land Acquisition Trust Fund ~~subject to the service charge~~
 343 ~~imposed in s. 215.20(1). Before distribution under this section,~~
 344 ~~the Department of Revenue shall deduct amounts necessary to pay~~
 345 ~~the costs of the collection and enforcement of the tax levied by~~
 346 ~~this chapter. Such costs and the service charge may not be~~
 347 ~~levied against any portion of taxes pledged to debt service on~~
 348 ~~bonds to the extent that the costs and service charge are~~
 349 ~~required to pay any amounts relating to the bonds. After~~
 350 ~~distributions are made pursuant to subsection (1), all of the~~
 351 ~~costs of the collection and enforcement of the tax levied by~~
 352 ~~this chapter and the service charge shall be available and~~
 353 ~~transferred to the extent necessary to pay debt service and any~~
 354 ~~other amounts payable with respect to bonds authorized before~~
 355 ~~January 1, 2015, secured by revenues distributed pursuant to~~
 356 ~~subsection (1). All taxes remaining after deduction of costs and~~
 357 ~~the service charge shall be distributed as follows:~~

358 (2) From taxes remaining after payments required pursuant
 359 to subsection (1), the Department of Revenue shall deduct
 360 amounts necessary to pay the costs of the collection and
 361 enforcement of the tax levied pursuant to this chapter.

362 (3) Before any other amount is deducted or deposited into
 363 a trust fund, there shall be deposited into the Land Acquisition
 364 Trust Fund 33 percent of all taxes collected after first

365 deducting amounts paid under subsection (2), which amount shall
 366 then be reduced by amounts paid under subsection (1). Amounts
 367 deposited into the Land Acquisition Trust Fund shall be used in
 368 the following order:

369 ~~(1) Sixty-three and thirty-one hundredths percent of the~~
 370 ~~remaining taxes shall be used for the following purposes:~~

371 (a) To pay ~~Amounts necessary to pay the debt service on,~~
 372 ~~or fund debt service reserve funds, rebate obligations, or other~~
 373 ~~amounts payable with respect to Preservation 2000 bonds issued~~
 374 ~~pursuant to s. 375.051 and Florida Forever bonds issued pursuant~~
 375 ~~to s. 215.618, shall be paid into the State Treasury to the~~
 376 ~~credit of the Land Acquisition Trust Fund to be used for such~~
 377 ~~purposes. The amount transferred to the Land Acquisition Trust~~
 378 ~~Fund may not exceed \$300 million in fiscal year 1999-2000 and~~
 379 ~~thereafter for Preservation 2000 bonds and bonds issued to~~
 380 ~~refund Preservation 2000 bonds, and \$300 million in fiscal year~~
 381 ~~2000-2001 and thereafter for Florida Forever bonds. The annual~~
 382 ~~amount used for such purpose transferred to the Land Acquisition~~
 383 ~~Trust Fund for Florida Forever bonds may not exceed \$300 \$30~~
 384 ~~million in each the first fiscal year. in which bonds are~~
 385 ~~issued. The limitation on the amount transferred shall be~~
 386 ~~increased by an additional \$30 million in each subsequent fiscal~~
 387 ~~year, but may not exceed a total of \$300 million in any fiscal~~
 388 ~~year for all bonds issued. It is the intent of the Legislature~~
 389 ~~that all bonds issued to fund the Florida Forever Act be retired~~
 390 ~~by December 31, 2040. Except for bonds issued to refund~~

391 previously issued bonds, no series of bonds may be issued
 392 pursuant to this paragraph unless such bonds are approved and
 393 the debt service for the remainder of the fiscal year in which
 394 the bonds are issued is specifically appropriated in the General
 395 Appropriations Act. ~~For purposes of refunding Preservation 2000~~
 396 ~~bonds, amounts designated within this section for Preservation~~
 397 ~~2000 and Florida Forever bonds may be transferred between the~~
 398 ~~two programs to the extent provided for in the documents~~
 399 ~~authorizing the issuance of the bonds. The Preservation 2000~~
 400 ~~bonds and Florida Forever bonds are equally and ratably secured~~
 401 ~~by moneys distributable to the Land Acquisition Trust Fund~~
 402 ~~pursuant to this section, except as specifically provided~~
 403 ~~otherwise by the documents authorizing the issuance of the~~
 404 ~~bonds. Moneys transferred to the Land Acquisition Trust Fund~~
 405 ~~pursuant to this paragraph, or earnings thereon, may not be used~~
 406 ~~or made available to pay debt service on the Save Our Coast~~
 407 ~~revenue bonds.~~

408 (b) To pay ~~Moneys shall be paid into the State Treasury to~~
 409 ~~the credit of the Save Our Everglades Trust Fund in amounts~~
 410 ~~necessary to pay debt service on, or fund debt service reserve~~
 411 ~~funds, provide reserves, and pay rebate obligations, or and~~
 412 other amounts due with respect to bonds issued under s. 215.619.
 413 ~~Taxes distributed under paragraph (a) and this paragraph must be~~
 414 ~~collectively distributed on a pro rata basis when the available~~
 415 ~~moneys under this subsection are not sufficient to cover the~~
 416 ~~amounts required under paragraph (a) and this paragraph.~~

417 (c) For other purposes authorized by s. 28, Art. X of the
 418 State Constitution.

419
 420 Bonds issued pursuant to ss. 215.618 and 215.619 are equally and
 421 ratably secured by moneys distributed to the Land Acquisition
 422 Trust Fund pursuant to this section.

423 (4) All taxes remaining after the distributions pursuant
 424 to subsections (1) and (3) are subject to the service charge
 425 imposed in s. 215.20(1).

426 (5)(e) After the required distributions pursuant to
 427 subsections (1)-(4) payments under paragraphs (a) and (b), the
 428 remainder shall be distributed as provided in this subsection
 429 and subsections (6) and (7). For purposes of this subsection,
 430 the term "unadjusted remainder" means an amount equal to 92
 431 percent of the taxes collected under this chapter less the
 432 collection and enforcement costs authorized by this section. For
 433 purposes of this subsection, the term "adjusted remainder" means
 434 an amount calculated by multiplying the unadjusted remainder by
 435 0.6331 then deducting the amounts required for payment of debt
 436 service pursuant to paragraphs (3)(a) and (b). ~~paid into the~~
 437 State Treasury to the credit of:

438 (a)1. The State Transportation Trust Fund in the
 439 Department of Transportation in the amount of the lesser of 38.2
 440 percent of the adjusted remainder or \$541.75 million in each
 441 fiscal year shall be paid into the State Treasury to the credit
 442 of the State Transportation Trust Fund. ~~Out~~ Of such funds, ~~the~~

443 ~~first \$50 million for the 2012-2013 fiscal year; \$65 million for~~
 444 ~~the 2013-2014 fiscal year; and \$75 million for the 2014-2015~~
 445 ~~fiscal year and all subsequent years,~~ shall be transferred to
 446 the State Economic Enhancement and Development Trust Fund within
 447 the Department of Economic Opportunity. Notwithstanding any
 448 other provision of law, the remaining amount credited to the
 449 State Transportation Trust Fund shall ~~The remainder is to be~~
 450 used for the following ~~specified~~ purposes, ~~notwithstanding any~~
 451 ~~other law to the contrary:~~

452 1.a. ~~For the purposes of~~ Capital funding for the New
 453 Starts Transit Program, authorized by Title 49, U.S.C. s. 5309
 454 and specified in s. 341.051, in the amount of 10 percent of the
 455 these funds.

456 2.b. ~~For the purposes of~~ The Small County Outreach Program
 457 specified in s. 339.2818, in the amount of 10 ~~5~~ percent of the
 458 ~~these funds. Effective July 1, 2014, the percentage allocated~~
 459 ~~under this sub-subparagraph shall be increased to 10 percent;~~

460 3.c. ~~For the purposes of~~ The Strategic Intermodal System
 461 specified in ss. 339.61, 339.62, 339.63, and 339.64, in the
 462 amount of 75 percent of the funds after deduction of the
 463 payments required under subparagraphs 1. and 2. ~~these funds~~
 464 ~~after allocating for the New Starts Transit Program described in~~
 465 ~~sub-subparagraph a. and the Small County Outreach Program~~
 466 ~~described in sub-subparagraph b.; and~~

467 4.d. ~~For the purposes of~~ The Transportation Regional
 468 Incentive Program specified in s. 339.2819, in the amount of 25

469 percent of the ~~these~~ funds after deduction of the payments
 470 required under subparagraphs 1. and 2. allocating for the New
 471 ~~Starts Transit Program described in sub-subparagraph a. and the~~
 472 ~~Small County Outreach Program described in sub-subparagraph b.~~
 473 ~~Effective July 1, 2014,~~ The first \$60 million of the funds
 474 allocated pursuant to this subparagraph ~~sub-subparagraph~~ shall
 475 be allocated annually to the Florida Rail Enterprise for the
 476 purposes established in s. 341.303(5).

477 (b)2. ~~The Grants and Donations Trust Fund in the~~
 478 ~~Department of Economic Opportunity in the amount of the lesser~~
 479 ~~of .23 percent of the adjusted remainder or \$3.25 million in~~
 480 ~~each fiscal year shall be paid into the State Treasury to the~~
 481 credit of the Grants and Donations Trust Fund in the Department
 482 of Economic Opportunity to fund technical assistance to local
 483 governments.

484 ~~3. The Ecosystem Management and Restoration Trust Fund in~~
 485 ~~the amount of the lesser of 2.12 percent of the remainder or \$30~~
 486 ~~million in each fiscal year, to be used for the preservation and~~
 487 ~~repair of the state's beaches as provided in ss. 161.091-~~
 488 ~~161.212.~~

489 (c)4. ~~General Inspection Trust Fund in the amount of The~~
 490 ~~lesser of .02 percent of the adjusted remainder or \$300,000 in~~
 491 ~~each fiscal year shall be paid into the State Treasury to the~~
 492 credit of the General Inspection Trust Fund in the Department of
 493 Agriculture and Consumer Services ~~to be used~~ to fund oyster
 494 management and restoration programs as provided in s.

495 379.362(3).

496

497 ~~Moneys distributed pursuant to this paragraph may not be pledged~~
 498 ~~for debt service unless such pledge is approved by referendum of~~
 499 ~~the voters.~~

500 ~~(d) After the required payments under paragraphs (a), (b),~~
 501 ~~and (c), the remainder shall be paid into the State Treasury to~~
 502 ~~the credit of the General Revenue Fund to be used and expended~~
 503 ~~for the purposes for which the General Revenue Fund was created~~
 504 ~~and exists by law.~~

505 ~~(2) The lesser of 7.56 percent of the remaining taxes or~~
 506 ~~\$84.9 million in each fiscal year shall be distributed as~~
 507 ~~follows:~~

508 ~~(a) Six million and three hundred thousand dollars shall~~
 509 ~~be paid into the State Treasury to the credit of the General~~
 510 ~~Revenue Fund.~~

511 ~~(b) The remainder shall be paid into the State Treasury to~~
 512 ~~the credit of the Land Acquisition Trust Fund. Sums deposited in~~
 513 ~~the fund pursuant to this subsection may be used for any purpose~~
 514 ~~for which funds deposited in the Land Acquisition Trust Fund may~~
 515 ~~lawfully be used.~~

516 ~~(3) (a) The lesser of 1.94 percent of the remaining taxes~~
 517 ~~or \$26 million in each fiscal year shall be distributed in the~~
 518 ~~following order:~~

519 ~~1. Amounts necessary to pay debt service or to fund debt~~
 520 ~~service reserve funds, rebate obligations, or other amounts~~

521 ~~payable with respect to bonds issued before February 1, 2009,~~
 522 ~~pursuant to this subsection shall be paid into the State~~
 523 ~~Treasury to the credit of the Land Acquisition Trust Fund.~~

524 ~~2. Eleven million dollars shall be paid into the State~~
 525 ~~Treasury to the credit of the General Revenue Fund.~~

526 ~~3. The remainder shall be paid into the State Treasury to~~
 527 ~~the credit of the Land Acquisition Trust Fund.~~

528 ~~(b) Moneys deposited in the Land Acquisition Trust Fund~~
 529 ~~pursuant to this subsection shall be used to acquire coastal~~
 530 ~~lands or to pay debt service on bonds issued to acquire coastal~~
 531 ~~lands and to develop and manage lands acquired with moneys from~~
 532 ~~the trust fund.~~

533 ~~(4) The lesser of 4.2 percent of the remaining taxes or~~
 534 ~~\$60.5 million in each fiscal year shall be paid into the State~~
 535 ~~Treasury to the credit of the Water Management Lands Trust Fund.~~
 536 ~~Sums deposited in that fund may be used for any purpose~~
 537 ~~authorized in s. 373.59. An amount equal to the amounts~~
 538 ~~necessary to pay debt service or to fund debt service reserve~~
 539 ~~funds, rebate obligations, or other amounts payable with respect~~
 540 ~~to bonds authorized pursuant to s. 215.619(1)(a)2. and the~~
 541 ~~proviso associated with Specific Appropriation 1626A of the~~
 542 ~~2014-2015 General Appropriations Act shall be transferred~~
 543 ~~annually from the Water Management Lands Trust Fund to the~~
 544 ~~General Revenue Fund.~~

545 ~~(5) Of the remaining taxes, 3.52 percent shall be paid~~
 546 ~~into the State Treasury to the credit of the Conservation and~~

547 ~~Recreation Lands Trust Fund to carry out the purposes set forth~~
 548 ~~in s. 259.032. Eleven and fifteen hundredths percent of the~~
 549 ~~amount credited to the Conservation and Recreation Lands Trust~~
 550 ~~Fund pursuant to this subsection shall be transferred to the~~
 551 ~~State Game Trust Fund and used for land management activities.~~

552 ~~(6) The lesser of 2.28 percent of the remaining taxes or~~
 553 ~~\$34.1 million in each fiscal year shall be paid into the State~~
 554 ~~Treasury to the credit of the Invasive Plant Control Trust Fund~~
 555 ~~to carry out the purposes set forth in ss. 369.22 and 369.252.~~

556 ~~(7) The lesser of .5 percent of the remaining taxes or~~
 557 ~~\$9.3 million in each fiscal year shall be paid into the State~~
 558 ~~Treasury to the credit of the State Game Trust Fund to be used~~
 559 ~~exclusively for the purpose of implementing the Lake Restoration~~
 560 ~~2020 Program.~~

561 ~~(8) One half of one percent of the remaining taxes shall~~
 562 ~~be paid into the State Treasury and divided equally to the~~
 563 ~~credit of the Department of Environmental Protection Water~~
 564 ~~Quality Assurance Trust Fund to address water quality impacts~~
 565 ~~associated with nonagricultural nonpoint sources and to the~~
 566 ~~credit of the Department of Agriculture and Consumer Services~~
 567 ~~General Inspection Trust Fund to address water quality impacts~~
 568 ~~associated with agricultural nonpoint sources, respectively.~~
 569 ~~These funds shall be used for research, development,~~
 570 ~~demonstration, and implementation of suitable best management~~
 571 ~~practices or other measures used to achieve water quality~~
 572 ~~standards in surface waters and water segments identified~~

573 ~~pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No. 92-~~
 574 ~~500, 33 U.S.C. ss. 1251 et seq. Implementation of best~~
 575 ~~management practices and other measures may include cost-share~~
 576 ~~grants, technical assistance, implementation tracking, and~~
 577 ~~conservation leases or other agreements for water quality~~
 578 ~~improvement. The Department of Environmental Protection and the~~
 579 ~~Department of Agriculture and Consumer Services may adopt rules~~
 580 ~~governing the distribution of funds for implementation of best~~
 581 ~~management practices. The unobligated balance of funds received~~
 582 ~~from the distribution of taxes collected under this chapter to~~
 583 ~~address water quality impacts associated with nonagricultural~~
 584 ~~nonpoint sources must be excluded when calculating the~~
 585 ~~unobligated balance of the Water Quality Assurance Trust Fund as~~
 586 ~~it relates to the determination of the applicable excise tax~~
 587 ~~rate.~~

588 (d)(9) Seven and fifty-three hundredths percent of the
 589 unadjusted remainder ~~remaining taxes~~ in each fiscal year shall
 590 be paid into the State Treasury to the credit of the State
 591 Housing Trust Fund. ~~Out~~ Of such funds, ~~beginning in the 2012-~~
 592 ~~2013 fiscal year,~~ the first \$35 million shall be transferred
 593 annually, subject to any distribution required under subsection
 594 (6) ~~(15)~~, to the State Economic Enhancement and Development
 595 Trust Fund within the Department of Economic Opportunity. The
 596 remainder shall be used as follows:

597 1.(a) Half of that amount shall be used for the purposes
 598 for which the State Housing Trust Fund was created and exists by

599 law.

600 2.~~(b)~~ Half of that amount shall be paid into the State
 601 Treasury to the credit of the Local Government Housing Trust
 602 Fund and used for the purposes for which the Local Government
 603 Housing Trust Fund was created and exists by law.

604 (e)~~(10)~~ Eight and sixty-six hundredths percent of the
 605 unadjusted remainder ~~remaining taxes~~ in each fiscal year shall
 606 be paid into the State Treasury to the credit of the State
 607 Housing Trust Fund. ~~Out~~ Of such funds, ~~beginning in the 2012-~~
 608 ~~2013 fiscal year,~~ the first \$40 million shall be transferred
 609 annually, subject to any distribution required under subsection
 610 (6) ~~(15)~~, to the State Economic Enhancement and Development
 611 Trust Fund within the Department of Economic Opportunity. The
 612 remainder shall be used as follows:

613 1.~~(a)~~ Twelve and one-half percent of that amount shall be
 614 deposited into the State Housing Trust Fund and be expended by
 615 the Department of Economic Opportunity and by the Florida
 616 Housing Finance Corporation for the purposes for which the State
 617 Housing Trust Fund was created and exists by law.

618 2.~~(b)~~ Eighty-seven and one-half percent of that amount
 619 shall be distributed to the Local Government Housing Trust Fund
 620 and used for the purposes for which the Local Government Housing
 621 Trust Fund was created and exists by law. Funds from this
 622 category may also be used to provide for state and local
 623 services to assist the homeless.

624

625 Moneys distributed pursuant to paragraphs (a), (b), and (c) may
 626 not be pledged for debt service unless such pledge is approved
 627 by voter referendum.

628 ~~(11) The distribution of proceeds deposited into the Water~~
 629 ~~Management Lands Trust Fund and the Conservation and Recreation~~
 630 ~~Lands Trust Fund, pursuant to subsections (4) and (5), may not~~
 631 ~~be used for land acquisition but may be used for preacquisition~~
 632 ~~costs associated with land purchases. The Legislature intends~~
 633 ~~that the Florida Forever program supplant the acquisition~~
 634 ~~programs formerly authorized under ss. 259.032 and 373.59.~~

635 ~~(12) Amounts distributed pursuant to subsections (5), (6),~~
 636 ~~(7), and (8) are subject to the payment of debt service on~~
 637 ~~outstanding Conservation and Recreation Lands revenue bonds.~~

638 ~~(13) In each fiscal year that the remaining taxes exceed~~
 639 ~~collections in the prior fiscal year, the stated maximum dollar~~
 640 ~~amounts provided in subsections (2), (4), (6), and (7) shall~~
 641 ~~each be increased by an amount equal to 10 percent of the~~
 642 ~~increase in the remaining taxes collected under this chapter~~
 643 ~~multiplied by the applicable percentage provided in those~~
 644 ~~subsections.~~

645 ~~(14) If the payment requirements in any year for bonds~~
 646 ~~outstanding on July 1, 2007, or bonds issued to refund such~~
 647 ~~bonds, exceed the limitations of this section, distributions to~~
 648 ~~the trust fund from which the bond payments are made must be~~
 649 ~~increased to the lesser of the amount needed to pay bond~~
 650 ~~obligations or the limit of the applicable percentage~~

651 ~~distribution provided in subsections (1)-(10).~~

652 (6)~~(15)~~ Distributions to the State Housing Trust Fund
 653 pursuant to paragraphs (5)(d) and (e) ~~subsections (9) and (10)~~
 654 must be sufficient to cover amounts required to be transferred
 655 to the Florida Affordable Housing Guarantee Program's annual
 656 debt service reserve and guarantee fund pursuant to s.
 657 420.5092(6)(a) and (b) up to the amount required to be
 658 transferred to such reserve and fund based on the percentage
 659 distribution of documentary stamp tax revenues to the State
 660 Housing Trust Fund which is in effect in the 2004-2005 fiscal
 661 year.

662 ~~(16) If amounts necessary to pay debt service or any other~~
 663 ~~amounts payable with respect to Preservation 2000 bonds, Florida~~
 664 ~~Forever bonds, or Everglades Restoration bonds authorized before~~
 665 ~~January 1, 2015, exceed the amounts distributable pursuant to~~
 666 ~~subsection (1), all moneys distributable pursuant to this~~
 667 ~~section are available for such obligations and transferred in~~
 668 ~~the amounts necessary to pay such obligations when due. However,~~
 669 ~~amounts distributable pursuant to subsection (2), subsection~~
 670 ~~(3), subsection (4), subsection (5), paragraph (9)(a), or~~
 671 ~~paragraph (10)(a) are not available to pay such obligations to~~
 672 ~~the extent that such moneys are necessary to pay debt service on~~
 673 ~~bonds secured by revenues pursuant to those provisions.~~

674 (7)~~(17)~~ After the distributions provided in the preceding
 675 subsections, any remaining taxes shall be paid into the State
 676 Treasury to the credit of the General Revenue Fund.

677 Section 9. Subsection (6) of section 211.3103, Florida
 678 Statutes, is amended to read:

679 211.3103 Levy of tax on severance of phosphate rock; rate,
 680 basis, and distribution of tax.-

681 (6) (a) Beginning January 1, 2023 ~~July 1 of the 2011-2012~~
 682 ~~fiscal year~~, the proceeds of all taxes, interest, and penalties
 683 imposed under this section are exempt from the general revenue
 684 service charge provided in s. 215.20, and such proceeds shall be
 685 paid into the State Treasury as follows:

686 ~~1. To the credit of the Conservation and Recreation Lands~~
 687 ~~Trust Fund, 25.5 percent.~~

688 ~~1.2.~~ To the credit of the General Revenue Fund of the
 689 state, 47.9 ~~35.7~~ percent.

690 ~~2.3.~~ For payment to counties in proportion to the number
 691 of tons of phosphate rock produced from a phosphate rock matrix
 692 located within such political boundary, 17.2 ~~12.8~~ percent. The
 693 department shall distribute this portion of the proceeds
 694 annually based on production information reported by the
 695 producers on the annual returns for the taxable year. Any such
 696 proceeds received by a county shall be used only for phosphate-
 697 related expenses.

698 ~~3.4.~~ For payment to counties that have been designated as
 699 a rural area of opportunity pursuant to s. 288.0656 in
 700 proportion to the number of tons of phosphate rock produced from
 701 a phosphate rock matrix located within such political boundary,
 702 13.4 ~~10.0~~ percent. The department shall distribute this portion

703 of the proceeds annually based on production information
 704 reported by the producers on the annual returns for the taxable
 705 year. Payments under this subparagraph shall be made to the
 706 counties unless the Legislature by special act creates a local
 707 authority to promote and direct the economic development of the
 708 county. If such authority exists, payments shall be made to that
 709 authority.

710 ~~4.5.~~ To the credit of the Nonmandatory Land Reclamation
 711 Trust Fund, 8.3 ~~6.2~~ percent.

712 ~~5.6.~~ To the credit of the Phosphate Research Trust Fund in
 713 the Division of Universities of the Department of Education, 8.3
 714 ~~6.2~~ percent.

715 ~~6.7.~~ To the credit of the Minerals Trust Fund, 4.9 ~~3.6~~
 716 percent.

717 (b) Notwithstanding paragraph (a), from July 1, 2015,
 718 through January 1, 2015, ~~until~~ December 31, 2022, the proceeds
 719 of all taxes, interest, and penalties imposed under this section
 720 are exempt from the general revenue service charge provided in
 721 s. 215.20, and such proceeds shall be paid into ~~to~~ the State
 722 Treasury as follows:

723 ~~1. To the credit of the Conservation and Recreation Lands~~
 724 ~~Trust Fund, 22.8 percent.~~

725 ~~1.2.~~ To the credit of the General Revenue Fund of the
 726 state, 41.3 ~~31.9~~ percent.

727 ~~2.3.~~ For payment to counties pursuant to subparagraph
 728 (a)3., 14.9 ~~11.5~~ percent.

729 3.4. For payment to counties pursuant to subparagraph
 730 (a)4., 11.5 ~~8.9~~ percent.

731 4.5. To the credit of the Nonmandatory Land Reclamation
 732 Trust Fund, 20.9 ~~16.1~~ percent.

733 5.6. To the credit of the Phosphate Research Trust Fund in
 734 the Division of Universities of the Department of Education, 7.3
 735 ~~5.6~~ percent.

736 6.7. To the credit of the Minerals Trust Fund, 4.1 ~~3.2~~
 737 percent.

738 (c) For purposes of this section, "phosphate-related
 739 expenses" means those expenses that provide for infrastructure
 740 or services in support of the phosphate industry, including
 741 environmental education, reclamation or restoration of phosphate
 742 lands, maintenance and restoration of reclaimed lands and
 743 county-owned environmental lands which were formerly phosphate
 744 lands, community infrastructure on such reclaimed lands and
 745 county-owned environmental lands which were formerly phosphate
 746 lands, and similar expenses directly related to support of the
 747 industry.

748 Section 10. Subsection (2) of section 215.20, Florida
 749 Statutes, is amended to read:

750 215.20 Certain income and certain trust funds to
 751 contribute to the General Revenue Fund.—

752 (2) Notwithstanding the provisions of subsection (1), the
 753 trust funds of the Department of Citrus and the Department of
 754 Agriculture and Consumer Services, including funds collected in

755 | the General Inspection Trust Fund for marketing orders and in
 756 | the Florida Citrus Advertising Trust Fund, shall be subject to a
 757 | 4 percent service charge, which is hereby appropriated to the
 758 | General Revenue Fund. This subsection ~~paragraph~~ does not apply
 759 | to ~~the Conservation and Recreation Lands Program Trust Fund,~~ the
 760 | Citrus Inspection Trust Fund, the Florida Forever Program Trust
 761 | Fund, the Market Improvements Working Capital Trust Fund, the
 762 | Pest Control Trust Fund, the Plant Industry Trust Fund, or other
 763 | funds collected in the General Inspection Trust Fund in the
 764 | Department of Agriculture and Consumer Services.

765 | Section 11. Subsections (7) and (8) of section 215.618,
 766 | Florida Statutes, are renumbered as subsections (6) and (7),
 767 | respectively, and paragraph (a) of subsection (1) and
 768 | subsections (2), (3), and (6) of that section are amended, to
 769 | read:

770 | 215.618 Bonds for acquisition and improvement of land,
 771 | water areas, and related property interests and resources.—

772 | (1)(a) The issuance of Florida Forever bonds, not to
 773 | exceed \$5.3 billion, to finance or refinance the cost of
 774 | acquisition and improvement of land, water areas, and related
 775 | property interests and resources, in urban and rural settings,
 776 | for the purposes of restoration, conservation, recreation, water
 777 | resource development, or historical preservation, and for
 778 | capital improvements to lands and water areas that accomplish
 779 | environmental restoration, enhance public access and
 780 | recreational enjoyment, promote long-term management goals, and

781 facilitate water resource development is hereby authorized,
 782 subject to ~~the provisions of~~ s. 259.105 and pursuant to s.
 783 11(e), Art. VII of the State Constitution. ~~Florida Forever bonds~~
 784 ~~may also be issued to refund Preservation 2000 bonds issued~~
 785 ~~pursuant to s. 375.051.~~ The \$5.3 billion limitation on the
 786 issuance of Florida Forever bonds does not apply to refunding
 787 bonds. The duration of each series of Florida Forever bonds
 788 issued may not exceed 20 annual maturities. In connection with
 789 satisfying the additional bonds test set forth in the
 790 authorizing resolution, not more than 58.25 percent of
 791 documentary stamp taxes collected may be taken into account
 792 ~~Preservation 2000 bonds and Florida Forever bonds shall be~~
 793 ~~equally and ratably secured by moneys distributable to the Land~~
 794 ~~Acquisition Trust Fund pursuant to s. 201.15(1)(a), except to~~
 795 ~~the extent specifically provided otherwise by the documents~~
 796 ~~authorizing the issuance of the bonds.~~

797 (2) The state covenants ~~does hereby covenant~~ with the
 798 holders of Florida Forever bonds ~~and Preservation 2000 bonds~~
 799 that it will not take any action that ~~which~~ will materially and
 800 adversely affect the rights of such holders so long as such
 801 bonds are outstanding, including, but not limited to, a
 802 reduction in the portion of documentary stamp taxes
 803 distributable to the Land Acquisition Trust Fund for payment of
 804 debt service on ~~Preservation 2000 bonds or~~ Florida Forever
 805 bonds.

806 (3) Bonds issued pursuant to this section shall be payable

807 | from taxes distributable to the Land Acquisition Trust Fund
 808 | pursuant to s. 201.15(1) ~~201.15(1)(a)~~. Bonds issued pursuant to
 809 | this section shall not constitute a general obligation of, or a
 810 | pledge of the full faith and credit of, the state. Florida
 811 | Forever bonds shall be secured on a parity basis with bonds
 812 | issued pursuant to s. 215.619.

813 | ~~(6) Pursuant to authority granted by s. 11(e), Art. VII of~~
 814 | ~~the State Constitution, there is hereby continued and re-created~~
 815 | ~~the Land Acquisition Trust Fund which shall be a continuation~~
 816 | ~~of the Land Acquisition Trust Fund which exists for purposes of~~
 817 | ~~s. 9(a)(1), Art. XII of the State Constitution. The Land~~
 818 | ~~Acquisition Trust Fund shall continue beyond the termination of~~
 819 | ~~bonding authority provided for in s. 9(a)(1), Art. XII of the~~
 820 | ~~State Constitution, pursuant to the authority provided by s.~~
 821 | ~~11(e), Art. VII of the State Constitution and shall continue for~~
 822 | ~~so long as Preservation 2000 bonds or Florida Forever bonds are~~
 823 | ~~outstanding and secured by taxes distributable thereto.~~

824 | Section 12. Paragraph (b) of subsection (1) and
 825 | subsections (2) and (3) of section 215.619, Florida Statutes,
 826 | are amended to read:

827 | 215.619 Bonds for Everglades restoration.-

828 | (1) The issuance of Everglades restoration bonds to
 829 | finance or refinance the cost of the acquisition and improvement
 830 | of land, water areas, and related property interests and
 831 | resources for the purpose of implementing the Comprehensive
 832 | Everglades Restoration Plan under s. 373.470, the Lake

833 Okeechobee Watershed Protection Plan under s. 373.4595, the
 834 Caloosahatchee River Watershed Protection Plan under s.
 835 373.4595, the St. Lucie River Watershed Protection Plan under s.
 836 373.4595, and the Florida Keys Area of Critical State Concern
 837 protection program under ss. 380.05 and 380.0552 in order to
 838 restore and conserve natural systems through the implementation
 839 of water management projects, including wastewater management
 840 projects identified in the Keys Wastewater Plan, dated November
 841 2007, and submitted to the Florida House of Representatives on
 842 December 4, 2007, is authorized in accordance with s. 11(e),
 843 Art. VII of the State Constitution.

844 (b) The duration of Everglades restoration bonds may not
 845 exceed 20 annual maturities and must mature by December 31,
 846 2040. Except for refunding bonds, a series of bonds may not be
 847 issued unless an amount equal to the debt service coming due in
 848 the year of issuance has been appropriated by the Legislature.
 849 In connection with satisfying the additional bonds test set
 850 forth in the authorizing resolution, not more than 58.25 percent
 851 of documentary stamp taxes collected may be taken into account.
 852 Beginning July 1, 2010, the Legislature shall analyze the ratio
 853 of the state's debt to projected revenues before authorizing the
 854 issuance of bonds under this section.

855 (2) The state covenants with the holders of Everglades
 856 restoration bonds that it will not take any action that will
 857 materially and adversely affect the rights of the holders as ~~so~~
 858 long as the bonds are outstanding, including, but not limited

859 to, a reduction in the portion of documentary stamp taxes
 860 distributable under s. 201.15(1) for payment of debt service on
 861 ~~Preservation 2000 bonds,~~ Florida Forever bonds, or Everglades
 862 restoration bonds.

863 (3) Everglades restoration bonds are payable from, and
 864 secured by a first lien on, taxes distributable under s.
 865 201.15(1) ~~201.15(1)(b)~~ and do not constitute a general
 866 obligation of, or a pledge of the full faith and credit of, the
 867 state. Everglades restoration bonds shall be secured on a parity
 868 basis with bonds issued pursuant to s. 215.618 ~~secured by moneys~~
 869 ~~distributable under s. 201.15(1)(a).~~

870 Section 13. Subsection (5) of section 253.027, Florida
 871 Statutes, is amended to read:

872 253.027 Emergency archaeological property acquisition.-

873 (5) ACCOUNT EXPENDITURES.-

874 (a) No moneys shall be spent for the acquisition of any
 875 property, including title works, appraisal fees, and survey
 876 costs, unless:

877 1. The property is an archaeological property of major
 878 statewide significance.

879 2. The structures, artifacts, or relics, or their historic
 880 significance, will be irretrievably lost if the state cannot
 881 acquire the property.

882 3. The site is presently on an acquisition list ~~for~~
 883 ~~Conservation and Recreation Lands~~ or for Florida Forever lands,
 884 or complies with the criteria for inclusion on any such list,

885 but has yet to be included on the list.

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

888 5. The site is not otherwise protected by local, state, or
889 federal laws.

890 6. The acquisition is not inconsistent with the state
891 comprehensive plan and the state land acquisition program.

892 (b) No moneys shall be spent from the account for
893 excavation or restoration of the properties acquired. Funds may
894 be spent for preliminary surveys to determine if the sites meet
895 the criteria of this section. An amount not to exceed \$100,000
896 may also be spent from the account to inventory and evaluate
897 archaeological and historic resources on properties purchased,
898 or proposed for purchase, pursuant to s. 259.105(3)(b) ~~s.~~
899 ~~259.032~~.

900 Section 14. Paragraph (a) of subsection (12) of section
901 253.03, Florida Statutes, is amended to read:

902 253.03 Board of trustees to administer state lands; lands
903 enumerated.—

904 (12) The Board of Trustees of the Internal Improvement
905 Trust Fund is hereby authorized to administer, manage, control,
906 conserve, protect, and sell all real property forfeited to the
907 state pursuant to ss. 895.01-895.09 or acquired by the state
908 pursuant to s. 607.0505 or former s. 620.192. The board is
909 directed to immediately determine the value of all such property
910 and shall ascertain whether the property is in any way

911 encumbered. If the board determines that it is in the best
 912 interest of the state to do so, funds from the Internal
 913 Improvement Trust Fund may be used to satisfy any such
 914 encumbrances. If forfeited property receipts are not sufficient
 915 to satisfy encumbrances on the property and expenses permitted
 916 under this section, funds from another appropriate trust fund
 917 ~~the Land Acquisition Trust Fund~~ may be used to satisfy any such
 918 encumbrances and expenses. All property acquired by the board
 919 pursuant to s. 607.0505, former s. 620.192, or ss. 895.01-895.09
 920 shall be sold as soon as commercially feasible unless the
 921 Attorney General recommends and the board determines that
 922 retention of the property in public ownership would effectuate
 923 one or more of the following policies of statewide significance:
 924 protection or enhancement of floodplains, marshes, estuaries,
 925 lakes, rivers, wilderness areas, wildlife areas, wildlife
 926 habitat, or other environmentally sensitive natural areas or
 927 ecosystems; or preservation of significant archaeological or
 928 historical sites identified by the Secretary of State. In such
 929 event the property shall remain in the ownership of the board,
 930 to be controlled, managed, and disposed of in accordance with
 931 this chapter, and the Internal Improvement Trust Fund shall be
 932 reimbursed from the Land Acquisition Trust Fund within the
 933 Department of Environmental Protection, or other appropriate
 934 fund designated by the board, for any funds expended from the
 935 Internal Improvement Trust Fund pursuant to this subsection in
 936 regard to such property. Upon the recommendation of the Attorney

937 | General, the board may reimburse the investigative agency for
 938 | its investigative expenses, costs, and attorneys' fees, and may
 939 | reimburse law enforcement agencies for actual expenses incurred
 940 | in conducting investigations leading to the forfeiture of such
 941 | property from funds deposited in the Internal Improvement Trust
 942 | Fund of the Department of Environmental Protection. The proceeds
 943 | of the sale of property acquired under s. 607.0505, former s.
 944 | 620.192, or ss. 895.01-895.09 shall be distributed as follows:

945 | (a) After satisfaction of any valid claims arising under
 946 | ~~the provisions of~~ s. 895.09(1)(a) or (b), any moneys used to
 947 | satisfy encumbrances and expended as costs of administration,
 948 | appraisal, management, conservation, protection, sale, and real
 949 | estate sales services and any interest earnings lost to the
 950 | trust fund that was used ~~Land Acquisition Trust Fund~~ as of a
 951 | date certified by the Department of Environmental Protection
 952 | shall be replaced first in the trust fund that was used to
 953 | satisfy any such encumbrance or expense ~~the Land Acquisition~~
 954 | ~~Trust Fund~~, if those funds were used, and then in the Internal
 955 | Improvement Trust Fund; and

956 | Section 15. Subsection (3), paragraphs (k) through (n) of
 957 | subsection (6), and subsections (10) and (11) of section
 958 | 253.034, Florida Statutes, are amended to read:

959 | 253.034 State-owned lands; uses.—

960 | (3) Recognizing ~~In recognition~~ that recreational trails
 961 | purchased with rails-to-trails funds pursuant to s.
 962 | 259.101(3)(g), Florida Statutes 2014, or s. 259.105(3)(h) have

963 had historic transportation uses and that their linear character
 964 may extend many miles, the Legislature intends that when the
 965 necessity arises to serve public needs, after balancing the need
 966 to protect trail users from collisions with automobiles and a
 967 preference for the use of overpasses and underpasses to the
 968 greatest extent feasible and practical, transportation uses
 969 shall be allowed to cross recreational trails purchased pursuant
 970 to s. 259.101(3)(g), Florida Statutes 2014, or s. 259.105(3)(h).
 971 When these crossings are needed, the location and design should
 972 consider and mitigate the impact on humans and environmental
 973 resources, and the value of the land shall be paid based on fair
 974 market value.

975 (6) The Board of Trustees of the Internal Improvement
 976 Trust Fund shall determine which lands, the title to which is
 977 vested in the board, may be surplus. For conservation lands,
 978 the board shall determine whether the lands are no longer needed
 979 for conservation purposes and may dispose of them by an
 980 affirmative vote of at least three members. In the case of a
 981 land exchange involving the disposition of conservation lands,
 982 the board must determine by an affirmative vote of at least
 983 three members that the exchange will result in a net positive
 984 conservation benefit. For all other lands, the board shall
 985 determine whether the lands are no longer needed and may dispose
 986 of them by an affirmative vote of at least three members.

987 (k) Proceeds from any sale of surplus conservation lands
 988 purchased before July 1, 2015, pursuant to this subsection shall

989 be deposited into the Florida Forever Trust Fund ~~from which such~~
 990 ~~lands were acquired.~~

991 (l) Proceeds from the sale of surplus conservation lands
 992 purchased on or after July 1, 2015, shall be deposited into the
 993 Land Acquisition Trust Fund or, if required by bond covenants,
 994 into the trust fund from which the lands were purchased ~~However,~~
 995 ~~if the fund from which the lands were originally acquired no~~
 996 ~~longer exists, such proceeds shall be deposited into an~~
 997 ~~appropriate account to be used for land management by the lead~~
 998 ~~managing agency assigned the lands before the lands were~~
 999 ~~declared surplus.~~

1000 (m) Funds received from the sale of surplus
 1001 nonconservation lands, or lands that were acquired by gift, by
 1002 donation, or for no consideration, shall be deposited into the
 1003 Internal Improvement Trust Fund.

1004 (n) ~~(l)~~ Notwithstanding this subsection, such disposition
 1005 of land may not be made if it would have the effect of causing
 1006 all or any portion of the interest on any revenue bonds issued
 1007 to lose the exclusion from gross income for federal income tax
 1008 purposes.

1009 (o) ~~(m)~~ The sale of filled, formerly submerged land that
 1010 does not exceed 5 acres in area is not subject to review by the
 1011 council or its successor.

1012 (p) ~~(n)~~ The board may adopt rules to administer this
 1013 section which may include procedures for administering surplus
 1014 land requests and criteria for when the division may approve

1015 requests to surplus nonconservation lands on behalf of the
 1016 board.

1017 (10) The following additional uses of conservation lands
 1018 acquired pursuant to the Florida Forever program and other
 1019 state-funded conservation land purchase programs shall be
 1020 authorized, upon a finding by the board of trustees, if they
 1021 meet the criteria specified in paragraphs (a)-(e): water
 1022 resource development projects, water supply development
 1023 projects, stormwater management projects, linear facilities, and
 1024 sustainable agriculture and forestry. Such additional uses are
 1025 authorized where:

1026 (a) Not inconsistent with the management plan for such
 1027 lands.†

1028 (b) Compatible with the natural ecosystem and resource
 1029 values of such lands.†

1030 (c) The proposed use is appropriately located on such
 1031 lands and where due consideration is given to the use of other
 1032 available lands.†

1033 (d) The using entity reasonably compensates the
 1034 titleholder for such use based upon an appropriate measure of
 1035 value.† ~~and~~

1036 (e) The use is consistent with the public interest.
 1037

1038 A decision by the board of trustees pursuant to this section
 1039 shall be given a presumption of correctness. Moneys received
 1040 from the use of state lands pursuant to this section shall be

1041 returned to the lead managing entity in accordance with the
 1042 provisions of s. 259.032(9)(c) ~~259.032(11)(e)~~.

1043 (11) Lands listed as projects for acquisition may be
 1044 managed for conservation pursuant to s. 259.032, on an interim
 1045 basis by a private party in anticipation of a state purchase in
 1046 accordance with a contractual arrangement between the acquiring
 1047 agency and the private party that may include management service
 1048 contracts, leases, cost-share arrangements or resource
 1049 conservation agreements. Lands designated as eligible under this
 1050 subsection shall be managed to maintain or enhance the resources
 1051 the state is seeking to protect by acquiring the land. Funding
 1052 for these contractual arrangements may originate from the
 1053 documentary stamp tax revenue deposited into the Land
 1054 Acquisition Trust Fund ~~Conservation and Recreation Lands Trust~~
 1055 ~~Fund and Water Management Lands Trust Fund~~. No more than \$6.2
 1056 million of the Land Acquisition Trust Fund ~~5 percent of funds~~
 1057 ~~allocated under the trust funds~~ shall be expended for this
 1058 purpose.

1059 Section 16. Section 253.7824, Florida Statutes, is amended
 1060 to read:

1061 253.7824 Sale of products; proceeds.—The department may
 1062 authorize the removal and sale of products from the land where
 1063 environmentally appropriate, the proceeds from which shall be
 1064 deposited into the Internal Improvement Trust Fund ~~in the Land~~
 1065 ~~Acquisition Trust Fund~~.

1066 Section 17. Subsection (1) of section 258.435, Florida

1067 Statutes, is amended to read:

1068 258.435 Use of aquatic preserves for the accommodation of
1069 visitors.-

1070 (1) The Department of Environmental Protection shall
1071 promote the public use of aquatic preserves and their associated
1072 uplands. The department may receive gifts and donations to carry
1073 out the purpose of this part. Moneys received in trust by the
1074 department by gift, devise, appropriation, or otherwise, subject
1075 to the terms of such trust, shall be deposited into the Grants
1076 and Donations ~~Land Acquisition~~ Trust Fund and appropriated to
1077 the department for the administration, development, improvement,
1078 promotion, and maintenance of aquatic preserves and their
1079 associated uplands and for any future acquisition or development
1080 of aquatic preserves and their associated uplands.

1081 Section 18. Section 259.032, Florida Statutes, is amended
1082 to read:

1083 259.032 Conservation and recreation lands ~~Trust Fund,~~
1084 ~~purpose.-~~

1085 (1) It is the policy of the state that the citizens of
1086 this state shall be assured public ownership of natural areas
1087 for purposes of maintaining this state's unique natural
1088 resources; protecting air, land, and water quality; promoting
1089 water resource development to meet the needs of natural systems
1090 and citizens of this state; promoting restoration activities on
1091 public lands; and providing lands for natural resource based
1092 recreation. In recognition of this policy, it is the intent of

1093 | the Legislature to provide such public lands for the people
 1094 | residing in urban and metropolitan areas of the state, as well
 1095 | as those residing in less populated, rural areas. It is the
 1096 | further intent of the Legislature, with regard to the lands
 1097 | described in paragraph (2)(c) ~~(3)(e)~~, that a high priority be
 1098 | given to the acquisition, restoration, and management of such
 1099 | lands in or near counties exhibiting the greatest concentration
 1100 | of population and, with regard to the lands described in
 1101 | subsection (2) ~~(3)~~, that a high priority be given to acquiring
 1102 | lands or rights or interests in lands that advance the goals and
 1103 | objectives of the Fish and Wildlife Conservation Commission's
 1104 | approved species or habitat recovery plans, or lands within any
 1105 | area designated as an area of critical state concern under s.
 1106 | 380.05 which, in the judgment of the advisory council
 1107 | established pursuant to s. 259.035, or its successor, cannot be
 1108 | adequately protected by application of land development
 1109 | regulations adopted pursuant to s. 380.05. Finally, it is the
 1110 | Legislature's intent that lands acquired for conservation or
 1111 | recreation purposes ~~through this program~~ and any successor
 1112 | programs be managed in such a way as to protect or restore their
 1113 | natural resource values, and provide the greatest benefit,
 1114 | including public access, to the citizens of this state.

1115 | ~~(2)(a) The Conservation and Recreation Lands Trust Fund is~~
 1116 | ~~established within the Department of Environmental Protection.~~
 1117 | ~~The fund shall be used as a nonlapsing, revolving fund~~
 1118 | ~~exclusively for the purposes of this section. The fund shall be~~

1119 ~~credited with proceeds from the following excise taxes:~~
 1120 ~~1. The excise taxes on documents as provided in s. 201.15,~~
 1121 ~~and~~
 1122 ~~2. The excise tax on the severance of phosphate rock as~~
 1123 ~~provided in s. 211.3103.~~
 1124
 1125 ~~The Department of Revenue shall credit to the fund each month~~
 1126 ~~the proceeds from such taxes as provided in this paragraph.~~
 1127 ~~(b) There shall annually be transferred from the~~
 1128 ~~Conservation and Recreation Lands Trust Fund to the Land~~
 1129 ~~Acquisition Trust Fund that amount, not to exceed \$20 million~~
 1130 ~~annually, as shall be necessary to pay the debt service on, or~~
 1131 ~~fund debt service reserve funds, rebate obligations, or other~~
 1132 ~~amounts with respect to bonds issued pursuant to s. 375.051 to~~
 1133 ~~acquire lands on the established priority list developed~~
 1134 ~~pursuant to ss. 259.101(4) and 259.105; however, no moneys~~
 1135 ~~transferred to the Land Acquisition Trust Fund pursuant to this~~
 1136 ~~paragraph, or earnings thereon, shall be used or made available~~
 1137 ~~to pay debt service on the Save Our Coast revenue bonds. Amounts~~
 1138 ~~transferred annually from the Conservation and Recreation Lands~~
 1139 ~~Trust Fund to the Land Acquisition Trust Fund pursuant to this~~
 1140 ~~paragraph shall have the highest priority over other payments or~~
 1141 ~~transfers from the Conservation and Recreation Lands Trust Fund,~~
 1142 ~~and no other payments or transfers shall be made from the~~
 1143 ~~Conservation and Recreation Lands Trust Fund until such~~
 1144 ~~transfers to the Land Acquisition Trust Fund have been made.~~

1145 ~~Moneys in the Conservation and Recreation Lands Trust Fund also~~
 1146 ~~shall be used to manage lands and to pay for related costs,~~
 1147 ~~activities, and functions pursuant to the provisions of this~~
 1148 ~~section.~~

1149 (2)~~(3)~~ The Governor and Cabinet, sitting as the Board of
 1150 Trustees of the Internal Improvement Trust Fund, may expend
 1151 funds appropriated by the Legislature ~~allocate moneys from the~~
 1152 ~~fund in any one year~~ to acquire the fee or any lesser interest
 1153 in lands for the following public purposes:

1154 (a) To conserve and protect environmentally unique and
 1155 irreplaceable lands that contain native, relatively unaltered
 1156 flora and fauna representing a natural area unique to, or scarce
 1157 within, a region of this state or a larger geographic area;

1158 (b) To conserve and protect lands within designated areas
 1159 of critical state concern, if the proposed acquisition relates
 1160 to the natural resource protection purposes of the designation;

1161 (c) To conserve and protect native species habitat or
 1162 endangered or threatened species, emphasizing long-term
 1163 protection for endangered or threatened species designated G-1
 1164 or G-2 by the Florida Natural Areas Inventory, and especially
 1165 those areas that are special locations for breeding and
 1166 reproduction;

1167 (d) To conserve, protect, manage, or restore important
 1168 ecosystems, landscapes, and forests, if the protection and
 1169 conservation of such lands is necessary to enhance or protect
 1170 significant surface water, groundwater, coastal, recreational,

1171 timber, or fish or wildlife resources which cannot otherwise be
 1172 accomplished through local and state regulatory programs;

1173 (e) To promote water resource development that benefits
 1174 natural systems and citizens of the state;

1175 (f) To facilitate the restoration and subsequent health
 1176 and vitality of the Florida Everglades;

1177 (g) To provide areas, including recreational trails, for
 1178 natural resource based recreation and other outdoor recreation
 1179 on any part of any site compatible with conservation purposes;

1180 (h) To preserve significant archaeological or historic
 1181 sites;

1182 (i) To conserve urban open spaces suitable for greenways
 1183 or outdoor recreation which are compatible with conservation
 1184 purposes; or

1185 (j) To preserve agricultural lands under threat of
 1186 conversion to development through less-than-fee acquisitions.

1187 (3)~~(4)~~ Lands acquired for conservation or recreation
 1188 purposes ~~under this section~~ shall be for use as state-designated
 1189 parks, recreation areas, preserves, reserves, historic or
 1190 archaeological sites, geologic or botanical sites, recreational
 1191 trails, forests, wilderness areas, wildlife management areas,
 1192 urban open space, or other state-designated recreation or
 1193 conservation lands; or they shall qualify for such state
 1194 designation and use if they are to be managed by other
 1195 governmental agencies or nonstate entities as provided for in
 1196 this section.

1197 (4)~~(5)~~ The board of trustees may expend funds appropriated
 1198 by the Legislature ~~allocate, in any year, an amount not to~~
 1199 ~~exceed 5 percent of the money credited to the fund in that year,~~
 1200 ~~such allocation to be used~~ for the initiation and maintenance of
 1201 a natural areas inventory to aid in the identification of areas
 1202 to be acquired for conservation or recreation purposes pursuant
 1203 ~~to this section.~~

1204 ~~(6) Moneys in the fund not needed to meet obligations~~
 1205 ~~incurred under this section shall be deposited with the Chief~~
 1206 ~~Financial Officer to the credit of the fund and may be invested~~
 1207 ~~in the manner provided by law. Interest received on such~~
 1208 ~~investments shall be credited to the Conservation and Recreation~~
 1209 ~~Lands Trust Fund.~~

1210 (5)~~(7)~~ The board of trustees may enter into any contract
 1211 necessary to accomplish the purposes of this section. The lead
 1212 land managing agencies designated by the board of trustees also
 1213 are directed by the Legislature to enter into contracts or
 1214 interagency agreements with other governmental entities,
 1215 including local soil and water conservation districts, or
 1216 private land managers who have the expertise to perform specific
 1217 management activities which a lead agency lacks, or which would
 1218 cost more to provide in-house. Such activities shall include,
 1219 but not be limited to, controlled burning, road and ditch
 1220 maintenance, mowing, and wildlife assessments.

1221 (6)~~(8)~~ Conservation or recreation lands ~~to be considered~~
 1222 ~~for purchase under this section~~ are subject to the selection

1223 procedures of s. 259.035 and related rules and shall be acquired
 1224 in accordance with acquisition procedures for state lands
 1225 provided for in s. 259.041, except as otherwise provided by the
 1226 Legislature. An inholding or an addition to conservation or
 1227 recreation lands ~~a project selected for purchase pursuant to~~
 1228 ~~this chapter~~ is not subject to the selection procedures of s.
 1229 259.035 if the estimated value of such inholding or addition
 1230 does not exceed \$500,000. When at least 90 percent of the
 1231 acreage of a project has been purchased for conservation or
 1232 recreation lands ~~pursuant to this chapter~~, the project may be
 1233 removed from the list and the remaining acreage may continue to
 1234 be purchased. Funds appropriated to acquire conservation or
 1235 recreation lands ~~Moneys from the fund~~ may be used for title
 1236 work, appraisal fees, environmental audits, and survey costs
 1237 related to acquisition expenses for lands to be acquired,
 1238 donated, or exchanged which qualify under the categories of this
 1239 section, at the discretion of the board. When the Legislature
 1240 has authorized the department ~~of Environmental Protection~~ to
 1241 condemn a specific parcel of land and such parcel has already
 1242 been approved for acquisition under this section, the land may
 1243 be acquired in accordance with the provisions of chapter 73 or
 1244 chapter 74, and the funds appropriated to acquire conservation
 1245 or recreation lands ~~fund~~ may be used to pay the condemnation
 1246 award and all costs, including a reasonable attorney's fee,
 1247 associated with condemnation.

1248 (7)(9) All lands managed under this chapter and s. 253.034

1249 shall be:

1250 (a) Managed in a manner that will provide the greatest
1251 combination of benefits to the public and to the resources.

1252 (b) Managed for public outdoor recreation which is
1253 compatible with the conservation and protection of public lands.
1254 Such management may include, but not be limited to, the
1255 following public recreational uses: fishing, hunting, camping,
1256 bicycling, hiking, nature study, swimming, boating, canoeing,
1257 horseback riding, diving, model hobbyist activities, birding,
1258 sailing, jogging, and other related outdoor activities
1259 compatible with the purposes for which the lands were acquired.

1260 (c) Managed for the purposes for which the lands were
1261 acquired, consistent with paragraph (9)(a) ~~(11)(a)~~.

1262 (d) Concurrent with its adoption of the annual
1263 ~~Conservation and Recreation Lands~~ list of acquisition projects
1264 pursuant to s. 259.035, the board of trustees shall adopt a
1265 management prospectus for each project. The management
1266 prospectus shall delineate:

1267 1. The management goals for the property.+

1268 2. The conditions that will affect the intensity of
1269 management.+

1270 3. An estimate of the revenue-generating potential of the
1271 property, if appropriate.+

1272 4. A timetable for implementing the various stages of
1273 management and for providing access to the public, if
1274 applicable.+

1275 5. A description of potential multiple-use activities as
1276 described in this section and s. 253.034.+

1277 6. Provisions for protecting existing infrastructure and
1278 for ensuring the security of the project upon acquisition.+

1279 7. The anticipated costs of management and projected
1280 sources of revenue, including legislative appropriations, to
1281 fund management needs.+~~and~~

1282 8. Recommendations as to how many employees will be needed
1283 to manage the property, and recommendations as to whether local
1284 governments, volunteer groups, the former landowner, or other
1285 interested parties can be involved in the management.

1286 (e) Concurrent with the approval of the acquisition
1287 contract pursuant to s. 259.041(3)(c) for any interest in lands
1288 except those lands being acquired under the provisions of s.
1289 259.1052, the board of trustees shall designate an agency or
1290 agencies to manage such lands. The board shall evaluate and
1291 amend, as appropriate, the management policy statement for the
1292 project as provided by s. 259.035, consistent with the purposes
1293 for which the lands are acquired. For any fee simple acquisition
1294 of a parcel which is or will be leased back for agricultural
1295 purposes, or any acquisition of a less-than-fee interest in land
1296 that is or will be used for agricultural purposes, the Board of
1297 Trustees of the Internal Improvement Trust Fund shall first
1298 consider having a soil and water conservation district, created
1299 pursuant to chapter 582, manage and monitor such interests.

1300 (f) State agencies designated to manage lands acquired

1301 under this chapter or with funds deposited into the Land
 1302 Acquisition Trust Fund, except those lands acquired under s.
 1303 259.1052 may contract with local governments and soil and water
 1304 conservation districts to assist in management activities,
 1305 including the responsibility of being the lead land manager.
 1306 Such land management contracts may include a provision for the
 1307 transfer of management funding to the local government or soil
 1308 and water conservation district from the land acquisition trust
 1309 fund of the lead land managing agency ~~Conservation and~~
 1310 ~~Recreation Lands Trust Fund~~ in an amount adequate for the local
 1311 government or soil and water conservation district to perform
 1312 its contractual land management responsibilities and
 1313 proportionate to its responsibilities, and which otherwise would
 1314 have been expended by the state agency to manage the property.

1315 (g) Immediately after ~~following~~ the acquisition of any
 1316 interest in conservation or recreation lands ~~under this chapter~~,
 1317 the department ~~of Environmental Protection~~, acting on behalf of
 1318 the board of trustees, may issue to the lead managing entity an
 1319 interim assignment letter to be effective until the execution of
 1320 a formal lease.

1321 (8) ~~(10)~~(a) State, regional, or local governmental agencies
 1322 or private entities designated to manage lands under this
 1323 section shall develop and adopt, with the approval of the board
 1324 of trustees, an individual management plan for each project
 1325 designed to conserve and protect such lands and their associated
 1326 natural resources. Private sector involvement in management plan

1327 development may be used to expedite the planning process.

1328 (b) Individual management plans required by s. 253.034(5),
 1329 for parcels over 160 acres, shall be developed with input from
 1330 an advisory group. Members of this advisory group shall include,
 1331 at a minimum, representatives of the lead land managing agency,
 1332 comanaging entities, local private property owners, the
 1333 appropriate soil and water conservation district, a local
 1334 conservation organization, and a local elected official. The
 1335 advisory group shall conduct at least one public hearing within
 1336 the county in which the parcel or project is located. For those
 1337 parcels or projects that are within more than one county, at
 1338 least one areawide public hearing shall be acceptable and the
 1339 lead managing agency shall invite a local elected official from
 1340 each county. The areawide public hearing shall be held in the
 1341 county in which the core parcels are located. Notice of such
 1342 public hearing shall be posted on the parcel or project
 1343 designated for management, advertised in a paper of general
 1344 circulation, and announced at a scheduled meeting of the local
 1345 governing body before the actual public hearing. The management
 1346 prospectus required pursuant to paragraph (7)(d) ~~(9)(d)~~ shall be
 1347 available to the public for a period of 30 days prior to the
 1348 public hearing.

1349 (c) Once a plan is adopted, the managing agency or entity
 1350 shall update the plan at least every 10 years in a form and
 1351 manner prescribed by rule of the board of trustees. Such
 1352 updates, for parcels over 160 acres, shall be developed with

1353 input from an advisory group. Such plans may include transfers
 1354 of leasehold interests to appropriate conservation organizations
 1355 or governmental entities designated by the Land Acquisition and
 1356 Management Advisory Council or its successor, for uses
 1357 consistent with the purposes of the organizations and the
 1358 protection, preservation, conservation, restoration, and proper
 1359 management of the lands and their resources. Volunteer
 1360 management assistance is encouraged, including, but not limited
 1361 to, assistance by youths participating in programs sponsored by
 1362 state or local agencies, by volunteers sponsored by
 1363 environmental or civic organizations, and by individuals
 1364 participating in programs for committed delinquents and adults.

1365 (d)1. For each project for which lands are acquired after
 1366 July 1, 1995, an individual management plan shall be adopted and
 1367 in place no later than 1 year after the essential parcel or
 1368 parcels identified in the priority list developed pursuant to s.
 1369 ~~ss. 259.101(4) and~~ 259.105 have been acquired. The department ~~of~~
 1370 ~~Environmental Protection~~ shall distribute only 75 percent of the
 1371 acquisition funds to which a budget entity or water management
 1372 district would otherwise be entitled ~~from the Preservation 2000~~
 1373 ~~Trust Fund~~ to any budget entity or any water management district
 1374 that has more than one-third of its management plans overdue.

1375 2. The requirements of subparagraph 1. do not apply to the
 1376 individual management plan for the Babcock Crescent B Ranch
 1377 being acquired pursuant to s. 259.1052. The management plan for
 1378 the ranch shall be adopted and in place within ~~no later than~~ 2

1379 years after ~~following~~ the date of acquisition by the state.

1380 (e) Individual management plans shall conform to the
 1381 appropriate policies and guidelines of the state land management
 1382 plan and shall include, but not be limited to:

1383 1. A statement of the purpose for which the lands were
 1384 acquired, the projected use or uses as defined in s. 253.034,
 1385 and the statutory authority for such use or uses.

1386 2. Key management activities necessary to achieve the
 1387 desired outcomes, including, but not limited to, providing
 1388 public access, preserving and protecting natural resources,
 1389 protecting cultural and historical resources, restoring habitat,
 1390 protecting threatened and endangered species, controlling the
 1391 spread of nonnative plants and animals, performing prescribed
 1392 fire activities, and other appropriate resource management.

1393 3. A specific description of how the managing agency plans
 1394 to identify, locate, protect, and preserve, or otherwise use
 1395 fragile, nonrenewable natural and cultural resources.

1396 4. A priority schedule for conducting management
 1397 activities, based on the purposes for which the lands were
 1398 acquired.

1399 5. A cost estimate for conducting priority management
 1400 activities, to include recommendations for cost-effective
 1401 methods of accomplishing those activities.

1402 6. A cost estimate for conducting other management
 1403 activities which would enhance the natural resource value or
 1404 public recreation value for which the lands were acquired. The

1405 cost estimate shall include recommendations for cost-effective
 1406 methods of accomplishing those activities.

1407 7. A determination of the public uses and public access
 1408 that would be consistent with the purposes for which the lands
 1409 were acquired.

1410 (f) The Division of State Lands shall submit a copy of
 1411 each individual management plan for parcels which exceed 160
 1412 acres in size to each member of the Acquisition and Restoration
 1413 Council, which shall:

1414 1. Within 60 days after receiving a plan from the
 1415 division, review each plan for compliance with the requirements
 1416 of this subsection and with the requirements of the rules
 1417 established by the board pursuant to this subsection.

1418 2. Consider the propriety of the recommendations of the
 1419 managing agency with regard to the future use or protection of
 1420 the property.

1421 3. After its review, submit the plan, along with its
 1422 recommendations and comments, to the board of trustees, with
 1423 recommendations as to whether to approve the plan as submitted,
 1424 approve the plan with modifications, or reject the plan.

1425 (g) The board of trustees shall consider the individual
 1426 management plan submitted by each state agency and the
 1427 recommendations of the Acquisition and Restoration Council and
 1428 the Division of State Lands and shall approve the plan with or
 1429 without modification or reject such plan. The use or possession
 1430 of any lands owned by the board of trustees which is not in

1431 accordance with an approved individual management plan is
 1432 subject to termination by the board of trustees.

1433

1434 By July 1 of each year, each governmental agency and each
 1435 private entity designated to manage lands shall report to the
 1436 department ~~Secretary of Environmental Protection~~ on the progress
 1437 of funding, staffing, and resource management of every project
 1438 for which the agency or entity is responsible.

1439 (9) (a) ~~(11) (a)~~ The Legislature recognizes that acquiring
 1440 lands pursuant to this chapter serves the public interest by
 1441 protecting land, air, and water resources that ~~which~~ contribute
 1442 to the public health and welfare, providing areas for natural
 1443 resource based recreation, and ensuring the survival of unique
 1444 and irreplaceable plant and animal species. The Legislature
 1445 intends for these lands to be managed and maintained for the
 1446 purposes for which they were acquired and for the public to have
 1447 access to and use of these lands where it is consistent with
 1448 acquisition purposes and would not harm the resources the state
 1449 is seeking to protect on the public's behalf.

1450 (b) An amount of not less than 1.5 percent of the
 1451 cumulative total of funds ever deposited into the Florida
 1452 Preservation 2000 Trust Fund and the Florida Forever Trust Fund
 1453 shall be made available for the purposes of management,
 1454 maintenance, ~~and~~ capital improvements ~~not eligible for funding~~
 1455 ~~pursuant to s. 11(e), Art. VII of the State Constitution,~~ and
 1456 ~~for~~ associated contractual services, for conservation or

1457 recreation lands acquired with funds deposited into the Land
 1458 Acquisition Trust Fund pursuant to s. 28(a), Art. X of the State
 1459 Constitution, s. 259.032(3), Florida Statutes 2014 ~~this section,~~
 1460 s. 259.101, Florida Statutes 2014, s. 259.105, s. 259.1052, or
 1461 previous programs for the acquisition of lands for conservation
 1462 or ~~and~~ recreation, including state forests, to which title is
 1463 vested in the board of trustees and other conservation or ~~and~~
 1464 recreation lands managed by a state agency. ~~Of this amount,~~
 1465 ~~\$250,000 shall be transferred annually to the Plant Industry~~
 1466 ~~Trust Fund within the Department of Agriculture and Consumer~~
 1467 ~~Services for the purpose of implementing the Endangered or~~
 1468 ~~Threatened Native Flora Conservation Grants Program pursuant to~~
 1469 ~~s. 581.185(11)).~~ Each agency with management responsibilities
 1470 shall annually request from the Legislature funds sufficient to
 1471 fulfill such responsibilities to implement individual management
 1472 plans. For the purposes of this paragraph, capital improvements
 1473 shall include, but need not be limited to, perimeter fencing,
 1474 signs, firelanes, access roads and trails, and minimal public
 1475 accommodations, such as primitive campsites, garbage
 1476 receptacles, and toilets. Any equipment purchased with funds
 1477 provided pursuant to this paragraph may be used for the purposes
 1478 described in this paragraph on any conservation or ~~and~~
 1479 recreation lands managed by a state agency. The funding
 1480 requirement created in this paragraph is subject to an annual
 1481 evaluation by the Legislature ~~in order~~ to ensure that such
 1482 requirement does not impact the respective trust fund in a

1483 manner that would prevent the trust fund from meeting other
 1484 minimum requirements.

1485 (c) All revenues generated through multiple-use management
 1486 or compatible secondary-use management shall be returned to the
 1487 lead agency responsible for such management and shall be used to
 1488 pay for management activities on all conservation, preservation,
 1489 and recreation lands under the agency's jurisdiction. In
 1490 addition, such revenues shall be segregated in an agency trust
 1491 fund used for land management activities, other than the Land
 1492 Acquisition Trust Fund, and such revenues shall remain available
 1493 to the agency in subsequent fiscal years to support land
 1494 management appropriations. For the purposes of this paragraph,
 1495 compatible secondary-use management shall be those activities
 1496 described in subsection (7) ~~(9)~~ undertaken on parcels designated
 1497 as single use pursuant to s. 253.034(2)(b).

1498 (d) Up to one-fifth of the funds appropriated for the
 1499 purposes identified ~~provided for~~ in paragraph (b) shall be
 1500 reserved by the board of trustees for interim management of
 1501 acquisitions and for associated contractual services, to ensure
 1502 the conservation and protection of natural resources on project
 1503 sites and to allow limited public recreational use of lands.
 1504 Interim management activities may include, but not be limited
 1505 to, resource assessments, control of invasive, nonnative
 1506 species, habitat restoration, fencing, law enforcement,
 1507 controlled burning, and public access consistent with
 1508 preliminary determinations made pursuant to paragraph (7)(g)

1509 ~~(9)(g)~~. The board of trustees shall make these interim funds
 1510 available immediately upon purchase.

1511 (e) The department shall set long-range and annual goals
 1512 for the control and removal of nonnative, invasive plant species
 1513 on public lands. Such goals shall differentiate between aquatic
 1514 plant species and upland plant species. In setting such goals,
 1515 the department may rank, in order of adverse impact, species
 1516 that impede or destroy the functioning of natural systems.
 1517 Notwithstanding paragraph (a), up to one-fourth of the funds
 1518 provided for in paragraph (b) may be used by the agencies
 1519 receiving those funds for control and removal of nonnative,
 1520 invasive species on public lands.

1521 ~~(f) For the 2014-2015 fiscal year only, moneys in the~~
 1522 ~~Conservation and Recreation Lands Trust Fund may be transferred~~
 1523 ~~to the Florida Forever Trust Fund for the Florida Forever~~
 1524 ~~program and to the Save Our Everglades Trust Fund to support~~
 1525 ~~Everglades restoration projects included in the final report of~~
 1526 ~~the Select Committee on Indian River Lagoon and Lake Okeechobee~~
 1527 ~~Basin, dated November 8, 2013, pursuant to nonoperating budget~~
 1528 ~~authority under s. 216.181(12). This subsection expires July 1,~~
 1529 ~~2015.~~

1530 (10)(12)(a) Beginning July 1, 1999, the Legislature shall
 1531 make available sufficient funds annually ~~from the Conservation~~
 1532 ~~and Recreation Lands Trust Fund~~ to the department for payment in
 1533 lieu of taxes to qualifying counties and local governments as
 1534 defined in paragraph (b) for all actual tax losses incurred as a

1535 result of board of trustees acquisitions for state agencies
 1536 under the Florida Forever program or the former Florida
 1537 Preservation 2000 program during any year. ~~Reserved funds not~~
 1538 ~~used for payments in lieu of taxes in any year shall revert to~~
 1539 ~~the fund to be used for land management in accordance with the~~
 1540 ~~provisions of this section.~~

1541 (b) Payment in lieu of taxes shall be available:

1542 1. To all counties that have a population of 150,000 or
 1543 fewer. Population levels shall be determined pursuant to s.
 1544 11.031.

1545 2. To all local governments located in eligible counties.

1546 ~~3. To Glades County, where a privately owned and operated~~
 1547 ~~prison leased to the state has recently been opened and where~~
 1548 ~~privately owned and operated juvenile justice facilities leased~~
 1549 ~~to the state have recently been constructed and opened, a~~
 1550 ~~payment in lieu of taxes, in an amount that offsets the loss of~~
 1551 ~~property tax revenue, which funds have already been appropriated~~
 1552 ~~and allocated from the Department of Correction's budget for the~~
 1553 ~~purpose of reimbursing amounts equal to lost ad valorem taxes.~~

1554 (c) If insufficient funds are available in any year to
 1555 make full payments to all qualifying counties and local
 1556 governments, such counties and local governments shall receive a
 1557 pro rata share of the moneys available.

1558 (d) The payment amount shall be based on the average
 1559 amount of actual taxes paid on the property for the 3 years
 1560 preceding acquisition. Applications for payment in lieu of taxes

1561 shall be made no later than January 31 of the year following
 1562 acquisition. No payment in lieu of taxes shall be made for
 1563 properties which were exempt from ad valorem taxation for the
 1564 year immediately preceding acquisition.

1565 (e) If property which was subject to ad valorem taxation
 1566 was acquired by a tax-exempt entity for ultimate conveyance to
 1567 the state under this chapter, payment in lieu of taxes shall be
 1568 made for such property based upon the average amount of taxes
 1569 paid on the property for the 3 years prior to its being removed
 1570 from the tax rolls. The department shall certify to the
 1571 Department of Revenue those properties that may be eligible
 1572 under this provision. Once eligibility has been established,
 1573 that county or local government shall receive annual payments
 1574 for each tax loss until the qualifying county or local
 1575 government exceeds the population threshold pursuant to this
 1576 section.

1577 (f) Payment in lieu of taxes pursuant to this subsection
 1578 shall be made annually to qualifying counties and local
 1579 governments after certification by the Department of Revenue
 1580 that the amounts applied for are reasonably appropriate, based
 1581 on the amount of actual taxes paid on the eligible property.
 1582 With the assistance of the local government requesting payment
 1583 in lieu of taxes, the state agency that acquired the land is
 1584 responsible for preparing and submitting application requests
 1585 for payment to the Department of Revenue for certification.

1586 (g) If the board of trustees conveys to a local government

1587 title to any land owned by the board, any payments in lieu of
 1588 taxes on the land made to the local government shall be
 1589 discontinued as of the date of the conveyance.

1590
 1591 For the purposes of this subsection, "local government" includes
 1592 municipalities, the county school board, mosquito control
 1593 districts, and any other local government entity which levies ad
 1594 valorem taxes, with the exception of a water management
 1595 district.

1596 ~~(13) Moneys credited to the fund each year which are not~~
 1597 ~~used for management, maintenance, or capital improvements~~
 1598 ~~pursuant to subsection (11); for payment in lieu of taxes~~
 1599 ~~pursuant to subsection (12); or for the purposes of subsection~~
 1600 ~~(5), shall be available for the acquisition of land pursuant to~~
 1601 ~~this section.~~

1602 ~~(14) The board of trustees may adopt rules to further~~
 1603 ~~define the categories of land for acquisition under this~~
 1604 ~~chapter.~~

1605 (11)~~(15)~~ Within 90 days after receiving a certified letter
 1606 from the owner of a property on ~~the Conservation and Recreation~~
 1607 ~~Lands list~~ or the priority list established pursuant to s.
 1608 259.105 objecting to the property being included in an
 1609 acquisition project, where such property is a project or part of
 1610 a project which has not been listed for purchase in the current
 1611 year's land acquisition work plan, the board of trustees shall
 1612 delete the property from the list or from the boundary of an

1613 acquisition project on the list.

1614 Section 19. Subsections (3), (4), and (6), of section
1615 259.035, Florida Statutes, are amended to read:

1616 259.035 Acquisition and Restoration Council.—

1617 (3) The council shall provide assistance to the board of
1618 trustees in reviewing the recommendations and plans for state-
1619 owned lands required under s. ss. 253.034 and chapter 259
1620 ~~259.032~~. The council shall, in reviewing such recommendations
1621 and plans, consider the optimization of multiple-use and
1622 conservation strategies to accomplish the provisions funded
1623 pursuant to s. ss. 259.101(3)(a), Florida Statutes 2014, and s.
1624 259.105(3)(b).

1625 (4) (a) ~~The council may use existing rules adopted by the~~
1626 ~~board of trustees, until it develops and recommends amendments~~
1627 ~~to those rules, to competitively evaluate, select, and rank~~
1628 ~~projects eligible for the Conservation and Recreation Lands list~~
1629 ~~pursuant to ss. 259.032(3) and 259.101(4).~~

1630 ~~(b)~~ By December 1, 2016 ~~2009~~, the Acquisition and
1631 Restoration Council shall develop rules defining specific
1632 criteria and numeric performance measures needed for lands that
1633 are to be acquired for public purpose under the Florida Forever
1634 program pursuant to s. 259.105 or with funds deposited into the
1635 Land Acquisition Trust Fund pursuant to s. 28, Art. X of the
1636 State Constitution. ~~Each recipient of Florida Forever funds~~
1637 ~~shall assist the council in the development of such rules.~~ These
1638 rules shall be reviewed and adopted by the board, then submitted

1639 to the Legislature for consideration by February 1, 2017 ~~2010~~.
 1640 The Legislature may reject, modify, or take no action relative
 1641 to the proposed rules. If no action is taken, the rules shall be
 1642 implemented. Subsequent to their approval, each recipient of
 1643 Florida Forever funds or funds from the Land Acquisition Trust
 1644 Fund shall annually report to the Division of State Lands on
 1645 each of the numeric performance measures accomplished during the
 1646 previous fiscal year.

1647 (b) ~~(e)~~ In developing or amending rules, the council shall
 1648 give weight to the criteria included in s. 259.105(9) ~~259.105~~
 1649 ~~(10)~~. The board of trustees shall review the recommendations and
 1650 shall adopt rules necessary to administer this section.

1651 (6) The proposal for a project pursuant to this section or
 1652 s. 259.105(3)(b) may be implemented only if adopted by the
 1653 council and approved by the board of trustees. The council shall
 1654 consider and evaluate in writing the merits and demerits of each
 1655 project that is proposed for acquisition using funds available
 1656 pursuant to s. 28, Art. X of the State Constitution ~~Conservation~~
 1657 ~~and Recreation Lands, Florida Preservation 2000,~~ or Florida
 1658 Forever funding and shall ensure that each proposed project will
 1659 meet a stated public purpose for the restoration, conservation,
 1660 or preservation of environmentally sensitive lands and water
 1661 areas or for providing outdoor recreational opportunities. The
 1662 council also shall determine whether the project conforms, where
 1663 applicable, with the comprehensive plan developed pursuant to s.
 1664 259.04(1)(a), the comprehensive multipurpose outdoor recreation

1665 plan developed pursuant to s. 375.021, the state lands
 1666 management plan adopted pursuant to s. 253.03(7), the water
 1667 resources work plans developed pursuant to s. 373.199, and the
 1668 provisions of s. 259.032, s. 259.101, or s. 259.105, whichever
 1669 is applicable.

1670 Section 20. Subsection (4) of section 259.036, Florida
 1671 Statutes, is amended to read:

1672 259.036 Management review teams.—

1673 (4) In the event a land management plan has not been
 1674 adopted within the timeframes specified in s. 259.032(8)
 1675 ~~259.032(10)~~, the department may direct a management review of
 1676 the property, to be conducted by the land management review
 1677 team. The review shall consider the extent to which the land is
 1678 being managed for the purposes for which it was acquired and the
 1679 degree to which actual management practices are in compliance
 1680 with the management policy statement and management prospectus
 1681 for that property.

1682 Section 21. Paragraph (b) of subsection (3) of section
 1683 259.037, Florida Statutes, is amended to read:

1684 259.037 Land Management Uniform Accounting Council.—

1685 (3)

1686 (b) Each reporting agency shall also:

1687 1. Include a report of the available public use
 1688 opportunities for each management unit of state land, the total
 1689 management cost for public access and public use, and the cost
 1690 associated with each use option.

1691 2. List the acres of land requiring minimal management
 1692 effort, moderate management effort, and significant management
 1693 effort pursuant to s. 259.032(9)(c) ~~former s. 259.032(11)(c)~~.
 1694 For each category created in paragraph (a), the reporting agency
 1695 shall include the amount of funds requested, the amount of funds
 1696 received, and the amount of funds expended for land management.

1697 3. List acres managed and cost of management for each
 1698 park, preserve, forest, reserve, or management area.

1699 4. List acres managed, cost of management, and lead
 1700 manager for each state lands management unit for which secondary
 1701 management activities were provided.

1702 5. Include a report of the estimated calculable financial
 1703 benefits to the public for the ecosystem services provided by
 1704 conservation lands, based on the best readily available
 1705 information or science that provides a standard measurement
 1706 methodology to be consistently applied by the land managing
 1707 agencies. Such information may include, but need not be limited
 1708 to, the value of natural lands for protecting the quality and
 1709 quantity of drinking water through natural water filtration and
 1710 recharge, contributions to protecting and improving air quality,
 1711 benefits to agriculture through increased soil productivity and
 1712 preservation of biodiversity, and savings to property and lives
 1713 through flood control.

1714 Section 22. Subsection (1) of section 259.04, Florida
 1715 Statutes, is amended to read:

1716 259.04 Board; powers and duties.—

1717 (1) For projects and acquisitions selected for purchase
 1718 pursuant to ss. 259.035, ~~259.101~~, and 259.105:

1719 (a) The board is given the responsibility, authority, and
 1720 power to develop and execute a comprehensive, statewide 5-year
 1721 plan to conserve, restore, and protect environmentally
 1722 endangered lands, ecosystems, lands necessary for outdoor
 1723 recreational needs, and other lands as identified in ss.
 1724 259.032, ~~259.101~~, and 259.105. This plan shall be kept current
 1725 through continual reevaluation and revision. The advisory
 1726 council or its successor shall assist the board in the
 1727 development, reevaluation, and revision of the plan.

1728 (b) The board may enter into contracts with the government
 1729 of the United States or any agency or instrumentality thereof;
 1730 the state or any county, municipality, district authority, or
 1731 political subdivision; or any private corporation, partnership,
 1732 association, or person providing for or relating to the
 1733 conservation or protection of certain lands in accomplishing the
 1734 purposes of this chapter.

1735 (c) Within 45 days after the advisory council or its
 1736 successor submits the lists of projects to the board, the board
 1737 shall approve, in whole or in part, the lists of projects in the
 1738 order of priority in which such projects are presented. To the
 1739 greatest extent practicable, projects on the lists shall be
 1740 acquired in their approved order of priority.

1741 (d) The board is authorized to acquire, by purchase, gift,
 1742 or devise or otherwise, the fee title or any lesser interest of

1743 lands, water areas, and related resources for environmentally
 1744 endangered lands.

1745 Section 23. Paragraphs (a) and (b) of subsection (11) and
 1746 subsection (15) of section 259.041, Florida Statutes, are
 1747 amended to read:

1748 259.041 Acquisition of state-owned lands for preservation,
 1749 conservation, and recreation purposes.—

1750 (11)(a) The Legislature finds that, with the increasing
 1751 pressures on the natural areas of this state and on open space
 1752 suitable for recreational use, the state must develop creative
 1753 techniques to maximize the use of acquisition and management
 1754 funds. The Legislature also finds that the state's conservation
 1755 and recreational land acquisition agencies should be encouraged
 1756 to augment their traditional, fee simple acquisition programs
 1757 with the use of alternatives to fee simple acquisition
 1758 techniques. Additionally, the Legislature finds that generations
 1759 of private landowners have been good stewards of their land,
 1760 protecting or restoring native habitats and ecosystems to the
 1761 benefit of the natural resources of this state, its heritage,
 1762 and its citizens. The Legislature also finds that using
 1763 alternatives to fee simple acquisition by public land
 1764 acquisition agencies will achieve the following public policy
 1765 goals:

- 1766 1. Allow more lands to be brought under public protection
 1767 for preservation, conservation, and recreational purposes with
 1768 less expenditure of public funds.

1769 2. Retain, on local government tax rolls, some portion of
1770 or interest in lands which are under public protection.

1771 3. Reduce long-term management costs by allowing private
1772 property owners to continue acting as stewards of their land,
1773 where appropriate.

1774

1775 Therefore, it is the intent of the Legislature that public land
1776 acquisition agencies develop programs to pursue alternatives to
1777 fee simple acquisition and to educate private landowners about
1778 such alternatives and the benefits of such alternatives. It is
1779 also the intent of the Legislature that a portion of the shares
1780 of ~~Preservation 2000~~ and Florida Forever bond proceeds be used
1781 to purchase eligible properties using alternatives to fee simple
1782 acquisition.

1783 (b) All project applications shall identify, within their
1784 acquisition plans, projects that require a full fee simple
1785 interest to achieve the public policy goals, together with the
1786 reasons full title is determined to be necessary. The state
1787 agencies and the water management districts may use alternatives
1788 to fee simple acquisition to bring the remaining projects in
1789 their acquisition plans under public protection. For the
1790 purposes of this subsection, the term "alternatives to fee
1791 simple acquisition" includes, but is not limited to: purchase of
1792 development rights; obtaining conservation easements; obtaining
1793 flowage easements; purchase of timber rights, mineral rights, or
1794 hunting rights; purchase of agricultural interests or

1795 silvicultural interests; ~~entering into land protection~~
 1796 ~~agreements as defined in s. 380.0677(3);~~ fee simple acquisitions
 1797 with reservations; creating life estates; or any other
 1798 acquisition technique that achieves the public policy goals
 1799 listed in paragraph (a). It is presumed that a private landowner
 1800 retains the full range of uses for all the rights or interests
 1801 in the landowner's land which are not specifically acquired by
 1802 the public agency. The lands upon which hunting rights are
 1803 specifically acquired pursuant to this paragraph shall be
 1804 available for hunting in accordance with the management plan or
 1805 hunting regulations adopted by the Florida Fish and Wildlife
 1806 Conservation Commission, unless the hunting rights are purchased
 1807 specifically to protect activities on adjacent lands.

1808 (15) The board of trustees, by an affirmative vote of at
 1809 least three of its members, may direct the department to
 1810 purchase lands on an immediate basis using up to 15 percent of
 1811 the funds allocated to the department pursuant to s. 259.
 1812 ~~259.101(3)(a) and~~ 259.105 for the acquisition of lands that:

1813 (a) Are listed or placed at auction by the Federal
 1814 Government as part of the Resolution Trust Corporation sale of
 1815 lands from failed savings and loan associations;

1816 (b) Are listed or placed at auction by the Federal
 1817 Government as part of the Federal Deposit Insurance Corporation
 1818 sale of lands from failed banks; or

1819 (c) Will be developed or otherwise lost to potential
 1820 public ownership, or for which federal matching funds will be

1821 lost, by the time the land can be purchased under the program
 1822 within which the land is listed for acquisition.

1823
 1824 For such acquisitions, the board of trustees may waive or modify
 1825 all procedures required for land acquisition pursuant to this
 1826 chapter and all competitive bid procedures required pursuant to
 1827 chapters 255 and 287. Lands acquired pursuant to this subsection
 1828 must, at the time of purchase, be on one of the acquisition
 1829 lists established pursuant to this chapter, or be essential for
 1830 water resource development, protection, or restoration, or a
 1831 significant portion of the lands must contain natural
 1832 communities or plant or animal species that ~~which~~ are listed by
 1833 the Florida Natural Areas Inventory as critically imperiled,
 1834 imperiled, or rare, or as excellent quality occurrences of
 1835 natural communities.

1836 Section 24. Section 259.101, Florida Statutes, is amended
 1837 to read:

1838 259.101 Florida Preservation 2000 Act.—

1839 (1) SHORT TITLE.—This section may be cited as the "Florida
 1840 Preservation 2000 Act."

1841 (2) LEGISLATIVE FINDINGS.—The Legislature finds and
 1842 declares that:

1843 (a) The alteration and development of Florida's natural
 1844 areas to accommodate its rapidly growing population have
 1845 contributed to the degradation of water resources, the
 1846 fragmentation and destruction of wildlife habitats, the loss of

1847 recreation space, and the diminishment of wetlands and forests.

1848 (b) Imminent development of Florida's remaining natural
 1849 areas and continuing increases in land values necessitate an
 1850 aggressive program of public land acquisition during the next
 1851 decade to preserve the quality of life that attracts so many
 1852 people to Florida.

1853 (c) Acquisition of public lands, in fee simple or in any
 1854 lesser interest, should be based on a comprehensive assessment
 1855 of Florida's natural resources and planned so as to protect the
 1856 integrity of ecological systems and to provide multiple
 1857 benefits, including preservation of fish and wildlife habitat,
 1858 recreation space, and water recharge areas. Governmental
 1859 agencies responsible for public land acquisition should work
 1860 together to purchase lands jointly and to coordinate individual
 1861 purchases within ecological systems.

1862 (d) One of the purposes of the Florida Communities Trust
 1863 program is to acquire, protect, and preserve open space and
 1864 recreation properties within urban areas where pristine animal
 1865 and plant communities no longer exist. These areas are often
 1866 overlooked in other programs because of their smaller size and
 1867 proximity to developed property. These smaller parcels are,
 1868 however, critically important to the quality of life in these
 1869 urban areas for the residents who live there as well as to the
 1870 many visitors to the state. The trust shall consider projects
 1871 submitted by local governments which further the goals,
 1872 objectives, and policies of the conservation, recreation and

1873 open space, or coastal elements of their local comprehensive
 1874 plans or which serve to conserve natural resources or resolve
 1875 land use conflicts.

1876 (e) South Florida's water supply and unique natural
 1877 environment depend on the protection of lands buffering the East
 1878 Everglades and the Everglades water conservation areas.

1879
 1880 In addition, the Legislature recognizes the conflicting desires
 1881 of the citizens of this state to prosper through economic
 1882 development and to preserve the natural areas of Florida that
 1883 development threatens to claim. The Legislature further
 1884 recognizes the urgency of acquiring natural areas in the state
 1885 for preservation, yet acknowledges the difficulty of ensuring
 1886 adequate funding for accelerated acquisition in light of other
 1887 equally critical financial needs of the state. ~~It is the~~
 1888 ~~Legislature's desire and intent to fund the implementation of~~
 1889 ~~the Florida Preservation 2000 Act for each of the 10 years of~~
 1890 ~~the program's duration and to do so in a fiscally responsible~~
 1891 ~~manner.~~

1892 (3) TITLE TO CERTAIN PROPERTY ACQUIRED WITH PRESERVATION
 1893 2000 BONDS LAND ACQUISITION PROGRAMS SUPPLEMENTED. ~~Less the~~
 1894 ~~costs of issuance, the costs of funding reserve accounts, and~~
 1895 ~~other costs with respect to the bonds, the proceeds of bonds~~
 1896 ~~issued pursuant to this act shall be deposited into the Florida~~
 1897 ~~Preservation 2000 Trust Fund created by s. 375.045. In fiscal~~
 1898 ~~year 2000-2001, for each Florida Preservation 2000 program~~

1899 ~~described in paragraphs (a)-(g), that portion of each program's~~
 1900 ~~total remaining cash balance which, as of June 30, 2000, is in~~
 1901 ~~excess of that program's total remaining appropriation balances~~
 1902 ~~shall be redistributed by the department and deposited into the~~
 1903 ~~Save Our Everglades Trust Fund for land acquisition. For~~
 1904 ~~purposes of calculating the total remaining cash balances for~~
 1905 ~~this redistribution, the Florida Preservation 2000 Series 2000~~
 1906 ~~bond proceeds, including interest thereon, and the fiscal year~~
 1907 ~~1999-2000 General Appropriations Act amounts shall be deducted~~
 1908 ~~from the remaining cash and appropriation balances,~~
 1909 ~~respectively. The remaining proceeds shall be distributed by the~~
 1910 ~~Department of Environmental Protection in the following manner:~~

1911 ~~(a) Fifty percent to the Department of Environmental~~
 1912 ~~Protection for the purchase of public lands as described in s.~~
 1913 ~~259.032. Of this 50 percent, at least one-fifth shall be used~~
 1914 ~~for the acquisition of coastal lands.~~

1915 ~~(b) Thirty percent to the Department of Environmental~~
 1916 ~~Protection for the purchase of water management lands pursuant~~
 1917 ~~to s. 373.59, to be distributed among the water management~~
 1918 ~~districts as provided in that section. Funds received by each~~
 1919 ~~district may also be used for acquisition of lands necessary to~~
 1920 ~~implement surface water improvement and management plans or for~~
 1921 ~~acquisition of lands necessary to implement the Everglades~~
 1922 ~~Construction Project authorized by s. 373.4592.~~

1923 ~~(c) Ten percent to the Department of Environmental~~
 1924 ~~Protection to provide land acquisition grants and loans to local~~

1925 | ~~governments through the Florida Communities Trust pursuant to~~
 1926 | ~~part III of chapter 380. From funds allocated to the trust, \$3~~
 1927 | ~~million annually shall be used by the Division of State Lands~~
 1928 | ~~within the Department of Environmental Protection to implement~~
 1929 | ~~the Green Swamp Land Protection Initiative specifically for the~~
 1930 | ~~purchase of conservation easements, as defined in s.~~
 1931 | ~~380.0677(3), of lands, or severable interests or rights in~~
 1932 | ~~lands, in the Green Swamp Area of Critical State Concern. From~~
 1933 | ~~funds allocated to the trust, \$3 million annually shall be used~~
 1934 | ~~by the Monroe County Comprehensive Plan Land Authority~~
 1935 | ~~specifically for the purchase of a real property interest in~~
 1936 | ~~those lands subject to the Rate of Growth Ordinances adopted by~~
 1937 | ~~local governments in Monroe County or those lands within the~~
 1938 | ~~boundary of an approved Conservation and Recreation Lands~~
 1939 | ~~project located within the Florida Keys or Key West Areas of~~
 1940 | ~~Critical State Concern; however, title to lands acquired within~~
 1941 | ~~the boundary of an approved Conservation and Recreation Lands~~
 1942 | ~~project may, in accordance with an approved joint acquisition~~
 1943 | ~~agreement, vest in the Board of Trustees of the Internal~~
 1944 | ~~Improvement Trust Fund. Of the remaining funds, one half shall~~
 1945 | ~~be matched by local governments on a dollar-for-dollar basis. To~~
 1946 | ~~the extent allowed by federal requirements for the use of bond~~
 1947 | ~~proceeds, the trust shall expend Preservation 2000 funds to~~
 1948 | ~~carry out the purposes of part III of chapter 380.~~

1949 | ~~(d) Two and nine tenths percent to the Department of~~
 1950 | ~~Environmental Protection for the purchase of inholdings and~~

1951 ~~additions to state parks. For the purposes of this paragraph,~~
 1952 ~~"state park" means all real property in the state under the~~
 1953 ~~jurisdiction of the Division of Recreation and Parks of the~~
 1954 ~~department, or which may come under its jurisdiction.~~

1955 ~~(e) Two and nine-tenths percent to the Florida Forest~~
 1956 ~~Service of the Department of Agriculture and Consumer Services~~
 1957 ~~to fund the acquisition of state forest inholdings and additions~~
 1958 ~~pursuant to s. 589.07.~~

1959 ~~(f) Two and nine-tenths percent to the Fish and Wildlife~~
 1960 ~~Conservation Commission to fund the acquisition of inholdings~~
 1961 ~~and additions to lands managed by the commission which are~~
 1962 ~~important to the conservation of fish and wildlife.~~

1963 ~~(g) One and three-tenths percent to the Department of~~
 1964 ~~Environmental Protection for the Florida Greenways and Trails~~
 1965 ~~Program, to acquire greenways and trails or greenways and trails~~
 1966 ~~systems pursuant to chapter 260, including, but not limited to,~~
 1967 ~~abandoned railroad rights-of-way and the Florida National Scenic~~
 1968 ~~Trail.~~

1969 ~~Local governments may use federal grants or loans, private~~
 1970 ~~donations, or environmental mitigation funds, including~~
 1971 ~~environmental mitigation funds required pursuant to s. 338.250,~~
 1972 ~~for any part or all of any local match required for the purposes~~
 1973 ~~described in this subsection. Bond proceeds allocated pursuant~~
 1974 ~~to paragraph (c) may be used to purchase lands on the priority~~
 1975 ~~lists developed pursuant to s. 259.035. Title to lands purchased~~
 1976 ~~pursuant to s. 259.101(3)(a), (d), (e), (f), or (g), Florida~~

1977 Statutes 2014, paragraphs (a), (d), (e), (f), and (g) shall be
 1978 vested in the Board of Trustees of the Internal Improvement
 1979 Trust Fund. Title to lands purchased pursuant to s.
 1980 259.101(3)(c), Florida Statutes 2014, paragraph (e) may be
 1981 vested in the Board of Trustees of the Internal Improvement
 1982 Trust Fund. The board of trustees shall hold title to land
 1983 protection agreements and conservation easements that were ~~or~~
 1984 ~~will be~~ acquired pursuant to s. 380.0677, Florida Statutes 2014,
 1985 and the Southwest Florida Water Management District and the St.
 1986 Johns River Water Management District shall monitor such
 1987 agreements and easements within their respective districts until
 1988 the state assumes this responsibility.

1989 ~~(4) PROJECT CRITERIA.~~

1990 ~~(a) Proceeds of bonds issued pursuant to this act and~~
 1991 ~~distributed pursuant to paragraphs (3) (a) and (b) shall be spent~~
 1992 ~~only on projects which meet at least one of the following~~
 1993 ~~criteria, as determined pursuant to paragraphs (b) and (c):~~

1994 ~~1. A significant portion of the land in the project is in~~
 1995 ~~imminent danger of development, in imminent danger of loss of~~
 1996 ~~its significant natural attributes, or in imminent danger of~~
 1997 ~~subdivision which will result in multiple ownership and may make~~
 1998 ~~acquisition of the project more costly or less likely to be~~
 1999 ~~accomplished;~~

2000 ~~2. Compelling evidence exists that the land is likely to~~
 2001 ~~be developed during the next 12 months, or appraisals made~~
 2002 ~~during the past 5 years indicate an escalation in land value at~~

2003 ~~an average rate that exceeds the average rate of interest likely~~
 2004 ~~to be paid on the bonds;~~

2005 ~~3. A significant portion of the land in the project serves~~
 2006 ~~to protect or recharge groundwater and to protect other valuable~~
 2007 ~~natural resources or provide space for natural resource based~~
 2008 ~~recreation;~~

2009 ~~4. The project can be purchased at 80 percent of appraised~~
 2010 ~~value or less;~~

2011 ~~5. A significant portion of the land in the project serves~~
 2012 ~~as habitat for endangered, threatened, or rare species or serves~~
 2013 ~~to protect natural communities which are listed by the Florida~~
 2014 ~~Natural Areas Inventory as critically imperiled, imperiled, or~~
 2015 ~~rare, or as excellent quality occurrences of natural~~
 2016 ~~communities; or~~

2017 ~~6. A significant portion of the land serves to preserve~~
 2018 ~~important archaeological or historical sites.~~

2019 ~~(b) Each year that bonds are to be issued pursuant to this~~
 2020 ~~act, the Land Acquisition and Management Advisory Council shall~~
 2021 ~~review that year's approved Conservation and Recreation Lands~~
 2022 ~~priority list and shall, by the first board meeting in February,~~
 2023 ~~present to the Board of Trustees of the Internal Improvement~~
 2024 ~~Trust Fund for approval a listing of projects on the list which~~
 2025 ~~meet one or more of the criteria listed in paragraph (a). The~~
 2026 ~~board may remove projects from the list developed pursuant to~~
 2027 ~~this paragraph, but may not add projects.~~

2028 ~~(c) Each year that bonds are to be issued pursuant to this~~

2029 ~~act, each water management district governing board shall review~~
 2030 ~~the lands on its current year's Save Our Rivers 5-year plan and~~
 2031 ~~shall, by January 15, adopt a listing of projects from the plan~~
 2032 ~~which meet one or more of the criteria listed in paragraph (a).~~

2033 ~~(d) In the acquisition of coastal lands pursuant to~~
 2034 ~~paragraph (3) (a), the following additional criteria shall also~~
 2035 ~~be considered:~~

2036 ~~1. The value of acquiring coastal high hazard parcels,~~
 2037 ~~consistent with hazard mitigation and postdisaster redevelopment~~
 2038 ~~policies, in order to minimize the risk to life and property and~~
 2039 ~~to reduce the need for future disaster assistance.~~

2040 ~~2. The value of acquiring beachfront parcels, irrespective~~
 2041 ~~of size, to provide public access and recreational opportunities~~
 2042 ~~in highly developed urban areas.~~

2043 ~~3. The value of acquiring identified parcels the~~
 2044 ~~development of which would adversely affect coastal resources.~~

2045
 2046 ~~When a nonprofit environmental organization which is tax-exempt~~
 2047 ~~pursuant to s. 501(c) (3) of the United States Internal Revenue~~
 2048 ~~Code sells land to the state, such land at the time of such sale~~
 2049 ~~shall be deemed to meet one or more of the criteria listed in~~
 2050 ~~paragraph (a) if such land meets one or more of the criteria at~~
 2051 ~~the time the organization purchases it. Listings of projects~~
 2052 ~~compiled pursuant to paragraphs (b) and (c) may be revised to~~
 2053 ~~include projects on the Conservation and Recreation Lands~~
 2054 ~~priority list or in a water management district's 5-year plan~~

2055 ~~which come under the criteria in paragraph (a) after the dates~~
 2056 ~~specified in paragraph (b) or paragraph (c). The requirement of~~
 2057 ~~paragraph (3)(a) regarding coastal lands is met as long as an~~
 2058 ~~average of one fifth of the cumulative proceeds allocated~~
 2059 ~~through fiscal year 1999-2000 pursuant to that paragraph is used~~
 2060 ~~to purchase coastal lands.~~

2061 ~~(e) The Legislature finds that the Florida Preservation~~
 2062 ~~2000 Program has provided financial resources that have enabled~~
 2063 ~~the acquisition of significant amounts of land for public~~
 2064 ~~ownership in the first 7 years of the program's existence. In~~
 2065 ~~the remaining years of the Florida Preservation 2000 Program,~~
 2066 ~~agencies that receive funds are encouraged to better coordinate~~
 2067 ~~their expenditures so that future acquisitions, when combined~~
 2068 ~~with previous acquisitions, will form more complete patterns of~~
 2069 ~~protection for natural areas and functioning ecosystems to~~
 2070 ~~better accomplish the intent of paragraph (2)(c).~~

2071 ~~(f) The Legislature intends that, in the remaining years~~
 2072 ~~of the Florida Preservation 2000 Program, emphasis be given to~~
 2073 ~~the completion of projects in which one or more parcels have~~
 2074 ~~already been acquired and to the acquisition of lands containing~~
 2075 ~~ecological resources which are either not represented or~~
 2076 ~~underrepresented on lands currently in public ownership. The~~
 2077 ~~Legislature also intends that future acquisitions under the~~
 2078 ~~Florida Preservation 2000 Program be limited to projects on the~~
 2079 ~~current project lists, or any additions to the list as~~
 2080 ~~determined and prioritized by the study, or those projects that~~

2081 ~~can reasonably be expected to be acquired by the end of the~~
 2082 ~~Florida Preservation 2000 Program.~~

2083 (4)~~(5)~~ FLORIDA FOREST SERVICE FUND USE. ~~Any funds received~~
 2084 ~~by the Florida Forest Service from the Preservation 2000 Trust~~
 2085 ~~Fund pursuant to paragraph (3)(c) shall be used only to pay the~~
 2086 ~~cost of the acquisition of lands in furtherance of outdoor~~
 2087 ~~recreation and natural resources conservation in this state. The~~
 2088 ~~administration and use of any funds received by the Florida~~
 2089 ~~Forest Service from the Preservation 2000 Trust Fund will be~~
 2090 ~~subject to such terms and conditions imposed thereon by the~~
 2091 ~~agency of the state responsible for the issuance of the revenue~~
 2092 ~~bonds, the proceeds of which are deposited in the Preservation~~
 2093 ~~2000 Trust Fund, including restrictions imposed to ensure that~~
 2094 ~~the interest on any such revenue bonds issued by the state as~~
 2095 ~~tax-exempt revenue bonds will not be included in the gross~~
 2096 ~~income of the holders of such bonds for federal income tax~~
 2097 ~~purposes.~~ All deeds or leases with respect to any real property
 2098 acquired with Preservation 2000 funds received by the Florida
 2099 Forest Service must ~~from the Preservation 2000 Trust Fund shall~~
 2100 contain sufficient ~~such~~ covenants and restrictions ~~as are~~
 2101 ~~sufficient~~ to ensure that the use of such real property at all
 2102 times complies with ~~s. 375.051 and s. 9, Art. XII of the 1968~~
 2103 ~~Constitution of Florida,~~ and ~~shall contain~~ reverter clauses
 2104 providing for the reversion of title to such property to the
 2105 Board of Trustees of the Internal Improvement Trust Fund or, in
 2106 the case of a lease of such property, providing for termination

2107 of the lease upon a failure to use the property conveyed thereby
 2108 for such purposes.

2109 ~~(5)(6)~~ DISPOSITION OF LANDS.-

2110 (a) Any lands acquired pursuant to s. 259.101(3)(a), (c),
 2111 (d), (e), (f) or (g), Florida Statutes 2014, paragraph (3)(a),
 2112 paragraph (3)(c), paragraph (3)(d), paragraph (3)(e), paragraph
 2113 (3)(f), or paragraph (3)(g), if title to such lands is vested in
 2114 the Board of Trustees of the Internal Improvement Trust Fund,
 2115 may be disposed of by the Board of Trustees of the Internal
 2116 Improvement Trust Fund in accordance with the provisions and
 2117 procedures set forth in s. 253.034(6), and lands acquired
 2118 pursuant to s. 259.101(3)(b), Florida Statutes 2014, paragraph
 2119 ~~(3)(b)~~ may be disposed of by the owning water management
 2120 district in accordance with the procedures and provisions set
 2121 forth in ss. 373.056 and 373.089 provided such disposition also
 2122 shall satisfy the requirements of paragraphs (b) and (c).

2123 (b) Before land acquired with Preservation 2000 funds may
 2124 be surplus as required by s. 253.034(6), ~~or~~ or determined to be
 2125 no longer required for its purposes under s. 373.056(4), as
 2126 ~~whichever may be~~ applicable, there shall first be a
 2127 determination by the Board of Trustees of the Internal
 2128 Improvement Trust Fund, or, in the case of water management
 2129 district lands, by the owning water management district, that
 2130 such land no longer needs to be preserved in furtherance of the
 2131 intent of the Florida Preservation 2000 Act. Any lands eligible
 2132 to be disposed of under this procedure also may be used to

2133 acquire other lands through an exchange of lands ~~if, provided~~
 2134 ~~the~~ such lands obtained in an exchange are described in s.
 2135 259.101(3), Florida Statutes 2014 ~~the same paragraph of~~
 2136 ~~subsection (3) as the lands disposed.~~

2137 (c) ~~Notwithstanding paragraphs (a) and (b), no such~~
 2138 ~~disposition of land shall be made if such disposition would have~~
 2139 ~~the effect of causing all or any portion of the interest on any~~
 2140 ~~revenue bonds issued to fund the Florida Preservation 2000 Act~~
 2141 ~~to lose their exclusion from gross income for purposes of~~
 2142 ~~federal income taxation. Any Revenue derived from the disposal~~
 2143 ~~of~~ such lands acquired with Preservation 2000 funds may not be
 2144 used for any purpose except for deposit into ~~the Florida~~
 2145 ~~Preservation 2000 Trust Fund, or the Florida Forever Trust Fund~~
 2146 within the Department of Environmental Protection, for recredit
 2147 to the share held under s. 259.101(3), Florida Statutes 2014
 2148 ~~subsection (3)~~, in which such disposed land is described.

2149 (6)(7) ALTERNATE USES OF ACQUIRED LANDS.-

2150 (a) The Board of Trustees of the Internal Improvement
 2151 Trust Fund, or, in the case of water management district lands,
 2152 the owning water management district, may authorize the granting
 2153 of a lease, easement, or license for the use of any lands
 2154 acquired pursuant to s. 259.101(3), Florida Statutes 2014
 2155 ~~subsection (3)~~, for any governmental use permitted by s. 17,
 2156 Art. IX of the State Constitution of 1885, as adopted by s.
 2157 9(a), Art. XII of the State Constitution, and any other
 2158 incidental public or private use that is determined by the board

2159 or the owning water management district to be compatible with
 2160 the purposes for which such lands were acquired.

2161 (b) Any existing lease, easement, or license acquired for
 2162 incidental public or private use on, under, or across any lands
 2163 acquired pursuant to s. 259.101(3), Florida Statutes 2014,
 2164 ~~subsection (3)~~ shall be presumed not to be incompatible with the
 2165 purposes for which such lands were acquired.

2166 ~~(c) Notwithstanding the provisions of paragraph (a), no~~
 2167 ~~such lease, easement, or license shall be entered into by the~~
 2168 ~~Department of Environmental Protection or other appropriate~~
 2169 ~~state agency if the granting of such lease, easement, or license~~
 2170 ~~would adversely affect the exclusion of the interest on any~~
 2171 ~~revenue bonds issued to fund the acquisition of the affected~~
 2172 ~~lands from gross income for federal income tax purposes, as~~
 2173 ~~described in s. 375.045(4).~~

2174 ~~(7)(8)~~ ALTERNATIVES TO FEE SIMPLE ACQUISITION.-

2175 (a) The Legislature finds that, with the increasing
 2176 pressures on the natural areas of this state, the state must
 2177 develop creative techniques to maximize the use of acquisition
 2178 and management moneys. The Legislature also finds that the
 2179 state's environmental land-buying agencies should be encouraged
 2180 to augment their traditional, fee simple acquisition programs
 2181 with the use of alternatives to fee simple acquisition
 2182 techniques. The Legislature also finds that using alternatives
 2183 to fee simple acquisition by public land-buying agencies will
 2184 achieve the following public policy goals:

2185 1. Allow more lands to be brought under public protection
 2186 for preservation, conservation, and recreational purposes at
 2187 less expense using public funds.

2188 2. Retain, on local government tax rolls, some portion of
 2189 or interest in lands that ~~which~~ are under public protection.

2190 3. Reduce long-term management costs by allowing private
 2191 property owners to continue acting as stewards of the land, as
 2192 ~~where~~ appropriate.

2193

2194 Therefore, it is the intent of the Legislature that public land-
 2195 buying agencies develop programs to pursue alternatives to fee
 2196 simple acquisition and to educate private landowners about such
 2197 alternatives and the benefits of such alternatives. It is also
 2198 ~~is~~ the intent of the Legislature that the department and the
 2199 water management districts spend a portion of their shares of
 2200 Preservation 2000 bond proceeds to purchase eligible properties
 2201 using alternatives to fee simple acquisition. Finally, it is the
 2202 intent of the Legislature that public agencies acquire lands in
 2203 fee simple for public access and recreational activities. Lands
 2204 protected using alternatives to fee simple acquisition
 2205 techniques may ~~shall~~ not be accessible to the public unless such
 2206 access is negotiated with and agreed to by the private
 2207 landowners who retain interests in such lands.

2208 (b) The Land Acquisition Advisory Council and the water
 2209 management districts shall identify, within their 1997
 2210 acquisition plans, those projects that ~~which~~ require a full fee

2211 simple interest to achieve the public policy goals, along with
 2212 the reasons why full title is determined to be necessary. The
 2213 council and the water management districts may use alternatives
 2214 to fee simple acquisition to bring the remaining projects in
 2215 their acquisition plans under public protection. For the
 2216 purposes of this subsection, the term "alternatives to fee
 2217 simple acquisition" includes the, ~~but is not limited to:~~
 2218 purchase of development rights; conservation easements; flowage
 2219 easements; purchase of timber rights, mineral rights, or hunting
 2220 rights; purchase of agricultural interests or silvicultural
 2221 interests; land protection agreements; fee simple acquisitions
 2222 with reservations; or any other acquisition technique which
 2223 achieves the public policy goals listed in paragraph (a). It is
 2224 presumed that a private landowner retains the full range of uses
 2225 for all the rights or interests in the landowner's land which
 2226 are not specifically acquired by the public agency. Life estates
 2227 and fee simple acquisitions with leaseback provisions do ~~shall~~
 2228 not qualify as an alternative to fee simple acquisition under
 2229 this subsection, although the department and the districts are
 2230 encouraged to use such techniques if ~~where~~ appropriate.

2231 (c) The department and each water management district
 2232 shall implement initiatives to use alternatives to fee simple
 2233 acquisition and to educate private landowners about such
 2234 alternatives. These initiatives shall include at least two
 2235 acquisitions a year by the department and each water management
 2236 district utilizing alternatives to fee simple.

2237 (d) The Legislature finds that the lack of direct sales
 2238 comparison information has served as an impediment to successful
 2239 implementation of alternatives to fee simple acquisition. It is
 2240 the intent of the Legislature that, in the absence of direct
 2241 comparable sales information, appraisals of alternatives to fee
 2242 simple acquisitions be based on the difference between the full
 2243 fee simple valuation and the value of the interests remaining
 2244 with the seller after acquisition.

2245 (e) The public agency that ~~which~~ has been assigned
 2246 management responsibility shall inspect and monitor any less-
 2247 than-fee-simple interest according to the terms of the purchase
 2248 agreement relating to such interest.

2249 (f) The department and the water management districts may
 2250 enter into joint acquisition agreements to jointly fund the
 2251 purchase of lands using alternatives to fee simple techniques.

2252 (8) PUBLIC RECREATIONAL USE.—An agency or water management
 2253 district that acquired lands using Preservation 2000 funds
 2254 distributed pursuant to s. 259.101(3), Florida Statutes 2014,
 2255 shall manage such lands to make them available for public
 2256 recreational use if the recreational use does not interfere with
 2257 the protection of natural resource values. Such agency or
 2258 district may enter into an agreement with the department or
 2259 other appropriate state agency to transfer management authority
 2260 to or to lease to such agencies lands purchased with
 2261 Preservation 2000 funds, for the purpose of managing the lands
 2262 to make them available for public recreational use. The water

2263 management districts and the department shall take action to
 2264 control the growth of nonnative invasive plant species on lands
 2265 they manage that were purchased with Preservation 2000 funds.

2266 Section 25. Section 259.105, Florida Statutes, is amended
 2267 to read:

2268 259.105 The Florida Forever Act.—

2269 (1) This section may be cited as the "Florida Forever
 2270 Act."

2271 (2)(a) The Legislature finds and declares that:

2272 1. Land acquisition programs have provided tremendous
 2273 financial resources for purchasing environmentally significant
 2274 lands to protect those lands from imminent development or
 2275 alteration, thereby ensuring present and future generations'
 2276 access to important waterways, open spaces, and recreation and
 2277 conservation lands.

2278 2. The continued alteration and development of Florida's
 2279 natural and rural areas to accommodate the state's growing
 2280 population have contributed to the degradation of water
 2281 resources, the fragmentation and destruction of wildlife
 2282 habitats, the loss of outdoor recreation space, and the
 2283 diminishment of wetlands, forests, working landscapes, and
 2284 coastal open space.

2285 3. The potential development of Florida's remaining
 2286 natural areas and escalation of land values require government
 2287 efforts to restore, bring under public protection, or acquire
 2288 lands and water areas to preserve the state's essential

2289 | ecological functions and invaluable quality of life.

2290 | 4. It is essential to protect the state's ecosystems by
 2291 | promoting a more efficient use of land, to ensure opportunities
 2292 | for viable agricultural activities on working lands, and to
 2293 | promote vital rural and urban communities that support and
 2294 | produce development patterns consistent with natural resource
 2295 | protection.

2296 | 5. Florida's groundwater, surface waters, and springs are
 2297 | under tremendous pressure due to population growth and economic
 2298 | expansion and require special protection and restoration
 2299 | efforts, including the protection of uplands and springsheds
 2300 | that provide vital recharge to aquifer systems and are critical
 2301 | to the protection of water quality and water quantity of the
 2302 | aquifers and springs. To ensure that sufficient quantities of
 2303 | water are available to meet the current and future needs of the
 2304 | natural systems and citizens of the state, and assist in
 2305 | achieving the planning goals of the department and the water
 2306 | management districts, water resource development projects on
 2307 | public lands, where compatible with the resource values of and
 2308 | management objectives for the lands, are appropriate.

2309 | 6. The needs of urban, suburban, and small communities in
 2310 | Florida for high-quality outdoor recreational opportunities,
 2311 | greenways, trails, and open space have not been fully met by
 2312 | previous acquisition programs. Through such programs as the
 2313 | Florida Communities Trust and the Florida Recreation Development
 2314 | Assistance Program, the state shall place additional emphasis on

2315 acquiring, protecting, preserving, and restoring open space,
 2316 ecological greenways, and recreation properties within urban,
 2317 suburban, and rural areas where pristine natural communities or
 2318 water bodies no longer exist because of the proximity of
 2319 developed property.

2320 7. Many of Florida's unique ecosystems, such as the
 2321 Florida Everglades, are facing ecological collapse due to
 2322 Florida's burgeoning population growth and other economic
 2323 activities. To preserve these valuable ecosystems for future
 2324 generations, essential parcels of land must be acquired to
 2325 facilitate ecosystem restoration.

2326 8. Access to public lands to support a broad range of
 2327 outdoor recreational opportunities and the development of
 2328 necessary infrastructure, where compatible with the resource
 2329 values of and management objectives for such lands, promotes an
 2330 appreciation for Florida's natural assets and improves the
 2331 quality of life.

2332 9. Acquisition of lands, in fee simple, less-than-fee
 2333 interest, or other techniques shall be based on a comprehensive
 2334 science-based assessment of Florida's natural resources which
 2335 targets essential conservation lands by prioritizing all current
 2336 and future acquisitions based on a uniform set of data and
 2337 planned so as to protect the integrity and function of
 2338 ecological systems and working landscapes, and provide multiple
 2339 benefits, including preservation of fish and wildlife habitat,
 2340 recreation space for urban and rural areas, and the restoration

2341 of natural water storage, flow, and recharge.

2342 10. The state has embraced performance-based program
 2343 budgeting as a tool to evaluate the achievements of publicly
 2344 funded agencies, build in accountability, and reward those
 2345 agencies which are able to consistently achieve quantifiable
 2346 goals. While previous and existing state environmental programs
 2347 have achieved varying degrees of success, few of these programs
 2348 can be evaluated as to the extent of their achievements,
 2349 primarily because performance measures, standards, outcomes, and
 2350 goals were not established at the outset. Therefore, the Florida
 2351 Forever program shall be developed and implemented in the
 2352 context of measurable state goals and objectives.

2353 11. The state must play a major role in the recovery and
 2354 management of its imperiled species through the acquisition,
 2355 restoration, enhancement, and management of ecosystems that can
 2356 support the major life functions of such species. It is the
 2357 intent of the Legislature to support local, state, and federal
 2358 programs that result in net benefit to imperiled species habitat
 2359 by providing public and private land owners meaningful
 2360 incentives for acquiring, restoring, managing, and repopulating
 2361 habitats for imperiled species. It is the further intent of the
 2362 Legislature that public lands, both existing and to be acquired,
 2363 identified by the lead land managing agency, in consultation
 2364 with the Florida Fish and Wildlife Conservation Commission for
 2365 animals or the Department of Agriculture and Consumer Services
 2366 for plants, as habitat or potentially restorable habitat for

2367 imperiled species, be restored, enhanced, managed, and
 2368 repopulated as habitat for such species to advance the goals and
 2369 objectives of imperiled species management consistent with the
 2370 purposes for which such lands are acquired without restricting
 2371 other uses identified in the management plan. It is also the
 2372 intent of the Legislature that of the proceeds distributed
 2373 pursuant to subsection (3), additional consideration be given to
 2374 acquisitions that achieve a combination of conservation goals,
 2375 including the restoration, enhancement, management, or
 2376 repopulation of habitat for imperiled species. The Acquisition
 2377 and Restoration Council, in addition to the criteria in
 2378 subsection (8)~~(9)~~, shall give weight to projects that include
 2379 acquisition, restoration, management, or repopulation of habitat
 2380 for imperiled species. The term "imperiled species" as used in
 2381 this chapter and chapter 253, means plants and animals that are
 2382 federally listed under the Endangered Species Act, or state-
 2383 listed by the Fish and Wildlife Conservation Commission or the
 2384 Department of Agriculture and Consumer Services.

2385 a. As part of the state's role, all state lands that have
 2386 imperiled species habitat shall include as a consideration in
 2387 management plan development the restoration, enhancement,
 2388 management, and repopulation of such habitats. In addition, the
 2389 lead land managing agency of such state lands may use fees
 2390 received from public or private entities for projects to offset
 2391 adverse impacts to imperiled species or their habitat in order
 2392 to restore, enhance, manage, repopulate, or acquire land and to

2393 | implement land management plans developed under s. 253.034 or a
 2394 | land management prospectus developed and implemented under this
 2395 | chapter. Such fees shall be deposited into a foundation or fund
 2396 | created by each land management agency under s. 379.223, s.
 2397 | 589.012, or s. 259.032(9)(c) ~~259.032(11)(e)~~, to be used solely
 2398 | to restore, manage, enhance, repopulate, or acquire imperiled
 2399 | species habitat.

2400 | b. Where habitat or potentially restorable habitat for
 2401 | imperiled species is located on state lands, the Fish and
 2402 | Wildlife Conservation Commission and the Department of
 2403 | Agriculture and Consumer Services shall be included on any
 2404 | advisory group required under chapter 253, and the short-term
 2405 | and long-term management goals required under chapter 253 must
 2406 | advance the goals and objectives of imperiled species management
 2407 | consistent with the purposes for which the land was acquired
 2408 | without restricting other uses identified in the management
 2409 | plan.

2410 | 12. There is a need to change the focus and direction of
 2411 | the state's major land acquisition programs and to extend
 2412 | funding and bonding capabilities, so that future generations may
 2413 | enjoy the natural resources of this state.

2414 | (b) The Legislature recognizes that acquisition of lands
 2415 | in fee simple is only one way to achieve the aforementioned
 2416 | goals and encourages the use of less-than-fee interests, other
 2417 | techniques, and the development of creative partnerships between
 2418 | governmental agencies and private landowners. Such partnerships

2419 | may include those that advance the restoration, enhancement,
 2420 | management, or repopulation of imperiled species habitat on
 2421 | state lands as provided for in subparagraph (a)11. Easements
 2422 | acquired pursuant to s. 570.71(2)(a) and (b), land protection
 2423 | agreements, and nonstate funded tools such as rural land
 2424 | stewardship areas, sector planning, and mitigation should be
 2425 | used, where appropriate, to bring environmentally sensitive
 2426 | tracts under an acceptable level of protection at a lower
 2427 | financial cost to the public, and to provide private landowners
 2428 | with the opportunity to enjoy and benefit from their property.

2429 | (c) Public agencies or other entities that receive funds
 2430 | under this section shall coordinate their expenditures so that
 2431 | project acquisitions, when combined with acquisitions under
 2432 | Florida Forever, Preservation 2000, Save Our Rivers, the Florida
 2433 | Communities Trust, other public land acquisition programs, and
 2434 | the techniques, partnerships, and tools referenced in
 2435 | subparagraph (a)11. and paragraph (b), are used to form more
 2436 | complete patterns of protection for natural areas, ecological
 2437 | greenways, and functioning ecosystems, to better accomplish the
 2438 | intent of this section.

2439 | (d) A long-term financial commitment to restoring,
 2440 | enhancing, and managing Florida's public lands in order to
 2441 | implement land management plans developed under s. 253.034 or a
 2442 | land management prospectus developed and implemented under this
 2443 | chapter must accompany any land acquisition program to ensure
 2444 | that the natural resource values of such lands are restored,

2445 enhanced, managed, and protected; that the public enjoys the
 2446 lands to their fullest potential; and that the state achieves
 2447 the full benefits of its investment of public dollars.
 2448 Innovative strategies such as public-private partnerships and
 2449 interagency planning and sharing of resources shall be used to
 2450 achieve the state's management goals.

2451 (e) With limited dollars available for restoration,
 2452 enhancement, management, and acquisition of land and water areas
 2453 and for providing long-term management and capital improvements,
 2454 a competitive selection process shall select those projects best
 2455 able to meet the goals of Florida Forever and maximize the
 2456 efficient use of the program's funding.

2457 (f) To ensure success and provide accountability to the
 2458 citizens of this state, it is the intent of the Legislature that
 2459 any cash or bond proceeds used pursuant to this section be used
 2460 to implement the goals and objectives recommended by a
 2461 comprehensive science-based assessment and approved by the Board
 2462 of Trustees of the Internal Improvement Trust Fund and the
 2463 Legislature.

2464 (g) As it has with previous land acquisition programs, the
 2465 Legislature recognizes the desires of the residents of this
 2466 state to prosper through economic development and to preserve,
 2467 restore, and manage the state's natural areas and recreational
 2468 open space. The Legislature further recognizes the urgency of
 2469 restoring the natural functions, including wildlife and
 2470 imperiled species habitat functions, of public lands or water

2471 bodies before they are degraded to a point where recovery may
 2472 never occur, yet acknowledges the difficulty of ensuring
 2473 adequate funding for restoration, enhancement, and management
 2474 efforts in light of other equally critical financial needs of
 2475 the state. It is the Legislature's desire and intent to fund the
 2476 implementation of this section and to do so in a fiscally
 2477 responsible manner, by issuing bonds to be repaid with
 2478 documentary stamp tax or other revenue sources, including those
 2479 identified in subparagraph (a)11.

2480 (h) The Legislature further recognizes the important role
 2481 that many of our state and federal military installations
 2482 contribute to protecting and preserving Florida's natural
 2483 resources as well as our economic prosperity. Where the state's
 2484 land conservation plans overlap with the military's need to
 2485 protect lands, waters, and habitat to ensure the sustainability
 2486 of military missions, it is the Legislature's intent that
 2487 agencies receiving funds under this program cooperate with our
 2488 military partners to protect and buffer military installations
 2489 and military airspace, by:

2490 1. Protecting habitat on nonmilitary land for any species
 2491 found on military land that is designated as threatened or
 2492 endangered, or is a candidate for such designation under the
 2493 Endangered Species Act or any Florida statute;

2494 2. Protecting areas underlying low-level military air
 2495 corridors or operating areas;

2496 3. Protecting areas identified as clear zones, accident

2497 potential zones, and air installation compatible use buffer
 2498 zones delineated by our military partners; and

2499 4. Providing the military with technical assistance to
 2500 restore, enhance, and manage military land as habitat for
 2501 imperiled species or species designated as threatened or
 2502 endangered, or a candidate for such designation, and for the
 2503 recovery or reestablishment of such species.

2504 (3) Less the costs of issuing and the costs of funding
 2505 reserve accounts and other costs associated with bonds, the
 2506 proceeds of cash payments or bonds issued pursuant to this
 2507 section shall be deposited into the Florida Forever Trust Fund
 2508 created by s. 259.1051. The proceeds shall be distributed by the
 2509 Department of Environmental Protection in the following manner:

2510 (a) Thirty percent to the Department of Environmental
 2511 Protection for the acquisition of lands and capital project
 2512 expenditures necessary to implement the water management
 2513 districts' priority lists developed pursuant to s. 373.199. The
 2514 funds are to be distributed to the water management districts as
 2515 provided in subsection (11). A minimum of 50 percent of the
 2516 total funds provided over the life of the Florida Forever
 2517 program pursuant to this paragraph shall be used for the
 2518 acquisition of lands.

2519 (b) Thirty-five percent to the Department of Environmental
 2520 Protection for the acquisition of lands and capital project
 2521 expenditures described in this section. Of the proceeds
 2522 distributed pursuant to this paragraph, it is the intent of the

2523 Legislature that an increased priority be given to those
 2524 acquisitions which achieve a combination of conservation goals,
 2525 including protecting Florida's water resources and natural
 2526 groundwater recharge. At a minimum, 3 percent, and no more than
 2527 10 percent, of the funds allocated pursuant to this paragraph
 2528 shall be spent on capital project expenditures identified during
 2529 the time of acquisition which meet land management planning
 2530 activities necessary for public access.

2531 (c) Twenty-one percent to the Department of Environmental
 2532 Protection for use by the Florida Communities Trust for the
 2533 purposes of part III of chapter 380, as described and limited by
 2534 this subsection, and grants to local governments or nonprofit
 2535 environmental organizations that are tax-exempt under s.
 2536 501(c)(3) of the United States Internal Revenue Code for the
 2537 acquisition of community-based projects, urban open spaces,
 2538 parks, and greenways to implement local government comprehensive
 2539 plans. From funds available to the trust and used for land
 2540 acquisition, 75 percent shall be matched by local governments on
 2541 a dollar-for-dollar basis. The Legislature intends that the
 2542 Florida Communities Trust emphasize funding projects in low-
 2543 income or otherwise disadvantaged communities and projects that
 2544 provide areas for direct water access and water-dependent
 2545 facilities that are open to the public and offer public access
 2546 by vessels to waters of the state, including boat ramps and
 2547 associated parking and other support facilities. At least 30
 2548 percent of the total allocation provided to the trust shall be

2549 used in Standard Metropolitan Statistical Areas, but one-half of
 2550 that amount shall be used in localities in which the project
 2551 site is located in built-up commercial, industrial, or mixed-use
 2552 areas and functions to intersperse open spaces within congested
 2553 urban core areas. From funds allocated to the trust, no less
 2554 than 5 percent shall be used to acquire lands for recreational
 2555 trail systems, provided that in the event these funds are not
 2556 needed for such projects, they will be available for other trust
 2557 projects. Local governments may use federal grants or loans,
 2558 private donations, or environmental mitigation funds, including
 2559 environmental mitigation funds required pursuant to s. 338.250,
 2560 for any part or all of any local match required for acquisitions
 2561 funded through the Florida Communities Trust. Any lands
 2562 purchased by nonprofit organizations using funds allocated under
 2563 this paragraph must provide for such lands to remain permanently
 2564 in public use through a reversion of title to local or state
 2565 government, conservation easement, or other appropriate
 2566 mechanism. Projects funded with funds allocated to the trust
 2567 shall be selected in a competitive process measured against
 2568 criteria adopted in rule by the trust.

2569 (d) Two percent to the Department of Environmental
 2570 Protection for grants pursuant to s. 375.075.

2571 (e) One and five-tenths percent to the Department of
 2572 Environmental Protection for the purchase of inholdings and
 2573 additions to state parks and for capital project expenditures as
 2574 described in this section. At a minimum, 1 percent, and no more

2575 than 10 percent, of the funds allocated pursuant to this
 2576 paragraph shall be spent on capital project expenditures
 2577 identified during the time of acquisition which meet land
 2578 management planning activities necessary for public access. For
 2579 the purposes of this paragraph, "state park" means any real
 2580 property in the state which is under the jurisdiction of the
 2581 Division of Recreation and Parks of the department, or which may
 2582 come under its jurisdiction.

2583 (f) One and five-tenths percent to the Florida Forest
 2584 Service of the Department of Agriculture and Consumer Services
 2585 to fund the acquisition of state forest inholdings and additions
 2586 pursuant to s. 589.07, the implementation of reforestation plans
 2587 or sustainable forestry management practices, and for capital
 2588 project expenditures as described in this section. At a minimum,
 2589 1 percent, and no more than 10 percent, of the funds allocated
 2590 for the acquisition of inholdings and additions pursuant to this
 2591 paragraph shall be spent on capital project expenditures
 2592 identified during the time of acquisition which meet land
 2593 management planning activities necessary for public access.

2594 (g) One and five-tenths percent to the Fish and Wildlife
 2595 Conservation Commission to fund the acquisition of inholdings
 2596 and additions to lands managed by the commission which are
 2597 important to the conservation of fish and wildlife and for
 2598 capital project expenditures as described in this section. At a
 2599 minimum, 1 percent, and no more than 10 percent, of the funds
 2600 allocated pursuant to this paragraph shall be spent on capital

2601 project expenditures identified during the time of acquisition
 2602 which meet land management planning activities necessary for
 2603 public access.

2604 (h) One and five-tenths percent to the Department of
 2605 Environmental Protection for the Florida Greenways and Trails
 2606 Program, to acquire greenways and trails or greenways and trail
 2607 systems pursuant to chapter 260, including, but not limited to,
 2608 abandoned railroad rights-of-way and the Florida National Scenic
 2609 Trail and for capital project expenditures as described in this
 2610 section. At a minimum, 1 percent, and no more than 10 percent,
 2611 of the funds allocated pursuant to this paragraph shall be spent
 2612 on capital project expenditures identified during the time of
 2613 acquisition which meet land management planning activities
 2614 necessary for public access.

2615 (i) Three and five-tenths percent to the Department of
 2616 Agriculture and Consumer Services for the acquisition of
 2617 agricultural lands, through perpetual conservation easements and
 2618 other perpetual less-than-fee techniques, which will achieve the
 2619 objectives of Florida Forever and s. 570.71. Rules concerning
 2620 the application, acquisition, and priority ranking process for
 2621 such easements shall be developed pursuant to s. 570.71(10) and
 2622 as provided by this paragraph. The board shall ensure that such
 2623 rules are consistent with the acquisition process provided for
 2624 in s. 259.041. Provisions of the rules developed pursuant to s.
 2625 570.71(10), shall also provide for the following:

2626 1. An annual priority list shall be developed pursuant to

2627 s. 570.71(10), submitted to the Acquisition and Restoration
 2628 Council for review, and approved by the board pursuant to s.
 2629 259.04.

2630 2. Terms of easements and acquisitions proposed pursuant
 2631 to this paragraph shall be approved by the board and shall not
 2632 be delegated by the board to any other entity receiving funds
 2633 under this section.

2634 3. All acquisitions pursuant to this paragraph shall
 2635 contain a clear statement that they are subject to legislative
 2636 appropriation.

2637
 2638 No funds provided under this paragraph shall be expended until
 2639 final adoption of rules by the board pursuant to s. 570.71.

2640 (j) Two and five-tenths percent to the Department of
 2641 Environmental Protection for the acquisition of land and capital
 2642 project expenditures necessary to implement the Stan Mayfield
 2643 Working Waterfronts Program within the Florida Communities Trust
 2644 pursuant to s. 380.5105.

2645 (k) It is the intent of the Legislature that cash payments
 2646 or proceeds of Florida Forever bonds distributed under this
 2647 section shall be expended in an efficient and fiscally
 2648 responsible manner. An agency that receives proceeds from
 2649 Florida Forever bonds under this section may not maintain a
 2650 balance of unencumbered funds in its Florida Forever subaccount
 2651 beyond 3 fiscal years from the date of deposit of funds from
 2652 each bond issue. Any funds that have not been expended or

2653 encumbered after 3 fiscal years from the date of deposit shall
 2654 be distributed by the Legislature at its next regular session
 2655 for use in the Florida Forever program.

2656 (l) For the purposes of paragraphs (e), (f), (g), and (h),
 2657 the agencies that receive the funds shall develop their
 2658 individual acquisition or restoration lists in accordance with
 2659 specific criteria and numeric performance measures developed
 2660 pursuant s. 259.035(4). Proposed additions may be acquired if
 2661 they are identified within the original project boundary, the
 2662 management plan required pursuant to s. 253.034(5), or the
 2663 management prospectus required pursuant to s. 259.032(7)(d)
 2664 ~~259.032(9)(d)~~. Proposed additions not meeting the requirements
 2665 of this paragraph shall be submitted to the Acquisition and
 2666 Restoration Council for approval. The council may only approve
 2667 the proposed addition if it meets two or more of the following
 2668 criteria: serves as a link or corridor to other publicly owned
 2669 property; enhances the protection or management of the property;
 2670 would add a desirable resource to the property; would create a
 2671 more manageable boundary configuration; has a high resource
 2672 value that otherwise would be unprotected; or can be acquired at
 2673 less than fair market value.

2674 ~~(m) Notwithstanding paragraphs (a) - (j) and for the 2014-~~
 2675 ~~2015 fiscal year only:~~

2676 ~~1. Five million dollars to the Department of Agriculture~~
 2677 ~~and Consumer Services for the acquisition of agricultural lands~~
 2678 ~~through perpetual conservation easements and other perpetual~~

2679 ~~less than fee techniques, which will achieve the objectives of~~
 2680 ~~Florida Forever and s. 570.71.~~

2681 ~~2. The remaining moneys appropriated from the Florida~~
 2682 ~~Forever Trust Fund shall be distributed only to the Division of~~
 2683 ~~State Lands within the Department of Environmental Protection~~
 2684 ~~for land acquisitions that are less than fee interest, for~~
 2685 ~~partnerships in which the state's portion of the acquisition~~
 2686 ~~cost is no more than 50 percent, or for conservation lands~~
 2687 ~~needed for military buffering or springs or water resources~~
 2688 ~~protection.~~

2689
 2690 ~~This paragraph expires July 1, 2015.~~

2691 ~~(4) Notwithstanding subsection (3) and for the 2014-2015~~
 2692 ~~fiscal year only, the funds appropriated in section 56 of the~~
 2693 ~~2014-2015 General Appropriations Act may be provided to water~~
 2694 ~~management districts for land acquisitions, including less than~~
 2695 ~~fee interest, identified by water management districts as being~~
 2696 ~~needed for water resource protection or ecosystem restoration.~~
 2697 ~~This subsection expires July 1, 2015.~~

2698 (4) ~~(5)~~ It is the intent of the Legislature that projects
 2699 or acquisitions funded pursuant to paragraphs (3)(a) and (b)
 2700 contribute to the achievement of the following goals, which
 2701 shall be evaluated in accordance with specific criteria and
 2702 numeric performance measures developed pursuant s. 259.035(4):

2703 (a) Enhance the coordination and completion of land
 2704 acquisition projects, as measured by:

2705 | 1. The number of acres acquired through the state's land
 2706 | acquisition programs that contribute to the enhancement of
 2707 | essential natural resources, ecosystem service parcels, and
 2708 | connecting linkage corridors as identified and developed by the
 2709 | best available scientific analysis;

2710 | 2. The number of acres protected through the use of
 2711 | alternatives to fee simple acquisition; or

2712 | 3. The number of shared acquisition projects among Florida
 2713 | Forever funding partners and partners with other funding
 2714 | sources, including local governments and the Federal Government.

2715 | (b) Increase the protection of Florida's biodiversity at
 2716 | the species, natural community, and landscape levels, as
 2717 | measured by:

2718 | 1. The number of acres acquired of significant strategic
 2719 | habitat conservation areas;

2720 | 2. The number of acres acquired of highest priority
 2721 | conservation areas for Florida's rarest species;

2722 | 3. The number of acres acquired of significant landscapes,
 2723 | landscape linkages, and conservation corridors, giving priority
 2724 | to completing linkages;

2725 | 4. The number of acres acquired of underrepresented native
 2726 | ecosystems;

2727 | 5. The number of landscape-sized protection areas of at
 2728 | least 50,000 acres that exhibit a mosaic of predominantly intact
 2729 | or restorable natural communities established through new
 2730 | acquisition projects or augmentations to previous projects; or

2731 6. The percentage increase in the number of occurrences of
2732 imperiled species on publicly managed conservation areas.

2733 (c) Protect, restore, and maintain the quality and natural
2734 functions of land, water, and wetland systems of the state, as
2735 measured by:

2736 1. The number of acres of publicly owned land identified
2737 as needing restoration, enhancement, and management, acres
2738 undergoing restoration or enhancement, acres with restoration
2739 activities completed, and acres managed to maintain such
2740 restored or enhanced conditions; the number of acres which
2741 represent actual or potential imperiled species habitat; the
2742 number of acres which are available pursuant to a management
2743 plan to restore, enhance, repopulate, and manage imperiled
2744 species habitat; and the number of acres of imperiled species
2745 habitat managed, restored, enhanced, repopulated, or acquired;

2746 2. The percentage of water segments that fully meet,
2747 partially meet, or do not meet their designated uses as reported
2748 in the Department of Environmental Protection's State Water
2749 Quality Assessment 305(b) Report;

2750 3. The percentage completion of targeted capital
2751 improvements in surface water improvement and management plans
2752 created under s. 373.453(2), regional or master stormwater
2753 management system plans, or other adopted restoration plans;

2754 4. The number of acres acquired that protect natural
2755 floodplain functions;

2756 5. The number of acres acquired that protect surface

2757 waters of the state;

2758 6. The number of acres identified for acquisition to
2759 minimize damage from flooding and the percentage of those acres
2760 acquired;

2761 7. The number of acres acquired that protect fragile
2762 coastal resources;

2763 8. The number of acres of functional wetland systems
2764 protected;

2765 9. The percentage of miles of critically eroding beaches
2766 contiguous with public lands that are restored or protected from
2767 further erosion;

2768 10. The percentage of public lakes and rivers in which
2769 invasive, nonnative aquatic plants are under maintenance
2770 control; or

2771 11. The number of acres of public conservation lands in
2772 which upland invasive, exotic plants are under maintenance
2773 control.

2774 (d) Ensure that sufficient quantities of water are
2775 available to meet the current and future needs of natural
2776 systems and the citizens of the state, as measured by:

2777 1. The number of acres acquired which provide retention
2778 and storage of surface water in naturally occurring storage
2779 areas, such as lakes and wetlands, consistent with the
2780 maintenance of water resources or water supplies and consistent
2781 with district water supply plans;

2782 2. The quantity of water made available through the water

2783 resource development component of a district water supply plan
 2784 for which a water management district is responsible; or

2785 3. The number of acres acquired of groundwater recharge
 2786 areas critical to springs, sinks, aquifers, other natural
 2787 systems, or water supply.

2788 (e) Increase natural resource-based public recreational
 2789 and educational opportunities, as measured by:

2790 1. The number of acres acquired that are available for
 2791 natural resource-based public recreation or education;

2792 2. The miles of trails that are available for public
 2793 recreation, giving priority to those that provide significant
 2794 connections including those that will assist in completing the
 2795 Florida National Scenic Trail; or

2796 3. The number of new resource-based recreation facilities,
 2797 by type, made available on public land.

2798 (f) Preserve significant archaeological or historic sites,
 2799 as measured by:

2800 1. The increase in the number of and percentage of
 2801 historic and archaeological properties listed in the Florida
 2802 Master Site File or National Register of Historic Places which
 2803 are protected or preserved for public use; or

2804 2. The increase in the number and percentage of historic
 2805 and archaeological properties that are in state ownership.

2806 (g) Increase the amount of forestland available for
 2807 sustainable management of natural resources, as measured by:

2808 1. The number of acres acquired that are available for

2809 sustainable forest management;

2810 2. The number of acres of state-owned forestland managed
 2811 for economic return in accordance with current best management
 2812 practices;

2813 3. The number of acres of forestland acquired that will
 2814 serve to maintain natural groundwater recharge functions; or

2815 4. The percentage and number of acres identified for
 2816 restoration actually restored by reforestation.

2817 (h) Increase the amount of open space available in urban
 2818 areas, as measured by:

2819 1. The percentage of local governments that participate in
 2820 land acquisition programs and acquire open space in urban cores;
 2821 or

2822 2. The percentage and number of acres of purchases of open
 2823 space within urban service areas.

2824

2825 Florida Forever projects and acquisitions funded pursuant to
 2826 paragraph (3)(c) shall be measured by goals developed by rule by
 2827 the Florida Communities Trust Governing Board created in s.
 2828 380.504.

2829 (5)~~(6)~~(a) All lands acquired pursuant to this section
 2830 shall be managed for multiple-use purposes, where compatible
 2831 with the resource values of and management objectives for such
 2832 lands. As used in this section, "multiple-use" includes, but is
 2833 not limited to, outdoor recreational activities as described in
 2834 ss. 253.034 and 259.032(7)(b) ~~259.032(9)(b)~~, water resource

2835 development projects, sustainable forestry management, carbon
 2836 sequestration, carbon mitigation, or carbon offsets.

2837 (b) Upon a decision by the entity in which title to lands
 2838 acquired pursuant to this section has vested, such lands may be
 2839 designated single use as defined in s. 253.034(2)(b).

2840 (c) For purposes of this section, the Board of Trustees of
 2841 the Internal Improvement Trust Fund shall adopt rules that
 2842 pertain to the use of state lands for carbon sequestration,
 2843 carbon mitigation, or carbon offsets and that provide for
 2844 climate-change-related benefits.

2845 (6)~~(7)~~ As provided in this section, a water resource or
 2846 water supply development project may be allowed only if the
 2847 following conditions are met: minimum flows and levels have been
 2848 established for those waters, if any, which may reasonably be
 2849 expected to experience significant harm to water resources as a
 2850 result of the project; the project complies with all applicable
 2851 permitting requirements; and the project is consistent with the
 2852 regional water supply plan, if any, of the water management
 2853 district and with relevant recovery or prevention strategies if
 2854 required pursuant to s. 373.0421(2).

2855 (7)(a)~~(8)(a)~~ Beginning no later than July 1, 2001, and
 2856 every year thereafter, the Acquisition and Restoration Council
 2857 shall accept applications from state agencies, local
 2858 governments, nonprofit and for-profit organizations, private
 2859 land trusts, and individuals for project proposals eligible for
 2860 funding pursuant to paragraph (3)(b). The council shall evaluate

2861 the proposals received pursuant to this subsection to ensure
 2862 that they meet at least one of the criteria under subsection
 2863 (8)~~(9)~~.

2864 (b) Project applications shall contain, at a minimum, the
 2865 following:

2866 1. A minimum of two numeric performance measures that
 2867 directly relate to the overall goals adopted by the council.
 2868 Each performance measure shall include a baseline measurement,
 2869 which is the current situation; a performance standard which the
 2870 project sponsor anticipates the project will achieve; and the
 2871 performance measurement itself, which should reflect the
 2872 incremental improvements the project accomplishes towards
 2873 achieving the performance standard.

2874 2. Proof that property owners within any proposed
 2875 acquisition have been notified of their inclusion in the
 2876 proposed project. Any property owner may request the removal of
 2877 such property from further consideration by submitting a request
 2878 to the project sponsor or the Acquisition and Restoration
 2879 Council by certified mail. Upon receiving this request, the
 2880 council shall delete the property from the proposed project;
 2881 however, the board of trustees, at the time it votes to approve
 2882 the proposed project lists pursuant to subsection (15)~~(16)~~, may
 2883 add the property back on to the project lists if it determines
 2884 by a super majority of its members that such property is
 2885 critical to achieve the purposes of the project.

2886 (c) The title to lands acquired under this section shall

2887 vest in the Board of Trustees of the Internal Improvement Trust
 2888 Fund, except that title to lands acquired by a water management
 2889 district shall vest in the name of that district and lands
 2890 acquired by a local government shall vest in the name of the
 2891 purchasing local government.

2892 (8)~~(9)~~ The Acquisition and Restoration Council shall
 2893 develop a project list that shall represent those projects
 2894 submitted pursuant to subsection (6)~~(7)~~.

2895 (9)~~(10)~~ The Acquisition and Restoration Council shall
 2896 recommend rules for adoption by the board of trustees to
 2897 competitively evaluate, select, and rank projects eligible for
 2898 Florida Forever funds pursuant to paragraph (3)(b) ~~and for~~
 2899 ~~additions to the Conservation and Recreation Lands list pursuant~~
 2900 ~~to ss. 259.032 and 259.101(4)~~. In developing these proposed
 2901 rules, the Acquisition and Restoration Council shall give weight
 2902 to the following criteria:

2903 (a) The project meets multiple goals described in
 2904 subsection (4).

2905 (b) The project is part of an ongoing governmental effort
 2906 to restore, protect, or develop land areas or water resources.

2907 (c) The project enhances or facilitates management of
 2908 properties already under public ownership.

2909 (d) The project has significant archaeological or historic
 2910 value.

2911 (e) The project has funding sources that are identified
 2912 and assured through at least the first 2 years of the project.

2913 (f) The project contributes to the solution of water
 2914 resource problems on a regional basis.

2915 (g) The project has a significant portion of its land area
 2916 in imminent danger of development, in imminent danger of losing
 2917 its significant natural attributes or recreational open space,
 2918 or in imminent danger of subdivision which would result in
 2919 multiple ownership and make acquisition of the project costly or
 2920 less likely to be accomplished.

2921 (h) The project implements an element from a plan
 2922 developed by an ecosystem management team.

2923 (i) The project is one of the components of the Everglades
 2924 restoration effort.

2925 (j) The project may be purchased at 80 percent of
 2926 appraised value.

2927 (k) The project may be acquired, in whole or in part,
 2928 using alternatives to fee simple, including but not limited to,
 2929 tax incentives, mitigation funds, or other revenues; the
 2930 purchase of development rights, hunting rights, agricultural or
 2931 silvicultural rights, or mineral rights; or obtaining
 2932 conservation easements or flowage easements.

2933 (l) The project is a joint acquisition, either among
 2934 public agencies, nonprofit organizations, or private entities,
 2935 or by a public-private partnership.

2936 (10)~~(11)~~ The Acquisition and Restoration Council shall
 2937 give increased priority to those projects for which matching
 2938 funds are available and to project elements previously

2939 identified on an acquisition list pursuant to this section that
 2940 can be acquired at 80 percent or less of appraised value. The
 2941 council shall also give increased priority to those projects
 2942 where the state's land conservation plans overlap with the
 2943 military's need to protect lands, water, and habitat to ensure
 2944 the sustainability of military missions including:

2945 (a) Protecting habitat on nonmilitary land for any species
 2946 found on military land that is designated as threatened or
 2947 endangered, or is a candidate for such designation under the
 2948 Endangered Species Act or any Florida statute;

2949 (b) Protecting areas underlying low-level military air
 2950 corridors or operating areas; and

2951 (c) Protecting areas identified as clear zones, accident
 2952 potential zones, and air installation compatible use buffer
 2953 zones delineated by our military partners, and for which federal
 2954 or other funding is available to assist with the project.

2955 (11)~~(12)~~ For the purposes of funding projects pursuant to
 2956 paragraph (3)(a), the Secretary of Environmental Protection
 2957 shall ensure that each water management district receives the
 2958 following percentage of funds annually:

2959 (a) Thirty-five percent to the South Florida Water
 2960 Management District, of which amount \$25 million for 2 years
 2961 beginning in fiscal year 2000-2001 shall be transferred by the
 2962 Department of Environmental Protection into the Save Our
 2963 Everglades Trust Fund and shall be used exclusively to implement
 2964 the comprehensive plan under s. 373.470.

2965 (b) Twenty-five percent to the Southwest Florida Water
 2966 Management District.

2967 (c) Twenty-five percent to the St. Johns River Water
 2968 Management District.

2969 (d) Seven and one-half percent to the Suwannee River Water
 2970 Management District.

2971 (e) Seven and one-half percent to the Northwest Florida
 2972 Water Management District.

2973 (12)~~(13)~~ It is the intent of the Legislature that in
 2974 developing the list of projects for funding pursuant to
 2975 paragraph (3)(a), that these funds not be used to abrogate the
 2976 financial responsibility of those point and nonpoint sources
 2977 that have contributed to the degradation of water or land areas.
 2978 Therefore, an increased priority shall be given by the water
 2979 management district governing boards to those projects that have
 2980 secured a cost-sharing agreement allocating responsibility for
 2981 the cleanup of point and nonpoint sources.

2982 (13)~~(14)~~ An affirmative vote of five members of the
 2983 Acquisition and Restoration Council shall be required in order
 2984 to place a proposed project on the list developed pursuant to
 2985 subsection (7) ~~(8)~~. Any member of the council who by family or a
 2986 business relationship has a connection with any project proposed
 2987 to be ranked shall declare such interest prior to voting for a
 2988 project's inclusion on the list.

2989 (14)~~(15)~~ Each year that cash disbursements or bonds are to
 2990 be issued pursuant to this section, the Acquisition and

2991 Restoration Council shall review the most current approved
 2992 project list and shall, by the first board meeting in May,
 2993 present to the Board of Trustees of the Internal Improvement
 2994 Trust Fund for approval a listing of projects developed pursuant
 2995 to subsection (7) ~~(8)~~. The board of trustees may remove projects
 2996 from the list developed pursuant to this subsection, but may not
 2997 add projects or rearrange project rankings.

2998 (15) ~~(16)~~ The Acquisition and Restoration Council shall
 2999 submit to the board of trustees, with its list of projects, a
 3000 report that includes, but shall not be limited to, the following
 3001 information for each project listed:

- 3002 (a) The stated purpose for inclusion.
- 3003 (b) Projected costs to achieve the project goals.
- 3004 (c) An interim management budget that includes all costs
 3005 associated with immediate public access.
- 3006 (d) Specific performance measures.
- 3007 (e) Plans for public access.
- 3008 (f) An identification of the essential parcel or parcels
 3009 within the project without which the project cannot be properly
 3010 managed.
- 3011 (g) Where applicable, an identification of those projects
 3012 or parcels within projects which should be acquired in fee
 3013 simple or in less than fee simple.
- 3014 (h) An identification of those lands being purchased for
 3015 conservation purposes.
- 3016 (i) A management policy statement for the project and a

3017 management prospectus pursuant to s. 259.032(7)(d)
 3018 ~~259.032(9)(d)~~.

3019 (j) An estimate of land value based on county tax assessed
 3020 values.

3021 (k) A map delineating project boundaries.

3022 (l) An assessment of the project's ecological value,
 3023 outdoor recreational value, forest resources, wildlife
 3024 resources, ownership pattern, utilization, and location.

3025 (m) A discussion of whether alternative uses are proposed
 3026 for the property and what those uses are.

3027 (n) A designation of the management agency or agencies.

3028 (16)~~(17)~~ All proposals for projects pursuant to paragraph
 3029 (3)(b) shall be implemented only if adopted by the Acquisition
 3030 and Restoration Council and approved by the board of trustees.
 3031 The council shall consider and evaluate in writing the merits
 3032 and demerits of each project that is proposed for Florida
 3033 Forever funding ~~and each proposed addition to the Conservation
 3034 and Recreation Lands list program~~. The council shall ensure that
 3035 each proposed project will meet a stated public purpose for the
 3036 restoration, conservation, or preservation of environmentally
 3037 sensitive lands and water areas or for providing outdoor
 3038 recreational opportunities ~~and that each proposed addition to
 3039 the Conservation and Recreation Lands list will meet the public
 3040 purposes under s. 259.032(3) and, when applicable, s.
 3041 259.101(4)~~. The council also shall determine whether the project
 3042 or addition conforms, where applicable, with the comprehensive

3043 plan developed pursuant to s. 259.04(1)(a), the comprehensive
 3044 multipurpose outdoor recreation plan developed pursuant to s.
 3045 375.021, the state lands management plan adopted pursuant to s.
 3046 253.03(7), the water resources work plans developed pursuant to
 3047 s. 373.199, and the provisions of this section.

3048 (17)~~(18)~~ On an annual basis, the Division of State Lands
 3049 shall prepare an annual work plan that prioritizes projects on
 3050 the Florida Forever list and sets forth the funding available in
 3051 the fiscal year for land acquisition. The work plan shall
 3052 consider the following categories of expenditure for land
 3053 conservation projects already selected for the Florida Forever
 3054 list pursuant to subsection (7) ~~(8)~~:

3055 (a) A critical natural lands category, including
 3056 functional landscape-scale natural systems, intact large
 3057 hydrological systems, lands that have significant imperiled
 3058 natural communities, and corridors linking large landscapes, as
 3059 identified and developed by the best available scientific
 3060 analysis.

3061 (b) A partnerships or regional incentive category,
 3062 including:

3063 1. Projects where local and regional cost-share agreements
 3064 provide a lower cost and greater conservation benefit to the
 3065 people of the state. Additional consideration shall be provided
 3066 under this category where parcels are identified as part of a
 3067 local or regional visioning process and are supported by
 3068 scientific analysis; and

3069 2. Bargain and shared projects where the state will
 3070 receive a significant reduction in price for public ownership of
 3071 land as a result of the removal of development rights or other
 3072 interests in lands or receives alternative or matching funds.

3073 (c) A substantially complete category of projects where
 3074 mainly inholdings, additions, and linkages between preserved
 3075 areas will be acquired and where 85 percent of the project is
 3076 complete.

3077 (d) A climate-change category list of lands where
 3078 acquisition or other conservation measures will address the
 3079 challenges of global climate change, such as through protection,
 3080 restoration, mitigation, and strengthening of Florida's land,
 3081 water, and coastal resources. This category includes lands that
 3082 provide opportunities to sequester carbon, provide habitat,
 3083 protect coastal lands or barrier islands, and otherwise mitigate
 3084 and help adapt to the effects of sea-level rise and meet other
 3085 objectives of the program.

3086 (e) A less-than-fee category for working agricultural
 3087 lands that significantly contribute to resource protection
 3088 through conservation easements and other less-than-fee
 3089 techniques, tax incentives, life estates, landowner agreements,
 3090 and other partnerships, including conservation easements
 3091 acquired in partnership with federal conservation programs,
 3092 which will achieve the objectives of Florida Forever while
 3093 allowing the continuation of compatible agricultural uses on the
 3094 land. Terms of easements proposed for acquisition under this

3095 category shall be developed by the Division of State Lands in
 3096 coordination with the Department of Agriculture and Consumer
 3097 Services.

3098
 3099 Projects within each category shall be ranked by order of
 3100 priority. The work plan shall be adopted by the Acquisition and
 3101 Restoration Council after at least one public hearing. A copy of
 3102 the work plan shall be provided to the board of trustees of the
 3103 Internal Improvement Trust Fund no later than October 1 of each
 3104 year.

3105 (18)~~(19)~~(a) The Board of Trustees of the Internal
 3106 Improvement Trust Fund, or, in the case of water management
 3107 district lands, the owning water management district, may
 3108 authorize the granting of a lease, easement, or license for the
 3109 use of certain lands acquired pursuant to this section, for
 3110 certain uses that are determined by the appropriate board to be
 3111 compatible with the resource values of and management objectives
 3112 for such lands.

3113 (b) Any existing lease, easement, or license acquired for
 3114 incidental public or private use on, under, or across any lands
 3115 acquired pursuant to this section shall be presumed to be
 3116 compatible with the purposes for which such lands were acquired.

3117 (c) Notwithstanding the provisions of paragraph (a), no
 3118 such lease, easement, or license shall be entered into by the
 3119 Department of Environmental Protection or other appropriate
 3120 state agency if the granting of such lease, easement, or license

3121 would adversely affect the exclusion of the interest on any
 3122 revenue bonds issued to fund the acquisition of the affected
 3123 lands from gross income for federal income tax purposes,
 3124 pursuant to Internal Revenue Service regulations.

3125 (19)~~(20)~~ The Acquisition and Restoration Council shall
 3126 recommend adoption of rules by the board of trustees necessary
 3127 to implement the provisions of this section relating to:
 3128 solicitation, scoring, selecting, and ranking of Florida Forever
 3129 project proposals; disposing of or leasing lands or water areas
 3130 selected for funding through the Florida Forever program; and
 3131 the process of reviewing and recommending for approval or
 3132 rejection the land management plans associated with publicly
 3133 owned properties. Rules promulgated pursuant to this subsection
 3134 shall be submitted to the President of the Senate and the
 3135 Speaker of the House of Representatives, for review by the
 3136 Legislature, no later than 30 days prior to the 2010 Regular
 3137 Session and shall become effective only after legislative
 3138 review. In its review, the Legislature may reject, modify, or
 3139 take no action relative to such rules. The board of trustees
 3140 shall conform such rules to changes made by the Legislature, or,
 3141 if no action was taken by the Legislature, such rules shall
 3142 become effective.

3143 (20)~~(21)~~ Lands listed as projects for acquisition under
 3144 the Florida Forever program may be managed for conservation
 3145 pursuant to s. 259.032, on an interim basis by a private party
 3146 in anticipation of a state purchase in accordance with a

3147 contractual arrangement between the acquiring agency and the
 3148 private party that may include management service contracts,
 3149 leases, cost-share arrangements, or resource conservation
 3150 agreements. Lands designated as eligible under this subsection
 3151 shall be managed to maintain or enhance the resources the state
 3152 is seeking to protect by acquiring the land and to accelerate
 3153 public access to the lands as soon as practicable. Funding for
 3154 these contractual arrangements may originate from the
 3155 documentary stamp tax revenue deposited into the Land
 3156 Acquisition Trust Fund ~~Conservation and Recreation Lands Trust~~
 3157 ~~Fund and Water Management Lands Trust Fund~~. No more than \$6.2
 3158 million from the Land Acquisition Trust Fund ~~5 percent of funds~~
 3159 ~~allocated under the trust funds~~ shall be expended for this
 3160 purpose.

3161 Section 26. Subsections (1) and (3) of section 259.1051,
 3162 Florida Statutes, are amended to read:

3163 259.1051 Florida Forever Trust Fund.—

3164 (1) There is created the Florida Forever Trust Fund to
 3165 carry out the purposes of ss. 259.032, 259.105, 259.1052, and
 3166 375.031. The Florida Forever Trust Fund shall be held and
 3167 administered by the Department of Environmental Protection.
 3168 Proceeds from the sale of bonds, except proceeds of refunding
 3169 bonds, issued under s. 215.618 and payable from moneys
 3170 transferred to the Land Acquisition Trust Fund under s.
 3171 201.15(1) ~~201.15(1)(a)~~, not to exceed \$5.3 billion, must be
 3172 deposited into this trust fund to be distributed and used as

3173 provided in s. 259.105(3). The bond resolution adopted by the
 3174 governing board of the Division of Bond Finance of the State
 3175 Board of Administration may provide for additional provisions
 3176 that govern the disbursement of the bond proceeds.

3177 (3) The department ~~of Environmental Protection~~ shall
 3178 ensure that the proceeds from the sale of bonds issued under s.
 3179 215.618 and payable from moneys transferred to the Land
 3180 Acquisition Trust Fund under s. 201.15(1) ~~201.15(1)(a)~~ shall be
 3181 administered and expended in a manner that ensures compliance of
 3182 each issue of bonds that are issued on the basis that interest
 3183 thereon will be excluded from gross income for federal income
 3184 tax purposes, with the applicable provisions of the United
 3185 States Internal Revenue Code and the regulations promulgated
 3186 thereunder, to the extent necessary to preserve the exclusion of
 3187 interest on the bonds from gross income for federal income tax
 3188 purposes. The Department of Environmental Protection shall
 3189 administer the use and disbursement of the proceeds of such
 3190 bonds or require that the use and disbursement thereof be
 3191 administered in a manner to implement strategies to maximize any
 3192 available benefits under the applicable provisions of the United
 3193 States Internal Revenue Code or regulations promulgated
 3194 thereunder, to the extent not inconsistent with the purposes
 3195 identified in s. 259.105(3).

3196 Section 27. Paragraph (a) of subsection (2) of section
 3197 338.250, Florida Statutes, is amended to read:

3198 338.250 Central Florida Beltway Mitigation.—

3199 (2) Environmental mitigation required as a result of
 3200 construction of the beltway, or portions thereof, shall be
 3201 satisfied in the following manner:

3202 (a) For those projects which the Department of
 3203 Transportation is authorized to construct, funds for
 3204 environmental mitigation shall be deposited in the Central
 3205 Florida Beltway Trust Fund created within the department at the
 3206 time bonds for the specific project are sold. If a road building
 3207 authority other than the department is authorized to construct
 3208 the project, funds for environmental mitigation shall be
 3209 deposited in a mitigation fund account established in the
 3210 construction fund for the bond issues. Said account shall be
 3211 established at the time bond proceeds are deposited into the
 3212 construction fund for the specific project. These funds shall be
 3213 provided from bond proceeds, and the use of such funds from bond
 3214 proceeds for mitigation shall be deemed a public purpose. The
 3215 amount to be provided for mitigation for the Eastern Beltway in
 3216 Seminole County shall be up to \$4 million, the amount to be
 3217 provided for mitigation for the Western Beltway shall be up to
 3218 \$30.5 million, the amount to be provided for mitigation for the
 3219 Southern Connector shall be up to \$14.28 million, the amount to
 3220 be provided for mitigation for the Turnpike/Southern Connector
 3221 Interchange shall be up to \$1.46 million, and the amount to be
 3222 provided for mitigation for the Southern Connector Extension
 3223 shall be in proportion to the amount provided for the Southern
 3224 Connector based upon the amount of wetlands displaced. To the

3225 extent allowed by law, the interest on said funds as earned,
 3226 after deposit into the Central Florida Beltway Trust Fund, or in
 3227 a mitigation fund account shall accrue and be paid to the agency
 3228 responsible for the construction of the appropriate project.
 3229 Where feasible, mitigation funds shall be used in coordination
 3230 with funds ~~from the Conservation and Recreation Lands Trust~~
 3231 ~~Fund, Save Our Rivers Land Acquisition Program, or~~ from other
 3232 appropriate sources.

3233 Section 28. Subsection (4) of section 339.0801, Florida
 3234 Statutes, is amended to read:

3235 339.0801 Allocation of increased revenues derived from
 3236 amendments to s. 319.32(5)(a) by ch. 2012-128.—Funds that result
 3237 from increased revenues to the State Transportation Trust Fund
 3238 derived from the amendments to s. 319.32(5)(a) made by this act
 3239 must be used annually, first as set forth in subsection (1) and
 3240 then as set forth in subsections (2)-(5), notwithstanding any
 3241 other provision of law:

3242 (4) Beginning in the 2013-2014 fiscal year and annually
 3243 thereafter, \$10 million shall be allocated to the Small County
 3244 Outreach Program, to be used as specified in s. 339.2818. These
 3245 funds are in addition to the funds provided in s. 201.15(5)(a)2.
 3246 ~~201.15(1)(c)1.b.~~

3247 Section 29. Subsection (9) of section 339.55, Florida
 3248 Statutes, is amended to read:

3249 339.55 State-funded infrastructure bank.—

3250 (9) Funds paid into the State Transportation Trust Fund

3251 pursuant to s. 201.15(5)(a) ~~201.15(1)(e)~~ for the purposes of the
 3252 State Infrastructure Bank are hereby annually appropriated for
 3253 expenditure to support that program.

3254 Section 30. Subsection (5) of section 341.303, Florida
 3255 Statutes, is amended to read:

3256 341.303 Funding authorization and appropriations;
 3257 eligibility and participation.—

3258 (5) FUND PARTICIPATION; FLORIDA RAIL ENTERPRISE.—

3259 (a) The department, through the Florida Rail Enterprise,
 3260 is authorized to use funds provided under s. 201.15(5)(a)4.
 3261 ~~201.15(1)(e)1.d.~~ to fund up to 50 percent of the nonfederal
 3262 share of the costs of any eligible passenger rail capital
 3263 improvement project.

3264 (b) The department, through the Florida Rail Enterprise,
 3265 is authorized to use funds provided under s. 201.15(5)(a)4.
 3266 ~~201.15(1)(e)1.d.~~ to fund up to 100 percent of planning and
 3267 development costs related to the provision of a passenger rail
 3268 system, including, but not limited to, preliminary engineering,
 3269 revenue studies, environmental impact studies, financial
 3270 advisory services, engineering design, and other appropriate
 3271 professional services.

3272 (c) The department, through the Florida Rail Enterprise,
 3273 is authorized to use funds provided under s. 201.15(5)(a)4.
 3274 ~~201.15(1)(e)1.d.~~ to fund the high-speed rail system.

3275 (d) The department, through the Florida Rail Enterprise,
 3276 is authorized to use funds provided under s. 201.15(5)(a)4.

HB 1291

2015

3277 | ~~201.15(1)(e)1.d.~~ to fund projects necessary to identify or
 3278 | address anticipated impacts of increased freight rail traffic
 3279 | resulting from the implementation of passenger rail systems as
 3280 | provided in s. 341.302(3)(b).

3281 | Section 31. Paragraph (b) of subsection (4) of section
 3282 | 343.58, Florida Statutes, is amended to read:

3283 | 343.58 County funding for the South Florida Regional
 3284 | Transportation Authority.—

3285 | (4) Notwithstanding any other provision of law to the
 3286 | contrary and effective July 1, 2010, until as provided in
 3287 | paragraph (d), the department shall transfer annually from the
 3288 | State Transportation Trust Fund to the South Florida Regional
 3289 | Transportation Authority the amounts specified in subparagraph
 3290 | (a)1. or subparagraph (a)2.

3291 | (b) Funding required by this subsection may not be
 3292 | provided from the funds dedicated to the Florida Rail Enterprise
 3293 | under s. 201.15(5)(a)4 ~~201.15(1)(e)1.d.~~

3294 | Section 32. Subsection (4) of section 369.252, Florida
 3295 | Statutes, is amended to read:

3296 | 369.252 Invasive plant control on public lands.—The Fish
 3297 | and Wildlife Conservation Commission shall establish a program
 3298 | to:

3299 | (4) Use funds in the Invasive Plant Control Trust Fund as
 3300 | authorized by the Legislature for carrying out activities under
 3301 | this section on public lands. A minimum of 20 percent of the
 3302 | amount transferred from the Land Acquisition Trust Fund ~~credited~~

HB 1291

2015

3303 to the Invasive Plant Control Trust Fund ~~pursuant to s.~~
 3304 ~~201.15(6)~~ shall be used for the purpose of controlling
 3305 nonnative, upland, invasive plant species on public lands.

3306 Section 33. Paragraph (c) of subsection (8) of section
 3307 373.026, Florida Statutes, is amended to read:

3308 373.026 General powers and duties of the department.—The
 3309 department, or its successor agency, shall be responsible for
 3310 the administration of this chapter at the state level. However,
 3311 it is the policy of the state that, to the greatest extent
 3312 possible, the department may enter into interagency or
 3313 interlocal agreements with any other state agency, any water
 3314 management district, or any local government conducting programs
 3315 related to or materially affecting the water resources of the
 3316 state. All such agreements shall be subject to the provisions of
 3317 s. 373.046. In addition to its other powers and duties, the
 3318 department shall, to the greatest extent possible:

3319 (8)

3320 (c) Notwithstanding paragraph (b), the use of state funds
 3321 for land purchases from willing sellers is authorized for
 3322 projects ~~within the South Florida Water Management District's~~
 3323 ~~approved 5-year plan of acquisition pursuant to s. 373.59 or~~
 3324 within the South Florida Water Management District's approved
 3325 Florida Forever water management district work plan pursuant to
 3326 s. 373.199.

3327 Section 34. Subsection (4) of section 373.089, Florida
 3328 Statutes, is amended to read:

3329 373.089 Sale or exchange of lands, or interests or rights
 3330 in lands.—The governing board of the district may sell lands, or
 3331 interests or rights in lands, to which the district has acquired
 3332 title or to which it may hereafter acquire title in the
 3333 following manner:

3334 (4) The governing board of a district may exchange lands,
 3335 or interests or rights in lands, owned by, or lands, or
 3336 interests or rights in lands, for which title is otherwise
 3337 vested in, the district for other lands, or interests or rights
 3338 in lands, within the state owned by any person. The governing
 3339 board shall fix the terms and conditions of any such exchange
 3340 and may pay or receive any sum of money that the board considers
 3341 necessary to equalize the values of exchanged properties. Land,
 3342 or interests or rights in land, acquired under s. 373.59,
 3343 Florida Statutes 2014, may be exchanged only for lands, or
 3344 interests or rights in lands, that otherwise meet the
 3345 requirements of that section for acquisition.

3346 Section 35. Paragraph (a) of subsection (5) of section
 3347 373.129, Florida Statutes, is amended to read:

3348 373.129 Maintenance of actions.—The department, the
 3349 governing board of any water management district, any local
 3350 board, or a local government to which authority has been
 3351 delegated pursuant to s. 373.103(8), is authorized to commence
 3352 and maintain proper and necessary actions and proceedings in any
 3353 court of competent jurisdiction for any of the following
 3354 purposes:

3355 (5) To recover a civil penalty for each offense in an
 3356 amount not to exceed \$10,000 per offense. Each date during which
 3357 such violation occurs constitutes a separate offense.

3358 (a) A civil penalty recovered pursuant to this subsection
 3359 shall be retained by the water management district where the
 3360 violation occurred ~~deposited in the Water Management Lands Trust~~
 3361 ~~Fund established under s. 373.59~~ and used exclusively within
 3362 that ~~by the~~ water management district ~~that deposits the money~~
 3363 ~~into the fund. Any such civil penalty recovered after the~~
 3364 ~~expiration of such fund shall be deposited in the Ecosystem~~
 3365 ~~Management and Restoration Trust Fund and used exclusively~~
 3366 ~~within the water management district that deposits the money~~
 3367 ~~into the fund.~~

3368 Section 36. Subsection (5) of section 373.1391, Florida
 3369 Statutes, is amended to read:

3370 373.1391 Management of real property.—

3371 (5) The following additional uses of lands acquired
 3372 pursuant to the Florida Forever program and other state-funded
 3373 land purchase programs shall be authorized, upon a finding by
 3374 the governing board, if they meet the criteria specified in
 3375 paragraphs (a)-(e): water resource development projects, water
 3376 supply development projects, stormwater management projects,
 3377 linear facilities, and sustainable agriculture and forestry.
 3378 Such additional uses are authorized where:

3379 (a) Not inconsistent with the management plan for such
 3380 lands.†

3381 (b) Compatible with the natural ecosystem and resource
 3382 values of such lands.†

3383 (c) The proposed use is appropriately located on such
 3384 lands and where due consideration is given to the use of other
 3385 available lands.†

3386 (d) The using entity reasonably compensates the
 3387 titleholder for such use based upon an appropriate measure of
 3388 value.†~~and~~

3389 (e) The use is consistent with the public interest.

3390

3391 A decision by the governing board pursuant to this subsection
 3392 shall be given a presumption of correctness. Moneys received
 3393 from the use of state lands pursuant to this subsection shall be
 3394 returned to the lead managing agency ~~in accordance with the~~
 3395 ~~provisions of s. 373.59.~~

3396 Section 37. Paragraph (i) of subsection (4) and paragraph
 3397 (c) of subsection (7) of section 373.199, Florida Statutes, are
 3398 amended to read:

3399 373.199 Florida Forever Water Management District Work
 3400 Plan.—

3401 (4) The list submitted by the districts shall include,
 3402 where applicable, the following information for each project:

3403 (i) Numeric performance measures for each project. Each
 3404 performance measure shall include a baseline measurement, which
 3405 is the current situation; a performance standard, which water
 3406 management district staff anticipates the project will achieve;

3407 and the performance measurement itself, which should reflect the
 3408 incremental improvements the project accomplishes towards
 3409 achieving the performance standard. These measures shall reflect
 3410 the relevant goals detailed in s. 259.105(4), Florida Statutes
 3411 2014.

3412 (7) By June 1, 2001, each district shall file with the
 3413 President of the Senate, the Speaker of the House of
 3414 Representatives, and the Secretary of Environmental Protection
 3415 the initial 5-year work plan as required under subsection (2).
 3416 By March 1 of each year thereafter, as part of the consolidated
 3417 annual report required by s. 373.036(7), each district shall
 3418 report on acquisitions completed during the year together with
 3419 modifications or additions to its 5-year work plan. Included in
 3420 the report shall be:

3421 (c) The progress of funding, staffing, and resource
 3422 management of every project funded pursuant to s. 259.101(3),
 3423 Florida Statutes 2014 ~~259.101~~, s. 259.105, or s. 373.59(1),
 3424 Florida Statutes 2014, ~~373.59~~ for which the district is
 3425 responsible.

3426
 3427 The secretary shall submit the report referenced in this
 3428 subsection to the Board of Trustees of the Internal Improvement
 3429 Trust Fund together with the Acquisition and Restoration
 3430 Council's project list as required under s. 259.105.

3431 Section 38. Subsection (7) of section 373.430, Florida
 3432 Statutes, is amended to read:

3433 373.430 Prohibitions, violation, penalty, intent.-
 3434 (7) All moneys recovered under the provisions of this
 3435 section shall be allocated to the use of the water management
 3436 district, the department, or the local government, whichever
 3437 undertook and maintained the enforcement action. All monetary
 3438 penalties and damages recovered by the department or the state
 3439 under the provisions of this section shall be deposited into ~~in~~
 3440 the Water Quality Assurance Ecosystem Management and Restoration
 3441 Trust Fund. All monetary penalties and damages recovered
 3442 pursuant to this section by a water management district shall be
 3443 retained ~~deposited in the Water Management Lands Trust Fund~~
 3444 ~~established under s. 373.59~~ and used exclusively within the
 3445 territory of the water management district that collected ~~which~~
 3446 ~~deposits~~ the money ~~into the fund~~. ~~Any such monetary penalties~~
 3447 ~~and damages recovered after the expiration of such fund shall be~~
 3448 ~~deposited in the Ecosystem Management and Restoration Trust Fund~~
 3449 ~~and used exclusively within the territory of the water~~
 3450 ~~management district which deposits the money into the fund~~. All
 3451 monetary penalties and damages recovered pursuant to this
 3452 subsection by a local government to which authority has been
 3453 delegated pursuant to s. 373.103(8) shall be used to enhance
 3454 surface water improvement or pollution control activities.
 3455 Section 39. Subsections (3) through (6) of section
 3456 373.459, Florida Statutes, are amended to read:
 3457 373.459 Funds for surface water improvement and
 3458 management.-

HB 1291

2015

3459 (3) ~~The Ecosystem Management and Restoration Trust Fund~~
 3460 ~~shall be used for the deposit of funds appropriated by the~~
 3461 ~~Legislature for the purposes of ss. 373.451-373.4595.~~ The
 3462 department shall administer all funds appropriated to or
 3463 received for surface water improvement and management
 3464 activities. Expenditure of the moneys shall be limited to the
 3465 costs of detailed planning and plan and program implementation
 3466 for priority surface water bodies. Moneys may ~~from the fund~~
 3467 ~~shall~~ not be expended for planning for, or construction or
 3468 expansion of, treatment facilities for domestic or industrial
 3469 waste disposal.

3470 (4) The department shall authorize the release of money
 3471 ~~from the fund~~ in accordance with the provisions of s. 373.501(2)
 3472 ~~and procedures in s. 373.59(4) and (5).~~

3473 ~~(5) Moneys in the fund which are not needed to meet~~
 3474 ~~current obligations incurred under this section shall be~~
 3475 ~~transferred to the State Board of Administration, to the credit~~
 3476 ~~of the trust fund, to be invested in the manner provided by law.~~
 3477 ~~Interest received on such investments shall be credited to the~~
 3478 ~~trust fund.~~

3479 (5)(6) The match requirement of subsection (2) shall not
 3480 apply to the Suwannee River Water Management District, the
 3481 Northwest Florida Water Management District, or a financially
 3482 disadvantaged small local government as defined in former s.
 3483 403.885(3).

3484 Section 40. Paragraph (a) of subsection (3) of section

HB 1291

2015

3485 373.4592, Florida Statutes, is amended to read:
 3486 373.4592 Everglades improvement and management.—
 3487 (3) EVERGLADES LONG-TERM PLAN.—
 3488 (a) The Legislature finds that the Everglades Program
 3489 required by this section establishes more extensive and
 3490 comprehensive requirements for surface water improvement and
 3491 management within the Everglades than the SWIM plan requirements
 3492 provided in ss. 373.451 and 373.453. In order to avoid
 3493 duplicative requirements, and in order to conserve the resources
 3494 available to the district, the SWIM plan requirements of those
 3495 sections shall not apply to the Everglades Protection Area and
 3496 the EAA during the term of the Everglades Program, and the
 3497 district will neither propose, nor take final agency action on,
 3498 any Everglades SWIM plan for those areas until the Everglades
 3499 Program is fully implemented. Funds identified under s.
 3500 259.101(3)(b), Florida Statutes 2014, may be used for
 3501 acquisition of lands necessary to implement the Everglades
 3502 Construction Project, to the extent these funds are identified
 3503 in the Statement of Principles of July 1993. The district's
 3504 actions in implementing the Everglades Construction Project
 3505 relating to the responsibilities of the EAA and C-139 Basin for
 3506 funding and water quality compliance in the EAA and the
 3507 Everglades Protection Area shall be governed by this section.
 3508 Other strategies or activities in the March 1992 Everglades SWIM
 3509 plan may be implemented if otherwise authorized by law.
 3510 Section 41. Paragraphs (g) through (j) of subsection (4)

3511 of section 373.45926, Florida Statutes, are amended to read:

3512 373.45926 Everglades Trust Fund; allocation of revenues
 3513 and expenditure of funds for conservation and protection of
 3514 natural resources and abatement of water pollution.-

3515 (4) The following funds shall be deposited into the
 3516 Everglades Trust Fund specifically for the implementation of the
 3517 Everglades Forever Act.

3518 ~~(g) Preservation 2000 funds for acquisition of lands~~
 3519 ~~necessary for implementation of the Everglades Forever Act as~~
 3520 ~~prescribed in an annual appropriation.~~

3521 (g)(h) Any additional funds specifically appropriated by
 3522 the Legislature for this purpose.

3523 (h)(i) Gifts designated for implementation of the
 3524 Everglades Forever Act from individuals, corporations, and other
 3525 entities.

3526 (i)(j) Any additional funds that become available for this
 3527 purpose from any other source.

3528 Section 42. Paragraph (a) of subsection (6) of section
 3529 373.470, Florida Statutes, is amended to read:

3530 373.470 Everglades restoration.-

3531 (6) DISTRIBUTIONS FROM SAVE OUR EVERGLADES TRUST FUND.-

3532 (a) Except as provided in paragraphs (d) and (e) and for
 3533 funds appropriated for debt service, the department shall
 3534 distribute funds in the Save Our Everglades Trust Fund to the
 3535 district in accordance with a legislative appropriation and s.
 3536 373.026(8)(b) ~~and (e)~~. Distribution of funds to the district

3537 from the Save Our Everglades Trust Fund shall be equally matched
 3538 by the cumulative contributions from the district by fiscal year
 3539 2019-2020 by providing funding or credits toward project
 3540 components. The dollar value of in-kind project design and
 3541 construction work by the district in furtherance of the
 3542 comprehensive plan and existing interest in public lands needed
 3543 for a project component are credits towards the district's
 3544 contributions.

3545 Section 43. Subsection (2) of section 373.584, Florida
 3546 Statutes, is amended to read:

3547 373.584 Revenue bonds.—

3548 (2) Revenues derived by the district ~~from the Water~~
 3549 ~~Management Lands Trust Fund as provided in s. 373.59 or any~~
 3550 ~~other revenues of the district~~ may be pledged to the payment of
 3551 such revenue bonds; however, the ad valorem taxing powers of the
 3552 district may not be pledged to the payment of such revenue bonds
 3553 without prior compliance with the requirements of the State
 3554 Constitution as to the affirmative vote of the electors of the
 3555 district and with the requirements of s. 373.563, ~~and bonds~~
 3556 ~~payable from the Water Management Lands Trust Fund shall be~~
 3557 ~~issued solely for the purposes set forth in s. 373.59.~~ Revenue
 3558 bonds and notes shall be, and shall be deemed to be, for all
 3559 purposes, negotiable instruments, subject only to the provisions
 3560 of the revenue bonds and notes for registration. The powers and
 3561 authority of districts to issue revenue bonds, including, but
 3562 not limited to, bonds to finance a stormwater management system

3563 as defined by s. 373.403, and to enter into contracts incidental
 3564 thereto, and to do all things necessary and desirable in
 3565 connection with the issuance of revenue bonds, shall be
 3566 coextensive with the powers and authority of municipalities to
 3567 issue bonds under state law. The provisions of this section
 3568 constitute full and complete authority for the issuance of
 3569 revenue bonds and shall be liberally construed to effectuate its
 3570 purpose.

3571 Section 44. Section 373.59, Florida Statutes, is amended
 3572 to read:

3573 373.59 Payment in lieu of taxes for lands acquired for
 3574 water management district purposes ~~Water Management Lands Trust~~
 3575 ~~Fund.~~—

3576 ~~(1) There is established within the Department of~~
 3577 ~~Environmental Protection the Water Management Lands Trust Fund~~
 3578 ~~to be used as a nonlapsing fund for the purposes of this~~
 3579 ~~section. The moneys in this fund are hereby continually~~
 3580 ~~appropriated for the purposes of land acquisition, management,~~
 3581 ~~maintenance, capital improvements of land titled to the~~
 3582 ~~districts, payments in lieu of taxes, debt service on bonds~~
 3583 ~~issued prior to July 1, 1999, debt service on bonds issued on or~~
 3584 ~~after July 1, 1999, which are issued to refund bonds issued~~
 3585 ~~before July 1, 1999, preacquisition costs associated with land~~
 3586 ~~purchases, and the department's costs of administration of the~~
 3587 ~~fund. No refunding bonds may be issued which mature after the~~
 3588 ~~final maturity date of the bonds being refunded or which provide~~

3589 ~~for higher debt service in any year than is payable on such~~
 3590 ~~bonds as of February 1, 2009. The department's costs of~~
 3591 ~~administration shall be charged proportionally against each~~
 3592 ~~district's allocation using the formula provided in subsection~~
 3593 ~~(8). Capital improvements shall include, but need not be limited~~
 3594 ~~to, perimeter fencing, signs, firelanes, control of invasive~~
 3595 ~~exotic species, controlled burning, habitat inventory and~~
 3596 ~~restoration, law enforcement, access roads and trails, and~~
 3597 ~~minimal public accommodations, such as primitive campsites,~~
 3598 ~~garbage receptacles, and toilets. The moneys in the fund may~~
 3599 ~~also be appropriated to supplement operational expenditures at~~
 3600 ~~the Northwest Florida Water Management District and the Suwannee~~
 3601 ~~River Water Management District, with such appropriations~~
 3602 ~~allocated prior to the allocations set out in subsection (8) to~~
 3603 ~~the five water management districts.~~

3604 ~~(2) Until the Preservation 2000 Program is concluded, each~~
 3605 ~~district shall file with the Legislature and the Secretary of~~
 3606 ~~Environmental Protection a report of acquisition activity, by~~
 3607 ~~January 15 of each year, together with modifications or~~
 3608 ~~additions to its 5-year plan of acquisition. Included in the~~
 3609 ~~report shall be an identification of those lands which require a~~
 3610 ~~full fee simple interest to achieve water management goals and~~
 3611 ~~those lands which can be acquired using alternatives to fee~~
 3612 ~~simple acquisition techniques and still achieve such goals. In~~
 3613 ~~their evaluation of which lands would be appropriate for~~
 3614 ~~acquisition through alternatives to fee simple, district staff~~

3615 ~~shall consider criteria including, but not limited to,~~
 3616 ~~acquisition costs, the net present value of future land~~
 3617 ~~management costs, the net present value of ad valorem revenue~~
 3618 ~~loss to the local government, and the potential for revenue~~
 3619 ~~generated from activities compatible with acquisition~~
 3620 ~~objectives. The report shall also include a description of land~~
 3621 ~~management activity. However, no acquisition of lands shall~~
 3622 ~~occur without a public hearing similar to those held pursuant to~~
 3623 ~~the provisions set forth in s. 120.54. In the annual update of~~
 3624 ~~its 5-year plan for acquisition, each district shall identify~~
 3625 ~~lands needed to protect or recharge groundwater and shall~~
 3626 ~~establish a plan for their acquisition as necessary to protect~~
 3627 ~~potable water supplies. Lands which serve to protect or recharge~~
 3628 ~~groundwater identified pursuant to this paragraph shall also~~
 3629 ~~serve to protect other valuable natural resources or provide~~
 3630 ~~space for natural resource based recreation. Once all~~
 3631 ~~Preservation 2000 funds allocated to the water management~~
 3632 ~~districts have been expended or committed, this subsection shall~~
 3633 ~~be repealed.~~

3634 ~~(3) Each district shall remove the property of an~~
 3635 ~~unwilling seller from its plan of acquisition at the next~~
 3636 ~~scheduled update of the plan, if in receipt of a request to do~~
 3637 ~~so by the property owner. This subsection shall be repealed at~~
 3638 ~~the conclusion of the Preservation 2000 program.~~

3639 ~~(4) The Secretary of Environmental Protection shall~~
 3640 ~~release moneys from the Water Management Lands Trust Fund to a~~

HB 1291

2015

3641 ~~district for preacquisition costs within 30 days after receipt~~
 3642 ~~of a resolution adopted by the district's governing board which~~
 3643 ~~identifies and justifies any such preacquisition costs necessary~~
 3644 ~~for the purchase of any lands listed in the district's 5-year~~
 3645 ~~plan. The district shall return to the department any funds not~~
 3646 ~~used for the purposes stated in the resolution, and the~~
 3647 ~~department shall deposit the unused funds into the Water~~
 3648 ~~Management Lands Trust Fund.~~

3649 ~~(5) The Secretary of Environmental Protection shall~~
 3650 ~~release to the districts moneys for management, maintenance, and~~
 3651 ~~capital improvements following receipt of a resolution and~~
 3652 ~~request adopted by the governing board which specifies the~~
 3653 ~~designated managing agency, specific management activities,~~
 3654 ~~public use, estimated annual operating costs, and other~~
 3655 ~~acceptable documentation to justify release of moneys.~~

3656 ~~(6) If a district issues revenue bonds or notes under s.~~
 3657 ~~373.584 prior to July 1, 1999, the district may pledge its share~~
 3658 ~~of the moneys in the Water Management Lands Trust Fund as~~
 3659 ~~security for such bonds or notes. The Department of~~
 3660 ~~Environmental Protection shall pay moneys from the trust fund to~~
 3661 ~~a district or its designee sufficient to pay the debt service,~~
 3662 ~~as it becomes due, on the outstanding bonds and notes of the~~
 3663 ~~district; however, such payments shall not exceed the district's~~
 3664 ~~cumulative portion of the trust fund. However, any moneys~~
 3665 ~~remaining after payment of the amount due on the debt service~~
 3666 ~~shall be released to the district pursuant to subsection (5).~~

3667 ~~(7) Any unused portion of a district's share of the fund~~
 3668 ~~shall accumulate in the trust fund to the credit of that~~
 3669 ~~district. Interest earned on such portion shall also accumulate~~
 3670 ~~to the credit of that district to be used for management,~~
 3671 ~~maintenance, and capital improvements as provided in this~~
 3672 ~~section. The total moneys over the life of the fund available to~~
 3673 ~~any district under this section shall not be reduced except by~~
 3674 ~~resolution of the district governing board stating that the need~~
 3675 ~~for the moneys no longer exists. Any water management district~~
 3676 ~~with fund balances in the Water Management Lands Trust Fund as~~
 3677 ~~of March 1, 1999, may expend those funds for land acquisitions~~
 3678 ~~pursuant to s. 373.139, or for the purpose specified in this~~
 3679 ~~subsection.~~

3680 ~~(8) Moneys from the Water Management Lands Trust Fund~~
 3681 ~~shall be allocated as follows:~~

3682 ~~(a) Beginning with the 2009-2010 fiscal year, thirty~~
 3683 ~~percent shall be used first to pay debt service on bonds issued~~
 3684 ~~before February 1, 2009, by the South Florida Water Management~~
 3685 ~~District which are secured by revenues provided by this section~~
 3686 ~~or to fund debt service reserve funds, rebate obligations, or~~
 3687 ~~other amounts payable with respect to such bonds, then to~~
 3688 ~~transfer \$3,000,000 to the credit of the General Revenue Fund in~~
 3689 ~~each fiscal year, and lastly to distribute the remainder to the~~
 3690 ~~South Florida Water Management District.~~

3691 ~~(b) Beginning with the 2009-2010 fiscal year, twenty five~~
 3692 ~~percent shall be used first to transfer \$2,500,000 to the credit~~

3693 ~~of the General Revenue Fund in each fiscal year and then to~~
 3694 ~~distribute the remainder to the Southwest Florida Water~~
 3695 ~~Management District.~~

3696 ~~(c) Beginning with the 2009-2010 fiscal year, twenty-five~~
 3697 ~~percent shall be used first to pay debt service on bonds issued~~
 3698 ~~before February 1, 2009, by the St. Johns River Water Management~~
 3699 ~~District which are secured by revenues provided by this section~~
 3700 ~~or to fund debt service reserve funds, rebate obligations, or~~
 3701 ~~other amounts payable with respect to such bonds, then to~~
 3702 ~~transfer \$2,500,000 to the credit of the General Revenue Fund in~~
 3703 ~~each fiscal year, and to distribute the remainder to the St.~~
 3704 ~~Johns River Water Management District.~~

3705 ~~(d) Ten percent to the Suwannee River Water Management~~
 3706 ~~District.~~

3707 ~~(e) Ten percent to the Northwest Florida Water Management~~
 3708 ~~District.~~

3709 ~~(9) Moneys in the fund not needed to meet current~~
 3710 ~~obligations incurred under this section shall be transferred to~~
 3711 ~~the State Board of Administration, to the credit of the fund, to~~
 3712 ~~be invested in the manner provided by law. Interest received on~~
 3713 ~~such investments shall be credited to the fund.~~

3714 ~~(1)(10)(a)~~ Beginning July 1, 1999, funds not more than
 3715 ~~one-fourth of the funds provided for in subsections (1) and (8)~~
 3716 ~~in any year shall be reserved annually by a governing board,~~
 3717 ~~during the development of its annual operating budget, for~~
 3718 ~~payments in lieu of taxes for all actual ad valorem tax losses~~

3719 incurred as a result of all governing board acquisitions for
 3720 water management district purposes. ~~Reserved funds not used for~~
 3721 ~~payments in lieu of taxes in any year shall revert to the Water~~
 3722 ~~Management Lands Trust Fund to be used in accordance with the~~
 3723 ~~provisions of this section.~~

3724 (2) ~~(b)~~ Payment in lieu of taxes shall be available:

3725 (a) ~~1~~. To all counties that have a population of 150,000 or
 3726 fewer. Population levels shall be determined pursuant to s.
 3727 186.901. The population estimates published April 1 and used in
 3728 the revenue-sharing formula pursuant to s. 186.901 shall be used
 3729 to determine eligibility under this subsection and shall apply
 3730 to payments made for the subsequent fiscal year.

3731 (b) ~~2~~. To all local governments located in eligible
 3732 counties and whose lands are bought and taken off the tax rolls.

3733
 3734 For properties acquired after January 1, 2000, in the event that
 3735 such properties otherwise eligible for payment in lieu of taxes
 3736 under this subsection are leased or reserved and remain subject
 3737 to ad valorem taxes, payments in lieu of taxes shall commence or
 3738 recommence upon the expiration or termination of the lease or
 3739 reservation. If the lease is terminated for only a portion of
 3740 the lands at any time, the annual payments shall be made for
 3741 that portion only commencing the year after such termination,
 3742 without limiting the requirement that annual payments shall be
 3743 made on the remaining portion or portions of the land as the
 3744 lease on each expires. For the purposes of this subsection,

3745 "local government" includes municipalities and the county school
3746 board.

3747 (3)~~(e)~~ If sufficient funds are unavailable in any year to
3748 make full payments to all qualifying counties and local
3749 governments, such counties and local governments shall receive a
3750 pro rata share of the moneys available.

3751 (4)~~(d)~~ The payment amount shall be based on the average
3752 amount of actual ad valorem taxes paid on the property for the 3
3753 years preceding acquisition. Applications for payment in lieu of
3754 taxes shall be made no later than May 31 of the year for which
3755 payment is sought. No payment in lieu of taxes shall be made for
3756 properties which were exempt from ad valorem taxation for the
3757 year immediately preceding acquisition.

3758 (5)~~(e)~~ If property that was subject to ad valorem taxation
3759 was acquired by a tax-exempt entity for ultimate conveyance to
3760 the state under this chapter, payment in lieu of taxes shall be
3761 made for such property based upon the average amount of ad
3762 valorem taxes paid on the property for the 3 years prior to its
3763 being removed from the tax rolls. The water management districts
3764 shall certify to the Department of Revenue those properties that
3765 may be eligible under this provision. Once eligibility has been
3766 established, that governmental entity shall receive annual
3767 payments for each tax loss until the qualifying governmental
3768 entity exceeds the population threshold pursuant to subsection

3769 (2) ~~paragraph (b)~~.

3770 (6)~~(f)~~ Payment in lieu of taxes pursuant to this

3771 subsection shall be made annually to qualifying counties and
 3772 local governments after certification by the Department of
 3773 Revenue that the amounts applied for are reasonably appropriate,
 3774 based on the amount of actual ad valorem taxes paid on the
 3775 eligible property, and after the water management districts have
 3776 provided supporting documents to the Chief Financial Officer and
 3777 have requested that payment be made in accordance with the
 3778 requirements of this section. With the assistance of the local
 3779 government requesting payment in lieu of taxes, the water
 3780 management district that acquired the land is responsible for
 3781 preparing and submitting application requests for payment to the
 3782 Department of Revenue for certification.

3783 (7) If a water management district has made a payment in
 3784 lieu of taxes to a governmental entity and subsequently
 3785 suspended payment, beginning July 1, 2009, the water management
 3786 district shall reinstate appropriate payments and continue the
 3787 payments for as long as the county population remains below the
 3788 population threshold pursuant to paragraph (2)(a). This
 3789 subsection does not authorize or provide for payments in
 3790 arrears.

3791 (8)(g) If a water management district conveys to a county
 3792 or local government title to any land owned by the district, any
 3793 payments in lieu of taxes on the land made to the county or
 3794 local government shall be discontinued as of the date of the
 3795 conveyance.

3796 ~~(11) Notwithstanding any provision of this section to the~~

3797 ~~contrary, the governing board of a water management district may~~
 3798 ~~request, and the Secretary of Environmental Protection shall~~
 3799 ~~release upon such request, moneys allocated to the districts~~
 3800 ~~pursuant to subsection (8) for purposes consistent with the~~
 3801 ~~provisions of s. 373.709, s. 373.705, s. 373.139, or ss.~~
 3802 ~~373.451-373.4595 and for legislatively authorized land~~
 3803 ~~acquisition and water restoration initiatives. No funds may be~~
 3804 ~~used pursuant to this subsection until necessary debt service~~
 3805 ~~obligations, requirements for payments in lieu of taxes, and~~
 3806 ~~land management obligations that may be required by this chapter~~
 3807 ~~are provided for.~~

3808 ~~(12) Notwithstanding subsection (8), and for the 2014-2015~~
 3809 ~~fiscal year only, the moneys from the Water Management Lands~~
 3810 ~~Trust Fund are allocated as follows:~~

3811 ~~(a) An amount necessary to pay debt service on bonds~~
 3812 ~~issued before February 1, 2009, by the South Florida Water~~
 3813 ~~Management District and the St. Johns River Water Management~~
 3814 ~~District, which are secured by revenues provided pursuant to~~
 3815 ~~this section, or to fund debt service reserve funds, rebate~~
 3816 ~~obligations, or other amounts payable with respect to such~~
 3817 ~~bonds.~~

3818 ~~(b) Eight million dollars to be transferred to the General~~
 3819 ~~Revenue Fund.~~

3820 ~~(c) Seven million seven hundred thousand dollars to be~~
 3821 ~~transferred to the Save Our Everglades Trust Fund to support~~
 3822 ~~Everglades restoration projects included in the final report of~~

3823 ~~the Select Committee on Indian River Lagoon and Lake Okeechobee~~
 3824 ~~Basin, dated November 8, 2013.~~

3825 ~~(d) Any remaining funds to be provided in accordance with~~
 3826 ~~the General Appropriations Act.~~

3827
 3828 ~~This subsection expires July 1, 2015.~~

3829 Section 45. Subsection (8) of section 373.703, Florida
 3830 Statutes, is amended to read:

3831 373.703 Water production; general powers and duties.—In
 3832 the performance of, and in conjunction with, its other powers
 3833 and duties, the governing board of a water management district
 3834 existing pursuant to this chapter:

3835 (8) In addition to the power to issue revenue bonds
 3836 pursuant to s. 373.584, may issue revenue bonds for the purposes
 3837 of paying the costs and expenses incurred in carrying out the
 3838 purposes of this chapter or refunding obligations of the
 3839 district issued pursuant to this section. Such revenue bonds
 3840 shall be secured by, and be payable from, revenues derived from
 3841 the operation, lease, or use of its water production and
 3842 transmission facilities and other water-related facilities and
 3843 from the sale of water or services relating thereto. Such
 3844 revenue bonds may not be secured by, or be payable from, ~~moneys~~
 3845 ~~derived by the district from the Water Management Lands Trust~~
 3846 ~~Fund or from~~ ad valorem taxes received by the district or from
 3847 moneys appropriated by the Legislature, unless otherwise
 3848 specifically authorized by the Legislature. All provisions of s.

3849 373.584 relating to the issuance of revenue bonds which are not
 3850 inconsistent with this section shall apply to the issuance of
 3851 revenue bonds pursuant to this section. The district may also
 3852 issue bond anticipation notes in accordance with the provisions
 3853 of s. 373.584.

3854 Section 46. Subsection (8) of section 375.031, Florida
 3855 Statutes, is amended to read:

3856 375.031 Acquisition of land; procedures.-

3857 (8) The department may, if it deems it desirable and in
 3858 the best interest of the program, request the board of trustees
 3859 to sell or otherwise dispose of any lands or water storage areas
 3860 acquired under this act. The board of trustees, when so
 3861 requested, shall offer the lands or water storage areas, on such
 3862 terms as the department may determine, first to other state
 3863 agencies and then, if still available, to the county or
 3864 municipality in which the lands or water storage areas lie. If
 3865 not acquired by another state agency or local governmental body
 3866 for beneficial public purposes, the lands or water storage areas
 3867 shall then be offered by the board of trustees at public sale,
 3868 after first giving notice of such sale by publication in a
 3869 newspaper published in the county or counties in which such
 3870 lands or water storage areas lie not less than once a week for 3
 3871 consecutive weeks. All proceeds from the sale or disposition of
 3872 any lands or water storage areas pursuant to this section shall
 3873 be deposited into ~~in~~ the appropriate trust fund pursuant to s.
 3874 253.034(6)(k), (l), or (m) ~~Land Acquisition Trust Fund.~~

3875 Section 47. Section 375.041, Florida Statutes, is amended
 3876 to read:

3877 375.041 Land Acquisition Trust Fund.—

3878 (1) There is created a Land Acquisition Trust Fund within
 3879 the Department of Environmental Protection to implement the
 3880 provisions prescribed in s. 28, Art. X of the State Constitution
 3881 ~~facilitate and expedite the acquisition of land, water areas,~~
 3882 ~~and related resources required to accomplish the purposes of~~
 3883 ~~this act.~~ The Land Acquisition Trust Fund shall be held and
 3884 administered by the department. The Land Acquisition Trust Fund
 3885 shall continue for as long as bonds are outstanding pursuant to
 3886 s. 215.618 or s. 215.619, or any bonds secured on a parity basis
 3887 with such bonds, or until the requirements of s. 28, Art. X of
 3888 the State Constitution expire, whichever is later. All moneys
 3889 ~~and revenue from the operation, management, sale, lease, or~~
 3890 ~~other disposition of land, water areas, related resources, and~~
 3891 ~~the facilities thereon acquired or constructed under this act~~
 3892 ~~shall be deposited in or credited to the Land Acquisition Trust~~
 3893 ~~Fund. Moneys accruing to any agency for the purposes enumerated~~
 3894 ~~in this act may be deposited in this fund. There shall also be~~
 3895 ~~deposited into the Land Acquisition Trust Fund other moneys as~~
 3896 ~~authorized by appropriate act of the Legislature.~~ All moneys so
 3897 deposited into the Land Acquisition Trust Fund shall be trust
 3898 funds for the uses and purposes herein set forth, within the
 3899 meaning of s. 215.32(1)(b); and such moneys shall not become or
 3900 be commingled with the General Revenue Fund of the state, as

3901 defined by s. 215.32(1)(a).

3902 (2) Revenue from the sale or other disposition of land
 3903 shall be deposited into the appropriate trust fund pursuant to
 3904 s. 253.034(6)(k), (l), or (m). All moneys and revenue from the
 3905 operation, management, or lease of land, water areas, related
 3906 resources, and the facilities thereon acquired or constructed
 3907 under this chapter and chapter 380 shall be deposited into or
 3908 credited to the Internal Improvement Trust Fund.

3909 (3) Moneys from the Land Acquisition Trust Fund shall be
 3910 allocated as follows:

3911 (a) The amounts necessary to pay debt service or to fund
 3912 debt service reserve funds, rebate obligations, or other amounts
 3913 payable with respect to Florida Forever bonds issued under s.
 3914 215.618, and Everglades restoration bonds issued under s.
 3915 215.619, shall first be applied as provided in s. 201.15(3)(a)
 3916 and (b).

3917 (b) The amount necessary to pay debt service on bonds
 3918 issued before February 1, 2009, by the South Florida Water
 3919 Management District and the St. Johns River Water Management
 3920 District, which are secured by revenues provided pursuant to s.
 3921 373.59, Florida Statutes 2014, or necessary to fund debt service
 3922 reserve funds, rebate obligations, or other amounts payable with
 3923 respect to such bonds. This paragraph expires July 1, 2016.

3924 (c) Thirty-two million dollars to be distributed to the
 3925 South Florida Water Management District for the Long-Term Plan
 3926 as defined in s. 373.4592(2). This paragraph expires July 1,

3927 2024.

3928 (d) Any remaining funds to be provided in accordance with
 3929 the General Appropriations Act.

3930 (4) Moneys accruing to other agencies for the purposes
 3931 designated in subsection (1) shall be transferred pursuant to
 3932 nonoperating budget authority under s. 216.181(12). Agencies
 3933 must maintain the integrity of such moneys being transferred.
 3934 Any transferred moneys available from reversions or reductions
 3935 of budget authority in the other agencies shall be transferred
 3936 back to the Land Acquisition Trust Fund in the Department of
 3937 Environmental Protection within 15 days after such reversion or
 3938 reduction and be available for future appropriation pursuant to
 3939 s. 28, Art. X of the State Constitution.

3940 ~~(2) The moneys on deposit in the Land Acquisition Trust~~
 3941 ~~Fund shall be first applied to pay the rentals due under lease-~~
 3942 ~~purchase agreements or to meet debt service requirements of~~
 3943 ~~revenue bonds issued pursuant to s. 375.051; provided, however,~~
 3944 ~~that debt service on Save Our Coast bonds shall not be paid from~~
 3945 ~~moneys transferred to the Land Acquisition Trust Fund pursuant~~
 3946 ~~to s. 259.032(2)(b).~~

3947 ~~(3)(a) Any moneys in the Land Acquisition Trust Fund which~~
 3948 ~~are not pledged for rentals or debt service as provided in~~
 3949 ~~subsection (2) may be expended from time to time to acquire~~
 3950 ~~land, water areas, and related resources and to construct,~~
 3951 ~~improve, enlarge, extend, operate, and maintain capital~~
 3952 ~~improvements and facilities in accordance with the plan.~~

3953 ~~(b) In addition to the uses allowed under paragraph (a),~~
 3954 ~~for the 2014-2015 fiscal year, moneys in the Land Acquisition~~
 3955 ~~Trust Fund may be transferred to support the Total Maximum Daily~~
 3956 ~~Loads Program as provided in the General Appropriations Act.~~
 3957 ~~This paragraph expires July 1, 2015.~~

3958 ~~(c) For the 2014-2015 fiscal year only, moneys in the Land~~
 3959 ~~Acquisition Trust Fund may be transferred to the Save Our~~
 3960 ~~Everglades Trust Fund to support Everglades restoration projects~~
 3961 ~~included in the final report of the Select Committee on Indian~~
 3962 ~~River Lagoon and Lake Okeechobee Basin, dated November 8, 2013,~~
 3963 ~~and to the Florida Forever Trust Fund for the Florida Forever~~
 3964 ~~program pursuant to nonoperating budget authority under s.~~
 3965 ~~216.181(12). This paragraph expires July 1, 2015.~~

3966 ~~(4) The department may disburse moneys in the Land~~
 3967 ~~Acquisition Trust Fund to pay all necessary expenses to carry~~
 3968 ~~out the purposes of this act. The department shall disburse~~
 3969 ~~moneys from the Land Acquisition Trust Fund to the Fish and~~
 3970 ~~Wildlife Conservation Commission for the purpose of funding law~~
 3971 ~~enforcement services on state lands.~~

3972 (5) When the Legislature has authorized the Department of
 3973 Environmental Protection to condemn a specific parcel of land
 3974 and such parcel already has been approved for acquisition
 3975 through the fund, the land may be acquired in accordance with
 3976 the provisions of chapter 73 or chapter 74, and the fund may be
 3977 used to pay the condemnation award and all costs, including a
 3978 reasonable attorney fees ~~attorney's fee~~, associated with

3979 condemnation.

3980 Section 48. Subsection (2) of section 375.044, Florida
3981 Statutes, is amended to read:

3982 375.044 Land Acquisition Trust Fund budget request.—

3983 (2) The legislative budget request shall be submitted to
3984 the Executive Office of the Governor and the Legislature in
3985 conjunction with the provisions of ss. 216.023, 216.031, and
3986 216.043. The 10-year request shall include, but shall not be
3987 limited to:

3988 (a) A 10-year annual cash-flow analysis of the Land
3989 Acquisition Trust Fund.

3990 ~~(b) The requested schedule of the agency for issuance of~~
3991 ~~Save Our Coasts bonds.~~

3992 (b)(e) Forecasts of anticipated revenues to the Land
3993 Acquisition Trust Fund.

3994 (c)(d) The estimate of the agency of Land Acquisition
3995 Trust Fund encumbrances and commitments for each year and the
3996 corresponding estimates of expenditures.

3997 Section 49. Subsection (1) and paragraph (c) of subsection
3998 (2) of section 375.075, Florida Statutes, are amended to read:

3999 375.075 Outdoor recreation; financial assistance to local
4000 governments.—

4001 (1) The Department of Environmental Protection is
4002 authorized to establish the Florida Recreation Development
4003 Assistance Program to provide grants subject to legislative
4004 appropriation to qualified local governmental entities to

4005 acquire or develop land for public outdoor recreation purposes.
 4006 ~~To the extent not needed for debt service on bonds issued~~
 4007 ~~pursuant to s. 375.051, each year the department shall develop~~
 4008 ~~and plan a program which shall be based upon funding of not less~~
 4009 ~~than 5 percent of the money credited to the Land Acquisition~~
 4010 ~~Trust Fund pursuant to s. 201.15(2) and (3) in that year. The~~
 4011 department shall develop and plan a program that must ~~which~~
 4012 ~~shall~~ be based upon the ~~cumulative total~~ funding appropriated by
 4013 the Legislature for such purpose ~~provided from this section and~~
 4014 ~~from the Florida Forever Trust Fund pursuant to s.~~
 4015 ~~259.105(3)(d).~~

4016 (2)

4017 (c) Funds may not be released under ~~No release of funds~~
 4018 ~~from the Land Acquisition Trust Fund, or from the Florida~~
 4019 ~~Forever Trust Fund beginning in fiscal year 2001-2002, for this~~
 4020 program ~~may be made~~ for these public recreation projects until
 4021 the projects have been selected through the competitive
 4022 selection process provided for in this section.

4023 Section 50. Section 376.11, Florida Statutes, is amended
 4024 to read:

4025 376.11 Florida Coastal Protection Trust Fund.—

4026 (1) The purpose of this section is to provide a mechanism
 4027 to have financial resources immediately available for prevention
 4028 of, and cleanup and rehabilitation after, a pollutant discharge,
 4029 to prevent further damage by the pollutant, and to pay for
 4030 damages. It is the legislative intent that this section be

4031 | liberally construed to effect the purposes set forth, such
 4032 | interpretation being especially imperative in light of the
 4033 | danger to the environment and resources.

4034 | (2) The Florida Coastal Protection Trust Fund is
 4035 | established, to be used by the department and the Fish and
 4036 | Wildlife Conservation Commission as a nonlapsing revolving fund
 4037 | ~~for carrying out the purposes of ss. 376.011-376.21. To this~~
 4038 | ~~fund shall be credited all registration fees, penalties,~~
 4039 | ~~judgments, damages recovered pursuant to s. 376.121, other fees~~
 4040 | ~~and charges related to ss. 376.011-376.21, and the excise tax~~
 4041 | ~~revenues levied, collected, and credited pursuant to ss.~~
 4042 | ~~206.9935(1) and 206.9945(1)(a). Charges against the fund shall~~
 4043 | ~~be in accordance with this section.~~

4044 | (3) Moneys in the fund that are not needed currently to
 4045 | meet the obligations of the department in the exercise of its
 4046 | responsibilities under ss. 376.011-376.21 shall be deposited
 4047 | with the Chief Financial Officer to the credit of the fund and
 4048 | may be invested in such manner as is provided for by statute.
 4049 | Interest received on such investment shall be credited to the
 4050 | fund, except as otherwise specified herein.

4051 | (4) Charges against the fund shall be in accordance with
 4052 | this section.

4053 | (5) The following moneys shall be deposited into the
 4054 | Florida Coastal Protection Trust Fund:

4055 | (a) All registration fees, penalties, judgments, damages
 4056 | recovered pursuant to s. 376.161, other fees and charges related

HB 1291

2015

4057 to ss. 376.011-376.21, and the excise tax revenues levied,
 4058 collected, and credited pursuant to ss. 206.9935(1) and
 4059 206.9945(1) (a).

4060 (b) Proceeds from fines and awards of damages pursuant to
 4061 s. 161.054.

4062 (c) Funds from other sources otherwise specified by law.

4063 (6)(4) Moneys in the Florida Coastal Protection Trust Fund
 4064 may shall be used ~~disbursed~~ for the following ~~purposes and no~~
 4065 ~~others:~~

4066 (a) Administrative expenses, personnel expenses, and
 4067 equipment costs of the department and the Fish and Wildlife
 4068 Conservation Commission related to the enforcement of ss.
 4069 376.011-376.21.

4070 (b) All costs involved in the prevention and abatement of
 4071 pollution related to the discharge of pollutants covered by ss.
 4072 376.011-376.21 and the abatement of other potential pollution
 4073 hazards as authorized herein.

4074 (c) All costs and expenses of the cleanup, restoration,
 4075 and rehabilitation of waterfowl, wildlife, and all other natural
 4076 resources damaged by the discharge of pollutants, including the
 4077 costs of assessing and recovering damages to natural resources,
 4078 whether performed or authorized by the department or any other
 4079 state or local agency.

4080 (d) All provable costs and damages which are the proximate
 4081 results of the discharge of pollutants covered by ss. 376.011-
 4082 376.21.

4083 (e) Loans to the Inland Protection Trust Fund created in
4084 s. 376.3071.

4085 (f) The interest earned from investments of the balance in
4086 the Florida Coastal Protection Trust Fund shall be used for
4087 funding the administrative expenses, personnel expenses, and
4088 equipment costs of the department relating to the enforcement of
4089 ss. 376.011-376.21.

4090 (g) The funding of a grant program to local governments,
4091 pursuant to s. 376.15(3)(d) and (e), for the removal of derelict
4092 vessels from the public waters of the state.

4093 (h) The department may spend up to \$1 million per year
4094 from the principal of the fund to acquire, design, train, and
4095 maintain emergency cleanup response teams and equipment located
4096 at appropriate ports throughout the state for the purpose of
4097 cleaning oil and other toxic materials from coastal waters. When
4098 the teams and equipment are not needed for these purposes they
4099 may be used for any other valid purpose of the department.

4100 (i) To provide a temporary transfer of funds in an amount
4101 not to exceed \$10 million to the Minerals Trust Fund as set
4102 forth in s. 376.40.

4103 (j) Funding for marine law enforcement.

4104 (k) Carrying out the purposes of ss. 376.011-376.21.

4105 (7)~~(5)~~ Any interest in lands acquired using moneys in the
4106 Florida Coastal Protection Trust Fund shall be held by the
4107 Trustees of the Internal Improvement Trust Fund, and such lands
4108 shall be acquired pursuant to the procedures set forth in s.

4109 253.025.

4110 (8)~~(6)~~ The department shall recover to the use of the fund
 4111 from the person or persons causing the discharge or from the
 4112 Federal Government, jointly and severally, all sums owed or
 4113 expended from the fund, pursuant to s. 376.123(10), except that
 4114 recoveries resulting from damage due to a discharge of a
 4115 pollutant or other similar disaster shall be apportioned between
 4116 the Florida Coastal Protection Trust Fund and the General
 4117 Revenue Fund so as to repay the full costs to the General
 4118 Revenue Fund of any sums disbursed therefrom as a result of such
 4119 disaster. Requests for reimbursement to the fund for the above
 4120 costs, if not paid within 30 days of demand, shall be turned
 4121 over to the Department of Legal Affairs for collection.

4122 Section 51. Subsection (8) of section 376.123, Florida
 4123 Statutes, is amended to read:

4124 376.123 Claims against the Florida Coastal Protection
 4125 Trust Fund.—

4126 (8) If a person chooses to make a claim against the fund
 4127 and accepts payment from, or a judgment against, the fund, then
 4128 the department shall be subrogated to any cause of action that
 4129 the claimant may have had, to the extent of such payment or
 4130 judgment, and shall diligently pursue recovery on that cause of
 4131 action pursuant to subsection (10) and s. 376.11(8) ~~376.11(6)~~.
 4132 In any such action, the amount of damages shall be proved by the
 4133 department by submitting to the court a written report of the
 4134 amounts paid or owed from the fund to claimants. Such written

4135 report shall be admissible as evidence, and the amounts paid
 4136 from or owed by the fund to the claimants stated therein shall
 4137 be irrebuttably presumed to be the amount of damages.

4138 Section 52. Subsection (4) of section 376.307, Florida
 4139 Statutes, is amended, paragraphs (g) through (l) are added to
 4140 subsection (1), and subsection (8) is added to that section, to
 4141 read:

4142 376.307 Water Quality Assurance Trust Fund.—

4143 (1) The Water Quality Assurance Trust Fund is intended to
 4144 serve as a broad-based fund for use in responding to incidents
 4145 of contamination that pose a serious danger to the quality of
 4146 groundwater and surface water resources or otherwise pose a
 4147 serious danger to the public health, safety, or welfare. Moneys
 4148 in this fund may be used:

4149 (g) For detailed planning for and implementation of
 4150 programs for the management and restoration of ecosystems.

4151 (h) For development and implementation of surface water
 4152 improvement and management plans and programs under ss. 373.451-
 4153 373.4595.

4154 (i) For activities to restore polluted water areas of the
 4155 state, as defined by the department, to their condition before
 4156 pollution occurred or to otherwise enhance pollution control
 4157 activities.

4158 (j) For activities by the department to recover moneys as
 4159 a result of actions against any person for a violation of
 4160 chapter 373.

4161 (k) For activities authorized for the implementation of
 4162 Leah Schad Memorial Ocean Outfall Program pursuant to s.
 4163 403.086(9).

4164 (l) For funding activities to restore or rehabilitate
 4165 injured or destroyed coral reefs.

4166 (4) The trust fund shall be funded as follows:

4167 (a) An annual transfer of interest funds from the Florida
 4168 Coastal Protection Trust Fund pursuant to s. 376.11(6)(f)
 4169 ~~376.11(4)(f)~~.

4170 (b) All excise taxes levied, collected, and credited to
 4171 the Water Quality Assurance Trust Fund in accordance with the
 4172 provisions of ss. 206.9935(2) and 206.9945(1)(b).

4173 (c) All penalties, judgments, recoveries, reimbursements,
 4174 and other fees and charges related to the enforcement of ss.
 4175 376.30-376.317, other than penalties, judgments, and other fees
 4176 and charges related to the enforcement of ss. 376.3071 and
 4177 376.3073.

4178 (d) The fee on the retail sale of lead-acid batteries
 4179 credited to the Water Quality Assurance Trust Fund under s.
 4180 403.7185.

4181 (e) All penalties, judgments, recoveries, reimbursements,
 4182 loans, and other fees and charges collected under s. 376.3078;
 4183 tax revenues levied, collected, and credited under ss. 376.70
 4184 and 376.75; and registration fees collected under s.
 4185 376.303(1)(d).

4186 (f) All civil penalties recovered pursuant to s.

4187 373.129(5) (a).

4188 (g) Funds appropriated by the Legislature for the purposes
 4189 of ss. 373.451-373.4598.

4190 (h) Moneys collected pursuant to s. 403.121 and designated
 4191 for deposit into the Water Quality Assurance Trust Fund.

4192 (i) Moneys recovered by the state as a result of
 4193 activities against a person for a violation of chapter 373 or
 4194 chapter 403 initiated by the department.

4195 (j) Damages recovered for coral reef protection pursuant
 4196 to s. 304.93345.

4197 (k) Funds available for the Leah Schad Memorial Ocean
 4198 Outfall Program pursuant to s. 403.08601.

4199 (l) Funds received by the state for injury to or
 4200 destruction of coral reefs, which moneys would otherwise be
 4201 deposited into the General Revenue Fund or the Internal
 4202 Improvement Trust Fund. The department may enter into settlement
 4203 agreements that require responsible parties to pay a third party
 4204 to fund projects related to the restoration of a coral reef, to
 4205 accomplish mitigation for injury to a coral reef, or to support
 4206 the activities of law enforcement agencies related to coral reef
 4207 injury response, investigation, and assessment. Participation of
 4208 a law enforcement agency in the receipt of such funds shall be
 4209 at the law enforcement agency's discretion.

4210 (m) Moneys from sources otherwise specified by law.

4211 (8) A settlement entered into by the department may not
 4212 limit the Legislature's authority to appropriate moneys from the

4213 trust fund; however, the department may enter into a settlement
 4214 in which the department agrees to request that moneys received
 4215 pursuant to the settlement will be included in its legislative
 4216 budget request for purposes set out in the settlement. The
 4217 department may enter into a settlement in cases involving joint
 4218 enforcement with Hillsborough County pollution control program,
 4219 as approved by the department pursuant to s. 403.182, in which
 4220 the department agreed that moneys are to be deposited into that
 4221 local program's pollution recovery fund and used for projects
 4222 directed toward addressing the environmental damage that was the
 4223 cause of action for which funds were received.

4224 Section 53. Subsection (4) of section 376.40, Florida
 4225 Statutes, is amended to read:

4226 376.40 Petroleum exploration and production; purposes;
 4227 funding.—

4228 (4) FUNDING.—There shall be deposited in the Minerals
 4229 Trust Fund:

4230 (a) All fees charged permittees under ss. 377.24(1),
 4231 377.2408(1), and 377.2425(1) (b).

4232 (b) All penalties, judgments, recoveries, reimbursements,
 4233 and other fees and charges related to the implementation of this
 4234 section.

4235 (c) Any other funds required to be deposited in the trust
 4236 fund under provisions of law.

4237

4238 If moneys on deposit in the trust fund are not sufficient to

4239 satisfy the needed remedial or corrective action, and if the
 4240 responsible party does not take remedial and corrective action
 4241 in a timely manner or if a catastrophic event occurs, a
 4242 temporary transfer of the required amount, or a maximum of \$10
 4243 million, from the Florida Coastal Protection Trust Fund pursuant
 4244 to s. 376.11(6)(j) ~~376.11(4)(i)~~ is authorized. The Florida
 4245 Coastal Protection Trust Fund shall be reimbursed immediately
 4246 upon deposit into the Minerals Trust Fund of moneys referred to
 4247 in paragraph (b).

4248 Section 54. Subsection (2) of section 379.206, Florida
 4249 Statutes, is amended to read:

4250 379.206 Grants and Donations Trust Fund.—

4251 (2) The fund is established for use as a depository for
 4252 funds to be used for allowable grant and donor agreement
 4253 activities funded by restricted contractual revenue. Moneys to
 4254 be credited to the trust fund shall consist of grants and
 4255 donations from private and public nonfederal sources,
 4256 development-of-regional-impact wildlife mitigation
 4257 contributions, interest earnings, and cash advances from other
 4258 trust funds.

4259 Section 55. Paragraphs (a) and (b) of subsection (1) and
 4260 subsection (2) of section 379.212, Florida Statutes, are
 4261 amended, and subsection (3) is added to that section to read:

4262 379.212 Land Acquisition Trust Fund.—

4263 (1) (a) There is established within the Fish and Wildlife
 4264 Conservation Commission the Land Acquisition Trust Fund to

4265 implement the provisions prescribed in s. 28, Art. X of the
 4266 State Constitution for the Purpose of acquiring, assisting other
 4267 agencies or local governments in acquiring, or managing lands
 4268 important to the conservation of fish and wildlife.

4269 (b) The Fish and Wildlife Conservation Commission or its
 4270 designee shall manage such lands for the primary purpose of
 4271 maintaining and enhancing their habitat value for fish and
 4272 wildlife. Other uses may be allowed that are not contrary to
 4273 this purpose.

4274 (2) The fund may be credited with funds transferred from
 4275 the Land Acquisition Trust Fund within the Department of
 4276 Environmental Protection as provided in s. 375.041 Moneys which
 4277 may be deposited into the Land Acquisition Trust Fund for the
 4278 purposes of this section may include, but not be limited to,
 4279 donations, grants, development of regional impact wildlife
 4280 mitigation contributions, or legislative appropriations.
 4281 Preservation 2000 acquisition moneys and Conservation and
 4282 Recreation Lands management moneys shall not be deposited into
 4283 this fund.

4284 (3) The Fish and Wildlife Conservation Commission must
 4285 maintain the integrity of such moneys transferred from the
 4286 Department of Environmental Protection. Any transferred moneys
 4287 available from reversions or reductions in budget authority
 4288 shall be transferred back to the Land Acquisition Trust Fund in
 4289 the Department of Environmental Protection within 15 days after
 4290 such reversions or reductions and shall be available for future

HB 1291

2015

4291 appropriation pursuant to s. 28, Art. X of the State
 4292 Constitution.

4293 Section 56. Subsection (2) of section 379.214, Florida
 4294 Statutes, is amended to read:

4295 379.214 Invasive Plant Control Trust Fund.—

4296 (2) Funds to be credited to and uses of the trust fund
 4297 shall be administered in accordance with the provisions of ss.
 4298 ~~201.157~~, 206.606, 328.76, 369.20, 369.22, 369.252, and 379.502.

4299 Section 57. Subsection (12) of section 380.0666, Florida
 4300 Statutes, is amended to read:

4301 380.0666 Powers of land authority.—The land authority
 4302 shall have all the powers necessary or convenient to carry out
 4303 and effectuate the purposes and provisions of this act,
 4304 including the following powers, which are in addition to all
 4305 other powers granted by other provisions of this act:

4306 (12) To identify parcels of land within the area or areas
 4307 of critical state concern that would be appropriate acquisitions
 4308 by the state ~~from the Conservation and Recreational Lands Trust~~
 4309 ~~Fund~~ and recommend such acquisitions to the advisory council
 4310 established pursuant to s. 259.035 or its successor.

4311 Section 58. Subsection (11) of section 380.507, Florida
 4312 Statutes, is amended to read:

4313 380.507 Powers of the trust.—The trust shall have all the
 4314 powers necessary or convenient to carry out the purposes and
 4315 provisions of this part, including:

4316 (11) To make rules necessary to carry out the purposes of

4317 | this part and to exercise any power granted in this part,
 4318 | pursuant to ~~the provisions of~~ chapter 120. The trust shall adopt
 4319 | rules governing the acquisition of lands using proceeds from the
 4320 | ~~Preservation 2000 Trust Fund and the~~ Florida Forever Trust Fund,
 4321 | consistent with the intent expressed in the Florida Forever Act.
 4322 | Such rules for land acquisition must include, but are not
 4323 | limited to, procedures for appraisals and confidentiality
 4324 | consistent with ss. 125.355(1)(a) and (b) and 166.045(1)(a) and
 4325 | (b), a method of determining a maximum purchase price, and
 4326 | procedures to assure that the land is acquired in a voluntarily
 4327 | negotiated transaction, surveyed, conveyed with marketable
 4328 | title, and examined for hazardous materials contamination. Land
 4329 | acquisition procedures of a local land authority created
 4330 | pursuant to s. 380.0663 or s. 380.0677, Florida Statutes 2014,
 4331 | may be used for the land acquisition programs described in s. by
 4332 | ~~ss.~~ 259.101(3)(c), Florida Statutes 2014, and s. 259.105 if
 4333 | within areas of critical state concern designated pursuant to s.
 4334 | 380.05, subject to approval of the trust.

4335 | Section 59. Subsection (4) of section 380.508, Florida
 4336 | Statutes, is amended to read:

4337 | 380.508 Projects; development, review, and approval.—

4338 | (4) Projects or activities which the trust undertakes,
 4339 | coordinates, or funds in any manner shall comply with the
 4340 | following guidelines:

4341 | (a) The purpose of redevelopment projects shall be to
 4342 | restore areas which are adversely affected by scattered

4343 ownership, poor lot layout, inadequate park and open space,
 4344 incompatible land uses, or other conditions which endanger the
 4345 environment or impede orderly development. Grants and loans
 4346 awarded for redevelopment projects shall be used for assembling
 4347 parcels of land within redevelopment project areas for the
 4348 redesign of such areas and for the installation of public
 4349 improvements required to serve such areas. After redesign and
 4350 installation of public improvements, if any, lands in
 4351 redevelopment projects, with the exception of lands acquired for
 4352 public purposes, shall be conveyed to any person for development
 4353 in accordance with a redevelopment project plan approved
 4354 according to this part.

4355 (b) The purpose of resource enhancement projects shall be
 4356 to enhance natural resources which, because of indiscriminate
 4357 dredging or filling, improper location of improvements, natural
 4358 or human-induced events, or incompatible land uses, have
 4359 suffered loss of natural and scenic values. Grants and loans
 4360 awarded for resource enhancement projects shall be used for the
 4361 assembly of parcels of land to improve resource management, for
 4362 relocation of improperly located or designed improvements, and
 4363 for other corrective measures which will enhance the natural and
 4364 scenic character of project areas.

4365 (c) The purpose of public access projects shall be to
 4366 acquire interests in and initially develop lands which are
 4367 suitable for and which will be used for public accessways to
 4368 surface waters. The trust shall identify local governments and

4369 nonprofit organizations which will accept responsibility for
 4370 maintenance and liability for public accessways which are
 4371 located outside the state park system. The trust may lease any
 4372 public access site developed under this part to a local
 4373 government or nonprofit organization, provided that the
 4374 conditions of the lease guarantee public use of the site. The
 4375 trust may accept, from any local government or nonprofit
 4376 organization, fees collected for providing public access to
 4377 surface waters. The trust shall expend any such funds it accepts
 4378 only for acquisition, development, and maintenance of such
 4379 public accessways. To the maximum extent possible, the trust
 4380 shall expend such fees in the general area where they are
 4381 collected or in areas where public access to surface waters is
 4382 clearly deficient. The trust may transfer funds, including such
 4383 fees, to a local government or nonprofit organization to acquire
 4384 public access sites. In developing or coordinating public access
 4385 projects, the trust shall ensure that project plans involving
 4386 beach access are consistent with state laws governing beach
 4387 access.

4388 (d) The purpose of urban waterfront restoration projects
 4389 shall be to restore deteriorated or deteriorating urban
 4390 waterfronts for public use and enjoyment. Urban waterfront
 4391 restoration projects shall include public access sites.

4392 (e) The purpose of working waterfront projects shall be to
 4393 restore and preserve working waterfronts as provided in s.
 4394 380.5105.

4395 (f) The trust shall cooperate with local governments,
 4396 state agencies, federal agencies, and nonprofit organizations in
 4397 ensuring the reservation of lands for parks, recreation, fish
 4398 and wildlife habitat, historical preservation, or scientific
 4399 study. If a ~~In the event that any~~ local government, state
 4400 agency, federal agency, or nonprofit organization is unable, due
 4401 to limited financial resources or other circumstances of a
 4402 temporary nature, to acquire a site for the purposes described
 4403 in this paragraph, the trust may acquire and hold the site for
 4404 subsequent conveyance to the appropriate governmental agency or
 4405 nonprofit organization. The trust may provide such technical
 4406 assistance as is required to aid the local government
 4407 ~~governments~~, state and federal agency agencies, and nonprofit
 4408 organization organizations in completing acquisition and related
 4409 functions. The trust may ~~shall~~ not reserve lands acquired in
 4410 accordance with this paragraph for more than 5 years from the
 4411 time of acquisition. A local government, federal or state
 4412 agency, or nonprofit organization may acquire the land at any
 4413 time during this period for public purposes. The purchase price
 4414 shall be based upon the trust's cost of acquisition, plus
 4415 administrative and management costs in reserving the land. The
 4416 payment of the ~~this~~ purchase price shall be by money, trust-
 4417 approved property of an equivalent value, or a combination of
 4418 money and trust-approved property. If, after the 5-year period,
 4419 the trust has not sold to a governmental agency or nonprofit
 4420 organization land acquired for site reservation, the trust shall

4421 dispose of such land at fair market value or shall trade it for
 4422 other land of comparable value which will serve to accomplish
 4423 the purposes of this part. Any proceeds from the sale of such
 4424 land shall be deposited into ~~in~~ the appropriate trust fund
 4425 pursuant to s. 253.034(6)(k), (l), or (m). All moneys and
 4426 revenue from the operation, management, lease, of land, water
 4427 areas, related resources, and the facilities thereon acquired or
 4428 constructed under this part shall be credited to or deposited
 4429 into the Internal Improvement ~~Florida Communities~~ Trust Fund.

4430
 4431 Project costs may include costs of providing parks, open space,
 4432 public access sites, scenic easements, and other areas and
 4433 facilities serving the public where such features are part of a
 4434 project plan approved according to this part. In undertaking or
 4435 coordinating projects or activities authorized under ~~by~~ this
 4436 part, the trust shall, when appropriate, use and promote the use
 4437 of creative land acquisition methods, including the acquisition
 4438 of less than fee interest through, among other methods,
 4439 conservation easements, transfer of development rights, leases,
 4440 and leaseback arrangements. The trust also shall assist local
 4441 governments in the use of sound alternative methods of financing
 4442 for funding projects and activities authorized under ~~by~~ this
 4443 part. Any funds over and above eligible project costs, which
 4444 remain after completion of a project approved according to this
 4445 part, shall be transmitted to the state and deposited into ~~in~~
 4446 the Florida Forever ~~Florida Communities~~ Trust Fund.

HB 1291

2015

4447 Section 60. Paragraph (f) of subsection (3) and
 4448 subsections (5) and (7) of section 380.510, Florida Statutes,
 4449 are amended to read:

4450 380.510 Conditions of grants and loans.-

4451 (3) In the case of a grant or loan for land acquisition,
 4452 agreements shall provide all of the following:

4453 ~~(f) The term of any grant using funds received from the~~
 4454 ~~Preservation 2000 Trust Fund, pursuant to s. 259.101(3)(c),~~
 4455 ~~shall be for a period not to exceed 24 months. The governing~~
 4456 ~~board of the trust may offer a grant with a shorter term and may~~
 4457 ~~extend a grant beyond 24 months when the grant recipient~~
 4458 ~~demonstrates that significant progress is being made toward~~
 4459 ~~closing the project or that extenuating circumstances warrant an~~
 4460 ~~extension of time. If a local government project which was~~
 4461 ~~awarded a grant is not closed within 24 months and the governing~~
 4462 ~~board of the trust does not grant an extension, the grant~~
 4463 ~~reverts to the trust's unencumbered balance of Preservation 2000~~
 4464 ~~funds to be redistributed to other eligible projects. The local~~
 4465 ~~government may reapply for a grant to fund the project in the~~
 4466 ~~trust's next application cycle.~~

4467
 4468 Any deed or other instrument of conveyance whereby a nonprofit
 4469 organization or local government acquires real property under
 4470 this section shall set forth the interest of the state. The
 4471 trust shall keep at least one copy of any such instrument and
 4472 shall provide at least one copy to the Board of Trustees of the

4473 Internal Improvement Trust Fund.

4474 (5) Any funds the trust collects from a nonprofit
 4475 organization or local government under a grant or loan agreement
 4476 shall be deposited into ~~in~~ the Internal Improvement Florida
 4477 ~~Communities~~ Trust Fund within the Department of Environmental
 4478 Protection.

4479 (7) Any funds received by the trust ~~from the Preservation~~
 4480 ~~2000 Trust Fund pursuant to s. 259.101(3)(c) and the Florida~~
 4481 ~~Forever Trust Fund pursuant to s. 259.105(3)(c) or s. 375.041~~
 4482 shall be held separate and apart from any other funds held by
 4483 the trust and ~~shall be~~ used for the land acquisition purposes of
 4484 this part. ~~In addition to the other conditions set forth in this~~
 4485 ~~section, the disbursement of Preservation 2000 and Florida~~
 4486 ~~Forever funds from the trust shall be subject to the following~~
 4487 ~~conditions:~~

4488 (a) The administration and use of Florida Forever ~~any~~
 4489 ~~funds are received by the trust from the Preservation 2000 Trust~~
 4490 ~~Fund and the Florida Forever Trust Fund shall be~~ subject to such
 4491 terms and conditions imposed thereon by the agency of the state
 4492 responsible for the bonds, the proceeds of which are deposited
 4493 into ~~in the Preservation 2000 Trust Fund and the Florida Forever~~
 4494 ~~Trust Fund, including restrictions imposed to ensure that the~~
 4495 ~~interest on any such bonds issued by the state as tax-exempt~~
 4496 ~~bonds are will not be~~ included in the gross income of the
 4497 holders of such bonds for federal income tax purposes.

4498 (b) All deeds or leases with respect to any real property

4499 | acquired with funds received by the trust from the Preservation
 4500 | 2000 Trust Fund, the Florida Forever Trust Fund, or the Land
 4501 | Acquisition Trust Fund must ~~shall~~ contain such covenants and
 4502 | restrictions as are sufficient to ensure that the use of such
 4503 | real property at all times complies with ~~s. 375.051 and~~ s. 9,
 4504 | Art. XII of the State Constitution. Each deed or lease ~~All deeds~~
 4505 | ~~or leases~~ with respect to any real property acquired with funds
 4506 | received by the trust from the Florida Forever Trust Fund must
 4507 | ~~shall~~ contain such covenants and restrictions as are sufficient
 4508 | to ensure that the use of such real property at all times
 4509 | complies with s. 11(e), Art. VII of the State Constitution. Each
 4510 | deed or lease must ~~shall~~ contain a reversion, conveyance, or
 4511 | termination clause that vests ~~will vest~~ title in the Board of
 4512 | Trustees of the Internal Improvement Trust Fund if any of the
 4513 | covenants or restrictions are violated by the titleholder or
 4514 | leaseholder or by some third party with the knowledge of the
 4515 | titleholder or leaseholder.

4516 | Section 61. Subsection (2) of section 403.0615, Florida
 4517 | Statutes, is amended to read:

4518 | 403.0615 Water resources restoration and preservation.—

4519 | (2) The department shall establish a program, subject to
 4520 | specific legislative appropriation, to assist in the restoration
 4521 | and preservation of bodies of water and to enhance existing
 4522 | public access when deemed necessary for the enhancement of the
 4523 | restoration effort. ~~This program shall be funded from the~~
 4524 | ~~General Revenue Fund, from funds available from the Ecosystem~~

4525 ~~Management and Restoration Trust Fund, and from available~~
 4526 ~~federal moneys.~~

4527 Section 62. Section 403.08601, Florida Statutes, is
 4528 amended to read:

4529 403.08601 Leah Schad Memorial Ocean Outfall Program.—The
 4530 Legislature declares that as funds become available the state
 4531 may assist the local governments and agencies responsible for
 4532 implementing the Leah Schad Memorial Ocean Outfall Program
 4533 pursuant to s. 403.086(9). Funds received from other sources
 4534 provided for in law, the General Appropriations Act, from gifts
 4535 designated for implementation of the plan from individuals,
 4536 corporations, or other entities, or federal funds appropriated
 4537 by Congress for implementation of the plan, may be deposited
 4538 into an account of the Water Quality Assurance Ecosystem
 4539 ~~Management and Restoration Trust Fund created pursuant to s.~~
 4540 ~~403.1651.~~

4541 Section 63. Subsection (11) of section 403.121, Florida
 4542 Statutes, is amended to read:

4543 403.121 Enforcement; procedure; remedies.—The department
 4544 shall have the following judicial and administrative remedies
 4545 available to it for violations of this chapter, as specified in
 4546 s. 403.161(1).

4547 (11) Penalties collected pursuant to this section shall be
 4548 deposited into ~~in~~ the Water Quality Assurance Ecosystem
 4549 ~~Management and Restoration~~ Trust Fund or other trust fund
 4550 designated by statute and shall be used to fund the restoration

4551 of ecosystems, or polluted areas of the state, as defined by the
 4552 department, to their condition before pollution occurred. The
 4553 Florida Conflict Resolution Consortium may use a portion of the
 4554 fund to administer the mediation process provided in paragraph
 4555 (2)(e) and to contract with private mediators for administrative
 4556 penalty cases.

4557 Section 64. Subsection (1) of section 403.885, Florida
 4558 Statutes, is amended to read:

4559 403.885 Water Projects Grant Program.—

4560 (1) The Department of Environmental Protection shall
 4561 administer a grant program to use funds ~~transferred pursuant to~~
 4562 ~~s. 212.20 to the Ecosystem Management and Restoration Trust Fund~~
 4563 ~~or other moneys~~ as appropriated by the Legislature for water
 4564 quality improvement, stormwater management, wastewater
 4565 management, and water restoration and other water projects as
 4566 specifically appropriated by the Legislature. Eligible
 4567 recipients of such grants include counties, municipalities,
 4568 water management districts, and special districts that have
 4569 legal responsibilities for water quality improvement, water
 4570 management, stormwater management, wastewater management, lake
 4571 and river water restoration projects, and drinking water
 4572 projects pursuant to this section.

4573 Section 65. Subsection (6) of section 403.9325, Florida
 4574 Statutes, is amended to read:

4575 403.9325 Definitions.—For the purposes of ss. 403.9321-
 4576 403.9333, the term:

HB 1291

2015

4577 (6) "Public lands that have been set aside for
 4578 conservation or preservation" means:
 4579 (a) Conservation and recreation lands under chapter 259;
 4580 (b) State and national parks;
 4581 (c) State and national reserves and preserves, except as
 4582 provided in s. 403.9326(3);
 4583 (d) State and national wilderness areas;
 4584 (e) National wildlife refuges (only those lands under
 4585 Federal Government ownership);
 4586 (f) Lands acquired through the Water Management Lands
 4587 Trust Fund, Save Our Rivers Program;
 4588 (g) Lands acquired under the Save Our Coast program;
 4589 (h) Lands acquired under the environmentally endangered
 4590 lands bond program;
 4591 (i) Public lands designated as conservation or
 4592 preservation under a local government comprehensive plan;
 4593 (j) Lands purchased by a water management district, the
 4594 Fish and Wildlife Conservation Commission, or any other state
 4595 agency for conservation or preservation purposes;
 4596 (k) Public lands encumbered by a conservation easement
 4597 that does not provide for the trimming of mangroves; ~~and~~
 4598 (l) Public lands designated as critical wildlife areas by
 4599 the Fish and Wildlife Conservation Commission; and
 4600 (m) Lands and interests acquired with funds deposited into
 4601 the Land Acquisition Trust Fund pursuant to s. 28, Art. X of the
 4602 State Constitution.

4603 Section 66. Paragraph (f) of subsection (3) and subsection
 4604 (11) of section 403.93345, Florida Statutes, are amended to
 4605 read:

4606 403.93345 Coral reef protection.—

4607 (3) As used in this section, the term:

4608 (f) "Fund" means the Water Quality Assurance ~~Ecosystem~~
 4609 ~~Management and Restoration~~ Trust Fund.

4610 (11) All damages recovered by or on behalf of this state
 4611 for injury to, or destruction of, the coral reefs of the state
 4612 that would otherwise be deposited into ~~in~~ the general revenue
 4613 accounts of the State Treasury or in the Internal Improvement
 4614 Trust Fund shall be deposited into ~~in~~ the Water Quality
 4615 Assurance ~~Ecosystem Management and Restoration~~ Trust Fund in the
 4616 department and shall remain in such account until expended by
 4617 the department for the purposes of this section. Moneys in the
 4618 fund received from damages recovered for injury to, or
 4619 destruction of, coral reefs must be expended only for the
 4620 following purposes:

4621 (a) To provide funds to the department for reasonable
 4622 costs incurred in obtaining payment of the damages for injury
 4623 to, or destruction of, coral reefs, including administrative
 4624 costs and costs of experts and consultants. Such funds may be
 4625 provided in advance of recovery of damages.

4626 (b) To pay for restoration or rehabilitation of the
 4627 injured or destroyed coral reefs or other natural resources by a
 4628 state agency or through a contract to any qualified person.

4629 (c) To pay for alternative projects selected by the
 4630 department. Any such project shall be selected on the basis of
 4631 its anticipated benefits to the residents of this state who used
 4632 the injured or destroyed coral reefs or other natural resources
 4633 or will benefit from the alternative project.

4634 (d) All claims for trust fund reimbursements under
 4635 paragraph (a) must be made within 90 days after payment of
 4636 damages is made to the state.

4637 (e) Each private recipient of fund disbursements shall be
 4638 required to agree in advance that its accounts and records of
 4639 expenditures of such moneys are subject to audit at any time by
 4640 appropriate state officials and to submit a final written report
 4641 describing such expenditures within 90 days after the funds have
 4642 been expended.

4643 (f) When payments are made to a state agency from the fund
 4644 for expenses compensable under this subsection, such
 4645 expenditures shall be considered as being for extraordinary
 4646 expenses, and no agency appropriation shall be reduced by any
 4647 amount as a result of such reimbursement.

4648 Section 67. Subsections (5) and (6) of section 420.5092,
 4649 Florida Statutes, are amended to read:

4650 420.5092 Florida Affordable Housing Guarantee Program.—

4651 (5) Pursuant to s. 16, Art. VII of the State Constitution,
 4652 the corporation may issue, in accordance with s. 420.509,
 4653 revenue bonds of the corporation to establish the guarantee
 4654 fund. Such revenue bonds shall be primarily payable from and

4655 secured by annual debt service reserves, from interest earned on
 4656 funds on deposit in the guarantee fund, from fees, charges, and
 4657 reimbursements established by the corporation for the issuance
 4658 of affordable housing guarantees, and from any other revenue
 4659 sources received by the corporation and deposited by the
 4660 corporation into the guarantee fund for the issuance of
 4661 affordable housing guarantees. To the extent such primary
 4662 revenue sources are considered insufficient by the corporation,
 4663 pursuant to the certification provided in subsection (6), to
 4664 fully fund the annual debt service reserve, the certified
 4665 deficiency in such reserve shall be additionally payable from
 4666 the first proceeds of the documentary stamp tax moneys deposited
 4667 into the State Housing Trust Fund pursuant to s. 201.15(5)(d)
 4668 and (5)(e) ~~201.15(9)(a) and (10)(a)~~ during the ensuing state
 4669 fiscal year.

4670 (6)(a) If the primary revenue sources to be used for
 4671 repayment of revenue bonds used to establish the guarantee fund
 4672 are insufficient for such repayment, the annual principal and
 4673 interest due on each series of revenue bonds shall be payable
 4674 from funds in the annual debt service reserve. The corporation
 4675 shall, before June 1 of each year, perform a financial audit to
 4676 determine whether at the end of the state fiscal year there will
 4677 be on deposit in the guarantee fund an annual debt service
 4678 reserve from interest earned pursuant to the investment of the
 4679 guarantee fund, fees, charges, and reimbursements received from
 4680 issued affordable housing guarantees and other revenue sources

4681 available to the corporation. Based upon the findings in such
 4682 guarantee fund financial audit, the corporation shall certify to
 4683 the Chief Financial Officer the amount of any projected
 4684 deficiency in the annual debt service reserve for any series of
 4685 outstanding bonds as of the end of the state fiscal year and the
 4686 amount necessary to maintain such annual debt service reserve.
 4687 Upon receipt of such certification, the Chief Financial Officer
 4688 shall transfer to the annual debt service reserve, from the
 4689 first available taxes distributed to the State Housing Trust
 4690 Fund pursuant to s. 201.15(5)(d) and (5)(e) ~~201.15(9)(a) and~~
 4691 ~~(10)(a)~~ during the ensuing state fiscal year, the amount
 4692 certified as necessary to maintain the annual debt service
 4693 reserve.

4694 (b) If the claims payment obligations under affordable
 4695 housing guarantees from amounts on deposit in the guarantee fund
 4696 would cause the claims paying rating assigned to the guarantee
 4697 fund to be less than the third-highest rating classification of
 4698 any nationally recognized rating service, which classifications
 4699 being consistent with s. 215.84(3) and rules adopted thereto by
 4700 the State Board of Administration, the corporation shall certify
 4701 to the Chief Financial Officer the amount of such claims payment
 4702 obligations. Upon receipt of such certification, the Chief
 4703 Financial Officer shall transfer to the guarantee fund, from the
 4704 first available taxes distributed to the State Housing Trust
 4705 Fund pursuant to s. 201.15(5)(d) and (5)(e) ~~201.15(9)(a) and~~
 4706 ~~(10)(a)~~ during the ensuing state fiscal year, the amount

4707 certified as necessary to meet such obligations, such transfer
 4708 to be subordinate to any transfer referenced in paragraph (a)
 4709 and not to exceed 50 percent of the amounts distributed to the
 4710 State Housing Trust Fund pursuant to s. 201.15(5)(d) and (5)(e)
 4711 ~~201.15 (9)(a) and (10)(a)~~ during the preceding state fiscal
 4712 year.

4713 Section 68. Subsections (1), (2), and (3) of section
 4714 420.9073, Florida Statutes, are amended to read:

4715 420.9073 Local housing distributions.—

4716 (1) Distributions calculated in this section shall be
 4717 disbursed on a quarterly or more frequent basis by the
 4718 corporation pursuant to s. 420.9072, subject to availability of
 4719 funds. Each county's share of the funds to be distributed from
 4720 the portion of the funds in the Local Government Housing Trust
 4721 Fund received pursuant to s. 201.15(5)(d) ~~201.15(9)~~ shall be
 4722 calculated by the corporation for each fiscal year as follows:

4723 (a) Each county other than a county that has implemented
 4724 the provisions of chapter 83-220, Laws of Florida, as amended by
 4725 chapters 84-270, 86-152, and 89-252, Laws of Florida, shall
 4726 receive the guaranteed amount for each fiscal year.

4727 (b) Each county other than a county that has implemented
 4728 the provisions of chapter 83-220, Laws of Florida, as amended by
 4729 chapters 84-270, 86-152, and 89-252, Laws of Florida, may
 4730 receive an additional share calculated as follows:

4731 1. Multiply each county's percentage of the total state
 4732 population excluding the population of any county that has

4733 implemented the provisions of chapter 83-220, Laws of Florida,
 4734 as amended by chapters 84-270, 86-152, and 89-252, Laws of
 4735 Florida, by the total funds to be distributed.

4736 2. If the result in subparagraph 1. is less than the
 4737 guaranteed amount as determined in subsection (3), that county's
 4738 additional share shall be zero.

4739 3. For each county in which the result in subparagraph 1.
 4740 is greater than the guaranteed amount as determined in
 4741 subsection (3), the amount calculated in subparagraph 1. shall
 4742 be reduced by the guaranteed amount. The result for each such
 4743 county shall be expressed as a percentage of the amounts so
 4744 determined for all counties. Each such county shall receive an
 4745 additional share equal to such percentage multiplied by the
 4746 total funds received by the Local Government Housing Trust Fund
 4747 pursuant to s. 201.15(5)(d) ~~201.15(9)~~ reduced by the guaranteed
 4748 amount paid to all counties.

4749 (2) Distributions calculated in this section shall be
 4750 disbursed on a quarterly or more frequent basis by the
 4751 corporation pursuant to s. 420.9072, subject to availability of
 4752 funds. Each county's share of the funds to be distributed from
 4753 the portion of the funds in the Local Government Housing Trust
 4754 Fund received pursuant to s. 201.15(5)(e) ~~201.15(10)~~ shall be
 4755 calculated by the corporation for each fiscal year as follows:

4756 (a) Each county shall receive the guaranteed amount for
 4757 each fiscal year.

4758 (b) Each county may receive an additional share calculated

4759 as follows:

4760 1. Multiply each county's percentage of the total state
4761 population, by the total funds to be distributed.

4762 2. If the result in subparagraph 1. is less than the
4763 guaranteed amount as determined in subsection (3), that county's
4764 additional share shall be zero.

4765 3. For each county in which the result in subparagraph 1.
4766 is greater than the guaranteed amount, the amount calculated in
4767 subparagraph 1. shall be reduced by the guaranteed amount. The
4768 result for each such county shall be expressed as a percentage
4769 of the amounts so determined for all counties. Each such county
4770 shall receive an additional share equal to this percentage
4771 multiplied by the total funds received by the Local Government
4772 Housing Trust Fund pursuant to s. 201.15(5)(e) ~~201.15(10)~~ as
4773 reduced by the guaranteed amount paid to all counties.

4774 (3) Calculation of guaranteed amounts:

4775 (a) The guaranteed amount under subsection (1) shall be
4776 calculated for each state fiscal year by multiplying \$350,000 by
4777 a fraction, the numerator of which is the amount of funds
4778 distributed to the Local Government Housing Trust Fund pursuant
4779 to s. 201.15(5)(d) ~~201.15(9)~~ and the denominator of which is the
4780 total amount of funds distributed to the Local Government
4781 Housing Trust Fund pursuant to s. 201.15.

4782 (b) The guaranteed amount under subsection (2) shall be
4783 calculated for each state fiscal year by multiplying \$350,000 by
4784 a fraction, the numerator of which is the amount of funds

4785 distributed to the Local Government Housing Trust Fund pursuant
 4786 to s. 201.15(5)(e) ~~201.15(10)~~ and the denominator of which is
 4787 the total amount of funds distributed to the Local Government
 4788 Housing Trust Fund pursuant to s. 201.15.

4789 Section 69. Subsection (2) of section 570.321, Florida
 4790 Statutes, is amended to read:

4791 570.321 Plant Industry Trust Fund.—

4792 (2) Funds to be credited to and uses of the trust fund
 4793 shall be administered in accordance with ss. ~~259.032~~, 581.031,
 4794 581.141, 581.211, 581.212, 586.045, 586.15, 586.16, 593.114, and
 4795 593.117.

4796 Section 70. Subsection (12) of section 570.71, Florida
 4797 Statutes, is amended to read:

4798 570.71 Conservation easements and agreements.—

4799 (12) The department may use funds appropriated by the
 4800 Legislature from the following sources to implement this
 4801 section:

- 4802 (a) State funds;
- 4803 (b) Federal funds;
- 4804 (c) Other governmental entities;
- 4805 (d) Nongovernmental organizations; or
- 4806 (e) Private individuals.

4807
 4808 Any such funds provided, other than from the Land Acquisition
 4809 Trust Fund, shall be deposited into the Incidental Conservation
 4810 ~~and Recreation Lands Program~~ Trust Fund within the Department of

4811 Agriculture and Consumer Services and used for the purposes of
 4812 this section, including administrative and operating expenses
 4813 related to appraisals, mapping, title process, personnel, and
 4814 other real estate expenses.

4815 Section 71. Paragraph (c) of subsection (1) of section
 4816 895.09, Florida Statutes, is amended to read:

4817 895.09 Disposition of funds obtained through forfeiture
 4818 proceedings.—

4819 (1) A court entering a judgment of forfeiture in a
 4820 proceeding brought pursuant to s. 895.05 shall retain
 4821 jurisdiction to direct the distribution of any cash or of any
 4822 cash proceeds realized from the forfeiture and disposition of
 4823 the property. The court shall direct the distribution of the
 4824 funds in the following order of priority:

4825 (c) Any claim by the Board of Trustees of the Internal
 4826 Improvement Trust Fund on behalf of the Internal Improvement
 4827 Trust Fund or the trust fund used ~~Land Acquisition Trust Fund~~
 4828 pursuant to s. 253.03(12), not including administrative costs of
 4829 the Department of Environmental Protection previously paid
 4830 directly from the Internal Improvement Trust Fund in accordance
 4831 with legislative appropriation.

4832 Section 72. Sections 161.05301, 373.5905, 375.045,
 4833 375.051, 379.202, 380.0677, 380.511, 403.1651, 403.8911,
 4834 570.207, Florida Statutes, are repealed.

4835 Section 73. For the purpose of incorporating the amendment
 4836 made by this act to section 201.15, Florida Statutes, in a

4837 reference thereto, subsection (6) of section 339.2818, Florida
 4838 Statutes, is reenacted to read:

4839 339.2818 Small County Outreach Program.—

4840 (6) Funds paid into the State Transportation Trust Fund
 4841 pursuant to s. 201.15 for the purposes of the Small County
 4842 Outreach Program are hereby annually appropriated for
 4843 expenditure to support the Small County Outreach Program.

4844 Section 74. For the purpose of incorporating the amendment
 4845 made by this act to section 201.15, Florida Statutes, in a
 4846 reference thereto, subsection (5) of section 339.2819, Florida
 4847 Statutes, is reenacted to read:

4848 339.2819 Transportation Regional Incentive Program.—

4849 (5) Funds paid into the State Transportation Trust Fund
 4850 pursuant to s. 201.15 for the purposes of the Transportation
 4851 Regional Incentive Program are hereby annually appropriated for
 4852 expenditure to support that program.

4853 Section 75. For the purpose of incorporating the amendment
 4854 made by this act to section 201.15, Florida Statutes, in a
 4855 reference thereto, subsection (3) of section 339.61, Florida
 4856 Statutes, is reenacted to read:

4857 339.61 Florida Strategic Intermodal System; legislative
 4858 findings, declaration, and intent.—

4859 (3) Funds paid into the State Transportation Trust Fund
 4860 pursuant to s. 201.15 for the purposes of the Florida Strategic
 4861 Intermodal System are hereby annually appropriated for
 4862 expenditure to support that program.

4863 Section 76. For the purpose of incorporating the amendment
 4864 made by this act to section 201.15, Florida Statutes, in a
 4865 reference thereto, subsection (6) of section 341.051, Florida
 4866 Statutes, is reenacted to read:

4867 341.051 Administration and financing of public transit and
 4868 intercity bus service programs and projects.—

4869 (6) ANNUAL APPROPRIATION.—Funds paid into the State
 4870 Transportation Trust Fund pursuant to s. 201.15 for the New
 4871 Starts Transit Program are hereby annually appropriated for
 4872 expenditure to support the New Starts Transit Program.

4873
 4874 For purposes of this section, the term "net operating costs"
 4875 means all operating costs of a project less any federal funds,
 4876 fares, or other sources of income to the project.

4877 Section 77. For the purpose of incorporating the amendment
 4878 made by this act to section 201.15, Florida Statutes, in a
 4879 reference thereto, paragraph (e) of subsection (4) of section
 4880 373.470, Florida Statutes, is reenacted to read:

4881 373.470 Everglades restoration.—

4882 (4) SAVE OUR EVERGLADES TRUST FUND; FUNDS AUTHORIZED FOR
 4883 DEPOSIT.—The following funds may be deposited into the Save Our
 4884 Everglades Trust Fund created by s. 373.472 to finance
 4885 implementation of the comprehensive plan, the Lake Okeechobee
 4886 Watershed Protection Plan, the River Watershed Protection Plans,
 4887 and the Keys Wastewater Plan:

4888 (e) Funds made available pursuant to s. 201.15 for debt

4889 service for Everglades restoration bonds.

4890 Section 78. For the purpose of incorporating the amendment
 4891 made by this act to section 201.15, Florida Statutes, in a
 4892 reference thereto, subsection (1) of section 420.9079, Florida
 4893 Statutes, is reenacted to read:

4894 420.9079 Local Government Housing Trust Fund.—

4895 (1) There is created in the State Treasury the Local
 4896 Government Housing Trust Fund, which shall be administered by
 4897 the corporation on behalf of the department according to the
 4898 provisions of ss. 420.907-420.9076 and this section. There shall
 4899 be deposited into the fund a portion of the documentary stamp
 4900 tax revenues as provided in s. 201.15, moneys received from any
 4901 other source for the purposes of ss. 420.907-420.9076 and this
 4902 section, and all proceeds derived from the investment of such
 4903 moneys. Moneys in the fund that are not currently needed for the
 4904 purposes of the programs administered pursuant to ss. 420.907-
 4905 420.9076 and this section shall be deposited to the credit of
 4906 the fund and may be invested as provided by law. The interest
 4907 received on any such investment shall be credited to the fund.

4908 Section 79. For the purpose of incorporating the amendment
 4909 made by this act to section 375.041, Florida Statutes, in a
 4910 reference thereto, paragraph (b) of subsection (3) of section
 4911 258.015, Florida Statutes, is reenacted to read:

4912 258.015 Citizen support organizations; use of property;
 4913 audit.—

4914 (3) PARTNERSHIPS IN PARKS.—

4915 (b) The Legislature may annually appropriate funds from
 4916 the Land Acquisition Trust Fund for use only as state matching
 4917 funds, in conjunction with private donations in aggregates of at
 4918 least \$60,000 matched by \$40,000 of state funds for a total
 4919 minimum project amount of \$100,000 for capital improvement
 4920 facility development at state parks, at either individually
 4921 designated parks or for priority projects within the overall
 4922 state park system. Not more than 30 percent of the Land
 4923 Acquisition Trust Fund unencumbered fund balance or \$3 million,
 4924 whichever is less, shall be reserved, available annually for
 4925 matching private donations. The amount held in reserve for the
 4926 state match will be no greater than \$6 million for any fiscal
 4927 year. State funds from the Land Acquisition Trust Fund or other
 4928 appropriate funding sources shall be used for matching private
 4929 donations for 40 percent of the projects' costs. Funds held in
 4930 reserve for the purposes of this subsection shall be available
 4931 only after the requirements of s. 375.041(3) are met. Citizen
 4932 support organizations organized and operating for the benefit of
 4933 state parks may acquire private donations pursuant to this
 4934 section, and matching state funds for approved projects may be
 4935 provided in accordance with this subsection. The department is
 4936 authorized to properly recognize and honor a private donor by
 4937 placing a plaque or other appropriate designation noting the
 4938 contribution on project facilities or by naming project
 4939 facilities after the person or organization that provided
 4940 matching funds. The department is authorized to adopt necessary

4941 | administrative rules to carry out the purposes of this
 4942 | subsection.

4943 | Section 80. For the purpose of incorporating the amendment
 4944 | made by this act to section 376.307, Florida Statutes, in a
 4945 | reference thereto, subsection (2) of section 287.0595, Florida
 4946 | Statutes, is reenacted to read:

4947 | 287.0595 Pollution response action contracts; department
 4948 | rules.—

4949 | (2) In adopting rules under this section, the Department
 4950 | of Environmental Protection shall follow the criteria applicable
 4951 | to the department's contracting to the maximum extent possible,
 4952 | consistent with the goals and purposes of ss. 376.307 and
 4953 | 376.3071.

4954 | Section 81. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1295 Trust Funds/Creation/Land Acquisition Trust Fund/DACS
SPONSOR(S): Boyd
TIED BILLS: HB 1291 **IDEN./SIM. BILLS:** SB 578

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Appropriations Subcommittee		Massengale	Massengale <i>JM</i>
2) Appropriations Committee			

SUMMARY ANALYSIS

HB 1291, a companion to this bill, implements the amendment to the Florida Constitution relating to water and land conservation that was adopted by the voters on November 4, 2014. As required by the constitutional amendment, HB 1295 requires that 33 percent of documentary stamp tax revenue be distributed to the Land Acquisition Trust Fund of the Department of Environmental Protection.

HB 1295 creates the Land Acquisition Trust Fund within the Department of Agriculture and Consumer Services (DACS). The trust fund is established as a depository for funds received from the Land Acquisition Trust Fund within the Department of Environmental Protection (DEP). Funds in the trust fund must be used for the purposes prescribed in Article X, section 28 of the Florida Constitution.

The bill specifies that any moneys transferred from the DEP available from reversions or reductions of budget authority must be transferred back to the Land Acquisition Trust Fund in the DEP for future appropriation pursuant to Article X, section 28 of the Florida Constitution.

Section 17.61, F.S. is amended to specify that the DACS may not invest Land Acquisition Trust Fund moneys, as provided in that section but must retain such money in the trust fund, with interest appropriated to the General Revenue Fund pursuant to s. 17.57, F.S.

This bill has no fiscal impact.

This bill is effective July 1, 2015, if HB 1291 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law. Article III, section 19(f) of the Florida Constitution requires that every trust fund be created by a three-fifths vote of the membership of each house of the Legislature in a separate bill for the sole purpose of creating a trust fund.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

HB 1291, a companion to this bill, implements the amendment to the Florida Constitution relating to water and land conservation that was adopted by the voters on November 4, 2014. As required by the constitutional amendment, the bill requires that 33 percent of documentary stamp tax revenue be distributed to the Land Acquisition Trust Fund of the Department of Environmental Protection.

HB 1295 creates the Land Acquisition Trust Fund within the Department of Agriculture and Consumer Services (DACS) for use as a depository for funds received from the Land Acquisition Trust Fund within the Department of Environmental Protection (DEP). Funds in the trust fund must be used for the purposes prescribed in Article X, section 28 of the Florida Constitution.

Any moneys transferred from the DEP available from reversions or reductions of budget authority must be transferred back to the Land Acquisition Trust Fund in the DEP for future appropriation pursuant to Article X, section 28 of the Florida Constitution.

Article III, section 19(f) of the Florida Constitution requires that every trust fund be created by a three-fifths vote of the membership of each house of the Legislature in a separate bill for the sole purpose of creating a trust fund. State trust funds terminate not more than four years after the initial creation unless re-created. This trust fund will terminate on July 1, 2019, pursuant to Article III, section 19(f) of the Florida Constitution, unless terminated sooner or re-created by the Legislature.

Section 17.61, F.S. is amended to specify that the DACS may not invest Land Acquisition Trust Fund moneys as provided in that section but must retain such money in the trust fund, with interest appropriated to the General Revenue Fund pursuant to s. 17.57, F.S.

B. SECTION DIRECTORY:

Section 1 Creates the Land Acquisition Trust Fund in the Department of Agriculture and Consumer Services.

Section 2 Amends s. 17.61, F.S., relating to interest on investments.

Section 3 Provides an effective date of July 1, 2015, if HB 1291 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

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.

2. Other:

Article III, section 19(f) of the Florida Constitution requires that every trust fund be created by a three-fifths vote of the membership of each house of the Legislature in a separate bill for the sole purpose of creating a trust fund. State trust funds terminate not more than four years after the initial creation unless re-created. This trust fund will terminate on July 1, 2019, pursuant to Article III, section 19(f) of the Florida Constitution, unless terminated sooner or re-created by the Legislature.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to trust funds; creating s. 570.201,
 3 F.S.; creating the Land Acquisition Trust Fund within
 4 the Department of Agriculture and Consumer Services;
 5 identifying the purpose of the trust fund and sources
 6 of funds; providing for transfer of funds from
 7 reversions or reductions in budget authority to
 8 another trust fund; providing for future review and
 9 termination or re-creation of the trust fund;
 10 providing a contingent effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Section 570.201, Florida Statutes, is created
 15 to read:

16 570.201 Land Acquisition Trust Fund.-

17 (1) The Land Acquisition Trust Fund is created within the
 18 Department of Agriculture and Consumer Services. The Land
 19 Acquisition Trust Fund is established as a depository for funds
 20 received from the Land Acquisition Trust Fund within the
 21 Department of Environmental Protection. Funds in the trust fund
 22 shall be used for the purposes prescribed in s. 28, Art. X of
 23 the State Constitution.

24 (2) The Department of Agriculture and Consumer Services
 25 must maintain the integrity of such moneys transferred from the
 26 Department of Environmental Protection. Any transferred moneys

27 available from reversions or reductions of budget authority
28 shall be transferred back to the Land Acquisition Trust Fund
29 within the Department of Environmental Protection no later than
30 15 days after such reversion or reduction and shall be available
31 for future appropriation pursuant to s. 28, Art. X of the State
32 Constitution.

33 (3) In accordance with s. 19(f)(2), Art. III of the State
34 Constitution, the Land Acquisition Trust Fund within the
35 Department of Agriculture and Consumer Services, unless
36 terminated sooner, shall be terminated on July 1, 2019. Before
37 its scheduled termination, the trust fund shall be reviewed as
38 provided in s. 215.3206(1) and (2).

39 Section 2. This act shall take effect on the same date
40 that HB 1291 or similar legislation takes effect, if such
41 legislation is enacted in the same legislative session or an
42 extension thereof and becomes law, and only if this act is
43 enacted by a three-fifths vote of the membership of each house
44 of the Legislature.